

SWCPP Ref. No.:	PPSSWC-576
DA No.:	DA24/1004
PROPOSED DEVELOPMENT:	Lot Consolidation & Staged Construction of Transitional Group Home including 12 Bedrooms (30 Beds), At-Grade Car Park with 9 Car Spaces, Associated Landscaping & Stormwater Management Works & Facade Upgrades to Existing Medical Centre
PROPERTY ADDRESS:	2 a Bringelly Road, KINGSWOOD NSW 2747 33 Santley Crescent, KINGSWOOD NSW 2747 31 Santley Crescent, KINGSWOOD NSW 2747
PROPERTY DESCRIPTION:	Lot 4 DP 215200, Lot 5 DP 215200, Lot 3 DP 215200,
CLASS OF BUILDING:	N/A
ASSESSING OFFICER	Jacqueline Klincke
APPLICANT:	We Help Ourselves
DATE RECEIVED:	20 December 2024
REPORT BY:	Jacqueline Klincke, Senior Development Assessment Planner, Penrith City Council
RECOMMENDATIONS:	Approve

Assessment Report

Executive Summary

Council is in receipt of a development application for lot consolidation and the staged construction of a *transitional group home* including 12 bedrooms (total of 30 beds), at-grade car park with 9 car spaces, associated landscaping and stormwater management works, and façade upgrades to an existing medical centre at 2a Bringelly Road and 31-33 Santley Crescent, Kingswood.

The site is owned and will be operated by a registered charity 'We Help Ourselves Western Sydney' (WHOS Western Sydney), which provides therapeutic programs aimed at achieving recovery from drug and alcohol dependence, and the proposal is subject to a grant from the NSW State Government, for a new Multi Function Centre Project. Currently, WHOS operate a day program in Penrith, providing a month and short-stay residential services (up to 6 beds). The new multi function centre project will enable the expansion of services, and provide a location for peer-led support groups to be provided to clients and families, and appropriate facilities or health and welfare personnel in the area to receive alcohol and other drug training.

Under the *Penrith Local Environmental Plan 2010* (PLEP), the subject site is zoned MU1 Mixed Use. The development is defined as a *transitional group home* as the proposal seeks to provide temporary accommodation for in-patients to participate in a three (3) month drug and/or alcohol rehabilitation program. *Transitional group homes* are a type of *residential accommodation* which are permissible with consent in the MU1 zone under the PLEP.

The subject site is located within the eastern edge of the Hospital Precinct, which forms part of the Penrith Health and Education Precinct. The application is therefore subject to the relevant development standards and controls of Section 7.11 of the PLEP and Chapter E12 of the *Penrith Development Control Plan 2014*. Further, the site is

subject to active street frontage provisions under Section 7.8 of the PLEP.

Key issues identified during the assessment of the proposal include:

- Non-compliance with active street frontage provisions and requirements.
- Spatial arrangement and building bulk and scale issues.
- Amenity impacts, including functionality of rooms, privacy and solar access.
- Streetscape and building appearance issues.
- Tree retention and protection.
- Landscaping quantum and design with inadequate canopy trees to satisfy urban heat management provisions.
- Insufficient operational details.
- Stormwater, water quality and flooding.
- Driveway and car parking design matters.
- Waste management arrangements.

During the assessment of the proposal and subsequent meetings with Council staff, the application was amended and additional information was submitted to address the key issues outlined above. The applicant also provided a Clause 4.6 Variation Request and legal advice from Holding Redlich confirming that Clause 7.8 (Active street frontages) of the PLEP constitutes a development standard capable of variation under Clause 4.6 of the PLEP. Any other outstanding matters can be resolved via recommended conditions of consent, as further detailed within this report.

In accordance with Council's Community Engagement Strategy and Participation Plan, the proposal was advertised and notified to nearby residents between 27 January and 9 February 2025. Three (3) submissions were received in response to the notification period. Key issues raised in the submissions objecting to the proposal include:

- Inappropriate development in a residential setting.
- Negative impact on surrounding residential character, including noise impacts, and safety concerns.
- Inadequate on-site parking and impact to street parking.
- Unauthorised tree removal.
- Underdevelopment of the site given its 3:1 floor space ratio.
- Regionally significant development.

These matters have been taken into consideration during the assessment of this application, and further discussed throughout this report.

Under Schedule 6, Section 5 of the *State Environmental Planning Policy (Planning Systems) 2021*, the proposed development is a *group home* which has an estimated development cost greater than \$5 million (i.e. \$12,567,569), and is therefore classed as *regionally significant development* and must be determined by the Sydney Western City Planning Panel.

An assessment of the proposed development under Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the development application is recommended for approval, subject to recommended conditions of consent.

Site & Surrounds

The site consists of three (3) allotments, and is legally described as Lot 3 DP 215200, Lot 4 DP 215200 and Lot 5 DP 215200, more commonly known as 2a Bringelly Road, 31 Santley Crescent and 33 Santley

Crescent, Kingswood. The combined development site is a regular shaped allotment, and has a total area of 2,124m².

The site is relatively flat, with an existing footpath along both frontages, as well as overhead electricity lines along Santley Crescent. No. 2a Bringelly Road and 31 Santley Crescent are currently vacant, noting two (2) existing dwellings and an outbuilding were demolished mid-2024. No. 33 Santley Crescent contains a single storey medical centre and open car park (approved under DA47/87, and further modified under DA15/0345).

The area is characterised by a mix of older style, single storey dwellings and two and three storey multi-unit housing, as well as newer multi-unit housing including a residential flat building at 20 Santley Crescent.

On the western side of Bringelly Road is a single storey development containing local shops. The site is within the vicinity of Kingswood Railway Station (approximately 120m to the north), Western Sydney University, Kingswood Public School and Chapman Gardens Oval to the east, and Nepean Hospital to the west.

An aerial image of the subject site is provided in Figure 1 below:



Figure 1. Aerial image of subject site (outlined in red).

Source: NearMap, dated 16 November 2025.

The site is located on the eastern edge of the Hospital Precinct which forms part of the Penrith Health and Education Precinct.

Site History

- 1987 - a medical centre was granted consent under approval DA47/87.
- 3 June 2016 - modification application DA15/0345 to DA47/87 was granted consent, altering the class of the building from Class 6 to Class 9a.
- 20 June 2017 - Council refused DA16/1289 for a residential flat building on 31 Santley Crescent.
- 23 February 2022 - Council refused DA21/0788 for a seven (7) storey mixed use development including ground and first floor commercial tenancies, boarding house including 96 boarding rooms and manager's room and two (2) levels of basement car parking on two of the three lots, being 2a Bringelly Road and 31 Santley Crescent.

- 12 September 2024 - Council issued pre-lodgement advice under PL24/0048 for a transitional group home.
- 20 December 2024 - the subject development application was lodged.

Proposal

The proposed development includes the following aspects:

Site Preparation

- Consolidation of Lots 3, 4 and 5 in DP 215200 to create a single lot.
- Minor tree removal, consisting of eight (8) exotic species.

Construction Works

Construction of a group home in two stages consisting of:

- Stage 1 - construction of a transitional group home building (i.e. the eastern wing) consisting of 10 bedrooms with 22 beds in total, amenities, reception, office, and staff bedroom, kitchen and group dining room, waste room, and alfresco outdoor dining area.
- Stage 1 - construction of a freestanding group meeting building (i.e. north building), connected via the alfresco outdoor dining area.
- Stage 2 - first floor extension to the eastern wing to provide additional bedrooms consisting of 2 bedrooms with 8 beds in total, additional communal space, and amenities.
- Stage 2 - first floor extension of the north building to provide a multipurpose room.

External Works

- Façade alterations and upgrades to the western elevation (i.e. Bringelly Road frontage) of the existing building, including increased glazing and pedestrian entrance, and external wall painting.
- Vehicular access to the site will be provided via a new concrete layback and vehicle crossover on Santley Crescent, provided marginally east of the current layback, which will be removed.
- On-site car parking for 9 vehicles including 1 accessible space. All spaces will be allocated exclusively to staff, with no residents permitted to bring vehicles to the site. Visitors will only be permitted to attend via appointments, whereby on-site parking can be arranged.
- One (1) business identification signage on each street frontage, which is non-illuminated displaying "WHOS Western Sydney".
- New perimeter fencing.

Note: Any future internal fit-out or operational detail relating to the existing medical centre will be subject to separate development consent (if required).

Operational Details and Requirements

- The overall site will operate as a single integrated facility, comprising of a structured three-month residential in-house program within the group home, and a day program located within the existing medical centre, both providing drug and alcohol rehabilitation and therapeutic services.
- The residential program is to include overnight stays and will operate 24 hours a day, 7 days per week, providing temporary short-term accommodation for participants over a three (3) month program. The staffing arrangement for the residential program is Monday to Friday, 7 staff members between 9am and 5pm and 1 staff member overnight, and Saturday to Sunday, 2 staff members during the day and 1 staff member overnight.

- The day program will operate Monday to Friday between 9am and 5pm, providing assessment and referral services, and non-residential support care. The staffing arrangement for the day program is Monday to Friday, 6 staff between 9am and 5pm.
- A maximum of 7 staff members will be on site between the hours of 9am and 5pm across the facility.
- Waste collection will be undertaken by a private waste contractor.

It is noted the application originally sought approval for the change of use of the existing medical centre to a *business premises*. However, this component has since been removed from the application.

Perspectives of the proposed development (in full completion) is provided below:



Figure 2. Render of Proposal, view from Santley Crescent.

Source: Architectural Plans, PTID.



Figure 3. Render of Proposal, view from Bringelly Road.

Source: Architectural Plans, PTID.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Precincts—Western Parkland City) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Transport and Infrastructure) 2021

Planning Assessment

- **Section 4.15 - Evaluation**

The proposed development has been assessed in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for consideration.

- **Section 7.26 - Housing and productivity contributions**

Schedule 2 of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023 sets out exemptions from the housing and productivity contribution. In accordance with Schedule 2(1)(1)(g), development for the purpose of group homes is not to be included in the determination of a housing and productivity contribution.

Further, no extension of gross floor area is proposed to the existing medical centre. In this regard, the housing and productivity contribution also does not apply to this component of the development.

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Biodiversity and Conservation) 2021

An assessment has been undertaken of the development proposal against relevant the provisions of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* and the proposal is satisfactory, subject to recommended conditions of consent.

The proposal satisfies the SEPP considerations with respect to environmental management, water quality and urban development management.

State Environmental Planning Policy (Housing) 2021

Chapter 3, Part 2 - Group Homes

Section 61 - Development in Prescribed Zones

A group home (including transitional group home) is prohibited in the MU1 Mixed Use zone under the PLEP 2010. However, Section 61 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) states:

*(1) Development for the purposes of a **permanent group home** or a **transitional group home** on land in a prescribed zone may be carried out -*

(a) without consent if the development -

(i) does not result in more than 10 bedrooms being within 1 or more group homes on a site, and

(ii) is carried out by or on behalf of a public authority, or

(b) otherwise - with consent.

[emphasis added]

The proposal results in more than 10 bedrooms within a transitional group home on the site and therefore requires consent under Section 61(b) of the Housing SEPP.

Further, the subject site is located within the MU1 zone which is a prescribed zone under Section 60. Therefore, the proposed transitional group home is permissible with consent under the provisions of the Housing SEPP.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 - Advertising and Signage

The proposal includes non-illuminated signage being two small identification signs, one to each street adjacent to the vehicle and pedestrian entries and attached to walls ("WHOS Western Sydney") and as such an assessment against *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) including the assessment criteria specified in Schedule 5 of the Industry and Employment SEPP, has been undertaken.

The proposal is acceptable with respect to Chapter 3 of the Industry and Employment SEPP which provides controls for advertising and signage. This particular chapter aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of a high quality. The policy applies to all signage with the exception of that which could be considered as exempt development.

The proposed signage clearly identifies the name of the premises.

The proposed signage is considered to be of a suitable design, is discreet and will provide effective communication without compromising the visual appearance of the building and has been assessed against the Schedule 5 assessment criteria, as detailed below.

Schedule 5 - Assessment Criteria

Criteria	Comments
Character of the area	The proposed signage is compatible with the existing character of the area. The proposed signage is compatible with the existing development and use of the site for medical purposes. The proposal will have a high quality and consistent appearance which will complement the overall physical appearance of the site. The site is located within a mixed use zoned area, adjacent to business and residential uses. The proposal is compatible with the context of the locality.
Special areas	The subject site is not in the vicinity of special areas. The signage is more discreet yet consistent with the other signage in the surrounding area. The signage is not highly visible from any existing residential areas. The proposed signage is not highly visible to or from any natural areas, waterways or rural landscapes.
Views and vistas	The proposal does not detract, obscure or dominate important views or vistas, as it forms a part of the external building facade and wall for the proposed use. The proposed signage will not obstruct sight lines for motorists. The proposed signage does not obscure any existing signage on surrounding and opposite land and therefore respects the viewing rights of existing and future advertisers.
Streetscape, setting or landscape	The proposed signage is consistent with the existing signage designs in the locality and on the site and wholly contained within the subject site. Overall, the proposal is not considered to create visual clutter which will ensure that there will be no adverse impacts on the visual quality of the surrounding area. No vegetation removal is required to accommodate the signage.
Site and building	The scale and design of the signage is in proportion relative to the size and use of the site. The proposed signage has been appropriately positioned on the front wall and building and proportioned to identify the principal entry points for visitors. The proposed signage is not contrary to its context in the MU1 zone and will not result in any unreasonable visual impacts.
Associated devices and logos with advertisements and advertising structures	The proposed signage will be installed according to manufacturer and engineering requirements, which can be addressed by a recommended consent condition.
Illumination	The proposed signage will not be illuminated. Accordingly, it will not result in any unacceptable impacts.

Safety	The proposal is not considered to reduce safety for local traffic or pedestrians. The signs have been located to ensure that they will have no impact on visibility for motorists or obstruct views of pedestrians. The signage will not include any flashing or moving parts and therefore will not pose any distraction to passing motorists.
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State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 - State and Regional Development

Section 2.19 - Declaration of Regionally Significant Development of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP) declares development specified in Schedule 6 to be regionally significant development.

Under Schedule 6, Section 5 of the Planning Systems SEPP, the proposed development is a group home that has an estimated development cost greater than \$5 million and is therefore regionally significant development and the development application must be determined by the Sydney Western City Planning Panel.

State Environmental Planning Policy (Precincts—Western Parkland City) 2021

Chapter 4 - Western Sydney Aerotropolis

The subject site is located outside of the Western Sydney Aerotropolis. However, *State Environmental Planning Policy (Precincts - Western Parkland City) 2021* (Precincts SEPP) contains a map that relates to wildlife buffer areas. This map is titled the "Wildlife Buffer Zone Map". The map shows that the subject site is within a 'wildlife buffer zone' of the future Western Sydney Airport.

Consideration has been given to Section 4.19 of the Precincts SEPP and the proposed development. The objective of Section 4.19 is to regulate development on land surrounding the airport site where wildlife may present a risk to the operation of the airport. Certain types of development trigger the requirements for further consideration under Section 4.19. The proposed development, being a form of residential accommodation, is not one of the types of uses that warrant additional consideration under the Precincts SEPP with regard to wildlife and the operation of the airport.

The subject site is also identified as being located within the Obstacle Limitation Surface Map. Section 4.22 of the Precincts SEPP relates to development that would penetrate the prescribed air space for the airport and be a 'controlled activity'. The proposed development neither penetrates the prescribed air space, nor is it a controlled activity, therefore not triggering any additional considerations under Section 4.22 of the Precincts SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 - Remediation of Land

An assessment has been undertaken of the development proposal against relevant criteria in *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP) and the proposal is considered to be satisfactory.

When determining a development application for any development of land, the consent authority must consider "*whether the land is contaminated*" and "*if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out*".

Council's Environmental Management Officer reviewed the application and the Site Suitability Assessment, prepared by EDP Consultants, which confirmed that suspected asbestos was identified on the surface of the site (most likely due to prior demolition of previous buildings).

In response to concerns raised with the applicant regarding the nomination of HIL/HSL D for assessing human health criteria in terms of contaminated land, a Memorandum - Response to Council Request for Information, prepared by EDP Consultants (dated 31 July 2025, Ref. S-08186.MMO.001) was submitted. The advice suitably justifies the nomination for HIL/HSL D criteria as opposed to HIL/HSL A criteria in terms of short-term exposure for each individual anticipated to inhabit the subject property for a period of no greater than 3 months at any one time. Furthermore, within the advice, the soil sample results were conservatively assessed against HIL/HSL B criteria and found to have no human health exceedances. The justification provided within the advice is considered generally satisfactory, and remaining concerns associated with land contamination will be addressed through conditions of consent.

The development application has satisfactorily addressed considerations under the Resilience and Hazards SEPP and no further investigations are required at this stage. Conditions of consent have been recommended regarding asbestos and highlighting the requirements that apply in the event unexpected finds are identified during construction works.

Therefore, the development application is satisfactory with respect to State Environmental Planning Policy (Resilience and Hazards) 2021 and appropriate conditions of consent have been recommended.

State Environmental Planning Policy (Sustainable Buildings) 2022

The aims of *State Environmental Planning Policy (Sustainable Buildings) 2021* (Sustainable Buildings SEPP) are as follows:

- (a) to encourage the design and delivery of sustainable buildings,*
- (b) to ensure consistent assessment of the sustainability of buildings,*
- (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,*
- (d) to monitor the embodied emissions of materials used in construction of buildings,*
- (e) to minimise the consumption of energy,*
- (f) to reduce greenhouse gas emissions,*
- (g) to minimise the consumption of mains-supplied potable water,*
- (h) to ensure good thermal performance of buildings.*

Chapter 2 - Standards for Residential Development - BASIX

Section 2.1 - Standards for BASIX Development and BASIX Optional Development

The Sustainable Buildings SEPP outlines energy and water use, and thermal performance standards for residential development. A BASIX Certificate is not required under the policy, however, a group home must satisfy the requirements of the National Construction Code (NCC) Section J provisions.

The development application was supported by a Section J Report which outlines the requirements of deemed-to-satisfy and NCC Section J verification methods relating to building fabric, building sealing, air conditioning and ventilation systems, artificial lighting and power, heated water supply, and energy monitoring.

In this regard, the proposal satisfies the requirements under the Sustainable Buildings SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 - Infrastructure

Electricity

Section 2.48 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) states:

- (1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following -*
 - (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*
 - (b) development carried out -*
 - (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
 - (ii) immediately adjacent to an electricity substation, or*
 - (iii) within 5m of an exposed overhead electricity power line,*
 - (c) installation of a swimming pool any part of which is -*
 - (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
 - (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*
 - (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*

- (2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must -*
- (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*
 - (b) take into consideration any response to the notice that is received within 21 days after the notice is given.*
- (3) Subsection (2) does not apply to development specified in subsection (1)(b) if the development involves only one or more of the following -*
- (a) internal alterations to a building,*
 - (b) a change of use of an existing building,*
 - (c) a change to the hours of operation specified in the development consent,*
 - (d) a subdivision that does not involve construction work.*

While it is noted that Section 2.48 of the Transport and Infrastructure SEPP requires a consent authority to notify the electricity authority of proposed works within 5m of overhead powerlines prior to a decision being made on a proposal, the works that are determined to be "new works" within 5m of the overhead power lines are limited in nature to works that are exempt development or works that are separately assessed and determined through a Section 138 Roads Act application. There is an existing driveway crossover and hardstand parking area on the site, which the subject proposal seeks to re-line mark to reflect the amended parking arrangement. The proposal also includes planting and landscaping structure works which are exempt development pursuant to Clause 2.47 - Landscaping Structures of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. It is estimated that all other works are greater than 5m from the electricity lines or pole.

As a result, it was concluded that the nature of the works that are not otherwise exempt development or are not otherwise assessed through subsequent applications (such as a Roads Act application), did not warrant referral pursuant to Section 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021. It is also noted that the application does not identify the existence of overhead powerlines.

Notwithstanding the above, and in recognition of the finite design detail that is to be progressed through the Construction Certificate process, a condition of consent is recommended that requires verification from the Electricity Supply Authority prior to the issue of a Construction Certificate, that the works are suitable having regard to overhead power lines.

Traffic Generating Development

While the site is located less than 90m from the connection to the Great Western Highway, which is a classified road, the proposal is not considered to be traffic generating development for the purposes of Section 2.122 of the Transport and Infrastructure SEPP as the requirements of Schedule 3 of the policy are not triggered.

Accordingly, the proposal is acceptable with respect to the provisions of Transport and Infrastructure SEPP.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	Complies - See discussion
Clause 7.1 Earthworks	Complies
Clause 7.4 Sustainable development	Complies - See discussion
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies
Clause 7.8 Active street frontages	Complies - See discussion
Clause 7.11 Penrith Health and Education Precinct	Complies - See discussion
Clause 7.30 Urban Heat	Complies - See discussion

Clause 2.3 Permissibility

Under the provisions of the *Penrith Local Environmental Plan 2010* (PLEP 2010), the subject site is zoned MU1 Mixed Use.

Under the PLEP 2010, a group home means a *permanent group home* or a *transitional group home*.

A ***transitional group home*** is defined as:

group home (transitional) or transitional group home means a dwelling -

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formally living in institutions or temporary accommodation comprising of refuges for men, women or young people, but does not include development to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5 applies.

Note -

Transitional group homes are a type of group home - see the definition of that term in this Dictionary.

The proposal seeks to provide temporary accommodation for in-patients to participate in a three (3) month drug and/or alcohol rehabilitation program. In this regard, the proposed development is best classified as a *transitional group home* which is a type of *residential accommodation* and is permissible with consent in the MU1 zone under the PLEP.

Further, the application, as originally proposed, sought for the change of use of the existing medical centre to a *business premises*. However, this component has since been removed from the application, with only façade upgrades to the existing building now being proposed. The existing building will continue to be used as a medical centre (approved under DA47/87, modified under DA15/0345) with operational links to the proposed transitional group home.

Clause 2.3 Zone objectives

The objectives of the MU1 Mixed Use zone under the PLEP 2010 include:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To allow for residential development in accessible locations to maximise public transport patronage and encourage walking and cycling.*

The proposed development is generally consistent with the above zone objectives as:

- The proposed development seeks to expand an existing business located within the Penrith LGA that will continue to provide ongoing employment opportunities.
- The proposed façade alterations and building form provides an improved active street frontage to the existing streetscape.
- The proposed development is residential in nature (i.e. group home) and is of a scale and design that is reflective of the established residential character of the surrounding locality and minimises conflict with adjoining uses.
- The proposed design of the proposal ensures that all non-residential uses and components are located on the ground floor, fronting Bringelly Road.
- The site is located in close proximity to Kingswood Train Station and promotes the use of public transport.

Overall, it is considered that the revised design ensures the proposed development satisfies the MU1 zone objectives.

Clause 4.3 Height of buildings

Under the provisions of the PLEP, the maximum building height permitted on the site is 18m. The proposed development will have a total building height of 10.68m. The proposal is therefore compliant with the maximum building standard under Clause 4.3 of PLEP.

Clause 4.4 Floor Space Ratio

The maximum floor space ratio under the LEP is 3:1. The proposed FSR is 0.63:1, which complies with Clause 4.4 of PLEP.

Clause 7.4 Sustainable development

The proposal as amended is satisfactory for the purpose of Clause 7.4 of Penrith LEP. In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a 'whole of building' approach by considering a range of sustainability measures listed in Section 7.4(a-j). The proposal has not been designed with regard to the principles of sustainable development.

The principles of sustainable development under Clauses 7.4 have not been satisfactorily resolved within the revised development design, specifically with respect to tree retention, landscaping to provide shading from the north and west to address urban heat to all levels of the building, lighter coloured materials and satisfactory arrangements for stormwater and water quality.

As such, the proposal satisfied Clause 7.4 of Penrith LEP.

Clause 7.8 Active street frontages

Clause 7.8 of the LEP states:

- (1) *The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone E1 Local Centre, Zone E2 Commercial Centre and Zone MU1 Mixed Use.*
- (2) *This clause applies to land identified as “Active Street Frontage” on the Active Street Frontages Map.*
- (3) *Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.*
- (4) *Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—*
 - (a) *entrances and lobbies (including as part of mixed use development),*
 - (b) *access for fire services,*
 - (c) *vehicular access.*
- (5) *In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.*

Clause 7.8 of the Penrith LEP applies to the site as both 2a Bringelly Road and 33 Santley Crescent are identified as being affected by Active Street Frontage, as per the map in Figure 4 below.

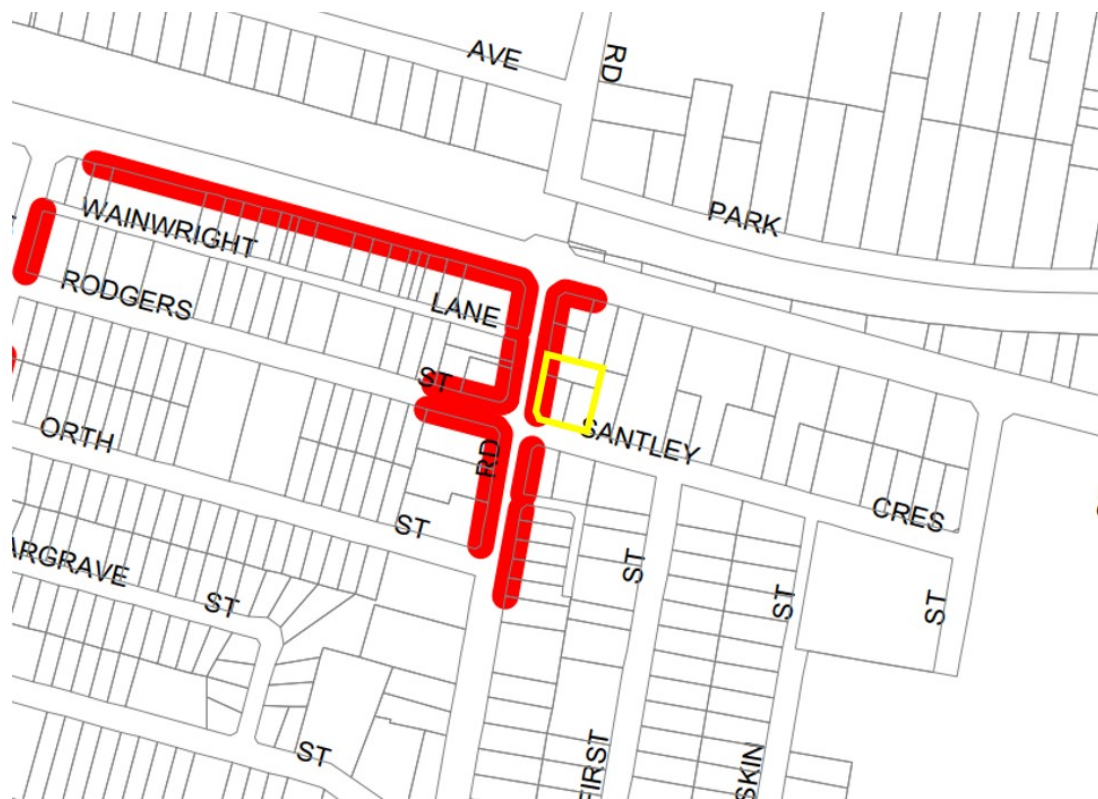


Figure 4. PLEP Active Street Frontage Map (site outlined in yellow).

Source: Penrith Local Environmental Plan 2010.

Further, the provisions and requirements outlined within Chapter E12, Part 12.4.2.2 of the Penrith DCP outlines specific objectives and controls for developments to comply with to ensure active frontages are provided and can include (but is not limited to) entrance to a retail premises and café/restaurant; a shop front; glazed entries to commercial lobbies that are provided with full height windows that a minimum of 2.1m clear glazing at street level; and the reception of an office use.

The applicant was advised that the proposal as originally lodged did not adequately provide an active street frontage along Bringelly Road. The proposed two (2) entries were insufficient in ensuring the Bringelly Road

frontage is activated, noting the remainder of the frontage contained blank walls and undersized windows that did not enable passive surveillance or promote pedestrian activity, also notwithstanding and that the remainder of the Bringelly Road frontage was further dominated by fencing which did not activate the street frontage and is not supported. Further, Figure E12.7 of PDCP nominates the site for 'outdoor dining encouraged' and to provide for a continuous street frontage awning (as required under Part 12.4.2.4), which the proposal failed to comply with. In this regard, the proposed development as originally lodged was considered to not satisfy the requirements of Clause 7.8 of the Penrith LEP and therefore consent cannot be granted.

Following consultation with Council, the proposal was altered in response, with the applicant indicating key design changes made to enhance activation of the Bringelly Road frontage comprising of:

- Relocation of the group room building to the Bringelly Road frontage, with partial glazing to the western façade to enhance visual permeability.
- Introduction of visual breaks into the built form to integrate with the existing building and facilitate view corridors through the site.
- Increased glazing to the western façade of the existing building to promote visibility and engagement with the public domain.
- Provision of two entrances along the Bringelly Road frontage to support street-level pedestrian activity and improve accessibility.
- Use of the ground floor of the existing building for WHOS day program offices and associated common areas, supporting active day use.
- Landscaping and glazing treatments along the western boundary to further improve streetscape amenity and pedestrian experience.

It should be noted that whilst this clause is easily satisfied for new development, this site is difficult with the existing medical centre being retained. The applicant has proposed changes to the existing building to improve its active frontage, as well as altering the proposed group home design to have offices on the ground floor associated with the group home administration. The development for a group home is residential use, and it is not appropriate for business uses to be forcibly accommodated at ground floor to satisfy this clause. The site adjoins the change in zone to residential to the east and therefore the group home provides a suitable transition to the medical use to the west.

The applicant also removed the proposed change of use of the medical centre and also provided a Clause 4.6 Variation Request and legal advice from Holding Redlich which confirms that Clause 7.8 constitutes a development standard capable of variation under Clause 4.6 of the PLEP 2010. Refer to discussion under Clause 4.6, stating:

"If the Council does not consider that it can reach a state of satisfaction as to cl 7.8 requirements based on the revised plans, which clearly open up the western boundary of the development to an active street frontage including with two entrances facing the street, cl 7.8 is amenable to variation under cl 4.6 'Exceptions to development standards'".

The Clause 4.6 Variation Request states:

"The proposed variation to the development standards demonstrates that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient planning grounds to justify this variation. In summary, these circumstances can be summarised as follows:

- *Promotion of social and economic welfare. The proposed development will provide supported accommodation for individuals transitioning and reintegrating back into society, enabling residents to access education, employment and services while ensuring proper and sensitive use of the site in line*

with the applicable planning controls.

- *Increase in diversity of housing options. The transitional group home fits within this context by contributing to the broader mix of residential typologies in the area. A diversity in housing forms and typologies is encouraged by PLEP 2010 and PDCP 2014. This ensures that a range of residential options is available in reasonable proximity to transport links, healthcare, and other essential services, which aligns with the broader goals of the precinct.*
- *Promotion of good design and amenity of the built environment. The proposed design contributes to the creation of a vibrant, pedestrian friendly environment that enhances the public domain. By maintaining a human-scale design, the development creates a more comfortable and inviting space for pedestrians and cyclists, helping to improve the overall feel and liveability of the broader Penrith Health and Education precinct."*

The Clause 4.6 Variation Request is helpful, however is not considered necessary given the amendments made to the proposal are considered to be sufficient to satisfy Clause 7.8 of PLEP.

Clause 7.11 Penrith Health and Education Precinct

The site is located within the Penrith Health and Education Precinct. Clause 7.11 of the LEP states:

(1) The objectives of this clause are as follows -

- (a) to encourage a built form that is suitable for both residential and health services facilities,*
- (b) to encourage adaptive reuse of residential buildings for health services facilities in the Penrith Health and Education Precinct where the residential use within the building ceases in the future.*

(2) This clause applies to land identified as "Penrith Health and Education Precinct" on the Clause Application Map.

(3) Despite clause 4.3, development consent may be granted to development on land that exceeds the maximum height shown for that land on the Height of Buildings Map by up to 20% if the floor to ceiling height of both the ground and first floors are equal to or greater than 3.5 metres.

The proposal is in keeping with the objectives of the clause in residential and health services are accommodated on the site. The bulk and overall design of the proposed development has been deemed suitable without reliance on bonus provisions.

As such, Clause 7.11 of the Penrith LEP is satisfied.

Clause 7.30 Urban Heat

Clause 7.30 of the Penrith LEP states:

(1) The objectives of this clause are to -

- (a) ensure development incorporates planning and design measures to reduce the urban heat island effect in Penrith, and*
- (b) ensure buildings and outdoor spaces are thermally comfortable for people living and working in Penrith, particularly during summer, and*
- (c) promote the cooling benefits of green infrastructure and water in the landscape.*

....

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that planning and design measures are incorporated to reduce the urban heat island effect that -

- (a) maximise green infrastructure, and*
- (b) retain water in the landscape, and*
- (c) use design measures to ensure the thermal performance of the development achieves a high degree of*

passive cooling, and

(d) use building, paving and other materials that minimise heat impacts, and

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

(4) In this clause -

green infrastructure means the network of green spaces, natural systems and semi-natural systems including waterways, bushland, tree canopy, green ground cover, parks and open spaces, that -

(a) supports sustainable communities, and

(b) is strategically designed and managed to support a good quality of life in an urban environment.

urban heat island effect is a result of conditions that contribute to higher temperatures in urban areas, including -

(a) use of roads, car parks, pavements, roofs, walls and other hard and dark surfaces, and

(b) activities that generate heat, including waste air from mechanical cooling systems, and

(c) reduction in green infrastructure.

As outlined above, Clause 7.30 - Urban Heat of the Penrith LEP 2010 specifically includes objectives that require any development to incorporate planning and design measures to reduce urban heat and promote the cooling benefits of green infrastructure, including the retention and protection of existing trees and planting on site. The proposal satisfies this clause as:

- The proposal maximises green infrastructure, providing inadequate landscaped area and deep soil for replacement plantings, particularly along the northern boundary.
- The proposal balances landscaped area with built upon and hardstand area and accommodates canopy tree planting in suitable locations on the site that will provide shading and cooling.
- The development retains street trees along Bringelly Road, which positively contributes to the provision of shade and mitigation of urban heat, are critical to the landscape character of the locality.
- Adequate space has been provided on the site for new canopy tree plantings to supplement existing trees, predominantly along the western verge and northern site boundary.
- The revised spatial arrangement of the development allows for large areas of deep soil along the northern boundary in particular to accommodate new trees.
- The design reduces reliance on mechanical ventilation and cooling systems, promoting natural ventilation.
- Light external finishes and colours are proposed, reflecting heat during warm periods.

In light of the above, the design meets the objectives and requirements of Clause 7.30 - Urban Heat of the Penrith LEP.

Section 4.15(1)(a)(ii) The provisions of any draft environmental planning instrument

There are no draft environmental planning instruments applicable to the proposal.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies - see Appendix - Development Control Plan Compliance
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies - see Appendix - Development Control Plan Compliance
C14 Urban Heat Management	Complies - see Appendix - Development Control Plan Compliance
E12 Penrith Health and Education Precinct	Complies - see Appendix - Development Control Plan Compliance

Section 4.15(1)(a)(iv) The provisions of the regulations

Prescribed Conditions

Relevant prescribed conditions of the Regulations, such as the requirement for compliance with the Building Code of Australia and in relation to shoring and adequacy of adjoining properties, have been included within the recommended conditions.

Advertising and Notification

The application was advertised and notified in accordance with the requirements of the regulations and the Penrith City Council's Community Engagement Strategy.

Landowner's Consent

A signed letter from the landowner consenting to the applicant acting on their behalf for the lodgement of the subject development application has been submitted.

Section 4.15(1)(b) The likely impacts of the development**General Planning Considerations, Built Form, Streetscape and Character**

The amended proposal improves the appearance of the buildings which in conjunction with improvements to the proposed landscaping scheme results in the proposal being compatible with the character of the local area, and the desired future character of the area, noting the diverse nature of the building types and uses in the area, variety of zones and being located within the Health & Education Precinct. Further, retaining the existing building on the western portion of the site is difficult.

The physical appearance of the proposed group home and its associated character will be compatible and exist in harmony with both the existing and likely future character of the locality by way of external finishes, design, siting, and orientation. The design of the building provides a varied built form; incorporates extensive articulation and stepping to reduce mass and scale; and provide landscaped areas where possible, including new street trees and a corridor of canopy trees along the northern boundary.

The proposal is well below the maximum height permitted on the site, and the proposal has adequately justified that it will not cause adverse overshadowing, privacy or visual impacts to surrounding properties or the public domain.

Traffic Generation and Road Network Impacts

Council's Traffic Officer advised that the proposal is not expected to generate any significant issues of traffic nor unreasonably increase traffic on site or in the local road network.

With respect to parking, whilst there is no requirement specifically for parking for a group home, an assessment was undertaken in the TIA that indicates that the development proposes 9 off-street spaces against a cumulative parking demand of 14 spaces (12 for health services and 2 for group home), resulting in a shortfall of 5 spaces. The justification offered in the TIA is that residents are not permitted to drive, and staff numbers on-site will be limited, with reliance on public transport due to proximity to Kingswood Railway Station. Refer to discussion under C10 of PDCP.

The turning area of the proposed car park is marked as a "Keep Clear / Emergency Area" which in the event of an emergency could accommodate parking for ambulances.

Waste collection is to be undertaken on site by a private waste contractor outside of peak operating hours via a private contractor using a small rigid vehicle.

Operational Noise

Council's Environmental Management Officer has reviewed the proposal and indicated that there should be no offensive noise generated by this development, and appropriate conditions of consent are

recommended. Provided that the group home follows the operational requirements and recommendations outlined within the Acoustic Report and Plan of Management, the proposal will not generate adverse acoustic and noise impacts to adjoining properties.

Air Pollution / Odour

Council's Environmental Management Officer has reviewed the proposal and indicated that it is not anticipated that there will be any air quality impacts once the proposed development becomes operational and appropriate conditions of consent are recommended.

Water Management

A Sediment and Erosion Control Plan has been provided along with the application, and is generally satisfactory, subject to conditions of consent.

A Stormwater Management Plan and details regarding water quality have been provided and have been reviewed by Council's Development Engineer and Waterways Officer and considered to be acceptable.

The proposal includes OSD even though the property is not in an area requiring the mandatory provision of OSD and that it is provided for kerb flows only. It is further noted that only the OSD tanks have been modelled in DRAINS and the rainwater tank has not. Given the above and the constrained nature of the site, above ground tanks are considered acceptable.

The application included an electronic MUSIC model, and report and review of the model confirms that the proposed development will achieve an 84.87% non-potable water reuse and treat stormwater in accordance with Council's DCP. Further, the MUSIC model predevelopment v post development model confirms compliance with SEPP (Biodiversity and Conservation) 2021 Section 6.6.

The amended stormwater plans and applicants' stormwater management plan indicates that the 4 x 20mm weep holes have been provided in the outlet pit which will prevent stagnant water.

No maintenance manual has been provided; however, this will be required via conditions of consent.

Waste Management

The development will be serviced by a private commercial waste service contractor. A detailed Waste Management Plan has been provided along with the application and Council's Waste Management Officer has not raised any concerns with the proposed waste arrangements and appropriate conditions of consent are recommended.

Crime Prevention Through Environmental Design (CPTED) Principles

The applicant has made general reference to safety and security design measures in section 5.11 Crime Prevention of the Statement of Environmental Effects. Further details must be provided around access control to all buildings, CCTV management, system details, coverage and access, as well as lighting and illumination throughout the development.

A Plan of Management (PoM) was submitted as part of the additional information package and includes detail on the overall operation and management of the facility, including afterhours procedures. However, it is to be expanded to be more comprehensive in detail regarding all operations and security measures.

Tree Preservation

Council's Tree Management Officer reviewed the original proposal and provided comments about the existing trees as follows:

Trees on the Site

- Trees to be retained, protected from development impacts and incorporated in the landscape plan: T7, 8, 9, 14 & 15.
- Trees 7, 8 & 9 Callistemon trees will require a pruning specification for some remedial pruning following what appears to be some recent mechanical damage to branches.
- Tree 14 is of good health and structure and the assessment methodology used reduces retention value based on species however in this location a Liquidambar tree is a commonly planted tree and provides for urban heat mitigation.
- There are an additional 2 x semi-juvenile Liquidambar trees near Tree 14 that are above 3.5m height that were not included in the assessment.
- Tree 15 Crepe Myrtle has visual appeal and easy to retain within the Tree Protection Zone of Tree 14. Council DCP values retention of healthy sound existing trees in development proposals.
- Trees that may be removed (exempt or weed species) T10, 15, 16.
- Trees that may be removed and replaced in a landscape plan: T11, 12, 17 & 18.

Trees on Neighbouring Property

- The group of Callistemon trees identified as Tree 13 are to remain.

Trees on the Nature Strip

- Trees 1-6 and T19 are to be protected from development impacts as described in the AIA report.

Amendments were made to the design in response to concerns raised by Council's Tree Management Officer with respect to existing trees and new landscaping, which has resulted in 2 additional street trees on the western verge being retained, 4 new street trees, removal of the pathway along the eastern side to provide greater protection to the adjoining trees and deep soil for new planting and relocation of the proposed meeting room to provide a large central area on the northern boundary which can accommodate deep soil planting and provide canopy trees along the northern boundary for shade and a high level of amenity for the residents using this common area as well as shade for the buildings.

Appropriate conditions of consent have been recommended regarding tree protection and landscaping.

Social Impacts

Positive Social Impacts

The proposed transitional group home will accommodate residential and day program patients through the provision of Alcohol and Other Drug (AOD) services. This is a significant social impact as the benefits for society and the community are far reaching if people can get their addiction under control and enable them to contribute in a more meaningful way to society.

The proposal will also create employment opportunities during construction and operation and has the potential to improve employment outcomes for people who receive treatment at the facility.

Negative Social Impacts

As per the Social Impact Assessment provided with the application, the following potential negative social impacts have been identified:

- Appearance of the building may cause disruption to existing character of adjacent residential buildings.
- Increased risk perception of crime and public safety e.g., AOD related crime and anti-social behaviour.
- Social amenity may be impacted with the removal of trees, and shallow soils across the site have an elevated salinity risk which may pose environmental impact.

The submissions have raised concerns that the Social Impact Assessment downplays the negative impacts on the local community and the permanent long-term effects, including exposure to substance

abuse and drug addictions, increase in anti-social behaviour already in the area, loss of property values, reduced desirability for future commercial and residential development in the area, and increased fear and reluctance to use public spaces.

The SIA followed the necessary procedure and consultation and review required to form the conclusion reached.

The operational details of the facility presented in this application indicate that the site is safe and secure, management is responsible for all residents (permanent and day), security measures will in place, hours of operation are limited and all residents will be transported via the communal bus. Therefore, it is unlikely that people in the area will be exposed to no greater anti-social behaviour from this facility than any other health facility in the area.

The proposed development will have significant positive social benefits through the provision of housing and support services for socially disadvantaged people.

On balance, the need for this facility and provision of it for those in need in a controlled environment provides a positive impact which far outweighs any potential negative impacts. Conditions of consent have been recommended by Council's Social Planner.

Section 4.15(1)(c)The suitability of the site for the development

The site is suitable for the proposed development for the following reasons:

- The proposal satisfies the aims, objectives and provisions of the relevant environmental planning instruments;
- The use is compatible with the surrounding and adjoining land uses;
- The grade of the site is suitable for the design of the proposal; and
- The site is able to drain to Council's satisfaction and requirements.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Council's Community Engagement Strategy, the proposal was advertised and notified to nearby residents between 27 January and 9 February 2025. Three (3) submissions were received in response to the notification period and the issues raised are discussed below.

Issue Raised	Comment
<i>Support for this type of facility as there is a need.</i>	It is agreed that this is an important facility for the community.

<i>Inappropriate for residential area with families, near schools and child care and increased high growth of the area, including high density units. Should be located within the hospital grounds.</i>	The subject site is located within the Health and Education Precinct and Group Homes, which is a form of residential housing, is permitted on the site with consent. In development of state and local planning controls, there is a clear direction that group homes should be located within residential areas. Whilst the permissibility of the development cannot be removed, the operation of the facility will be controlled through a comprehensive Plan of Management and the design has been altered to allow for a dense row of landscaping on the site along the eastern and northern boundaries, which in conjunction with the existing vegetation on the site to the east, will assist with screening the development from the adjoining residential property. Whilst this type of facility could be located within the hospital grounds, co-location with an existing health services facilities on the subject site and within the Health and Education precinct is supported.
<i>Kingswood's unwanted reputation is changing and is now family orientated and needs to continue in this direction.</i>	The facility is secured and management control access by residents and their visitors. In this regard, the facility will appear the same as any other health services facility in the area and the discreet signage does not make it clear as to what the facility is. Residents will be transported to medical appointments and day activities via communal vans by staff, CCTV Cameras are installed to monitor entry and exit points of buildings (main entrances, emergency and fire exits and the entrance to the parking lot). The facility has the ability to integrated into Kingswood, both within the Health & Education Precinct but also with respect to the adjoining residential area.
<i>The Social Impact Assessment downplays the negative impacts on the local community and the permanent long-term effects, including exposure to substance abuse and drug addictions, increase in anti-social behaviour already in the area, loss of property values, reduced desirability for future commercial and residential development in the area, and increased fear and reluctance to use public spaces.</i>	Council's Social Planner has reviewed the proposal, including the Social Impact Assessment and the need for this facility and provision of it for those in need in a controlled environment provides a positive impact which far outweighs any potential negative impacts. Further, conditions of consent have been recommended with respect to a detailed Plan of Management to be in place for the facility to ensure the facility operates in a safe, controlled manner. The loss of property values is not a consideration under Section 4.15 of the Environmental Planning & Assessment Act, 1979. The aim of the facility is to assist people with drug and alcohol addiction, which will allow them to be people who contribute positively to the community, which will have the flow on effect of safer areas for all, including open spaces.

<i>Inadequate parking and current lack of on-street parking and traffic assessment needed to determine the impact on local roads, pedestrian safety, and public transport access.</i>	The SIA followed the necessary procedure and consultation and review required to form the conclusion reached. The operational details of the facility presented in this application indicate that the site is safe and secure, management is responsible for all residents (permanent and day), security measures will in place, hours of operation are limited and all residents will be transported via the communal bus. Therefore, it is unlikely that people in the area will be exposed to no greater anti-social behaviour from this facility than any other health facility in the area. The proposed development will have significant positive social benefits through the provision of housing and support services for socially disadvantaged people.
<i>Concerns regarding noise, privacy and security for residents and businesses in the area. No details of how noise will be mitigated, what privacy measures are proposed, secure fencing/gate or the height of the steel fencing.</i>	In terms of security, residents will be transported to medical appointments and day activities via communal vans by staff, CCTV Cameras are installed to monitor entry and exit points of buildings (main entrances, emergency and fire exits and the entrance to the parking lot) and a security gate is provided to the car park and pedestrian access points.
<i>Outdated survey information.</i>	The survey lodged with the application is dated September 2023. It is acknowledged that the dwellings and outbuildings, as well as some trees, have since been removed. This alone does not warrant submission of a new survey. Following submission further site survey was undertaken which identified additional small trees on the western street verge.
<i>Unauthorised tree removal of Tree 11 and Tree 7 may be on private land not public.</i>	The Arborist's Report indicates that Tree 11 has failed and includes a photo of it on the ground and Tree 7 was noted to be in on the site, with Tree 6 on public land adjoining. New trees are also proposed in its vicinity along the northern boundary and a new street tree, which will provide a consistent corridor of trees.
<i>Not the best use of strategically located urban land in close proximity to the train station given an FSR of 0.63:1 when the LEP allows 3:1. Should be higher density residential or mixed use.</i>	The proposal is a permissible land use for the site and whilst there is a large number of permissible land uses, some better suited to the proximity to the railway station, the proposed group home is permissible and is providing a service which is much needed, and the planning controls anticipated this form of development on the site. The LEP FSR controls are a maximum requirement, not a minimum.
<i>The development is Regionally Significant Development.</i>	It is agreed that the development is regionally significant development and must be determined by the SWCPP.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Traffic Engineer	Not supported, however conditions provided
Community Safety Officer	No objections - subject to conditions
Tree Management Officer	No objections - subject to conditions
Social Planning	No objections - subject to conditions

Traffic Engineer

Council's Traffic Engineer does not support the proposal due to a shortfall in car parking spaces. However, given on-site parking is a planning matter that is to be assessed and considered by Development Services, Council's Traffic Engineer recommended conditions of consent. On-site car parking is further discussed in the Appendix of this report, noting the applicant has supplied sufficient justification to the shortfall, and is therefore considered to satisfactory in this instance.

Section 4.15(1)(e)The public interest

Having regard to the matters outlined within this report, it is considered that approval of the proposed development is in the public interest.

Section 94 - Developer Contributions Plans

The following Section 7.11 Development Contribution Plans apply to the proposed development:

- Cultural Facilities;
- District Open Space Facilities; and
- Local Open Space.

The development contributions for group homes are calculated on a per bedroom basis. On this basis, the total number of 12 bedrooms are proposed.

The proposed development is also subject to credits resulting for the proposed lot consolidation from three (3) lots into one (1) lot.

In this regard, the total combined contributions payable equates to \$35,784.00. Conditions of consent are recommended requiring payment of the contributions prior to a Construction Certificate being issued for the development.

Conclusion

The matters outlined under Section 4.15 of the *Environmental Planning and Assessment Act 1979* have been considered and satisfied and the proposal is supported as it adequately satisfies the aims, objectives and provisions of the relevant environmental planning instruments, including *Penrith Local Environmental Plan 2010* and *State Environmental Planning Policy (Housing) 2021*. In addition, the proposed development adequately satisfies the relevant provisions of *Penrith Development Control Plan 2014*.

The proposed development, subject to recommended conditions of consent, will not have adverse impacts on the natural and built environments, or the social and economic state of the locality. The site is deemed suitable for the proposed development, and the development is in the public interest.

Overall, the assessment of the proposal has found the proposed development to be acceptable and accordingly, it is recommended that the development application be approved, subject to recommended conditions of consent.

Recommendation

1. That DA24/1004 for lot consolidation and staged construction of a transitional group home including 12 bedrooms (30 beds), at-grade car park with 9 car spaces, associated landscaping and stormwater management works and facade upgrades to an existing medical centre at 2a Bringelly Road and 31-33 Santley Crescent, Kingswood, be approved subject to the following conditions of consent.
2. That the individuals who have made a submission be notified of the outcome of the development application.

CONDITIONS

General

- The development must be implemented substantially in accordance the following stamped approved plans and supporting information received with the application, except as may be amended in red or by the following conditions within this consent:-

Plan No.	Plan Title	Prepared By	Revision	Date
Architectural Plans				
DA001	Sheet List	PTID	C	19/08/2025
DA060	Site Plan - Demolition	PTID	C	19/08/2025
DA061	Site Plan - Proposed - Stage 1	PTID	C	19/08/2025
DA062	Site Plan - Proposed - Stage 2	PTID	C	19/08/2025
DA200	GA Plan - Ground - Stage 1	PTID	C	19/08/2025
DA201	GA Plan - Level 1 - Stage 1	PTID	C	19/08/2025
DA202	GA Plan - Rood Plan - Stage 1	PTID	C	19/08/2025
DA210	GA Plan - Ground - Stage 2	PTID	C	19/08/2025
DA211	GA Plan - Level 1 - Stage 2	PTID	C	19/08/2025
DA212	GA Plan - Roof Plan - Stage 2	PTID	C	19/08/2025
D230	Elevations Sheet 1 - Stage 1	PTID	C	19/08/2025
D231	Elevations Sheet 2 - Stage 1	PTID	C	19/08/2025
DA232	Elevations Sheet 3 - Stage 1	PTID	C	19/08/2025
DA233	Elevations Sheet 4 - Stage 1	PTID	C	19/08/2025
DA234	Section Sheet 1 - Stage 1	PTID	C	19/08/2025
DA235	Elevations Sheet 1 - Stage 2	PTID	C	19/08/2025
DA236	Elevations Sheet 2 - Stage 2	PTID	C	19/08/2025
DA237	Elevations Sheet 3 - Stage 2	PTID	C	19/08/2025
DA238	Elevations Sheet 4 - Stage 2	PTID	C	19/08/2025
DA950	Material Palette	PTID	C	19/08/2025
Landscape Plans				
DA063	Site Plan - Landscape	PTID	C	19/08/2025

DA991	Analysis - Deep Planting	PTID	C	19/08/2025
DA992	Analysis - Soft Landscape	PTID	C	19/08/2025
Civil Plans				
C1.00	Cover Sheet	Trixial Consulting	B	14/08/2025
C1.01	General Notes	Trixial Consulting	A	14/08/2025
C2.01	Proposed Site Plan	Trixial Consulting	B	14/08/2025
C2.02	Catchment Plan	Trixial Consulting	A	14/08/2025
C3.00	Sediment & Erosion Control	Trixial Consulting	B	14/08/2025
C3.01	Sediment & Erosion Control Details	Trixial Consulting	A	14/08/2025
C4.00	Stormwater Management and Car Park Plan	Trixial Consulting	B	14/08/2025
C4.01	Stormwater Management Details and Driveway Long Section	Trixial Consulting	B	14/08/2025
Report / Document Title		Prepared By		Date
Arboricultural Impact Assessment		Temporary Tree Management Pty Ltd		9 September 2024
BCA Capability Statement		MBC Group		4 December 2024
Addendum to BCA Capability Statement		MBC Group		29 August 2025
NCC Section J Energy Efficiency Compliance Advice		Sustainable Development Consultants Pty LTd		22 August 2025
Noise Abatement Statement		-		-
Plan of Management		-		-
Salinity Assessment and Management Plan		Bushman & Wakefield		4 December 2024
Site Suitability Assessment		EDP Consultants Pty Ltd		20 December 2024
Staged Delivery Management Plan		Cushman & Wakefield		20 December 2024
Stormwater Management Plan, revision B		Trixial Consulting Pty Ltd		13 August 2025
Traffic Impact Assessment, revision 4		TRAFFIX		29 August 2025
Waste Management Plan		Leigh Design		22 August 2025

The development is to be carried out in two (2) stages and anything in this consent making reference to a Construction Certificate and/or Occupation Certificate is to be read as applying to the relevant Construction Certificate and/or relevant Occupation Certificate for the relevant stage. For

avoidance of doubt, this consent permits the issue of staged Construction and Occupation Certificates within the relevant stage of development and any conditions referring to the development as a whole are to be read as applying to the relevant stage.

- 2 The development is approved to be undertaken as a staged development in accordance with the stamped approved staging plan(s) / staging strategy as referenced within Condition No. 1 of its consent.

(a) Stage 1 - consolidation of the three sites; site preparation works and tree removal; construction of the eastern wing of the transitional group home (10 bedrooms with 22 beds); and on-site car parking for nine (9) vehicles; and alterations to the façade of the existing building at 33 Santley Crescent.

(b) Stage 2 - establishment of the first-floor extension to the eastern wing to provide additional bedrooms (2 bedrooms with 8 beds), additional communal space, and amenities.

Conditions of consent relevant to each stage must be undertaken prior to the issue of the relevant Construction Certificate, Subdivision Works Certificate, Occupation Certificate and Subdivision Certificate.

- 3 The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

- 4 **Prior to the issue of any Construction Certificate**, Lot 3 DP 215200, Lot 4 DP 215200 and Lot 5 DP 215200 are to be consolidated.

Evidence of lot consolidation and plan registration with NSW Land Registry Services is to be provided to the Certifying Authority and Penrith City Council.

- 5 **The development shall not be used or occupied until an Occupation Certificate has been issued.**

- 6 A separate development approval for the erection of a sign or advertising structure, other than the two identification signs approved under this application or an advertisement listed as exempt development, is to be obtained.

- 7 All materials and goods associated with the use shall be contained within the building at all times.

- 8 **Prior to the issue of an Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 - Outdoor Lighting Obtrusive Effects.

- 9 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 10 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 11 **Prior to the issue of a Construction Certificate**, amended Architectural Plans shall be submitted to the Principal Certifying Authority to incorporate the following amendments to the façade treatment:
- Modify the direction of the diagonal sheeting on all external walls to a horizontal alignment.
 - Introduce dark, full-height vertical architectural features at strategic locations along the street fronting external walls to break up the façade and provide visual relief.
 - Apply horizontal sheeting to the upper level of the 'North Building'.
 - Revised roof colour to all approved new buildings (i.e. North Building and East Building) to a light grey Colourbond colour with a low solar absorption rating.
 - Update the colour of all facades of the existing building to match the colour scheme of the proposed building.
- 12 The development is to be used and managed strictly in accordance with the approved Plan of Management, as updated as per Condition 36.
- 13 At the invitation of Penrith City Council and/or NSW Police, management shall be available (at a mutually convenient time) to discuss and action agreed community safety, security or other issues in conjunction with other local stakeholders in the area should the need arise.

- 14 The existing health premises within the building being retained is to remain in accordance with development consent 47/87 and subsequent DA15/0345.

The proposed development of a Group Home shall be limited to:

- The operation of the development is split into two programs, being a residential program and a day program.
- The residential program is to include overnight stays and will operate 24 hours a day, 7 days per week.
- The staffing arrangements for the residential program is as follows: Monday to Friday – 7 staff between 9am and 5pm and 1 staff member overnight; and Saturday-Sunday – 2 staff during the day and 1 staff member overnight.
- The day program will operate Monday to Friday between 9am and 5pm.
- The staffing arrangements for the day program is as follows: Monday to Friday – 6 staff between 9am and 5pm; and No weekends. At most, there will be 7 staff members on site between the hours of 9am and 5pm.
- On-site carparking for nine (9) vehicles including 5 staff spaces, 2 visitor spaces and 2 additional staff spaces capable of accommodating communal vans. Parking is to be shared with the existing health premises.
- Adherence at all times to the approved Plan of Management.

Any change to the operational details shall require further development consent or the modification of this consent.

- 15 The following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented:

Lighting

- All outdoor/public spaces throughout the development must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

Car Parking

- A security system must be installed on any pedestrian and vehicle entry/exit points to the car park, to minimise opportunities for unauthorised access.
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed for all entries to the buildings including the car parks.
- Australian Standard 220 – door and window locks must be installed in all dwellings.
- CCTV is to be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- A monitored alarm system must be installed.

Wayfinding

- Clear signage to assist wayfinding must be provided and strategically located at entrances.

Graffiti/Vandalism

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls etc.
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities.

Landscaping

- All vegetation must be regularly pruned to ensure that sight lines are maintained.

Demolition

- 16 All demolition works are to be conducted in accordance with AS 2601-2001 *The demolition of structures*.

SafeWork NSW requirements apply to demolition work and compliance with those requirements, including the *SafeWork NSW Code of Practice Demolition Work August 2019*, is required.

Prior to demolition, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements

17 Regulatory obligations (including licensing and notification requirements) for the management, control and removal of asbestos are prescribed in the:

- Work Health and Safety Act 2011,
- Work Health and Safety Regulation 2017,
- SafeWork NSW Code of Practice How to Manage and Control Asbestos in the Workplace August 2019,
- SafeWork NSW Code of Practice How to Safely Remove Asbestos August 2019,
- Australian Standard AS2601-2001 The demolition of structures

Compliance with the above legislation is required and reference should be made to SafeWork NSW and to the Asbestos Policy Penrith City Council 2014.

All asbestos laden waste must be disposed of at a waste management facility licensed by the NSW Environment Protection Authority to receive asbestos waste.

Heritage/Archaeological relics

18 If any archaeological relics are uncovered during the course of the works, no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act 1977 may be required before any further work can be recommenced in that area of the site.

Environmental Matters

19 Dust suppression techniques are to be employed during all works to reduce any potential nuisances to surrounding properties.

20 The recommendations made within the Site Suitability Assessment prepared by EDP Consultants (dated 20 December 2024, ref S-08186.MMO.001) are to be implemented and adhered to prior to works commencing on site, during works on site and during the operational phase of the development where relevant.

Upon completion of remediation works, a Validation Report, prepared by an appropriately qualified person, is to be submitted **prior to the issue of the Construction Certificate**. The Report shall certify that the works have been carried out in accordance with the Site Suitability Assessment prepared by EDP Consultants (dated 20 December 2024, ref S-08186.MMO.001), as well as in the National Environment protection (Assessment of Site Contamination) Measure 1999 [NEPC2013], applicable NSW Environment Protection Authority Guidelines and the Penrith Development Control Plan.

{For the purposes of this condition, an appropriately qualified person is defined as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}.

21 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

22 No fill material shall be imported to the site unless expressly approved as part of this consent, and not until such time as a certificate demonstrating that the material is suitable has been submitted to, considered and approved by Council. This certificate may be in the form of a validation certificate, waste classification, or appropriate resource recovery order/exemption. A copy of a report forming the basis for the validation is also to be provided. The certification shall:

- be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
- clearly state the legal property description of the fill material source site and the total amount of fill tested,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation work may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: An appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

23 All resulting waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas are to be fully enclosed when the site is unattended.

24 Waste materials associated with the development are to be classified and disposed of at a lawful waste facility, or, if suitable, re-used / recycled. Such works are to be undertaken in accordance with the approved Waste Management Plan, where applicable.

Where the disposal location or waste materials have not been identified in an approved waste management plan, details shall be provided to the Certifier prior to those works commencing.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

25 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 26 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a suitable waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

Waste licensing requirements apply in NSW. Where required, the waste contractor and waste facility are to be licensed by the NSW Environment Protection Authority. Reference should be made to the NSW Environment Protection Authority for licensing requirements.

- 27 Amplified music from the development is not to be audible at the boundaries of the property. No amplified music is to be used externally, including in the carpark.

The provisions of the *Protection of the Environment Operations Act 1997* apply to the development, in terms of regulating offensive noise.

- 28 Wastewater from the washing of garbage bins and vehicles is not to enter the stormwater system.

- 29 In the event of substantiated ongoing noise complaints relating to the development being received by Council, the owner and/or occupier of the development may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.

The noise impact assessment report is to be prepared and provided to Council for approval within 45 days of being requested. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

{Note: For the purpose of this condition a suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member}.

- 30 Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy (Resilience and Hazards 2021). Should any contamination be found during development works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

- 31 Contaminated topsoil shall not be mixed with uncontaminated underlying natural soils.
- 32 Should Council's waste services be required in future and prior to the provision of any future Council waste service to the development, detailed design plans for waste infrastructure must be submitted to Council's Waste and Planning Departments for review and approval. All proposed waste infrastructure is to be designed and constructed in compliance with Council's Waste Management Guideline document.
- 33 **Prior to the issue of a Construction Certificate**, the following waste management requirements must be complied with and details of compliance submitted to Council:
- The Waste Collection Room/s are to provide wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing to be installed to support the use of hose facilities.
 - The Waste Collection Room/s to provide adequate lighting and ventilation in accordance with the Building Code of Australia.
 - The doors to the Waste Collection Room/s are to provide a minimum width of 1800mm be solid and sealed, outward opening and have a latching mechanism to allow the door/s to remain open during servicing.
 - The service path leading waste infrastructure to the site for loading is to be unobstructed, provide a minimum width of 1.2m, with a smooth, non-slip surface and a maximum gradient of 1:24.
 - The Waste Collection Room/s to provide dimensions in accordance with Council's Waste Guideline document to accommodate the full fleet of bins. Each bin to be provided floor area 600mm wide x 1000mm deep to permit storage and be accessible via a 1200mm unobstructed path.
 - The Waste Collection Room is to provide a minimum width of 3200mm.

BCA Issues

- 34 The structural alterations to the buildings shall not unduly reduce or compromise:
- the existing level of fire protection afforded to persons accommodated in or resorting to the building, or
 - the existing level of resistance to fire of the building, or
 - the existing safeguards against the potential spread of fire to adjoining buildings.

- 35 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:
- (a) deal with each essential fire safety measure in the building premises, and
 - (b) be given:
 - within 12 months after the last such statement was given, or
 - if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.
-
- As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:
- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
 - prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.
- 36 A supplementary fire safety statement is to be given to Penrith City Council where a critical fire safety measure is implemented. A supplementary fire safety statement for a critical fire safety measure must be given at such intervals (being intervals of less than 12 months) as is specified in respect of that measure in the current fire safety schedule for the building. As soon as practicable after the supplementary fire safety statement is issued, the owner of the building to which the statement relates:
- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
 - prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.
- 37 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions, or
 - (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
 - (c) a combination of (a) and (b).
- It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.
- 38 Access and sanitary facilities for persons with disabilities are to be provided and maintained to the existing building at 33 Santley Crescent, in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

Health Matters and OSSM installations

39 The construction fit out and finishes of the kitchen shall comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 Design, Construction and Fitout of Food Premises. This includes the provision of a separate dedicated hand basin with warm running water through a single outlet and soap and paper towel dispensers.

40 Waste should be collected regularly and not accumulated on-site. All garbage must be stored in accordance with the requirements of the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours.

Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated waste or related waste prior to final disposal of the material at a facility approved by the NSW Environment Protection Authority.

A licensed clinical waste contractor must be engaged to collect and dispose of all clinical waste generated on site and produced to Council upon request. Receipts of service must be kept on site specifying the volume collected and the dates of service.

41 **Prior to the issue of an Occupation Certificate**, an updated and revised a 'Plan of Management' is to be submitted to and approved by Penrith City Council's Environmental Health Unit to include details of the following (as a minimum):

- A cleaning program should be developed including written cleaning schedules and cleaning procedures. The procedures shall include:
 - Method of cleaning and sanitising of areas;
 - Frequency of cleaning and sanitising of areas;
 - Chemicals to be used in the cleaning and sanitising process;
 - MSDS sheets and recommended dilution rates for chemicals;
 - Record keeping of cleaning and sanitisation..
- Regular pest inspections and control is to be completed to keep the premises free from pests and vermin. Pest management professional shall hold a license issued by the NSW EPA and have experience in the management of bed bugs.
- It is the responsibility of the proprietor of a group home to keep specified documents on site. Where applicable, the following must be made available for view during an inspection by an authorised officer:
 - an up to date register (electronic or hard copy) of all group home residents, if not in breach of any privacy or security requirement(s);
 - copies of pest control reports and/or cleaning schedules where they are in use;
 - swimming and spa pool monitoring results, and management plans where appropriate;
 - details of any on-site wastewater system or wastewater treatment plant including any maintenance plan and inspection schedule;
 - records of water quality analysis;
 - House rules shall be developed and displayed in the common area. Residents shall be provided a copy of the house rules and have them explained upon initial occupancy;
 - Complaints received about operation of group home and mitigation action taken against/to address complaints.
- House rules shall include but not limited to:

- activities and noise restrictions;
 - visitor policy and guest behaviour;
 - the use of drugs and alcohol on the premises;
 - cleanliness and hygiene;
 - measures to minimise unreasonable impact on adjoining/neighbouring properties i.e., communal open spaces;
 - waste recycling and waste collection;
 - management of sharps and sanitary napkins if applicable.
- Neighbourhood properties shall be provided 24-hour contact details of any site Manager, off-site Manager, or resident caretaker, who has overall responsibility for the operation of the administration of the premises.
 - Operational procedures and site management responsibilities during the operation of both the Group Home and existing Medical Centre to ensure the development maintains high levels of amenity for residents, staff and visitors within the site and residents on surrounding sites, and priorities the safety and security of residents, staff and visitors within the site.
 - Staffing.
 - Operating hours.
 - Procedures for commencement and cessation of residency.
 - Safety and security.
 - House rules.
 - Car parking management and access.
 - Maintenance and cleaning.
 - Room furnishings.
 - Waste management.
 - Occupational health and safety.
 - Complaints procedure and incident register.

Penrith Police should be consulted in the preparation of the revised a 'Plan of Management'.

Utility Services

- 42 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water, which verifies that water and wastewater infrastructure is available to the development. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the lodgement and **issue of an Occupation Certificate**.

- 43 **Prior to the issue of a Construction Certificate**, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

- 44 **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

- 45 **Prior to the issue of an Occupation Certificate**, written certification from the relevant service provider is required confirming telecommunications infrastructure is installed and available for the development.

Construction

- 46 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

47 Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

48 All works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

In the event that the work relates to activities inside the building and does not involve external walls or the roof, and does not involve the interim use of equipment that emits offensive noise, then the works are not restricted to the hours stated above. The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all works.

Engineering

- 49 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council **prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first**. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

- 50 Lodgement of relevant Section 138 Roads Act applications, including payment of application and Council fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road).

You are required to lodge the applicable Section 138 Roads Act application for the below works that apply to your specific development prior to that work activity commencing. Please liaise with your builder to determine what applications are required for your development.

These works may include but are not limited to the following:

- a) Construction of driveways (including kerb reinstatement of redundant driveway crossings and reconstruction of any affected footpaths and/or cycleways)
- b) Temporary road reserve occupancies
- c) Road reserve openings for the installation of:
 - i. Utilities (water, sewer, power, telecommunications)
 - ii. Private stormwater connections to the kerb (including stormwater connection to Penrith City Council owned drainage)
 - iii. Reconstruction of concrete footpath and/or cycleways across the frontage
- d) Establishment of a construction work zone e) Establishment of road reserve hoardings and temporary structures/fencing etc.
- e) Operation of a tower crane over the road reserve.
- f) Temporary ground anchors that encroach below the road reserve (for basement construction).

All works shall be carried out in accordance with the Roads Act Approval and the conditions outlined in the Roads Act Applications, the development consent, including the stamped approved plans, and Penrith City Council's Driveway and Road Reserve Restoration Works Specification, guidelines and engineering best practice.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

- Separate approval may be required from Transport for NSW for classified roads.
- All works associated with the Roads Act approval(s) must be completed **prior to the issue of any Occupation Certificate** as applicable.
- On completion of any awning over the road reserve, a certificate from a practicing structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

- 51 The stormwater management system shall be consistent with the plan/s lodged for development approval, prepared by Triaxial Consulting, reference number TX18020.00, drawing number C1.00 to C4.01, revision B, dated 14/8/25.

Prior to the issue of any Construction Certificate, the Certifier shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (WSUD) Policy.

Engineering plans and supporting calculations for the stormwater management system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

- 52 **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS2890.1, AS2890.2 and AS2890.6.

- 53 **Prior to commencement of any works** associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

- 54 **Prior to commencement of any works** associated with the development, a Traffic Guidance Scheme, including details for pedestrian management, shall be prepared in accordance with AS1742.3 Traffic Control Devices for Works on Roads and the Transport for NSW (TfNSW) publication Traffic Control at Worksites Technical Manual, and certified by an appropriately accredited TfNSW traffic controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

- A copy of the Traffic Guidance Scheme shall accompany the Notice of Commencement to Penrith City Council.
- Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of any Construction Certificate or Subdivision Works Certificate.

- 55 **Prior to the issue of any Occupation Certificate**, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

56 **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

57 **Prior to the issue of any Occupation Certificate**, Works As Executed drawings, final operation and maintenance management plans and any other compliance documentation for the stormwater management system shall be submitted to the Principal Certifier in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design Technical Guidelines.

An original set of Works As Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Penrith City Council is not the Principal Certifier.

58 **Prior to the issue of any Occupation Certificate**, a restriction on the use of land and positive covenant relating to the stormwater management systems (including on-site detention and water sensitive urban design) shall be registered on the title of the property. The restriction on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council's Stormwater Specification for Building Developments - Appendix F.

59 The stormwater management system shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

60 All parking spaces, loading zones, parking aisles and manoeuvring areas are to be kept clear of stored materials, products and waste materials such that these areas remain unobstructed and allow for the safe movement of vehicles.

- 61 The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing, poles or signage.
- 62 **Prior to the issue of a Construction Certificate**, the following information is to be submitted to Council for review
- Council should be given an opportunity to review and approve the proposed GPT so that considerations of the life cycle costs can be made. The proponent should provide Council with a detailed operation and maintenance manual which includes estimated costing.
 - Detailed construction plans including all calculations, drawings and designs which are consistent with the design parameters used in the modelling and approved concept designs from the Development Application.
- 63 **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that sight distance requirements are in accordance with (AS2890.1, Figure 3.2 and Figure 3.3 / AS2890.2, Figure 3.3 and Figure 3.4).
- 64 **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that all vehicles accessing the site can enter and exit from / to the public access in a forward direction. Any turning movements shall be in accordance with AS2890 for the relevant vehicle.
- 65 All parking spaces to be line marked and must be in accordance with AS2890 and Council requirements.

Landscaping

- 66 All landscape works, including tree removal, are to be constructed in accordance with the stamped approved plans and ensure compliance with Chapter C6 – Landscape Design and Section 2.9 of Appendix F4 – Technical Information within Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and
- in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or was removed.

- 67 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a suitably qualified Landscape Architect / Designer.

i. Implementation Report

Upon completion of the landscape works associated with the development and **prior to the issue of an Occupation Certificate** for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received and endorsed. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

- 68 All plant material associated with the construction of approved landscaping is to be planted in accordance with the planting specifications within Section 2.9 of Appendix F4 – Technical Information within Penrith Development Control Plan 2014.
- 69 All landscape works are to meet industry best practice and the following relevant Australian Standards:
- AS 4419 Soils for Landscaping and Garden Use,
 - AS 4454 Composts, Soil Conditioners and Mulches, and
 - AS 4373 Pruning of Amenity Trees.
- 70 All trees that are required to be retained as part of the development are to be protected in accordance with Penrith Development Control Plan 2014 - Appendix F4 – Technical Information under supervision by a suitably qualified Consulting Arborist.
- 71 No trees are to be removed, ring barked, cut, topped, or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Chapter C2 – Vegetation Management of Penrith Development Control Plan 2014 and Council's Tree Preservation Order and Policy.
- 72 Any street trees removed (as required by the development) shall be replaced at a 1:1 replacement and planted in a suitable location within the verge. The replacement tree(s) shall be of a species selected from Council's Tree List found on Council's website at <https://www.penrithcity.nsw.gov.au/waste-environment/resilient-penrith/tree-planting>.

Development Contributions

- 73 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Cultural Facilities. Based on the current rates applicable to contributions payable under this plan, **\$2,444.00 is to be paid to Council prior to issue of any Construction Certificate** being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions plan.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Section 7.11 Contributions Plan for Cultural Facilities is available on Council's website.

- 74 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for District Open Space. Based on the current rates applicable to contributions payable under this plan, **\$24,484.00 is to be paid to Council prior to issue of any Construction Certificate** being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions plan.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Section 7.11 Contributions Plan for District Open Space is available on Council's website.

- 75 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Local Open Space. Based on the current rates applicable to contributions payable under this plan, **\$8,856.00 is to be paid to Council prior to issue of any Construction Certificate** being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions plan.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Section 7.11 Contributions Plan for Local Open Space is available on Council's website.

Certification

- 76 Prior to the commencement of any earthworks, construction or demolition works on site, the proponent is to:

(a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and

(b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

77 An Occupation Certificate shall be sought from the Principal Certifier prior to occupation of or commencement of use of each stage of the development. Before the Occupation Certificate can be issued for each stage of the development, a Compliance Certificate or other documentation suitable to the Principal Certifier shall be sought indicating that all conditions of this development notice, but not those conditions relating to the operations of the development, commensurate with that stage of the development have been satisfied or met prior to the occupation or use of that stage of the development.

A copy of the Compliance Certificate or other documentation shall be submitted to Penrith City Council if obtained from a registered certifier. A copy of the Occupation Certificate is also to be submitted to Penrith City Council, if Council is not the Principal Certifier.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C1 - Site Planning and Design Principles

The design of the building facilitates sufficient opportunity for natural cross flow ventilation and is positioned and orientated such that the thermal load in summer will result in overheating and poor internal amenity and thermal comfort for lodgers.

The proposal demonstrates compatibility and is complementary with the bulk and scale of adjacent development and provides a suitable transition to the adjoining development. The development proposal demonstrates an acceptable level of compliance with the applicable key built and urban form controls under the DCP, their objectives or with the objectives of the zone.

Proposed setbacks and separation distances adequately mitigate against negative and unacceptable amenity impacts such as privacy (visual and acoustic), overbearing and impacts on local streetscape and landscape character.

C2 - Vegetation Management

The site is predominantly cleared, and the proposed development will result in the loss of limited vegetation, with the amended plans retaining additional trees and providing deep soil areas for landscaping and replacement canopy trees, especially along the north.

C3 - Water Management

The proposed development seeks to capture runoff from roofs and hardstand areas, with stormwater directed to OSD that will then discharge to the road reserve and also meets Council's WSUD Policy requirements.

C4 - Land Management

The application was reviewed by Council's Environmental Management team, who raised no objections regarding land contamination subject to conditions.

C5 - Waste Management

Satisfactory waste arrangements are proposed.

C6 - Landscape Design

The proposal complies with the requirements of the DCP as follows:

- The landscape proposal enhances the amenity and visual quality of the site.
- The bulk and scale of the building is moderated by the use of landscaped elements such as for screening or shade provision.
- The development makes a positive contribution to the streetscape by way of the design of structures or landscaping.
- The design of landscaping works does ensure that the development integrates into and enhances the existing landscape character through either setbacks, materials selection, architectural character or vegetation selection/placement.

The DCP states that landscape design should seek to screen development, particularly from the sides and rear of an allotment and shrubs and small trees should be used to screen service areas and block unwanted views that reduce privacy. The proposal does adequately

demonstrate an acceptable level of compliance is achievable. The proposed level of site coverage is acceptable, and areas of landscaping provide a meaningful contribution to amenity, local character or streetscape presence.

C9 - Advertising and Signage

The application includes two small identification signs, one to each street, non-illuminated, "WHOS Western Sydney". The signs are discreet, high quality, identify the premises and compliment the colour scheme of the development and will not obstruct traffic. The proposal satisfies C9.

C10 - Transport, Access and Parking

Car parking requirements are not dictated for group homes in either SEPP (Housing) nor PDCP.

The DCP contains a rate for health consulting rooms which based on the maximum of 4 health care professionals on site at any time, generates 12 parking spaces. However, the existing on-ground arrangements are for 9 car parking spaces. Given the age of the consent, there is no record of plans which show the require parking at the time of consent.

With respect to parking, the development proposes 9 off-street spaces against a cumulative parking demand of 14 spaces (12 for health services and 2 for group home) outlined in the applicant's Traffic Impact Assessment, resulting in a shortfall of 5 spaces. The justification offered in the TIA is that residents will not drive, and staff numbers on-site will be limited, with reliance on public transport due to proximity to Kingswood Railway Station, as follows:

"Based on the aforementioned parking assessment, the proposed development has a cumulative parking requirement of 14 spaces comprising 12 health service spaces and two (2) group home spaces.

The proposed provision of nine (9) off-street car spaces therefore results in a shortfall of 5 car spaces and is acceptable for the following reasons:

- The site will not operate as a 'traditional' health service facility with a separate group home, but rather as a single integrated facility used for the purposes of drug and alcohol rehabilitation.*
- The staff arrangement for the whole facility comprises seven (7) staff during the day and one (1) staff after 5pm/overnight (Mon-Fri), and two (2) staff during the day and one (1) staff after 5pm/overnight (Sat and Sun). It is specifically noted there will only ever be a maximum of four (4) staff on the heal services component of the site at any one time.*
- The proposal provides a total of seven (7) on-site car spaces. As no residents will drive, these spaces will be allocated exclusively for staff use to support the daily operation of the facility.*
- None of the residents will drive a vehicle due to the nature of the facility. Residents will instead be transported to day activities and medical appointments by a communal van, typically between 9am and 5pm on weekdays and at set times on weekends. Accordingly, the requirement for three (3) car spaces per health practitioner which is likely based on patient parking demand does not apply to the intended operation of the development.*
- Due to the site's excellent connectivity to existing public transport services being located right next to Kingswood Railway Station, it is reasonable to expect that most staff would prefer public transport. In the event that all staff parking bays are occupied, additional car parking demand could be accommodated on either Bringelly Road or Santley Crescent which permit unrestricted car parking. This scenario is considered to be unlikely based on*

the operation of other transitional group homes and the specific circumstances of this proposed home with residents and clients being treated for substance abuse conditions. The communal vans are to be used to transport residents and clients to appointments. Consequently, demand for visitor parking will be low and infrequent.

- *In addition, any visitors would likely schedule visits ahead and if required, short-term parking demand could be accommodated along the site frontage on Bringelly Road or Santley Crescent. Given parking occupancy along Bringelly Road or Santley Crescent is generally low on typical days, it is considered that the short-term parking would not impose a parking impact on this road and would be consistent with the occasional on-street parking demands of the surrounding residential dwellings."*

As part of the amended design, the existing medical centre building and use will remain and the new facility is a low parking generator based on the way it is run and that residents cannot drive. The RFI response letter from the applicant states:

"The existing building and car park will be retained and cosmetically upgraded to better align with the long-term planning objectives for the precinct, delivering improved outcomes within current resource limitations. The proposed spatial arrangement enables the site to function as a cohesive whole, supporting the operation of two integrated programs. The built form and internal layout have been tailored to the specific needs of WHOS, with a focus on resident wellbeing, staff safety, and secure management of the therapeutic environment. Importantly, the residential component of the group home does not operate as a standard residential dwelling, but rather as a specialised living environment designed to support structured treatment and rehabilitation in a safe, stable, and purpose-built setting.

....

a formal change of use is no longer being sought for the corner building, as the operations within the building will continue under the currently approved land use for this portion of the site. The building was approved as a medical centre, which would best aligns with a health services facility in terms of current Standard Instrument definitions (noting the original approval is from 1987 and pre-dates Standard Instrument terms).

....

- *Despite the application effectively provided for two land uses (a health services facility and a group home), in practice, the site as a whole will operate as a single, integrated facility providing drug and alcohol rehabilitation. The two interrelated programs proposed are:*
 - *o A residential program: a three-month, in-house rehabilitation program.*
 - *o A day program: providing assessment, referral services, and non - residential supported care for individuals within the Nepean Blue Mountains district, including both group work and individual support by qualified drug and alcohol workers.*
- *The staff profile of the entire facility includes:*
 - *o Weekdays (Mon–Fri): 7 staff during the day, 1 staff member overnight. It is specifically noted there will only ever be a maximum of four (4) staff on the health services component of the site at any one time.*
 - *o Weekends (Sat –Sun): 2 staff during the day, 1 staff member overnight. It is noted this is for the group home only.*
- *All seven (7) available on-site car spaces will be allocated exclusively for staff use. Importantly, no residents will drive or require parking.*
- *Residents will be transported to medical appointments and day activities via communal vans, typically operating between 9am and 5pm on weekdays, and at set times on*

weekends. Therefore, the standard parking rate of three (3) spaces per health practitioner, typically applied to account for patient parking demand, is not applicable in this context.

- The site is highly accessible via public transport, located immediately adjacent to Kingswood Railway Station. It is therefore reasonable to expect that many staff will utilise public transport for commuting. In the unlikely event that all on-site staff parking bays are occupied, overflow staff parking demand could be accommodated along Bringelly Road or Santley Crescent, both of which permit unrestricted parking. Based on the operation of other transitional group homes and the specific client needs of this facility, this scenario is considered unlikely.*
- Due to the nature of the facility, visitation is expected to be low and infrequent. Visitors will typically schedule appointments in advance, and any short-term parking demand can be readily accommodated along the site's frontage on Bringelly Road or Santley Crescent. Parking occupancy along these streets is generally low during typical days, and short-term parking generated by the development would be consistent with the occasional parking demands observed in the surrounding residential context."*

Council's Traffic Officer has reservations regarding this position as on-street parking demand is likely to increase with the development and from surrounding residents, leading to a realistic risk of parking congestion and that the proximity of the train station does not guarantee modal shift for all staff or visitors, especially those unfamiliar with public transport or with mobility constraints. However, when considering how the group home operates, the proposed arrangements are supported.

The turning area of the proposed car park is marked as a "Keep Clear / Emergency Area" which in the event of an emergency could accommodate parking for ambulances.

Waste collection is to be undertaken on site by a private waste contractor outside of peak operating hours via a private contractor using a small rigid vehicle.

Council's Traffic Officer advised that the proposal is not expected to generate any significant issues of traffic nor unreasonably increase traffic on site or in the local road network. Residents are permitted to drive and will rely upon the communal van.

C12 - Noise and Vibration

The application was reviewed by Council's Environmental Management team who confirmed overall, the proposal will not generate significant noise impacts. In addition, the Plan of Management controls relevant operational requirements to control noise.

C14 - Urban Heat Management

C14 of the Penrith DCP outlines controls and mitigation measures required for all new developments within the Penrith LGA to reduce the urban heat island effect and increasing temperatures experienced within Greater Western Sydney. These controls and mitigation measures relate to cooling with landscaping; the use of cool colours and materials; cooling through building design; and optimising mechanical heating and cooling.

To offset the removal of minimal existing trees across the site and retention of others including the street trees on the western verge, combined with the proposed landscaping including replacement planting of canopy trees within the setbacks to assist in mitigating heat impacts by providing an interlocking canopy to increase shading.

In regard to building design and materials, all external surfaces consist of light colours to maximise heat reflection, and a dark roof colour is not proposed. A condition is recommended

to ensure the roof is light as the exact tone has not been identified. The built form promotes air circulation, including the maximisation of natural ventilation throughout the development.

In light of the above, the proposed development complies with the objectives, controls and mitigation measures outlined within C14 of the Penrith DCP.

E12 Penrith Health and Education Precinct

As demonstrated in Figure 5 below, the site is identified as being within Part A Hospital Precinct of the Health and Education Precinct.



Figure 5. Penrith Hospital Precinct (site outlined in red).

Source: Chapter E12, Penrith DCP.

The site is within the Character Area A - Commercial Mixed Use, which encourages a more human scale streetscape. Whilst the development is not strictly speaking a mixed use and group homes are a form of residential accommodation, the design has ensured that the new facility and the existing health services facility are compatible and complement each other, whilst ensuring conflict between uses on the site and adjoining sites is minimised.

The proposal has been assessed against the applicable provisions of Part E12, Penrith Health and Education Precinct of the *Penrith Development Control Plan 2014*, noting significant effort has been made of the associated funding to alter the proposal's spatial arrangement and overall design to better respond to the character of the locality, including:

- Overall reduction in building length,
- Reduction on overall scale and intensity of use by way of increased setbacks to the eastern and northern boundaries,
- Altered roofing form to reduce overall massing, whilst reflecting the residential character of the locality,
- Breakage of blank walls by way of differing materiality and further articulation with stepped walls,

- Integration of the bin storage room into the building form,
- Altered facades to ensure presentation to both street frontages with an emphasis on providing active street frontages, including the relocation of the group room building (i.e. north building) to the Bringelly Road frontage, and additional alterations to the façade of the existing building to include additional glazing and a pedestrian entrance,
- Increased deep soil in excess of the minimum 10% being 14.7%, reduce overall site coverage less than the maximum requirement of 75% being 67.28%, and
- Revised materials and finishes that are reflective of the residential character of the area, whilst still offering a contemporary expression.

However, concerns still remain regarding the external facades fronting both Bringelly Road and Santley Crescent, noting the building design in its current lacks adequate embellishment and features to appropriately integrate into the locality. In this regard, a condition of consent is recommended requiring plans to be updated prior to the issue of any construction certificate to include the following features:

- Modify the direction of the diagonal sheeting on all external walls to a horizontal alignment.
- Introduce dark, full-height vertical architectural features at strategic locations along the street fronting external walls to break up the façade and provide visual relief.
- Apply horizontal sheeting to the upper level of the 'North Building'.
- Revised roof colour to all approved new buildings (i.e. North Building and West Building) to a light grey Colourbond colour with a low solar absorption rating.
- Update the colour of all facades of the existing building to match the colour scheme of the proposed building.

This condition was reviewed by the applicant who raised no objections.

In light of the above, the proposal generally meets the general objectives and contributes to the growth of Kingswood as a specialised medical precinct through good design and appropriate scale and use.