Statement of Environmental Effects

Uniting Edinglassie - Construction of 147 Independent Living Units

6 and 8 Troy Street and 1-3 Emerald Street, Emu Plains

Submitted to Penrith City Council and Sydney Western City Planning Panel
On behalf of Uniting Australia

October 2023

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Project:	P21-224
Report Version:	Final - Amended post lodgement

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APPENDICES

The following plans and technical reports accompany the development application. GYDE has relied on the information in these reports, prepared by professionals in their field, for the preparation of this Statement of Environmental Effects.

APPENDIX	DOCUMENT	PREPARED BY
A	Site Survey	Vince Morgan Surveyors
B	Architectural Plans	Group GSA
C	Arborist Report	Tree IQ
D	Landscape Plans	Taylor Brammer Landscape Architects
E	Stormwater Management Plan	TTW
F	Cost Report	WT Partnership
G	BASIX Certificate	JHA Consulting Engineers
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I	Traffic Impact Assessment	TTW
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X	CPTED Assessment	Group GSA

1. EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared for Uniting to accompany a development application (DA) to Penrith City Council. The subject site is located at 1-3 Emerald Street and 6 and 8 Troy Street, Emu Plains.

The subject site currently operates as an established retirement village and residential aged care facility (RACF), known as Edinglassie Village, operated by the Uniting Church in Australia Property Trust NSW/ACT (Uniting). The RACF has been recently constructed and occupied, following development consent being issued in 2018. A total of 45 ILUs are currently on site. A locally heritage listed sandstone chapel is also located on the site.

This application proposes the demolition of the existing Independent Living Units (ILUs) on site, and their replacement with 147 new ILUs across 5 buildings, with associated basement carparking and landscaping. A detailed description of the proposal is outlined in **Section 4**.

The proposed development is defined as "Seniors Housing" pursuant to the Penrith Local Environmental Plan 2010 (PLEP) and is permissible with consent within the R3: Medium Density Residential zone.

The Penrith LGA is experiencing and will continue to experience an ageing of its population. In response, Uniting has recognised there is a shortfall in ILU places and a need to support opportunities to broaden housing diversity within the LGA. The redevelopment of the site for purpose-built seniors housing in association with the existing RACF, will contribute to meeting demands for housing and aged care services in a highly accessible, established area, and provide significant benefits to older members of the local community.

The proposed architectural design for the ILUs is consistent with the modern character and design approved for the award winning RACF. The judges recognised in their comments for the RACF how the constraints of flooding and tree retention on site were turned into an asset, and how the retention of the tall perimeter trees allowed or the use of an additional storey to better blend in with the landscape and other adjoining land uses and this storey being appropriate in terms of bulk and scale.

The built form proposed for the ILUs has been designed in consideration of its context and site conditions. Its approach is to reduce the site coverage through increased building height in order to increase open space, tree retention and achieve a high standard of residential amenity.

While the proposed height is above the statutory standard (and therefore a variation is requested using the provisions of Clause 4.6 of the *Penrith Local Environmental Plan 2010*), the overall height and density is considered to be compatible with the site and its context and the impact on the environment and neighbouring area is not significant.

The development also addresses and appropriately manages the risk of flooding on the subject site and improves permeability through a reduction in the extent of site building coverage compared to previous site conditions.

Overall, the proposal provides a social and economic benefit to the community without any undue impacts and its approval is considered to be in the public interest.

2. INTRODUCTION

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (the **EPA Act**) and Clause 50 of the *Environmental Planning and Assessment Regulation 2021* (the **EPA Reg**). The purpose of this SEE is to:

- Describe the proposed development and its context
- Assess the proposal against the applicable planning controls and guidelines, and
- Assess the potential environmental impacts and mitigation measures.

The development described on this SEE comprises:

- The demolition of the existing ILUs on site;
- Construction of 147 Independent Living Units across 5 buildings;
- Construction of basement carparking;
- Removal of 24 trees and tree groups; and
- Associated earthworks and landscaping.

This SEE has been structured as follows:

- **Section 3** provides for a summary of the existing site conditions and the surrounding development and context, along with a summary of the previous planning history.
- **Section 4** provides a description of the development for which development consent is sought.
- **Section 5** outlines a response to the most recent pre-lodgement consultation meeting minutes and how the proposed development responds to the Urban Review Design Panel's questions and concerns.
- **Section 6** provides a summary and response against the statutory planning considerations, in particular the *State Environmental Planning Policy (Housing) 2021*, which is the key environmental planning instrument applicable to this proposal.
- **Section 7** responds to other planning considerations, including the Penrith Development Control Plan 2014.
- **Section 8** provides for the assessment of the likely impacts as required under Section 4.15(1)(b), 4.15(c) and 4.15(e) of the *Environmental Planning and Assessment Act 1979*

3. THE SITE AND SURROUNDS

3.1. The Subject Site

The subject site for this application refers to the area in red in **Figure 1** below, that contains the following land parcels:

SITE ADDRESS	LEGAL DESCRIPTION	LOT AREA
1-3 Emerald Street, Emu Plans	Lot 10 in DP1242243	1.817 hectares
6 Troy Street, Emu Plains	Lot 15 DP 232740	1018m^2
8 Troy Street, Emu Plains	Lot 14 DP 232740	973.8m^2

The full site has an area of approximately 20,300m^2. See below for an aerial image of the subject site at **Figure 1**.

Figure 1: Aerial image of subject site (Source: Near Maps/ GYDE Consulting – photo taken March 2021)

The combined land parcels have the following dimensions along their boundaries:

BOUNDARY	FRONTAGE	DIMENSION (M)
North	Great Western Highway	206.35m
East	Emerald Street	128.25m
South	Emu Plains Public School, 10 Troy Street	150.87
West	Troy Street	65.88m

A Survey Plan prepared by Vince Morgan (provided as **Appendix A**) (Revision C dated 26/05/2023) has been prepared for the subject site. The subject site has a slight 1 - 1.5 metre cross slope being higher at the south-east corner of the site (RL 27.5 metres) and falling towards the north-west corner of the site (RL 26.1 metres).

A mix of native and ornamental trees and vegetation is located along the site's boundaries, providing effective screening and privacy along the street and from neighbouring properties.

3.2. Existing Improvements

The subject site currently accommodates the Uniting Edinglassie Emu Plains Retirement Village. The most recent component of the built form is a three (3) storey, 100 bed residential Aged Care Facility (RACF) with associated at-grade carparking, located at the northeast corner of the subject site, approved under DA18/0306 on 6 November 2018. Consent DA 18/0306 was recently modified to reduce the extent of the carpark located to the south of the RACF.

This application does not seek to alter the development approved under DA18/0306 (as previously modified).

The remainder of the property is subject to this application, and comprises the following:

- 1-3 Emerald Street – Retirement & Independent Living. No change is proposed to the existing heritage listed chapel.
- 2-4 Troy Street – Retirement & Independent Living Residential Aged Care
- 6 Troy Street – Former single storey residential dwelling (which was the Uniting Edinglassie Aged Care Administration office). It is currently unused and will be converted back to a dwelling house, as per the requirements of DA 18/0306 for the Residential Aged Care Facility.
- 8 Troy Street – Single storey residential dwelling

The subject site has two vehicle entry/exit points along Emerald Street. The northernmost vehicle crossover point provides access to the carpark in front of the RACF, while the southern entry provides two-way access to the core of the village. One (1) additional entry/exit point is located along Troy Street which provides vehicular access to the existing independent living units and to existing parking. Driveways with ancillary parking spaces are also provided at No.6-8 Troy Street.

A continuous footpath is located along the north, east and west boundaries of the site, whereby pedestrian access points are provided.

The existing site improvements are shown in **Figure** 2 to **Figure 4** below.

Figure 2: Edinglassie Residential Aged Care Facility - approved under DA 18/0306 (Source: Group GSA)

Figure 3: Current one and two storey independent living units proposed for demolition (Source: GYDE Consulting)

Figure 4: Views of the existing chapel (Source: Group GSA)

3.3. Surrounding Development

3.3.1. Overview

The immediately surrounding context of the site is as follows:

- To the **North**: Lennox Village Shopping Centre is located immediately opposite on the Great Western Highway, consisting of supermarkets such as Aldi and Woolworths, several eateries, retail outlets, pharmacy, newsagency, and other services such as the Anytime Fitness gym. Further north is Emu Plains Community Centre approximately 100 metres northeast of the subject site.
- To the **East**: Immediately east are one and two storey detached dwelling houses, fronting Emerald Street. Further east is Darcy Smith Oval, containing a cricket pitch and other recreational amenities.
- To the **South**: Adjacent is Emu Plains Public School facing Emerald Street, whilst immediately southwest are residential dwellings along Troy Street. Further south are low density residential dwellings.
- To the **West**: Multi dwelling housing and unit blocks along the western side of Troy Street. Also contains the Our Lady of the Way Emu Plains Primary School and Parish.

See **Figure 8** to **Figure 11** for images of the immediately surrounding context.

The subject site has three street frontages, one to the Great Western Highway, and the other two facing Emerald Street and Troy Street. The Great Western Highway is one of Penrith's key arterial roads and public transport arteries. The Great Western Highway connects to the Western Motorway which provides greater access to the surrounding areas. Both Emerald Street and Troy Street are local roads.

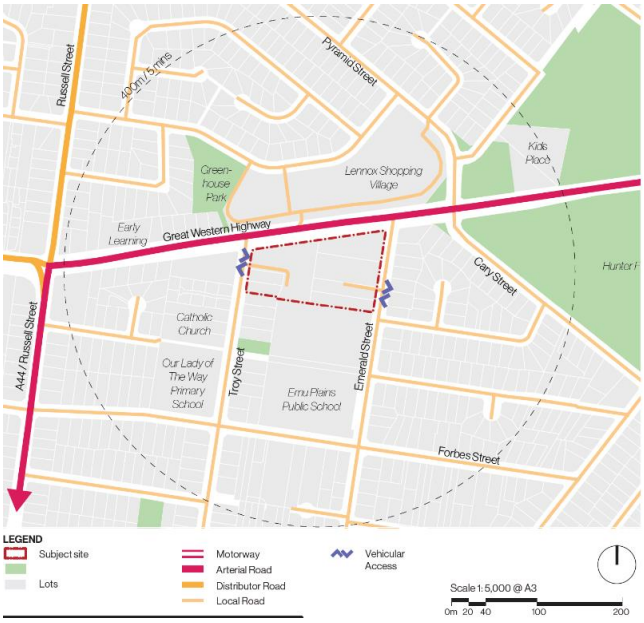

Figure 5: Road hierarchy in the locality (Source: Group GSA)

The overall area is well connected in terms of public transport, with bus stops located in close vicinity of the subject site, with three bus routes originating in the Penrith City Centre and terminating within nearby residential areas or within towns in the Blue Mountains. Bus connections to the Emu Plains train station are also available.

Figure 6: Bus routes around the subject site (Source: Group GSA)

3.3.2. Regional context

The Edinglassie Village site is located in the locality of Emu Plains at the foot of the Blue Mountains. Emu Plains is located approximately 58 kilometres from the Sydney Central Business District, approximately 3 kilometres from the Penrith City Centre, and located within the Penrith local government area (LGA).

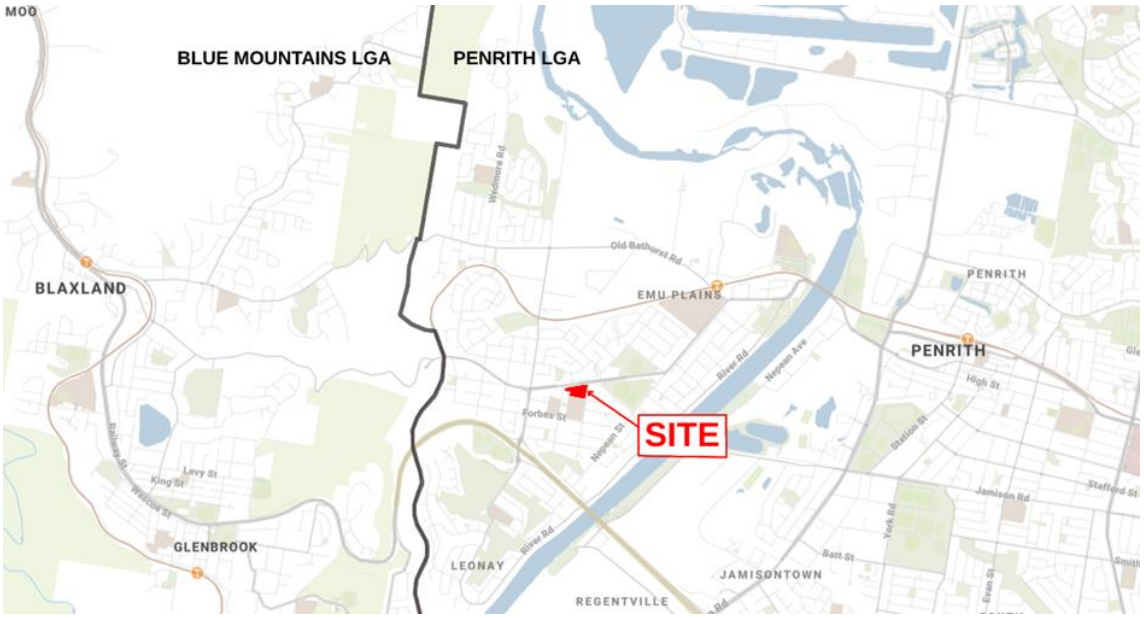

Figure 7: Locality Plan

3.3.3. Photos of Surrounding Uses

Figure 8: Site interface with Great Western Highway and view of adjacent Shopping Centre (Source: Group GSA)

Figure 9: Streetview east of the subject site along Emerald Street (Source: Google Streetview)

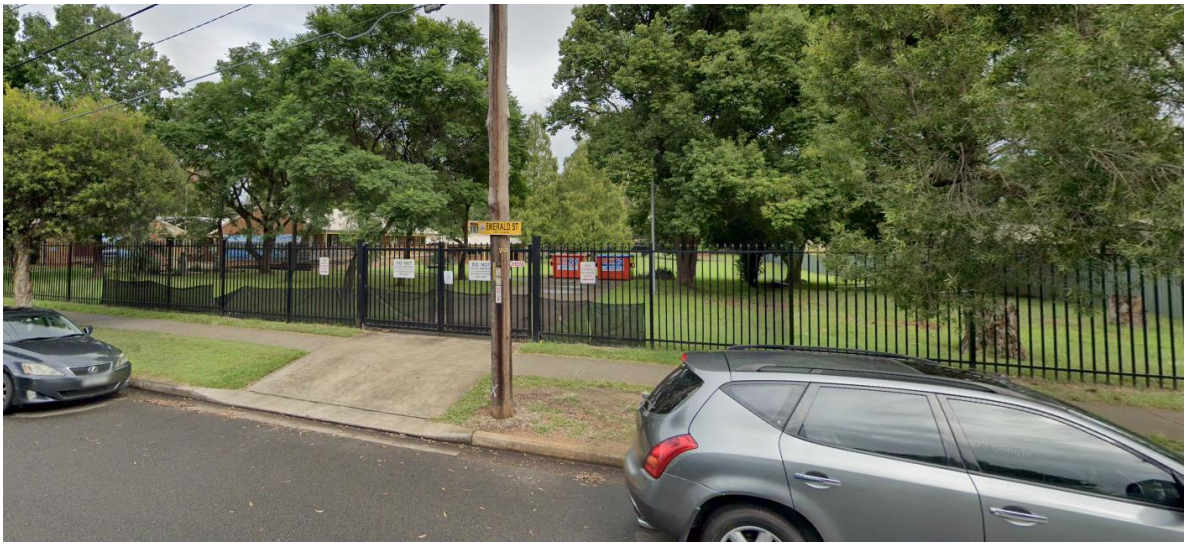

Figure 10: Streetview south of the subject site looking into Emu Plains Public School from Emerald Street (Source: Google Street view

Figure 11: Streetview west of the subject site along Troy Street (Source: Google Streetview

3.3.4. Recognition of Country

This application acknowledges the traditional custodians of the land upon which the subject site is located, the Mulgoa and Gandangara people, and pay respect to Elders past, present and emerging.

The First Nations heritage in the Council area is at least 50,000 years old. The Mulgoa valley marked an important boundary between two major clans – the Mulgoa people of the Darug language group from the plains and the Gundungurra from the mountains. The Nepean River (a defining feature of the area) was a permanent water supply and known as Dyarubbin.

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3.4. Planning History

3.4.1. Summary

A summary of recent development consents as obtained from the Penrith City Council Development Application Tracker as well as privately certified Construction Certificates is shown in the following table:

Table 1: Summary of approval history

DA NO.	DATE LODGED/ RECEIVED BY COUNCIL	DATE DETERMINED	DEVELOPMENT DESCRIPTION
DA18/0306	28 March 2018	17 October 2018	Construction of a Three (3) Storey Development Including a 100 Bed Residential Aged Care Facility, Ancillary Services, Car Parking & Associated Demolition & Site Works.
CCP19/0435	5 August 2019	19 July 2019	CC1 Demolition of existing Part of Aged Care Facility & enabling works only -Construction of a Three (3) Storey Development Including a 100 Bed Residential Aged Care Facility, Ancillary Services, Car Parking & Associated Demolition & Site Works.
CCP19/0621	27 November 2019	19 November 2019	Stage 2 CC Concrete Structure Only - Construction of a Three (3) Storey Development Including a 100 Bed Residential Aged Care Facility, Ancillary Services, Car Parking & Associated Demolition & Site Works.
CCP20/0274	26 June 2020	08 May 2020	Balance of Works for Three (3) Storey 100 Bed Residential Aged Care Facility and Ancillary Car Parking.
DA Mod 22/0125	18/07/2022	6 September 2022	Section 4.55(1A) Modifications to DA18/0306 including Removal of Western Third of At-Grade Car Park, Turfing of Area & Minor Related Modifications to Car Park Design
DA 22/0985	18 October 2022	9 December 2022	Construction of Awning on Level 2 Central Balcony of Residential Aged Care Facility

3.4.2. Development Application No. 18/036

The RACF approved under DA18/0306 has been completed and is now occupied. This development application does not seek to alter the development approved under DA18/0306, as modified.

An image of the finished development approved under DA18/0306 is provided below.

Figure 12: Uniting Edinglassie Residential Aged Care Facility, finished under DA18/0306 (Source: Uniting)

4. DESCRIPTION OF DEVELOPMENT

4.1. Overview

The proposed development seeks consent for a seniors housing development, key features of which include:

- Site preparation works, including the demolition of existing ILUs, dwelling houses and associate structures;
- Removal of 24 trees and tree groups to facilitate the proposed development;
- Construction of a 147 ILU's across 5 proposed buildings;
- Construction of a clubhouse building for communal use on site;
- Basement carparking to include 113 car parking spaces with 30 accessible spaces;
- Relocation and realignment of the stormwater easement on site; and
- Associated landscaping works.

The location of the proposed new buildings in relation to the existing development is seen in **Figure 13** below:

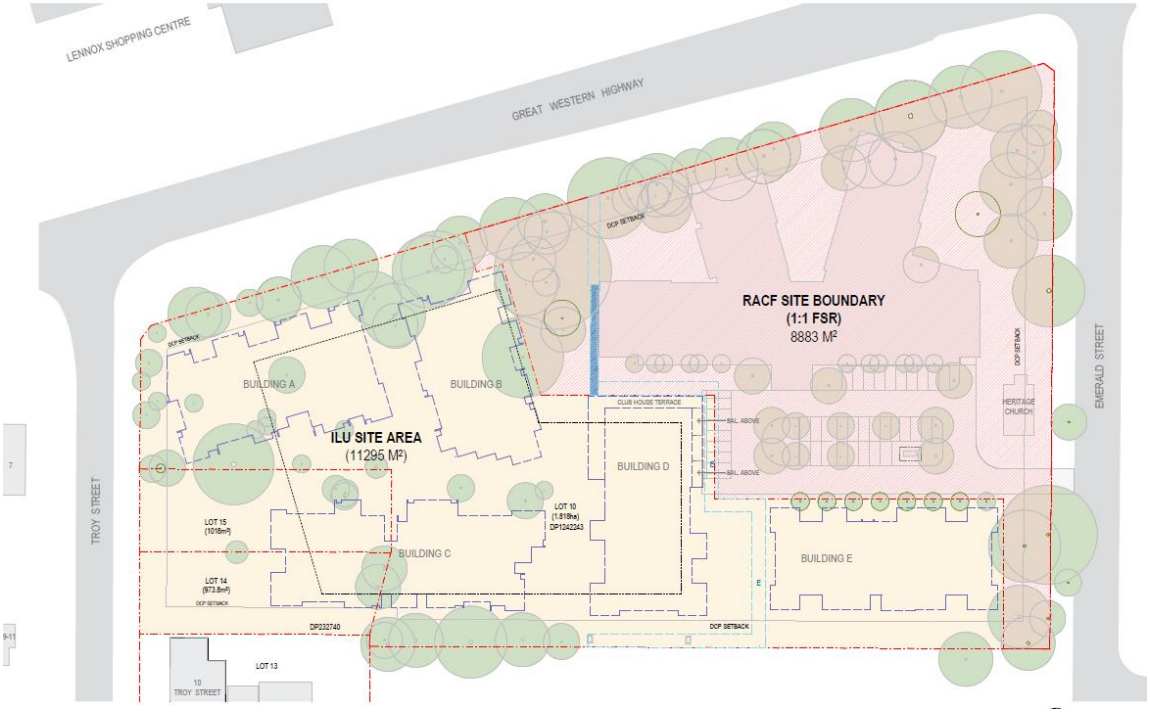


Figure 13: Proposed site plan (Source: Group GSA)

The following sections provide a detailed description of the proposal. Reference should be made to the Architectural Plans prepared by Group GSA at **Appendix B** that accompany this DA.

4.2. Demolition

The application proposes the demolition of existing ILU's, dwelling houses and associated structures on site. The RACF and chapel are the only existing buildings to be retained. An extract of the demolition plan is provided below.

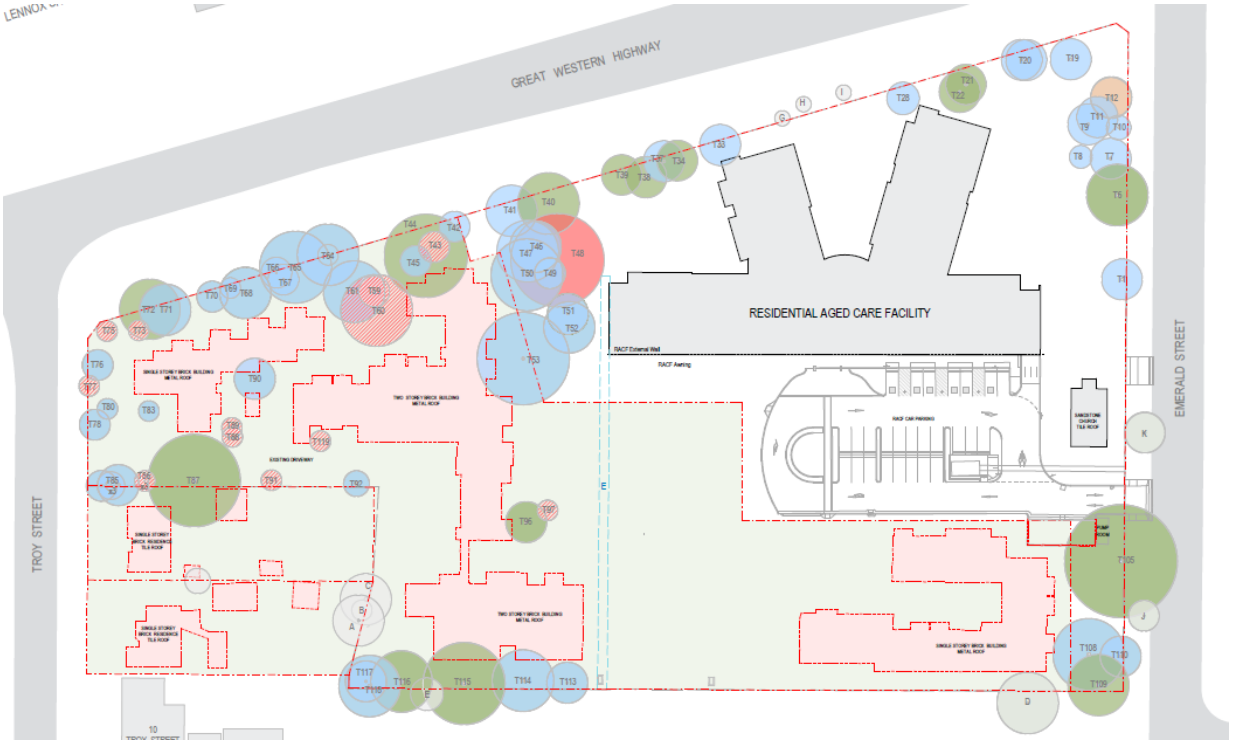


Figure 14: Proposed demolition plan (Source: Group GSA Architects)

4.3. Tree Removal

24 trees and tree groups out of the 82 assessed on site are proposed to be removed to accommodate the development. Reference is to be made to the Arborist Report prepared by Tree IQ as **Appendix C**.

4.4. Excavation and Filling

The application proposes one basement, centrally located on site under Buildings A-D (inclusive). The proposed basement height is 3.3 metres, with the proposed RL for the basement floor at 24.050. Additional excavation is required for the lift pit. This will involve excavating over 2 metres below the existing ground level and 13,510 cubic metres in total for the whole site.

Reference is to be made to the architectural plans provided in terms of the depths and levels for excavation and the civil plans which show areas for cut and fill.

4.5. Buildings and Land Use

Construction of 5 buildings accommodating a total of 147 ILUs, and associated club house shown in the table below:

Table 2: Summary of the proposed buildings and their uses

BUILDING	PROPOSAL
BUILDING A	• 7 x 1-Bedroom Apartments • 8 x 2-Bedroom Apartments • 8 x 2-Bedroom + Study Apartments • 8 x 3-Bedroom Apartments Total – 31 apartments
BUILDING B	• 8 x 1-Bedroom Apartments • 4 x 1-Bedroom + Study Apartments • 12 x 2 Bedroom Apartments • 4 x 2-Bedroom + Study Apartments Total – 28 apartments
BUILDING C	• 4 x 1-Bedroom Apartments • 3 x 1-Bedroom + Study Apartments • 3 x 2-Bedroom Apartments • 10 x 2-Bedroom + Study Apartments • 12 x 3-Bedroom Apartments Total – 32 apartments
BUILDING D	• 7 x 1-Bedroom Apartments, • 7 x 2-Bedroom + Study Apartments • 9 x 2-bedroom Apartments • 4 x 3-bedroom Apartments Total – 27 apartments • Club house
BUILDING E	• 29 x 1-Bedroom Apartments, 15 of which are affordable housing Total – 29 apartments

4.6. Landscaping

Landscaping associated with the development is proposed to compliment the architectural design.

The design principles for the development are to create:

- a well connected community;
- a hierarchy of open spaces; and
- a resilient and horticulturally diverse environment.

The landscape masterplan extract is provided in **Figure 15.** Full details are contained in the Landscape Masterplan and associated Report prepared by Taylor Brammer Landscape Architects provided as **Appendix D**.

Figure 15: Extract from proposed landscape masterplan (Source: Taylor Brammer Landscape Architects)

4.7. Stormwater

The proposed development requires a stormwater management system to service the five buildings.

The civil works involved include the installation of a high flow bypass drainage network, a new lor drainage system, the provision of flood storage and stormwater quality measures.

Reference is to be made to the Stormwater Management Plan and associated report prepared by TTW provided as **Appendix E**.

4.8. Parking and Access

Vehicular access to the basement is proposed from the existing RACF carpark which has a vehicle crossover established already from Emerald Street. No vehicle access is proposed from the Great Western Highway. The development will remove two existing vehicle crossovers from Troy Street which service the existing houses and the existing ILUs.

Parking is proposed in the form of basement carparking with 113 carparking spaces ~~are~~ proposed to service the residents of the ILUs. Staff carparking to the subject site, and visitor carparking will be available within the existing carpark adjacent to the RACF.

4.9. Relocation of easement

The proposed layout of the development requires the stormwater easement located in the middle of the site to be relocated in parts. The new location is shown in **Figure 16** below. The new easement location has been taken into consideration with the overall stormwater design.

Consent from the Department of Education (as the beneficiaries of this easement) has been obtained and is submitted with this application.

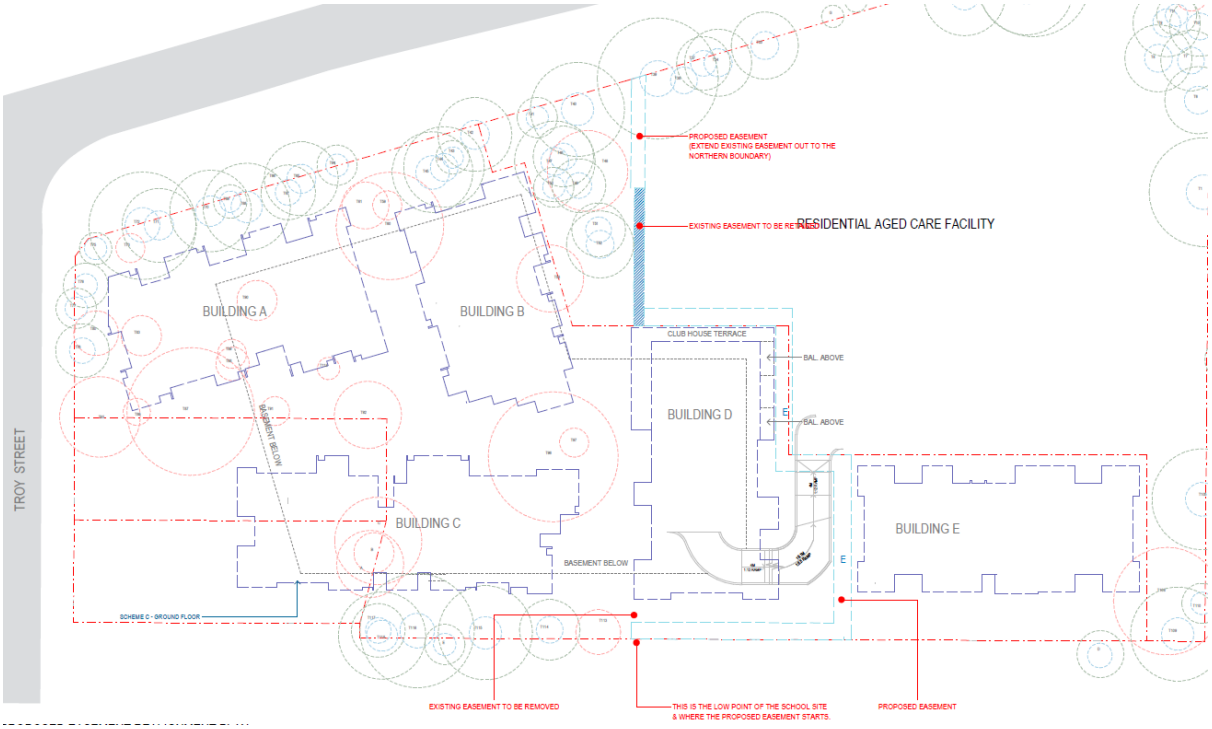


Figure 16: Proposed easement location (Source: Group GSA)

4.10. Capital Investment Value and Cost of Works

The proposed works have a Capital Investment Value of **$91,500,000** (excluding GST) and a cost of works of $106,650,000 (including GST).

Refer to the Cost Reports prepared by WTP at **Appendix F**.

5. PRE-LODGEMENT CONSULTATION

A pre-lodgement meeting was held with Penrith City Council staff in late 2021, Council's Urban Design Review Panel on 17 November 2021, and a further Urban Design Review Panel Meeting on 20 January 2022.

The table below has a focus on the minutes for the latter meeting where an updated plan set was presented and the key design considerations for the site.

ISSUE	RESPONSE
Previous commentary focused heavily on the pedestrian and occupant experience with encouragement to investigate desire lines, pedestrian movements and internal amenity provision. This has been largely considered and reflected however the protrusion of Building D into the central east / west movement corridor (Pedestrian Link) will require careful consideration with respect to the façade treatments and availability for through site visual connection. Suggestions for perimeter glazing and operable doors will allow for an inside / outside experience which, given the buildings orientation, would be a positive addition to the development. Further architectural and material / finishes detail will be required to address this.	The proposed architectural plans and the landscape plans demonstrate how the whole development has been designed with the end resident in mind. The central east-west pedestrian link is maintained through the site. The clubhouse in Building D has been designed as an indoor/ outdoor space with large glazing along the clubhouse façade. That and the use of the pergola with outdoor seating encourages people to come to and use this space. There are adjacent outdoor communal areas surrounding the clubhouse.
The proposed building envelopes and footprint arrangements are also considered an appropriate design response however it is noted that the resulting height exceeds the 8.5m height of building standard in the LEP as well as the maximum height capability of 22m for a school under the SEPP. Noting this is not a school development, but does adjoin a school, a detailed and comprehensive clause 4.6 variation request will be required that addresses the reasoning and rationale for the height limit, coupled with an analysis of the objectives of the height of building standard in the LEP and reasons why the variation should be supported. It must be noted that Clause 4.6 of the LEP requires the consent authority to form a view on the appropriateness of any variation to a development standard and in this instance, the consent authority with be the Sydney Western City Planning Panel or the Penrith Local Planning Panel.	A written request to vary the development standard pursuant to Clause 4.6 of the *Penrith Local Environmental Plan 2010* has been prepared and lodged with this application. The request is to formally vary the height of buildings allowed on the site under the *State Environmental Planning Policy (Housing) 2021*, noting that this policy permits 9.5m on site and up to 11.5m for roof top services. A further assessment on the appropriateness of the overall heights proposed is provided in **Section 8.2.1**. The variation request is for over 10% and therefore will require determination by the Sydney Western City Planning Panel.

ISSUE	RESPONSE
The externalised nature of the basement driveways is typically discouraged for a development of this scale and nature as the driveway should ideally be incorporated into the building footprint and not external within the landscape setting. In saying that, the driveways are not externally visible from the public domain and allow for greater connection of habitable rooms to the landscaped curtilage around the building forms. Further refinement of the driveway and circulation extents is warranted as well as delineation of pedestrian movement corridors separate from trafficable carriageways. Opportunities to reduce hard stand and maximise low level planting is also encouraged. Particular emphasis was placed on the drop off / roundabout between Buildings A, B & C.	There is only one driveway proposed for this development to service the basement, which is integrated into the existing carpark for the RACF. The design was underpinned by a desire to embrace the natural surroundings, and to build around the north-south green 'spine' of the site'. The secondary east-west connection was also recognised in the site analysis. Pedestrian access has been prioritised on Troy Street and provides a safe and inviting experience for residents on site. The landscape opportunities have also been maximised in this area for the benefit of the residents. Overall, it is considered that the landscape plan design has maximised areas for planting and reduced hard stand areas as practically as possible.
The occupant experience has been a key focus of the Panel and the ability for occupants to experience / observe activities within the site rather than limited outlook to secluded individual courtyards. This should be outlined in the application when lodged.	The overall landscaping plan provides multiple opportunities for people to come out of their dwellings and interact with other residents, either in the central village clubhouse, or in other residential sub-precinct gardens. Dwellings on the ground floor look out onto the extensive landscaping planted along the site boundary.
Opportunities to allow for light penetration into the basement is encouraged as this allows for greater perceptions of security.	This suggestion was noted but not undertaken in the design.
Building A has limited external congregation space which is south facing. Opportunities for improved and expanded external courtyard space is encouraged given its separation form the remainder of the development by way of the alignment and arrangement of Building B and primary driveway access between Building A and Building C.	The garden for Building A has been carefully considered to ensure that there is appropriate amenity available for the residents while protecting the surrounding existing trees.
It is noted that recent pre-lodgement advice was issued that has outlined tree protection and retention, flooding,	Waste Management has been considered and integrated into the overall design.

ISSUE	RESPONSE
water quality and quantity management and waste management requirements. Of particular note are Council's Waste Management requirements within the Waste Management Guidelines as referenced within Penrith DCP 2014. While waste collection is not an urban design consideration, you are encouraged to ensure that waste management is detailed and supported by Council early in the design phase as access arrangements, vehicle circulation, storage locations, waste generation rates / volumes and servicing is often a critical aspect that can have impacts on the spatial arrangement and design of building forms and landscape treatments. Often waste collection is required by way of basement arrangements and chute systems for the building forms proposed and while the basement plans indicate a number of waste rooms, the basements are separated and there is no indication of collection points.	Operational waste management strategies and plans are outlined further in **Section 8.2.9** and the full Waste Management Plan which accompanies this application. Issues of tree retention, flooding and water management have been addressed in **Section 8** of this SEE.
Further detail concerning the referenced house gardens, internal floor plan arrangements, fencing, architectural design treatments and planting palette is required however a further formalised urban design review panel meeting is not considered warranted given the support for the arrangement as shown on the plans. The Panel does request that architectural design details and planting palettes are provided by way of electronic means prior to finalisation and lodgement of a development application. This should be emailed to Council for distribution and review by the Panel.	This Development Application captures the detail as requested by the Panel, and if required, Council is able to refer the full DA package back to the Panel for comment as part of the assessment.

6. STATUTORY PLANNING CONSIDERATIONS

6.1. Overview

The relevant statutory framework considered in the preparation of this report comprises:

- *Environmental Planning and Assessment Act, 1979;*
- *Environmental Planning and Assessment Regulation 2021;*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *State Environmental Planning Policy (Housing) 2021;*
- *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021; and*
- *Penrith Local Environmental Plan 2010.*

Where relevant, these are addressed below.

6.2. Environmental Planning and Assessment Act 1979

6.2.1. Section 4.15 of EP&A Act 1979

Section 4.15(1) of the EPA Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the EPA Act are addressed in the Table below.

SECTION	COMMENT
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in **Section 6.**
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	Consideration of draft environmental planning instruments is discussed in **Section 6.6**.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of relevant the development control plan is discussed in **Section 7.3**.
Section 4.15(1)(a)(iiia) Any planning agreement	Not relevant to the proposed development.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	Refer to **Section 6.3**.
Section 4.15(1)(b) - (e)	Refer to **Section 8** of this SEE for consideration of (b), (c) and (e). Matter (d) relates to submissions and is a matter for the consent authority following public exhibition of the development application.

6.2.2. Section 4.46 – Integrated Development

This section of the EPA Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

The proposal will require dewatering as part of the works in the basement.

As such, approval from Water NSW is required under *Water Management Act 2000*. Approval from Water NSW will be sought as part of the assessment process, and any General Terms of Approval issued will be included within the consent conditions.

6.3. Environmental Planning and Assessment Regulation 2021

6.3.1. BASIX requirements

A BASIX Certificate has been prepared as required by Section 27 and is appended at **Appendix G**.

6.3.2. Section 61 – Demolition

Demolition is the only matter listed under clause 61(1) of the Regulation relevant to the proposed development. The demolition of existing structures on the site will be undertaken in accordance with the provisions of Australian Standard (AS) 2601-1991: The Demolition of Structures published by Standards Australia.

6.3.3. Section 69 – Compliance with the BCA

Any building work must be carried out in accordance with the requirements of the Building Code of Australia (BCA), pursuant to Section 69 of the Regulation and is to be conditioned as part any development consent.

A BCA Compliance Assessment Report has been prepared by Blackett, Maguire and Goldsmith that accompanies this application at **Appendix H**. This concludes that the compliance can be readily addressed at Construction Certificate stage. They are of the view that any amendments required to the DA design documentation in order to comply with the BCA can be addressed in the preparation of the detailed documentation for Construction Certificate without giving rise to significant changes to the proposal.

6.4. Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) lists and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. Impacts to threatened species and endangered ecological communities listed under the BC Act are required to be assessed in accordance with Section 7.3 of the BC Act and Applicants must also consider whether their proposal will exceed the following Biodiversity Offset Scheme Development Thresholds:

1. Exceeding the clearing threshold on an area of native vegetation;
2. Carrying out development on land included in the Biodiversity Values Land Map; or

3. Having a ‘significant effect’ on threatened species or ecological communities.

In terms of this proposal:

1. The development is not proposing to clear any area of native vegetation. Any trees which are proposed to be removed have been identified as planted species within the Arborist Report.
2. The subject site is not identified on land included in the Biodiversity Values Land Map, with relevant extract provided below:

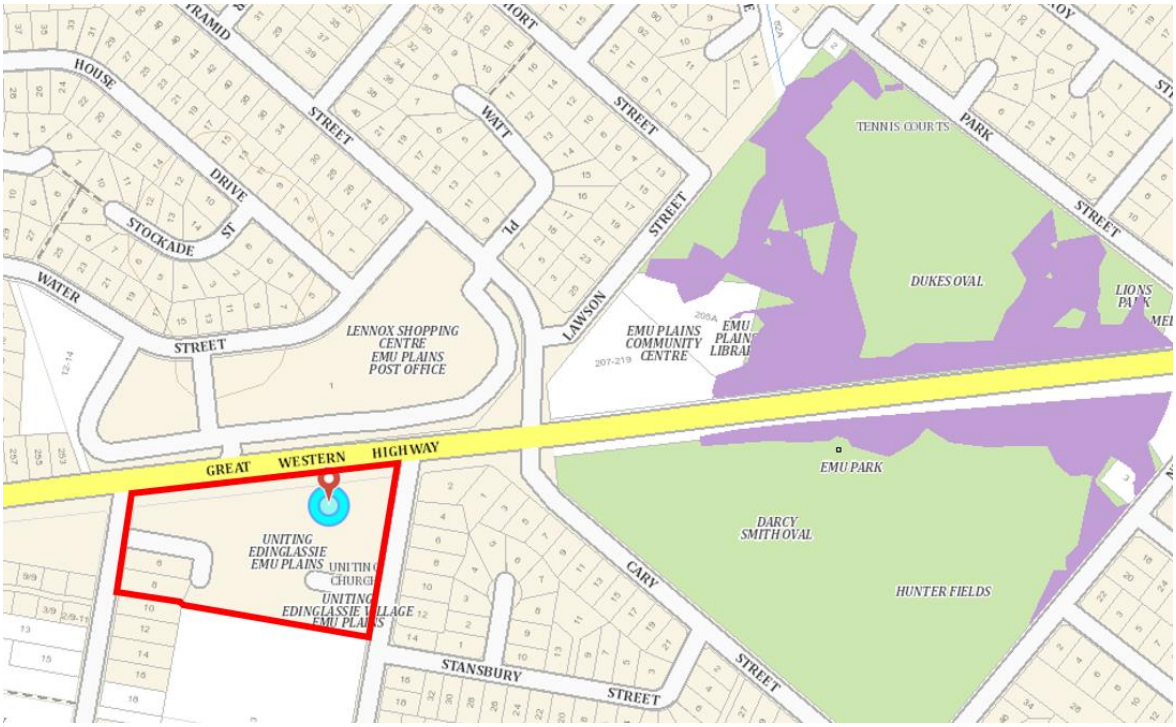


Figure 17: Extract of Biodiversity Values Map and Threshold Tool with subject site highlighted in red. Areas of significance are mapped in purple to the site's east in the public open space (Source: NSW Department of Planning and Environment)

3. The proposal is not considered to have a ‘significant effect’ on threatened species or ecological communities as there are none mapped on site and no native vegetation is proposed to be removed.

In conclusion the proposal’s impacts have been considered in terms of triggering any of the above thresholds for entry into the Biodiversity Offset Scheme, therefore requiring a Biodiversity Development Assessment Report (BDAR). As none of the above thresholds are triggered, a BDAR is not required.

6.5. State Environmental Planning Policies

6.5.1. State Environmental Planning Policy (Building Sustainability Index: BASIX) – 2004

The aim of this Policy is to establish a scheme to encourage sustainable residential development (the BASIX scheme). This on-line assessment tool calculates the dwelling's energy and water scores based on a range of design data. SEPP BASIX requires the submission of a BASIX certificate to accompany an application for development consent for any "BASIX affected building". The proposal is a BASIX affected building. A BASIX Certificate (1309348M) has been prepared by JHA Consulting Engineers (**Appendix G**) for the proposed development and accompanies this application. The BASIX documentation confirms the proposal achieves the targets for water, thermal and energy.

6.5.2. State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) commenced on 1 October 2023. However, Section 4.2 (1)(a) – Savings and transitional provisions apply to this proposal. Therefore, this application is not subject to this policy given that the Development Application was submitted on the NSW Planning Portal but not finally determined before 1 October 2023.

6.5.3. State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 – State and Regional Development

This chapter of the SEPP is to identify development that is:

State significant development: certain types of development are classified as being State significant development (SSD)

A list of State significant development is identified by land use in Schedule 1 of the SEPP. Schedule 1 includes provisions which make Seniors Housing SSD, as following:

Development for the purposes of seniors housing if—

(a) the seniors housing component has a capital investment value of—

(i) for development on land in the Greater Sydney region—more than $30 million, or

(ii) otherwise—more than $20 million, and

(b) the seniors housing component includes a residential care facility, and

(c) other components of the proposed development are not prohibited on the land under an environmental planning instrument.

Whilst the development exceeds the $30 million threshold of (a)(i), as the development does not include a residential care facility, it is not classified as SSD.

Regionally significant development: Regionally significant development is notified and assessed by a council and

then determined by the relevant Planning Panel - either a Sydney planning panel for applications within the Greater Sydney Region or the relevant Joint Regional Planning Panel outside of Sydney.

Regional development is defined in Schedule 7 of the SEPP and includes development with a CIV of over $30 million.

The proposed CIV for this development is $91,500,000, as per the submitted cost report. As such, it is classified as 'Regionally Significant Development' and will be determined by the Sydney Western City Planning Panel.

6.5.4. State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 - Infrastructure

Chapter 2 of the Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State.

Section 2.48 – Determination of development applications – other development

Section 2.48 requires the consent authority before determining a development application to which this clause applies to give written notice to the electricity supply authority for area in which the development is proposed and take into consideration any response to the notice received within 21 days of the notice given.

The proposed development involves works within 5 metres of an exposed overhead electricity power line, and therefore triggers this clause and the requirement for written notice to be given to the electricity supply authority.

2.119 Development with a frontage to classified road

Section 2.119 of the SEPP specifies the matters a consent authority must consider before granting consent to development on land that has a frontage to a classified road such as the Great Western Highway, which has an average daily traffic volume of more than 40,000 vehicles.

Specifically, the consent authority must be satisfied of the following under subsection 2.119(2) of the SEPP:

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—
(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
(i) the design of the vehicular access to the land, or
(ii) the emission of smoke or dust from the development, or
(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The proposed development satisfies the provisions of subsection 2.119(2) of the SEPP as follows:

- Vehicular access to the car parking spaces and to the waste collection areas in the basement is provided off Emerald Street using the same location as the existing driveway~~s~~ and carpark which services the existing RAC. The location of the driveway~~s~~ has already been established as being suitably distanced from the Great Western Highway, thereby minimising traffic impacts along the intersections between Emerald Street~~s~~ and the Great Western Highway.
- Seniors housing in the form of ILU's do not generate emissions that could impact on air quality and adversely affect the safe, efficient and ongoing operation of Troy Street, Emerald Street and the Great Western Highway in this locality, which has been outlined in the submitted Traffic Impact Assessment (**Appendix I**) and outlined in the detailed assessment on traffic in **Section 8.4** below .
- As outlined in Section 2.120 of the SEPP below and in **Section 8.2.11** of this report, noise attenuation measures have been included within the development in order to ameliorate the traffic noises generated along the Great Western Highway.

2.120 – Impact on road noise or vibration on non-road development

The site abuts the Great Western Highway which has an annual average daily traffic volume exceeding 20,000 vehicles per day. The proposed use is captured under the parent term of 'Residential Accommodation', therefore Clause 1(a) is triggered.

The accompanying Noise Impact Assessment (**Appendix J**) recommends specific noise attenuation measures that are to be implemented as part of the proposed development to minimise traffic noise impacts. Further details of the recommended noise attenuation measures are discussed in **Section 8.2.11** below.

2.122 Traffic generating development

The proposal is traffic generating development pursuant to Schedule 3 of the SEPP given that "Seniors Housing" falls under the parent term of "Residential Accommodation". Residential Accommodation consisting of 75 or more dwellings which is within 90 metres of a classified road is classed as 'traffic generating development'. The Great Western Highway is a State Classified Road, whilst Troy Street and Emerald Street are Local roads in accordance with the RMS's Schedule of Classified Roads.

The proposal consists of 147 dwellings. As such, the proposed development is considered 'traffic generating development' for the purposes of Section 2.122 of the SEPP chapter.

Accordingly, written notice must be given to Transport for NSW and the consent authority must take into consideration any submission that RMS provides in response to that notice within 21 days after the date the notice was given.

6.5.5. State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in non-rural areas

The aims of Chapter 2 of the Biodiversity and Conservation SEPP are:

(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and

(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The SEPP chapter applies as per Section 2.3, given that the land is in the City of Penrith (Section 2.3(1)(a)) and the site is zoned R3 – Medium Density Residential (Section 2.3(1)(b)).

Clause 2.6(1) indicates that a person must not clear vegetation in a non-rural area of the State without the authority conferred by a permit granted by the Council under this part. No exemptions apply under Clause 2.7.

Part 2.3 of the SEPP chapter indicates that a Development Control Plan can specify and declare 'vegetation' for the purposes of this part. No exemptions apply under Section 2.7.

Section C2 – Vegetation Management of the Penrith Development Control Plan set out the provisions for Vegetation Management.

Consent is sought in this DA for the removal of 24 trees and tree groups as identified in the Arborist Report prepared by TreeIQ in **Appendix C**. The full assessment on the proposed tree removal is provided in **Section 8.3.1** of this report.

As outlined in **Section 6.4** of this SEE, the biodiversity offset scheme threshold is not triggered.

6.5.6. State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

SEPP 65 aims to improve the design quality of residential flat development in New South Wales. It applies to any building that comprises or includes:

(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and

(c) the building concerned contains at least 4 or more dwellings.

This Policy aims to improve the design quality of residential flat development to:

- Ensure such buildings contribute to sustainable development
- Provide sustainable housing in social and environmental terms
- Achieve better built form and aesthetics of buildings, streetscapes and the public spaces they define
- Better satisfy the increasing demand, changing social and demographic profile of the community
- Maximise amenity, safety and security for the benefit of occupants and the wider community
- Minimise the consumption of energy from non-renewable resources

To support these aims the SEPP introduces 9 design quality principles. These principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions.

An assessment of the proposed development, against these design principles and the Apartment Design Guide (ADG) criteria is contained in the SEPP 65 Design Verification Statement prepared by Group GSA and provided at **Appendix K.** The Design Verification Statement demonstrates that the proposed development meets the 9 Quality Design Principles as outlined in the SEPP, and that it meets the requirements of the Apartment Design Guide (ADG).

Key matters within ADG are outlined in the table below:

Table 3: ADG compliance matters

PROVISION	REQUIREMENT	COMPLIANCE
Communal open space	Communal open space has a minimum area equal to 25% of the site.	Yes: 47% of the subject site area. The areas of communal open space (such as the club house which is a common room and allowed to be considered in ADG is usable and functional open space which is available to all. It is noted that this communal open space is offered independently to the RACF. It is also noted that the balconies tend to be well over the minimum requirements for ADG.
Solar access	70% of dwellings requiring 2 hours of solar access	Yes: 72.1% of the dwellings (106 of the 147) achieve the required 2-hour minimum solar access.
Cross Ventilation	60% of the dwellings require cross ventilation.	Yes: 60.54% of the dwellings (89 of the 147) achieve cross ventilation.
Deep Soil area	15% at 6m x 6m in area	Yes: 19.5% (2,535sqm) of the site achieves a deep soil zone as per this calculation, and this increases to 28.7% (3725sqm) when also calculating areas of 3m x 3m.
Building separation	Buildings up to 4 storeys require 6m separation for habitable rooms and balconies, and 3m separation for non-habitable rooms.	Yes: the buildings are up to 4 storeys and the building separation exceeds 6m across the site.

In summary, the proposed development provides a positive contribution to its locality in terms of its design quality, the internal and external amenity it provides and an increase in Seniors Housing choice and stock in the area. Furthermore, the proposed development is consistent with the aims and provisions of the ADG as indicated in the Design Verification Statement.

6.5.7. State Environmental Planning Policy (Housing) 2021

Chapter 3: Diverse Housing

Part 5 of Chapter 3 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) focuses on design standards and locational requirements for housing proposed for both Seniors and/ or people with a disability.

The Part is split into Divisions, which each have its own requirements to be met for a Development Application proposed under the Housing SEPP. An assessment has been undertaken on each division in each table below.

Division 3 sets out a range of development standards which need to be met for the development.

REQUIREMENT	COMMENT	COMPLIANCE
84 Development standards—general (1) This section applies to development for the purposes of seniors housing involving the erection of a building. (2) Development consent must not be granted for development to which this section applies unless— (a) the site area of the development is at least 1,000m^2, and (b) the frontage of the site area of the development is at least 20m measured at the building line, and (c) for development on land in a residential zone where residential flat buildings are not permitted— (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 (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 (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. (3) The servicing equipment must— (a) be fully integrated into the design of the roof or contained and suitably screened from view from public places, and (b) be limited to an area of no more than 20% of the surface area of the roof, and (c) not result in the building having a height of more than 11.5m. (4) Subsection (2)(a) and (b) do not apply to development the subject of a development application made by the following—	(1) This section applies to this proposal as buildings are proposed to be erected. (2) An assessment under each point is provided: (a) the site exceeds the minimum 1,000m^2 prescribed. (b) the site exceeds the minimum 20m frontage prescribed. (c) Residential flat buildings are not permitted in the zone therefore this clause applies. The development proposes a height in excess of 9.5m as allowed under the section. A Clause 4.6 variation request has been submitted with this application. (3) the servicing equipment has been designed to integrate with the roof design, but the building still exceeds the 11.5m height. (4) Uniting is a social housing provider therefore Subsection 2(a) and (b) technically do not apply although it is noted that they are met.	No – variation requested in relation to height and for the building planes for the additional storeys

REQUIREMENT	COMMENT	COMPLIANCE
(a) the Aboriginal Housing Office or the Land and Housing Corporation, (b) another social housing provider.		
85 Development standards for hostels and independent living units (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. (2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 7–13 and 15–20 if the development application is made by, or by a person jointly with, a social housing provider.	The proposal is accompanied by an Access Report which confirms that the proposal can comply with the relevant Standards specified in the Schedule. An assessment on access is outlined in **Section 8.2.12**.	Yes
86 Development standards for seniors housing—Zones RE2, SP1, SP2 and RU5	This Section does not apply to this development	N/A
87 Additional floor space ratios (1) This section applies to development for the purposes of seniors housing on land to which this Part applies if— (a) development for the purposes of a residential flat building or shop top housing is permitted on the land under another environmental planning instrument, or (b) the development is carried out on land in Zone B3 Commercial Core. (2) Development consent may be granted for development to which this section applies if— (a) the site area of the development is at least 1,500m2, and (b) the development will result in a building with the maximum permissible floor space ratio plus— (i) for development involving independent living units—an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or (ii) for development involving a residential care facility—an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of	This Section does not apply as the site does not have a floor space ratio applying to it.	N/A

REQUIREMENT	COMMENT	COMPLIANCE
the residential care facility, or (iii) for development involving independent living units and residential care facilities—an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and (c) the development will result in a building with a height of not more than 3.8m above the maximum permissible building height.		
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.	The proposed development will comply with this section. The restriction on title can be included as a consent condition should approval be granted.	Yes
89 Use of ground floor of seniors housing in business zones	This section does not apply to this development.	N/A
90 Subdivision .	This section does not apply to this development.	N/A
91 Fire sprinkler systems in residential care facilities	This section does not apply to this development.	N/A
92 Development on land used for the purposes of an existing registered club	This section does not apply to this development.	N/A

Division 4 sets out site related requirements which must be met for the development. It is noted that the site has been used for seniors housing for a considerable time and the Residential Aged Care Facility has been recently approved and constructed on site. Therefore, the appropriateness of the site for Seniors Living has been established. However, a full assessment is undertaken below:

REQUIREMENT	COMMENT	COMPLIANCE
93 Location and access to facilities and services—independent living units (1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority has considered whether residents will have adequate access to facilities and services— (a) by a transport service that complies with subsection (2), or (b) on-site. (2) The transport service must— (a) take the residents to a place that has adequate access to facilities and services, and (b) for development on land within the Greater Sydney region— (i) not be an on-demand booking service for the transport of passengers for a fare, and (ii) be available both to and from the site at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day, and (c) for development on land that is not within the Greater Sydney region—be available both to and from the site during daylight hours at least once each weekday. (3) For the purposes of subsections (1) and (2), access is adequate if— (a) the facilities and services are, or the transport service is, located at a distance of not more than 400m from the site, and (b) the distance is accessible by means of a suitable access pathway, and (c) the gradient along the pathway complies with subsection (4)(c). (4) In subsection (3)— (a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and (b) the distance is to be measured by reference to the length of the pathway, and (c) the overall average gradient must be not more than 1:14 and the gradients along the pathway must be not more than—	(a) and (b) Bus stops are situated along the Great Western Highway and Emerald Street, with stops along both approaches located within 200 metres from the site entrance. Buses are available to Penrith every 60 minutes on a weekday with a peak frequency of every 20 minutes. There are other services available to locations such as Springwood, Mount Riverview and Leonay. (c) There are compliant footpaths available to these bus stops. It is also noted that there are facilities and services which meet the definition prescribed in (5) across the road from the site within the Lennox Village Shopping Centre, which has other community and recreation facilities such as the Emu Plains Library, Emu Plains Community Centre and Darcy Smith Oval, as well as medical centres such as the Emu Plains Doctors. Footpath access to the services and facilities is provided as per Subsection (3). Overall, it is considered that the locational and access elements prescribed under this section have been met. For the purposes of Subsection (5), the facilities and services provided within the 400m of the site are as follows: a) Lennox Village is a	Yes

REQUIREMENT	COMMENT	COMPLIANCE
(i) 1:12 for a maximum length of 15m at a time, or (ii) 1:10 for a maximum length of 5m at a time, or (iii) 1:8 for a maximum length of 1.5m at a time. (5) In this section— facilities and services means— (a) shops and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner. provide a booking service has the same meaning as in the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*, section 7. Note— Provide a booking service is defined as carrying on a business taking bookings for taxis or hire vehicles to provide passenger services, whether immediately or at a later time, and communicating the bookings to drivers for passenger services or providers of passenger services.	shopping centre located across the Great Western Highway containing shops, two supermarkets (Woolworths and Aldi), Australia Post office, numerous eateries and a pharmacy. b) Community and Recreation Facilities such as Emu Plains Library, Emu Plains Community Centre and Darcy Smith Oval. c) The Emu Plains Doctor (located within Lennox Village Shopping Centre) and Emu Plains Family Medi-Clinic It is also noted that the communal 'Club Room' will provide services to the residents such as events, recreation and exercise activities, and other gatherings.	
94 Location and access to facilities and services—residential care facilities (1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services— (a) on-site, or (b) by a transport service other than a passenger service.	A residential care facility is not proposed as part of this development, therefore this section does not apply.	N/A
95 Water and sewer (1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will— (a) be connected to a reticulated water system, and (b) have adequate facilities for the removal or disposal of	The site is located within suburban Sydney and already has access to reticulated water and sewerage. Appropriate arrangements will be	Yes

REQUIREMENT	COMMENT	COMPLIANCE
sewage. (2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority— (a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or (b) if reticulated services are not available—must satisfy the relevant authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development. (3) In this section— relevant authority means the public authority responsible for water and sewerage services in the area in which the seniors housing is located.	made with Sydney Water to ensure that the new development can adequately be serviced.	
96 Bush fire prone land	The site is not mapped as being bushfire prone, therefore this section does not apply.	N/A

Division 5 sets out Design Requirements and requires consideration of *Seniors Living Policy: Urban Design Guideline for Infill Development, March 2004* as per Section 97 of the Housing SEPP, and consideration of Division 6 of the Housing SEPP as per Clause 98.

Consideration of *Seniors Living Policy: Urban Design Guideline for Infill Development, March 2004* is provided in the following table

REQUIREMENT	COMMENT	COMPLIANCE
1) Responding to context	New development should contribute to the overall character of the area or have a good 'neighbourhood fit'. This proposal has considered the design of the development in the existing context – see **Section 8.1** for further assessment.	Yes
2) Site Planning and Design	The architectural and landscape design is based on considered site-specific approach with	Yes

REQUIREMENT	COMMENT	COMPLIANCE
	buildings in an open landscape setting that provides a high level of amenity for residents and retains a significant number of significant trees. The proposed location and scale of buildings is compatible with its surrounding context, transitioning to lower scale development and avoiding adverse impacts, as discussed elsewhere in this SEE.	
3) Impacts on streetscape	This proposal has considered the design of the development within its existing context – see **Section 8.1** for further assessment.	Yes
4) Impacts on neighbours	The proposed architectural plans demonstrate that the development will not have a significant impact on the neighbours, particularly in terms of solar access. This is assessed further in **Section 8.2.3**.	Yes
5) Internal site amenity	The proposal has considered the internal amenity of the future residents with high quality architectural and landscape features, quality private and communal open space areas, pedestrian connectivity and separation from vehicles, as well as safety and security. CPTED principles are considered in **Section 8.6.2**.	Yes

Division 6 requires an assessment against the design principles. Section 98 requires that *a consent authority must not consent to development for the purposes of seniors housing unless the consent authority is satisfied that the design of the seniors housing demonstrates adequate consideration has been given to the principles set out in Division 6.*

An assessment against Division 6 is provided in the following table:

REQUIREMENT	COMMENT	COMPLIANCE
99 Neighbourhood amenity and streetscape Seniors housing should be designed to— (a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and (b) recognise the desirable elements of— (i) the location's current character, or (ii) for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area, and (c) complement heritage conservation areas and heritage items in the area, and (d) maintain reasonable neighbourhood amenity and appropriate residential character by— (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and siting that relates to the site's land form, and (iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and (e) set back the front building on the site generally in line with the existing building line, and (f) include plants reasonably similar to other plants in the street, and (g) retain, wherever reasonable, significant trees, and (h) prevent the construction of a building in a riparian zone.	(a) This subsection doesn't apply as a residential care facility is not proposed. (b) the proposed building footprints have been influenced and determined by the site characteristics, particularly in relation to the retention of vegetation. (c) The proposed location of the new buildings respects the existing heritage item and its curtilage on site. (d) There are extensive building setbacks proposed to ensure adequate separation between the new buildings as well as to minimise the impacts of overshadowing on the neighbours. The front setback is consistent with the residential aged care facility on site. Refer to the Urban Design Statement at **Appendix K** for further assessment	Yes
100 Visual and acoustic privacy Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and residents by— (a) using appropriate site planning, including considering	(a) The design has minimised the extent of openings and balconies along the southern boundary. (b) where possible, driveway	Yes

REQUIREMENT	COMMENT	COMPLIANCE
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.	locations are proposed away from bedrooms and the like, although it is noted that there is only one driveway location proposed and it is located off the existing carpark.	
101 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 proposed development has been designed to take into account solar access and energy efficiency measures as outlined in **Section 8.2.6.**	Yes
102 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.	Stormwater management has been considered in the overall design. An assessment on stormwater is outlined in **Section 8.3.3**	Yes
103 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	Crime prevention has been considered in the overall design. An assessment on CPTED principles is outlined in **Section 8.6.2.**	Yes

REQUIREMENT	COMMENT	COMPLIANCE
front door.		
104 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 attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The development proposes safe pedestrian links within and across the site to connect to the public footpath network, which provides access to the services and facilities in the Lennox Village shopping centre across the street in particular. Pedestrian access is also proposed from the parking areas for both visitors and residents.	Yes
105 Waste management Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.	Waste Management has been considered in the overall design of the buildings. An assessment on waste management is outlined in **Section 8.2.9**.	

Division 7 sets out non-discretionary development standards.

Clause 106 - Interrelationship of Division with design principles in Division 6 states:

Nothing in this Division permits the granting of consent to development under this Part if the consent authority is satisfied that the design of the seniors housing does not demonstrate that adequate consideration has been given to the principles set out in Division 6.

We note that an assessment of the provisions in Division 6 has been carried out in detail in this SEE to demonstrate that adequate consideration has been given to those principles.

Clause 108 sets out non-discretionary standards for independent living units. Given this proposal only proposes ILUs, the table below has focused on compliance with these standards.

REQUIREMENT	COMMENT	COMPLIANCE
(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.		Noted
(2) The following are non-discretionary development standards in relation to development for the purposes of independent living units—		

REQUIREMENT	COMMENT	COMPLIANCE
(a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,	The proposal includes buildings which exceed the 9.5m height limit prescribed in this standard.	No
(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m— (i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and (ii) is limited to an area of no more than 20% of the surface area of the roof, and (iii) does not result in the building having a height of more than 11.5m,	The proposed development exceeds the non-discretionary height standards in paragraph (b).	No
(c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	The overall floor space ratio proposed is 1.22:1, which exceeds this requirement. However, it is noted that there is no floor space ratio prescribed for the site under the provisions of PLEP.	No
(d) for a development application made by a social housing provider—at least 35m^2 of landscaped area per dwelling,	Uniting is a Social Housing Provider. Using the part of the site to be redeveloped as part of this proposal, 5,145sqm is required. The submitted landscape plans show 5,258sqm of landscape area.	Yes
(e) if paragraph (d) does not apply—at least 30% of the site area is landscaped,	Uniting is a Social Housing provider therefore paragraph (d) applies.	N/A
(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,	The landscape plans show 28.7% of the site being deep soil area, which exceeds the 15% requirement. Much of this area is	Yes

REQUIREMENT	COMMENT	COMPLIANCE
	on the rear boundary of the property, and a large portion is located along the street frontage where the retention of the existing trees is mainly occurring.	
(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,	The architectural plans demonstrate that 72.1% of the proposed dwellings receive at least 2 hours of solar access at mid-winter.	Yes
(h) for a dwelling in a single storey building or a dwelling located, wholly or in part, on the ground floor of a multi-storey building— (i) at least 15m^2 of private open space per dwelling, and (ii) at least 1 private open space with minimum dimensions of 3m accessible from a living area located on the ground floor, Note— The open space needs to be accessible only by a continuous accessible path of travel, within the meaning of AS 1428.1, if the dwelling itself is an accessible one—see Schedule 4, section 2.	The ground floor dwellings propose private open space terraces in line with this requirement and the provisions of the Apartment Design Guide.	Yes
(i) for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and— (i) an area of at least 10m^2, or (ii) for each dwelling containing 1 bedroom—an area of at least 6m^2,	The proposal provides balconies with dimensions and areas in line with the Apartment Design Guide and which meet this requirement.	Yes
(j) for a development application made by, or made by a person jointly with, a social housing provider—at least 1 parking space for every 5 dwellings,	Uniting is a Social Housing provider therefore the provisions of this clause apply. 113 parking spaces are proposed with this development which exceed the minimum of 30 required by this clause (147/5 = 29.4, rounded up to 30)	Yes
(k) if paragraph (j) does not apply—at least 0.5 parking spaces for each bedroom.	Uniting is a Social Housing provider therefore paragraph (j) applies.	N/A

Overall, it is considered that the proposed development meets all of the relevant provisions of the Housing SEPP, except the height of building development standards in Section 84. A written request to vary the height of building standards pursuant to Clause 4.6 of the PLEP has been submitted with the application (refer **Appendix M**).

6.5.8. State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4: Remediation of Land

This chapter of the SEPP establishes State-wide provisions to promote the remediation of contaminated land.

Clause 4.6 of the SEPP requires that a consent authority must not grant consent to a development unless it has considered whether a site is contaminated, and it is satisfied that the land is suitable (or will be after undergoing remediation) for the proposed use.

The site is not expected to be contaminated given its existing use as a seniors living / residential development since the 1960s and also given that the site has been approved as suitable for use as a residential care facility by virtue of Development Consent No. 18/0306 granted to the site in 2018. The existing use of both 6 Troy Street (as a residential dwelling now repurposed as an administration office for the residential aged care facility) and 8 Troy Street (as a residential dwelling) is also noted.

Nonetheless, a Preliminary Site Investigation (PSI) has been prepared by Douglas Partners and is provided as **Appendix L**. This PSI concludes that this site has a low likelihood of contamination based on the current condition of the site and long-term use for residential purposes. If required, consent conditions can be included which are designed to assist with managing any contamination found to exist on site during the demolition and construction process.

The consent authority may therefore be satisfied that the land is suitable the proposed use.

6.6. Draft Environmental Planning Instruments

6.6.1. Draft State Environmental Planning Policy (Environment SEPP)

The Explanation of Intended Effect for the draft Environment SEPP was released in October 2017. It aims to promote the protection and improvement of key environmental assets for their intrinsic value and the social and economic benefits they provide.

The draft SEPP is not imminent nor certain, however, given the EIE has been placed on exhibition it must be considered. It proposes to set out provisions under four parts being Catchments, Waterways, Bushland, and Protected areas.

The proposed development is considered to be consistent with the objectives of the draft SEPP as it is not affecting any remnant native vegetation on site nor, subject to the proposed water management measures, affecting any waterways or catchments in the general locality.

6.7. Penrith Local Environmental Plan 2010

6.7.1. Zoning and Permissibility

As provided below, the site is zoned R3: Medium Density Residential under the provisions of the *Penrith Local Environmental Plan 2010* (the PLEP). Refer to **Figure 18** below.

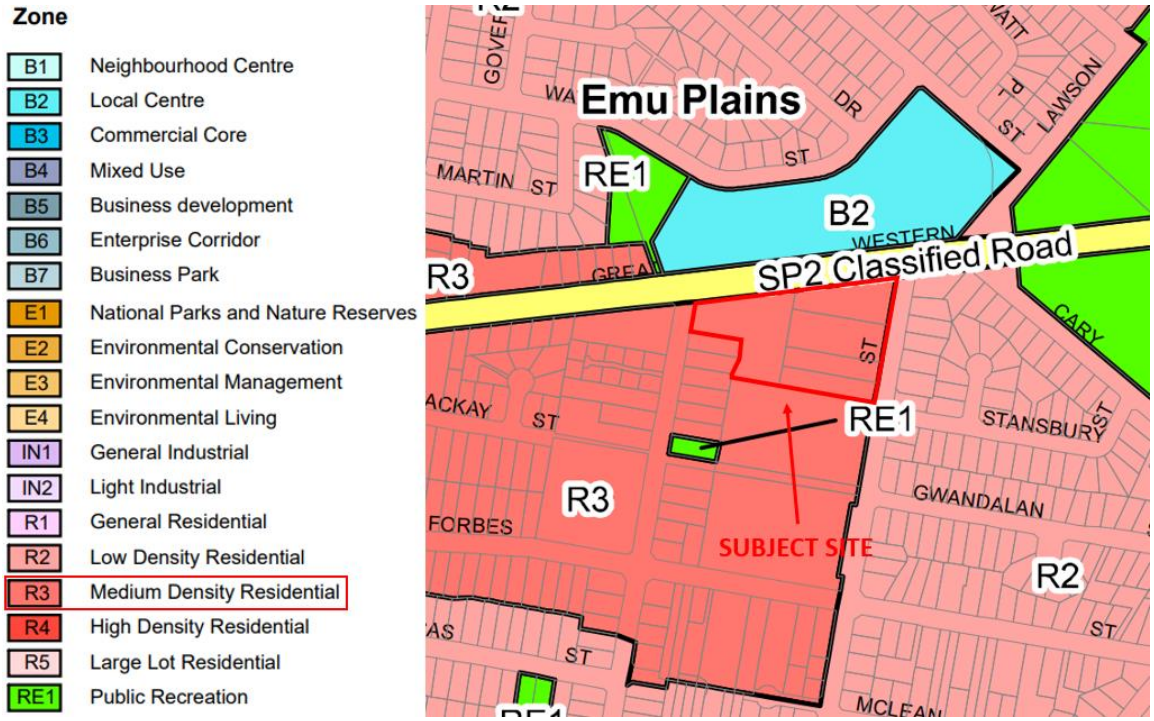


Figure 18: PLEP land zoning map (Source: NSW Legislation)

The proposed development is defined as a "seniors housing", with the form being "independent living units" which is defined in the PLEP as:

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

Seniors Housing is permitted with consent within the R3: Medium Density Residential zone.

6.7.2. Objectives of the Zone

An assessment of the proposed development's consistency with the objectives of the R3: Medium Density Residential zone is provided below at Table 1.

Table 1: Objectives and consistency with the PLEP

OBJECTIVE	CONSISTENCY
• *To provide for the housing needs of the community within a medium density residential environment.*	The proposed development seeks to replace existing ILUs that do not adequately meet the needs of their occupants, with new, high-quality dwellings that conforms to the housing needs of the community, within a medium density residential environment. The proposal provides for an additional 102 dwellings on site for those over 60. The Penrith LGA is experiencing and will continue to experience an ageing of its population. The proposal responds to the shortfall in in ILU places within this community.
• *To provide a variety of housing types within a medium density residential environment.*	Within the context of the overall Edinglassie Village, the development will provide for a suitable variety of housing types within a medium density residential environment.
• *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*	The proposal incorporates on site facilities and services for its residents.
• *To provide for a concentration of housing with access to services and facilities.*	The proposal provides a concentration of housing with excellent access to services and facilities on site, within the adjoining shopping centre, local parks and via public transport services to other major centres and facilities.
• *To enhance the essential character and identity of established residential areas.*	The proposed development is of a high-quality modern design and will enhance the character of the existing residential area. The quality of the architecture was established with the award winning RACF and has been carried through with this development.
• *To ensure that a high level of residential amenity is achieved and maintained.*	As shown in the architectural and landscape plans, the development ensures a high level of residential amenity is achieved on-site and for the surrounding dwellings.
• *To ensure that development reflects the desired future character and dwelling densities of the area.*	The development reflects a character and scale of development that is compatible with its context, particularly in relation to the large commercial and educational sites to its north and south, respectively. The design also

OBJECTIVE	CONSISTENCY
	appropriately transitions down to the lower scale residential areas to its east and west. The large setbacks, existing tree preservation and enhanced landscape setting of the proposal, also assist in ensuring a design and density of the development reflective of its context.

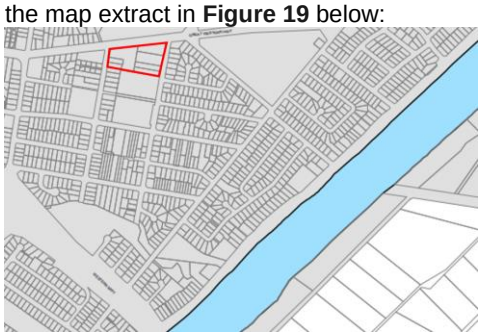
6.7.3. Relevant PLEP Provisions

An assessment of the proposal against the relevant provisions of the PLEP is set out in the following table.

Table 2: Assessment against relevant provisions of PLEP

CLAUSE		COMMENT	COMPLIANCE
2.7	Demolition requires development consent	Demolition for the existing buildings on site other than the RACF and the chapel is proposed with this development. The demolition of these buildings is necessary as they would prevent the logical and efficient redevelopment of the land.	Yes
4.3	Height of buildings	Establishes a maximum building height of 8.5m metres for the site.	No – however the provisions of the Housing SEPP override this development standard. Refer to **Section 8.2.1** and the accompanying Clause 4.6 Variation Request for height.
4.6	Variation to development standards	The objectives of this clause are as follows— (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances. Clause 4.6 is a mechanism which allows a departure from a prescribed development standard applying to the site	Yes – a Clause 4.6 variation is proposed with this application and is submitted as **Appendix M.** The written variation provides suitable justification on why the proposed heights

CLAUSE	COMMENT	COMPLIANCE
	The exemption is in the form of a written report which provides a justification as to why departure from the standard is "unreasonable or unnecessary in the circumstances of the case". Council must be satisfied that the written request adequately addresses the matters required to be demonstrated in clause 3.	of building on site are appropriate.
5.10 Heritage Conservation	The former Methodist Chapel is located on the subject site and is identified as a Heritage Item of local Significance (Item 082). A full assessment on heritage is provided in **Section 8.2.10,** and a Heritage Impact Statement is provided as **Appendix N**. The assessment demonstrates that the impact on the listed heritage item is not significant. In light of the above, the development is considered to be satisfactory in terms of Clause 5.10.	Yes
7.1 Earthworks	Development consent is sought for the proposed earthworks on the site. The proposal involves the excavation on site for the construction of the basement. The submitted stormwater plans in **Appendix E** also demonstrate a bulk earthworks plan. While there is more cut than fill involved with the proposal the civil plans demonstrate that matters such as drainage patterns and soil stability have been considered and can be adequately mitigated. The location of the basement in the centre of the site will also minimise potential impacts on neighbouring properties. The provision of the basement~~s~~ for carparking also assist in protecting more of the significant trees at ground level. Any potential effects of the earthworks during construction (including but not limited to the destination of any	Yes

CLAUSE	COMMENT	COMPLIANCE
	excavated material) can be managed with appropriate consent conditions. Overall it is considered the development is satisfactory in light of this clause.	
7.2 Flood Planning	This clause applies to land that is designated as being "land at or below the flood planning level" or “flood planning land" on the PLEP 2010 maps. The site is not flood prone on the PLEP 2010 map as per the map extract in **Figure 19** below:  *Figure 19: Extract of Flood Planning Land Map Sheet FLD_006 with site outlined in red and flood affected land in blue (Source: NSW Planning Portal)* However, it is noted that the Section 10.7 Certificates state that "all or part of the subject land" is identified in Clause 7.2 Flood Planning of the PLEP 2010. Development consent is required to minimise flood risk for the site. The site is not affected by riverine flood flows in the 1% AEP event. Rather the flood affectation of the site is predominately due to local overland flows through the eastern and southern site boundaries. Under Clause 7.2, flood planning level means the level of a 1:100 ARI (average recurrence interval) flood event plus 0.5 metres freeboard, which we assume is why the Section 10.7 calls up Clause 7.2 for the site.	Yes

CLAUSE		COMMENT	COMPLIANCE
		Consequently, the flood planning considerations under Clause 7.2 must be addressed when preparing new schemes for the remainder of the site. A suitably qualified flood engineering professional would therefore be required to undertake an assessment of the final finished levels and whether they are at or below the flood planning level, and the likely measures needed to address matters raised in this clause. A Flood Impact Assessment has been prepared by TTW and is provided as **Appendix O**. A full assessment on flooding is provided in **Section 8.5.3,** which demonstrates that the design has appropriately taken flooding considerations into account.	
7.4	Sustainable Development	The proposal has been designed in accordance with Council's sustainable development principles. The Design Statement prepared by Group GSA in response to the SEPP 65 Principles is provided in **Appendix K.** A NatHERS Certificate is also provided as **Appendix P**. These measures may include photovoltaic panels, stormwater and greywater retention, natural ventilation, sustainable transport measures. This has been demonstrated in the design. An assessment has been undertaken in **Section 8.2.6**.	Yes
7.7	Servicing	The consent authority must be satisfied that future redevelopment will be connected to services such reticulated water supply, sewage, and public amenities. The site is located within an urban area and has access to these utilities and services. This provision is considered to be met.	Yes

7. OTHER PLANNING CONSIDERATIONS

The relevant planning framework considered in the preparation of this report comprises:

- A Metropolis of Three Cities – The Great Sydney Region Plan
- Western City District Plan
- Penrith Development Control Plan

7.1. Greater Sydney Region Plan

The Greater Sydney Region Plan (the Plan) for Greater Sydney is called A Metropolis of Three Cities.

The chapters of the Plan that are considered relevant to the proposed development are outlined below in Table 3.

Table 3: Consistency with the Greater Sydney Region Plan

DIRECTION	COMMENT
Chapter 4 – Liveability • A city for the people • Housing for the city • A city of great places	The population of Greater Sydney is forecast to grow from 4.7 million people to 8 million people by 2056, with 760,000 of this in the Western Parkland City. Targets include 725,000 additional homes and 817,000 new jobs over the next 20 years to 2036. Approximately 29% of this dwelling growth is expected to occur within the Western Parkland City. The proposed development will contribute to the provision of additional housing for the ageing population through 102 additional ILU's on the site, whilst providing construction jobs, and ongoing maintenance employment opportunities through operation.
Chapter 5 – Productivity • A well connected city • Jobs and skills for the city	The integration of land use and transport will mean that more of the population have access to jobs, education, health and other services and facilities by public transport within 30 minutes of their homes. The site is within 100 metres walking distance of Lennox Village Shopping Centre, providing an abundance of retail, hospitality and health services to the site. In addition, the site is serviced by busses which operate along the Great Western Highway and regularly connect the site to Leonay, Blaxland, and Westfield Penrith.
Chapter 6 – Sustainability • A city in its landscape • An efficient city • A resilient city	The Plan seeks to manage and protect the natural environment from increasing urban development, as well as to reduce costs, carbon emissions and environmental impacts and contribute to a NSW State-wide target towards net zero emissions by 2050. As detailed within the Architectural Design Statement prepared by Group GSA, current and future sustainability initiatives have or can be incorporated into the

DIRECTION	COMMENT
	design of the proposed development to contribute to the efficiency of the site. This includes solar panels on the roof the proposed development, electric heat pump hot water (with no gas proposed), rainwater reuse on site for landscape irrigation and the retention of existing trees and provision of new trees to provide a natural canopy for shade.

7.2. Western City District Plan

The site is located within the Penrith City Council LGA and therefore forms part of the Western City District. The Western City District also comprises various other LGAs located within the Greater Sydney Region, being the Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool and Wollondilly LGAs.

The Western City District Plan (District Plan) sets out a series of planning priorities and actions for improving the quality of life for residents, workers and visitors as the District grows and changes. over the next 20 years. This District Plan has been prepared to give effect to the GSC's Greater Sydney Region Plan.

The District Plan notes that a 206% proportional increase in people aged 85 and over is expected by 2036. A 93% proportional increase in people aged 65-84 is also expected in the Western District over this 20-year period. This means that the percentage of the District population that is aged 65 or over will increase to 18%.

The District Plan notes more diverse housing types and medium density housing and the design of walkable neighbourhoods *"…will create opportunities for older people to continue living in their community, where being close to family, friends and established health and support networks improves people's wellbeing",* with one of District Plan's priorities to provide services and social infrastructure to meet people's changing needs.

The proposed development will directly contribute to this priority by providing additional seniors housing, which will allow local residents the option of ageing in place within a unique setting that is familiar to them, and which is within proximity to retail, hospitality and health resources.

7.3. Penrith Development Control Plan 2014

A development control plan (**DCP**) is not strictly a statutory planning consideration. According to Section 3.42 of the EPA Act, the purpose of a DCP is to provide guidance on:

- Giving effect to the aims of the PLEP
- Facilitating development that is permissible under the PLEP, and
- Achieving the objectives of the R3: Medium Density Residential Zone applying to the site.

Within this context it is useful to consider the relevant provisions of the *Penrith Development Control Plan 2014*.

The Penrith DCP 2014 contains general built form controls in the way of setbacks, open space, building design, etc., which should be taken into consideration in any application for the site as they are indicative of the designated future character of the Penrith LGA.

An assessment of the proposal against the relevant provisions of the PDCP is provided at **Appendix Q**. In any instances where the proposal departs from a numerical requirement, this is assessed in the context of the objectives or aims of the numerical requirement (where available) and the principal purpose of the PDCP as noted above.

A summary of the outcomes in relation to the DCP is as follows:

Part C – City Wide controls

- C2: Vegetation Management - the submitted Arborist Report has considered the provisions listed in this section. See **Section 8.3.1** for the full assessment. A variation is requested in order to consider works within the tree protection zones for a number of trees on site, however this variation is considered to be appropriate given the measures outlined in the Arborist report and the benefits of retaining those significant trees on site.
- C3 – Water Management – See **Section 8.3.3** for further detail on Catchment Management and Water Quality (3.2) and Stormwater Management and Drainage (3.6). The proposed Stormwater Management Plan addresses the provisions of the DCP.
- C3 – Water Management – See **Section 8.5.2** for further detail on Groundwater (3.4). It is noted that the dewatering requirements and timeframes of Department of Planning and Environment – Water and the GTAs issued with the Integrated Development application will override the suggested 12-month guideline in the DCP.
- C5 – Flood Planning – See **Section 8.5.3** for further detail.
- C4 – Land Management – See **Section 6.5.8** for further detail noting that the SEPP provisions override those in the DCP.
- C5 – Waste Management – See **Section 8.2.9** for further detail. The submitted Waste Management Plan addresses the provision in the DCP.
- C6 – Landscape Design – See **Section 8.3.2** for further detail. The submitted landscape plans address the DCP requirements.
- C7 – Culture and Heritage – See Section 8.2.10 for the full assessment. The submitted HIS addresses the DCP and LEP requirements.

In terms of Part D2 – Residential Development - 2.5 – Residential Flat Buildings (which is the applicable section of this part), while it is noted that many of the DCP provisions are overridden by either the Housing SEPP or SEPP 65, the development is generally consistent with the relevant provisions in this section.

7.4. Penrith Development Contributions Plans

Direction 94E issued on 14 September 2007 by the then Minister for Planning excludes any developer contribution charges to any form of Seniors Housing development proposed by a social housing provider.

It has been demonstrated earlier that the proposal is a form of seniors housing, as defined by the Housing SEPP. Further, Uniting is a registered social housing provider, with a copy their certification provided at **Appendix R.** Given the above, the subject DA is exempt from any developer contributions.

8. ASSESSMENT OF LIKELY IMPACTS

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15 of the Act.

8.1. Context and Setting

The context and setting of the development site are described in **Section 3** of this SEE.

In summary, this is the second stage of the replacement of the older, existing Seniors Housing on the site. The RACF has already been completed and occupied, and this proposal is for the associated ILUs.

The proposed redevelopment of the site has been undertaken with due consideration of the future redevelopment potential of the neighbouring properties.

The site is within the R3- Medium Density Residential Zone, and is surrounded by R2 – Low Density Residential, R3 – Medium Density Residential and B2 – Local Centre land use zones. Permissible development within the R3 zone includes land uses such as shop top housing, community facilities, multi dwelling housing and Seniors Housing. Accordingly, the proposal is considered consistent with the existing and likely future uses of the surrounding land.

More specifically, the site is effectively bookended by the Lennox Village Shopping Centre to the north and the Emu Plains Public School to the south. The Lennox Village Shopping Centre has a 15m height limit under the PLEP provisions for the site, and the school has an allowable height limit of 4 storeys and 22 metres as per Chapter 3: Educational Establishments and Child Care Facilities of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*. When seen within the context of the surrounding permitted development, it is considered that the proposed built form and height are suitable to the current future context.

The proposed development is considered to provide a built form and massing that will positively contribute to the quality and identity of the locality. The Design Statement submitted as part of the SEPP 65 assessment also concludes that the proposal is compatible with the context and built form of the area.

Further consideration of the compatibility of the proposal and its surroundings can be undertaken with regard to the Land Environment Court Planning Principle on “compatibility with context” in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191.

In order to test whether a proposal is compatible with its context, the following two questions can be asked:

Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

As highlighted above, the proposal has been designed with due consideration of the site’s opportunities and constraints (namely the need to retain the maximum amount of significant trees as possible) and will not have a significant impact on either the adjoining residential dwellings or the neighbouring school in terms of overshadowing, overlooking, visual scale and the like. The proposal will not impact on the development potential of surrounding residential sites.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

The Court makes it clear that compatibility does not require new development to be the 'same' height as surrounding development. As highlighted above, the proposed development offers a transition of scale of development from the shopping centre on the north side of the Great Western Highway to lower scale dwellings to the south, east and west, and therefore is consistent with the existing and emerging character of the area. It is noted that the RACF constructed on site is of a similar height and scale to the proposed buildings on the site.

8.2. Built Environment

8.2.1. Height, Bulk and Scale

The proposed land use is permissible in the R3 - Medium Density Residential Zone applying to the land pursuant to both the PLEP and the Housing SEPP. Its built form is generally compliant with the applicable development standards except for the building height and is consistent with typical expectations for built form in a R3- Medium Density Residential Zone. The proposal adopts suitable materials, finishes and articulation to achieve an appropriate presentation to both the adjoining public and private domains.

As demonstrated in the submitted architectural plans (**Appendix B**) and as established under the Housing SEPP assessment, the proposed buildings contravene the maximum building height on site of 9.5m. As such, this application is accompanied by a written request to vary the development standards pursuant to Clause 4.6 of the PLEP (refer **Appendix L**). The Clause 4.6 request concludes that strict compliance with the building height standards is unreasonable and unnecessary and there are planning grounds to support the variations.

The bulk of the development is spread across the five buildings on site, which effectively distributes the building bulk across the site. There are expansive landscaped areas between the buildings, and particularly along the side and rear boundaries. The buildings are designed to sit within a landscaped setting, not to dominate the landscape.

As highlighted in this SEE, the taller building forms allows for significant areas of open space around the building footprints and permits the retention of the existing and substantial sized trees.

The buildings are well articulated and combined with the existing mature trees to be maintained and landscaping that will continue to provide for the growth of tall mature plantings, will not be dominant within their setting, as viewed from the Great Western Highway, Emerald Street or Troy Street. This is consistent with what was achieved with the RACF development, as shown in **Figure 20** below. It is noted that the RACF recently won a UDIA award, and the judges recognised this philosophy in their comments.

A key comment was-

'…whilst the tall perimeter trees were retained, they were used to argue for an additional storey, to better blend in with the landscape, surrounding shopping centre, and adjoining land uses. The additional upper floor not only made the facility more functional, the scale and bulk did not look out of place in its setting.'

This philosophy is being maintained across the site for the ILUs.

Figure 20: Existing RACF development on site (Source: GYDE Consulting)

The proposal provides generous setbacks from all dividing boundaries and residential development, which serves to mitigate any unreasonable amenity related outcomes in regard to overshadowing, privacy and acoustic impacts. The setbacks also serve to maintain the views to the heritage listed Chapel on the subject site.

8.2.2. Setbacks

The development has proposed significant setbacks from property boundaries and separation between buildings in line with statutory requirements. Building separation has been provided in line with the building envelope requirements as prescribed within the DCP, and those outlined in the Apartment Design Guide.

The setbacks ensure that adequate solar access is provided to both this development and not adversely impacting surrounding sensitive uses (as outlined in detail in **Section 8.2.2** below) and also ensure privacy is provided both on site and to the neighbouring properties (as outlined in detail in **Section 8.2.5** below).

8.2.3. Solar Access

Suitable solar access to the proposed dwellings has been established, with ~~75~~72.1% of the dwellings achieving 2 hours of solar access, in excess of the 70% minimum required under both the Housing SEPP and the ADG.

Solar access and overshadowing onto the neighbouring properties at the south have also been a strong consideration in the design.

The shadow diagrams provided by Group GSA (**Appendix B**) demonstrate that 10 Troy Street still maintains over 2 hours of daylight onto its private open space. The solar access is provided to the area closest to the dwelling which is its principal private open space. The solar access has been replicated in **Figure 21** below:

Figure 21: Proposed shadow diagrams onto No. 10 Troy Street (Source: Group GSA)

While it is noted that there are shadows along the northern boundary, this is created by a fence, not by the proposed development.

The other neighbour to the south is the Emu Plains Public School. The development directly abuts areas of open space as well as a carpark. The nearest building from the northern boundary is approximately 35m setback from that boundary.

The development will not affect solar access into any existing building on site. It will not significantly affect the solar access available to the existing play areas on site, noting that these areas have already been shaded due to the existing trees. The shared boundary can be seen in **Figure 22** below:

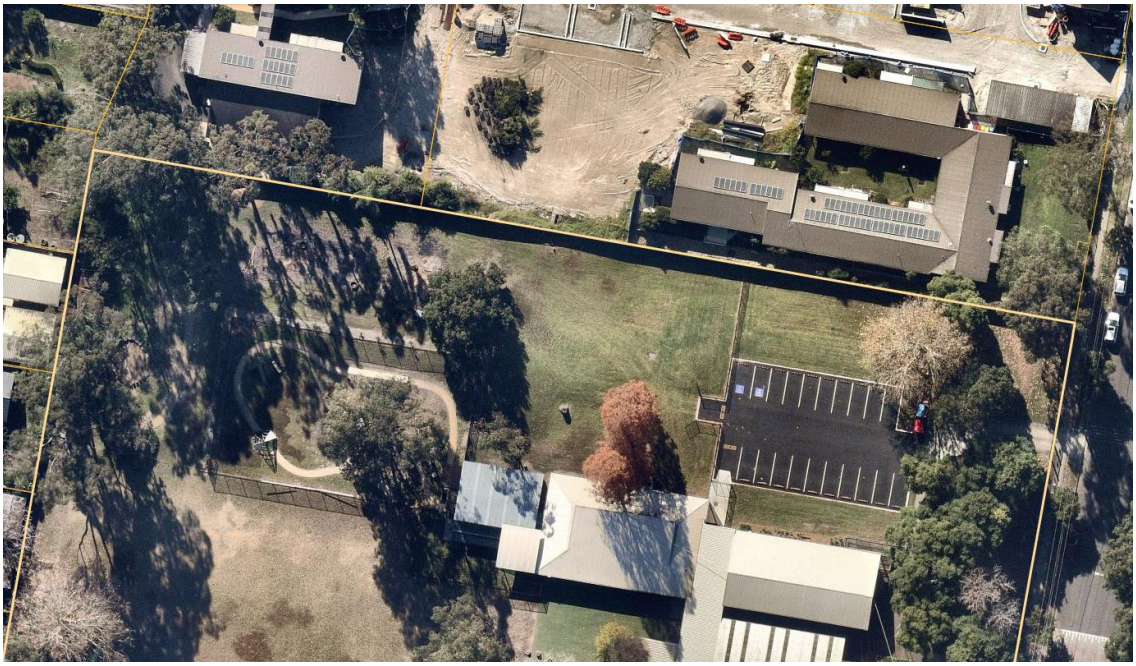


Figure 22: The subject site southern boundary/ School northern boundary shown in light yellow (Source: Nearmaps)

Overall, it is considered that the proposed development will ensure suitable solar access for the future residents while demonstrating that there will not be a significant adverse impact on the southern neighbours.

8.2.4. Internal Amenity

The proposed development achieves a high level of internal amenity for the future residents.

As per the landscape plan submitted (**Appendix D**), there is a mix of active and passive areas for the residents.

Key areas of amenity are:

- A communal club house with communal dining area, lounge area, small function areas and outside seating areas;
- An outdoor communal area off the club house in the centre of the site, complete with decking area and BBQ;
- The provision of small house gardens to each building; and
- Pathways creating linkages through the site and circuits for residents to walk on.

It is considered that the future residents will be well serviced by the level of amenity provided internally in the communal areas, as well as having sufficient private open space off each apartment.

8.2.5. Privacy

Visual privacy is considered to be a function of the spatial relationship of the buildings. In this regard, the proposed development suitably addresses and provides for the visual privacy of dwellings on adjoining sites and for dwellings within the site.

The siting and placement of the buildings optimises the separation of them within the site and on adjoining land. Specifically, the following building separation distances are provided:

- Approximately 12 metres between Building E and its front boundary setback, plus approximately 20 metres of road reserve between the closest building (that being Building E) and the existing residential development on Emerald St
- Approx 70 metres between the closest building and the Lennox Village Shopping Centre to the north, including the Great Western Highway.
- Approx 8.7 metres between Building E (the closest building) and the school to south
- Approx 7.3 metres between the façade of Building C and the southern boundary of the residential property located at 10 Troy Street.

Visual privacy is further achieved through suitable screening devices and landscape plantings. Windows to habitable and principal living spaces are also offset from one another to avoid direct overlooking. Windows and balconies along the southern boundary have been minimised where possible to further minimise impacts on privacy. The ground level terraces are screened through boundary fencing.

Overall, it is considered that privacy for both the residents on site and those of surrounding properties has been adequately considered and is appropriate.

8.2.6. Sustainability

Clause 7.4 of the PLEP requires consideration of sustainability principles for the design of buildings.

As per the clause the following sustainability principles have been integrated into the design:

LEP PROVISION	RESPONSE
(a) conserving energy and reducing carbon dioxide emissions,	The proposal has been designed to be energy efficient as outlined in the submitted BASIX and NatHERS certificates.
(b) embodied energy in materials and building processes,	It is noted in the ADG compliance table that the buildings have been designed to provide protection from weather, enable ease of access and reduce ongoing maintenance costs. This, along with the efficiencies created in design in terms of the use of operational energy, will assist in reducing the embodied energy created by the development over time.

LEP PROVISION	RESPONSE
(c) building design and orientation,	The building layout and location have been designed to maximise north facing orientations where possible.
(d) passive solar design and day lighting,	The proposed development achieves at least 2 hours of solar access for 72.1% of the dwellings as per ADG.
(e) natural ventilation,	The proposed development achieves cross ventilation for 89 out of the 147 apartments (60.54%) as per ADG. All apartments have access to natural ventilation in their living areas.
(f) energy efficiency and conservation,	The proposal achieves the requirements of BASIX in terms of energy efficiency and conservation. It is noted that each building will also have solar panels to generate electricity and to service the electric heat pump hot water systems serving each building.
(g) water conservation and water reuse,	The proposal achieves the requirements of BASIX in terms of water conservation and reuse. The landscape plan includes the planting of trees and vegetation which are naturally low water usage, and the use of irrigation makes the watering of the plants (particularly during establishment) more efficient.
(h) waste minimisation and recycling,	The proposed waste collection systems promote recycling for the residents on site and to ensure that the maximum number of materials are directed away from landfill. The proposal has also considered the waste from the demolition and construction phase and can divert over 90% from landfill through reuse on site or recycling.
(i) reduction of vehicle dependence,	The site is located across the road from a shopping centre with a range of shops and services. There is accessible footpaths and a controlled pedestrian crossing, which will encourage residents to walk there. The site is also well accessed in terms of public transport, such as bus services.

LEP PROVISION	RESPONSE
(j) potential for adaptive reuse.	The proposed development is for Seniors Housing, however if required (albeit not proposed), the ILUs could be used for standard housing.

A NatHERS Certificate and a BASIX Certificate have been provided with this application, which confirm energy and water efficiency commitments made on behalf of this development as part of the sustainability commitments. Overall, it is considered that the proposal achieves satisfactory sustainability outcomes.

8.2.7. Views and Visual Impact

The proposed architectural design has considered the visual impacts of the development.

A Visual Impact Assessment has been prepared by Group GSA and is provided as **Appendix S,** and demonstrates the following:

Existing visual character

The current built form on the site is a combination of the low rise ILU buildings which were constructed in the late 1970s and the modern RACF building which recently completed and is currently operational. There is an internal carpark under construction behind the RACF and the other significant structure on site is the heritage listed chapel located adjacent to Emerald Street. The interior of the site is visually protected by the large trees creating a boundary canopy.

The immediate locality south of the Great Western Highway is residential in character, featuring low-rise one to two storey dwellings, with some strata properties located in the R3 zone. These dwellings have large front setbacks with a streetscape consisting of wide pavements and a planted verge. The architectural character is generally one dated to the 1970s and 80's.

A different context is set the Lennox Village shopping centre and the Emu Plains Public School, which are larger developments in open settings of carparking and play areas (respectively) along their primary frontages.

Key view points

The Visual Impact Assessment has assessed the impact of the development from the following viewpoints:

Figure 23: Location of three key viewpoints assessed in Visual Impact Assessment (Source: Group GSA)

A summary of the outcomes is provided below:

Viewpoint 1 – Emerald Street

- The overall impact of the proposal at this viewpoint is Moderate-Low.
- The proposal does not interrupt any significant scenery, heritage or visual outlook.
- The built form will appear recessed behind the mature trees.
- This three-storey building is greater in scale than its immediate context of single to two storey dwellings to the east across Emerald Road. However, the front setback of 10.5m coupled with the retention of the existing mature trees (being retained within this setback) will ensure the three storey built form blends in with the natural environment and the surrounding residential characteristics and will not appear visually jarring.
- The trees will remain the dominant visual characteristic of this area.

Viewpoint 2 – Troy Street

- The overall impact of the proposal at this viewpoint is Moderate.

- The additional tree plantings proposed will contribute benefits to the canopy and the streetscape character.
- The built form will appear recessed behind the existing mature trees along the Troy Street boundary which remain as the visually dominant feature in this view. Proposed additional trees would screen along the southern boundary mirroring the landscaped appearance along Troy Street.
- The four storeys of Buildings A and C, with Building C stepping down to three storeys at the Troy Street frontage, is greater in scale than its immediate context of single to two storey dwellings to the west across Troy Street. The proposed communal open space on the south west of the site sets the southern building of the proposal back by 30 metres from the road.
- The concept carefully maintains mature existing trees on the site, contributing to the visual character and screening of the proposal, to be supplemented by significant additional tree plantings. The retention of the existing mature trees (being retained within this setback) will ensure the four storey built form blends in with the natural environment and the surrounding residential characteristics.
- The crowns of the trees along Great Western Highway extend beyond the maximum height of the buildings and will remain as the dominant feature when viewed from this viewpoint.

Viewpoint 3 – Emu Plains Public School

- The overall impact of the proposal at this viewpoint is Moderate.
- The proposal does not interrupt any significant scenery, heritage or visual outlook.
- The built form will appear recessed behind the existing mature trees which will remain as the visually dominant feature in this view.
- The proposed 6m landscape setback from the boundary coupled with the retention of the existing mature trees and open space network will ensure the four storey built form blends in with the natural environment, not appearing visually jarring to the visual receptors. This setback is greater than the existing built form setback of 3.7m.
- Site coverage is reduced from the existing built form, decreasing the massing impact along the southern boundary.
- The crowns of the trees extend beyond the maximum height of the buildings along Emerald Street and will remain as the dominant feature when viewed from the public domain in most instances.
- Proposed mitigation of additional tree plantings will contribute benefits to the urban canopy and streetscape character.

The VIA concludes that the proposal has a Moderate visual impact on its context and a conclusion can be drawn that the design has an acceptable impact on its surrounding context. The modern design and enhanced landscape setting of the proposal contribute to better visual amenity and street scape experience for people passing by the site, local residents and vehicular traffic.

8.2.8. Building and Construction

Compliance with the BCA will be demonstrated with the Construction Certificate documentation and has been demonstrated that is possible with the BCA report submitted with the application (**Appendix H**).

A final Construction Management Plan will be prepared by the appointed contractor, once the terms of any approval granted by Council are known. Accordingly, it is anticipated that Council will include appropriate conditions within any consent notice requiring the preparation and approval of a CMP prior to works commencing.

8.2.9. Waste Management

The demolition and construction phase will be appropriately managed to mitigate the environmental impact of the development. Waste generation will be minimised, and recycling of materials will be maximised to ensure that resources are conserved, and waste is processed responsibly.

A Waste Management Plan (WMP) has been prepared by Waste Audit and is provided as **Appendix T.**

The WMP has addressed waste generation through both the demolition and construction process along with the operational process. The submitted WMP provides the detailed assessment, which is summarised as follows.

Demolition and Construction Waste

- The WMP indicates that at the demolition phase will produce around 1,310m^2 of materials, of which 94.8% of that can be potentially diverted from landfill, be reused on site or recycled offsite at specialised facilities, while in the construction phase, around 16,302m^3 of waste materials (16,000sqm of which is excavated soil) will be produced of which 97.7% of that can potentially be diverted from landfill in a similar fashion.

Operational Waste

- Based on the 147 ILUs, the development will generate a total of 17,966L of waste and recycling each week, with an even distribution between both streams.
- The operational waste is proposed to be collected by a private contractor.
- The following is the numbers of bins required per building based on standard waste management generation streams calculated by the number of ILUs proposed:

Material Stream	Bin Size (litres)	Building					Collection Frequency
		A	B	C	D	E	
General Waste	1100	2	2	2	2	2	2 x weekly
Mixed Recycling	1100	1	1	1	1	1	1 x weekly
Service Bins	1100	2	2	2	2	2	N/A
Total Bins	1100	5	5	5	5	5	
Footprint/Bin (m^2)		1.86	1.86	1.86	1.86	1.86	
Total Footprint (m^2)		9.30	9.30	9.30	9.30	9.30	

Figure 24: Replication of Table 2 from WMP showing ILU bins and storage (Source: Waste Audit)

- Two additional 1,110L bins have been provided per waste room (one each for recycling and waste) as per Council's recommendation to provide for additional capacity in the event of missed or delayed collections by the contractor.
- Waste storage rooms have been provided at the basement level sized in line with the recommendations of this WMP and to allow for suitable circulation for staff.
- Garbage chutes have been proposed for the buildings to allow for residents to use the bins.

- The waste storage rooms have also been designed to accommodate the additional waste generated by the Club House.
- A dual chute system is proposed for each building for general waste and mixed recycling, with chutes available on each level. These chutes terminate in the respective storage rooms on the basement level for Buildings A-D and at ground level for Building E. This is due to the updated design of the basement where it has been discontinued under Building E.
- The Club House will use the chute available on the ground floor of Building D to deposit its waste. Its expected generation rates are low at 150 litres per day for both general waste and recycling. It is noted that the Club House only has limited kitchen facilities to reheat (not cook) food.
- There are spare bins available to accommodate bulky items which cannot be sent via the chute system.
- Education of the residents is also proposed to ensure that the chute systems function correctly, and that waste and recycling are suitably sorted at the source. The onsite management team will be responsible for this measure.
- Two self-contained rooms are provided in the basement for bulky waste materials and other items which are too large for the chute or standard mobile bins.
- The site management will manage the collection of these goods by the private contractor.
- The bin storage rooms have been designed in line with the DCP guidelines in both spatial requirements and in the detailed design, with any further construction requirements being able to be conditioned and shown on the Construction Certificate drawings.
  In terms of collection, the private contractor will first stop outside Building E and access the bin storage room directly from the carpark. For collection of waste from Buildings A-D, vehicles will then drive through the basement and stop at each room for loading, and once completed, the vehicles will drive out of the basement in a forward direction.
- The basement has been designed in order to ensure that the spatial requirements of the waste collection vehicles has been taken into consideration.
- On site management will bring the empty bins back to the storage rooms post collection and ensure they are stored correctly for ongoing operation.

Overall, it is considered that waste management has been adequately accounted for in the design and operation of the ILUs and that the demolition and construction phases have minimised the potential waste streams going to landfill.

8.2.10. Heritage

The site contains a listed heritage item in the form of the Former Methodist Chapel.

A Heritage Impact Statement (HIS) has been provided in accordance with Clause 5.10(5) of PLEP as **Appendix N**.

The HIS provides a detailed analysis in relation to the history of the subject site, particularly the chapel and the impact of the proposed development on the heritage significance of the item.

In terms of the significance of the chapel:

- The former Emu Plains Methodist Chapel is an example of a mid-Victorian Church that was built in 1862 and is an important part of the early establishment of the township of Emu Plains,

- The Chapel is a modest though well detailed example of a mid-Victorian, vernacular Gothic style church with handsome stone elevations
- This building type is likely rare locally.

This assessment affirms its local heritage listing.

In terms of the impacts of the development:

- The potential impact on of the development is largely the impact on the setting of the Chapel and this is assessed below. Most of the proposed buildings are well separated from the former Chapel and only Building E is likely to have any impact on its setting.
- The proposal is relatively low scale being only three to four storeys in height. The building closest to the Chapel (Building E) is three storey but with a setback to the upper floor giving a two storey presentation to Emerald Street. This building (that being Building E) is set on the alignment of the existing modern buildings to the north, maintaining a good separation to the Chapel and the area to the front will be re-landscaped with larger trees retained.
- None of the buildings proposed to be demolished have heritage value.

Overall, the HIS concludes that

…we consider that the proposed development is a very well-considered approach to replacing some of the residential aged care facilities at the site with the new RACF buildings carefully sited and designed to minimise their impact on the significant element on the site.

The development is set sufficiently away from the heritage component on the site to allow its retention and maintain its setting while retaining its proximity to the facility that it now serves.

We consider that the development will have a limited and acceptable impact on the heritage significance of the place and will assist in the long-term viability of the site and the associated heritage building by providing an ongoing use for the site and allowing an appreciation of the site by residents and visitors.

The submitted HIS also addresses the statutory requirements for heritage as listed in the PLEP and the associated DCP and confirms that the relevant requirements have been met.

Overall it is considered that there will be no significant impact on heritage generated by this development.

8.2.11. Noise and Acoustics

The impact on noise has been considered with this development.

An Acoustic Report has been prepared by JHA Services and is provided as **Appendix J**.

The acoustic assessment has taken into account all of the external noise sources impacting upon the development, such as the traffic noise of the Great Western Highway, and to ensure that the dwellings can meet the appropriate noise levels in the Housing SEPP.

The key recommendation tables have been replicated below, and they provide the requirements for glazing for the buildings to meet the required noise levels.

Building	Room Type	Façade	Weighted Sound Reduction Index (R_W)
A, B	Bedroom / Living Room	North	R_W35
		East	R_W35
		West	R_W35
		South	R_W32
C, D, E	Bedroom / Living Room	North	R_W32
		East	R_W32
		West	R_W32
		South	R_W32

Figure 25: Replication of Table 13 from Acoustic Assessment for glazing performance (Source: JHA Engineers)

Weighted Sound Reduction Index (R_W)	Fixed Single Glazing System
R_W32	6.38mm laminated glass
R_W35	10.38mm laminated glass

Figure 26: Replication of Table 14 from Acoustic Assessment for typical glazing systems (Source: JHA Engineers)

In terms of construction noise, the following measures are proposed in relation to the management of noise, which can be included as consent conditions:

- A Construction Management Plan (CMP) to be prepared at detailed design stage and approved prior to the issue of a Construction Certificate.
- All works undertaken during construction shall be monitored and strict safety measures implemented in accordance with BCA guidelines and standard Workplace Health and Safety Regulations.
- Hours of construction will be in accordance with Council's requirements, and adjoining properties will be notified prior to the commencement of works on site.

The acoustic assessment has undertaken a preliminary assessment on the noise emissions of mechanical plant. This can only be preliminary as the final selections have not yet been made.

The preliminary assessment is carried out using the following criteria:

- External noise emissions impact on the most affected noise sensitive receivers.
- Night time operation (10pm to 7am) has been considered for the noise assessment of the external mechanical plant.
- The condenser unit locations on balconies.
- The club house condenser unit on the roof of 60dB(A) at 1m, which doesn't require any acoustic treatment based on its proposed location.
- The sound pressure level of balcony condenser unit for 2-3 bedrooms based on 54-53dB(A) at 1m and for 1 bedroom 52-49dB(A).
- Sound Pressure Level (SPL) of the Heat Pumps based on 69dB(A) at 3m (being the total SPL of heat pumps per building).

The preliminary acoustic treatment is as follows:

- Acoustic attenuation shall be implemented to the condenser units located on the terraces of CG09, CG08, C109, C108, C209, C208, D101, D102, D201 and D202. The acoustic attenuation can be in the form of acoustic screening or through other measures where feasible, such as night modes, selection of quieter units, or a combination etc. An attenuation of approximately 7dB is required to achieve the external noise emission criteria. This required acoustic treatment will be implemented during detailed design to achieve the external noise emission requirements.
- Refer to Figure 5 (replicated below) for acoustic screening required to the rooftop for the heat pumps. The acoustic screen / barrier shall have a minimum surface mass of 12kg/m^2, or an acoustic louvre only if required equivalent to ACRAN 20. The screen shall be at least 2m high, and at least 200mm above the top of the tallest unit (heat pump) when installed. Heat pump will be installed within each hydraulic plant zone.

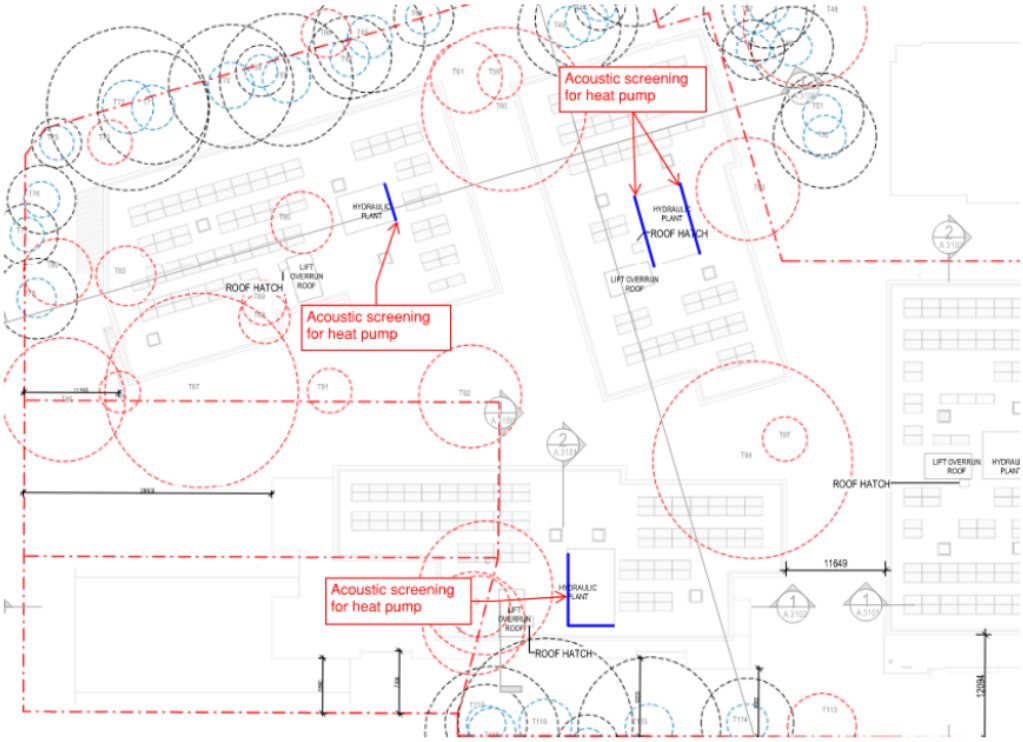


Figure 5: Acoustic screen / barrier requirements for the rooftop plant.

Figure 27: Replication of Figure 5 of Acoustic Report indicating screen/ barrier requirements for the rooftop plant (Source: JHA Engineers)

- Locate heat pumps at least 3m from any celestory window for acoustic purposes.
- Consideration of usual matters to reduce noise impacts such as selecting quiet plant options, siting them strategically away from sensitive receivers and considering design factors such as louvres, in-duct attenuation or sound absorptive panels.

A detailed noise assessment and implementation of these measures can form a condition of consent and undertaken with the Construction Certificate process.

Overall, it is considered that the development has adequately considered and mitigated any potential acoustic impacts, both for the residents living on site and neighbouring sensitive receivers.

8.2.12. Universal Access

Universal access in line with AS 1428.1 and the requirements as listed in Schedule 3 of the Housing SEPP has been considered with this application. An Access Report has been prepared by Accessible Building Solutions and is provided as **Appendix U**.

This report concludes that universal access is possible within the development, and has either been demonstrated on

the plans or can be detailed with the future Construction Certificate/s. It also indicates that the proposed development will or can comply with the provisions of Schedule 4 of the Housing SEPP.

8.3. Natural Environment

8.3.1. Tree removal

An Arborist Report has been prepared by TreeIQ and is provided as **Appendix C**.

There were Eighty-Two (82) trees and tree groups assessed as part of this proposal. The majority of these trees are located within the 1-3 Emerald Street parcel of land, while 3 trees (Trees A-C) are located in 8 Troy Street, 2 trees (Trees D and E) are located in adjoining properties to the south and five trees (Trees G-K) are street trees. It is noted that one of the trees were dead.

The assessment identifies that the trees on site comprise a mix of locally indigenous, Australian- native and exotic species, with a total of 26 species are represented, with *Corymbia maculata* (Spotted Gum) the dominant species on site. Tree No. 66 was identified as dead.

The development requires the removal of 24 trees and tree groups on site, with nine trees with a retention value of 'consider for retention', ten trees with a retention value of 'consider for removal, and two trees with a retention value of 'priority for removal'. No trees with a retention value of 'priority for retention' are proposed for removal.

Those trees are listed below:

	Priority for Retention	Consider for Retention	Consider for Removal	Priority for Removal
Basement Footprint = 9	96	90, 92, A & C	91, 97 & 119	B
Basement – Major encroachment = 4		53 & 60	88 & 89	
Landscape Treatment = 11	87	61, 80, 83 & 85	59, 73, 86 & 113	48 & 108
TOTAL = 24	**2**	**10**	**9**	**3**

Figure 28: Replication of Table 4 of arborist report outlining the trees proposed for removal (Source: Tree IQ)

57 trees and tree groups are to be retained as part of the proposed development, with 13 trees with a retention value of 'priority for retention', 33 trees with a retention value of 'consider for retention' and 4 trees with a retention value of 'consider for removal'. Seven trees outside of the site boundaries are also proposed for retention.

Those trees are listed below:

	Priority for Retention	Consider for Retention	Consider for Removal	Priority for Removal	Trees Outside Uniting Boundaries
No works within TPZ = 42	6, 21, 22, 34, 38, 40 & 44	1, 7, 8, 9, 10, 11, 19, 20, 28, 33, 37, 41, 42, 46, 49, 50, 51, 64, 65, 67, 69, 70, 76 & 110	12, 43, 75 & 77		D, E, G, H, I, J & K
Minor Encroachment = 9	39, 72 & 109	45, 47, 52, 68, 71 & 78			
Major Encroachment = 6	105, 115 & 116	114, 117 & 118			
TOTAL = 57	**13**	**33**	**4**		**7**

Figure 29: Replication of Table 5 of arborist report outlining the trees proposed for removal (Source: Tree IQ)

The development does not propose any TPZ encroachments from the basement level and that no over-excavation, benching or battering will be required as part of basement construction, as all excavation will occur inside the perimeter piling line.

The development plans show that works are proposed within the TPZ areas of Trees 39, 45, 47, 52, 68, 71, 72, 78 and 109. As the encroachment into the individual TPZ is less than 10% and outside of the Structural Root Zone (SRZ), the extent of works represents Minor Encroachments as defined by Australian Standard 4970-2009 Protection of Trees on Development Sites (AS-4970). A Minor Encroachment is considered acceptable by AS-4970 when it is compensated for elsewhere and contiguous within the TPZ. The encroachments into TPZ areas should be compensated for by extending the TPZ in areas not subject to encroachment. Further to this, for Tree 45, 47, 68, 71, 72 and 78, the Minor Encroachments are represented by terraces/balconies which should be cantilevered out over the TPZ areas and not require excavation. This further reduces the potential impacts on the trees.

The development plans show that works are proposed within TPZ areas of Trees 105, 114, 115, 116, 117 and 118. The extent of works represents Major Encroachments as defined by AS-4970.

The report includes a range of recommendations for tree protection measures to be followed to ensure that the trees with major and minor encroachments are not adversely impacted. These recommendations can be included in the consent conditions (should approval be granted) and managed on site with supervision from the project arborist.

The development plans require pruning of Trees 76, 78 and 115 due to the erection of scaffolding. The report provides two options for pruning for Tree 115, both of which can be undertaken in accordance with AS-4970 and will remove less than 10% of the tree's total crown volume. There are also provisions in the report in relation to the specifics of pruning these trees which can be accommodated as part of the consent conditions.

The arborist report also provides recommendations on tree management during demolition works and in the basement construction to protect the trees to be retained on site.

Section C2.1 Preservation of Trees and Vegetation of the DCP provides controls regarding the preservation of trees

and vegetation. Section 6(j)-(l) (inclusive) allows for Council to consider works within a tree protection zone based on appropriate arboricultural merit. As indicated above, the arborist report details works and measures that will be undertaken on site to appropriately monitor and ensure that any works within a tree protection zone are done sensitively without significantly impacting the health or viability of the tree. Overall, we consider that these measures justify a variation to the DCP in this respect.

The development will require the planting of 83 trees to assist in offsetting the loss of canopy cover and amenity from the proposed tree removal.

It is understood that due to the high-water table at the site, an extended period ~~(12-18 months)~~ of dewatering of the basement level may be required. The arborist advises that dewatering should not significantly impact soil moisture levels around the perimeter of the building as the majority of a tree's root system is located in the upper soil profile where oxygen levels are higher. The arborist recommends that irrigation will be installed to support the establishment and growth of new landscape plantings which will also benefit the trees. To ensure dewatering does not significantly impact the trees, the health of the trees adjacent to the basement should be monitored at three monthly intervals with photographic records of each site visit kept for comparative analysis of canopy cover and colouration of foliage of the trees. If required, additional supplementary irrigation should be provided as directed by the Project Arborist.

The management of trees during the construction process can be included within conditions issued as part of any consent.

Overall, the level of tree removal required to accommodate this development is considered appropriate, and the retention of the large significant trees on site and the provision of additional offset planting will further enhance the landscaped character of the area.

8.3.2. Landscape

Landscape Plans have been prepared by Taylor Brammer Landscape Architects and are provided as **Appendix D.** As outlined in the associated design report, the landscaping for the ILUs builds upon the successful design themes and outcomes for the RACF. The key features of the landscaping for the RACF focus on the retention of existing significant trees (particularly near boundaries), creating people focused places and using plant species and horticultural outcomes suitable for the Emu Plains environment.

Features of the landscape design for this proposal include:

- Having extensive deep soil areas around the periphery of the site and in the central areas of the ILUs.
- Using these areas for establishing the extensive tree planting strategy, building on the retention of the significant trees on site.
- Building on the internal features of the communal club house by extending those outside for break out/ seating areas, a BBQ terrace, outdoor dining seating nooks, all of which is centrally located and accessible through the pedestrian network.
- Residential house gardens in the vicinity of the buildings, which include pergolas, flower and vegetable gardens and shaded seating areas.
- Prioritising pedestrian movements across the site and using these paths to connect the various communal open space areas, as well as to the external path network.

- A planting strategy with a focus on native trees and using trees as a focal point for wayfinding on site as well as using species of low water character.

The development has been designed with a landscape focus on maximising the retention of the existing significant trees. The proposed landscape plan builds on that outcome and will provide an improved vegetation outcome on site and high amenity for the future residents. Overall, the landscaping proposed is considered to be suitable for the subject site, the proposed use and in terms of the use of plants species proposed with the climate.

8.3.3. Stormwater Management

Stormwater Management Plans have been prepared by TTW and are provided as **Appendix E**. The overall Civil Engineering Report incorporates both stormwater management and flooding impacts and this is provided as **Appendix O**.

The key engineering issues on the site considered as part of the design response are:

- To maintain the overland flow paths through the site without imposing any risk of flooding to adjacent properties during the 1% Annual Exceedance Probability (AEP) storm event.
- Ensuring flood planning levels are met for the 1% AEP flood level within the site.
- Outlining any proposed modifications to the existing stormwater pipe and pit structures and review the effects to the hydraulic performance (if any), and
- To prepare a stormwater management plan that responds to the new building arrangement on site.

Key outcomes to the design are as follows:

On-site Stormwater Detention

As per Council requirements, development within the mandatory on-site stormwater detention (OSD) catchments maintain existing site discharge rates for all events up to and including the 1 in 100-year ARI storm event. If the post development flow exceeds the existing site discharge rates, then that site will need to have an OSD to alleviate flowrates.

The site is not identified as being located within a mandatory on-site stormwater detention, however pre lodgement advice from Council has identified that OSD may be required should the stormwater flows post development exceed the capacity of the existing system.

The site area is equal to approximately 1.3 hectares with impervious areas comprising 78% of the existing site. Post development this decreases to 57 of the total site, representing a reduction in impervious area of 21%. As a result of the reduced impervious area, stormwater flow from the site is expected to decrease post development. The submitted report provides the statistics for this outcome.

This reduced stormwater flow has been modelled in DRAINS to determine the downstream stormwater network has sufficient capacity. The site proposes to maintain existing drainage catchments and therefore will not exceed the downstream capacity of the system and does not require OSD.

DRAINS Modelling

The inground site stormwater network has been modelled using DRAINS modelling software applying Australian Rainfall and Runoff 2019 procedures with blockage factors applied as outlined in the Penrith City Council Stormwater Drainage Specification for Building Developments.

Water Quality

Council's DCP requires all new development to install permanent stormwater pollution controls, with targets set in Figure 3.4

Water quality modelling has been undertaken using a MUSIC-X software as provided by Council.

The following is recommended to meet the required reduction targets:

- Pit filter baskets such as the Ocean Protect OceanGuard or equivalent to capture gross pollutants, suspended solids and attached pollutants; the filter basket would be located within surface pits of the site.
- Vegetated swales provided within the site in soft landscaping areas.
- A precast stormwater filtration unit, StormFilter 690mm high. This unit will be able to treat silt-sized particles and a high percentage of phosphorus, nitrogen and hydrocarbons. These will be located inside a storm filter chamber downstream of the drainage system. This is to allow for all stormwater captured on the development site to pass through the unit as well as provide ease of access and maintenance.

Relocation of Existing easement

The existing easement conveys water from the upstream school to the south, to Great Western Highway to the north. As a result of the design modification to consolidate the basement, the existing easement which flows through the site from south to north is to be relocated. The new easement alignment (shown in blue) is to replace the existing easement alignment (shown in red) as seen in Figure 3.5. This easement requires one 600mm pipe and one culvert (1m wide x 450mm tall) in order to maintain stormwater flows from the neighbouring site to the south through to the Great Western Highway.

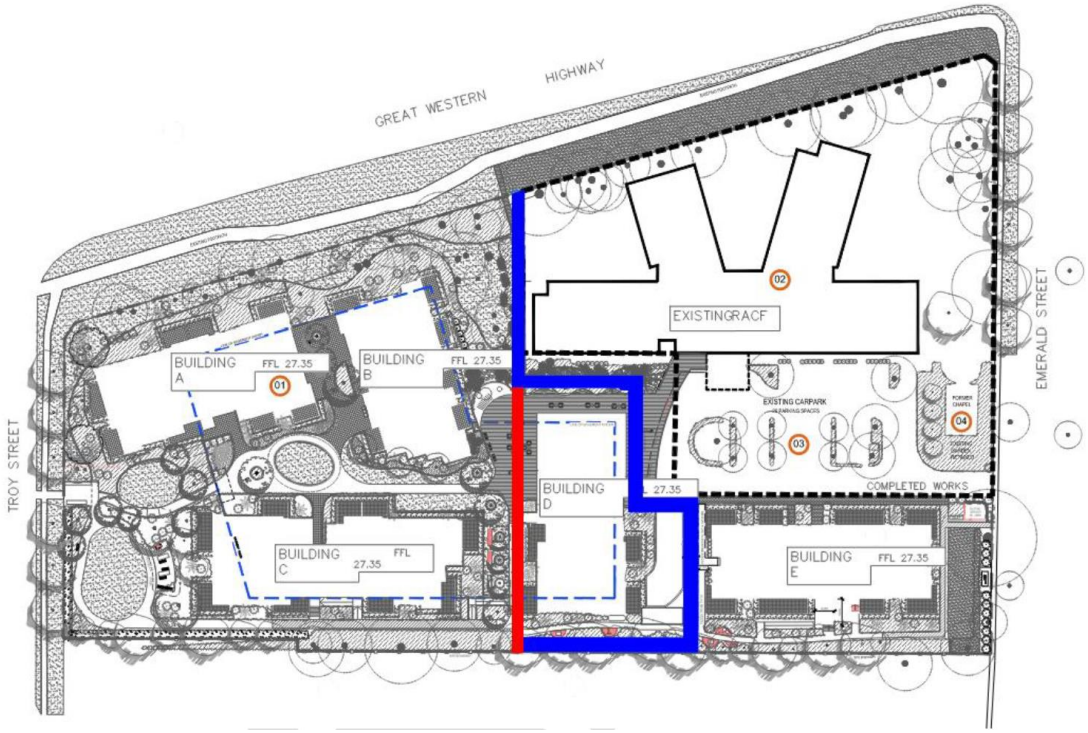


Figure 30: Existing easement alignment in red and proposed alignment in blue (Source: TTW)

Stormwater Management during construction

During the construction phase of the project, an erosion and sediment control plan will be implemented to prevent sediment laden stormwater from flowing into adjoining properties, bushland, roadways or receiving water bodies. Stormwater controls onsite are detailed in an Erosion and Sediment Control Plan and Landcom NSW's Managing Urban Stormwater, Soils and Construction ("Blue Book"). Provisions regarding erosion and sediment control during construction can be included within conditions for any consent issued.

Overall, it is deemed that the proposed development has adequately considered stormwater management and integrated it into the overall design. Detailed stormwater plans can be prepared and approved by Council prior to the issue of the Construction Certificate.

8.3.4. Soil Management

A concept erosion and sediment control plan has been provided with the stormwater management plans submitted with this application. Standard measures such as sediment filters and sedimentation traps have been shown, along with a suite of recommendations of site management requirements to be implemented prior to construction commencing.

Any erosion and sediment control associated with the construction process can be managed through conditions of consent.

8.3.5. Air and Microclimate

Some dust is anticipated during the construction period, particularly given demolition and excavation is involved. This impact can be managed through measures such as wetting down work areas/stockpiles, stabilising exposed areas, preventing material tracking out onto public roadways, covering loads on all departing trucks and working to weather conditions. The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

A final CMP will be provided by the builder, once appointed, prior to the issue of the Construction Certificate.

The proposal is otherwise not expected to give rise to any long term or adverse impacts on local or regional air quality.

8.4. Movement and Access

8.4.1. Overview

A Traffic Impact Assessment (TIA) has been prepared by TTW and is provided as **Appendix I.**

The TIA demonstrates that the development will not have a significant impact on the surrounding road network and that on-site parking supply and arrangements are adequate for the development. Key outcomes from the TIA are highlighted below.

8.4.2. Traffic and road network

The site has frontage to three roads, being the Great Western Highway, Emerald Street and Troy Street. The roads are described below as follows:

- The **Great Western Highway** extends along the northern boundary of the site and is a classified Transport for New South Wales (TfNSW) roadway. Within the vicinity of the site it has one to two lanes in each direction, with a signposted speed limit of 60 km/hr. It provides access to the M4 Western Motorway and Parramatta Road.
- **Emerald Street** runs north to south along the eastern boundary of the site. It is a local road with one through lane in each direction and a parking lane to each kerbside. Adjacent to the site is a school zone at 40 km/h that is active during school peak times. Emerald Street is limited to left in and left out movements where it connects with the Great Western Highway.
- **Troy Street** runs north to south along the western boundary of the site. It is also a local road with one through lane in each direction and a parking lane to each kerbside. There is also school zone signage adjacent to the site. A give-way control is located at the intersection of Troy Street and the Great Western Highway.

Both Emerald Street and Troy Street intersections with the Great Western Highway are unsignalised.

The TIA provides a SIDRA analysis of the surrounding network. The modelling demonstrates that both the Emerald Street and the Troy Street intersection with the Great Western Highway, along with the signalised pedestrian crossing with the Great Western Highway, currently operate with a Level of Service of “A” in peak times. Level A is

the highest criteria and indicates it is operating well.

The proposed development traffic generation has been modelled at the same intersections described above. The post development intersection model results indicate that the additional vehicle trips generated by the development can be accommodated by the intersections near to the site with all intersections maintaining a Level of Service “A”. This demonstrates that the proposed development will not create capacity issues on the surrounding road network.

Access from Emerald Street will be via the existing driveway crossover for the RACF. No vehicle access or egress is proposed to the Great Western Highway.

Overall, the vehicle access points are considered to be satisfactory and suitable for the proposed development.

8.4.3. Public Transport

The site has good access to public transport, with multiple bus networks available within the immediate vicinity.

Public transport servicing the site is via existing bus routes referred to in Table 7.

Figure 31 shows the relative locations of bus stops and proximity of these stops to the site.

Table 7: Bus services (Source: Transport for NSW)

ROUTE		PEAK FREQUENCY	DAILY FREQUENCY
688	Penrith to Emu Heights	Every 20 minutes	Every 60 minutes
1688**	Penrith to Leonay & Emu Heights	Every 60 minutes	Every 60 minutes
689	Penrith to Leonay	Every 30 minutes	Every 60 minutes
690P	Springwood to Penrith	3 Services Daily	
691	Penrith to Mount Riverview	3 Services Daily	

* Weekdays only

** Weekends and public holidays only

Figure 31: Location of nearby bus stops in orange with site dashed (Source: TTW)

Pedestrian access is available to the adjacent bus stops on the Great Western Highway through the kerb ramps, footpaths and signalised crossings. Covered bus shelters are provided to bus stops on both the northern and southern kerbsides.

8.4.4. Pedestrian access

Pedestrian access is available to the site from Troy Street, Emerald Street and the Great Western Highway. These points provide access to and from other local attractors such as Lennox Shopping Village and the bus stops on Great Western Highway.

Pedestrian footpaths are provided along all frontages of the site and both kerbsides of Troy Street and Emerald Street.

Emerald Street and Troy Street provide kerb ramps for pedestrians to cross.

A signalised pedestrian crossing is available adjacent to the site on the Great Western Highway which provides access from the site to the Lennox Shopping Village.

Pedestrian pathways are proposed across the site both in a north-south and east-west direction. These paths are designed to connect into the public paths around the site.

The path along the front of the site is classified as a 'major district shared path' as per the Penrith Accessible Trails Hierarchy Strategy (PATHS).

8.4.5. Parking

Schedule 4 Section 5 of the Housing SEPP specifies the following:

If car parking (not being car parking for employees) is provided –

a) Car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890.6, and

b) 10% of the total number of car parking spaces (or at least one space if there are fewer than 10 spaces) must be designed to enable the width of the spaces to be increased to 3.8m, and

c) Any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date

Division 7 Clause 108 contains the following non-discretionary parking standard:

j) For a development application made by, or made by a person jointly with, a social housing provider – at least 1 parking space for every 5 dwellings,

Uniting is a social housing provider, therefore consent cannot be refused on car parking grounds if 30 spaces are provided for the proposed development. It is noted that this is not a minimum standard.

The development proposes 113 spaces to be accommodated in the basement. The basement will ensure that the residents will have easy access to parking from their buildings. Of these, there are 30 accessible spaces, with 3 able to be increased to 3.8m in width. Visitor parking is available in the existing carpark accessed from Emerald Street, which has an overprovision of parking on site from the RACF.

Parking spaces have been reviewed for their compliance with AS2890.1, AS2890.2 and AS2890.6. With signage included in detailed design, the car parking layout can be made to comply with these standards.

Overall, parking complies with the provisions and requirements prescribed under the Housing SEPP.

8.4.6. Loading facilities

Turning path analysis has been completed for a Small Rigid Vehicle waste vehicle within both basement car parks. The turning paths have been provided as part of the TIA and confirm that sufficient manoeuvring has been provided.

It is noted that a private waste collector is intended to service the site. As such, compliance with Council standards for waste vehicles is not required.

8.4.7. Emergency Vehicle access

The site access points have been reviewed for the manoeuvrability of bariatric ambulance vehicles through the site. Turning path analysis has been attached in the TIA. These turning paths show compliance with AS2890.2 and confirm that the vehicle can enter and exit the site in a forward direction.

The turning path analysis also confirms that ambulances will continue to be able to access the RACF on site.

8.4.8. Conclusion

Overall, it is considered that the traffic impacts of the development are satisfactory and sufficient parking is proposed on site to accommodate the residents and visitors.

8.5. Site Suitability

8.5.1. Geotechnical

Geotechnical report has been prepared by Geo-Logix and is provided as **Appendix V**.

The report concludes that there are no geotechnical constraints which would present an issue for the development, and the management of soil on site can be undertaken at detailed design phase and subject to relevant consent conditions.

Key outcomes from the geotechnical report are:

- A site classification of Class P was applicable in line with AS 2870 “Residential Slabs and Footings”.
- The field work results indicated a ground profile consisting of a thin surface layer of fill (typically less than 1m thick but was encountered up to 1.5m thick) overlying alluvial soils to depths of at least 8.5m.
- The existing fill on site is considered uncontrolled fill in accordance with AS 3798-2007 as a Level 1 Geotechnical Inspection and Testing report was not provided for it.
- No structures, slabs or pavements should be founded in the uncontrolled fill. Therefore, it would either need to be removed and replaced with engineered fil or have structured founded beneath the fill with floor slabs suspended.
- The alluvial soils below the uncontrolled fill are considered to be a suitable founding stratum for the proposed development.
- The ground conditions are considered to be suitable for either spread footings or piled footings, with further detailed design to occur at Construction Certificate phase.
- There are a range of recommendations proposed for site preparation measures, which may be included within consent conditions.
- Salinity was addressed with the report concluding that the site is not in an area with potential acid sulphate soils.

8.5.2. Groundwater

Groundwater implications were considered in the Geotechnical Report (as referenced above) with further groundwater monitoring prepared by Geo-Logix as provided at **Appendix W**.

The groundwater assessment report presents the results of the groundwater level and monitoring testing that occurred on site between March and June 2022, with further testing undertaken by Geo-Logix in January 2023.

The key outcomes of this report are:

- The report recommends that the basements be designed to consider the long term groundwater effects, with a tanked basement the preferred option.
- The design of the basement would need to account for the highest groundwater levels recorded during monitoring plus an additional 1m allowance in recognition that the groundwater may not have reached its maximum during the monitoring period, with the recommended design level of RL 26.6.

Overall, it is considered that the proposed development can be designed to address the implications on groundwater with the basement design.

The submitted report acknowledges the need for dewatering and the need to obtain the relevant permission to dispose of groundwater in the short term (during construction) and in the long term. As referenced in **Section 6.2.2** above, the proposal is classified as Integrated Development and the Department of Planning and Environment – Water office (Office of Water) is required to assess the application and if satisfactory, provide their General Terms of Approval (GTA). General advice issued by the Office of Water indicates that the GTAs tend to include approval for dewatering activities for a period of two years, with parameters in place to extend this approval for a further 12 months.

It is noted that Section 3.4, Clause d)i) of the DCP references that the Office of Water *'in general, will not authorise temporary construction dewatering for periods of more than 12 months'*. This differs from the publicly available advice on the Office of Water's website, described above. The GTAs to be issued are expected to reference the 2-year time period, and if so, the provisions of the DCP would not be applied. Up to 2 years may be necessary for a development of the scale and nature proposed and would be an appropriate time period to be applied.

8.5.3. Flooding

The site is mapped on Council's system as being flood prone. In this respect, it is noted that the site is not affected by riverine flood flows in the 1% AEP event. Rather the flood affection of the site is predominately due to local overland flows through the eastern and southern site boundaries.

A Flood Impact Assessment has been prepared by TTW as part of the Civil Engineering Report and is provided as **Appendix O**.

The Flood Assessment provides an assessment on flood conditions of the site and summarises the flood modelling results for both existing and proposed site conditions in the 1% Annual Exceedance Probability (AEP) event as well as investigating the potential flood impacts on neighbouring properties due to the proposed redevelopment.

The submitted report outlines the flood modelling undertaken on site and the parameters used for the assessment of this development, and also addresses the requirements of the DCP.

The DCP sets out the following flood related development controls:

Council will consider development on land subject to the flood planning provisions of the LEP but will not grant

consent to new development in floodways or in high hazard areas. Flood hazard (high) or high flood hazard occurs when there is possible danger to life and limb; evacuation by trucks is difficult there is potential for structural damage; and social disruption and financial losses could be high.

Consideration will be given to such matters as depth and nature of flood waters, whether the area forms flood storage, the nature and risk posed to the development by flood waters, the velocity of floodwaters and the speed of inundation, and whether the Penrith Development Control Plan 2014 C3 Water Management C3-24 development lies in an area classed as a 'floodway', 'flood fringe area' or 'flood storage area'.

Flood levels shall be at least 0.5m above the 1% AEP (100-year ARI) flood or the buildings shall be flood-proofed to at least 0.5m above the 1% AEP (100-year ARI) flood.

Flood safe access and emergency egress shall be provided to all new developments.

Where the application is for an extension to an existing building on land at or below the flood planning level or for new development that can be classed as infill development, Council may approve of the development with floor levels below the 1% AEP (100-year ARI) flood if it can be demonstrated by the applicant that all practical measures will be taken to prevent or minimise the impact of flooding. In considering such applications and determining the required floor level, Council shall take into account such matters as:

i) The nature of the business to be carried out;

ii) The frequency and depth of flooding;

iii) The potential for personal and property loss;

iv) The utility of the building for its proposed use;

v) Whether the filling of the site or raising of the floor levels would render the development of the property unworkable or uneconomical;

vi) Whether the raising of the floor levels would be out of character with adjacent buildings; and

vii) Any risk of pollution of water from storage or use of chemicals within the building.

Any portion of the proposed building extension subject to inundation shall be built from flood compatible materials.

As per the above, a Flood Impact Assessment needs to demonstrate the 1% AEP flood event levels on the site to then determine minimum floor levels and other key levels which need to be addressed in the design.

The minimum key levels arising for this site which the development must accommodate are:

- The Finished Floor Levels (FFLs) for the proposed development are to be at or above the 1% AEP flood level of 26.80m AHD plus 0.5m of free board (FFLS therefore exceeding 27.30m AHD).
- The crest of the driveway to the proposed lower ground car park needs to be no lower than 27.10m AHD (1% AEP flood level of 26.80m AHD plus 0.3m of freeboard).

- Any other openings to the basement, including ventilation grills and the crest to any stairway, shall be a minimum of 300mm above the top water level of the 1% AEP flood event.

Key outcomes of the report are summarised as follows:

- In line with Council policy, the flood planning level of the site is 27.30m. The proposed floor level is 27.35m, exceeding this requirement. Access to the basement carpark is equal to 27.30m, which meets the flood planning level.
- The proposed high flow network effectively bypasses the overland flows entering the site from the western and southern boundaries to downstream and renders the proposed building and carpark entrances flood free in the 1% AEP event.
- Minor local overland flows on the site are generally shallow and of low hazard.
- The proposed development would generally result in no offsite impact above 20mm over the surrounding properties in the 1% AEP flood event.
- A Flood Emergency Response Plan was developed for the site in consultation with the State Emergency Services (SES) for the RACF. This plan adopts two separate approaches for the two mechanisms of flooding that occur on site, those being riverine flooding and local overland flooding. This plan is to be extended across to the ILUs as well, and the provision of this plan can be included as a consent condition.
- As per the DCP, all structures are to have flood compatible building components at or below the flood planning level. It should be noted that the structural engineering design shall certify that all building materials used within flood affected areas are able to withstand the forces of floodwater, including buoyancy and debris impact loads. This can be included as a condition on any consent issued and confirmed prior to the issue of the Construction Certificate.

In summary, the Flood Impact Assessment determines that the overall flooding risk on site has been adequately managed. The required key levels have been met or exceeded and the development would generally result in on offsite impact above 20mm over the surrounding properties in the 1% AEP event.

8.5.4. Contamination

Contamination has been addressed under **Section 6.5.8** above. The PSI also addresses the provisions in Section 4.4 – Contaminated Lands of the DCP.

8.5.5. Services and Utilities

The site is located within the established suburb of Emu Plains. All existing services and utilities are available to the site. Should any further augmentation be required, this will occur in consultation with the relevant authorities as part of the detailed design process associated with the Construction Certificate.

8.5.6. Conclusion

Overall, the site is considered suitable for the proposed development, noting that the use for Seniors Housing has already been established in its existing form and confirmed by way of the approval and construction of the recent RACF.

8.6. Social and Economic Effects

8.6.1. Social, Economic and Employment

A Social Impact Assessment (SIA) has been prepared by GYDE Consulting in accordance with the DCP guidelines and is provided as **Appendix Y.**

The SIA considers impacts associated with the Proposal and finds that overall, the development provides a significant positive impact to the defined Social Locality, with the net value of the community benefits resulting from the Proposal having been assessed as far exceeding the potential negative impacts.

The proposed development will have a positive social impact in that it will increase the supply of high-quality seniors housing, providing more housing choice (particularly for people aged over 60), and the option for local residents to remain in the area as they age.

In addition, the proposed development will provide economic and employment opportunities, including the generation of jobs during the construction phase, whilst maintaining operational jobs for maintenance and ongoing site servicing. All employment opportunities are in proximity to housing and public transport.

Apart from those that will be experienced through the construction period, the major negative social impacts will result from the relocation of current residents living in the independent living units on site. However, as detailed in the SIA, the negative impacts can be managed through the identified mitigation measures.

8.6.2. Crime and Safety

Crime Prevention through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED measures within the design of the development, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety.

CPTED has been considered with this development and a full report has been prepared by Group GSA. This is provided as **Appendix X.** The CPTED report has been prepared in accordance with Section 1.2.5 – Safety and Security of the DCP.

As part of the risk assessment undertaken, the Crime Risk Rating is classed as ‘low’. The reasons for this are:

- The Site’s location within an existing urban area and established residential neighbourhood.
- No visible evidence of graffiti on the site or surrounds.
- Existing uses of the site, surrounding buildings are in good condition and well maintained.
- No visible evidence of litter or dumping.
- Passive surveillance is high, due to the sites existing use and flat topography.
- The low level of crime identified in the assessment of ‘nature of recorded crime’.

The proposal has been designed to take into consideration these principles as follows:

Surveillance: This principle provides that crime targets can be reduced by effective surveillance, both natural and technical. The proposed development is orientated towards its three street frontages, with windows along all

frontages providing opportunities for natural surveillance. There is also passive surveillance opportunities available to look internally in the site, and multiple dwellings overlook communal open space areas.

Appropriate lighting throughout the grounds of the site will be provided to ensure consistent surveillance of each residential building. Residents are spread evenly throughout the site, ensuring that there exists some passive surveillance at all times and spaces. This will ensure that there are minimal areas for potential offenders to conceal themselves on and around the site.

The site layout promotes clear sight lines, natural surveillance and ease of access and wayfinding. The proposed through-site circulation which follows east-west will provide a strong sightline which bisects the site.

Access Control: This principle provides that barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime. A combination of fencing, dense landscaping, roller shutter doors to the basement carpark seek to restrict access to the site to residents, staff and visitors.

A clear distinction between the public domain and the boundaries of the site is established utilising a reinforced boundary canopy which extends along residential interfaces, and is especially dense along Great Western Highway.

Proposed landscaping elements includes additional planting along Emerald Street and Troy Street. The site's northern interface features an existing dense canopy and low fence which does not require significant fortifications to remain effective and will be removed with the new development.

Boundary canopies are effective visual blockades which limit identification of the site's interior and dissuade further investigation.

It is noted that the proposed pedestrian thoroughfare which links the communal open space area between Buildings B, C and D north to the Great Western Highway has been identified as having little access control, and greater control of this access point is recommended by way of a gate or active surveillance. However, it is noted that there is controlled access to the buildings which would mitigate any risk proposed.

Territorial Reinforcement: This principle provides that well-used places reduce opportunities for crime and increase risk to criminals.

Given the current use of the site is as a retirement village there is a pre-existing sense of communal ownership of its grounds and community areas. Clear delineation between public and private land will be important for the future development to ensure the ambiguity of the spaces and their use is minimised.

This will assist in promoting the buildings prominence and function within the local context. Defined landscaping along the land ownership boundaries, and clear signage will also define this delineation.

Communal landscaped areas are proposed across the site and are situated to receive the most amount of direct sunlight. Outdoor seating and walkways are interspersed throughout the landscaped areas to encourage both movement and passive recreation within these areas.

Space Management: This principle provides that space which is appropriately utilised and well cared for reduces the risk of crime and antisocial behaviour. The proposal will generate a suitable level of activation to its communal

spaces as well as casual surveillance located all across the property. The ILU development will be appropriately managed and maintained by its residents and the on-site management staff.

The layout of the buildings all across the subject site also reduces the possibility of disused spaces to manifest.

Overall, as identified in the CPTED report, the risk assessment is considered low and the design has appropriately addressed CPTED principles.

8.7. Public interest

According to Brown C in *Ex Gratia Pty Limited v Dungog Shire Council [2005] NSWLEC 148*, a development proposal is in the public interest when the public advantages of the proposal outweigh the public disadvantages.

There are no unreasonable impacts that will result from the proposed development, therefore, the benefits of providing additional seniors housing and jobs in a highly accessible and well serviced area outweigh any disadvantage and as such the proposed development is in the public interest.

9. CONCLUSION

This DA seeks approval for the construction of seniors housing, comprising of 147 independent living units, at Uniting's Edinglassie Village, at 1-3 Emerald Street, 6 and 8 Troy Street, Emu Plains.

The development aims to provide a high-quality form of seniors housing, which complements the award winning 100 bed RACF that has recently been completed on the north east corner of the subject site.

In summary, it is considered that;

- The development is an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979;*
- It is consistent with the objectives of the R3: Medium Density Residential zone and provides a built form consistent with and appropriate to the desired future character of the site, ensuring compatibility with the streetscape by virtue of its scale and high-quality design;
- Building height variations to the Housing SEPP standards result from a purposeful design approach, which aims to maintain and enhance open spaces within the site, providing better environmental and residential amenity outcomes on the site compared to a height compliant scheme;
- The additional height allows for a reduction in building footprint previously present on the site, reducing the extent of impervious surfaces;
- The proposed height enables an increase in the number of high quality ILUs that can be accommodated on the site. These will contribute towards greater and more diverse housing supply for an ageing local population. Whilst representing a greater density than adjacent residential development, in the absence of any significant adverse impacts resulting from that density, the additional housing on the site represents a major public benefit; and
- It has acceptable adverse impacts on the environment, traffic, parking, flooding, drainage, surrounding amenity and other external features or services.

The SEE concludes that the significant social benefits associated with providing high quality, purpose-designed seniors housing co-located with a RACF on a highly accessible site, outweigh the acceptable and manageable impacts of the development and as such, its approval is in the public interest.