

Our ref: SUB23/95389

1 Birch Street
NORTH ST MARYS NSW 2760

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29 June 2023

Subject: 2-10 Birch Street, North St Marys

Dear ###

I am writing to you from the NSW Land and Housing Corporation (LAHC) to update you about our plans to redevelop the housing site at 2-10 Birch Street, North St Marys and seek your feedback on our detailed design.

What we are proposing

We are proposing to replace the existing aged properties with a new two-storey seniors' housing development which will include:

- 22 homes in total – 10 x one-bedroom units and 12 x two-bedroom units
- 10 on-site car parking spaces
- landscaping and fencing across the site
- stormwater easement construction at 20 Debrincat Avenue
- boundary adjustment with 20 Debrincat Avenue

What we have done so far

In January 2023 we invited the community to provide preliminary feedback about the proposal. The key theme raised in feedback received related to privacy.

In response to this feedback, I can confirm:

- The development has been designed to minimise visual and acoustic impacts on neighbouring properties through the careful placement of windows and balconies as well as the use of trees and screen planting for additional privacy.

What is happening now?

We have recently completed a detailed design process for 2-10 Birch Street, North St Marys. We invite your feedback, which will be carefully considered by our design and planning team as part of the assessment of this project and where possible we will incorporate your feedback in the designs.

Please find enclosed:

- an artist's impression of the proposed property to give you an idea of what it will look like
- site and landscape plan

Department of Planning and Environment

- building elevations
- shadow diagrams
- proposed materials and colour finishes.

How you can submit your feedback

After reading through the enclosed materials, we invite you to have your say by contacting the Community Engagement Team via email: **CommunityEngagement@facs.nsw.gov.au** or phone: 1800 738 718.

All feedback should be received **by 24 July 2023** to give us enough time to consider it and you will receive confirmation that your feedback has been received.

We look forward to hearing from you.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Cotterill".

Carmen Cotterill
a/Manager, Community Engagement
NSW Land and Housing Corporation

About the NSW Land and Housing Corporation

Delivering housing is much more than providing people with a roof over their head. Having access to safe housing assists people to pursue health, education and employment opportunities, allowing them to thrive and strengthen the communities where we all live.

At the NSW Land and Housing Corporation, our role is to actively grow and manage the supply of the right types of housing, at the right time, in the right areas, for people in need in our communities.

To find out more about our story please visit our website via the QR code or visit **<https://www.dpie.nsw.gov.au/land-and-housing-corporation>**



Department of Planning and Environment

Our ref: SUB23/95413

Mr Andrew Moore

The General Manager

Penrith City Council

PO Box 60

PENRITH NSW 2751

05 July 2023

Subject: Notice of proposed residential housing – Attention: Gavin Cherry

Dear Mr Andrew Moore

This letter is to notify Council of a proposal by the NSW Land and Housing Corporation (LAHC) to carry out a seniors housing development, and invite Council's written comments on the development proposal:

Property: 2-10 Birch Street, North St Marys

Lots 346-350 in DP 31990 and lot 305 in DP 30223

Proposal: Demolition of five (5) dwellings and construction of a seniors housing development containing twenty two (22) dwellings, comprising 10 x 1-bedroom and 12 x 2-bedroom units, parking for ten (10) vehicles, associated site works and landscaping, consolidation of five (5) lots into a single lot, boundary adjustment and new stormwater easement across 20 Debrincat Avenue.

The proposal is considered 'development without consent' under the State Environmental Planning Policy (Housing) 2021. LAHC is seeking feedback from Council and neighbours for consideration before deciding whether the development should proceed.

The following plans and documents are available at [dropbox link](#) for Council's review and comments:

- Survey plan
- Site analysis plan
- Architectural plans
- Demolition plan
- Block analysis plan
- Landscape plan
- Stormwater plan
- Erosion and sediment control plan
- BASIX & NatHERS Certificate
- Building Code of Australia Report
- Access Report
- Arborist Report
- Geotechnical Report
- Traffic Report
- Waste Management Plan

Please email Council's comments to Frances Beasley, Planner, LAHC at Frances.Beasley@facs.nsw.gov.au by **27 July 2023**.

For general enquiries our Community Engagement team can be contacted on 1800 738 718 or by email at CommunityEngagement@facs.nsw.gov.au

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Cotterill".

Carmen Cotterill

a/Manager, Community Engagement
NSW Land and Housing Corporation



Contact: Jake Bentley
Telephone: (02) 4732 8087

27 July 2023

NSW Land and Housing Corporation
Locked Bag 5022,
Parramatta, NSW, 2124

Attn: Frances Beasley
Email: Frances.Beasley@fac.s.nsw.gov.au

**Proposed Seniors Living Development – SUB23/95413 - 2-10 Birch Street,
North St Marys**

**Demolition of Five (5) Dwellings and Construction of a Senior's Living
Development**

I refer to the above proposed development being pursued as 'development permitted without consent'.

Thank you for providing Penrith City Council with the opportunity to comment on the abovementioned proposal.

The following comments raise concerns with the proposal and seek / recommend amendment of the development in response:-

a) Planning and Design Considerations

The proposal in its current form does not reflect the existing and desired future character of the surrounding R2 Low Density Residential area. The surrounds include single storey-built forms with separation from neighbouring lots and a maximised green corridor along the rear boundary abutting neighbouring rear setbacks occupied by trees and landscaped area.

The site and surrounds are reflective of local development controls which provide provisions for rear setbacks occupied by landscaped areas including canopy trees, building envelopes providing suitable building separation and articulation provisions to provide ground floor projections beyond the first floor.

Division 8 Seniors Housing – Aboriginal Housing Office and Land and Housing Corporation of the Housing SEPP 2021 requires the relevant authority to consider design principles and guideline documents which emphasise local character integration.

In light of the above, it is considered that the proposal does not comply with the following local development controls which influences and enforce desired current and future low density residential character. The matters raised are considered to warrant amendment of the proposal to ensure and demonstrate compliance with these application SEPP requirements.

Rear Setback

The local development provisions require a 4m rear setback for single storey components with a 6m first storey setback to encourage a green corridor at the



rear boundary with canopy tree planting. This includes car parking not being permitted within these setback zones.

The at grade parking area is setback 1.2m from the rear boundary for a width of 18m heavily compromising planting opportunities within the rear setback. It is noted that the Housing SEPP requires the majority of deep soil planting to be provided at the rear setback. In this regard, it is considered that the at grade car park should be relocated away from the rear boundary to provide the desired canopy planting along the rear boundary.

It is noted that the roofs over patios abutting the rear boundary encroach the 4m rear setback. These structures should be reconsidered noting the landscaped rear setback requirements.

With respect to the car park location, there is opportunity to resolve this issue, increasing the setback and separation of the car parking from retained tree in the middle of the site, ensuring compliance with the rear setback development controls and accommodating a suitably dimensioned two way driveway aisle. The car parking area should be relocated further west, necessitating deletion of 1 x front facing dwelling form (ground and first floor) and relocation of the corresponding rear dwelling form. This would ensure that the car park does not encroach into the TPZ or structural root zones of the retained tree, would allow for an unobstructed two way aisle / driveway (currently compromised) and would negate the need for a separate car parking space access from a duplicated driveway crossing. The car park setback to the rear could be increased to the required minimum 4.0m and allow for additional and more appropriate periphery screen planting. This amendment coupled with revisions to the building form as detailed, would substantially resolve the concerns raised with the current proposal, which at present reflects an overdevelopment of the site.

Building Bulk

The Seniors Living Policy – Urban Design Guidelines for Infill Development being a document required to be considered by the relevant authority includes provisions relating to responding to existing building separation. The sites and surrounds are occupied by dwellings with typical lengths of 15m, the proposal seeks to provide attached housing/units forms with an overall length of 30m fronting the street. In this regard, the building length does not respond to the character of the area.

Further to the above, the surrounds are occupied by single storey-built forms and two storey built forms with ground floor projections. The units fronting Birch Street include overhanging balconies with projecting roof forms providing for a top-heavy design contrasted to the ground floor projecting surrounds.

The cumulative impacts of the excessive building length and first floor overhangs results in a lack of character integration.

Additional Points

Further to the above points the following are provided for consideration:

- Clause 108E of the Housing SEPP 2021 states that development consent must not be granted for the subdivision of seniors housing. This clause does not stipulate strata, torrens or community title subdivision therefore, it is considered this clause applies to all subdivision. It is therefore queried whether the proposed boundary adjustment constitutes development



without consent under Division 8 of the Housing SEPP 2021 and this requires address and clarification.

- 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.
- 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.
- It is noted that 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.

b) Development Engineering Considerations

The following matters required resolution to suitably consider, address and resolve matters relating to stormwater management and engineering works:-

- Catchment plans, including external and internal catchment and bypass area, should be provided for assessment.
- Drainage layout plans should include additional information such as RL, IL, pipe sizes, and slope.
- 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 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.
- 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.
- 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.
- 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.



c) Traffic Considerations

The following matters are raised with respect to required analysis that informs the proposed development and required public transport and passenger infrastructure:-

- 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.
- 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.

d) Environmental Management Considerations

The following matters required resolution to suitably consider, address and resolve matters relating to environment impact, protection, and construction management:-

- 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.
- 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 management practices and controls to be implemented on the site. The CEMP is to address, but is not limited to the following:
 - 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.

e) Waterways Considerations

It is noted that the relevant authority must consider local planning controls in relation to the treatment of stormwater as per the NSW Land and Housing Corporation Design Requirements document and as such the following is raised for address and resolution:-

- 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 plans, documents and MUSIC model show differing storm water filter cartridge amounts and filter chamber volumes.
- In light of the above, the MUSIC model should be updated to accurately reflect the stormwater plans and required 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.

f) Landscape Considerations

The following matters required resolution to suitably consider, address and resolve landscape design:-

- Significantly less canopy trees are proposed for planting in contract 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 .
- 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.
- 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.
- The rear setback behind the at grade car park is required to be enhanced providing space for suitable screen plantings.
- Canopy trees should be provided surrounding the car park to provide shade and reduce urban heat island effects.
- 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.
- 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).

g) Tree Management Considerations

The following matters required resolution to suitably consider, address and resolve 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 government area that should be retained. This would require the retention of an additional tree (Tree 28) and redesign of the site.

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.

- 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.
- The Arborist report does not directly speak to all relevant plans for the site. Page 4 of the Arborist report states Civil, Landscape and Stormwater Plans were not assessed leading to the statement that the Tree Protection Plan is not site specific. The comprehensive assessment shall be undertaken as a joint venture by all disciplines that may impact on the tree (engineering, architecture, landscaping, arboriculture, site manager/builder etc).
- Trees that are to be retained are currently in close proximity to existing dwellings. Their protection during demolition will be imperative to their long-term viability, however the Arborist report is relatively silent on this. Proximity of trees to the existing dwellings will require a more considered demolition process than what might otherwise be used on a development site particularly as this may require demolition methods to be altered.
- The Arborist report states that "tree sensitive" construction measures should be used when constructing within tree protection zones, but these requirements are not reflected in the associated plans or specified in the Tree Management plan. Further to this, the impacts to Tree 24 have been underestimated and it has not been clearly demonstrated as to how this tree is to be protected/will remain viable during demolition and construction. The size of the Tree protection Zone as detailed in Appendix F of the arborist report does not provide scope for construction to take place (e.g., installation of stormwater lines, erection of scaffold etc).

It is not clear in the Arborist report whether pruning of this tree is required and if so, to what extent. Overall assessment from Council is that Impacts to Tree 24 are likely to be outside the tolerances of the tree, further setbacks are required. Minor adjustments such as relocating/deleting the seated area from within the TPZ and considering location and material used for pathways are small measures that may assist in reducing impact to the tree.

- Impacts to Trees 1 & 2 have the potential to be managed more appropriately, but once again the report does not provide site specific protections measure for these trees or confidence that all aspects of construction impacts have been considered. There is also no assessment, quantification in regard to whether pruning of the trees will be required and what impacts this may have.
 - 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.
 - 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 during each stage of the development.
- 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.
- 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.
 - 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.

h) Waste Services Considerations

Council's Waste Services Department have reviewed the proposal and have provided the following comments for consideration and action:

- 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.
- For five (5) separate Communal Waste Collection Areas the following is required:
 - o Bin Store (front of Unit 15) services 5 units requires 6 bins (1.8m x 3.2m OR 3.6m x 2.2m)
 - o 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).
- 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).
- 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).
- 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.
- The maximum screen height for waste storage areas is to be 1.4m.
- 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.
- Waste infrastructure must have a minimum set back of 1m (front and side setback).
- A tap for the waste infrastructure is required for each structure.
- 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.

The above requirements must be satisfied if there is any suggestion that the site will be serviced by Council's Waste Service rather than a separately commissioned private commercial waste collection service. Further, if the owner is seeking to enter into an agreement with Council for Waste Collection, the development will be required to operate in full compliance with Penrith City Councils Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Councils waste collection service will not commence until formalisation of the agreement.

Councils Waste and Resource Recovery Department to conduct a site inspection of the on-site infrastructure with Councils collection contractors. The inspection to review the on-site waste collection infrastructure for the provision of a safe and efficient waste collection service in accordance with the stamped plans and Councils policy provisions.

Should you have any queries relating to the above waste infrastructure advice please contact Council's Waste Services Department on 4732 7777. It should be noted that the advised and final communal waste and bulky waste storage areas shall not be at the detriment to the front setback and streetscape presentation.

Should you require any further information regarding the comments, please do not hesitate to contact Jake Bentley on (02) 4732 8087.

Yours Sincerely,



Gavin Cherry
Development Assessment Coordinator