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REVIEW OF ENVIRONMENTAL FACTORS

Proposed Seniors Housing Development

at

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

December 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.

Published by NSW Department of Planning and Environment

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First published: December 2023

Department reference number: BGYVZ

Department of Planning & Environment

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DOCUMENT CONTROL REGISTER

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

No	Date	Version	Change since last version	Pages
1	06.12.2023	v1	Not applicable – initial version	
2	08.12.2023	v2	LAHC edits	Various
3	11.12.2023	V3	Final edits	Various
4		V4	Final	

DOCUMENT SIGN-OFF

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Contents

1	Executive Summary.....	9
2	Introduction.....	10
2.1	Purpose of this Review of Environmental Factors (REF)	10
2.2	Assessment Methodology	10
3	Existing Site & Locality.....	12
3.1	Existing Site and Immediately Adjoining Development.....	12
3.2	Site Description	17
3.3	Neighbouring Development and Locality.....	17
4	Project Description	21
4.1	Demolition.....	21
4.2	Removal of Trees	21
4.3	Stormwater Easement.....	21
4.4	Boundary Adjustment.....	21
4.5	Proposed Dwellings	22
4.6	Supporting information.....	24
5	Zoning and Permissibility	29
6	Planning and Design Framework.....	30
6.1	Environmental Planning and Assessment Act 1979	30
6.2	Biodiversity Conservation Act 2016 (BC Act)	30
6.3	Other Acts	30
6.4	Environmental Planning and Assessment Regulation 2021.....	31
6.5	State Environmental Planning Policy (Housing) 2021.....	34
6.6	Other State Environmental Planning Policies.....	53
6.7	Penrith Local Environmental Plan 2010 (PLEP 2010).....	56
6.8	Penrith Development Control Plan 2014	56
7	Notification, Consultation and Consideration of Responses	61
7.1	Council Notification	61
7.2	Notification of Occupiers of Adjoining Land and Other Persons.....	70
7.3	Notification of Specified Public Authorities.....	71
8	Review of Environmental Factors	72
8.1	Neighbourhood Character	72
8.2	Bulk and Density.....	72
8.3	Streetscape	73
8.4	Visual Impact	73
8.5	Privacy	74
8.6	Solar Access	75
8.7	Overshadowing	75
8.8	Traffic & Parking	76
8.9	Flora and Fauna	76
8.10	Heritage (European / Indigenous).....	77
8.11	Soils / Contamination / Acid Sulfate Soils / Salinity.....	77
8.12	Drainage / Flood Prone Land / Hydrology/ Water Quality	79
8.13	Bushfire Prone Land.....	80
8.14	Noise and Vibration.....	80

8.15	Air Quality	80
8.16	Waste Minimisation.....	81
8.17	Resource Use & Availability	82
8.18	Community / Social Effects	82
8.19	Economic Impact.....	83
8.20	Cumulative Impact Assessment	84
9	Conclusion.....	85
9.1	Summary of Key Issues Raised in Assessment.....	85
9.2	Recommendation	85
10	Appendices.....	86

List of Figures

Figure 1 Location Plan (Source: SIX Maps, August 2023)	12
Figure 2 Development site – 2 Birch Street (Source: BRS, August 2023).....	13
Figure 3 Development site – 4 Birch Street (Source: BRS, August 2023).....	13
Figure 4 Development site – 6 Birch Street (Source: BRS, August 2023).....	14
Figure 5 Development site – 8 Birch Street (Source: BRS, August 2023)	14
Figure 6 Development site – 10 Birch Street (Source: BRS, August 2023).....	15
Figure 7 Development site – 20 Debrincat Avenue (Source: Google Maps)	15
Figure 8 Adjoining development – 12 Birch Street (Source: BRS, August 2023).....	16
Figure 9 Adjoining development – 18 Debrincat Avenue (Source: BRS, August 2023).....	16
Figure 10 11 and 13 Birch Street. (Source: NSW LAHC, December 2022).....	17
Figure 11 More recent two storey development at 12 Cedar Crescent (south west of the site) (Source: BRS, August 2023)	18
Figure 12 Medium density development at Oleander Road (north west of the site) (Source: Google Maps).....	18
Figure 13 More recent two storey development at 12 Cedar Crescent (south west of the site) (Source: Google Maps)	19
Figure 14 More recent two storey dual occupancy development at 75 Jackaranda Road (east of the site) (Source: Google Maps).....	19
Figure 15 More recent dual occupancy development at 12 Oak Street (north of the site) (Source: Google Maps)	20
Figure 16 Photomontage of the development (Source: DTA Architects, November 2023).....	23
Figure 17 Extract from Architectural Plans – Site Plan (Source: DTA Architects, November 2023) ...	23
Figure 18 Extract from Architectural Plans – Ground Floor (Source: DTA Architects, November 2023)	23
Figure 19 Extract from Architectural Plans – First Floor (Source: DTA Architects, November 2023)	24
Figure 20 Landscape Plan (Source: DTA Architects, November 2023)	24
Figure 21 Extract of Land Zoning map (Source: eSpatial Viewer, August 2023)	29
Figure 22 Map of Properties Notified of the Proposed Development (Source: LAHC)	70
Figure 23 Waiting times for Social Housing GW05 Penrith Allocation Zone (Source: NSW Communities and Justice)	83

List of Tables

Table 1 Supporting documentation.....	25
Table 2 Compliance with subsection 3 of Section 5.5 of the EPA&Act 1979	30

Table 3 Environmental Planning and Assessment Regulation 2021 Section 171	31
Table 4 Factors to be taken into account concerning the impact of an activity on the environment ..	31
Table 5 Compliance with relevant provisions under sections Part 5, Division 8 of the SEPP for 'seniors housing development without consent' carried out by LAHC	34
Table 6 Compliance with section 84(2) I (iii), 85, 88, 89 of the Housing SEPP 2021.....	36
Table 7 Non-Discretionary standards for Independent Living units (Section 108).....	37
Table 8 Accessibility and useability standards [Schedule 4].....	38
Table 9 Seniors Living Urban Design Guidelines departures	45
Table 10 Response to Design Principles (Part 5, Division 8).....	49
Table 11 Compliance with other applicable State and Environmental Planning Policies	53
Table 12 Penrith Local Environmental Plan 2010.....	56
Table 13 Penrith Development Control Plan 2014.....	57
Table 14 Issues raised in Council submission.....	61
Table 15 Issues raised by adjoining owners / neighbours.....	71
Table 16 Checklist for guiding an initial evaluation.....	78

1 Executive Summary

The subject site is located at 2-10 Birch Street and 20 Debrincat Avenue, North St Marys, and is legally described as Lots 346-350 in Deposited Plan 31990 and Lot 305 in Deposited Plan 30223.

The proposed seniors housing development is described as follows:

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

The proposed activity is in a prescribed zone and seniors housing can therefore be carried out by the NSW Land and Housing Corporation (LAHC) without consent under the provisions of Part 5, Division 8 of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as it does not result in more than 40 dwellings on the site and does not exceed 9.5m 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 Good Design for Social Housing and LAHC's 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;
- 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; and
- 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 27 July 2023. Comments on the response are provided in Section 7.1 of this REF. Two submissions were received from occupiers of adjoining land. Comments on the submissions are provided in Section 7.2 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 within the Activity Determination.

2 Introduction

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving the demolition of existing dwellings and structures, removal of trees, and the construction of 22 independent living seniors housing units comprising 10 x 1 bedroom and 12 x 2 bedroom units, with associated landscaping and fencing, surface parking for 10 cars and consolidation of 5 lots into a single lot at 2-10 Birch Street, North St Mary's. The proposal also includes a boundary adjustment and the discharge of stormwater to a proposed easement for drainage across 20 Debrincat Avenue.

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

This REF has been prepared by Barker Ryan Stewart 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 Purpose of this Review of Environmental Factors (REF)

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

- describing the existing environment;
- describing the proposed activity;
- analysing the potential impacts of the activity on the environment;
- identifying measures to mitigate those impacts;
- analysing whether the activity, with the mitigating measures in place, will have a significant impact on the environment; and
- recommending Identified Requirements to ensure the mitigating measures are implemented if the activity were to proceed.

2.2 Assessment Methodology

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

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.

- Section 10.7 Planning Certificates were obtained for each lot comprising the site. The zoning was confirmed against the current applicable environmental planning instrument, which is the *Penrith Local Environmental Plan 2010*;
- it was determined that the subject site is within a prescribed zone and can be carried out 'without consent' under the provisions of Housing SEPP 2021;
- a desktop analysis and investigation of the site and surrounds was undertaken based on site clearance information provided by the Land and Housing Corporation, together with a site inspection, to determine the suitability of the site for the proposed development activity, particularly taking into account the existing site conditions, constraints and local context;
- relevant local planning controls and State and Commonwealth Government legislation were considered in the environmental assessment of the proposed development activity;
- an environmental impact analysis was undertaken to determine if an Environmental Impact Statement was required;
- potential environmental impacts identified in the analysis and measures to mitigate these impacts were subsequently discussed in the Review of Environmental Factors; and
- identified requirements incorporating the mitigation measures for undertaking the proposed development activity were identified for inclusion in the recommendation for approval of the activity.

3 Existing Site & Locality

3.1 Existing Site and Immediately Adjoining Development

The site is located in the Penrith local government area (LGA) and comprises 6 residential allotments. Five allotments (2-10 Birch Street) will be consolidated and contain the proposed development. One allotment (20 Debrincat Avenue) will be subject to a boundary adjustment to transfer a southern portion of the property to the site of the proposed development, as well as accommodate a stormwater easement to the benefit of the newly created lot.

A location plan is provided at **Figure 1**.

No. 2-10 Birch Street are currently occupied by 5 single storey fibro dwellings with tiled and metal roofs (refer to photographs at **Figure 2** to **Figure 6**).

The existing dwelling at 20 Debrincat Avenue is a single storey fibro building with sheet metal roof (refer to **Figure 7**). No. 20 Debrincat Avenue also contains several outbuildings include metal and fibro sheds located towards the rear of the property.

The property immediately to the east (12 Birch Street) contains a single-storey weatherboard clad dwelling with tile roof (refer photograph at **Figure 8**). The property to the north (18 Debrincat Avenue) also contains a weatherboard clad dwelling with tile roof (refer photograph at **Figure 9**).

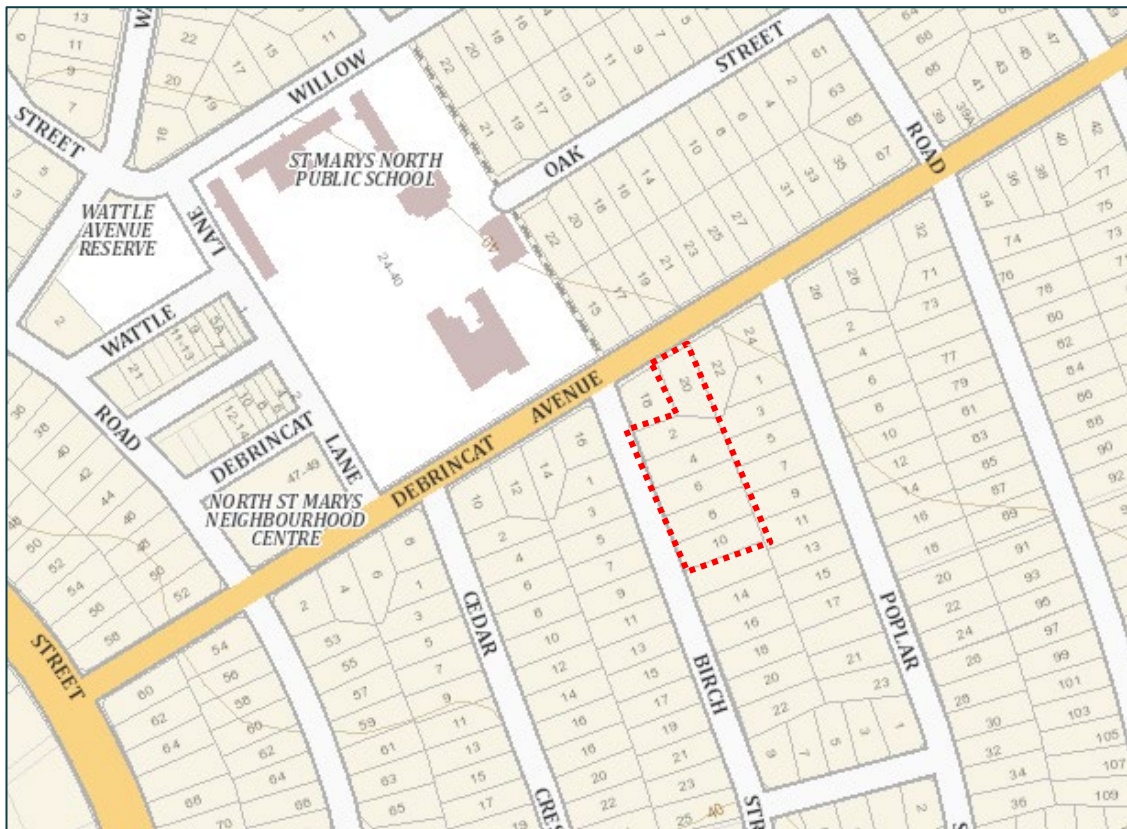


Figure 1 Location Plan (Source: SIX Maps, August 2023)



Figure 2 Development site – 2 Birch Street (Source: BRS, August 2023)



Figure 3 Development site – 4 Birch Street (Source: BRS, August 2023)



Figure 4 Development site – 6 Birch Street (Source: BRS, August 2023)



Figure 5 Development site – 8 Birch Street (Source: BRS, August 2023)



Figure 6 Development site – 10 Birch Street (Source: BRS, August 2023)



Figure 7 Development site – 20 Debrincat Avenue (Source: Google Maps)



Figure 8 Adjoining development – 12 Birch Street (Source: BRS, August 2023)



Figure 9 Adjoining development – 18 Debrincat Avenue (Source: BRS, August 2023)

3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates dated 12 December 2023 are provided in **Appendix F**.

The site has a total area of 3,613.72m² inclusive of the additional area from the property transfer proposed by the boundary adjustment. The site has a frontage of 80.168m to Birch Street, side (northern) boundary of 46.042m, side (southern) boundary of 45.720m and rear (eastern) boundary of 76.614m (refer to the submitted Detail and Level Survey Plan in **Appendix D**).

The site falls from the northeast corner down toward the southwest corner by approximately 700mm. A stormwater drainage easement will be provided from the north eastern corner of the site and will run within 20 Debrincat Avenue connecting into the existing stormwater drainage network in Debrincat Avenue.

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

An Arboricultural Impact Assessment and Tree Management Plan observed 28 trees located within the site. There are no trees located within the Birch Street reserve. No trees are located within adjoining properties in proximity to the side and rear boundaries of the site.

Water, sewer, electricity, gas, and telephone facilities are available to the site (refer to the submitted Contour and Detail Plan for the location of available services at **Appendix D**). Sewer is located along the rear boundary of the site and all other services are located along the road alignment of Birch Street.

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. Built form in the locality is characterised by older style single storey detached dwelling houses of weatherboard cladding, fibro and brick construction with sheet metal and tiled roofs interspersed with more recent 2-storey dwelling houses, dual occupancy and medium density development (refer to photographs at **Figure 10** to **Figure 15**).



Figure 10 11 and 13 Birch Street. (Source: NSW LAHC, December 2022)



Figure 11 More recent two storey development at 12 Cedar Crescent (south west of the site) (Source: BRS, August 2023)



Figure 12 Medium density development at Oleander Road (north west of the site) (Source: Google Maps)



Figure 13 More recent two storey development at 12 Cedar Crescent (south west of the site) (Source: Google Maps)



Figure 14 More recent two storey dual occupancy development at 75 Jackaranda Road (east of the site) (Source: Google Maps)



Figure 15 More recent dual occupancy development at 12 Oak Street (north of the site) (Source: Google Maps)

There are numerous bus stops located within proximity of the site. Two bus stops are located on Debrincat Avenue, bus stop ID276024 *Debrincat Ave after Birch* is approximately 80m walking distance from the site and bus stop ID 276017 *North St Mary's Neighbourhood Centre, Debrincat Ave* is 200m walking distance northwest of the site (refer to the Footpath Survey provided at **Appendix T**). These stops are serviced by Route No 758, which connect St Marys and Mount Druitt via Tregear and Shalvey, and provide transport to facilities and services including train stations, major shopping centres and local centres in these areas.

The site is also within close proximity to the St Marys Train Station, approximately 1.5km south west of the site which is also serviced by the abovementioned bus route.

Surrounding land use is predominantly residential but also includes public open space areas, educational establishments, commercial and industrial development. A small commercial centre is located approximately 200m northwest of the site comprising the North St Marys Neighbourhood Centre, take-away food, pharmacy, laundromat, doctors surgery and specialist stores. St Marys North Public School is located approximately 45m north of the site.

Various areas of public recreation, including parks and reserves, are scattered throughout North St Marys, the closest being approximately 200m northwest of the site. An industrial estate is located approximately 400m west of the proposed development and comprises various general industries including warehouses, mechanics, caravan dealerships, specialist industries, an early learning centre, hotel and sports and recreation facility.

4 Project Description

4.1 Demolition

The proposed activity includes demolition of 5 single storey detached dwelling houses and associated structures, as identified in the Demolition Plan (refer to **Appendix A**). The existing dwelling at 20 Debrincat Avenue will remain unchanged as part of the proposed development however two metal sheds are proposed to be demolished to accommodate the proposed stormwater drainage easement and the demolition of one fibro shed is required to facilitate the boundary adjustment.

4.2 Removal of Trees

Within the site there are 28 and the proposal includes the removal of 25 of those trees. Trees external to the site will be retained and protected.

Tree removal proposed within the site boundaries is required 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 Assessment and Tree Management Plan in **Appendix J**).

Appropriate replacement planting, including trees capable of reaching mature heights of 5m – 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**).

All high retention value trees are proposed to be retained.

4.3 Stormwater Easement

The subject site is relatively flat, with a fall of approximately 700mm from the northeast corner to the southwest portion of the site. Due to this, stormwater is proposed to be drained from the development via an easement to the Council stormwater drainage network located in Debrincat Avenue. The proposed inter-allotment drainage line and associated easement is to be located along the eastern side boundary of 20 Debrincat Avenue, which is located to the north of 2 Birch Street. A detailed site stormwater drainage layout and proposed easement is shown in **Appendix C**.

4.4 Boundary Adjustment

The proposal includes a boundary adjustment to transfer a portion of the property at 20 Debrincat Avenue to the proposed development site. Approximately 54.02m² of land is proposed to be transferred from the rear of 20 Debrincat Avenue to the site to better accommodate the proposed development (refer to submitted Subdivision Plan in **Appendix A**). The boundary adjustment will occur prior to the construction of the seniors housing development.

4.5 Proposed Dwellings

The proposed Seniors Housing development will deliver 22 independent living units, comprised of 10 x 1 bedroom and 12 x 2 bedroom dwellings. The buildings have been designed to be 2 storey. A driveway providing access to the communal at grade car parking area is located centrally within site. An additional driveway providing access to the carport servicing Unit 15 is located along the southern boundary of the site.

Of the 22 independent living units, 11 (ground floor) units have been designed as liveable units which are capable of being adapted to suit persons with a disability should the need arise in the future. A photomontage of the development is provided at **Figure 16** below.

The proposed development is a contemporary, high-quality design. The use of face brick and metal cladding for external walls and Colorbond metal roofing is consistent with the existing and developing character of the North St Marys suburb. Of the 22 units proposed 14 will address the street (Units 1, 2, 5, 6, 13, 14 & 15 on the ground floor and Units 3, 4, 7, 8, 16, 17 & 18 on the first floor) with habitable rooms, living area windows and upper-level balconies providing direct passive surveillance of the street. The proposed design is illustrated at **Figure 16** to **Figure 20** below.

Minor cut and fill is proposed to provide a level building platform and facilitate the installation of the underground detention tank as shown on the cut and fill plan (refer to **Appendix V**).

Three high retention value trees are proposed to be retained on site, include 2 trees located between the development and the site frontage and provide an important contribution to the streetscape character. A variety of new landscape plantings, including trees capable of reaching a mature height of 5-15m (refer **Appendix B**) will be provided to offset the proposed tree removal and to enhance the appearance of the site and the microclimate for new occupants and neighbours. New plantings will consist of a mixture of native trees, shrubs, and groundcovers, which will enhance landscaped setbacks and contribute to the streetscape. An extract from the proposed landscape plan is provided at **Figure 20**.

Each unit will be provided with its own enclosed private open space area. Private open space areas are in the form of either a courtyard or balcony and have been designed to be directly accessible from living areas.

A total of 10 surface car parking spaces will be provided on the site, including 5 accessible spaces.

Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground on site detention tank draining to the existing stormwater network on Debrincat Avenue via a proposed inter-allotment drainage line and easement. Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

Metal fencing is proposed along the side and rear boundaries with a maximum 1.8m in height. Metal slat fencing 1.8m in height is provided to the internal private open space areas of ground floor units 1, 2, 5, 6, 10, 13 & 14. Metal picket fencing 1.5m in height will be provided to the internal private open space of ground floor units 9, 19 & 20. Metal picket fencing 1.2-1.5m in height will be provided at the front of the development adjoining the private open space areas of each ground floor unit orientated to Birch Street.



Figure 16 Photomontage of the development (Source: DTA Architects, November 2023)

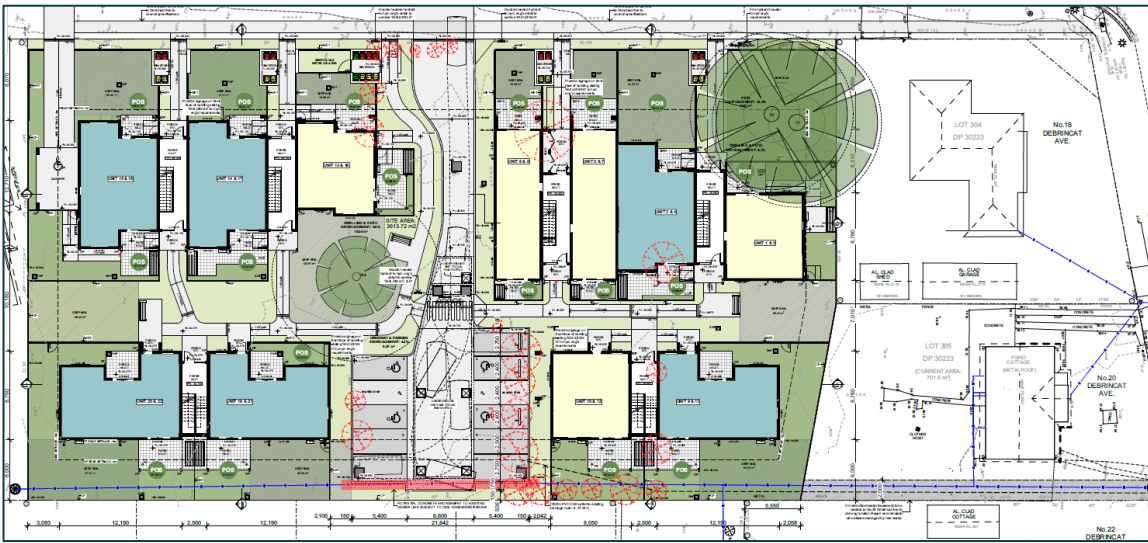


Figure 17 Extract from Architectural Plans – Site Plan (Source: DTA Architects, November 2023)

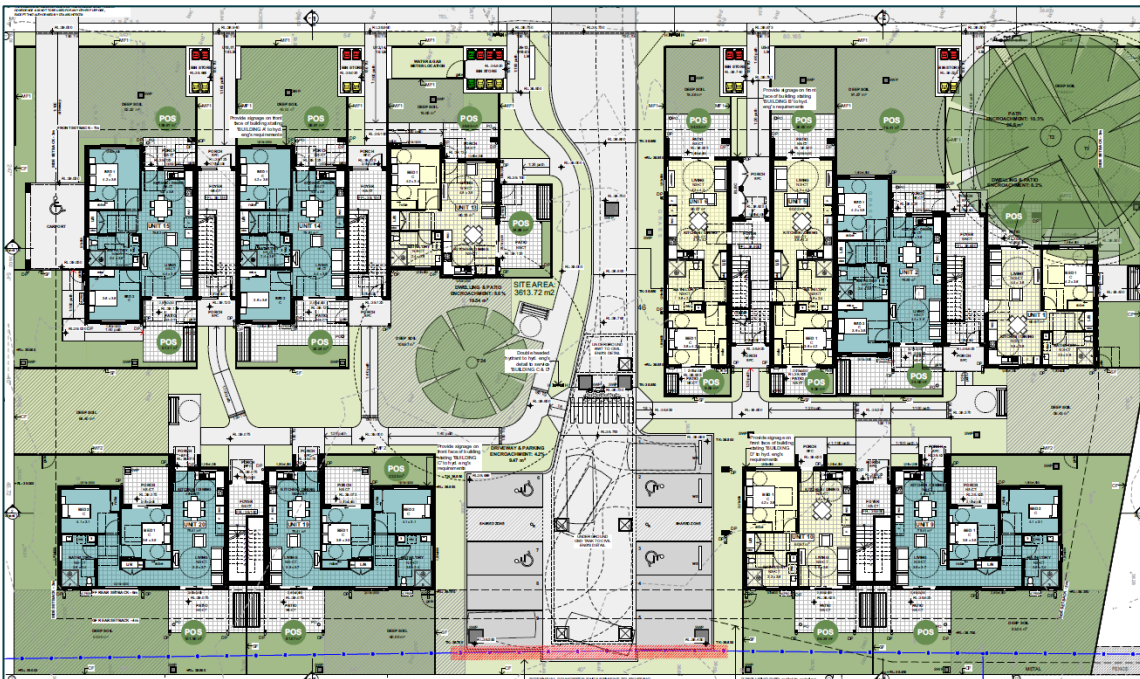


Figure 18 Extract from Architectural Plans – Ground Floor (Source: DTA Architects, November 2023)

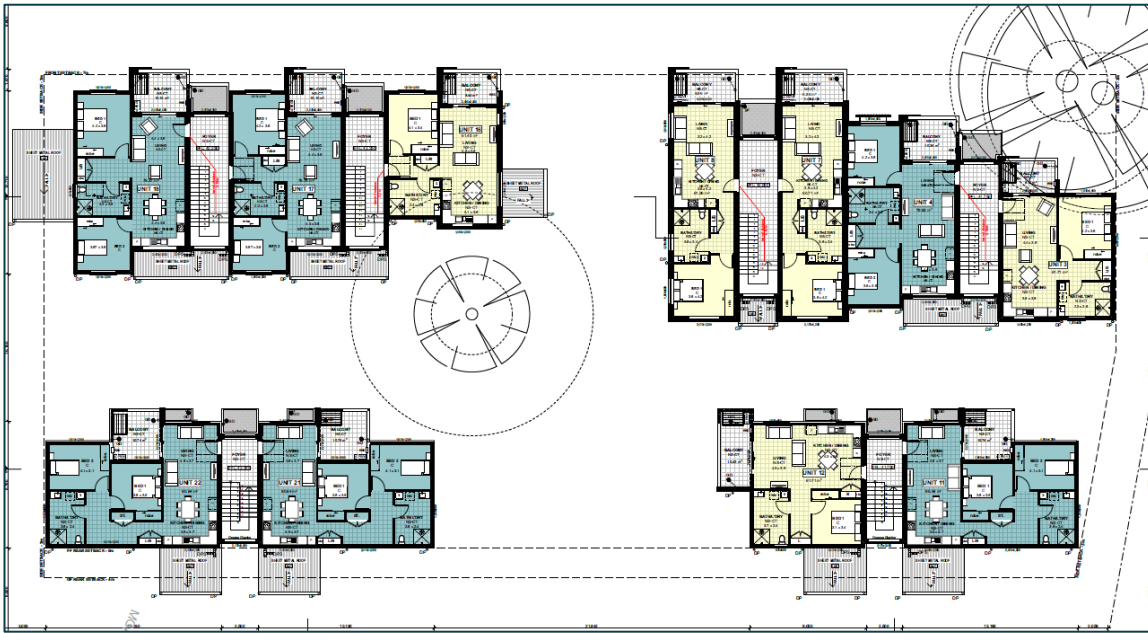


Figure 19 Extract from Architectural Plans – First Floor (Source: DTA Architects, November 2023)

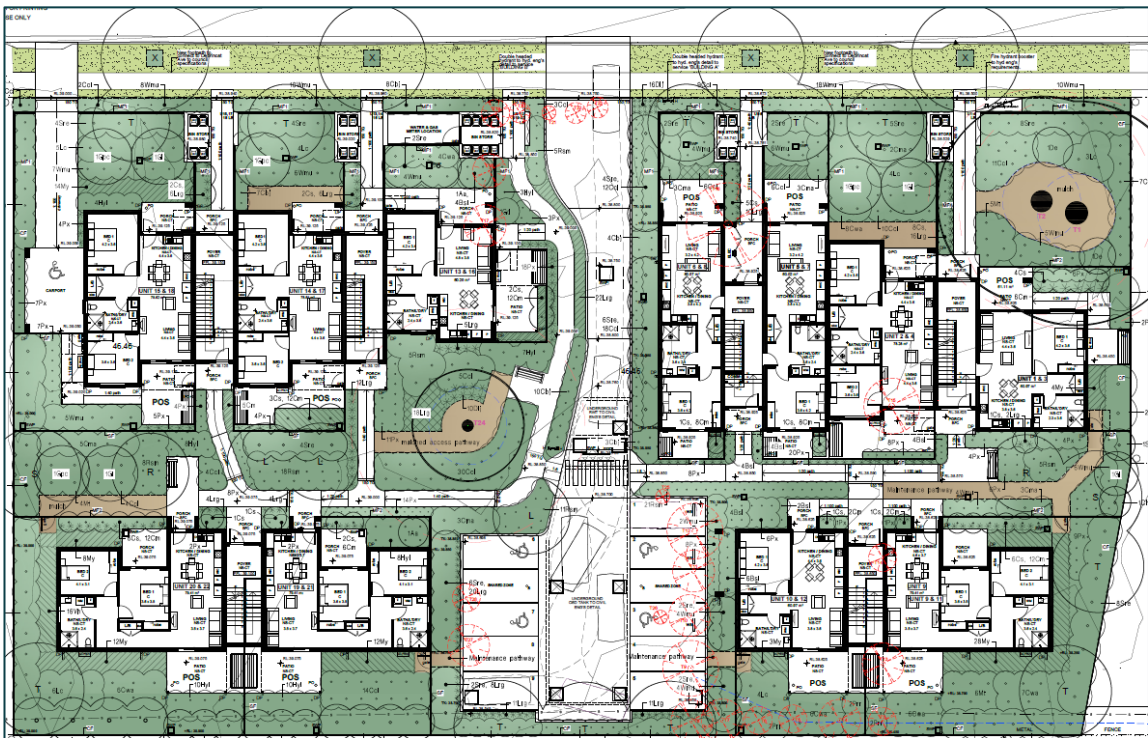


Figure 20 Landscape Plan (Source: DTA Architects, November 2023)

4.6 Supporting information

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

Table 1 Supporting documentation

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Architectural – Appendix A				
Cover Page	1 of 22	-	15.11.2023	DTA Architects
Block Analysis Plan	2 of 22	C	15.11.2023	DTA Architects
Site Analysis Plan	3 of 22	C	15.11.2023	DTA Architects
Demolition Plan	4 of 22	C	15.11.2023	DTA Architects
Subdivision Plan	5 of 22	C	15.11.2023	DTA Architects
Development Data	6 of 22	C	15.11.2023	DTA Architects
Site Plan	7 of 22	C	15.11.2023	DTA Architects
Ground Floor Plan	8 of 22	C	15.11.2023	DTA Architects
First Floor Plan	9 of 22	C	15.11.2023	DTA Architects
Roof Plan	10 of 22	C	15.11.2023	DTA Architects
Elevations	11 of 22	C	15.11.2023	DTA Architects
Elevation & Internal Elevations	12 of 22	C	15.11.2023	DTA Architects
Internal Elevations	13 of 22	C	15.11.2023	DTA Architects
Sections	14 of 22	C	15.11.2023	DTA Architects
Sections	15 of 22	C	15.11.2023	DTA Architects
Shadow Diagrams – 21 st June 9am	16 of 22	C	15.11.2023	DTA Architects
Shadow Diagrams – 21 st June 12pm	17 of 22	C	15.11.2023	DTA Architects
Shadow Diagrams – 21 st June 3pm	18 of 22	C	15.11.2023	DTA Architects
Solar Access – View From Sun	19 of 22	C	15.11.2023	DTA Architects
Solar Access – View From Sun	20 of 22	C	15.11.2023	DTA Architects
Solar Access – View From Sun	21 of 22	C	15.11.2023	DTA Architects
Perspectives	22 of 22	C	15.11.2023	DTA Architects
Landscape Plan – Appendix B				
Landscape Plan	1 of 1	D	03.11.2023	DTA Architects
Stormwater Plans – Appendix C				
Specification Sheet	1 of 8	E	29.11.2023	MSL Consulting Engineers
Site Drainage Plan	2 of 8	E	29.11.2023	MSL Consulting Engineers
Drainage Plan – Sheet 1	3 of 8	E	29.11.2023	MSL Consulting Engineers
Drainage Plan – Sheet 2	4 of 8	E	29.11.2023	MSL Consulting Engineers
OSD Section and Stormwater Details	5 of 8	E	29.11.2023	MSL Consulting Engineers
Stormwater Details	6 of 8	E	29.11.2023	MSL Consulting Engineers
Sediment Control Plan	7 of 8	E	29.11.2023	MSL Consulting Engineers
OSD Catchment Plan	8 of 8	E	29.11.2023	MSL Consulting Engineers
Contour and Detail Survey – Appendix D				
Detail & Survey Level	1 of 10	A	31.03.2023	Norton Survey Partners
Detail & Survey Level	2 of 10	-	-	Norton Survey Partners
Detail & Survey Level	3 of 10	-	-	Norton Survey Partners
Detail & Survey Level	4 of 10	-	-	Norton Survey Partners
Detail & Survey Level	5 of 10	-	-	Norton Survey Partners
Detail & Survey Level	6 of 10	-	-	Norton Survey Partners
Detail & Survey Level	7 of 10	-	-	Norton Survey Partners

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Detail & Survey Level	8 of 10	-	-	Norton Survey Partners
Detail & Survey Level	9 of 10	-	-	Norton Survey Partners
Detail & Survey Level	10 of 10	-	-	Norton Survey Partners
Notification Plans – Appendix E				
Cover Page	1 of 7	B	23.06.2023	DTA Architects
Site & Landscape Plan	2 of 7	B	23.06.2023	DTA Architects
Development Data	3 of 7	B	23.06.2023	DTA Architects
Elevations	4 of 7	B	23.06.2023	DTA Architects
Elevations	5 of 7	B	23.06.2023	DTA Architects
Schedule of Finishes	6 of 7	B	23.06.2023	DTA Architects
Shadow Diagrams	7 of 7	B	23.06.2023	DTA Architects
Access Report – Appendix H				
Access Report	22088-DA	R1.2	23.05.2023	Access-i
AHIMS Web Search – Appendix I				
AHIMS search	-	-	05.06.2023	Land and Housing Corporation
Arborist's Impact Assessment and Tree Management Plan – Appendix J				
Arborist's Impact Assessment and Tree Management Plan	7800.1	-	30.11.2023	Redgum Horticultural
BASIX – Appendix K				
BASIX Certificate	BASIX Certificate No 1376255M_02	-	14.06.2023	Greenview Consulting Pty Ltd
BCA report – Appendix M				
Statutory Compliance Report	J4409	FINAL	22.05.2023	DPC
NatHERS Certificate – Appendix L				
Nationwide house energy rating scheme – class 2 summary	NatHERS Certificate No 0008706870	-	25.06.2023	Greenview Consulting Pty Ltd
Geotechnical Investigation Assessment – Appendix Q				
Geotechnical Investigation	22/1495	-	May 2022	STS Geotechnics Pty Ltd
Waste Management Plan – Appendix R				
Waste Management Plan	-	-	-	Land and Housing Corporation
Traffic and Parking Impact Assessment – Appendix S				
Traffic Impact Assessment – Seniors Housing	-	4	09.11.2023	ParkTransit Pty Ltd
Footpath Survey and Upgrades – Appendix T				
Footpath Layout Plan	1 of 4	B	29.11.2023	MSL Consulting Engineers
Footpath Standard Details	2 of 4	B	29.11.2023	MSL Consulting Engineers
Footpath Long section – 1	3 of 4	B	29.11.2023	MSL Consulting Engineers
Footpath Long section – 2	4 of 4	B	29.11.2023	MSL Consulting Engineers

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Safe Design Report – Appendix U				
Safe Design of Building and Structures Report	-	A	17.05.2023	de angelis taylor + associates
Cut and Fill Plan – Appendix V				
Cut and Fill Plan	1 of 1	B	19.06.2023	MSL Consulting Engineers
Sewer Protection Report – Appendix W				
Peg-out/Service Protection Report	1 of 1	1	23.05.2023	Ausflow

Section 10.7 Planning Certificates – Appendix F

Lot 346 DP 31990, Cert no. 23/05969, dated 12.12.2023 – Penrith City Council
 Lot 350 DP 31990, Cert no. 23/05964, dated 12.12.2023 – Penrith City Council
 Lot 349 DP 31990, Cert no. 23/05965, dated 12.12.2023 – Penrith City Council
 Lot 348 DP 31990, Cert no. 23/05966, dated 12.12.2023 – Penrith City Council
 Lot 347 DP 31990, Cert no. 23/05967, dated 12.12.2023 – Penrith City Council
 Lot 305 DP 30223, Cert no. 23/05970, dated 12.12.2023 – Penrith City Council

Notification letters & council submission – Appendix E

Design compliance and checklists – Appendix N

Architect's Certificate of Building Design Compliance – 23.06.2023
 Certificate of Landscape Documentation Compliance – 15.06.2023
 Certificate of Civil Design Documentation Compliance – 23.06.2023
 Certificate of Stormwater Design Documentation Compliance – 23.06.2023
 Certificate of Hydraulic Design Documentation Compliance – 02.06.2023

Housing for seniors checklist – Appendix O

Seniors Living Urban Design Guidelines, LAHC Design requirements & Good design for social housing, (undated)

Part 5 Activity Package Submission – Appendix P

Part 5 Activity Package Submission, Checklist for Development Proposals under the Housing SEPP, dated 27.06.2023

Titles and Deposited Plans – Appendix G

Title Search, Folio: 346/31990, Search date 08.06.2023, First Schedule: New South Wales Land and Housing Corporation
 Title Search, Folio: 347/31990, Search date 08.06.2023, First Schedule: New South Wales Land and Housing Corporation
 Title Search, Folio: 348/31990, Search date 08.06.2023, First Schedule: New South Wales Land and Housing Corporation
 Title Search, Folio: 349/31990, Search date 08.06.2023, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 350/31990, Search date 08.06.2023, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 305/30223, Search date 09.06.2023, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan 31990, Search Date 12.11.2021

Deposited Plan 30223, Search Date 14.03.2022

5 Zoning and Permissibility

The site is zoned R2 Low Density Residential under *Penrith Local Environmental Plan 2010* (PLEP 2010) (**Figure 21**). The proposed development is defined as ‘seniors housing’ under the provisions of PLEP 2010 and is a prohibited use in the R2 zone.

The provisions of the Housing SEPP prevail where there is an inconsistency with another environmental planning instrument. Seniors housing is permitted with consent under section 81 of the Housing SEPP as the R2 zone is a prescribed zone under section 79 of the SEPP. The subject land is not excluded from the provisions of the Housing SEPP set out under section 80(1)(b). With the inclusion of the proposed footpath upgrades, the site satisfies the site related requirements set out in section 93 of the Housing SEPP. Therefore, seniors housing is permitted on the subject land without consent under the provisions of the SEPP pursuant to section 79.

The relevant objectives of the R2 zone, as set out in PLEP 2010 are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure a high level of residential amenity is achieved and maintained.*

The proposed development provides seniors housing that meets the identified needs of the community and includes a mix of 1 and 2 bedroom units. Further, the design incorporates generous deep soil landscape areas along the site frontage and existing landscape elements that contribute to the essential character of the area are retained. The proposal is therefore consistent with the relevant objectives of the R2 zone.

Section 108B of the Housing SEPP permits seniors housing development to be carried out by LAHC as ‘development without consent’ subject to the provisions set out under that clause. **Table 5** in subsection 6.5 of this REF demonstrates compliance with the relevant provisions of section 108B of the SEPP.

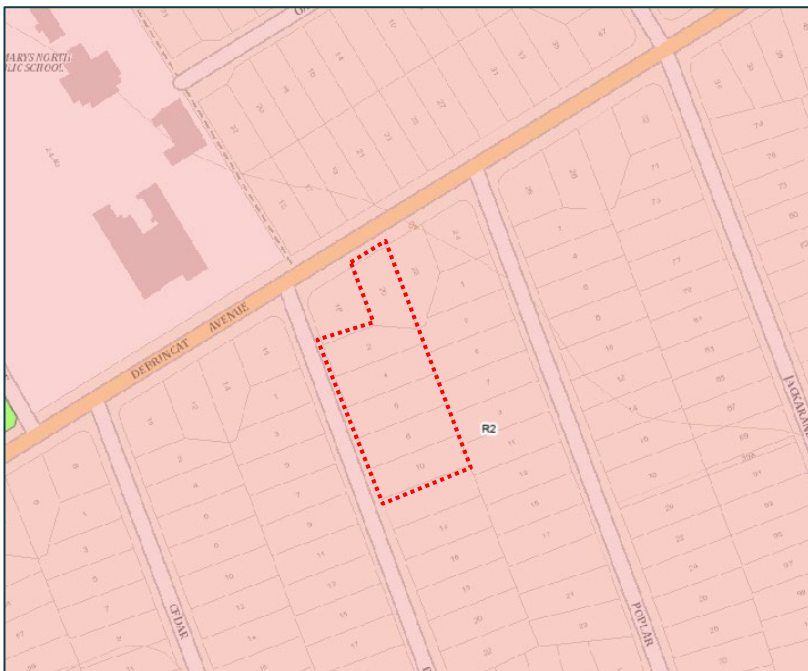


Figure 21 Extract of Land Zoning map (Source: eSpatial Viewer, August 2023)

6 Planning and Design Framework

6.1 Environmental Planning and Assessment Act 1979

6.1.1 Duty to consider environmental impact [Section 5.5]

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

Table 2 below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

Table 2 Compliance with subsection 3 of Section 5.5 of the EP&A Act 1979

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

6.2 Biodiversity Conservation Act 2016 (BC Act)

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

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. Therefore, no further assessment against the provisions of BC Act is necessary.

6.3 Other Acts

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

6.4 Environmental Planning and Assessment Regulation 2021

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

For the purposes of Part 5 of the EP&A Act, the factors in **Table 3** and **Table 4** 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 3 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 4 Factors to be taken into account concerning the impact of an activity on the environment

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

(o) cumulative environmental effect with other existing or likely future activities.	Yes		x	
(p) impact on coastal processes and coastal hazards, including those under projected climate change conditions. [Note 2]	NA			
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Yes – discussed below in Section 6.4.1		x	
I other relevant environmental factors.	Yes – discussed in Section 8.	X	x	

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

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

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

6.4.2 Strategic Planning Framework

Greater Sydney Regional Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan – A Metropolis of Three Cities was adopted in 2018 and “*is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. This is consistent with the 10 Directions in Directions for a Greater Sydney which establish the aspirations for the region over the next 40 years and are a core component of the vision and a measure of the Plan’s performance.*”

Direction 4 of the regional plan is Housing the City which endeavours to provide residents with housing choice and includes the following objectives:

- Objective 10. Greater housing supply.
- Objective 11. Housing is more diverse and affordable.

This proposal, which will expand the supply of affordable housing, with 22 new seniors housing units, is consistent with these objectives. The site is located within the Penrith LGA which is part of the Western City District and the details of this plan are provided below.

Our Greater Sydney 2056 Western City District Plan

Our Greater Sydney 2056 Western City District Plan was adopted in March 2018 and covers the local government areas of Blue Mountains, Camden, Campbelltown, Fairfield, Hawksbury, Liverpool, Penrith and Wollondilly. Similar to the main regional strategy the Western City District Plan identifies planning priorities to achieve a liveable, productive and sustainable future for the District, which includes a priority to provide housing supply, choice and affordability, with access to jobs, services and public transport.

The plan states that the District’s population both will grow and age. The District will see a 206% proportional increase in people aged 85 and over and fewer working age people (20-64 years) living in the District by 2036. The plan states that these demographic changes mean that an additional 184,500 homes will be required in

the District. The proposed development aligns with a series of planning priorities focused around liveability, notably Planning Priority W3 which states the following:

- Providing services and social infrastructure to meet people's changing needs.

This proposal will provide 22 seniors living units which will assist in providing alternative social housing types in an existing residential area. The development will enable older people to continue living in their community, where being close to family, friends and established health and support networks.

Penrith Local Strategic Planning Statement

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.

The plan recognises the LGA is experiencing an ageing population and identifies the need to plan for a variety of housing types and densities to cater for the diverse needs of the community. Planning Priority 3 seeks to promote diverse housing options. The proposed development will be contributing 22 seniors living units to the affordable housing supply in the Penrith LGA. It is diversifying the residential uses in North St Marys by introducing a seniors living housing option to accommodate the ageing population in a location that is well serviced by existing public transport options.

The proposed development of 22 seniors living units contributes to the objectives of the Penrith Local Strategic Planning Statement and will increase the provision of affordable and seniors living units.

Penrith 2036+ Community Strategic Plan

The Penrith Community Strategic Plan was adopted by Council in June 2022. It is a 15 year plan that outlines five outcomes supporting the vision of the LGA that are derived from an extensive community engagement process, which identified priorities for the community's future.

Under the five outcomes there are strategies for Council to facilitate in partnership with the community, government agencies and business.

The proposed development aligns with a series of Council's strategy's, notably strategy 2.1 which states:

- Build and support community resilience to adapt to changing circumstances.

The proposed development for 22 seniors living units is not in conflict with the Penrith 2036+ Community Strategic Plan and will provide new affordable housing within the LGA.

6.4.3 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 11** of this REF. The assessment concludes that the proposed activity is unlikely to significantly impact the Hawkesbury-Nepean Catchment.

6.5 State Environmental Planning Policy (Housing) 2021

6.5.1 Development without Consent

Demolition

The proposed activity includes demolition of existing structures on the site. Section 42(2)(a) of the Housing SEPP permits LAHC to undertake demolition as “*development without consent*” provided the land the structures are located on is “*non-heritage land*” and is not “*identified in an environmental planning instrument as being within a heritage conservation area*”. The subject site contains neither of these heritage notations and therefore demolition can be undertaken by LAHC as “*development without consent*”. A waste management plan has been prepared, and there are several Identified Requirements recommended in the Activity Determination which deal with site safety and environmental protection during demolition and construction.

Subdivision

The proposed activity includes the subdivision (boundary adjustment) of 20 Debrincat Avenue and 2 Birch Street. The proposed boundary adjustment will result in an area of 54.02m² being taken from 20 Debrincat Avenue and added to 2 Birch Street (Lot 350 in DP31990), resulting in a total lot area of 676.5m². The proposed boundary adjustment is required to facilitate a more rational development of the land and will occur prior to the construction of the proposed seniors housing development.

Section 42(2)(b) of Division 6 in the Housing SEPP permits LAHC to undertake subdivision and subdivision works as “*development without consent*”. The proposed subdivision satisfies the applicable requirements under Section 42(1) and is not excluded by Section 42(3).

As discussed in section 7.1 of the REF, the project was notified in accordance with the requirements of Section 43(1) and has been assessed against the applicable requirements under Section 43(1)(d) and (f) as demonstrated in sections 6.5.3 and 6.5.4.

The proposed boundary adjustment satisfies the requirements under Division 6 and therefore can be incorporated into the subject proposal being considered as part of this REF.

Development for Seniors Housing

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

Section 108B of the Housing SEPP permits seniors housing to be carried out by LAHC as ‘development without consent’ subject to the provisions set out under that section.

Table 5 Compliance with relevant provisions under sections Part 5, Division 8 of the SEPP for ‘seniors housing development without consent’ carried out by LAHC

Provision	Compliance
108A – Development to which Division applies This Division applies to development for purposes of senior housing involving the erection of a building on land -	
(a) on which development for purposes of seniors housing is permitted with consent under another environmental planning instrument, or	The development is not permissible with consent within the R2 Low Density Residential zone under the PLEP 2010, however, site is within a prescribed zone (see below).
(b) in a prescribed zone or an equivalent land use zone.	The R2 zone is a prescribed zone under the SEPP. Part 5, Division 8 of the SEPP therefore applies.
108B – Seniors housing permitted without development consent	

Provision	Compliance
(1) Development to which this Division applies may be carried out by or on behalf of a relevant authority without development consent if -	
(a) the relevant authority has considered the applicable development standards specified in sections 84(2)(c)(iii), 85, 88, 89 and 108, and	Consideration of the development standards are provided in Table 6 and Table 7 below.
(b) the development will not result in a building with a height of more than- (2) 9.5m, or (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m and the servicing equipment complies with section 84(3) – 11.5m, and	Complies – The maximum building height is 8.2m. No rooftop servicing equipment is proposed therefore (b)(ii) is not applicable.
I the seniors housing will not contain more than 40 dwellings on the site.	Complies – The development is for 22 dwellings.
(2) <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> , sections 2.15 and 2.17 apply to the development and, in the application of the clauses –	Sections 2.15 and 2.17 of State Environmental Planning Policy (Transport and Infrastructure) 2021 are not applicable to the site or development.
(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	Noted. The site is located within the Western City Operational Area, however, it does not have a capital investment of \$30 million or more. Therefore, consultation with the Western Parkland City Authority is not required.
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Noted.
108C – Requirements for carrying out seniors housing (1) Before carrying out development to which this Division applies, a relevant authority must –	
(a) request the council to nominate a person or persons who must, in the council’s opinion, be notified of the development, and	Advice was sought from Penrith City Council regarding additional persons or properties that should be notified of the development via an email sent to Council on 17 November 2022. Council provided a response on 22 November 2022 advising that the extent of notification was considered satisfactory.
(b) give written notice of the intention to carry out the development to – (i) the council, and (ii) the person or persons nominated by the council, and (iii) the occupiers of adjoining land, and	A letter notifying Penrith City Council of the proposed development activity was sent by LAHC on 5 July 2023. Letters notifying occupiers of adjoining land of the proposed development activity were sent by LAHC on the 29 June 2023.
(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 27 July 2023. Comments on the response are provided in Section 7.1 of this REF. Two submissions were received from adjoining owners or occupiers. Comments on the response are provided in Section 7.2 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	Refer to checklist in Appendix O and subsection 6.5.3 of this REF. These conclude that the development complies with all relevant development standards relating to the <i>Seniors Living Policy: Urban Design Guidelines for Infill</i>

Provision	Compliance
	<i>Development</i> with the exception of the minor variations discussed in subsection 6.5.3. In these cases, suitable alternatives are proposed which are necessary due to site specific constraints, site and locality characteristics and specific LAHC design requirements and policies.
(d1) 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	Not applicable.
I 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	Refer to subsections 6.5.4 and 6.5.5 of this REF and the Architect’s Statement and Certificate of Building Design Compliance in Appendix N which indicate that the design and dwelling requirements have been considered.
(f) consider the design principles set out in Division 6	Consideration of these principles is discussed in Table 10 .
(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.
108D – Exempt development Development for purposes of landscaping and gardening is exempt development if it is carried out by or on behalf of a relevant authority in relation to seniors housing	Noted
108E – Subdivision of seniors housing not permitted Development consent must not be granted for subdivision of seniors housing.	No subdivision of the seniors housing is proposed.

The Housing SEPP requires LAHC to consider the applicable development standards specified in clause 84(2) I (iii), 85, 88, 89 and 108. Consideration of these sections of the SEPP is demonstrated in the **Table 6** and **Table 7** below.

Table 6 Compliance with section 84(2) I (iii), 85, 88, 89 of the Housing SEPP 2021

Provision	Compliance
84 Development standards – general (2) Development consent must not be granted for development to which this section applies unless – for development on land in a residential zone where residential flat buildings are not permitted – (iii) if the development results in a building with more than 2 storeys – the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.	I(iii) is not applicable. The proposed development is two storeys only.

<p>85 Development standards for hostels and independent living units</p> <p>(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.</p> <p>(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 7–13 and 15–20 if the development application is made by, or by a person jointly with, a social housing provider.</p> <p>Note — Development standards concerning accessibility and usability for residential care facilities are not specified in this Policy. For relevant standards, see the Building Code of Australia.</p>	<p>The proposed development complies with relevant standards specified in Schedule 4 as demonstrated in Table 8 below.</p>
<p>88 Restrictions on occupation of seniors housing</p> <p>(1) Development permitted under this Part may be carried out for the accommodation of only the following —</p> <ul style="list-style-type: none"> (a) seniors or people who have a disability, (b) people who live in the same household with seniors or people who have a disability, (c) staff employed to assist in the administration and provision of services to housing provided under this Part. <p>(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</p>	<p>Complies. Identified Requirement no. 74 is recommended to achieve compliance with 88(1) & (2).</p>
<p>89 Use of ground floor of seniors housing in business zones</p>	<p>Not applicable. The proposed development is in an R2 low density residential zone.</p>

Table 7 Non-Discretionary standards for Independent Living units (Section 108)

Development Standard	Required	Comment
Building Height	9.5m or less	Compliant – Maximum height 8.2m.
Density and Scale	Floor Space Ratio 0.5:1 or less	Compliant – The proposed FSR is 0.49:1 calculated in accordance with the GFA definition for seniors housing under section 82 of the Housing SEPP ² .
Landscaped Area	Minimum 35m ² per dwelling (22 x 35m ² = 770m ²)	Compliant – 1472.9m ² .
Deep Soil Zone	Minimum 15% of area of site (15% x 3630.69m ² = 544.60m ²)	Compliant – 768.5m ² (21.2%) as per architectural plans.

² The definition of GFA as defined under section 82 of the Housing SEPP was amended on 18 August 2023, after the proposed development was notified. Due to this, the FSR noted in the compliance tables provided in supporting documentation references the maximum FSR calculated based on the old definition which did not exclude common vertical circulation areas.

	Minimum 65% to be preferably located at rear of site	Compliant – 420.5m ² (77.5%) as per architectural plans.
	Minimum dimension 3m	Minimum dimension 3m.
Solar Access	70% of living areas & main private open space to receive minimum 2 hrs direct solar access between 9 am and 3 pm at mid-winter	Compliant – 72% of dwellings overall achieve 2 hours of direct solar access between 9am and 3pm mid-winter.
Private Open Space	Ground level: Minimum 15m ² per dwelling	Compliant – Minimum 43.91m ² .
	One area minimum 3m x 3m, accessible from living area	Compliant – Minimum 3m x 3m.
	Upper level/s: 1 bedroom: Minimum 6m ² Minimum dimensions 2m 2 or more bedrooms: Minimum 10m ² Minimum dimensions 2m	Compliant Minimum 8.11m ² Minimum 2m Compliant Minimum 10.10m ² Minimum 2m
Car parking	Minimum 1 car parking space for each 5 dwellings (LAHC concession)	Compliant – 10 car parking spaces for 22 dwellings, including 5 accessible parking spaces.

6.5.2 Development standards for Accessibility

Consideration of the development standards for accessibility set out in section 85 and Schedule 4 is demonstrated in **Table 8** below. It should be noted that pursuant to section 85(2), LAHC is exempt from the siting standards for wheelchair access and access to common area / facilities set out below in relation to a unit or part of a unit that is located above the ground floor in a multi-storey building.

Table 8 Accessibility and useability standards [Schedule 4]

Development Standard (Sch 4)	Required	Comment
2.Siting Standards:		
Wheelchair access 'Non-sloping' sites i.e. with gradients entirely <1:10	100% of ground floor dwellings to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to an adjoining public road	Compliance readily achievable. 100% of ground floor units have been designed to be wheelchair accessible in accordance with AS1428.1. Compliance indicated as per the submitted Access Report prepared by Access-i (Appendix H)
'Sloping' sites i.e. with gradients entirely or partially >1:10	% of ground floor dwellings, equal to % of site with gradient <1:10 or minimum 50% (whichever is greater), to have wheelchair access by a continuous accessible path of travel as per AS1428.1 to driveway or public road that is accessible to all residents	Not applicable, as the site does not have a gradient of more than 1 in 10.
Common areas	All common areas and facilities to have wheelchair accessibility as per AS1428.1	Compliance readily achievable.

Development Standard (Sch 4)	Required	Comment
		<p>The gradients to the external pathways are suitably detailed to comply with AS 1428.1-2009.</p> <p>Compliance indicated as per the submitted Access Report prepared by Access-i (Appendix H).</p>
3. Security		
Pathway lighting	Pathway lighting to be designed and located to avoid glare for pedestrians and adjacent dwellings and to provide min 20 lux at ground level	<p>Compliance readily achievable.</p> <p>All lighting will be designed as per requirements at construction documentation stage (subject to Identified Requirement No. 75). Compliance indicated as per the submitted Access Report prepared by Access-i (Appendix H).</p>
4. Letterboxes		
	To be lockable, located in central location adjacent to street entry or in one or more central locations on a hard standing area and have wheelchair access and circulation by a continuous path of travel (as per AS1428.1)	<p>Compliant.</p> <p>Letterboxes have been provided in five locations adjacent to the Birch Street pedestrian street entries. The letterboxes are suitable situated as per the requirements of this clause.</p> <p>Compliance indicated as per the submitted Access Report prepared by Access-i (Appendix H).</p>
5. Private car accommodation		
Disabled car parking	Car parking spaces must comply with the requirements for parking for persons with a disability set out in AS2890 and at least 5% of the total number of car parking spaces (or at least 1 space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8m	<p>Compliant.</p> <p>4 accessible car parking spaces and 1 adaptable space are provided, which meet the requirements of AS2890.</p> <p>Compliance indicated as per the submitted Access Report prepared by Access-i (Appendix H).</p>
Garages	Must have power-operated door or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date	Not applicable, as the proposal does not incorporate garages.
6. Accessible entry		
Every entry, whether front entry or not:	Must comply with clauses 4.3.1 and 4.3.2 of AS4299	<p>Compliance readily achievable.</p> <p>The entry doors to all ground floor and level 1 units are suitably detailed in regard to required circulation.</p>

Development Standard (Sch 4)	Required	Comment
		<p>Threshold details will be required to be reviewed at construction documentation stage (subject to Identified Requirements No. 73).</p> <p>Compliance indicated as per the submitted Access Report prepared by Access-i (Appendix H).</p>
7. Interior: general Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>Internal doorways must have a minimum clear opening that complies with AS1428.1</p> <p>Internal corridors must have a minimum unobstructed width of 1,000mm</p> <p>Circulation space at approaches to internal doorways must comply with AS1428.1</p>	<p>Compliance readily achievable.</p> <p>Internal doorways & corridors have been suitably detailed for compliance with this clause.</p> <p>Glazed doors leading on to the balconies will be required to achieve a minimum clear opening of 850mm (refer to Identified Requirement No 73).</p> <p>Compliance indicated as per the submitted Access Report prepared by Access-i (Appendix H).</p>
8. Bedroom Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>At least one bedroom within each dwelling must have:</p> <p>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:</p> <p>(i) in the case of a dwelling in a hostel-a single - size bed,</p> <p>(ii) in the case of a self-contained dwelling - a queen size bed, and</p> <p>(b) a clear area for the bed of at least:</p> <p>(i) 1,200mm wide at the foot of the bed, and</p> <p>(ii) 1,000mm wide beside the bed between it and the wall, wardrobe or any other obstruction, and</p> <p>(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and</p> <p>(d) at least 1 general power outlet on the wall opposite the wall</p>	<p>Compliance readily achievable.</p> <p>The bedroom layout in each ground floor dwelling is suitably detailed for compliance with this clause.</p> <p>Further detailed information relating to electrical information will be required to be assessed at construction documentation stage (refer to Identified Requirement No. 73).</p> <p>Compliance indicated as per the submitted Access Report prepared by Access-i (Appendix H).</p>

Development Standard (Sch 4)	Required	Comment
	<p>where the head of the bed is likely to be, and</p> <p>(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and</p> <p>(f) wiring to allow a potential illumination level of at least 300 lux</p>	
9. Bathroom		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>At least 1 bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS1428.1:</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS1428.1,</p> <p>(c) a shower that complies with AS1428.1, except that the following must be accommodated either immediately or in the future:</p> <ul style="list-style-type: none"> (i) a grab rail, (ii) portable shower head, (iii) folding seat, (d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, <p>(e) a double general power outlet beside the mirror</p> <p>The requirement under item (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility</p>	<p>Compliance readily achievable.</p> <p>The bathroom layout in each ground floor dwelling is suitably detailed for compliance with this clause. Further detailed information relating to fixtures and fittings will be required to be assessed at construction documentation stage (refer to Identified Requirement No. 73). Compliance indicated as per the submitted Access Report prepared by Access-i (Appendix H).</p>
10. Toilet		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>A dwelling must have at least 1 toilet on the ground (or main) floor and be a visitable toilet that complies with</p>	<p>Compliance readily achievable.</p>

Development Standard (Sch 4)	Required	Comment
	the requirements for sanitary facilities of AS4299	Toilets in each ground floor dwelling are suitably detailed for compliance with this clause. Compliance indicated as per the submitted Access Report prepared by Access-i (Appendix H).
11. Surface finishes		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	Balconies and external paved areas must have slip-resistant surfaces	Compliance readily achievable. Slip resistance to balconies & external paved areas is readily capable of compliance with this clause subject to review of the finer design details at construction documentation stage, as per submitted Access Report prepared by Access-i (refer to Identified Requirement No. 73).
12. Door Hardware		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS4299	Compliance readily achievable. The door hardware throughout the ground floor dwellings is readily capable of compliance with this clause subject to review of the finer design details at construction documentation stage, as per submitted Access Report prepared by Access-i (refer to Identified Requirement No. 73).
13. Ancillary Items		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	Switches and power points must be provided in accordance with AS4299	Compliance readily achievable. The switches and power points throughout the ground floor dwellings are readily capable of compliance with this clause subject to review of the finer design details at construction documentation stage, as per submitted Access Report prepared by Access-i (refer to Identified Requirement No. 73).
15. Living and dining room		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	A living room in a self-contained dwelling must have:	Compliance readily achievable. The living room layout in each ground floor dwelling is readily capable of compliance with this

Development Standard (Sch 4)	Required	Comment
	<p>(a) a circulation space in accordance with clause 4.7.1 of AS4299, and</p> <p>(b) a telephone adjacent to a general power outlet.</p> <p>A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux</p>	<p>clause subject to review of the finer design details at construction documentation stage, as per submitted Access Report prepared by Access-i (refer to Identified Requirement No. 73).</p>

16. Kitchen

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

	<p>A kitchen in a self-contained dwelling must have:</p> <p>(a) a circulation space in accordance with clause 4.5.2 of AS4299, and</p> <p>(b) a width at door approaches complying with clause 7 of this Schedule, and</p> <p>(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS4299:</p> <p>(i) benches that include at least one work surface at least 800mm in length that comply with clause 4.5.5 (a),</p> <p>(ii) a tap set (see clause 4.5.6),</p> <p>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,</p> <p>(iv) an oven (see clause 4.5.8), and</p> <p>(d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and</p> <p>(e) general power outlets:</p> <p>(i) at least one of which is a double general power outlet within 300mm of the front of a work surface, and</p> <p>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed</p>	<p>Compliance readily achievable.</p> <p>The kitchen layout in each ground floor dwelling is readily capable of compliance with this clause subject to review of the finer design details at construction documentation stage, as per submitted Access Report prepared by Access-i (refer to Identified Requirement No. 73).</p>
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Development Standard (Sch 4)	Required	Comment
17. Access to kitchen, main bedroom, bathroom and toilet		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level	Not applicable, as dwellings are not multi-storey.
18. Lifts in Multi storey buildings		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	In a multi-storey building containing separate independent living units on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.	Not applicable to LAHC.
19. Laundry		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>A self-contained dwelling must have a laundry that has:</p> <p>(a) width at door approaches that complies with cl.7 of this Schedule, and</p> <p>(b) provision for the installation of an automatic washing machine and a clothes dryer, and</p> <p>(c) a clear space in front of appliances of at least 1,300mm, and</p> <p>(d) a slip-resistant floor surface, and</p> <p>(e) an accessible path of travel to any clothes line provided in relation to the dwelling</p>	<p>Compliance readily achievable.</p> <p>The laundry layout in each ground floor dwelling is readily capable of compliance with this clause subject to review of the finer design details at construction documentation stage, as per submitted Access Report prepared by Access-i (refer to Identified Requirement No. 73).</p>
20. Storage for Linen		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	A self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS 4299	<p>Compliance readily achievable.</p> <p>Linen storage (min 600mm wide) is to be provided to each unit. Finer design details at construction documentation stage, as per submitted Access Report prepared by Access-i (refer to Identified Requirement No. 73).</p>
21. Garbage		
	A garbage storage area must be provided in an accessible location.	Compliance readily achievable.

Development Standard (Sch 4)	Required	Comment
		<p>Five bin storage areas have been provided at the front of the site. These areas are accessed via accessible paths of travel. Garbage enclosures have been provided in an accessible location for each ground floor dwelling.</p> <p>Compliance indicated as per the submitted Access Report prepared by Access-i (Appendix H).</p>

6.5.3 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.

Sections 43(d) and 108C(1)(d) of the Housing SEPP requires the relevant authority to take into account the relevant provisions of the SLUDG when assessing a proposed seniors housing development under Part 5, Division 8 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 O**. The design has followed the Guidelines, except in relation to the following justifiable departures outlined in **Table 9**.

Table 9 Seniors Living Urban Design Guidelines Departures

Guideline Requirement	Response
2.08 Retain trees and planting at the rear of the lot to minimise the impact of the new development on neighbours and maintain the pattern of mid-block deep-soil planting?	<p>All existing vegetation to the rear will be removed but replaced with suitable vegetation to minimise impact on neighbouring properties.</p> <p>The tree removal within the rear boundary is required to accommodate the proposed development. The Arboricultural Impact Assessment and Tree Management Plan (Appendix J) identified the trees proposed for removal as either low or medium retention value. All high retention value trees are proposed to be retained, including T24 which is located centrally within</p>

	the site and will provide shade and visual amenity for residents.
2.20 Use semi-pervious materials for driveways, paths and other paved areas?	The proposed driveways and paths are concrete to meet LAHC maintenance and durability requirements. Adequate pervious landscaped area is provided onsite to allow for water percolation and reduce stormwater runoff.
3.06 Setback upper levels behind the front building façade?	Upper levels are not setback further than the front building façade to simplify construction. A mix of materials and finishes allow for a varied façade that works well within the streetscape.
3.08 Reduce the apparent bulk and visual impact of the building by breaking down the roof into smaller roof elements.	The roof is hip and gable to reduce the bulk and visual impact and is complementary to existing roof forms in the local area. The building facades are broken up through the use of various materials and articulation.
3.22 Vary the alignment of driveways to avoid a 'gun barrel' effect?	<p>The driveway has been located centrally within the site to minimise impact on neighbours.</p> <p>Landscaping will be provided within the front setback and along the length of the driveway to soften and reduce the visual impact of hard surface areas.</p> <p>Car parking spaces are located to the rear behind the front building line, further reducing the visual impact of the proposed development. Dense shrub planting and the introduction of additional trees along the length of the driveway at the start of the carparking area will create visual interest and reduce the 'gun barrel' effect of the driveway.</p>
3.24 Consider alternative site designs that avoid driveways running the length of the site?	<p>Car parking spaces are located to the rear behind the front building line. The main driveway is located centrally, with a second driveway servicing Unit 15 located along the southern (side) boundary.</p> <p>Landscaping is provided on each side of the driveways and surrounding the car parking spaces to reduce visual impact.</p>
3.27 Vary the driveway surface material to break it up into a series of smaller spaces? (eg to delineate individual dwellings)	Driveways and paths are concrete to meet LAHC maintenance and durability requirements. Parking is not allocated to individual units.
3.29 Provide gates at the head of driveways to minimise visual 'pull' of the driveway	Driveway gates to common parking areas are not consistent with the LAHC Design Standards for maintenance reasons.
4.03 Set upper storeys back behind the side or rear building line	Setback of upper floors is not a requirement of Penrith Development Control Plan 2014 (PDCP2014). Upper floors have not been setback to simplify construction. The ground floor level has been setback 6m from the rear boundary which is an additional 2m from that required under the PDCP 2014.
5.07 Provide a sense of address for each dwelling?	Entry to dwellings is provided by common pedestrian pathways to the foyer area of each building, rather than individual street access. This has allowed the front setback area to be retained for deep soil landscaping and creates a secure setting for the private open space areas of ground floor units. Windows, balconies and

	courtyards of units within the front of the site address the street and provide opportunities for passive surveillance.
5.10 Avoid large uninterrupted areas of hard surface?	Driveways and paths are concrete to meet LAHC maintenance and durability requirements. The driveway and car park have been designed to minimise the extent of hard surface areas whilst still providing sufficient area for the safe movement of pedestrians and vehicles. Three existing trees have been retained on site which will create a pleasant setting for residents. New tree and hedge planting will provide shade in the car parking area and will assist in visually softening the extent of hard surfaces.

6.5.4 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.

Sections 43(f)(i) and 108C(1)(e)(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 seniors housing development under Part 5, Division 8 of the Housing SEPP.

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

Wellbeing

The proposed development supports the wellbeing of future tenants by providing safe and accessible housing where residents have privacy and feel safe. The floor plan design allows for future adaptation to accommodate the changing needs of tenants over time, allowing them to age in place.

The development incorporates passive and active sustainable design, durable and low maintenance materials, and appropriately sized units to reduce running costs. The design achieves a high BASIX/NatHERS score and as such provides appropriate thermal comfort year-round (**Appendix K & L**). Furthermore, solar panels will be installed to reduce operating costs of the units.

Each unit is provided with an area of private open space with attractive gardens at ground floor levels, planted with low maintenance species to attract bird life without requiring regular watering. High quality landscaping across the site will enhance the amenity for residents. Further, seating areas in common spaces allows for incidental socialising and interaction.

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

Belonging

The form and materiality of the proposed development has been selected to respond to the style and character of the local area and will make a high quality contribution to the streetscape. The use of predominantly exposed brickwork and a neutral colour palette will ensure the visual appeal of the development is maintained over time. The development has been designed to reduce bulk and scale, and has been broken up into a pattern of townhouse style dwellings. The proposed development is consistent with the more modern developments in the North St Marys locality.

The pedestrian entries, foyers and communal spaces have been designed as welcoming, pleasant environments that create a sense of place for tenants and a safe transition from public to private spaces. The incorporation of lighting, visual surveillance, and fencing assist in the provision of a good sense of security for residents. The retention of 3 existing trees (T1, T2 & T24) located in the front setback area will contribute to the sense of place and belonging for both future tenants and the wider community.

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

Value

The development meets sustainability targets, with the development achieving an average NatHERS rating of 7.2. The scheme will incorporate sustainable features including insulation, glazing, clothes lines, native plantings, ceiling fans, water efficient fittings, abundant natural light, natural cross ventilation and is a design that can be modified to accommodate the changing needs of tenants.

The building materials, construction method and services have been selected to ensure that the development is durable, minimises maintenance and contributes to the low on-going running costs of the dwellings.

The yield is compatible with the planning provisions and the capability of the site, whilst providing a comfortable space for tenants and a positive streetscape contribution for the wider community.

Collaboration

The project involved a rigorous design process in collaboration with design professionals and engineers to ensure that the development incorporates the current best practice in affordable housing design.

The proposal is of a scale and character that assists with place making, by ensuring integration with surrounding development through the provision of adequate setbacks from side and rear boundaries, retention of existing trees and substantial deep soil landscape areas to the front and rear of the site.

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 adjoining residents and Penrith City Council.

6.5.5 Land and Housing Corporation Design Requirements 2023

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.

Sections 43(f)(ii) and 108C(1)(e)(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 seniors housing development under Part 5, Division 8 of the Housing SEPP.

An assessment of the proposed development against the LAHC Design Requirements has been undertaken and has been deemed to achieve compliance (refer *Appendix O*).

6.5.6 Housing SEPP Design Principles

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

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

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

Table 10 Response to Design Principles (Part 5, Division 8)

Neighbourhood Amenity and Streetscape [section 99]
<p><i>Seniors housing should be designed to –</i></p> <p><i>(a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and</i></p>
<p>N/A no residential care facility proposed.</p>
<p><i>(b) recognise the desirable elements of –</i></p> <p><i>(i) the location's current character, or</i></p> <p><i>(ii) for precincts undergoing a transition – the future character of the location so new buildings contribute to the quality and identity of the area, and</i></p>
<p>The existing character is predominantly single storey residential development of varying age and architectural style. Weatherboard cladding, fibro and brick construction with pitched roofs is a prominent feature of housing in the immediate area. Dispersed throughout the neighbourhood are more recent additions including larger contemporary dwellings, dual occupancies, and medium density developments. The proposal is generally compatible in form, scale, and character with more contemporary residential development in the North St Marys locality. Contemporary residential development in the locality is suggestive of a transition of character in the North St Marys suburb and likely future development.</p> <p>The building has been designed as 4 distinct, but compatible forms as viewed from the street, and responds to the character and scale of development in the area. High quality finishes and the well-considered design of the development add to the identity of the locality.</p> <p>No development of Seniors Housing is evident through the locality, which shows a clear need for this form of housing in the area.</p>
<p><i>(c) complement heritage conservation areas and heritage items in the area, and</i></p>
<p>The site is not within a heritage conservation area and contains no heritage items. Further, there are no heritage items within proximity of the site.</p>
<p><i>(d) maintain reasonable neighbourhood amenity and appropriate residential character by –</i></p> <p><i>(i) providing building setbacks to reduce bulk and overshadowing, and</i></p> <p><i>(ii) using building form and siting that relates to the site's land form, and</i></p> <p><i>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and</i></p> <p><i>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i></p>
<p>The development has been designed to reflect the desirable characteristics of the area including ample landscaping within the front setback areas.</p> <p>The proposed building setbacks are compatible with the streetscape character of the locality and are consistent with Council's DCP requirements. Building setbacks allow for substantial landscape plantings, providing amenity for residents and allowing the retention of existing trees that contribute to the streetscape character. Setbacks from side boundaries are in excess of that required under Council's DCP, and a minimum 6m setback is provided from the rear boundary which is consistent with Council's DCP and allows for the provision of private open spaces areas and extensive landscaping.</p> <p>The development is below the height limit permitted under the Housing SEPP and PLEP 2010 and retains more than 2 hours solar access to the living areas and private open spaces of neighbouring dwellings in mid-winter.</p> <p>The built form respects and follows the topography of the site, without the need for excessive cut and fill. A suitable balance of cut and fill is proposed to address the access requirements for seniors housing under the Housing SEPP.</p>

The proposal does not locate buildings directly upon the boundaries.

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

The building line is consistent with the setbacks of dwelling houses in the locality. Larger setbacks are provided in the northwest corner to allow for the retention of 2 existing trees.

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

The proposed landscape design incorporates substantial plantings at the front and rear of the development which will enhance the streetscape and provide a quiet space for residents to enjoy at the rear. Native species have been chosen to complement existing vegetation within the surrounding locality. The scheme incorporates a mix of ground covers, native shrubs and feature trees which will create a pleasant environment for residents and attract animal and birdlife.

The proposal will incorporate 4 street trees within the Birch Street road reserve which will further enhance the streetscape.

Retention of 3 mature trees within the site will further reduce the visual impact of the proposed development, contribute to the amenity of residents and preserve the established landscape character of the area. All neighbouring trees are to be retained.

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

Due to the development footprint and site constraints, which include an existing sewer main at the rear and council's stormwater management requirements, 25 existing trees on the site are proposed for removal. As outlined above, substantial replacement planting is proposed to compensate for the loss of existing vegetation. This will include 5 large (10m mature height) trees within the front setback, 13 feature trees (5-10m) central and rear of the site and 4 street trees (15m mature height) within the Birch Street road reserve.

Three mature trees located within the front and central portions of the site are to be retained and have been incorporated into the development design.

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

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

Visual and Acoustic Privacy [section 100]

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

(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and

(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

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

The building has generally been designed so that high use areas such as living rooms and private open space areas are oriented to the front, rear or centre of the site to minimise privacy impacts on adjoining development. Where windows and balconies are proposed, adequate setbacks have been maintained and privacy screening provided to restrict direct overlooking where appropriate. Balconies have been located to face the street or to face internally to reduce any overlooking into neighbouring properties. Windows are also treated with high sills or obscure glazing to maintain privacy to the neighbours.

Side and rear boundary fencing to a height of 1800mm will assist with mitigation of visual and acoustic impacts associated with the internal hard stand car parking. Landscaping will also act as a visual and acoustic buffer between the car park and adjacent development. Shrubs and groundcovers are proposed within the rear (eastern) boundary of the site and within the vicinity of the communal parking area. Perimeter planting is also proposed along the southern boundary for the length of the driveway to the parking space for Unit 15.

Large deep soil area is provided which will accommodate shade trees and dense landscape plantings which will create a pleasant outlook when viewed from neighbouring properties.

Solar access and design for climate [section 101]

The design of seniors housing should –

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

The proposed design ensures good daylight to all units through solar access, appropriate room depths and window sizes and strategic placement of privacy screening.

The design and siting of the proposed development will provide adequate daylight access to the living areas and private open spaces of all units, and maintain adequate solar access to the living areas and private open spaces of adjoining properties.

72% of the proposed dwellings (16/22) will receive a minimum of two hours sunlight between 9am and 3pm on June 21 to both their living area and private open space which exceeds the targets set under the Housing SEPP. 86% of proposed dwellings will receive 2 hours of sunlight to their living areas between 9am and 3pm on June 21 and 86% of proposed dwellings will receive 2 hours of sunlight to their private open space during the same time period (refer to solar access diagrams in **Appendix A**). Overall, the development exceeds the sustainability targets and achieves an average NatHERS rating of 7.2.

As demonstrated on the shadow diagrams (**Appendix A**), most of the overshadowing that will occur as a result of the development will fall across 12 Birch Street located immediately south of the development site. Overshadowing to the existing dwelling and rear private open space area will occur at various times of the day with the greatest impact during the afternoon period. Despite this, the development will still maintain a minimum 2 hours solar access in mid-winter to the dwelling and at least 50% of the private open space area at 12 Birch St, consistent with council's controls.

There will be minimal overshadowing impacts on development adjoining to the north and east of the site.

Proposed landscaping and additional canopy tree cover across the site will assist in microclimate management and providing shade for residents using internal pathways.

Stormwater [section 102]

The design of seniors housing should aim to –

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

Stormwater catchment design, including on site stormwater detention and a rainwater tank, have been provided and incorporated into the design to satisfy council requirements. A stormwater easement will be created across 20 Debrincat Avenue to facilitate the disposal of stormwater from the development site to existing council infrastructure located in the road reserve on Debrincat Avenue.

Impervious surfaces have been minimised in the design to reduce the potential impact from stormwater and to maximise landscaping and deep soil zone requirements. Landscaping and mulched pathways have been maximised in private garden areas.

Site stormwater will be captured and drained as shown on the submitted stormwater management plans (**Appendix C**), with 7.5m³ rainwater tank provided to facilitate water re-use.

Crime Prevention [section 103]

Seniors housing should –

- (a) be designed in accordance with environmental design principles relating to crime prevention, and*
- (b) provide personal property security for residents and visitors, and*
- (c) encourage crime prevention by –*

- (i) *site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and*
- (ii) *providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and*
- (iii) *providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

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

Site planning enforces territorial reinforcement by establishing clear entry points and boundaries through fencing and landscaping. Access points are observable from living areas and private open space of all proposed dwellings. Units 1 - 7 and units 13-18 have habitable rooms, living areas, courtyards or balconies facing Birch Street which will provide casual surveillance of the street.

The central pedestrian and vehicle entry point provides a secure progression from public to private spaces and will create a safe environment for residents. Shared entry foyers will be lockable to provide additional security. Where units are accessed by individual external entries such as units 9, 12, 19 & 20, windows are provided above the kitchen bench to enable tenants to view approaching pedestrians without opening front doors. All units are designed to be locked and secured using selected hardware, door security screens and the like.

Fencing will be constructed along the side and rear boundaries, and all areas of private open space are fenced to create security and delineate between public and private spaces. Fencing is provided to the private open space areas located in the front setback but are kept to a maximum height of 1.2m to facilitate good passive surveillance of the street and minimise visual impact. The design of the proposed development will allow for general surveillance of common areas and the communal car park, with all units having windows or private open space orientated to at least one of these spaces.

Accessibility [section 104]

Seniors housing should –

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

The Traffic Impact Assessment (*Appendix S*) demonstrates that obvious and safe pedestrian links are available, or able to be made available, from the site to transport services and local facilities.

The proposal demonstrates compliance with clause 93 of the Housing SEPP as the site is within 400m of public transport along Debrincat Avenue. Footpath upgrade works will be required to ensure compliance with planning requirements as required by Identified Requirement No. 77. The Footpath Survey and Upgrades Plan (*Appendix T*) demonstrate the required footpath upgrades including a new footpath from 10 Birch Street to Debrincat Avenue intersection and regrading of existing pathways on the northern and southern sides of Debrincat Avenue.

The proposed development will provide an attractive and safe environment for pedestrians and motorists with convenient access to car parking areas for all residents. Car parking is provided for residents within the site and includes 4 accessible parking spaces and 1 adaptable space dedicated to unit 15. Accessible pathways are provided between the car parking area and the entry point to all ground floor dwellings. There is ample street parking available on Birch Street for visitors.

Waste management [section 105]

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

Five waste storage areas are provided at the pedestrian entry points of the site along Birch Street. The waste storage areas will accommodate general waste, recycling and green waste. General waste and recycling are to be collected by Council. Green waste will be managed by NSW Land & Housing Corporation, with green waste from landscaping removed by a nominated contractor.

The storage areas have been appropriately screened to minimise visual impact whilst retaining good visibility to avoid the creation of entrapment spaces.

6.6 Other State Environmental Planning Policies

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

Table 11 Compliance with other applicable State and Environmental Planning Policies

State Environmental Planning Policy	Applicability
SEPP (Sustainable Buildings) 2022	<p>The Building Sustainability Index (BASIX) aims to deliver equitable, effective water and greenhouse gas reductions across the state.</p> <p>The proposed development was lodged prior to the introduction of the Sustainable Buildings SEPP 2022 and therefore the BASIX certificate has been generated based on the provisions under the <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>.</p> <p>A BASIX Certificate has been obtained for the development proposal to satisfy the requirements of the SEPP (refer to Appendix K).</p>
SEPP (Transport and Infrastructure) 2021	<p>This SEPP provides planning controls relating to development for the purposes of essential services infrastructure (hospitals, roads, water supply, telecommunications and electrical networks), educational establishments and child care facilities and major infrastructure corridors including railways.</p> <p>The site is not in proximity to a state classified road, adjacent/near a rail corridor or electricity infrastructure and as such, the provisions of the SEPP do not apply.</p>
SEPP (Biodiversity and Conservation) 2021	<p>This SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.</p> <p>The development proposes tree removal and thus the provisions of the SEPP related to vegetation clearing apply. Clause 2.6(1) of this SEPP requires a permit from Council for clearing of vegetation required under the policy. The proposed development seeks the removal of 25 trees (refer to Arboricultural Impact Assessment and Tree Management Plan at Appendix J).</p> <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 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), and</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>

6.6 Water quality and quantity

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

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

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

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

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

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

Comment: Stormwater will be collected via a series of stormwater pits and gutters on the site connected to an underground on site detention tank located under the car parking area and will drain to the existing stormwater main on Debrincat Avenue via a proposed easement. Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank.

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

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

6.7 Aquatic ecology

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

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

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

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

Comment: The subject site is not located on riparian land and will not require a controlled activity permit. The site does not adjoin a natural waterbody. Suitable erosion and sedimentation controls will be required to minimise erosion and maintain water quality. The proposal seeks the removal of 25 trees. Tree removal will be appropriately substituted with planting of suitable native vegetation. In addition, the scale and nature of the activity, together with its location, is unlikely to have significant impacts upon aquatic ecology.

6.8 Flooding

This clause relates to flood liable land.

Comment: The site is not located on flood liable land.

6.9 Recreation and public access

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

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

SEPP (Resilience and Hazards) 2021	<p>This SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.</p> <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 Penrith LGA. The s10.7 planning certificate (<i>Appendix F</i>) has not identified the site as being potentially contaminated.</p> <p>A recommended Identified Requirement (No. 17) requires implementation of management measures in the unlikely event of contamination prior or during construction works.</p>
SEPP (Precincts – Western Parkland City) 2021	<p>The subject site is located within the 3-30km zone as shown on the Wind Turbine Buffer Zone Map.</p> <p>Section 4.2 of this SEPP regulates the construction of wind monitoring towers and development for the purposes of electricity generating works comprising a wind turbine on land within 30 kilometres of the Airport.</p> <p>The proposal does not include this type of development and therefore consultation with the relevant Commonwealth body is not required. There are no other requirements in the SEPP that are applicable to the proposed development.</p>

6.7 Penrith Local Environmental Plan 2010 (PLEP 2010)

The applicable local planning instrument for the site is Penrith LEP 2022 (PLEP 2010). The site is zoned R2 Low Density Residential, wherein 'seniors housing' is not permissible.

Nevertheless, the provisions of the Housing SEPP prevail where there is an inconsistency with another environmental planning instrument. Seniors housing is permitted with consent under section 81 of the Housing SEPP as the R2 zone is a prescribed zone under section 79 of the SEPP. The subject land is not excluded from the provisions of the Housing SEPP set out under section 80(1)(b). The site satisfies the site related requirements set out in section 93 of the Housing SEPP with the inclusion of the proposed pathway upgrades. Therefore, seniors housing is permitted on the subject land without consent under the provisions of the SEPP pursuant to section 79.

The relevant objectives of the R2 zone, as set out in PLEP 2010 are:

- To provide for the housing needs of the community within a low density residential environment.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.*
- To enhance the essential character and identity of established residential areas.*
- To ensure a high level of residential amenity is achieved and maintained.*

The proposed development provides seniors housing that meets the identified needs of the community and includes a mix of 1- and 2-bedroom units. The proposal is therefore consistent with the relevant objectives of the R2 zone.

Compliance with the relevant provisions / development standards set out in the PLEP 2010 is demonstrated in **Table 12** below.

Table 12 Penrith Local Environmental Plan 2010

Relevant Provisions / Development Standards for Seniors Housing			
Clause	Provision / Development Standard	Required	Provided
4.3	Height of Buildings	(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (8.5 metres)	Complies - Maximum building height (measured in accordance with the LEP definition) is 8.2 metres.

6.8 Penrith Development Control Plan 2014

Penrith Development Control Plan 2014 (PDCP 2014) does not contain specific development controls for seniors housing. As such, the building setbacks for multi-unit housing have been used for comparative purposes to demonstrate the suitability of the site for the proposed scale of the development as shown in **Table 13** 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.

Table 13 Penrith Development Control Plan 2014

Compliance with setback		
Multi-unit housing		
Clause	Requirement	Proposed
2.4.5 Front and Rear Setbacks	<p>1) Determine the maximum development footprint for your site:</p> <p>a) The minimum rear setback for a single storey building (or any single storey component of a building) is 4m.</p> <p>b) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m.</p> <p>c) adopt a front setback that matches the neighbourhood character.</p> <p>2) Within the rear boundary setback:</p> <p>a) there shall be no building encroachments either above or below ground (eaves excepted);</p> <p>b) maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs;</p> <p>c) where there are physical encumbrances such as open drains, increase the setback accordingly.</p> <p>3) Determine an appropriate front setback:</p> <p>a) either average the setbacks of the immediate neighbours; or</p> <p>b) a 5.5m minimum whichever is the greater dimension.</p> <p>4) Permissible encroachments within the front setback are:</p> <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>Complies.</p> <p>(1)(a) The single storey component of the proposed development is setback 6m from the rear boundary. The patio roofs which cover the ground level private open space associated with Units 9, 10, 19 and 20 slightly encroach the 4m rear setback. This slight encroachment is considered suitable as the roof form is associated with a non-habitable, open structured area.</p> <p>(1)(b) The two storey component of the proposed development is setback 6m from the rear boundary.</p> <p>(1)(c) The proposed development is setback a minimum of 8.06m from Birch Street with first floor balconies protruding forward of the building line and setback a minimum 6.55m. The proposed setbacks are consistent with existing setbacks of adjoining development which range from 12m (12A Birch St) to 5.3m (18 Debrincat Avenue). The proposed setbacks have allowed for the retention of significant vegetation located forward of the front building line which will ensure the development blends in with the established neighbourhood character.</p> <p>(2)(a) N/A. No building encroachments. The proposed development meets rear setback requirements.</p> <p>(2)(b) The built form respects and follows the topography of the site, without the need for excessive cut and fill. Further, the development proposes an overall deep soil zone of 768.5m² which is equivalent to 21.2% of the site area which exceeds the minimum 15% required under the Housing SEPP.</p> <p>(2)(c) There are no physical encumbrances, such as open drains, within the site. The proposed dwellings are appropriately setback from existing sewer infrastructure located along the rear of the site.</p>

Compliance with setback		
		<p>(3)(a) The average front setback of immediate neighbours is 7.7m. The proposed development is setback 8.06m from Birch Street with first floor balconies protruding forward of the building line and setback a minimum 6.55m. Development across the road from the proposal is setback between approximately 7m and 12m. The proposed development is therefore consistent with the neighbourhood character.</p> <p>(4)(a) The proposed ground floor porch of Unit 5, 6 and 13, and first floor balconies of units 7, 8 & 16 - 18 encroach the front setback. At their closest point, the ground floor porches and first floor balconies are setback 6.55m from Birch Street. Encroachments are greater than 4.5m from Birch Street and do not comprise greater than 50% of the elevation.</p> <p>(5) The proposed development does not include parking spaces within the front setback.</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> <p>a) Side boundaries only; and</p> <p>b) Existing ground level.</p> <p>3) Only minor encroachments through the building envelope shall be permitted: a) eaves to main roofs</p> <p>b) chimneys and antennas</p> <p>c) pergolas.</p> <p>4) Cut and fill and maximum ground floor heights:</p> <p>a) on sloping sites provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level;</p>	<p>Complies.</p> <p>(1) The proposed development is wholly contained within the building envelope which has been measured from side boundaries and existing ground level.</p> <p>(2) noted</p> <p>(3) is not applicable as there are no building encroachments to the building envelope proposed.</p> <p>(4) The site is relatively flat. Stepped building platforms are not required. Cut and fill generally does not exceed 500mm except in the proposed communal car park where excavation is required to allow for installation of the underground OSD and rainwater tank. Once the underground OSD and rainwater tank have been installed the surround area will be returned to natural ground level.</p> <p>Stormwater has been designed in accordance with Council requirements. Sub-soil drainage is not required as extensive cut/fill or</p>

Compliance with setback		
	<p>b) restrict cut-and-fill to a maximum of 500mm; and</p> <p>c) provide effective sub-soil drainage</p> <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> <p>a) Driveways and parking</p> <p>b) Landscaped area</p> <p>c) Solar planning; and</p> <p>d) Privacy and outlook.</p> <p>7) Setbacks from side boundaries should be varied to articulate walls to side boundaries:</p> <p>a) a minimum setback of 2m, but only</p> <p>b) along not more than 50% of any boundary.</p> <p>8) Zero setbacks from the side boundary are not permissible except for single garages or carports with an open appearance according to - Garage design, not taller than 2.1 m at the boundary.</p>	<p>retaining is not proposed. An Identified Requirement (No. 14) has been included to ensure an appropriately qualified person shall design methods necessary to prevent the movement of excavated or filled ground, including associated stormwater drainage measures.</p> <p>(5) The proposed roof pitch does not exceed 25 degrees and is therefore consistent with this requirement.</p> <p>(6) The proposed development is consistent with the mentioned parts of the DCP relating to separation between neighbouring development in the following ways:</p> <ul style="list-style-type: none"> • driveways and parking areas are separated from boundary fences by a landscaped verge; • parking spaces are not located within the front setback; • landscaping provided along entire length of side and rear boundaries; • landscaping provided within areas of private and communal open space; • overshadowing from the proposed development is minimal. The proposed development will have no overshadowing impact on development to the north and east. Due to the orientation of the site, overshadowing will impact the residential development to the south for periods of the day; and • the proposed development has been designed to maintain visual and acoustic privacy to adjoining properties and within the development. Design solutions include appropriate building setbacks and heights, dwelling layouts, placement and sizing of window openings and location of landscaping, particularly at the side and rear boundaries. <p>(7) The proposed development is setback 3.1m from the northern and southern (side) boundaries.</p>

Compliance with setback		
		(8) The proposed carport associated with unit 15 is setback approximately 800mm from the southern boundary, which is greater than that allowed under the DCP.

7 Notification, Consultation and Consideration of Responses

7.1 Council Notification

In accordance with sections 43 and 108C of the Housing SEPP, Penrith City Council was notified of the development by letter dated 5 July 2023 (refer to *Appendix E*). The notification response period formally closed on 27 July 2023 and Council responded to the notification by letter dated 27 July 2023 with matters raised outlined in **Table 14** below. A response is provided in relation to the comments and matters raised in Council's letter and where appropriate, these matters have been addressed in the identified requirements included in the Activity Determination.

It is noted that the following table includes an abbreviation of the key issues raised by council, however a full copy of councils submission is provided in *Appendix X*.

Table 14 Issues Raised in Council Submission

Issues raised	Response
Planning and Design Considerations	
Building design <ul style="list-style-type: none"> Concerns regarding integration of the proposed development with the current and future low-density character of the area. Concerns regarding inconsistency of building form, scale and ground floor projections not going beyond first floor as specified in the DCP. 	<p>The character of the North St Marys area and wider Penrith LGA is changing in response to newer architectural styles and increased pressure on housing affordability. There are a number of newer, two-storey dwellings, dual occupancy developments and multi-unit developments interspersed throughout the area as demonstrated in Section 3.3 above.</p> <p>The proposed development meets the requirements of the SEPP (Housing) 2021 and Penrith Development Control Plan 2014 as demonstrated in sections 6.5 and 6.8 above. In particular, the overall height, building envelope and front, rear, and side setback requirements.</p> <p>Refer to Section 8.1 for further discussion of how the proposed development sits within the surrounding locality.</p>
Rear setback <ul style="list-style-type: none"> Concerns regarding lack of landscaped area in the rear setback. Concerns regarding the extent of hard surface area associated with the car park extending into the rear setback area. 	<p>The extent of hardstand area has been reduced slightly where possible along the rear boundary. The setback of the carpark (excluding the turning aisle) has been increased from 1m to 1.7m and additional tree planting has been included along the rear adjacent to the car parking area.</p> <p>The proposed building form complies with the minimum rear setback requirements specified in the DCP with minor encroachments due to the awnings provided over paved POS areas. Providing a small, paved area with appropriate weather protection is essential for the useability and amenity of the ground floor units and is a common feature within areas at the rear of a multi-unit development.</p> <p>Councils' suggestion of relocating the carpark towards the front of the development was explored, however, a more visible car park which would have detracted from the streetscape and it would have resulted in a reduction in yield. Locating the parking area to the rear of the site ensures that it is not directly visible from the street and preserves larger areas within the front of the site for deep soil landscaping.</p>

Issues raised	Response
<p>Building bulk</p> <ul style="list-style-type: none"> Concerns regarding the overall building length in the front façade exceeding that specified in the DCP resulting in a development that is out of character with the local area. Concerns regarding the 'top heavy' design due to first floor balconies projecting forward of the ground floor elevation. 	<p>The design of the proposed development may be considered more modern than the style of multi-dwelling development encouraged in the DCP, however, the overall streetscape presentation is considered acceptable from a bulk and scale point of view. Substantial articulation has been provided through the use of projecting first floor balconies and varying setbacks. Greater setbacks have been provided at the northwest corner to allow for the retention of 2 existing trees which make a significant contribution to the character of the streetscape and therefore assisting the development to sit comfortably with its surrounds.</p>
<p>Subdivision of Seniors Housing</p> <ul style="list-style-type: none"> Concern was raised regarding inclusion of a boundary adjustment into the current proposal due to section 108E of the Housing SEPP stating that consent for the subdivision of seniors housing must not be granted. 	<p>The proposal does not involve subdivision of seniors housing, it involves a subdivision (boundary adjustment) of land. The proposed boundary adjustment can therefore be considered development without consent under Section 42(2)(b) of the SEPP (Housing) 2021.</p> <p>The boundary adjustment will occur prior to the construction of the seniors housing development. Refer to Identified Requirement No. 79.</p>
<p>The submitted Ground Floor Plan shows the location of fire hydrants along the front boundary. Alternative locations should be explored to reduce visual impact and streetscape impact.</p>	<p>The fire hydrant has been relocated to improve streetscape amenity and reduce impact on the TPZ of T1 and T2. This change was made in consultation with the Arborist and is reflected in the updated Architectural and Landscape Plans 9 (Appendix A).</p>
<p>The regrading plans provided for the proposed footpath works show the footpath ending at the northern most boundary of 2 Birch Street. In this regard, the proposal will need to consider that internal access paths are setback from the northern boundary of 2 Birch Street. In this regard, the proposed external footpath works need to connect to the internal path works.</p>	<p>All internal footpaths are to be connected to the external footpath network. A new footpath is proposed from 10 Birch Street to the Debrincat Avenue intersection as demonstrated on the Footpath Survey and Upgrades contained within Appendix T.</p>
<p>The proposed stormwater pipe will be located in proximity to the existing sewer line. Consideration should be given to the integrity of the existing sewer line and proposed stormwater pipe.</p>	<p>An Identified Requirement (No 80) has been included to ensure the integrity of the existing sewer line is investigated prior to the installation of the stormwater.</p>

Development Engineering Considerations

Issues raised	Response
Catchment plans, including external and internal catchment and bypass area, should be provided for assessment.	Amended stormwater plans (Appendix C) have been prepared to address the matters raised by Council and an updated design compliance certificate has been submitted which confirms that the proposed design is in accordance with council's requirements and applicable Australian Standards.
Drainage layout plans should include additional information such as RL, IL, pipe sizes, and slope.	Drainage Plans are conceptual only. Additional information such as RL, IL and pipe size are to be nominated at construction documentation stage.
A typical section detail of the orifice plate is required, showing the orifice centrally located to the outlet pipe. In addition, a minimum 1% grade to the floor of the OSD tank is to be provided.	A typical section plan of the OSD has been provided and identifies a minimum 1% fall to the floor of the OSD tank.
A junction pit is required at the property boundary with No. 20 Debrincat Avenue and at the end of the drainage easement prior to the connection to the Council drainage system. Furthermore, installation of a new kerb inlet pit is required at the connection point with the public drainage line; direct connection to the council pipe is not supported.	<p>A new kerb inlet pit is proposed at the connection point with the public drainage line as demonstrated on the Drainage Plan contained within Appendix C.</p> <p>Additional junction pits are to be provided in accordance with Identified Requirement No. 81.</p>
Consideration should be given to the relocation of the car park to a more suitable location to allow two-way movements of vehicles from and to the public road. This comment is to be read in conjunction with the planning comments above.	<p>The extent of hardstand area has been reduced where possible along the rear boundary. The setback of the carpark (excluding the turning aisle) has been increased from 1m to 1.7m. The proposal includes the provision of a passing bay at the site entry and exit to facilitate the safe and efficient movement of vehicles.</p> <p>Given the carpark only accommodates 9 vehicles, the consultant traffic engineer did not recommend widening the driveway to accommodate two-way traffic.</p>
The plans should be updated showing dimensions to confirm compliance with relevant Australian Standards relating to vehicle movement, parking space width and length and aisle widths.	<p>The Site Plan contained within Appendix A has been amended to show dimensions. The Traffic Impact Assessment (Appendix S) confirms the following:</p> <p><i>An assessment of the car park layout, including the proposed parking spaces and associated aisle width, indicate the car park layout is compliant with the relevant applicable Standards (AS2890.1-2004).</i></p>
The proposed regrading works along the footpath in the road reserve appear to conflict with existing service utility pits requiring adjustments to these pits to achieve the required grades along the footpath. As such, the proponent is required to contact the relevant authorities for concurrence on the proposed works to the utility pits.	This has been included as Identified Requirement No. 77.

Traffic Considerations

Issues raised	Response
<p>Information regarding public transport services presented in Section 3.2 of the Traffic Impact Assessment (TIA) report should be updated. Bus 758 operates on average of 30-minute frequency during peak periods, and not every 10-minutes. Bus 759 does not service the bus stops located on Debrincat Avenue, west of the site, outside public school days. During school days, Bus 759 only arrives at the stop during school peak.</p>	<p>The Traffic Impact Assessment (Appendix S) prepared by ParkTransit has been amended in response to Council comments.</p> <p>It is noted that bus 758, which stops at bus stop ID 276017 and ID 276024 satisfies the frequency requirements for seniors housing development as specified in the Housing SEPP. That is, one bus service between 8am and 12pm each day, and at least once between 12pm and 6pm.</p>
<p>Existing bus shelters are present on Debrincat Avenue, west of the site. However, these bus shelters have outdated design and are not compliant with current bus stop wayfinding, DDA and DSAPT requirements (e.g., no tactiles, slab not extending to bus stop sign = inadequate accessible circulation space around the bus stop sign, etc). Consideration should be given by Land and Housing Corporation to contribute to upgrades of these two existing bus shelters given the nature of the proposal and the target occupants.</p>	<p>An Identified Requirement (No. 82) has been included requiring the upgrade of these two existing bus shelters on Debrincat Avenue prior to occupation of the development.</p>
<p>Environmental Management Considerations</p>	
<p>The proposal requires the applicant to undertake a hazardous building materials survey (HBMS) of all buildings to be demolished in accordance with Work Health and Safety Legislation. Should hazardous building materials be identified, a demolition plan should be prepared, including any recommendations of the HBMS, so as these materials are appropriately managed and disposed of.</p>	<p>This is covered by Identified Requirements No.27 and 37.</p>
<p>The applicant should develop and implement a construction environmental management plan (CEMP). The CEMP should address the environmental aspects of the demolition and construction phases of the development and is to include details on the environmental</p>	<p>The various requirements outlined in a CEMP are covered by Identified Requirements No. 13, 17, 20, 24 – 28, 31 – 36, 46 – 56 and 58 – 68 in the Activity Determination.</p>

Issues raised	Response
<p>management practices and controls to be implemented on the site. The CEMP is to address, but is not limited to the following:</p> <ul style="list-style-type: none"> - water quality management, - noise control and hours of operation, - waste management (including solid and liquid waste), - erosion and sediment control, and - air quality including odour and dust control. 	

Waterways Considerations

Both the BASIX Certificate and stormwater plans show that a central rainwater tank with a capacity of 7.5kl will be provided. However, the MUSIC model shows the rainwater tank capacity as 6.75kl.	The MUSIC modelling included in the stormwater plans has been updated to show the rainwater tank capacity as 7.5kl.
The plans, documents and MUSIC model show differing storm water filter cartridge amounts and filter chamber volumes.	The stormwater plans and MUSIC model have been updated to ensure consistency across documentation.
In light of the above, the MUSIC model should be updated to accurately reflect the stormwater plans and required water quality targets.	The MUSIC model has been updated to reflect stormwater plans and water quality targets.
It is noted that the stormwater plans between drawings 5 and 7 are inconsistent with locations of access/maintenance points. The plans should clearly show the location of 0.9m wide access points are provided and readily accessible.	No change required. Engineers have confirmed that drawings 5, 6 and 7 are consistent. Sheet 3 shows the plan of the OSD pit with access points. Sheet 5 shows a section of the OSD pit showing 900Sq access points. Sheet 6 are general details and Sheet 7 is the sedimentation plan.

Landscape Considerations

Significantly less canopy trees are proposed for planting in contrast to those being removed. The amount of canopy trees on-site needs to be increased to address Council's Cooling the City's Strategy and Urban Heat considerations	The number of large canopy trees will be increased on site from 10 to 22 (inclusive of 4 street trees). The mature height of proposed canopy trees range from 5m to 15m as shown on the landscape plan (<i>Appendix B</i>).
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Issues raised	Response
Street trees are required in supplement to onsite planting, and this should be discussed at the time of the required Section 138 Road Act Application for the proposed driveway crossing.	<p>Four street trees are proposed within the Birch Street reserve to supplement onsite planning as shown on the landscape plan (<i>Appendix B</i>) and the landscape plan will form part of the approved documents in the Activity Determination.</p> <p>It is noted that LAHC, as a Public Authority does not require consent from a Road Authority to exercise its functions in respect of an unclassified road that is not a Crown road pursuant to Clause 5 of Schedule 2 of the savings, transitional and other provisions of the Roads Act 1993.</p>
There is insufficient variety of landscape design and species selection between each of the units' private open space areas fronting Birch St. Greater species diversity is recommended to contribute to residential character, including tree species.	Two additional tree species have been included within the plant schedule and additional tree planting included in the revised landscape design. The range of plant species, including 5 tree species, 20 shrub species and 5 groundcover species is considered to be an appropriate for the development.
The rear setback behind the at grade car park is required to be enhanced providing space for suitable screen plantings.	Additional landscaping has been provided between the carpark and rear setback and includes 3 trees with a mature height of up to 10 metres.
Canopy trees should be provided surrounding the car park to provide shade and reduce urban heat island effects.	Canopy trees with mature heights of between 5m and 10m are proposed within the location of the car park as shown on the amended landscape plan (<i>Appendix B</i>).
Unit 13 access to the indicated private open space areas would be better accessed from the other side to free up more space for a small tree.	Reconfiguring the access to private open space of Unit 13 is not considered appropriate as it would result in further encroachment of T24 tree protection zone.
Unit elevations addressing the internal road (units 6, 8, 19 and 21) have large expanses of façade that are not suitably softened or screened by landscaping (trees, fastigate in form may be suitable given sufficient soil volume).	The landscape design includes substantial plantings along the elevations of Units 6, 8, 19 and 21. Lilli Pilli's which can reach heights of up to 3m are included along these elevations which is considered sufficient for this location.
Tree Management Considerations	
The Arborist Report identifies numerous trees in sound arboricultural condition with good retention value which are sought to be removed. In this regard and noting the extent of tree removal, the development should be amended to retain as many trees as possible. In particular, the Melaleuca's on the site are a locally occurring dominant species in this portion of the local	<p>The proposal went through a substantial design phase and all efforts were made to retain a substantial number of existing trees on the site, including 3 high retention value trees.</p> <p>Further amendments to the proposed development to allow for the retention of tree 28 were not considered appropriate as it would result in the reduction in yield by approximately 1 dwelling. The design incorporates the retention of 3 high retention value trees which will make a strong contribution to the streetscape as well as shade for the internal pathways and car parking area. Appropriate landscaping is proposed to replace the vegetation lost as part of the proposal.</p>

Issues raised	Response
<p>government area that should be retained. This would require the retention of an additional tree (Tree 28) and redesign of the site.</p> <p>It is noted that tree 28 sits east of tree 24 (to be retained) and appears to be impacted by the current car park location. The recommendations provided earlier within this correspondence seeks to locate the at grade parking area north and away from tree 28 potentially allowing retention.</p>	
<p>Given the extent of tree removal the proposal should provide sufficient supplementary canopy tree planting. The planting spaces identified on the Landscape Plan should be revisited to ensure mature trees that are representative of local vegetation can be planted and flourish.</p>	<p>The number of canopy trees has been increased on site from 10 to 22 (inclusive of 4 street trees). The nature height of proposed species range from 5m to 15m. Refer to updated landscape plan (<i>Appendix B</i>).</p>
<p>Council raised concerns with the extent of the assessment provided in the Arboricultural Impact Assessment (AIA) and requested further depth of assessment. This included an assessment of potential impacts on the TPZ's of T1, T2 and T24 and consideration of the impact on retained trees as a result of the landscape and stormwater designs. Further detail of tree protection methods was requested.</p>	<p>The Arboricultural Impact Assessment prepared by Redgum Horticultural has been amended to address Council's concerns. The Arboricultural Impact Assessment has been updated in response to Council's comments and includes additional assessment of the likely impact on the TPZ's of T1, T2 and T24.</p> <p>Discussion points 14.15 & 14.16 within the amended Arboricultural Impact Assessment addresses demolition of existing buildings and landscape structures.</p> <p>The Arboricultural Impact Assessment will form part of the approved documents in the Activity Determination and Identified Requirement No. 36 requires all tree protection measures to be installed prior to the commencement of works on site.</p>
<p>Specimen trees on the site are shown to be staked. The trees are a 45-litre pot size, these trees should be self-supporting and not require staking.</p>	<p>Noted. The proposed Landscape Plan has been prepared by a qualified landscape architect and it is understood that planting recommendations are as per industry standards.</p>
<p>A site-specific Tree Protection Plan (Specification) and Drawing for each stage of the development process (e.g., demolition, construction, post construction, landscaping) should be developed for the site. Within the plan there should be the capacity to document (either in words or by diagram) the changes in tree protection that may be required</p>	<p>A Tree Management Plan has been prepared by the Arborist and is provided under Part B and Appendix F of the Arboricultural Impact Assessment (refer to <i>Appendix J</i>).</p> <p>Identified Requirement No. 36 requires all tree protection measures, as outlined in the arborist report, to be implemented prior to the commencement of works and for the duration of the construction period.</p>

Issues raised	Response
<p>during each stage of the development.</p> <p>Impacts to the above and below ground parts of the tree need to be considered for all stages of development and where possible, amendments in design made to further protect trees to be retained. Particular consideration should be given to the demolition process.</p>	
<p>The Arborist Report has not reported on hydrant encroachments within the Tree Protection Zone of trees proposed to be retained. These works shall be considered noting the importance of tree retention.</p>	<p>The fire hydrant has been relocated to improve streetscape amenity and reduce impact on the TPZ of T1 and T2. This change was made in consultation with the Arborist.</p>
<p>It is noted that the Arborist Report fails to consider all trees across the development site including some trees within the rear boundary which do not appear to be impacted by the proposal. In this regard, the Arborist Reporting must be updated to ensure all existing trees are identified and the development be designed to retain trees wherever possible in particular within the rear setback.</p>	<p>Trees not assessed within the Arboricultural Impact Assessment are considered exempt or weed species. No further assessment is required.</p>
<p>Waste Services Considerations</p>	
<p>As the Communal Waste Collection area has been split into 4, the number of bins increases due to the servicing of unit groups. The separated bin storage areas are insufficient for the number of units each service and does not comply with Council's Waste Management Guidelines relating to storage and servicing requirements.</p> <p>For five (5) separate Communal Waste Collection Areas the following is required:</p> <ul style="list-style-type: none"> - Bin Store (front of Unit 15) services 5 units requires 6 bins (1.8m x 3.2m OR 3.6m x 2.2m) 	<p>The number of bins provided are consistent with Council's requirements, as demonstrated in the Waste Management Plan (<i>Appendix R</i>).</p> <p>It is noted that rear units are to utilise the larger bin area centrally located within the frontage of the site (front of Unit 13) given this is also the location of the letterboxes for these units.</p> <p>No changes to the bin storage area locations have been made as all units have equal access to a bin storage area and the total number of bins provided satisfy Councils specifications.</p>

Issues raised	Response
<ul style="list-style-type: none"> - Bin Store (front of Unit 14) services 5 units requires 6 bins (1.8m x 3.2m OR 3.6m x 2.2m) - Bin Store (front of Unit 13) services 1 unit requires 2 bins (1.0m x 3.2m OR 1.8m x 2.2m) - Bin Store (front of Unit 6) services 5 units requires 6 bins (1.8m x 3.2m OR 3.6m x 2.2m) - Bin Store (front of Unit 2) services 6 units requires 6 bins (1.8m x 3.2m OR 3.6m x 2.2m). 	
<p>This development requires a Bulky Goods Collection Area of 4m² for 22 units (consider dimensions of 1.8m x 2.3m). If it is proposed to provide two Bulky Goods Collection Areas, each to be a minimum of 2.5m² (1.8m x 1.4m are the minimum dimensions).</p>	<p>Bulky waste storage areas are not supported by the LAHC maintenance team due to potential hazard risk associated with this type of bulk waste storage.</p>
<p>The applicant should consider placing a single Bulky Goods Collection Area in front of Unit 13 adjacent to the path and driveway, of 4m² size (1.8m x 2.3m).</p>	<p>As above, a bulky waste storage area is not provided as part of the proposal.</p>
<p>The minimum accessway/ doorway to the Bulky Goods Collection Area is 1.4m. No gate is required. If a gate is to be installed, it must open outwards and have a latch back facility to allow ease of servicing of bulky household waste.</p>	<p>N/A as no bulky waste area proposed.</p>
<p>The maximum screen height for waste storage areas is to be 1.4m.</p>	<p>A 1.2m high screen is to be installed around the proposed waste storage areas which will allow the bin area to fit in seamlessly with front fencing whilst creating minimal impact on the streetscape.</p>
<p>The minimum accessway/ doorway to the Communal Waste Storage areas is 1.8m. No gate is required. If a gate is to be installed, it must be dual doors and open outwards and have a latch back facility to allow ease of servicing of bins.</p>	<p>The communal waste storage areas have been designed in accordance with section 2.4.1 of PDCP2014 which specifies that the minimum accessway/ doorway width is 1.2m. This is further demonstrated in the diagram under figure 2.4.1.1 of PDCP 2014. No gate is to be provided.</p>
<p>Waste infrastructure must have a minimum set back of 1m (front and side setback).</p>	<p>The location of waste infrastructure meets this requirement. A minimum 1m landscape strip is provided in front of all bin storage areas.</p>
<p>A tap for the waste infrastructure is required for each structure.</p>	<p>The inclusion of a tap for waste infrastructure is to be considered at construction documentation stage.</p>

Issues raised	Response
The developer is to enter into a formal agreement with Penrith City Council for the utilisation of Councils Waste Collection Service. This is to include Council being provided with indemnity against claims for loss and damage.	An Identified Requirement (No. 83) has been included requiring LAHC to consult with Penrith City Council to make the necessary arrangements regarding the utilisation of Councils Waste Collection Service.

7.2 Notification of Occupiers of Adjoining Land and Other Persons

Under sections 43(1)(a) and 108C(1)(a) of the Housing SEPP, the Council for the area 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 17 November 2022. Council provided an email response on 22 November 2022 advising that the notification map was acceptable to Council. **Figure 22** illustrates the properties in which the occupiers and landowners were notified of the development.



Figure 22 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under sections 43(1)(b) and 108C(1)(b) of Housing SEPP, occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 29 June 2023. Copies of the notification letters are provided at **Appendix E**.

The notification response period formally closed on 24 July 2023 and two submissions were received. Submissions are discussed in **Table 15**.

Table 15 Issues raised by adjoining owners / neighbours

Issues raised	LAHC Response
Submission 1 <ul style="list-style-type: none"> Concern regarding the potential hazard associated with the retention of 2 gumtrees (T1 & T2). 	<p>The Arboricultural Impact Assessment (AIA) prepared by Redgum Horticultural has been amended to reflect the public submission including pruning and treatment measures to ensure T1 and T2 do not pose a risk.</p> <p>In addition to the above, section 14 of the AIA details the results of a Drill Resistance Test (DRT) that was undertaken for T1 and T2. The AIA notes that the results of the DRT indicated a small amount of lower density wood tissue for both trees, however, the extent of the damaged or less dense wood was well within acceptable limits and that sufficient sound wood was present for the trees to present as 'Low' risk. Pruning of branches will be undertaken where deemed appropriate by the consultant Arborist inspecting the installation of tree protection measures.</p>
Submission 2 <ul style="list-style-type: none"> Insufficient parking. Privacy issues. 	<p>The proposed development meets the parking requirements set out under SEPP (Housing) 2021.</p> <p>First floor windows facing side boundaries are predominately bathroom windows. A small window off a bedroom in Unit 3 is proposed within the southern elevation. Given bedrooms are low use areas, minimal privacy impacts are anticipated.</p> <p>The proposal does not include any side facing balconies. The screening and clothes line for Unit 22 have been relocated to prevent overlooking. Refer to amended Architectural Plans under <i>Appendix A</i>.</p>

7.3 Notification of Specified Public Authorities

The development is "seniors housing" under section 108A of the Housing SEPP. As required by sections 42(5) and 108B(2) of the Housing SEPP, consideration has been given to the need to notify the "specified public authorities" identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17. The site is located within the Western City Operational Area, however it does not have a capital investment of \$30 million or more. Therefore, consultation with the Western Parkland City Authority is not required.

8 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 Section 5.1.9 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.

8.1 Neighbourhood Character

The site is located within an established residential area. The dominant form of development in the locality is older style detached, single-storey, weatherboard cladding, fibro and brick construction dwellings. These dwellings tend to sit within lightly landscaped and lawned allotments and have predominately tiled, pitched roofs. The character of the area is in a period of transition, with a number of newer, two-storey dwellings, dual occupancy developments and multi-unit developments interspersed throughout the locality of North St Marys and the wider Penrith LGA. These dwellings take a more contemporary form and introduce new design features to the area, including flat roofs and muted grey, brown and white tones. It is anticipated that the proposed development may act as a catalyst for more contemporary 2 storey development in this area of North St Marys, while maintaining the low density scale of the neighbourhood character.

The bulk and scale of the proposed development will be compatible with the emerging character of the neighbourhood and will deliver a built form outcome consistent with the planning controls for the locality. The proposed housing represents a contemporary, high quality design, which will replace the existing aged housing stock currently occupying the site. The 2-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, retention of significant trees and a considered planting mix ensure the proposal will generate benefits to neighbourhood character.

8.2 Bulk and Density

The proposed development is consistent with the bulk and scale of surrounding newer development in the locality of North St Marys. The 2-storey buildings incorporate appropriate setbacks distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. The development is split into four separate buildings with stepped setbacks from Birch Street and have been designed with suitable façade articulation and roof form to minimise bulk and scale.

The proposal incorporates a maximum height of 8.2m which is consistent with development anticipated in a low-density residential area. The FSR and 2-storey built form are sympathetic to the surrounding context and is an appropriate response to the desired future character envisaged for the R2 Low Density Residential zone, which encourages a variety of housing types and densities including dual occupancies and secondary dwellings. The proposed development is consistent with the objectives of the R2 zone as it provides seniors housing that meets the identified needs of the community and includes a mix of 1 and 2 bedroom units. The proposal is therefore consistent with the relevant objectives of the R2 zone.

LAHC is required to consider the FSR control of 0.5:1 contained within the HSEPP 2021. The proposal incorporates a floor space ratio of 0.49:1 which is consistent with this control and it is considered that the density of the development is compatible with the development site and locality.

The proposed development incorporates generous setbacks from all boundaries and will provide expansive deep soil areas with native plantings and retention of existing mature trees which will assist in softening the bulk of the development.

Accordingly, the proposal is for a development of a bulk, scale and density that does not constitute an overdevelopment of the site. The proposal will suitably increase housing density which is consistent with State and regional strategies and the development controls applying to the site.

Mitigation Measures

No mitigation measures are required.

8.3 Streetscape

The architectural style of the proposed development activity 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 hard stand car parking area will be generally obscured from street view, resulting in a built form that has been designed with consideration of the dwellings surrounding.

In conjunction with strong articulation and modulation along the front façades, retained trees and improved landscaping proposed within the street setback areas, the proposed development will make a positive contribution to the streetscape of Birch Street. The proposed development will replace ageing housing stock that has reached the end of its economic life with a new contemporary residential development.

The built form has been designed to address the street frontages through incorporation of street facing windows and doors, as well as courtyards and balconies within the front setback, improving casual surveillance of the street.

Mitigation Measures

No mitigation measures are required.

8.4 Visual Impact

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

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

Substantial new landscaping is proposed within the front setback area including new, native canopy trees that will soften the visual impact of the dwellings when viewed from the public domain. Two mature Lemon Scented Gums with heights of approximately 17m are retained in the front setback and will be complemented by additional planting of canopy trees with a mature height of 10m. The proposal will incorporate four street

trees within the Birch Street road reserve which will enhance the streetscape and improve the visual amenity of the area. The proposed street trees are Forest Red Gums which will reach a mature height of 15 metres.

Considered 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. Further, 2 significant trees are proposed for retention in the front setback area which will continue to make a positive contribution to the Birch St streetscape.

Mitigation Measures

No mitigation measures are required.

8.5 Privacy

A high level of internal and external privacy is maintained by the proposed development activity 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. In particular:

- Balconies associated with Units 3, 4, 7, 8, 16, 17 and 18 are orientated toward Birch Street with landscaping, including trees and shrubs, proposed within the front setback to improve streetscape amenity and privacy for future residents.
- Balconies associated with Unit 11, 12, 21 and 22 are orientated toward the central common area of the site and as such will not directly overlook the windows or private open space at adjacent sites. The use of landscaping throughout the site as well as appropriate setbacks between the building forms will ensure privacy for future residents.
- No balconies are orientated toward adjoining residential development and all are treated with privacy screens to minimise overlooking across side boundaries.
- Windows are also treated with high sills or obscure glazing to maintain privacy to the neighbours.
- The proposed dwellings have been designed in accordance with the requirements of the *National Construction Code* for sound and impact transmission so that acceptable noise levels between dwellings and adjoining properties are achieved.
- Visual and acoustic privacy within the development and to adjacent neighbours is provided and maintained through the strategic use of privacy screens, considered window locations including high sill windows, and screen planting.
- The front setback is consistent with PDCP 2014 and the prevailing building line on Birch Street and includes substantial landscaping to further mitigate privacy impacts particularly for private open space areas located between the building line and front boundary.
- Side and rear setbacks are compliant with PDCP 2014. Planting is used within the side and rear setbacks providing privacy for adjoining dwellings.
- Extensive landscaping has been provided internally within the site to provide a visual and acoustic buffer between the car parking area, adjoining dwellings within the development and those on neighbouring properties to the east and south.
- Metal picket privacy fencing provided within the front setback will create a delineation between private and public space and improved privacy for residents.

- Proposed 1.2m-1.8m metal fencing will mitigate unacceptable overlooking to and from adjoining properties.
- First floor balconies facing Birch Street enable passive surveillance of the street without compromising the privacy of the internal bedrooms associated with these balconies.
- Principal private open spaces are set back from neighbouring properties with privacy screens and landscaping provided to ensure privacy.

Mitigation Measures

No mitigation measures are required.

8.6 Solar Access

The design and siting of the proposed development will provide adequate daylight access to the proposed dwellings living areas, private open spaces and the private open space areas of neighbouring properties in accordance with the Housing SEPP.

The submitted Architectural Plans indicate that overall, 72% (16/22) of dwellings receive at least 2 hours direct solar access to both the living and POS areas on June 21, which meets the requirement under the Housing SEPP.

Whilst the intent of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* is to achieve 3 hours of solar access, it is acknowledged that this is an aim rather than a requirement. It is noted that the majority of units will receive 3 hours or more of solar access to either their living room or their private open space areas as demonstrated on the Solar Access Plans in **Appendix A**. Twenty-one out of 22 units will receive solar access of 3 hours or more to at least one of these spaces. 82% of proposed dwellings will receive 3 hours of sunlight to their living areas between 9am and 3pm on June 21 and 59% of proposed dwellings will receive 3 hours of sunlight to their private open space during the same time period (refer to solar access diagrams in **Appendix A**).

Shadow diagrams also confirm the proposed development will facilitate sunlight to living areas and private open space of the dwellings on adjoining sites with some overshadowing impacts to 12 Birch Street located to the south of the development. Despite the overshadowing, a minimum 2 hours solar access will be maintained to the dwelling and private open space areas of 12 Birch Street in mid-winter.

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.

8.7 Overshadowing

The shadow diagrams confirm the development has been designed to minimise overshadowing of surrounding development. Shadow diagrams in **Appendix A** confirm the proposed development will not generate unacceptable shadow impacts to living areas and private open space of dwellings on adjoining sites despite the orientation of the site which has an adjoining property located immediately to the south.

At 9am, shadows generated by the proposed development are generally contained within the site, out to Birch Street and within the front setback. Minor overshadowing will occur along the side boundary of the property to the south at 12 Birch Street. At 12pm, shadows are contained within the subject site with minor impacts to

the side and rear setback area of 12 Birch Street, and at 3pm, shadows are cast to the south-east within the site and backyard area of 12 Birch Street. No 12 Birch Street is the only adjoining property affected by overshadowing of the proposed development. Despite this, overshadowing is minimal and limited to within the side setback and a portion of the rear yard. Resultantly, the dwelling shall receive not less than 2 hours of sunlight at the mid-winter solstice between 9.00 am and 3.00 pm. No solar impact will be generated to development north and east of the site.

Mitigation Measures

No mitigation measures are required.

8.8 Traffic & Parking

Ten surface car parking spaces for residents, including 4 accessible spaces and 1 adaptable space, will be available on site to serve the proposed development. The provision of on-site car parking meets the parking requirements set out in the Housing SEPP for developments carried out by LAHC. Unrestricted street parking is available on Birch Street to accommodate any overflow parking demand generated by the proposed development.

The Traffic Impact Assessment (*Appendix S*) indicates that the development will have a minimal increase in traffic activity. The proposal is likely to generate a maximum of 9.0 vehicle trips during both morning and evening peak hour which represents an increase of 5.0 vehicle trip an hour from existing conditions. The report concluded that this increase is unlikely to have any detrimental impact on the operation of the surrounding road network.

The Traffic Impact Assessment examined the adequacy of the proposed internal driveway and parking arrangement. The assessment confirmed that the car park layout, including the proposed parking spaces and associated aisle width, was compliant with the applicable standards.

Mitigation Measures

No mitigation measures are required.

8.9 Flora and Fauna

An Arboricultural Impact Assessment and Tree Management Plan has been prepared for the site by Redgum Horticultural (*Appendix J*). The report considers 28 trees within the subject site.

The report recommends the removal of 25 existing trees within the site that are either located within the proposed development footprint or that would be impacted by an unavoidable major encroachment within their tree protection zones. It also recommends retention of 3 existing trees within the site (Tree Nos. 1, 2 & 24) which have been incorporated into the overall design. The extent of proposed TPZ encroachment has been assessed in detail in the Arboricultural Impact Assessment (*Appendix J*) and was found supportable subject to appropriate tree protection zones and tree sensitive construction techniques..

Appropriate replacement planting is proposed, as indicated on the landscape plan. 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 and extensive canopy in the long-term.

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

Mitigation Measures

Retained trees are to be protected in accordance with the recommendations contained within the Arboricultural Impact Assessment and Tree Management Plan (*Appendix J*) and as required by Identified Requirement No. 36.

Removal of trees within the boundaries of the site is to be carried out in accordance with the trees shown for removal on the approved Landscape Plan and Arboricultural Impact Assessment and no other trees shall be removed without further approval(s) as required by Identified Requirement No. 20.

8.10 Heritage (European / Indigenous)

No heritage items are identified in Penrith's 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 5 June 2023 (*Appendix I*) 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 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

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

8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

Geotechnical

A Geotechnical Site Investigation, prepared by STS Geotechnics indicates the following:

- The subsurface generally consist of topsoil overlying silty clays and weathered shale. The topsoil is present from surface to the depths of 0.2 to 0.3 metres in BH1, BH3 and BH7. Except BH1, soft becoming firm then stiff and very stiff with increasing depths, silty clays, are present to depth of drilling, 3 metres. In BH1, weathered shale underlies silty clay to the depth of auger refusal, 1.5 metres.
- Groundwater was not observed during drilling works.

Mitigation Measures

No mitigate measures are required.

Contamination

According to Council's Section 10.7(2) & (5) Planning Certificates, the land is not affected by a policy restriction relating to contaminated land.

Notwithstanding, the *draft Contaminated Land Planning Guidelines* (draft Guidelines) prepared by the Department of Planning and Environment and the Environment Protection Authority provides a checklist of matters to be considered in an initial evaluation of land in relation to potential for contamination. These matters are considered in **Table 16** below.

Table 16 Checklist for guiding an initial evaluation

Previous evidence of contamination	Yes/ No	Response
a) Was the subject land at any time zoned for industrial, agricultural or defence purposes?	No	LAHC records indicate that the land has been used for residential purposes since the early 1960's.
(b) Do existing records held by the planning authority show that a potentially contaminating activity listed in Table 1 in Appendix 1 has previously been approved or carried out on the subject land? (The use of records held by other authorities or libraries is not required for an initial evaluation.)	No	LAHC records indicate that the land has not been used for a potentially contaminating activity listed in Table 1, Appendix 1 of the draft Guidelines.
(c) Is the subject land currently used for a potentially contaminating activity listed in Table 1 in Appendix 1?	No	All of the lots contain a single storey detached dwelling and associated structures.
(d) Has the subject land ever been regulated through licensing or other mechanisms in relation to any potentially contaminating activity listed in Table 1 in Appendix 1?	No	LAHC records indicate that the land has not been regulated through licensing or other mechanisms. There are 2 EPA regulated sites in North St Marys however neither of these sites are in proximity of the subject site.
(e) Are there any land use restrictions on the subject land relating to possible contamination, such as orders or notices issued under the CLM Act?	No	As noted in the section 10.7 certificates, there are no land use restrictions relating to contamination under the CLM Act.
(f) Has a site inspection indicated that the site may have been associated with any potentially contaminating activities listed in Table 1?	No	A site inspection has been undertaken and based on site conditions on the day of the inspection, all lots appeared to be used for residential purposes only.
g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is residential. In addition, there are no properties within proximity of the site that are listed on the EPA contaminated lands register.
(h) Are there any human or environmental receptors that could be affected by contamination?	No	A standard Identified Requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during demolition / construction works.

i) Is the site adjacent to a site on the EPA's list of notified sites under s60 of the CLM Act, or adjacent to a site regulated by the EPA under the CLM Act?	No	<p>A review of the EPA's register of notified sites indicates that the land is not adjacent to a notified site under s60 of the CLM act or a site regulated by the EPA under the CLM Act.</p> <p>There are 2 EPA notified sites in North St Mary's, a BP service station on Glossop St, approximately 375m southwest of the site and a transmission substation on Kurrajong Road approximately 860m to the southeast. There is substantial residential development between these notified sites and the subject land therefore risk of contamination is considered to be low.</p>
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Mitigation Measures

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

Acid Sulfate Soils

According to Council's Section 10.7(2) & (5) Planning Certificates, Council does not have an adopted policy that restricts the development of the land because of the likelihood of acid sulfate soils.

A review of the NSW Government ePlanning Spatial viewer does not identify the land as having the potential to contain 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.

8.12 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. Roof water will be collected from downpipes and connected to an underground rainwater tank for recycling with overflow connected to the underground detention tank. Stormwater will be connected to the existing network in Debrincat Avenue via a proposed easement for drainage over 20 Debrincat Avenue.

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

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

Mitigation Measures

Identified Requirements (Nos. 6-9, 14, 42, 43 & 72) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

8.13 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.

8.14 Noise and Vibration

During Demolition / Construction

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

During Occupation

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

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

8.15 Air Quality

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

Mitigation Measures

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

8.16 Waste Minimisation

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:

- green waste to be chipped and mulched on site for landscaping;
- bricks and plasterboard to be returned to supplier or sent for recycling;
- concrete to be sent for recycling;
- timber to be reused in concrete formwork for new driveway if possible. Surplus to be returned to supplier or sent for recycling. Trimmings & formwork to go to landfill; and
- metals to be returned to supplier or sent for recycling. Trimmings to go to landfill.

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:

- green waste to be chipped and mulched on site for landscaping;
- bricks and plasterboard to be returned to supplier or sent for recycling;
- concrete to be sent for recycling;
- timber to be reused in concrete formwork for new driveway if possible. Surplus to be returned to supplier or sent for recycling. Trimmings & formwork to go to landfill; and
- metals to be returned to supplier or sent for recycling. Trimmings to go to landfill.

During Occupation

General and non-recyclable waste 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.

Paper / metal / glass will be disposed of in Council's standard waste recycling bins to be located in the garbage storage enclosures and placed on the street kerb by LAHC contractor for collection by Council's waste services.

Green waste will be managed by NSW Land & Housing Corporation, with green waste from landscaping removed by a nominated contractor.

Mitigation Measures

A standard 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.

Standard Identified Requirements (Nos. 52-56, 66) are recommended to ensure construction/demolition waste is appropriately managed and disposed.

8.17 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.

8.18 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 wherein the expected wait time for 1 and 2 bedroom dwellings is 5-10 years as at 30 June 2022 (GW05 Penrith), see **Figure 23**;
- 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.

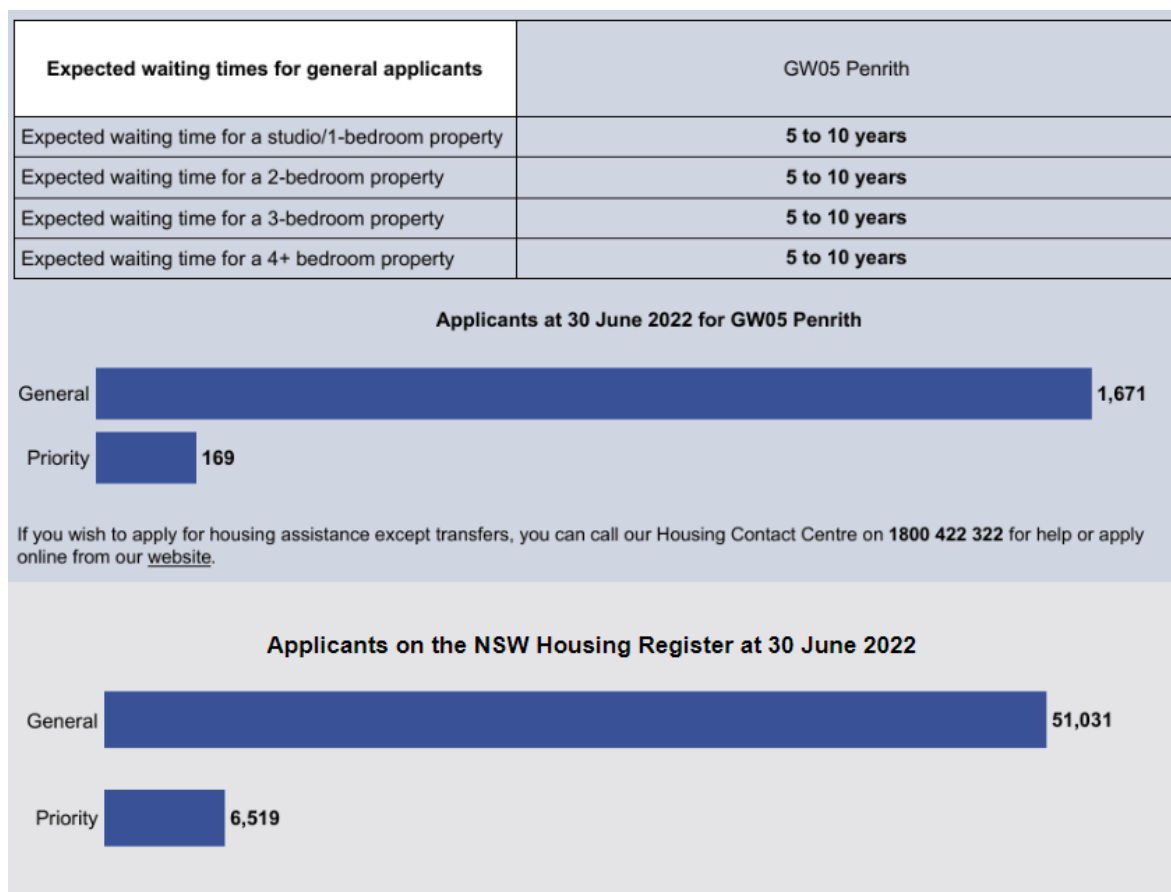


Figure 23 Waiting times for Social Housing GW05 Penrith Allocation Zone (Source: NSW Communities and Justice)

Mitigation Measures

No mitigation measures are required.

8.19 Economic Impact

The proposed development is likely to contribute to a range of economic benefits in the 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 tradespeople and other construction-related professionals, where possible;
- on-going consumption from new/ additional households;
- the reduced maintenance costs of the newer housing; and
- savings associated with improved energy and water efficiency.

Mitigation Measures

No mitigation measures are required.

8.20 Cumulative Impact Assessment

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

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

Mitigation Measures

No mitigation measures are required.

9 Conclusion

9.1 Summary of Key Issues Raised in Assessment

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

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

As demonstrated in this REF, the proposed activity is consistent with the relevant objectives and standards set out in the Housing SEPP, 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 1 and 2 bedroom seniors housing dwellings in the local area. Therefore, the proposed development is clearly in the public interest.

9.2 Recommendation

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

10 Appendices

APPENDIX A – ARCHITECTURAL PLANS

APPENDIX B – LANDSCAPE PLAN

APPENDIX C – STORMWATER PLANS

APPENDIX D – SURVEY PLAN

APPENDIX E – NOTIFICATION PLANS AND SCOPE OF NOTIFICATION

APPENDIX F – SECTION 10.7 CERTIFICATES

APPENDIX G – TITLE DOCUMENTS

APPENDIX H – ACCESS REPORT

APPENDIX I – AHIMS SEARCH

APPENDIX J – ARBORIST REPORT

APPENDIX K – BASIX CERTIFICATE

APPENDIX L – NATHERS CERTIFICATE

APPENDIX M – BCA REPORT

APPENDIX N – DESIGN COMPLIANCE CERTIFICATES

APPENDIX O – HOUSING FOR SENIORS CHECKLIST

APPENDIX P – PART 5 ACTIVITY CHECKLIST

APPENDIX Q – GEOTECHNICAL REPORT

APPENDIX R – WASTE MANAGEMENT PLAN

APPENDIX S – TRAFFIC REPORT

APPENDIX T – FOOTPATH SURVEY AND UPGRADES

APPENDIX U – SAFE DESIGN REPORT

APPENDIX V – CUT AND FILL PLAN

APPENDIX W – SEWER PROTECTION REPORT

APPENDIX X – NOTIFICATION LETTERS AND COUNCIL SUBMISSION