



## STATEMENT OF ENVIRONMENTAL EFFECTS

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Demolition of existing structures and the construction of 35 independent living units for use as Seniors Housing, construction of communal facilities with associated landscaping, basement parking and drainage works

Nos. 154-162 Stafford Street  
Penrith

Prepared for: Fresh Hope Care

REF M180276  
DATE: 2 May 2019





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# 1. Introduction

This Statement of Environmental Effects has been prepared on behalf of the applicant for the proposed development. This report is to accompany a development application to Penrith City Council seeking consent for the demolition of existing structures and the construction of 35 independent living units for use as Seniors Housing with associated landscaping, parking and drainage works at Nos. 154-162 Stafford Street, Penrith.

The proposed development involves the construction of 35 independent living units in a two storey building, including basement level parking and communal indoor and outdoor living areas. The dwelling mix consists of 6 x 1 bedroom units, 24 x 2 bedroom units and 5 x 3 bedroom units.

The development application is supported by a series of consultant reports and plans, listed below at Table 1.

| Document                              | Author                         |
|---------------------------------------|--------------------------------|
| Architectural Plans                   | Fulton Trotter Architects      |
| Survey Plan                           | Project Surveyors              |
| BASIX Report                          | SLR Consulting Australia       |
| BCA Assessment Report                 | Blackett Maguire and Goldsmith |
| Access Report                         | Accessible Building Solutions  |
| Landscape Plans                       | Taylor Brammer                 |
| Arborist Report                       | Jacksons Nature Works          |
| Stormwater Plans                      | Tonkin                         |
| Traffic and Parking Assessment Report | Traffix                        |
| Waste Management Plan                 | Waste Audit                    |
| Geotechnical Report                   | JK Geotechnics                 |
| Acoustic Report                       | PKA Acoustic Consulting        |
| Environmental Investigation Report    | EIS                            |

The project has an estimated Capital Investment Value of \$19,162,531 and is therefore of a value that satisfies the thresholds under Schedule 2 of the Local Planning Panels Direction and therefore the Local Planning Panel is the relevant consent authority.

The purpose of this Statement is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of S4.15 of the *Environmental Planning & Assessment Act, 1979* (EP&A Act).

This Statement has been divided into five sections. The remaining sections include a locality and site analysis; a description of the proposal; an environmental planning assessment; and a conclusion.



## 2. Site Analysis and Context

### 2.1 THE SITE

The subject site is known as Nos. 154-162 Stafford Street, Penrith (Figure 1) and has a legal description of Lot 1 in DP 25705, Lots 1 and 2 in DP 20976 and Lot A in DP 405051. The subject site is an irregular shaped property with a frontage to Stafford Street of 88.65m, a frontage to Doonmore Street of 35.24m and a total site area of 4,881m<sup>2</sup>.



**Figure 1** Aerial Photograph of the subject site (outlined in red)

The site is currently occupied by single dwelling houses on No. 154 and No. 162 Stafford Street, and the Church of Christ buildings (chapel, residence, hall and administration building) and associated carpark on No. 156-160 Stafford Street. The site contains some ornamental plantings but no significant vegetation or trees. There are no sensitive or significant natural features at the site. The existing site is shown in Figures 2 to 5.





Figure 2 Existing Church of Christ administration building (front) and church (face brick building behind) located at No. 156-160 Stafford Street.



Figure 3 No. 154 Stafford Street







Figure 4 Church building on the subject site (adjoining No. 162 Stafford St)



Figure 5 No. 162 Stafford Street (corner property)



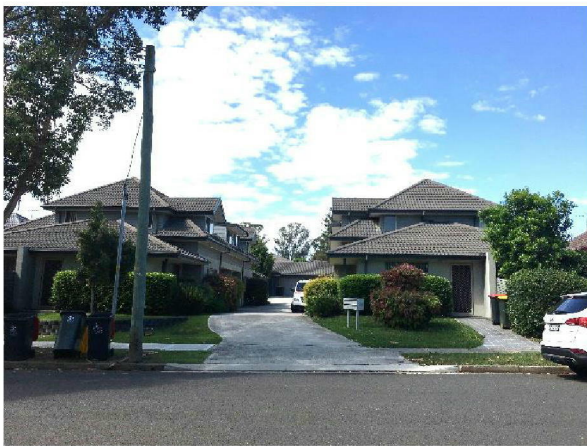


## 2.2 SURROUNDING DEVELOPMENT

The land use composition of adjoining development is varied with a mix of development surrounding the subject site and includes:

- Two storey multi-dwelling development at Nos. 150-152 Stafford Street; east of the site as shown in Figure 6;
- Two storey multi-dwelling development at No. 159 Stafford Street; north of the site on the opposite side of the street as shown in Figure 7;
- Two storey multi-dwelling development at No. 63 Doonmore Street; north-west of the site on the opposite side of the roundabout as shown in Figure 8;
- A child care centre at No. 164 Stafford Street; to the west of the site on the opposite side of Doonmore Street as shown in Figure 9;
- Villa development adjoining the western portion of the subject site at No. 68 Doonmore Street (Figures 10 and 11); and

Single storey and two storey multi-dwelling development at No. 25 Cronin Street; south of the site as shown in Figures 12 and 13. Located on the northern side of Stafford Street and further to the west (No. 175-177 Stafford Street) is an approved 3 storey townhouse development under DA17/0621.



**Figure 6** Nos. 150-152 Stafford Street (east of the site)



**Figure 7** No. 159 Stafford Street (opposite the site to the north)



**Figure 8** No. 63 Doonmore Street (opposite corner to the north-west)



**Figure 9** No. 164 Stafford Street (opposite to the west)





Figure 10 No. 68 Doonmore Street



Figure 11 No. 68 Doonmore Street



Figure 12 No. 25 Cronin Street (south of the site)



Figure 13 Northern elevation of No. 25 Cronin Street (southern neighbour)



# 3. Description of the proposal

## 3.1 PRE DA MEETING

A Pre DA meeting was held with council staff on 11 December 2018. Council comments and a response to each is provided in the table below.

| Table 2 Pre DA Comments  |   |
|--|---|
| Council Comment  | Applicant response  |
| <b>Planning</b>  |   |
| <i>The proposal is seeking advice for 36 independent living units under the State Environment Planning Policy (Housing for Seniors or People with Disability) 2004 (the SEPP).</i>   | The proposal has since been amended and proposes 35 units.  |
| <i>The SEPP outlines minimal development standards and it is unlikely that Council will support variations e.g. 1 storey in rear 25% of site, FSR Design changes to improve the interface with, and casual surveillance opportunities, of the courtyard are encouraged. This could include more balconies overlooking the courtyard communal area. This design change would also reduce the likely impacts the balconies at the rear of the site may have on the adjoining properties in terms of privacy.</i> | Clause 40(4)(c) does not apply to social housing providers (SHP) (Fresh Hope Care is a SHP).<br><br>Privacy from balconies is discussed in Section 4.3.8 of this Statement.   |
| <i>Building setbacks, particularly to the rear side boundaries, should be increased to ensure the building's bulk does not dominate on the low-density developments adjoining.</i>   | Refer to discussion in Section 4.3.8 of this Statement.   |
| <i>There is a minor building height encroachment which will require a clause 4.6 – Exception to development standards variation or a clause 5.6 - Architectural roof feature justification.</i>  | SEPP Seniors is the superior statutory instrument and as such a Clause 4.6 variation is no required. Refer to the LEP compliance for further discussion.  |
| <i>If the 3 storey element remains as part of the design, it is recommended that an Urban Design Review Panel review the proposal prior to the lodgement of an application.</i>  | The proposal maintains 2 storey height when measured from natural ground level and is therefore not subject to SEPP No. 65 or the Apartment Design Guide (ADG). Notwithstanding, best practice principles of the ADG have been used to guide apartment design to achieve good levels of occupant and neighbour amenity. |
| <b>Noise Impacts</b>   |   |
| <i>An acoustic assessment is required to be submitted as a part of the development application to demonstrate that the proposed development will not have any impact on nearby sensitive receivers. This report is to be prepared by a suitably qualified acoustic consultant, and is to consider:</i>   | An Acoustic Report has been submitted with the application which confirms that the completed project will perform in accordance with the relevant standards.  |
| <ul style="list-style-type: none"> <li><i>The 'NSW Noise Policy for Industry' in terms of assessing the noise impacts associated with the development, including noise from the indoor</i></li> </ul>  |   |



## Table 2 Pre DA Comments

and outdoor communal spaces on internal residents as well as surrounding properties (including their outdoor spaces), the car parking spaces, as well as any mechanical plant associated with air conditioning for individual units and mechanical ventilation for the basement;

- The AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors in terms of ensuring that internal noise levels can be achieved; and
- The Interim Construction Noise Guideline in assessing the impacts associated with the construction phase of the development. Should mitigation measures be necessary, recommendations should be included to this effect. Recommendations and mitigation measures must be shown on all architectural plans.

### **Contamination (SEPP 55)**

The application is to address all relevant requirements under State Environmental Planning Policy 55 Remediation of Land (SEPP 55). Council cannot consent to any development unless these requirements have been satisfied. The application is to demonstrate that the land is suitable for the proposed purpose by the submission of a Phase 1 Preliminary Site Investigation. Any reports need to be completed by an appropriately qualified person(s) or company. An appropriately qualified person(s) is defined as “a person who, in the opinion of the Council, has a demonstrated experience or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person(s) or company will be required to have appropriate professional indemnity and public liability insurance.

A Site Contamination Report has been prepared and submitted with the DA. The site is capable of being made suitable for permanent human occupation. Refer to discussion in Section 4.2.1 of this Statement.

### **Waste Management**

A Waste Management Plan is to be provided addressing waste produced during the demolition, construction and operational phases of the development. It should address waste quantities, storage locations and removal. Vehicular access for collection also needs to be addressed. The waste storage area should also be set off the boundary and covered to minimise nuisance from noise, odour and vermin. I note that Council's Waste Services section has more prescriptive requirements for these types of developments.

A Waste Management Plan has been submitted with the DA. Discussion is also provided at Section 3.6 of this report.

### **Water Quality**

Any areas provided for waste/bin storage and washing are to be connected to sewer with provision of hot and cold water as well as drained to a floor waste.

This will be provided and it is anticipated that Council would impose a suitable condition of consent.

### **General Environmental Health Impacts**

The environmental impacts associated with the demolition and construction phase of the development will also need to be addressed, such as water quality, noise, dust, air quality and sediment and erosion control. This can be included in the Statement of Environmental Effects.

Refer to discussion in Section 4.3 of this Statement.

### **Plan of Management**

## Table 2 Pre DA Comments

A 'Plan of Management' is to be submitted with any development application to ensure the development has minimal impact on adjoining owners and maintains a high level of amenity for residents. As a minimum, the Plan of Management is to include details of:

- The 24 hour contact details of any property caretaker or manager, who has overall responsibility for the operation, administration, cleanliness, maintenance and fire safety of the premises;
- Any rules, including details of how they will be publicised to residents, that cover guest behaviour, activities and noise, visitor policy and any other relevant rules;
- Measures to minimise unreasonable impact to the habitable areas of adjoining properties, including the management of communal open spaces. The use of open spaces should be restricted to before a reasonable time eg. 10pm;
- Details of professional cleaning and pest and vermin control arrangements for the common areas;
- A pest management plan that clearly indicates how pest prevention, monitoring, and eradication will be completed:  
The pest management program shall include but not be limited to:
  - pest management program
  - frequency of pest service
  - maintenance and cleaning
  - area of service
  - time of service
  - sighting of pests and a response plan
  - reporting
  - methods of treatment
- Specific consideration in the plan needs to be given to bed bugs particularly regarding monitoring and a response plan should they be identified. The plan shall clearly indicate how, and in what timeframe, pests can be eradicated and what measures will be put in place to prevent the further harbourage of pests.

A Plan of Management has submitted under separate cover with the application.

### Stormwater

- Stormwater drainage for the site must be in accordance with the following:
- Council's Development Control Plan,
- Stormwater Drainage Specification for Building Developments policy, and
- Water Sensitive Urban Design Policy and Technical Guidelines.
- A stormwater concept plan, accompanied by a supporting report and calculations, shall be submitted with the application
- Council does not generally support drainage pipes under buildings or the creation of trapped low points. However, if the applicant can provide evidence that overflow from the piped system can be conveyed around the building with safe flow depths and velocities it could be considered. The system is to be modelled in DRAINS with a pipe and pit blockage factor of 50%. Pipes smaller than Ø375 shall be considered 100% blocked. Ensure appropriate pit losses are used in the model.
- A Stormwater report shall detail information and parameters used in the DRAINS model.

Refer to the Stormwater Management Plans submitted with the application.

## Table 2 Pre DA Comments

- *On-site Stormwater Detention (OSD) is required to be provided for the site. The Site Storage Rate (SSR) is 280cbm/Ha with a Permissible Site Discharge (PSD) of 120L/s/Ha as a minimum.*
- *The on-site detention system must be within common property and accessible from the street without going through dwellings or private courtyards.*
- *Ensure freeboard levels of buildings to the OSD tank and the overflow in the 100 year ARI storm event comply with parameters set out in Council's Stormwater Policy.*
- *A water sensitive urban design strategy prepared by a suitably qualified person is to be provided for the site. The strategy shall address water*

### Earthworks

- *No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site.*
- *Earthworks and retaining walls must comply with Council's Development Control Plan.*
- *Proposed fill material must comply with Council's Development Control Plan.*

Refer to the DCP compliance table in Annexure C of this Statement.

### Traffic

*The proposal is for seniors housing under the SEPP – Housing for Seniors or People with a Disability. This SEPP sets out resident car parking requirements and does not address any requirements for accessible parking, bicycle parking, emergency services, service vehicles etc. The SEPP sets out that 0.5 car spaces per bedroom are required for applications by other than social care providers and another rate of 1 space per dwelling for applications by/or jointly with social care providers.*

Refer to the Traffic and Parking Assessment Report submitted with the application, and further discussion in Section 4.5.2 of this Statement.

*The applicant advised that they are a social care provider. There are 36 dwellings and there are 34 car spaces (including 2 accessible parking spaces) plus 2 visitor parking spaces and 1 staff parking space proposed, totalling 37 spaces.*

*There are 2 accessible parking spaces however no bicycle parking, no service vehicle, no on-site waste truck access or manoeuvring area (proposed on-street waste collection which may not be appropriate and subject to the below Waste Management comments).*

*On-site waste vehicle loading, and manoeuvring area would also address usage by large delivery vehicles and removalist vehicles, no on-site ambulance (but a proposed on-street ambulance zone which is not acceptable).*

*The applicant advised that the facility will operate in a similar manner to an existing facility that they managed, and which has resident parking and visitor parking that can be allocated or shared with other residents. Any acceptance of parking numbers for residents, visitors, staff, service providers will need to be addressed and justified in the development application.*



## Table 2 Pre DA Comments

*Any provision for ambulance access and parking should be on-site and allow manoeuvring to enter and leave in a forward direction. This may involve sharing any possible on-site waste vehicle manoeuvring area (if required and provided) or provision for basement access with suitable headroom clearances and manoeuvring areas or at grade with a through driveway fronting the buildings. Reversing across the footway is not acceptable. Sight distance requirements and driveway widths are to be met in accordance with AS/NZS 2890.1: 2004 and Council requirements. This is to include the requirements set out in AS 2890.1 Figure 3.2 Sight Distance Requirements at Driveways and Figure 3.3 Minimum Sight Lines for Pedestrian Safety. Also, AS 2890.2 Figure 3.3 Sight Distance Requirements at Access Driveway Exits and Figure 3.4 Minimum Dimensions for Access Driveway Sight Splays for Pedestrians.*

*All car parking and manoeuvring must be in accordance with AS 2890.1, AS 2890.2, AS 2890.3, AS 2890.6 and Council Development Control Plan and other Council standards and requirements. All car parking spaces should have complying, additional widths and clearances from columns, walls and other obstructions. This includes the width of residential parking spaces to be at least 2.6 metres complying with DCP C10 for full opening doors in accord with AS2890.1 Table B1. Also, accessible parking with shared space beside in accord with AS 2890.6.*

*All car spaces are to be sealed/line marked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials etc.*

### **BUILDING**

- *The building will be classified as Class 3 due to the use being accommodation for the aged or similar.*
- *Provide an Access Report from an Access Consultant confirming compliance with D3 of the BCA and all relevant Australian Standards and SEPP's.*
- *Egress from the basement into the entry foyer does not comply with the DtS provisions of the BCA, please indicate if a Performance solution is to be used to address this non-compliance and provide details if available.*
- *Ensure compliance with the provisions of Volume 1 of the BCA.*

An Access Report has been provided under separate cover with the application which concludes:

*"On the basis of the above assessment, I am satisfied that the proposal can achieve compliance with the access provisions of the BCA and the Access to Premises Standard & SEPP Seniors Living."*

## 3.2 DEMOLITION AND TREE REMOVAL

The proposal involves the demolition of all existing structures on the site and the removal of several trees to accommodate the new works.

## 3.3 PROPOSED WORKS

The proposed development involves the construction of 35 independent living units in a two storey building for use as Seniors Housing. It includes basement level parking and communal indoor and outdoor living areas. The dwelling mix consists of 6 x 1 bedroom units, 24 x 2 bedroom units and 5 x 3 bedroom units.



The proposal adopts a contemporary design aesthetic including framed window and balcony elements, and variations in materials to emphasis building articulation and modulation, and alleviate building mass. However, to create a harmonious built form within the existing site context, cues have been from the existing traditional suburban building materials, including proposed pitched roofs and face brick.

#### Basement level

The basement level provides parking for 36 cars, including two accessible spaces. Storage cages for each residential unit are also provided adjacent to the parking spaces. Store and plant rooms, and lift access is provided to the levels above. The waste room is located adjacent to the driveway ramp and can accommodate 36 bins to service the development. A bulky goods waste room is also located in the basement.

#### Ground Floor

The ground floor addresses street frontages of the site and provides pedestrian entry to the building and into resident courtyards. Located adjacent to the main pedestrian entry on Stafford Street is an office area (for use by the building manager) and a resident's communal room. A lift lobby is provided which accesses 2 separate lifts, which are double sided to enable ease of access from either side of the lift by residents. A common accessible bathroom is provided adjacent to the lifts. Located within the nucleus of the site is a residential communal room which includes a large area suitable for use as gatherings such as family visits, organised events and games. A domestic scale kitchenette is also provided. The communal room has glazing along its southern facade and will enjoy an outlook over the common landscaped gardens.

The residential units are located around the central communal landscaped courtyard in three buildings. The ground floor contains 16 units, a mix of 4 x 1B units, 5 x 2B units and 5 x 2B + study units and 2 x 3B units. Each unit is accessed from the internal communal pathway, and has an area of private open space adjacent to the internal living area, that either overlooks the street frontages or the internal landscaped gardens of the development. All units on the ground floor are compliant with Schedule 3 of the Seniors Housing SEPP.

The internal common courtyard is accessible to all residents and visitors and contains hard and soft landscaping features. Refer to the submitted landscape plans for full details.

#### First Floor

The first floor contains 19 units, comprises a mix of 3 x 1B units, 8 x 2B units, 5 x 2B + study units, and 3 x 3B units. Each unit has a private balcony adjacent to the internal living area that has an outlook to the street frontage or communal landscaped garden where possible. Where private open space has the ability look into a neighbouring site privacy screens are provided to the outer edge of the balcony face.

#### Street Frontages, Material and Finishes

An external finishes plan is submitted with the architectural plan set. It indicates that the building will be constructed predominantly of face brick, weatherboard cladding and metal roofs. Balcony balustrades will be constructed as a mix of clear and opaque colour-back glass and face brick. Accent colours and prefinished compressed fibre-cement panels and metal wall cladding and metal roof sheeting are proposed at select locations of the site's street frontages.

Proposed fencing at the street boundaries will comprise 900mm high face brick and 600mm high black steel battens above (total height of 1.5m). A covered entrance feature is proposed over the main pedestrian entrance, which will be constructed of coloured aluminium battens. Letterboxes and a timber seat are proposed adjacent to the main building entry point.

Building name (identification) signage is proposed above the main pedestrian entrance (4m wide x 450mm high) and at the street corner of the site (5m wide x 600mm high), and will be constructed of powder-coated aluminium lettering on a colorbond substrate. The signage will have low level backlit illumination.





### 3.4 ACCESS AND PARKING

Vehicular access to the site is proposed from Stafford Street, in the north-eastern corner of the site. The basement parking level contains 36 parking spaces, including two accessible spaces. A Traffic and Parking Assessment report has been prepared and submitted with the application.

### 3.5 LANDSCAPING

The proposed works require the removal of several exotic and native trees species, however, none have ecological, landscape or streetscape significance and can be readily replaced with suitable species. The trees identified for removal are supported by the Arboricultural Impact Assessment prepared by Jacksons Nature Works which is submitted with the application. The loss of existing trees is suitably offset by the provision of new canopy trees and layers of additional shrubs and ground coverings which are detailed on the Landscape Plans prepared by Taylor Brammer and submitted with this development application. The additional planting will ensure the proposed development harmonises with the landscape character of the locality.

### 3.6 WASTE MANAGEMENT

The proposal incorporates waste cupboards in all buildings. The building manager will transfer waste to the garbage room in the basement that will accommodate the required number of bins to service the requirements of the proposed development. Bulky waste will be stored in a dedicated room in the basement level adjacent to the bin store room.

A detailed Waste Management Plan has been submitted with the application detailing the nature and volumes of waste during the operation of the development and the intended disposal and recycling of those materials. It is proposed that the waste collection will be undertaken by Council using the proposed on-street loading zone (Stafford Street). Loading will take place from kerbside. Council waste collection officers will collect bins from waste room and return the empty bins to the waste storage room after emptying the waste from the bin. At no time will bins be placed or left along the site frontage.







## 4. Environmental Planning Assessment

### 4.1 PREAMBLE

This section of the Statement provides a planning assessment of the proposed development covering all relevant heads of consideration under Section 4.15 of the EP&A Act, 1979.

### 4.2 STATUTORY AND POLICY COMPLIANCE

The relevant matters for consideration under Section 4.15(1)(a) of the EP&A Act, 1979, are identified in Table 2.

| Table 3 Section 4.15 Matters for Consideration |   |    |              |     |
|--|---|----|--------------|-----|
| EP & A Act, 1979.                              | Matters for Consideration   | OK | See Comments | N/A |
| S.4.15(1)(a)(i)                                | SEPP No.55 – Remediation of Land  | ✓  | ✓            |     |
| “  | SEPP (Housing for Seniors or People with a Disability) 2004               | ✓  | ✓            |     |
| “  | SEPP (BASIX) 2004   | ✓  | ✓            |     |
| “  | SEPP No. 64 Advertising & Signage   | ✓  | ✓            |     |
| ”  | Penrith LEP 2010  | ✓  | ✓            |     |
| S.4.15(1)(a)(iii)                              | Penrith DCP 2014  | ✓  | ✓            |     |
| S.4.15(1)(a)(iv)                               | Any other prescribed matter:<br>- AS 2601-1991: Demolition of structures. | ✓  |              |     |

The matters identified in the above Table as requiring specific comment are discussed below. The primary statutory documents that relate to the subject site and the proposed development are *SEPP (Housing for Seniors and People with a Disability) 2004*, and *Penrith Local Environmental Plan 2010 (PLEP 2010)*. As the Penrith Development Control Plan 2014 (PDCP 2014) does not contain any specific provisions relating to Seniors Housing Developments, the provisions in the SEPP have been used as a guide only.

An assessment of the applicable provisions of these documents and other relevant planning instruments is provided below.

#### 4.2.1 SEPP No.55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 65) was gazetted on 28 August 1989 and applies to the whole State. It introduces planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.

A Preliminary Contamination Screening report has been prepared by EIS and submitted with the application. The Report concludes:

“ A CSM has been developed to address potential contaminant sources, transport mechanisms/ pathways and sensitive receptors. The CSM has identified potential on-site contamination sources (outlined in Section 4.1) and associated CoPC which have the potential to pose a risk to site receptors.

The PCS identified asbestos in two FCF samples obtained from the site surface as shown on Figure 2. Other FCF samples (possibly containing asbestos) were detected at the site surface as shown on Figure 2. The presence of ACM at the site is widespread and poses a risk to human receptors. The ACM should be removed from the site prior to future development.

EIS recommend that ACM observed on the surface of the site are removed via an emu-bob by a suitably licenced asbestos contractor and all ACM disposed of to a NSW EPA licenced facility as soon as practicable. A visual surface clearance should be undertaken by a SafeWork NSW licenced asbestos assessor following completion of the emu-bob and prior to demolition of buildings/structures at the site. Following demolition of site structures, another emu-bob should be undertaken for ACM, followed by a visual surface clearance by a SafeWork NSW licenced asbestos assessor. Additional testing for waste classification is recommended to confirm the final classification for off-site disposal of soil.

Based on the scope of work undertaken, EIS are of the opinion that the known and potential sources of contamination identified would not preclude the proposed development provided the above recommendations are undertaken. There is considered to be a relatively low potential for contamination-related unexpected finds to occur at the site during the proposed development works. Unexpected finds would typically be able to be identified by visual or olfactory indicators and could include:

- Waste materials in fill, including building and demolition waste;
- Fibre cement fragments (e.g. ACM);
- Stained fill/soil;
- Odorous soils (e.g. hydrocarbon odours); and/or
- Ash, slag and/or coal wash.

The following should be implemented in the event of an unexpected find:

- All work in the immediate vicinity should cease and temporary barricades should be erected to isolate the area;
- A suitably qualified contaminated land consultant should be engaged to inspect the find and provide advice on the appropriate course of action; and
- Any actions should be implemented and validated to demonstrate that there are no unacceptable risks to the receptors.

The conclusions and recommendations should be read in conjunction with the limitations presented in the body of the report.”

Based on the above findings, the site will be made suitable for its future residential use.

#### **4.2.2 SEPP (Housing for Seniors or People with a Disability) 2004**

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (henceforth referred to as SEPP Seniors) commenced on 31 March 2004, and repealed the former State Policy relating to seniors living entitled SEPP No.5 - Housing for Older People or People with a Disability, which commenced on the 14 February, 1998.

The SEPP Seniors consists of four chapters including Chapter 1 - Preliminary, Chapter 2 - Key Concepts, Chapter 3 – Development for Seniors Housing, and Chapter 4 - Miscellaneous. The intent and requirements of each of these chapters, as they apply to the proposed development, is addressed below.



## Chapter 1 - Preliminary

Chapter 1 outlines the aims and objectives of the SEPP which are to increase the supply and diversity of well-designed housing for aged or disabled persons, and to make efficient use of existing infrastructure. This Chapter confirms that SEPP Seniors prevails over any other environmental planning instrument, to the extent of any inconsistency.

The Policy applies to land within NSW that is zoned primarily for urban purposes where dwelling houses, residential flat buildings, hospitals and special uses are permitted, or the land is being used for the purpose of a registered club.

The subject site is within Zone R3 Medium Density Residential under Penrith Local Environmental Plan 2010. Dwelling houses are permitted with consent within Zone R3 and therefore SEPP Seniors applies to the land. However, Seniors Housing is also a permitted land use on the site and therefore the SEPP provisions are not needed to facilitate the proposed development. In the absence of any DCP provisions relating to Seniors Housing, the SEPP provisions have been used as a guide in the preparation of this development application.

## Chapter 2 - Key Concepts

Chapter 2 describes the 'key concepts' of SEPP Seniors providing detailed definitions to clarify the type of person whom is considered a *senior* and the type of person whom is considered a *person with a disability*. This Chapter also defines the types of housing to which the Policy relates.

The proposed development involves the construction of 35 *self-contained dwellings* and communal living areas. A self-contained dwelling is defined pursuant to Clause 13 of the Policy, respectively, and are provided as follows:

*"In this Policy, a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis."*

## Chapter 3 - Development for Seniors Housing

Chapter 3 of SEPP Seniors deals with a number of site and design related requirements which are to be satisfied to ensure that opportunities are created for the development of housing that is located and designed in a manner particularly suited to seniors who are independent, mobile and active as well as those who are frailer, and other people with a disability regardless of their age.

Pursuant to Clause 15, development for the purpose of any form of seniors housing is allowed if the proposed development is carried out in accordance with the Policy, despite the provisions of any other environmental planning instrument. The Chapter outlines various matters for consideration including site requirements, design requirements, development standards to be complied with and standards which cannot be used as grounds for refusal.

Assessment of the proposed development against the relevant development criteria and against the Seniors Living Policy Urban Design Guidelines for In Fill Development is contained within the Compliance Table provided at Annexure A of this Statement. The assessment demonstrates that the proposed development is consistent with the relevant principles, design requirements and guidelines outlined by the Policy.

## Chapter 4 - Miscellaneous

Chapter 4 of SEPP Seniors provides savings and transitional provisions for development applications for Seniors Housing made before the Policy was introduced. These are not relevant in this instance.



#### 4.2.3 SEPP Building Sustainability Index: BASIX 2004

SEPP (Building Sustainability Index: BASIX) 2004 commenced on 1 July 2004 and applies to all land in the State. Part 3 sets out the aims of the Policy and states that Regulations under the Act have established a scheme to encourage sustainable residential development. Applications for certain types of development must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out.

In accordance with the requirements of the SEPP, a BASIX Certificate has been prepared and is submitted separately with this application. Commitments under the BASIX Certificate have been indicated on the architectural plans accordingly.

#### 4.2.4 SEPP No. 64 – Advertising and Signage

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) was gazetted on 16 March 2001 and applies to all signage that can be displayed with or without development consent and is visible from any public space.

The development proposes to display building name and site address signage at the corner of Stafford Street and Doonmore Street, and building name signage above the main pedestrian entrance on Stafford Street, as shown on the architectural plans lodged with the application. The proposed signage best fits the definitions of building identification sign as defined in the Standard Instrument LEP and the SEPP respectively as follows:

***building identification sign** means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.*

Clause 8 of the SEPP states that Council must not grant consent unless proposed signage is consistent with the objectives of the SEPP and the assessment criteria in Schedule 1 of the SEPP. Provided below in Table 4 is consideration of the assessment criteria of Schedule 1 of the SEPP.

| Table 4 SEPP No. 64 Compliance Table |   |   |           |
|--------------------------------------|---|---|-----------|
| Clause / Control                     | Requirement   | Proposal  | Complies? |
| 1. 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?   | Yes. The proposed signage accords with the objectives of the residential zone and will identify the site for residents and visitors. Proposed signage is compatible with the scale of the building and site, and character of the locality generally. | Y         |
|                                      | Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?   | The proposed signage does not constitute advertising.   | N/A       |
| 2. 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 proposed signage depicts the site name and address and will not detract from any environmentally sensitive areas.   | Y         |
| 3. Views and Vistas                  | Does the proposal obscure or compromise important views?  | No. It is located on parts of the site/building that will nor comprise views or lines of sight.   | Y         |
|                                      | Does the proposal dominate the skyline and reduce the quality of vistas?  | No. The signage is visible from the streetscape and will not reduce the quality of any vistas. Signage will not project above the building height to have any impact on the skyline.  | Y         |



Table 4 SEPP No. 64 Compliance Table

|  |   |  |     |
|--|---|--|-----|
| 4. Streetscape Setting or Landscape  | Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?  | The scale of the signs are compatible with the size of the building and the dimensions of the façade/fence and are in proportion with the external design elements. The proportions of the signage do not add bulk and scale to the built form and to not detract from the visual effects of proposed landscaping. | Y   |
|  | Does the proposal contribute to the visual interest of the streetscape, setting or landscape?   | The proposed signage adds to the visual interest of the building and the streetscape, and will draw appropriate attention to the name and address of the building.   | Y   |
|  | Does the proposal reduce clutter by rationalising and simplifying existing advertising?   | The proposed signage does not result in a cluttered façade. The signage is consistent with the building form.  | Y   |
|  | Does the proposal screen unsightliness?   | N/A  | N/A |
|  | Does the proposal protrude above buildings, structures or tree canopies in the area or locality?  | No.  | Y   |
|  | Does the proposal require ongoing vegetation management?  | No.  | Y   |
| 5. Site and Building   | 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? | Yes. The proposed signage is proportional to the building/fence and building elements, and is located in a logical location to be visible from the street and to provide instruction and safe movement of residents and visitors to the site.  | Y   |
| 6. Associated devices and logos with advertisements and Advertising Structures | 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?       | No.  | Y   |
| 7. Illumination  | Would illumination result in unacceptable glare?  | Low level backlit illumination proposed only. No glare impacts will result.  | Y   |
|  | Would illumination detract from the amenity of any residence or other form of accommodation?  | No impacts will be created given the signage location (not adjoining any sensitive residential receivers) and low level backlit illumination.  | Y   |
|  | Can the intensity of the illumination be adjusted, if necessary?  | No. Low level illumination proposed only.  | Y   |
|  | Is the illumination subject to a curfew?  | No. Low level backlit illumination proposed only.  | Y   |
| 8. Safety  | Would illumination affect safety for pedestrians, vehicles or aircraft?   | No. Low level backlit illumination proposed only.  | Y   |
|  | Would the proposal reduce the safety for any public road?   | No. The signage will improve safety by clearly identifying the building and site address.  | Y   |
|  | Would the proposal reduce the safety for pedestrians or bicyclists?   | No. The signage will improve safety by clearly identifying the building and site address..   | Y   |



Table 4 SEPP No. 64 Compliance Table

|  |   |  |   |
|--|---|--|---|
|  | Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? | No. The signage will not obstruct sight lines, it is positioned flat on the building and fence facade. | Y |
|--|---|--|---|

In light of the SEPP requirements, it is considered that the building identification sign is of appropriate size, will not have any adverse visual impacts on the streetscape or built form within the locality, provides effective identification of the address of the site and is of a high quality finish. As such the proposal is consistent with the objectives and assessment criteria of SEPP 64.

#### 4.2.5 Penrith Local Environmental Plan 2010

The *Penrith Local Environmental Plan 2010* (PLEP 2010) applies to the subject site. Under the LEP the subject site is within Zone R3 – *Medium Density Residential*, as indicated on the *Land Zoning Map*. The proposed development is categorised as Seniors Housing and is a permissible use in the zone.

The objectives of Zone R3 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 redevelopment will provide for the housing needs of the community, particularly the elderly and disabled. The proposed use of the site is permissible and the site is located within an accessible area. The scale of development will complement the character of the locality, being predominantly 2 storeys in height, and will not unreasonably impact on the amenity of adjoining properties. For these reasons, the proposal demonstrably aligns with the zone objectives of Zone R3.

A Compliance Table which considers the proposal against the provisions of PLEP 2010 is provided at Annexure B.

#### 4.2.6 Penrith Development Control Plan 2014

The *Penrith Development Control Plan 2014* (PDCP 2014) applies to all land to which the PLEP 2010 applies. The applicable City-Wide controls of Part have been considered in Annexure C, however, as PDCP 2014 does not contain any specific provisions relating to Seniors Housing developments. On this basis, the Seniors Housing SEPP and Guidelines has been used to inform the proposed built form.

#### 4.2.7 Section 94A Development Contributions

The Ministerial Direction issued under Section 7.17 (formally Section 94E) of the Act dated 14 September 2007 states the following:

*“Pursuant to section 94E of the Act, direct consent authorities that there are not public amenities or public services in relation to which a condition under Division 6 of Part 4 of the Act may be imposed on the class of development consents identified in Schedule A granted to a social housing provider as defined in the SEPP. This direction applies to development applications made by such a social housing provider on or after commencement of the SEPP”*

Schedule A of the Ministerial Direction states:





*“Development consents to carry out development for the purposes of any form of seniors housing as defined in State Environmental Planning Policy (Seniors Living) 2004.”*

The proposed development is for the purposes of Seniors Housing and will be delivered pursuant to SEPP Seniors. The term Social Housing Provider is defined in SEPP Seniors as follows:

**social housing provider** means any of the following:

- (a) the New South Wales Land and Housing Corporation,
- (b) the Department of Housing,
- (c) a community housing organisation registered with the Office of Community Housing of the Department of Housing,
- (d) the Aboriginal Housing Office,
- (e) a registered Aboriginal housing organisation within the meaning of the Aboriginal Housing Act 1998,
- (f) the Department of Ageing, Disability and Home Care,
- (g) a local government authority that provides affordable housing,
- (h) a not-for-profit organisation that is a direct provider of rental housing to tenants.

Submitted with this development application is confirmation that Fresh Hope Care is registered with the Office of Community Housing of the Department of Housing. On this basis, the applicant is categorised as a Community Housing Provider, and the development is exempted from payment of Section 94A Development Contributions under Council's Policy.

## 4.3 IMPACTS ON NATURAL & BUILT ENVIRONMENT

### 4.3.1 Topography & Scenic Impacts

In terms of topographic impacts, the proposal will result in a degree of excavation to accommodate the basement level parking for the proposed development. However, the completed buildings will occupy any excavated area ensuring that there is no significant alteration of the site topography.

In terms of scenic impacts, the proposed built form is two storeys and reflects the emerging multi-dwelling housing character of the immediate locality. Deep soil planting around the perimeter of the site and on the western part of the site will provide suitable screen planting to minimise the visual impact of the proposed development. As the height will not exceed 2 storeys for any of the proposed built form, the scenic and visual impact of the proposal will be minimal and compatible with the scale of the locality.

As such, the proposal will not generate any adverse topographical or scenic impacts.

### 4.3.2 Micro-climate Impacts

The proposed development requires the removal of 21 trees. The removal of the 16 trees will have no significant adverse impact on surface or ground water regimes. Therefore no significant impact on local micro-climate is anticipated.

### 4.3.3 Water & Air Quality Impacts

During construction, appropriate sediment and erosion controls will be installed and maintained to prevent migration of sediment from the site.





Civil Plans prepared by Tonkin have been submitted with the development application. The Civil Plans details proposed stormwater management concept, proposed integration with existing stormwater infrastructure and proposed erosion and sediment control measures. Specifically, the proposed villa development will include OSD tanks and all stormwater will drain to these systems and improve stormwater management for the site.

In terms of air quality, the site will be managed during construction to mitigate potential for top soil and the like becoming airborne. During operation, the proposed use is not anticipated to generate any unusual odour or fumes. The proposal is unlikely to have any notable impact on air quality.

#### **4.3.4 Flora & Fauna Impacts**

The proposed works require the removal of 21 trees. The trees identified for removal are supported by the Arboricultural Impact Assessment prepared by Jacksons Nature Works. The trees are common species planted in residential gardens and do not have ecological, landscape or streetscape significance.

The loss of existing trees is to be offset by the provision of new canopy trees and layers of additional shrubs and ground coverings which are detailed on the Landscape Plans prepared by Taylor Brammer and submitted with this development application. The additional planting will not only provide a vegetation buffer between adjoining properties but ensure the proposed development harmonises with the landscape character of the locality.

As such, it is considered that there will not be any significant negative impacts in terms of flora or fauna associated with the proposed development.

#### **4.3.5 External Appearance & Design**

The proposed development is divided into three buildings, arranged around the perimeter of the site. The largest building has frontage to Stafford Street and Doonmore Street, and contains seven units and the communal entry, office and living area on the ground floor, and ten units on the first floor.

Three units on each floor are proposed within the building that runs parallel with the eastern side boundary, and there are six units at each level of the third building, located to the west and south of the central communal courtyard.

The dwellings are setback a minimum of 5.5m from the street frontages and between 2m (although predominantly 4m or greater) and 6m to the other site boundaries to provide suitable separation from adjoining residential dwellings to the south and east. The buildings will be in keeping with the predominant two storey height of buildings in the surrounding locality.

External materials and finishes have been selected to reflect the use of the building, complement building form and articulation and provide a high quality and visually pleasing aesthetic. The materials for the proposed development are described in the Proposal section of this report and are detailed in the submitted architectural plans.

As previously noted, the proposal adopts a contemporary design aesthetic including framed window and balcony elements, and variations in materials to emphasis building articulation and modulation, and alleviate building mass. However, to create a harmonious built form within the existing site context, cues have been from the existing traditional suburban building materials, including proposed pitched roofs and face brick.

3D images of the proposed development are provided in the architectural plan set.

#### **4.3.6 Solar Access**

Shadow diagrams demonstrating the extent of overshadowing associated with the proposed development have been prepared and are submitted with the development application. These diagrams indicate shadow cast at 9am, 12 noon and 3pm on the winter solstice (21st June). In addition, elevational shadow diagrams are provided for the adjoining buildings located at No. 68-70 Doonmore Street. These diagrams are provided on an hourly basis at mid-winter.







SEPP Seniors Housing requires that 70% of dwellings within the development receive a minimum of 3 hours direct sunlight; the proposal will achieve 91.4% (32 of 35 dwellings).

As there are no specific solar access requirements for a Seniors Housing development, the solar access controls for residential development in the DCP have been used as a guide only.

The aforementioned shadow diagrams confirm that the development will have no significant overshadowing impacts. Shadows cast by new development generally fall within or marginally beyond the boundaries of the site, particularly when also considering the shadow cast by a typical 1.8m high boundary fence. The elevational shadow diagrams for the adjoining dwellings locate at No. 68-70 Doonmore Street indicate that the affected dwellings will maintain at least 3 hours sunlight (mid-winter) to living and private open space areas. In addition, it is noted that the two neighbouring dwellings on Doonmore Street have awning roofs covering their private open space which also inhibits direct sunlight into internal living areas.

#### **4.3.7 Views**

There are no significant views obtained from or through the site and therefore the proposal will have no adverse impact in regards to loss of views or outlook from adjoining properties.

#### **4.3.8 Aural & Visual Privacy**

The proposed ILU's have a high level of visual and aural privacy. The buildings have been designed to provide communal pathways on the internal side of the building and orient living room windows and private open spaces to the street frontages and communal courtyard where possible, thereby limiting opportunities for overlooking between habitable spaces of adjoining ILU's or adjoining properties.

Openings towards adjoining properties have been minimised and outdoor spaces are limited in size and adequately setback from the boundaries with surrounding residential properties. Where private open space has the ability look into a neighbouring property, privacy screens are provided to the outer edge of the balcony face. In addition, proposed landscaping of the site perimeter will create an effective privacy barrier once established.

Common circulation space is largely internalised to prevent viewing from corridors to neighbouring properties.

On this basis, the proposed development will not create significant or unreasonable impacts on visual or aural privacy if the neighbouring properties.

### **4.4 ECONOMIC & SOCIAL IMPACTS**

The proposal will have no adverse economic impacts. Undertaking the construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects.

The aim of the proposal is to provide high quality accommodation for seniors, whilst maintaining the predominant scale and character of development in the locality. The proposal offers an appropriate form of development within the locality for an ageing population and is considered to have strong positive social impacts.

The proposed facility will provide an appropriate style of aged care housing within the locality.

#### **4.4.1 Crime Prevention through Environmental Design**

Part B of the Department of Urban Affairs and Planning's (now Department of Planning and Environment) Crime Prevention and the Assessment of Development Applications: Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979 identify four Crime Prevention through Environmental Design (CPTED) principles.





Each of the principles seeks to reduce opportunities for crime and have been used to inform the NSW Police Safer by Design Guidelines for Crime Prevention. The principles are:

- Surveillance;
- Access control;
- Territorial reinforcement; and
- Space management

The subject development performs well in terms of achieving the safer by design guidelines for crime prevention. The development is deemed to be either safe or safe subject to the implementation of the following recommendations:

- The proposed landscaping will enhance privacy but does not obstruct sight lines to building entries;
- The pedestrian entrances for the are to be controlled by a security door;
- The main pedestrian and vehicular access points to the dwellings are to be illuminated during the evening to a level that allows clear lines of sight from the street frontages;
- The car parking area will be illuminated during the evening to a level that will allow clear sightlines;
- All painted surfaces on the external parts of the ground floor level are to be treated with a graffiti resistant coating; and
- The proposed development will comply with all design requirements stipulates in the SEPP (Housing for Seniors or People with a Disability) 2004.

## 4.5 THE SUITABILITY OF THE SITE

### 4.5.1 Access to Services

The site is also located within 375m walking distance of bus stops on Derby Street which provide transport to Mount Druitt and surrounding areas, that provide a range of services and facilities, including shops, banks, community and recreational services and medical services. The available bus services and proximity to facilities satisfies the requirements of Clause 26 of the SEPP.

As the site is within an established area, electricity, telephone, gas, water and sewerage is readily available to and connected to the subject site.

### 4.5.2 Car parking

Parking requirements for Seniors Housing developments are prescribed within SEPP Seniors, and have been identified within the Compliance Table at Annexure A and the Traffic Impact Assessment, submitted under separate cover.

For Social Housing Providers, Clause 50(h)(ii) of the Seniors Housing SEPP requires 1 parking space per 5 dwellings. Fresh Hope Care is registered as a Social Housing Provider (see separate submission confirming registration) and compliance is therefore easily achieved with this parking requirement by the proposal.

### 4.5.3 Hazards

The site is not in an area recognised by Council as being subject to bushfire, flooding or landslip. The proposed development is not likely to increase the likelihood of such hazards occurring and is considered appropriate in this instance.

## 4.6 THE PUBLIC INTEREST

The proposed development will provide 35 high quality ILU's and communal facilities which is compatible with the scale and character of development in the locality and will not have an adverse impact on the amenity of adjoining properties.





The proposed ILU's have been designed to protect the amenity of adjoining development, as well as to provide a high degree of amenity for residents within the proposed facility. The communal indoor and outdoor living areas will provide services, facilities and community meeting place for residents and their visitors.

The site is located within 400m walking distance from regular bus services on Derby Street which provides convenient access to services and facilities and satisfies the site requirements of SEPP (Housing for Seniors or People with a Disability) 2004. The proposed development will generally have positive environmental impacts and acceptable impacts on the amenity of neighbouring properties. The proposed development is therefore considered to be in the public interest.



## 5. Conclusion

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This Statement accompanies a development application for the construction of 35 ILU's with associated car parking, landscaping and drainage works at Nos. 154-162 Stafford Street, Penrith. The proposed development has been assessed in light of Section 4.15 of the Environmental Planning & Assessment Act, 1979 and Council's planning Guidelines and Policies.

The proposal is permissible with consent pursuant to *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* and satisfies the relevant requirements of this instrument.

The siting, design and external appearance of the proposal is compatible with the character of the locality and will result in a superior outcome for the existing and proposed residents. Importantly, the ILU's will allow for the provision of updated housing stock to support the needs of the elderly population.

The site is suitable for the proposed development and satisfies the intent of Zone R3. The development will positively contribute to the quality and service levels of Seniors Housing in the Penrith LGA and will have manageable impacts on both the environment and the amenity of the locality. Accordingly the proposal is considered to be in the public interest and worthy of Council's support.





## ANNEXURE A

### SEPP (Housing for Seniors or People with a Disability) 2004 – Compliance Table



| Clause   | Requirement  | Proposal  | Complies                            |
|--|--|---|-------------------------------------|
| SEPP (Housing for Seniors and People with a Disability) 2004 |  |   |                                     |
| <b>Part 2 Site Related Requirements</b>                      |  |   |                                     |
| 25(5)(b)(i), (iii), (v)                                      | <p>(b)...that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:</p> <p>(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,</p> <p>(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,</p> <p>(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.</p> | <p>The proposal is consistent with the predominantly residential land uses in the immediate locality.</p> <p>The site is not subject to any known environmental hazards.</p> <p>Existing services will remain available to the site.</p> <p>The proposal is consistent with the residential uses found within the locality and is of a suitable bulk and scale for the site, complying with the height limit, and is unlikely to have adverse impacts on neighbouring properties.</p> | <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> |
| 26   | <p>Satisfactory access to:</p> <p>(a) shops, banks and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner</p>  | <p>The site is 375 metres walk from bus stops on Derby Street which provides services to Mount Druitt and surrounding areas with a range of services and facilities including shops, banks, community services, and general medical practitioners.</p>  | <p>✓</p>                            |
| 26(2)  | <p>Access complies with this clause if:</p> <p>(a) the facilities and services referred to above are located at a distance of not more than 400 metres from the site or</p> <p>(b) there is a public transport service available to the residents not more than 400metres away.</p>  | <p>Bus services operate from within 400m of the site.</p>   | <p>✓</p>                            |
| <b>Part 3 Design Related Requirements</b>                    |  |   |                                     |
| 30(1)  | <p>A site analysis is to be provided.</p>  | <p>A Site Analysis is provided with the DA.</p>   | <p>✓</p>                            |

| Clause  | Requirement  | Proposal   | Complies |
|---|--|--|----------|
| 31  | Design in accordance with Seniors Living Policy: Urban Design Guideline for Infill Development   | Refer to Schedule 3 controls at the end of this table.   | ✓        |
| 33  | Neighbourhood amenity and Streetscape issues are considered.   | The proposal is consistent and complementary to existing streetscape character.  | ✓        |
| 34  | The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity.  | The development has been designed to maintain visual and acoustic privacy of the adjacent neighbours through providing generous setbacks to boundaries, orientation of private balconies to the street where possible, location of communal areas centrally within the site and the provision of privacy screens to balconies. | ✓        |
| 35  | The proposal is designed with regard to solar access climate.  | Adequate solar access is provided to the proposal and adjoining development.   | ✓        |
| 36  | The proposed development should: control and minimise the disturbance and impacts of stormwater runoff and include, where practical, on-site stormwater detention. | A stormwater management plan has been submitted with the application.  | ✓        |
| 37  | The proposed development should provide personal property security for residents and visitors and encourage crime prevention.                                      | The building will provide a security entry and provides for natural surveillance of common areas and the public domain.  | ✓        |
| 38  | The proposed development should provide obvious and safe pedestrian links to public transport services or local facilities:  | See comments in relation to Clause 26.   | ✓        |
| 39  | Waste facilities to be provided that maximise recycling by the provision of appropriate facilities.  | Waste cupboards are provided on each floor and waste will be transferred to the bin store room in the basement by the building manager.  | ✓        |
| <b>Part 4 Development Standards to be complied with</b> |  |  |          |
| 40(2)   | The size of the site must be at least 1,000 square metres  | This provision does not apply to Social Housing Providers which Fresh Hope Care is categorised as.   | N/A      |



| Clause  | Requirement  | Proposal  | Complies |
|---|--|---|----------|
| 40(3)   | The site frontage must be at least 20 metres wide  | This provision does not apply to Social Housing Providers which Fresh Hope Care is categorised as.  | N/A      |
| <b>If the development is proposed in a residential zone where residential flat buildings are not permitted:</b> |  |   |          |
| 40(4)(a)  | The height of all buildings in the proposed development must be 8 metres or less, and  | The maximum height of the building is 8m to the ceiling.  | ✓        |
| 40(4)(b)  | A building that is adjacent to a boundary of the site must be not more than 2 storeys in height,   | The development is a maximum of 2 storeys, with the exception of a small section of the front north-eastern corner adjacent to the driveway entry. The section of building where the basement extends out ground greater than 1m is setback 9m from the eastern site boundary and will have no adverse impact on the neighbouring property. |          |
| 40(4)(c)  | A building located in the rear 25% area of the site must not exceed 1 storey in height.  | This provision does not apply to Social Housing Providers which Fresh Hope Care is categorised as.  | N/A      |
| 41  | Standards for hostels and self-contained dwellings<br>(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.<br>(2) Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider. | The proposed building is accessible as lift and ramp access is provided at all levels. The submitted Access report undertakes an assessment of Schedule 3, as does this Statement in the following pages.   | ✓        |
| <b>Part 7 Development standard's that cannot be used as grounds to refuse consent</b>                           |  |   |          |
| 50(a)   | Buildings are 8 metres or less in height   | The maximum height to the ceiling is 8m.  | ✓        |
| 50(b)   | Floor space ratio is less than 0.5:1<br>Site area is 4,881m <sup>2</sup>   | 0.642:1 – floor area of 3,137m <sup>2</sup> . The SEPP provisions are being used as a guide in this instance and compliance therefore is not mandated. Penrith LEP 2010 does not specify a maximum FSR for the site.  | On merit |

| Clause   | Requirement   | Proposal   | Complies   |
|--|---|--|------------|
| 50(c)  | 30% of the site area provided as landscaped area, or 35sqm/dwg – social housing provider  | Fresh Hope Care is a community housing provider. The landscaped area provided is 1,724m <sup>2</sup> (35% of the site area) and equates to 49m <sup>2</sup> per dwelling.  | ✓          |
| 50(d)  | 15% deep soil   | 26%  | ✓          |
| 50(e)  | 70% of dwellings to receive at least 3 hours direct sunlight between 9am and 3pm midwinter  | 91.4% (32 of 35 dwellings)   | ✓          |
| 50(f)  | private open space for in-fill self-care housing: if:<br><br>(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and<br><br>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area, | Ground floor units have private open space areas that total at least 15m <sup>2</sup> in area having a minimum dimension of 3m x 3m locate directly adjacent to the living area.<br><br>First floor units each have a balcony adjoining the living area with a balcony a minimum of 10m <sup>2</sup> with a minimum dimension of 2m. | ✓<br><br>✓ |
| 50(h)  | parking: if at least the following is provided:<br><br>(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider (7 required).   | 35 parking spaces are provided, which equates to 1 space per dwelling. We note that the SEPP does not require any visitor parking spaces.  | ✓          |
| <b>Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings</b> |   |  |            |
| 1 Application of standards in this Part  | The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings.   |  |            |
| 2 Siting standards   | (1) Wheelchair access   | A continuous path of travel is provided for the area of the proposed works. Refer to the Access Report submitted with this development application.  | ✓          |

| Clause                      | Requirement  | Proposal   | Complies |
|-----------------------------|--|--|----------|
|                             | If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.  |  |          |
|                             | (2) If the whole of the site does not have a gradient of less than 1:10:<br>(a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and<br>(b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents. | Not applicable.  | N/A      |
|                             | (3) Common areas<br>Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.   | Continuous access is provided to the proposed Community Centre. Refer to the Access Report submitted with this development application.  | ✓        |
| 3 Security                  | Pathway lighting:<br>(a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and<br>(b) must provide at least 20 lux at ground level.  | Pathway lighting will be installed and details are to be provided as part of the construction certificate documentation.<br>Details of the lighting levels to be installed are to be provided as part of the construction certificate documentation. | ✓        |
| 4 Letterboxes               | Letterboxes:<br>(a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and<br>(b) must be lockable, and<br>(c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.  | Letterboxes will be provided in the lobby area.  | ✓        |
| 5 Private car accommodation | If car parking (not being car parking for employees) is provided:<br>(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and  | All spaces comply. Refer to the Traffic and Parking Assessment Report submitted with the DA.   | ✓        |



| Clause              | Requirement   | Proposal   | Complies   |
|---------------------|---|--|------------|
|                     | (b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and<br><br>(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date. | Two spaces (5% of 35) are accessible spaces.<br><br>No garage doors proposed as basement parking is proposed.  | ✓<br><br>✓ |
| 6 Accessible entry  | Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.  | Entry to the proposed ILU's complies with AS 4299. Refer to the Access Report submitted with this development application.   | ✓          |
| 7 Interior: general | (1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.   | Compliance with requirement will be provided and detailed as part of the Construction Certificate documentation.   | ✓          |
|                     | (2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.   | All proposed internal corridors are a minimum of 1m in width.  | ✓          |
|                     | (3) Circulation space at approaches to internal doorways must comply with AS 1428.1.  | The circulation at doorways requirements identified at Clause 13.3 of AS1428.1:2009 will be provided and detailed as part of the Construction Certificate documentation. | ✓          |
| 8 Bedroom           | At least one bedroom within each dwelling must have:<br><br>(a) an area sufficient to accommodate a wardrobe and a bed sized as follows:<br>(i) in the case of a dwelling in a hostel—a single-size bed,<br>(ii) in the case of a self-contained dwelling—a queen-size bed, and   | At least one bedroom in every ILU will comply with the requirements and is detailed on the architectural plans submitted with this development application.              | ✓          |
|                     | (b) a clear area for the bed of at least:<br>(i) 1,200 millimetres wide at the foot of the bed, and<br>(ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and   | Compliance with requirement will be provided and detailed as part of the Construction Certificate documentation.   | ✓<br>✓     |
|                     | (c) 2 double general power outlets on the wall where the head of the bed is likely to be, and   | Compliance with requirement will be provided and detailed as part of the Construction Certificate documentation.   | ✓          |

| Clause              | Requirement   | Proposal   | Complies |
|---------------------|---|--|----------|
|                     | (d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and  | Compliance with requirement will be provided and detailed as part of the Construction Certificate documentation.   | ✓        |
|                     | (e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and  | Compliance with requirement will be provided and detailed as part of the Construction Certificate documentation.   | ✓        |
|                     | (f) wiring to allow a potential illumination level of at least 300 lux.   | Compliance with requirement will be provided and detailed as part of the Construction Certificate documentation.   | ✓        |
| 9 Bathroom          | <p>(1) At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <p>(a) a slip-resistant floor surface,</p> <p>(b) a washbasin with plumbing that would allow, either immediately or in the future, clearances that comply with AS 1428.1,</p> <p>(c) a shower that complies with AS 1428.1, except that the following must be accommodated either immediately or in the future:</p> <p>(i) a grab rail,</p> <p>(ii) portable shower head,</p> <p>(iii) folding seat,</p> <p>(d) a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it,</p> <p>(e) a double general power outlet beside the mirror.</p> | All bathrooms will comply with the requirements and is detailed on the architectural plans submitted with this development application.  | ✓        |
|                     | (2) Subclause (1) (c) does not prevent the installation of a shower screen that can easily be removed to facilitate future accessibility.   | Noted.   | -        |
| 10 Toilet           | A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.  | All units are single storey. One ground level toilet is provided for each ILU that complies with AS 4299.  | ✓        |
| 11 Surface finishes | Balconies and external paved areas must have slip-resistant surfaces.   | The slip resistance of the floor finishes is not specifically noted in the Standards or Codes. It can be assumed that the slip resistance of floor finishes in balcony locations will be R10 at a minimum. | ✓        |

| Clause                                   | Requirement   | Proposal  | Complies |
|--|---|---|----------|
| 12 Door hardware                         | Door handles and hardware for all doors (including entry doors and other external doors) must be provided in accordance with AS 4299.   | Door handles are provided for each ILU that complies with AS 4299.  | ✓        |
| 13 Ancillary items                       | Switches and power points must be provided in accordance with AS 4299.  | Compliance with requirement will be provided and detailed as part of the Construction Certificate documentation.  | ✓        |
| 14 Application of standards in this Part | The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings.  | Noted.  | -        |
| 15 Living room and dining room           | (1) A living room in a self-contained dwelling must have:<br>(a) a circulation space in accordance with clause 4.7.1 of AS 4299, and  | Compliance with requirement will be provided and detailed as part of the Construction Certificate documentation.  | ✓        |
|  | (b) a telephone adjacent to a general power outlet.   | The phone will be adjacent to the power outlet and details are to be provided as part of the Construction Certificate documentation.                    | ✓        |
|  | (2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.   | The wiring will be provided and details are to be provided as part of the Construction Certificate documentation.                                       | ✓        |
| 16 Kitchen                               | A kitchen in a self-contained dwelling must have:<br>(a) a circulation space in accordance with clause 4.5.2 of AS 4299, and  | The size of the kitchen and its fittings comply with the requirements of AS 4299 and details will be provided at the Construction Certificate stage.    | ✓        |
|  | (b) a circulation space at door approaches that complies with AS 1428.1, and  | The circulation space at the door complies with AS 1428.1 and is detailed on the architectural plans submitted with this development application.       | ✓        |
|  | (c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299:<br>(i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a),<br>(ii) a tap set (see clause 4.5.6),<br>(iii) cooktops (see clause 4.5.7), except that an isolating switch must be included,<br>(iv) an oven (see clause 4.5.8), and | All fittings will be provided in accordance with the requirements and details are to be provided as part of the Construction Certificate documentation. | ✓        |



| Clause  | Requirement  | Proposal  | Complies |
|---|--|---|----------|
|   | (d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and  | The handles for the kitchen cupboards will comply with the requirements and details are to be provided as part of the Construction Certificate documentation. | ✓        |
|   | (e) general power outlets:<br>(i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and<br>(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed. | Power outlets will comply with the requirements and details are to be provided as part of the Construction Certificate documentation.                         | ✓        |
| 17 Access to kitchen, main bedroom, bathroom and toilet | In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.  | Not applicable.   | N/A      |
| 18 Lifts in multi-storey buildings                      | In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.                              | Lift access is provided from the basement to the Ground and First Floors.   | ✓        |
| 19 Laundry  | A self-contained dwelling must have a laundry that has:<br>(a) a circulation space at door approaches that complies with AS 1428.1, and  | The circulation space at the laundry door complies with AS 1428.1 and is detailed on the architectural plans submitted with this development application.     |          |
|   | (b) provision for the installation of an automatic washing machine and a clothes dryer, and  | An automatic washing machine and clothes dryer will be provided and details are to be provided as part of the Construction Certificate documentation          |          |
|   | (c) a clear space in front of appliances of at least 1,300 millimetres, and  | A clear space of more than 1,300mm is provided.   |          |
|   | (d) a slip-resistant floor surface, and  | A slip resistant floor will be provided and details are to be provided as part of the construction certificate documentation.                                 | ✓        |
|   | (e) an accessible path of travel to any clothes line provided in relation to the dwelling.   | No external clothes drying lines are provided or required.  | ✓        |

| Clause               | Requirement  | Proposal   | Complies |
|----------------------|--|--|----------|
| 20 Storage for linen | A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299. | Linen storage is provided and details are to be provided as part of the Construction Certificate documentation.  | ✓        |
| 21 Garbage           | A garbage storage area must be provided in an accessible location.   | Garbage storage is provided in the basement level. Waste cupboards are provided at each level and waste will be moved to the basement by the Building Manager. | ✓        |

| Seniors Living Policy                           |   |
|---|---|
| Urban Design Guidelines for In Fill Development |   |
| Responding to context                           | The proposal is compatible with the local context of the site. The predominant built form is two storey residential development, a mix of dwelling houses, dual occupancy development and multi-dwelling development.   |
| Site planning and design                        | The proposed building have been oriented on the site to maximise natural light and ventilation to dwellings, address both street frontages, provide a landscaped internal courtyard, provide areas of deep soil landscaping and orient dwellings towards the street where possible to limit the impacts on neighbouring properties.   |
| Impacts on streetscape                          | The proposal will complement the existing streetscape by orienting dwellings to each frontage where possible, providing deep soil landscaping within the street setbacks, providing articulated facades with a mix of suitable materials and finishes and maintaining a two storey appearance for the bulk of the building. Private open spaces are provided within the front setbacks to allow for casual surveillance and take advantage of the northern orientation of the site to Stafford Street. All parking is provided in the basement level which allows for more landscaping along the street frontages rather than at-grade parking. |
| Impacts on neighbours                           | The built form of the development is predominantly two storeys and well articulated along each elevation. The development is split into three building modules to reduce bulk on neighbouring properties and suitable landscaped setbacks are provided to all site boundaries. Solar access is retained to all neighbouring properties and private balconies on the first floor are oriented to the street or communal open space where possible.   |
| Internal site amenity                           | 32 of 35 dwellings will receive more than 3 hours solar access during mid-winter and the communal courtyard is located centrally to the site to provide for alternative outdoor space for residents and visitors.   |

## ANNEXURE B

### Penrith LEP 2010 - Compliance Table





## PENRITH LEP 2010 – COMPLIANCE TABLE

| Clause / Control  | Requirement   | Proposal  | Complies? |
|---|---|---|-----------|
| <b>Part 2 Permitted or prohibited development</b>                       |   |   |           |
| 2.2 Zone objectives and Land Use Table                                  | <p>Zone R3 Low Density Residential</p> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a medium density residential environment.</li> <li>To provide a variety of housing types within a medium density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To provide for a concentration of housing with access to services and facilities.</li> <li>To enhance the essential character and identity of established residential areas.</li> <li>To ensure that a high level of residential amenity is achieved and maintained.</li> <li>To ensure that development reflects the desired future character and dwelling densities of the area.</li> </ul> | <p>The proposed development meets the objectives of the R3 zone by providing 35 new self-care units, a mix of 1, 2 and 3 bedroom units, including 5 adaptable units, in an accessible location. The proposal is in keeping with the character of the locality, complies with the SEPP and LEP height limits and will provide a high quality residential development that maintains the amenity of adjoining properties.</p> <p>Seniors housing is a permissible development type in the zone.</p> | Yes       |
| <b>Part 4 Principal development standards</b>                           |   |   |           |
| 4.3 Height of buildings   | <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>Height = 8.5m</p>   | The SEPP (Housing for Seniors or People with a Disability) 2004 prescribes maximum building height standards. This Policy prevails over any other environmental planning instrument to the extent of any inconsistency.   | N/A       |
| 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and | Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings – R3 standard lot: 800m <sup>2</sup>  | The site has an area of 4,881m <sup>2</sup>   | Yes       |

## PENRITH LEP 2010 – COMPLIANCE TABLE

|                                |   |   |     |
|--------------------------------|---|---|-----|
| residential flat buildings     |   |   |     |
| <b>Part 6 Local Provisions</b> |   |   |     |
| 6.2 Earthworks                 | <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> | <p>Excavation is required for the basement parking level and will not have an adverse impact on the stability and amenity of adjoining properties.</p> <p>The land modification works will allow for the construction of seniors housing development. The site will be used as such for the foreseeable future.</p> <p>A Phase 1 Site Investigation Report has been submitted with the application. Refer to discussion in Section 4.2.1 of this Statement.</p> <p>The excavation will not have an adverse impact on the stability and amenity of adjoining properties.</p> <p>Any excavated material will be reused on-site as fill with surplus material disposed of at licenced waste management facility.</p> <p>The potential for limited land modification works to disturb relics is considered highly unlikely, however should any relics be identified during site preparation and excavation, work will stop immediately and applicable authorities will be notified.</p> | Yes |

## ANNEXURE C

### Penrith DCP 2014 - Compliance Table





**Penrith Development Control Plan 2014 - Compliance Table**

| Clause / Control   | Requirement  | Proposal  | Complies?  |
|--|--|---|--|
| <b>C5 Waste Management</b>   |  |   |  |
| 5.1 Waste Management Plans   | <p>1) Applicants are to submit a Waste Management Plan when lodging a development application for:</p> <p>a) Demolition or construction of buildings;<br/>                     b) Change of use of buildings for rural, residential, commercial and industrial developments;<br/>                     c) Subdivision of land and/or buildings; or<br/>                     d) Alterations to 50% or more of the existing gross floor area of buildings, or additions to buildings resulting in a 50% increase (or more) to the existing gross floor area.</p>  | A Waste Management Plan has been submitted with the DA.   | Yes  |
| 5.2.1 Siting and Design of Waste Bin Storage Areas for Residential Development | <p>2) Waste Bin Storage Area Size:</p> <p>a) The development must provide a waste bin storage area that is of sufficient size to accommodate all required waste bins associated with the development. This is to be achieved through the provision of a communal waste storage area. For larger developments, multiple waste bin storage areas may be required.</p> <p>b) All waste streams must be catered for, including general waste, bulky waste and recyclable waste.</p> <p>c) Sufficient space must be provided onsite to ensure that adequate room is provided to manoeuvre, clean and maintain all waste and recycling bins for the development.</p> <p>d) Sufficient space must be provided onsite for any required equipment to manage waste, waste bins (including washing and cleaning) and the waste bin storage area.</p> <p>3) Waste Bin Storage Area Location:</p> <ul style="list-style-type: none"> <li>The waste bin storage area is to be located within the basement footprint of the residential flat building developments.</li> <li>The waste bin storage area is to be located on the ground level for multi-unit housing developments.</li> <li>The waste bin storage area is to be located where its use and operation will not adversely impact the amenity of development occupants in terms of noise and odour.</li> </ul> | <p>A waste store room is provided in the basement that can accommodate 36 bins.</p> <p>General waste, recycling and bulky goods are catered for.</p> <p>Complies – refer to the plans.</p> <p>Complies – refer to the plans.</p> <p>The waste bin room is located in the basement.</p> <p>Not applicable.</p> <p>The waste bin room is located in the basement.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> |

Penrith Development Control Plan 2014 - Compliance Table

|  |  |   |                                  |
|--|--|---|----------------------------------|
|  | <ul style="list-style-type: none"> <li>• If the waste bin storage area is to be used as the collection point (for multi-unit housing), it must be located and designed to meet the applicable requirements for servicing.</li> </ul> <p>4) Waste Bin Area Layout</p> <ul style="list-style-type: none"> <li>• The layout of the waste bin storage area is to be designed so that the area is free from obstructions so not to restrict the movement and servicing of the bins.</li> <li>• An aisle space of 1.2m is required to access and manoeuvre the bins.</li> <li>• In determining the layout and size of the waste bin storage area, consideration should be given to whether waste bins are required to be rotated. If waste bins are to be rotated, additional room size to aisle width will be required to manoeuvre bins.</li> </ul> <p>5) Waste Bin Storage Area Construction</p> <p>a) Waste Bin Storage Rooms are to be designed so that they can be constructed to the following:</p> <ol style="list-style-type: none"> <li>Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting.</li> <li>The floors must be finished to a smooth even surface.</li> <li>The walls must be constructed of solid impervious material.</li> <li>The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned.</li> <li>Walls, ceilings and floors must be finished in a light colour.</li> <li>It is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.</li> <li>A close fitting and self-closing door openable from within the room.</li> <li>Must be constructed to prevent the entry of vermin.</li> <li>Be provided with adequate light and ventilation. The light source must be through controlled light switches located both outside and inside the room.</li> </ol> | <p>Kerbside collection is proposed.</p> <p>Complies – refer to the plans.</p> <p>Complies – refer to the plans.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> |
| <p>5.2.2. Residential Development Controls</p> | <p>5.2.2.1 Controls applicable to all types of residential development (including dwellings and dual occupancies)</p> <ol style="list-style-type: none"> <li>The kitchen of each dwelling should be designed with sufficient space (or an alternate location) for the interim storage of organic waste, other recyclable waste and nonrecyclable waste. It should be of sufficient size to hold at least a single day's waste and to enable source separation of garbage, recyclables and compostable materials.</li> <li>The design and location of waste storage areas/facilities should be such that they:</li> </ol>   | <p>Complies – refer to the plans.</p> <p>Located in the basement.</p>   | <p>Yes</p> <p>Yes</p>            |

Penrith Development Control Plan 2014 - Compliance Table

|                                       |   |   |  |
|---------------------------------------|---|---|--|
|                                       | <p>a) Complement the design of both the development and the surrounding streetscape;<br/> b) Have access to a cold water supply for the cleaning of bins and the waste storage areas; and<br/> c) Not be visually prominent from public areas.</p> <p>3) An area for composting is to be provided on site and made available for residents' use. The siting of composting facilities should consider:<br/> a) The location and proximity of dwellings (including those adjoining the subject property), to minimise likely odour impacts/nuisance;<br/> b) The location of the drainage system;<br/> c) Whether the facility is appropriately designed for composting; and<br/> d) Provision of signposting to ensure inappropriate waste is not added to the compost.</p>  | <p>Complies – refer to the plans.</p> <p>Located in the basement.</p> <p>Composting could take place within the communal garden area.</p>   | <p>Yes</p> <p>Yes</p> <p>Yes</p>   |
| <p>5.2.2.3 Multi dwelling housing</p> | <p>1) The term 'multi dwelling housing' is defined in Penrith LEP 2010.</p> <p>2) For developments comprising up to three dwellings, please refer to the controls applying to "Dwelling houses and dual occupancies" unless the characteristics of the site will restrict or impede access to the collection site.</p> <p>A communal waste storage area must be provided for residential developments in the following circumstances:<br/> a) Contain four or more dwellings;<br/> b) Include non-residential uses located in the same building (known as 'mixed use developments' and defined in Penrith LEP 2010);<br/> c) Where the number of bins would not fit comfortably on the street frontage or where the placement of bins along the nature strip would have a detrimental effect on residential amenity; or<br/> d) Where the characteristics of the site restrict or impede access to the collection site.</p> <p>3) The development must provide a waste bin storage/collection area that is of sufficient size to accommodate all required waste bins associated with the development. This is to be achieved through the provision of a waste storage bin area either at ground level or within the basement footprint of the development which:<br/> a) Provides direct and convenient access for the occupants of the development;<br/> b) Allows for the safe and direct transfer of all waste bins from the waste bin storage area to the collection point;<br/> c) Does not impact the amenity of occupants within and adjoining the development in relation to visual amenity, noise and odour; and</p> | <p>The controls have been used as a guide as there are no specific controls for Seniors housing.</p> <p>The waste bin room is located in the basement.<br/> Not applicable.</p> <p>The waste bin room is located in the basement.</p> <p>The waste bin room is located in the basement.</p> <p>Waste cupboards are located on each floor and waste will be transferred to the basement by the building manager.<br/> As above.</p> <p>As above.</p> | <p>-</p> <p>Yes<br/> N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> |



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|  | <p>d) Does not interfere with the car parking (on or off-street), driveways, footpaths, landscaping and any existing trees and vegetation.</p> <p>e) The waste bin storage area is to be designed in accordance with Section 5.2.1 Siting and Design of Waste Bin Storage Areas for Residential Development.</p> <p>f) Swept paths demonstrating adequate manoeuvring area are to be provided with the application.</p> <p>4) Where the waste storage area will be secured, the locking mechanism installed must be an Abloy system employed by Council. The installation of the locking system and the supply of keys will be provided by Council at the developer's cost.</p> <p>5) The size and number of the waste bins shall be determined by Council, having regard to the need for either on-site access by collection vehicles or the requirement for bins to be wheeled to the collection point for collection by a contractor. If transferred to the street for collection, the body corporate or a caretaker must be responsible for the movement of bins to their collection point and their subsequent return.</p> <p>6) Where on-site collection is required to service the development, adequate and safe access must be provided for Council's Standard Waste Collection Vehicles and waste collection staff as follows:</p> <p>a) The site must be designed to allow collection vehicles to enter and exit the site in a forward direction with limited manoeuvring and reversing on-site;</p> <p>b) The route of travel (including vehicle manoeuvring areas) for the waste collection vehicle to the collection point is to satisfy the typical dimensions of heavy rigid vehicle. This also includes adequate vehicle clearance for the vehicle. Australian Standard AS2890.2 Parking Facilities: Off-Street Commercial Vehicle Facilities provides typical dimensions, turning circles and clearance heights.</p> <p>c) The route of travel for the waste vehicle is to be adequately paved and of sufficient strength to support the waste collection vehicle.</p> <p>d) The grades of entry and exit ramps must not exceed the capabilities of the waste collection vehicle and are to comply with AS2890.2 Parking Facilities: Off-Street Commercial Vehicle Facilities.</p> <p>e) The waste collection point and parking area for the waste vehicle is to be clearly nominated with dimensions on the site plan. The collection point is to be of sufficient space to accommodate and safely manoeuvre all required waste bins.</p> <p>f) Access to the nominated waste collection point for the development is to be designed to ensure that Council's standard waste vehicle can safely access and manoeuvre within the site. Typical dimensions (and</p> | <p>Complies.</p> <p>Complies – refer to plans.</p> <p>Not applicable.</p> <p>Council may condition.</p> <p>The store room can accommodate 36 bins.</p> <p>Not applicable.</p> | <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> |
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|   | <p>turning circles) for a heavy rigid vehicle are provided within AS 2890.2<br/>Parking Facilities: Off-Street Commercial Vehicle Facilities.</p> <p>7) Where on-site collection is not possible because of topographic or access constraints, and/or restrictive site dimensions, adequate arrangements need to be made for the convenient, safe and direct access between the waste storage room and the collection point. These arrangements need to be discussed at a pre-lodgement meeting with Council.</p> <p>8) For developments where on-site collection is required or where Council collectors are required to enter a site for the purpose of waste collection services, an agreement will be required to be entered into with Council. This agreement is to be entered into with Council giving power and authority to Council to enter the; and for the purpose of waste services. Council is also to be provided with indemnity against any future claims for damage and loss.</p> | <p>Kerbside collection is proposed.</p><br><p>Not applicable.</p>   | <p>Yes</p><br><p>N/A</p> |
| <b>PART C10 – TRANSPORT, ACCESS AND PARKING</b> |   |   |                          |
| <b>10.1 Transport and Land Use</b>              |   |   |                          |
|   | <p>1) A Transport Management and Accessibility Plan (TMAP) is to be prepared for all significant developments (see Appendix F3 – Submission Requirements for further details). The TMAP is to address the objectives and controls in this section.</p>  | <p>The proposal is not considered to be a significant development and a TMAP is therefore not required.</p> | <p>Yes</p>               |
|   | <p>2) New development that will have potential significant public transport patronage (especially residential, commercial and employment generating uses) is to be located close to existing or proposed transport nodes or networks.</p>   | <p>The site is located close to bus stops that provide services to surrounding centres.</p>                 | <p>Yes</p>               |
|   | <p>3) A range of uses are to be provided or integrated in mixed-use areas to provide a range of services in a single location and minimise the need for additional travel.</p>  | <p>Not applicable.</p>  | <p>N/A</p>               |
|   | <p>4) Public transport use is to be enhanced by providing good pedestrian connections from places of residence or employment to transport networks or nodes.</p>  | <p>The site has good connections to bus stops within close proximity to the site.</p>                       | <p>Yes</p>               |
| <b>10.2 Traffic Management and Safety</b>       |   |   |                          |
| <b>1) Traffic Studies</b>                       | <p>Traffic studies may be required for some developments. Check with Council about whether a traffic report is required to support your proposal.</p>   | <p>A traffic assessment report has been prepared and is submitted with the application.</p>                 | <p>Yes</p>               |
| <b>2) Road Safety</b>                           | <p>a) Each development should demonstrate how it will:</p>  |   |                          |

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|  | <p>i) Provide safe entry and exit for vehicles and pedestrians which reflect the proposed land use, and the operating speed and character of the road;</p> <p>ii) Minimise the potential for vehicular/pedestrian conflicts, providing protection for pedestrians where necessary;</p> <p>iii) Not restrict traffic flow or create a hazard to traffic on roads in the vicinity of the development;</p> <p>iv) Provide suitable off-street parking facilities to accommodate vehicles generated by the development; and</p> <p>v) Identify the need, where apparent, for any additional on-street traffic facilities or road works which may be required to maintain the safe and efficient movement of vehicles and pedestrians.</p> <p>b) Where feasible, vehicle access for developments should be from service roads/lanes.</p> <p>c) The design of direct vehicular access to developments should consider the traffic impacts on the surrounding road network. This may require the provision of deceleration, acceleration, right turn lanes and road widening, as necessary.</p> <p>d) Provision must be made for all vehicles to enter and leave properties in a forward direction other than for single dwellings.</p> <p>e) The layout and design of parking areas must minimise vehicle to pedestrian impacts, especially where heavy vehicle access to loading docks is proposed.</p> | <p>Safe entry and exit is provided to Stafford Street and is separate from the pedestrian entry point.</p> <p>Separate pedestrian access from Stafford Street.</p> <p>The proposal is unlikely to impact upon traffic flow.</p> <p>Adequate on-site parking is provided to meet the needs of the development.</p> <p>Not applicable.</p> <p>Vehicle access is provided from Stafford Street.</p> <p>The surrounding road network has been considered and no additional road works are required.</p> <p>All vehicles can enter and leave the site in a forward direction.</p> <p>A loading dock is not required.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> |
| <p><b>3) Traffic Generating Development</b></p>  | <p>a) New access points off arterial, sub arterial or other major roads is to be avoided where alternate access opportunities exist.</p> <p>b) Any development identified in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 is either referred to RMS (Column 2 developments) or Council's Local Traffic Development Committee (Column 3 developments) for assessment and conditions as required.</p>   | <p>No access proposed from arterial, sub arterial or major roads.</p> <p>The proposal does not fall within Schedule 3 of the SEPP (Infrastructure)</p>  | <p>Yes</p> <p>N/A</p>  |
| <p><b>10.5 Parking, Access and Driveways</b></p> |  |   |  |
| <p><b>1) Provision of Parking Spaces</b></p>     | <p>a) Parking provided on site is to meet AS 2890 and where appropriate, AS 1428.</p> <p>b) For any proposed development, Council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development as set out in Table C10.2 .</p> <p>c) Within rural zones, the range of possible uses of land is very broad. Car parking is to be provided in accordance with Table C10.2: Car Parking Rates. If parking rates for the use is not listed, it will be the applicant's responsibility to demonstrate that adequate parking is provided.</p>  | <p>The layout and design of parking provided meets Australian Standards.</p> <p>35 spaces proposed.</p> <p>The site is not located within a rural zone.</p>   | <p>Yes</p> <p>Yes</p> <p>N/A</p>   |



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| <p>d) For commercial developments providing employment for 20 people or more, bicycle parking is to be in secure and accessible locations, and provided with weather protection. The following associated facilities are to be provided:</p> <p>i) Change and shower for cyclists and are to be conveniently located close to the bicycle storage areas.</p> <p>ii) Where the building is to be strata-titled, the bicycle storage facilities and shower/ change facilities are to be made available to all occupants of the building.</p> <p>e) For existing developments, a new use must not commence or the floor area increased until the required car park spaces have been provided on the site, corresponding to the land use outlined in Table C10.2.</p> <p>f) In the absence of specific requirements relevant to particular developments, the parking requirements in the RTA's "Guide to Traffic Generating Developments" (as updated) and Australian Standard AS 2890.1 and 2 - 2004 should be referred to as a guide. In the absence of all data, the applicant should revert to the use of first principles.</p> <p>g) Where relevant, development shall provide on-site loading facilities to accommodate the anticipated heavy vehicle demand for the site.</p> <p>h) Stacked parking will not be permitted for visitor spaces for any development.</p> <p>i) Stacked parking in commercial or industrial development may be permitted for employee spaces only, provided the number of stacked spaces does not account for more than 10% of the total required parking spaces.</p> <p>j) Car parking above ground level is to have a minimum floor to ceiling height of 2.8m so it may be adapted to another use in the future.</p> <p>k) Car parking and associated internal manoeuvring areas provided over and beyond the requirements of this DCP shall be calculated as part of the development's gross floor area.</p> <p>l) Where possible, natural ventilation is to be provided to underground parking areas with ventilation grilles and structures that are:</p> <p>i) integrated into the overall façade and landscape design of the development;</p> <p>ii) located away from the primary street façade; and</p> <p>iii) oriented away from windows of habitable rooms and private open space areas.</p> <p>m) Proposals for basement parking areas are to be accompanied with a geotechnical report prepared by an appropriately qualified professional and any other supporting information to the Development Application.</p> <p>n) For all residential development at least one car parking space for each dwelling shall be covered the second space may be "stacked" or "tandem" or located on a driveway.</p> | Not applicable.   | N/A |
|  | Not applicable.   | N/A |
|  | Not applicable.   | N/A |
|  | Not applicable.   | N/A |
|  | Not applicable.   | N/A |
|  | Not applicable.   | N/A |
|  | Not applicable.   | N/A |
|  | Not applicable.   | N/A |
|  | No stacked parking is proposed.   | N/A |
|  | Not applicable.   | N/A |
|  | No above ground level parking proposed.   | N/A |
|  | Noted.  | -   |
|  | The basement will be mechanically ventilated.   | Yes |
|  | A geotechnical report prepared by JK Geotechnics has been submitted with the Development Application. | Yes |
| One car parking space is provided for each dwelling, there are no stacked spaces.  | Yes   |     |

