



Statement of Environmental Effects

Development Application - Edinglassie Village Residential Aged Care Facility


1-11 Emerald Street and 6-8 Troy Street, Emu Plains

Submitted to Penrith City Council
On Behalf of Uniting

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Draft 2	28/03/18	Mark Purdy <i>Senior Project Planner</i>	David Ryan <i>Executive Director</i>	

This document is preliminary unless approved by a Director of City Plan Strategy & Development.

CERTIFICATION

This report has been authorised by City Plan Strategy & Development, with input from a number of other expert consultants, on behalf of the Client. The accuracy of the information contained herein is to the best of our knowledge not false or misleading. The comments have been based upon information and facts that were correct at the time of writing this report.

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Appendices

Appendix	Document	Prepared by
1.	Pre-lodgement minutes	Penrith Council
2.	Architectural Plans, Demolition Plan and Design Statement	Morrison Design Partnership
3.	Survey	Vince Morgan Surveyors
4.	Landscape Plan, Design Statement and Signage Plans	Taylor Brammer
5.	DCP Compliance Table and S4.6 Requests	City Plan Strategy and Development
6.	Arboricultural Assessment	Tree IQ
7.	Biodiversity Impact Assessment	Environmental Assessments Pty Ltd
8.	Heritage Impact Statement	John Oultram Heritage & Design
9.	ESD Concept Design Report	JHA Engineers
10.	Geotechnical Investigation report	Douglas Partners
11.	Preliminary Site Investigation	Douglas Partners
12.	Flood Study	TTW Engineers
13.	Section J Compliance Statement	JHA Engineers
14.	Quantity Surveyors Report	Rider Levett Bucknall
15.	Civil Statement including Stormwater Review, Erosion and Sediment Control Plan, Demolition and Construction Management Plan	TTW Engineers
16.	Traffic Impact Assessment	TTW Engineers

17.	BCA Compliance Statement	BMG
18.	Acoustic Report	JHA Engineers
19.	Site Services Statements	JHA Engineers
20.	Waste Management Plan	Waste Audit and Consultancy Services
21.	Community Housing Provider Certificate	NSW Registrar of Community Housing
22.	Operations Management Plan	Uniting
23.	Access Review	Funktion
24.	Fire Engineering Statement	MCD Fire Engineering

1. Executive Summary

This Statement of Environmental Effects (SEE) has been prepared for Uniting by City Plan Strategy and Development Pty Ltd (CPSD) to accompany a Development Application (DA) to Penrith City Council (the Council). The DA relates to land at 1-11 Emerald Street and 6-8 Troy Street, Emu Plains (the subject site).

A detailed description of the proposal is provided in **Section 3** of this report. In summary, this DA seeks approval for redevelopment of the subject site, including:

- Demolition of buildings;
- The construction of a one hundred (100) bed Residential Aged Care Facility (RACF);
- On grade car parking comprising fifty five (55) spaces plus one (1) ambulance parking space;
- Ancillary functions and services including a fellowship centre, Chaplain's room, chapel, café, beauty salon, hairdresser, multi-purpose function rooms, staff offices;
- Site landscaping works including ground floor garden and tree removal;
- Change of use for No.6 Troy Street from residential dwelling to ancillary administration office during construction;
- Change of use for No.8 Troy Street from residential dwelling to ancillary Fellowship Centre and installation of temporary demountable for use as temporary Fellowship Centre during construction; and
- Associated earthworks, site infrastructure and business identification signage.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act, 1979* and Clause 50 of the *Environmental Planning and Assessment Regulation, 2000*. This SEE:

- describes the proposed development and its context;
- assesses the proposal against the applicable planning controls and guidelines; and
- assesses the potential environmental impacts and mitigation measures.

The subject site currently operates as an established retirement village and aged care facility, being Edinglassie Village. The site currently provides a total of 126 bed nursing home and associated support spaces, 45 Independent Living Units (ILUs), a Fellowship Centre and a locally heritage listed sandstone chapel; the latter two buildings used by the congregation and the wider community. The proposed development therefore represents a decrease in the overall intensity of use experienced on the site.

The objective of the proposed development is to provide facilities which meet current standards and regulations, as well as to supply suitable housing and care for seniors and/or people with a disability in response to changing market demands.

The proposal has undergone extensive design development over a number of years to ensure that it meets these requirements and maintains commercial viability. This has been reflected in ongoing discussions with Council as the concepts have evolved and changed. The following pre-lodgement meetings were held with senior staff of Council's Development Assessment Unit in relation to the proposed RACF:

- 15 July 2015 - Urban Design Review Panel;
- 21 July 2015 - Pre-development Application Meeting;
- 2 March 2017 - Pre-development Application Meeting;
- 1 March 2018 - Pre-development Application Meeting; and
- 7 March 2018 - Urban Design Review Panel.

Minutes of the meetings, which include a detailed summary of key issues, are provided at **Appendix 1**. In summary, the key issues raised by Council in response to the original 4 storey proposal were building height, setbacks and removal of vegetation along the Great Western Highway (GWH). The design has subsequently evolved to reduce the building height to 3 storeys and ensure tree removal along the Highway is limited as far as practicable within the constraints of the site and the special operational requirements of a RACF.

Other key items included the building relationship to the existing heritage building located on the site and the potential for flooding. **Section 3** of this SEE provides a more detailed response to these and other issues raised by Council at the pre-lodgement meetings. Subject to addressing these issues, we understand that Council is generally supportive of the proposal.

This SEE provides an assessment of the proposed development against the relevant environmental planning framework. This includes the *Environmental Planning & Assessment Act 1979* (the 'Act'), *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Living SEPP), the *Penrith Local Environmental Plan 2010* (PLEP 2010), as well as the *Penrith Development Control Plan 2014* (PDCP 2014).

The assessment demonstrates that the proposal is permissible, with consent, pursuant to both the Seniors Living SEPP and the PLEP 2010, and consistent with the objectives of the subject R3 - Medium Density Residential zone. The proposal is substantially compliant with the development standards prescribed by each instrument. The DA does however, seek an exception to the strict application of the building height development standard prescribed by the SEPP and Clause 4.3 of the PLEP 2010. The exception is sought pursuant to Clause 4.6 of the same instrument. We conclude that the exception is well founded and can be supported by the consent authority.

In addition to demonstrating consistency with the objectives of the relevant environmental planning instruments, the proposal has also been found to be consistent with guidelines within the PDCP 2014.

The SEE concludes this proposal is of an appropriate scale and design for the site, is consistent with the desired future character of the area, is well designed and has no adverse amenity impacts. The proposed facility will deliver essential social benefits to the local community without any undue impacts. It is considered that the proposal will deliver a suitable and appropriate development for the site and is worthy of approval.

2. The Site and Context

2.1 The Site

The site details are described in Table 1 below. An aerial of the site is shown in Figure 2.

Table 1: Site Details

Development Statistics	
Address	1-11 Emerald Street, Emu Plains 6-8 Troy Street, Emu Plains
Legal description	Lot 16 in DP 232740, Lot 9 in DP 230580, Lot 1 in DP 650543, Lot 3 & 4 in DP 758387, Lot 14 & 15 in DP 232740
Site Area	Total Area: 20,175m ² Re-development Site: 8,521m ²
Street frontages	North boundary: Great Western Highway (206.4m) East boundary: Emerald Street (127.6m) West boundary: Troy Street (65.2m)
Topography	Grades around the site are minimal with changes in levels from RL 26.5 AHD at the South-Western site boundary to RL 25.5 AHD at the north eastern corner. Refer to the site survey provided at Appendix 3 .
Vegetation	Vegetation is a combination of both planted and landscape native gardens and exotic or ornamental species of trees and shrubs. There are no trees listed on Council's Register of Significant Trees.
Hydrology	There are no known creek lines or streams traversing the site. The site is identified as being subject to flooding.



Figure 1: Aerial view of the site outlined in red

2.2 Existing Improvements

The site currently accommodates the Edinglassie Retirement Village (the Village), which comprises the following:

- A 53 bed nursing home, 73 bed hostel and associated administrative and support spaces;
- 45 Independent Living Units (ILUs);
- Fellowship Centre;
- Car parking and landscaped area;
- A small stone church known as the former Methodist Church (the Church) built in 1862; and
- Two residential dwellings at No.6-8 Troy Street.

As shown in **Figure 3**, the nursing home is located in the north and north-eastern part of the village, the Church and fellowship centre are located in the eastern part of the site and the ILU's, hostel and at-grade parking comprise the rest of the village. The built form is a mixture of one and two storey buildings of varying ages and upkeep.

The existing building is approximately setback 5.4m from the Great Western Highway, 15m from Emerald Street and 2m from the Church.

The subject site has three (3) vehicle entry/exit points along Emerald Street; two located north of the Church and one located south of the Church. The two access points located north of the Church provide one-way entry/exit to the Church and fellowship centre. The southern entry provides two-way access to the core of the village. The existing nursing home provides 5 car parking spaces. One (1) additional entry/exit point is located along Troy Street, which provides vehicular access to the existing independent living units and to existing parking. Individual driveways are also provided to No.6-8 Troy Street.

A continuous pedestrian footpath is located along the north, east and west boundaries of the site. Three pedestrian access points are located along the northern frontage in addition to access points along Emerald and Troy Streets.

A mix of native and ornamental trees are located along the northern and eastern site frontages, which provides some screening and softening of development on the site.

The residential dwellings located at 6-8 Troy Street consist of single storey brick and tile dwellings with separate garages set behind the primary dwelling. A pool is located at the rear of No. 6 Troy Street.

The existing site improvements are shown in **Figures 3-10** below.

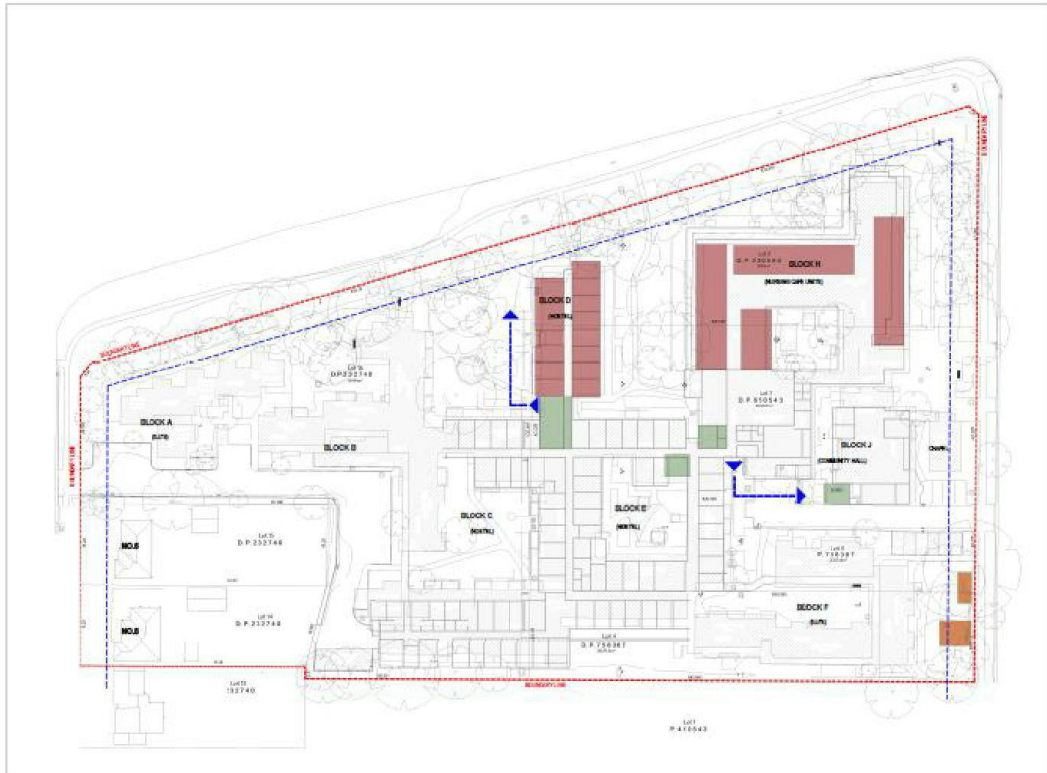


Figure 2: Existing buildings (Source: MDP).



Figure 3: Northern elevation of nursing home to be demolished



Figure 4: Northern elevation of nursing home to be demolished

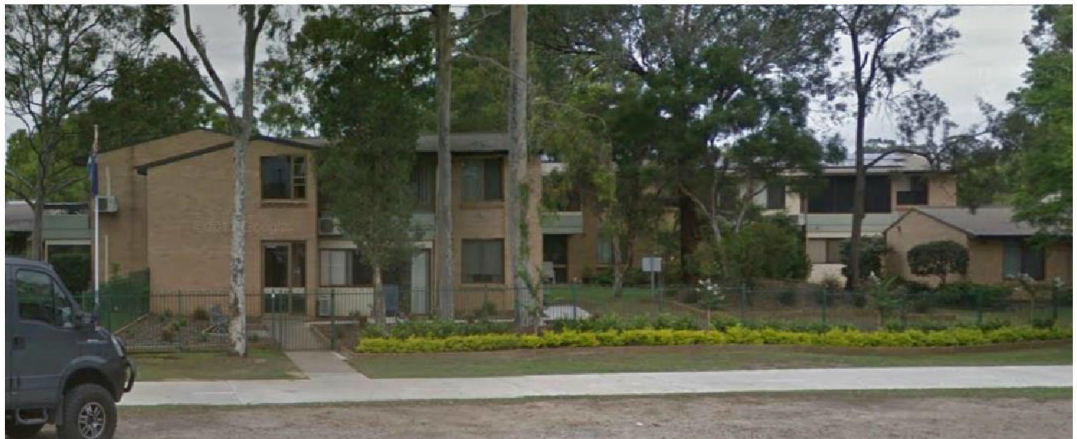


Figure 5: Northern elevation of ILUs to be retained



Figure 6: Eastern elevation of nursing home to be demolished

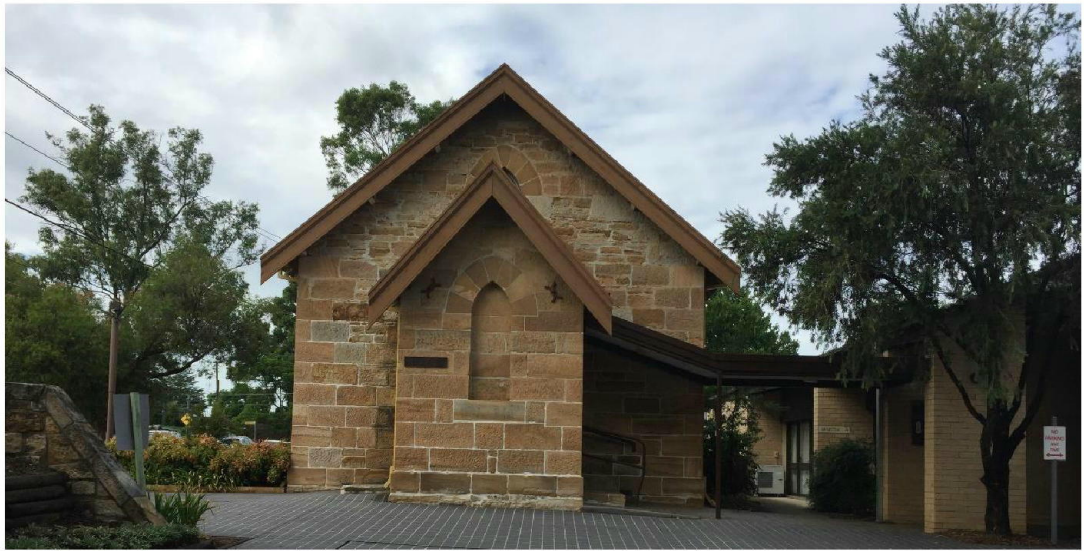


Figure 7: Eastern elevation sandstone chapel to be retained



Figure 8 Fellowship centre (in grey box) to be demolished & Chapel to be retained



Figure 9: Residential dwelling at No.6-8 Troy Street (Source Google)

2.3 Surrounding Development

The site is surrounded by the following:

- Centro Lennox Village Shopping Centre, Emu Plains Community centre, Emu Plains library and GWH to the north;
- Emu Plains Public School to the south;
- Detached dwellings along Troy Street to the west; and
- Detached dwellings along Emerald Street to the east.

There is a range of facilities within a 200m walking distance of the site including a doctor's surgery, chemist, optometrist, post office, newsagent, supermarket and banks.

A pedestrian crossing is located to the north of the site, connecting the site to the adjoining Lennox Village Shopping Centre and Emu Plains library.

Existing buildings within the vicinity of the village site are generally 1 or 2 storeys in height as shown in the images below.



Figure 10: Existing two storey dwelling located directly opposite the site (No.2 Emerald Street)

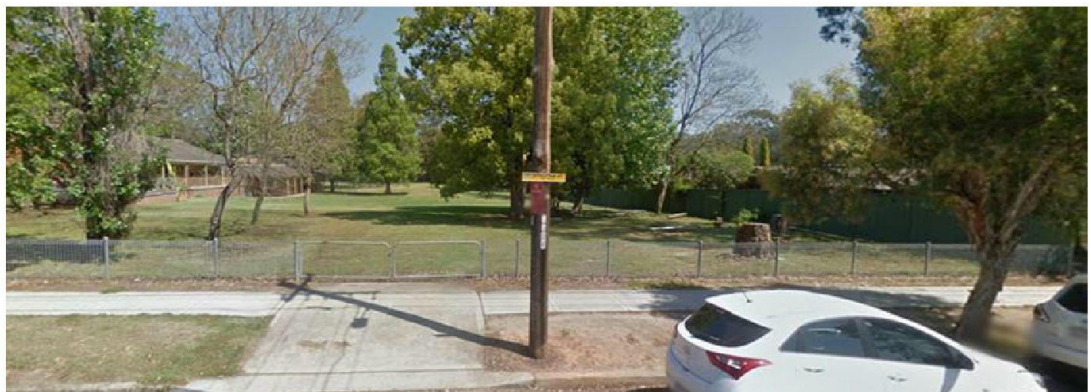


Figure 11 Adjoining Emu Plains Public school to rear southern boundary (No.13-17 Emerald Street)



Figure 12: Lennox Village Shopping Centre located directly opposite the site



Figure 13: Lennox Village Shopping Centre located directly opposite the site (Great Western Highway)



Figure 14: Two storey residential building located directly opposite the site (No.7 Troy Street)



Figure 15: Two storey residential building located directly opposite site (No.7 Troy Street)

2.4 Public transport

The Traffic Impact Assessment prepared by Taylor Thomson Whitting Engineers (TTW) at Appendix 16 identifies that bus stops are located approximately 150 metres from the site entrance as shown in **Figure 18**. This satisfies the Seniors Living SEPP requirements of an accessible pathway less than 400m to a local bus stop.

Bus routes and approximate frequencies are shown in **Figure 17**. Services are operated by Blue Mountains Transit, a brand of CDC Buses NSW.

Emu Railway Station is located 1.8km from the site.

	Route	Peak frequency	Daily frequency
688*	Penrith to Emu Heights	Every 20 minutes	Every 60 minutes
1688**	Penrith to Leonay & Emu Heights	Every 60 minutes	Every 60 minutes
689	Penrith to Leonay	Every 30 minutes	Every 60 minutes
690P	Springwood to Penrith	3 services daily	
691	Penrith to Mount Riverview	3 services daily	

* Weekdays only

** Weekends and public holidays only

Figure 16: Bus services (Source: TTW).

3. Description of the Development

3.1 Overview

This DA seeks approval for the redevelopment of the north-eastern part of the site in the form of a 3-storey RACF, change of use at No.6 Troy Street from a residential dwelling to an temporary ancillary RACF administration office and No.8 Troy Street to be used as a temporary ancillary fellowship centre. Key features of the proposal include:

- Site preparation works including demolition of the existing nursing home, partial demolition of the existing hostel, demolition of the fellowship centre, infrastructure works, filling of the in-ground pool at No. 6 Troy Street, removal of vegetation and excavation;
- Construction of 100 bed RACF and all associated support services including lounge areas, staff facilities, kitchen and laundry;
- Ancillary uses and services including a fellowship centre, café, beauty and hair salon, Chaplin room and chapel;
- At grade car parking area to include 55 parking spaces, loading dock and ambulance parking space;
- Landscaping works;
- Business identification signs;
- Temporary change of use at No.6 Troy Street from residential dwelling to ancillary administration office for use during construction; and
- Temporary change of use at No.8 Troy Street from residential dwelling to ancillary fellowship centre for use during construction and a demountable building at the rear of No.8 Troy Street for use as an overflow fellowship centre.

The existing 45 ILUs will be maintained on site. Post construction the site will therefore contain 145 beds, comprised of the 100 RACF and 45 existing ILUs.

A detailed description of the proposal is provided in the following sections. Reference should be made to the architectural plans in **Appendix 2**, accompanying the DA, prepared by Morrison Design Partnership (MDP).

3.2 Seniors Housing Component

The proposed new RACF will be in the form of a three (3) storey building containing 100 beds.

The RACF has been designed around the concept of providing 5 x 20 bed 'households'. The households seek to provide a homelike environment for residents by grouping bedrooms with their own living, dining, kitchen, and laundry areas, all within a secure household environment.

The ground floor will contain 1 x 20 bed household located in the western wing of the building. Level 2 and Level 3 will contain a total of 4 x 20 bed households. Each household will have its own front of house (FoH) and back of house (BoH) areas as well as direct access to the ground floor via both lifts and stairs. The proposed household configuration is shown in **Figure 19**.

The upper level households are laid out in 2 'arms' projecting north from an east-west axis off the central dining / kitchen / communal areas as shown in **Figure 19**. This formation allows for each of the proposed rooms to be positioned on the perimeter of the building, to allow access to natural light and ventilation.

The beds are provided within a mix of single and shared rooms. Shared rooms comprise two adjacent rooms, which accommodate a single bed, wardrobe, chair, and a shared ensuite bathroom.

The RACF component of the building will provide 24/7 live-in care and accommodation for residents with high care needs (dementia, complex clinical care, mobility, communication, cognitive and emotional support). It is anticipated that the acuity of residents coming into care will continue to increase into the future as more people receive assistance in their own home for longer. The RACF accommodation therefore seeks to cater to this characteristic of the future residents.



Figure 17: Level 2, 2 x 20 bed 'households' (Source: MDP).

Each household contains a kitchen, dining and living room areas to cater for communal meals and gatherings. Various terraces/balconies are proposed to accommodate outdoor seating, and various rest nooks will provide internal seating areas with solar access protected from winds and other elements.

Meals will be prepared in the ground floor kitchen and transported to the dining room in each household. Each household kitchen will be capable of preparing and serving light meals only.

Residents will have access to planned activities and events within each household, coordinated by household staff, as well as scheduled bus trips and planned activities away from the site (as appropriate).

The seniors housing has been designed with reference to the Seniors Living SEPP.

The primary design and operational objectives for the design relate to maximising level access for residents, their carers and visitors, as well as maintaining a meaningful relationship to both the existing buildings and likely future buildings for the village.

Pedestrian access will be via a level access walkway from the existing crossovers on Emerald Street and the Great Western Highway (GWH), via an internal foyer leading to the RACF reception.

The secured central courtyards will be accessible from multiple internal access points. This ensures that residents of the proposed facility have access to usable and secure outdoor spaces, which is critical to their wellbeing.

Redevelopment of the remainder of the site is currently under consideration by Uniting, but planning has not been resolved and as such any future development will be undertaken under separate DA's.

The following table provides a summary of the proposal per level:

Table 2: Development Details

Level	Description
Ground (RL27.35)	<ul style="list-style-type: none"> ▪ Pedestrian entrance from Emerald Street, eastern and southern façade. ▪ 20 beds in 1 x 'household' including kitchen, dining and living room area, rest nooks/sitting areas providing internal seating. ▪ Fellowship centre, chapel/sacred space, Chaplains room, stores and meeting room. ▪ Café, hairdressing salon and beauty parlour. ▪ External terraces, courtyard and garden areas. ▪ Reception and waiting areas. ▪ Staff amenities, meeting rooms, offices. ▪ Central kitchen, waste, laundry, storage. ▪ Utility, store (chemical, food, equipment etc), lockers and amenity rooms. ▪ Loading bay. ▪ Passenger lifts and stairs.
Level 1 (RL31.15)	<ul style="list-style-type: none"> ▪ 40 beds in 2 x 'households' each containing kitchen, dining, sitting and living room areas and rest nooks/sitting areas providing internal seating, balconies. ▪ Pedestrian lifts and stairs. ▪ Laundry, utility, store, and amenity rooms in a centralised back of house area serving both households.
Level 2 (RL34.45)	<ul style="list-style-type: none"> ▪ 40 beds in 2 x 'households' each containing kitchens, sitting, dining and living room areas and rest nooks/sitting areas providing internal seating, balconies. ▪ Pedestrian lifts and stairs. ▪ Laundry, utility, store, and amenity rooms in a centralised back of house area serving both households.

3.3 Ancillary Fellowship Centre and Retail Space for Residents

A fellowship/community space on the ground floor will be operated by Uniting and the Emu Plains Uniting Church congregation. It will have a total Gross Floor Area (GFA) of approximately 128m² and will be ancillary to the main purpose as an RACF servicing residents and visitors. It will replace the existing fellowship centre currently on the site. This space also includes a chapel/sacred space (23m²) and chaplain's room (11m²).

The Ground Floor is proposed to accommodate a modest café/shop (39m²), hairdresser (16m²) and beautician (13m²). The spaces will be operated by Uniting and will be completely ancillary to the main purpose as an RACF servicing residents and visitors. Pedestrian access will be via a level access walkway from internal rooms, lifts and the eastern Emerald Street pedestrian entry.

The anticipated opening hours are 8am - 5pm, five days per week.

3.4 Change of Use for Temporary Ancillary RACF Office

It is proposed that No.6 Troy Street temporarily accommodate the administration and staff areas for the hostel after the nursing home is demolished. The office will accommodate up to 2 staff at any one time. Car parking will be as per the existing car parking on site.

Office hours are proposed to be 8.30am – 4.00pm, Monday to Friday.

As per the plans at **Appendix 2**, internal refurbishments are proposed however alterations and additions are not required. In the rear yard, the swimming pool will be filled in and sheds demolished.

It is proposed that the temporary use will cease once the new RACF building is operational as shown on the Staging Plan at **Appendix 2**.

3.5 Change of Use for Temporary Fellowship Centre

It is proposed that No.8 Troy Street accommodate the fellowship centre after the fellowship centre is demolished. As per the plans at **Appendix 2**, internal refurbishments are proposed, however alterations and additions are not required.

Proposed uses will include bible study classes twice a week for a couple of hours each time, exercise classes (Uniting's 'Healthy Living for Seniors Programme') each weekday, other community groups e.g. Probus etc half a day per month, as well as some chaplaincy staff for a few hours each day.

It is anticipated that the fellowship centre would typically be occupied by 1-2 staff members, however, could be occupied by up to 25 members of the congregation at any one time. The proposed hours of operation are 9:00 am – 4:00pm, Monday to Saturday.

In addition, it is proposed that No.8 Troy Street accommodate a single storey demountable for use as an overflow temporary fellowship centre. Toilet and wash facilities will be made accessible in the residential dwelling at No.8 Troy Street.

It is proposed that both of these temporary uses will cease once the new RACF building is operational as shown on the Staging Plan at **Appendix 2**.

3.6 Access, Parking and Servicing

Vehicle Access

Site vehicular access on Emerald Street shall be via three driveways.

- The existing one-way circulation area north of the chapel will be relocated to provide a suitable drop-off area and accessible car parking. This will also be used for truck and delivery access.
- The existing two-way driveway located south of the chapel shall be retained. This access point will provide for car parking, ambulance and truck/delivery access. A Porte Cochere will be provided for weather protection during drop off and pick up.

The proposed location of both driveways will satisfy the requirements of the development control plan, being located at least 40 metres from the intersection of the Great Western Highway.

Vehicular access and car parking for No.6 and No.8 Troy Street will be as per the existing arrangement.

The proposed access arrangements are shown at Appendix 2.

Pedestrian Access

There are several points of pedestrian access proposed into the RACF as follows:

- The main Emerald Street entry connecting to the eastern and southern entry;
- Three northern pedestrian entries from GWH connecting to the main eastern and southern entry;
- No.6 - 8 Troy Street will access from the street frontage; and

Parking

Detailed information in relation to the proposal's parking can be found in the Traffic Impact Assessment provided by TTW at **Appendix 16**.

In summary, 27 car parking spaces are required. The proposed development will provide on-site parking for 55 cars separated into a northern car park and a southern car park, thereby exceeding the minimum requirements.

All parking on-site is to be allocated for visitors and staff only. No parking on-site is to be allocated for residents of the facility, which is in accordance with RMS and NSW SEPP guidelines

The proposal includes provision of seven (7) accessible parking spaces, satisfying the BCA requirements. This includes a shared clear zone between spaces, and is to be accompanied with appropriate signage and line marking.

One specialty parking spaces is to be located on site for an ambulance vehicle or a mini bus.

Of the additional existing 10 parking spaces south of the Chapel, four are to be removed to provide for landscaping and manoeuvring space.

Average parking occupancy in these four spaces since 2014 is 1 vehicle, and this reduction is therefore considered to have no negative impact on overall parking capacity. Further, the southern car park provides significant excess parking above the required rates and will be able to cater for this minor demand if necessary.

Servicing

As outlined in the TTW Traffic Impact Assessment, a loading dock and service facility is to be provided, with access on both sides for connection to the northern and southern car parking areas. The largest anticipated vehicle accessing the area is an 8.8m Medium Rigid Vehicle. The site also allows for a 10.5m waste collection vehicle (as specified by Penrith City Council) to access the site if required, however it is anticipated that waste collection will occur through a private contractor with smaller vehicles.

Swept path analysis has been completed for a number of design vehicles and access scenarios by TTW at **Appendix 16**. These plans demonstrate that all vehicles are able to enter and exit Emerald Street in a forward direction.

3.7 Landscaping and Outdoor Space

The proposal includes site landscaping and the provision of formal communal open space areas, as indicated in the Landscape Plans at **Appendix 4**. Key features of the landscaping are as follows:

- Approximately 12,216m² (60% or 488 m² per bed) will be dedicated to landscaped open space.
- A central private garden with direct level ground floor access and a range of active and passive recreation spaces including:
 - 1x central courtyard and fellowship centre breakout space
 - 1x Dementia Garden
 - Extended chapel curtilage.
- Approximately 40 trees located along the northern and eastern site frontages have been retained to provide a mature vegetation screen and shade to the development. Additional plantings of native shrubs are proposed to the edge of the new building to complement the existing native trees.
- Upgraded landscape curtilage around the Church is proposed to reinforce the streetscape presence of the Church; new cultural planting of a specimen tree consistent with the historic reference of the Church and a formal garden.

3.8 Demolition and Staging

The proposal includes the partial demolition of some of the existing structures to accommodate the proposed development as indicated in the Demolition Plan at **Appendix 2**.

The proposed construction staging plans are provided at **Appendix 2**. The plans detail the following stages of development:

- Stage 1 will involve resident relocations and enabling works required to facilitate demolition and construction;
- Stage 2 will involve the demolition of the nursing home, Block D of the hostel and the Fellowship centre; demolition of sheds etc at No. 6 and 8 Troy Street, installing demountable building at No. 8 Troy Street (if required) and construction of new RACF building and northern car park;
- Stage 3 will involve relocating the 50 hostel residents and staff into new RACF building; vacating 6-8 Troy Street, removal of the demountable, and demolition of the balance part of existing hostel building (Block E) to make way for the southern car park; and
- Stage 4 will involve the construction of the southern car park and associated infrastructure and landscaping.

3.9 Civil Works

The proposed development requires:

- Stormwater is proposed to be managed by utilising existing drainage connection points along the Great Western Highway.
- Due to the limited changes in impervious areas (less than 250m²) it is not intended to provide a water quality treatment train as per Penrith Council's Water Sensitive Urban Design Policy. Water sensitive urban design principles are intended to be addressed through the provision of the rainwater tank(s) for the newly developed buildings
- It is not proposed to provide any on-site stormwater detention system.

Further details can be found in the Stormwater Review and Stormwater Management Plan prepared by TTW and provided at **Appendix 15**.

3.10 Tree Removal

All trees to be removed are identified on the Landscape Plans in **Appendix 4**. An Arboricultural Impact Assessment has also been provided at **Appendix 6**, which assess the impact of the proposed works on the trees.

3.11 Lighting and Signage

The proposal involves external lighting of common areas, driveways and pedestrian pathways.

Directional signage will be placed throughout the site to guide residents and their guests.

A replacement business identification sign is proposed to replace two existing signs located on a sandstone retaining wall in the north-east corner of the site. Additional business identification signs are proposed as shown at **Appendix 2**. More detail can be provided as required. The signs relate to the existing operations on site being undertaken by Uniting.

3.12 Development Statistics

The key statistics and elements of the project are shown in the following table:

Table 3: Development statistics

Element	Proposal
Development Site Area	<ul style="list-style-type: none">▪ No.1-11 Emerald Street: 18,178 m²▪ No.6-8 Troy Street: 1,997 m²▪ Total: 20,175 m²
Gross Floor Area	<ul style="list-style-type: none">▪ No.1-11 Emerald Street: 5,381m²▪ No.6-8 Troy Street: 136 m²▪ Total: 5,517 m²
Floor Space Ratio	<ul style="list-style-type: none">▪ 0.27:1
Maximum Height	<ul style="list-style-type: none">▪ 10.66m to the underside of the ceiling▪ 13.48m metres to lift overrun
Setbacks	North (Great Western Highway) <ul style="list-style-type: none">▪ Ground Floor Building Line: 6m to 41m East (Emerald Street):

	<ul style="list-style-type: none"> Ground Floor Building Line: 13.6m to 23.7m South: 64 metres to the main building line 40 metres from the temporary demountable to street front
Total Beds	100 beds
Hours of Operation	<ul style="list-style-type: none"> RACF: 24 hours per day Temporary ancillary office: 8.30am – 4.00pm, Monday to Friday Temporary fellowship centre: 9am – 4:00pm, Monday to Friday and 9am – 4:00pm Saturday - two Saturdays per month.
Employees	<ul style="list-style-type: none"> RACF: Maximum of 33 employees at any one time No.6 Troy Street: Maximum of 2 employees at any one time.
Parking	<ul style="list-style-type: none"> 55 spaces 1 x Ambulance / mini-bus parking.
Landscaping Area	Total Site: 12,216m ² (60% or 488 m ² per bed)

3.13 Development Plans and Supporting Documentation

This SEE has been prepared with regard to the architectural drawings prepared by MDP and the technical reports accompanying this SEE as Appendices.

CPSD has relied on the information in these reports, prepared by professionals in their field, for the preparation of this SEE.

3.14 Pre-lodgement Consultation

The following pre-lodgement meetings were held with senior staff of Council's Development Assessment Unit in relation to the proposed RACF:

- 15 July 2015 - Urban Design Review Panel;
- 21 July 2015 - Pre-development Application Meeting;
- 2 March 2017 - Pre-development Application Meeting;
- 1 March February 2018 - Pre-development Application Meeting; and
- 7 March 2018 - Urban Design Review Panel.

Minutes of the meeting, which include a detailed summary of key issues, is provided at **Appendix 1**. Council's officers were generally in support of the proposal, subject to addressing a range of relevant matters. Each of these matters are addressed in the table below.

Table 4: Pre-DA response

Issue	Comment
Council Pre-lodgement Advice - 2017	
The application shall address, and demonstrate compliance with, the relevant provisions contained in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.	This is discussed in Section 6 .

Independent living units shall address and demonstrate compliance with the relevant provisions contained in State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65).	Independent living units are not proposed as part of this development.
Consider pedestrian movements and way finding throughout the site. It is important that the development continues linkages with the existing shopping complex.	This has been addressed in Section 6 .
The development application shall be accompanied by a construction management plan.	This has been provided as Appendix 15 .
The development is situated across multiple lots and these will need to be consolidated prior to the issue of a Construction Certificate. This requirement will be imposed as a condition of consent.	The applicant would be willing to consider a condition of consent if required.
Building perspective plans and/or photomontages as well as a schedule of proposed external building, driveway, fencing and retaining wall materials, finishes and colours shall be submitted with the application.	This has been provided in Appendix 2 .
The application shall include details of the intended operational aspects of the proposed residential aged care facility. Details shall include staff numbers and operational details of the proposed clubhouse, chapel, café and hair salon.	This has been addressed in Section 2 .
A Heritage Impact Statement shall be submitted with the application	This has been provided as Appendix 8 and is discussed in Section 7 .
Details of proposed tree removal and tree retention shall be submitted and accompanied by a tree survey and arboricultural assessment	This has been provided as Appendix 6 and is discussed in Section 7 .
A waste management plan addressing the construction and operational aspects of the proposal shall be submitted with the application.	This has been provided as Appendix 20 and is discussed in Section 7 .
A noise impact assessment prepared by a suitably qualified acoustic consultant shall be submitted	This has been provided as Appendix 18 and is discussed in Section 7 .
Any Kitchen area to comply with the Food Standards Code	Noted. The food preparation areas will meet the Australian Standards for Food Premises Code.
Earthworks and retaining walls must comply with Council's Development Control Plan	This has been provided as Appendix 15 and is discussed in Section 7 .

The application shall be supported by a traffic report prepared by a suitably qualified person addressing, but not limited to, traffic generation, access, car parking, and manoeuvring.	This has been provided as Appendix 16 and is discussed in Section 7 .
The application will be referred to Roads and Maritime Services in accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007.	This has been discussed in Section 6 . The proposed development does not exceed the capacity threshold triggers in Column 2 of Schedule 3 of the Policy. Therefore, the proposal will not constitute "traffic generating development".
Council Pre-lodgement Advice - 2018	
The application shall be supported by a Flood Report, Overland Flow Flood Report, emergency evacuation.	A Flood Study has been provided by TTW at Appendix 12 . The study addresses overland flow flood and emergency evacuation.
The application shall clarify whether SEPP 1 continues to apply to the Seniors Housing SEPP. If it no longer applies, compliance with a maximum height of building of 8 metres may be necessary, unless you can demonstrate otherwise.	A formal written request has been prepared in accordance with Clause 4.6 of the Penrith Local Environmental Plan at Appendix 5 . The purpose of this Clause 4.6 variation request is to address a variation to Clause 40(4)(a) and Clause 40(4)(b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP).
<p>A 'contextual analysis' and masterplan are to be provided. consolidation of the lots is required.</p> <p>Office uses are not permissible within the R3 – Medium density residential zone.</p> <p>Pedestrian movement and way finding within the site and linkages to the existing shopping centre complex are to be demonstrated</p>	<p>A context analysis and site masterplan are provided in the Architectural Plans at Appendix 2. The Architectural Plans provide for suitable integration of No.6 and No.8 Troy Street, pedestrian movement and way-finding within the site and linkages to the existing shopping centre complex.</p> <p>Land use permissibility is addressed in Section 6 of the SEE.</p> <p>The applicant would be willing to consider a condition of consent regarding consolidation of lots as required.</p>
The application shall be supported by a Heritage Assessment. The scale of three storeys overpowers the heritage church's small scale. a perspective view of the relationship of the church and new development is to be shown from in front of church from the pedestrian path in Emerald Street and from corner of Emerald Street and Great Western Highway	<p>A Heritage Impact Statement has been provided at Appendix 8.</p> <p>The Architectural Plans at Appendix 2 include the requested perspectives.</p>
The application shall be supported by a stormwater concept plan.	A stormwater management plan and statement are provided at Appendix 15 .
The application shall be supported by a 'waste management plan' and a 'plan of operations.	A Waste Services Report has been provided at Appendix 20 .

	An Operational Management Plan has been provided at Appendix 22 .
The application shall be supported by a Traffic and Parking Report and construction management plan.	<p>A Traffic Impact Assessment Report has been provided at Appendix 16.</p> <p>A Demolition and construction management Plan has been provided at Appendix 15.</p>
The application shall be supported by an Acoustic Report.	An Acoustic Report has been provided at Appendix 18 .
The application shall be supported by fit out plans for each different use referencing the Construction/ Australian Standards/Guidelines that each use has been designed in accordance with.	A Building Code of Australia Compliance statement has been provided at Appendix 14 . The report demonstrates that the new building work can readily achieve compliance with the BCA.
The application is to address SEPP 55.	A preliminary Site investigation report has been provided at Appendix 11 .
An Accessibility Report is to be provided.	An Access Report is provided at Appendix 23 .
<p>Streetscape and Heritage</p> <p>Council has concerns about the developments compatibility with the surrounding low density scale, tree removal and setbacks.</p> <p>Consideration and assessment is required in relation to views of the proposed building from the south east i.e. from Emerald Street.</p> <p>The plans should clearly detail the relationship of the proposed building relative to the heritage item (Church).</p>	<p>A formal written request has been prepared in accordance with Clause 4.6 of the Penrith Local Environmental Plan at Appendix 5. The request demonstrates that the development does not dominate the streetscape by virtue of its scale and bulk but rather is of a residential nature that is compatible with the development within the streetscape and desired character of the area. It is further demonstrated that the proposal does not cause unreasonable amenity impacts on adjoining developments.</p> <p>A Heritage Impact Statement has been provided at Appendix 8. The report concludes that the proposed relationship between the proposed development and adjoining heritage item is appropriate.</p> <p>An Arborist Report has been provided at Appendix 6, which provides suitable justification in relation to the trees to be removed.</p> <p>The Architectural Plans at Appendix 2 provide a perspective from the Emerald Street to the heritage item.</p>
Substantial landscaping treatments will be required to the at grade car park off Emerald Street and similar perimeter treatment shall also be provided to the GWH frontage.	A Landscape Plan has been provided at Appendix 4 .



3.15 Capital Investment Value

A quantity surveyor report is provided at **Appendix 14**. The proposed development has a Capital Investment Value of more than \$29,308,899.

4. Statutory Planning Considerations

4.1 Overview

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

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- Biodiversity Conservation Act 2016
- State Environmental Planning Policy No. 55 - Remediation of Land;
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No.64 - Advertising and Signage; and
- Penrith Local Environment Plan 2010.

Where relevant, these controls are addressed below.

4.2 Environmental Planning and Assessment Act 1979

4.2.1 Section 1.3 - Objects

The Environmental Planning and Assessment Act 1979 (the Act) is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are:

1.3 Objects of Act

The objects of this Act are as follows:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(d) to promote the delivery and maintenance of affordable housing,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment.

For the reasons set out below, it is considered that the proposed development satisfies the above stated objects of the Act:

- The proposal will provide for the social needs of the community in providing a RACF;
- The proposal maintains existing and/or creates additional employment opportunities during the construction and during the operational phase;
- The proposal will result in the orderly and economic use and development of land as the site is of an appropriate size, location and land use zoning to enable the development;
- Appropriate utility services are provided; and
- There will be no unreasonable environmental impacts

4.2.2 Section 2.19 of EP&A Act 1979

In accordance with Section 2.19 and Local Planning Panel Ministerial Direction - Development Applications, the development contravenes the building height development standard of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* by more than 10%. Should the Secretary have not allowed concurrence to be assumed by Council staff for contravening development standards, the Local Planning Panel would therefore be required to determine the development application.

4.2.3 Section 4.15 of EP&A Act 1979

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

Table 5: Section 4.15(1)(a) Considerations

Section	Comment
Section 4.15(1)(a)(i) Any environmental planning instrument	Consideration of relevant instruments is discussed in Section 5.
Section 4.15(1)(a)(ii) Any draft environmental planning instrument	There are no draft instruments of relevance to this application.
Section 4.15(1)(a)(iii) Any development control plan	Consideration of the relevant development control plan is provided in Section 5.

Section 4.15(1)(a)(iiia) Any planning agreement	Planning agreements are not applicable to or proposed as part of this application.
Section 4.15(1)(a)(iv) Matters prescribed by the regulations	The relevant matters for consideration are provided in Section 5.
Section 4.15(1)(a)(v) Any coastal zone management plan	Not relevant to this application.
Section 4.15(1)(b) - (e)	Refer to Section 5.

4.3 Environmental Planning and Assessment Regulation 2000

4.3.1 Clause 92 - Matters to be considered

All demolition work will be undertaken in accordance with Clause 92 of the Regulation requiring the consent authority to consider AS 2601 - 1991: The Demolition of Structures.

4.3.2 Clause 98 - Compliance with Building Code of Australia

All building work will be carried out in accordance with the provisions of the Building Code of Australia.

4.4 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) lists and protects threatened species, populations and ecological communities that are under threat of extinction in NSW. As per Circular No 17-38 / 24 November 2017 / A572139, new applications for development consent in Penrith will continue to be assessed under the former planning provisions until 25 August 2018. Accordingly, assessment under the BC Act is not required for the purpose of this application.

4.5 State Environmental Planning Policy No 55 - Remediation of Land

The objective of this SEPP is to provide a state-wide planning approach to the remediation of contaminated land for the purpose of reducing risks to human health and the environment. Relevant to this proposal, Clause 7 provides that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. Further, if the land is contaminated, Council must be satisfied that the land is suitable (or will be made suitable, after remediation) for the proposed use.

Subclause 7(2) specifies that, before determining a DA involving certain land (which would include the subject site) the consent authority must consider a preliminary contamination investigation of the land.

Douglas Partners has prepared a Preliminary Site Investigation Report which is attached at **Appendix 11**. The report concludes:

"The site is suitable for continued use as a residential aged care facility and would be suitable for the proposed development..."

Subject to various recommendations, the report concludes that the RACF site is suitable for residential accommodation.

It is considered that the provisions of this SEPP have been satisfied.

4.6 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

This SEPP (known as the Seniors Housing SEPP) aims to encourage the appropriate supply of housing that meets the needs of seniors and people with disabilities.

4.6.1 Clause 4 - Land to which Policy applies

This clause provides that the SEPP applies to land within NSW that is zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if the following land uses are permitted on the subject site:

- dwelling-houses,
- residential flat buildings,
- hospitals,
- development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or
- the land is being used for the purposes of an existing registered club.

As will be demonstrated in detail in **Section 5.9** below, the subject site is within zone R3 Medium Density Residential under the PLEP 2010. Land within the R3 zone is commonly accepted as land for urban purposes.

The R3 land use table provides that dwelling houses and seniors housing are permitted in the subject zone, with consent.

Given the above, the Seniors Housing SEPP applies to the subject site.

4.6.2 Clause 8 - Seniors

This clause defines "seniors" as:

"(a) people aged 55 or more years,

(b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,

(c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider."

The proposal is intended to cater primarily for people aged 55 years or more.

4.6.3 Clause 9 - People with a disability

This clause defines *"people with a disability"* as *"people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life"*.

Whilst the proposal will cater primarily for seniors, it could also cater for people of any age who have impairments that substantially affect their capacity to participate in everyday life.

4.6.4 Clause 10 - Seniors Housing

In this policy, *"seniors housing"* is *"residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:*

- (a) a residential care facility, or*
- (b) a hostel, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of these,*

but does not include a hospital."

As will be demonstrated in Section 4.6.5, the proposal is for a residential care facility, and does not include a hospital. As such, it can be demonstrated that the proposal is for *"seniors housing"*.

4.6.5 Clause 11 - Residential care facilities

A *"residential care facility"* (RACF) is defined as *"residential accommodation for seniors or people with a disability that includes:*

- (a) meals and cleaning services, and*
- (b) personal care or nursing care, or both, and*
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,*

not being a dwelling, hostel, hospital or psychiatric facility."

The proposal's principal purpose is to provide accommodation with meals, cleaning services, personal care and nursing care for seniors and people with a disability. It is intended to provide such accommodation and care with appropriate staffing, furniture, furnishings, equipment and the like.

Such principles and intentions are substantiated by:

- The inclusion of kitchen facilities for each 'household';
- The provision of nursing care, personal care, and general staff on site, as described in Section 3 of this SEE; and
- The inclusion of relevant furnishings, equipment and the like, as demonstrated in the floor plans.

The proposal is not for a dwelling, hostel, hospital or psychiatric hospital.

As such, the proposal is consistent with the definition of a Residential Care Facility. The proposal is consequently consistent with the definition of Seniors Housing.

4.6.6 Clause 15 - What this Chapter does

This clause, and the corresponding Chapter 3 of the Seniors Housing SEPP, allows for any form of Seniors Housing on land zoned primarily for urban purposes, if the development is carried out in accordance with the SEPP.

As demonstrated earlier, the proposal is a form of Seniors Housing and the subject site is zoned primarily for urban purposes. It will be demonstrated that the proposal will be carried out in accordance with the relevant provisions of the SEPP and that therefore, the proposal can proceed.

4.6.7 Clause 16 - Development consent required

This clause allows development referred to in Chapter 3 to be carried out, only with consent. It has been demonstrated that the proposal is a form of development referred to in Chapter 3. As such, this DA seeks Penrith Council's consent for the proposal.

4.6.8 Clause 18 - Restrictions on occupation of seniors housing allowed under this Chapter

Development allowed by Chapter 3 may be carried out for the accommodation of the following only:

- seniors or people who have a disability;
- people who live within the same household with seniors or people who have a disability; and
- staff employed to assist in the administration of and provision of services to housing provided under this Policy.

As demonstrated earlier, the proposal is intended for seniors or people with a disability.

This clause further provides that a consent authority must not consent to a DA made pursuant to this Chapter unless:

- a condition is imposed by the consent authority to the effect that only the kinds of people referred to above may occupy any accommodation to which the application relates; and
- the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to above.

The applicant is willing to accept a condition of consent which secures the abovementioned outcomes.

4.6.9 Clause 26 - Location and access to facilities

Development proposed pursuant to Chapter 3 must demonstrate, by written evidence, that residents of the proposal will have 'access' to the following services:

- shops, bank service providers and other retail and commercial services that residents may reasonably require,
- community services and recreation facilities, and
- the practice of a general medical practitioner.

'Access' is further defined in this clause as the abovementioned services being not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:

- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,
- (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,
- (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time,

The site is within 400m of:

- The Lennox Village Shopping Centre, which provides a large range of shops and services, including a Woolworths Supermarket, an Australia Post Office, numerous ATMs, numerous eateries, a newsagency and a pharmacy;
- Numerous community and recreation facilities, including Emu Plains Library, Emu Plains Community centre and Darcy Smith Oval; and
- The Emu Plains Doctor (within Centro Lennox Village Shopping Centre) and Emu Plains Family Medi-clinic.

All of the abovementioned services are accessible by means of a concrete footpath, the overall gradient of which is no more than 1:14.

In addition, several public bus stops are located a short walking distance from the site, including 2 bus stops on the GWH and one bus stop on Emerald Street. Emu Plains Railway Station is located 1.8km from the site. The site is well-served by public transport, providing frequent and regular transport to other shops and services within the region.

4.6.10 Clause 27

Clause 27 does not apply to the proposal, as the site is not on bushfire prone land nor in the vicinity of bushfire prone land.

4.6.11 Clause 28 - Water and sewer

A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.

If the water and sewerage services referred to above will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.

A site services report is provided at **Appendix 19**, which outlines that the subject site is currently connected to a reticulated water system. It is also connected to an existing system for the adequate removal of sewage. There is sufficient capacity in each service to cater for the proposed load expected from the development. Each service is operated by an entity other than the consent authority (i.e. the Council).

Given the subject site is already serviced with reticulated water and sewer services, the proposal can be adequately serviced. The service could be upgraded if required as a result of the proposal.

4.6.12 Clause 29 - Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply

For those DAs for which a compatibility certificate is not required, Clause 29 requires that the consent authority take into consideration the matters outlined in Clause 25(5)(b)(i), (iii) and (v), addressed in **Table 7** below. In summary, the proposal complies.

Table 6: Compliance with Clause 25 matters (Seniors Housing SEPP)

Clause	Comment	Comply
25(5)(b)(i)	<ul style="list-style-type: none"> The proposed building footprint has been influenced and determined by the site characteristics, including landform vegetation and heritage. In this regard, the proposal respects the natural environmental features of the site, retaining the majority of existing trees along the northern and eastern site boundary and provides an appropriate response to potential site flooding. It is noted that existing vegetation is a combination of both planted and landscape native gardens and exotic or ornamental species of trees and shrubs. There are no known trees listed on Council's Register of Significant Trees and Vegetation; no known threatened species of flora or Rare or Threatened Australian Plants; and no known endangered ecological communities. Extensive building setbacks (13.6m to 23.7m) have been provided to Emerald Street to retain visual relationships between the site and the adjoining heritage item; retain existing vegetation; and to provide extensive setbacks from surrounding residential development. In comparison, the proposed density of development could be achieved on site through provision of a larger building footprint and significantly reduced setbacks to the eastern boundary. This, however, would require more extensive tree removal and potential for more impacts to adjoining residences. As such it is considered that the development provides an appropriate built form response to the existing natural and built environment. The subject site is within an established urban area and on a site currently improved by an extensive retirement village with residential care facilities, hostels and self-contained dwellings. Given the extensive scale of the existing RACF, it is considered that the existing development forms its own character which is not that of a low density residential development but rather has the character of a medium density residential development as envisaged by the objectives of the R3 zone. While the proposal does seek to increase the building height, it does continue to provide a medium density character. In this regard, the proposed use of the site is also consistent with previous approvals for seniors housing granted by council. The Heritage Impact Assessment at Appendix 8 outlines that the Church will not be detrimentally affected by the proposal. 	✓

Clause	Comment	Comply
	<p>The proposed building will maintain consistency with the street context and streetscape character by retaining the street/front setbacks from the Heritage Item. The proposal will also increase the setback of proposed development from 2.8 to 6m. Improved pedestrian access and a landscaped curtilage to the building will also be provided.</p> <ul style="list-style-type: none"> ▪ The site is effectively bookended by the Lennox Village Shopping to the north and the school to the south. As shown in the context analysis Plan DA062 at Appendix 2, the Lennox Village Shopping Centre has a 15m height limit. The school to the south also has a height limit of 22m in accordance with the SEPP (Educational Establishment and Child Care Facilities). When seen within the context of the surrounding permitted development, it is considered that the proposed three storey height building is suitable in this location. ▪ Further to the above, the shopping centre creates its own sense of character, which is of a busy local centre. In light of this, it is further considered that the proposed built form is suitable in this location. ▪ Extensive landscaping is provided along Emerald Street and the GWH, which will further serve to ensure integration with, but also partial screening from, immediately adjoining development and the locality generally. ▪ Building mass, height and scale is moderated through appropriate setbacks from all boundaries, facade articulation, landscaping and roof pitch. ▪ The site is within R3 Medium Density Residential zone, and is surrounded by R2 Low Density Residential, R3 Medium Density Residential and B2 Local Centre land use zones. Permissible development within the R3 zone includes land uses such as dual occupancies, multi dwelling housing, as well as seniors living. Accordingly, the proposal is considered consistent with the existing and likely future uses of the surrounding land. 	
25(5)(b)(iii)	<p>The site is within an established urban area and is well serviced in terms of infrastructure and public transport services. As discussed in Section 3, there are also numerous retail, community and medical services within short walking distance of the site, or which are easily accessible via regular public transport.</p>	✓
25(5)(b)(v)	<p>The location of uses within the site as well as the placement of building mass, form, scale and heights have been guided by the constraints of the site and responds to adjoining development. This is evidenced through:</p> <ul style="list-style-type: none"> ▪ The proposed building will maintain consistency with the street context and streetscape character by retaining the existing 6m (and generally greater) street/front setbacks and increasing the setback to the Church Heritage Item. ▪ The building is articulated and provides a number of indentations, including a central courtyard within the northern facade. Further use of a variety of building materials, colours and finishes will divide the building mass and reduce the bulk and scale of the building. Overall, this will minimise visual impact of the development to the surrounding area and the development will contribute positively to the desired contextual character. ▪ The majority of existing significant vegetation has been retained and referenced to establish building heights and provide screening. The retained trees, particularly those located in the 	✓

Clause	Comment	Comply
	<p>north-east section of the site, will serve to screen and soften the bulk and scale of the proposed built form when viewed from the GWH.</p> <ul style="list-style-type: none"> ▪ The proposed landscaping along the northern façade will assist to soften the view of the development, thereby ensuring the development will not have a significant impact on the amenity of the locality. ▪ The stepped building alignment effectively serves to break up the bulk, define the street edge and contribute to the landscape setting of buildings. The inclusion of a courtyard between the east and west wings of the building also serves to break up the building bulk, thereby ensuring the building does not dominate the streetscape. ▪ Extensive building setbacks have been provided to Emerald Street to retain visual relationships between the site and the adjoining heritage item, retain existing vegetation and to provide suitable setbacks from residential properties to reduce visual impact; ▪ Additional perimeter plantings are provided to reduce any potential visual impact; ▪ Plant and equipment are located towards the centre of the building to minimise impact on neighbouring residential development, maximise setbacks and minimising overshadowing and privacy impacts; and ▪ The development will contribute to the local economy. In particular, local services and business within the immediate vicinity of the site will benefit from the development. The proposal may generate demand for and contribute to an increase in the diversity of retail and commercial offerings currently available within the local centre due to the change in demographic profile. 	

4.6.13 Clause 30 - Site analysis

This clause requires the provision of a site analysis plan before consenting to any DA for a seniors living development.

A site analysis plan, in the form prescribed by clause 30, is included in the architectural plans accompanying this DA at **Appendix 2**.

4.6.14 Clause 32 - Design of residential development

A consent authority must not consent to a DA made pursuant to chapter 3 unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2. The proposal's satisfaction of these principles is set out in **Table 8** below.

The architects for the proposal, MDP, have addressed the design principles in a statement provided at **Appendix 2**.

Table 7: Compliance with Design Principles (Seniors Housing SEPP)

Clause	Comment	Comply
33 - Neighbourhood amenity & streetscape	<p>Please refer to the Architectural plans prepared by MDP at Appendix 2, which addresses the design principles in detail.</p> <ul style="list-style-type: none"> ▪ The building is articulated by providing a number of 'wings' and indentations. Further use of a variety of building materials, colours and finishes will divide the building mass and reduce the bulk and scale of the building. Overall, this will minimise visual impact of the development to the surrounding area and the development will contribute positively to the desired contextual character. ▪ The curtilage of the Church heritage item will be enhanced by the proposal. The proposed building will maintain consistency with the street context and streetscape character by retaining the street/front setbacks from the Heritage Item and improving views to the building from the GWH. The proposal will also increase the setback of existing development from 2.8 to 6.7m. in addition, it is proposed that improved pedestrian access landscaping be provided. ▪ Extensive building setbacks (13.6m to 23.7m) have been provided to Emerald Street to retain visual relationships between the site and the adjoining heritage item; retain existing vegetation; and to provide extensive setbacks from surrounding residential development. In comparison, the proposed density of development could be achieved on site through provision of a larger building footprint and significantly reduced setbacks to the eastern boundary. This approach would however, require more extensive tree removal and potential impacts on adjoining residences. Accordingly, the development it is considered to provide an appropriate built form response to the existing built environment. ▪ The subject site is within an established urban area and on a site currently accommodating an extensive retirement village with residential care facilities, hostels and self-contained dwellings. Given the extensive scale of the existing RACF, it is considered that the existing development forms its own character which is not that of a low density residential development but rather has the character of a medium density residential development as envisaged by the objectives of the R3 zone. While the proposal does seek to increase the building height, it does continue to provide a medium density character. In this regard, the proposed use of the site is also consistent with previous approvals for seniors housing granted by Council. ▪ The proposed building will maintain consistency with the neighbourhood and streetscape character by providing setbacks to the northern boundary that generally range from 6m to 41m. The stepped building alignment effectively serves to break up the bulk, define the street edge and contribute to the landscape setting of buildings. The inclusion of a courtyard between the east and west wings of the building also serves to break up the building bulk, thereby ensuring the building does not dominate the streetscape. When combined with the scale of the Lennox Village Shopping Centre located directly north of the site and width of the GWH road reservation it is considered that the overall scale of development is compatible with surrounding development. ▪ The majority of existing significant vegetation has been retained and referenced to establish building heights and 	✓

Clause	Comment	Comply
	<p>provide screening. The retained trees, particularly those located in the north-east section of the site, will serve to soften the bulk and scale of the proposed built form when viewed from the GWH. Extensive landscaping is also provided, which will further serve to ensure integration with immediately adjoining development and the locality generally.</p> <ul style="list-style-type: none"> Additional perimeter plantings will be provided to reduce any potential visual impact. 	
34 - Visual & acoustic privacy	<p>Please refer to the Architectural plans prepared by MDP at Appendix 2, which demonstrate that the RACF has been designed to consider the visual and acoustic privacy of neighbors through the appropriate placement of windows and balconies and the use of screening devices and landscaping.</p> <p>Please refer to the Acoustic report provided at Appendix 18, which demonstrates that bedrooms will achieve a reasonable level of acoustic comfort.</p>	✓
35 - Solar access & design for climate	<p>Please refer to the overshadowing plans prepared by MDP at Appendix 2, which demonstrate that the proposal retains adequate daylight to the main living areas of neighbours and adequate sunlight to substantial areas of private open space.</p> <p>Please refer to the Architectural plans prepared by MDP at Appendix 2, which demonstrate that the RACF design makes the best practicable use of natural ventilation, solar heating and lighting through appropriate location of windows and the inclusion of significant private open space areas between the wings of the building.</p> <p>Further to the above, a Section J declaration and environmental sustainability report are provided at Appendix 13. The report further demonstrates that developments commitment to a sustainable built outcome.</p>	✓
36 - Stormwater	Please refer to the Stormwater Management Plan prepared by TTW at Appendix 15 .	✓
37 - Crime prevention	The RACF is designed to provide natural surveillance of the building approaches and entries via multiple facilities of private and public nature, being private courtyards, café seating, private community gardens, balconies and dining / lounge areas. Proposing a 24/7 RACF also increases natural surveillance of the overall premises at all times.	✓
38 - Accessibility	<p>Please refer to the architectural plans prepared by MDP at Appendix 2, which demonstrate safe pedestrian links from the site to public transport services, local facilities and car parking.</p> <p>Please refer to the Access report at Appendix 23, which demonstrates that the access for people with physical and sensory disabilities can comply with the functional accessibility requirements of BCA (2016) sections D1.6, D3, E3.6 and F2.4; AS1428.1, AS2890.6, AS1735.12 and the Disability (Access to Premises - Buildings) Standards 2010 for accessibility and equity.</p>	✓

Clause	Comment	Comply
39 - Waste management	A construction and operational Waste Management Plan (WMP) is provided at Appendix 20 , which demonstrates that the proposal provides suitable waste facilities that maximise recycling.	✓

4.6.15 Clause 40 - Development standards - minimum sizes and building height

This clause prescribes several minimum site and design related development standards. **Table 9.** below demonstrates the proposal's compliance with the relevant development standards.

Table 8: Compliance with relevant development standards (Clause 40, Seniors Housing SEPP)

Clause	Comment	Comply
40(2) - Site size	The site exceeds the minimum 1,000m ² size, with an area of approximately 20,175m ² .	✓
40(3) - Site frontage	The site exceeds the minimum site frontage of 20m, with a frontage of approximately 206.4m to the GWH and 127.6m to Emerald Street.	✓
40(4) - Height in zones where residential flat buildings are not permitted	The proposal has an approximate maximum height of 10.66m to the top of the upper ceiling and exceeds the height standard of 8m. The proposal has a maximum of 3 storeys and exceeds the standard of two storeys in height. Whilst not applicable to this development, a two storey building is not proposed in the rear 25% of the site.	✗ See Clause 4.6 exception request

4.6.16 Clause 46 - Inter-relationship of Part with design principles in Part 3

This clause requires the consent authority to be satisfied that a DA has given adequate regard to the principles provided in Clauses 33 - 39 of the SEPP.

As stated above, the DA includes a statement from the project architect, MDP, demonstrating how the principles have been considered and addressed. The statement is provided at **Appendix 2**. This SEE therefore provides that the DA has provided adequate regard to the design principles in question.

4.6.17 Clause 48 - Standards that cannot be used to refuse development consent for residential care facilities

This clause prescribes a range of controls which, if complied with by a DA, cannot be used as reasons to refuse a DA. **Table 10** provides an assessment of the DA against the stated controls.

Table 9: Non-refusal development standards (Clause 48, Seniors Housing SEPP)

Clause	Comment	Comply
48(a) Building height if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or	The proposal includes building heights ranging from 10.66m to the top most part of the ceiling (from ground level existing).	No - but justifiable and would not warrant refusal
48(b) Density and scale if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,	The proposal includes a FSR of 0.27:1.	Yes - the DA cannot be refused on the grounds of density and scale.
48(c) Landscaped area if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,	<p>A total of 2,500m² landscaped area is required based on 100 bed RACF.</p> <p>Approximately 12,216m² (60% or 488 m² per bed) of landscaping is provided immediately around the development site.</p> <p>Refer to the Landscape Plan at Appendix 4 for further detail</p>	Yes - the DA cannot be refused on the grounds of landscaping.
48(d) Parking for residents and visitors: if at least the following is provided: (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and (iii) 1 parking space suitable for an ambulance.	<p>Parking spaces required:</p> <ul style="list-style-type: none"> ▪ 27 ▪ 1 ambulance bay. <p>Parking spaces proposed:</p> <ul style="list-style-type: none"> ▪ 55 spaces ▪ 1 ambulance bay. <p>Refer to the Traffic Impact Assessment provided at Appendix 16 for further detail.</p>	Yes - the DA cannot be refused on the grounds of parking for residents and visitors.

4.6.18 Clause 55 - Residential care facilities for seniors required to have fire sprinkler systems

This clause requires that DAs for residential care facilities include provisions for a fire sprinkler system.

The Fire Engineering Statement provided at **Appendix 17** states that a fire sprinkler system will form part of the development.

4.7 State Environmental Planning Policy (Infrastructure) 2007

4.7.1 Clause 45 - Determination of development applications - other development

This clause applies to a DA for development comprising or involving any of the following:

- 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,
- 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,
- installation of a swimming pool any part of which is:
 - 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
 - within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
- 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.

The proposal involves work around an existing substation on site. The works involve securing power to existing facilities within proximity to the substation, as well as power for the purposes of the proposed development. It is not known whether there are underground electricity cables in the vicinity. Given the works to the substation, additional driveway and earth works to the front of the site, it is anticipated that Council will notify the electricity supplier inviting comments about potential safety risks. Nevertheless, the developer understands their responsibilities and safe building practices.

4.7.2 Clause 101 - Development with a frontage to a classified road

This clause requires that Council ensure the proposal considers alternative access arrangements off a non-classified road.

The application proposes to retain and enhance the existing Emerald Street access. No access is proposed to the GWH. The development has also been appropriately designed to include amelioration measures that address potential traffic noise arising from the frontage to the GWH.

4.7.3 Clause 102 - impact of road noise or vibration on non-road development

The GWH located along the northern boundary of the site is not mapped as exceeding the 40,000 vehicle movements p/a as per **Figure 21** below.

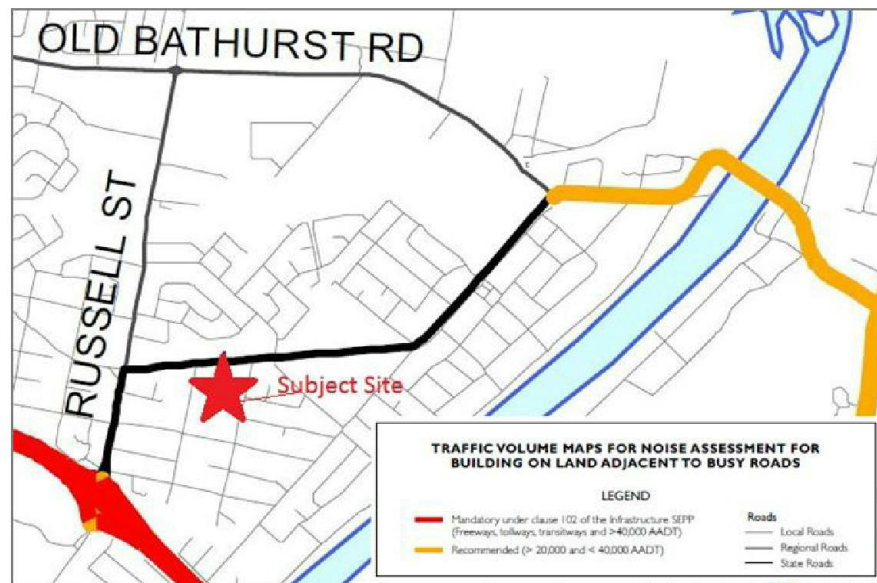


Figure 18: Extract of Traffic Volume Map (Source: RTA)

4.7.4 Clause 104 - Traffic-generating development

The Infrastructure SEPP includes provisions for development with a frontage to a classified road and roads with an annual daily traffic volume of more than 40,000 vehicles (based on RTA data) and also requires specifies types of traffic generating development to be referred to Roads and Maritime Services (RMS).

The proposed development does not exceed the capacity threshold triggers in Column 2 of Schedule 3 of the Policy. Therefore, the proposal will not constitute "traffic generating development".

Accordingly, the proposed development does not require referral to Roads and Maritime Services.

4.8 State Environmental Planning Policy No. 64 – Advertising and Signage

The aim of this Policy is to improve the amenity of urban and natural settings by managing the impact of outdoor advertising.

As such, this application seeks consent for the installation of business identification signs, as detailed at **Appendix 2**.

The definition of "business identification sign" under SEPP 64 means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Clause 8 of SEPP 64 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

(a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and

(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

In terms of the objectives in Clause 3(1)(a) we consider that the proposed signage satisfies the provisions as demonstrated in Table 2. The proposed signage relates to the existing facility and proposed RACF, which will occupy the site.

Table 10: SEPP 64 - Clauses 3 Objectives Compliance Table.

Provision	Comment	Comply
(1) This Policy aims: (a) to ensure that signage (including advertising): (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and (b) to regulate signage (but not content) under Part 4 of the Act, and (c) to provide time-limited consents for the display of certain advertisements, and (d) to regulate the display of advertisements in transport corridors, and (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.	Achieved – refer to assessment against Schedule 1 criteria below.	✓
(2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.	Noted.	✓

With regards to consistency with the assessment criteria of Schedule 1 of the SEPP we consider that the sign satisfies the following provisions as detailed in **Table 12** below.

Table 11: SEPP 64 Schedule 1 Compliance Table.

Relevant Clause	Comment	Comply
Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The desired future character of this area will not be altered by the proposed signage. The building identification signage relates to the use of the site, which is in keeping with the existing building and surrounding signed developments.	✓
Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The signage is sympathetic with the form and materials of the existing development on the site. The signs are not considered to detract from the amenity of the adjoining area.	✓
Views and vistas Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	The signage does not obscure or compromise important views. The signage is set against the backdrop of the building. The proposed signage will not interfere with the viewing rights of other signage in the vicinity.	✓
Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage is compatible with the size of the site and the building to which it relates. The signage is an appropriate scale and proportionate to the streetscape. The signage comprises materials which complement the residential and commercial streetscape setting. The proposal does not include advertising.	✓

<p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>The proposal does not protrude above buildings, structures or tree canopies in the area.</p> <p>Vegetation management is not required as a result of the signage.</p>	
<p>Site and building</p> <p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The business identification signs are in proportion and appropriate to the existing building and characteristic of the site.</p> <p>The signage has been designed to integrate into the architectural design of the building.</p> <p>The proposal provides high quality signage consistent with the design of the building.</p>	✓
<p>Associated devices and logos advertisements and advertising structures</p> <p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>There are no devices, platforms or advertising logos as part the signage.</p>	✓
<p>Illumination</p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p>	<p>Illumination is not proposed.</p>	✓

Is the illumination subject to a curfew?		
Safety Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The site is well setback from the road and does not include any distracting elements such as flashing signs are proposed. The proposed signage does not reduce the safety of pedestrian or motorists.	✓

The proposed signage will complement the desired amenity and visual character of the surrounding area. The signage will not adversely impact upon visual amenity or public safety. Accordingly, the signage will comply with the objectives of the SEPP.

4.9 State Environmental Planning Policy (State & Regional Development) 2011

The aim of this policy, relevant to this proposal, is to confer functions on Joint Regional Planning Panels to determine development applications in certain circumstances.

Part 4 of the SEPP provides that a regional panel may exercise consent authority functions, including the determination of development applications, for development identified within Schedule 4A of the *Environmental Planning & Assessment Act 1979* (EP&A Act). Clause 3 of Schedule 4A includes development that has a capital investment value of more than \$20 million.

A quantity surveyor report is provided at **Appendix 14**. The proposed development has a capital investment value of less than \$30 million and therefore this application will be determined by Penrith City Council.

4.10 Penrith Local Environment Plan 2010

The subject proposal is submitted pursuant to the Seniors Housing SEPP. Penrith Local Environmental Plan (PLEP 2010) is only applicable where it identifies controls or provisions not inconsistent with the Seniors Housing SEPP. In this respect it is noted that, Seniors Housing is permissible within the R3 - Medium Density Residential zone.

4.10.1 Clause 1.4 - Definitions

"Seniors Housing" is defined in this clause as *"a building or place that is:*

- *a residential care facility, or*
- *a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or*
- *a group of self-contained dwellings, or*

- a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
 - seniors or people who have a disability, or
 - people who live in the same household with seniors or people who have a disability, or
 - staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital."

A "residential care facility" is subsequently defined as "accommodation for seniors or people with a disability that includes:

- meals and cleaning services, and
- personal care or nursing care, or both, and
- appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility."

The proposal will provide accommodation for seniors or people with a disability. The accommodation will include the provisions of meals, cleaning services, personal care and/or nursing care, as well as appropriate staffing, furniture, furnishings and equipment for the provisions of such accommodation and care. The proposal is therefore consistent with the definition of a residential care facility. It is consequently consistent with the definition of seniors housing.

Other current and proposed uses on the site, such as the Fellowship Centre, chapel and temporary office, could potentially be defined as "community facility", "place of public worship" and "office" (respectively) under the Penrith LEP. Whilst apart from offices, all these uses are permissible in Zone R3, it is unnecessary to address this further, since all the uses are ancillary and incidental to the seniors housing use of the site, being solely or primarily used by residents of the facility, and therefore gain their permissibility under the categorisation of seniors housing.

"Business identification sign" is defined in this clause as a sign:

(a) that indicates:

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

The proposed signage includes the name of the business and the nature of the business carried on by the Uniting at the premises. The proposal is therefore consistent with the

definition of a business identification sign, which is a permissible land use within the R3 Medium Density zone.

4.10.2 Clause 2.2 - Zoning of land to which plan applies

The corresponding zoning maps to this clause state that the subject site is within the R3 - Medium Density Residential zone. An extract of the relevant zoning map is provided below.

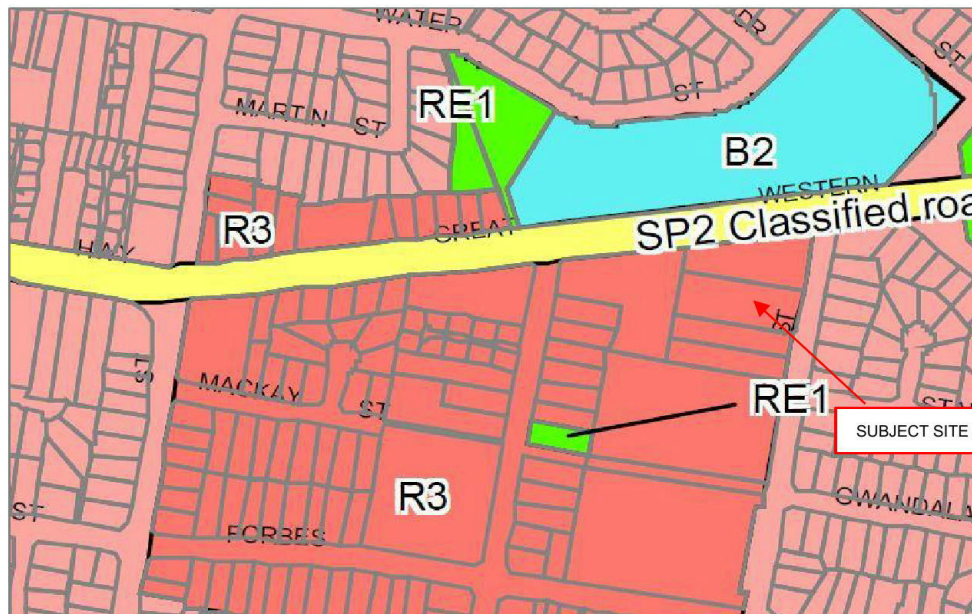


Figure 19: Extract of land zoning map (Source: PLEP 2010)

4.10.3 Clause 2.3 - Zone objectives and Land Use Table

The objectives of this zone are as follows:

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

The proposed development seeks to replace an existing centre that does not meet the needs of the community with a new high quality facility that conforms to the housing needs of the community, within a medium density residential environment.

Within the context of the overall Edinglassie Village, the development will provide for a suitable variety of housing types within a medium density residential environment.

The proposed development includes a limited range of ancillary uses such as a café, hairdressers, chapel and fellowship centre. These other land uses provide facilities and services that will to meet the day to day needs of residents.

The proposed built form effectively provides for a concentration of housing with access to services and facilities on site, and within the adjoining shopping centre.

The proposed development has been designed to provide a residential character within a landscaped setting. In accordance with advice from council, the development has also sought to preserve the majority of trees along GWH. The development maintains and increases the existing building setbacks. The development also increases the building setback to the Methodist Church. Consequently, the proposed development enhances the essential character and identity of the areas.

As shown in the architectural plans, the development ensures a high level of residential amenity is achieved on-site and for the surrounding dwellings.

The subject site is within close proximity to a number of community facilities including shops, parks and public transportation etc. The proposed development contributes positively to the future aged care services by providing a new, high quality RACF at an accessible location.

As outlined above in Table 8 and the Design Statement prepared by MDP at **Appendix 2**, the proposal is compatible within the context and built form of the character of the area and the development is generally consistent with and reflective of the desired future character of the area. In relation to dwelling densities it is noted that the proposed development will decrease the density of beds on site, thereby ensuring that the density of development is more suitable for the site and area.

It has been demonstrated that the proposal is permissible, with consent, pursuant to the Seniors Living SEPP. The land use table for the R3 - Medium Density Residential zone also provides that Seniors Housing is permissible, with consent. It has been demonstrated in **Section 5.9.2** of this SEE that the proposal is consistent with the PLEP 2010 definition for Seniors Housing.

In light of the above, this SEE provides that the proposal is both consistent with the relevant zone objectives, and represents permissible development, with consent.

4.10.4 Clause 4.3 - Height of Buildings

This clause prescribes a maximum building height of 8.5m on the site, as demonstrated in the following map extract.



Figure 20: Maximum height of building map extract (Source: PLEP 2010)

This application has been made pursuant to the Seniors Living SEPP in which case clause 40 of the SEPP prevails. The Seniors Housing SEPP establishes a height limit (8m to underside of ceiling) where RFBs are not permitted. RFBs are not permitted in the R3 Medium Density Residential Zone and accordingly, technically, the SEPP is inconsistent with the PLEP 2010 in relation to the height standard and it is thus not applicable.

4.10.5 Clause 4.4 - Floor space ratio

A FSR is not indicated for the site under the PLEP 2010.

4.10.6 Clause 5.10 - Heritage Conservation

The former Methodist Church is located on the subject site and is identified as a Heritage item.

In accordance with Clause 5.10(5) a Heritage Impact Statement has been provided at **Appendix 8**. The HIS provides a detailed analysis in relation to the impact of the proposed development on the heritage significance of the item.

The report concludes that:

"the proposed development is a very well-considered approach to replacing the aged care facilities at the site with the new buildings carefully sited and designed to minimise their impact on the significant element on the site.

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

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

In light of the above, the development is considered to comply with Clause 5.10.

4.10.7 Clause 7.1 - Earthworks

The proposed development will require minor excavation for levelling of the land and clearing of vegetation & associated work. Filling of the inground pool at No.6 Troy Street is also proposed.

TTW have provided calculations for floodwall and filling option assessment in the flood report at **Appendix 12**. The TTW flood report indicates that the proposal works will not have adverse impacts to the surrounding area and is suitable for the proposed use.

Douglas Partners have prepared a Geotechnical Report at **Appendix 10** including recommendations to mitigate potential risks and design parameters required for the proposed building's structural, pavement and excavation design.

An Erosion and Sedimentation Control Plan and Stormwater Plans have been prepared by TTW at **Appendix 15** to ensure the development does not have any drainage impacts to adjoining sites.

4.10.8 Clause 7.2 - Flood Planning

A Flood Study has been prepared for the proposal at **Appendix 12**.

In summary, the report concludes that through the proposed set finished floor level and freeboard, protection will be achieved during the 100-year ARI event in accordance with Council's DCP requirements. In addition, the proposed development does not have a detrimental impact on existing flood regimes, local amenity and ecology. A flood evacuation strategy has also been provided. Refer to **Section 7** for further discussion.

4.10.9 Clause 7.4 - Sustainable Development

The design of the building has had regard to the principles of sustainable development. Please refer to the design statement prepared by JHA provided at **Appendix 9**.

An ESD Concept Design Report has been prepared by JHA and is provided at **Appendix 9**. Sustainability measures include, but are not limited to, the following:

- conserving energy and reducing carbon dioxide emissions,
- building design and orientation,
- passive solar design and day lighting,
- natural ventilation,
- energy efficiency fixtures, hot water heating and lighting
- water efficient fixtures
- waste minimisation and recycling
- reduction of vehicle dependence

4.10.10 Clause 7.5 - Protection of scenic character and landscape values

The site is not identified on the PLEP 2010 as being land with scenic or landscape values.



4.10.11 Clause 7.6 - Salinity

The proposed development is not likely to have an impact on salinity processes or be impacted by salinity.

5. Non-Statutory Considerations

5.1 Penrith Development Control Plan 2014

The Penrith Development Control Plan 2014 (the PDCP 2014) applies to the proposed development. Compliance, or otherwise with the relevant controls is demonstrated in the table of compliance (TOC) provided at **Appendix 5**.

The following parts of the PDCP 2014 are relevant to this proposal:

- Part C: City-wide Controls
 - C1 Site Planning and Design Principles
 - C2 Vegetation Management
 - C3 Water Management
 - C4 Land Management
 - C5 Waste Management
 - C6 Landscape Design
 - C7 Culture and Heritage
 - C8 Public Domain
 - C9 Advertising and Signage
 - C10 Transport, Access and Parking
 - C12 Noise and Vibration
 - C13 Infrastructure and Services

The TOC demonstrates that the proposal is generally compliant with these controls.

5.2 Penrith Development Contribution Plans

Direction 94E issued on 14 September 2007 by the then Minister for Planning excludes any developer contribution charges to any form of Seniors Housing development proposed by a social housing provider. A copy of the direction is provided at **Appendix 21**.

It has been demonstrated earlier that the proposal is a form of seniors housing, as defined by the Seniors Living SEPP. Further, Uniting is a registered social housing provider, with a copy their certification provided at **Appendix 21**.

Given the above, the subject DA is exempt from any developer contributions.

6. Environmental Impact Assessment

6.1 Overview

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

6.2 Context and Setting

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

In summary, the proposal comprises the replacement of an existing nursing home and hostel with a RACF. The proposed development of the site has been undertaken with due consideration of the future redevelopment of neighbouring properties.

The site is within R3 Medium Density Residential zone, and is surrounded by R2 Low Density Residential, R3 Medium Density Residential and B2 Local Centre land use zones. Permissible development within the R3 zone includes land uses such as shop top housing, Tourist and visitor accommodation, service stations, commercial and retail development, multi dwelling housing and seniors living. Accordingly, the proposal is considered consistent with the existing and likely future uses of the surrounding land.

More specifically, the site is effectively bookended by the Lennox Village Shopping to the north and the school to the south. The site is also surrounded by mature vegetation up to 20m in height. The physical context is demonstrated on the urban height and significant tree context analysis Plan DA062 at **Appendix 2**. As shown, the Lennox Village Shopping Centre has a 15m height limit and the school to the south also has a height limit of 22m in accordance with the SEPP (Educational Establishment and Child Care Facilities). When seen within the context of the surrounding permitted development, it is considered that the proposed built form and height are suitable to the current future context.

Further to the above, the proposed RACF has been designed to provide a greater setback to the eastern (side) boundary of the site in order to respect the residential amenity of existing dwellings (low density area) to the east of the site. In addition, the setback to the southern boundary has also been increased from 45m to 64m, thereby providing a 100m setback to the Emu Plains Public School. Overall, the proposal will have minimum impacts and a suitable development option of the site which is in keeping with the character of the locality.

Lastly, the proposal provides a built form and massing that is considered to positively contribute to the quality and transitioning identity of the locality. This is further discussed in the Design Statement prepared by MDP and provided at **Appendix 2**, which also concludes that the proposal is compatible within the context and built form of the character of the area.

6.3 Built Environment

6.3.1 Height, Bulk and Scale

The proposed land use is permissible in the subject R3 - Medium Density zone pursuant to both the PLEP 2010 and the Seniors Living SEPP. Its built form is generally compliant with applicable development standards (with the exception of the building height), and consistent with typical expectations for built form in a R3 - Medium Density Residential zone. The proposal's land use and built form impacts are consistent with typical expectations. Further, the proposal adopts suitable materials, finishes as well as articulation throughout its elevations to achieve appropriate presentation to either the adjoining public and private domains.

The bulk of the building is segmented into three (3) interconnected building wings thereby distributing the building bulk across the site. A large central landscaped area has also been included in the design of the RACF building to promote access to light and ventilation to all internal space of the building and make a positive contribution to health, wellbeing and general amenity. The provision of a central courtyard serves to reduce the scale of the development when viewed from the GWH. Combined with the variable front setback reflecting the staggered and articulated northern facade of the building, and intervening landscaping that will provide for the growth of tall mature plantings, the proposal is not considered to result in adverse impacts to the GWH or Emerald Street.

The proposed building envelope is relatively modest in scale and generally provides for a smaller footprint than the existing development, however, it will create a more nuanced and varied alignment along the northern elevation to assist address the three storey building height.

The building height is effectively 10.66m to the underside of the ceiling and 12.97metres to lift overrun. Lift overruns and plant are largely obscured by a roof that has been designed to complement the corner location. The proposed street setbacks combined with the significant sized trees (ranging from 10m to 20m in height) generally buffer and serve to obscure the view of the development from the adjoining streets. In this regard, the taller building form allows for the retention of significant areas of open space around the building footprints and permits the retention of existing and substantial sized trees.

The proposal provides generous setbacks from all dividing boundaries and residential development, which serves to mitigate any unreasonable amenity related outcomes in relation to overshadowing, privacy and acoustic impacts. The setbacks also serve to maintain and enhance views to the former Methodist Church.

The proposed demolition of the existing fellowship centre enables the proposed building to be further setback from the Methodist church, increasing the setback from 2.8 to 6m. The greater setback ensures the three story building height has an appropriate relationship to the Church. The increased setback also enables the curtilage of the Church to be expanded and enhanced through more appropriate landscaping. Moreover, the soffit colour and materials of the proposed building are considered more contextually appropriate, thereby further ensuring the building does not visually dominate the setting.

6.3.2 Solar Access/Overshadowing

Please refer to the overshadowing plans prepared by MDP at **Appendix 2**, which demonstrate that the proposal retains adequate daylight to the main living areas of neighbours and adequate sunlight to substantial areas of private open space.

The shadow diagrams demonstrate the following:

- The envelope of the building has been designed and sited to ensure no undue overshadowing will occur to the public domain or to any neighbouring buildings.
- The extent of overshadowing from the proposal is contained within the subject site between the critical hours of 9am to 3pm at June 21. In this regard there is no overshadowing of adjoining residential properties, living spaces or private open space.
- The proposal results in no significant adverse shadowing of the existing ILUs.

The RACF design makes the best practicable use of natural lighting and solar access within the building through appropriate location of windows and the inclusion of significant private open space areas between the wings of the building. The development will also provide for a range of outdoor areas and elevated terraces with suitable solar access.

6.3.3 Privacy

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

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

- Approximately 32m between the proposed RACF and the residential development located to the east along Emerald Street;
- Approximately 72m between the proposed RACF and the Lennox Village Shopping Centre located to the north;
- Approximately 83m between the proposed RACF and the school located to the south; and
- Approximately 38m between the proposed demountable and the residential property located at 10 Troy Street.

Visual privacy is further achieved through suitable screening devices and landscape plantings. Windows to habitable and principal living spaces are also offset from one another to avoid direct overlooking. Windows and balconies along the eastern façade have also been reduced.

6.3.4 Acoustics

An Acoustic Report has been prepared and is provided at **Appendix 18**. The report provides a range of recommendations in relation to the type of walls, flooring, glazing, doors and mechanical services to be provided in accordance with the NCC Building Code of Australia requirements.

In addition to the above, the proposed RACF will be set back from all boundaries and acoustic impacts will be limited to:

- Impacts received from the traffic generated on GWH. As discussed in **Section 5** with regard to the Infrastructure SEPP, GWH does not generate more than 40,000 vehicle movements per year and an acoustic report is not required. Nevertheless, a number of rooms have windows which will front the GWH and a shared balcony is also proposed. Given the setback, it is anticipated that the rooms could achieve a reasonable level of acoustic comfort with modern construction techniques. If found to be required, additional glazing could be added. With regard to the communal balcony, the residents will have access to many other private and public communal areas and will not be limited to this area only.
- Impacts from the operational use of the RACF to nearby residential receptors. All large open communal areas will be located away from nearby residential receptors. Any plant, equipment and associated servicing rooms will be centrally located and significantly separated from residential properties. The temporary demountable will be removed following completion of the RACF. Minimal impact is expected to occur in this regard.
- Impacts from demolition and construction noise. Demolition and construction will be undertaken in accordance with current standards and techniques. It is expected that some impacts will occur during demolition and construction. However, these impacts are temporary and with appropriate management, are considered acceptable.

Given the existing acoustic environment of the subject site and variety of measures, it is considered that future residents will not be adversely impacted by noise emanating from the proposed development or from surrounding existing uses.

6.3.5 Access

An Accessibility Assessment is provided at **Appendix 17** and BCA Statement is provided at **Appendix 17**. In summary, the proposed RACF has been designed to satisfy:

- the functional circulation space requirements of AS1428.1 (2009) (Incorporating Amendment No. 1);
- the intent of the DDA and Disability (Access to Premises- Buildings) Standards 2010; and
- the performance requirements of the BCA (2011).

The pedestrian network through the site will provide accessible paths of travel to link all residential rooms to all common use facilities including relevant landscaped areas and facilities. In addition, a private mini-bus service for residents to access services and facilities outside of the site will be provided.

6.3.6 Crime Prevention through Environmental Design

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

The safety and security of all residents and staff (including the perception of safety and security that the facility will provide) is of paramount importance to the amenity of the facility.

The 4 principles which guide CPTED are noted in the table below:

Table 12: Crime Prevention through Environmental Design

Principles	Objectives	Response
Surveillance	The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical.	All common areas of the facility will be surveyed by CCTV cameras. In addition, the areas surrounding the buildings will be well lit and landscaped. Further, a limited number of entrances and exit point have been provided into the site, which will ensure that visitors to the facility are easily identified.
Access control	Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime.	Fencing will be provided to the central courtyard and along the southern boundary of the site. The fencing aids in achieving an appropriate level of access control and establishes territorial reinforcement of the facility.
Territorial reinforcement	Territorial reinforcement	The development proposes several communal areas. It is expected that these areas will be well-used by the facility's occupants and visitors.

		<p>Well-used areas reduce opportunities for crime and increase risk to criminals.</p> <p>If people feel that they have some ownership of public space, they are more likely to gather and to enjoy that space.</p> <p>Community ownership increases the likelihood that people who witness crime will respond by quickly reporting it or by attempting to prevent it.</p>
Space management	Ensures that space is appropriately utilised and well cared for. Strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.	<p>In order to maintain a safe level of visibility for pedestrians within the development, adequate lighting will be provided in accordance with the relevant Australian Standards to all common areas and access ways. Such lighting will be installed and directed in such a manner so as to ensure that no nuisance is created for surrounding properties or to drivers on surrounding streets.</p> <p>Landscaping design and lighting will be co-ordinated together to ensure they collaboratively provide a safe place, particularly during the evenings.</p> <p>Adequate directory signage is to be provided within the development to identify facilities, entry / exit points and direct movement within the development.</p> <p>All medical stores will be locked with access restricted to nominated personnel / staff of the facility.</p>

6.3.7 Heritage

A Heritage Impact Statement has been prepared for the proposal at **Appendix 8**.

The HIS specifically addresses councils concern regarding the scale of the development in relation to the church's. in this regard the report concludes

- "The proposed building is set forward and to the west of the Church and the current buildings that are very close to the Church will be demolished including the structures to the west that will be replaced with an open car park. The immediate frontage to the Church will be re-landscaped to provide a garden setting to the Church and this can be amplified by landscaping at the rear.
- "The building is heavily shielded by the current planting along Emerald Street that will be retained and the impact from this viewpoint is very limited. In views from the southeast the new development will be seen as a backdrop to the Church but is well separated and the introduction of landscaping to the rear to reinforce that to the front will provide an appropriate setting to the Church from all aspects."
- "views from the southeast the new development will be seen as a backdrop to the Church but is well separated and the introduction of landscaping to the rear to reinforce that to the front will provide an appropriate setting to the Church from all aspects."

- "The perspectives provided demonstrates that the Church will be read against clear sky and the setting for the Church will be improved by the new landscaping works"
- There is "no merit in reducing the height of the development in the section closest to the Church."

In addition to the above, perspectives have been provided at Appendix 2. The perspectives are taken from in front of church from the pedestrian path in Emerald Street, and from the corner of Emerald Street and Great Western Highway. The perspectives are shown below and generally demonstrate the limited and largely positive impact of the proposals.

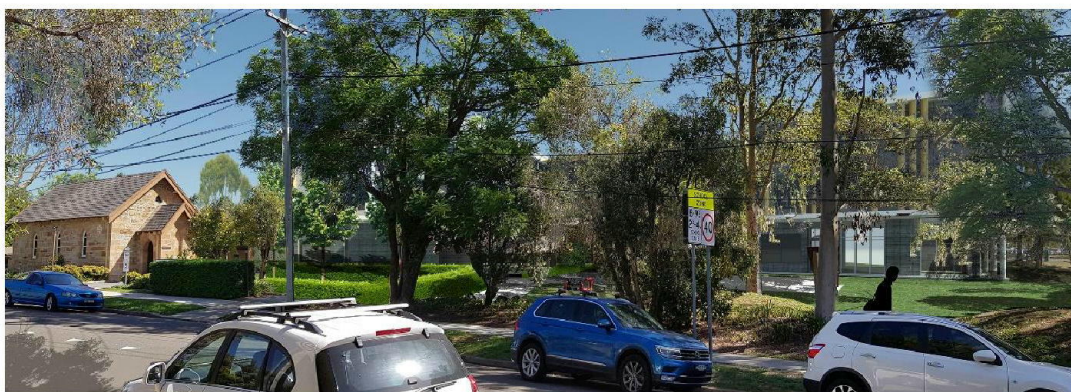


Figure 21: Artist perspective of view to the church from Emerald Street, new building to the right (Source MDP)

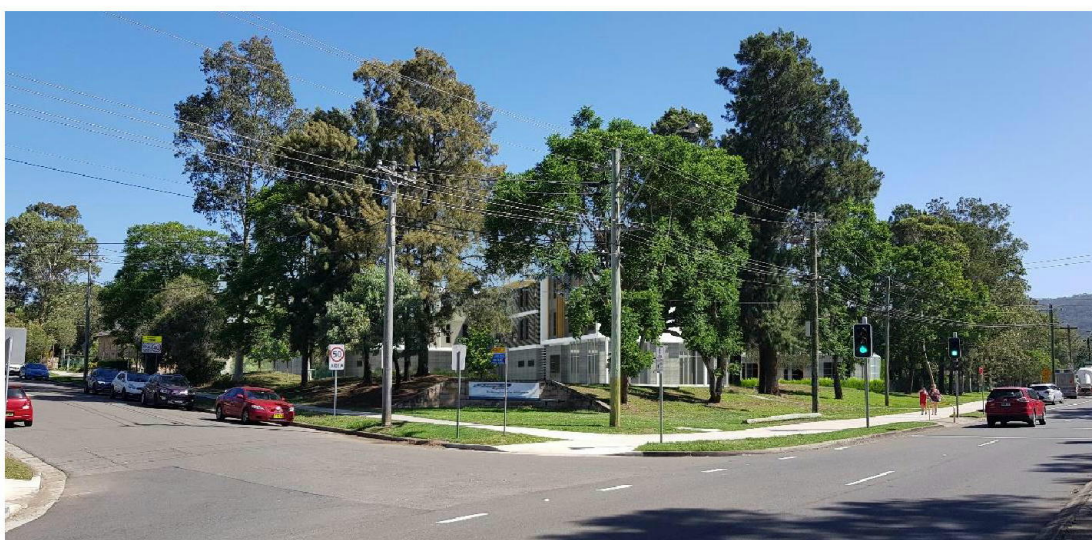


Figure 22: Artist perspective of view to the church from corner of GWH (Source MDP)

The report concludes the following:

- (a) *"the proposed development is a very well-considered approach to replacing the aged care facilities at the site with the new buildings carefully sited and designed to minimise their impact on the significant element on the site."*

- (b) *The development is set sufficiently away from the heritage component on the site to allow its retention and an enhancement of its setting while maintain its proximity to the facility that it now serves.*
- (c) *...the development will have a limited and acceptable impact on the heritage significance of the place and will assist in the long term viability of the site and the associated heritage building by providing an ongoing use for the site and allowing an appreciation of the site by residents and visitors."*

The report recommends that prior to the works commencing, an interpretation strategy be prepared to allow the interpretation of the place based on recorded information, extant fabric and photographic evidence.

It follows that the proposed development has been carefully considered in order to conserve and protect the heritage significance of the former Methodist Church. The proposal protects the setting of the heritage item and retains significant fabric and view lines. In addition, the proposal seeks to remove unsympathetic elements and reinstate significant landscape elements. Importantly, the proposed development will also ensure the ongoing conservation of the heritage item.

In light of the above, the Heritage Impact Statement concludes that the proposed development is compatible within its setting and will have no adverse heritage impacts.

6.3.8 Traffic and Parking

A Traffic Impact Assessment has been prepared by TTW Engineers and provided at **Appendix 16**.

Traffic generation

The report finds that the proposed development, with 100 bedrooms and 33 equivalent full time staff, will generate 40 vehicles per day with 40 movements occurring during the evening peak hour. However, this development of 100 rooms shall replace existing buildings on the Edinglassie Village site. As detailed in the TIA, 53 nursing home rooms and 73 hostel rooms are to be removed as part of the redevelopment (in a number of construction stages). Overall this is a decrease of 26 rooms as a result of this redevelopment. Peak hour traffic would be expected to be reduced by around 10 trips per hour, providing some minor improvements to local traffic flows.

Parking

The Seniors Living SEPP provides the minimum parking rates for the RCAF requiring 27 car parking spaces, one ambulance bay and 1 disabled space.

The proposed layout includes an at grade car park with 55 vehicles, 7 of which are for disabled access, as well as one designated ambulance bay. Additionally, six car parking spaces will also be retained within the southern car park. Accordingly, the proposal will provide adequate parking to meet the demands of the proposed development.

Internal circulation

Swept path analysis has been completed for the RACF building and is provided as an Appendix to the traffic Impact Assessment. The analysis demonstrates the following:

- The driveway provides sufficient circulation for a 6.95m ambulance vehicle. The driveway creates a full turning route for vehicles, allowing them to enter, exit, and travel through the site in a forward direction.

- The largest vehicle likely required to access the site (8.8m medium rigid vehicle) would be able to access the site and the loading dock for general servicing and waste collection. All vehicles will be able to adequately enter and exit in forward gear.

Access

As outlined in the Traffic Report, site vehicular access from Emerald Street shall be via three driveways.

- One existing two-way driveway shall be retained,
- one existing one-way circulation area shall be relocated to the north.

As per the current PDCP, the location of driveways shall be such that the minimum distance to an intersection of any two roads is 6 metres. The nearest intersecting road for the western side of Emerald Street is the Great Western Highway. The existing and proposed locations of both driveways satisfy this requirement, located at least 40 metres from the Highway. There are no proposed amendments to the vehicular access from Troy Street.

Waste vehicles

The largest waste vehicle likely to enter the site will be a 8.8m medium rigid vehicle. Swept path analysis identifies that the vehicle could enter and exit in forward gear.

6.3.9 Building Code of Australia

A BCA Statement has been prepared by BMG and provided at **Appendix 17**. The Statement indicates that the development can readily achieve compliance with relevant provisions of the BCA.

6.3.10 Construction Management

A Construction Management Plan (CMP) has been prepared by TTW Engineering and provided at **Appendix 15**.

The CMP identifies the stages of demolition and a range of suitable controls to be implemented, which will minimise impact on neighbours, nearby residents and the public. The CMP will be distributed to drivers of construction vehicles and contractors that need to access the site.

6.3.11 Waste

A Waste Management Plan has been provided at **Appendix 20**.

The report identifies that the proposed development would generate the requirements for a waste storage facility of approximately 11sqm. The proposed facility provides for a ground floor waste room of 15 sqm and therefore provides for sufficient space onsite to comply with the spatial requirements. In addition, the Central Store is also suitable for the temporary storage of bulky waste items such as furniture.

The report provides a detailed waste management system and ongoing waste stream acceptance criteria. Any waste generated during construction will comply with the relevant guidelines. Materials will also be recycled where possible. Based on the above, it is considered that the proposed waste management will meet the Council's requirements.

6.4 Natural Environment

The subject development area does not contain, nor is it in close proximity to, any natural features which the proposal may unreasonably impact upon, or which may severely impact the proposal. The proposal will include typically expected measures, such as erosion and sediment control, stormwater capture and re-use, as well as waste recycling where appropriate, to avoid any unreasonable impacts to the natural environment.

6.4.1 Flora and Fauna

A Biodiversity Impact Assessment has been prepared by Environmental Assessments Pty Ltd. The findings of the report include:

- The site contains no known threatened species of flora or Rare or Threatened Australian Plants;
- The site contains no known endangered ecological communities;
- The development will not have a significant effect on threatened species, populations or endangered ecological communities as described under the *Threatened Species Conservation Act 1995* and the Commonwealth's *Environment Protection & Biodiversity Conservation Act 1999*; and
- The proposed redevelopment would not result in the significant loss of biodiversity characteristics of the vicinity or the habitats of indigenous flora and fauna species.

The report concludes that subject to the adoption of pre-construction mitigation measures there will be no long-term impact on native flora or fauna.

6.4.2 Landscaping and Tree Planting

A Landscape Plan and Design Statement are provided at **Appendix 4**.

Proposed landscaping across the site will comprise 12,216m² (60% or 488 m² per bed. Of this total landscaped area, the majority will comprise deep soil planting.

A series of landscaped courtyards and shared laneways are located throughout the site, all accessible via the comprehensive network of pedestrian paths. All buildings have access to a range of outdoor landscaped spaces.

The Landscape Plan at **Appendix 4** details a variety of trees and planting proposed to provide suitable landscaping and shade throughout the site and within the public domain.

Based on the above, it is considered that the proposed landscaping will complement the existing natural environment and proposed built environment.

6.4.3 Water Management

The application is supported by an Ecological Sustainable Development report provided at **Appendix 9**. The proposed development will aim to reduce the consumption of potable water through the construction and implementation of appropriate water saving devices and technologies.

6.4.4 Water Quality

A Stormwater Review has been prepared by TTW Engineers at **Appendix 15**. In summary, the report identifies that the existing development will not result in a significant increase in

stormwater and that roof stormwater can be suitably discharged to a rainwater tank. Overflow from the rainwater tank will be conveyed by a pit and pipe system where it will continue to discharge to the GWH.

6.4.5 Soil Management

During construction, rain events and wind may lead to the disturbance of exposed soils. It is envisaged that these impacts will be controlled through adoption of appropriate site management practices including;

- A Sediment and Erosion Control Plan to stop soil from being washed off site and/or into the stormwater system has been prepared and is provided at **Appendix 15**.
- Any spoil excavated from the site, will be managed in accordance with the WMP provided at **Appendix 20**.

The SEPP 55 assessment provided in Section 4 of the SEE addresses all matters related to potential soil contamination.

6.4.6 Noise and vibration

Significant vibration impacts resulting from the development are unlikely given the limited depth of excavation associated with the proposed development. Notwithstanding this the following measures are proposed in relation to the management of impacts of vibration:

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

The Acoustic Report at **Appendix 18** details that noise intrusion requirements into the development can be satisfied.

6.4.7 Ecologically Sustainable Development

JHA has prepared the Ecologically Sustainable Design (ESD) Concept Design Report at **Appendix 9**. A Section J Statement of compliance is provided at **Appendix 13**.

The ESD report identifies and summarises the key ESD initiatives that will make up the overall approach to sustainable design for the Edinglassie Village project. The ESD initiatives include:

- Electrical ESD Strategies;
- Mechanical ESD Strategies;
- Hydraulics ESD Strategies;
- Landscape Strategies; and
- Building Envelope Strategies.

In addition, the building envelope, including glazing, walls, roof and floors has been designed to comply with BCA Section J Building Envelope Requirements.

6.5 Social and Economic Effects

6.5.1 Social

The proposal will result in positive long term benefits to the community given it will improve the supply of high quality and contemporary housing opportunities for seniors and/or people with disabilities. Those new opportunities will be offered in line with the most recent standards and to a high level of amenity. Moreover, the proposed RACF is in a highly accessible and appropriate location to provide essential facilities and services to ensure that individuals are supported and cared for within a community.

6.5.2 Economic

The proposal will provide ongoing employment opportunities generated during the construction and operational phases of the project, therefore resulting in a positive economic impact. At any one time the facility will require a total of 33 employees on duty. In addition, there will be gardening and maintenance positions required on an ongoing basis. The residents of the proposed facility, in addition to the employees associated with the facility, are also likely to provide additional expenditure for businesses within the nearby Lennox Village Shopping Centre.

6.6 Site Suitability

6.6.1 Geotechnical

Douglas Partners has prepared a Preliminary Geotechnical Design Assessment Report at **Appendix 10**. The report includes preliminary recommendations for foundation designs and the scope of further geotechnical assessments required to meet the building design objectives.

6.6.2 Contamination

Douglas Partners has prepared a Preliminary Site Investigation Report at **Appendix 11**. The report concludes:

"The site is suitable for continued use as a residential aged care facility and would be suitable for the proposed development..."

In summary, the report recommends that a detailed site investigation report be prepared following demolition and that the site is suitable for residential accommodation.

6.6.3 Flooding

TTW Engineers have prepared a Flood Report at **Appendix 12**.

The Flood Report provides a detailed flood study and consideration of overland flow, which demonstrates the development does not have a detrimental impact on existing flood regimes, local amenity or ecology of the local area and surrounding waterways. In summary, through a combination of set finished floor levels and adequate freeboard, protection will be achieved during the 100-year ARI event in accordance with Council's DCP requirements.

The Flood Report concludes that the proposed development is able to be designed to reduce the potential flood impact on neighbouring properties and allow for the safe redevelopment of the existing property. The report also provides for a suitable evacuation management plan.

6.6.4 Services and Utilities

JHA has prepared the Utilities Statement at **Appendix 19**. In summary, the report outlines the following:

- Water - Sydney Water plans indicate that the proposed new building will be serviced via the existing reticulated existing water mains that surround the site.
- Sewer - Sydney Water plans indicate that the proposed new building will be serviced via an existing 150mm Sydney Water sewer main.
- Telecommunications - Telstra is currently providing telecommunication services to the entire site. Minor augmentation will be made internally to provide telecommunication services to the new RACF building.
- Natural Gas - Jemena Network plans indicate that the proposed new building will be serviced via an existing Natural gas main that reticulates through Emerald Street. There is sufficient capacity in the Jemena gas mains to cater for the proposed load required for the development.
- Electricity - The site is currently solely fed from a 1000kVA onsite kiosk substation (ID No.8209) located in front of Fellowship Centre along driveway. As part of the site planning, it is Uniting's intention to relocate the existing Kiosk Substation. A new substation will be established prior to the decommissioning of the existing substation. An application of the substation relocation will be made via the Endeavour Energy once the design documents are in progress.

A Stormwater Review has been prepared by TTW Engineers at **Appendix 15**. In summary, the report identifies that the existing development will not result in a significant increase in stormwater will be conveyed by a pit and pipe system where it will continue to discharge to the GWH.

6.6.5 Conclusion


Overall, the site is suitable for the proposed development given the following:

- The proposal represents a continuation of the existing long term use of the site for senior's housing.
- The proposal is permissible, with consent, pursuant to both the PLEP 2010 and Seniors Housing SEPP.
- Utility services are available to service the development.
- The site is not subject to any natural or man-made constraints or hazards that would restrict or unreasonably constrain its use for the proposed use. Whilst affected by flooding, this has been confirmed as not being a constraint to this development subject to appropriate design features that have been incorporated.

6.7 The Public Interest

The proposal will be in the public interest for the following reasons:

- The proposal is consistent with the relevant objectives of the applicable environmental planning framework, including relevant local and state based environmental planning instruments.

- 
- With the exception of the proposed building height, the proposal has been found to comply with relevant development standards and/or other controls prescribed by the relevant environmental planning framework. Non-compliance with development standards relating to height has been justified on the basis that the respective objectives are satisfied.
 - The proposal represents a significant social benefit by the replacement of substandard buildings with new, high quality facilities for seniors within the local community.
 - It has been determined that the proposal would not result in any unreasonable environmental impacts.