

# REVIEW OF ENVIRONMENTAL FACTORS

Proposed Seniors Housing Development

at

16-18 Stapleton Parade, St Marys

February 2025





# Acknowledgement of Country

Homes NSW 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 Homes NSW

REVIEW OF ENVIRONMENTAL FACTORS

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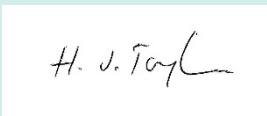

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The following register documents the preparation and issue of this Part 5 Review of Environmental Factors (REF), prepared by New South Wales Land & Housing Corporation.

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## DOCUMENT SIGN-OFF

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Having prepared the Review of Environmental Factors: <ul style="list-style-type: none"><li>I have declared any possible conflict of interests (real, potential or perceived) to the A/ Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW.</li><li>I do not consider I have any personal interests that would affect my professional judgement.</li><li>I will inform the A/ Executive Director of Portfolio Strategy and Origination, Housing Portfolio, Homes NSW as soon as I become aware of a possible conflict of interest.</li></ul> Name: Howard Taylor Designation: Senior Town Planner Signature:  Date: 13.02.2025	
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I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading. Name: Carolyn Howell Designation: Manager, Planning & Assessment, NSW Land & Housing Corporation	

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# 1 Executive Summary

The subject site is located at 16-18 Stapleton Parade, St Marys, and is legally described as Lots 32, 33 and 34 in Deposited Plan 35558.

The proposed seniors housing development is described as follows:

*Removal of trees and the construction of 18 independent living seniors housing units comprising 10 x 1-bedroom and 8 x 2-bedroom units, with associated landscaping and fencing, parking for 8 cars, and consolidation into a single lot.*

The proposed activity is permissible with consent in the R3 Medium Density Residential zone under *Penrith Local Environmental Plan 2010* and can therefore be carried out by NSW Land and Housing Corporation (LAHC) without consent under the provisions of Chapter 3, Part 5, Division 8 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) as it does not result in more than 40 dwellings on the site and the height of the building does not exceed 9.5m.

Demolition is not proposed as part of this activity.

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 (REF) 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 Housing Design Guide 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 Apartment Design Guide, and 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 the Housing SEPP. A response was received from Council dated 10 December 2024. Comments on Council's response are provided in Section 7.1 of this REF. No submissions were received from occupiers of adjoining land in response to notification.

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 REF under Part 5 of the EP&A Act is for an activity involving the removal of trees and the construction of 18 independent living seniors housing units comprising 10 x 1-bedroom and 8 x 2-bedroom units, with associated landscaping and fencing, parking for 8 cars, and consolidation into a single lot at 16-18 Stapleton Parade, St Marys.

The activity<sup>1</sup> 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 LAHC in satisfaction of the provisions of Part 5 of the EP&A Act and Part 8 of the EP&A Regulation.

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.

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### 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.

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### 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:

- 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* (PLEP 2010);
- it was determined that seniors housing is 'permitted with consent' in the R3 zone pursuant to the PLEP 2010 and can be carried out 'without consent' under the provisions of the Housing SEPP;

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<sup>1</sup> Note: The proposed development is permitted without consent and is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the EP&A Act.

- a desktop analysis and investigation of the site and surrounds was undertaken, 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 REF; 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 City Council local government area (LGA) and comprises 3 residential allotments described as Lots 32, 33 and 34 in Deposited Plan 35558. A location plan is provided at **Figure 1**.



Figure 1 Location Plan (Source: SIX Maps, November 2024)

The site is currently vacant. Refer to photograph at **Figure 2**.



Figure 2 View of the site from Lethbridge Street looking east (Source: LAHC November 2023)

The properties immediately adjoining the site to the north include 18, 20, and 22 Chapel Street. The property at 18 Chapel Street contains a single storey detached style rendered dwelling with tiled roof (refer photograph at **Figure 3**); 20 Chapel Street contains a single storey detached style fibro dwelling with tiled roof (refer photograph at **Figure 4**); and 22 Chapel Street contains a single storey detached weatherboard dwelling with tiled roof (refer to photograph at **Figure 5**). Bennett Park is located directly opposite the site on the southern side of Stapleton Parade.



Figure 3 Adjoining development – 18 Chapel Street (Source: Google maps)



Figure 4 Adjoining development – 20 Chapel Street (Source: Google maps)



Figure 5 Adjoining development – 22 Chapel Street (Source: realestate.com.au)

The property to the east of 16 Stapleton Parade is 15 Stapleton Parade, which contains a single storey detached weatherboard dwelling with tiled roof (refer to photograph at **Figure 6**).



Figure 6 Adjoining development – 15 Stapleton Parade (Source: Google maps)

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## 3.2 Site Description

Copies of the Section 10.7(2) & (5) Planning Certificates dated 24 October 2024 are provided in **Appendix F**.

The site has a total area of 1,890.6m<sup>2</sup> and has frontages of 45.76m to Stapleton Parade and 30.495m to Lethbridge Street, connected by a curvilinear section of boundary measuring 8.725m. The site has a northern rear boundary of 52.74m and an eastern side boundary of 36.575m. Refer to Contour and Detail Survey (**Appendix D**).

The site falls from the southeast corner at Stapleton Parade toward the northwest corner of the site at Lethbridge Street by approximately 4.78m, a gradient of approximately 7.5%. Stormwater is proposed to drain to Council's infrastructure in Lethbridge Street. An easement for stormwater drainage is not required.

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

An Arboricultural Impact Assessment and Tree Management Plan observed 14 trees located within the site and 1 tree adjoining the rear boundary of the site. There are no trees located within the road reserves.

Water, sewer, electricity, 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**). With the exception of the sewer, which currently traverses the rear third of the site, all other services are located along the road alignments.

There are no encumbrances on title, section 10.7 certificates or indicated on the Contour and Detail Survey Plan that would impact the development.

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## 3.3 Neighbouring Development and Locality

The site is surrounded by established residential development characterised by older style single storey detached dwelling houses of weatherboard cladding, fibro and brick construction with sheet metal and tiled roofs. The area is undergoing a transition to medium density development, with many examples of multi

dwelling housing in the vicinity as well as a recently constructed residential flat building in the R4 high density residential zone to the north of the site (refer to photographs at **Figure 7 to Figure 9**).



Figure 7 45 Australia Street (Source: Google maps, May 2024)



Figure 8 Medium density development at 168 Glossop Street (Source: Google Maps, April 2021)



Figure 9 More recent two storey multi-dwelling housing development at 1 Brock Avenue, diagonally opposite the subject site (Source: Google maps, May 2024)



Figure 10 Recently constructed residential flat building at 23-25 Lethbridge Street (Source: LAHC, December 2022)

The closest Railway station (St. Marys) is approximately 1km walking distance to the northeast of the site. The closest bus stops are located on Glossop Street. These are 'Glossop St opp Adelaide St' (ID: 2760296) which is located approximately 209m east of the site and bus stop 'Glossop St after King St' (ID: 2760292) which is located approximately 310m southeast of the site. The bus stops are serviced by route 774, connecting residents to the town centres of Mount Druitt and Penrith via Nepean Hospital.

Access to these bus stops is via the pedestrian pathway known as Stapleton Lane. The Access Report (*Appendix H*) recommends amendment to, or removal of, the existing pedestrian barriers at each end of Stapleton Lane (refer to photograph at **figure 11**), so that the pathway is navigable by wheelchair users.



Figure 11: Photo of pedestrian barriers on Stapleton Lane

The surrounding land use is predominantly residential but also includes public open space areas and educational establishments. St Marys, a strategic centre, is within 400m walking distance west of the site and contains banks, a post office, doctors' surgery and specialist stores. The centre is undergoing a transition from low scale retail commercial to higher density development (refer to **figure 12**).

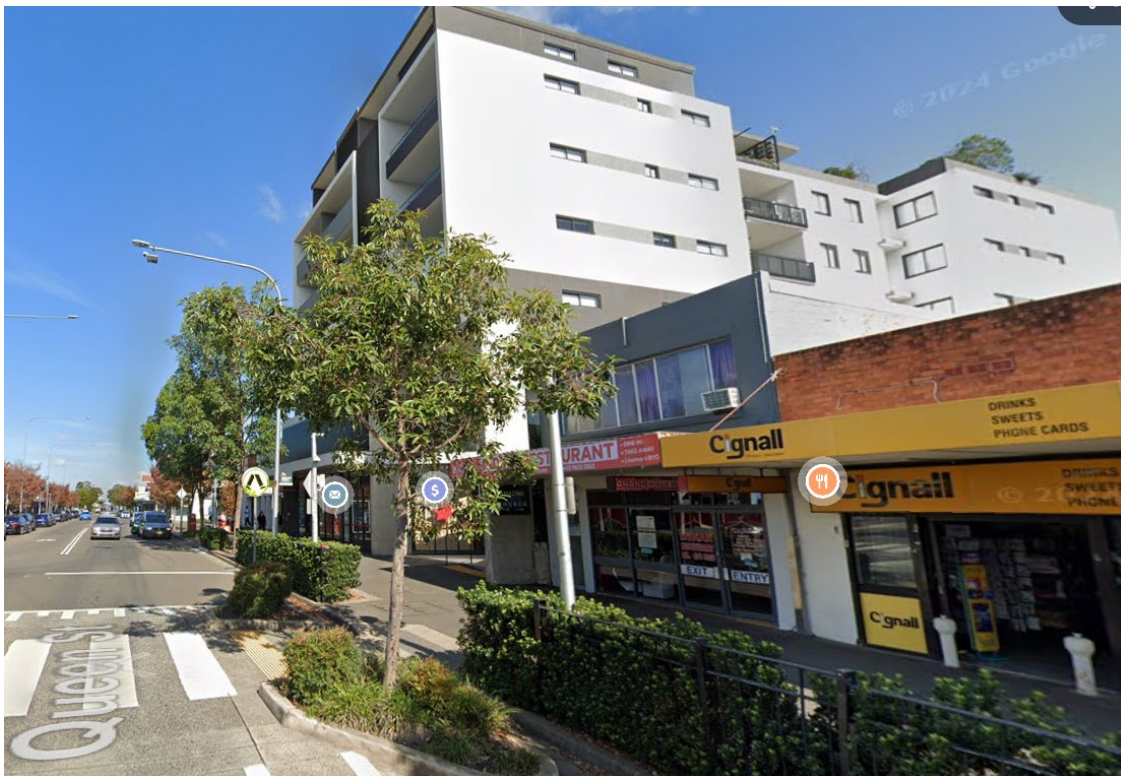


Figure 12: Recent 7-storey shop top housing development within St Marys Town Centre (source Google streetview May 2024)

## 4 Project Description

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### 4.1 Demolition

Demolition is not proposed as part of this activity.

### 4.2 Removal of Trees

There are 14 trees within the site and 1 located on an adjoining property. The proposal as notified included the removal of 13 trees within the site, and the retention of a mature Tallowwood (T7) at the rear of the site and one tree on an adjoining property. Trees external to the site will be retained and protected.

A further inspection of T7 conducted by the project Arborist post notification in December 2024 revealed that T7 contains a structural branch that is now affected by an inclusion. The arborist has advised that the inclusion impacts the integrity of the structural branch such that removal of the branch is required. In addition, the arborist further advised that removal of the structural branch, together with the impacts from the proposed basement structure, would combine to impact the tree's stability to such an extent that it would not survive. Given this, T7 is now recommended to be removed.

Tree T7 will be replaced with a super advanced Tallowwood (*Eucalyptus microcrys*) with a mature height of 25m, or suitable alternative, as recommended by the project Landscape Architect. For further details, refer to Arborist report and Arborist's addendum letter dated 6 December 2024, at **Appendix J**. Identified requirement No. 70 is recommended requiring that the Landscape Plans be updated to show the removal of all trees within the site and to include a suitable advanced tree planting to replace T7.

The removal of remaining trees within the site boundaries is required primarily to accommodate the proposed development as they are within the building footprint 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 – 25m, 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**).

### 4.3 Proposed Dwellings

The proposed seniors housing development will deliver 18 independent living units, comprised of 10 x 1-bedroom and 8 x 2-bedroom dwellings. The building has been designed to be part-2 and part-3 storey. Driveway access to the car parking area is from Lethbridge Street.

The proposed development is a contemporary, high-quality design. The use of face brick, concrete blocks, cement render and metal cladding for external walls, and metal roofing is consistent with the existing and developing character of the St Marys suburb. Of the 18 units proposed, 12 will address the street (Units 1 to 8 and 12 to 15) with habitable rooms, living area windows and upper-level balconies providing direct passive surveillance of the street. The proposed design is illustrated at **Figures 13 to 18** below.

Cut up to a maximum of approximately 3m is proposed to provide basement car parking as shown on the cut and fill plan and cross sections (refer to **Appendix A**). Minor fill up to 0.5m is required in the north-western corner of the development to provide a level building platform.

All trees within the site are to be removed. One tree located on an adjoining property is to be retained. A variety of new landscape plantings, including trees capable of reaching a mature height of 5-25m (refer **Appendix B** and **Appendix J**) 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 18**.

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 8 car parking spaces will be provided on the site within the basement, including 4 accessible and 2 adaptable spaces.

Generally, stormwater from the site will be collected via a series of stormwater pits and gutters within the site, and discharged to a proposed kerb inlet pit connected to Council's existing drainage infrastructure in Lethbridge Street. Roof water will be collected in an underground rainwater tank located within the basement, with overflow discharged to the proposed stormwater drainage system. Upstream overland flow is proposed to be captured separately and discharged to Council's infrastructure in Lethbridge Street. However, as the discharge rate to the kerb and gutter has not been determined, an identified requirement (No. 71) is recommended requiring upstream overland flow to be piped to a kerb inlet pit within Lethbridge Street should the rate of discharge to the kerb and gutter be found to exceed 25 litres per second.

The sewer line currently traversing the rear third of the site is proposed to be diverted outside of the building footprint. Two new sewer inspection chambers are proposed within the site to accommodate this diversion; and the existing inspection chamber within the Lethbridge Street road reserve is proposed to be relocated further north as part of the sewer diversion.

Metal panel fencing 1.8m high is proposed along the side and rear boundaries, reducing to 1m high metal picket fencing forward of the building line at the eastern boundary. An existing 1.8m high masonry wall alongside 22 Lethbridge Street is proposed to be retained on the northern boundary and metal fencing 1.8m high is proposed along the remainder of the boundary. A combination of low concrete block walls with 1m or 1.2m high vertical slat metal fencing is proposed between the front property boundary and ground floor units addressing the street. Horizontal metal slat fencing 1.5m in height is provided to the internal private open space area of ground floor unit 9.



Figure 13 Photomontage of the development (Source: DKT Architects, September 2024)

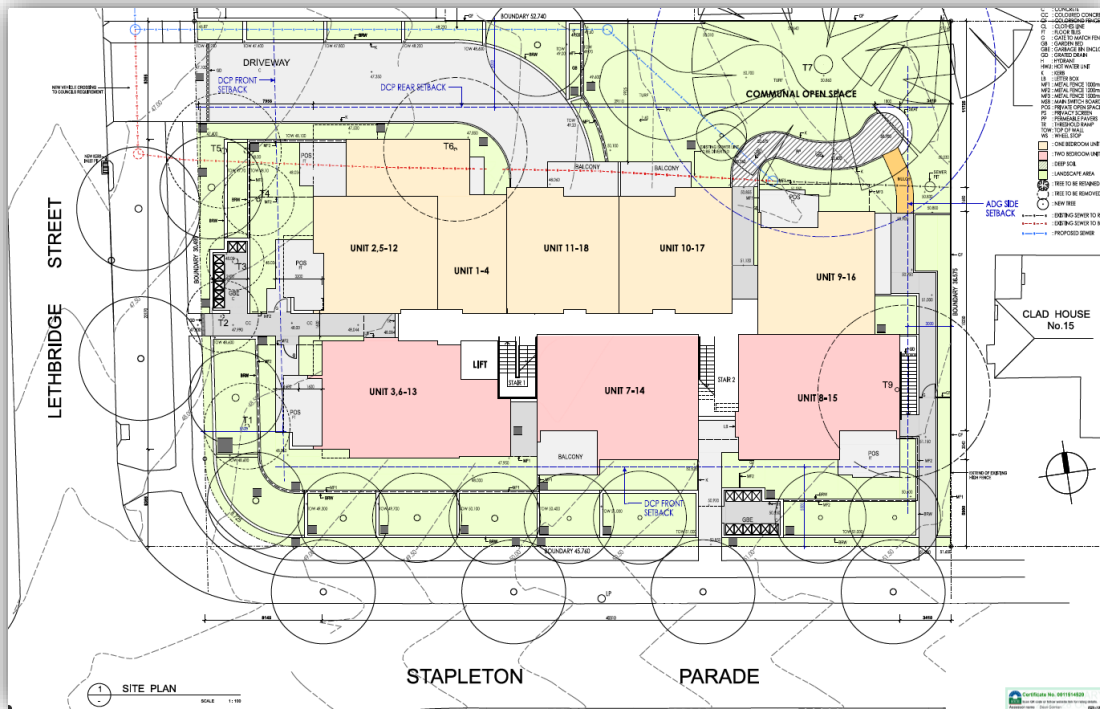


Figure 14 Extract from Architectural Plans – Site Plan (Source: DKT Architects, September 2024)

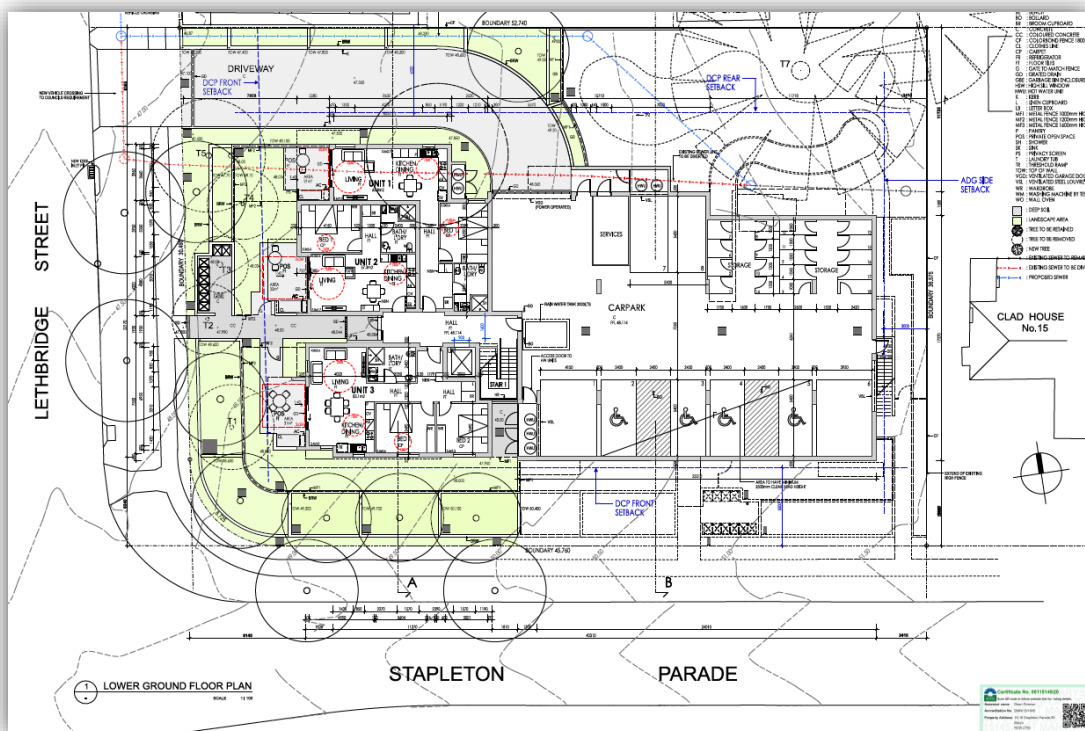


Figure 15 Extract from Architectural Plans – Lower Ground Floor (Source: DKT Architects, September 2024)

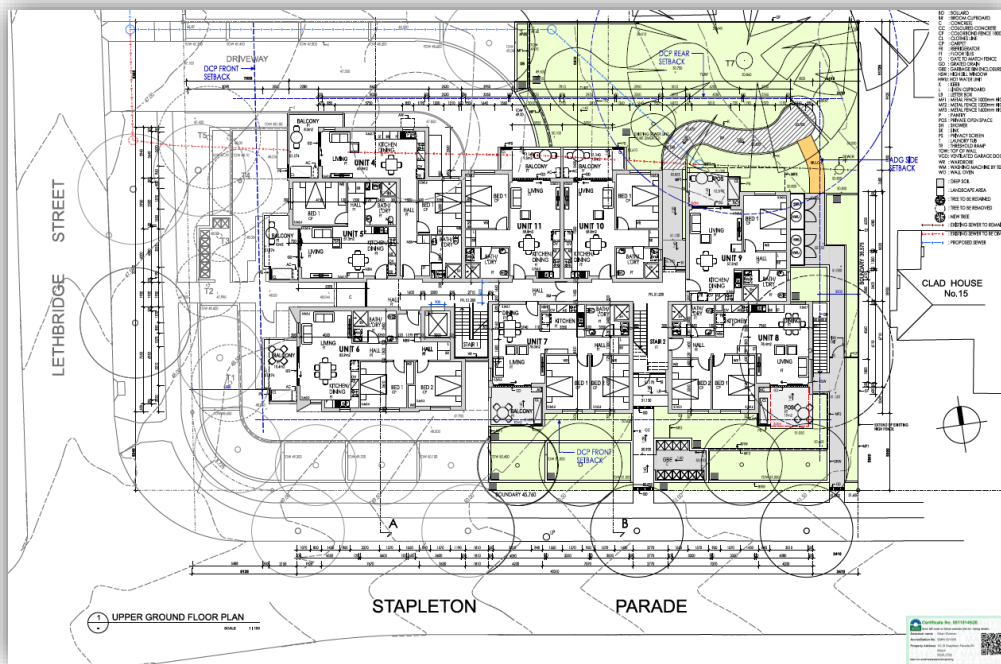


Figure 16 Extract from Architectural Plans – Upper Ground Floor (Source: DKT Architects, September 2024)

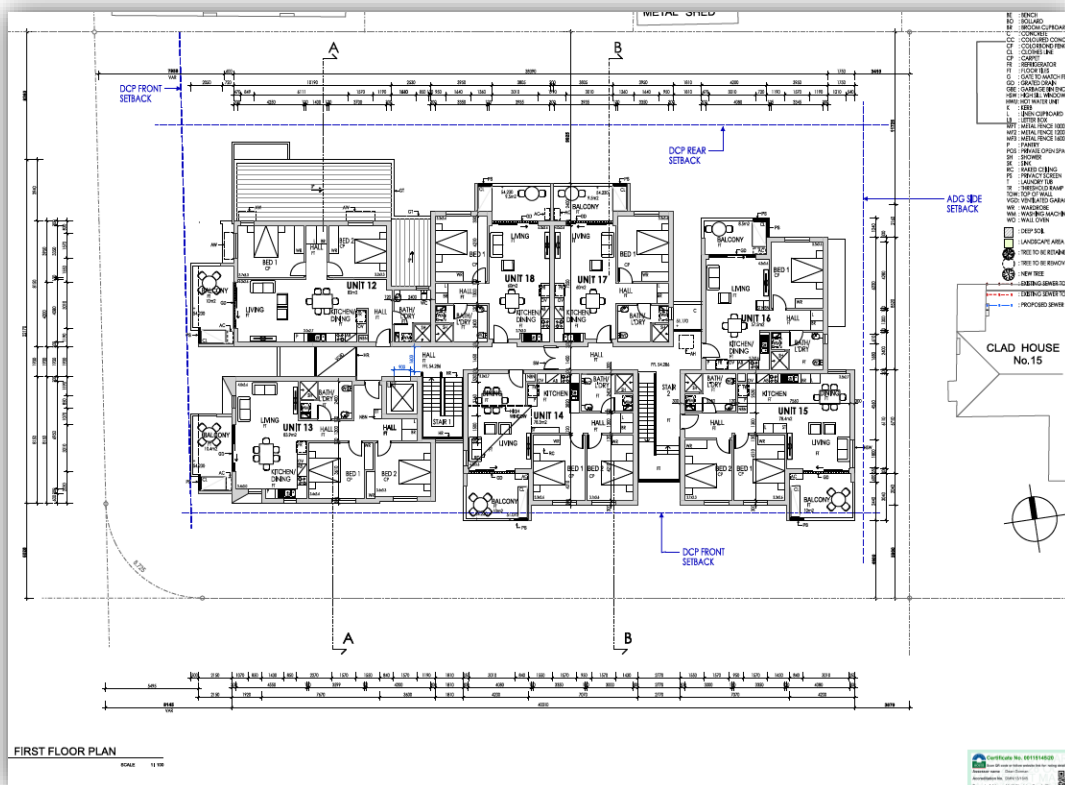


Figure 17 Extract from Architectural Plans – First Floor Plan (Source: DKT Architects, September 2024)



Figure 18 Landscape Plan (Source: DKT Architects, September 2024)

## 4.4 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:
<b>Architectural – Appendix A</b>				
Site Analysis	A00	A	26.09.2024	DKT Studio
Site Analysis & Block Analysis Plan	A01	A	26.09.2024	DKT Studio
Demolition Plan	A02	A	26.09.2024	DKT Studio
Site Plan	A03	A	26.09.2024	DKT Studio
Lower Ground Floor Plan	A04	A	26.09.2024	DKT Studio
Upper Ground Floor Plan	A05	A	26.09.2024	DKT Studio
First Floor Plan	A06	A	26.09.2024	DKT Studio
Roof Plan	A07	A	26.09.2024	DKT Studio
Street elevations and External Works Details	A08	A	26.09.2024	DKT Studio
Elevations	A09	A	26.09.2024	DKT Studio
Elevations, Sections and External Work	A10	A	26.09.2024	DKT Studio
Lower Ground Circulation Plan	A11	A	26.09.2024	DKT Studio
Upper Ground Circulation Plan	A12	A	26.09.2024	DKT Studio
First Floor and Bathrooms Type A, B & C Circulation Plans	A13	A	26.09.2024	DKT Studio

Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Cut and Fill	A14	A	26.09.2024	DKT Studio
GFA Diagram	A15	A	26.09.2024	DKT Studio
Shadow Diagram on 21 <sup>st</sup> June	A16	A	26.09.2024	DKT Studio
View From Sun	A17	A	26.09.2024	DKT Studio
Schedule of Finishes	A18	A	26.09.2024	DKT Studio

#### Landscape Plan – Appendix B

Landscape Plan	L01	A	04.10.2024	RFA Landscape Architects
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#### Stormwater Plans – Appendix C

Notes and Legends	C01	7	01.10.2024	Greenview Consulting
Lower Ground Floor Drainage Plan	C02	8	22.10.2024	Greenview Consulting
Upper Ground Floor Drainage Plan	C03	7	01.10.2024	Greenview Consulting
Site Stormwater Details Sheet 1	C04	5	01.10.2024	Greenview Consulting
Site Stormwater Details Sheet 2	C05	5	01.10.2024	Greenview Consulting
Notes and Legends	ESM1	3	08.10.2024	Greenview Consulting
Environmental Site Management Plan	ESM2	3	08.10.2024	Greenview Consulting

#### Survey Plans – Appendix D

Contour & Detail Survey Seniors Living Long Section	Sheet 1 of 5	6	16.10.2024	Degotardi Smith & Partners
Contour & Detail Survey Seniors Living Long Section	Sheet 2 of 5	6	16.10.2024	Degotardi Smith & Partners
Contour & Detail Survey Seniors Living Long Section	Sheet 3 of 5	6	16.10.2024	Degotardi Smith & Partners
Contour & Detail Survey Seniors Living Long Section	Sheet 4 of 5	6	16.10.2024	Degotardi Smith & Partners
Contour & Detail Survey Seniors Living Long Section	Sheet 5 of 5	6	16.10.2024	Degotardi Smith & Partners

#### Notification Plans – Appendix E

Cover Page	N01	A	06.10.2024	DKT Studio
Site Plan	N02	A	06.10.2024	DKT Studio
Development Data	N03	A	06.10.2024	DKT Studio
Elevations	N04	A	06.10.2024	DKT Studio
Elevations	N05	A	06.10.2024	DKT Studio
Schedule of Finishes	N06	A	06.10.2024	DKT Studio
Shadow Diagram	N07	A	06.10.2024	DKT Studio

#### Access Report – Appendix H

Access Report	23174	Issue C	22.10.2024	Vista Access Architects
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#### AHIMS Web Search – Appendix I

AHIMS search	-	-	30.10.2024	NSW Environment and Heritage
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#### Arborist's Impact Assessment and Tree Management Plan – Appendix J

Arboricultural Impact Assessment and Tree Management Plan	8811/1251	-	04.10.2024	Redgum Horticultural
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Title / Name:	Drawing No. / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
Addendum Letter	8811loc	-	06.12.2024	Redgum Horticultural
<b>BASIX – Appendix K</b>				
BASIX Certificate	BASIX Certificate No 1770591M	-	28.10.2024	Greenview Consulting Pty Ltd
<b>BCA report – Appendix L</b>				
Building Code of Australia 2022 Report	024-222271	R03	04.10.2024	Philip Chun Building Compliance
<b>NatHERS Certificate – Appendix N</b>				
Nationwide house energy rating scheme – class 2 summary	NatHERS Certificate No 0011514520	-	28.10.2024	Greenview Consulting Pty Ltd
<b>Geotechnical Investigation Assessment – Appendix P</b>				
Geotechnical Investigation	10530/2817	-	15.12.2014	SMEC Testing Services
<b>Waste Management Plan – Appendix R</b>				
Waste Management Plan	-	-	September 2024	-
<b>Traffic and Parking Impact Assessment – Appendix S</b>				
Traffic Impact and Parking Assessment	2303914	A	04.10.2024	Greenview Consulting

#### Section 10.7 Planning Certificates – Appendix F

Lot 32 DP 35558, Cert no. 24/05738, dated 24.10.2024 – Penrith City Council

Lot 33 DP 35558, Cert no. 24/05736, dated 24.10.2024 – Penrith City Council

Lot 34 DP 35558, Cert no. 24/05737, dated 24.10.2024 – Penrith City Council

#### Notification letters & council submission – Appendix G

#### Design compliance certificates – Appendix M

Architect's Certificate of Building Design Compliance – 21.10.2024

Certificate of Landscape Documentation Compliance – 04.10.2024

Certificate of Civil Design Documentation Compliance – 01.11.2024

#### Housing for seniors checklist – Appendix O

Seniors Housing Design Guide, LAHC Design Requirements, & Good Design for Social Housing, (undated)

#### Titles and Deposited Plans – Appendix Q

Title Search, Folio: 32/35558, search date 21.10.2024, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 33/35558, search date 21.10.2024, First Schedule: New South Wales Land and Housing Corporation

Title Search, Folio: 34/35558, search date 21.10.2024, First Schedule: New South Wales Land and Housing Corporation

Deposited Plan 35558, search date 04.08.2022

#### Design Quality Principles Statement – Appendix T

## 5 Zoning and Permissibility

The site is zoned R3 Medium Density Residential (R3) under *Penrith Local Environmental Plan 2010* (PLEP 2010) (**Figure 19**). The proposed development is defined as ‘seniors housing’ under the provisions of PLEP 2010 and is permissible with consent in the R3 zone.

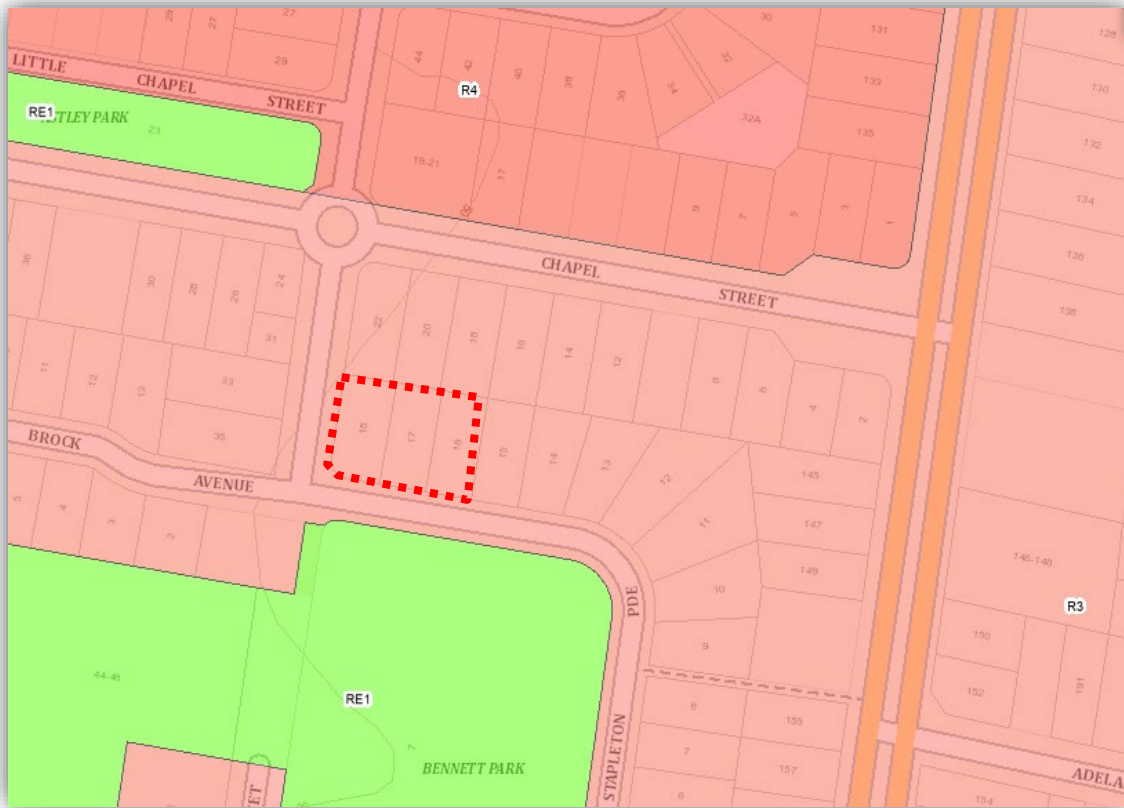


Figure 19 Extract of Land Zoning map (Source: eSpatial Viewer, November 2024)

The relevant objectives of the R3 zone, as set out in PLEP 2010 are:

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

The proposed development provides seniors housing that meets the identified needs of the community, includes a mix of 1 and 2-bedroom units, and has good access to services and facilities. The density of the development is consistent with the dwelling density envisaged by the PLEP 2010 for the site and the design incorporates generous deep soil landscape areas which contribute to a high level of residential amenity for the residents and to the landscaped character of the area. The proposal is therefore generally consistent with the relevant objectives of the R3 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 7** in subsection 6.5 of this REF demonstrates compliance with the relevant provisions of section 108B of the SEPP.

## 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

Matters for consideration under sub-section 3 of Section 5.5 of the EP&A Act	
Matter for consideration	Effect of Activity
<b>Sub-section 3</b> <b>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.</b>	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 Housing Design Guide, 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	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. <b>[Note 2]</b>	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 6.4.2		x	
(r) 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 18 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 18 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 of 18 units for seniors and people with a disability, including a lift and accessible car parking, will contribute 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 18 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 18 seniors living units is not in conflict with the Penrith 2036+ Community Strategic Plan and will provide new affordable housing within the LGA.

### **Explanation of Intended Effect – St Marys Town Centre Master Plan – October 2024**

An Explanation of Intended Effects (EIE) has been prepared in support of Council's St Marys Town Centre Master Plan (Master Plan) and was placed on public exhibition during the preparation of this REF.

The Master Plan aims to harmonise Council's master planning work around St Marys Town Centre with the Transport Orientated Development provisions contained in Chapter 5 of the Housing SEPP.

Some of the controls applying to the site under the current PLEP 2010 are proposed to be changed by the Master Plan and these are summarised in **Table 5**, below:



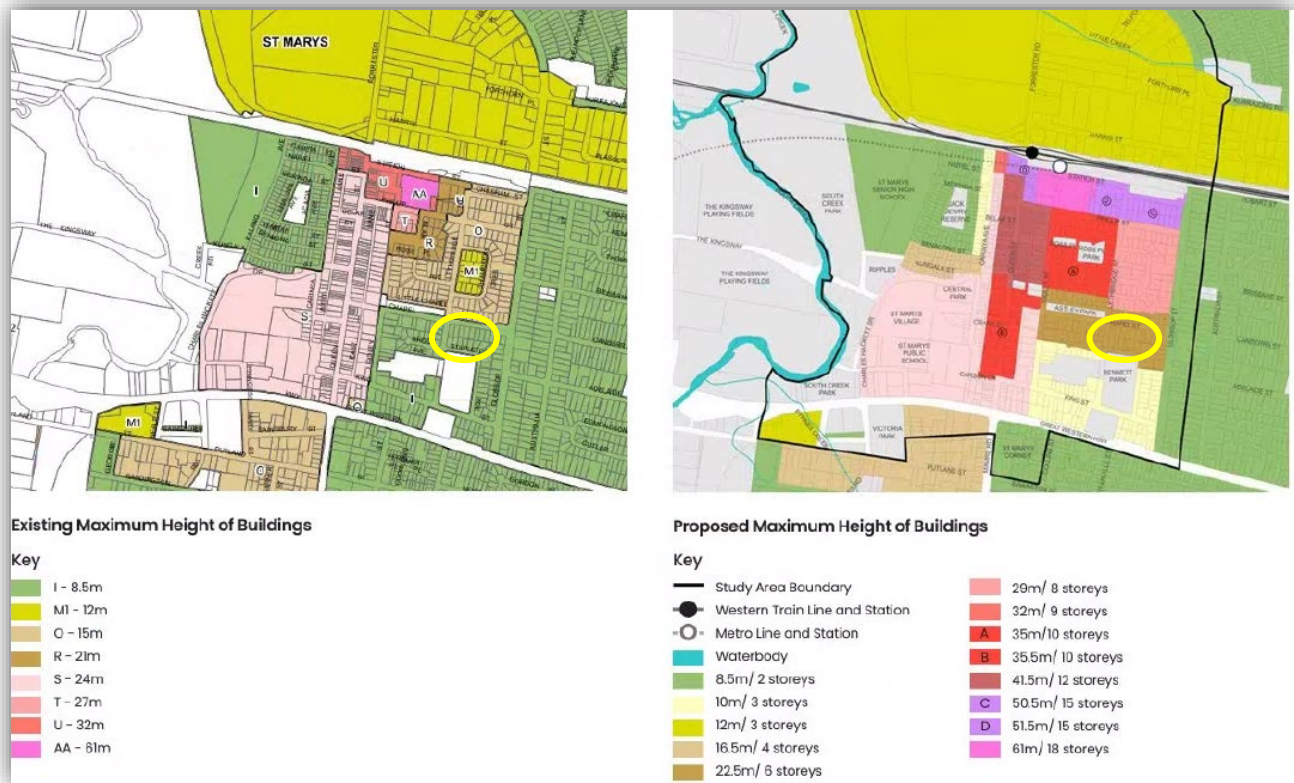


Figure 21: Existing and Proposed Maximum Height of Buildings (source: Penrith City Council)

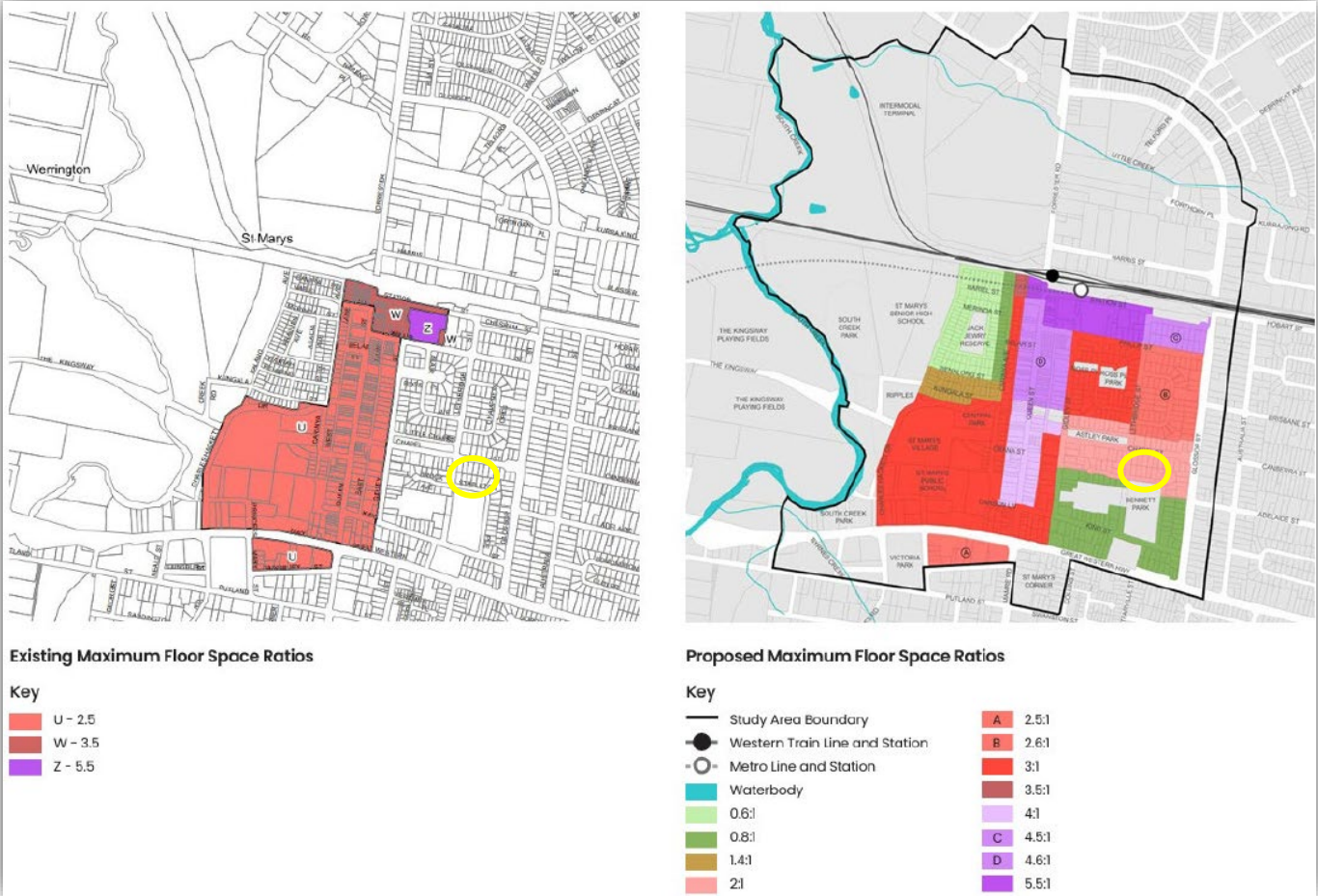


Figure 22: Existing and Proposed Maximum Height of Buildings (source: Penrith City Council)

In summary, the development as proposed would represent an under-development of the site in the context of the strategic direction set out in the EIE.

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 12** 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 Housing for seniors and people with a disability – Part 5, Chapter 3

#### Division 1 – Land to which Part applies

This division sets out the circumstances in which the provisions of Part 5, Chapter 3 do, or do not, apply to land.

Table 6: Compliance with the relevant provisions of Chapter 3, Part 5, Division 1

Provision	Compliance
<b>Division 1 – Land to which Part applies</b>	
<b>79 Land to which Part applies</b>	
<p>This Part applies to land in the following zones –</p> <ul style="list-style-type: none"> <li>(a) Zone RU5 Village,</li> <li>(b) Zone R1 General Residential,</li> <li>(c) Zone R2 Low Density Residential,</li> <li>(d) Zone R3 Medium Density Residential,</li> <li>(e) Zone R4 High Density Residential,</li> <li>(e1) Zone E1 Local Centre,</li> <li>(e2) Zone E2 Commercial Centre,</li> <li>(e3) Zone E3 Productivity Support,</li> <li>(e4) Zone MU1 Mixed Use,</li> <li>(f) Zone B1 Neighbourhood Centre,</li> <li>(g) Zone B2 Local Centre,</li> <li>(h) Zone B3 Commercial Core,</li> <li>(i) Zone B4 Mixed Use,</li> <li>(j) Zone B5 Business Development,</li> <li>(k) Zone B6 Enterprise Corridor,</li> <li>(l) Zone B7 Business Park,</li> <li>(m) Zone B8 Metropolitan Centre,</li> <li>(n) Zone SP1 Special Purposes,</li> <li>(o) Zone SP2 Infrastructure,</li> <li>(o1) Zone SP4 Enterprise under the following local environmental plans – <ul style="list-style-type: none"> <li>(i) <i>Canada Bay Local Environmental Plan 2013,</i></li> <li>(ii) <i>Central Coast Local Environmental Plan 2022,</i></li> <li>(iii) <i>Penrith Local Environmental Plan 2010,</i></li> <li>(iv) <i>Pittwater Local Environmental Plan 2014,</i></li> <li>(v) <i>Port Macquarie-Hastings Local Environmental Plan 2011,</i></li> <li>(vi) <i>Sutherland Shire Local Environmental Plan 2015,</i></li> <li>(vii) <i>The Hills Local Environmental Plan 2019,</i></li> <li>(viii) <i>Warringah Local Environmental Plan 2011,</i></li> </ul> </li> <li>(o2) Zone SP5 Metropolitan Centre,</li> <li>(p) Zone RE2 Private Recreation.</li> </ul>	<p>Complies – the site is zoned R3 Medium Density Residential.</p>
<b>80 Land to which Part does not apply – general</b>	
<p>(1) This Part does not apply to the following land –</p> <ul style="list-style-type: none"> <li>(a) land to which <i>Warringah Local Environmental Plan 2000</i> applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under the Plan,</li> <li>(b) land described in Schedule 3.</li> </ul>	<p>The site is not on land to which Warringah LEP 2000 applies.</p> <p>The land is not described in Schedule 3. Refer to the assessment under the heading ‘Schedule 3’ below in this table.</p>

Provision	Compliance
<p>(2) Nothing in Schedule 3 operates to preclude the application of this Part to land only because —</p> <p>(a) the land is identified under <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>, Chapter 2, or</p> <p>(b) in relation to land used for the purposes of an existing registered club — the land is described in another environmental planning instrument as —</p> <p>(i) private open space, or</p> <p>(ii) open space where dwellings or dwelling houses are permitted.</p>	<p>N/A – the site is not located within the coastal zone.</p> <p>N/A – the land is not used for the purposes of a registered club.</p>
<b>Schedule 3 Environmentally sensitive land</b>	
Land shown cross-hatched on the Bush Fire Evacuation Risk Map.	The site is not located on bushfire prone land.
Land identified as coastal wetlands and littoral rainforests area within the meaning of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> , Chapter 2.	The land is not identified as coastal wetlands or littoral rainforest.
Land identified as coastal vulnerability area within the meaning of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> , Chapter 2.	The land is not identified as being within a coastal vulnerability area.
Land declared as an area of outstanding biodiversity value under the <i>Biodiversity Conservation Act 2016</i> , section 3.1.	The land is not declared as an area of outstanding biodiversity value.
Land identified on the Map within the meaning of the <i>Biodiversity Conservation Regulation 2017</i> , section 7.3.	The land is not so identified.
<p>Land identified in another environmental planning instrument as follows —</p> <p>(a) (Repealed)</p> <p>(b) open space,</p> <p>(c) natural wetland</p>	The land is not identified in another environmental planning instrument as either open space or natural wetland.

## 6.5.2 Development without Consent

### 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 7 Compliance with relevant provisions under Chapter 3, Part 5, Division 8 of the SEPP for ‘seniors housing development without consent’ carried out by LAHC

Provision	Compliance
<b>108A – Development to which Division applies</b>	
This Division applies to development for purposes of seniors 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 permissible with consent within the R3 zone under the PLEP 2010.
(b) in a prescribed zone or an equivalent land use zone.	The R3 zone is also a prescribed zone under the SEPP. Chapter 3, Part 5, Division 8 of the SEPP therefore applies.
<b>108B – Seniors housing permitted without development consent</b>	
(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 <b>Table 8</b> and <b>Table 9</b> below.
(b) the development will not result in a building with a height of more than- (i) 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 – building height is 9.5m.  The roof contains servicing equipment associated with the lift structure that exceeds 9.5m, therefore, 108B(1)(b)(ii) applies:  Complies – max height 9.78m. Refer to assessment of section 84(3) at <b>Table 8</b> , below.
(c) the seniors housing will not contain more than 40 dwellings on the site.	Complies – The development is for 18 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 <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> are not applicable to the site or development.  The site is located within the Western City Operational Area. However, as the capital investment value of the development is less than \$30 million, consultation with Western Parkland City Authority is not required.
(a) a reference in section 2.15 to “this Chapter” is taken to be a reference to this section, and	Noted.
(b) a reference in the sections to a public authority is taken to be a reference to the relevant authority.	Noted.
<b>108C – Notification before carrying out development</b>	
(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 21 October 2024. Council provided a response on 22 November 2024 advising that the extent of notification was considered satisfactory.

Provision	Compliance
(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 7 November 2024. Letters notifying occupiers of adjoining land of the proposed development activity were sent by LAHC on the same day.
(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 email received 10 December 2024. Comments on the response are provided in Section 7.1 of this REF. No submissions were received from adjoining owners or occupiers.
<b>108CA Landcom must notify Secretary of Department of Communities and Justice</b>	Not applicable
<b>108CB Considerations before carrying out development</b>	
(1) Before carrying out development to which this division applies, the relevant authority must consider –	
(a) the <i>Seniors Housing Design Guide</i> , published by the Department in December 2023, and	Consideration of the Seniors Housing Design Guide is discussed in section 6.5.4 of this REF.
(b) the design principles for seniors housing set out in Schedule 8.	Consideration of these principles is discussed in section 6.5.7 of this REF.
(2) Before carrying out development to which this division applies, the Aboriginal Housing Office must consider the <i>AHO Design Guidelines NSW</i> , published by the Aboriginal Housing Office in January 2020.	Not applicable
(3) Before carrying out development to which this division applies, the Land and Housing Corporation must consider –	
(a) <i>Good Design for Social Housing</i> , published by the Land and Housing Corporation, in partnership with the Government Architect NSW, in September 2020, and	Refer to subsection 6.5.5 of this REF and the Architect's Statement and Certificate of Building Design Compliance in <b>Appendix M</b> which indicate that the design requirements have been considered.
(b) the <i>NSW Land and Housing Corporation Design Requirements</i> , published by the Land and Housing Corporation in February 2023.	Refer to subsections 6.5.6 of this REF and the Architect's Statement and Certificate of Building Design Compliance in <b>Appendix M</b> which indicate that the design requirements have been considered.
(4) Before carrying out development to which this division applies, Landcom must consider the <i>Landcom Affordable Housing Design Guideline</i> , published by Landcom, in partnership with the Government Architect NSW, in November 2023.	Not applicable
<b>108D – Exempt development</b> Development for the 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
<b>108E – Subdivision of seniors housing not permitted</b> Development consent must not be granted for the subdivision of seniors housing.	Subdivision is not proposed.

The Housing SEPP requires LAHC to consider the applicable development standards specified in sections 84(2)(c)(iii), 85, 88, 89 and 108. Consideration of these sections of the SEPP is demonstrated in **Table 8** and **Table 9**, below.

Table 8 Compliance with section 84(2)(c)(iii), 85, 88, 89 of the Housing SEPP

Provision	Compliance
<p><b>84 Development standards—general</b></p> <p>(2) Development consent must not be granted for development to which this section applies unless—</p> <p>(c) for development on land in a residential zone where residential flat buildings are not permitted—</p> <p>(i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and</p> <p>(ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m—the servicing equipment complies with subsection (3), and</p> <p>(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.</p> <p>(3) The servicing equipment must—</p> <p>(a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and</p> <p>(b) be limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(c) not result in the building having a height of more than 11.5m.</p>	<p>The proposed development is in the R3 zone where residential flat buildings are not permitted.</p> <p>Complies – the building height does not exceed 9.5m.</p> <p>Refer to response to subsection (3), below.</p> <p>Refer to Architectural Drawing numbers A09 and A10 in <b>Appendix A</b> which show the additional storey is set within the permitted building plane.</p> <p>The lift structure is fully integrated into the building, being inset approximately 12m and 18m from the Stapleton Parade and Lethbridge Street front property boundaries, respectively.</p> <p>Complies - the lift structure equates to approximately 1% of the surface area of the roof.</p> <p>Complies – 9.78m to the top of the lift structure.</p>
<p><b>85 Development standards for hostels and independent living units</b></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, 5–13 and 15–21 if the development application is made by, or by a person jointly with, a social housing provider or Landcom.</p> <p>Note— Development standards concerning accessibility and usability for residential care facilities are not specified in this Policy. For relevant standards, see the <i>Building Code of Australia</i>.</p>	<p>The proposed development complies with relevant standards specified in Schedule 4 as demonstrated in <b>Table 10</b> below.</p>

## 88 Restrictions on occupation of seniors housing

(1) Development permitted under this Part may be carried out for the accommodation of only the following —

- (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.

(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.

Complies. Identified Requirement no. 63 is recommended to achieve compliance with s.88(1) & (2).

## 89 Use of ground floor of seniors housing in business zones

Not applicable. The proposed development is in an R3 zone.

Table 9 Non-Discretionary development standards for Independent Living units (Section 108 of the Housing SEPP)

Development Standard	Required	Proposed	Complies
2(a) Building Height	9.5m or less, excluding servicing equipment	9.5m	Yes
2(b) Height of Servicing Equipment, which results in building height >9.5m	Integrated into the roof design and screened from public view  <20% of roof area  Max 11.5m	Centrally located, set back from street frontages to be obscured from public view  Approx. 1% of roof area  Max 9.78m	Yes (refer also to the responses to Section 84 in <b>Table 8</b> , above.)
2(c) Density and Scale	Floor Space Ratio 0.5:1 or less	0.745:1	No – refer to discussion below this table.
2(d) Landscaped Area	Lesser of 35m <sup>2</sup> per dwelling (18 x 35m <sup>2</sup> = 630m <sup>2</sup> ); or,  30% of the site area (30% x 1,890.6m <sup>2</sup> = 567.2m <sup>2</sup> )	665.9m <sup>2</sup>	Yes
2(f) Deep Soil Zone	Minimum 15% of area of site (15% x 1,890.6m <sup>2</sup> = 283.60m <sup>2</sup> )	305.5m <sup>2</sup> (16%) (note: The deep soil calculation noted in the development data table on Architectural Plan number A00 is incorrect as the calculation has included areas of deep soil less than 3m dimension (front setback area, Unit 8). Refer to Architectural plan numbers A00 and A15, <b>Appendix A</b> .)	Yes
	Minimum 65% to be preferably located at rear of site = 184.33m <sup>2</sup>	203.5m <sup>2</sup>	Yes
	Minimum dimension 3m	Minimum dimension 3m.	Yes

2(g) Solar Access	70% of living areas & main private open space to receive minimum 2 hrs direct solar access between 9am and 3pm at mid-winter	83% of dwellings overall achieve 2 hours of direct solar access between 9am and 3pm mid-winter.	Yes
2(h)&(i) Private Open Space	Ground level: Minimum 15m <sup>2</sup> per dwelling	Min 15m <sup>2</sup> provided.	Yes
	One area minimum 3m x 3m, accessible from living area	Minimum 3m x 3m provided.	Yes
	Upper level/s:  1 bedroom: Minimum 6m <sup>2</sup> Minimum dimensions 2m	Min. 8m <sup>2</sup> Min. 2m	Yes
	2 or more bedrooms: Minimum 10m <sup>2</sup> Minimum dimensions 2m	Min. 10m <sup>2</sup> Min. 2m	Yes
2(j) Car parking	Minimum 1 car parking space for each 5 dwellings (LAHC concession) 4 car parking spaces	8 car parking spaces for 18 dwellings, including 4 accessible parking spaces.	Yes

## Non-compliance with FSR standard

The development proposes a total gross floor area (GFA) of 1408.9m<sup>2</sup> calculated in accordance with the Housing SEPP definition. This translates to an FSR of 0.745:1 and represents an exceedance of 463.9m<sup>2</sup> against the 0.5:1 FSR development standard provided in section 108(2)(c) of the Housing SEPP. Currently, no FSR control applies to the land under the Penrith LEP 2010, however, the site is identified in the recently exhibited St Marys Town Centre Master Plan, which proposes a maximum building height of 22.5m and a FSR of 2:1 for the site.

It is considered the bulk and scale of the proposed development is compatible with more recent development in the vicinity of the site such as 1 Brock Avenue opposite (refer to **figure 9**) and aligns with the recent residential flat building development at 23-35 Lethbridge Street which is indicative of the potential scale and desired future character for the locality set out in the recently exhibited St Marys Town Centre Master Plan.

The development is considered to maintain appropriate visual relationships with the existing area, will not adversely affect the streetscape, skyline or landscape, and does not result in adverse environmental effects on adjoining lands. The development variation is considered acceptable, through:

- the adoption of appropriate front and side setbacks, generally consistent with Council's controls, and surrounding residential development.
- adoption of a comprehensive landscaping scheme for the entire site, including substantial plantings along side, rear and front setbacks and additional street tree plantings in the Stapleton Parade and Lethbridge Street frontages.
- the replacement, with a suitable advanced tree planting, of the mature Tallowood tree at the rear of the site.
- ensuring minimal additional overshadowing to adjoining properties.
- stepping the uppermost storey down toward the northern boundary.

- provision of considered dwelling layouts, including the careful placement and sizes of window/ door openings, the treatment of windows with obscured glazing and balconies with privacy screens and substantial buffer landscaping along boundaries to ensure no overlooking of adjoining residential private open space areas or living areas occurs.
- development of high quality architecturally designed buildings, where building form, material colours, design and siting relates to the topography of the site. Changes in roof profiles and staggering and modulation of elevation alignments minimise the impact of the bulk and scale.
- ensuring dwellings are provided with a high level of amenity demonstrated through compliance with the design standards of the Seniors Housing SEPP, e.g. high levels of solar access, natural ventilation, accessibility etc.

The above measures illustrate that the development has appropriately considered the context of the site and has been designed to complement its surroundings. The proposal exceeds the minimum landscaped area and deep soil requirements and includes private open space with paved patio and landscaping, which ensures the development makes a positive contribution to the streetscape and general locality.

As demonstrated by the submitted shadow diagrams, the proposal generates no unacceptable solar impacts to surrounding development and the numerical non-compliance in relation to FSR is supportable.

The proposed development accommodates the variation to FSR without impacting side setback and building separation between adjacent development. Adequate side setbacks are provided, and the third storey is setback further to comply with a 45-degree angle projected plane that mitigates overlooking and privacy impacts, with perimeter landscaping to be implemented to further soften the built form.

The development is consistent with the objectives of the Housing SEPP in that it:

- contributes to the increase in supply of suitable accommodation for seniors and people with a disability;
- meets the current and future accommodation needs of Sydney’s ageing population;
- delivers a well-designed development which reflects and enhances the locality while providing a good level of amenity for residents;
- provides seniors accommodation close to existing infrastructure; and
- is well located to public transport connections.

The proposed exceedance of the floor space ratio therefore has significant environmental benefits as the development increases the supply of seniors housing while positively contributing to the streetscape and surrounding area.

### 6.5.3 Development standards for Accessibility

Consideration of the development standards for accessibility set out in section 85 and Schedule 4 is demonstrated in **Table 10** 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 10 Accessibility and useability standards [Schedule 4]

Development Standard (Sch 4)	Required	Comment
2.Siting Standards:		

Development Standard (Sch 4)	Required	Comment
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	100% of ground floor units have been designed to be wheelchair accessible in accordance with AS1428.1.  Compliance readily achievable as per the Access Report prepared by Vista Access Architects Pty Ltd ( <i>Appendix H</i> )
'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	The gradients to the external pathways are suitably detailed to comply with AS 1428.1-2009.  Compliance readily achievable as per the Access Report prepared by Vista Access Architects Pty Ltd ( <i>Appendix H</i> ).
3. Letterboxes		
	<p>(1) Letterboxes –</p> <p>(a) must be located on a hard standing area, and</p> <p>(b) must have wheelchair access by a continuous accessible path of travel from the letterbox to the relevant dwelling, and</p> <p>(c) must be lockable by a lock that faces a wheelchair accessible path.</p> <p>(2) If a structure contains multiple letterboxes, the structure must be in a prominent location.</p> <p>(3) At least 20% of the letterboxes on the site must be more than 600mm and less than 1,200mm above ground level (finished).</p>	Compliance indicated as per the Access Report prepared by Vista Access Architects Pty Ltd ( <i>Appendix H</i> ).

Development Standard (Sch 4)	Required	Comment
4. Car parking	<p>(1) If parking spaces attached to or integrated with a class 1 building under the Building Code of Australia are provided for use by occupants who are seniors or people with a disability, at least 1 parking space must —</p> <p>(a) be at least 3.2m wide, and</p> <p>(b) be at least 2.5m high, and</p> <p>(c) have a level surface with a maximum gradient of 1:40 in any direction, and</p> <p>(d) be capable of being widened to 3.8m without requiring structural modifications to a building.</p> <p>(2) If parking spaces associated with a class 1, 2 or 3 building under the Building Code of Australia are provided in a common area for use by occupants who are seniors or people with a disability, the following applies —</p> <p>(a) for a parking space not in a group — the parking space must comply with AS/NZS 2890.6,</p> <p>(b) for a group of 2–7 parking spaces —</p> <p>(i) at least 1 of the parking spaces must comply with AS/NZS 2890.6, and</p> <p>(ii) 50% of the parking spaces must —</p> <p>(A) comply with AS/NZS 2890.6, or</p> <p>(B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction,</p> <p>(c) for a group of 8 or more parking spaces —</p> <p>(i) at least 15% of the parking spaces must comply with AS/NZS 2890.6, and</p> <p>(ii) at least 50% of the parking spaces must —</p> <p>(A) comply with AS/NZS 2890.6, or</p> <p>(B) be at least 3.2m wide and have a level surface with a maximum gradient of 1:40 in any direction.</p> <p>(3) To avoid doubt, a parking space that complies with AS/NZS 2890.6 is only counted toward 1 of the requirements in subsection (2)(b)(i) or (ii) or (c)(i) or (ii).</p>	<p>NA – the building comprises Class 2 (Residential Apartment Building) and Class 7a (basement car park) under the Building Code of Australia.</p> <p>N/A – car parking is grouped within the basement.</p> <p>N/A – &gt;2-7 spaces grouped within the basement.</p> <p>(c) applies as there are 8 car parking spaces grouped in the basement.</p> <p>(i) The Housing SEPP requires LAHC to provide 4 car parking spaces. All 4 required spaces comply with AS2890.6 and are identified on the plans by the international symbol of access.</p> <p>(ii) (A) The Housing SEPP requires LAHC to provide 4 spaces car parking spaces, all 4 required spaces (100%) comply with AS2890.6</p> <p>(B) In addition, 2 spaces at least 3.2m wide are provided, and sited on relatively level surface.</p> <p>(3) Noted.</p>

Development Standard (Sch 4)	Required	Comment
	<p>(4) At least 5% of any visitor parking spaces must comply with AS/NZS 2890.6.</p> <p>(5) A parking space required by this section to comply with AS/NZS 2890.6, other than a visitor parking space, is not required to include the international symbol of access.</p> <p>(6) If multiple parking spaces are accessible by a common access point, the access point must be secured by a power-operated garage door, vehicle gate, vehicle barrier or similar device.</p> <p>(7) A parking space, other than a parking space under subsection (6), must be— (a) secured by a power-operated door, or (b) capable of accommodating the installation of a power-operated door, including by having— (i) access to a power point, and (ii) an area for motor or control rods for a power-operated door.</p> <p>(8) A requirement in this section for a parking space to comply with AS/NZS 2890.6 extends to the associated shared area within the meaning of AS/NZS 2890.6.</p> <p>(9) In this section, a parking space is in a common area if it is not attached to or integrated with a hostel or independent living unit.</p>	<p>(4) LAHC is not required to provide visitor parking. It is further noted that car parking within LAHC developments are not allocated.</p> <p>(5) Noted.</p> <p>(6) Car parking for the development is accessed via a single driveway from Lethbridge Street. A power operated ventilated garage door is proposed at the entry to the basement. (7) NA – there are no car spaces proposed in addition to the basement parking.</p> <p>(8) Noted. The shared areas are shown hatched on the Architectural Plans. The Access Report notes that the spaces and associated shared areas comply with AS2890.6.</p> <p>(9) Noted. All car parking spaces are common as none are attached to an independent living unit.</p>
5. Accessible entry		
Main entrance to a dwelling	<p>Must have— (a) a clear opening that complies with AS 1428.1, and</p> <p>(b) a circulation space in front of the door and behind the door that complies with AS 1428.1.</p>	<p>Threshold details will be required to be reviewed at construction documentation stage (subject to Identified Requirement No. 62).</p> <p>Compliance readily achievable as per the Access Report prepared by Vista Access Architects Pty Ltd (<i>Appendix H</i>).</p>
6. Interiors		

Development Standard (Sch 4)	Required	Comment
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>(1) An internal doorway must have an unobstructed opening that complies with AS 1428.1.</p> <p>(2) An internal corridor must have an unobstructed width of at least 1,000mm.</p> <p>(3) The circulation spaces in front of and behind an internal doorway in the following areas must comply with AS 1428.1 —</p> <ul style="list-style-type: none"> <li>(a) a kitchen,</li> <li>(b) a laundry,</li> <li>(c) a bathroom,</li> <li>(d) a toilet,</li> <li>(e) a bedroom,</li> <li>(f) a living area,</li> <li>(g) the main area of private open space.</li> </ul> <p>(4) To avoid doubt, subsection (3)(b) does not apply to laundry facilities in a cupboard.</p>	<p>Compliance indicated as per the submitted Access Report prepared by Vista Access Architects Pty Ltd (<i>Appendix H</i>).</p>
7. Bedroom		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>At least one bedroom in a dwelling must have the following —</p> <ul style="list-style-type: none"> <li>(a) a clear area, not including a circulation space, sufficient to accommodate — <ul style="list-style-type: none"> <li>(i) for a hostel — a wardrobe and a single-size bed, or</li> <li>(ii) for an independent living unit — a wardrobe and a queen-size bed,</li> </ul> </li> <li>(b) a clear area around the area for the bed of at least — <ul style="list-style-type: none"> <li>(i) 1,200mm at the foot of the bed, and</li> <li>(ii) 1,000mm on each side of the bed,</li> </ul> </li> <li>(c) at least 2 double general power outlets on the wall where the head of the bed is likely to be,</li> <li>(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be.</li> </ul>	<p>.</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. 62).</p> <p>Compliance readily achievable as per the Access Report prepared by Vista Access Architects Pty Ltd (<i>Appendix H</i>).</p>

Development Standard (Sch 4)	Required	Comment
8. Bathroom		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>(1) At least one bathroom in a dwelling must be located on —</p> <p>(a) the same floor as the entry to the dwelling, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p> <p>(2) The bathroom must have the following —</p> <p>(a) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586 — 2013,</p> <p>(b) a washbasin with tap ware capable of complying with AS 1428.1, including by future adaptation if the washbasin and tap ware continue to use existing hydraulic lines,</p> <p>(c) a shower that —</p> <p>(i) is accessible without a shower-hob or step, and</p> <p>(ii) complies with the requirements of AS 1428.1 for the entry, circulation space, floor gradient to the wastewater outlet and location of the mixer tap, and</p> <p>(iii) is in the corner of a room, and</p> <p>(iv) has a wall capable of accommodating the installation of a grab rail, portable shower head with supporting grab rail and shower seat, in accordance with AS 1428.1,</p> <p>(d) a wall cabinet with shelving illuminated by an illumination level of at least 300 lux,</p> <p>(e) a double general power outlet in an accessible location, in accordance with AS 1428.1.</p> <p>(3) Subsection (2)(c) does not prevent the installation of a shower screen that can easily be removed to enable compliance with that paragraph.</p>	<p>·</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. 62).</p> <p>Compliance readily achievable as per the Access Report prepared by Vista Access Architects Pty Ltd (<i>Appendix H</i>).</p>
9. Toilet		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>(1) At least one toilet in a dwelling must be located on —</p> <p>(a) the same floor as the entry to the dwelling, or</p>	<p>·</p> <p>Toilets in each ground floor dwelling are suitably detailed for compliance with this clause.</p>

Development Standard (Sch 4)	Required	Comment
	<p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p> <p>(2) The toilet must have the following —</p> <p>(a) a water closet pan —</p> <p>(i) in the corner of the room, and</p> <p>(ii) with a centreline set-out in accordance with AS 1428.1,</p> <p>(b) a circulation space in front of the water closet pan that is —</p> <p>(i) at least 1,200mm long and at least 900mm wide, and</p> <p>(ii) clear of door swings and fixtures, other than a toilet paper dispenser or grab rails,</p> <p>(c) a circulation space around the water closet pan that complies with AS 1428.1,</p> <p>(d) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586 — 2013,</p> <p>(e) a wall capable of accommodating the installation of a back rest and grab rail that will comply with AS 1428.1.</p> <p>(3) A removable shower screen may be located in the circulation space specified in subsection (2)(c).</p>	<p>Compliance readily achievable as per the Access Report prepared by Vista Access Architects Pty Ltd (<i>Appendix H</i>).</p>
10. Surfaces of balconies and external paved areas		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>Balconies and external paved areas must have surfaces that are slip resistant and comply with —</p> <p>(a) the <i>Building Code of Australia</i>, or</p> <p>(b) the Standards Australia Handbook SA HB 198:2014, <i>Guide to the specification and testing of slip resistance of pedestrian surfaces</i>, published on 16 June 2014.</p>	<p>Slip resistance to balconies &amp; external paved areas is readily capable of compliance with this clause subject to review of the finer design details at construction documentation stage</p> <p>Compliance readily achievable as per the Access Report prepared by Vista Access Architects Pty Ltd (refer to Identified Requirement No. 62).</p>
11. Door Hardware		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>(1) Door handles and hardware for all doors, including entry doors and external doors, must comply with AS 1428.1.</p>	<p>The door hardware throughout the ground floor dwellings is readily capable of compliance with this clause subject to review of the finer</p>

Development Standard (Sch 4)	Required	Comment
		design details at construction documentation stage.  Compliance readily achievable as per the Access Report prepared by Vista Access Architects Pty Ltd, (refer to Identified Requirement No. 62).
12. Switches and power points		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>(1) Switches and power points must —</p> <p>(a) comply with AS 1428.1, or</p> <p>(b) be capable of complying with AS 1428.1 through future adaptation.</p> <p>(2) Subsection (1) does not apply to —</p> <p>(a) remote controls, or</p> <p>(b) power points likely to serve appliances that are not regularly moved or turned off.</p>	<p>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.</p> <p>Compliance readily achievable as per the Access Report prepared by Vista Access Architects Pty Ltd. (refer to Identified Requirement No. 62).</p>
15. Bedroom		
	<p>At least one bedroom in an independent living unit that complies with this schedule, section 7 must be located on —</p> <p>(a) the same floor as the entry to the unit, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the unit.</p>	Bedrooms are located on the same floor as the entry to each unit.
16. Living room		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>(1) A living room in an independent living unit must be located on —</p> <p>(a) the same floor as the entry to the dwelling, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p> <p>(2) The living room must have —</p> <p>(a) a circulation space that —</p> <p>(i) is clear of all fixtures, and</p> <p>(ii) has a diameter of at least 2,250mm, and</p> <p>(b) a telecommunications or data outlet adjacent to a general power outlet.</p>	<p>Living rooms are located on the same floor as the entry to each dwelling.</p> <p>The living room 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</p> <p>Compliance readily achievable as per the Access Report prepared by Vista Access Architects Pty Ltd (refer to Identified Requirement No. 62).</p>

Development Standard (Sch 4)	Required	Comment
17. Main area of private open space		
	<p>The main area of private open space for an independent living unit must be located on —</p> <p>(a) the same floor as the entry to the dwelling, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p>	<p>Each ground floor unit has direct access to the main area of private open space at the same level as the entry to the dwelling.</p> <p>N/A.</p>
18. Kitchen		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>(1) A kitchen in an independent living unit must be located on —</p> <p>(a) the same floor as the entry to the dwelling, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p> <p>(2) The kitchen must have a circulation space with a diameter of at least 1,200mm between each bench top, cupboard or large appliance and each other bench top, cupboard or large appliance.</p> <p>(3) Each circulation space specified in subsection (2) must be capable of being increased to a diameter of 1,550mm without —</p> <p>(a) relocating the sink, or</p> <p>(b) moving a load-bearing wall, or</p> <p>(c) breaching another circulation requirement.</p> <p>(4) The kitchen must have the following fittings —</p> <p>(a) a bench that includes at least one work surface that is —</p> <p>(i) at least 800mm long, and</p> <p>(ii) clear of obstructions, and</p> <p>(iii) not in the corner of the room,</p> <p>(b) a lever tap set with the lever and water source that is within 300mm of the front of the bench,</p> <p>(c) a cooktop next to the work surface,</p> <p>(d) an isolating switch for the cooktop,</p>	<p>Kitchens are on the same floor as the entry to each dwelling.</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.</p> <p>Compliance readily achievable as per the Access Report prepared by Vista Access Architects Pty Ltd, as (refer to Identified Requirement No. 62).</p>

Development Standard (Sch 4)	Required	Comment
	<p>(e) an oven that —</p> <p>(i) has operative elements between 450mm and 1,250mm above the finished floor level, and</p> <p>(ii) is next to the work surface,</p> <p>(f) at least one double general power outlet located within 300mm of the front of a work surface.</p> <p>(5) The cupboards must —</p> <p>(a) not be entirely located in the corner of the bench or the corner of the room, and</p> <p>(b) face where the user of the fixture is likely to be.</p> <p>(6) An overhead cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the bottom of the cupboard.</p> <p>(7) A below-bench cupboard in the kitchen must be capable of being fitted with “D” pull cupboard handles towards the top of the cupboard.</p> <p>(8) The lever tap set, cooktop, isolating switch, oven and double general power outlet must —</p> <p>(a) not be in the corner of the bench or the corner of the room, and</p> <p>(b) face where the user of the fixture is likely to be.</p> <p>(9) Cabinetry below a work surface must be able to be easily removed to allow wheelchair access to the work surface.</p>	
<b>19. Laundry</b> Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>(1) A laundry in an independent living unit must be located on —</p> <p>(a) the same floor as the entry to the dwelling, or</p> <p>(b) a floor serviced by a private passenger lift accessible only from inside the dwelling.</p> <p>(2) The laundry must have the following —</p> <p>(a) a circulation space that complies with AS 1428.1 at the approach to any external doors,</p> <p>(b) an appropriate space for an automatic washing machine and a clothes dryer,</p> <p>(c) a clear space in front of each appliance of at least 1,550mm,</p>	<p>Laundries are located on the same floor as the entry to the dwelling.</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.</p> <p>Compliance readily achievable as per the Access Report prepared by Vista Access Architects Pty Ltd, (refer to Identified Requirement No. 62).</p>

Development Standard (Sch 4)	Required	Comment
	<p>(d) a slip resistant floor surface that achieves a minimum rating of P3 in accordance with AS 4586 – 2013,</p> <p>(e) a continuous accessible path of travel to the main area of private open space or any clothesline provided for the dwelling.</p> <p>(3) The space specified in subsection (2)(c) may overlap with a door swing or the circulation space for a door.</p> <p>(4) For laundry facilities in a cupboard, the cupboard must be capable of being fitted with “D” pull cupboard handles in the following locations –</p> <p>(a) for below-bench cupboards – towards the top,</p> <p>(b) for overhead cupboards – towards the bottom,</p> <p>(c) for floor-to-ceiling doors – between 900mm and 1,100mm above the finished floor level.</p> <p>(5) In this section –</p> <p><b>laundry</b> includes laundry facilities in a cupboard.</p>	
20. Linen storage		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>An independent living unit must have a floor-to-ceiling linen storage cupboard that –</p> <p>(a) is at least 600mm wide, and</p> <p>(b) has adjustable shelving.</p>	<p>Linen storage is to be provided to each unit. Finer design details at construction documentation stage. Compliance readily achievable as per the Access Report prepared by Vista Access Architects Pty Ltd (refer to Identified Requirement No. 62).</p>
21. Lift access in multi-storey buildings		
Note: consideration only required for ground floor units in accordance with clause 85(2)		
	<p>An independent living unit on a storey above the ground storey must be accessible by a lift that complies with the Building Code of Australia, Volume 1, Part E3.</p>	<p>The requirements of this clause do not apply to this development based on the available concession under Section 85(2) of the SEPP.</p> <p>Notwithstanding, a lift is provided.</p>
22. Garbage and recycling		
	<p>A garbage storage area and a recycling storage area provided for an independent living unit</p>	<p>Two bin storage areas have been provided at the frontages of the site. These areas are accessed via</p>

Development Standard (Sch 4)	Required	Comment
	must be accessible by a continuous accessible path of travel from the dwelling entrance.	accessible paths of travel. Garbage enclosures have been provided in an accessible location.  Compliance indicated as per the Access Report prepared by Vista Access Architects Pty Ltd ( <i>Appendix H</i> ).

## 6.5.4 Seniors Housing Design Guide

The *Seniors Housing Design Guide* (Guide) (November 2023) has been prepared to assist in the design and assessment of applications for seniors housing development under the Housing SEPP.

The Guide offers crucial design principles and best practices for developments assessed under the Housing SEPP. Part 2 of the Guide includes chapters that help understand the site, context, and future resident needs, leading to better housing solutions for seniors.

According to Part 3, Section 11 of the Guide, the development is considered as ‘stand-alone independent living unit development medium density’, being 2 to 3 storeys. As such, the design principles for independent living set out in Part 3, Section 15 of the Guide are relevant to the design of the development and these are:

- Neighbourhood amenity and streetscape;
- Solar access and design for climate
- Stormwater
- Crime prevention
- Accessibility
- Waste management

Section 108CB(1)(a) of the Housing SEPP requires the relevant authority to take into account the relevant provisions of the Guide when assessing a proposed seniors housing development under Chapter 3, Part 5, Division 8 of the Housing SEPP.

An assessment of the design of the activity against the design principles contained in Section 15 of the Guide is provided at *Appendix O*. It is noted that in the assessment, reference is made to the retention of a mature Tallowood tree at the rear of the site. This tree is now required to be removed and will be replaced with a suitable replacement tree planting, as noted elsewhere in this REF.

Chapter 18 of the *Seniors Housing Design Guide* suggests that independent living seniors housing developments of 3 or more storeys may benefit from referencing the general good design guidance set out in the Apartment Design Guide (ADG). An assessment of the proposed development against the key relevant guidelines of the ADG has been undertaken as discussed below in **Table 11**.

Table 11 Compliance with relevant provisions under the Apartment Design Guide

Control	NSW LAHC Comment
<b>3D Communal and public open space Design Criteria</b> <ul style="list-style-type: none"> <li>• Communal open space has a minimum area equal to 25% of the site.</li> </ul>	<b>Does not comply</b> A principal, usable common open space area of 272m <sup>2</sup> (14.4%) is provided at the rear

Control	NSW LAHC Comment												
<ul style="list-style-type: none"><li>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (midwinter)</li></ul>	<p>northern part of the site where the space will receive good solar access. The provision of COS exceeds the amount required under the Homes NSW <i>Resilient Landscape Guide</i>, which targets 8m<sup>2</sup> per dwelling, ie. 144m<sup>2</sup>. The proposed COS is considered suitable to provide outdoor amenity for the future occupants.</p>												
<p><b>3E Deep soil zones</b></p> <p><b>Design Criteria</b></p> <ul style="list-style-type: none"><li>A minimum of 7 per cent of total site area should be deep soil zone.</li><li>Additionally, based on the following categories, minimum deep soil zone dimensions are to be considered:<ul style="list-style-type: none"><li>Site area less than 650m<sup>2</sup> – none</li><li>Site area 650m<sup>2</sup> - 1,500m<sup>2</sup> - 3m</li><li>Site area greater than 1,500m<sup>2</sup> - 6m</li><li>Site area greater than 1,500m<sup>2</sup> with significant existing tree cover - 6m</li></ul></li></ul>	<p><b>Complies</b></p> <p>252m<sup>2</sup> (13%) with minimum dimensions of 6m (site area greater than 1500m<sup>2</sup>)</p>												
<p><b>3F Visual Privacy</b></p> <p><b>Design Criteria</b></p> <ul style="list-style-type: none"><li>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</li></ul> <table><tr><th>Building height</th><th>Habitable rooms &amp; balconies</th><th>Non-habitable rooms</th></tr><tr><td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr><tr><td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr><tr><td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr></table>	Building height	Habitable rooms & balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	<p><b>Complies</b></p> <p>8.365m proposed to northern boundary.</p>
Building height	Habitable rooms & balconies	Non-habitable rooms											
up to 12m (4 storeys)	6m	3m											
up to 25m (5-8 storeys)	9m	4.5m											
over 25m (9+ storeys)	12m	6m											
<p><b>4A Solar and daylight access</b></p> <p><b>Design Criteria</b></p> <ul style="list-style-type: none"><li>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at midwinter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government area</li><li>In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at midwinter</li><li>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at midwinter.</li></ul>	<p><b>Complies</b></p> <p>Penrith LGA is located within the Sydney Metropolitan Area and therefore, the 2-hour requirement applies.</p> <p>83% of total units achieve 2 hrs of solar access.</p> <p>1 unit (unit 7) in the development receives no sun (5% of units in the development)</p>												

Control	NSW LAHC Comment															
<b>4B Natural ventilation</b> <b>Design Criteria</b> <ul style="list-style-type: none"><li>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</li><li>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</li></ul>	<b>Complies</b> 77% of total units achieve natural ventilation.															
<b>4C Ceiling heights</b> <b>Design Criteria</b> <ol style="list-style-type: none"><li>Measured from finished floor level to finished ceiling level, minimum ceiling heights for apartments and mixed use buildings are:<ul style="list-style-type: none"><li>Habitable rooms: 2.7m</li><li>Non-habitable: 2.4m</li><li>For 2 storey apartments: 2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</li><li>Attic spaces: 1.8m at edge of room with a 30 degree minimum ceiling slope</li><li>If located in mixed used areas: 3.3m for ground and first floor to promote future flexibility of use</li></ul></li></ol> <p>These minimums do not preclude higher ceilings if desired.</p>	<b>Complies</b> 2.7m minimum floor to ceiling height is provided – refer to Drawing A10, <b>Appendix A</b> .															
<b>4D Apartment size and layout</b> <b>Design Criteria</b> <ul style="list-style-type: none"><li>Apartments are required to have the following minimum internal areas: Studio 35m<sup>2</sup><ul style="list-style-type: none"><li>1 bedroom 50m<sup>2</sup></li><li>2 bedroom 70m<sup>2</sup></li><li>3 bedroom 90m<sup>2</sup></li></ul></li><li>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each</li><li>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each</li><li>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</li><li>Habitable room depths are limited to a maximum of 2.5 x the ceiling height</li><li>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</li></ul>	<b>Complies</b> 50m <sup>2</sup> min. for 1- bed apartments. 70m <sup>2</sup> min. for 2-bed apartments															
<b>4E Private open space and balconies</b> <b>Design Criteria</b> <p>All apartments are required to have primary balconies as follows:</p> <table><tr><th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr><tr><td>Studio apartments</td><td>4m<sup>2</sup></td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m<sup>2</sup></td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m<sup>2</sup></td><td>2m</td></tr><tr><td>3+ bedroom apartments</td><td>12m<sup>2</sup></td><td>2.4m</td></tr></table> <ul style="list-style-type: none"><li>The minimum balcony depth to be counted as contributing to the balcony area is 1m</li><li>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m</li></ul>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m <sup>2</sup>	-	1 bedroom apartments	8m <sup>2</sup>	2m	2 bedroom apartments	10m <sup>2</sup>	2m	3+ bedroom apartments	12m <sup>2</sup>	2.4m	<b>Complies</b>  1 bedroom Min. 8m <sup>2</sup> provided Min. 2m 2 Bedroom Min. 10m <sup>2</sup> provided Min. 2m All ground floor units are provided with a minimum 15m <sup>2</sup> private open space area with min. dimensions of 3m
Dwelling type	Minimum area	Minimum depth														
Studio apartments	4m <sup>2</sup>	-														
1 bedroom apartments	8m <sup>2</sup>	2m														
2 bedroom apartments	10m <sup>2</sup>	2m														
3+ bedroom apartments	12m <sup>2</sup>	2.4m														
<b>4F Common circulation and spaces</b>	<b>Complies</b>															

Control	NSW LAHC Comment										
<b>Design Criteria</b> The maximum number of apartments off a circulation core on a single level is eight	7 apartments accessed from the lift.										
<b>4G Storage Design Criteria</b> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Storage size volume</th></tr> </thead> <tbody> <tr> <td>studio</td><td>4m<sup>3</sup></td></tr> <tr> <td>1 bedroom</td><td>6m<sup>3</sup></td></tr> <tr> <td>2 bedrooms</td><td>8m<sup>3</sup></td></tr> <tr> <td>3+ bedrooms</td><td>10m<sup>3</sup></td></tr> </tbody> </table> At least, 50% of the required storage to be located within the apartment	Dwelling type	Storage size volume	studio	4m <sup>3</sup>	1 bedroom	6m <sup>3</sup>	2 bedrooms	8m <sup>3</sup>	3+ bedrooms	10m <sup>3</sup>	<b>Complies</b> Storage in accordance with the design criteria is provided within the individual units and basement.
Dwelling type	Storage size volume										
studio	4m <sup>3</sup>										
1 bedroom	6m <sup>3</sup>										
2 bedrooms	8m <sup>3</sup>										
3+ bedrooms	10m <sup>3</sup>										

## 6.5.5 Good Design for Social Housing

*Good Design for Social Housing* establishes the 4 key goals and their underpinning principles to delivering better social housing outcomes for NSW.

Section 108CB(3)(a) of the Housing SEPP requires LAHC to consider the relevant provisions of the *Good Design for Social Housing policy* (September 2020) when assessing a proposed seniors housing development under Chapter 3, 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 and 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 proposal achieves a NatHERS rating with an average of 8 stars which exceeds the minimum target (7 stars) set by LAHC. Reverse cycle air conditioning will be provided to the living areas of each dwelling to assist with climate control, as well as photovoltaic systems to offset energy costs.

Each unit is provided with an area of private open space that accommodates a paved area for outdoor dining. High quality landscaping across the site will enhance the amenity for residents, and the common seating area at the rear will encourage social interaction in a peaceful landscaped setting.

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

### Belonging

The form and materiality of the proposed development have been selected to respond to the style and character of the local area and will make a high-quality contribution to the streetscape. The predominant use

of brickwork, and cladding with a contemporary colour palette, will ensure the visual appeal of the development is maintained over time.

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

### Value

The development overall meets sustainability targets, with 17 of the 18 dwellings achieving a NatHERS score of 7 stars or above and the overall development achieving an average NatHERS rating of 8 stars. The scheme incorporates sustainable features including insulation, clothes lines, native plantings, ceiling fans, and good solar access and cross-ventilation. Photovoltaic panels and rainwater re-use will assist in minimising the use and cost of access to natural resources.

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 development is in keeping with current government initiatives to deliver quality housing stock.

The design and assessment process involved close collaboration with a number of stakeholders, including input from Penrith City Council and adjoining landowners.

## 6.5.6 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.

Section 108CB(3)(b) of the Housing SEPP requires LAHC to consider the relevant provisions of the *Land and Housing Corporation Design Requirements* when assessing a proposed seniors housing development under Chapter 3, 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*). The Design Requirements require that the living and private open space areas receiving less than 15 minutes solar access should be avoided. However, due to the orientation of the site, the living and private open space areas of Unit 7 and the private open space area of Unit 14 do not receive any solar access on June 21. To improve solar access for Unit 14, the roof is provided with a north-facing clerestory window above the living area to allow at least 2 hours direct solar access on June 21. On balance, this is an acceptable outcome for the development as a whole given the orientation of the site.

## 6.5.7 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 12** demonstrates how the principles have been considered in the design of the proposal.

Table 12 Response to Design Principles (Schedule 8)

1 Neighbourhood Amenity and Streetscape
<p><i>Seniors housing should be designed as follows –</i></p> <p><i>(a) to recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation,</i></p>
<p>N/A. A residential care facility is not proposed.</p>
<p><i>(b) to 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,</i></p>
<p>In relation to (i), the location's current character can be described as 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 developments. The design incorporates materials, colours, and architectural elements that generally complement this existing local development.</p> <p>In relation to (ii), the area is however expected to undergo a transition to higher density development as envisaged in the St Marys Town Centre Master Plan. The scale and density of the proposal is generally consistent with the Master Plan as noted earlier in this REF at section 6.4.2.</p>
<p><i>(c) to complement heritage conservation areas and heritage items in the area,</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) to 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,</i></p>
<p>The proposed building setbacks are generally compatible with the streetscape character of the locality and are consistent with Council's DCP requirements. Generally, building setbacks allow for substantial landscape plantings, providing amenity for residents and allowing the provision of an advanced tree specimen at the rear of the site that will contribute to the surrounding character. Due to the orientation of the site, shadows fall predominantly over the road reserve, with overshadowing impacts to neighbours restricted to the afternoon.</p> <p>The built form generally respects and follows the topography of the site. The uppermost floor of the building is stepped back to reduce visual bulk impact to the adjoining property to the north.</p> <p>The development complies with the height limit permitted under the Housing SEPP, which is greater than the height limit permitted under the PLEP 2010. However, as noted earlier at section 6.4.2 of this REF, the strategic intent for the site as set out in the St Marys Town Centre Masterplan is for a built form of up to 6 storeys on the site.</p> <p>The proposal does not locate buildings directly upon the boundaries.</p>
<p><i>(e) to set back the front building on the site generally in line with the existing building line,</i></p>

Setbacks will maintain the existing predominant building lines and patterns of setbacks and are consistent with the Penrith DCP 2014. Minimum setbacks of 5.9m and 7.96m are proposed to Stapleton Parade and Lethbridge Street, respectively.

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

The proposed landscape design incorporates substantial plantings at the front and rear of the development which will enhance the streetscape and provide a pleasant 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.

Replacement tree plantings 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) to retain, wherever reasonable, significant trees,*

As discussed previously in this REF, it was originally proposed to retain a mature Tallowwood tree (T7) located at the rear of the site. However, T7 was reassessed by the arborist as being unable to be retained. Identified requirement (No. 70) is recommended to update the Landscape Plans to show removal of all trees within the site and to provide a suitable advanced tree planting in the location of T7, as recommended by the Landscape Architect.

All other trees within the site do not have sufficient retention value or are unable to be retained due to their location and are supported for removal as stated in the Arboricultural Impact Assessment prepared by Redgum Horticultural (refer to **Appendix J**).

In addition to the replacement planting for T7, substantial replacement plantings are proposed within the site to compensate for the loss of trees on the site. Replacement trees include 2 Waterhausia trees (10m mature height) and 9 Crepe Myrtle trees (5-10m mature height) and a number of shrub plantings. Refer to the Planting Schedule on the Landscape Plan at **Appendix B**.

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

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

## 2 Visual and Acoustic Privacy

*Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and all residents of the seniors housing 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, dwelling layouts, placement and sizing of window openings and location of landscaping.

The building has generally been designed so that high use areas such as living rooms and private open space areas are oriented to both street frontages where possible so as to minimise privacy impacts to adjoining properties. Where windows and balconies are proposed, adequate setbacks have been maintained and privacy screening provided to restrict direct overlooking, where appropriate.

The number of bedrooms adjoining the access driveway and internal pathway has been minimised in the design of the building.

The proposed dwellings have been designed in accordance with the requirements of the Building Code of Australia for sound and impact transmission so that acceptable noise levels between dwellings and adjoining properties are achieved.

### 3 Solar access and design for climate

*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 development has been designed so that the living and private open space areas of 15 out of the 18 units receive at least 2 hours solar access on June 21. As demonstrated on the shadow diagrams (**Appendix A**), solar access is adequately maintained to the living and private open space areas of neighbouring properties.

The development exceeds the sustainability targets and achieves an average NatHERS rating of 8, with only one individual unit achieving less than 7 stars and two units achieving 9 stars. Fourteen out of the 18 (78%) dwellings are naturally ventilated and the development is provided with photovoltaic panels to utilise renewable energy.

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

### 4 Stormwater

*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.*

Site stormwater will be captured and drained as shown on the submitted stormwater management plans in accordance with Council's requirements (**Appendix C**). A rainwater tank is proposed to facilitate water re-use for irrigation of landscaped areas.

Upstream overland flow will be captured separately and discharged to Council's infrastructure in Lethbridge Street as described earlier in this REF.

### 5 Crime Prevention

*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 promotes territorial reinforcement by establishing clear entry points and boundaries through fencing and landscaping. The entry points provide a secure progression from public to private spaces and will create a safe environment for residents. Twelve out of the 18 units address the street frontages, providing passive surveillance of public areas as well as the pedestrian and vehicle entry points.

Fencing will be constructed along the side and rear boundaries, and all areas of ground level private open space are fenced to create security and delineate between public and private spaces, whilst allowing for passive surveillance.

The design of the proposed development will also allow for general surveillance of the rear of the site and driveway area, particularly units 1, 4, 9, 10, 11, 16, 17 and 18 which have their terraces and balconies looking onto these areas. Peep-holes will also be provided to the front doors of each dwelling to enable residents to view approaches to their dwelling without having to open the door.

## 6 Accessibility

*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 safe environments for pedestrians and motorists with convenient access and parking for residents and visitors.

The proposed development is well located with safe pedestrian links within and adjacent to the site that provide access to transport services/ local facilities and will provide a safe environment for pedestrians and motorists with convenient access to the car parking area for residents.

The closest bus stops are located on Glossop Street. These are 'Glossop St opp Adelaide St' (ID: 2760296) which is located approximately 209m east of the site and bus stop 'Glossop St after King St' (ID: 2760292) which is located approximately 310m southeast of the site. The bus stops are serviced by route 774, taking residents from the site to Penrith train station, Westfield shopping centre and Nepean Hospital.

Access to these bus stops is via pedestrian pathway from the frontage of the site to Glossop Street via a laneway known as Stapleton Lane. The Access Report (*Appendix H*) recommends that the pedestrian barriers currently positioned at each entry point to the laneway be re-positioned in collaboration with Penrith City Council to enable wheelchair users to navigate these barriers more easily. Identified requirement (No. 66) is recommended in this regard.

Car parking, including 4 accessible spaces, is provided for residents within a basement which can be accessed from the Lethbridge Street frontage, or from upper floor dwellings via a lift.

There is ample street parking available on both Lethbridge Street and Stapleton Parade for visitors.

## 7 Waste management

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

A waste storage enclosure is provided at the pedestrian entry points of the site at each street frontage. The waste storage areas will accommodate general and recycling waste. The storage areas have been appropriately screened to minimise visual impact but still retain good visibility to avoid the creation of entrapment spaces. An Identified Requirement (No. 73) has been included requiring LAHC to consult with Penrith City Council to make the necessary arrangements regarding the utilisation of Councils Waste Collection Service. Green waste will be managed by LAHC, with green waste from landscaping removed by a nominated contractor.

## 6.6 Other State Environmental Planning Policies

**Table 13** below outlines applicability of, and compliance with, other State Environmental Planning Policies (SEPPs).

Table 13 Compliance with other applicable State Environmental Planning Policies

### SEPP (Building Sustainability Index: BASIX) 2004

A BASIX Certificate has been obtained for the development proposal (refer to *Appendix K*).

### SEPP (Transport and Infrastructure) 2021

The Transport and Infrastructure 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 childcare facilities and major infrastructure corridors.

The site is not located in close 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.

#### SEPP (Precincts – Western Parkland City) 2021

The site is subject to planning considerations under SEPP (Precincts – Western Parkland City) 2021, Chapter 4 as the site is identified on the Obstacle Limitation Surface Map and is within the 13km zone of the Wildlife Buffer Zone Map.

##### Obstacle Limitation Surface Map:

A search of the Obstacle Limitation Surface (OLS) tool for Western Sydney Airport (WSA) (<https://olstool.wsa.geoplex.net.au/>) indicates that the OLS elevation that applies to the site is 231m AHD. The proposed development is a combination of 2 and 3 storeys, with a maximum height of approximately 60m AHD. As such, the development will not impact the OLS of WSA.

##### Wildlife Buffer Zone Map:

Whilst the site is located within the wildlife buffer zone (8-13km), the development is not identified as 'relevant development' for the purposes of section 4.19 of this SEPP and therefore, consultation with the relevant Commonwealth body is not required and further wildlife assessment is not necessary.

#### SEPP (Biodiversity and Conservation) 2021

This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.

##### 2.6(1) Clearing that requires permit or approval

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 all trees within the site (refer to Arboricultural Impact Assessment Report and addendum letter at *Appendix J*).

Notwithstanding, Section 6 of the 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.

An assessment of the proposed tree removal has been undertaken within section 8.9 of this REF.

##### Part 6.2 Development in Regulated Catchments

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.

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 the Biodiversity and Conservation SEPP, sections 6.6, 6.7, 6.8 and 6.9.

##### ***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 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: Generally, stormwater will be collected within the site and discharged to a new kerb inlet pit in Lethbridge Street, whilst upstream overland flow will discharge to Council's infrastructure in Lethbridge Street.

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 39) 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.

Identified requirement (No. 71) is recommended requiring upstream overland flow to be piped to Council's piped system in Lethbridge Street if the discharge rate to the kerb and gutter is found to exceed 25 litres per second.

### ***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 proposed removal of existing trees on the site is supported by the Arborist (refer to *Appendix J*). The proposed development includes planting of suitable native indigenous vegetation and trees, improving the ecological value of the site. 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**

The Resilience and Hazards SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.

Section 4.6 of this SEPP requires the consent authority to consider whether land is contaminated prior to granting development consent. 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 and these are considered in the following table:

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 late 1940'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	Each lot is currently vacant.
(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.
(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 which indicated that the site is unlikely to have been associated with potentially contaminating activities.
(g) Are there any contamination impacts on immediately adjacent land which could affect the subject land?	No	Adjoining development is residential, forming part of a larger residential subdivision carried out in the late 1940's.
(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 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	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.

## 6.7 Penrith Local Environmental Plan 2010

Compliance with the relevant provisions / development standards set out in the PLEP 2010 is demonstrated in **Table 14** below.

Table 14 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 <i>Height of Buildings Map</i> (8.5 metres)	9.78m. Does not comply. However, complies with the Housing SEPP, section 108(2)(a) & (b) which prevails.
4.4	Floor Space Ratio	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the <i>Floor Space Ratio Map</i> .	Not applied to the site.
7.4	Sustainable development	The consent authority must have regard to the principles of sustainable development	The development is supported by valid BASIX and NatHERS certificates.
7.6	Salinity	(2) Development consent must not be granted to any development unless the consent authority has considered — (a) whether or not the proposed development is likely to have an impact on salinity processes, and (b) whether or not salinity is likely to have an impact on the proposed development, and (c) appropriate measures that can be taken to avoid or reduce any undesirable effects that may result from the impacts referred to in paragraphs (a) and (b).	The Site Investigation Report dated 15 December 2014 ( <i>Appendix P</i> ) notes that the site conditions are consistent with the presence of non-saline soils.
7.30	Urban heat	The consent authority is to be satisfied that planning and design measures are incorporated to reduce the urban heat island effect that — (a) maximise green infrastructure, and (b) retain water in the landscape, and (c) use design measures to ensure the thermal performance of the development achieves a high degree of passive cooling, and (d) use building, paving and other materials that minimise heat impacts, and	The development is supported by valid BASIX and NatHERS certificates, is suitably landscaped and at least 60% of dwellings in the development are naturally ventilated.

#### Relevant Provisions / Development Standards for Seniors Housing

(e) reduce reliance on mechanical ventilation and cooling systems, to conserve energy and to minimise heat sources.

## 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-dwelling 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 15** 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 15** Penrith Development Control Plan 2014

#### Compliance with setback controls for multi-dwelling housing (Medium Density)

##### Multi-dwelling housing

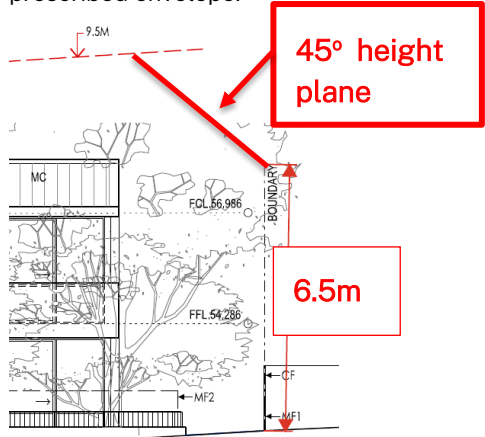
Clause	Requirement	Proposed
2.4.5 Front and Rear Setbacks	<p>1) <u>Rear setback</u> The minimum rear setback for a two storey building (or any two storey component of a building) is 6m.</p> <p>3) <u>Front setback</u> a) either average the setbacks of the immediate neighbours; or</p> <p>b) a 5.5m minimum whichever is the greater dimension.</p>	<p>Complies – 8.365m</p> <p>The area is undergoing transition. As such, the minimum 5.5m control has been adopted.</p> <p><u>Lethbridge Street:</u> Complies – 5.5m</p> <p><u>Stapleton Parade:</u> Does not comply – 5.3m to Unit 07 and Unit 08 balconies. The non-compliance is considered acceptable given:</p> <ul style="list-style-type: none"> <li>- The scale of the encroachment (200mm over a combined distance of 8m, ie16% of the street frontage) is relatively minor; and</li> <li>- the front setback area, despite the non-compliance, will be generally consistent with the objective of the control to reflect the character of the area and to provide for flora and fauna corridors as the front setback area is extensively landscaped with 4 x Crepe Myrtle (mature height 5m) and a variety of shrubs.</li> </ul>

Compliance with setback controls for multi-dwelling housing (Medium Density)

2.4.6 Building Envelope and Side Setbacks

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 (6.5m) above natural ground level at the side boundaries of the site.

Complies — The envelope control applies to the eastern side boundary setback. As shown in **figure a**, below, the building is well within the prescribed envelope:



**Figure a** — height plane at eastern side boundary

# 7 Notification, Consultation and Consideration of Responses

## 7.1 Council Notification

In accordance with section 108C(1)(b)(i) of the Housing SEPP, Penrith City Council was notified of the development by letter dated 7 November 2024 (refer to *Appendix G*). The notification response period formally closed on 3 December 2024 and Council responded to the notification by email on 10 December 2024 with matters raised outlined in **Table 16** below. A response is provided in relation to the comments and matters raised in Council’s submission and where appropriate, these matters have been addressed in the identified requirements included in the Activity Determination.

Table 16 Issues Raised in Council Submission

Issues raised	Response
<p>The land is zoned R3 Medium Density under Penrith LEP 2010 and the scale of the proposed development is not compatible with the existing or desired future character of the area under the objectives of this zone creating impacts to existing residents. Such a proposal would be better located in the nearby R4 High Density Residential zone under the LEP.</p> <p>Notwithstanding this, it is acknowledged that the proposal is being progressed as development without consent under <i>State Environmental Planning Policy (Housing) 2021</i> which prevails to the extent of an LEP inconsistency and is being assessed by Homes NSW under Part V of the Environmental Planning and Assessment Act, 1979.</p> <p>It is therefore trusted that the proposal has been designed and the assessment will ensure that any resulting impacts of the inherent scale incompatibility introduced by this development are minimised.</p>	<p>Noted. The development has been designed in accordance with the Design Principles set out in both the Housing SEPP, Schedule 8 and the Seniors Housing Design Guide, Chapter 3, Section 15. In addition, the Apartment Design Guide has also been used as a guide to the design of the development (refer to section 6.5.4 of this REF). Assessment of the activity indicates that there are no unreasonable impacts such as privacy and solar access to existing adjoining development that would necessitate any further amendment to the proposal.</p> <p>It is further noted that the proposal is generally consistent with the strategic direction set out in the St Marys Town Centre Master Plan, which identifies the site and locality for significant intensification in terms of both height and density.</p>

## 7.2 Notification of Occupiers of Adjoining Land and Other Persons

Under section 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 21 October 2024. Council provided an email response on 22 October 2024 advising that the notification map was acceptable to Council. **Figure 23** illustrates the properties in which the occupiers and landowners were notified of the development.

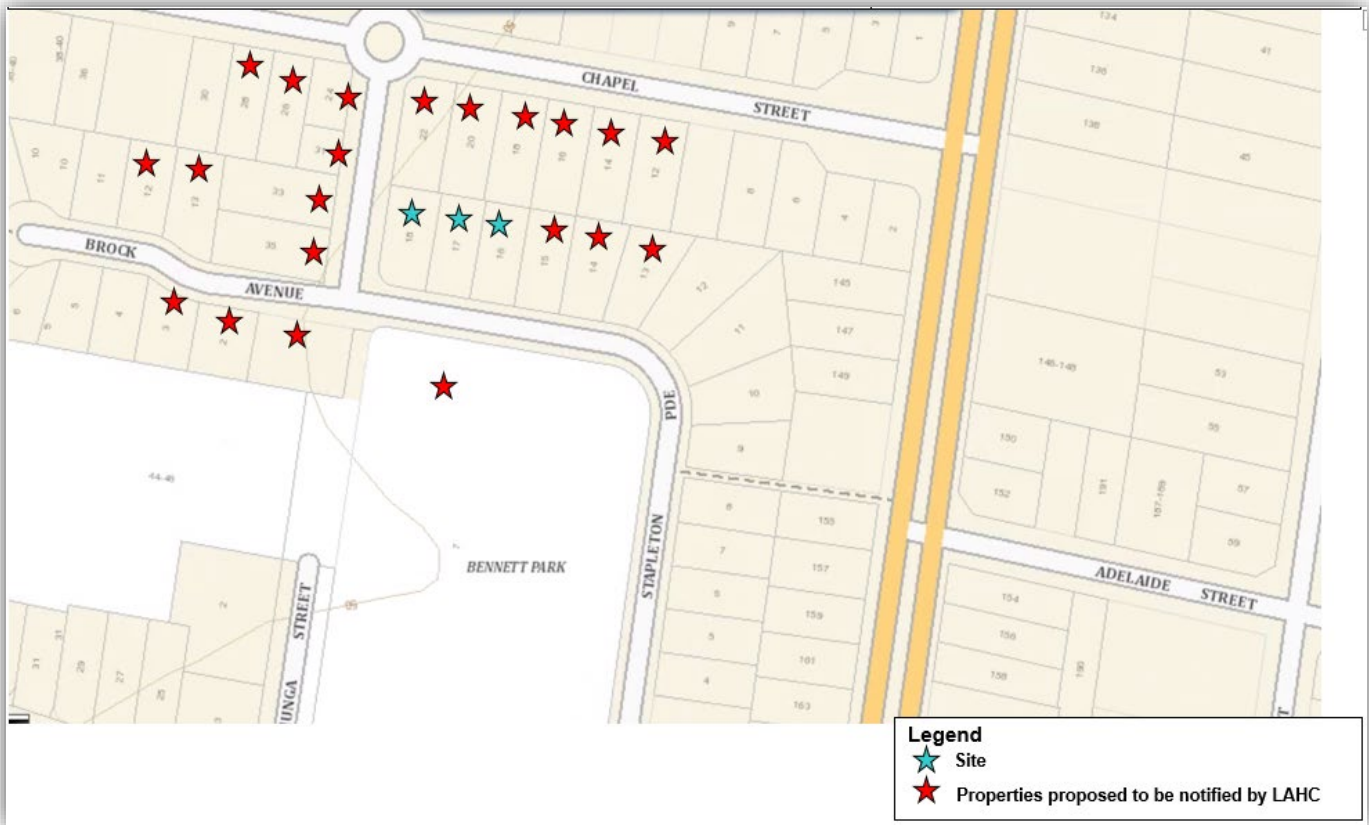


Figure 23 Map of Properties Notified of the Proposed Development (Source: LAHC)

Under section 108C(1)(b)(ii) and (iii) of the Housing SEPP, owners and occupiers of adjoining land, as identified in the above map, were notified of the proposed development activity by letter dated 7 November 2024. A sample notification letter is provided at **Appendix G**.

The notification response period formally closed on 2 December 2024. No submissions were received from adjoining occupiers in response to notification of the activity.

## 7.3 Notification of Specified Public Authorities

The development is “seniors housing” under section 108A of the Housing SEPP. As required by section 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 specified in the *Western Parkland City Authority Act 2018*. However, as the estimated development cost is less than \$30 million, consultation with 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 6.5 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.

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### 8.1 Neighbourhood Character

The site is located within an established residential area. The dominant form of development in the immediate 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 and metal, pitched roofs. The character of the area is in a period of transition, with a considerable number of newer, two-storey dwellings, dual occupancy developments and multi-unit developments interspersed throughout the locality of 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 development in this area of St Marys, noting that the site is within the area defined by the St Marys Town Centre Masterplan, as noted earlier in this REF.

#### Mitigation Measures

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

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### 8.2 Bulk and Density

The proposed development is generally consistent with the bulk and scale of surrounding development in the broader locality. The part-2, part- 3-storey development incorporates appropriate setbacks with suitable separation distance from adjacent buildings, distinguished by a variety of articulation features, external finishes and materials to reduce the visual bulk of the development. The transition to two-storey elements towards the east and north mitigates potential overlooking and overshadowing impacts, enhancing the overall design quality. The majority of units address the street with suitable façade articulation which is considered to enhance the streetscape and provide opportunity for casual surveillance between the development and public domain.

Justification for the variation to the Housing SEPP FSR control of 0.5:1 is provided beneath table 8 of this REF, which found that despite the non-compliance, the development is considered consistent with the objectives of the Housing SEPP in that it:

- contributes to the increase in supply of suitable accommodation for seniors and people with a disability;
- meets the current and future accommodation needs of Sydney's ageing population;
- delivers a well-designed development which reflects and enhances the locality while providing a reasonable level of amenity for residents;

- provides seniors accommodation close to existing infrastructure;
- is well located to public transport connections.

The proposed exceedance of the floor space ratio therefore has significant environmental benefits as the development increases the supply of seniors housing while positively contributing to the streetscape and surrounding area; and is not considered to result in any unacceptable overshadowing or privacy impacts to adjoining dwellings.

#### **Mitigation Measures**

No mitigation measures are required.

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## **8.3 Streetscape**

The architectural style of the proposed development activity is generally compatible with the form of medium density development emerging in the surrounding locality. The development provides generous front setbacks to generally align with the existing streetscape. The proposed design integrates substantial landscaping into the site's frontages and car parking will be obscured from street view, resulting in a built form that has been designed with consideration of the development's surroundings.

In conjunction with strong articulation and modulation along the front façades and improved landscaping proposed within the street setback areas, the proposed development will make a positive contribution to the existing streetscapes. The proposed development will replace a vacant site with a new contemporary residential development.

The built form has been designed to address the street frontages through incorporation of street facing windows, doors, private open space areas and balconies.

#### **Mitigation Measures**

No mitigation measures are required.

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## **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 emerging 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, canopy trees that will soften the visual impact of the dwellings when viewed from the public domain. The proposal will incorporate 10 trees within the front setback areas comprising 9 crepe myrtle with a mature height of 5m (2 at the Lethbridge Street frontage and 7 along the Stapleton Parade frontage) and 1 waterhausia (mature height 10m) at the corner of the site, which will enhance the streetscape and improve the visual amenity of the area. In addition, 2 water gums and 4 spotted gums are proposed for the Lethbridge Street and Stapleton Parade road reserves, respectively.

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.

#### Mitigation Measures

No mitigation measures are required.

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## 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 neighbouring properties. In particular:

- Balconies and POS areas associated with Units 1-8 and 12-15 are orientated toward the street frontages.
- Balconies and POS associated with Units 9-11 and 16-18 are orientated toward the rear common area of the site and as such will not directly overlook the windows or private open space at adjacent sites. These balconies and POS have been set back a minimum of 9.8m and 8.2m from the rear and side boundaries, respectively, to ensure privacy.
- Bathroom windows are treated with obscure glazing to maintain privacy to the neighbours.
- Windows to habitable rooms facing the side boundary are designed with a sill height of 1.5m to prevent overlooking.
- 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 and considered window locations.
- Noting that the locality is undergoing transition, the front setback is generally consistent with the prevailing building line on each street frontage and includes substantial landscaping to further mitigate privacy impacts particularly for private open space areas located between the building line and front boundaries.
- 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 to dwellings within the development and those on neighbouring properties.
- Metal picket angled privacy fencing provided within the front setback will create a delineation between private and public space and improve privacy for residents.
- Proposed 1.2m-1.8m metal fencing will mitigate unacceptable overlooking to and from adjoining properties.
- Principal private open spaces are set back from neighbouring properties.

#### Mitigation Measures

No mitigation measures are required.

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## 8.6 Solar Access

The submitted Architectural Plans in *Appendix A* indicate that 83% of dwellings (15 of 18) receive at least 2 hours direct solar access to their living and private open space areas on June 21, which exceeds the requirement for 70% of dwellings under the Housing SEPP. Due to the orientation of the site, the living and private open space areas of Unit 7 and the private open space area of Unit 14 do not receive any solar access on June 21. To improve solar access for Unit 14, the roof is provided with a north-facing clerestory window above the living area to allow at least 2 hours direct solar access on June 21. On balance, this is an acceptable outcome for the development as a whole given the orientation of the site.

### Mitigation Measures

No mitigation measures are required.

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## 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 any unacceptable shadow impacts to living areas and private open space of dwellings on adjoining sites. Given the orientation of the site, shadows cast as a result of the proposed development generally fall across the road reserve between 9am and 12 noon midwinter. Minor overshadowing of the driveway and front setback area of the adjoining property at 15 Stapleton Parade will occur in the afternoon midwinter, however this would not restrict the dwelling and private open space area from achieving solar access throughout the day.

### Mitigation Measures

No mitigation measures are required.

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## 8.8 Traffic & Parking

Eight car parking spaces for residents, including 4 accessible spaces and 2 x 3.2m wide spaces, will be available on site to serve residents of the proposed development. The provision of on-site car parking exceeds the parking requirements set out in the Housing SEPP for seniors housing developments carried out by LAHC by 4 spaces. Unrestricted street parking is available on Lethbridge Street and Stapleton Parade to accommodate any overflow parking demand generated by the proposed development.

The Traffic Impact and Parking Assessment (TIPA) prepared by Greenview Consulting (*Appendix S*), confirmed that the operation or safety of the surrounding road network is unlikely to be impacted by the development due to the minimal increase in traffic activity of 7 vehicle trips during the morning and evening peak hours.

The TIPA also confirmed that the car park layout, including the proposed parking spaces and associated aisle width, comply with the relevant Australian Standards.

### Mitigation Measures

Identified requirement (No. 69) recommends the provision of convex mirrors around the curved section of the driveway to assist driver's vision into and out of the car parking area, in accordance with the recommendations contained in the Traffic Impact and Parking Assessment.

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## 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 14 trees within the subject site and 1 on an adjoining property.

The proposal as notified included the removal of 13 trees within the site and the retention of a mature Tallowwood (T7) at the rear of the site and one tree on an adjoining property. Trees external to the site will be retained and protected.

A further inspection of T7 conducted by the project Arborist post notification in December 2024 revealed that T7 contains a structural branch that is now affected by an inclusion. The arborist has advised that the inclusion impacts the integrity of the structural branch such that removal of the branch is required. In addition, the arborist further advised that removal of the structural branch, together with the impacts from the proposed basement structure, would combine to impact the tree's stability to such an extent that the tree would not survive. T7 is therefore recommended to be removed (refer to addendum letter dated 6 December 2024 prepared by the project Arborist at *Appendix J*).

The tree will be replaced with a super advanced Tallowwood (*Eucalyptus microcrys*) or suitable alternative as recommended by the project Landscape Architect. Identified requirement No. 70 is recommended requiring that the Landscape Plans be updated to show the removal of all trees within the site and to include a suitable advanced tree planting to replace T7.

The removal of remaining trees within the site boundaries is required primarily to accommodate the proposed development as they are within the development footprint 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 – 25m, 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*). The new plantings will increase the variety of species on the site, including native plants, which will provide additional habitat for fauna in the long-term. In addition, 2 water gums and 4 spotted gums are proposed for the Lethbridge Street and Stapleton Parade road reserves, respectively.

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 33.

Identified requirement No. 70 is recommended requiring that the Landscape Plans be updated to show the removal of all trees within the site and to include a suitable tree to replace T7.

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## 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 30 October 2024 (*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

Standard Identified Requirements (No. 42 and 43) have been applied should any cultural heritage relics be discovered on the site during excavation / construction.

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## 8.11 Soils / Contamination / Acid Sulfate Soils / Salinity

### Geotechnical

The Geotechnical Investigation, prepared by SMEC Testing Services (*Appendix P*) indicates the following:

- The subsurface conditions consist of topsoil/fill overlying silty and gravelly clays and weathered shale. The topsoil/ fill is present in all boreholes to depths of 0.3m to 0.5m. Silty and gravelly clays are present to depths of 1.0m to 3.0m. The strength of these materials vary between firm to stiff and very stiff. In BH4, weathered shale underlies these soils and was observed to the depth of auger refusal, 1.2m.
- No groundwater was observed in the boreholes during the fieldwork.
- The site is considered suitable for slab on ground construction provided due regard is given to the ground surface slope.
- Reference to DLWC (2002) "Site Investigations for Urban Salinity" indicates that E<sub>Ce</sub> values of 0.2 to 1.9 dS/m are consistent with the presence of non-saline soils.

The following observation is also noted under the heading 'Additional Comments' of the report:

*'This report has been prepared assuming the site development will be limited to one or two storey residential buildings. The information and interpretation may not be relevant if the design proposal changes (e.g. to a five-storey building involving major cuts during the site preparation).'*

As the development proposes part-3-storey and cut of approximately 3m, STS Geotechnics were asked to review the report to determine whether the information contained in the SMEC Geotechnical Investigation remains relevant. STS Geotechnics have advised the following:

*'We've reviewed the following documents:*

- *Geotechnical Investigation Report by SMEC TESTING SERVICES, Project No 10530/2817 dated 15 December 2014.*
- *Architectural Plans prepared by DKT Studio, Project No. BGZXE dated September 2024.*

*Based on the review of the report, we believe the report is relevant for preliminary design of 2 & Part 3 storey residential building including an excavation of about 3.0m deep to support the DA.*

*We recommend additional geotechnical investigation/ inspections are carried out during construction to verify the ground conditions.'*

#### **Mitigation Measures**

Identified requirement (No. 72) is recommended requiring additional geotechnical investigation/ inspections be carried out prior to and during construction to verify ground conditions.

#### **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.

#### **Mitigation Measures**

A standard Identified Requirement (No. 17) has been recommended to cover the possibility of discovering site contamination during 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 do not identify the site as being affected by salinity. PLEP 2010 includes requirements relating to the consideration of salinity (refer to Section 6.7 of this REF).

Soil samples taken as part of the Geotechnical Site Investigation were consistent with the presence of non-saline soils.

#### **Mitigation Measures**

No mitigation measures are required.

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## **8.12 Drainage / Flood Prone Land / Hydrology/ Water Quality**

Stormwater drainage for the proposed development has been designed generally in accordance with Council's requirements. Stormwater from the site will be collected via a series of stormwater pits and gutters within the site and discharged to Council's infrastructure in Lethbridge Street via a proposed kerb inlet pit. Roof water is proposed to be collected in an underground rainwater tank located in the basement. Upstream overland flow is proposed to be captured separately and discharged to Council's drainage infrastructure in Lethbridge Street. However, as the discharge rate to the kerb and gutter has not been determined, an identified requirement (No. 71) is recommended requiring upstream overland flow to be piped to a kerb inlet pit within Lethbridge Street should the rate of discharge to the kerb and gutter be found to exceed 25 litres per second.

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, 39, 59 & 71) have been recommended to ensure that stormwater drainage is managed in accordance with legislative requirements.

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## **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.

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## **8.14 Noise and Vibration**

#### **During Site Preparation/ Construction**

During site preparation and construction, typical noise levels associated with 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 building is completed and occupied will be entirely in keeping with its residential surroundings. No major plant or equipment, which would generate unacceptable noise during occupation, will be installed in the proposed development.

The Architectural Plans (*Appendix A*) illustrate future provision for air conditioning units for each individual unit. Specific details of the air conditioning system are to be provided in the detailed construction documentation. Any air conditioning units must be designed and operated in accordance with the acoustic requirements set by EPA Guidelines and the *Protection of the Environment Operations (Noise Control) Regulation 2017*. Acoustic certification is required at construction documentation stage and prior to occupation to ensure that the air conditioning units are appropriately designed and installed. Their operation is also subject to an ongoing use Identified Requirement.

The building 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**

Site preparation/ 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, 47 & 60) have been applied to ensure compliance with the above mitigation measures.

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## 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. 48, 51 & 52) have been applied that will satisfactorily mitigate any potential or adverse impacts on air quality.

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## 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 building contractor.

### 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. 34) is recommended to require the preparation of a final waste management plan for the construction and occupation phases of the development.

Standard Identified Requirements (No. 41, 50 and 53) are recommended to ensure construction waste is appropriately managed and disposed.

Identified requirement (No. 73) is recommended requiring LAHC to consult with Penrith City Council regarding the utilisation of Council's Waste Collection Service and enter into necessary agreements.

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## 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 development achieves an average NatHERS (Nationwide House Energy Rating Scheme) rating of 8 stars. Further, a photovoltaic solar system and rainwater tank for water re-use will contribute to the project's sustainability.

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.

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## 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 bedroom dwellings is 5 to 10 years and for 2 bedroom dwellings 10+ years as at 30 June 2024 (GW05 Penrith),
- assist LAHC in improving the amenity of accommodation for its tenants, by providing new, more appropriate housing aligning with demand for social housing;
- improve the environmental sustainability of housing on the site, particularly through improved energy and water efficiency; and
- provide more accessible housing on the site.

### Mitigation Measures

No mitigation measures are required.

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## 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.

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## 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

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### 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 with justification provided for any departures, the 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.

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### 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 – CIVILS PLANS

APPENDIX D – SURVEY PLAN

APPENDIX E – NOTIFICATION PLANS

APPENDIX F – SECTION 10.7 PLANNING CERTIFICATES

APPENDIX G – NOTIFICATION LETTERS & COUNCIL SUBMISSION

APPENDIX H – ACCESS REPORT

APPENDIX I – AHIMS SEARCH

APPENDIX J – ARBORIST REPORT

APPENDIX K – BASIX CERTIFICATE

APPENDIX L – BCA REPORT

APPENDIX M – DESIGN COMPLIANCE CERTIFICATES

APPENDIX N – NATHERS CERTIFICATES

APPENDIX O – HOUSING FOR SENIORS CHECKLIST

APPENDIX P – GEOTECHNICAL INVESTIGATION

APPENDIX Q – CERTIFICATES OF TITLE & DEPOSITED PLAN

APPENDIX R – WASTE MANAGEMENT PLAN

APPENDIX S – TRAFFIC REPORT

APPENDIX T – DESIGN QUALITY PRINCIPLES STATEMENT