

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA18/0306
<b>Proposed development:</b>	Construction of a Three (3) Storey Development Including a 100 Bed Residential Aged Care Facility, Ancillary Services, Car Parking and Associated Demolition and Site Works
<b>Property address:</b>	6 Troy Street, EMU PLAINS NSW 2750 5 - 7 Emerald Street, EMU PLAINS NSW 2750 9 - 11 Emerald Street, EMU PLAINS NSW 2750 1 - 3 Emerald Street, EMU PLAINS NSW 2750
<b>Property description:</b>	Lot 15 DP 232740 Lot 3 DP 758387 Lot 4 DP 758387 Lot 16 DP 232740 Lot 1 DP 650543 Lot 9 DP 230580
<b>Date received:</b>	28 March 2018
<b>Assessing officer</b>	Paul Anzellotti
<b>Zoning:</b>	Zone R3 Medium Density Residential - LEP 2010
<b>Class of building:</b>	Class 9b
<b>Recommendations:</b>	Approve

### Executive Summary

**Reason for Determination by Penrith Local Planning Panel** The development application includes a request to vary a development standard pursuant to Clause 4.6 of Penrith Local Environmental Plan 2010

Council is in receipt of a development application from the Uniting Church in Australia Property Trust (NSW) proposing the construction of a three (3) storey and 100 bed residential aged care facility including related facilities and uses, at-grade car parking, associated demolition and site works at 1-11 Emerald Street, Emu Plains and use of No. 6 Troy Street, Emu Plains as an administration building and car parking area during the construction phase.

The subject site is zoned R3 Medium Density Residential under the Penrith Local Environmental Plan 2010. Development for the purposes of a residential aged care facility (Seniors Housing) is permissible within the R3 zone. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) applies to the zoned land and must be taken into consideration in the assessment of the application.

The application proposes a numerical non-compliance in relation to the maximum 8m height limit that is permissible and the provision of not more than 2 storeys adjacent to the boundary of a site. In this regard, the application was accompanied by two (2) separate Clause 4.6 Variation requests in response to the development standard variations proposed. A review of each 4.6 Variation request is considered to have outlined appropriate justification for the proposed non compliance which has appropriately adhered to the requirements of the relevant sections within this Clause.

As the variations proposed are a departure from the development standards by more than 10% in each instance, it is a statutory requirement that the application be determined by the Penrith Local Planning Panel as identified by the Environmental Planning and Assessment Act, 1979.

The proposal required a referral to the Roads and Maritime Services (RMS) under Clause 104 (Traffic Generating Development) of the State Environmental Planning Policy (Infrastructure) 2007 as the application will provide for 50 or more car parking spaces within 90m connection to a classified road, being the Great Western Highway. The RMS have provided for their concurrence with their correspondence received to be incorporated with any determination granted.

The development application was advertised in the local newspaper and notified to adjoining owners and occupiers of adjoining and nearby properties pursuant to the requirements of the Regulations and in accordance with Council's Development Control Plan. Affected property owners and occupiers were notified in the surrounding area and invited to make a submission on the proposal during the exhibition period from 13 April to 27 April, 2018. During this period, no submissions were received.

Key issues identified for the proposed development include:

#### **Non compliant building height and storeys adjoining site boundary**

The application will provide for a 33% variance to the maximum 8m height permissible under the Seniors SEPP. In addition, the application will provide for three (3) rather than the required two (2) building storeys adjoining the site boundary. In this regard, the application was accompanied by two (2) separate Clause 4.6 Variation requests in response to the development standard variations proposed. A review of each 4.6 Variation request is considered to have outlined appropriate justification for the provided non compliance which has appropriately adhered to the requirements of the relevant sections within this Clause. In this regard, the presentation and location of the new aged care building is not considered to create an unacceptable impact upon its surrounds.

#### **Relationship to existing Heritage item on the subject site**

The subject site currently provides for a local item of heritage significance (Item No. 82 under Schedule 5 - Environmental Heritage of the Penrith Local Environmental Plan) being an existing sandstone Uniting Church constructed in 1862. The application as originally received was provided to Council's Heritage Advisor who indicates that the setback proposed between the proposed building and existing heritage item was not considered appropriate. These concerns were relayed to the applicant who in turn provided for an amended scheme increasing the setback via a repositioning of the proposed building. The amended application was considered an appropriate response to the original concerns provided with Council's Heritage Advisor confirming that an appropriate separation is now provided to the existing heritage item which is not considered to impact upon its significance.

#### **Retention of existing mature vegetation fronting Emerald Street and the Great Western Highway**

The subject site is characterised by a number of mature trees to both the Great Western Highway and Emerald Street frontages. The application is considered to retain a significant number of these trees, while noting that an existing jacaranda tree will be removed from the Great Western Highway frontage following the relocation of the proposed building away from the existing on site heritage item. In this regard, it is considered that the proposal will provide for an appropriate relationship with the existing vegetation with the design allowing for the existing character of the site to be retained.

#### **Relationship with surrounding land uses**

The subject site is provided with three frontages being the Great Western Highway, Emerald Street and Troy Street along with a boundary to the Emu Plains Public School to the south. Taking into consideration the existing separation to surrounding uses provided by the road network and the retention of a significant number of mature trees to the sites perimeter, it is considered that the proposed built form will provide for an appropriate relationship to the adjoining lower density residential uses (along Emerald Street) and commercial uses (to the northern side of the Great Western Highway) via the Lennox Village Shopping Centre. The application has also identified the demolition of a number of existing buildings on site which will be replaced with an open turfed area allowing for an acceptable relationship to the Emu Plains Public School to the south.

#### **Built form**

The application has provided for a 'winged' design to the proposed new residential aged care facility which is considered in association with the existing landscaping on the subject site to provide for an appropriate

presentation to its surrounds. The winged nature of the building is considered to allow for a reduced building envelope and improved courtyard areas. In addition, the design and placement of the building is not considered to create amenity concerns for surrounding residential properties, while allowing for an acceptable amenity for future occupants.

#### **Temporary use of No. 6 Troy Street**

No. 6 Troy Street is proposed to be operated as an administration building with car parking for 17 vehicles also provided to its rear yard area during the construction and demolition phase of the application. noting the temporary nature of this use, it is not considered that its operation will create an impact upon the amenity of existing residents along Troy Street. The additional parking provided is considered appropriate to allow for the ongoing operation of the existing facilities during the construction phase with any development consent granted to reflect the temporary nature of operations on No. 6 Troy Street.

An assessment under Section 4.15 of the Environmental planning and Assessment Act, 1979 (as amended) has been undertaken and the application is recommended for approval subject to appropriate conditions.

## Site & Surrounds

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The subject site is known as 1-11 Emerald Street and No. 6 Troy Street, Emu Plains with the legal property description of the site provided below:

- 1-3 Emerald Street, Emu Plains (Lot 9, DP 230580 and Lot 16, DP 232740)
- 5-7 Emerald Street (Lot 1, DP 650543)
- 9-11 Emerald Street (Lot 3 and 4, Section 21, DP 758387)
- 6 Troy Street, Emu Plains (Lot 15, DP 232740)

No 8 Troy Street, Emu Plains (Lot 14, DP 232740) was originally also provided as part of the subject site.

Following amendments to the proposed development, No. 8 Troy Street was removed as part of this Development Application.

The subject site was provided with an original site area of 20,162m<sup>2</sup>. Following the removal of No. 8 Troy Street as part of the application, this has been reduced to 19,189m<sup>2</sup>. The site is provided with a northern boundary fronting the Great Western Highway with a dimension of 206.4m, an eastern boundary frontage onto Emerald Street of 127.6m and a western boundary frontage of 46.1m onto Troy Street.

The subject site is relatively flat in nature and has been identified as being subject to flooding. The subject site is provided with a mixture of mature trees and bushes primarily to the Great Western Highway frontage and to the corners of the Great Western Highway and Emerald Street and the Great Western Highway and Troy Street. A continuous pedestrian path is provided to all frontages.

The subject site currently provides for the Edinglassie Retirement Village, which comprises of the following:

- A fifty three (53) bed nursing home, seventy three (73) bed hostel and associated administrative spaces,
- Forty five (45) Independent Living Units,
- A Fellowship Centre,
- Car parking and landscaping
- Stone church along the Emerald Street frontage constructed in 1862 (which is identified as an item of local significance under Schedule 5 *Environmental Heritage* of the Penrith Local Environmental Plan 2010, and
- A residential dwelling at No. 6 Troy Street.

The existing nursing home is located to the north to north-east portion of the subject site. The church and fellowship centre are located fronting Emerald Street along the eastern side of the subject site with the independent living units located to the north western part of the subject site and the hostel to the southern part of the subject site. Vehicular access is currently provided in three (3) locations along the Emerald Street frontage with one additional entry/exit point along the western side of the site accessing the existing independent living units. No. 6 Troy Street is also provided with a separate driveway.

The existing buildings at the Edinglassie Retirement Village are a mixture of one and two storey structures. No 6 Troy Street consists on a single storey building with a detached garage to the rear. The rear yard to No. 6 Troy Street also provides for an in-ground swimming pool.

Directly opposite the subject site along the northern side of the Great Western Highway is the Lennox Village Shopping Centre providing for a mixture of retail stores and at grade car parking. Directly adjoining the subject site to the south is the Emu Plains Public School (with open area adjoining the boundary), while Troy Street from No. 8 onwards is provided with detached dwelling houses. Directly opposite the subject site to the western side of Troy Street are detached dwellings while detached dwellings are also provided directly opposite the subject site along the eastern side of Emerald Street.

## Proposal

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### Background

Development Application DA18/0306 was originally received by Penrith City Council on the 29 March, 2018 providing for the construction of a three (3) storey and 100 bed residential aged care facility including related facilities and uses, at-grade car parking and associated demolition and site works. It is noted that the proposal

was privy to a pre-lodgement advice meeting on the 20 February, 2018 with formal correspondence provided by Penrith City Council on the 1 March, 2018. In addition, the proposal was subject to an Urban Design Review Panel meeting on the 7 March, 2018 with formal correspondence dated 16 March, 2018 from Penrith City Council providing for the following points of discussion;

- The proposed height exceeds the maximum which is specified by the Seniors SEPP and will require a formal request to vary this development standard,
- Consideration should be given to any proposals compatibility with the character of the area noting setbacks, tree planting (proposed and existing), façade presentation and the form and overall dimensions of proposed buildings,
- Consideration should be given to the treatment of parking areas especially along Emerald Street in relation to the existing heritage item and to the front of the proposed fellowship centre,
- The form and scale of the proposal is not considered to display excessive bulk or mass, but while so articulation of the eastern elevation fronting Emerald Street was identified as an important element noting the adjacent R2 zoning, and
- Further consideration of the proposals relationship with the heritage listed church was considered necessary as specified by the Seniors SEPP and Penrith LEP.

Following a preliminary assessment of the application, the applicant was provided with correspondence on the 20 June, 2018 advising of matters requiring further consideration.

Following discussion between Council and the applicant, amended plans and documentation were provided for Council's consideration on the 9 August, 2018 in response to original contentions raised.

No. 8 Troy Street was originally provided as part of the Development Application to accommodate a temporary fellowship centre after the existing fellowship centre is demolished and subject to reconstruction as part of the new residential aged care facility building proposed. In addition, No. 8 Troy Street was identified as accommodating a single storey demountable for use as an overflow temporary fellowship centre. Following the receipt of amended plans and documentation in response to the preliminary assessment conducted, Council was advised that No. 8 Troy Street is removed from the development site and application.

#### Current Proposal

The proposal as amended involves the following:

- Site preparation works including the demolition of the existing nursing home, partial demolition of the existing hostel, demolition of the existing fellowship centre, infrastructure works, plus the filling in of the in-ground pool at No. 6 Troy Street;
- The construction of a 3 level, 100 bed residential aged care facility and support services including lounge areas, staff facilities, kitchen and laundry. The ground floor is also proposed to provide for a fellowship centre, café, beauty and hair salon, chaplin room and chapel. The ground floor is provided with a 1 x 20 bed household with Level 2 and Level 3 to contain a total of 4 x 20 bed households. Each household is identified as providing for its own front of house and back of house areas and will also contain a separate kitchen, dining and living room area;
- The provision of a total of fifty eight (58) new car parking spaces, loading dock and ambulance parking space. Of these parking spaces, ten (10) have been provided as accessible parking spaces;
- Landscaping works providing for one (1) central courtyard and fellowship centre breakout space, one (1) dementia garden and an extension to the existing curtilage surrounding the sandstone chapel adjoining Emerald Street. The proposal will provide for the removal of a total of twenty eight (28) trees on the subject site primarily to cater for the construction of the new residential aged care facility and associated car park including a 12m high jacaranda tree fronting the Great Western Highway. The proposed development has identified the provision of new tree planting across the subject site;
- The provision of a number of business identification signs;
- The temporary change of use at No. 6 Troy Street from an existing residential dwelling to an ancillary administration office for use during construction. In addition, a temporary car park consisting of 17 at grade spaces is to be located on No. 6 Troy Street to the rear of the existing dwelling during the construction period. It is proposed that the temporary use will cease (i.e. to both the house and car parking) once the new residential aged care facility is constructed; and
- The provision of a new turfed area along the southern portion of the subject site following the demolition of the existing hostel (Block E)

The existing 45 Independent Living Units currently on site are proposed to be maintained. Following the completion of construction, the subject site will maintain a total of 145 beds comprising 100 in the residential aged care facility and the 45 existing Independent Living Units. The residential aged care facility is proposed to provide 24/7 live in care and accommodation for residents with high care needs (dementia, complex clinical care, mobility, communication, cognitive and emotional support). Staffing numbers are provided as follows in the table below;

Position	Employees per shift - Morning	Employees per shift - Afternoon	Employees per shift - Night
<b>Service Manager / Assistant Manager</b>	2 (Mon-Fri)	0	0
<b>Registered Nurse</b>	3 (Mon-Fri), 2 (Sat-Sun)	2	1
<b>Care Staff</b>	18	14	4
<b>Administration Staff</b>	2 (Mon-Fri)	0	0
<b>Catering Staff</b>	4 (Mon-Fri)	4	0
<b>Cleaning Staff</b>	3 (Mon-Fri), 1 (Sat-Sun)	0	0

The proposal will provide for the partial demolition of some existing structures to accommodate the proposed development. The application has been accompanied with a proposed construction staging plan as follows;

- Stage 1: Relocation of residents to the existing hostel,
- Stage 2: Demolition of the existing nursing home and partial demolition of the existing hostel building, filling in of swimming pool and demolition of shed at No. 6 Troy Street, provision of temporary car parking at No. 6 Troy Street, retrofit of existing house at No. 6 Troy Street as temporary staff administration building, construction of new northern car park and construction of new Residential Aged Care building.
- Stage 3: Relocate staff and hostel residents into new Residential Aged Care building and demolition of existing hostel building for car park to the south.
- Stage 4: Construction of new southern car park, No. 6 Troy Street to revert back to a dwelling and removal of temporary car parking at No. 6 Troy Street.

## Plans that apply

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- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 64—Advertising and Signage
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 4.15 (previously Section 79C) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

### Section 79C(1)(a)(i) The provisions of any environmental planning instrument

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

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) applies to land zoned primarily for urban purposes and permits development for the purpose of any form of seniors housing in the form of a hostel, residential care unit or serviced self-care housing. The Seniors SEPP does not apply to environmentally sensitive land. Part 3 of the Seniors SEPP sets out design

requirements, including design principals. Part 4 provides development standards that must be complied with. The following discussions in relation to relevant Clauses of the Seniors SEPP is provided below;

#### ***Clause 4 - Land to which policy applies***

The subject site is zoned R3 Medium Density Residential. Seniors Housing is a permitted use within the subject zoning.

#### ***Clause 10 - Seniors Housing***

Seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:

- (a) a residential care facility, or*
- (b) a hostel, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of these,*  
*but does not include a hospital*

In this regard and as demonstrated further within this report, the proposal is provided as a residential care facility and will not include a hospital. As such, it is considered that the application is for seniors housing.

#### ***Clause 11 - Residential care facilities***

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

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

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

The proposal is considered to meet the definition of a 'residential care facility' via the provision of kitchen facilities for the preparation of meals, identified nursing care and appropriate furnishings as demonstrated via the accompanying architectural plans.

#### ***Clause 18 - Restrictions on occupation of seniors housing***

The proposed development is considered to provide accommodation for seniors or persons with a disability. In this regard, any development consent granted will provide for restrictions to be created on title that the uses are to be for seniors housing.

#### ***Clause 26 - Location and access to facilities***

The subject site (which currently maintains accommodation for seniors or persons with a disability), is considered to provide adequate access to necessary facilities and services noting that the site is located within 400m of the Lennox Village Shopping Centre on the opposite northern side of the Great Western Highway. This shopping centre currently provides for a number of services including two (2) supermarkets, various shops, an Australia Post office, pharmacy, medical centre and a number of ATM's. It is noted that a signalised pedestrian crossing is located adjacent to the intersection of the Great Western Highway and Emerald Street, providing access across the Great Western Highway from existing pedestrian footpaths linking to the subject site. It is noted that the proposal will provide for three (3) pedestrian access points from the subject site to the footpath along the Great Western Highway frontage and two (2) to the footpath along Emerald Street which is considered to provide direct access to the signalised pedestrian crossing. The application was also accompanied by an Access Review Report prepared by *Function* which has identified that the access to facilities and surfaces and gradients on the access path to the facilities meet the functional requirements of the Seniors SEPP to provide an accessible path of travel suitable for older residents.

It is also noted that public transport via bus services are also located within 400m of the subject site including two (2) stops near the intersection of the Great Western Highway and Emerald Street and one (1)

stop on Emerald Street. These bus stops will also provide access to necessary services for instance via the 688 and 689 bus service to Westfield Penrith.

Noting the above, it is considered that the application will maintain acceptable access to necessary services.

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

The application is not required to provide for a compatibility certificate. In this regard, under Clause 29, a consent authority is required to consider matters outlined in Clause 25(5)(b)(I), (iii) and (v). These matters for consideration are discussed below;

*(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,*

Comment: The application is considered to maintain an appropriate relationship to the existing mature trees which are present within the subject site, especially along its northern frontage (Great Western Highway) and eastern frontage (Emerald Street) via retaining the majority of these existing trees. Plans as amended have provided for the removal of an additional tree along the Great Western Highway frontage (tree No. 32 being a Jacaranda species as identified by the accompanying arborist report) but this is considered a consequence of improving the separation between the proposed built form and the existing heritage item located along Emerald Street. In this regard, amended plans have provided for the relocation of the proposed aged care building 3 metres to the west and 1 metre to the north from the heritage item (being a sandstone chapel). This amendment was reviewed by Council's Heritage Consultant who has advised that this is an appropriate separation to maintain the significance of this item.

Noting the above, the removal of a tree to the Great Western Highway frontage is considered compensated via an improved separation to the heritage item on site. Noting the numerous mature trees to be retained especially to the intersection of the Great Western Highway and Emerald Street in addition to further landscaping and courtyards proposed, it is considered that considerable screening will be provided to the proposal.

*(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,*

Comment: As the subject site is located within an existing urban context, it is considered that services and infrastructure necessary to meet the demands of the proposal are established. The site is located directly opposite the Lennox Village shopping precinct which will provide for numerous medical, retail and community services. In addition, bus services are available within a short walking distance to allow for access to the Penrith CBD area and its surrounds.

*(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,*

Comment: As previously discussed within this report, the application will maintain the majority of existing mature trees along both the Great Western Highway and Emerald Street frontages which is considered to assist in mitigating the visual impact of the proposal on its surrounds. The provision of additional perimeter planting is also considered to reduce the visual impact of the proposal especially for properties located to the eastern side of Emerald Street and located within a R2 Low Density Residential zone.

While the proposal has been repositioned to accommodate for improved separation to the existing heritage item located along Emerald Street, this is considered an acceptable design solution to allow for the significance of the heritage item to be preserved and to allow for improved curtilage around this item. As the proposed built form is also provided with a number of indentations including courtyard areas, this is considered to soften the visual presentation of the built form to both the Great Western Highway and Emerald Street. Combined with the retention of existing vegetation, this will serve to in part screen the building from

passing motorists and pedestrians rather than providing as a prominent built form in the surrounding streetscape.

### **Clause 30 - Site Analysis**

In accordance with Clause 30 of the Seniors SEPP, a site analysis was undertaken. The information about the site and its surrounds identified on the site analysis has been taken into account in the design of the development in conjunction with the submitted survey and architectural plans.

### **Clause 33 - Neighbouring amenity and streetscape**

The proposed development is considered to provide for an attractive addition to its surrounds and also provide for an appropriate relationship to different land uses to the northern side of the Great Western Highway and eastern side of Emerald Street. As the subject site is provided with three (3) frontages to its northern, eastern and western boundary, it is considered that the presentation of the aged care facility will provide for its own unique characteristics which will allow for an acceptable relationship with its surrounds.

The nature of the proposed aged care building is considered to be articulated with the presentation of four (4) wings and indentations providing for an appropriate relationship with existing vegetation on the subject site. Along with a revised setback to the existing heritage item on site fronting Emerald Street, the application is considered to have acknowledged the constraints of any redevelopment rather than for instance providing for a larger building envelope and reducing setbacks to boundaries. This has in turn created an aged care building with generous setbacks to the eastern boundary ranging from 16.7m to 34.5m. While setbacks to the northern boundary in part provide for an encroachment to the desired 6m front setback for redevelopment within the subject R3 zone, taking into consideration the nature of the Great Western Highway and commercial use directly to its north, it is not considered that the existing streetscape will be adversely impacted by the placement of the new building and minor encroachment within this front setback area.

As the application does not directly adjoin residential properties to its east with Emerald Street serving as a physical buffer, the impact on neighbourhood amenity is considered minimal with no overlooking or overshadowing created from the subject site to dwellings located opposite within a R2 Low Density Residential zone. The presentation of the proposal is considered in keeping with the characteristics of an R3 Medium Density zoning with the retention of landscaping and separation provided by the road reserve diminishing any loss of amenity. While the built form will provide for a non compliant overall building height, the articulated building features and nature of the subject site are not considered to contribute to amenity loss for neighbouring properties while being reflective of an acceptable medium density character.

### **Clause 34 - Visual and Acoustic Privacy**

The design of the new residential aged care facility along with the placement of windows and balconies and the retention of existing mature trees along Emerald Street as well as the introduction of additional vegetation screening is not considered to create a loss of amenity for surrounding residential properties. In addition, the application was accompanied by an Acoustic Report prepared by *JHA Consulting Engineers*. This acoustic report was also provided to Council's Environmental Management Team who have advised that the proposal is unlikely to generate any noise concerns for surrounding residents.

### **Clause 35 - Solar Access and Design for Climate**

The provision of wings to the built form and open courtyard areas between two of these primarily northern facing wings is considered to allow for improved opportunities for solar access to be provided for a majority of the aged care rooms throughout the day. The location of kitchen and associated seating areas to each of these wings is also considered to capture a significant amount of solar access, while the location of common sitting areas to the end of each wing on each floor is also considered to allow for significant solar access. The location of the fellowship centre on the ground floor has also identified significant glazing to allow for a bright presentation and outlook throughout the day.

It is noted that a residential aged care facility does not require a BASIX Certificate as it does not maintain a class 1, 2 or parts of class 4 building classification. While so, the application was accompanied by a '*Section J Statement of Compliance Report*' which has provided discussion in part for instance in relation to

building fabric, glazing, air conditioning and ventilation systems and artificial lighting and power. This report was provided to Penrith Council's Building Certification and Fire Safety Section who have raised no objection to the proposal.

#### ***Clause 37 - Crime Prevention***

The design on the new aged care facility is considered to allow for natural surveillance of its surrounds, especially building entries to provide an appropriate level of safety and security to residents. In addition, the application was referred to the Penrith Local Area Command Crime Management Unit who provided for a 'Crime Prevention through Environmental Design' review of the application raising no objections. In this regard, should the application be approved, the recommendations of this report are to be included as part of the conditions of consent.

#### ***Clause 40 - Development Standards***

The Seniors Housing SEPP contains general development standards relating to minimum site size, site frontage and building height under Clause 40, which must be complied with for all developments. Compliance with Clause 40 of the SEPP is demonstrated in the table below.

Design Requirements	Proposal
(2) Site size: The size of the site must be at least 1,000 square metres	The subject site is a total of 19,189m <sup>2</sup> in size.
(3) Site frontage The site frontage must be at least 20 metres wide measured at the building line.	The site contains several street frontages all which exceed 20m.

<p>(4) Height in zones where residential flat buildings are not permitted. If the development is proposed in a residential zone where residential flat buildings are not permitted:</p> <p>(a) the height of all buildings in the proposed development must be 8 metres or less, and</p>	<p>(a) The proposal is provided with a flat roof with the highest part of the building provided by a lift overrun and air conditioning plant to the roof. While the proposed roof form will exceed the 8m height restriction by up to between 3m to 3.8m (a variation of up to 33%), it is noted that the definition of height under the Seniors SEPP provides that it is '<i>the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point</i>'.</p> <p>Taking into consideration the height definition provided by the Seniors SEPP, an assessment of the provided architectural plans has identified that the maximum building height provided is 10.66m when taken from the existing natural ground level. It is noted that this height will provide for a 1.8m variation above the nominated 8m height control which is increased by 0.88m (for a total of 2.66m) when measured from the existing natural ground level directly below. It is noted that this non compliance in effect will provide for an additional storey above the 8m height restriction for the building.</p> <p>The application was accompanied with a '<i>4.6 Exception to development standard</i>' request. Discussion in regard to the non compliance is provided for under separate title within this report.</p>
<p>(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and</p>	<p>(b) The subject site is provided with three (3) street frontages, with the proposed new built form providing for a 3 storey presentation to the Great Western Highway and Emerald Street, which is therefore non compliant with this control. It is noted that no new building works are proposed adjoining the southern boundary which is shared with Emu Plains Public School. The application was accompanied with a '<i>4.6 Exception to development standard</i>' request. Discussion in regard to the non compliance is provided for under separate title within this report.</p>
<p>(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</p>	<p>(c) Not applicable in this instance noting the average distance of 66m provided to the southern site boundary from the new aged care facility which equates to a 60% setback in relation to site depth. The proposal will also provide for the removal of an existing hostel building and provision of a turfed area along the southern boundary.</p>

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

The proposed development has provided for the following response to the below standards, noting that height is the only non-compliance;

<i>Design Requirements</i>	<i>Proposal</i>
(a) <b>building height:</b> if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or	As previously discussed under Clause 40 of the Seniors SEPP, an assessment of the provided architectural plans has identified that the maximum building height provided is 10.66m (2.66m above the maximum height control) when taken from the existing natural ground level. This height will provide for a 1.8m variation above the maximum 8m height control from the proposed finished ground floor level which is increased by 0.88m (for a total variation of 2.66m) when measured from the existing ground level directly below.  The application was accompanied with a '4.6 <i>Exception to development standard</i> ' request. Discussion in regard to the non compliance is provided for under separate title within this report.
(b) <b>density and scale:</b> if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,	The application is provided with a 0.27:1 floor space ratio for the whole of the subject site
(c) <b>landscaped area:</b> if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,	Based on the provision of 100 beds, a total landscaped area of 2,500m <sup>2</sup> is to be provided. An assessment of the application has identified that a total landscaping area of 12,126m <sup>2</sup> is provided for equating to a total of 488m <sup>2</sup> landscaping area for each dwelling.
(d) <b>parking for residents and visitors:</b> if at least the following is provided: (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and (iii) 1 parking space suitable for an ambulance.	Based on the number of beds provided, a total of 27 parking spaces are required to be provided. The application has provided for 58 new parking spaces plus 1 ambulance bay

## **State Environmental Planning Policy (Infrastructure) 2007**

In accordance with Clause 104 (Traffic Generating Development) under the *State Environmental Planning Policy (Infrastructure) 2007*, the application was required to be referred to the Roads and Maritime Services (RMS) for comment as the proposed development will provide for 50 or more car parking spaces within 90m of connection to a classified road, being the Great Western Highway via the access driveway proposed off Emerald Street.

In response, the RMS provided comments to Council dated 5 July, 2018 raising no objection to the proposed development, subject to the provision of provided conditions.

The accompany 'Traffic & Parking Impact Statement' prepared by Taylor Thomson Whitting was also referred to Council's Senior Traffic Officer who reviewed the proposed development and raised no objections subject to the imposition of appropriate conditions with any development consent granted.

Noting the above, the development is considered to be satisfactory for the purposes of Clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007*.

## **State Environmental Planning Policy No 55—Remediation of Land**

Clause 7 of State Environmental Planning Policy No. 55 (SEPP 55) outlines the following requirements that a consent authority consider prior to the issue of a consent for any development:

*A consent authority must not consent to the carrying out of any development on land unless:*

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

There is no record that the subject site is contaminated. While so, the proponent has provided for a preliminary contamination assessment accompanying the application. Council's Environmental Health Officer has reviewed the proposal in detail and commented as follows:

*'The preliminary contamination assessment included a desk top review of the property as well as limited soil sampling and analysis. Potential contaminants of concern were found to be fill (likely to be minimal amounts), asbestos, lead based paint used in construction and possible pesticides. The results show that the potential contaminants of concern were below the adopted site criteria. The report concludes that the potential for contamination appears to be low and that the site is suitable for continued use as a residential aged care facility subject to the preparation of a detailed site investigation of the building footprints once they have been demolished to assess surface conditions (for asbestos primarily) and the nature of the fill beneath the buildings more comprehensively. I agree with the findings and recommendations of the preliminary site investigation.'*

As a result, it is considered that the proposed development is compliant with the provisions of SEPP 55, particularly Clause 7.

## **State Environmental Planning Policy No 64—Advertising and Signage**

The application will provide for the provision of six (6) new signs to the subject site. Three (3) of the six (6) signs are directional signage identifying the location of parking or entry points to existing buildings. Three (3) signs are provided as identification signs for the operations of the subject site being located to both the Troy and Emerald Street frontages as well as to the corner of the Great Western Highway and Emerald Street.

The Statement of Environmental Effects submitted with the application provides an assessment of the proposal against the objectives of *State Environmental Planning Policy No. 64 - Advertising and Signage* and the assessment criteria specified in Schedule 1. Based on the information submitted, it is considered that the proposal satisfactorily addresses relevant matters such as design quality, road safety, landscaping, lighting and views and vistas and as such, satisfies the objectives of the Policy and the assessment criteria specified in Schedule 1. It is noted that each sign to be provided is non illuminated and in this regard, is considered to allow for an appropriate relationship to surrounding residential properties along both Emerald and Troy Street. Each proposed signage is not considered excessive in size with their location considered to not create an inappropriate cluttering of the subject sites frontages.

## **Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River**

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997). This Policy aims “*to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context*”. The Policy requires Council to assess development applications with regard to general and specific considerations, policies and strategies.

The proposal is not found to be contrary to these general and specific aims, planning considerations, planning policies and recommended strategies of the plan. The site is not located within a scenic corridor of local or regional significance and it is considered that the proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context.

## **Local Environmental Plan 2010 (Amendment 4)**

<b>Provision</b>	<b>Compliance</b>
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies
Clause 4.3 Height of buildings	Does not comply - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 4.6 Exceptions to development standards	Complies - See discussion
Clause 5.9 Preservation of trees or vegetation	Complies - See discussion
Clause 5.10 Heritage conservation	Complies - See discussion
Clause 7.1 Earthworks	Complies
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.4 Sustainable development	Complies - See discussion
Clause 7.6 Salinity	Complies - See discussion
Clause 7.7 Servicing	Complies
Schedule 5 Environmental Heritage	Complies - see Appendix - LEP 2010

### **Clause 2.3 Permissibility**

The Development Application is considered to provide for 'Seniors Housing' which is provided with the following definition under the PLEP;

*seniors housing means a building or place that is:*

*(a) a residential care facility, or*

- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Following on from the above, the following definition is provided for a 'residential care facility':

*residential care facility means accommodation for seniors or people with a disability that includes:*

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

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

The application is considered to provide accommodation for seniors or persons with a disability. The provided plans and documentation have also identified an appropriate furniture and equipment layout in that the proposed accommodation will provide for the provision of meals, cleaning services as well as necessary care to individuals. In this regard, the proposal is considered to be consistent with the definition of an 'aged care facility' and can therefore be categorised as 'Seniors Housing' which is permitted with consent under the subject zoning.

The application is also considered to provide for 'business identification signs' in association with the proposed primary use for Seniors Housing which is also permitted with development consent under the subject zoning.

The provision of a temporary change of use at No. 6 Troy Street from an existing residential dwelling to an ancillary administration office for use during construction plus a temporary car park consisting of 17 parking spaces is dependent on these components being considered as ancillary to the operation of the residential aged care facility, noting that an office and car parking are not provided as permissible uses with or without consent in the subject sites R3 zone.

Noting the above, NSW Planning Circular PS 13-001 issued on the 21 February, 2013 provides the following discussion on '*Development for a purpose*'.

*Development is considered to be for a particular purpose if that purpose is the dominant purpose of the development. This purpose is the reason for which the development is to be undertaken or the end to which the development serves.*

The Planning Circular also provides the following definition for an 'Ancillary use'

*An ancillary use is a use that is subordinate or subservient to the dominant purpose. The concept is important when a development involves multiple components on the same land.*

*To put it simply:*

- if a component serves the dominant purpose, it is ancillary to that dominant purpose;
- if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right. In such circumstances, the development could be described as a mixed use development.

Noting the above discussion, it is considered that the dominant purpose of the proposed development will be for a residential aged care facility. Each additional use proposed on No. 6 Troy Street is considered to

operate as an ancillary element to the dominant use, during the construction period, rather than operating in isolation to the proposed aged care facility. In this regard, should development approval be granted, any determination will be also appropriately conditioned to restrict the use of No. 6 Troy Street for administration and car parking purposes only to within the construction time period.

#### **Clause 4.3 Height of buildings**

The subject site is provided with a maximum building height of 8.5m under the PLEP. While so, it is noted that Clause 40(4) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 reads as follows in relation to height;

*(4) Height in zones where residential flat buildings are not permitted*

*If the development is proposed in a residential zone where residential flat buildings are not permitted:*

*(a) the height of all buildings in the proposed development must be 8 metres or less, and*

*(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and*

*(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.*

As the application has been provided under the Seniors SEPP, the building height under this policy prevails noting Clause 5(3) of the Seniors SEPP which reads as follows;

*(3) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.*

As the subject site is located within a R3 Medium Density Residential zone which does not provide for a residential flat building as a permissible use, the 8m height control under the Seniors SEPP is also applicable. Under Clause 3, *Interpretation* of the Seniors SEPP, the following definition is provided for height;

**height** in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

It is noted that the above definition differs from the building height control as provided by the Standard Instrument and replicated within the dictionary of the Penrith Local Environmental Plan as follows;

**building height (or height of building)** means:

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

Noting the above, the height definition as provided by the Seniors SEPP is applicable in this instance with discussion under height compliance provided under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 section of this report..

#### **Clause 4.6 Exceptions to development standards**

The application is non compliant with the height of building development standards under *Clause 40(4)(a) - Height in zones where residential flat buildings are not permitted* under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

In addition the application is non compliant with the provision of a 2 storey building height to a boundary of a site under *Clause 40(4)(b) - Height in zones where residential flat buildings are not permitted* under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

It is noted that the definition of height under the Seniors SEPP is provided as follows;

**height** - in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

An assessment of the accompanying architectural plans has identified that the maximum building height provided is 10.66m when taken from the existing natural ground level. It is noted that this height will provide for a 1.8m variation above the nominated 8m height control (when measured from the proposed finished ground floor level) which is increased by 0.88m (for a total of 2.66m) when measured from the existing natural ground level directly below. It is noted that this non compliance in effect will provide for an additional storey above the 8m height restriction.

In relation to storeys provided, the subject site is provided with three (3) street frontages, with the proposed new built form providing for a 3 storey presentation to the Great Western Highway and Emerald Street, which is therefore non compliant with the provision of a maximum 2 storey building height to a boundary. It is noted that no works are proposed adjoining the southern boundary which is shared with Emu Plains Public School.

Clause 4.6 of the Penrith Local Environmental Plan 2010 provides that development consent may be granted for development even though the development would contravene a development standard. This is provided that the relevant provisions of the clause are addressed, in particular subclause 3-5 which provide:

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

- (a) *the consent authority is satisfied that:*
  - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Secretary has been obtained.*

(5) *In deciding whether to grant concurrence, the Secretary must consider:*

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

The application has been accompanied by separate Clause 4.6 Variation Requests prepared by City Plan Services dated 23 and 28 March, 2018 respectively in relation to the storeys provided and building height non-compliances. In this regard, each non compliance is to be discussed separately below;

#### Building Height

The application has been accompanied by a Clause 4.6 Variation Request prepared by City Plan Services dated 28 March, 2018 in relation to the building height non-compliance. The accompanying Variation request has identified that the Seniors SEPP provides no instruction on the intent of the height controls in Clause 40(4)(a) and does not otherwise nominate any objectives to underpin the intent of the various height controls. In this regard, the accompanying Variation request has provided for the following evaluation as to

the identified variations consistency with the development standard objectives;

*Objective: To ensure that the development does not dominate the streetscape by virtue of its scale and bulk and is consistent with the character of the area;*

The following discussion is provided;

- *The built form is visually broken up so that it does not appear as one building from key aspects. The different sections of the building are setback between 6-60m and are separated by generous breaks and landscaping. In addition, the proposal will maintain consistency with the street context and streetscape character by retaining the existing minimum 6m street/front setbacks and increasing the eastern setback to enhance views to (the Uniting Church Heritage Item).*
- *The building is articulated and provides a number of indentations, including a central courtyard within the northern facade. Further use of a variety of building materials, colours and finishes will divide the building mass and reduce the bulk and scale of the building. Overall, this will minimise visual impact of the development to the surrounding area and the development will contribute positively to the desired contextual character.*
- *The majority of existing significant vegetation has been retained (approximately 91% of trees) and referenced to establish building heights and provide screening. The retained trees, particularly those located in the north-east section of the site, will serve to soften the bulk and scale of the proposed built form when viewed from the Great Western Highway. In addition, additional landscaping proposed along the northern facade will assist to soften the view of the development, thereby ensuring the development will not have a significant impact on the amenity of the locality.*
- *The varied building alignment along the northern and eastern facade effectively serves to break up the bulk, define the street edge and contribute to the landscape setting of buildings. The inclusion of a courtyard between the east and west wings of the building also serves to break up the building bulk, thereby ensuring the building does not dominate the streetscape.*
- *Extensive building setbacks (13.6m to 23.7m) have been provided to Emerald Street to retain visual relationships between the proposed development and the adjoining heritage item, retain existing vegetation and to provide suitable setbacks from residential properties along Emerald Street to reduce visual impact. In this regard, the nearest residential development is located approximately 36m from the site boundary.*
- *The proposed building has been setback over 13.6m from Emerald Street, thereby ensuring views south from the Great Western Highway to the Uniting Church are maintained and enhanced.*
- *The existing fellowship centre is currently located approximately 2.5m from the southern facade of the heritage item and does little to improve the curtilage of the item. In comparison , the proposal seeks to demolish the fellowship centre and set the proposed building back by 6.7m, thereby ensuring the development provides an appropriate visual relationship.*
- *Visually, the height difference between the existing chapel and proposed building will be mediated by the re-planting of the large deciduous trees which historically grew to the northwest of the chapel. The relationship between the church building and tree, which dominated the Emerald Streetscape in early photographs will be re-established .*
- *The proposed eastern facade adopts suitable materials, finishes as well as articulation throughout its elevations to achieve appropriate presentation to both the adjoining public and private domains.*
- *Additional perimeter plantings will be provided to soften any potential visual impact.*
- *Taller building elements such as lift shafts are located in the centre of the development to minimise impact on neighbouring residential*

In addition to the above, the accompanying 4.6 Variation Request has provided for the following discussion in part to consider that there are sufficient environmental grounds to justify contravening the standard as follows;

- *A compliant development could be achieved on site through provision of a larger building footprint and significantly reduced setbacks to the eastern boundary. This however would require more extensive tree removal and lead to increased impacts on adjoining residences and the Uniting Church Heritage Item. In comparison , the proposed noncompliance enables an extensive building setback along Emerald Street (13.6m to 23.7m) and the Great Western Highway (6m to 41m). Consequently, the proposed non-compliance effectively provides for:*

*- Increased retention of vegetation along the sites eastern frontage;*

- Increased setbacks and privacy for adjoining residential development ;
- An enhanced view corridor to the existing Uniting Church Heritage Item from the Great Western Highway; and
- Increased building setbacks to the Uniting Church Heritage Item and an improved landscaped curtilage.

*It follows that the proposed breach of the height standard provides for an improved response to the site's existing natural and built environment.*

- Given the extensive scale of the existing RACF, it is considered that the existing development forms its own character , which is not that of a low density residential development. Rather, the existing development has the character of a medium density residential development as envisaged by the objectives of the R3 Medium Density zone .
- The site is effectively bookended by the Lennox Village Shopping to the north and the school to the south. The Lennox Village Shopping Centre has a 15m height limit and the school to the south also has a height limit of 22m in accordance with the SEPP (Educational Establishment and Child Care Facilities). The site is also surrounded by mature vegetation up to 20m in height as depicted on the urban height and significant tree context analysis Plan DA062 at Appendix 2. It follows that the breach of the standard allows for a development that is contextually appropriate and not inconsistent with the existing and desired future character of the area.
- The proposed contravention of the development standard will not lead to any loss of views or overshadowing of adjoining properties over and above that associated with a compliant development.

#### Discussion in regard to building height non-compliance

It is considered that the commentary provided by the accompanying 4.6 Variation in relation to the non compliant height has adequately addressed why compliance with the development standard is unreasonable and unnecessary in this instance. Taking into consideration the separation provided from the subject site to surrounding properties via the Great Western Highway and Emerald Street and the retention of a significant number of mature trees to this intersection and both frontages, the proposed non compliant height is not considered to create any significant visual or amenity impacts to surrounding land uses nor generate an increase in traffic movements (via additional beds provided to the proposed uppermost level) which cannot be catered for by the existing road network. In this regard, it is considered that there would be no public benefit in maintaining strict compliance with the 8m maximum height restriction in this instance.

As the site is provided with its own individual characteristics being bound by roads on three frontages, a breach in the height control is not considered to detract from the existing residential character of this southern side of the Great Western Highway or surrounding streets noting that a mixture of R3 and R2 zoning will allow for a variety of development types. In addition, the location of a commercial shopping centre opposite the subject site adds to the diverse nature of land used for this part of Emu Plains.

Noting the above, a departure from the height development standard is therefore considered acceptable in this instance. The section of the applicant's written request relating to height non compliance is considered to have provided for sufficient environmental planning grounds to justify contravening the development standard and is not inconsistent with the objectives of Clause 4.3.

#### Building Storeys provided

The following commentary has accompanied the 4.6 Variation request in relation to how strict compliance with the development standard is unreasonable or unnecessary in this particular case;

*Compliance with in Clause 40(4)(b) 'Height in zones where residential flat buildings are not permitted' development standard is unreasonable or unnecessary in the circumstances of this case because, as explained in Table 1 (below), the objectives of the development standard are achieved, notwithstanding non-compliance with the standard1*

*Further to the above, the Seniors SEPP provides no instruction on the intent of the height controls in Clause 40(4)(b) and does not otherwise nominate any objectives to underpin the intent of the various height controls. Notwithstanding this, subclause (b) includes a note as follows:*

*"the purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape "*

*It is therefore necessary to assess whether the development results in an abrupt change in the scale of development in the streetscape. Abrupt is typically defined as "sudden an unexpected" or "steep" change. In the context of the development control, an abrupt change can therefore be viewed as a sudden or steep change in the scale of development.*

*A 3 storey building is proposed adjacent to the eastern and northern boundary of the site, being Emerald Street and the Great Western Highway respectively.*

*Proposed development along the eastern frontage includes a single storey canopy feature designating the main pedestrian entry, with a two storey building element above. This 3 three storey building line is a smaller protruding wing of the eastern facade that is located approximately 13.6m from the Emerald Street boundary. The majority of the building line is further recessed, providing for a building line located approximately 23.7m from the Emerald Street boundary. In this regard, the proposed built form of the eastern facade is visually broken up so that it does not appear as one building from key aspects, with the different sections of the building being separated by generous breaks and landscaping.*

*Based on the above, the non-compliant section of the eastern facade is located approximately 36m from the nearest adjoining dwelling located on Emerald Street. The significant physical separation between the proposal and the dwelling houses on Emerald Street to the east, in combination with the differentiated building line, provides for a gradual and respectful transition in building height. In this respect, the change in scale is neither sudden or steep.*

In addition to the above, the accompanying 4.6 Variation Request has provided for the following discussion in part to consider that there are sufficient environmental grounds to justify contravening the standard as follows;

*Additional specific environmental grounds to justify the breach of the standard are summarised as follows:*

- *A compliant density of development could be achieved on site through provision of a larger building footprint and significantly reduced setbacks to the eastern boundary. However, this would require more extensive tree removal and lead to increased impacts on adjoining residences, the Uniting Church Heritage Item and the balance of the Edinglassie Village. In comparison, the proposed noncompliance enables an extensive building setback (13.6m to 23.7m) along Emerald Street frontage. Consequently, the proposed noncompliance effectively provides for:*
  - *Increased retention of vegetation along the sites eastern frontage;*
  - *Increased setbacks and privacy for adjoining residential development;*
  - *Consolidation of seniors housing in a single location;*
  - *An enhanced view corridor to the existing Uniting Church Heritage Item from the Great Western Highway; and*
  - *Increased building setbacks to the Uniting Church Heritage Item and an improved landscaped curtilage.*
- *It follows that the proposed breach of the height standard provides for an improved response to the sites existing natural and built environment.*
- *The additional accommodation is not expected to be beyond the capacity of the existing utility services or transport network, indicating that the additional development can be sustainably accommodated on the site. In this regard, the proposed development actually decreases the number of beds located on site whilst providing them in a more concentrated built form in a landscape setting.*
- *Given the extensive scale of the existing nursing home, hostel and independent living units (ILUs), it is considered that the existing development forms its own character, which is not that of a low density residential development. Rather, the existing development has the character of a medium density residential development as envisaged by the objectives of the R3 Medium Density zone.*
- *The site is effectively bookended by the Lennox Village Shopping to the north and the school to the*

south. The Lennox Village Shopping Centre has a 15m height limit and the school to the south also has a height limit of 22m in accordance with the SEPP (Educational Establishment and Child Care Facilities). The site is also surrounded by mature vegetation up to 20m in height as depicted on the urban height and significant tree context analysis Plan DA062 at Appendix 2. It follows that the breach of the standard allows for a development that is contextually appropriate and not inconsistent with the existing and desired future character of the area.

#### Discussion in regard to building storey height non compliance

The built form is considered to provide for an acceptable separation to adjoining land uses located to the east (being low scale residential dwellings) along the eastern side of Emerald Street and to the north (being the Lennox Village shopping centre) on the northern side of the Great Western Highway. In principal, it is considered that maintaining a two storey height to the boundary would be of greater planning consideration if the subject site for instance (and area consequently of redevelopment) were directly adjoining or abutting another property to allow for a clearer and more appropriate transition between the subject sites R3 and adjoining R2 zoning.

Consideration is also given to the adjoining height controls (8.5m from Emerald Street properties opposite the subject site) and 15m for Lennox Village (to the north of the site). In this regard, the provision of three storeys to the boundary, coupled with the retention of significant landscaping to the sites frontage and provision of separation distances to these properties is considered to create a scenario where the three storeys provided is not considered out of character with its surrounds.

Noting the above, a departure from the maximum storey standard is therefore considered acceptable in this instance. The section of the applicant's written request relating to height non compliance is considered to have provided for sufficient environmental planning grounds to justify contravening the development standard and is not inconsistent with the objectives of Clause 4.3.

#### Conclusion

The application has been accompanied by a Clause 4.6 Variation request to both overall building height and number of building stories which is considered acceptable in this instance. Taking into consideration the distinctive characteristics of the subject site, it is not considered that non-compliance with each development standard is unreasonable in the circumstances of the case. The built form is not considered to have generated an unacceptable environmental impact on its surrounds and is considered an acceptable inclusion within the context of the subject site and its surrounds. The provision of three (3) storeys to the boundary when viewed from both Emerald Street and the Great Western Highway is also not considered to create an inappropriate visual impact upon the existing streetscape with separation distances from surrounding land uses considered to assist in allowing for an appropriate building height transition. In this regard, it is considered that the requirements of Clause 4.6(3) of the PLEP have been adhered to.

In addition to the above, the application is considered to have achieved consistency with the objectives of the subject sites zone which allow the proposed development to be considered to be in the public interest. In this regard, it is also considered that Clause 4.6(4) of the PLEP have been appropriately adhered to.

Noting the above points, it is considered appropriate in this instance to see as appropriate Council's support for the request in the Seniors SEPP height variation and storeys provided.

#### **Clause 5.9 Preservation of trees or vegetation**

The application as amended will provide for the removal of a total of twenty eight (28) trees to accommodate the development. The location of these trees are primarily within the footprint of the proposed residential aged care facility and associated works including adjoining car park area. With the repositioning of the aged care facility to allow for an increased setback to the existing heritage item on the subject site, this has also included the removal of an additional tree, being a Jacaranda tree along the Great Western Highway frontage which has been identified as being of moderate significance by the accompanying arborist report.

Accompanying landscape drawing have identified that most of the trees are to be retained along the Great Western Highway and also to Emerald Street. In addition, the application has provided for supplementary planting, to the perimeter of the site including the proposed northern car park and main car parking area. This additional landscaping along with the retention of thirty five (35) trees around the proposed built form is considered to be sufficient to ensure a significant landscape setting and screening of the proposed three storey building when viewed from the Great Western Highway, Emerald Street and surrounding private and public land.

The application was accompanied by an Arboricultural Impact Assessment Report (Arborist Report) prepared by Tree IQ in relation to the proposed removal of a number of existing trees on the subject site. The correspondence identified the removal of trees affected by the proposal as well as trees to be retained and replacement trees. In this regard, the application was reviewed by Council's Tree Management Officer and Landscape Architect who have raised no objection subject to a number of conditions to be included with any determination granted.

#### **Clause 5.10 Heritage conservation**

The subject site currently provides for a local item of heritage significance (Item No. 82 under Schedule 5 - Environmental Heritage of the PLEP) being an existing sandstone Uniting Church constructed in 1862. In this regard, the application was accompanied by a Heritage Impact Statement prepared by John Oultram Heritage & Design which was referred to Council's Heritage Consultant. The original application was not considered appropriate with the development considered to provide for an inappropriate setback to the heritage item.

These concerns were relayed to the applicant who in turn provided for an amended design which has allowed for the repositioning of the proposed aged care building 3m to the west and 1m to the north of the existing church. Furthermore, the application as amended was accompanied by an additional statement prepared by John Oultram Heritage & Design in response to Council's concerns reading in part as follows;

*'Photomontages and views from Emerald Street were provided to Council to demonstrate the positive impact of the development that removed the current buildings close to the Chapel and provide 'free air' around the Chapel. Allied to the proposed landscaping, this would have considerably improved the setting of the Chapel.'*

*Council has considered these and maintains its previous comments. The design has been altered to move the whole of the three storey element to the west and increase the separation between the new building and the Chapel.'*

Following the receipt of amended plans and documentation, the proposal was once again referred to Council's Heritage Consultant who has advised that the *'ameliorating measures are considered acceptable from a heritage perspective'*. In this regard, the application as amended is considered to provide for an appropriate separation from the existing heritage item and is not considered to impact upon its significance. Furthermore, the treatment of the perimeter of the Chapel is considered an appropriate measure to maintain its prominent presentation from Emerald Street and within the subject site, the proposal as amended therefore considered to provide for an acceptable relationship to an item of local value.

#### **Clause 7.2 Flood planning**

Clause 7.2 of the Penrith Local Environmental Plan provides that development consent must not be granted for development on land that is at or below the flood planning level unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and
- (b) if located in a floodway, is compatible with the flow conveyance function of the floodway and the flood hazard within the floodway, and
- (c) is not likely to adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (d) is not likely to significantly alter flow distributions and velocities to the detriment of other properties or the environment, and
- (e) is not likely to adversely affect the safe and effective evacuation of the land and the surrounding area, and
- (f) is not likely to significantly detrimentally affect the environment or cause avoidable erosion, destruction of riparian vegetation or affect the restoration and establishment of riparian vegetation, or a reduction in the stability of river banks or waterways, and
- (g) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and
- (h) incorporates appropriate measures to manage risk to life from flood, and
- (i) is consistent with any relevant floodplain risk management plan.

An assessment of the proposed development has identified that the subject site has been identified as being located within a floodway and flood storage area. In this regard, the application was referred to Council's Senior Development Engineer who has advised that the proposal has taken into consideration minimum floor levels to be provided. It is also noted that should the application be approved, a condition of consent will be provided for requiring prior to the issue of a Construction Certificate that a Flood Emergency Response Plan prepared by a suitably qualified Civil/Hydraulic Engineer in consultation with the State Emergency Services be provided for. In this regard, the proposal is acceptable subject to the provision of appropriate conditions with any determination granted.

#### **Clause 7.4 Sustainable development**

Clause 7.4 of the PLEP requires that, '*In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a "whole of building" approach*'.

In this regard, it is noted that the application was accompanied by an ESD and Section J Assessment prepared by JHA Services which provides for the following conclusion:

*We confirm that the proposed design can comply with all applicable requirements of NCC 2016 Section J, specifically*

- *Part J1 Building fabric*
- *Part J2 Glazing*
- *Part J3 Building Sealing*
- *Part J5 Air-Conditioning and Ventilation Systems*
- *Part J6 Artificial Lighting and Power*
- *Part J7 Hot Water Supply and Swimming Pool and Spa Pool Plant*
- *Part J8 Access for Maintenance and Facilities for Monitoring*

This report was provided to Council's Building and Certification Department who have advised that no objection is raised to the report and in this regard, the proposal is considered to maintain the objectives of sustainability in new developments.

### **Clause 7.6 Salinity**

The subject site is affected by moderate salinity. While so, it is considered that appropriate measures can be taken to avoid or reduce any undesirable effects that may be created as a consequence of the proposed development via appropriate conditions of consent.

### **Schedule 5 - Environmental Heritage**

The subject site is provided with an item of local significance fronting Emerald Street being an existing sandstone Uniting Church constructed in 1862 (Item No. 82 under Schedule 5 - Environmental Heritage of the PLEP). As discussed within this report, the application has been subject to modifications which have provided for the repositioning of the proposed residential aged care facility building away from the existing listed item. In this regard, the application as amended was reviewed by Council's Heritage Consultant and considered an acceptable response to the constraints of the site allowing for an improved relationship and separation between the existing and proposed buildings and in turn retaining the significance of the church with its immediate surrounds.

### **Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument**

There are no draft environmental planning instruments applicable to the subject site or to the proposed development.

## Section 79C(1)(a)(iii) The provisions of any development control plan

### Development Control Plan 2014

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

## Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this proposal.

## Section 79C(1)(a)(iv) The provisions of the regulations

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the Building Code of Australia and fire safety requirements, will be imposed as conditions of consent where applicable. Subject to the recommended conditions of consent, the proposed development complies with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

## Section 79C(1)(b) The likely impacts of the development

### Context and Setting

The subject site is located within a R3 Medium Density Residential zone which is continued to the west along the opposite side of Troy Street. To the east of the subject site along the opposite side of Emerald Street is a R2 Low Density Residential zone, which is also continued to the south via the adjoining Emu Plains Public School. To the north of the subject site along the opposite side of the Great Western Highway is a B2 Local Centre zone currently maintaining the Lennox Village Shopping Centre. Taking into consideration the surrounding land uses, it is considered that the subject site is provided with physical separations to the north, east and west via the existing road network, while the location of Emu Plains Public School to the majority of its southern border (noting also that No. 8 Troy Street is owned by the Uniting Church in Australia, being the applicant) is considered to allow the subject site to be defined by its own individual characteristics.

Noting the above, it is considered that the subject site is characterised by a significant number of mature trees along its Great Western Highway, Troy Street and Emerald Street frontages as well as the existing heritage item also located along Emerald Street. Taking into consideration the context of surrounded permitted uses and the constraints of the subject site, it is considered that the application is an appropriate response to the characteristics of the area. The application will provide for generous setbacks to the eastern boundary while the removal of the existing hostel on site and replacement with an open turf

area as identified by the accompanying landscape plans is considered will allow for an improved internal buffer to the adjoining school to the south.

Taken within the context of the subject site and its surrounds, the development is not considered to provide for an inappropriate or awkward looking addition which is considered to retain the character of the locality. While No. 6 Troy Street will provide for a temporary use as an administration building and car parking area, as this will only be in operation during the construction phase and is not a permanent feature, adverse amenity impacts to its surrounds is not considered unacceptable in this instance.

### ***Built Environment***

The proposal will provide for a three (3) storey building which is considered to be appropriately articulated and allow for materials and finishes which will allow for an appropriate presentation when viewed from the public domain. The 'winged' nature of the proposed building is considered to assist in diminishing any bulk extenuation created by the non compliant building height, with the façade also providing for a mixture of architectural elements which will add interest to the buildings presentation. The shape of the building is also considered to allow for appropriately sized courtyard areas and when compared to the existing building envelope on site is considered to allow for a smaller footprint with greater opportunities to add for vegetation screening alongside the existing mature vegetation to be retained to both the northern and eastern site boundaries.

While the height of the new building will include additional elements such as the lift overrun and plant equipment generating an overall height of between 12.8m and 13.2m above existing natural ground level, it is considered that their centralised position to the roof along with setbacks provided to the building and landscaping to the perimeter of the subject site will minimise any visual impact. It is also noted that the proposed demolition of the existing fellowship centre will enable the provision of an improved setback from the existing heritage item to the proposed building from an existing 2.6m to a proposed 9m. While acknowledging that the new building is provided with a greater height than the existing fellowship centre, this increased setback is considered to allow for the curtilage of the heritage item to be increased which will assist in maintain its importance not only within the subject site but also along Emerald Street.

Plans as amended have indicated that the repositioning of the proposed residential aged care facility away from the existing heritage item will create a 1.3m encroachment for a proposed building wing into a 6m front setback area which would normally be provided for instance for a medium density development (i.e, townhouses). An additional wing is provided with an encroachment also into this setback area (above the proposed fellowship centre) for balconies to levels 1 and 2. Taking into consideration the nature of the sites surrounds and the proposal's retention of a significant amount of vegetation along the Great Western Highway frontage, it is considered that this will not detract from the existing streetscape character. The position of the proposed new built form is therefore considered acceptable in this instance.

While works are proposed to the dwelling at No. 6 Troy Street, the presentation of this dwelling will not be altered during its use as a temporary administration building. In addition, the location of car parking facilities to the rear of No. 6 Troy Street will also be temporary in nature during the proposed construction phase, therefore not creating any long term impact following its removal.

### ***Natural Environment***

The subject site is not located or in close proximity to any natural features which is considered will be unreasonably impacted upon by the application. The subject site does not contain any threatened species of native fauna or endangered ecological communities. In addition, it is considered that the design of the proposed residential aged care facility will enable the retention of a significant number of existing mature trees on site as well as the introduction of new vegetation.

### ***Solar Access / Overshadowing***

The application was accompanied by shadow diagrams which have identified that no adverse overshadowing will be created to any surrounding land uses with overshadowing contained within the subject site. This is considered a consequence of the existing nature and size of the subject site and the setbacks provided via Emerald Street to residential properties located opposite.

A review of the accompanying architectural plans is also considered to identify that the design will allow for significant solar access to the proposed built form and associated rooms throughout the day, which is considered in part a consequence of the winged design of the new building. In addition, as proposed courtyard areas are provided with a northern orientation, these areas will receive appropriate natural sunlight throughout the day.

### ***Privacy***

Taking into consideration the location of the proposed new building and the separation distances provided to adjoining properties to the north and east, it is not considered that surrounding site will be impacted by overlooking concerns. This conclusion is provided for noting a 32m separation between the proposed building and residential properties located along the eastern side of Emerald Street while a separation of 72m is to be provided to the Lennox Village Shopping Centre on the northern side of the Great Western Highway. It is also considered that the application will either retain or provide for additional landscape screening which will assist in mitigating any overlooking concerns.

The use of No. 6 Troy Street as an administration building is also not considered to create a loss of amenity for adjoining residential properties along Troy Street noting that the physical presentation of this dwelling house will not be altered. The location of windows and balconies to the new residential aged care facility are also not considered to create privacy concerns for future occupants noting their offset nature, with separation of up to 30m between wings of the new built form considered to minimise any adverse overlooking concerns.

### ***Acoustic Impact***

The application was accompanied by an Acoustic Report prepared by JHA Consulting Engineers dated 15 March, 2018 and referred to Council's Environmental Management Team for consideration. The acoustic report provided findings of investigation outlining the following noise aspects related to the development;

- Construction and demolition noise and vibration;
- Mechanical plant and equipment noise;
- Road traffic noise intrusion onto the proposed development; and
- Additional road traffic noise generated by the development.

The report recommends a maximum sound power level of 75dB(A) for external condenser units and 80dB(A) for kitchen exhaust fans which was considered an appropriate approach subject to any determination providing for verification prior to the issue of a Construction Certificate. In relation to road traffic noise intrusion, the report provided recommended glazing requirements for each façade, but also that further work be done during the detailed design phase to ensure that the recommended glazing options presented in the noise impact assessment are adequate to ensure internal acoustic amenity. This was considered appropriate and would be accordingly conditioned. Additional information such as the requirement for alternative/mechanical ventilation for rooms where windows will need to remain closed to achieve internal acoustic amenity has been identified as being required as part of the detailed design work and will be conditioned accordingly with any consent granted.

A review of road traffic noise generated by the proposal has indicated that the identified increase in road traffic noise is considered negligible and will not exceed the NSW EPA Road Noise Policy criteria. Furthermore, in relation to demolition and construction noise as well as vibration, it is considered appropriate to include a condition requiring a Noise and Vibration Management Plan outlining how adverse noise and vibration impacts will be monitored and managed during the construction phase prior to the issue of any Construction Certificate.

Noting the above conclusions, it is considered that the accompanying Acoustic Report has adequately considered any noise impacts to and from the proposal as well as during the construction phase. Taking into consideration the nature of the application and use as well as a reduction in the overall number of occupants on the subject site once the development is complete, it is considered unlikely that additional adverse noise impacts will be generated by the proposed development.

### ***Traffic and Parking***

The proposed redevelopment is not considered to create an adverse increase in traffic movements to and from the subject site. It is noted that the provision of a 100 room aged care facility will replace existing buildings containing 53 nursing home rooms and 73 hostel rooms, which following the completion of works will provide for 26 less rooms as currently existing. The application was in turn accompanied by a Traffic Impact Assessment prepared by Taylor Thomson Whitting who have provided the following information in relation to trip generation and traffic impact from the proposal;

#### Trip Generation

*Based on the RMS Guide to Traffic Generating Developments, aged care facilities are expected to generate 2.1 trips per dwelling per day, or 0.4 trips per dwelling in a peak hour. A trip is a one-way movement only, so a standard return journey would be considered as two trips. Therefore on average, each dwelling is expected to generate just over one return journey per day.*

*Following the above calculations, the development would generate an expected 40 trips during site peak hour (100 rooms x 0.4 trips per dwelling). As a worst-case scenario, it is assumed that all 40 trips are arrivals during the morning peak and likewise 40 departures during the afternoon peak.*

#### Traffic Impact

*This development of 100 rooms shall replace the existing nursing home and hostel currently on the Edinglassie Village site. 53 nursing home rooms and 73 hostel rooms are to be removed as part of the redevelopment (in a number of construction stages). Overall this is a decrease of 26 rooms as a result of this redevelopment.*

*Peak hour traffic would be expected to be reduced by around 10 trips per hour, providing some minor improvements to local traffic flows.*

*Relative to other local traffic particularly on the Great Western Highway (11,000 vehicles per day in each direction<sup>2</sup>), traffic volumes at this site are considered negligible and are unlikely to create impact to the local network.*

The findings of this document were considered by Council's Senior Traffic Engineer who has advised that the traffic generated by the development may be accommodated by the existing road network. In addition, the following commentary was provided by the Traffic Impact Assessment Report in relation to proposed car parking to be provided on the subject site;

*For an aged care facility, the RMS Guide to Traffic Generating Developments suggests parking requirements of 1 car space per 10 beds (for visitors), 1 car space per 2 employees, and 1 ambulance space. The NSW SEPP (Housing for Seniors) outlines identical parking requirements for residential care facilities. Note that while the site will be able to cater for dementia patients, this will not be the sole purpose of the site.*

*The proposed provision of 100 beds will require 10 visitor parking spaces. The maximum 33 on-site staff will require 17 car parking spaces. This will result in a minimum parking provision of 27 car spaces. As per the current architectural plans, the development is to provide 55 parking spaces, which satisfies the requirements of the RMS and the NSW SEPP.*

*Accessible parking spaces are required to be provided on-site. The Building Code of Australia (BCA) specifies that one accessible space should be provided for every 100 car parking spaces (or part thereof) in buildings accommodating the aged. The Edinglassie Village redevelopment area should therefore provide a minimum of one accessible parking space and associated shared area. The current plans show a provision of 7 accessible parking spaces, meeting and exceeding the BCA requirements. This includes a shared clear zone between spaces with appropriate signage and line marking in accordance with AS2890.6, and an accessible route to the building.*

*The NSW SEPP (Housing for Seniors) provides guidance on the design of parking spaces for hostels and self-contained dwellings however these standards do not apply to residential care facilities.*

*All parking on-site is to be allocated for visitors and staff only. No parking on-site is to be allocated for*

As discussed within this report, the proposed number of car parking spaces to be provided on the subject site following completion of construction works is considered to allow for the orderly operation of the proposed use. As the existing aged care facility will continue operations during the construction phase, consideration is also given to providing for an appropriate number of parking spaces throughout all stages of the identified construction phase. It is noted that plans as amended have included a temporary car park maintaining 17 spaces to be provided to the rear of No. 6 Troy Street. In regard to parking spaces provided during the construction phase, it is noted that the accompanying Traffic Impact Assessment Report has provided for the following calculations;

*As an aged care facility, the development will be required to continue operating during the construction period. In order to maintain appropriate parking provision during the construction phases, a temporary car park is to be provided at the rear of the property at 6 Troy Street. Capacity of this car park shall be approximately 17 spaces. Total number of residents and number of parking spaces will vary throughout the construction period as follows:*

- *Existing scenario*
  - 126 beds across Block H and D
  - Approximately 5 parking spaces (servicing 25 rooms per space)
- *Closure and demolition of existing Block H and D*
  - Continued operation of other unaffected areas of the site
  - Residents relocated to Block E
  - Approximately 17 parking spaces in temporary car park, and 5 existing spaces (servicing 6 rooms per space)
- *Completion of new RAC facilities*
  - 50 residents move into new facilities
  - Approximately 17 spaces in temporary car park, 5 spaces in new northern car park, and 5 existing spaces (servicing 2 rooms per space)
- *Completion of new southern car park*
  - Up to 100 residents in new facilities
  - 55 parking spaces across two car parks (servicing 2 rooms per space)

*The provision of parking at all stages of construction maintains continual increases in capacity from the existing condition to achieve compliance with the Seniors SEPP.*

Noting the parking spaces identified for each stage of construction, it is considered that adequate parking spaces will be provided to cater for occupants on the subject site during this period. In addition, it is noted that there are another 21 Independent Living Unit car spaces served by the existing driveway off Troy Street and 6 Independent Living Unit car spaces serving Block F on the subject site which will be retained during and after the construction of the new Residential Aged Care facility.

### **Accessibility**

The application was accompanied by an Accessibility Assessment Report prepared by 'Function Making Life Fit'. The report outlines that the proposal either complies with, or can comply with, the relevant accessibility provisions within the Building Code of Australia, Disability (Access to Premises) Standards (2010) and Penrith DCP 2014. In this regard, the accompanying report has provided recommendations to be included with any construction in relation to the proposed car parking, continuous accessible paths of travel to entrances, external paths of travel and landscaped area, common areas, passenger lifts, stairways and internal accessible paths of travel on each proposed level of the new buildings room levels. The report has also identified that the surfaces and gradients on the access path to the facilities (eg, Lennox Village shopping centre and surrounding bus stops) meets the functional requirements of the Seniors SEPP to provide for an accessible path of travel.

Noting the above, the recommendations contained in the accessibility report are to be included with any determination for inclusion in the detailed construction plans for the proposal.

### **Site Suitability**

Consideration has been given to the suitability of the ongoing use of the subject site for an aged care facility. It is noted that a Report on Preliminary Site Investigation was provided for prepared Douglas Partners. This report was reviewed by Council's Environmental Management Team who have advised that no objection is raised to the application subject to the provision of appropriate conditions in relation to contamination.

It is also noted that the subject site is affected by overland flows during the 1% Annual Exceedance Probability (AEP) storm event and was accompanied by a Flood Report prepared by Taylor Thomson Whitting. The flood report and accompanying stormwater drainage plans were referred to Council's Senior Engineer (Major Development) who has advised that no objection is raised to the proposal subject to appropriate conditions included with any development consent granted.

It is also considered that the subject site will maintain appropriate services and utilities noting the current connections provided to water, sewage, telecommunications, natural gas and electricity. It is noted that the subject site is currently solely fed from a 1000kVA onsite kiosk substation. Provided plans have identified the relocation of this existing substation. In this regard, it is considered necessary that a new substation be established prior to the decommissioning of the existing substation and should the application be approved, will incorporate an appropriate condition requiring consultation with the necessary electricity provider prior to the any works being conducted.

### ***Social & Socio-Economic Impacts***

The development is not considered likely to result in any negative social impact in the area. The proposal has been assessed against the principles and objectives contained within the Penrith DCP specifically those related to safety and security and is compliant in this regard. The development of the site is considered to create a long term benefit to the community via the provision of upgraded housing for seniors and people with disabilities as well as employment opportunities within the local government area in accordance with the aims of the Penrith LEP 2010.

## **Section 79C(1)(c)The suitability of the site for the development**

The proposal is considered to have addressed the constraints of the subject site, in particular with the interface with the existing heritage item along Emerald Street and via the retention of a significant number of mature trees along the Great Western Highway and Emerald Street frontages. Overall, the subject site is deemed suitable for the development for the following reasons:

- The site is currently provided as an aged care facility and is zoned to permit the proposed redevelopment under the Seniors SEPP;
- The proposed new built form is considered compatible with surrounding and adjoining land uses;
- While the subject site is located within a floodway and flood storage area, the application has been accompanied with an acceptable flood study and stormwater design from the site to be able to drain to Council's satisfaction;
- The site is adequately serviced by transport and is located in a location to provide access to facilities (for instance to Lennox Village Shopping Centre) to allow for compliance with access requirements under Clause 26 of the Seniors SEPP;
- The temporary use of No. 6 Troy Street as an administration building and the provision of 17 car parking spaces on this lot in a temporary nature during the construction stage is not considered to create an adverse impact upon surrounding residential uses; and
- The grade and area of the site is capable of providing for, or connecting to the infrastructure required to service and maintain the development.

## **Section 79C(1)(d) Any Submissions**

### **Community Consultation**

The development application was advertised in the local newspaper and notified to owners and occupiers of adjoining and nearby properties pursuant to the requirements of the Regulations and in accordance with Council's Development Control Plan. Affected property owners and occupiers were notified in the surrounding area and invited to make a submission on the proposal during the exhibition period from 13 April to 27 April, 2018. During this period, no submissions were received.

## Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections - subject to conditions
Heritage	No objections
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections - subject to conditions
Tree Management Officer	No objections - subject to conditions
Social Planning	No objections

## Section 79C(1)(e)The public interest

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and in accordance with the prevailing planning controls. In this regard, the proposed works are considered to be consistent with the relevant planning provisions. Subject to compliance with conditions of any development consent and modifications to the development design as outlined within this report, the proposal is considered worthy of support.

## Section 94 - Developer Contributions Plans

Section 7.11 (previously Section 94) contributions do not apply to the proposed development.

## Conclusion

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The proposed development has been assessed in accordance with the relevant provisions of the environmental planning instruments and Development Control Plan pertaining to the land. In particular, the application has been assessed against the relevant controls of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* and is considered to be consistent with the applicable clauses in this SEPP.

The proposal will provide for a building height non compliance for the identified new residential aged care facility creating a 33% variance on the maximum 8m height requirement as required by the Seniors SEPP. In addition, the proposal will provide for a non compliance in relation to the maximum number of storeys permitted adjoining a site boundary. In this instance, the application has been accompanied by two (2) separate Clause 4.6 Variation requests in response to the development standard variations proposed. A review of each 4.6 Variation request is considered to have provided for appropriate justification for the provided non compliance which has appropriately adhered to the requirements of the relevant sections within this Clause.

As the variations proposed are a departure from the development standards by more than 10% in each instance, it is a statutory requirement that the application be determined by the Penrith Local Planning Panel.

The proposal as amended is considered to have provided for an acceptable response to the constraints of the subject site, in particular via an increased setback away from an existing item of local significance and the retention of a substantial amount of existing mature vegetation especially to the corner of the Great Western Highway and Emerald Street. Via the retention of existing vegetation and the introduction of new tree planting, it is considered that this will assist in maintaining an appropriate setting for the proposed built form. While acknowledging the non compliant height to the new building, it is considered that the retention of trees as well as the separation provided to opposing residencies along Emerald Street will not create any amenity concerns for surrounding residents.

The nature of the subject site providing for three street frontages is considered to assist in allowing for a built form which will present with its own distinctive characteristics while not being overbearing to surrounding uses. The design of the new aged care facility via its winged presentation is also considered to present an appropriate building footprint which will also provide for areas of open space and separation which is considered to enhance the appearance of the proposed built form.

The application has been assessed against the provisions of the Seniors SEPP and apart from the identified and discussed non compliances is compliant with the relevant Clauses. The site is considered to meet the accessibility requirements for occupants with the location of services in the near vicinity via the Lennox Village Shopping Centre. In addition, the proposal is consistent with the objectives and controls of the Penrith Local Environmental Plan, Development Control Plan and applicable environmental planning instruments.

The removal of a number of existing buildings on the subject site will allow for an increased separation to the adjoining Emu Plains Public School noting that the application has identified that this area is to be turfed. The use of No. 6 Troy Street as a temporary administration building and car parking area during the construction phase is not considered to create an inappropriate impact upon surrounding residential uses along Troy Street and noting its temporary nature is considered acceptable. The application has also been accompanied with information identifying that an appropriate number of car parking spaces will be provided to maintain the existing operations of the subject site during the construction phase.

The proposed development has been assessed against the relevant heads of consideration contained in Section 4.15 of the *Environmental Planning and Assessment Act, 1979* and has found to be satisfactory. The site is suitable for the proposed development and the proposal subject to compliance with conditions is in the public interest. The proposal is therefore worthy of support.

## Recommendation

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That DA18/0306 for the construction of a three (3) storey and 100 bed residential aged care facility including related facilities and uses, at grade car parking and associated demolition and site works at 1-11 Emerald Street and 6 Troy Street, Emu Plains be approved subject to the attached conditions.

**General****1 A001**

The development must be implemented substantially in accordance with the plans approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Doc No.	Issue	Title	Prepared By	Date
<b>Architectural Plans all Project No. 3030</b>				
DA050	DA5	Proposed Site Plan	Morrison Design Partnership	9 August, 2018
DA065	DA5	Tree Assessment Plan	Morrison Design Partnership	9 August, 2018
DA070	DA5	Existing Site / Demolition Plan	Morrison Design Partnership	7 August, 2018
DA071	DA5	Demolition Plan – Stage 1	Morrison Design Partnership	7 August, 2018
DA072	DA6	Demolition Plan – Stage 2	Morrison Design Partnership	7 August, 2018
DA080	DA5	Access Diagram	Morrison Design Partnership	9 August, 2018
DA081	DA4	Access Diagram – Small Rigid Vehicle	Morrison Design Partnership	9 August, 2018
DA082	DA4	Access Diagram - Ambulance	Morrison Design Partnership	9 August, 2018
DA090	DA6	Staging Plan - Overall	Morrison Design Partnership	9 August, 2018
DA091	DA4	Staging Plan – Stage 1 Enabling Works	Morrison Design Partnership	7 August, 2018
DA092	DA6	Staging Plan – 2 Demolition & New Works	Morrison Design Partnership	20 September, 2018
DA093	DA6	Staging Plan – 3 Part Demolition of Hostel	Morrison Design Partnership	7 August, 2018
DA094	DA5	Staging Plan – 4 New Southern Carpark	Morrison Design Partnership	9 August, 2018
DA100	DA12	Proposed Master Ground Floor Plan	Morrison Design Partnership	9 August, 2018
DA101	DA5	Proposed Master Typical Floor Plan	Morrison Design Partnership	9 August, 2018
DA102	DA5	Proposed Master Roof Plan	Morrison Design Partnership	9 August, 2018
DA103	DA7	Ground Floor Plan	Morrison Design Partnership	9 August, 2018
DA104	DA4	First Floor Plan	Morrison Design Partnership	7 August, 2018
DA105	DA3	Second Floor Plan	Morrison Design Partnership	26 July, 2018
DA106	DA5	Roof Plan	Morrison Design Partnership	9 August, 2018
DA200	DA5	Street Elevations	Morrison Design Partnership	7 August, 2018
DA201	DA5	True Elevations 1	Morrison Design Partnership	7 August, 2018
DA202	DA5	True Elevations 2	Morrison Design Partnership	7 August, 2018

DA203	DA6	True Elevation 3	Morrison Design Partnership	7 August, 2018
DA250	DA4	Site Sections	Morrison Design Partnership	7 August, 2018
DA251	DA4	Sections Sheet 1	Morrison Design Partnership	7 August, 2018
DA252	DA3	Sections Sheet 2	Morrison Design Partnership	26 July, 2018
DA255	DA4	Landscape Section	Morrison Design Partnership	7 August, 2018

#### **Stormwater Plans all Job No. 141456**

C000	P4	Notes and Legend Sheet	Taylor Thomson Whitting	31 May, 2018
C200	P8	Site works Plan	Taylor Thomson Whitting	10 August, 2018
C201	P3	Site works Plan Sheet 2 of 2	Taylor Thomson Whitting	29 May, 2018
C300	P6	Pavement Plan	Taylor Thomson Whitting	10 August, 2018
C350	P1	Pavement Detail	Taylor Thomson Whitting	29 May, 2018
C400	P2	Stormwater Management Plan Sheet 1 of 2	Taylor Thomson Whitting	31 May, 2018
C401	P2	Stormwater Management Plan Sheet 2 of 2	Taylor Thomson Whitting	31 May, 2018
C450	P1	Stormwater Details Sheet	Taylor Thomson Whitting	29 May, 2018
C500	P3	Details Sheet	Taylor Thomson Whitting	29 May, 2018
C501	P3	Retaining Structure Detail Sheet	Taylor Thomson Whitting	29 May, 2018
C550	P3	Longitudinal Sections Sheet	Taylor Thomson Whitting	29 May, 2018
C600	P3	Demolition, Construction and Environmental Waste Management Plan	Taylor Thomson Whitting	29 May, 2018
C700	P5	Erosion & Sediment Control Plan and Details	Taylor Thomson Whitting	6 August, 2018
C800	P3	Landscape Area Calculations	Taylor Thomson Whitting	29 May, 2018
C900	P1	Flood Study Plan	Taylor Thomson Whitting	31 May, 2018
C901	P1	Overland Flow Path Cross Sections Sheet 1 of 6	Taylor Thomson Whitting	31 May, 2018
C902	P1	Overland Flow Path Cross Sections Sheet 2 of 6	Taylor Thomson Whitting	31 May, 2018
C903	P1	Overland Flow Path Cross Sections Sheet 3 of 6	Taylor Thomson Whitting	31 May, 2018
C904	P1	Overland Flow Path Cross Sections Sheet 4 of 6	Taylor Thomson Whitting	31 May, 2018
C905	P1	Overland Flow Path Cross Sections Sheet 5 of 6	Taylor Thomson Whitting	31 May, 2018
C906	P1	Overland Flow Path Cross Sections Sheet 6 of 6	Taylor Thomson Whitting	31 May, 2018

#### **Landscape Plans**

01	D	Master Plan	Taylor Brammer Landscape Architects	9 September, 2018
02	D	Detail Plan	Taylor Brammer Landscape Architects	19 September, 2018
03	B	Dementia Court	Taylor Brammer Landscape Architects	6 August, 2018
04	B	Community Court	Taylor Brammer Landscape Architects	6 August, 2018
05	C	Church Precinct	Taylor Brammer Landscape Architects	9 August, 2018
06	B	Tree Register	Taylor Brammer Landscape Architects	6 August, 2018
07	C	Planting Plan	Taylor Brammer Landscape Architects	9 August, 2018

08	P2	-	Taylor Brammer Landscape Architects	5 March, 2018
09	A	Proposed Carpark Screening	Taylor Brammer Landscape Architects	6 August, 2018

#### Signage Plans

-	-	Site Plan	Diadem	-
-	-	Proposed Works – Location 1	Diadem	-
-	-	Proposed Works – Location 2	Diadem	-
-	-	Proposed Works – Location 3	Diadem	-
-	-	Proposed Works – Location 4	Diadem	-
-	-	Proposed Works – Location 5	Diadem	-
-	-	Proposed Works – Location 6	Diadem	-

#### Household Kitchen, Hair Salon/Day Spa, Café/Shop Plans

HHF05 Sheet 1 of 3	A	Household Kitchen	Uniting	18 May, 2018
SF08 Sheet 1 of 2	A	Hair Salon / Day Spa	Uniting	18 May, 2018
SF02 Sheet 1 of 2	A	Café / Shop	Uniting	18 May, 2018
SB01 Sheet 1 of 2	A	Central Kitchen	Uniting	18 May, 2018

- Arboricultural Impact Assessment prepared by Tree IQ, Project No. EDI/EMU/14, Report No. EDI/EMU/AIA/E, Revision E, dated 7 August, 2018;
- Flood Study prepared by Taylor Thomson Whitting, Document No. 141456 CAAB, Revision E, dated 2 August, 2018;
- Report on Preliminary Site Investigation prepared by Douglas Partners, Project No. 84503.00, Document No. 1, dated 6 November, 2014;
- Report on Preliminary Site Investigation prepared by Douglas Partners, Project No. 84503, Document No. 1, dated 11 November, 2014;
- BCA Compliance Statement for DA Submission prepared by Blackett Maguire + Goldsmith dated 5 March, 2018;
- Preliminary Construction Traffic Management Plan prepared by Taylor Thomson Whitting, Job No. 141456 TAAB, Revision 2, dated 27 March, 2018;
- Noise Impact Assessment prepared by JHA Consulting Engineers, Project No. 180053, Revision A, dated 15 March, 2018;
- Waste Management Plan prepared by Wasteaudit dated March, 2018 and additional correspondence prepared by Wasteaudit, dated 30 July, 2018;
- Operations Management Plan accompanying the Development Application prepared by Uniting, undated;
- Access Review prepared by Funktion, Issue 1, dated 12 March, 2018;
- Section J Part J1 and J2 Statement of Compliance prepared by JHA dated 5 March, 2018;
- Fire Engineering Statement for DA Submission prepared by MCD Fire Engineers, dated 12 March, 2018;
- Crime Risk Evaluation prepared by the NSW Police Force, dated April, 2018;
- Roads and Maritime Services comments – Reference SYD18/00772/01, dated 5 July, 2018; and
- Comments provided by Urban Growth (Sydney Water) via email received, dated 15 June, 2018.

## 2 A014 - LOT CONSOLIDATION

Lot 16 in Deposit Plan 232740, Lots 3 and 4, Section 21 in Deposit Plan 758387, Lot 1 in Deposit Plan 650543 and Lot 9 in Deposit Plan 230580 are to be consolidated as one lot.

A copy of the registered plan of consolidation from Land and Property Information division of the Department of Lands is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, prior to the issue of the Occupation Certificate for the development.

3 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

A satisfactory inspection from an authorised officer of Council's Environmental Health Department is required prior to the issue of the Occupation Certificate. The occupier is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time.

4 A021 - Business Registration

Any skin penetration use associated with the proposed development is to be registered with Penrith City Council by completing the "Skin Penetration - Registration of Premises" form. This form is to be returned to Council prior to the issuing of the occupation certificate and commencement of the business.

5 A021 - Business Registration

Any food business associated with the proposed development is to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council prior to the issuing of the Occupation Certificate and operation of the business.

6 A038 - LIGHTING LOCATIONS

**Prior to the issue of the Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

7 A046 - Obtain Construction Certificate before commencement of works

A **Construction Certificate** shall be obtained prior to commencement of any building works.

8 A Special (BLANK)

Prior to the erection of any crane or any temporary construction structure at a height greater than the roof of the subject development, written notice shall be provided to Council and the Nepean Blue Mountains Local Health District at least 21 days prior to the erection, indicating at least the following:

- Name of responsible company and relevant contact details.
- Dimensions (height, length, etc.).
- Position and orientation of boom/jib and counterboom/jib.
- Length of time that such a crane or structure will be erected on site.
- The management plan and measures that will ensure that the crane or structure will be of least possible impact on flight operations for Ambulance NSW.

Any crane or any temporary construction structure erected at a height greater than the roof of the subject development shall comply with the following:

- Be equipped with medium intensity steady red lighting positioned at the highest point and both ends of the boom/jib and counterboom/jib, such that the lighting will provide an indication of the height of the crane and the radius of the crane boom/jib. Such lighting, which should be displayed at night, should be positioned so that when displayed it is visible from all directions.
- When a crane is unattended for an extended period of time ensure the crane's boom is retracted and lowered as far as possible.
- No part of the crane or structure shall extend beyond the boundaries of the subject development site unless approved by Penrith City Council in consultation with the Nepean Blue Mountains Local Health District. Any encroachment beyond the boundaries of the subject site shall be the minimum amount required to facilitate construction and access all parts of the construction site.

9 A Special (BLANK)

In accordance with Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, a restriction as to user must be registered against the title of the property on which the development is to be carried out, in accordance with Section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the development relates to the kinds of people referred to in subclause (1) of Clause 18. The restriction shall be registered on the land title **prior to the issue of an Occupation Certificate**.

10 **A Special (BLANK)**

In accordance with Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the development can only be occupied by the following people:

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

11 **A Special (BLANK)**

The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

12 **A Special (BLANK)**

The hours of operation for the residential aged care facility subject to this Development Consent is to be 24 hours a day, 7 days a week.

13 **A Special (BLANK)**

Staffing numbers for the residential aged care facility are to be provided as follows;

Position	Employees per shift - Morning	Employees per shift - Afternoon	Employees per shift - Night
<b>Service Manager / Assistant Manager</b>	2 (Mon-Fri)	0	0
<b>Registered Nurse</b>	3 (Mon-Fri), 2 (Sat-Sun)	2	1
<b>Care Staff</b>	18	14	4
<b>Administration Staff</b>	2 (Mon-Fri)	0	0
<b>Catering Staff</b>	4 (Mon-Fri)	4	0
<b>Cleaning Staff</b>	3 (Mon-Fri), 1 (Sat-Sun)	0	0

14 **A Special (BLANK)**

The use of No. 6 Troy Street, Emu Plains as an ancillary office space and the operation of a temporary car park consisting of 17 car spaces is to be provided and operated only during the construction period. Following the provision of an Occupation Certificate for the residential aged care facility and associated car parking, No. 6 Troy Street is to be removed of all office space and car parking construction and revert back to a residential dwelling.

15 **A Special (BLANK)**

Prior to the operation of temporary car parking facilities at No. 6 Troy Street, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring and parking areas are in accordance with Australian Standard's AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan 2014.

16 **A Special (BLANK)**

**Prior to the issue of an Occupation Certificate**, a written clearance is to be obtained from Endeavour Energy identifying that a new substation has been established on the subject site, prior to the decommissioning of the existing substation.

17 **A special BLANK**

A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the recommendations in the Noise Impact Assessment report, prepared by JHA Consulting Engineers, Project Number 180053, Revision A, dated 15 March, 2018. This certificate is to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

18 A special BLANK

**Prior to the issue of the Occupation Certificate**, a Compliance Certificate is to be submitted to and approved by Council. The Certificate is to outline that all plant and equipment have been installed to comply with the above information and the established noise criteria. Should the Compliance Certificate identify any non-compliance issues, the Certificate is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

19 A special BLANK

**Prior to the issue of a Construction Certificate**, details are to be provided to the satisfaction of Council for procedures in relation to dealing with the deceased in accordance with the Public Health Act 2010 and Public Health Regulations 2012, NSW Health Guidelines for the Funeral Industry and any other relevant standards, guidelines or codes of practice published or endorsed by the NSW Ministry of Health.

20 A Special CPTED Requirements

Prior to the commencement of the development's use and in perpetuity, the following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented:

#### Lighting

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

#### Car Parking

- All areas of the car parks must be well-lit, with consistent lighting to prevent shadowing or glare.

#### Building Security & Access Control

- 'Staff only' areas throughout the site must have appropriate access control measures in place.
- Australian Standard 220 – door and window locks must be installed in all dwellings.
- CCTV is to be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- A monitored alarm system must be provided to all communal public space areas.

#### Graffiti/Vandalism

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

#### Landscaping

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

### Demolition

21 B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

## 22 B003 - ASBESTOS

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site.**

**Prior to commencement of demolition works on site**, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

## 23 B004 - Dust

Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.

## 24 B005 - Mud/Soil

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

## 25 B006 - Hours of work

Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

## Environmental Matters

### 26 D001 - Implement approved sediment& erosion control measures

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development.** These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the demolition and construction associated with the development.

27 **D001 - Implement approved sediment& erosion control measures**

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, visit <https://www.environment.nsw.gov.au/resources/water/BlueBookVol1.pdf>).

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

28 **D002 - Spraygrass**

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

29 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)**

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith Development Control Plan 2014) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

{Note: Penrith Development Control Plan 2014 defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

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

30 [D009 - Covering of waste storage area](#)

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

31 [D010 – Appropriate disposal of excavated or other waste](#)

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

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

32 [D011 - Traffic noise & acoustic report \(if not submitted with DA, otherwise use H007\)](#)

The subject site is affected by road traffic noise from the Great Western Highway, and as such, the internal noise level of all habitable rooms of the building is not to exceed the internal noise levels specified in AS/NZ 2107. Written advice prepared by a suitably qualified and experienced acoustic consultant, confirming that the design and proposed construction of the building, including the glazing recommendations in the Noise Impact Assessment prepared by JHA Consulting Engineers, Project number 180053, Revision A, dated 15 March 2018, meeting the noise criteria is to be submitted to Penrith City Council for its consideration and approval **prior to the issue of a Construction Certificate**. If Council is not the certifier issuing the Construction Certificate, then a copy of the report approved by Council should be submitted to the certifier.

In addition, where windows need to be kept closed to achieve internal noise criteria, the method of alternative ventilation as required by the Building Code of Australia, needs to be detailed and shown in construction plans, and any other relevant documents, **prior to the issue of a Construction Certificate**.

33 [D013 - Approved noise level 1](#)

Noise levels from the premises shall not exceed the relevant noise criteria detailed in Noise Impact Assessment prepared by JHA Consulting Engineers, project reference 180053, dated 15 March 2018; being:

- Daytime (7am - 6pm) - LAeq, 15min of 47dB(A)
- Evening (6pm - 10pm) - LAeq, 15min of 47dB(A)
- Night (10pm - 7am) - Laeq, 15min of 40 dB(A)

The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the **Construction Certificate** application.

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

34 [D014 - Plant and equipment noise](#)

The operating noise level of all mechanical plant and equipment is to comply with the noise criteria outlined in Noise Impact Assessment prepared by JHA Consulting Engineers, Project No. 180053, Revision A, dated 15 March 2018.

**Prior to the issue of the Construction Certificate**, details on the type and location of all mechanical plant and equipment associated with the development is to be certified by an appropriately qualified and experienced acoustic consultant to demonstrate compliance with the established noise criteria.

35 **D - Construction and Demolition Noise and Vibration Mangement Plan**

**Prior to the issue of the Construction Certificate**, a Construction and Demolition Noise and Vibration Management Plan is to be prepared by a suitably qualified acoustic consultant and submitted to Council for approval. This assessment is to consider (at minimum) the details of the construction and demolition program, construction and demolition methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009. The recommendations of the Management Plan are to be implemented and adhered to during the construction phase of the development.

36 **D Special (BLANK)**

On the completion of demolition works for each individual stage as provided by Drawing No. DA090, Revision DA6, dated 9 August, 2018, prepared by Morrison Design Partnership, a Phase 2 Detailed Site Investigation for contamination is required to be carried out as recommended in the *Preliminary Site Investigation* report prepared by Douglas Partners, Project Number 84503.00, dated November 2014. This investigation is to consider the requirements of the relevant NSW Environment Protection Authority Guidelines and NEPM 2013, and be prepared by a suitably qualified environmental consultant. The associated report needs to establish whether the site is suitable for its intended use and is to be submitted to Penrith City Council for review and approval. If Council is not the Certifying Authority, details are to be provided to the Certifier of Council's approval prior to the commencement of any other works.

Should it be identified in the Phase 2 investigation that remediation works are required to be undertaken on the site, a separate development application is to be submitted to Council for this work. No work on the current development is to proceed until such time as this new application has been approved by Council, and Council has approved the Validation Report associated with the remediation works

Note: If Penrith City Council is not the certifying authority, the assessment is still required to be submitted to Council for approval.

37 **D Special BLANK**

The on-waste infrastructure provided within the development is to be built in accordance with configurations specified in the Ground Floor Plan, prepared by Morris Design Partnership, Drawing No. Da107, Revision DA7 dated 9 August, 2018.

38 **D Special BLANK**

The following waste management requirements must be complied with and details of compliance demonstrated to Council **prior to the issue of a Construction Certificate**:

- The Waste Collection Room and Dirty Linen room to each incorporate 1.8m wide outwards opening dual doors.
- Specifications of an Abloy key/similar system to be provided/installed to permit the access of the SRV Truck to the loading bay.

## **BCA Issues**

39 **E006 - Disabled access and facilities**

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

40 **E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)**

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

41 **E01A - BCA compliance for Class 2-9**

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
  - complies with the performance requirements, or
  - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

## **Health Matters and OSSM installations**

42 **F001 - General Fitout**

The construction, fit out and finishes of any food premises associated with the proposed development must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*.

43 **F004 - Registration & Notification**

Cooling towers and warm water systems are to be registered with Penrith City Council by completing the registration form for regulated systems. This form is to be returned to Council **prior to the issuing of the occupation certificate** and operation of the system.

The occupier of premises at which a water-cooling system or warm-water system is installed must notify Council using the NSW Ministry of Health Notification Form available from [www.health.nsw.gov.au](http://www.health.nsw.gov.au):

- if the system is installed before he or she becomes the occupier, within one month after he or she becomes the occupier, or
- if the system is installed after he or she becomes the occupier, within one month after the system is installed.

The occupier of the premises must notify Council within 7 days of any change of details.

44 **F005 - Legionnaires disease**

Air-handling systems, hot-water systems, humidifying systems, warm-water systems and water-cooling systems shall be operated and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2012, AS3666.2:2011 *Air-handling and water systems of buildings – Microbial control - Operation and maintenance* and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease

The water-cooling system shall be operated and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2012, AS3666.3:2011 *Air-handling and water systems of buildings – Microbial control – Performance-based maintenance of cooling water systems* and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease.

45 **F007 - Hairdressing regulations**

The operator of the (hairdressing/ beauty salon) shall ensure that the requirements of the Local Government Act 1993, Local Government (General) Regulation 2005, the Public Health Act 2010, Public Health Regulation 2012 and the current NSW Health - Guidelines on Skin Penetration and Code of Practice are met at all times.

46 **F008 - Skin Penetration regulations**

Any person carrying out any of the following skin penetration procedures associated with the proposed development shall ensure that the requirements of the Public Health Act 2010, Public Health Regulation 2012 and the current NSW Health Guidelines on Skin Penetration and Code of Practice are met at all times:

- Tattooing
- Unregistered acupuncture and dry needling practitioners
- Ear/Body Piercing
- Hair Removal
- Colonic Lavage
- Cuticle cutting
- Microdermabrasion
- Any procedure (whether medical or not) that involves skin penetration and includes any procedure declared by the regulations to be a skin penetration procedure, but does not include:
  - (a) any procedure carried out by a health practitioner registered under the Health Practitioner Regulation National Law, or by a person acting under the direction or supervision of a registered health practitioner, in the course of providing a health service, or
  - (b) any procedure declared by the regulations not to be a skin penetration procedure (i.e. laser hair removal).

47 **F022 - Commercial kitchen(exhaust system)**

Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2.

Detailed plans together with calculations for the system must be provided as part of the development application or as part of the Construction Certificate application.

The exhaust hood must completely cover the equipment to be ventilation and extended at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.

The low edge of a canopy type exhaust hood must be at least 2000 mm above floor level.

**Prior to the issuing of an Occupational Certificate**, and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority

48 **F025 - Food safety supervisor**

A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the operator of the kitchen facility prior to commencement of operations.

49 **F027 - Hand basins**

Hand basins must be serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are installed, the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

50 **F028 - Staff toilets**

Staff toilets must be provided on the premises. Where a toilet adjoins a food preparation area, it must be separated by an air lock and its doors must be fitted with self closing devices. Toilets intended for customer use must not be accessed through areas where open food is handled, displayed or stored.

51 **F029 - Hand basin within staff toilets**

A hand basin must be located within the toilet cubicle provided to the aged care facility. Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are used, the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

52 **F033 - Walls – food prep area**

The walls of the food preparation area associated with the proposed development must be of solid construction and finished with glazed ceramic tiles or other approved material to a height of 2 metres. The intersection of tiles and render must have a flush finish, or be splayed at a 45 degree angle to eliminate a ledge that would allow dust and grease to accumulate.

53 **F034 - Walls – behind cooking appliances**

The walls at the rear of cooking appliances must be surfaced with an impervious material, such as stainless steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material must be lapped over the top edge of the appliance to provide a grease and vermin proof seal. Cooking appliances must only be sealed to walls made of a non-combustible material.

54 **F035 - Ceilings**

The ceiling in the preparation, service and scullery areas must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight jointed, sealed and dust proofed. Drop-in panel style ceilings are not permitted.

55 **F036 - Service pipes**

Service pipes, electrical conduits, refrigeration condensate pipes shall be enclosed or chased into walls, floors or plinths. Where it can be demonstrated that this is not feasible pipes and conduits fixed on brackets, providing a minimum of 25 mm clearance from the adjacent wall and 100 mm from the floor or adjacent horizontal surface, can be used. All openings in walls, floors and ceilings, through which service pipes and conduits pass, must be vermin proof.

56 **F042 - Dishwasher**

Details of the dishwashing/glass washing machines within kitchen facilities must be submitted to Council and approved prior to installation. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for 2 minutes or 75°C for 10 minutes.

57 **F045 - Food Prep Sink - clearance area**

The food preparation sink within kitchen facilities must be separated from all other sinks by a minimum distance of 2 metres or have an approved form of physical barrier that separates the sink.

58 **F046 - Cleaners sink**

The cleaners sink must be serviced with hot and cold water through taps fitted with hose connectors. Cleaner's sinks must be located outside of areas where open food is handled.

59 **F047 - Fixtures & fittings**

All fixtures, fittings and equipment associated with the food preparation areas associated with the proposed development must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning.

All fittings and fixtures must be built into the wall and floor so as to be free from joint, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following:

- a. Plinths – plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.
- b. Wheels or castors – fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.
- c. Legs – fittings and fixtures can be supported on legs but must be constructed of a non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 200 mm.

NOTE: False bottoms under fittings are not permitted (AS4674-2004 – Section 4.2 and 4.3).

60 **F048 - Food prep benches**

All food preparation benches must be constructed in stainless steel or finished in a smooth and non-absorbent approved material that is free of joints.

61 **F050 - Light bulbs & tubes**

Light bulbs or tubes are to be shatterproof or fitted with approved light diffusers (covers or shields) to prevent contamination of food by glass from a broken light globe or tube. Light fittings must be free from any feature that would collect dirt or dust, harbour insects or make the fitting difficult to clean. Light fittings must be recessed into ceilings or equipment where possible. Heat lamps must be protected against breakage by a shield extending beyond the bulb.

62 **F053 - Coolrooms – condensation**

Condensation from coolrooms and refrigeration motors must discharge to sewer via a tundish with air gap separation in accordance with Sydney Water requirements.

63 **F060 - Grease Arrestor**

The grease arrestor provided must not be installed in any kitchen, food preparation or food storage area. The grease arrestor shall be installed in accordance with Sydney Water's requirements.

64 **F094 - Water temperature maintenance**

Maintenance must be carried out on a hot-water system to ensure that at any time when the system is in operation it delivers water at each outlet each time the outlet is turned on at not less than 60 degrees Celsius, once any water standing in the pipe to that outlet before it was turned on has been expelled.

65 **F095 - Maintenance requirements**

Maintenance carried out on a warm-water system must comply with the document entitled *Requirements for the provision of cold and heated water* published by the NSW Ministry of Health.

66 **F111 - Premises construction**

The walls and floor of the treatment room/s associated with the proposed development are to be constructed of materials that are durable, smooth, impervious to moisture and capable of being easily cleaned. No exposed brickwork, timber or carpet is permitted.

67 **F112 - Hand wash basin**

Provide a hand wash basin in the treatment room/s associated with the proposed development where skin penetration procedures are to be carried out. The hand wash basin is to have a supply of clean, warm, potable water provided through a single spout. The hand wash basin/s is also to be supplied with appropriate hand cleaning and drying equipment (i.e. pump pack antibacterial soap and disposable paper towels).

68 **F113 - Designated sink for cleaning**

If any skin penetration activities are proposed as part of the proposed development, a designated sink (separate to the hand wash basin) that has a supply of clean, warm water provided through a single spout for the cleaning of equipment (if equipment used in skin penetration procedures at the premises is cleaned at the premises) is to be maintained.

69 **F114 - Equipment sterilisation - Autoclave**

Any equipment used to penetrate the skin or which is capable of penetrating the skin as part of the proposed development, must be sterilised in a Therapeutic Goods Administration (TGA) approved autoclave prior to reuse.

## Utility Services

### 70 G002 - Section 73 (not for

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon, or telephone 13 20 92.

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

### 71 G004 - Integral Energy

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

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

## Construction

### 72 H001 - Stamped plans and erection of site notice

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

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

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

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

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

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

73 [H002 - All forms of construction](#)

Prior to the commencement of construction works:

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

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

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

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

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

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

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

74 [H025 - Construction of garbage rooms](#)

Garbage rooms within buildings shall have masonry walls with smooth face cement rendering to the full height internally and be provided with a smooth concrete floor. The floor shall be graded and drained to a floor waste connected to the sewer that shall be charged with a suitably located cold water hose cock. Access doors to the garbage store shall be tight fitting solid core or of non-combustible construction.

## Engineering

75 [K101 - Works at no cost to Council](#)

All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

76 [K201 - Infrastructure Bond](#)

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

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

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

77 [K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS](#)

Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve
- f) Temporary construction access

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) All works associated with the Roads Act approval must be completed **prior to the issue of any Occupation Certificate**.

78 [K209 - Stormwater Concept Plan](#)

The stormwater management system shall be provided generally in accordance with the stormwater management strategy and associated concept plan/s lodged for development approval, prepared by Taylor Thomson Whitting, Job Reference No. 141456, Drawing No.C000, Revision P4, Drawing No. C200, Revision P8, Drawing No. C201, Revision P3, Drawing No. C300, Revision P6, Drawing No. C350, Revision P1, Drawing No's. C400 and C401, both Revision P2, Drawing No. C450, Revision P1, Drawing No's. C500, C501, C550 and C600, all Revision P3, Drawing No. C700, Revision P5 and Drawing No. C800, Revision P3.

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

**Prior to the issue of Construction Certificate** the stormwater management strategy must be modified to incorporate the requirements of Section 3.1 of Councils WSUD Policy which relates to the use of efficient (WELS) rated fittings and rainwater harvesting and reuse.

**Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.**

79 [K213 - Flooding - Flood Report Recommendations](#)

**Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the proposed development is compatible with the recommendations of the Flood Report prepared by Taylor Thomson Whitting, Reference No. 141456 CAAB, Revision E, dated 2 August 2018.

80 [K214 - Flooding – Floor levels](#)

**Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that all habitable floor levels are in accordance with the stamped approved plans with a minimum floor level of RL 27.40m AHD (standard flood level + 0.5m freeboard).

81 [K217 - Flooding – Flood Compatible Materials](#)

**Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the structure/s below RL 27.40m AHD (standard flood level + 0.5m freeboard) have been detailed with flood compatible building components in accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage' produced by the Hawkesbury-Nepean Floodplain Management Steering Committee.

82 **K218 - Flooding – Structural Adequacy**

**Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the structure/s can withstand the forces of floodwater including debris and buoyancy up to the 1% Annual Exceedance Probability Event in accordance with the requirements of the Building Code of Australia (BCA).

83 **K221 - Overland Flow - General**

**Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that:

- a) All habitable floor levels are a minimum of 500mm above the top water level of the 1% Annual Exceedance Probability RL 26.90m AHD overland flow path.
- b) Non-habitable floor levels are a minimum of 100mm above the top water level of the 1% Annual Exceedance Probability RL 26.90m AHD overland flow path.
- c) The velocity x depth product does not exceed 0.4.
- e) The proposed development will not concentrate, dam or divert overland flows onto adjoining properties.
- f) That all new fencing within the overland flowpath is open style to allow the free passage of overland flows.

Details prepared by a qualified person, demonstrating compliance with these requirements, shall form part of any Construction Certificate issued.

84 **K222 - Access, Car Parking and Manoeuvring – General**

**Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Australian Standard's AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan 2014.

85 **K224 - Construction Traffic Management Plan**

**Prior to the issue of any Construction Certificate**, the Certifying authority shall ensure that a Construction Traffic Management Plan (CTMP) has been submitted to and approved by Penrith City Council. The CTMP shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS), and in accordance with Council's Engineering Construction Specification for Civil Works. Approval of the CTMP may require approval of the Local Traffic Committee.

86 **K301 - Sediment & Erosion Control**

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

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

87 **K302 - Traffic Control Plan**

Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.

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

Note:

- a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of a Construction Certificate.

88 [K401 - Flooding – Surveyor Verification of floor levels](#)

A certificate by a registered surveyor verifying that all habitable floor levels are at or above RL 27.40m AHD (standard flood level + 0.5m freeboard) shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until approval to proceed is issued by the Principal Certifying Authority.

89 [K403 - Major Filling/ Earthworks](#)

All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

90 [K405 - Turf to Verge](#)

Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

91 [K406 - Underground Services](#)

All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.

92 [K501 - Penrith City Council clearance – Roads Act/ Local Government Act](#)

**Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that all works associated with a Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

93 [K504 - Stormwater Compliance](#)

**Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that the:

- a) Stormwater management systems (including water sensitive urban design)
- b) Overland flowpath works

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

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

94 [K505 - Restriction as to User and Positive Covenant](#)

**Prior to the issue of any Occupation Certificate**, a restriction as to user and positive covenant relating to the:

- a) Stormwater management systems (including water sensitive urban design)
- b) Overland flowpath works

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater and Drainage for Building Developments policy.

95 [K511 - Directional signage](#)

**Prior to the issue of any Occupation Certificate**, directional signage and linemarking shall be installed indicating directional movements and the location of staff and visitor parking to the satisfaction of the Principal Certifying Authority.

96 **K601 - Stormwater Management system operation and maintenance**

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

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

97 **K701 - Flood Risk Advice**

You are advised that Penrith City Council's current adopted flood level for this location is RL 26.90 m AHD. Penrith City Council records indicate that the approximate ground level at the proposed development location is at RL 26.50m AHD (approximately 0.4m below the standard flood level). Use of this development should reflect the flood risk.

98 **K Special (BLANK)**

All vehicle are to enter and leave in a forward direction.

99 **K Special (BLANK)**

The required sight lines around the driveway entrances and exits are not to be compromised by street trees, landscaping or fencing.

100 **K Special (BLANK)**

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

101 **K Special (BLANK)**

Subleasing of car parking spaces is not permitted by this Consent.

102 **K Special (BLANK)**

**Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the plans include a complying number of secure, all weather bicycle parking spaces. In addition, required end of journey facilities, change rooms, showers and lockers for staff and visitors are to be provided at convenient locations in accordance with Part C10, Section 10.7 of the Penrith Development Control Plan 2014, Australian standard AS 2890.3 Bicycle Parking Facilities and Planning Guidelines for Walking and Cycling (NSW Government 2004).

103 **K Special Condition BLANK**

**Prior to the Issue of an Construction Certificate**, a Flood Emergency Response Plan shall be prepared by a suitably qualified Civil/Hydraulic Engineer for the development in consultation with SES and, submitted to the Principal Certifying Authority.

## Landscaping

104 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plans prepared by Taylor Brammer Landscape Architects, Drawing No. 01, dated 9 September, 2018, Revision D, Drawing No. 02, dated 19 August, 2018, drawing No's. 03 and 04, both dated 6 August, 2018, both Revision B, Drawing No. 05, dated 9 August, 2018, Revision C, Drawing No. 06, dated 6 August, 2018, Revision B, Drawing No. 07, dated 9 August, 2018, Revision C, Drawing No. 08, dated 5 March, 2018, Revision P2 and Drawing No. 09, dated 6 August, 2018, Revision A and Sections C2 'Vegetation management' and C6 'Landscape Design' of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

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

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

105 [L002 - Landscape construction](#)

The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape professional.

106 [L003 - Report requirement](#)

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a suitably qualified and experienced landscape professional

i. Implementation Report

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

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

ii. Maintenance Report

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

107 [L005 - Planting of plant](#)

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Development Control Plan 2014.

108 [L006 - Aust Standard](#)

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

109 [L007 - Tree protectionmeasures–no TMPwith DA](#)

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Section C6 'Landscape Design' of Penrith Development Control Plan 2014.

110 [L008 - Tree PreservationOrder](#)

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

111 [L Special \(Arborist Report\)](#)

The approved arborist report/Tree Protection Plan must be implemented. The Plan must be included as part of the construction plans to be used on site and the specifications for Tree protection measures for all retained trees on site must be adopted.

112 [L Special \(BLANK\)](#)

All trees and landscaping must be maintained in perpetuity to enable maturity to their full potential in healthy growing conditions. This includes mature height, spread and form, consistent with the tree species. Pruning must not alter the natural form and height of trees.

113 [L Special \(Protection of trees to remain on site\)](#)

All trees approved by Council for removal shall be removed in a manner so as to prevent damage to those trees that are to be retained

114 [L Special \(Tree protection - Australian Standards\)](#)

The tree/s must be retained and protected in accordance with Australian Standards, Protection of trees on development sites, AS 4970 -2009.

## Payment of Fees

115 [P001 - Costs](#)

All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

116 [P002 - Fees associatedwith Council land \(Applies to all works & add K019\)](#)

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

## Certification

### 117 Q006 - Occupation Certificate (Class 2 - 9)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building/tenancy and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of that Certificate including the above mentioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

### 118 Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)

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

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

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

#### Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

# Appendix - Development Control Plan Compliance

## Development Control Plan 2014

### Part C - City-wide Controls

The proposal has been assessed against the applicable provisions of the Penrith Development Control Plan 2014, in particular those under Part C, City Wide Controls and is found to be generally compliant. Compliance with particular sections is discussed below:

#### C2 Vegetation Management

The subject site provides for a number of mature trees along the Great Western Highway and Emerald Street frontages which are considered significant for the area and provide for an important character feature for this section of Emu Plains. The application has been accompanied with an arborist report which has provided for discussion in relation to trees to be retained and removed, minor and major encroachments, pruning, replacement planting and the ongoing management of trees to be retained. It is considered that the accompanying arborist report and landscape plans have allowed for the retention of existing trees and vegetation during the design phase which will in turn enhance the landscaped character of this area of Emu Plains.

Noting the above, should the application be approved appropriate conditions are to be incorporated with any determination granted requiring the necessary protection of trees during the construction phase along with the incorporation of identified new landscaping.

#### C3 Water Management

The subject site has been identified as being affected by overland flows during the 1% Annual Exceedance Probability (AEP) storm event and in this regard was accompanied by a Flood Assessment Report. The report and accompanying plans were reviewed by Council's Development Engineering Section, who have advised that the proposal is acceptable subject to the provision of appropriate conditions with any development consent granted.

Noting the above, it is considered that the construction of the proposal will not create a scenario where there would be a potential risk to life and property resulting from future flood events.

#### C7 Culture and Heritage

Consideration has been provided in the assessment of this application in regard to the impact that the proposed new residential aged care facility will create upon the significance of an existing item of heritage significance on the subject site (Item No. 82 under Schedule 5 - Environmental Heritage of the Penrith Local Environmental Plan) being an existing sandstone United Church located along the Emerald Street frontage.

It is noted that the original application received provided for a minimum setback of 6m between the proposed built form and existing chapel. Following discussions between the applicant and Council representatives, amended plans were received which have provided for the repositioning of the proposed aged care building 3m to the west and 1m to the north of the existing church providing for an improved setback of 9m between these structures.

The amendments were considered appropriate by Council's Heritage consultant and in this regard, it is considered that the design as amended has taken into consideration the heritage significance of the item as well as its setting and visual curtilage.

#### C9 Advertising and Signage

The development application has identified areas to both Emerald and Troy Street as well as the intersection of Emerald Street and the Great Western Highway for the provision of signage. In this regard, the application has been accompanied by the necessary *State Environmental Planning Policy No. 64 - Advertising and Signage* assessment including the assessment

criteria specified in Schedule 1.

The nature and size of signage proposed is not considered out of character with its surrounds and will provide for acceptable identification of the site as well as directional signage for car parking, deliveries and emergency services. In this regard, it is considered that the objectives of this section of the Penrith DCP have been achieved, signage provided identifying information concerning the identification of the premises as well as proposed activities conducted on the land.

## **C10 Transport, Access and Parking**

As the application will provide for a residential aged care facility, it is noted that necessary car parking requirements are provided within Clause 48 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* rather than this section of the Penrith DCP. In this regard, based on the number of beds proposed, a total of 27 parking spaces are required to be provided. The application has allowed for 58 new parking spaces plus 1 ambulance bay and is therefore compliant.

The application was also accompanied by a Traffic Impact Assessment prepared by Taylor Thomson Whitting which has been reviewed by Council's Traffic Engineering Section. A review of this document has raised no concerns in regard to the generation of traffic emanating from the future use which is considered may be accommodated by the existing road network.

Following a request for additional information, plans and documentation have been provided for Council's consideration in relation to the retention of an acceptable and compliant number of parking spaces throughout the entirety of the construction phase. It is noted that the application has been amended to include a temporary car parking facility maintaining 17 spaces to be provided to the rear of No. 6 Troy Street. The updated Traffic Impact Assessment Report has also provided for calculations in regard to the necessary and provided car parking spaces on site throughout the construction phase. A review of this information is considered to identify that each stage of construction will be provided with a compliant number of parking spaces to allow for the appropriate ongoing operation of the existing aged care facility and in this regard no objection is raised. It is also noted that the provision of parking to the rear of No. 6 Troy Street will be removed following the completion of construction works, with any development consent granted to be appropriately conditioned.

The accompanying architectural plans have not identified the provision of any bicycle facilities. In this regard, it is noted that Section C 10 of the Penrith DCP provides for the following requirement in relation to the provision of bicycle spaces;

- a) *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, in accordance with AS2890.3:1993 Bicycle Parking Facilities.*
- b) *The following associated facilities are to be provided:*
  - i) *Change and shower facilities for cyclists are to be conveniently located close to the bicycle storage areas; and*
  - 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.*
- c) *Applicants should comply with the suggested bicycle parking provision rates for different land use types in the document 'Planning Guidelines for Walking and Cycling' (NSW Government 2004).*

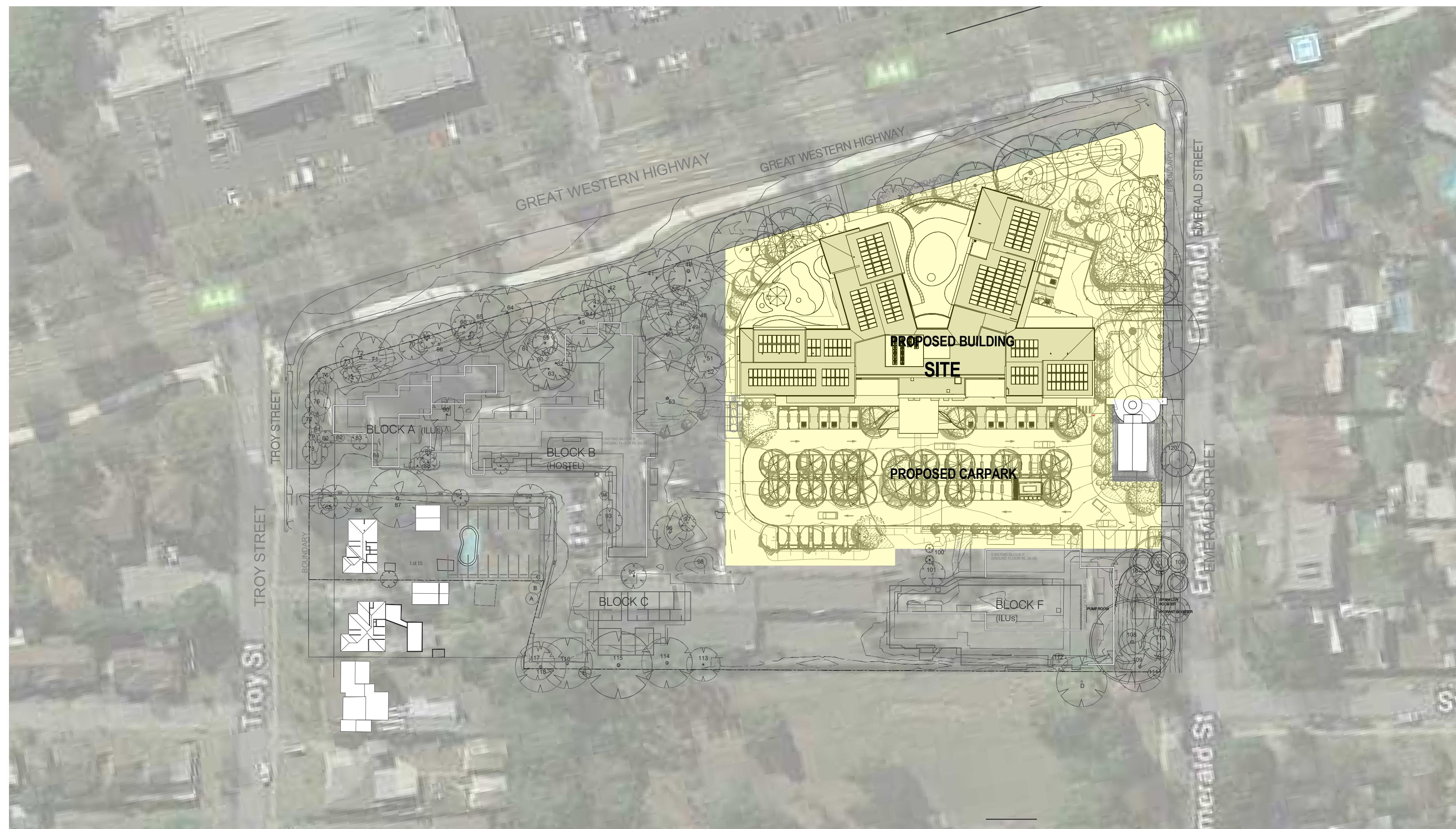
This Guideline sets out that safe, secure, all weather bicycle parking should be provided near the end of journey facilities at the rate of 3 - 5 % of staff number for staff usage plus at the rate 5 - 10 % of staff number for visitor usage. As the application has identified a 24 hour operation with an overlapping of staff shifts, shared needs for bicycle parking as well as showers and lockers is considered appropriate in this instance. In this regard, it is considered appropriate that the application provide for a complying number of secure, all weather bicycle parking with

nearby end of journey facilities (i.e, lockers and showers) for both male and females to be identified, with any determination granted to be appropriately conditioned.

# UNITING EDINGLASSIE RESIDENTIAL AGED CARE

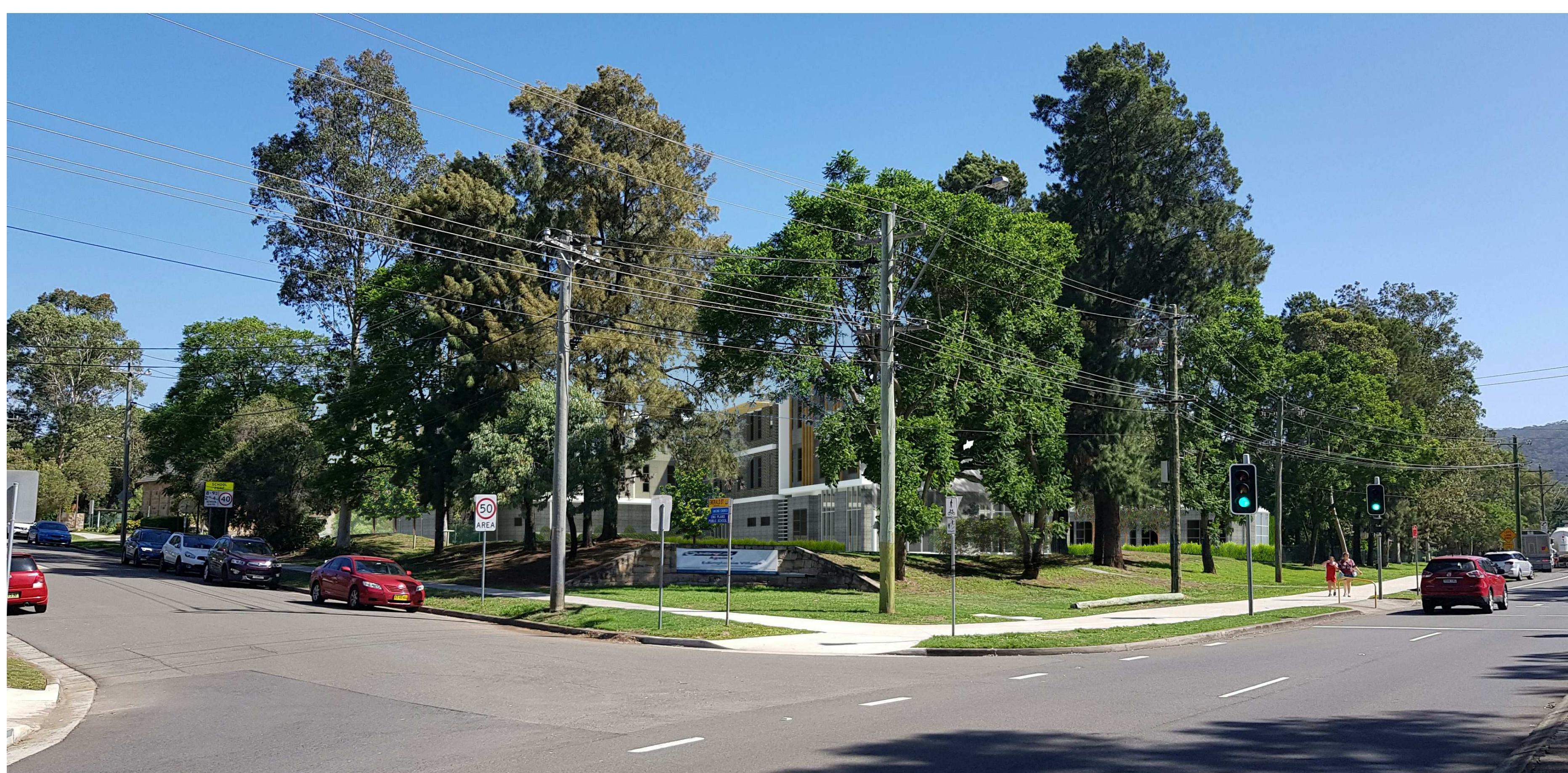
CNR OF GREAT WESTERN HIGHWAY & EMERALD ST  
EMU PLAINS 2750

## DEVELOPMENT APPLICATION



### DA ARCHITECTURAL DRAWING REGISTER

DRAWING NO.	REVISION	DRAWING TITLE
DA001	DA5	COVER SHEET
DA050	DA5	PROPOSED SITE PLAN
DA060	DA4	EXISTING CONTEXT SITE ANALYSIS
DA061	DA5	PROPOSED SITE ANALYSIS
DA062	DA5	URBAN HEIGHT AND SIGNIFICANT TREE CONTEXT ANALYSIS
DA065	DA5	TREE ASSESSMENT PLAN
DA070	DA5	EXISTING SITE / DEMOLITION PLAN
DA071	DA5	DEMOLITION PLAN - STAGE 1
DA072	DA6	DEMOLITION PLAN - STAGE 2
DA080	DA5	ACCESS DIAGRAM
DA081	DA4	ACCESS DIAGRAM - SMALL RIGID VEHICLE
DA082	DA4	ACCESS DIAGRAM - AMBULANCE
DA090	DA6	STAGING PLAN - OVERALL
DA091	DA4	STAGING PLAN - STAGE 1 ENABLING WORKS
DA092	DA5	STAGING PLAN - 2 DEMOLITION & NEW WORKS
DA093	DA6	STAGING PLAN - 3 PART DEMOLITION OF HOSTEL
DA094	DA5	STAGING PLAN - 4 NEW SOUTHERN CARPARK
DA100	DA12	PROPOSED MASTER GROUND FLOOR PLAN
DA101	DA5	PROPOSED MASTER TYPICAL FLOOR PLAN
DA102	DA5	PROPOSED MASTER ROOF PLAN
DA103	DA7	GROUND FLOOR PLAN
DA104	DA4	FIRST FLOOR PLAN
DA105	DA3	SECOND FLOOR PLAN
DA106	DA5	ROOF PLAN
DA112	DA5	SHADOW DIAGRAMS
DA150	DA5	AREA PLANS
DA200	DA5	STREET ELEVATIONS
DA201	DA5	TRUE ELEVATIONS 1
DA202	DA5	TRUE ELEVATIONS 2
DA203	DA6	TRUE ELEVATIONS 3
DA250	DA4	SITE SECTIONS
DA251	DA4	SECTIONS SHEET 1
DA252	DA3	SECTIONS SHEET 2
DA255	DA4	LANDSCAPE SECTION
DA500	DA5	3D VIEWS
DA501	DA5	3D VIEWS
DA502	DA5	3D VIEWS
DA503	DA5	3D VIEWS
DA504	DA5	3D VIEWS
DA505	DA4	3D VIEWS
DA506	DA4	3D VIEWS



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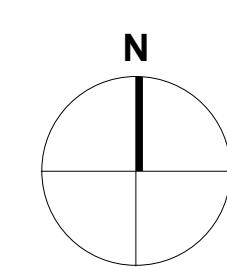
PROJECT

UNITING EDINGLASSIE RESIDENTIAL AGED CARE  
CNR OF GREAT WESTERN HIGHWAY & EMERALD ST  
EMU PLAINS 2750

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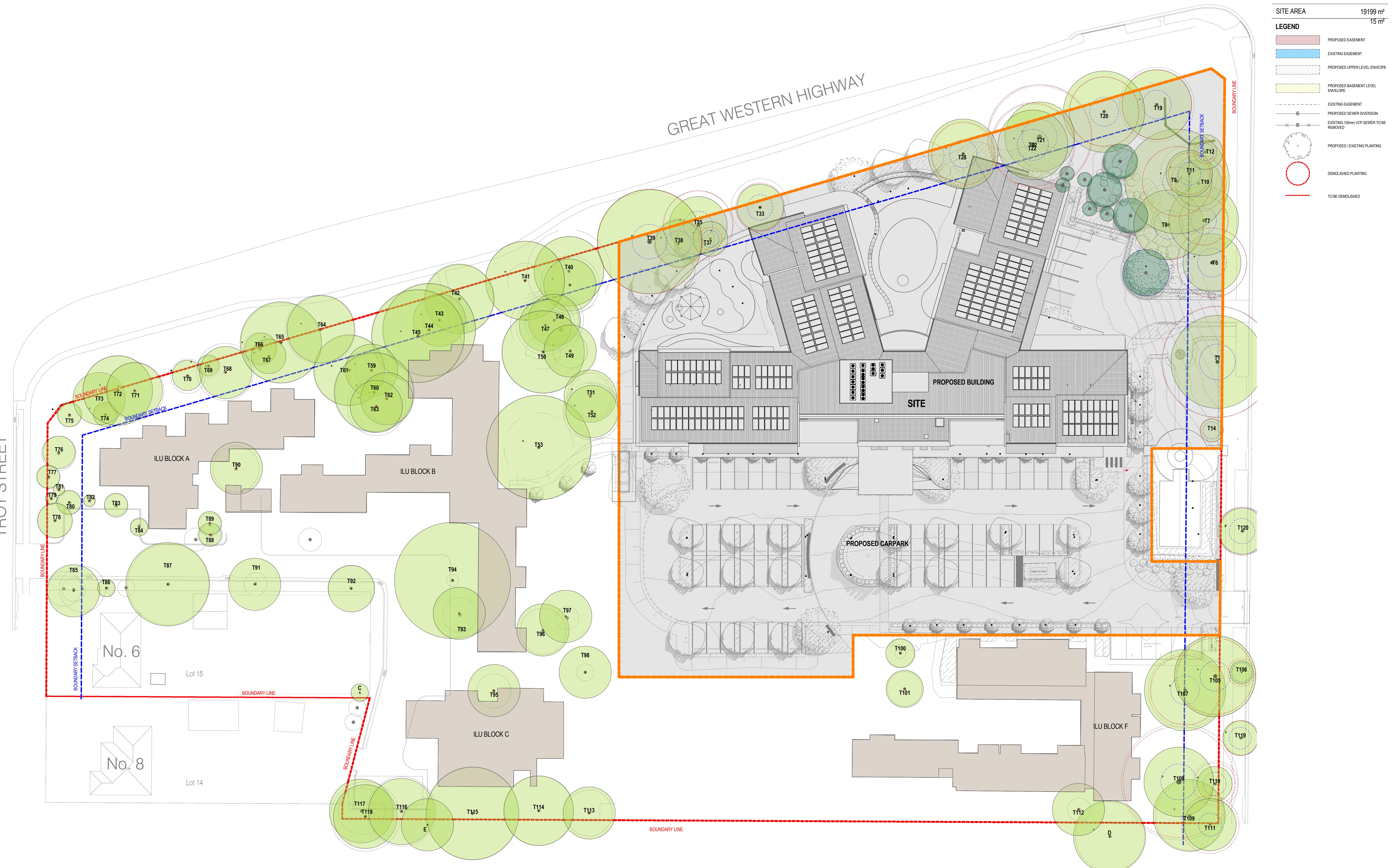
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COVER SHEET



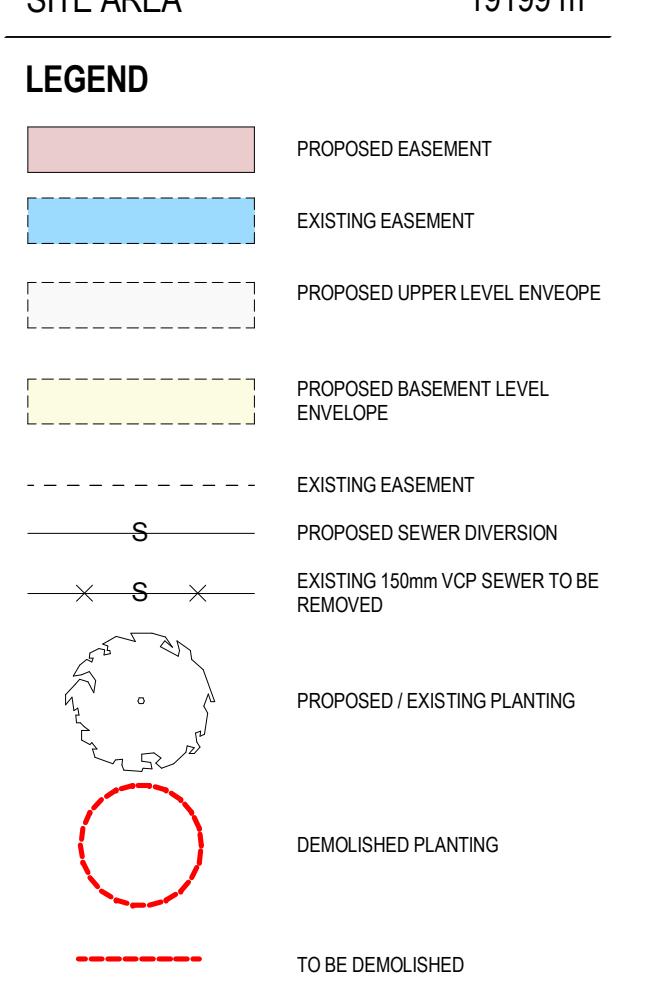
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DA4	2018-07-07	DA RE-SUBMISSION ISSUE	THW	GO			
DA5	2018-08-09	DA RE-SUBMISSION ISSUE	THW	GO			
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					DATE	01.12.2017	

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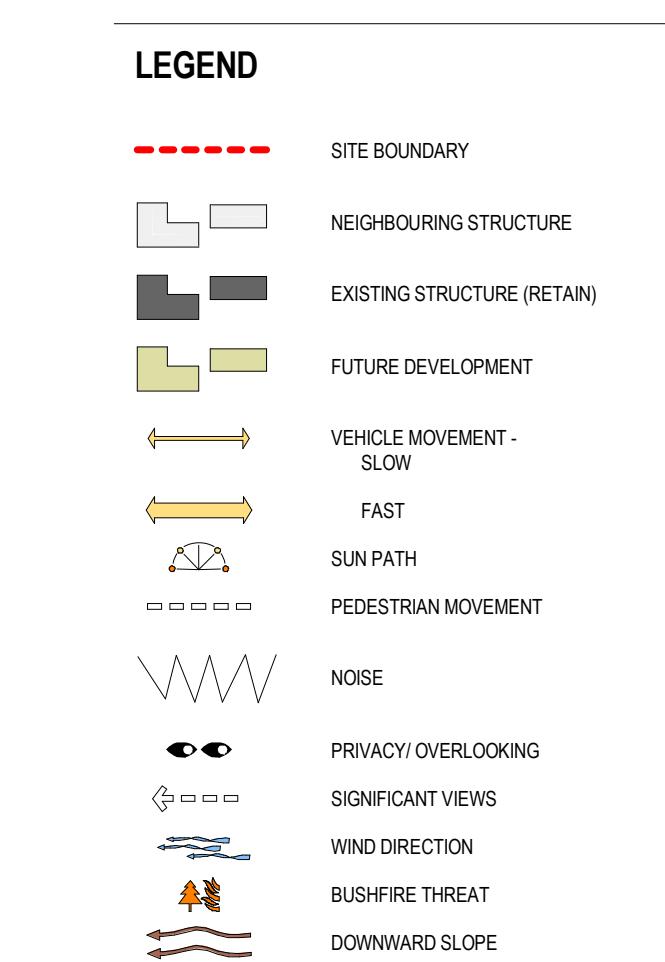
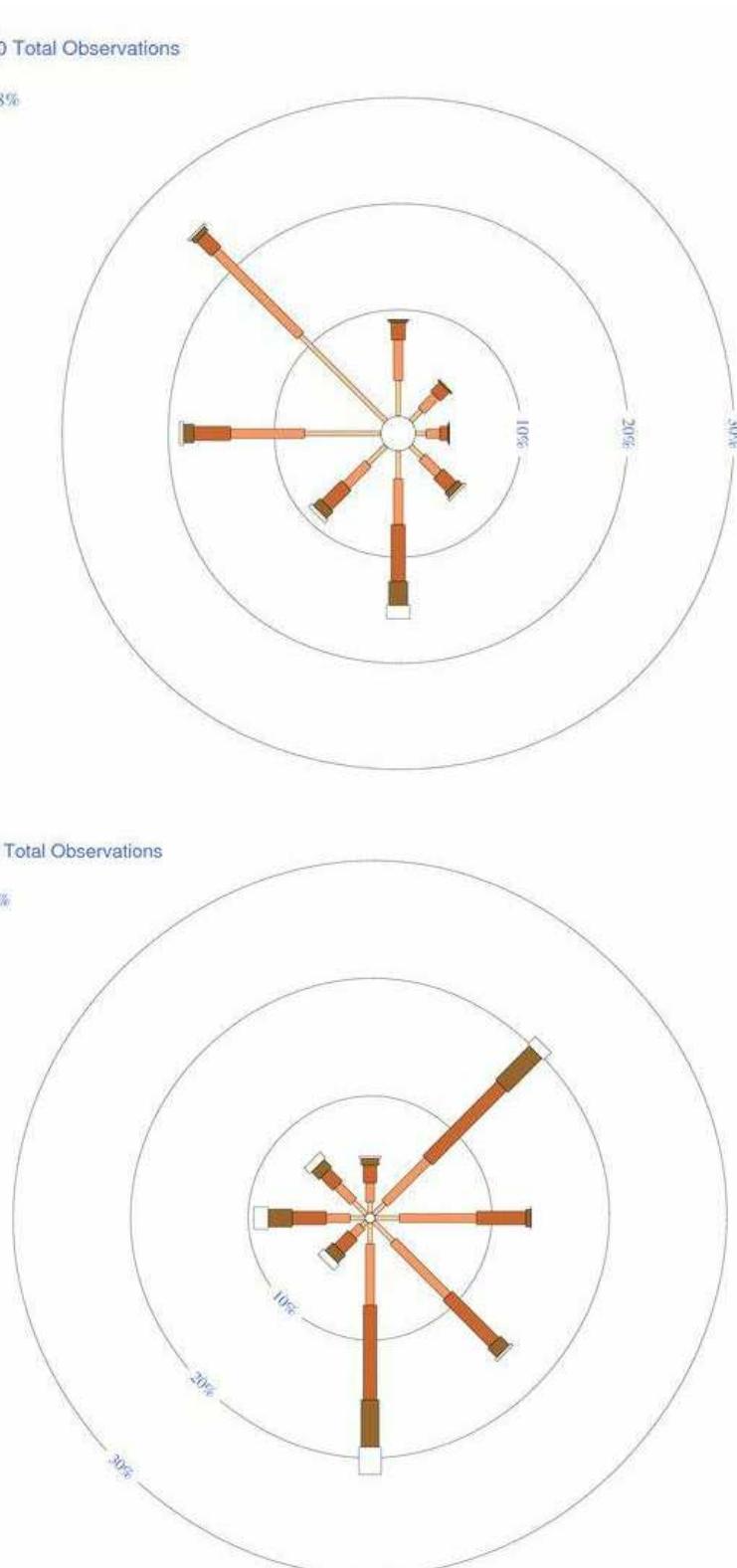




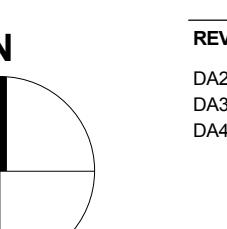
1 SITE DEMOLITION PLAN  
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WIND ROSE DIAGRAMS



DRAWING TITLE  
EXISTING CONTEXT SITE ANALYSIS



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3030	DA060	DA4
SCALE	As indicated @ B1	
DRAWN	Author	
PROJECT PRINCIPLE	G.OLLERTON	
DATE	01.12.2017	

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project management

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1 PROPOSED SITE PLAN

SCALE 1: 500

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CNR OF GREAT WESTERN HIGHWAY & EMERALD ST  
EMU PLAINS 2750

**DRAWING TITLE**  
PROPOSED SITE ANALYSIS

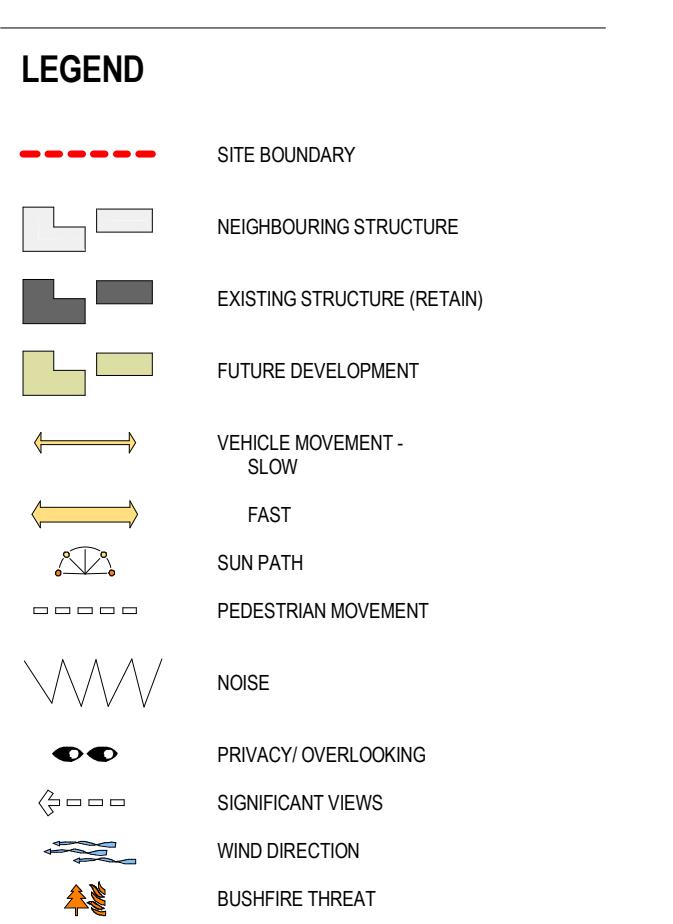
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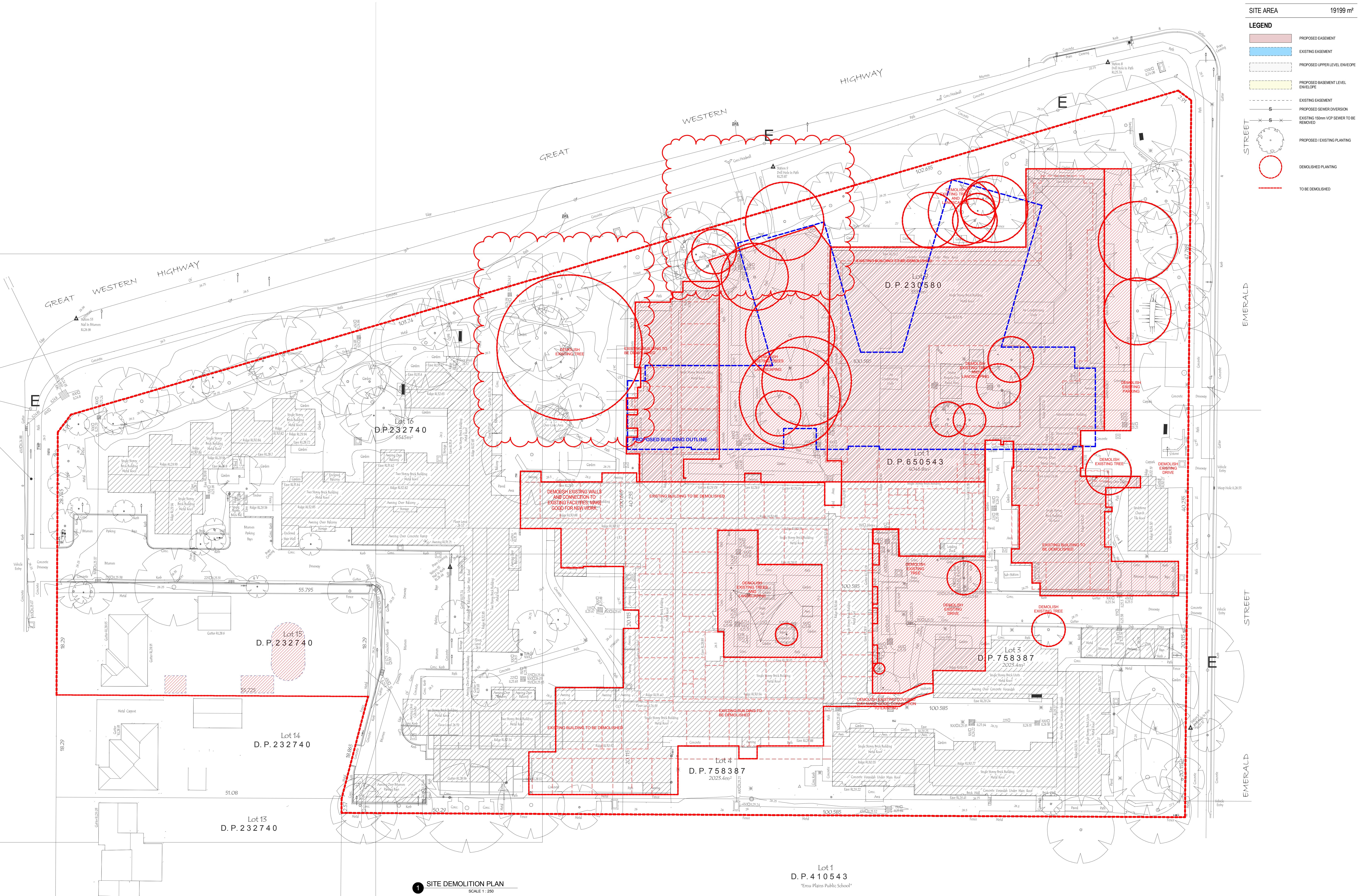
As indicated @ B1

Author

Project Principle: G. OLLERTON

Date: 01.12.2017





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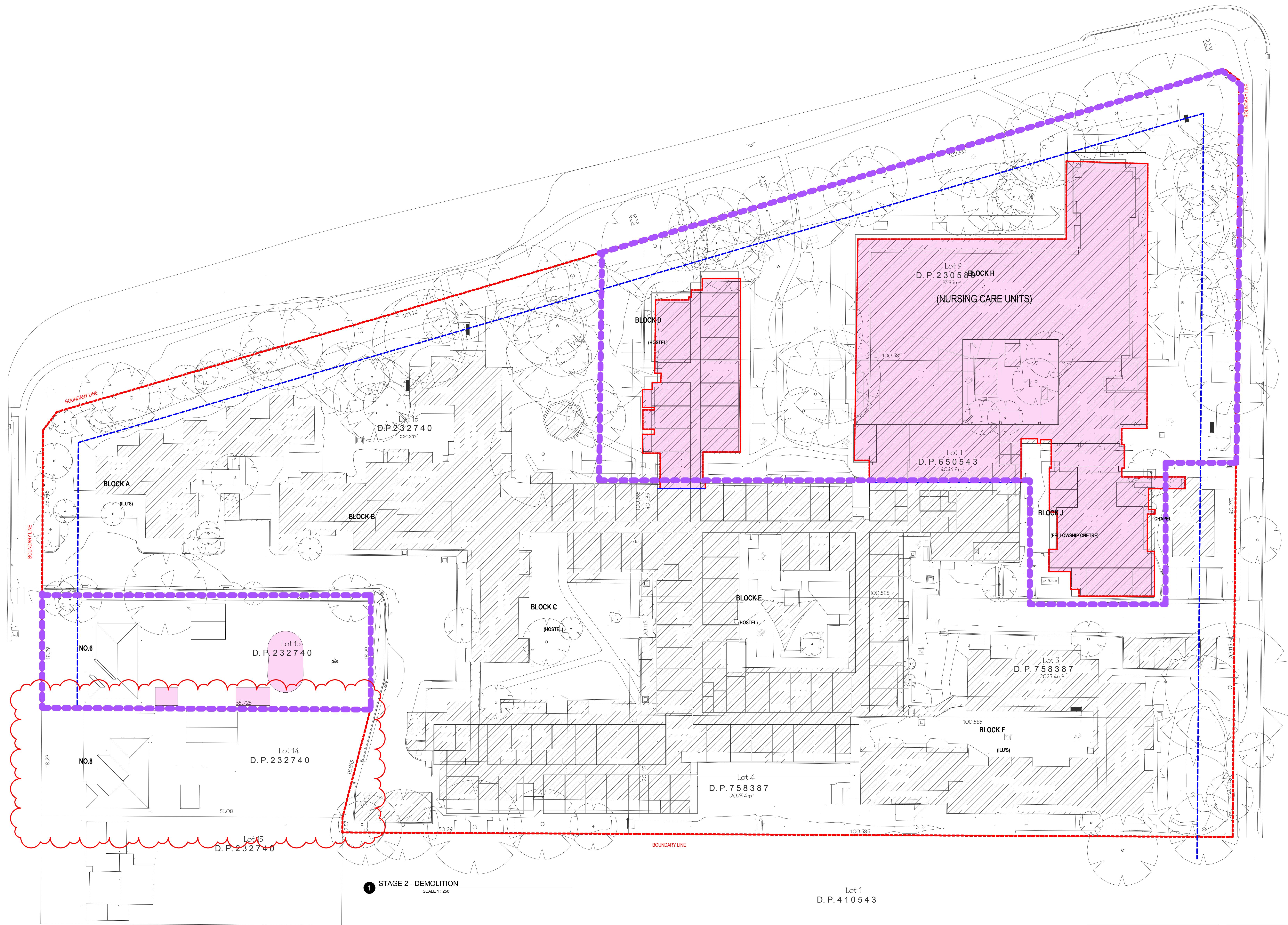
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**DRAWING TITLE**  
**EXISTING SITE / DEMOLITION PLAN**

Lot 1  
D.P. 410543  
"Emu Plains Public School"

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DA3	2018-06-16 AMENDED DEMOLITION ZONE	GO	GO
DA4	2018-07-26 CO-ORDINATION ISSUE	THW	GO
DA5	2018-08-07 DA RE-SUBMISSION ISSUE	THW	GO

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PROJECT NO. 3030 DRAWING NO. DA070 REVISION DA5  
SCALE As indicated @ B1  
DRAWN Author  
PROJECT PRINCIPLE G. OLLERTON  
DATE 01.12.2017



#### LEGEND

##### STAGE 1

1. ESTABLISH CONSTRUCTION ZONE
2. UNDERTAKE NECESSARY SITE SERVICES DIVERSIONS
3. DEMOLISH EXISTING BUILDINGS
4. CONSTRUCTION OF NEW RAC FACILITIES

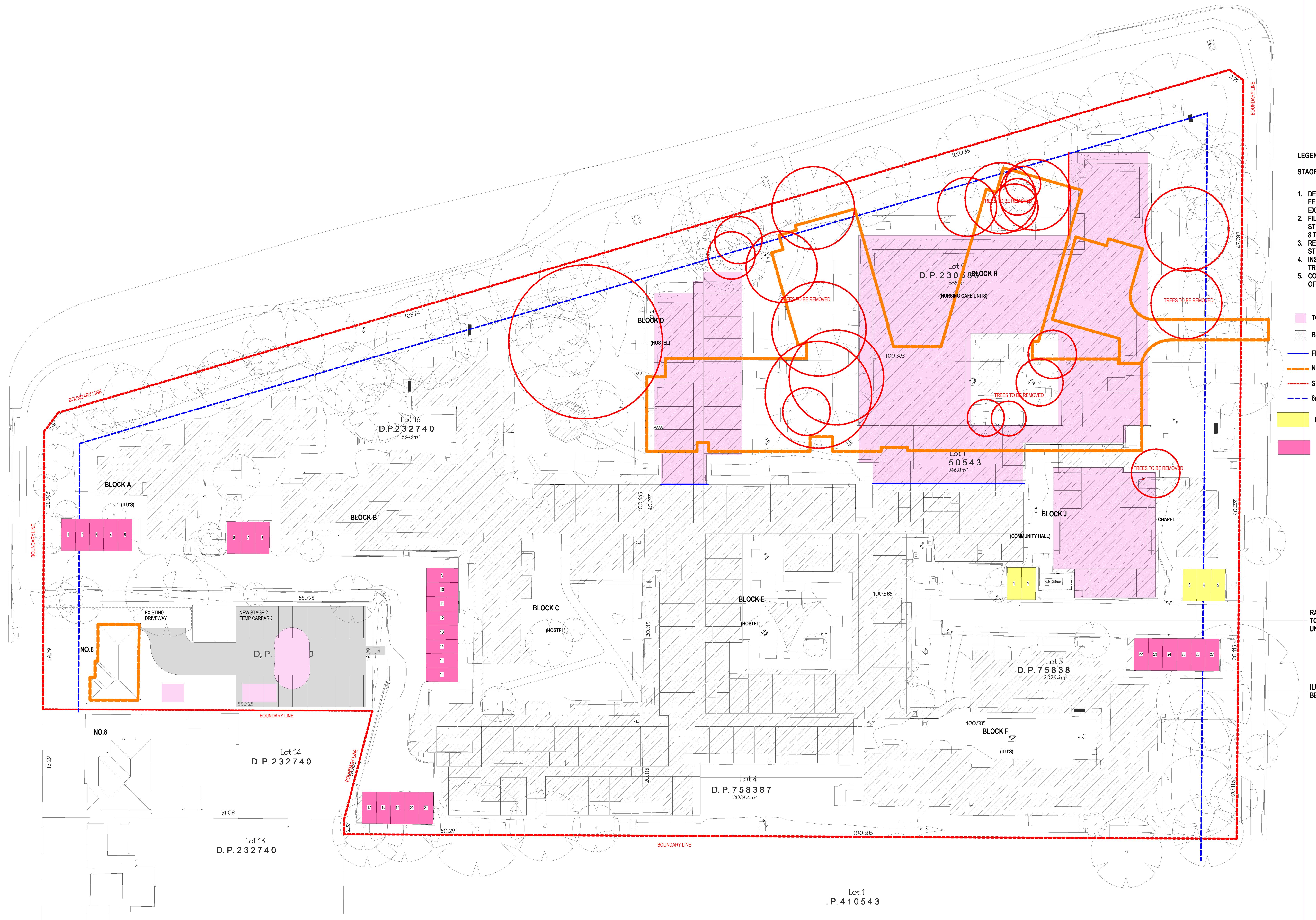
#### EXTENT OF DEMOLITION

#### CONSTRUCTION ZONE

#### EXISTING BUILDINGS

#### SITE BOUNDARY

#### 6m BOUNDARY SETBACK



# CLIENT

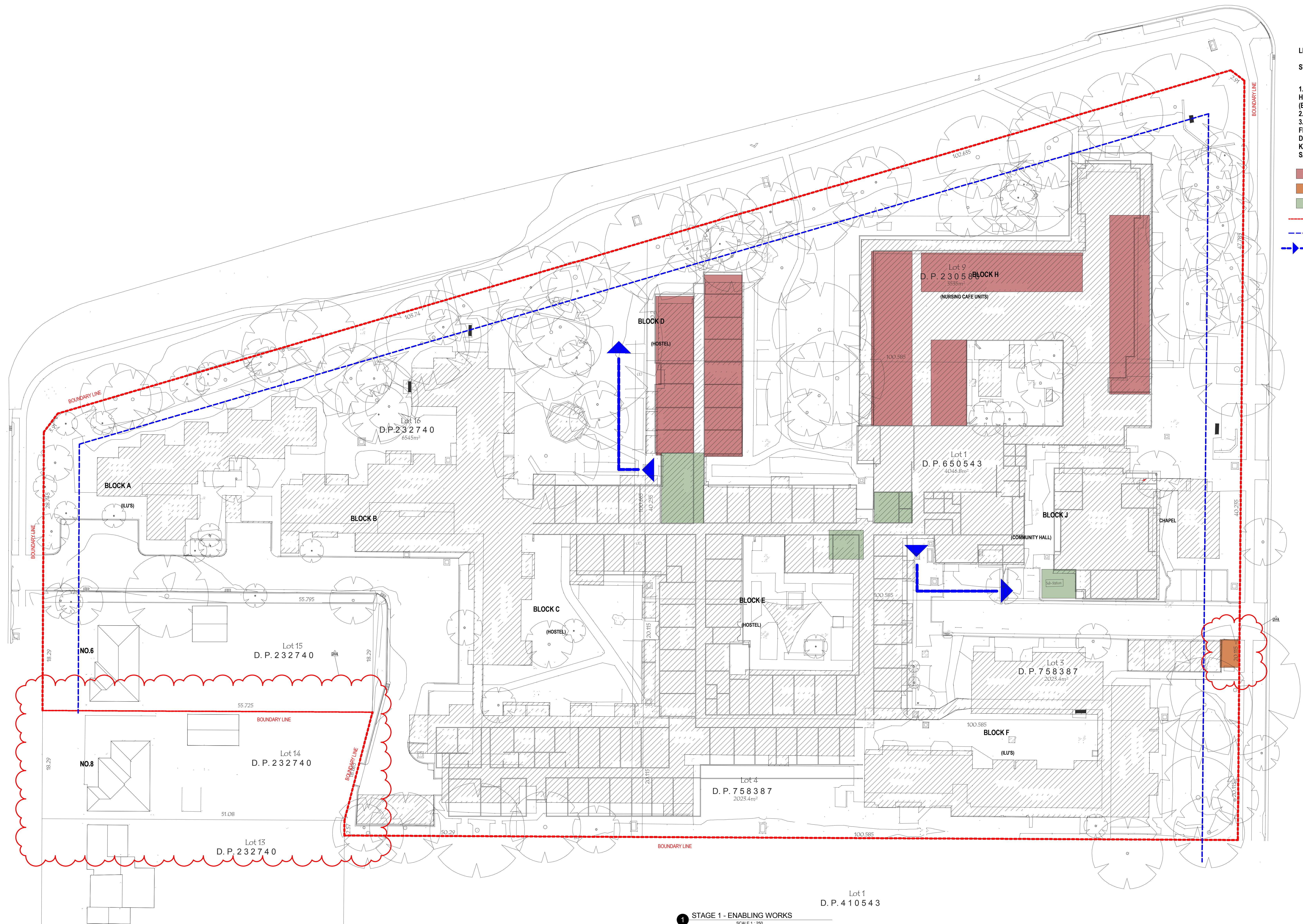
# Uniting

**PROJECT**  
**UNITING EDINGLASSIE RESIDENTIAL AGED CARE**  
**CNR OF GREAT WESTERN HIGHWAY & EMERALD ST**  
**EMU PLAINS 2750**

**DRAWING TITLE**

**STAGING PLAN - 2 DEMOLITION & NEW WORKS**

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		DRAWN	Author				
		PROJECT PRINCIPLE	G.OLLERTON				
		DATE	01.12.2017				



1 STAGE 1 - ENABLING WORKS

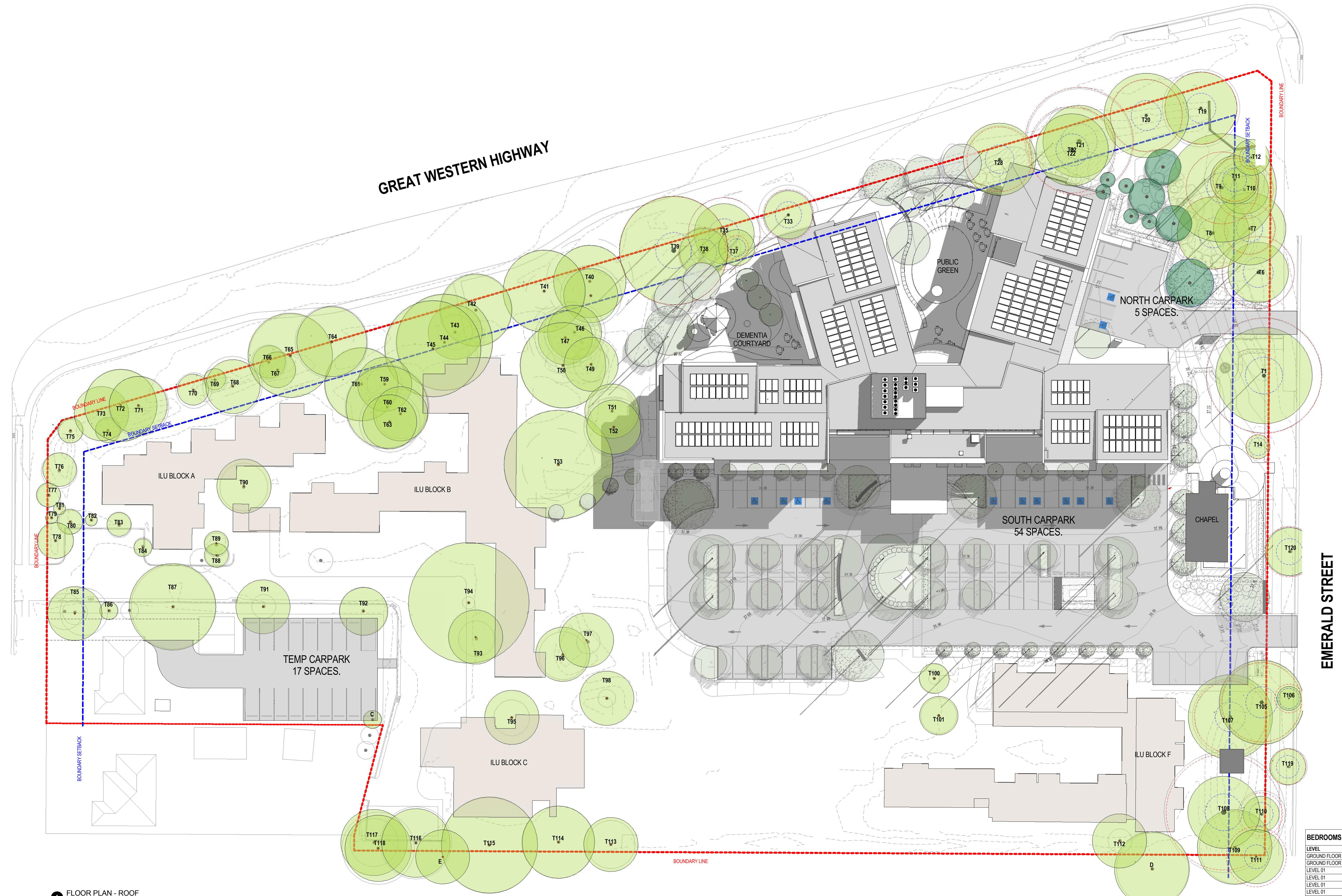
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Lot 1  
D. P. 410543

**PROJECT**  
UNITING EDINGLASSIE RESIDENTIAL AGED CARE  
CNR OF GREAT WESTERN HIGHWAY & EMERALD ST  
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**DRAWING TITLE**  
STAGING PLAN - STAGE 1 ENABLING  
WORKS

REV	DATE	AMENDMENT	INITIALS	CHECK	PROJECT NO.	DRAWING NO.	REVISION
DA2	2018-03-27	DA ISSUE	GO	GO	3030	DA091	DA4
DA3	2018-07-26	CO-ORDINATION ISSUE	THW	GO			
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## 1 FLOOR PLAN - ROOF

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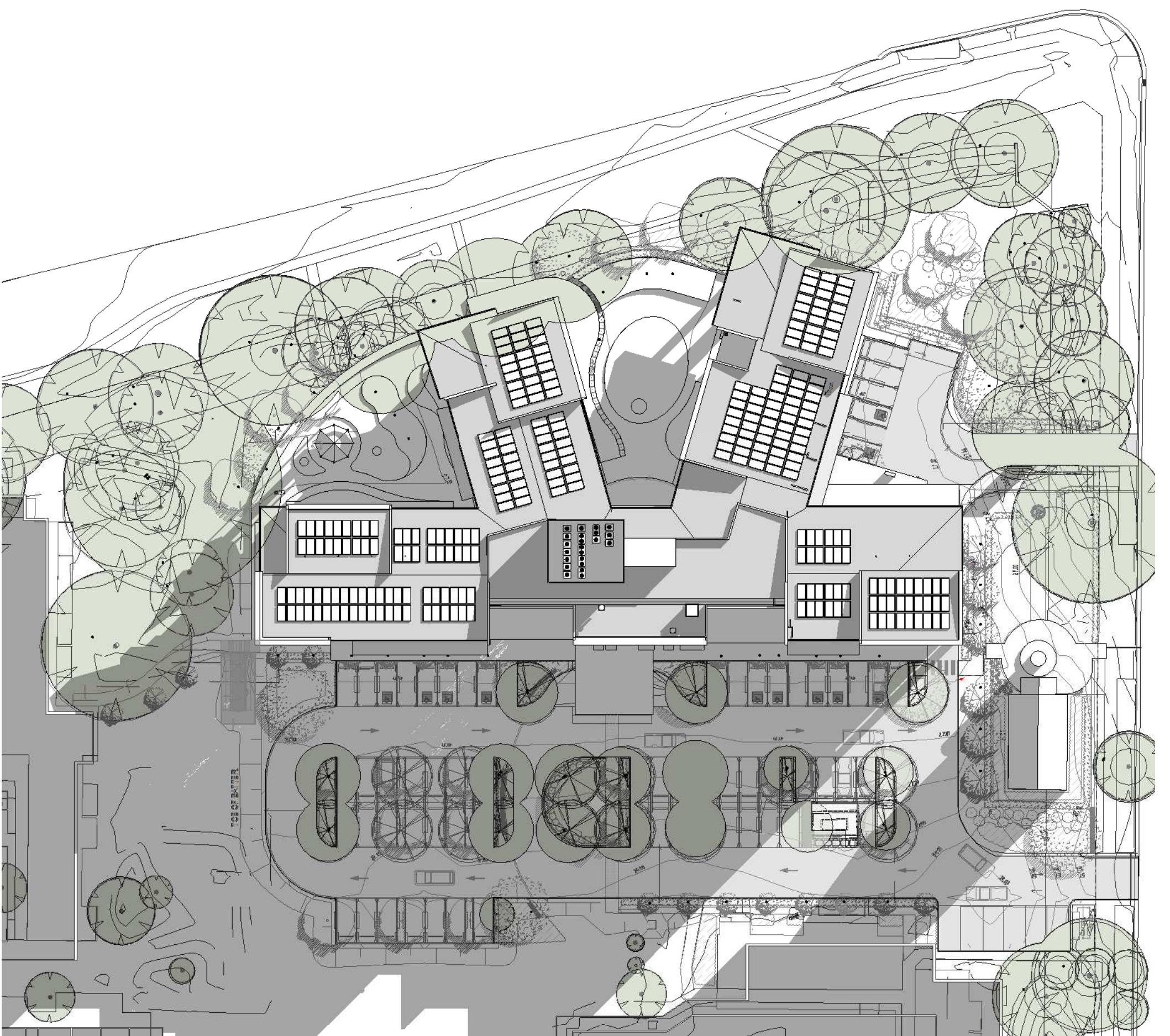
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**CNR OF GREAT WESTERN HIGHWAY & EMERALD ST**  
**EMU PLAINS 2750**

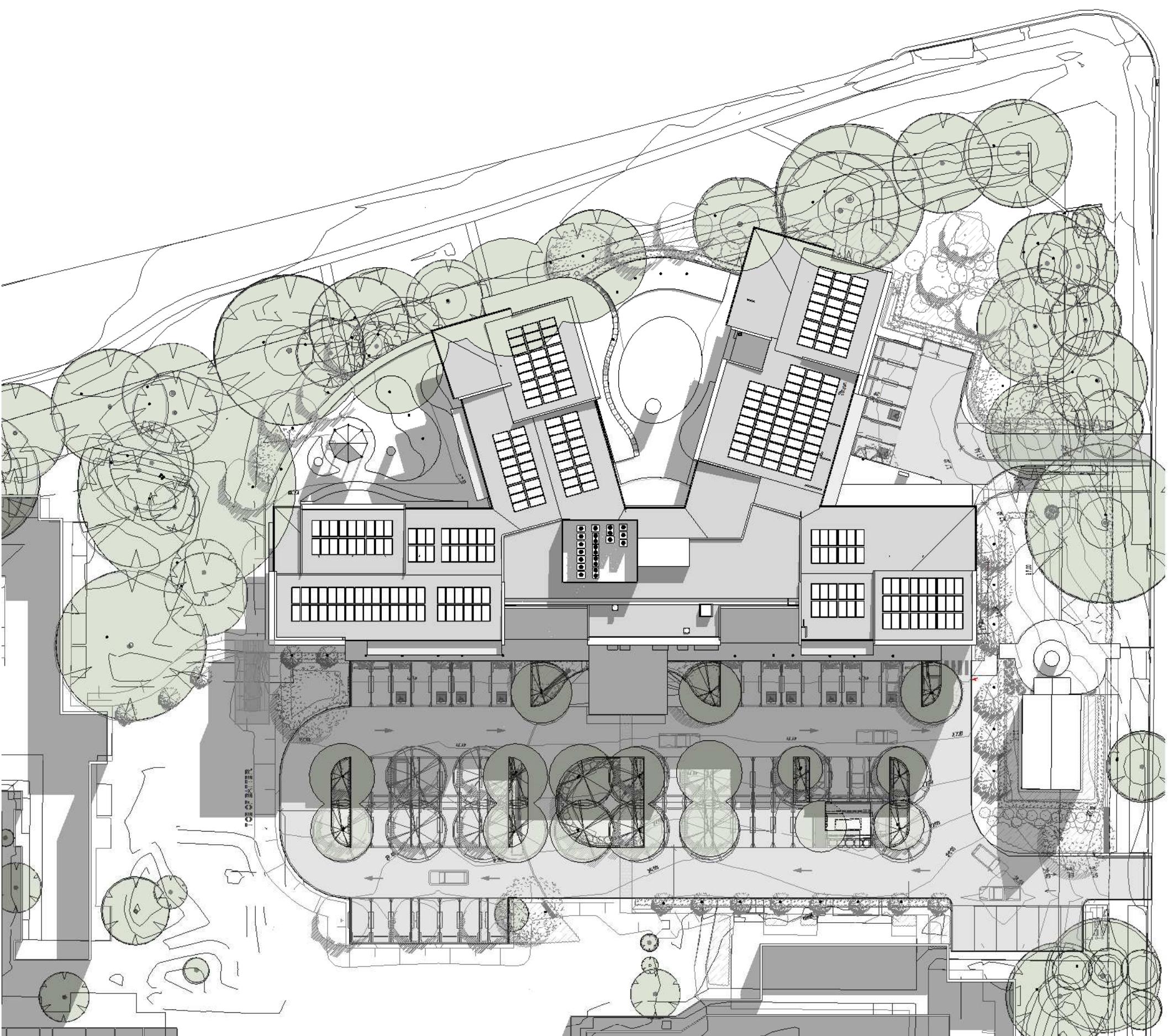
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**PROPOSED MASTER ROOF PLAN**

BEDROOMS			
LEVEL	CAREHOUSE	BED COUNT	Name
GROUND FLOOR	POD 1	12	BED
GROUND FLOOR	POD 2	8	BED
LEVEL 01	POD 1	12	BED
LEVEL 01	POD 2	8	BED
LEVEL 01	POD 3	11	BED
LEVEL 01	POD 4	9	BED
LEVEL 02	POD 1	12	BED
LEVEL 02	POD 2	8	BED
LEVEL 02	POD 3	11	BED
LEVEL 02	POD 4	9	BED
TOTAL BEDS			100

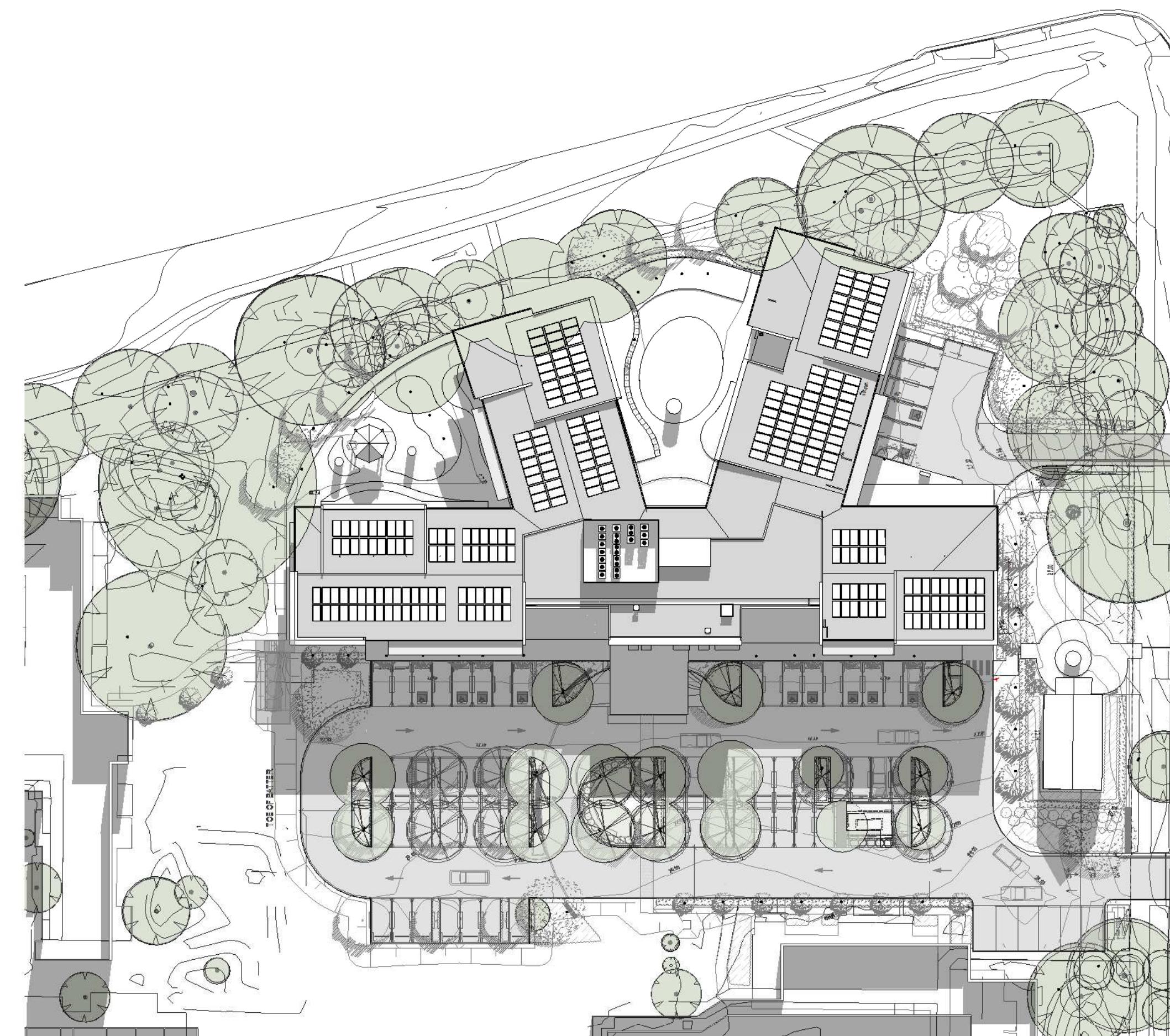
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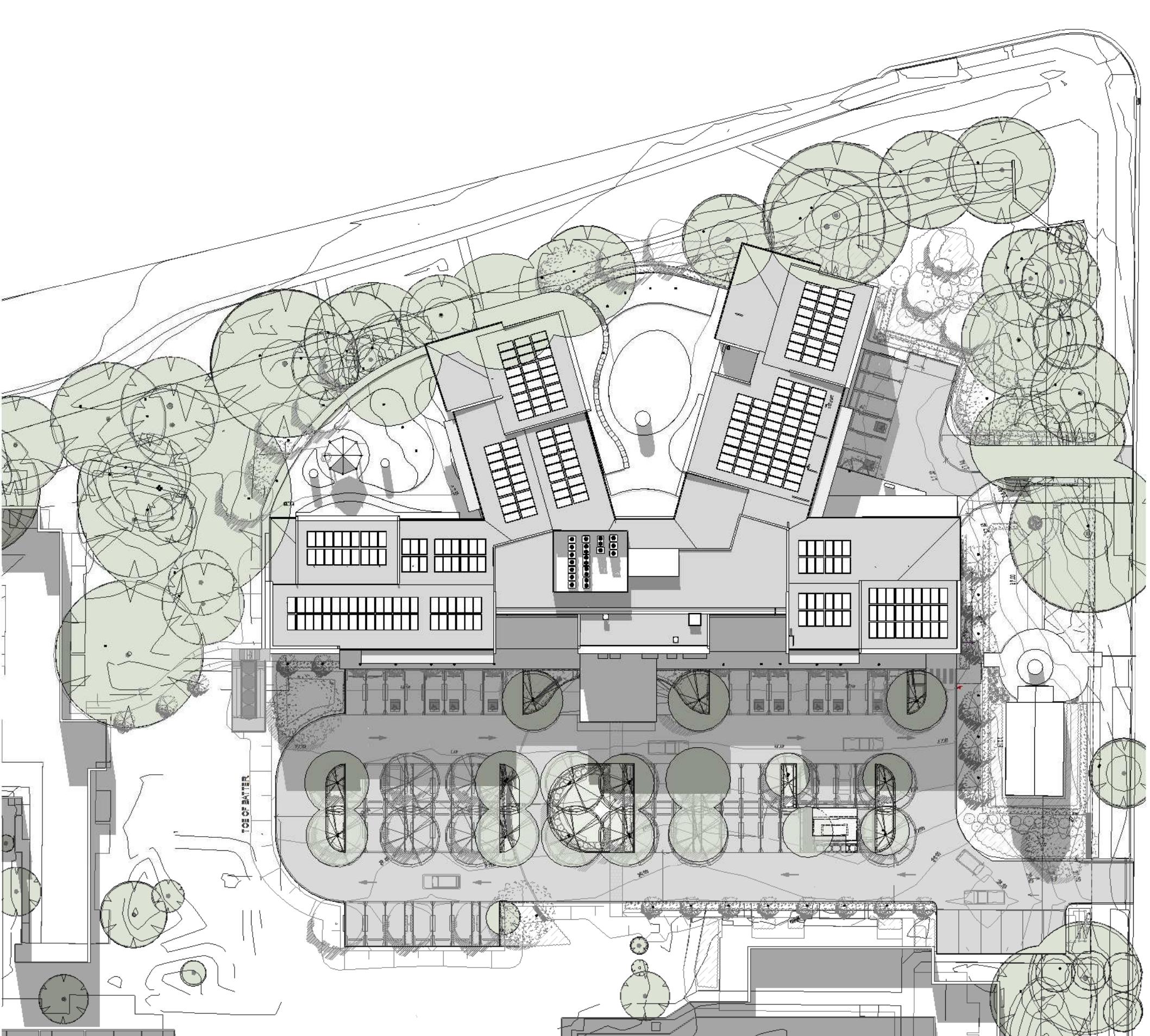
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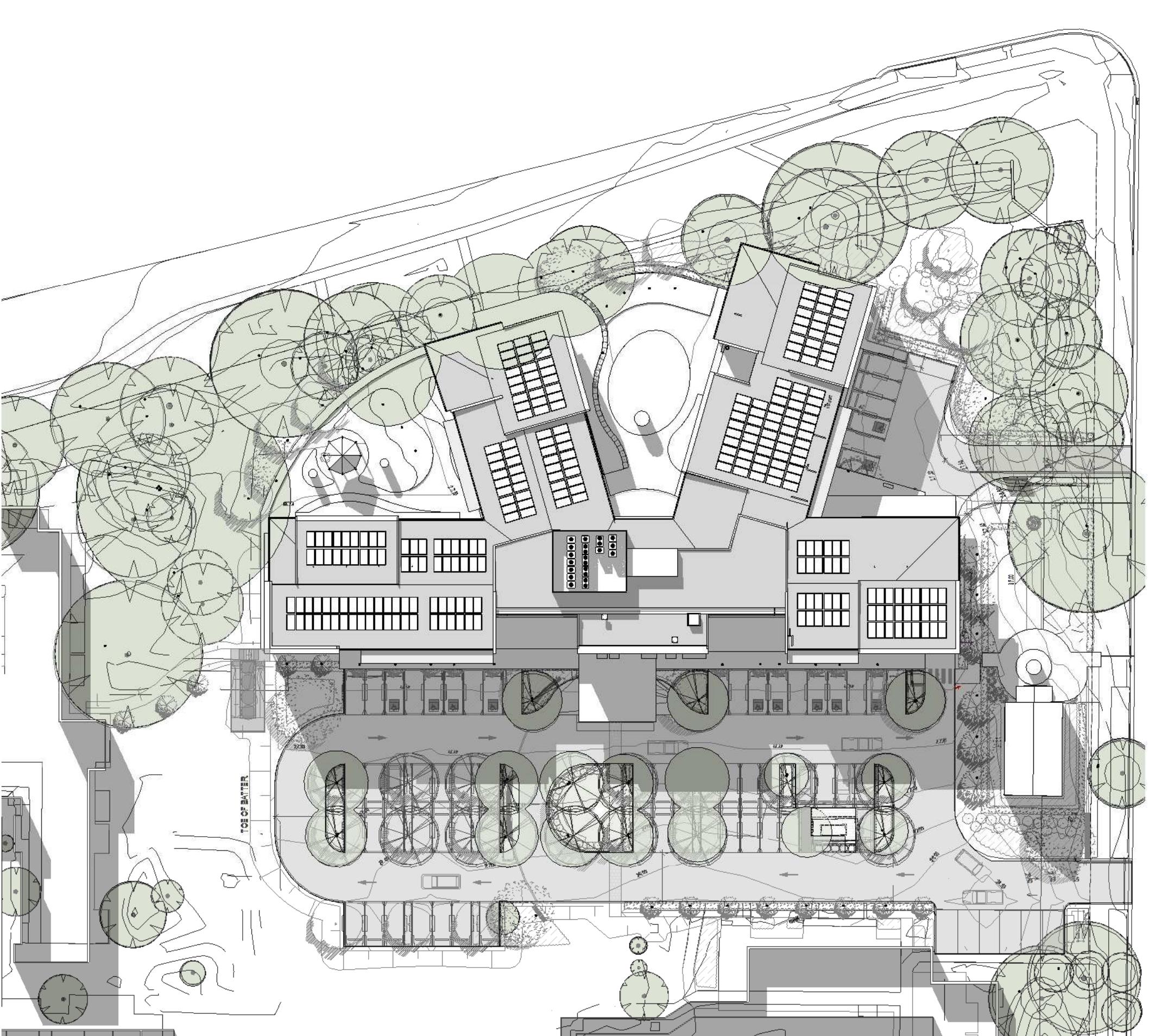
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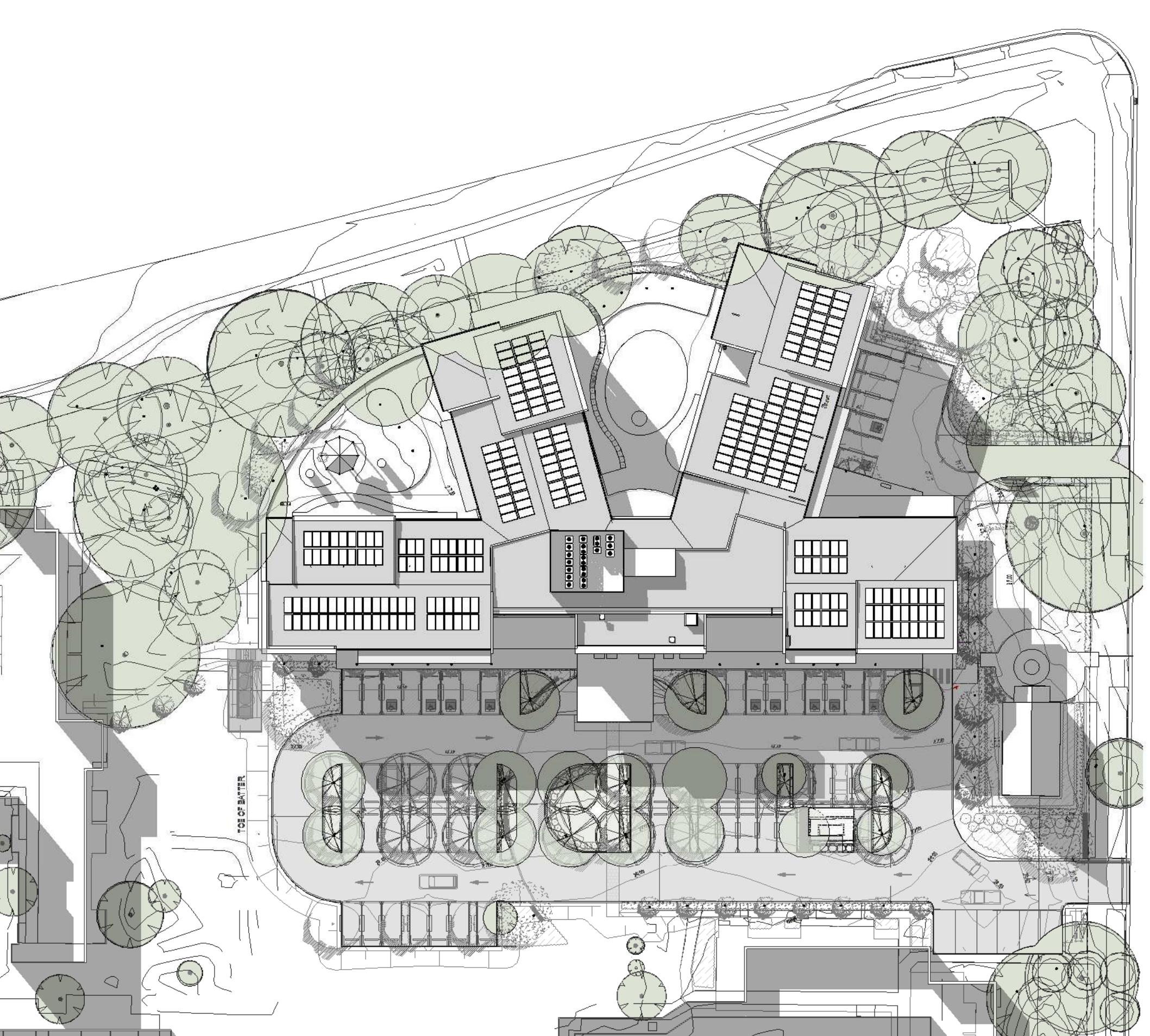
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4 1pm 22 JUNE  
SCALE 1:500



5 2pm 22 JUNE  
SCALE 1:500



6 3pm 22 JUNE  
SCALE 1:500

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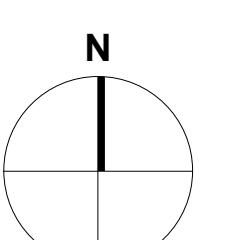
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NSW ARB REG ARCHITECT: G. OLLERTON 7/621  
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PROJECT  
UNITING EDINGLASSIE RESIDENTIAL AGED CARE  
CNR OF GREAT WESTERN HIGHWAY & EMERALD ST  
EMU PLAINS 2750

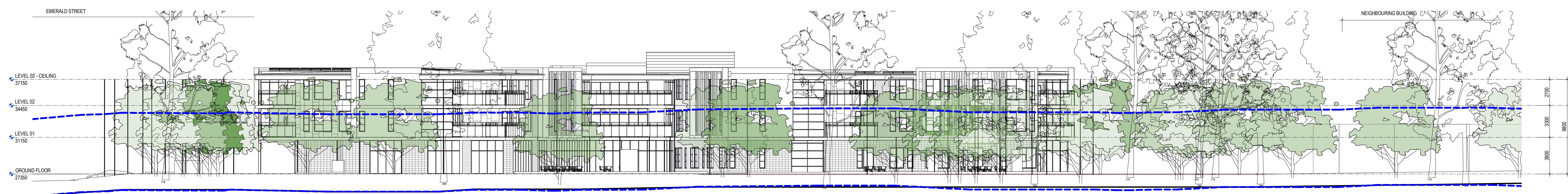
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DRAWING TITLE  
SHADOW DIAGRAMS



REV. DATE	AMENDMENT	INITIALS	CHECK	PROJECT NO.	DRAWING NO.	REVISION
DA2	2018-03-27	DA ISSUE	GO	GO	3030	DA112
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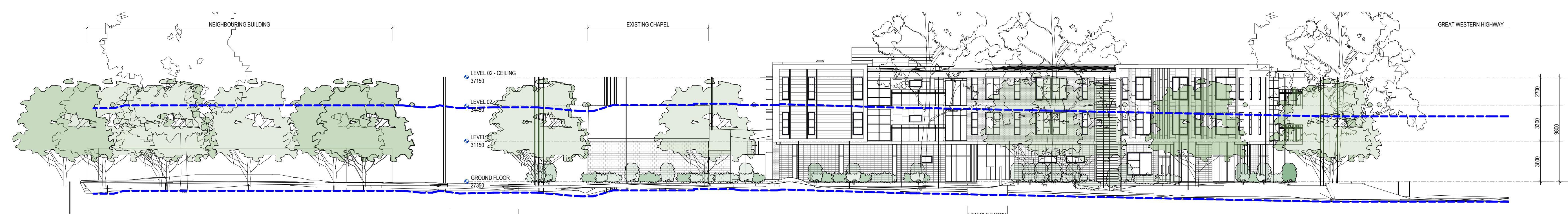
1 STREET ELEVATION - GREAT WESTERN HIGHWAY

SCALE 1:200



2 STREET ELEVATION - GREAT WESTERN HIGHWAY - COLOUR TREES OMITTED

SCALE 1:200



3 STREET ELEVATION - EMERALD STREET

SCALE 1:200



4 STREET ELEVATION - EMERALD STREET - COLOUR TREES OMITTED

SCALE 1:200

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PROJECT

UNITING EDINGLASSIE RESIDENTIAL AGED CARE  
CNR OF GREAT WESTERN HIGHWAY & EMERALD ST  
EMU PLAINS 2750

DRAWING TITLE

STREET ELEVATIONS

REV. DATE AMENDMENT INITIALS CHECK  
DA2 2018-03-27 DA ISSUE GO GO  
DA3 2018-07-04 ISSUED FOR COUNCIL DISCUSSION GO GO  
DA4 2018-07-26 CO-ORDINATION ISSUE THW GO  
DA5 2018-08-07 DA RE-SUBMISSION ISSUE THW GO

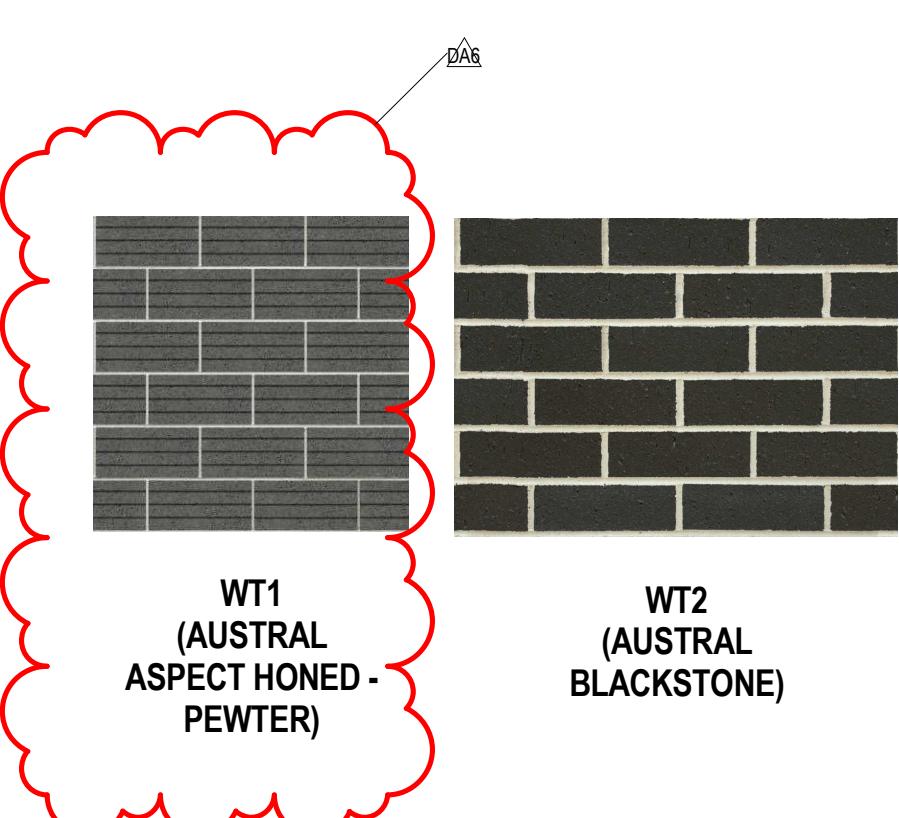
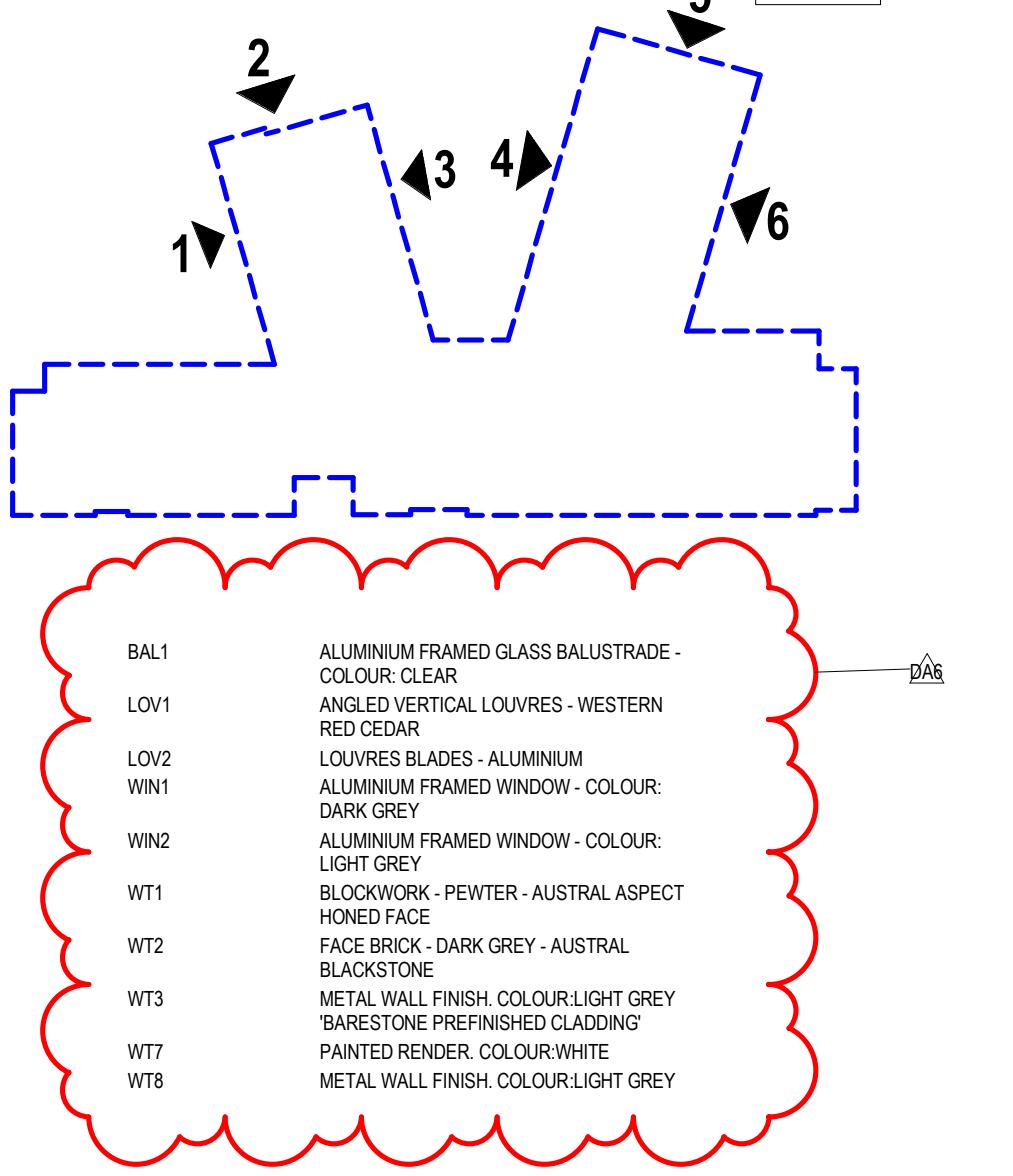
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DRAWN Author  
PROJECT PRINCIPLE G. OLLERTON  
DATE 01.12.2017

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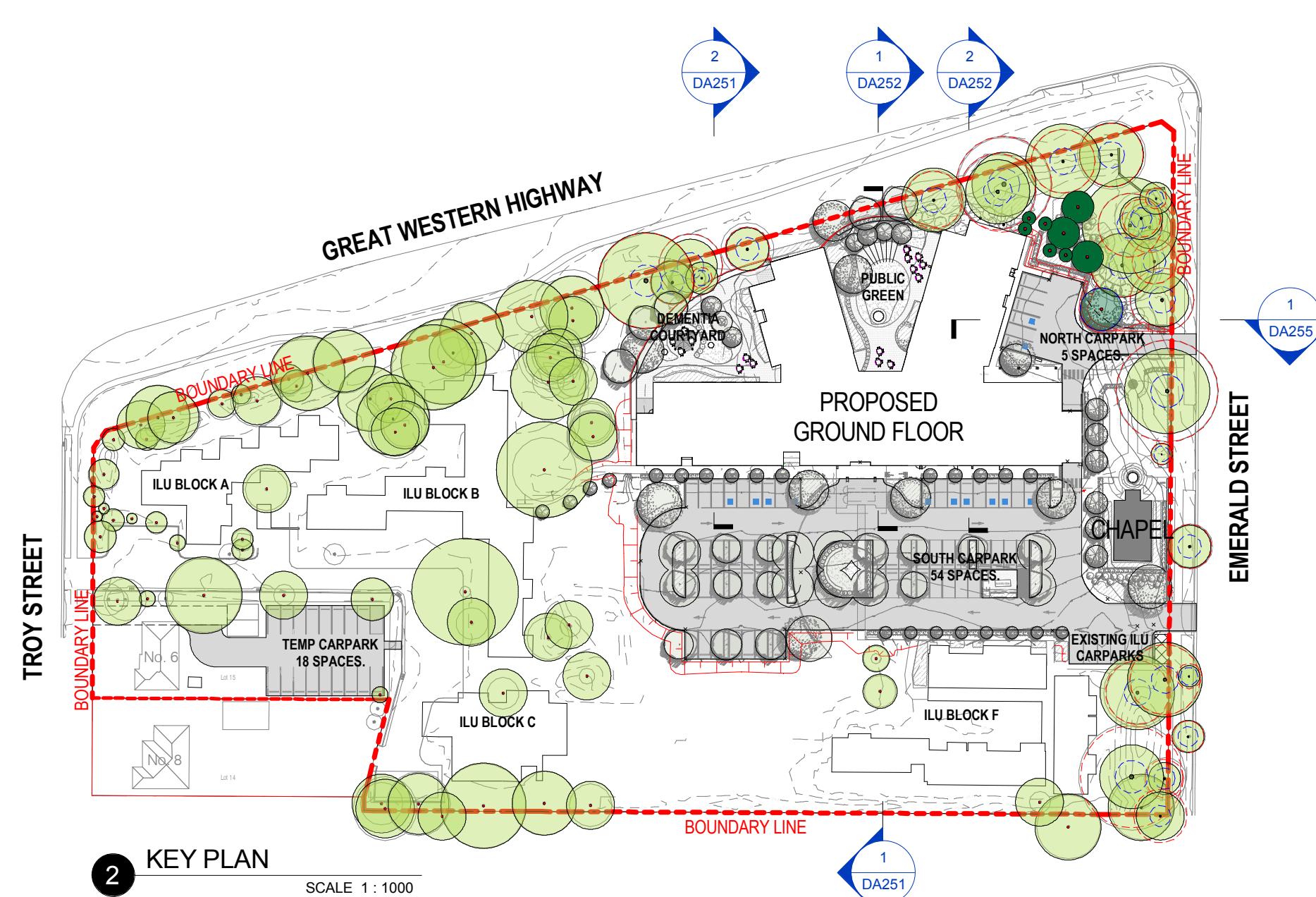








1 LANDSCAPE SECTION  
SCALE 1:50



2 KEY PLAN  
SCALE 1:1000

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PROJECT  
UNITING EDINGLASSIE RESIDENTIAL AGED CARE  
CNR OF GREAT WESTERN HIGHWAY & EMERALD ST  
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DRAWING TITLE  
LANDSCAPE SECTION

REV. DATE	AMENDMENT	INITIALS	CHECK	PROJECT NO.	DRAWING NO.	REVISION
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DRAWN Author  
PROJECT PRINCIPLE G.OLLERTON  
DATE 01.12.2017

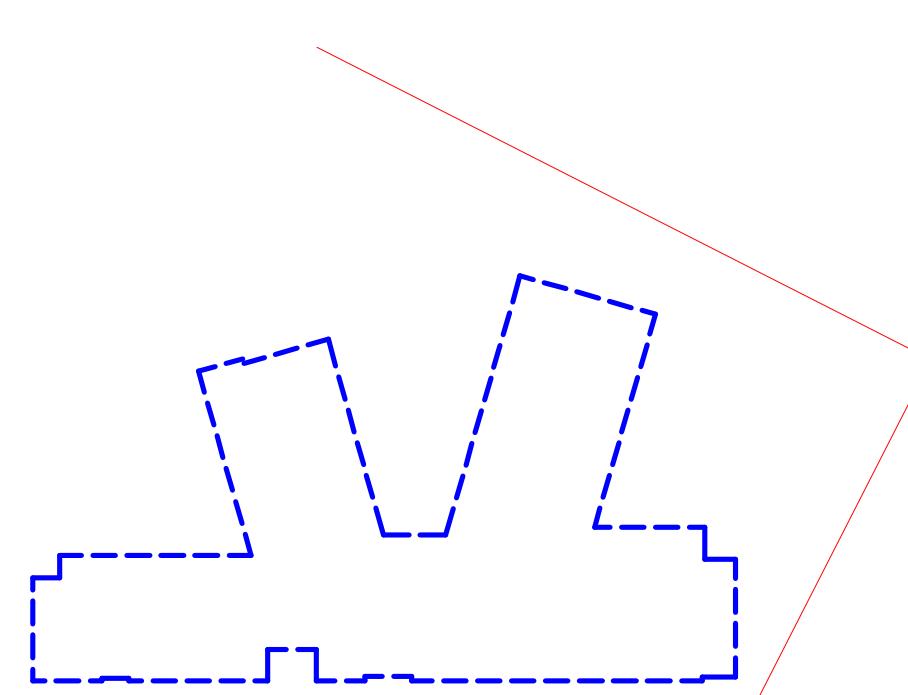
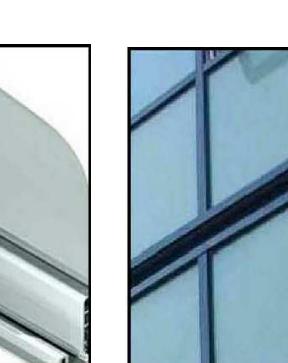
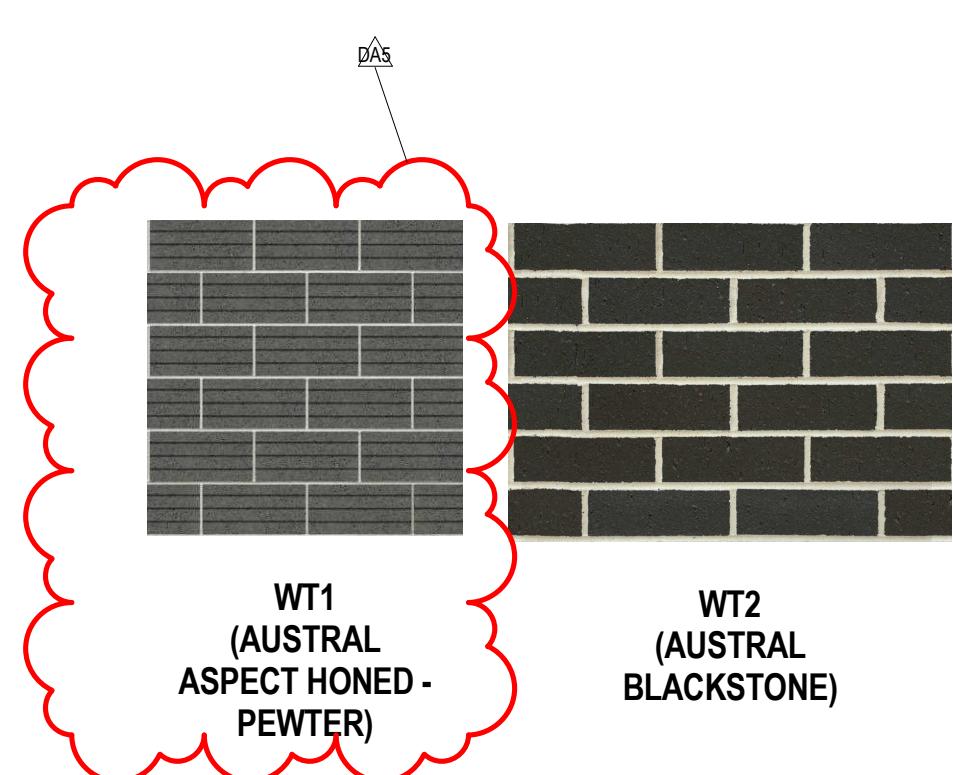
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3D VIEW 1 - EMERALD STREET VIEW



3D VIEW 1 - PHOTO MONTAGE



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PROJECT

UNITING EDINGLASSIE RESIDENTIAL AGED CARE  
CNR OF GREAT WESTERN HIGHWAY & EMERALD ST  
EMU PLAINS 2750

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DRAWING TITLE  
3D VIEWS

REV. DATE	AMENDMENT	INITIALS	CHECK	PROJECT NO.	DRAWING NO.	REVISION
A 2018-03-02	ISSUE FOR COORDINATION	GO	GO	3030	DA500	DA5
DA2 2018-03-16	CLIENT ISSUE AND COORDINATION	GO	GO			
DA3 2018-06-06	DA ISSUE - MATERIAL LEGEND	GO	GO			
DA4 2018-07-26	CO-ORDINATION ISSUE	THW	GO			
DA5 2018-08-07	DA RE-SUBMISSION ISSUE	THW	GO			

SCALE	DRAWN	PROJECT PRINCIPLE	DATE
As indicated @ B1		G. OLLERTON	01.12.2017

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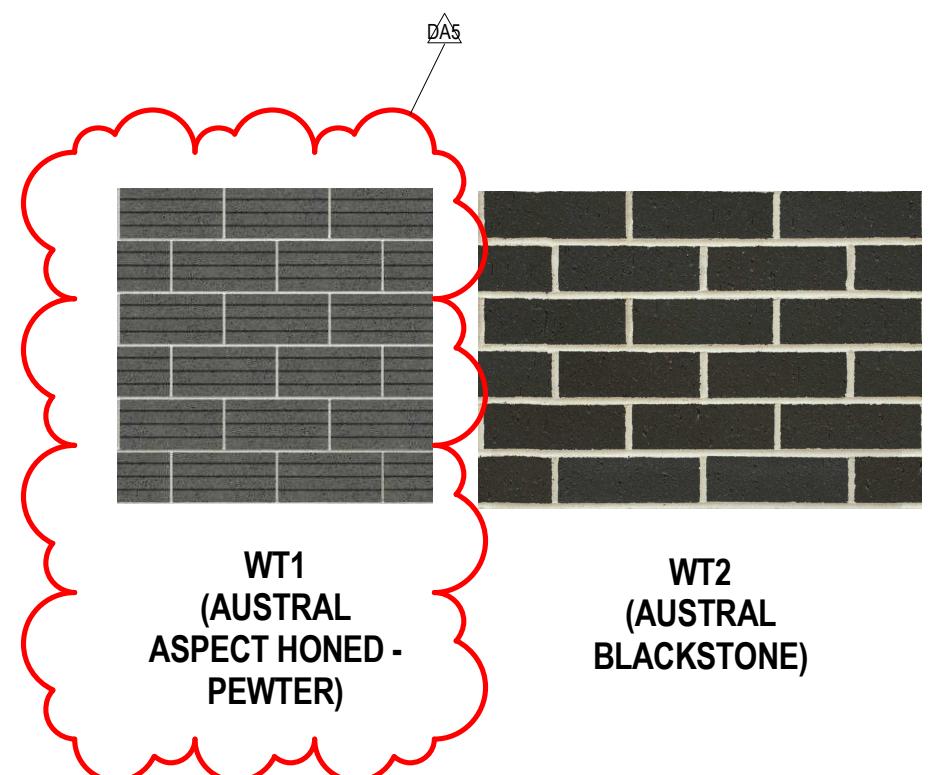




3D VIEW 4 - NW RESIDENTIAL WINGS FROM GREAT WESTERN HWY



3D VIEW 4 - ARTIST IMPRESSION



WT1  
(AUSTRAL  
ASPECT HONED -  
PEWTER)

WT2  
(AUSTRAL  
BLACKSTONE)



WT3  
(BARESTONE FC  
PREFINISHED  
CLADDING)

WT4  
(WEATHERBOARD  
FINISH)

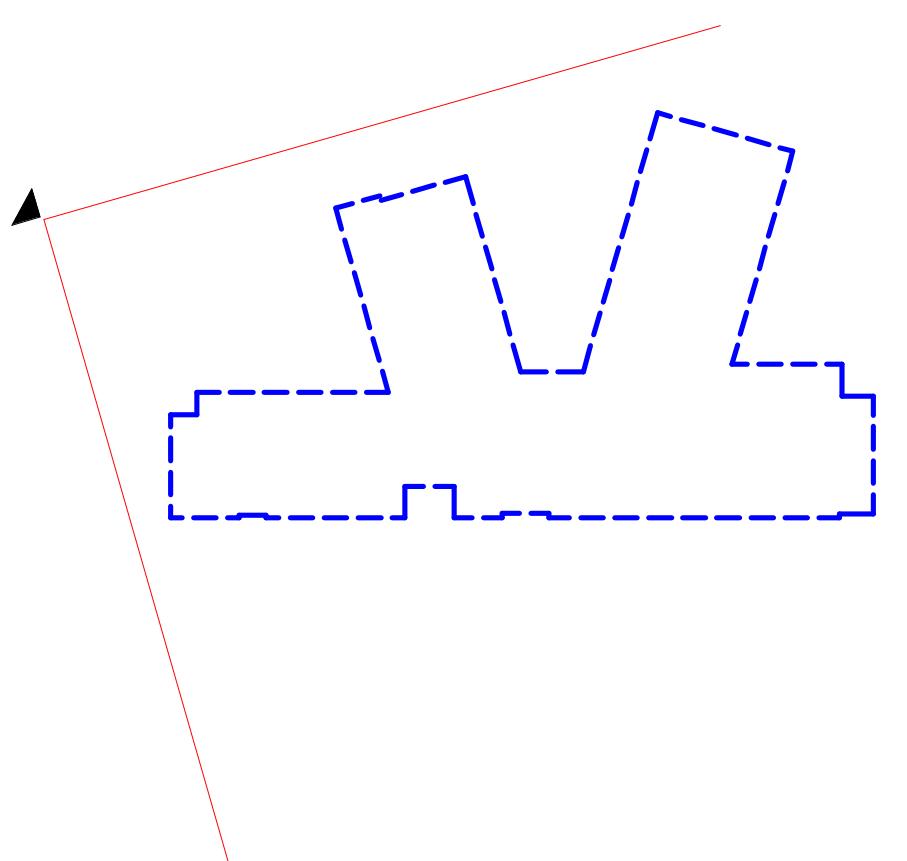
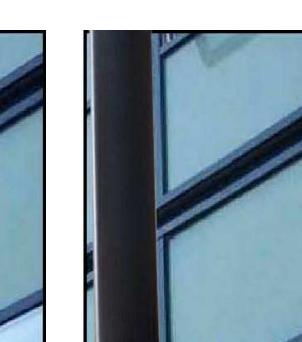
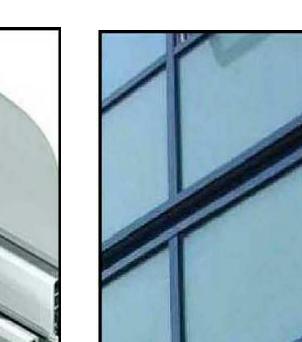
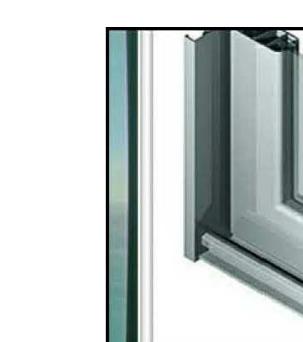


WT5  
(DARK GREY  
PAINT FINISH)

WT6  
(LIGHT GREY  
PAINT FINISH)

WT7  
(WHITE PAINT  
FINISH)

WT8  
(METAL LINING  
FINISH)



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DRAWING TITLE  
3D VIEWS

REV. DATE	AMENDMENT	INITIALS	CHECK	PROJECT NO.	DRAWING NO.	REVISION
A 2018-03-02	ISSUE FOR COORDINATION	GO	GO	3030	DA502	DA5
DA2 2018-03-10	CLIENT ISSUE AND COORDINATION	GO	GO			
DA3 2018-06-06	DA ISSUE - MATERIAL LEGEND	GO	GO			
DA4 2018-07-26	CO-ORDINATION ISSUE	THW	GO			
DA5 2018-08-07	DA RE-SUBMISSION ISSUE	THW	GO			

SCALE	As indicated @ B1	PROJECT PRINCIPLE	G. OLLERTON	DATE	01.12.2017
DRAWN	Author				

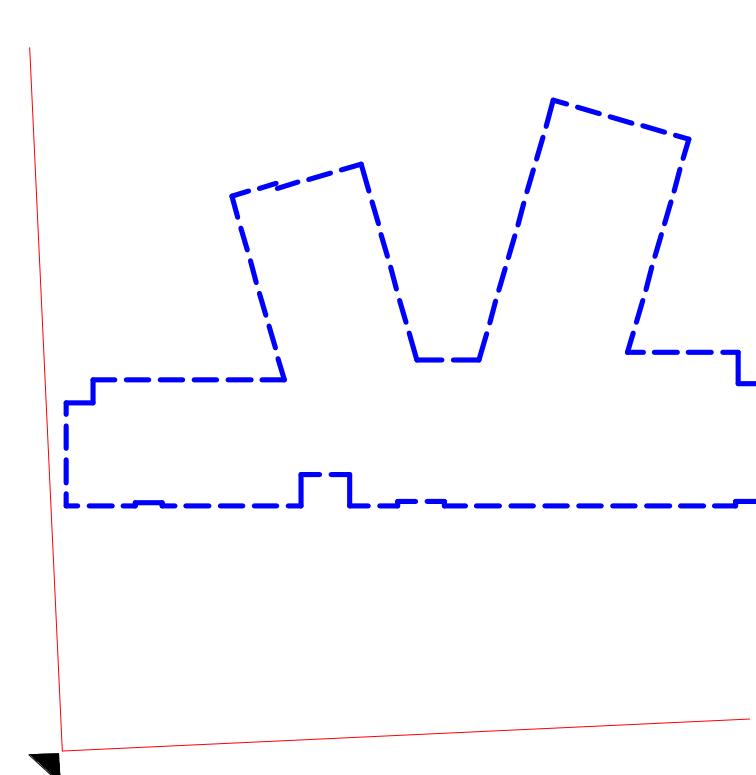
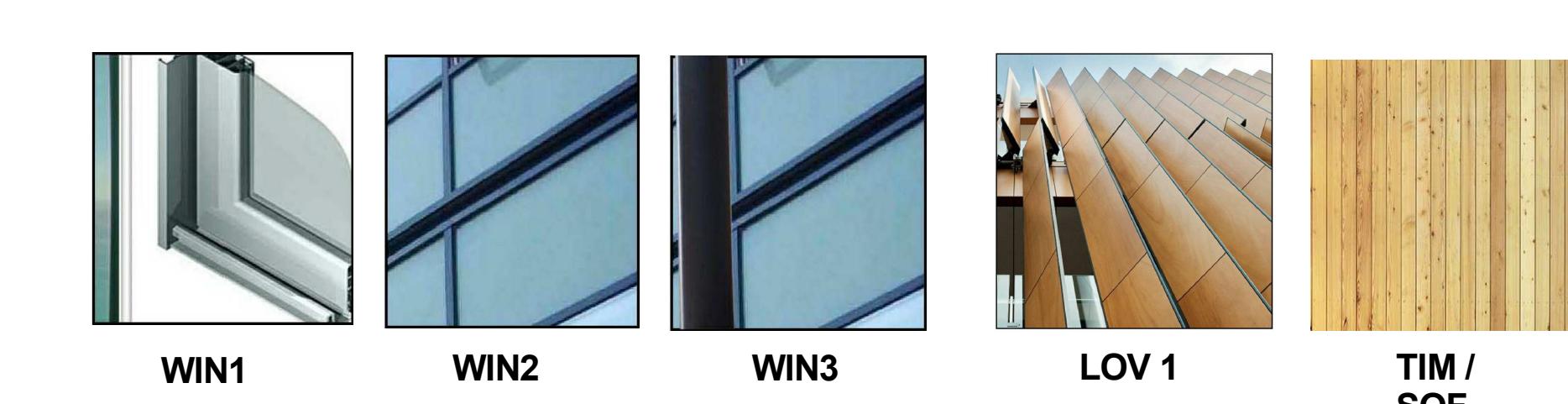
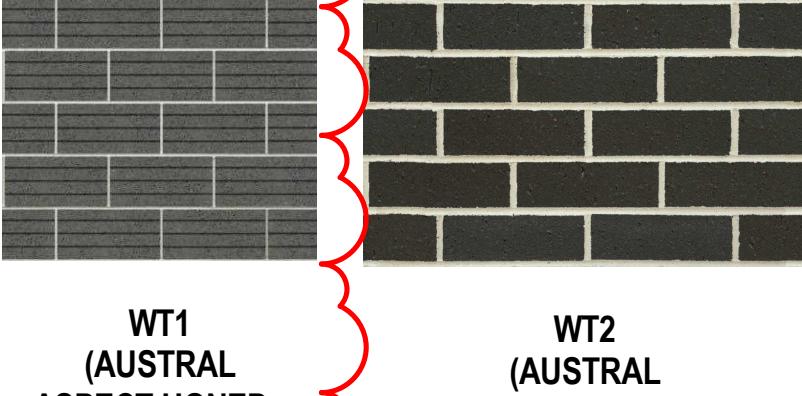
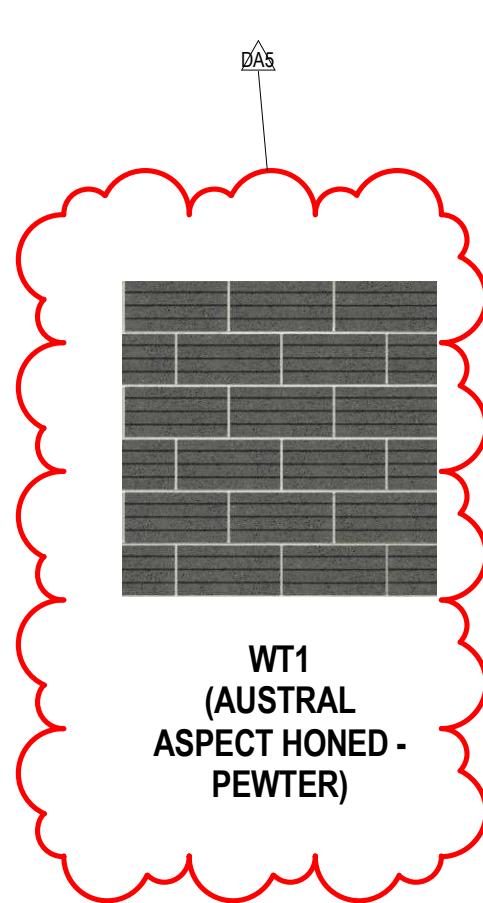
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3D VIEW 5 - SOUTH FACADE FROM CARPARK

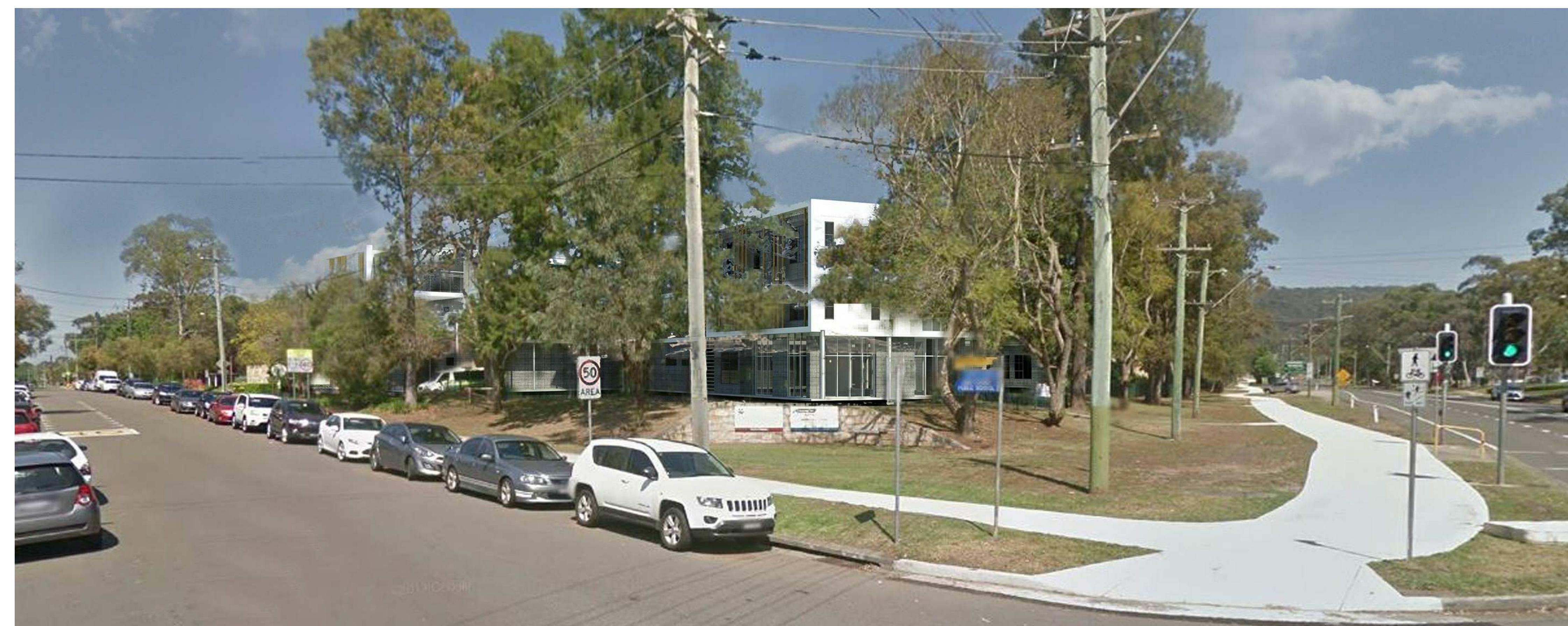


3D VIEW 5 - ARTIST IMPRESSION

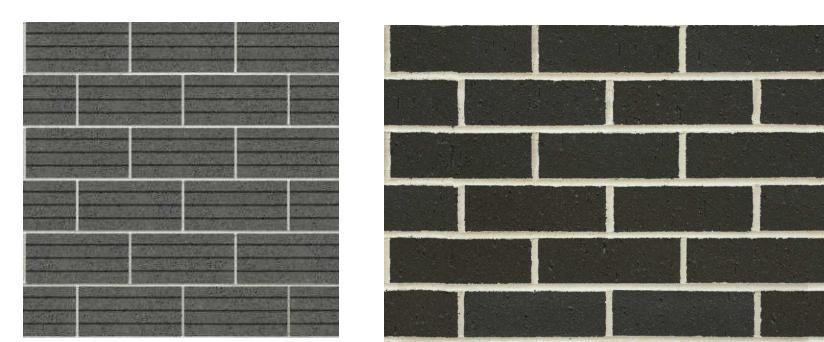




3D VIEW 2 - EMERALD STREET and GREAT WESTERN HWY VIEW



3D VIEW 2 - PHOTO MONTAGE



WT1  
(AUSTRAL  
ASPECT HONED -  
PEWTER)



WT2  
(AUSTRAL  
BLACKSTONE)



WT3  
(BARESTONE FC  
PREFINISHED  
CLADDING)



WT4  
(WEATHERBOARD  
FINISH)



WT5  
(DARK GREY  
PAINT FINISH)



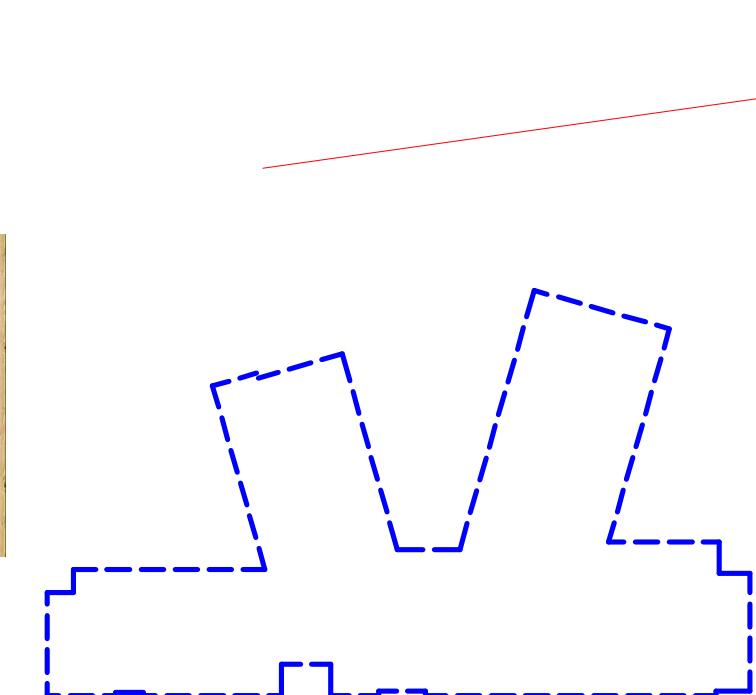
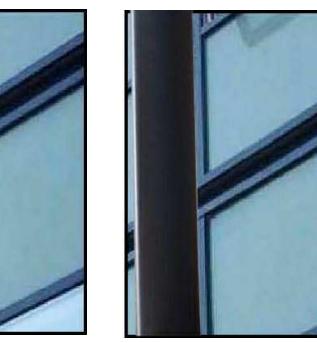
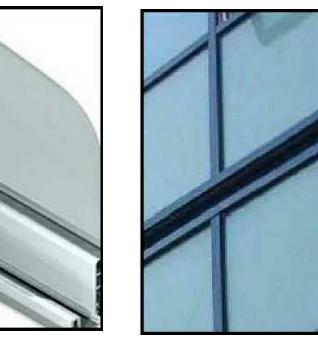
WT6  
(LIGHT GREY  
PAINT FINISH)



WT7  
(WHITE PAINT  
FINISH)



WT8  
(METAL LINING  
FINISH)





3D VIEW 6 - EMERALD STREET and GREAT WESTERN HWY VIEW



3D VIEW 6 - ARTIST IMPRESSION



WT1  
(ASPECT HONED -  
PEWTER)



WT2  
(AUSTRAL  
BLACKSTONE)



WT3  
(BARESTONE FC  
PREFINISHED  
CLADDING)



WT4  
(WEATHERBOARD  
FINISH)



WT5  
(DARK GREY  
PAINT FINISH)



WT6  
(LIGHT GREY  
PAINT FINISH)



WT7  
(WHITE PAINT  
FINISH)



WT8  
(METAL LINING  
FINISH)



DR3



BAL1



WIN1



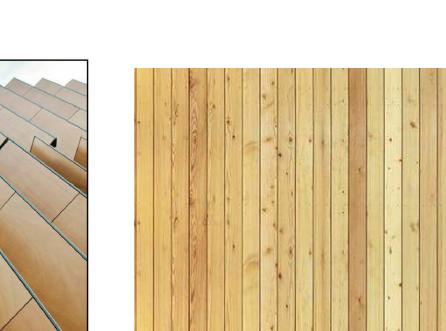
WIN2



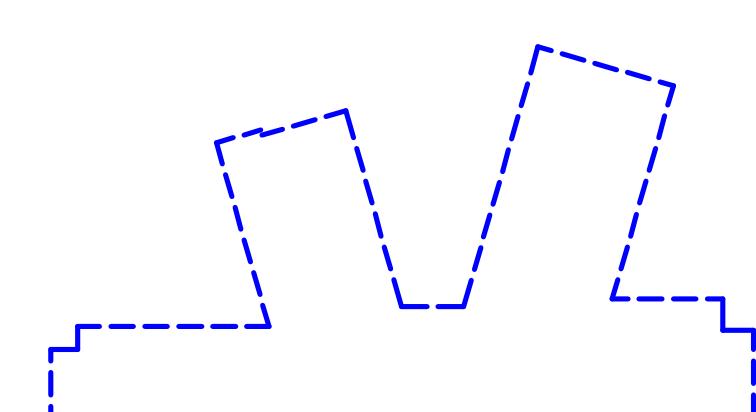
WIN3



LOV 1



TIM /  
SOF





3D VIEW 7 - EMERALD STREET and GREAT WESTERN HWY VIEW



3D VIEW 7 - ARTIST IMPRESSION



WT1  
(AUSTRAL  
HONED -  
PEWTER)



WT2  
(AUSTRAL  
BLACKSTONE)



WT3  
(BARESTONE FC  
PREFINISHED  
CLADDING)



WT4  
(WEATHERBOARD  
FINISH)



WT5  
(DARK GREY  
PAINT FINISH)



WT6  
(LIGHT GREY  
PAINT FINISH)



WT7  
(WHITE PAINT  
FINISH)



WT8  
(METAL LINING  
FINISH)



DR3



BAL1



WIN1



WIN2



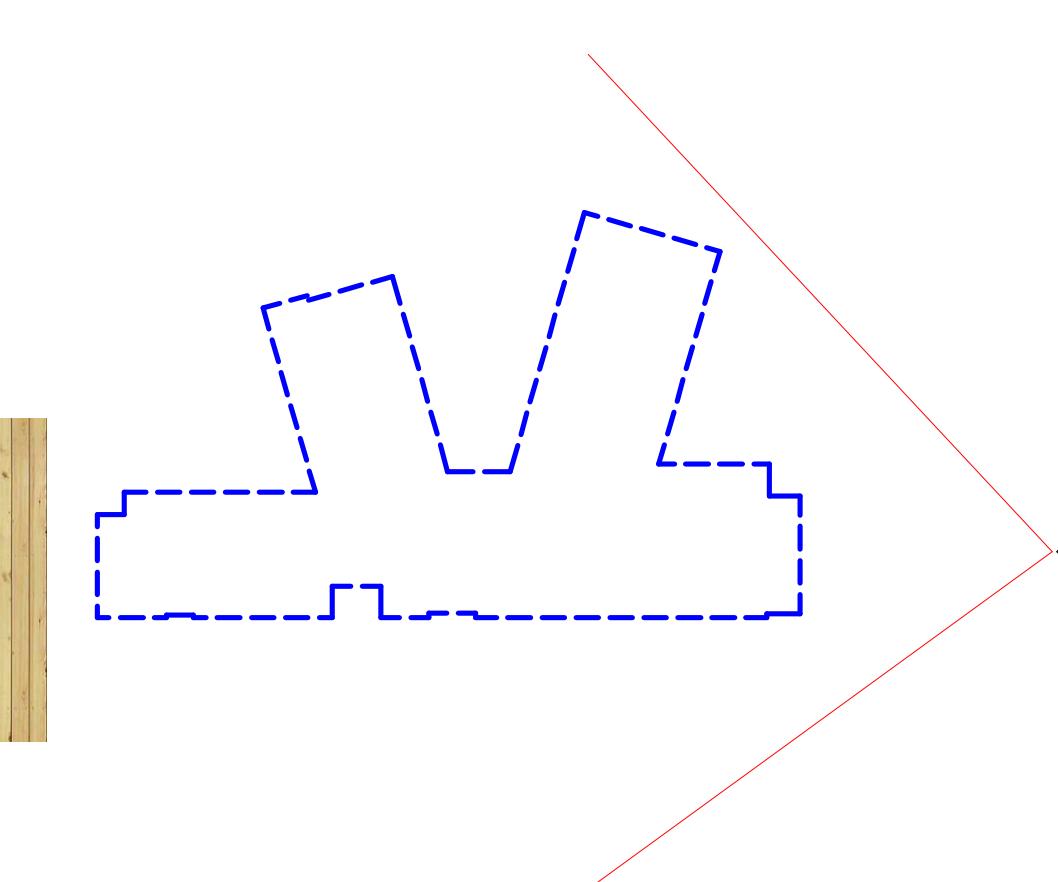
WIN3



LOV 1



TIM /  
SOF



CLIENT

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DRAWING TITLE

3D VIEWS

REV. DATE	AMENDMENT	INITIALS	CHECK
DA2	2018-06-06	DA ISSUE - MATERIAL LEGEND	GO GO
DA3	2018-07-26	CO-ORDINATION ISSUE	THW GO
DA4	2018-08-07	DA RE-SUBMISSION ISSUE	THW GO

PROJECT NO.	DRAWING NO.	REVISION
3030	DA506	DA4
SCALE	As indicated @ B1	
DRAWN	Author	
PROJECT PRINCIPLE	G. OLLERTON	
DATE	01.12.2017	

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# EDINGLASSIE VILLAGE

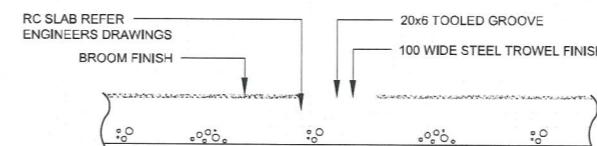
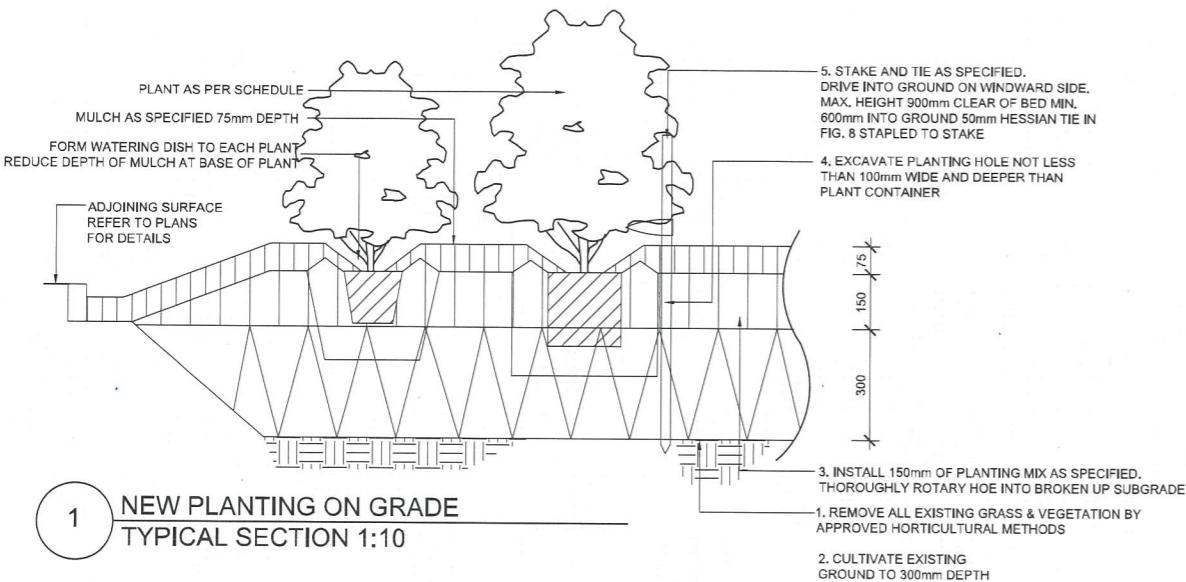
## LANDSCAPE ARCHITECTURE DEVELOPMENT APPLICATION



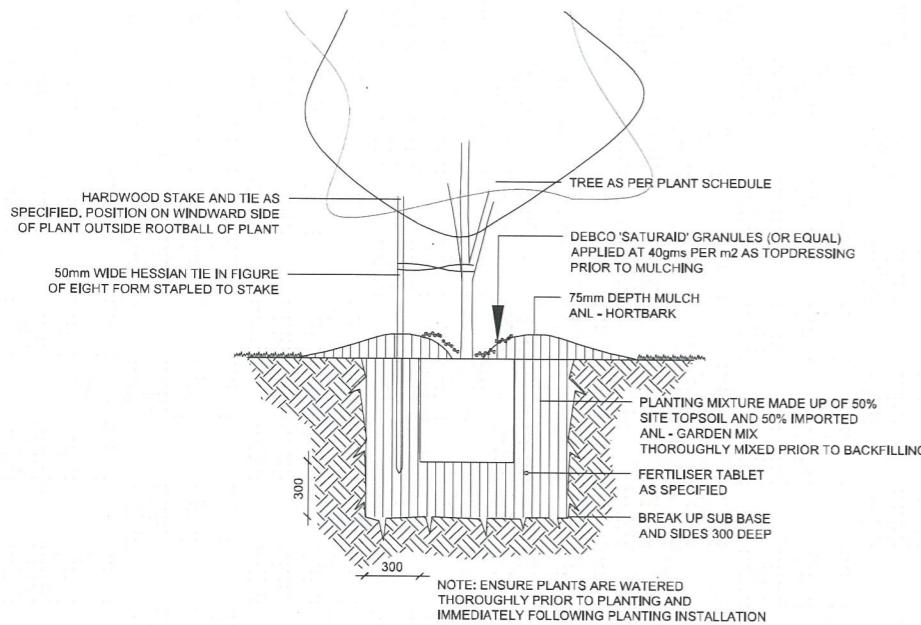
project: Edinglassie RACF  
client: Uniting  
date: 06.08.2018  
revision: B  
drawn: AL  
checked: DMT

**TaylorBrammer**  
TAYLOR BRAMMER LANDSCAPE ARCHITECTS PTY LTD  
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ABN 01 068 724 988

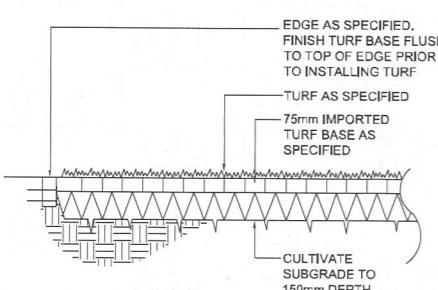
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CONCRETE PAVING  
TYPICAL SECTION 1:10

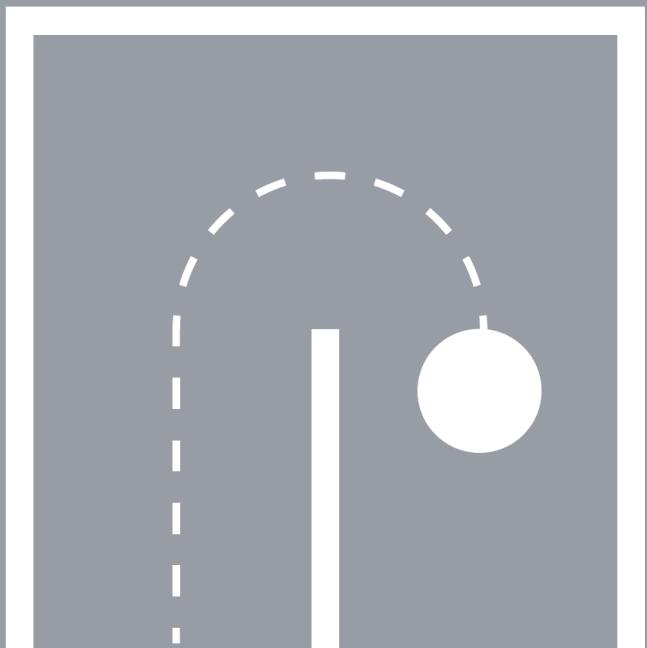


2 TREE PLANTING  
TYPICAL SECTION 1:20



3 TURF  
TYPICAL SECTION 1:20

# Access Review



**Uniting Edinglassie Community  
Centre**

**Cnr Great Western Highway &  
Emerald Street, Emu Plains**

**12/03/18**

## Contents

### Contents

3	Introduction
4	Context for Planning & Design
7	Design Review
10	Conclusion

Document Author: J Barling

Reviewed by: R Thompson

#### Document History:

Issue 1: 12/03/18

## Introduction

## Background

Uniting are proposing to develop a new community centre with residential aged care facility at Edinglassie Village in Emu Plains. This review of the design documents for DA submission addresses the requirements for access by residents, staff and visitors with a disability or who are older, to and within the proposed new facility. The review addresses compliance with the Disability (Access to Premises - Buildings) Standards 2010, Parts D3, E3.6 and F2.4 of the Building Code of Australia 2016 (BCA), Australian Standards on Access and Mobility and the State Environmental Planning Policy (Housing for seniors or people with a disability) 2004 (Amendment No 2) 12 October 2007 – Part 2 Site Related requirements.

The key issue in the provision of appropriate access to the new building is the provision of a continuous accessible path of travel:

- (i) from the main points of a pedestrian entry at the allotment boundary;
- (ii) from another accessible building connected by a pedestrian link;
- (iii) from accessible visitor parking to principal building entrances; and
- (iv) to and within areas normally used by the occupants.

We have reviewed the drawings listed to assess the level of accessibility and compliance with the relevant codes, standards and legislation. The designs have been assessed to ensure that equitable and dignified access for people with disabilities can be provided. In carrying out an accessibility assessment, the main objective is to ensure access is provided through the provision of accessible facilities and continuous paths of travel to and within all appropriate areas of the buildings.

The Building Code of Australia 2016 (BCA) in conjunction with the Disability (Access to Premises - Buildings) Standards 2010 (Premises Standards) apply to new buildings. Under the Premises Standards, access must be provided, to the degree necessary, to enable people to approach the building from the road boundary and from any accessible carparking spaces associated with the building; approach the building from any accessible associated building; access work and public spaces, accommodation and facilities for personal hygiene; and to enable identification of access ways at appropriate locations which are easy to find.

The new facility is proposed to include:

Ground Floor – new car park, reception, staff admin, offices, staff WC, café, hair and beauty, meeting room, chaplain room, chapel, fellowship centre, toilets, sole occupancy units. Back of house areas include kitchen, waste, dirty linen, maintenance office, cleaners room, comms, central store, clean linen, dirty utility, laundry, clinical treatment room.

Levels 2 and 3 – 2 wings each with separate dining and living areas and accessible sanitary facilities, sole occupancy units.

## Context for Planning & Design

### Legislation & Standards

The new work is subject to access provisions in the following documents:

- Disability (Access to Premises - Buildings) Standards 2010
- Building Code of Australia (2016) Parts D1.6, D3 and F2.4 (for a Class 9c building)
- AS1428.1 (2009) (Incorporating Amendment No 1): Design for access and mobility Part 1: General requirements for access – New building work.
- AS1428.2 (1992) Design for access and mobility Part 2: Enhanced and Additional requirements-Buildings and facilities
- AS1735.12 (1999) Lifts, escalators and moving walks Part 12: Facilities for persons with disabilities
- AS2890.6 (2009) Parking Facilities - Off-street parking for people with disabilities

- AS3745 (2009) Planning for Emergencies in Facilities (referenced)
- AS1428.5 (2010) Design for access and mobility Part 5: Communications for people who are deaf or hearing impaired (referenced)
- Australian Human Rights Commission Guideline on the Application of the Premises Standards (2013)
- Commonwealth Disability Discrimination Act (DDA) (1992)
- A Guide to Designing Workplaces for Safer Handling of People for Health, Aged Care, Rehabilitation and Disability Facilities 3rd Edition September 2007
- State Environmental Planning Policy (Housing for seniors or people with a disability) 2004 (Amendment No 2) 12 October 2007 – Part 2 Site Related requirements

## Context for Planning & Design

### Legislation & Standards

#### DDA

The objectives of the Disability Discrimination Act 1992 (DDA) – section 23, focus on the provision of equitable, independent and dignified access to services and facilities for people with mobility, sensory and cognitive disabilities. The DDA covers existing premises, including heritage buildings, those under construction and future premises. It extends beyond the building itself to include outdoor spaces and within, to address furniture, fittings and practices.

#### Premises Standards

Disability (Access to Premises - Buildings) Standards (Premises Standards) 2010 which commenced on 01 May 2011, has been incorporated into the BCA (2016) to ensure that access provisions for people with disabilities more fully meet the intent of the DDA. Meeting the Premises Standards ensures fulfilment of obligations under the Disability Discrimination Act in relation to physical access within the buildings. Schedule 1 of the Premises Standards contains the Access Code for Buildings and is equivalent to the BCA provisions for access.

#### BCA

The Building Code of Australia (BCA)(2016) applies to new buildings and existing buildings that undergo refurbishment. In this report the description of the level of accessibility throughout the new work is generally measured against the Deemed-to-Satisfy Provisions of the BCA, in particular Parts D3 and H2.

#### AS1428 – Standards for Access

The Australian Standards design for access and mobility are a suite of standards relating to the inclusion of features in the built environment that improve access and mobility for people with a disability.

AS1428.1 (2009) sets out minimum requirements for design of buildings and facilities, while AS1428.2 includes enhanced and additional requirements that are not covered in AS1428.1, such as street furniture and reach ranges.

AS1428.4.1 (2009) Design for access and mobility Part 4.1: Means to assist the orientation of people with vision impairment primarily details the requirements for the application of tactile ground surface indicators (TGSIs).

#### SEPP Housing for Seniors or People with a Disability

Part 2 clause 26 is applicable to this development and requires that residents of the proposed development will have access to shops, bank service providers and other retail and commercial services that residents may reasonably require; community services and recreation facilities; and the practice of a general medical practitioner, within 400m of the site via an accessible path of travel or public transport located within 400m of the site.

## Context for Planning & Design

### Documentation

This assessment is based on discussion with the design team and review of the following architectural documentation prepared by PTW Architects, issued to funktion on 05/03/18:

DA001 DA01 COVER SHEET

DA050 DA01 PROPOSED SITE PLAN

DA060 DA01 EXISTING CONTEXT SITE ANALYSIS

DA061 DA01 PROPOSED SITE ANALYSIS

DA062 DA01 URBAN HEIGHT AND SIGNIFICANT TREE

CONTEXT ANALYSIS

DA070 DA01 EXISTING SITE / DEMOLITION PLAN

DA071 DA01 DEMOLITION PLAN - STAGE 1

DA072 DA01 DEMOLITION PLAN - STAGE 2

DA100 DA01 PROPOSED MASTER GROUND FLOOR PLAN

DA101 DA01 PROPOSED MASTER TYPICAL FLOOR PLAN

DA102 DA01 PROPOSED MASTER ROOF PLAN

DA103 DA01 GROUND FLOOR PLAN

DA104 DA01 FIRST FLOOR PLAN

DA105 DA01 SECOND FLOOR PLAN

DA106 DA01 ROOF PLAN

DA112 DA01 SHADOW DIAGRAMS

DA150 DA01 AREA PLANS

DA201 DA01 ELEVATIONS MATERIAL

DA202 DA01 ELEVATIONS MATERIAL

DA203 DA01 STREET ELEVATIONS

DA204 DA01 ELEVATIONS

DA205 DA01 ELEVATIONS

DA206 DA01 TRUE ELEVATIONS 1

DA207 DA01 TRUE ELEVATIONS 2

DA208 DA01 TRUE ELEVATIONS 3

DA250 DA01 SITE SECTIONS

DA251 DA01 SECTIONS SHEET 1

DA252 DA01 SECTIONS SHEET 2

DA500 DA01 3D VIEWS

DA500a DA01 3D VIEWS

DA501 DA01 3D VIEWS

DA501a DA01 3D VIEWS

DA502 DA01 3D VIEWS

DA502a DA01 3D VIEWS

DA503 DA01 3D VIEWS

DA503a DA01 3D VIEWS

DA700 DA01 STAGING PLAN - OVERALL

DA701 DA01 STAGING PLAN - STAGE 1 ENABLING WORKS

DA702 DA01 STAGING PLAN - 2 DEMOLITION -& NEW

WORKS

DA703 DA01 STAGING PLAN - 3 PART DEMOLITION OF

HOSTEL

DA704 DA01 STAGING PLAN - NEW SOUTHERN CARPARK

DA705 DA01 TREE ASSESSMENT PLAN

DA706 DA01 ACCESS DIAGRAM

## Design Review

### Accessibility Assessment

## External Links & Arrival to the Site

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#### Location and Access to Facilities

The site is located opposite Lennox Village Shopping Centre on the Great Western Highway, where a signalized pedestrian crossing located adjacent the intersection of Emerald Street and the Great Western Highway provides access across the Great Western Highway via a functional accessible path of travel.

The shopping centre includes a supermarket, cafes and restaurants, newsagent, Australia Post, banks, pharmacy and a medical centre. Bus services are also available within 400m of the site and include route 688 from Penrith to Emu Heights, Route 689 Penrith to Leonay and Route 1688 Penrith to Leonay and Emu Heights.

In our opinion, the access to facilities and surfaces and gradients on the access path to the facilities meet the functional requirements of the SEPP to provide an accessible path of travel suitable for older residents to meet State Environmental Planning Policy (Housing for seniors or people with a disability) 2004 (Amendment No 2) 12 October 2007 – Part 2 Site Related requirements.

#### Link to Property Boundary

A footpath is proposed to link the principal entrances and the footpath on Emerald Street via accessible paths of travel that meet the functional requirements of AS1428.1. An additional three pedestrian links to the footpath on the Great Western Highway are proposed.

#### Carparking

Two designated accessible car parks adjacent the principal entrance, with a direct link to the principal building entrance, are proposed in Stage 2 works. An additional seven accessible parking spaces are proposed in Stage 4 works.

#### Principal Entrance

To meet BCA D3.2, the accessible principal pedestrian entrances to the residential aged care facility are indicated on the ground floor on the eastern and southern sides of the facility. The principal pedestrian entrances are proposed to provide circulation space and level surfaces to meet AS1428.1.

#### Internal Accessways – Common Areas on Ground Floor

To meet the requirements of the Premises Standards and BCA part D3.1, continuous accessible paths of travel meeting the functional requirements of AS1428.1 (2009) are generally provided in the public area on the ground floor via the provision of circulation space at corridors, lift lobbies and doors.

## Design Review

### Accessibility Assessment

## Internal Areas

### Internal Areas

To meet the BCA D1.6(b)(f), Part D3 and the Disability (Access to Premises - Buildings) Standards 2010, the design of the new facility is indicated to include the following:

- a) Corridor dimensions of minimum 1.5m and 1.8m for the full width of a doorway providing access into a sole-occupancy unit or communal bathroom
- b) Doorway openings of 1070mm where it opens from a public corridor to a sole-occupancy unit; 870mm in other resident use areas; and 800mm in non-resident use areas.
- c) Door circulation space at common areas meeting the requirements of AS1428.1, in addition to clear door openings of 870mm

Back of house areas are proposed to be exempt areas under BCA D3.4 as they are areas where access would be inappropriate because of the particular purpose for which the area is used.

These areas include: kitchen, waste, dirty linen, maintenance office, cleaners room, comms, central store, clean linen, dirty utility, laundry, clinical treatment room.

### Lift

The proposed lifts are indicated to have dimensions and door clearance that complies with BCA D3.3 (b) and E3.6 and include the following features in accordance with AS1735.12:

- a) A handrail complying with the provisions for a mandatory handrail in AS 1735.12 clause 5.3
- b) Minimum clear door opening of 900mm as in AS 1735.12 section 2
- c) Passenger protection system complying with AS 1735.12 clause 4.2
- d) Lift car and landing control buttons complying with AS 1735.12 section 7 for Braille, tactile and luminance contrast
- e) Lighting complying with AS 1735.12 section 10
- f) Emergency hands-free communication.

### Common Sanitary Facilities

To meet the Premises Standards and BCA (2016) part F2.4 the facility is proposed to include common sanitary facilities on each floor including unisex accessible sanitary facilities (6 on ground floor, 2 on typical floors) with a layout and circulation space to meet the requirements of AS1428.1 clause 15.

### Accessible Bedrooms (Sole Occupancy Units)

100 bedrooms are proposed, including a mix of shared, double and single rooms. A performance solution is proposed as accessible rooms and ensuites providing fixtures and fittings in accordance with AS1428.1 are not proposed to be provided. As this is an assisted care setting in which ageing in place is to be accommodated, residents will receive a high level of care and assistance from staff at all times and accessible rooms / ensuites that meet the requirements of AS1428.1 are not considered appropriate to meet the needs of the residents.

## Design Review

### Accessibility Assessment

## Recommendations

- i. Landscape concept to consider lighting, finishes, accessible seating, circulation space and gradients to meet AS1428.1, slip resistance of surfaces and provision of 30% luminance contrast at path edges and obstacles. Ensure external lighting is designed to avoid glare and provide 20 lux at ground level on all pathways to meet the requirements of the SEPP.
- ii. To meet AS1428.1 clause 10.2, the ground abutting the sides of walkways is required to provide a firm and level surface at the same level of the walkway, follow the grade of the walkway and extend horizontally for 600mm, unless a suitable barrier is provided.
- iii. Doors to ground floor accessible wc GL-031 to provide circulation space to meet AS1428.1.
- iv. The reception counter is recommended to include a section of counter with dimensions compliant with AS1428.2 to facilitate access by a person using a wheelchair.
- v. New doors to provide luminance contrast to meet AS1428.1 clause 13.1.
- vi. Glazing should be clearly marked in accordance with AS1428.1 clause 6.6.
- vii. Unisex accessible sanitary facility fittings to comply with AS1428.1 clause 15.
- viii. The proposed lifts to comply with BCA D3.3 (b) and E3.6 and include the following features in accordance with AS1735.12:
  - a. A handrail complying with the provisions for a mandatory handrail in AS 1735.12 clause 5.3
  - b. Minimum clear door opening of 900mm as in AS 1735.12 section 2
  - c. Passenger protection system complying with AS 1735.12 clause 4.2
  - d. Lift car and landing control buttons complying with AS 1735.12 section 7 for Braille, tactile and luminance contrast
  - e. Lighting complying with AS 1735.12 section 10
  - f. Emergency hands-free communication.
- ix. Fire stairs to include handrails and nosing highlighting to meet the BCA part D3.3 and AS1428.1 clause 11.
- x. Hearing augmentation to be provided to meet the BCA Part D3.8.
- xi. Signage to be provided to meet the BCA Part D3.6.
- xii. Corridor handrails to meet the BCA part D1.6 to be provided.

## Conclusion

### Conclusion

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Having reviewed the listed drawings, it is our opinion that at this stage of the design, the access provisions for people with physical and sensory disabilities in the proposed new new community centre with residential aged care facility at Edinglassie Village in Emu Plains can comply with the functional accessibility requirements of BCA (2016) sections D1.6, D3, E3.6 and F2.4; AS1428.1, AS2890.6, AS1735.12 and the Disability (Access to Premises - Buildings) Standards 2010 for accessibility and equity.

The provision of access for people with a disability in the proposed new work can provide continuous accessible paths of travel and the equitable provision of accessible facilities to provide inclusive design to meet the anticipated requirements of staff, students and visitors.

I certify that I am an appropriately qualified and competent person practising in the relevant area of work. I have recognised relevant experience in the area of work being reviewed. My company is holding appropriate current insurance policies.



Jen Barling | Access + Inclusion Consultant

Qualifications: Bachelor of Applied Science (Occupational Therapy) (1999)

Affiliations: Accredited with Association of Consultants in Access, Australia (No.300)

Registered Occupational Therapist (no: OCC0001724072)



Project No: EDI/EMU/14 Report No: EDI/EMU/AIA/E

# ARBORICULTURAL IMPACT ASSESSMENT TREE PROTECTION SPECIFICATION

**Edinglassie Village**

**Great Western Highway & Emerald Street  
Emu Plains**

Prepared for: UnitingCare Aging

7<sup>th</sup> August 2018

Revision E

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## 1.0 INTRODUCTION

### 1.1 Background

1.1.1 This Arboricultural Impact Assessment Report and Tree Protection Specification was prepared for Morrison Design Partnership, on behalf of the UnitingCare Aging, in relation to the proposed Edinglassie Village redevelopment. The purpose of this Report is to determine the impact of the proposed works on the trees, and where appropriate, recommend the use of sensitive construction methods to minimise adverse impacts.

1.1.2 It is understood this is a staged development with the works subject to this Report restricted to the north-eastern corner of the site. This Report addresses Trees 1-29, 40, 41, 46-53, 54-58, 99, 100, 102-108, 119 and 120 only. For consistency, the tree numbers used within this Report correlate with the Preliminary Arboricultural Report (Report No: EDI/EMU/PAR/B) prepared by TreeiQ in October 2014. This Arboricultural Impact Assessment and Tree Protection Specification should be read in conjunction with the aforementioned treeiQ Arboricultural Report.

1.1.3 In preparing this report, author is aware of and has considered the objectives of Penrith City Council's *Development Control Plan 2010 (C2 Vegetation Management)*, *Australian Standard 4970 Protection of Trees on Development Sites (2009)*, *Australian Standard 4373 Pruning of Amenity Trees (2007)*, *Australian Standard 2303 Tree Stock for Landscape Use (2015)* and *Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal Work (2016)*.

Refer to Methodology (**Appendix 1**)

1.1.4 This impact assessment is based on an assessment of the following supplied documentation/plans only:

- Uniting Edinglassie Community Centre (Preliminary) Sketch Series DA001-DA506 (Rev A) prepared by Morrison Design Partnership, dated 26.07.18
- Masterplan 01 (Rev B) - prepared by Taylor Brammer, dated 06.08.18
- Detail Plan 02 (Rev B) - prepared by Taylor Brammer, dated 06.08.18
- Dementia Court 03 (Rev B) - prepared by Taylor Brammer, dated 06.08.18
- Community Court 04 (Rev B) - prepared by Taylor Brammer, dated 06.08.18
- Church Precinct 05 (Rev B) - prepared by Taylor Brammer, dated 06.08.18
- Tree Register 06 (Rev B) - prepared by Taylor Brammer, dated 06.08.18
- Sections 08 (Rev P2) - prepared by Taylor Brammer, dated 05.03.18

Refer to Plans (**Appendix 2**)

## 2.0 RESULTS

### 2.1 The Site

2.1.1 The Edinglassie Village is bound by the Great Western Highway to the north, Emerald Street to the east, Troy Street to the west, and Emu Plains Public School to the south. For the purpose of this Report the site comprises of an area in the north-eastern corner of Edinglassie Village.

2.1.2 The site contains a complex of mainly single storey buildings and a sandstone chapel. Landscaped/garden areas are located throughout, particularly along the northern boundary. The site is generally level with a number of isolated landscaped/turfed mounds in landscaped areas.

## **2.2 The Proposal**

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2.2.1 The proposal includes the demolition of a number of existing buildings and the construction of a new Residential Aged Care Facility (RACF).

Refer to Plans (**Appendix 2**)

## **2.3 The Trees**

---

2.3.1 An assessment of the trees was undertaken in preparation of the Preliminary Arboricultural Report (Report No: EDI/EMU/PAR/B) prepared by TreeiQ in October 2014. Information relating to individual tree assessment is contained within the Tree Assessment Schedule (**Appendix 3**).

2.3.2 Site vegetation contains a mix of locally indigenous and Australian native species such as *Corymbia* spp. (*Corymbia* species), *Casuarina cunninghamiana* (She-Oak), *Callistemon* spp. (Bottlebrush species) and *Eucalyptus* spp. (*Eucalyptus* species). A range of exotic species are also present at the site including *Acer palmatum* (Japanese Maple), *Jacaranda mimosifolia* (Jacaranda), *Magnolia xsoulangiana* (Saucer Magnolia) and *Plumeria acutifolia* (Frangipani).

2.3.3 In general, the trees are in good to fair health and structural condition. As is to be expected with any relatively large population of mature trees, some trees with a reduced health and/or structural defects of varying degrees of severity have been identified. Poor tree management and landscape maintenance practices (such lopping for line clearance) and the general challenges of the urban environment have also reduced the quality and value of some the trees.

2.3.4 The age structure of the canopy cover at the site is very uniform with the majority of trees being in the mature phase of growth.

2.3.5 None of the trees are listed on Council's Register of Significant Trees & Vegetation.<sup>1</sup>

2.3.6 A search of the BioNet Atlas of NSW Wildlife Database was undertaken in March 2018. No individual threatened tree species listed within this database for the area were identified during the current field investigations of the site.<sup>2</sup> The ecological significance and habitat value of the trees has not been assessed and is beyond the scope of this report.

## **3.0 ARBORICULTURAL IMPACT ASSESSMENT**

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### **3.1 Trees to be removed**

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3.1.1 The supplied plans show that twenty-eight (28) trees will need to be removed to accommodate the proposed development. This includes ten (10) trees with a Retention Value of *Priority for Retention*, ten (10) trees with a Retention Value of *Consider for Retention*, six (6) trees with a Retention Value of *Consider for Removal* and two (2) tree with a Retention Value of *Priority for Removal*.

---

<sup>1</sup> Penrith City Council (2006), *Register of Significant Trees & Gardens*

<sup>2</sup> NSW Office of Environment and Heritage (2011), *BioNet Atlas of NSW Wildlife Database*

3.1.2 Table 1: Trees to be removed

Priority for Retention	Consider for Retention	Consider for Removal	Priority for Removal
23, 27, 29, 34, 36, 54, 55, 56, 57 & 58	3, 4, 5, 13, 17, 18, 26, 32, 102 & 104	2, 14, 15, 16, 25 & 103	24 & 48

**3.2 Trees to be retained**

3.2.1 The supplied plans show that thirty-five (35) trees are to be retained as part of the proposed development. This includes nine (9) trees with a Retention Value of *Priority for Retention*, twenty-three (23) trees with a Retention Value of *Consider for Retention*, three (3) trees with a Retention Value of *Consider for Removal*.

3.2.2 Table 2: Trees to be retained

Priority for Retention	Consider for Retention	Consider for Removal	Priority for Removal
6, 7, 21, 22, 35, 38, 39, 40 & 105	1, 8, 9, 10, 11, 19, 20, 28, 33, 37, 41, 46, 47, 49, 50, 51, 52, 53, 100, 107, 108, 119 & 120	12, 99 & 106	

3.2.3 Works are proposed within the Tree Protection Zone (TPZ) areas of eleven (11) trees to be retained as discussed below.

**3.3 Minor Encroachment**

3.3.1 The supplied plans show that works are proposed within the TPZ areas of Trees 21, 22, 28, 33, 35, 39, 53, 107 and 120. As the encroachment into the individual TPZ area is less than 10%, the extent of work represents *Minor Encroachment* as defined by *Australian Standard 4970-2009 Protection of Trees on Development Sites* (AS-4970). A *Minor Encroachment* is considered acceptable by AS-4970 when it is compensated for elsewhere and contiguous within the TPZ. The encroachments into TPZ areas should be compensated for by extending the TPZ in areas not subject to encroachment.

**3.4 Major Encroachment**

3.4.1 The supplied plans also show that works are proposed within the TPZ areas of Trees 1 and 105. The extent of work represents *Major Encroachment* as defined by AS-4970.

**3.4.2 Tree 1**

The supplied plans show works within the TPZ of Tree 1 includes the construction of a driveway and crossover, and a footpath. Clause 3.3.4 outlines that tree species and tolerance to root disturbance should be considered when determining the potential impact of the encroachment. Anecdotally, *Jacaranda mimosifolia* (Jacaranda) has a proven record for use within the built environment and is able to withstand alterations to site conditions. As an individual component, the proposed driveway and crossover represents less than 10% of the TPZ and should not significantly impact the tree.

3.4.3 Tree sensitive excavation (hand/hydrovac/airspade/compact excavator) and root pruning should be undertaken along the line of the driveway and crossover within TPZ prior to the commencement of mechanical excavation to prevent shattering of roots by excavation equipment. No over excavation into TPZ should be undertaken.

3.4.4 The proposed footpath is located closer to the tree than the driveway and crossover. Therefore, the footpath and sub base materials (where required) should be installed above existing grade. Pegs to secure temporary formwork (where required) should be installed as to avoid roots. Ground levels may be locally raised at the footpath edges however existing levels within 1m of tree's trunk should be maintained.

#### 3.4.5 Tree 105

The supplied plans show works within the TPZ of Tree 105 includes the construction of a carpark and installation of a fire hydrant. As an individual component, the proposed carpark represents less than 10% of the TPZ and should not significantly impact the tree. Tree sensitive excavation (hand/hydrovac/airspade/compact excavator) and root pruning should be undertaken along the line of the carpark footprint within TPZ prior to the commencement of mechanical excavation. No over excavation into TPZ areas should be undertaken.

3.4.6 The proposed fire hydrant and associated infrastructure within the TPZ should be installed using tree sensitive methods (hand/hydrovac/airspade) with the services/infrastructure located around/below roots ( $>25\text{mm}\varnothing$ ) or as determined by the Project Arborist.

### 3.5.1 Other Works within TPZ Areas

#### 3.5.1 Demolition Works

Demolition works within the TPZ areas should be supervised by the Project Arborist and utilise tree sensitive methods. Where possible, existing underground structures and sub-base materials should be left in situ and reused.

#### 3.5.2 Underground Services

Underground services and site infrastructure within the TPZ areas should be installed using tree sensitive methods (hand/hydrovac/airspade) with the services/infrastructure located around/below roots ( $>25\text{mm}\varnothing$ ) or as determined by the Project Arborist.

#### 3.5.3 Landscape Planting & Turf

Plant/turf installation within the TPZ areas should be undertaken using hand tools and roots ( $>25\text{mm}\varnothing$ ) should be protected. No mechanical cultivation/ripping of soils should be undertaken within the TPZ areas. Excavation and installation of imported soil mixes should be excluded from the TPZ areas other than the installation of soil conditioners to a maximum depth of 50mm above the existing soil profile.

### 3.6 Pruning

3.6.1 The supplied plans show that Tree 1 will need to be pruned for vehicular and building clearance. In addition, Trees 21, 22 28 and 33 may require minimal pruning to provide clearance for building/scaffolding/hoarding erection. Refer to Tables 3-7.

#### 3.6.2 Table 3: Tree 1 (*Jacaranda mimosifolia* - Jacaranda)

Branch Orientation	Order of Branch	Branch Diameter	Height Above Grade	Comments	Plate No.
N	1st	200mm	2.5m	Prune to increase vertical clearance above driveway	1

3.6.3 Table 4: Tree 21 (*Casuarina cunninghamiana* – She Oak)

Branch Orientation	Order of Branch	Branch Diameter	Height Above Grade	Comments	Plate No.
S	Higher order branches	<75mm	2.5m	Prune where required for building/scaffolding clearance	2

3.6.4 Table 5: Tree 22 (*Casuarina cunninghamiana* – She Oak)

Branch Orientation	Order of Branch	Branch Diameter	Height Above Grade	Comments	Plate No.
SW	1st	100mm	5.5m	Prune where required for building/scaffolding clearance	3
W	1st	120mm	10m	As above	3
S	1st	120mm	11.5m	As above	3

3.6.5 Table 6: Tree 28 (*Jacaranda mimosifolia* - Jacaranda)

Branch Orientation	Order of Branch	Branch Diameter	Height Above Grade	Comments	Plate No.
SE & E	Higher order branches	<75mm	5.5m	Prune where required for building/scaffolding clearance	4

3.6.6 Table 7: Tree 33 (*Corymbia maculata* – Spotted Gum)

Branch Orientation	Order of Branch	Branch Diameter	Height Above Grade	Comments	Plate No.
S	Higher order branches	<75mm	10-13m	Prune where required for building/scaffolding clearance	5

3.6.7 Provision should be made within the design so that additional pruning is not required. Where additional clearance is required, branches may be temporarily pushed or tied back. Where branches cannot be pushed or tied back without damage, scaffolding/hoarding should be modified and constructed around branches (with appropriate branch protection installed as required).

3.6.8 Deadwood greater 25mmØ should be removed from the crowns of the trees.

3.6.9 Pruning works should be carried out by a Practising Arborist. The Practising Arborist should hold a minimum qualification equivalent (using the Australian Qualifications Framework) of Level 3 or above, in Arboriculture or its recognised equivalent. The Practising Arborist should have a minimum of 3 years' experience in practical Arboriculture. Pruning work should be undertaken in accordance with *Australian Standard 4373: Pruning of Amenity Trees (2007)*, *Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal Work (2016)* and other applicable legislation and codes.

### **3.7 Replacement Planting**

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- 3.7.1 The proposed development includes the provision of new tree planting across the site. This tree planting would help to diversify the age structure of trees on site which is currently very uniform and help off-set the loss of canopy cover and amenity resultant from the tree removal.
- 3.7.2 Replacement planting should be supplied in accordance with *Australian Standard 2303 (2015) Tree Stock for Landscape Use*.

### **3.8 Ongoing Management of Trees to be Retained**

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- 3.8.1 A number of the trees to be retained are large specimens which were identified as having structural defects and/or significant deadwood present in their crowns at the time of assessment. Refer to Tree Assessment Schedule (**Appendix 3**).
- 3.8.2 Ongoing monitoring and maintenance (including deadwood removal) should be undertaken especially for trees which are situated in close proximity to 'high target' areas (i.e. areas of frequent use/vulnerable structures).

## **4.0 CONCLUSION**

- 4.1 Site vegetation contains a mix of locally indigenous, Australian native and exotic species. This Report addresses are Trees 1-29, 40, 41, 46-53, 54-58, 99, 100, 102-108, 119 and 120 only.
- 4.2 The proposal includes the demolition of a number of existing buildings and the construction of a new RACF.
- 4.3 The supplied plans show that twenty-eight (28) trees (Trees 2-5, 13-18, 23-27, 29, 32, 34, 36, 48, 54-58 & 102-104) will need to be removed to accommodate the proposed development.
- 4.4 The supplied plans show that thirty-five (35) trees (Trees 1, 6-12, 19-22, 28, 33, 35, 37-41, 46, 47, 49-53, 99, 100, 105-108, 119 & 120) are to be retained as part of the proposed development. Works are proposed within the TPZ areas of Trees 1 and 105, and tree sensitive construction methods as outlined within Section 3.4 should be used within their TPZ areas. Trees to be retained should be protected in accordance within Tree Protection Specification (**Appendix 5**).
- 4.5 The supplied plans show that Trees 1, 21, 22, 28 and 33 will need to be pruned for building clearance and construction access. Pruning work should be undertaken in accordance with *Australian Standard 4373: Pruning of Amenity Trees (2007)*, *Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal Work (2016)* and other applicable legislation and codes.

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## 5.0 LIMITATIONS & DISCLAIMER

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Many factors may contribute to tree failure and cannot always be predicted. TreeiQ takes care to accurately assess tree health and structural condition. However, a tree's internal structural condition may not always correlate to visible external indicators. There is no warranty or guarantee, expressed or implied that problems or deficiencies regarding the trees or site may not arise in the future. Information contained in this report covers only the trees assessed and reflects the condition of the trees at the time of inspection. Additional information regarding the methodology used in the preparation of this Report is attached as Appendix 1. A comprehensive tree risk assessment and management plan for the trees is beyond the scope of this Report.

Reference should be made to any relevant legislation including Tree Management Controls. All recommendations contained within this Report are subject to approval from the relevant Consent Authority.

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## Appendix 1: Methodology

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**1.1 Site Inspection:** This report was determined as a result of a comprehensive site inspection during October 2014. A follow up site inspection was undertaken in March 2018.

**1.2 Visual Tree Assessment (VTA):** The subject tree(s) was assessed using the Visual Tree Assessment criteria and notes as described in *The Body Language of Trees – A Handbook for Failure Analysis*.<sup>3</sup> The inspection was limited to a visual examination of the subject tree(s) from ground level only. The inspection was limited to a visual examination of the subject tree(s) from ground level only. No internal diagnostic or tissue testing was undertaken as part of this assessment. Trees outside the subject site were assessed from the property boundaries only.

**1.3 Tree Dimensions:** The dimensions of the subject tree(s) are approximate only.

**1.4 Tree Locations:** The location of the subject tree(s) was determined from the supplied plans.

**1.5 Trees & Development:** Tree Protection Zones, Tree Protection Measures and Sensitive Construction Methods for the subject tree were based on methods outlined in *Australian Standard 4970-2009 Protection of Trees on Development Sites*. The *Tree Protection Zone (TPZ)* is described in AS-4970 as a combination of the root area and crown area requiring protection. It is an area isolated from construction disturbance, so that the tree remains viable.

The *Structural Root Zone (SRZ)* is described in AS-4970 as the area around the base of a tree required for the tree's stability in the ground. Severance of structural roots within the SRZ is not recommended as it may lead to the destabilisation and/or demise of the tree.

In some cases it may be possible to encroach into or make variations to the theoretical TPZ. A *Minor Encroachment* is less than 10% of the area of the TPZ and is outside the SRZ. The area lost to this encroachment should be compensated for elsewhere and contiguous with the TPZ. A *Major Encroachment* is greater than 10% of the TPZ or inside the SRZ. In this situation the Project Arborist must demonstrate that the tree would remain viable. This may require root investigation by non-destructive methods or the use of sensitive construction methods.

**1.6 Tree Health:** The health of the subject tree(s) was determined by assessing:

- I. Foliage size and colour
- II. Pest and disease infestation
- III. Extension growth
- IV. Crown density
- V. Deadwood size and volume
- VI. Presence of epicormic growth

**1.7 Tree Structural Condition:** The structural condition of the subject tree(s) was assessed by:

- I. Assessment of branching structure  
(i.e co-dominant/bark inclusions, crossing branches, branch taper, terminal loading, previous branch failures)
- II. Visible evidence of structural defects or instability  
(i.e root plate movement, wounds, decay, cavities, fungal brackets, adaptive growth)
- III. Evidence of previous pruning or physical damage  
(root severance/damage, lopping, flush-cutting, lions tailing, mechanical damage)

**1.8 Useful Life Expectancy (ULE):** The ULE is an estimate of the longevity of the subject tree(s) in its growing environment. The ULE is modified where necessary to take in consideration tree(s) health, structural condition and site suitability. The tree(s) has been allocated one of the following ULE categories (Modified from Barrell, 2001):

- I. 40 years +
- II. 15-40 years
- III. 5-15 years
- IV. Less than 5 years

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<sup>3</sup> Mattheck & Breloer (2003)

1.9 **Landscape Significance:** Landscape Significance was determined by assessing the combination of the cultural, environmental and aesthetic values of the subject tree(s). Whilst these values are subjective, a rating of high, moderate, low or insignificant has been allocated to the tree(s). This provides a relative value of the tree's Landscape Significance which may aid in determining its Retention Value. If the tree(s) can be categorized into more than one value, the higher value has been allocated.

Landscape Significance	Description
Very High	The subject tree is listed as a Heritage Item under the <i>Local Environmental Plan</i> with a local or state level of significance.
	The subject tree is listed on Council's Significant Tree Register or is considered to meet the criteria for significance assessment of trees and/or landscapes by a suitably qualified professional. The criteria are based on general principles outlined in the Burra Charter and on criteria from the Register of the National Estate.
	The subject tree is a remnant tree.
High	The subject tree creates a 'sense of place' or is considered 'landmark' tree.
	The subject tree is of local, cultural or historical importance or is widely known.
	The subject tree has been identified by a suitably qualified professional as a species scheduled as a Threatened or Vulnerable Species or forms part of an Endangered Ecological Community associated with the subject site, as defined under the provisions of the <i>Threatened Species Conservation Act 1995 (NSW)</i> or the <i>Environmental Protection and Biodiversity Conservation Act 1999</i> .
	The subject tree is known to provide habitat to a threatened species.
	The subject tree is an excellent representative of the species in terms of aesthetic value.
	The subject tree is of significant size, scale or makes a significant contribution to the canopy cover of the locality.
Moderate	The subject tree forms part of the curtilage of a heritage item with a known or documented association with that item.
	The subject tree makes a positive contribution to the visual character or amenity of the area.
	The subject tree provides a specific function such as screening or minimising the scale of a building.
	The subject tree has a known habitat value.
Low	The subject tree is a good representative of the species in terms of aesthetic value.
	The subject tree is an environmental pest species or is exempt under the provisions of the local Council's Tree Management Controls
	The subject tree makes little or no contribution to the amenity of the locality.
Insignificant	The subject tree is a poor representative of the species in terms of aesthetic value.
	The subject tree is declared a Noxious Weed under the Noxious Weeds Act

1.10 **Retention Value:** Retention Value was based on the subject tree's Useful Life Expectancy and Landscape Significance. The Retention Value was modified where necessary to take in consideration the subject tree's health, structural condition and site suitability. The subject tree(s) has been allocated one of the following Retention Values:

- I. Priority for Retention
- II. Consider for Retention
- III. Consider for Removal
- IV. Priority for Removal

ULE	Landscape Significance				
	Very High	High	Moderate	Low	Insignificant
40 years +	Priority for Retention	Priority for Retention			Priority for Removal
15-40 years		Priority for Retention	Consider for Retention		
5-15 years		Consider for Retention			
Less than 5 years	Consider for Removal	Priority for Removal			

The above table has been modified from the Footprint Green Tree Significance and Retention Value Matrix.

## Appendix 2: Plans

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**Appendix 3: Tree Assessment Schedule**

Tree No.	Species	DBH (mm)	Height (m)	Radial Crown Spread (m)	Health Rating	Structural Rating	Comments	ULF (years)	L/Significance	Retention Value	Radial TPZ (m)	Radial SRZ (m)	Implication
1	<i>Jacaranda mimosifolia</i> (Jacaranda)	450 300 600	10 8	Good	Good	Good	Small (<25mm) & medium (25-75mm) diameter epicormic growth in low volumes. Co-dominant inclusion, minor. Pruned/lopped for line clearance.	15-40	Moderate	Consider for Retention	9.6	3.1	Retain. Major Encroachment. Pavement. Use tree sensitive construction methods.
2	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	150 100	5 3	Good	Good	Good	Partially suppressed. Crossing branches.	5-15	Low	Consider for Removal	2.4	1.7	Remove. Driveway.
3	<i>Callistemon salignus</i> (White Bottlebrush)	200 100 150 150	7 3	Good	Fair	Fair	Branch inclusion/s, minor. Wound/s, early stages of decay. Pruned/lopped for line clearance.	5-15	Moderate	Consider for Retention	4.2	2.2	Remove. Driveway.
4	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	300 300	9 6	Good	Good	Good	Crown density 75-100%. Small (<25mm) diameter deadwood in low volumes. Wound/s, early stages of decay.	5-15	Moderate	Consider for Retention	4.8	2.3	Remove. Driveway.
5	<i>Corymbia maculata</i> (Spotted Gum)	450	14	5	Good	Good	Crown density 75-100%. Small (<25mm) diameter deadwood in low volumes.	15-40	High	Consider for Retention	5.4	2.4	Remove. Driveway.
6	<i>Corymbia maculata</i> (Spotted Gum)	500	20	5	Good	Good		40+	High	Priority for Retention	6	2.5	Retain. No works in TPZ.
7	<i>Jacaranda mimosifolia</i> (Jacaranda)	350	10	6	Good	Good		40+	Moderate	Priority for Retention	4.2	2.2	Retain. No works in TPZ.

Tree No.	Species	DBH (mm)	Height (m)	Radial Crown Spread (m)	Health Rating	Structural Rating	Comments	ULE (years)	L/Significance	Retention Value	Radial TPZ (m)	Radial SRZ (m)	Implication
8	<i>Eucalyptus sideroxylon</i> (Mugga Ironbark)	500	19	6	Good	Good	Crown density 75-95%. Small (<25mm) and medium (25-75mm) diameter deadwood in low volumes. Wound/s, early stages of decay. Small (<25mm) epicormic growth in moderate volumes.	15-40	High	Consider for Retention	6	2.5	Retain. No works in TPZ.
9	<i>Casuarina cunninghamiana</i> (She-Oak)	500	24	9	Good	Fair	Wound/s, advanced stages of decay at base of first order branch. Recommend internal diagnostic testing if tree is to be retained.	5-15	High	Consider for Retention	6	2.5	Retain. No works in TPZ.
10	<i>Casuarina cunninghamiana</i> (She-Oak)	400	13	4	Good	Good	Partially suppressed. Medium (25-75mm) diameter deadwood in low volumes.	15-40	Moderate	Consider for Retention	4.8	2.3	Retain. No works in TPZ.
11	<i>Casuarina cunninghamiana</i> (She-Oak)	300	9	4	Good	Fair	Partially suppressed. Previous branch failure/s. Wound/s, advanced stages of decay.	5-15	Moderate	Consider for Retention	3.6	2	Retain. No works in TPZ.
12	<i>Eucalyptus sideroxylon</i> (Mugga Ironbark)	150	7	3	Good	Good	Partially suppressed. Phototropic lean, slight.	15-40	Low	Consider for Removal	2	1.5	Retain. No works in TPZ.
13	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	300	5	3	Good	Good	Branch inclusion/s, minor.	5-15	Moderate	Consider for Retention	3.6	2	Remove. Pavement.
14	<i>Magnolia x soulangiana</i> (Saucer Magnolia)	75 75	3	2	Good	Good		15-40	Low	Consider for Removal	2	1.5	Remove. Landscape Treatment.
15	<i>Cyathea cooperi</i> (Coin Spot Fern)	75	3	2	Good	Good		15-40	Low	Consider for Removal	2	1.5	Remove. Pavement.
16	<i>Plumeria acutifolia</i> (Frangipani)	200 at grade	3	2	Good	Fair	Group of 2. Wound/s, early stages of decay.	15-40	Low	Consider for Removal	2.4	1.7	Remove. Building footprint.

Tree No.	Species	DBH (mm)	Height (m)	Radial Crown Spread (m)	Health Rating	Structural Rating	Comments	ULF (years)	L/Significance	Retention Value	Radial TPZ (m)	Radial SRZ (m)	Implication
17	<i>Acer palmatum</i> (Japanese Maple)	350 at grade	4	5	Good	Fair	Wound/s, early stages of decay. Branch inclusion/s, minor. Borer. Co-dominant inclusion.	5-15	Moderate	Consider for Retention	4.2	2.2	Remove. Building footprint.
18	<i>Acer palmatum</i> (Japanese Maple)	300 at grade	4	3	Good	Good	Partially suppressed. Wound/s, early stages of decay.	5-15	Moderate	Consider for Retention	3.6	2	Remove. Building footprint.
19	<i>Jacaranda mimosifolia</i> (Jacaranda)	350 300 250	10	6	Good	Good	Pruned/lopped for line clearance. Previous branch failure/s. Wound/s, early stages of decay. Small (<25mm) epicormic growth in moderate volumes. Roots damaging adjacent sandstone retaining wall.	15-40	Moderate	Consider for Retention	6	2.5	Retain. No works in TPZ.
20	<i>Jacaranda mimosifolia</i> (Jacaranda)	300 400	11	7	Good	Good	Pruned/lopped for line clearance. Small (<25mm) & medium (25-75mm) diameter epicormic growth in moderate volumes. Wound/s, early stages of decay.	15-40	Moderate	Consider for Retention	6	2.5	Retain. No works in TPZ.
21	<i>Casuarina cunninghamiana</i> (She-Oak)	750	20	6	Good	Good	Partially suppressed. Small (<25mm) diameter deadwood in low volumes.	15-40	High	Priority for Retention	9	3	Retain. Minor Encroachment. Building footprint.
22	<i>Casuarina cunninghamiana</i> (She-Oak)	600	20	6	Good	Good	Partially suppressed. Wound/s, early stages of decay. Previous branch inclusion/s, minor.	15-40	High	Priority for Retention	7.2	2.7	Retain. Minor Encroachment. Building footprint.
23	<i>Casuarina cunninghamiana</i> (She-Oak)	500	22	7	Good	Good	Previous branch failure/s. Wound/s, early stages of decay. Small (<25mm) diameter deadwood in low volumes.	15-40	High	Priority for Retention	6	2.5	Remove. Building footprint.
24	<i>Casuarina cunninghamiana</i> (She-Oak)	250	13	3	Fair	Fair	Crown density 0-25%. Etiolated form.	5-15	Low	Priority for Removal	3	1.9	Remove. Building footprint.
25	<i>Casuarina cunninghamiana</i> (She-Oak)	200	16	2	Fair	Fair	Crown density 0-25%. Etiolated form.	5-15	Low	Consider for Removal	2.4	1.7	Remove. Building footprint.

Tree No.	Species	DBH (mm)	Height (m)	Radial Crown Spread (m)	Health Rating	Structural Rating	Comments	ULF (years)	L/Significance	Retention Value	Radial TPZ (m)	Radial SRZ (m)	Implication	
26	<i>Casuarina cunninghamiana</i> (She-Oak)	300	17	6	Good	Good	Phototropic suppressed. Medium diameter deadwood in low volumes.	5-15	Partially (25-75mm) lean, slight.	Moderate	Consider for Retention	3.6	2	Remove. Building footprint.
27	<i>Casuarina cunninghamiana</i> (She-Oak)	500	24	5	Good	Good	Small (<25mm) diameter deadwood in low volumes.	15-40	High	Priority for Retention	6	2.5	Remove. Building footprint.	
28	<i>Jacaranda mimosifolia</i> (Jacaranda)	350 300	15	6	Good	Fair	Pruned/lopped for line clearance. Co-dominant inclusion. Small (<25mm) & medium (25-75mm) diameter epicormic growth in moderate volumes. Wound/s, early stages of decay.	5-15	Moderate	Consider for Retention	5.4	2.4	Retain. Minor Encroachment. Wall & Landscape Treatment.	
29	<i>Corymbia maculata</i> (Spotted Gum)	450	14	4	Good	Good	Small (<25mm) diameter deadwood in low volumes. Partially suppressed.	40+	Moderate	Priority for Retention	5.4	2.4	Remove. Landscape Treatment.	
32	<i>Jacaranda mimosifolia</i> (Jacaranda)	550	12	6	Good	Fair	Co-dominant inclusion. Small (<25mm) & medium diameter (25-75mm) epicormic growth in low volumes. Wound/s, early stages of decay.	5-15	Moderate	Consider for Retention	6.6	2.6	Remove. Major Encroachment. Building footprint.	
33	<i>Corymbia maculata</i> (Spotted Gum)	350	16	4	Good	Fair	Medium (25-75mm) diameter deadwood in low volumes. Cable girdling trunk. Recommend cable removal if tree is to be retained.	5-15	Moderate	Consider for Retention	4.2	2.2	Retain. Minor Encroachment Landscape Treatment.	
34	<i>Casuarina cunninghamiana</i> (She-Oak)	450	19	4	Good	Good	Partially suppressed. Medium (25-75mm) diameter deadwood in low volumes.	15-40	High	Priority for Retention	5.4	2.4	Remove. Landscape Treatment.	
35	<i>Casuarina cunninghamiana</i> (She-Oak)	500	18	5	Good	Good	Partially suppressed. Medium (25-75mm) diameter deadwood in low volumes.	15-40	High	Priority for Retention	6	2.5	Retain. Minor Encroachment Pavement.	
36	<i>Casuarina cunninghamiana</i> (She-Oak)	400	18	4	Good	Good	Partially suppressed. Small (<25mm) diameter deadwood in low volumes.	15-40	High	Priority for Retention	4.8	2.3	Remove. Landscape Treatment.	

Tree No.	Species	DBH (mm)	Height (m)	Radial Crown Spread (m)	Health Rating	Structural Rating	Comments	ULE (years)	L/Significance	Retention Value	Radial TPZ (m)	Radial SRZ (m)	Implication
37	<i>Casuarina cunninghamiana</i> (She-Oak)	150	10	3	Good	Good	Heavily suppressed.	5-15	Moderate	Consider for Retention	2	1.5	Retain. No works in TPZ.
38	<i>Corymbia maculata</i> (Spotted Gum)	350	174	4	Good	Fair	Trunk wound/s, early stages of decay. Partially suppressed.	15-40	High	Priority for Retention	4.2	2.2	Retain. No works in TPZ.
39	<i>Corymbia maculata</i> (Spotted Gum)	750	22	6	Good	Good	Wound/s, early stages of decay. Medium (25-75mm) diameter deadwood in low volumes.	40+	High	Priority for Retention	9	3	Retain. Minor Encroachment Pavement.
40	<i>Corymbia maculata</i> (Spotted Gum)	600	22	9	Good	Good	Small (<25mm) & medium (25-75mm) diameter deadwood in low volumes.	40+	High	Priority for Retention	7.2	2.7	Retain. No works in TPZ.
41	<i>Eucalyptus</i> spp (Gum Tree)	250	7	4	Good	Fair	Wound/s, early stages of decay. Partially suppressed. Trunk cavities, minor.	5-15	Moderate	Consider for Retention	3	1.9	Retain. No works in TPZ.
46	<i>Eucalyptus sideroxylon</i> (Mugga Ironbark)	350	18	4	Fair	Good	Crown density 50-75%. Small (<25mm) diameter deadwood in low volumes. Partially suppressed.	5-15	High	Consider for Retention	4.2	2.2	Retain. No works in TPZ.
47	<i>Eucalyptus sideroxylon</i> (Mugga Ironbark)	500	18	8	Fair	Good	Crown density 50-75%. Partially suppressed.	5-15	High	Consider for Retention	6	2.5	Retain. No works in TPZ.
48	<i>Eucalyptus saligna</i> (Sydney Blue Gum)	600	20	11	Good	Poor	Crown density 75-100%. Medium (25-75mm) diameter deadwood in low volumes. Basal wound, advanced stages of decay. Wound/s, advanced stages of decay. Borer.	<5	High	Priority for Removal	7.2	2.7	Remove due to poor structural condition. No works in TPZ.
49	<i>Casuarina cunninghamiana</i> (She-Oak)	250	12	4	Good	Good	Partially suppressed.	15-40	Moderate	Consider for Retention	3	1.9	Retain. No works in TPZ.

Tree No.	Species	DBH (mm)	Height (m)	Radial Crown Spread (m)	Health Rating	Structural Rating	Comments	ULF (years)	L/Significance	Retention Value	Radial TPZ (m)	Radial SRZ (m)	Implication	
50	<i>Angophora costata</i> (Sydney Red Gum)	250	9	5	Fair	Good	Crown density 50-75%. Partially suppressed. Small (<25mm) diameter deadwood. in low volumes.	15-40	Moderate	Consider for Retention	3	1.9	Retain. No works in TPZ.	
51	<i>Melaleuca quinquenervia</i> (Broad Leaf Paperbark)	300	9	3	Good	Fair	Co-dominant suppression.	Partially inclusion.	15-40	Moderate	Consider for Retention	3.6	2	Retain. No works in TPZ.
52	<i>Eucalyptus tereticornis</i> (Forest Red Gum)	400	13	3	Good	Good	Small (<25mm) diameter deadwood in low volumes. Small (<25mm) epicormic growth. in low volumes.	15-40	Moderate	Consider for Retention	4.8	2.3	Retain. No works in TPZ.	
53	<i>Corymbia maculata</i> (Spotted Gum)	500	15	7	Fair	Good	Crown density 50-75%. Small (<25mm) diameter deadwood in moderate volumes.	5-15	Moderate	Consider for Retention	6	2.5	Retain. Minor Encroachment. Pavement.	
54	<i>Corymbia maculata</i> (Spotted Gum)	450	13	8	Good	Good	Small (<25mm) diameter deadwood in low volumes.	40+	High	Priority for Retention	5.4	2.4	Remove. Building Footprint.	
55	<i>Corymbia maculata</i> (Spotted Gum)	550	16	6	Good	Good	Crown density 75-100%. Small (<25mm) diameter deadwood in moderate volumes. mistletoe in crown.	15-40	High	Priority for Retention	6.6	2.6	Remove. Building footprint.	
56	<i>Corymbia maculata</i> (Spotted Gum)	550	16	7	Good	Good	Small (<25mm) diameter deadwood in low volumes.	40+	High	Priority for Retention	6.6	2.6	Remove. Building footprint.	
57	<i>Corymbia maculata</i> (Spotted Gum)	350	16	5	Good	Good	Partially suppressed. Adaptive growth.	40+	High	Priority for Retention	4.2	2.2	Remove. Building footprint.	
58	<i>Corymbia maculata</i> (Spotted Gum)	500	17	6	Good	Good	Medium (25-75mm) diameter deadwood in low volumes.	40+	High	Priority for Retention	6	2.5	Remove. Building footprint.	

Tree No.	Tree Species	DBH (mm)	Height (m)	Radial Crown Spread (m)	Health Rating	Structural Rating	Comments	ULF (years)	L/Significance	Retention Value	Radial TPZ (m)	Radial SRZ (m)	Implication
99	<i>Schefflera actinophylla</i> (Umbrella Tree)	200	3	2	Good	Good		5-15	Low	Consider for Removal	2.4	1.7	Retain. No works in TPZ.
100	<i>Cupressus sempervirens 'Stricta'</i> (Fastigate Mediterranean Cypress)	200	8	1	Good	Good	Group of 2.	15-40	Moderate	Consider for Retention	2.4	1.7	Retain. No works in TPZ.
102	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	250	6	3	Good	Good	Wound/s, no visible signs of decay. Small (<25mm) epicormic growth in low volumes.	5-15	Moderate	Consider for Retention	3	1.9	Remove. Carpark.
103	<i>Callistemon citrinus</i> (Crimson Bottlebrush)	200 at grade	3	2	Good	Fair		5-15	Low	Consider for Removal	2.4	1.7	Remove. Carpark.
104	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	300 200 200	7	4	Good	Fair	Co-dominant inclusion. Wound/s, early stages of decay.	5-15	Moderate	Consider for Retention	4.8	2.3	Major Encroachment Pavement.
105	<i>Eucalyptus tereticornis</i> (Forest Red Gum)	550	15	7	Good	Fair	Crown density 75-100%. Large (>75mm) diameter deadwood in low volumes. Recommend aerial inspection of branch inclusion at 7m if tree is to be retained.	15-40	High	Priority for Retention	6.6	2.6	Retain. Major Encroachment. Carpark and Hydrant Booster.
106	<i>Callistemon salignus</i> (White Bottlebrush)	200 max	4	2	Good	Fair	Group of 4. Branch inclusion/s, minor.	5-15	Low	Consider for Removal	2.4	1.7	Retain. No works in TPZ.
107	<i>Eucalyptus</i> spp. (Gum Tree)	500	10	7	Good	Good	Medium (25-75mm) epicormic growth in low volumes. Medium (25-75mm) diameter deadwood in low volumes. Branch inclusion/s, minor.	15-40	Moderate	Consider for Retention	6	2.5	Retain. Minor Encroachment. Carpark.
108	<i>Schinus molle</i> var. <i>areira</i> (Peppercorn Tree)	800	9	6	Good	Good	Trunk cavity, major. Small (<25mm) diameter deadwood in moderate volumes. Recommend internal diagnostic testing if tree is retained.	5-15	Moderate	Consider for Retention	9.6	3.1	Retain. No works in TPZ.

Tree No.	Species	DBH (mm)	Height (m)	Radial Crown Spread (m)	Health Rating	Structural Rating	Comments	ULE (years)	L/Significance	Retention Value	Radial TPZ (m)	Radial SRZ (m)	Implication
119	<i>Callistemon salignus</i> (White Bottlebrush)	250	4	3	Good	Fair	Pruned/lopped for line clearance.	5-15	Moderate	Consider for Retention	3	1.9	Retain. No works in TPZ.
120	<i>Callistemon salignus</i> (White Bottlebrush)	350	5	4	Good	Poor	Pruned/lopped for line clearance.	5-15	Moderate	Consider for Retention	4.2	2.2	Retain. Minor Encroachment Wall.

## Appendix 4: Plates

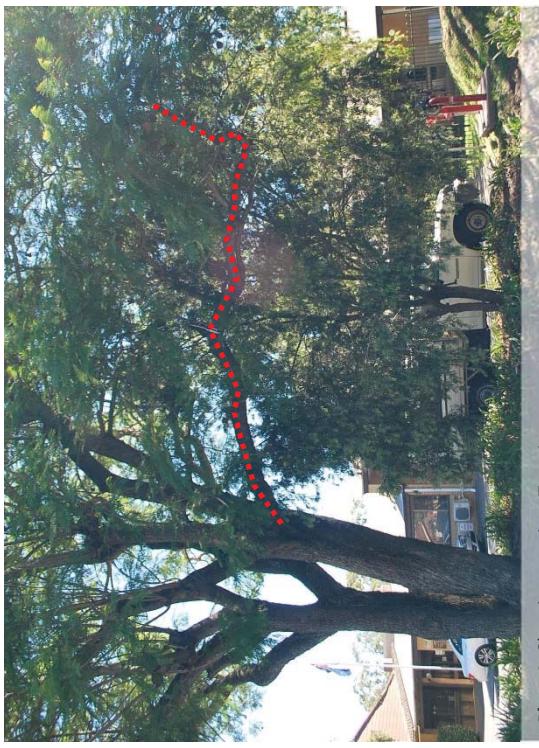


Plate 1: Showing pruning, Tree 1



Plate 2: Showing pruning, Tree 21



Plate 3: Showing pruning Tree 22

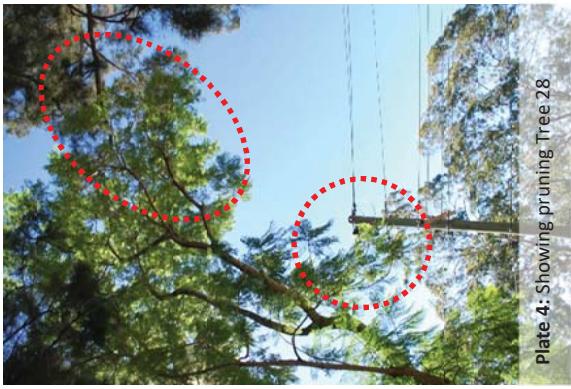


Plate 4: Showing pruning Tree 28



Plate 5: Showing pruning Tree 33

## Appendix 5: Tree Protection Specification

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### 1.0 Appointment of Project Arborist

A Project Arborist shall be engaged prior the commencement of work on-site and monitor compliance with the protection measures. The Project Arborist shall inspect the tree protection measures and Compliance Certification shall be prepared by the Project Arborist for review by the Principal Certifying Authority prior to the release of the Compliance Certificate.

The Project Arborist shall have a minimum qualification equivalent (using the Australian Qualifications Framework) of NSW TAFE Certificate Level 5 or above in Arboriculture.

The site-specific requirement for mulching, irrigation, the location of tree protection fencing and temporary access, and other specific tree protection measures shall be confirmed through consultation between the Head Contractor/Project Manager and the Project Arborist prior to the commencement of works.

### 1.1 Compliance

Contractors and site workers shall receive a copy of these specifications a minimum of 3 working days prior to commencing work on-site. Contractors and site workers undertaking works within the Tree Protection Zone shall sign the site log confirming they have read and understand these specifications, prior to undertaking works on-site.

### 1.2 Tree Protection Zone

The tree to be retained shall be protected prior and during construction from activities that may result in an adverse effect on their health or structural condition. The area within the Tree Protection Zone (TPZ) shall exclude the following activities, unless otherwise stated:

- Modification of existing soil levels, excavations and trenching
- Mechanical removal of vegetation
- Movement of natural rock
- Storage of materials, plant or equipment or erection of site sheds
- Affixing of signage or hoarding to the trees
- Preparation of building materials, refueling or disposal of waste materials and chemicals
- Lighting fires
- Movement of pedestrian or vehicular traffic
- Temporary or permanent location of services, or the works required for their installation
- Any other activities that may cause damage to the tree

NOTE: If access, encroachment or incursion into the TPZ is deemed essential, prior authorisation is required by the Project Arborist.

### 1.3 Tree Protection Fencing

TPZ fencing shall be located at perimeter of the TPZ. Refer to Tree Assessment Schedule (**Appendix 3**). The exact location of the fencing shall be confirmed through consultation between the Head Contractor/Project Manager and the Project Arborist prior to the commencement of works. Fencing may be setback to allow for demolition/construction access and for the installation of pavements only where appropriate ground protection is installed and approved by the Project Arborist.

As a minimum, the Tree Protection Fence shall consist of 1.8m high wire mesh panels supported by concrete feet. Panels shall be fastened together and supported to prevent sideways movement. The tree shall not be damaged during the installation of the Tree Protection Fencing. Refer to Typical Tree Protection Details (3) (**Appendix 6**).

### 1.4 Signage

Signs identifying the TPZ should be placed around the edge of the TPZ and be visible from within the development site. The lettering on the sign should comply with *Australian Standard - 1319 (1994) Safety signs for the occupational environment*. The signage shall be installed prior to the commencement of works on-site and shall be maintained in good condition for the duration of the development period.

### 1.5 Site Management

Materials, waste storage, and temporary services shall not be located within the TPZ.

## 1.6 Scaffolding

Where possible, scaffolding shall not be located within the TPZ. Scaffolding shall not be in contact with the tree. As necessary, this shall be achieved by erecting scaffolding around branches. Branches shall be tied back and protected as deemed necessary by the Project Arborist. Refer to Typical Tree Protection Details (5) (**Appendix 6**).

## 1.7 Ground Protection

Ground protection shall be installed to any unfenced areas of the TPZ. Where possible, areas of existing pavement shall be retained as ground protection. Pedestrian, vehicular and machinery access within a TPZ shall be restricted solely to areas where ground protection has been installed. Refer to Typical Tree Protection Details (3) (**Appendix 6**).

## 1.9 Works within the Tree Protection Zones

In some cases works within the TPZ may be authorized by the determining authority. **These works shall be supervised by the Project Arborist.** When undertaking works within the TPZ, care should be taken to avoid damage to the tree's root system, trunks and lower branches.

If roots (>25mmØ) are encountered during the demolition, excavation and construction works, these roots must be retained in an undamaged condition and advice sought from the Project Arborist. Adjustment of final levels and design shall remain flexible to enable the retention of roots (>25mmØ) where deemed necessary by the Project Arborist.

## 1.10 Tree & Vegetation Removal

Tree removal works shall be undertaken in accordance with the *Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal Work (2016)* and other applicable codes and legislation.

Tree removal shall not damage the trees to be retained. Other vegetation to be removed within a TPZ shall be carefully lifted by hand/hand tools to avoid damaging roots (>25mmØ) within the surrounding soil profile.

## 1.11 Structure & Pavement Demolition

Demolition of existing structures/pavement within the TPZ shall be supervised by the Project Arborist. Machinery is to be excluded from the TPZ unless operating from the existing slabs, pavements or areas of ground protection (refer to Section 1.8). Machinery shall work in conjunction with a spotter to guide the machinery operator and ensure that the ground surface/tree roots beneath the structure/pavement are not disturbed/damaged by demolition works. Machinery should not contact the tree's roots, trunk, branches and crown. Wherever possible, footings or elements below grade shall be retained to minimise disturbance to roots.

Small structures to be demolished within a TPZ shall be carefully broken up in small sections using a hand-operated pneumatic/electric breaker and waste material removed by hand/hand tools. Large structures to be demolished within the TPZ shall be undertaken within the footprint of the existing structure ('top down, pull back') and away from the trees.

When removing slab/pavement sections within TPZ, machinery shall work backwards out of the TPZ to ensure machinery remains on un-demolished sections of slab at all times. Existing sub-base materials within a TPZ shall remain in-situ and (and reused) where possible. If the existing sub-base is to be removed, these works shall be undertaken by hand/hand tools ensuring that tree roots are retained and protected.

If roots (>25mmØ) are encountered during the demolition works, these roots must be retained in an undamaged condition and advice sought from the Project Arborist. Exposed roots shall be protected from direct sunlight, drying out and extremes of temperature by covering with a 10mm thick jute geotextile fabric. The geotextile fabric shall be kept in a damp condition at all times. Where the Project Arborist determines that the tree is using underground elements (i.e footings, pipes, rocks etc.) for support, these elements shall be left in-situ.

## 1.12 Underground Services

Underground service installation within the TPZ shall be supervised by the Project Arborist.

The installation of underground services shall be located outside of the TPZ. Where this is not possible, they shall be installed using tree sensitive excavation methods (hand/hydrovac/airspade) with the services installed around/below roots (>25mmØ, or as determined by the Project Arborist). Excavation using compact machinery fitted with a flat bladed bucket is permissible where approved by the Project Arborist. Excavation using compact machinery should be undertaken in small increments, guided by a spotter who is to look for and prevent damage to roots (>25mmØ).

Alternatively, boring methods may be used for underground service installation where the installation depth is greater than 1500mm below existing grade. Excavations for starting and receiving pits for boring equipment shall be located outside of the TPZ or located to avoid roots (>25mmØ, or as determined by the Project Arborist).

#### **1.13 Building & Driveway Construction**

Tree sensitive excavation (hand/hydrovac/airspade/compact excavator) and root pruning should be undertaken along the line of the building/driveway cross over within or adjacent to TPZ areas prior to the commencement of mechanical excavation to prevent shattering of roots by excavation equipment. No over excavation into TPZ areas should be undertaken. Refer to Section 1.15.

#### **1.14 Pavement Installation**

New pavements (including sub-base materials) within TPZ areas shall be installed above or at existing grade and utilise existing sub-base layers where possible. Pavement sub-base layers shall be either, thinned or finished pavement levels amended as required to enable the retention of significant roots (as determined by the Project Arborist).

#### **1.15 Plant/Turf Installation**

Plant installation within TPZ areas shall be undertaken using hand tools and roots (>25mmØ) shall be protected. No mechanical cultivation/ripping of soils shall be undertaken within TPZ areas.

Landscape planting shall be completed in the final stage of the development works and tree protection fencing and trunk protection shall remain in place until these works are due to commence.

#### **1.16 Excavations, Root Protection & Root Pruning**

All excavation works (including root investigations) within TPZ areas shall supervised by the Project Arborist and utilise tree sensitive methods. These methods include hand, airspade or hydrovac excavation. Where approved by the Project Arborist, excavation using compact machinery fitted with a flat bladed bucket is permissible. Unless specified otherwise, excavation using compact machinery shall be undertaken in small increments, guided by a spotter who is to look for and prevent damage to roots (>25mmØ).

Exposed roots shall be protected from direct sunlight, drying out and extremes of temperature by covering with a 10mm thick jute mat, followed by a layer of plastic membrane. Coverings shall be weighted to secure them in place. The mat shall be kept in a damp condition at all times.

No over-excavation, battering or benching shall be undertaken beyond the footprint of any structure unless approved by the Project Arborist. Hand excavation and root pruning shall be undertaken along the excavation line prior to the commencement of mechanical excavation to prevent tearing and shattering damage to the roots from excavation equipment.

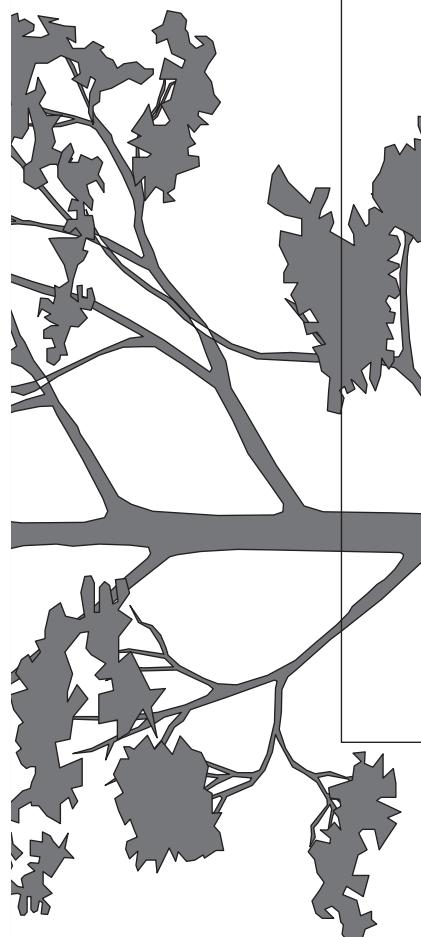
Roots (>25mmØ) shall be pruned by the Project Arborist only. Roots (<25mmØ) may be pruned by the Principal Contractor. Root pruning shall be undertaken with clean, sharp secateurs or a pruning saw to ensure a smooth wound face, free from tears. Damaged roots shall be pruned behind the damaged tissues with the final cut made to an undamaged part of the root.

## Appendix 6: Typical Tree Protection Details

---

p. 0404 424 264 | f. 02 9012 0924  
po box 146 summer hill 2130  
[info@treeiQ.com.au](mailto:info@treeiQ.com.au)  
abn 62 139 088 832

**Note:**  
No excavation, construction activity, grade changes, surface treatment or storage of materials of any kind is permitted within the TPZ.



**Option 1 - Fencing**  
1.8m high chain wire mesh panels with shade cloth attached (if required), held in place with concrete feet.

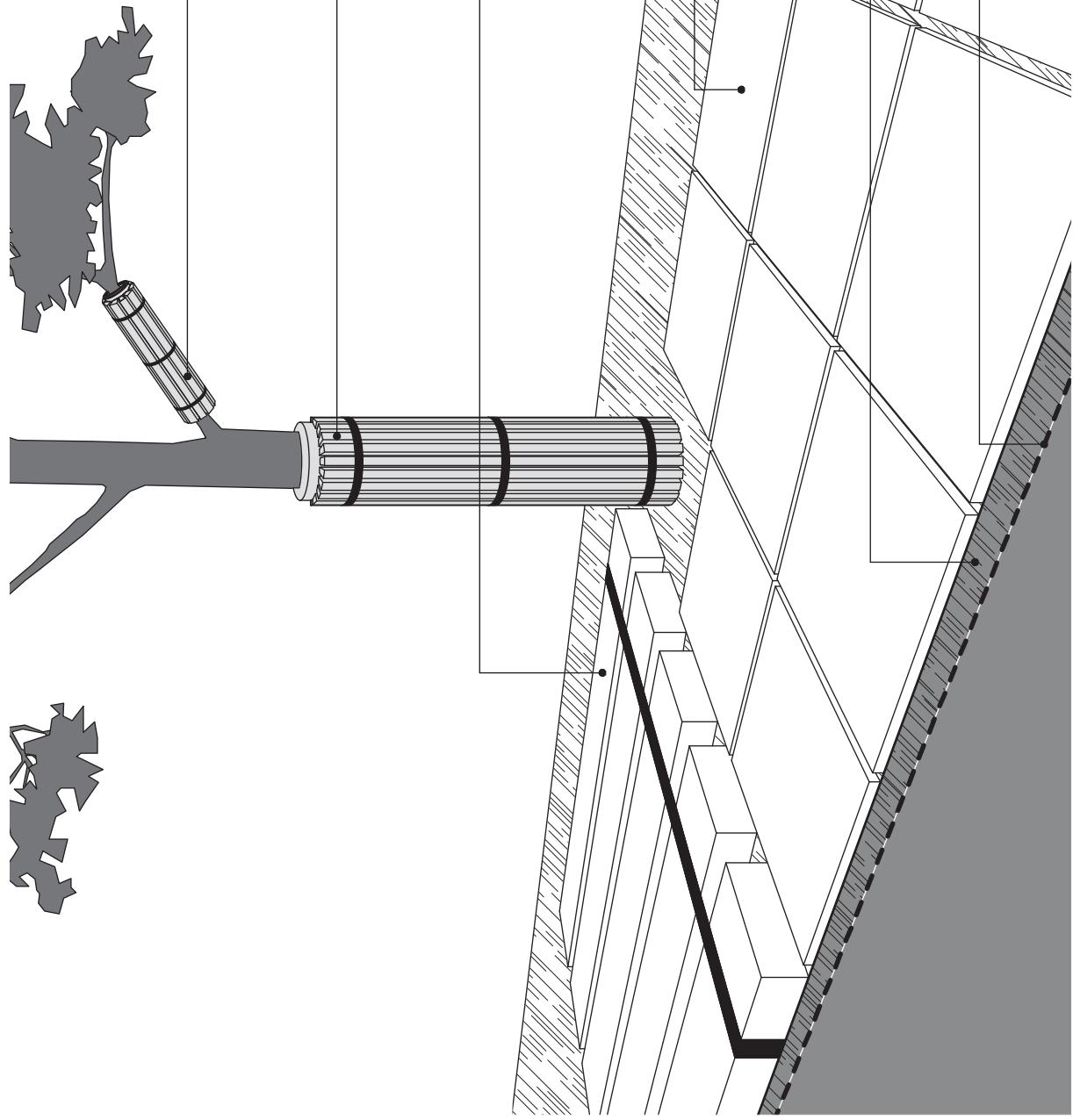
Tree Protection Zone (TPZ) sign

**Option 2 - Fencing**  
Plywood or wooden panel palisade fence. This type of fencing material also prevents building materials or soil entering the TPZ.

Installation of supports should avoid damaging roots.

Bracing is permissible within the TPZ.

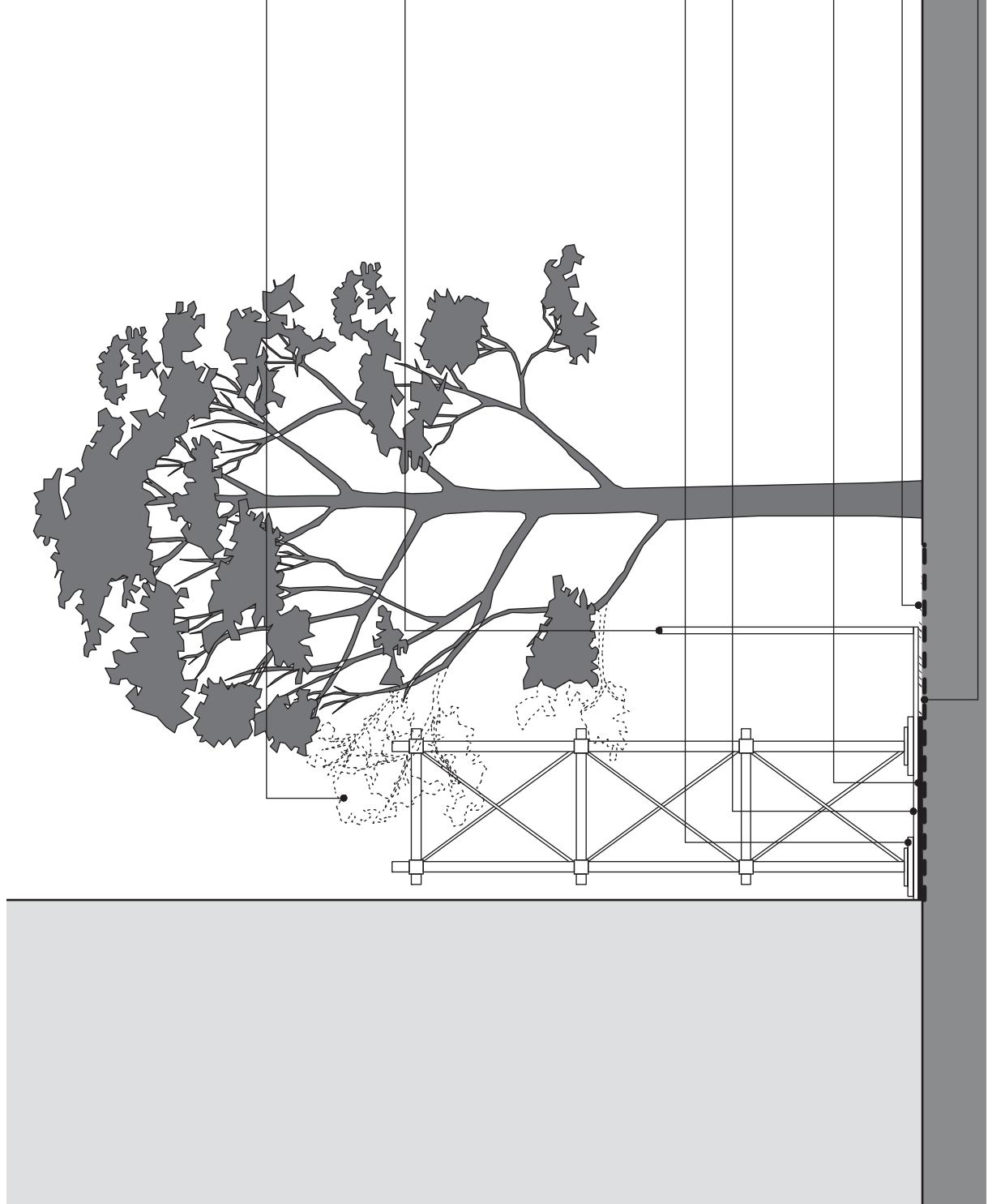
Maximum 100mm and minimum 50mm depth mulch or aggregate layer installed across surface of TPZ.



04

Examples of Branch, Trunk and Ground Protection

Not to Scale





PLANNING



BUILDING



HERITAGE



URBAN DESIGN

## Clause 4.6 Variation Request

### Edinglassie Village Residential Care Facility – SEPP (Housing for Seniors or People with a Disability) 2004 - Clause 40(4)(a)

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

Submitted to Penrith City Council  
on behalf of Uniting

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March 2018 | 15-091

## Report Revision History

Revision	Date Issued	Prepared by	Reviewed by	Verified by
01	23/03/18	<b>Mark Purdy</b> <i>Senior Project Planner</i>	<b>David Ryan</b> <i>Executive Director</i>	<b>David Ryan</b> <i>Executive Director</i> 
02	28/03/18	<b>Mark Purdy</b> <i>Senior Project Planner</i>	<b>David Ryan</b> <i>Executive Director</i>	

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

### CERTIFICATION

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

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## 1. Introduction

This Clause 4.6 variation request accompanies a Development Application (DA) submitted to Penrith City Council for demolition of structures and the construction of a three storey Residential Care Facility (RACF) at 1-11 Emerald Street and 6-8 Troy Street, Emu Plains.

The Environmental Planning Instrument (EPI) to which this variation relates is the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP). The exception is sought via a Clause 4.6 variation in relation to Clause 40(4)(a) of the Seniors SEPP. The numeric value of Clause 40(4)(a) 'Height in zones where residential flat buildings are not permitted' development standard is 8 metres. The zoning of the land is R3 Medium Density Residential under the PLEP and Residential Flat Buildings are not permitted in the zone. The Seniors SEPP defines height as the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

This request has been prepared in accordance with the Department of Planning & Environment (DP&E) Guideline Varying Development Standards: A Guide, August 2011, and has incorporated as relevant principles identified in the following judgements:

1. *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46*
2. *Wehbe v Pittwater Council [2007] NSWLEC 827*
3. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1')*
4. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*
5. *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3')*
6. *Moskovich v Waverley Council [2016] NSWLEC 1015*

In this report, we have explained how flexibility is justified in this case in terms of the matters explicitly required by Clause 4.6 to be addressed in a written request from the Applicant. This report also addresses, where relevant and helpful, additional matters that the consent authority is required to be satisfied of when exercising either the discretion afforded by Clause 4.6 and the assumed concurrence of the Secretary.

## 2. Extent of variation

The numerical value of Clause 40(4)(a) 'Height in zones where residential flat buildings are not permitted' development standard is 8m. The Seniors SEPP defines height as the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

The maximum variation requested is 2.66m. As shown on DA Drawing No. DA201 'True South Elevation', the variation is a result of a 1.8m variation above the nominated 8m height standard, in addition to 0.866m variation when measured from ground level (existing). In this regard, 32% of the variation is a result of the natural contouring of a small section of the site. The scope of the variation is shown in Figure 1 below.

We note that the ground level changes across the site and as such the elevations have been produced using accurate RL data based on the site survey to demonstrate the extent of the variation.

In addition, the DA Drawing No. DA201 'True South Elevation' illustrates that the roof is 11.4m and the lift overrun is 13.5m. This has been provided for information purposes only. The measurements do not relate to the overall calculation of the variation, as in accordance with the Seniors SEPP height is defined as the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

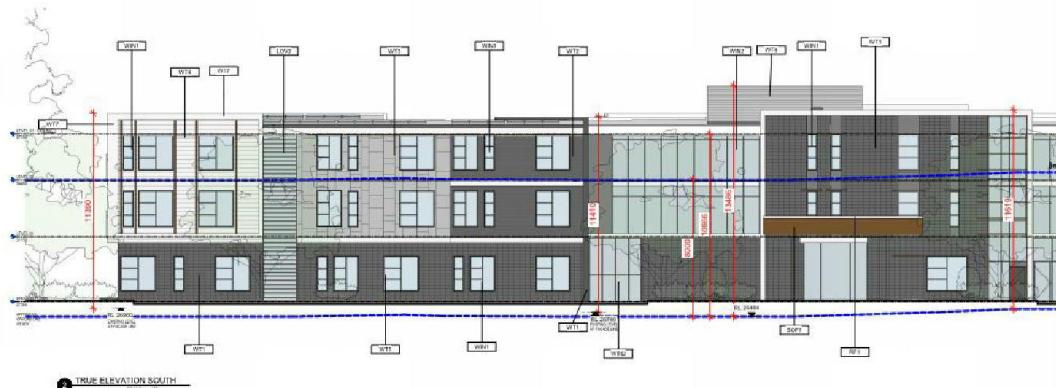


Figure 1: Extract of east elevation indicating the maximum height non-compliance shown in red  
(Source: MDS Architects)

### 3. Compliance with the development standard is unreasonable or unnecessary in the circumstances of this case. [cl. 4.6(3)(a)]

#### Achieves the objectives of the standard

Compliance with in Clause 40(4)(a) 'Height in zones where residential flat buildings are not permitted' development standard is unreasonable or unnecessary in the circumstances of this case because, as explained in Table 1 (below), the objectives of the development standard are achieved, notwithstanding non-compliance with the standard<sup>1</sup>.

The Seniors SEPP provides no instruction on the intent of the height controls in Clause 40(4)(a) and does not otherwise nominate any objectives to underpin the intent of the various height controls. It is therefore necessary to assume what the purpose of the standard might be, and then to evaluate whether a variation to the control would be consistent with these objectives.

Table 1 - Achievement of Development Standard Objectives

Objective	Discussion
To ensure that the development does not dominate the streetscape by virtue of its scale and bulk and is consistent with the character of the area;	<ul style="list-style-type: none"><li>▪ The built form is visually broken up so that it does not appear as one building from key aspects. The different sections of the building are setback between 6-60m and are separated by generous breaks and landscaping. In addition, the proposal will maintain consistency with the street context and streetscape character by retaining the existing minimum 6m street/front setbacks and increasing the eastern setback to enhance views to (the Uniting Church Heritage Item).</li><li>▪ The building is articulated and provides a number of indentations, including a central courtyard within the northern facade. Further use of a variety of building materials, colours and finishes will divide the building mass and reduce the bulk and scale of the building. Overall, this will minimise visual impact of the development to the surrounding area and the development will contribute positively to the desired contextual character.</li><li>▪ The majority of existing significant vegetation has been retained (approximately 91% of trees) and referenced to establish building heights and provide screening. The retained trees, particularly those located in the north-east section of the site, will serve to soften the bulk and scale of the</li></ul>

<sup>1</sup> In *Wehbe v Pittwater Council* [2007] NSWLEC 827 Preston CJ identified 5 ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary and that it is sufficient for only one of these ways to be established. Although the decision concerned SEPP 1, it remains relevant to requests under clause 4.6 as confirmed by Pain J in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, notwithstanding that if the first and most commonly applied way is used, it must also be considered in 4.6(4)(a)(ii). The 5 ways in Wehbe are: 1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard; 2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary; 3. The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable; 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary; or 5. The zoning of the land is unreasonable or inappropriate.

proposed built form when viewed from the Great Western Highway. In addition, additional landscaping proposed along the northern façade will assist to soften the view of the development, thereby ensuring the development will not have a significant impact on the amenity of the locality.

- The varied building alignment along the northern and eastern façade effectively serves to break up the bulk, define the street edge and contribute to the landscape setting of buildings. The inclusion of a courtyard between the east and west wings of the building also serves to break up the building bulk, thereby ensuring the building does not dominate the streetscape.
- Extensive building setbacks (13.6m to 23.7m) have been provided to Emerald Street to retain visual relationships between the proposed development and the adjoining heritage item, retain existing vegetation and to provide suitable setbacks from residential properties along Emerald Street to reduce visual impact. In this regard, the nearest residential development is located approximately 36m from the site boundary.
- The proposed building has been setback over 13.6m from Emerald Street, thereby ensuring views south from the Great Western Highway to the Uniting Church are maintained and enhanced.
- The existing fellowship centre is currently located approximately 2.5m from the southern façade of the heritage item and does little to improve the curtilage of the item. In comparison, the proposal seeks to demolish the fellowship centre and set the proposed building back by 6.7m, thereby ensuring the development provides an appropriate visual relationship.
- Visually, the height difference between the existing chapel and proposed building will be mediated by the re-planting of the large deciduous trees which historically grew to the northwest of the chapel. The relationship between the church building and tree, which dominated the Emerald Streetscape in early photographs will be re-established.
- The proposed eastern façade adopts suitable materials, finishes as well as articulation throughout its elevations to achieve appropriate presentation to both the adjoining public and private domains.
- Additional perimeter plantings will be provided to soften any potential visual impact.
- Taller building elements such as lift shafts are located in the centre of the development to minimise impact on neighbouring residential

	<p>development, maximise setbacks and minimising overshadowing and privacy impacts.</p>
To ensure compatibility with the streetscape and site context; and	<p>The subject site is within an established urban area with a streetscape and context defined by the following attributes:</p> <ul style="list-style-type: none"> <li>▪ The subject site provides a 200m frontage to the Great Western Highway and 127m to Emerald Street. The site currently accommodates an extensive medium density retirement village containing residential care facilities, a hostel and self-contained dwellings. In this regard, the existing medium density development is one of the prominent features of the streetscape;</li> <li>▪ The site is located directly opposite a school to the south (potential height limit under the Schools SEPP of 22m) and a large shopping complex to the north (15m height limit);</li> <li>▪ To the east and west are 1-2 storey residential dwellings zoned as R3 Medium Density Residential;</li> <li>▪ The site is also located on the Great Western Highway, which has a road reserve in excess of 40m.</li> </ul> <p>In light of the above, the streetscape can be viewed as a mixture of medium density and low density residential dwellings, institutional buildings and commercial development. When understood within this context, the proposed increase in building height is not considered to result in a development that is incompatible with the streetscape and site context.</p> <p>In addition, further justification in relation to compatibility with the streetscape is provided as follows:</p> <ul style="list-style-type: none"> <li>▪ The built form is visually broken up so that it does not appear as one building from key aspects. The different sections of the building are separated by generous breaks and landscaping;</li> <li>▪ The design largely preserves existing site characteristics, including vegetation and topography, which assist in reducing the visual dominance of development;</li> <li>▪ The proposed built form and materials have been chosen with care and sensitivity to the site context;</li> <li>▪ The architectural elements along the eastern façade break up the overall massing and impart a sense of human habitation in a “residence” as opposed to “institution”;</li> <li>▪ The proposed 6m-41m setback to the Great Western Highway is consistent with the</li> </ul>

	<p>surrounding pattern of development and reduces the perception of height;</p> <ul style="list-style-type: none"> <li>▪ The generous setbacks along eastern boundary reduce the perception of height.</li> </ul>
<p>To not cause unreasonable amenity impacts on adjoining developments.</p>	<p>There are various potential impacts that are associated with increased height and the amenity to adjoining properties. These are discussed separately below.</p> <p><b><i>Solar Access and Overshadowing</i></b></p> <p>The envelope of the building has been designed and sited to ensure no undue overshadowing will occur to the public domain or to any neighbouring buildings. Shadows from the proposal are contained within the property. Consequently, the proposed development does not create any additional overshadowing to impact adjoining properties.</p> <p><b><i>Privacy</i></b></p> <p>The proposal does not result in any parts of the building above the height standard that would result in any loss of privacy or overlooking to adjoining properties. The siting and placement of buildings optimises the separation of buildings within the site and on adjoining land. Specifically, the following building separation distances are provided:</p> <ul style="list-style-type: none"> <li>▪ Approximately 36m between the building and the residential development located to the east along Emerald Street;</li> <li>▪ Approximately 74m between the building and the Lennox Village Shopping Centre located to the north; and</li> <li>▪ Approximately 82m between the building and the school located to the south.</li> </ul> <p>Visual privacy is further achieved through suitable screening devices and landscape plantings to provide screening.</p> <p><b><i>Acoustic</i></b></p> <p>There are no areas of the building above the height standard that would result in any acoustic impact to surrounding properties. The breach of the standard will not result in any acoustic impacts to surrounding properties.</p> <p><b><i>Views</i></b></p> <p>There are no significant views in the surrounding area. The proposed breach of the standard will not result in the loss of any views from surrounding properties.</p> <p><b><i>Bulk and scale</i></b></p>

	<p>The proposal has been designed to ensure that the development is not visually dominant as viewed from the street and surrounding properties. The bulk of the development has been minimised through the varied building alignment along the northern and eastern façade, internal courtyard and retained vegetation. The taller parts of the building such as the lift over-run are located centrally on the roof and are not highly visible from the surrounding area. The bulk and scale of the building will be consistent with the bulk and scale of the existing development on the site. The materials and colours are considered to be respectful and sensitive to the surrounding area.</p>
--	--

In addition to the above assumed objectives, the proposed variation should also be considered as to whether it is consistent with the SEPP Seniors aims/objectives pursuant to Clause 2(1) - Aims of the Policy, which are outlined below:

*"This Policy aims to encourage the provision of housing (including residential care facilities) that will:*

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) make efficient use of existing infrastructure and services, and*
- (c) be of good design Response"*

The proposal is consistent with and achieves the aims of the policy as outlined in Table 2 (below):

Figure 2 Achievement of SEPP Seniors Clause 2(1) - Aims of the Policy

Objective	Discussion
(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability;	The proposed development will promote the social and economic welfare of the local community through the provision of seniors housing that complies with all relevant standards relating to facilities and accessibility for the aged and disabled people.
(b) make efficient use of existing infrastructure and services, and	The existing facility is provided with all the utility services to support seniors housing. This application seeks to provide beds within the existing facility, which directly achieves the aims under Clause 2(1)(a) and (b). The additional demands associated with the extra accommodation are not expected to be beyond the capacity of the existing utility services, which will be augmented as necessary to meet the requirements of relevant service providers.
(c) be of good design response	There will be no unreasonable adverse impacts on the environment. The Design Statement prepared by MDP Architects in support of this development application demonstrate that the development provides a well

	<p>considered design response that meets the needs of seniors and people with disabilities.</p> <p>Further to the above, the proposal is considered to be consistent with the principles outlined in PC No 5 (Wombarra) Pty Ltd v Wollongong City Council [2003] NSWLEC 268 based on the following:</p> <ul style="list-style-type: none"> <li>▪ The built form is visually broken up so that it does not appear as one building from key aspects. The different sections of the building are separated by generous breaks and landscaping;</li> <li>▪ The design largely preserves existing site characteristics, including vegetation and topography, which assist in reducing the visual dominance of development;</li> <li>▪ The proposed built form and materials have been chosen with care and sensitivity to the site context; and</li> <li>▪ The design is considered to be compatible with the streetscape.</li> </ul>
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#### 4. There are sufficient environmental planning grounds to justify contravening the standard. [cl. 4.6(3)(b)]

The SEE prepared for this DA provides a holistic environmental planning assessment of the proposed development and concludes that subject to adopting a range of reasonable mitigation measures, there are sufficient environmental planning grounds to support the development. In particular, the SEE has demonstrated that the proposal is substantially compliant with the relevant environmental planning framework. Therefore, it can be concluded that the proposal does not result in any unreasonable environmental impacts.

Additional specific environmental grounds to justify the breach of the standard are summarised as follows:

- A compliant development could be achieved on site through provision of a larger building footprint and significantly reduced setbacks to the eastern boundary. This however would require more extensive tree removal and lead to increased impacts on adjoining residences and the Uniting Church Heritage Item. In comparison, the proposed noncompliance enables an extensive building setback along Emerald Street (13.6m to 23.7m) and the Great Western Highway (6m to 41m). Consequently, the proposed non-compliance effectively provides for:
  - Increased retention of vegetation along the sites eastern frontage;
  - Increased setbacks and privacy for adjoining residential development;
  - An enhanced view corridor to the existing Uniting Church Heritage Item from the Great Western Highway; and
  - Increased building setbacks to the Uniting Church Heritage Item and an improved landscaped curtilage.

It follows that the proposed breach of the height standard provides for an improved response to the site's existing natural and built environment.

- Given the extensive scale of the existing RACF, it is considered that the existing development forms its own character, which is not that of a low density residential development. Rather, the existing development has the character of a medium density residential development as envisaged by the objectives of the R3 Medium Density zone.
- The site is effectively bookended by the Lennox Village Shopping to the north and the school to the south. The Lennox Village Shopping Centre has a 15m height limit and the school to the south also has a height limit of 22m in accordance with the SEPP (Educational Establishment and Child Care Facilities). The site is also surrounded by mature vegetation up to 20m in height as depicted on the urban height and significant tree context analysis Plan DA062 at **Appendix 2**. It follows that the breach of the standard allows for a development that is contextually appropriate and not inconsistent with the existing and desired future character of the area.
- The proposed contravention of the development standard will not lead to any loss of views or overshadowing of adjoining properties over and above that associated with a compliant development.

In addition to the above, Uniting have advised the following in relation to the specific environmental grounds that further justify the breach of the standard:

- The proposed contravention enables a built form response that meets the conventional aged care models for development. Specifically, the development

provides for internal accessibility and large level floor plates, suitable sight distances from centralised nursing stations and the need for a certain number of beds for operational and commercial viability. The more vertical design, as opposed to a spread out low form, also ensures facilities are operationally efficient. The combination of these specialist built form requirements generally leads to multi-storey development. When combined with the need to retain vegetation and address flooding, these factors can further increase the non-compliance as in this case. It therefore follows that the proposed contravention enables a built form that meets the needs of future occupants, is commercially viable whilst also enabling the preservation of the natural site features.

- Uniting intends to maintain continuity of aged care services on this site during the redevelopment phase, which is evidenced by the retention of 50 hostel beds during the construction period at some considerable cost; and
- The reintroduction of the Fellowship Centre on the ground floor of the proposed development will require larger floor to ceiling heights, which increases the overall building height. Uniting sees the continuation of this community service an important element of this development.

Accordingly, notwithstanding the non-compliance with the numerical standard the proposed development achieves the objectives of the standard as well as being consistent with the planning controls and thus the objection is well founded. Strict compliance in the circumstances of this case is unnecessary and unreasonable to achieve the specified objective of the standard.

## 5. The proposal will be in the public interest because it is consistent with the objectives of the standard and the objectives of the zone. [cl. 4.6(4)(a)(ii)]

In section 2 (above), it was demonstrated that the proposal is consistent<sup>2</sup> with the objectives of the development standard. The proposal is also consistent with the objectives of the zone as explained in Table 2 (below).

Table 2 - Consistency with Zone Objectives

Objective	Discussion
To provide for the housing needs of the community within a medium density residential environment.	The proposal provides additional housing for the local area, addressing the local market demand for seniors care housing. The breach of the standard does not result in an inconsistency with this objective.
To provide a variety of housing types within a medium density residential environment.	The breach of the standard does not result in an inconsistency with this objective. The proposed new RACF will be in the form of a three (3) storey building containing 100 beds. The seniors housing has been designed around the concept of providing 'households'. The households seek to provide a homelike environment for residents by grouping bedrooms with their own living, dining, kitchen, and laundry areas, all within a secure household environment.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The breach of the standard does not result in an inconsistency with this objective. The proposed development incorporates a range of ancillary uses and services including a café, beauty and hair salon, multi-purpose room, chapel and fellowship centre.
To provide for a concentration of housing with access to services and facilities.	The proposal provides the concentration of housing with access to a range of ancillary services on site and within adjoining commercial development. The breach of the standard does not result in an inconsistency with this objective.
To enhance the essential character and identity of established residential areas.	The breach of the standard does not result in an inconsistency with this objective. As discussed earlier, the design largely preserves existing site characteristics such as vegetation and topography, which enhances the character of the area. The proposed built form and materials have also been chosen with care and sensitivity to the site context, ensuring a sense of 'domesticity' to the building.
To ensure that a high level of residential amenity is achieved and maintained.	The breach of the standard does not result in an inconsistency with this objective. As discussed earlier, the design largely preserves existing site

<sup>2</sup> In *Dem Gillespies v Warringah Council* [2002] LGERA 147 and *Addenbrooke Pty Ltd v Woollahra Municipal Council* [2008] NSWLEC the term 'consistent' was interpreted to mean 'compatible' or 'capable of existing together in harmony'.

	characteristics such as vegetation and topography, which enhances the character of the area. The proposed built form and materials have also been chosen with care and sensitivity to the site context, ensuring a sense of 'domesticity' to the building.
To ensure that development reflects the desired future character and dwelling densities of the area.	The breach of the standard does not result in an inconsistency with this objective. The character of the area is comprised of a mixture of medium density and low density residential dwellings, institutional buildings and commercial shopping centre developments. Within this context, the proposed development is not inconsistent with the desired future character and dwelling densities of the area.

As can be seen from Table 2, the proposal is consistent with the objectives of the standard and the objectives of the zone, and is therefore in the public interest.

6. Contravention of the development standard does not raise any matter of significance for State or regional environmental planning. [cl. 4.6(5)(a)]

There is no identified outcome which would be prejudicial to planning matters of state or regional significance that would result as a consequence of varying the development standard as proposed by this application.

## 7. There is no public benefit of maintaining the standard [cl. 4.6(5)(b)]

There is no public benefit<sup>3</sup> in maintaining strict compliance with the development standard given that there are no unreasonable impacts that will result from the variation to the development standard and hence there are no public disadvantages. Conversely, non-compliance with the development standard would allow for the consolidation of seniors housing in a single location (rather than ad-hoc piecemeal seniors development on other R3 zoned land), whilst retaining significant views and vegetation and not having any unreasonable environmental impacts. Moreover, the proposal will provide additional seniors accommodation and care for the community in an area highly serviced by suitable retail, medical services and public transport. Therefore, the advantages of the proposal outweigh the disadvantages.

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<sup>3</sup> *Ex Gratia P/L v Dungog Council (NSWLEC 148)* established that the question that needs to be answered to establish whether there is a public benefit is “whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development”



PLANNING



BUILDING



HERITAGE



URBAN DESIGN

## Clause 4.6 Variation Request

### Edinglassie Village Residential Care Facility – SEPP (Housing for Seniors or People with a Disability) 2004 - Clause 40(4)(b)

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

Submitted to Penrith City Council  
on behalf of Uniting

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## Report Revision History

Revision	Date Issued	Prepared by	Reviewed by	Verified by
01	28/03/18	<b>Mark Purdy</b> <i>Senior Project Planner</i>	<b>David Ryan</b> <i>Executive Director</i>	<b>David Ryan</b> <i>Executive Director</i> 

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

### CERTIFICATION

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

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## 1. Introduction

This Clause 4.6 variation request accompanies a Development Application (DA) submitted to Penrith City Council for demolition of structures and the construction of a three storey Residential Care Facility (RACF) at 1-11 Emerald Street and 6-8 Troy Street, Emu Plains.

The Environmental Planning Instrument (EPI) to which this variation relates is the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP). The purpose of this Clause 4.6 variation request is to address a variation to Clause 40(4)(b) of the Seniors SEPP. The numeric value of Clause 40(4)(b) 'Height in zones where residential flat buildings are not permitted' development standard is 2 storeys adjacent to a boundary. The zoning of the land is R3 Medium Density Residential under the PLEP and Residential Flat Buildings are not permitted in the zone.

This request has been prepared in accordance with the Department of Planning & Environment (DP&E) Guideline Varying Development Standards: A Guide, August 2011, and has incorporated as relevant principles identified in the following judgements:

1. *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46*
2. *Wehbe v Pittwater Council [2007] NSWLEC 827*
3. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1')*
4. *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*
5. *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3')*
6. *Moskovich v Waverley Council [2016] NSWLEC 1015*

In this report, we have explained how flexibility is justified in this case in terms of the matters explicitly required by Clause 4.6 to be addressed in a written request from the Applicant. This report also addresses, where relevant and helpful, additional matters that the consent authority is required to be satisfied of when exercising either the discretion afforded by Clause 4.6 and the assumed concurrence of the Secretary.

## 2. Extent of variation

As shown in Figure 1 below, approval is sought to vary the standard by 1 storey. The height adjacent to the north and eastern boundary exceeds two storeys.

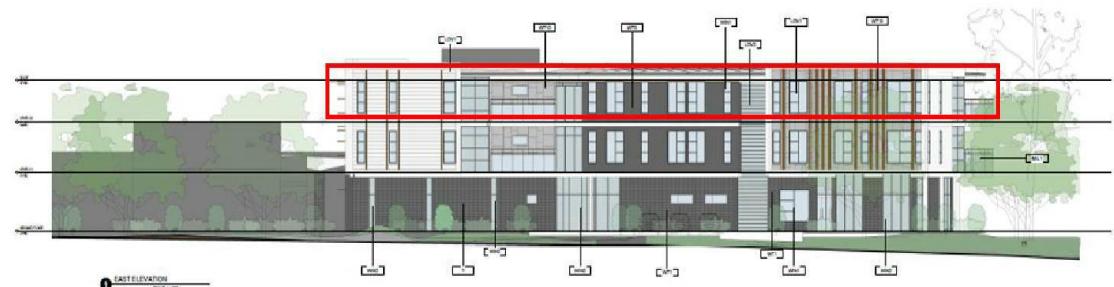


Figure 1: Extract of east elevation indicating the maximum height non-compliance shown in red  
(Source: MDP Architects)

### 3. Compliance with the development standard is unreasonable or unnecessary in the circumstances of this case. [cl. 4.6(3)(a)]

#### Achieves the objectives of the standard

Compliance with in Clause 40(4)(b) 'Height in zones where residential flat buildings are not permitted' development standard is unreasonable or unnecessary in the circumstances of this case because, as explained in Table 1 (below), the objectives of the development standard are achieved, notwithstanding non-compliance with the standard<sup>1</sup>.

Further to the above, the Seniors SEPP provides no instruction on the intent of the height controls in Clause 40(4)(b) and does not otherwise nominate any objectives to underpin the intent of the various height controls. Notwithstanding this, subclause (b) includes a note as follows:

*"the purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape".*

It is therefore necessary to assess whether the development results in an *abrupt* change in the scale of development in the streetscape. *Abrupt* is typically defined as "sudden and unexpected" or "steep" change. In the context of the development control, an abrupt change can therefore be viewed as a sudden or steep change in the scale of development.

A 3 storey building is proposed adjacent to the eastern and northern boundary of the site, being Emerald Street and the Great Western Highway respectively.

Proposed development along the eastern frontage includes a single storey canopy feature designating the main pedestrian entry, with a two storey building element above. This 3 storey building line is a smaller protruding wing of the eastern façade that is located approximately 13.6m from the Emerald Street boundary. The majority of the building line is further recessed, providing for a building line located approximately 23.7m from the Emerald Street boundary. In this regard, the proposed built form of the eastern façade is visually broken up so that it does not appear as one building from key aspects, with the different sections of the building being separated by generous breaks and landscaping.

Based on the above, the non-compliant section of the eastern façade is located approximately 36m from the nearest adjoining dwelling located on Emerald Street. The significant physical separation between the proposal and the dwelling houses on Emerald Street to the east, in combination with the differentiated building line, provides for a gradual and respectful transition in building height. In this respect, the change in scale is neither sudden or steep.

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<sup>1</sup> In *Wehbe v Pittwater Council* [2007] NSWLEC 827 Preston CJ identified 5 ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary and that it is sufficient for only one of these ways to be established. Although the decision concerned SEPP 1, it remains relevant to requests under clause 4.6 as confirmed by Pain J in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, notwithstanding that if the first and most commonly applied way is used, it must also be considered in 4.6(4)(a)(ii). The 5 ways in Wehbe are: 1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard; 2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary; 3. The objective would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable; 4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence the standard is unreasonable and unnecessary; or 5. The zoning of the land is unreasonable or inappropriate.

As shown on the submitted site analysis plan, the proposal is setback further than the eastern elevation of the current building. This design feature has been specifically incorporated to preserve the mature vegetation along the eastern frontage, offer enhanced views to the Uniting Church heritage item and ensure that the change in streetscape is neither sudden nor steep. The greater setback in combination with the mature tree retention is considered to satisfactorily accommodate the greater height of the proposed building and the scale of the development is appropriately managed in this respect.

Further to the above, the proposed development seeks to increase the building setback to the Uniting Church heritage item, thereby enabling part of the original landscaping to be re-instated. The retention of the heritage item, proposed increased building setbacks and re-instated landscaping further assist to ensure that the development does not result in an abrupt change in the scale of development when viewed from the south-east.

The northern site frontage is adjoined by the Great Western Highway and an expansive shopping centre with a maximum height limit of 15m. The proposed development is located approximately 56m-70m from the adjoining shopping centre. The significant physical separation between the proposal and the Shopping Centre to the north results in a development outcome that is neither a sudden or steep change in the scale of development along the Great Western Highway, indeed the building height represents something of a transitional height from the Shopping Centre to the lower buildings to the south of Edinglassie Village.

As shown in **Figure 1**, the adjoining shopping centre is set behind at grade parking and a row of mature eucalyptus trees, which is a common local streetscape feature in this locality. Following consultation with Council, the proposed development has been designed to preserve mature vegetation along the northern frontage where possible. These preserved trees assist to soften the view of the proposed development, whilst also maintaining a common element of the streetscape. Proposed additional landscaping will further soften and screen the resultant built form. The scale of the development is appropriately managed in this respect.



Figure 1 Development adjoining northern frontage

The proposed built form along the northern façade is visually broken up so that it does not appear as one building from key aspects, with the different sections of the building being separated by a generous central courtyard and landscaping. In addition, the proposed materials, colours and finishes have been chosen with care and sensitivity to the site context, further assisting to reduce the scale of the building. These specific design features, in combination with preserved mature vegetation and extensive setback to the shopping centre ensure a gradual and respectful transition in building height. In this regard, the change in scale should be considered as neither sudden or steep.

In conclusion, the preservation of existing built and natural site characteristics in combination with the building siting and design features will result in a gradual and respectful transition in building height. It follows that the proposal will not result in a sudden or steep change in the scale of development. For the reasons set out above, it is therefore considered unreasonable and unnecessary to maintain the standard in this instance as the development achieves the intended purpose of the standard.

In addition to the above assumed objectives, the proposed variation should also be considered as to whether it is consistent with the SEPP Seniors aims/objectives pursuant to Clause 2(1) - Aims of the Policy, which are outlined below:

*"This Policy aims to encourage the provision of housing (including residential care facilities) that will:*

- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- (b) make efficient use of existing infrastructure and services, and*
- (c) be of good design Response"*

The proposal is consistent with and achieves the aims of the policy as outlined in Table 2 (below):

TABLE 1 - ACHIEVEMENT OF SEPP SENIORS CLAUSE 2(1) - AIMS OF THE POLICY

Objective	Discussion
(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability;	The proposed development will promote the social and economic welfare of the local community through the provision of contemporary seniors housing that complies with all relevant standards relating to facilities and accessibility for the aged and disabled people.
(b) make efficient use of existing infrastructure and services, and	The existing facility is provided with all the utility services to support seniors housing. This application seeks to provide beds within the existing facility, which directly achieves the aims under Clause 2(1)(a) and (b). The additional demands associated with the extra accommodation is not expected to be beyond the capacity of the existing utility services, which will be augmented as necessary to meet the requirements of relevant service providers.
(c) be of good design response	<p>There will be no unreasonable adverse impacts on the environment. The Design Statement prepared by MDP Architects in support of this development application demonstrates that the development provides a good design response that meets the needs of seniors and people with disabilities.</p> <p>Further to the above, the proposal is considered to be consistent with the principles outlined in PC No 5 (Wombarra) Pty Ltd v Wollongong City Council [2003] NSWLEC 268 based on the following:</p> <ul style="list-style-type: none"><li>▪ The built form is visually broken up so that it does not appear as one building. The different sections</li></ul>

	<p>of the building are separated by generous breaks and landscaping;</p> <ul style="list-style-type: none"> <li>▪ The design largely preserves existing site characteristics, including vegetation and topography, which assist in reducing the visual dominance of development;</li> <li>▪ The proposed built form and materials have been chosen with care and sensitivity to the site context; and</li> <li>▪ The design is considered to be compatible with the streetscape.</li> </ul>
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#### 4. There are sufficient environmental planning grounds to justify contravening the standard. [cl. 4.6(3)(b)]

The SEE prepared for this DA provides a holistic environmental planning assessment of the proposed development and concludes that subject to adopting a range of reasonable mitigation measures, there are sufficient environmental planning grounds to support the development. In particular, the SEE has demonstrated that the proposal is substantially compliant with the relevant environmental planning framework. Therefore, it can be concluded that the proposal does not result in any unreasonable environmental impacts.

Additional specific environmental grounds to justify the breach of the standard are summarised as follows:

- A compliant density of development could be achieved on site through provision of a larger building footprint and significantly reduced setbacks to the eastern boundary. However, this would require more extensive tree removal and lead to increased impacts on adjoining residences, the Uniting Church Heritage Item and the balance of the Edinglassie Village. In comparison, the proposed noncompliance enables an extensive building setback (13.6m to 23.7m) along Emerald Street frontage. Consequently, the proposed noncompliance effectively provides for:
  - Increased retention of vegetation along the sites eastern frontage;
  - Increased setbacks and privacy for adjoining residential development;
  - Consolidation of seniors housing in in a single location;
  - An enhanced view corridor to the existing Uniting Church Heritage Item from the Great Western Highway; and
  - Increased building setbacks to the Uniting Church Heritage Item and an improved landscaped curtilage.
- It follows that the proposed breach of the height standard provides for an improved response to the sites existing natural and built environment.
- The additional accommodation is not expected to be beyond the capacity of the existing utility services or transport network, indicating that the additional development can be sustainably accommodated on the site. In this regard, the proposed development actually decreases the number of beds located on site whilst providing them in a more concentrated built form in a landscape setting.
- Given the extensive scale of the existing nursing home, hostel and independent living units (ILUs), it is considered that the existing development forms its own character, which is not that of a low density residential development. Rather, the existing development has the character of a medium density residential development as envisaged by the objectives of the R3 Medium Density zone.
- The site is effectively bookended by the Lennox Village Shopping to the north and the school to the south. The Lennox Village Shopping Centre has a 15m height limit and the school to the south also has a height limit of 22m in accordance with the SEPP (Educational Establishment and Child Care Facilities). The site is also surrounded by mature vegetation up to 20m in height as depicted on the urban height and significant tree context analysis Plan DA062 at **Appendix 2**. It follows that the breach of the standard allows for a development that is contextually appropriate and not inconsistent with the existing and desired future character of the area.

- The proposed contravention of the development standard will not lead to any adverse loss of views or overshadowing of adjoining properties over and above that associated with a compliant development.

In addition to the above, Uniting have advised the following in relation to the specific environmental grounds that further justify the breach of the standard:

- The proposed contravention enables a built form response that meets the conventional aged care models for development. Specifically, the development provides for internal accessibility and large level floor plates, suitable sight distances from centralised nursing stations and the need for a certain number of beds for operational and commercial viability. The more vertical design, as opposed to a spread out low form, also ensures facilities are operationally efficient. The combination of these specialist built form requirements generally leads to multi-storey development. When combined with the need to retain vegetation and address flooding, these factors can further increase the non-compliance as in this case. It therefore follows that the proposed contravention enables a built form that meets the needs of future occupants, is commercially viable whilst also enabling the preservation of the natural site features.
- Uniting intends to maintain continuity of aged care services on this site during the redevelopment phase, which is evidenced by the retention of 50 hostel beds during the construction period at some considerable cost; and
- The reintroduction of the Fellowship Centre on the ground floor of the proposed development will require larger floor to ceiling heights, which increases the overall building height. Uniting sees the continuation of this community service an important element of this development.

Accordingly, notwithstanding the non-compliance with the numerical standard the proposed development achieves the objectives of the standard as well as being consistent with the planning controls and thus the objection is well founded. Strict compliance in the circumstances of this case is unnecessary and unreasonable to achieve the specified objective of the standard.

5. The proposal will be in the public interest because it is consistent with the objectives of the standard and the objectives of the zone. [cl. 4.6(4)(a)(ii)]

In section 2 (above), it was demonstrated that the proposal is consistent<sup>2</sup> with the objectives of the development standard. The proposal is also consistent with the objectives of the zone as explained in Table 2 (below).

TABLE 2 - CONSISTENCY WITH ZONE OBJECTIVES

Objective	Discussion
To provide for the housing needs of the community within a medium density residential environment.	The proposal provides contemporary housing for the local area, addressing the local market demand for seniors housing. The breach of the standard does not result in an inconsistency with this objective.
To provide a variety of housing types within a medium density residential environment.	The breach of the standard does not result in an inconsistency with this objective. The proposed new RACF will be in the form of a three (3) storey building containing 100 beds. The seniors housing has been designed around the concept of providing 'households'. The households seek to provide a homelike environment for residents by grouping bedrooms with their own living, dining, kitchen, and laundry areas, all within a secure household environment.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The breach of the standard does not result in an inconsistency with this objective. The proposed development incorporates a range of ancillary uses and services including a café, beauty and hair salon, multi-purpose room, chapel and fellowship centre - all of which meet the day to day needs of residents and encourage an integration with the wider community.
To provide for a concentration of housing with access to services and facilities.	The proposal provides the concentration of housing with access to a range of ancillary services on site and located within the adjoining shopping centre. The breach of the standard does not result in an inconsistency with this objective.
To enhance the essential character and identity of established residential areas.	The breach of the standard does not result in an inconsistency with this objective. As discussed earlier, the design largely preserves existing site characteristics such as vegetation and topography, which enhances the character of the area. The proposed built form and materials have also been chosen with care and sensitivity to the site context, ensuring a sense of 'domesticity' to the building. The building has substantial setbacks to adjoining development and provides for a gradual and respectful transition in scale.

<sup>2</sup> In *Dem Gillespies v Warringah Council* [2002] LGERA 147 and *Addenbrooke Pty Ltd v Woollahra Municipal Council* [2008] NSWLEC the term 'consistent' was interpreted to mean 'compatible' or 'capable of existing together in harmony'.

<p>To ensure that a high level of residential amenity is achieved and maintained.</p>	<p>The breach of the standard does not result in an inconsistency with this objective. As discussed earlier, the design largely preserves existing site characteristics such as vegetation and topography, which enhances the character of the area. The proposed built form and materials have also been chosen with care and sensitivity to the site context, ensuring a sense of 'domesticity' to the building. The building has substantial setbacks to adjoining development and provides for a gradual and respectful transition in scale.</p>
<p>To ensure that development reflects the desired future character and dwelling densities of the area.</p>	<p>The breach of the standard does not result in an inconsistency with this objective. The character of the area is comprised of a mixture of medium density and low density residential dwellings, institutional buildings and commercial shopping centre developments. Within this context, the proposed development is not inconsistent with the desired future character and dwelling densities of the area.</p>

As can be seen from Table 2, the proposal is consistent with the objectives of the standard and the objectives of the zone, and is therefore in the public interest.

6. Contravention of the development standard does not raise any matter of significance for State or regional environmental planning. [cl. 4.6(5)(a)]

There is no identified outcome that would be prejudicial to planning matters of state or regional significance that would result as a consequence of varying the development standard as proposed by this application.

## 7. There is no public benefit of maintaining the standard [cl. 4.6(5)(b)]

There is no public benefit<sup>3</sup> in maintaining strict compliance with the development standard given that there are no unreasonable impacts that will result from the variation to the development standard and hence there are no public disadvantages. Conversely, non-compliance with the development standard will allow for the consolidation of seniors housing in a single location (rather than ad-hoc piecemeal seniors development on other R3 zoned land), whilst retaining significant views and vegetation and not having any unreasonable environmental impacts. Moreover, the proposal will provide additional seniors accommodation and care for the community in an area highly serviced by suitable retail, medical services and public transport. Therefore, the advantages of the proposal outweigh the disadvantages.

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<sup>3</sup> *Ex Gratia P/L v Dungog Council (NSWLEC 148)* established that the question that needs to be answered to establish whether there is a public benefit is “whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development”

NOISE IMPACT ASSESSMENT

**UNITING EDINGLASSIE  
VILLAGE  
EMU PLAINS**

ACOUSTICS SERVICES

**JHA**  
CONSULTING ENGINEERS

## DOCUMENT CONTROL SHEET

Project Number	180053
Project Name	Uniting Edinglassie Village, Emu Plains
Description	Noise Impact Assessment
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## 1 INTRODUCTION

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JHA have been engaged by The Uniting Church in Australia Property Trust to prepare an acoustic report for the Development Application for the proposed redevelopment of Uniting Edinglassie Village.

This report forms part of the development application submission to the Penrith City Council for the proposed redevelopment and construction of new Residential Aged Care (RAC) facilities and Independent Living Units (ILU) at 5-7 Emerald St, Emu Plains, NSW, 2750.

This report provides:

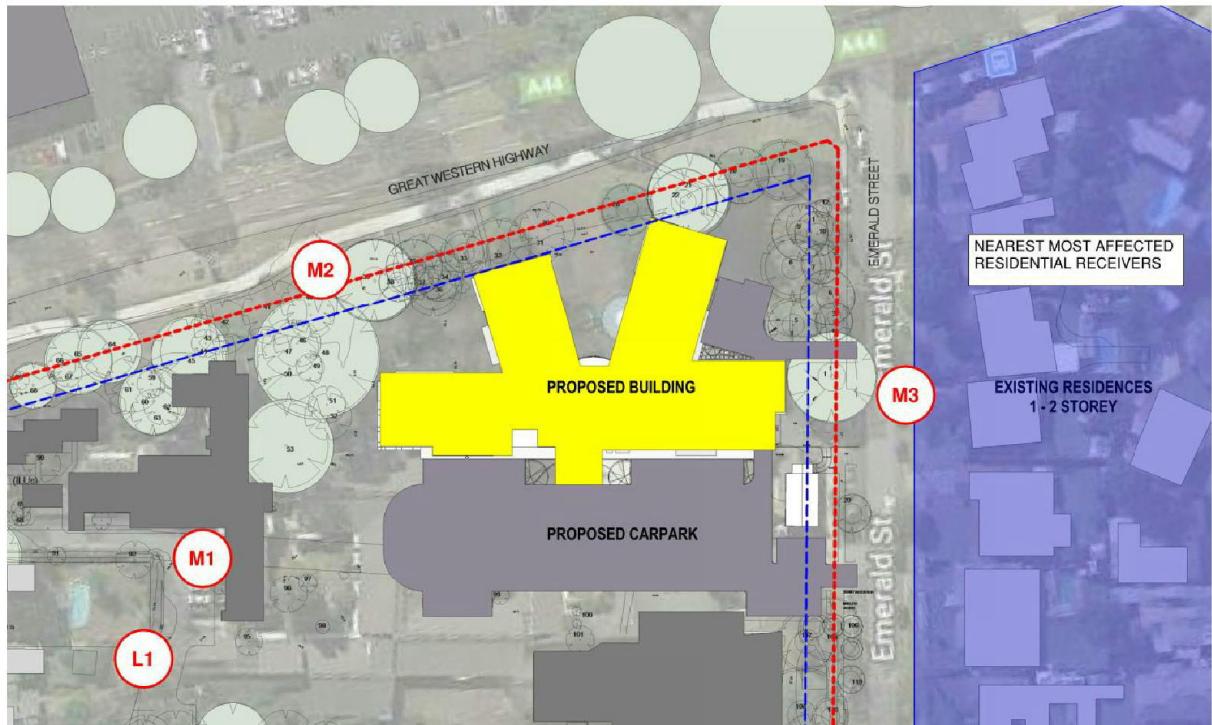
- A statement of compliance with the relevant statutory criteria for the proposed development within the vicinity of the nearest potentially affected receivers.
- Recommendations for noise mitigation measures for the proposed development in order to meet the relevant criteria when compliance is not achieved.

This report is based on our understanding of the proposed project, application of the relevant state guidelines and professional experience within the acoustic field.

## 2 SITE INFORMATION

The proposed site is located in a medium density residential area, facing the Great Western Highway to the North and bounded by Troy Street to the West and Emerald Street to the East. Emu Plains Primary School is located to the South of the site. Nearest affected residential receivers are located to the East of the Site Figure 1 below.

Figure 1: Site Map and Measurement Locations



## 1.1 INSTRUMENTATION

The following equipment was used for the noise surveys:

- NTI XL2 Class 1 Sound Level Metre
- Rion NL-52 Class 1 noise logging sound level meter
- Brüel and Kjaer Class 1 Calibrator

All equipment was calibrated before and after the measurements and no significant drift was found. All equipment carries current traceable calibration certificates that can be provided upon request.

## 2.1 ATTENDED NOISE SURVEY RESULTS

Attended noise measurements of 15-minute duration were conducted on Monday 31/10/2016 between 14.00 and 15.00 at locations M1, M2 and M3 in order to characterise the acoustic environment around the site. A summary of the attended noise measurements taken at site are shown in Table 1. Refer to Figure 1 for measurement locations.

Table 1: Attended noise measurements

Measurement Location	Measurement Time	$L_{Aeq, 15mins}$ dB(A)	$L_{A10, 15mins}$ dB(A)	$L_{A90, 15mins}$ dB(A)	Comments
M1	11.53am	49	52	42	Nature and Traffic Noise
M2	12.11pm	62	65	49	Traffic noise from highway
M3	12.29pm	51	54	45	Traffic noise
M4	12.45pm	54	57	43	Traffic and School operations noise

## 2.2 UNATTENDED NOISE MEASUREMENTS

Long term noise monitoring with a Rion NL-52 noise logging sound level meter were conducted between 28<sup>th</sup> October 2016 and 7<sup>th</sup> November 2016 at location shown in Figure 1. The noise logger was checked before and after the measurements using a Brüel & Kjaer Acoustic Calibrator. No calibration deviations were recorded. Note that any rain affected data during the period of logging has been excluded from the calculations.

Table 2: Unattended noise measurements

Location	Equivalent Continuous Noise Level			Background Noise Level		
	$L_{Aeq, period}$ - dB(A)			RBL - dB(A)		
	Day	Evening	Night	Day	Evening	Night
L1	52	47	41	42	42	35

The local ambient noise environment is typically that of an urban environment, with no dominant sources of noise.

## 3 NOISE CRITERIA

### 3.1 NSW INDUSTRIAL NOISE POLICY

The NSW Office of Environment and Heritage (OEH) Industrial Noise Policy (INP) sets out noise criteria to control the noise emission from industrial noise sources. Mechanical and operational noise from the development shall be addressed following the guideline in the NSW INP.

The calculation is based on the results of the ambient and background noise unattended monitoring, addressing two components:

- Controlling intrusive noise into nearby residences (Intrusiveness Criteria)
- Maintaining noise level amenity for particular land uses (Amenity Criteria)

Once both criteria are established the most stringent for each considered assessment period (day, evening, night) is adopted as the project-specific noise level (PSNL).

#### 3.1.1 INTRUSIVENESS CRITERIA

The NSW OEH INP states the following:

*"The intrusiveness of an industrial noise source may generally be considered acceptable if the equivalent continuous (energy-average) A-weighted level of noise from the source (represented by the L<sub>Aeq</sub> descriptor), measured over a 15-minute period, does not exceed the background noise level measured in the absence of the source by more than 5 dB(A)."*

The intrusiveness criterion can be summarised as L<sub>Aeq</sub>, 15 minute ≤ RBL background noise level plus 5 dB(A).

Table 3: OEH INP intrusiveness criteria

Period	Noise Descriptor – dB(A)	Noise Criteria – dB(A)
Daytime 7am – 6pm	L <sub>Aeq,15min</sub> ≤ RBL + 5	47
Evening 6pm – 10pm	L <sub>Aeq,15min</sub> ≤ RBL + 5	47
Night 10pm – 7am	L <sub>Aeq,15min</sub> ≤ RBL + 5	40

#### 3.1.1.1 'Modifying Factor' Adjustments

The NSW INP also states:

*"Where a noise source contains certain characteristics, such as tonality, impulsiveness, intermittency, irregularity or dominant low-frequency content, there is evidence to suggest that it can cause greater annoyance than other noise at the same noise level."*

In order to take into account the potential annoying character of the noise an adjustment of 5 dB(A) for each annoying character aspect and cumulative of up to a total of 10 dB(A), is to be added to the measured value to penalise the noise for its potentially greater annoyance aspect.

Table 4.1 of Chapter 4 of the NSW DECCW INP provides procedures for determining whether an adjustment should be applied for greater annoyance aspect.

Table 4: Table 4.1 NSW DECCW INP – Modifying factor corrections

Factor	Assessment / Measurement	When to Apply	Correction <sup>1</sup>	Comments
Tonal Noise	One-third octave or narrow band analysis	Level of one-third octave band exceeds the level of the adjacent bands on both sides by: - 5 dB or more if the centre frequency of the band containing the tone is above 400 Hz - 8 dB or more if the centre frequency band containing the tone is 160 to 400 Hz inclusive - 15 dB or more if the centre frequency of the band containing the tone is below 160 Hz	5 dB <sup>2</sup>	Narrow-band frequency analysis may be required to precisely detect occurrence.
Low Frequency Noise	Measurement of C-weighted and A-weighted level	Measure / assesses C- and A-weighted levels over same time period. Correction to be applied if the difference between the two levels is 15 dB or more	5 dB <sup>2</sup>	C-weighting is designed to be more responsive to low-frequency noise, especially at higher overall levels
Impulsive Noise	A-weighted fast response and impulsive response	If difference in A-weighted maximum noise levels between fast response and impulse response is greater than 2 dB	Apply difference in measured levels as the correction, up to a maximum of 5 dB.	Characterised by a short rise time of 35 milliseconds (ms) and decay time of 1.5 s.
Intermittent Noise	Subjectively assessed	Level varies by more than 5 dB	5 dB	Adjustment to be applied for night-time only.
Duration	Single-event noise duration may range from 1.5 min to 2.5 h	On event in any 24-hour period	0 to – 20 dB(A)	The acceptable noise level may be increased by an adjustment depending on duration of noise.
Maximum Adjustment	Refer to individual modifying factors	Where two or more modifying factors are indicated	Maximum correction of 10dB(A) <sup>2</sup> (excluding duration correction)	

Notes:

1. Corrections to be added to the measured or predicted levels.
2. Where a source emits tonal and low-frequency noise, only one 5 dB correction should be applied if the tone is in the low-frequency range.

### 3.1.2 PROJECT SPECIFIC NOISE LEVELS (PSNL)

The following criteria is applicable for the external noise emissions from the development, as detailed below in Table 5. These project specific noise levels are in accordance with the requirements of the NSW INP, and shall be assessed to the most affected point on or within the residential boundary.

Table 5: Project specific noise levels

Period	Descriptor	PSNL dB(A)
Residential receivers		
Day (7:00am to 6:00pm)	$L_{Aeq,15min}$	47
Evening (6:00pm to 10:00pm)	$L_{Aeq,15min}$	47
Night (10:00pm to 7:00am)	$L_{Aeq,15min}$	40

## 3.2 INTERNAL NOISE LEVELS

Table 6 below shows the recommended Australian Standard AS/NZS 2107 Interior Sound Levels as required by the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Section 34 "Visual and acoustic privacy".

Table 6: Recommended Internal Noise Levels

Type of Occupancy for Apartments near Major Roads	Recommended Design Sound Level, LAeq, dB(A)	
	Satisfactory	Maximum
Living Areas	35	45
Sleeping Areas	30	40
Work Areas	35	45
Common areas (e.g. foyer, corridors and lobbies)	45	55

The noise levels from plant, equipment and external sources shall not exceed the maximum levels shown in Table 6 above.

### 3.3 TRAFFIC NOISE GENERATION CRITERIA

The  $L_{Aeq}$  noise level or the "equivalent continuous noise level" correlates best with the human perception of annoyance associated with traffic noise. Road traffic noise impact is assessed in accordance with the NSW Road Noise Policy (Office of Environment and Heritage July 2011) which supersedes the *NSW Environmental Criteria for Road Traffic Noise* (ECRTN, Department of Environment Climate Change and Water 1999). The criterion (Table 3 – Road Traffic Noise Assessment Criteria for Residential Land Uses) divides land use developments into different categories and lists the respective criteria for each case. The category that is relevant to the proposed use of the site is shown below in Table 7.

Table 7: NSW Road Noise Policy – Traffic noise assessment criteria

Road Category	Type of project/land use	Assessment Criteria – dB(A)	
		Day (7am – 10pm)	Night (10pm – 7am)
Local Roads	Existing residences affected by additional traffic on existing freeways/arterial/sub-arterial roads generated by land use developments	$L_{Aeq,1\text{ hour}}$ 55 (external)	$L_{Aeq,1\text{ hour}}$ 50 (external)

In the event that the traffic noise at the site is already in excess of the criteria noted above, the NSW RNP states that the primary objective is to reduce the existing level through feasible and reasonable measures to meet the criteria above.

If this is not achievable, Section 3.4.1 Process for applying the criteria – Step 4 states that for existing residences affected by additional traffic on existing roads generated by land use developments, any increase in the total traffic noise should be limited to 2 dB above that of the corresponding 'no build option'.

### 3.4 CONSTRUCTION VIBRATION CRITERIA

The Office of Environment and Heritage (OEH) developed a document, "Assessing vibration: A technical Guideline" in February 2006 to assist in preventing people from exposure to excessive vibration levels within buildings. The guideline does not however address vibration induced damage to structures or structure-borne noise effects. Vibration and its associated effects are usually classified as continuous, impulsive or intermittent.

#### 3.4.1 HUMAN COMFORT – CONTINUOUS AND IMPULSIVE VIBRATION CRITERIA

Structural vibration in buildings can be detected by occupants and can affect them in many ways including reducing their quality of life and also their working efficiency. Complaint levels from occupants of buildings subject to vibration depend upon their use of the building and the time of the day.

Maximum allowable magnitudes of building vibration with respect to human response are shown in Table 8. It should be noted that the human comfort for vibration are more stringent than the building damage criteria.

Table 8: Preferred and maximum weighted RMS values for continuous and impulsive vibration

Location	Assessment period <sup>1</sup>	Preferred values		Maximum values	
		z-axis	x- and y-axis	z-axis	x- and y-axis
<b>Continuous vibration</b>					
Residences	Daytime	0.010	0.0071	0.020	0.014
	Night time	0.007	0.005	0.014	0.010
Offices, schools, educational institutions and place of worship	Day or night time	0.020	0.014	0.040	0.028
<b>Impulsive vibration</b>					
Residences	Daytime	0.30	0.21	0.60	0.42
	Night time	0.10	0.071	0.20	0.14
Offices, schools, educational institutions and place of worship	Day or night time	0.64	0.46	1.28	0.92

### 3.4.2 HUMAN COMFORT – INTERMITTENT VIBRATION CRITERIA

Disturbance caused by vibration will depend on its duration and its magnitude. This methodology of assessing intermittent vibration levels involves the calculation of a parameter called the Vibration Dose Value (VDV) which is used to evaluate the cumulative effects of intermittent vibration. Various studies support the fact that VDV assessment methods are far more accurate in assessing the level of disturbance than methods which is only based on the vibration magnitude. Refer to Table 9 for the acceptable VDV levels.

Table 9: Acceptable Vibration Dose Values for intermittent vibration (m/s<sup>1.75</sup>)

Location	Daytime (7:00am to 10:00pm)		Night-time (10:00pm to 7:00am)	
	Preferred value	Maximum value	Preferred value	Maximum value
Residences	0.20	0.40	0.13	0.26
Offices, schools, educational institutions and place of worship	0.40	0.80	0.40	0.80

### 3.4.3 STRUCTURAL DAMAGE – VIBRATION CRITERIA

Ground vibration criteria are defined in terms of levels of vibration emission from construction activities which will avoid the risk of damaging surrounding buildings or structures. It should be noted that human comfort criteria are normally expressed in terms of acceleration whereas structural damage criteria are normally expressed in terms of velocity.

Most commonly specified structural vibration levels are defined to minimize the risk of cosmetic surface cracks and are set below the levels that have the potential to cause damage to the main structure. Structural damage criteria are presented in German Standard DIN4150-Part 3 "Structural vibration in buildings – Effects on structures" and British Standard BS7385-Part 2: 1993 "Evaluation and Measurement for Vibration in Buildings". Table 10 indicates the vibration limits presented in DIN4150-Part 3 to ensure structural damage doesn't occur.

Table 10: Guideline value of vibration velocity,  $v_i$ , for evaluating the effects of short-term vibration

Line	Type of Structure	Vibration velocity, $v_i$ , in mm/s			
		Foundation			Plane of floor of uppermost full storey
		At a frequency of			
		Less than 10Hz	10 to 50Hz	50 to 100*Hz	All Frequencies
1	Buildings used for commercial purposes, industrial buildings and buildings of similar design	20	20 to 40	40 to 50	40
2	Dwellings and buildings of similar design and/or use	5	5 to 15	15 to 20	15
3	Structures that, because of their particular sensitivity to vibration, do not correspond to those listed in lines 1 and 2 and are of great intrinsic value (e.g. buildings that are under a preservation order)	3	3 to 8	8 to 10	8
*For frequencies above 100Hz, at least the values specified in this column shall be applied					

Table 11 presents guide values for building vibration, based on the lowest vibration levels above which cosmetic damage has been demonstrated as per BS7385-Part 2:1993.

Table 11: Transient vibration guide values for cosmetic damage

Type of Building	Peak Particle Velocity in frequency range of predominant pulse (PPV)	
Residential or light commercial type buildings	4 Hz to 15 Hz	15 Hz and above
	15mm/s at 4Hz increasing to 20mm/s at 15Hz	20mm/s at 15Hz increasing to 50mm/s at 40Hz and above

### 3.4.4 CONSTRUCTION VIBRATION OBJECTIVES

Table 12 indicates the construction vibration criteria applicable to the residential and educational properties located adjacent to the development site.

Table 12: Construction vibration criteria summary

Location	Period	Human Comfort Vibration Objectives			Building damage Objectives – Velocity (mm/s)	
		Continuous mm/s <sup>2</sup> (RMS)		Intermittent mm/s <sup>1.75</sup> (VDV)		
		z-axis	x- and y-axis			
Residential	Day time	10 - 20	7 - 14	0.20 - 0.40	5	
	Night time	7 - 14	5 - 10	0.13 - 0.26	5	
Educational	Day or night	20 - 40	14 - 28	0.40 - 0.80	5	

## 4 NOISE ASSESSMENT

### 4.1 EXTERNAL GLAZING

The general limiting factor of the performance of a building façade in term of noise attenuation is the glazing. In the case of the proposed development, the noise from vehicles on Great Western Highway will place the greatest acoustic demand on the façades of the development.

In order to achieve the internal noise levels specified in the AS/NZS2107, the minimum recommended glazing selection for the façades of the proposed development is presented in Table 13. The ratings presented are based on the worst case scenario of external noise obtained from the attended and unattended noise measurements. The glazing thicknesses corresponding to the  $R_w$  ratings should be considered as the minimum thicknesses to achieve acoustical ratings. Greater glazing thicknesses may be required for structural loading, wind loading, thermal requirements etc.

The acoustic glazing mark-ups are presented in Appendix 1 and should be read in conjunction with Table 13.

Table 13: Recommended acoustic performance of glazing system

Glass System	Required Acoustic Rating of Glazing Assembly, $R_w$
6.38mm Laminated	32
8.38mm Laminated	34
10.38mm Laminated	35

NOTES:

The Required Acoustic Rating of Glazing Assembly, refers to the acoustic performance of the glazing once installed on site (including the frame). It is the responsibility of the builder to ensure that the required acoustic performance of the glazing system is achieved.

During the detailed design stage of the project the acoustic performance of the glazing facade should be reviewed as the combined noise from external sources and mechanical services could result in the internal noise level exceeding the recommended design sound level.

## 4.2 MECHANICAL PLANT NOISE EMISSIONS

This assessment has considered the noise emissions from the mechanical plant serving the residential and retail spaces. These noise sources have been used to predict the worst case scenario noise impact of the proposed use of the site to the nearby residential and commercial receivers.

This assessment has considered the following mechanical equipment:

- External roof mounted condenser units
- External roof mounted exhaust fans

In order to assess the worst case scenario, it was assumed that all the plant is running at any time throughout a 24hr period. Therefore the night time criteria will be used to determine the maximum sound power levels for the mechanical equipment.

This assessment has considered the project specific noise levels in accordance with the INP as detailed in Section 3.1

### 4.2.1 PROPOSED NOISE LEVELS

Refer to Table 14 for the maximum allowable sound power levels. These noise limits will results in compliance with the INP project specific noise levels.

Table 14: External Mechanical Plant Sound Power Levels

	SWL re 1pW (dB)								
	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	Overall dB(A)
External condenser units	78	83	77	69	68	66	64	59	75
Kitchen Exhaust Fans	77	74	75	76	75	74	70	63	80

Provided the sound power levels do not exceed the values as shown in Table 14, the noise level at the surrounding receivers is predicted to comply with the relevant criteria. Note that acoustic mitigation measures such as 50mm internal duct lining and attenuators may be required.

Note that this is a preliminary assessment and it is recommended that an updated acoustic report is conducted at a later juncture when more information becomes available about the specific units to be used.

#### 4.3 TRAFFIC NOISE GENERATION

The traffic noise associated with the expected peak hour traffic generation has been assessed in accordance with the NSW RNP for local roads. The assessment has been conducted at the nearby residential receivers located on Emerald St, with an anticipated AM and PM peak hour rate of 40 vehicles as indicated by TTW. The predicted noise levels associated with the traffic generation is shown below in Table 15.

Table 15: Predicted Traffic Noise Generation

Location	Existing Noise Levels	Predicted Noise Levels	Proposed maximum Noise Levels	Complies
	$L_{Aeq-1hour}$ , dB(A)	$L_{Aeq-1hour}$ , dB(A)	$L_{Aeq-1hour}$ , dB(A)	
Emerald St	51	51.5	55	Yes

As shown in Table 15, the worst case scenario predicted increase in traffic noise level post-development at the nearest residential receiver along Emerald is less than 1dB and considered to be negligible. Based on this assessment, the proposed development is expected comply with the requirements of the NSW RNP.

## 5 CONCLUSION

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An acoustic assessment for the modification of the proposed development at 5-7 Emerald St, Emu Plains has been conducted. This document forms part of the documentation package to be submitted to local authorities as part of the Development Application.

This report has provided criteria, in-principle treatment and design requirements which aim to achieve the statutory criteria discussed in Section 3.

Glazing for the buildings residential areas have been designed to achieve internal noise levels in accordance with the requirements of the relevant SEPP and Australian Standards. The glazing is presented in Appendix 1.

Maximum sound power levels for the mechanical services have been provided such that compliance is achieved for the day, evening and night criteria in accordance with the INP.

A road traffic noise assessment was conducted for traffic generated noise along Emerald St. Based on the information provided by TTW the traffic generated noise is negligible and predicted to comply with the requirements of the RNP.

Even though no assessment can be considered as being thorough enough to preclude all potential environmental impacts, having given regard to the above listed conclusions, it is the finding of this assessment that the development application should not be refused on the grounds of excessive noise generation.

The information presented in this report shall be reviewed if any modifications to the features of the development specified in this report occur, including and not restricted to selection of air-conditioning units, layout of equipment, modifications to the building and introduction of any additional noise sources.

# Edinglassie Village

## Waste Management Plan

MARCH 2018



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This Waste Management Plan is not a substitute for legal advice on the relevant environmental legislation, which applies to Uniting, its contractors or other bodies. Accordingly, Waste Audit and Consultancy Services (Aust) Pty Ltd will not be liable for any loss or damage that may arise out of this project, other than loss or damage caused as a direct result of Waste Audit and Consultancy Services (Aust) Pty Ltd's negligence.

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# 1 Introduction

This Waste Management Plan (WMP) has been prepared on behalf of Uniting to accompany a Development Application for Edinglassie Village development.

The Plan has been developed with consideration of Penrith Council's and other Authority's requirements. It is intended to inform the design of the waste services by identifying the estimated waste profile for the development and providing the total area required by the recommended equipment/systems.

In doing so this Plan, which includes waste estimates and related management requirements, has been developed in accordance with the Penrith Council's *Development Control Plan 2014: Part C- Section C5: Waste Management, Residential Flat Building Guideline* and *Commercial Waste Generation Rates Guideline* documents.

The project involves the construction of a new RACF facility, which will be replacing the existing aged care facility. In relation to this waste management plan, the key component of the new development is a:

- New 100 bed RACF facility.

Waste audit and management strategies are recommended for new developments to provide support for the building design and promote strong sustainability outcomes for the building. All recommended waste management plans will comply with council codes and any statutory requirements.

To assist building management in achieving effective waste and recycling management, this waste management plan has three key objectives:

- i. **to minimise the environmental impacts of the operations of the development** – this will be achieved by ensuring maximum diversion of waste from landfill; correct containerisation and transport of materials; correct segregation of materials into appropriate management streams; awareness among tenants of waste avoidance practices.
- ii. **to minimise the impact of the management of waste within the development on local residents** – this will be achieved by ensuring waste is managed so as to avoid odour and litter and collected during suitable times.
- iii. **to ensure waste is managed so as to reduce the amount landfilled and to minimise the overall quantity generated** – this will be achieved by implementing systems that assist tenants to segregate appropriate materials that can be recycled; displaying signage in all tenant areas to remind and encourage avoidance and recycling to staff; and through associated signage in the commercial areas to reinforce these messages.

## 2 Waste Generation

### 2.1 Waste Streams

Based on the development profile, the following waste streams would be expected:

- General waste;
- Commingled recycling; and
- Organics Recycling

### 2.2 Waste Generation Estimates

Based on averages for quantity of waste generated and composition as determined by industry data (i.e. data/information provided by WACS' waste audits conducted in a broad range of sectors) as well as consideration of the waste generation rates as detailed by Penrith Council's *Residential Flat Building Guidelines* and *Commercial Waste Generation Rates Guidelines* documents. It is estimated that the entire development will generate a total of **16,268 litres** of waste and recyclables per week.

The following table summarises the expected quantities of waste and recyclables generated for the development in terms of weight and volume per week.

**Table 1 – Waste/recycling generation**

L/week	
General Waste	9,079
Commingled Recycling	6,048
Organics Recycling	1,141
<b>Total</b>	<b>16,268</b>

Note: The volumes are based on correct segregation of waste and recyclables. They also include waste and recyclables to be generated by the kitchen facility proposed for operation in the future.

## 3 Waste Management Systems and Spatial Requirements

### 3.1 Waste Systems and Bin Requirements

The following tables show the recommended systems required to manage the estimated waste profile as detailed in the above table for the development. The systems refer to the waste storage system rather than the internal bins that may be used within the development.

**Table 2 – Waste Systems**

Waste Stream	Bin Size	No. of bins	Clearance (frequency/ week)	Capacity (Weekly)	Estimated Volume/ Week	Footprint per bin (m <sup>2</sup> )	Total Footprint
General waste	1100	2	5	11,000	9,079	1.35	2.7
Commingled Recycling	1100	2	3	6,600	6,048	1.35	2.7
Organics Recycling	120	2	5	1,200	1,141	0.27	0.54
<b>TOTAL</b>		<b>6</b>		<b>18,800</b>	<b>16,268</b>		<b>5.94</b>
					<b>Plus Bin Wash Area</b>		<b>8.44</b>
						<b>Plus 30%</b>	<b>11.00</b>

Based on the estimates of waste generation and the number of bins required (with the collection schedule as noted), as well as allowing for a bin wash area and 30% space for bin movement, the minimum size of the waste storage facility should be approximately **11 sqm**. With the size of the waste room **15 sqm** there is sufficient space onsite to comply with this spatial requirement.

Based upon Council-approved calculations It is recommended that a bulky storage room of at least **16 sqm** be provided in the facility. The Central Store onsite is **34 sqm** in size, which is sufficient space for the storing and collection of bulky wastes such as furniture to be collected by council on an as need basis.

### 3.2 Waste Storage

The waste areas will be accessed by staff/cleaning staff via the lift or via the Back of House corridor, where they will dispose of wastes/recyclables into the designated bins provided. Appendix A contains the locations of the waste storage and bulky waste storage rooms.

The waste and recycling bins will be colour coded and clearly signed. Each stream will be located in a designated area. This will assist in easy identification of correct bins by tenants and cleaners.

This principle will apply to the waste storage room and the Central Store – signage will clearly indicate where to deposit materials.

### 3.3 Storage Design

In keeping with best practice sustainability programs, all waste areas; reuse areas and waste and recycling bins will be clearly differentiated through appropriate signage and colour coding to Australia Standards to reflect the materials contained.

There will be a need to ensure that there is sufficient space to allow for bin movement. As a general rule, it is recommended that an additional 30% of the estimated footprint for bins be allocated to this (and this has been calculated in estimating the waste storage space requirements).

The waste and recycling bins will be colour coded and clearly signed. Each stream will be located in a designated area. This will assist in easy identification of correct bins by cleaners and staff.

The garbage room will contain the following to minimise odours, deter vermin, protect surrounding areas, and make it a user-friendly and safe area:

- waste room floor to be sealed with a two pack epoxy;
- waste room walls and floor surface is flat and even;
- all corners coved and sealed 100mm up, this is to eliminate build-up of dirt;
- a water facility with hose cock must be provided for washing the bins;
- any waste water discharge from bin washing must be drained to sewer in accordance with the relevant water board;
- tap height of 1.6m;
- storm water access preventatives (grate);
- all walls painted with light colour and washable paint;
- equipment electric outlets to be installed 1700mm above floor levels;
- the room must be mechanically ventilated;
- light switch installed at height of 1.6m;
- waste rooms must be well lit (sensor lighting recommended);
- optional automatic odour and pest control system installed to eliminate all pest types and assist with odour reduction – this process generally takes place at building handover – building management make the decision to install;
- all personnel doors are hinged and self-closing;
- waste collection area must hold all bins – bin movements should be with ease of access;

- conform to the Building Code of Australia, Australian Standards and local laws; and
- childproofing and public/operator safety shall be assessed and ensured.

Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored. Cleaners will monitor the bin storage area and will attend to all spills immediately, as they occur.

## 4 Waste Management Systems

The following summarises the recommended waste and recycling systems that will be implemented. These recommendations are based on Penrith Council requirements and systems implemented for similar developments (ie., types of tenants and residential areas).

### 4.1 Disposal of Waste and Recyclables

All staff/cleaners (and contractors) will be briefed on the proper use of waste management systems. Recycling streams will be monitored and reported by cleaners/building management, as it is imperative that they remain free of contamination to ensure compliance with Penrith Council and the appointed waste service contractor collection protocols. Staff will be encouraged to maximise the separation of general waste and mixed recyclables to aid the proper disposal of all materials.

Waste/recyclables from the RACF and ancillary spaces areas will be collected on a daily basis by staff/cleaners and transported to the waste storage room. All food wastes will be collected after each meal and placed in 15L buckets. At the end of the day these buckets will be taken to the waste room where all food waste will be transferred into organics recycling bins.

### 4.2 On-site Collection

An appointed private contractor with an SRV and/or mini rear loader waste collection vehicle within their fleet will provide on-site collection. This will allow for the collection vehicle to meet the loading bay's 3.6m clearance height and service the site's bins, entering and exiting in a forward direction via Emerald St.

Utilising an appointed contractor, in turn, affords Uniting greater flexibility regarding collection schedules and the appropriate collection frequencies will be determined in consultation with the waste contractor once appointed – however once operational, collection schedules may need to be adjusted accordingly depending on actual waste generation.

Contractors will collect waste and recycling via the loading bay. On collection days it will be the responsibility of collection vehicle driver to move bins from the waste storage room into the adjacent loading dock for servicing. This will take place during off-peak hours, during the late night and early morning. Once collection has occurred, it will then also be the responsibility of the collection vehicle driver to relocate bins back to the waste storage room. Staff/cleaners will then ensure that bins are housed correctly.

In addition to this collection system it is noted that Penrith Council require their standard collection vehicle, an HRV with a 3.7m design height, to be able to service the site while entering and leaving in a forward direction, and with minimal reversing.

In order to comply with this Council requirement an additional collection path, one that enables a standard Council collection vehicle to service the site, has also been devised.

Both collection routes, including swept paths are outlined in Appendix B.

### 4.3 Clinical Waste

Clinical waste bins will be located within the Dirty Utility rooms on each floor of the RACF and will be used by cleaners/staff as required.

All waste containers and bin liners are to be colour-coded and identified in accordance with the NSW Health's waste streams as outlined in their *Clinical and Related Waste Management for Health Service* document.

While it is best practice to minimise the handling of waste bags, when doing so clinical waste bags must be held away from the body by the closed top of the bag and placed directly into a bin appropriate to the waste. Gloves, apron and protective eyewear must all be worn when closing the bags and placing them into the correct containers. Waste bags must also be filled no greater than two-thirds of their capacity to avoid spillages and their contents are to be secured within the bag when closing.

This stream will be collected by a specialist, qualified contractor and is likely to be collected from the floors upon request.

Site management will be responsible for ensuring staff/cleaners are properly informed, trained, instructed and supervised as to the safe and correct implementation of clinical waste management practices.

NSW Health's *Clinical and Related Waste Management for Health Service* document should be referred to for all other clinical waste management requirements, protocols and governmental policies.

### 4.4 Other Systems

Items such as furniture/whitegoods stored within the Central Store will be managed by building management. Appropriate collection organisations will be called to collect the items for recycling/reuse as required.

Residents will also be provided with ad hoc recycling systems such as e-waste; batteries etc. Systems for these streams will be located back-of-house or in common areas or be available upon request from building management.

Signage will be a crucial element of the waste management system. Appendix E contains examples of signage. These are the type of signs that should be used throughout the commercial tenancies and waste storage area(s).

### 4.5 Summary of management process

The following summarises the management system for the wastes and recyclables for the commercial tenants.

**Table 3 – Overview of management process**

Stream	System	Comment
Commingled Recycling	1100L MGBs	Staff/cleaners separate commingled materials and deposit directly into MGBs, located in the Waste Room for collection.
General Waste	1100L MGBs	Staff/cleaners separate general waste and deposit directly into the MGBs, located in the Waste Room for collection.
Organics Recycling	120L MGBs	Staff/cleaners separate food waste and deposit directly into the MGBs, located in the Waste Room for collection.

## 4.6 Disposal of Wastes/Recyclables

The following summarises the disposal pathway for the wastes and recyclables generated once the development is operational. Note though that this management summary cannot specify the actual locations until the waste/recycling contractor is appointed.

**Table 4 – Waste Management Systems**

Type of material	Destination
Commingled recycling	Transported to a recycling facility for recycling by the appointed contractor
General waste	Transported to a landfill facility for disposal by the appointed contractor
Organics Recycling	Transported to a recycling facility for recycling by the appointed contractor

## 5 Waste Stream Acceptance Criteria

### 5.1 Acceptance Criteria

#### General Waste:

General waste bins will be 1100L MGBs. The lids and signage should be colour-coded red. The general waste stream does not include hazardous material (such as batteries, fluorescent light tubes, light bulbs and/or toner cartridges), recyclable material or electronic equipment such as computers, TVs and mobile phones.

#### Commingled (Mixed Recycling):

The comingled recycling system will be 1100L MGBs and should accept all recyclable plastic containers, aluminium containers, glass bottles and steel cans, paper and cardboard. Comingled recycling bin lids and signage should be colour-coded yellow.

#### Organics:

The organics recycling system will be 120L MGBs and should accept all food and organics waste. Organics recycling bin lids and signage should be colour-coded burgundy.

### 5.2 Bin Requirements

Containers located within the development for waste and recycling should be consistent. The following table outlines the colour coding that has been developed by Standards Australia.

**Table 5: Standards Australia waste/recycling container colour coding guide.**

Waste Stream	Bin Body Colour	Lid Colour
Food Organics	Burgundy	Burgundy
Commingled Recycling	Green	Yellow
General Waste	Green	Red

Appendix D contains illustrations of bins (and other waste management equipment) that could be used within the various areas. The pictures provide examples of the different options for equipment such as MGB, tugs for transporting bins, trolley unit and a wheelie-safe trolley.

## 6 Staff and Cleaner Education

All staff and cleaners will receive information regarding the waste collection systems including how to use the system, which items are appropriate for each stream and collection times. Appropriate signage and updated information will also be provided, as well as receiving feedback on issues such as contamination of the recycling stream or leakage of the recyclables into the general waste. The building management will have the responsibility for these tasks.

All waste receptacles will be appropriately signed and additional room signage is usually provided from most waste contractors during implementation of the waste contract. Examples of signage are included in Appendix E.

It is recommended that all signs should:

- Clearly identify the waste/recycling stream;
- Use correct waste/recycling stream colour coding;
- Identify what can and cannot be disposed of in the receptacle; and
- Include highly visual elements to accommodate for individuals with inadequate English literacy.
- As part of the tenant induction process, a waste and recycling toolkit will be provided. This toolkit will include the details of each of the systems in place; acceptance criteria for each stream and how each stream is managed. A visual communication aid such as short video will also be provided to enable tenants to educate their employees.

On a quarterly basis waste and recycling performance reports will be reported back to staff/cleaners so that they are aware of their performance and areas for improvement. An active waste monitoring program will be employed. The waste and cleaning contracts will ensure that contractors actively participate in the waste reduction program for the site and meet monthly to identify performance and new opportunities for diversion and avoidance.

## 7 Other Systems

In addition to the diversion system that will be implemented, other waste diversion and minimisation practices may also be implemented. The following provide an example of these types of systems:

### **Fluorescent Light Tubes**

A fluorescent light tube recycling stream may be required depending on the contractual arrangements for replacing light tubes. Recycling of used fluorescent light tubes could be a contractual requirement of the electrician responsible for servicing the lights. Alternatively if lights are services using in-house staff a fluorescent light tube recycling receptacle should be located in the recycling area.

### **Toner Cartridges**

A toner cartridge recycling bin/box should be placed in key printing areas to capture used cartridges. These can be recycled on an as-needed basis.

### **E-Waste**

Electronic equipment should be recycled on an as-needed basis.

## 8 Ongoing Management

Having suitable systems in place is only one element of an effective waste management system. Compliance by all stakeholders is essential.

Cleaners are a key element in the effectiveness of the systems in place. Prior to acceptance of the cleaning contract, the contractor will be required to demonstrate how the management of waste and recycling will be carried out so as to ensure that segregated materials are placed in the correct systems. This process will be agreed and a training program implemented by the cleaning contractor to ensure full understanding by all cleaners. The cleaning supervisor and site management throughout the term of the contract will carry out monitoring of the system.

In addition, cleaners will be required to feed back to site management any non-compliance issues they observe during their cleaning activities. This may include contamination of recycling, non-participation in the recycling system, or missing or damaged bins. In this way issues can be promptly dealt with by management.

Waste and recycling contractors will be required to report actual volumes collected by stream so that site management can monitor performance and feed this back to stakeholders.

It is highly recommended that a basic reporting program be set up at the site which would include bin tally sheets that detail the number of bins collected and how full they are at the time of collection, in addition to communication procedures to allow waste contractors to provide feedback regarding contamination and leakage.

All tenants and staff should be educated and made aware of any changes to the existing waste systems.

If a public place recycling system was implemented it would need to be accompanied by clear signage and colour coding to help differentiate the systems. It is likely that staff would also be required to inform the public about the systems and to guide their waste disposal practices. Additionally, notices and information sheets could be placed on public notice boards informing the public of the changes at the centre.

## Appendix C – Waste Storage Area Colour Coding

**Photographs 1 & 2 - Examples of waste room colour coding**



## Appendix D – Waste Management Equipment

The following diagrams illustrate colours and sizes of different bins that could be used within the development.

**Figure 1 – MGB bin**



**Figure 2 – MGB bin**



**Figure 3 – Indicative size of MGB**



**Figures 4, 5, 6 and 7 – Bin movers and tugs**





## Appendix E – Example Signage

