



**STATEMENT OF ENVIRONMENTAL EFFECTS  
TO ACCOMPANY A DEVELOPMENT  
APPLICATION FOR CONSTRUCTION OF A  
RESIDENTIAL CARE FACILITY, INCLUDING  
DEMOLITION OF AN EXISTING DWELLING  
HOUSE, LANDSCAPING, DRAINAGE AND  
ASSOCIATED WORKS**

**LOT 36 IN DP 239502  
94-100 EXPLORERS WAY, ST. CLAIR**

**Prepared for  
Opal HealthCare**

**By  
BBC Consulting Planners**

Job No. 19-121A  
SEE St Clair.docx  
August 2021



## Table of Contents

<b>1.</b>	<b>INTRODUCTION .....</b>	<b>5</b>
1.1	Overview .....	5
1.2	Objectives of the Development.....	5
1.3	Purpose of Statement of Environmental Effects .....	5
1.4	Pre-DA .....	6
1.5	Consent Authority .....	6
<b>2.</b>	<b>THE SITE AND CONTEXT .....</b>	<b>7</b>
2.1	Site Analysis .....	7
2.2	Regional Context .....	7
2.3	Urban Structure and Built Form .....	7
2.4	Real Property Description and Ownership .....	7
2.5	Area, Frontages and Topography.....	7
2.6	Existing Improvements .....	8
2.7	Flood Characteristics and Drainage.....	8
2.8	Vegetation .....	8
2.9	Subsurface Conditions.....	8
2.10	Contamination .....	9
2.11	Vehicular access.....	10
2.12	Public transport .....	10
2.13	Centres and Services .....	10
2.14	Heritage .....	10
2.15	Bushfire.....	10
2.16	Utilities .....	10
2.17	Recent Planning History .....	11
2.18	Existing character.....	11
2.19	Surrounding land uses.....	12
	2.19.1 To the north .....	12
	2.19.2 To the west.....	12
	2.19.3 To the south .....	12
	2.19.4 To the east .....	12
<b>3.</b>	<b>THE PROPOSAL.....</b>	<b>13</b>
3.1	Summary of development for which consent is sought .....	13
3.2	Primary Objectives .....	13
3.3	Detailed Description of Proposal.....	13
3.4	Design Rationale.....	14
3.5	Materials and Finishes .....	15
3.6	Gross Floor Area .....	15



<b>3.7</b>	<b>Operational Management</b> .....	<b>15</b>
<b>3.8</b>	<b>Allied Health</b> .....	<b>15</b>
<b>3.9</b>	<b>Vehicular Access and Parking</b> .....	<b>15</b>
<b>3.10</b>	<b>Landscaping</b> .....	<b>16</b>
<b>3.11</b>	<b>Accessibility</b> .....	<b>17</b>
<b>3.12</b>	<b>Crime Prevention through Environmental Design Assessment</b> .....	<b>17</b>
<b>3.13</b>	<b>Infrastructure and Site Services</b> .....	<b>18</b>
	3.13.1 Water and Sewer .....	18
	3.13.2 Electricity .....	19
	3.13.3 Fire Hydrants .....	19
	3.13.4 Heating and Ventilation .....	19
<b>3.14</b>	<b>Stormwater Management</b> .....	<b>19</b>
<b>3.15</b>	<b>Energy Efficiency</b> .....	<b>19</b>
<b>3.16</b>	<b>BCA Compliance</b> .....	<b>19</b>
<b>3.17</b>	<b>Earthworks</b> .....	<b>20</b>
<b>3.18</b>	<b>Construction Management</b> .....	<b>20</b>
<b>3.19</b>	<b>Waste Management</b> .....	<b>20</b>
<b>3.20</b>	<b>Signage</b> .....	<b>20</b>
<b>4.</b>	<b>RELEVANT POLICY AND PLANNING CONTROLS</b> .....	<b>21</b>
<b>4.1</b>	<b>Environmental Planning and Assessment Act 1979</b> .....	<b>21</b>
<b>4.2</b>	<b>Penrith Local Environmental Plan 2010 (“PLEP”)</b> .....	<b>21</b>
	4.2.1 Zoning and Objectives .....	21
	4.2.2 Permissibility .....	21
	4.2.3 Minimum Subdivision Lot Size (Clause 4.1) .....	22
	4.2.4 Height of Buildings (Clause 4.3) .....	22
	4.2.5 Earthworks (Clause 7.1) .....	22
	4.2.6 Flood Planning (Clause 7.2) .....	22
	4.2.7 Development on natural resources sensitive land (Clause 7.3) .....	23
	4.2.8 Sustainable development (Clause 7.4) .....	23
	4.2.9 Protection of scenic character and landscape values (Clause 7.5) .....	24
<b>4.3</b>	<b>Penrith Development Control Plan</b> .....	<b>24</b>
<b>4.4</b>	<b>State Environmental Planning Policy No. 55 - Remediation of Land</b> .....	<b>60</b>
<b>4.5</b>	<b>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</b> .....	<b>61</b>
<b>4.6</b>	<b>Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)</b> .....	<b>61</b>
<b>4.7</b>	<b>State Environmental Planning Policy (Infrastructure) 2007</b> .....	<b>62</b>
<b>4.8</b>	<b>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</b> .....	<b>64</b>
	4.8.1 Part 3 – Design Requirements .....	73
	4.8.1.1 Clause 30 – Site Analysis .....	73
	4.8.1.2 Clause 33 – Neighbourhood Amenity and Streetscape .....	73
	4.8.1.3 Clause 34 – Visual and Acoustic Privacy .....	73



4.8.1.4	Clause 35 – Solar Access and Design for Climate.....	73
4.8.1.5	Clause 36 – Stormwater .....	74
4.8.1.6	Clause 37 – Crime Prevention .....	74
4.8.1.7	Clause 38 – Accessibility .....	74
4.8.1.8	Clause 39 – Waste Management .....	74
4.8.2	Division 2 - Residential Care Facility – Accessibility & Useability.....	74
4.8.3	Discussion .....	74
<b>5.</b>	<b>STATUTORY ASSESSMENT .....</b>	<b>81</b>
5.1	Statutory Planning Considerations .....	81
5.2	Section 4.15(1)(a) – Statutory Planning Considerations .....	81
5.3	Section 4.15(1)(b) – Environmental, Social and Economic Impacts.....	82
5.3.1	Impacts on the natural environment.....	82
5.3.2	Bulk and scale impacts .....	83
5.3.3	Overshadowing impacts.....	83
5.3.4	Privacy impacts .....	83
5.3.5	Visual and view impacts.....	83
5.3.6	Traffic and parking impacts.....	84
5.3.7	Noise Impacts .....	84
5.3.8	Social and economic impacts.....	84
5.4	Section 4.15(1)(c) – The suitability of the site.....	85
5.5	Section 4.15(1)(d) – Submissions .....	85
5.6	Section 4.15(1)(e) – Public interest.....	85
<b>6.</b>	<b>CONCLUSION .....</b>	<b>86</b>

## FIGURES

Figure 1:	Location
Figure 2:	Site
Figure 3A:	Aerial Photo
Figure 3B:	Aerial Photo – Wider Area
Figure 4A:	Zoning Map – Penrith LEP 2010
Figure 4B:	Height of Buildings Map – Penrith LEP 2010
Figure 4C:	Lot Size Map – Penrith LEP 2010
Figure 5:	Bushfire Prone Land Map – NSW Rural Fire Service

## APPENDICES

Appendix 1A:	Certificate of Title and Deposited Plan
Appendix 1B:	Survey Plan
Appendix 2:	Architectural Drawings
Appendix 3:	Architectural Design Statement



- Appendix 4: Landscape Drawings and Design Statement
- Appendix 5: Ecology Report
- Appendix 6: Geotechnical Review
- Appendix 7: Detailed Site Investigation
- Appendix 8: Plan of Management
- Appendix 9: Traffic Impact Statement
- Appendix 10: Access Review
- Appendix 11A: Civil Drawings
- Appendix 11B: Stormwater Management Plan
- Appendix 12: BCA Review
- Appendix 13: Construction Management Plan
- Appendix 14: Waste Management Plan
- Appendix 15: Clause 4.6 Request
- Appendix 16: Section J Energy Efficiency Report
- Appendix 17: CPTED Report
- Appendix 18: Acoustic Impact Assessment
- Appendix 19: Arborist Report
- Appendix 20: Bushfire Report
- Appendix 21: Opal Letter on Services



# 1. INTRODUCTION

## 1.1 Overview

This Statement of Environmental Effects (“the SEE”) has been prepared by BBC Consulting Planners on behalf of Opal HealthCare (“the Applicant”) to accompany a development application (“the DA”) lodged to Penrith City Council (“Council”) pursuant to Section 4.12 of the Environmental Planning and Assessment Act 1979 (“the EP&A Act”) for the construction of a residential care facility, including demolition of an existing dwelling house, landscaping, drainage and associated works (“the proposal”) at 94- 100 Explorers Way, St Clair (“the site”).

The development application seeks consent for the construction of a two storey residential care facility comprising 154 aged care beds, associated facilities for the care of residents including kitchen and laundry facilities, dining rooms, lounge rooms, activity and exercise areas, an allied health area, nurse stations, utility rooms, staff facilities, café for residents and their visitors and associated site services including 37 car parking spaces, an ambulance space, waste management, stormwater management and landscaping.

Pursuant to the Penrith Local Environmental Plan 2010, development for the purpose of *residential care facilities* is permitted with consent in the R2 Low Density Residential zone within which the site is located. Development consent is sought pursuant to Penrith Local Environmental Plan 2010.

This SEE details the site’s location and context and describes the proposed development. It contains an assessment of the development addressing relevant statutory planning considerations, including the Penrith Local Environmental Plan 2010 (“the LEP”), the Penrith Development Control Plan 2014 (“the DCP”), State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (“SEPPHS”), and Section 4.15 of the EP&A Act.

## 1.2 Objectives of the Development

The primary objectives of the proposed development are:

- to meet growing needs for seniors housing in Penrith through the provision of a modern residential care facility with associated support services for the frail aged and people living with disabilities;
- to provide a high-quality, high-amenity, well-designed, 24/7 residential care facility to meet contemporary seniors housing standards; and
- to deliver a development that is compatible with the amenity of the locality and with the desired future character of adjoining uses and the surrounding area.

This SEE demonstrates that the proposal is reasonable and acceptable. The proposal will deliver a high quality residential care development that meets the planning and design objectives envisaged by relevant planning instruments.

## 1.3 Purpose of Statement of Environmental Effects

The purpose of this SEE is to:

- identify and describe the buildings to which the DA relates;
- describe the characteristics of the surrounding locality;



- describe the proposed development;
- define the statutory planning framework within which the DA is to be assessed and determined; and
- assess the proposed development in light of all relevant heads of consideration.

## **1.4 Pre-DA**

This application has been the subject of discussions with Council's Urban Design Review Panel and with Council officers on the following occasions:

- 13 August 2019 – pre-lodgement meeting (earlier scheme);
- 19 June 2020 – Urban Design Review Panel meeting;
- 22 October 2020 - Urban Design Review Panel meeting;
- 24 November 2020 – pre-lodgement meeting.

The matters raised in these meetings have been taken into consideration and reflected in the information provided and final form of the proposed building.

The applicant engaged with Council early in the design process undertaking a detailed character assessment to guide urban design so as to obtain urban design input and to ensure that the design responds to the attributes of the site and the desirable elements of the surrounding context. The analysis of site and context has driven the design.

## **1.5 Consent Authority**

This development has a capital investment value in excess of \$20 million and the Sydney Western City Planning Panel is the consent authority. The development is integrated development.



## 2. THE SITE AND CONTEXT

### 2.1 Site Analysis

A comprehensive analysis of the site and its context has been undertaken to inform the design of the development. This analysis includes the matters for consideration in a site analysis as established in the SEPPHS. An urban character assessment was undertaken by Custance and Johannsen & Associates to guide the design. The analysis of the site and its context, including the surrounding development is described below and detailed in the architectural drawings and site survey and architectural design report (see **Appendix 1B, 2 and 3**).

### 2.2 Regional Context

The site is located within St Clair which is located 39km south-west of the Sydney CBD, in the Local Government Area (LGA) of Penrith. The site is located adjacent to the M4 Motorway (see **Figures 1 and 2**) with access to the motorway via east facing ramps at Erskine Park Road approximately 1 km to the east of the site.

The Penrith LGA lies to the west of the Sydney Metropolitan Area at the foot of the Blue Mountains. The LGA covers an area of 404 square kilometres and comprises 37 suburbs. The Great Western Highway, the M4 Motorway, the Western Railway line and the Sydney Water pipeline all cross the area from east to west.

### 2.3 Urban Structure and Built Form

The urban structure and built form of the area is predominantly single and two storey detached dwelling houses that are 20-40 years old with evidence of some urban renewal.

The surrounding urban structure is influenced by the location of collector and sub-arterial roads that provide access from the precinct to surrounding areas. The site is located on Explorers Way which feeds onto Erskine Park Road which provides direct access to the M4 Motorway, providing a high level of accessibility and an appropriate location for a residential care facility.

### 2.4 Real Property Description and Ownership

The site comprises Lot 36 in DP 239502, as shown on **Figure 2**.

The Certificate of Title and Deposited Plan are provided in **Appendix 1A**.

The site is owned by Principal Healthcare Finance Pty Ltd.

### 2.5 Area, Frontages and Topography

The site has an area of approximately 1.057 hectares. The site is generally rectangular in shape and has a frontage to Explorers Way of approximately 79.5m (including a partly unformed section of road) (see **Figure 2**).

A survey plan is provided in **Appendix 1B**.

The topography of the site slopes away from Explorers Way from a high point of RL 56.66m AHD (along the south-western boundary to Explorers Way) to a low point of RL 52.8m AHD





(along the north-eastern boundary of the site (towards the M4 Motorway) resulting in a gentle 1 in 40 slope.

The site contains a drainage depression across the northern part of the site draining from the residential subdivision to the west and this is exposed to flooding from overland flow. This has been discussed with Council engineers during pre-DA and DA preparation.

## 2.6 Existing Improvements

Erected on site is a two storey dwelling house with a driveway access off Explorers Way. The location and extent of the existing building is identified on the survey plan in **Appendix 1B**.

The context of the existing dwelling relative to the rest of the site and its immediate neighbours is evident on the detailed aerial photograph in **Figure 3A**.

## 2.7 Flood Characteristics and Drainage

The site is not subject to main stream flooding but is subject to overland flow. An existing drainage depression runs through the site draining waters from Ashwick Circuit to a headwall in the M4 Western Motorway drainage reserve. The drainage depression through the site consists of a defined gully/overland flow path and piped drainage system comprising of a 600mm DIA pipe. The site drains generally to the north east.

## 2.8 Vegetation

As shown on the survey plan in **Appendix 1B** and on the aerial photo in **Figure 3A**, the site consists of mown lawn and remnant trees. The site has been cleared of understory vegetation for several decades, most likely since the surrounding area was subdivided. Land in the vicinity of the site is subject to urban development in the form of subdivision and residential development.

The trees on the site are concentrated in the rear (northern part of the site adjoining the M4 motorway road reserve). The vegetation community is disturbed but appears to best match the ecological community Shale Gravel Transition Forest in the Sydney Basin Bioregion. The vegetation is classified as poor integrity vegetation by Abel Ecology (**Appendix 5**). No threatened species were observed.

There is a row of mature Melaleuca trees along the southern frontage of the site which contributes to the streetscape character.

## 2.9 Subsurface Conditions

Details of the sub-surface conditions are provided in the preliminary Geotechnical Assessment by Martens Consulting Engineers (**Appendix 6**).

Investigation revealed the following generalised subsurface units likely underlie site:

**Unit A:** *Topsoil comprising silty clay encountered generally in the northern portion of the site up to approximately 0.2 mbgl.*



**Unit B:** Fill comprising inferred poorly to moderately compacted silty clay / clayey silt, encountered in the southern and central portion of the site up to between approximately 0.2 mbgl (BH102) and 0.8 mbgl (BH103). It is expected that fill has been placed under uncontrolled conditions possibly as part of former development for landscaping and / or site levelling purposes.

**Unit C:** Residual soil comprising:

**Unit C1:** Firm to stiff silty clay encountered in the central and northern portions of the site up to approximately 1.55 mbgl. This unit was not encountered in the southern portion of the site.

**Unit C2:** Very stiff to hard silty clay encountered below Unit C1 in the central and northern portions and below Unit A in the southern portion of the site up to between approximately 3.2 mbgl and 4.2 mbgl (possibly extremely weathered rock from approximately 2.7 m, 2.9 m and 3.1 mbgl in BH105, BH106 and BH103, respectively). This unit contains interbedded extremely weathered rock and / or ironstone bands across the site.

**Unit D:** Weathered and inferred very low to low strength shale / siltstone from depths of between 3.2 mbgl (BH104 and BH105) and 4.2 mbgl (BH101) up to maximum investigation termination depth of 6.6 mbgl.

Groundwater inflow was not encountered during drilling of the boreholes up to 6.6 metres below ground level (mbgl).

There are no geotechnical constraints to the proposed development provided that it is carried out in accordance with the requirements of the geotechnical report.

## 2.10 Contamination

A number of site investigations has been previously prepared for the site in relation to DA#15/0542. The previous reports are:

- Alliance Geotechnical (2015a) *Preliminary Site Investigation: 94-100 Explorers Way, St Clair, NSW* (Ref: 1842/ER-1-1) (AG, 2015a).
- Alliance Geotechnical (2015b) *Salinity Assessment Report: 94-100 Explorers Way, St. Clair, NSW* (AG, 2015b)

Martens and Associates have undertaken a Detailed Site Investigation (**Appendix 7**). This report finds that:

*Based on the findings of this DSI, the site contains contamination in the form of shallow buried ACM in fill material, which will require remediation before the site is considered suitable for the proposed aged care facility.*

*Additionally, the data gap presented by the existing dwelling will need to be closed through further testing following site demolition works and prior to commencement of the proposed development.*

*A remedial action plan (RAP) will be required to guide the remediation of known ACM contamination. Given the amount of material to be remediated, the most practical*



*remediation strategy would involve the excavation and offsite disposal of asbestos contaminated fill material.*

*Post remediation, a site validation report will be required to confirm site suitability for the proposed development.*

*Following the remediation works noted above the site is expected to be considered suitable for the proposed use.*

*A formal waste classification assessment shall be required for any soil material which is to be removed from the site, in accordance with the NSW EPA Waste Classification Guidelines (2014).*

## **2.11 Vehicular access**

The site currently has two access driveways from Explorers Way, one located towards the middle of the site which originally provided access to ancillary structures that are now demolished as part of consent to DA15/0542 and one access driveway located along the eastern boundary of the site which provides access to the existing dwelling house.

## **2.12 Public transport**

Currently the nearest bus service (route 776) to the site is located on Colorado Drive (approximately a 600m walk south-east of the site). This bus route provides services between Mount Druitt Station and Penrith Station (via St Marys). It is considered this would provide public transport access to the site for staff and visitors.

## **2.13 Centres and Services**

St Clair Shopping Centre is located approximately 1km south-west of the site. The shopping centre provides a number of services including a medical centre, library, chemist, hairdressers, and a post office.

## **2.14 Heritage**

The site does not contain any heritage items listed under the Penrith LEP 2010 and is not located within a heritage conservation area.

## **2.15 Bushfire**

Part of the site is identified on Council's Bushfire Prone Land Map as containing a vegetation buffer bushfire prone land (see **Figure 5**). The vegetation identified as posing a bushfire hazard to the subject site is within the unformed portion of the Western Motorway road reserve to the north. The proposed development is a special fire protection purpose as defined in the Rural Fires Act 1997 and consequently is integrated development.

## **2.16 Utilities**

Existing infrastructures services and connections are available to the site including water, electricity, gas, stormwater, and telecommunications. Where necessary, these services will be extended/adapted and augmented in order to meet the demands of the development.



An existing sewer line crosses the northern part of the site. The grade of this sewer is such that its relocation is not possible.

## 2.17 Recent Planning History

The most recent approved DAs for the site include as follows:-

- Development Application DA15/0542 was approved by Council on 24 February 2016 for demolition of existing structures on site, construction of a Torrens Title Subdivision of 14 residential lots, and construction of a new road, associated drainage works and utilities.
- Modification Application DA15/0542.02 was approved by Council on 21 November 2017 for extension of the consent period to DA15/0542 from 24 February 2018 to 24 February 2019;
- Modification Application DA15/0542.03 was approved by Council on 3 September 2019 to remove Condition No.61 of consent to DA15/0542 related to the creation of an easement;
- Development Application DA16/0197 was approved by Council on 12 July 2016 for the demolition of an existing dwelling and construction of new two storey dwelling; and
- Development Application DA11/1364 approved by Council on 31 July 2012 for a Torrens Title Subdivision of 7 Residential Lots, 1 Residue Lot & Public Road.

## 2.18 Existing character

The proposed development has been designed following a careful consideration of the site and its context. This design process is outlined in the Urban Design and Architecture Report accompanying the development application. Detailed consideration was given to the surrounding low density residential context in order to ensure that the proposal recognises the desirable elements of the locality and its desired future character and is compatible with the existing streetscape character.

The immediate area is typical of suburban development of the 1970s with a curvilinear street system with a number of circuits and cul-de-sacs making wayfinding and legibility difficult. The built form is primarily detached one and two storey dwelling houses with spatial breaks between each built form and a traditional pitch roof character. Housing is generally between 30 and 50 years old with some renewal with more contemporary and larger dwellings.

The site adjoins the rear boundaries of three dwellings fronting Ashwick Circuit and of four dwellings fronting Fuller Place. Consequently adjoining dwellings to the site on the Explorer Way frontage present side boundaries to the street. The land adjoining the south west frontage to the site presents an irregular boundary interface between the site and Explorers Way road reserve.

Otherwise dwellings on Explorers Way have a generally consistent setback from the street frontage of 7 to 8 metres with a variety of hard paving for driveways and landscaping making up the front gardens in the area. Front driveways are often used for vehicle parking.

The site and nearby sites back onto the motorway which is a source of noise to be managed in the design.



An open space reserve at the end of Fuller Place adjoins the north eastern boundary of the site.

The residential suburb of St Clair includes a number of other land uses set in a detached residential environment including churches (St Clair Anglican, St Clair Uniting, Holy Spirit Catholic), schools (St Clair public and high schools, Clairgate public, Blackwell public, Holy Spirit), child care centres (Stepping Stones, Little Smarties, Academy, Kindana) and the shopping centres. These more institutional forms also influence the character and diversity of built form in the area.

## **2.19 Surrounding land uses**

### **2.19.1 To the north**

Immediately to the north of the site is land zone SP2 Infrastructure (the M4 Motorway) which also includes an RMS nature strip adjacent to the site. Further north, on the other side of the M4 Motorway is the suburb of Colyton.

### **2.19.2 To the west**

Immediately to the west of the site are residential dwellings and vacant land fronting Ashwick Circuit. Further west are more low density residential dwellings.

The Council owned land to the west of the site has some potential for redevelopment which is likely to take the form of detached dwellings as a continuation of the subdivision pattern in the area. This is subject to managing the overland flow path and drainage infrastructure crossing this land.

### **2.19.3 To the south**

Adjoining the site to the south is Explorers Way and a road reserve area and two small lots understood to be owned by Council. Further south, there are more dwelling houses.

### **2.19.4 To the east**

Immediately to the east of the site are low density residential dwelling houses and a vacant parcel of land zoned RE1 Public Recreation which contains drainage infrastructure.

Further east is Erskine Park Road which provides direct access to the M4 Motorway.

## **3. THE PROPOSAL**

### **3.1 Summary of development for which consent is sought**

The development application seeks consent for the construction of a two storey residential care facility comprising 154 aged care beds, associated facilities for the care of residents including kitchen and laundry facilities, dining rooms, lounge rooms, activity areas and audio rooms, an allied health area, consultation rooms, hair salon, café for residents and their visitors, nurse stations, utility rooms, staff facilities and the like. Associated development includes demolition of an existing dwelling house, earthworks, landscaping, site services, stormwater drainage, and other ancillary works. Parking is provided for 37 cars and parking is provided for an ambulance and a courtesy bus servicing the site.

The proposal is detailed in the architectural drawings prepared by Custance (see **Appendix 2**) and described in the Design Statement (**Appendix 3**).

### **3.2 Primary Objectives**

The primary objectives of the proposed development are:

- to provide a facility designed to be compatible with the character of the surrounding area;
- to meet the growing need for seniors housing in St Clair through the provision of a modern residential care facility with associated support services for the frail aged and people living with disabilities;
- to provide a high-quality, high-amenity, well-designed, 24/7 residential care facility to meet contemporary seniors housing standards; and
- to deliver a development that is compatible with the amenity of the locality and with the desired future character of adjoining uses and the surrounding area.

### **3.3 Detailed Description of Proposal**

A detailed description of the proposed residential care facility is provided as follows.

#### **Ground Floor**

- front entry and drop off area;
- ambulance bay;
- foyer/reception area;
- function/training room;
- hair salon;
- ancillary café for use by residents, staff, and visitors;
- allied health facility comprising a therapy room, consulting and treatment rooms and outdoor exercise area;
- back-of-house facilities (including kitchen, laundry, loading dock, garbage/recycling storage areas, med store, pump room, switch room);



- nursing stations and associated clean and dirty utility areas, offices and medication rooms;
- function/training room, service rooms;
- team garden, team room, and staff toilets;
- 44 bedrooms with ensuite bathrooms accommodating 52 beds;
- lift cores, circulation corridors, and fire stairs;
- substantial tree planting and landscaping; and
- secure outdoor recreation areas, terraces and courtyards.

### **Level 1**

- 80 bedrooms with ensuite bathrooms accommodating 102 beds;
- Lounge rooms, dining rooms and terrace areas;
- Service rooms, med rooms, store rooms and nurse stations; and
- lift cores, circulation corridors, and fire stairs.

### **Roof Level**

- lift overruns and plant decks.

## **3.4 Design Rationale**

The key elements of the design are as follows:

1. Mitigate impact to neighbours including privacy, solar and noise.
2. Considered built form fanning away from a central core providing a number of indented landscaped areas around the building allowing light ventilation in the central core.
3. The main outdoor landscaped area is to the north interacting with existing vegetation and the rear of the site.
4. Solar access to bedrooms and sitting rooms and resident access to balconies.
5. Retention of vegetation on the site with additional landscaping provided retaining vegetation character of the streetscape.
6. Deep soil planting with mature planting along the eastern western and southern boundaries.
7. On-grade parking for visitors and staff along western boundary.
8. Entry to loading and parking areas independent of main entrance and drop off areas.
9. Two storey built form along all boundaries adjoining residential dwellings.
10. Providing accessible and safe building floor plates with no internal ramps.
11. The bulk and mass of the building broken up with indented sitting areas, roof form articulation material change and façade articulation.
12. A pitched roof is provided to suite the context.
13. Design broken into a series of neighbourhoods with their own identity and outlook.



14. Material selection sympathetic to neighbouring dwellings (brick, fibre cement and steel roof).
15. Internal design incorporates COVID strategies to future proof the building.
16. A balanced and considered design approach including access and parking, bushfire management, vegetation and stormwater management.

### **3.5 Materials and Finishes**

A schedule of external materials and finishes is provided with the drawing package (**Appendix 2**).

### **3.6 Gross Floor Area**

Measured in accordance with the relevant definition, the proposal has a gross floor area ("GFA") of 8,372m<sup>2</sup>, contained within a two-storey built form. This results in a FSR of 0.79:1.

### **3.7 Operational Management**

The residential care facility will be constructed, owned, and operated by Opal Health Care. The organisation will be responsible for the ongoing operation and maintenance of the facility in accordance with the requirements of the Commonwealth Department of Health.

In terms of operation and management upon completion of the proposal, the RCF will be staffed 24 hours/day 7days/week as is appropriate for a facility of the nature proposed. There will be a maximum of 38 staff employed at the facility at any one time. A Plan of Management is provided in **Appendix 8**.

### **3.8 Allied Health**

An allied health area including treatment rooms and open therapy space is provided. This is an area where physiotherapists and exercise physiologists deliver professional services in areas of rehabilitation and exercise. The allied health service model underpins Opal's ethos to provide their residents with access to quality healthcare services ensuring they continue to live a healthy, comfortable and abundant life and maintain connections with the general community. Experience at other centres indicates significant benefits from such facilities in resident wellbeing and health.

The facility includes a physical therapy area, a treatment room, consultation rooms, office and reception area. It has access to an external area for open air exercises. The facility is accessed from within the residential care facility with a smaller separate entry from the front of the building. The majority of the clients of the facility would be residents of the approved seniors housing development. However it is proposed that elderly residents of the surrounding area can access the facility for rehabilitation or therapy. The facility is expected to require up to 4 additional staff at any one time.

### **3.9 Vehicular Access and Parking**

Vehicular access to and from the site will be facilitated by two separate driveway crossings from Explorers Way. One entry/exit driveway access is located at the south-western corner of





the site which will provide access to car-parking areas located along the western side of the site as well as providing access to the loading dock for deliveries and waste collection. The second exit driveway is located at the south-eastern corner of the site and will allow visitors and emergency vehicles to exit from the carparking areas located at the front of the entrance to the facility. The internal circulation system allows vehicles to arrive and depart in a forward direction.

Six spaces, including a disabled parking space, are provided at the front of the site generally behind the building line with a 9 - 10 metre setback from the property boundary. The remainder of the parking is located adjacent to the western side of the building approximately 7.8 metres from the western boundary of the site. As detailed in the accompanying Traffic Impact Statement (**Appendix 9**), this level of parking satisfies the car parking requirements of the SEPPHS.

The loading dock is provided towards the southern boundary on the western side of the building. The dimensions and configuration of the loading dock area and access allows delivery and service vehicles to reverse into the dedicated area and leave in a forward direction.

The proposal also includes provision for a dedicated ambulance bay located near the front entrance.

The proposed internal access roads and car parking dimensions are designed in accordance with the Australian Standard for Parking Facilities (Part 1: Off-Street Car Parking and Part 6: Off-Street Parking for People with Disabilities), AS 2890.1:2004 and AS 2890.6:2009.

### 3.10 Landscaping

The landscaping strategy and concepts are detailed in the Landscape Drawings prepared by TaylorBrammer Landscape Architects (**Appendix 4**). The landscape architect has provided the following design statement:

*The design of the external environments creates an appropriate residential landscape setting to the site as a whole and specifically to the edges, street fronts and internal courtyards. The design and proposed planting character celebrates the natural characteristics of Western Sydney and re-establishes a vegetative character complementary to the surrounding residential nature of St Clair.*

*The proposal retains numerous trees to the north, south and east of the site and supplements the existing native tree character with an extensive tree, shrub and groundcover planting strategy to the site enhancing the landscape typology of the area. Boundaries to the east and west of the site contain a layered planting strategy creating visual interest and functional screening to all boundaries of the site. This planting is located in appropriately sized deep soil areas, ensuring that these trees establish to full height and provide visual screening to and from the proposed home. The expansive northern landscaped areas will retain numerous existing native trees and enhance ecological values of the site with consideration to APZ requirements required by the Bushfire Consultant. Functionally this area will provide the opportunity for passive recreation for residents, Opal team members and families of the site.*



*The entry precinct fronting Explorers Way will retain numerous existing trees fronting the street and supplement existing with the installation of a primary layer of street trees and new feature trees within the sites frontage. This layered tree planting strategy provides opportunity for a feature tree central to the axis of the home and create a landscaped frontage which presents to the street, where the predominant entry and exit points are visible only.*

*Six detailed courtyards are proposed throughout the development which provide aesthetic and functional outdoor space for residents, Opal team members and families alike. All courtyards are located on ground floor and accessible by re. Each of the courtyards are themed based off native vegetation of the area to create memorable environments for residents with varying levels of dementia and accessible requirements. Within each courtyard are a range of passive and tactile opportunities representative of normal home life, these include vegetable gardens, potting benches, vine covered arbors, resident BBQ areas and a small play element for children of visiting families.*

*This is an extensively landscaped proposal positively contributes to the residential landscape setting of St Clair through its application of planting and design outcomes to benefit the local community and ecology of the area.*

### **3.11 Accessibility**

The proposed RCF has been designed to allow ease of access for all residents and their visitors by providing continuous paths of travel, circulation spaces and appropriate gradients. Resident bedrooms and communal amenities will be accessible from the main reception and entry area, and the main paths of travel will be accessible and continuous throughout.

An access review has been prepared assess the accessibility of the proposal and provide recommendations to maximise reasonable provisions of access for people with disabilities (see **Appendix 10**). The review ensures that the proposal complies with relevant statutory guidelines, being the AS1428 series, Building Code of Australia (BCA) and Access to Premises Standard. Access has been assessed in terms of ingress and egress, paths of travel, passenger lifts, stairs, circulation areas residential accommodation, car-parking, toilets, ground surfaces, and staff facilities.

The Access Review considers that compliance with the provisions of the BCA is readily achievable, provided the matters referred to in the report are appropriately addressed by the project team.

### **3.12 Crime Prevention through Environmental Design Assessment**

The proposed facility has been designed with regards to the principles of Crime Prevention Through Environmental Design ("CPTED"). The CPTED principles incorporated into the proposed development are considered in the CPTED report (**Appendix 17**) and include the following:

#### **Surveillance**

- natural street surveillance from the proposed building with a street frontage activated by the main entry, café, allied health facility and bedrooms;
- CCTV monitoring to ground floor level of the building and car park areas;



- driveways are shared pedestrian and vehicular zones and natural street surveillance applies; and
- passive surveillance opportunities of the park to the north east of the site.

### **Landscaping**

- the landscape design will feature paved areas and small areas of feature shrub planting adjacent to the entrance to the facility, retention of mature trees along the street frontage and additional planting within the setback; and
- species are to be selected on the basis of height, bulk and shape.

### **Lighting**

- site external lighting will comply with Australian Standards; and
- external task lighting will be provided to entries and car parking areas.

### **Territorial Reinforcement**

- entrances and exits to the building are clearly discernible and directly from the driveway and Explorers Way;
- clear and legible way-finding signage will be provided;
- landscaping is used to clearly delineate the public and private domains.

### **Access control**

- Entry points to the site have been minimised with one entry/exit crossing at the south-western corner from Explorers Way and one exit only crossing at the south-eastern corner of the site to Explorers Way. There is one main entry to the building providing access control and providing resident and staff security

The safety and security of future residents has been carefully considered in the design of the proposed facility. Adequate surveillance will be provided throughout the site with the use of effective lighting, appropriate fencing, landscaping, clear identification of the site entrances, and avoidance of dark spaces throughout the building. The private, secure external terrace courtyards will assist in the management and safety of residents, staff, and visitors.

The building is sited such that there are opportunities for passive surveillance over Explorers Way from both levels and frontages. The proposed facility is to be staffed on a 24-hour basis and will be appropriately lit.

The transition of this locality from a mostly vacant site to a new residential care facility with an appropriate building form, as proposed, will increase community safety and should reduce opportunities for crime in the locality.

## **3.13 Infrastructure and Site Services**

Existing infrastructure connections are available to the site. Where necessary, these services will be extended, adapted and augmented in order to meet the demands of the proposal.

### **3.13.1 Water and Sewer**

The site is capable of connection to existing water and sewerage infrastructure.



### 3.13.2 Electricity

Electricity services can be readily connected to the existing electricity supply on Explorers Way. Provision has been made for a substation on the site.

### 3.13.3 Fire Hydrants

Sydney Water would supply water required for fire-fighting on the site in accordance with the requirements of the Building Code of Australia.

### 3.13.4 Heating and Ventilation

Commonwealth regulations require adequate heating and cooling to provide residents with comfortable conditions. The facility (including all bedrooms) will be air conditioned. Mechanical ventilation will be provided to the toilets, bathrooms, ensuites, utilities rooms, communal recreation areas and all back-of-house areas such as the laundry and kitchen.

## 3.14 Stormwater Management

Stormwater management infrastructure will be incorporated into the proposal as detailed in the Stormwater and Flood Report prepared by Henry & Hymas (see **Appendix 11B**). This report addressed Water Sensitive Urban Design (WSUD), stormwater detention and overland flow.

## 3.15 Energy Efficiency

An NCC 2019 Section J Part J1 statement has been prepared (**Appendix 16**) to demonstrate design compliance of the proposed Opal RACF, St Clair development located at 94-100 Explorers Way, St Clair NSW 2759 against the requirements of the National Construction Code 2019 Volume One, Amendment 1 Section J Part J1 Building Fabric. Compliance with Part J1 can be met subject to the incorporating identified specifications into the design.

## 3.16 BCA Compliance

The proposed RCF has been designed to comply with the Building Code of Australia ("BCA"). Compliance with the BCA is a prescribed condition of development consent. A BCA Assessment Report (**Appendix 12**). The report concludes as follows:

*This report provides an assessment of the referenced architectural documentation against the Environmental Planning and Assessment Act, referenced Australian Standards, as well as, the Performance Requirements and the Deemed to Satisfy provisions of the National Construction Code Series, Building Code of Australia (Volume 1) for the proposed development.*

*Key compliance issues have been identified through this assessment. These issues are to be resolved prior to the approval stage by means of; Performance Solutions, altered design documentation or clarification of information on building plans.*

*Notwithstanding the above, it is considered that compliance with the provisions of the BCA is readily achievable, provided the above matters are appropriately addressed by the project team.*

### 3.17 Earthworks

Earthworks are required to prepare the building platform in advance of the construction of the RCF and associated works as shown on the bulk earthworks cut and fill plan in **Appendix 11A**. The earthworks facilitate a building platform on one level with no ramps which is required for resident and staff safety.

The Erosion and Sediment Control Plan provided in **Appendix 11A** describes the erosion and sediment control measures that will be implemented during earthworks. The measures will remain operational until completion of the proposal.

### 3.18 Construction Management

A Construction Management Plan (“CMP”) has been prepared (**Appendix 13**). The CMP provides details of appropriate mitigation measures to control emissions during construction operations, including dust minimisation, noise control, and traffic movement. Consideration will be given to the proximity to other construction activity in the area at the time construction commences.

### 3.19 Waste Management

A Waste Management Plan (“WMP”) has been prepared (**Appendix 14**) detailing the waste management and minimisation activities that will be carried out during the construction and ongoing operational phases of the proposed RCF.

The WMP confirms that all waste material arising from preparatory site works (including earthworks, construction works, and ongoing operation of the facility) will be appropriately managed and minimised. The RCF incorporates a waste and recycling area at ground floor level. Waste and recycling generated by day-to-day operations will be appropriately managed and disposed of using appropriate waste management practices.

A waste storage area is located at ground level adjoining the loading bay. This area will be used as a storage area for all waste material and recyclable materials. Waste will be stored in designated bins for collection by the waste contractor as required.

Opal Health Care maintenance crews will be responsible for transferring all hand held and wheelie bins from the proposed RCF to the ground floor waste and recycling storage area, where waste will be collected by the garbage contractor.

### 3.20 Signage

The proposal provides for building identification signage as follows:-

- a wall sign on the front façade of the building integrated into the design of the building;
- a pylon sign to the south west boundary;
- a post mounted directional sign for wayfinding.

A flag pole is also proposed. Details are provided in the architectural drawings in **Appendix 2**.

## 4. RELEVANT POLICY AND PLANNING CONTROLS

### 4.1 Environmental Planning and Assessment Act 1979

This development application is lodged under Section 4.12 of the Environmental Planning and Assessment Act 1979 (“the EP&A Act”) for the construction of a 123 bed residential care facility.

### 4.2 Penrith Local Environmental Plan 2010 (“PLEP”)

Development consent is sought pursuant to Penrith Local Environmental Plan 2010 (“PLEP”). This section assesses compliance of the proposal against relevant controls and provisions of the LEP.

#### 4.2.1 Zoning and Objectives

The site is zoned R2 Low Density Residential pursuant to PLEP (see **Figure 4A**). The objectives of the R2 zone are stated as follows-

- *“To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure a high level of residential amenity is achieved and maintained.”*

The proposal is consistent with the above objectives in that:

- the proposal meets community needs for seniors within a low density residential environment;
- it complements the low density residential character of the surrounding area and is compatible with the character and identity of the established St Clair residential area; and
- it provides a high level of residential amenity to future residents and protects the amenity of adjoining residences.

#### 4.2.2 Permissibility

Development permitted without consent in the R2 Low Density Residential zone includes as follows:-

*“Home occupations”*

Development permitted with consent in the R2 zone includes as follows:-

*“Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities;*



*Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Information and education facilities; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; **Residential care facilities**; Respite day care centres; Roads; Secondary dwellings; Shop top housing; Tank-based aquaculture”*

Development prohibited in the R2 zone includes as follows:

*“Any development not specified in item 2 or 3”*

Development for the purposes of a residential care facility is permissible with consent pursuant to PLEP. This is the only form of seniors housing permissible in the R2 Low Density Residential zone.

#### **4.2.3 Minimum Subdivision Lot Size (Clause 4.1)**

Pursuant to Clause 4.1 of the LEP, the site is subject to a minimum lot size of 550m<sup>2</sup> (see **Figure 4C**). The proposal has a total area of 1.057 hectares which complies with the LEP minimum lot size requirement.

#### **4.2.4 Height of Buildings (Clause 4.3)**

Pursuant to Clause 4.3 of the LEP, the site is subject to a minimum building height of 8.5m (see **Figure 4B**). The proposal has a maximum building height of 9.84m which does not comply with the maximum building height development standard. The exceedance of the maximum building height occurs at the location of the roof top plant enclosure in the centre of the building and to a lesser extent at the northern part of the building.

A clause 4.6 request has been submitted requesting a variation to this standard on the grounds that it is unreasonable and unnecessary in the circumstances of this case (**Appendix 15**).

#### **4.2.5 Earthworks (Clause 7.1)**

Clause 7.1(2) of PLEP 2010 states that consent is required for earthworks unless:-

- “(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) the work is ancillary to other development for which development consent has been given.”*

The proposal includes earthworks and excavation as described in the civil drawings in **Appendix 11A**.

#### **4.2.6 Flood Planning (Clause 7.2)**

Clause 7.2(4) and (5) of the LEP states as follows:-

- “(4) 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.*
- (5) Development consent must not be granted for development on land identified as “Flood planning land” on the Clause Application Map, unless the consent authority is satisfied that the development will not adversely affect the safe and effective evacuation of the land and the surrounding area.”*

The site is not identified as “flood planning land” on the Clause Application Map.

Investigations into overland flow have been undertaken and are contained in the stormwater management report (**Appendix 11B**).

#### **4.2.7 Development on natural resources sensitive land (Clause 7.3)**

The site does not contain natural resources sensitive land.

#### **4.2.8 Sustainable development (Clause 7.4)**

Clause 7.4 states as follows:

*In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a “whole of building” approach by considering each of the following—*

- (a) conserving energy and reducing carbon dioxide emissions,*
- (b) embodied energy in materials and building processes,*
- (c) building design and orientation,*
- (d) passive solar design and day lighting,*
- (e) natural ventilation,*
- (f) energy efficiency and conservation,*
- (g) water conservation and water reuse,*
- (h) waste minimisation and recycling,*
- (i) reduction of vehicle dependence,*
- (j) potential for adaptive reuse.*



The development has been designed to meet the requirements of Section J of the BCA as indicated in the report in **Appendix 12**.

#### 4.2.9 Protection of scenic character and landscape values (Clause 7.5)

The site does not contain land of scenic character and landscape value.

### 4.3 Penrith Development Control Plan

Penrith Development Control Plan 2014 (“the DCP”) contains controls and guidelines that apply to all and specific forms of development in Penrith. The following chapters apply to the site:-

- C1 Site Planning and Design Principles;
- C2 Vegetation Management;
- C3 Water Management;
- C4 Land Management;
- C5 Waste Management;
- C6 Landscape Design;
- C8 Public Domain;
- C10 Transport, Access and Parking;
- C12 Noise and Vibration; and
- C13 Infrastructure and Services.

The following table assesses the proposal’s compliance with relevant requirements and development controls of the DCP.

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<b>Part C – Controls Applying to all Land Uses</b>		
<b>C1 – Site Planning and Design Principles</b>		
<b>1.2.2. Built Form - Energy Efficiency and Conservation</b>		
a) The selection criteria for construction materials, including internal fit-out work, should include detailed documentation of their energy efficiency properties.		
b) Buildings should be designed on passive solar design principles which: i) Respond to orientation to maximise the northerly aspect and solar access in the cooler periods;	Development provides north facing living areas and audio rooms. Due to the nature of the development mechanical ventilation and air conditioning will be provided. Plant and equipment designed for energy	Yes

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
ii) Reduce overheating in summer and promote solar gain in winter; and iii) Ensure there is adequate cross flow of air by utilising natural ventilation, resulting in a reduction in the use of mechanical ventilation and/or air-conditioning systems.	efficiency and solar panels will be provided.	
c) The future use and occupants of the building should be considered in the design and location of building services/equipment to ensure that: i) The thermal comfort of occupants is optimised through zoning sections of the floor area to ii) of building services is provided enable individual control of heating and cooling; iii) Lighting systems and fittings have reduced energy consumption that are also appropriate for the use/activity located in that part of the building; iv) The equipment or service will be used and its future use will not affect other elements of sustainability; and v) Sub-metering to individual tenancies within the development to enable individual monitoring of consumption performance.	Energy efficiency measures incorporated into the design. Refer to Section J report.	Yes
d) Common and service areas in the building should incorporate energy and water efficiency/conservation measures in their design and location	Can comply	Yes
<b>1.2.3. Building Form - Height, Bulk and Scale</b>		
a) Context: An applicant must demonstrate how all proposed buildings are consistent with the height, bulk and scale of adjacent buildings and buildings of a similar type and use.	The development has a two storey height compatible with the character of the area and have been designed to provide articulated facades and building components resulting in a bulk and scale appropriate in this context.	Yes
b) Character: An applicant must demonstrate how any building's height, bulk and scale will avoid or minimise negative impacts on an area's landscape, scenic or rural character (where relevant) taking into account the topography of the area, the surrounding landscape and views to and from the site.	The development has been designed to minimise negative impacts on the areas landscape and scenic character.	Yes

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>c) Articulation: Where the dimension of the building is 20m or more, an applicant must demonstrate how the building or surface has been articulated (either through built form or materials) to minimise impact on bulk and scale.</p>	<p>The building is highly articulated along all frontages with limited continuous façade extents. This articulation and associated boundary setbacks minimises impacts on bulk and scale.</p>	<p>Yes</p>
<p>d) Overshadowing: Building locations, height and setbacks should seek to minimise any additional overshadowing of adjacent buildings and/or public spaces where there would be a significant reduction in amenity for users of those buildings/spaces.</p>	<p>Setbacks to side boundaries minimise overshadowing to maintain the amenity of adjacent buildings and open spaces.</p>	<p>Yes. Overshadowing maintains at least 3 hours of sunlight to private open space of adjoining residents as per architects drawings.</p>
<p>e) Setbacks/Separations: Buildings should be sufficiently set back from property boundaries and other buildings to:</p> <ul style="list-style-type: none"> <li>i) Maintain consistency with the street context and streetscape character, especially street/front setbacks;</li> <li>ii) Maximise visual and acoustic privacy, especially for sensitive land uses;</li> <li>iii) Maximise deep root planting areas that will support landscape and significant tree plantings integrated with the built form, enhancing the streetscape character and reducing a building's visual impact and scale;</li> <li>iv) Maximise permeable surface areas for stormwater management; and</li> <li>v) Minimise overshadowing</li> </ul>	<p>The building is setback varying distances from front and side boundaries.</p> <p>Setbacks to the street frontage vary from 7 metres at the closest point to 20 metres near the main entry. Dwellings to the east and west of the site present a reduced side boundary to Explorers Way. Setbacks in the area generally average around 7 metres.</p> <p>Setbacks to the side boundaries allow a generous landscape treatment and privacy measures are incorporated, or can be incorporated into the design to protect the privacy of adjoining developments.</p>	<p>Yes</p>
<p>f) Building Façade Treatment: The aim is to ensure that any built form will:</p> <ul style="list-style-type: none"> <li>i) promote a high architectural quality commensurate with the type of building and land use;</li> <li>ii) adopt façade treatments which define, activate and enhance the public domain and street character;</li> <li>iii) ensure that building elements are integrated into the overall building form and façade design;</li> </ul>	<p>Facades are broken into elements and are articulated and modulated to present as an attractive two storey building with clearly identified elements.</p> <p>The development addressed the street with active uses and the main entry, activating and enhancing the public domain.</p> <p>Building elements are integrated into the overall design, including the roof mounted plant enclosure.</p>	<p>Yes</p>

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
iv) compose façades with an appropriate scale, rhythm and proportion that responds to the building's desired contextual character; v) design façades to reflect the orientation of the site using elements such as sun shading, light shelves and appropriate glazing as environmental controls; vi) express important corners by giving visual prominence to parts of the façade, for example, a change in building articulation, material or colour, roof expression or building height, and vii) co-ordinate and integrate building services to improve the visual presentation.	Facades has a scale and rhythm influenced by the bedroom elements and associated terraces with articulation in plan and elevation, well proportioned windows and openings and a mix of building materials. Sunshading is proposed.  Services are integrated into the design of the development which will retain a residential character.	
g) Roof Design: The roof is an important architectural element of any building and: i) the shape and form of the roof should respond to its surrounding context and minimise visual impact from any key viewpoints; and ii) should consider opportunities for incorporating 'green roofs'.	A pitched roof form is used typical of the residential buildings in the area. The roof pitch is minimised to reduce the height, bulk and scale of the building.	Yes
<b>1.2.6 Maximising Access and Adaptability</b>		
<b>1) Easy access:</b> People of all ages and abilities are able to gain easy access to the dwelling from the front boundary or car park to the entrance of the dwelling.	Disabled access is provided with rooms designed to accommodate seniors and support staff.	Yes
<b>2) At least one level entrance:</b> The dwelling includes at least one level entrance to enable all home occupants to enter and exit the dwelling with ease		Yes
<b>3) Bathroom, living space and bedroom on the entrance level:</b> The level entry to the dwelling provides a living space, bathroom and toilet, and a bedroom space or space capable of accommodating a bedroom space.		Yes
<b>4) Bathrooms designed for easy adaption:</b> The bathroom provides a hobless shower and accommodates more		Yes

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
generous internal circulation spaces to enable future adaptation.		
<b>5) Reinforcement of bathroom walls:</b> Walls in the bathroom and shower are reinforced to enable future installation of grab rails, if required by home occupants.		Yes
<b>6) Kitchen access:</b> The kitchen design enables all home occupants to easily manoeuvre within the kitchen area and between fixed kitchen benches.	A centralised kitchen facility is provided.	Yes
<b>7) Easy access to doors and corridors:</b> The internal passages and doorways within the dwelling facilitate ease of movement between rooms and accommodate the circulation needs of all home occupants.	The facility is constructed with a floor set at a common level with no ramps or stairs required on each level.	Yes
<b>8) Consistent installation of switches, power outlets and window controls:</b> Light switches, power outlets and other operational devices are installed at a consistent height to ensure ease of access for all home occupants.		Yes
<b>9) Easy operable door, tap and window controls:</b> Door and window operating hardware is easy to manipulate and can be operated by the home occupants regardless of age or ability.	Provided as required	Yes
<b>10) Slip resistance of floor surfaces:</b> Kitchens, bathrooms and laundries feature flooring which provides slip resistance in both wet and dry conditions.	Provided as required	Yes
<b>C2 Vegetation Management</b>		
<b>2.1 Preservation of Trees and Vegetation</b>		
<b>1. Approval Requirements</b> General Approval Requirements a) A person must not remove, clear, prune or otherwise cause harm to any tree or other vegetation prescribed by this Plan without an appropriate approval. This includes the following activities in relation to trees and other vegetation which are not permitted without approval:	Refer to arborist report and DA drawings for details on trees to be removed	Noted

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<ul style="list-style-type: none"> <li>• Removal by cutting down, clearing, under scrubbing, thinning or any other method</li> <li>• Removal of bark around part of or full circumference of a tree trunk (i.e. ring-barking)</li> <li>• Cutting off the top of a tree to reduce its height (i.e. topping)</li> <li>• Cutting off branches on one side of a tree (i.e. lopping)</li> <li>• Cutting off or pruning branches greater than 50mm diameter</li> <li>• Cutting, removal or otherwise damaging the roots or root system</li> </ul> <p>Poisoning or any other activity which causes harm or injury</p>		
<p>Development Consent</p> <p>b) A person must not remove, clear, prune or otherwise cause harm to any tree or other vegetation prescribed by this Plan, which is proposed as part of development without Development Consent. These works must be assessed as part of a Development Application.</p>		Noted
<p><b>2. Prescribed Vegetation</b></p> <p>a) Prescribed trees or other vegetation covered by this section of the Plan includes:</p> <p>i) Any native tree (both living and dead) or other vegetation that is on land zoned E2 Environmental Conservation in the Penrith LEP 2010 Land Zoning Map, or on natural resources sensitive land identified in the Penrith LEP 2010 Natural Resources Sensitivity Land Map.</p> <p>ii) In all areas, any native vegetation community including remnant native vegetation.</p> <p>iii) In all areas, any tree or other vegetation whether native or introduced having a height of 3.5 metres or more or a trunk diameter exceeding 100mm at 1400mm above ground level.</p> <p>iv) Any tree or other vegetation that is, or forms part of, a heritage item or is within a heritage conservation area.</p>	<p>The site is not zoned E2 and contains no natural resource sensitive land.</p> <p>Refer to ecology report (<b>Appendix 5</b>) for details of the vegetation on the site.</p>	Yes

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>v) Any tree or other vegetation that is culturally, socially or biologically significant or a unique specimen and has been formally recognised by an appropriate government authority (e.g. a significant tree or vegetation register).</p>		
<p><b>4. Application Submission Requirements</b></p> <p>a) The level of information required to assess a development or permit application to remove or clear trees or other vegetation will depend on:</p> <ul style="list-style-type: none"> <li>i) the scale and extent of proposed works;</li> <li>ii) site location and characteristics;</li> <li>iii) whether the site contains any significant trees;</li> <li>iv) whether the site contains any threatened species, threatened ecological communities, or protected plants and animals listed under the <i>Biodiversity Conservation Act 2016</i>;</li> <li>v) whether the site is identified on the NSW Office of Environment and Heritage Biodiversity Values Map.</li> </ul> <p>b) A report prepared by a suitably qualified and experienced arborist may be required with a tree removal application and as a minimum should address the following in relation to trees:</p> <ul style="list-style-type: none"> <li>i) The location, number and type (species) of trees proposed to be removed;</li> <li>ii) A clear site plan identifying tree(s) proposed for removal and other relevant site features such as a dwelling, fences and driveways;</li> <li>iii) Details of the proposed works and the reasons for the works;</li> <li>iv) The age, health and condition, including structural soundness and the condition of the root zone;</li> <li>v) The aesthetic, scientific, ecological and/or historic importance;</li> <li>vi) The impact of the proposed work on the appearance, health or stability of trees or vegetation and the general amenity of the</li> </ul>	<p>Ecology report and arborist report accompanies the DA. Trees have been surveyed and inspected.</p>	<p>Yes</p>

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>surrounding area, including any effect on the streetscape;</p> <p>vii) In the case of an application to remove a tree(s) or vegetation, whether pruning would be a more practicable and desirable alternative;</p> <p>viii) Any risk the tree(s) may pose to people, dwellings, structures or services;</p> <p>ix) The extent of other trees and vegetation on the property;</p> <p>x) Whether the tree(s) is likely to be used as habitat, or is a source of food or shelter for native animals;</p> <p>xi) Whether the tree(s) is a threatened species or forms part of a threatened community; and</p> <p>xii) Whether all alternatives to removing or pruning the tree or vegetation have been considered.</p> <p>c) A Flora and Fauna Assessment Report including a Test of Significance under Part 7, Division 1, Section 7.3 of the <i>Biodiversity Conservation Act 2016</i> may be required with an application to remove or clear native trees or other native vegetation. The report must be prepared by a suitably qualified and experienced ecological consultant.</p> <p>d) A Biodiversity Development Assessment Report (BDAR) will be required for an application to remove or clear native trees or other native vegetation on land identified by the Biodiversity Values Map, or where clearing exceeds the Biodiversity Offset Scheme area clearing thresholds, or after applying the Test of Significance the impacts are likely be significant. A BDAR must be prepared by an accreditor assessor under the <i>Biodiversity Conservation Act 2016</i>.</p>		
<p><b>6. Trees and New Development - Site Planning and Design</b></p> <p>a) Australian Standard AS 4970-2009 Protection of Trees on Development Sites should be considered, and</p> <p>b) The siting and layout of a development should consider, at the initial concept stage, the location of trees and other</p>	<p>An ecology report and an arborist report accompanies the DA. Trees have been surveyed and inspected.</p>	<p>Yes</p>



RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>vegetation (including on adjoining land) and favour their retention.</p> <p>c) Buildings, Asset Protection Zones and Effluent Management Areas are to be sited on existing cleared land, where possible.</p> <p>d) Where a stand of trees is to be retained, any associated native understorey should also be retained.</p> <p>e) Trees and vegetation should be retained on steeply sloping sites (slopes greater than 20%) or where there is unstable soil to minimise erosion or geo-technical instability. (See also the controls in the Land Management section of this Plan relating to Geotechnical Stability).</p> <p>f) Trees and vegetation must be retained along watercourses (See also the controls in the Water Management section of this Plan, relating to Riparian Corridors).</p> <p>g) An application is required to address the effect of the proposed development on existing vegetation, the landscape character and the scenic quality of the locality.</p> <p>h) Trees and vegetation must be retained where they shield existing or proposed buildings from views from public areas.</p> <p>i) Trees and vegetation must be retained where they form part of the landscape character of an area, including on or near ridgelines.</p> <p>j) Any proposed building or structure are to be located outside the tree protection zone for retained trees. Council may consider a variation based on an appropriate arboricultural assessment.</p> <p>k) Hard (or impervious) surfaces are not permitted under the drip line of any tree.</p> <p>l) Where possible services (and particularly pipes carrying water/moisture) are to be located outside the tree protection zone of any tree to be retained. Council may consider a variation based on an appropriate arboricultural assessment.</p> <p>m) Wherever trees or vegetation are removed (with consent) as a consequence of the development, an equal or greater number of replacement trees that grow to</p>		

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>a similar or greater height or canopy should, where practical, be incorporated into the landscaping design of the new development.</p> <p>n) The siting and layout of a development should also consider, at the initial concept stage, bushfire risk. (See the Bushfire Management section of the Plan).</p>		
<p><b>7. Protection of Trees During Construction</b></p> <p>a) Tree protection must be in accordance with an approved Tree Protection Plan (TPP) prepared with consideration of Australian Standard AS 4970-2009 <i>Protection of Trees on Development Sites</i>.</p> <p>b) During construction, an adequate fence or similar structure must be constructed around any trees or other vegetation to be retained in accordance with the approved TPP.</p> <p>c) Tree protection zones identified by an approved TPP must not be used by vehicles or machinery, for stockpiling wastes, for storage of any building materials or any other construction activities. This will help protect the tree or vegetation from soil compaction and contamination; root, trunk and limb damage; and changes in surface levels that affect the health of the tree or vegetation.</p>	<p>Tree protection measures are proposed.</p>	<p>Yes</p>
<p><b>2.3. Bushfire Management</b></p>		
<p><b>1. Planning for Bushfire Protection</b></p> <p>a) If land is identified as 'bushfire prone land' on the Bushfire Prone Land Map, then any development application on that land must address the bush fire protection measures set out in the document <i>'Planning for Bushfire Protection 2006 (PBP)</i>.</p> <p>b) If the development proposes the subdivision of land for residential and rural-residential purposes or is a development which has been identified as 'special fire protection purposes', then the development will be integrated</p>	<p>A Bushfire Assessment Report accompanies the DA.</p>	<p>Yes</p>

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>Development under the <i>Environmental Planning and Assessment Act 1979</i>. i) a school</p> <p>A development identified as 'special fire protection purposes' includes:</p> <ul style="list-style-type: none"> <li>ii) a child care centre</li> <li>iii) a hospital</li> <li>iv) a hotel, motel or other tourist accommodation</li> <li>v) seniors housing</li> <li>vi) a group home</li> <li>vii) any other purpose prescribed by section 100B (6) of the <i>Rural Fires Act 1997</i>.</li> </ul>		
<p><b>2. Bushfire Assessment Report</b></p> <p>a) A Bushfire Assessment Report, prepared in accordance with the PBP, must accompany all development applications on land identified as bush fire prone land. (For report requirements, see Appendix F3 – DA Submission Requirements).</p> <p>b) The Single Dwelling Application Kit (available on the Rural Fire Service website <a href="http://www.rfs.nsw.gov.au">www.rfs.nsw.gov.au</a>) provides applicants with a streamlined approach to meeting the requirements of the PBP for single dwellings. It has been designed to assist applicants to provide information in support of a development application and presents options that can be incorporated into the building to mitigate the impact of bush fire on life and property.</p>		Yes
<b>C3 Water Management</b>		
<b>3.2. Catchment Management and Water Quality</b>		
<p><b>1) Approval to Discharge Contaminants</b></p> <p>Water discharge from any development must not contain contaminants, unless necessary licences and/or approvals are obtained from relevant government authorities.</p> <p>All liquids (including water) produced and/or discharged from the site shall not contain pollutants above acceptable levels. Acceptable levels will be determined at the</p>	<p>Water quality control measures are proposed for this development (<b>Appendix 11B</b>).</p>	

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
time of consideration of individual proposals by Council, the Office of Environment and Heritage and, if required, Sydney Water.		
<p><b>2) Addressing Potential Catchment Impacts</b></p> <p>All applications to Council, where there is the potential to impact upon a water system, are required to identify in the application the relevant water systems in the catchment area of the site that may be affected and address how any potential impacts will be mitigated/avoided.</p>		
<p><b>3) Water Quality for all Land Uses</b></p> <p>Council's Water Sensitive Urban Design (WSUD) Policy (2013) has been prepared to improve water conservation, quality and quantity in both new development and some redevelopments. The policy seeks to clarify which developments need to achieve the targets for water conservation, quality and quantity.</p> <p>Where any development could result in water quality impacts in nearby surface water systems, the water quality at that system is to be monitored for pollutants prior to the commencement of works, and at regular intervals during construction and/or operation.</p> <p>Water quality entering natural areas shall either maintain or improve on pre-development levels.</p>		
<p><b>4) Council Approval Requirements for WSUD Systems</b></p> <p>Development types required to meet water conservation and stormwater quality and quantity targets are defined in Table C3.1. The performance criteria required to be met are listed below under subsection '5) WSUD Development Controls'. Affected developments must submit a WSUD Strategy (report dealing with measures to be implemented as part of the development) with a Development Application.</p>		
<p><b>5) WSUD Development Controls</b></p>		

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p><b>A. Water conservation</b></p> <p>a) All residential buildings are to demonstrate compliance with State Environmental Planning Policy – Building Sustainability Index (BASIX), as required.</p> <p><b>B. Stormwater Quality</b></p> <p>Stormwater quality requirements for all development types identified in Table C3.1 are:</p> <p>a) Pollution load reductions:</p> <p>i) 90% reduction in the post development mean annual load total gross pollutant (greater than 5mm);</p> <p>ii) 85% reduction in the post development mean annual load of Total Suspended Solids (TSS);</p> <p>iii) 60% reduction in the post development mean annual load of Total Phosphorus (TP);</p> <p>iv) 45% reduction in the post development mean annual load of Total Nitrogen (TN);</p> <p>v) 90% Free Oils and Grease with no visible discharge.</p> <p>b) Modelling for the determination of the mean annual loads of land uses must be undertaken in MUSIC and in accordance with the associated WSUD Technical Guidelines.</p> <p>c) Any changes to the flow rate and flow duration within the receiving watercourses as a result of the development shall be limited as far as practicable. Natural flow paths, discharge point and runoff volumes from the site should also be retained and maintained as far as practicable.</p> <p>d) Impervious areas directly connected to the stormwater system shall be minimised. Runoff from impervious areas such as roofs, driveways and rainwater tank overflows shall be directed onto grass and other landscaped areas designed to accept such flows.</p> <p><b>C. Stormwater Quantity – Stream Forming Flows</b></p> <p>a) The post development duration of stream forming flows shall be no greater</p>		

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
than 3.5 times the pre developed duration of stream forming flows.		
<b>3.3 Watercourses, Wetlands and Riparian Corridors</b>		
<p><b>2) Preserving Alignment of Watercourses</b></p> <p>a) Where possible, the natural (or historic) alignment of an existing wetland or watercourse should be retained along with its natural dimensions and flow regimes.</p> <p>b) Watercourses should not be straightened to reduce the natural meander or flow path or to improve flood conveyance.</p> <p>c) The alignment of major overland flow paths should be recognised in site planning and development design.</p>	There is no watercourse on the site.	Yes
<b>3.4 Groundwater</b>		
<p><b>2) Protecting Groundwater</b></p> <p>a) Applicants are required to consider the impact of the proposed development on underlying and surrounding groundwater resources and adopt appropriate measures to avoid these impacts.</p> <p>c) Groundwater shall not generally be pumped or extracted without specific licensed approval for any purpose other than temporary construction dewatering at the site identified in the development application.</p> <p>d) Where construction is proposed below the water table:</p> <p>i) The volume of any groundwater abstracted for the purposes of temporary dewatering should be minimised, e.g. by minimising the length of time that any basement excavations below the water table are left open. In general, the Office of Water will not authorise temporary construction dewatering for periods of more than 12 months.</p> <p>ii) The design and construction of the building should prevent any long-term take of groundwater by making any below-water table levels watertight for the anticipated life of the building. Waterproofing of below-ground levels</p>	Groundwater was not encountered during geotechnical investigations.	Yes

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.</p> <p>iii) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.</p>		
<b>3.5 Flood Planning</b>		
<p><b>13) Overland Flow Flooding</b></p> <p>a) Council has undertaken a Penrith Overland Flow Flood 'Overview' Study. Consideration must be given to the impact on any overland flow path. Generally, Council will not support development obstructing overland flow paths. Development is required to demonstrate that any overland flow is maintained for the 1% AEP (100 year ARI) overland flow. A merit based approach will be taken when assessing development applications that affect the overland flow.</p> <p>b) Council's <i>Stormwater Drainage Specification for Building Developments</i> provides information on the details required in the preparation of an overland flow study.</p>	<p>Consideration has been given to the impact of the development on overland flow path which has been accommodated into the design.</p>	
<b>3.6. Stormwater Management and Drainage</b>		
<p><b>1) Natural Environment</b></p> <p>a) Runoff must not be discharged into bushland areas, including threatened ecological communities.</p> <p>b) Pipe outlets shall be treated with measures to dissipate stormwater velocity, except where waters enter a formed channel or similar structure that is unlikely to be damaged by water flowing in at high velocity.</p> <p>c) Permeable ground surfaces are to be maintained as far as possible, and where suitable conditions exist, stormwater is to be infiltrated on-site.</p>	<p>Run-off will be directed to the existing drainage areas to the north of the site.</p>	
<p><b>2) Drainage</b></p>	<p>Refer to stormwater report (<b>Appendix 11B</b>).</p>	<p>Yes</p>

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>b) The development of any lot should take into account the existing drainage patterns of the area, including any localised ponding, and whether the proposed development is likely to affect:</p> <p>i) Access to the site;</p> <p>ii) Drainage on adjoining properties;</p> <p>iii) Localised nuisance flooding on adjoining properties; and</p> <p>iv) Natural overland flow or drainage paths.</p> <p>d) Depending on the scale of the proposed development, the applicant may be required to address the following matters in their application: i) The drainage capacity available for the site (e.g. if the site is connected to a centralised stormwater system, the existing drainage network capacity);</p> <p>ii) Where capacity may be limited, appropriate drainage measures, including possible on-site detention (determined by liaising with Council's Development Engineering Unit and receiving detailed advice from a qualified engineering consultant);</p> <p>iii) If the site is affected by drainage constraints, the current stormwater discharge and likely future discharge. In this regard, a report prepared by a qualified engineer will be required and should demonstrate that the development will not overload trunk drains during peak storm events or cause localised flooding;</p> <p>iv) If the proposed development will result in additional pollutant loading (and the appropriate licences have been obtained from the relevant government authorities), details demonstrating that the drainage systems have adequate capacity for those pollutants and runoff will comply with the water quality requirements referred to in this Plan; and</p> <p>v) Any required easements across neighbouring properties. Where easements are required, Council requires the submission of the adjoining owner's consent with the development application.</p>		



RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>f) If the site has access to Council's stormwater drainage system, all roof and surface water that is not recycled for use on the site must be discharged into Council's stormwater drainage system. No surface drainage will be permitted to discharge across Council's footways or reserves or enter adjoining land.</p> <p>g) The applicant should demonstrate how existing soil type and associated constraints (e.g. salinity and poor percolation) have been considered in the drainage design).</p>		
<p><b>On-Site Stormwater Detention (OSD)</b></p> <p>a) Council's <i>Stormwater Drainage Specification for Building Developments</i> provides details on drainage requirements for on-site detention.</p> <p>b) Adequate stormwater systems shall be designed and constructed to ensure that, for all rainwater events up to and including the 1:100 Average Recurrence Interval (ARI) event, new developments and redevelopments do not increase stormwater peak flows in any downstream areas.</p> <p>c) On-site stormwater detention systems must release water after any rainfall event to maximise future capacity and, therefore, cannot include rainwater tanks, water retention basins or dams.</p> <p>d) Detention storage is to be located at a level that is above the 1:5 ARI flood level.</p> <p>e) On-site detention systems are to be designed using a catchment wide approach. Advice should be sought from Council's Development Engineering Unit in this regard.</p> <p>f) On-site stormwater detention mechanisms should have a maintenance program in place.</p> <p>g) Onsite stormwater detention mechanisms should be placed on the title of the relevant allotment/property to ensure their retention and maintenance.</p>	<p>On site detention provided.</p>	<p>Yes</p>
<p><b>New Drainage Design</b></p>	<p>Refer to <b>Appendix 11A</b>.</p>	

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>a) Any new piped drainage system shall be designed to control minor stormwater flows under normal operating conditions for an ARI of 5 years.</p> <p>b) Any new drainage system shall be designed to control major stormwater flows under normal operating conditions for an ARI of 100 years.</p> <p>c) Council's <i>Stormwater Drainage Specification for Building Developments</i> provides details on drainage requirements for on-site detention.</p>		
<b>3.8. Rainwater / Storage Tanks</b>		
<p><b>1) General Requirements</b></p> <p>a) Rainwater tanks must not exceed 3m in height above ground level (including stand).</p> <p>b) Rainwater tanks must not collect water from a source other than gutters or down pipes on a building or a water supply service pipe.</p> <p>c) Rainwater tanks must be structurally sound.</p> <p>d) The rainwater tank, and any stand for the tank, must: i) Be assembled and installed in accordance with the manufacturer's specifications; and ii) Not rest on a footing of any building or other structure on the property including a retaining wall.</p> <p>e) Rainwater tanks must utilise prefabricated materials or be constructed from prefabricated elements designed and manufactured for the purpose of construction of a rainwater tank.</p> <p>f) A rainwater tank must be enclosed and inlets screened or filtered to prevent the entry of foreign matter or creatures.</p> <p>g) A rainwater tank must utilise a non-reflective finish. Materials and colours should complement those used on the dwelling house and any other buildings on the land.</p> <p>h) Plastic rainwater tanks are not to be used in bushfire prone areas.</p>	<p>Rainwater harvesting is proposed.</p>	

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>i) Rainwater tanks on land zoned E3 Environmental Management or E4 Environmental Living must have a maximum total capacity for the entire property of: i) 90,000 litres (where the property has an area of 10 hectares or greater); or</p> <p>ii) 45,000 litres (where the property has an area of less than 10 hectares).</p>		
<b>C4 Land Management</b>		
<b>4.1. Site Stability and Earthworks</b>		
<p><b>1) Development Consent</b></p> <p>a) In accordance with the earthworks provisions of the LEP, development consent is required for any earthworks unless: i) The work is exempt development under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>; or</p> <p>ii) The work is ancillary to other development for which development consent has been given.</p> <p>b) Consent is required when material is imported or removed from a property or is relocated on the same property.</p>	<p>Earthworks are proposed as outlined in the civil drawings accompanying this application.</p>	
<p><b>3) Development Application Requirements</b></p> <p>a) Any development application that proposes earthworks and therefore changes to the levels of a site, is required to clearly address the following in the Statement of Environmental Effects or a Geotechnical Report (if required, see 3 b) ): Land Management</p> <p>i) The location and extent of the earthworks on the site;</p> <p>ii) Justification for the need to change the land levels in terms of the overall development;</p> <p>iii) Any other impacts from the changed land levels as a consequence of the earthworks.</p>	<p>Earthworks are proposed to provide a building floor plate that is level throughout the building. This is required for resident and staff safety.</p>	
<p><b>4) Limitations on Earthworks</b></p> <p>a) Earthworks to create a building platform shall not be undertaken where excavation</p>	<p>Fill will be imported to the site and will exceed 1 metres in depth and generally between 1 to 1.5 metres</p>	<p>Partial compliance</p>

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>and/or filling would exceed 1m from the existing natural ground level of the site.</p> <p>b) On sloping sites, site disturbance is to be minimised by using split level or pier foundation building designs (see Figure C4.1).</p> <p>c) All retaining walls proposed for the site are to be identified in the development application for the proposed development. Retaining walls are to be kept to a minimum to reduce earthworks. Use of materials that complement the natural environment is encouraged.</p> <p>d) During any earthworks, any topsoil should be preserved on site for re-use and should be stockpiled and covered to avoid dust or loss of topsoil. Refer to the Landscape Design Section of this Plan for controls on stockpiling topsoil on site.</p>	<p>and higher at the northern end of the site. Full details are provided with the civil drawings. Retaining walls are setback from boundaries with residential dwellings.</p> <p>Details of retaining walls provided in the DA.</p>	
<b>4.2 Landfill</b>		
<p><b>1) Development Application Requirements</b></p> <p>a) Applicants seeking Council's consent for landfill must provide a Landfill Validation Report (written by an appropriately qualified person).</p> <p>b) Council may require a further detailed investigation to occur if contamination is, or may be, present in the fill material to prove that the fill material is suitable for the proposed use. (Refer to the Contaminated Land Section of this Plan for further requirements).</p>	Can be provided	Yes
<b>4.3 Erosion and Sedimentation</b>		
<p><b>1) Erosion and Sediment Controls Plans (ESCP)</b></p> <p>a) All applications for subdivision and development which involve site disturbance must be accompanied by an Erosion and Sediment Control Plan (ESCP), except in the following circumstances: i) The construction of minor structures including carports, pergolas, verandahs, garden sheds and the like; and ii) Dwelling additions and alterations which are deemed by Council as not likely to</p>	Refer to civil drawings.	Yes

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
cause erosion and sediment loss from the site.		
<p><b>2) Requirements for Erosion and Sediment Control</b></p> <p>a) Soil erosion and sediment control measures are to be provided on-site before the commencement of any earthworks or development activity, in accordance with the approved ESCP. These must be maintained throughout the course of construction until disturbed areas have been revegetated and the soil stabilised. The applicant will be required to provide</p>		
<p><b>3) Additional Measures for Large Sites</b></p> <p>Where an application is for a site over 2,500m<sup>2</sup> and there will be substantial earthworks, the applicant is required to address a number of additional measures in the ESCP, including:</p> <p>a) Identify all areas likely to cause pollution of waterways from the transport of stormwater run-off containing sediment and silt and implement appropriate devices to stop the risk of pollution;</p> <p>b) Divert clean water around the construction site to prevent contamination;</p> <p>c) Retain as much natural vegetation as possible and limit site disturbance;</p> <p>d) Control stormwater that enters the construction site from upstream;</p> <p>e) Divert stormwater from undisturbed upper slopes onto stable areas;</p> <p>f) Retain and stockpile all excavated topsoil on site for future landscaping and to minimise risk of erosion;</p> <p>g) Prevent sediment/silt from entering adjoining public or private property (especially drains) by installing sediment control devices at the low side of sites and wash down areas;</p> <p>h) Provide a single, stabilised entry/exit point to the site;</p> <p>i) Prevent sediment, including building materials, from reaching the road or Council's stormwater system. Sediment is to be removed by sweeping, shovelling or</p>		

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>sponging. Under no circumstances shall sediment be hosed;</p> <p>j) Where a work zone permit over public property is applicable, ensure that appropriate debris control devices are implemented to prevent spillage of building materials into stormwater drains;</p> <p>k) Compact all drainage lines when backfilling;</p> <p>l) Connect downpipes to the stormwater system as early as possible;</p> <p>m) Revegetate all disturbed areas, after on-site works are completed, in order to stabilise the surface; and</p> <p>n) Maintain all sediment control devices during earthworks and construction to standards acceptable to Council.</p>		
<p><b>4.4 Contaminated Lands</b></p>		
<p><b>4.4.2. Triggers for Contamination Investigation</b></p> <p>1) Any application must provide appropriate information relating to past, present and proposed land uses.</p> <p>2) Council will evaluate the site's potential for contamination in accordance with procedures established by this section. If there is any indication of a past land use or activity that may have caused contamination, Council will require additional information to prove that the site is suitable for the proposed use.</p> <p>3) Council may require any site investigation report or similar information submitted in support of an application to be referred to a site auditor for an independent review. The auditor shall be nominated by Council. All costs associated with the review shall be borne by the applicant. All communication with the auditor shall be either with the knowledge of Council or in the presence of Council officers.</p>	<p>A Detailed Site Investigation has been provided.</p>	
<p><b>C5 Waste Management</b></p>		
<p><b>5.1 Waste Management Plans</b></p>		

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>1) Applicants are to submit a Waste Management Plan when lodging a development application for:</p> <ul style="list-style-type: none"> <li>a) Demolition or construction of buildings;</li> <li>b) Change of use of buildings for rural, residential, commercial and industrial developments;</li> <li>c) Subdivision of land and/or buildings; or</li> <li>d) Alterations to 50% or more of the existing gross floor area of buildings, or additions to buildings resulting in a 50% increase (or more) to the existing gross floor area.</li> </ul> <p>2) The Waste Management Plan must be supported by scaled waste management drawings that are to assist in demonstrating compliance with the provisions of this Plan.</p> <p>3) A Waste Management Plan will also be required for applications for a Complying Development Certificate.</p> <p>4) The Waste Management Plan enables Council (or the Certifying Authority) to assess the waste likely to be generated by the development and ensure that appropriate actions are taken so as to properly manage the generation, storage and disposal of wastes.</p> <p>5) The Waste Management Plan must include details of:</p> <ul style="list-style-type: none"> <li>a) The types and volumes of wastes and recyclables likely to be generated as a result of the development;</li> <li>b) How waste and recyclables will be stored and treated on site;</li> <li>c) How the residual non-reusable or non-recyclable wastes and recyclables are to be disposed of; and</li> <li>d) How ongoing waste management will operate once the development is complete (for the life of the development).</li> </ul>	<p>Waste Management Plan provided (Appendix 14)</p>	<p>Yes</p>
<p><b>5.2. Development Specific Controls</b></p>		
<p><b>5.2.1. Siting and Design of Waste Bin Storage Areas for Residential Development</b></p>	<p>Refer to waste management plan and DA drawings. Waste management has been specifically</p>	

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p><b>2) Waste Bin Storage Area Size:</b></p> <p>a) The development must provide a waste bin storage area that is of sufficient size to accommodate all required waste bins associated with the development. This is to be achieved through the provision of a communal waste storage area. For larger developments, multiple waste bin storage areas may be required. b) All waste streams must be catered for, including general waste, bulky waste and recyclable waste.</p> <p>c) Sufficient space must be provided onsite to ensure that adequate room is provided to manoeuvre, clean and maintain all waste and recycling bins for the development.</p> <p>d) Sufficient space must be provided onsite for any required equipment to manage waste, waste bins (including washing and cleaning) and the waste bin storage area.</p>	<p>designed to meet the needs of the development.</p>	
<p><b>3) Waste Bin Storage Area Location:</b></p> <ul style="list-style-type: none"> <li>• The waste bin storage area is to be located within the basement footprint of the residential flat building developments.</li> <li>• The waste bin storage area is to be located on the ground level for multi-unit housing developments.</li> <li>• The waste bin storage area is to be located where its use and operation will not adversely impact the amenity of development occupants in terms of noise and odour.</li> <li>• If the waste bin storage area is to be used as the collection point (for multi-unit housing), it must be located and designed to meet the applicable requirements for servicing.</li> </ul>		
<p><b>4) Waste Bin Area Layout</b></p> <ul style="list-style-type: none"> <li>• The layout of the waste bin storage area is to be designed so that the area is free from obstructions so not to restrict the movement and servicing of the bins.</li> <li>• An aisle space of 1.2m is required to access and manoeuvre the bins.</li> <li>• In determining the layout and size of the waste bin storage area, consideration</li> </ul>		



RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
should be given to whether waste bins are required to be rotated. If waste bins are to be rotated, additional room size to aisle width will be required to manoeuvre bins.		
<b>5) Waste Bin Storage Area Construction</b> a) Waste Bin Storage Rooms are to be designed so that they can be constructed to the following: i) Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting. ii) The floors must be finished to a smooth even surface. iii) The walls must be constructed of solid impervious material. iv) The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned. v) Walls, ceilings and floors must be finished in a light colour. vi) It is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock. vii) A close fitting and self-closing door openable from within the room. viii) Must be constructed to prevent the entry of vermin. ix) Be provided with adequate light and ventilation. The light source must be through controlled light switches located both outside and inside the room.	Can comply	
<b>5.3. General Controls</b>		
<b>5.3.1. Site Management</b> 1) Proposals involving demolition and/or construction (including earthworks) are to include a Waste Management Plan which addresses the following issues: a) Minimising site disturbance and eliminating unnecessary excavation; b) Where applicable, stripping topsoil from areas subject to excavation and storing it on site for re-use;	Excavation is minimised. Only minor demolition is required.	Only
<b>5.3.2. Selection of Building Materials</b>		

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>1) Choose materials with low embodied energy properties and/or materials that have been salvaged/recycled for the construction/fit out of the development. Table C5.1 on the following page identifies the building materials that can be reused/recycled.</p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>a) Concrete that utilises slag and fly ash content.</li> <li>b) Structural and reinforced steel that uses recycled steel content.</li> <li>c) Bulk insulation products that contain recycled content, such as recycled glass in glass-wool.</li> </ul> <p>2) Choose certified plantation or engineered timber materials, and avoid unsustainable imported timber (such as western red cedar, oregon, meranti, luan or merbau).</p> <p>3) Choose low volatile organic compound (VOC) materials, including low/no VOC paints and coatings, floor coverings and underlays, as materials with a high VOC or containing hydrofluoro-carbons can become volatile at room temperature contributing to poor indoor air quality and thus affecting the health of occupants.</p>		
<p><b>5.3.3. Designing for Waste Minimisation</b></p> <p>1) The design of developments should incorporate principles on how waste can be minimised in the design by:</p> <ul style="list-style-type: none"> <li>a) Incorporating the use of modular components;</li> <li>b) Minimising excavation and fill (See the “Land Management” section of this Plan);</li> <li>c) Using prefabricated frames, trusses and cladding;</li> <li>d) Using standard material sizes or negotiating with manufacturers for the supply of non-standard material sizes;</li> <li>e) Selecting materials that do not require finishes;</li> <li>f) Grouping wet areas together to minimise the amount of pipe work required;</li> </ul>		

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>g) Implementing measures to prevent the occurrence of windblown litter, dust and stormwater pollution;</p> <p>h) Incorporating existing trees/shrubs into the landscape plan;</p> <p>i) Designing for de-construction;</p> <p>j) Incorporating facilities for the source separation of wastes and recyclables (both internal and external); and</p> <p>k) Designing waste storage areas complementing the development and the surrounding streetscape.</p>		
<b>C6 Landscape Design</b>		
<p><b>6.1.1. Development Process</b></p> <p><b>2) Submission Requirements</b></p> <p><b>Category 3</b></p> <p>Site Analysis</p> <p>Tree Survey and Arborist Report</p> <p>Landscape Concept Plan</p> <p>Landscape Detail Plan</p> <p>Tree Management Plan (if required)</p>	Landscape design provided.	Yes
<p><b>6.1.2. Protection of the Environment</b></p> <p><b>1) Environmentally Sustainable Design</b></p> <p>Council requires that all landscape designs promote best practice Environmentally Sustainable Development principles. Some of these measures are addressed in the controls below and include the following:</p> <p>a) Planting deciduous trees - These are best planted on northern and western aspects. This will allow the sun in during winter, and provide shelter from the sun in summer and morning sun year round adding to energy efficiency;</p> <p>b) Selecting low water/low maintenance plants, including drought tolerant species;</p> <p>c) Planting native or indigenous plants – These plants have lower water requirements and have evolved to cope best with the existing conditions, hence reducing maintenance, fertilising and watering requirements;</p>	Refer to landscape drawings. A variety of species is proposed commensurate with the residential use and role of landscaping in managing dementia.	

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
d) Using irrigation systems that utilise drip irrigation systems; e) Using recycled and biodegradable products in the landscape design - Such elements could include recycled soils and other hard paving features; f) Allowing for composting, mulching and worm farms on site; g) Using quality, long lasting materials; and h) Using soils and mulches manufactured with recycled waste.		
<b>2) Soil Landscapes</b> Any Landscape Plan or assessment should include a study of the soil profile on the particular site and select plant species accordingly. In this regard, soil landscape maps and accompanying interpretive reports for Western Sydney have been produced (by the former Department of Natural Resources) and may be of assistance.	Notes. Plant species appropriate for location.	
<b>3) Minimising Soil Erosion</b> a) Landscaping works must comply with the 'Erosion and Sedimentation' in the 'Land Management' section of this DCP, including the submission of an Erosion and Sediment Control Plan where required under that section.	Noted and can comply.	
<b>4) Avoidance of Excavation and Filling</b> a) Landscape works must comply with the 'Site Stability and Earthworks' controls in the 'Land Management' section of this DCP. b) Landscaping works should minimise any earthworks by accommodating the natural landform and utilising designs that require minimal cut and fill, particularly around existing trees to be retained.	Discussed above. Fill required for building platform.	
<b>5) Conserving Site Soil</b> a) Where it is necessary to remove areas of topsoil as a result of cut and fill requirements, this should not be removed from the site but stockpiled in another part of the site for re- use in the landscaping	Noted and can comply.	

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>process. This is both beneficial for the environment and saves money.</p> <p>b) The following controls apply to topsoil stockpiled on-site: i) Do not store topsoil in any of the tree protection areas (see item 8 below);</p> <p>ii) Ensure that the stockpile is stabilised during the construction period by covering it with hessian, mulch or a cover crop;</p> <p>iii) Ensure that the stockpile will not blow away on windy days by either providing adequate covering or ensuring that it is kept well watered; and</p> <p>iv) Use appropriate sediment and erosion control techniques to ensure that the stockpile is retained and does not leave the site.</p> <p>c) The proposed location and management of stockpiles of topsoil should be detailed in the landscape information that accompanies the development application.</p>		
<p><b>6) Species Selection</b></p> <p>a) Plant selection for all landscaping works must consider and will be assessed for its suitability to existing site conditions such as soils, aspect, drainage and micro-climate.</p> <p>b) Native species is encouraged for any landscape design.</p> <p>c) The use of exotic or introduced species may be considered if they are part of a site's and locality's existing landscape character and there is a low chance of spreading into native bushland.</p> <p>d) If a site has remnant native bushland or is located adjacent to native bushland, the plant species that should be used in the landscape design should be those that occur in the bushland, preferably provenance stock.</p> <p>e) Species selected should not include those listed in the <i>Noxious Weeds Act 1993</i> or on the list of environmental weeds (see Appendix F4 Technical Information to this DCP).</p>	<p>Noted. Refer to landscape drawings.</p>	

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
f) Planting should consist of a variety of trees, shrubs and ground covers to contribute to biodiversity.		
<p><b>7) Bushfire Resistant Species</b></p> <p>Landscape design and plant selection should consider bushfire risk. The recommended list of indigenous species in Appendix F4 has a reference to some plants, which are appropriate to these areas due to their low level of flammability and ability to regenerate after a fire.</p>	Noted.	
<p><b>8) Protection of Trees and Vegetation on Construction Sites and Adjoining Public and Privately Owned Land</b></p> <p>a) If a Tree Management Plan is required, it must identify the vegetation that is to be retained with the development and how it will be protected during and after construction. Tree protection measures must be in accordance with Australian Standard AS4970-2009 Protection of trees on development sites.</p> <p>b) Where existing vegetation is to be retained, that vegetation must be protected from soil compaction, root, trunk and limb damage, soil contamination and changes in surface levels that affect the health of the vegetation.</p> <p>c) The Tree Management Plan is to be in place prior to commencement of any site works. "Site works" includes the demolition of existing structures or the entrance onto the site of any machinery for excavation, demolition or large scale rubbish removal. Protection measures are to be installed prior to the commencement of any site work in accordance with Australian Standard AS4970-2009 Protection of trees on development sites.</p> <p>d) Trees, vegetation and their root zones on public property and private land adjacent to the development site may also need to be protected during the construction process. A common example of this is the protection of street trees located in the public footpath. These trees and vegetation will also need to be included in the Tree Management Plan and</p>	Noted.	

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
protected in accordance with its recommendations.		
<p><b>10) Irrigation/Water Consumption</b></p> <p>a) Landscape design should minimise water consumption through selection of indigenous and drought-tolerant species and use of water retaining mulches and soil treatments. It should also include species that can act to establish a micro-climate quickly to assist slower growing species and reduce water consumption.</p> <p>b) If additional watering is required, preference is for low water usage irrigation devices, such as drip irrigation systems, during the plant establishment period.</p> <p>c) The proposed irrigation system should be detailed in the landscape information submitted as part of the development application.</p>	Noted	
<p><b>11) Minimisation of Impervious Surfaces</b></p> <p>a) Where possible, all landscape designs should include permeable paving options. Permeable paving includes the use of permeable/porous paving units, ornamental gravel and paving on a compacted sand bed. The benefits of using permeable paving include: i) Ensuring that air and water are available to roots to ensure healthy, secure growth;</p> <p>ii) Providing a safe and stable pedestrian/vehicular surface treatment; and</p> <p>iii) Assisting in the protection and conservation of large, established trees where the root system extends beyond the drip line.</p> <p>b) The following minimum areas of permeable surfaces are required to facilitate on-site stormwater infiltration for each land use: i) Residential – please refer to controls included in the Residential Development section of this Plan.</p>	Noted and achieved.	
<b>C10 Transport, Access and Parking</b>		
<b>10.2 Traffic Management and Safety</b>		

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p><b>2) Road Safety</b></p> <p>a) Each development should demonstrate how it will:</p> <p>i) Provide safe entry and exit for vehicles and pedestrians which reflect the proposed land use, and the operating speed and character of the road;</p> <p>ii) Minimise the potential for vehicular/pedestrian conflicts, providing protection for pedestrians where necessary;</p> <p>iii) Not restrict traffic flow or create a hazard to traffic on roads in the vicinity of the development;</p> <p>iv) Provide suitable off-street parking facilities to accommodate vehicles generated by the development; and</p> <p>v) Identify the need, where apparent, for any additional on-street traffic facilities or road works which may be required to maintain the safe and efficient movement of vehicles and pedestrians.</p> <p>b) Where feasible, vehicle access for developments should be from service roads/lanes.</p> <p>c) The design of direct vehicular access to developments should consider the traffic impacts on the surrounding road network. This may require the provision of deceleration, acceleration, right turn lanes and road widening, as necessary.</p> <p>d) Provision must be made for all vehicles to enter and leave properties in a forward direction other than for single dwellings.</p> <p>e) The layout and design of parking areas must minimise vehicle to pedestrian impacts, especially where heavy vehicle access to loading docks is proposed.</p>	<p>Refer to traffic report (Appendix 9).</p>	
<p><b>10.5. Parking, Access and Driveways</b></p>		
<p><b>10.5.1. Parking</b></p>		
<p><b>1) Provision of Parking Spaces</b></p> <p>a) Parking provided on site is to meet AS 2890 and where appropriate, AS 1428.</p> <p>b) For any proposed development, Council will require the provision of on-site car</p>	<p>Noted and can comply.</p>	



RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>parking to a standard appropriate to the intensity of the proposed development as set out in Table C10.2 below.</p> <p><i>In accordance with RMS Guidelines or if there are no parking guidelines for a specific use, then a site specific car parking analysis will be required.</i></p> <p>f) In the absence of specific requirements relevant to particular developments, the parking requirements in the RTA's "Guide to Traffic Generating Developments" (as updated) and Australian Standard AS 2890.1 and 2 - 2004 should be referred to as a guide. In the absence of all data, the applicant should revert to the use of first principles.</p> <p>g) Where relevant, development shall provide on-site loading facilities to accommodate the anticipated heavy vehicle demand for the site.</p> <p>k) Car parking and associated internal manoeuvring areas provided over and beyond the requirements of this DCP shall be calculated as part of the development's gross floor area.</p> <p>l) Where possible, natural ventilation is to be provided to underground parking areas with ventilation grilles and structures that are:</p> <p>i) integrated into the overall façade and landscape design of the development;</p> <p>ii) located away from the primary street façade; and</p> <p>iii) oriented away from windows of habitable rooms and private open space areas.</p>		
<p><b>10.5.2. Access and Driveways</b></p>		
<p><b>1) General Requirements</b></p> <p>a) The road access to the site should provide for safe entry to and exit from the site. All vehicles must enter/exit the site in a forward direction. (This does not apply to single dwellings).</p> <p>b) The entry and exit from the site should provide for appropriate traffic sight distance in both directions, in accordance</p>	<p>Refer to traffic report (<b>Appendix 9</b>).</p>	

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively.</p> <p>c) The design of the development driveway should take into consideration the traffic volumes of the surrounding road network.</p> <p>d) Driveways should be:</p> <p>i) Provided from lanes and secondary streets rather than the primary street, wherever practical;</p> <p>ii) Located taking into account any services located within the road reserve, such as power poles, drainage inlet pits and existing street trees;</p> <p>iii) Setback a minimum of 6m from the perpendicular of any intersection of any two roads; and</p> <p>iv) Located to minimise noise and amenity impacts on adjacent residential development.</p> <p>e) The driveway crossing and access roads shall be designed in accordance with the provisions of AS2890.1 and 2 - 2004 for car parking and commercial vehicles respectively.</p> <p>f) Driveway widths must comply with the relevant Australian Standards.</p> <p>g) Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard (AS2890.1).</p> <p>i) The required threshold should be set within the property to prevent cross fall greater than 4% within the footway area.</p> <p>j) No direct access will be permitted to the M4 Western Motorway.</p>		
<p><b>3) Construction Standards</b></p> <p>a) Roads shall be constructed to Council's standards in consultation with Council's Engineering Services Unit and Council's 'Guidelines for Engineering Works - Development and Subdivision'.</p> <p>b) Design drawings should be accompanied by details of the erosion and sediment control measures that are to be implemented during construction.</p>	No roads proposed.	

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<b>10.6 Pedestrian Connections</b>		
<p>B. Controls</p> <p>1) Footpaths should have ramps at all kerb corners for wheelchairs and pram access and cater for all people with diverse abilities in line with current Australian Standards.</p> <p>2) Street lighting in accordance with the provisions of AS1158 should be present in all urban streets, while on rural traffic routes in general only intersections will be lit. Refer to Section C8 'Public Domain, for further information about lighting.</p> <p>3) Pedestrian crossing distances in local streets should be shortened through kerb extensions and tight turning radii, which can cause vehicular traffic to slow to negotiate the tighter corners.</p> <p>4) To enable comfortable passage for all people with diverse abilities, footpaths must be:</p> <p>i) Provided on both sides of the road in urban areas;</p> <p>ii) A minimum of 1.5m wide along collector and all lower order streets; and</p> <p>iii) A minimum of 2.5m on approach routes to predictable destinations such as schools, parks and shopping precincts. (Three metre paths or wider are preferred).</p> <p>5) Where street trees are not required to provide protection from passing cars for people on footpaths, a minimum outer nature strip of 0.5m on both sides of the street should be provided. Kerbs should be 'barrier' not 'rollover' design.</p> <p>6) A durable, non-slip surface and even paving is to be designed and constructed for minimum maintenance. Continuous pathways, uninterrupted by variations in surface material must be provided.</p> <p>7) Gradients from pathways to streets are to be minimal, safe and comfortable for people with limited mobility and those using wheelchairs, prams and trolleys in line with current Australian Standards.</p>	<p>No subdivision proposed.</p>	

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
<p>8) Gradients and ramps must be aligned with desired paths of travel for pedestrians and cyclists.</p> <p>9) A smooth transition from ramps to roads is to be provided for people using wheelchairs or prams. Ramps should be designed in accordance with appropriate design guidelines and be as wide as the pathway or marked crossing point to eliminate squeeze points at transition areas.</p>		
<b>C12 Noise and Vibration</b>		
<b>12.1 Road Traffic Noise</b>		
<p><b>1) Road traffic noise criteria including sensitive land uses</b></p> <p>a) Council will not grant consent to development, particularly residential development, including subdivisions, unless the impact of traffic noise from freeway, arterial, designated or collector roads complies with the standards and guidelines for road traffic noise prepared by the relevant State Government authorities or agencies, as well as relevant Australian Standards.</p> <p>b) Council will not grant consent to development for sensitive land uses unless it complies with the provisions and standards for road traffic noise prepared by the relevant State Government authorities or agencies, as well as relevant Australian Standards.</p> <p>c) Sensitive land uses subject to road traffic noise criteria referred to in b) above include educational establishments (including schools), places of public worship, hospitals, and passive and active recreation areas.</p>	Refer to acoustic report (Appendix 18).	
<p><b>Noise Impact Statements - Specific Requirements</b></p> <p>a) Where a site is likely to be affected by unacceptable levels of road traffic noise, the applicant is required to provide a Noise Impact Statement prepared by a qualified acoustic consultant in accordance with the requirements set out in the DA Submission Requirements Appendix of this DCP.</p>	Refer to acoustic report (Appendix 18).	

RELEVANT REQUIREMENTS	COMMENT	COMPLIANCE
b) The Noise Impact Statement should demonstrate acoustic protection measures necessary to achieve an indoor environment meeting residential standards, in accordance with EPA and Department of Planning Criteria, as well as relevant Australian Standards.		
<b>C13 Infrastructure and Services</b>		
<b>13.2 Utilities and Service Provision</b>		
<b>1) General</b> a) Any site analysis (see the Site Planning and Design Principles Section) should address the existing and proposed provision of services/utilities to a property and whether there is satisfactory capacity to address the required demand of the proposal. b) Satisfactory arrangements should be made with the servicing authorities for the provision of services to the property. c) Where possible, services (including easements) should not be located in areas where vegetation will be removed or damaged.	Utilities are available to the site.	
<b>13.4 Engineering Works and Construction Standards</b>		
All engineering works shall be undertaken in accordance with the provisions of Council's: <ul style="list-style-type: none"> <li>- Stormwater Drainage Specifications for Building Developments</li> <li><input type="checkbox"/> Council's Water Sensitive Urban Design (WSUD) Technical Guidelines;</li> <li>- Engineering Design Specifications for Civil Works; and</li> <li>- Engineering Construction Specifications for Civil Works.</li> </ul>	Can comply as required.	

#### 4.4 State Environmental Planning Policy No. 55 - Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (“SEPP 55”) provides that a consent authority must not consent to the carrying out of development on land unless it has



considered whether the land is contaminated. The consent authority must consider whether the land is contaminated before determining an application.

A Detailed Site Investigation has been undertaken by Martens (**Appendix 7**) who conclude:

*Based on the findings of this DSI, the site contains contamination in the form of shallow buried ACM in fill material, which will require remediation before the site is considered suitable for the proposed aged care facility.*

*Additionally, the data gap presented by the existing dwelling will need to be closed through further testing following site demolition works and prior to commencement of the proposed development.*

*A remedial action plan (RAP) will be required to guide the remediation of known ACM contamination. Given the amount of material to be remediated, the most practical remediation strategy would involve the excavation and offsite disposal of asbestos contaminated fill material.*

*Post remediation, a site validation report will be required to confirm site suitability for the proposed development.*

*Following the remediation works noted above the site is expected to be considered suitable for the proposed use.*

*A formal waste classification assessment shall be required for any soil material which is to be removed from the site, in accordance with the NSW EPA Waste Classification Guidelines (2014).*

The findings of this report enable Council to meet the requirements of the SEPP.

#### **4.5 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (“the Vegetation SEPP”) seeks to protect biodiversity values of trees and other vegetation in non-rural areas and preserve amenity of non-rural areas through preservation of trees and vegetation. The SEPP applies to non-rural areas of the State, including the Penrith local government area.

The Arborist Report in **Appendix 19** provides an assessment of existing trees on the site.

#### **4.6 Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)**

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2 – 1997) seeks 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 proposal for a new residential care facility is permissible within the R2 Low Density Residential zone in which the site is located. The proposal is considered satisfactory when assessed against the relevant criteria in the SREP.

## 4.7 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (“the Infrastructure SEPP”) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services.

Clause 101 deals with development with frontage to classified road. It provides:

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

Access is not provided to the site from the M4 and the development will not have any detrimental impact on its safety, efficiency and ongoing operation. The development has been appropriately located and designed, and includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The Infrastructure SEPP contains controls on noise from roads, in this case the M4 motorway. Clause 102 “Impact of road noise or vibration on non-road development” states as follows:-

- “(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration—*
- (a) *residential accommodation,*
  - (b) *a place of public worship,*
  - (c) *a hospital,*
  - (d) *an educational establishment or centre-based child care facility.*



*(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*

*(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*

*(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*

*(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

*(4) In this clause, freeway, tollway and transitway have the same meanings as they have in the Roads Act 1993.”*

A noise impact assessment report accompanies the development application (**Appendix 18**). This includes an assessment of noise from the M4 motorway and the recommended acoustic treatments to ensure the internal noise criteria are achieved. The noise impact assessment recommends appropriate acoustic treatments including external glazing thickness. These recommendations will be incorporated into the detailed design.

Clause 103 of the Infrastructure SEPP provides controls in relation to excavation adjacent to a road corridor (including the M4 Motorway). Clause 103(2) and (3) states as follows:-

*“(1) This clause applies to development that involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of any of the following roads or road projects (including M4)*

*(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must—*

*(a) give written notice of the application to RMS within 7 days after the application is made, and*

*(b) take into consideration—*

*(i) any response to the notice that is received within 21 days after the notice is given, and*

*(ii) any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette, and*

*(iii) any implications of the ground penetration for the structural integrity of the road or project, and*

*(iv) any cost implications for the road or project of the ground penetration.*

*(3) The consent authority must provide RMS with a copy of the determination of the application within 7 days after the determination is made.”*

Council can refer the application to Transport for NSW if the requirement is met.



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

The proposal has taken into consideration the provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (“SEPPHS”) which applies to the site. The proposed development would be characterised as a “residential care facility”, which is a form of seniors housing defined in Clause 11 of the SEPPHS.

Pursuant to clause 4, SEPPHS applies to the site because the site is zoned for an urban purpose with dwelling houses being permissible with consent. Further, the site is not within a heritage conservation area and thus S4A does not apply. The site does not contain environmentally significant land.

Chapter 3 of the SEPPHS contains the main operative provision of the SEPP. The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age. This Chapter allows development on land zoned primarily for urban purposes for the purpose of any form of seniors housing despite the provisions of any other environmental planning instrument. Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.

The application is made pursuant to Penrith LEP 2010 and is not a development application made pursuant to Chapter 3 of SEPPHS. Thus the requirements that are to be met prior to consent being granted under that chapter do not apply. Nonetheless these matters have been considered in the design and consideration of the development and are addressed below.

Pursuant to clause 24 and 25, a site compatibility certificate is not required for this development.

The table below details the proposal’s compliance with provisions and development standards of Chapter 3 the SEPPHS.

SENIORS HOUSING SEPP CRITERIA	COMMENT	COMPLIANCE
<b>PART 2 – SITE RELATED REQUIREMENTS</b>		
<b>Clause 26 – Location and Access to Facilities</b>		
(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:  (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and  (b) community services and recreation facilities, and  (c) the practice of a general medical practitioner.	All services to be provided on site.  Bus services are located approximately 600 metres from the site providing access for staff and some visitors. Parking is providing on site to meet the needs of staff and visitors. Discussed further below.	Yes (discussed below)

SENIORS HOUSING SEPP CRITERIA	COMMENT	COMPLIANCE
<p>(2) Access complies with this clause if:</p> <p>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <ul style="list-style-type: none"> <li>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</li> <li>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</li> <li>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</li> </ul> <p>(b) in the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development:</p> <ul style="list-style-type: none"> <li>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</li> <li>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</li> <li>(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),</li> </ul> <p>and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or</p> <p>(c) in the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater Capital City Statistical Area)—there is a transport</p>		

SENIORS HOUSING SEPP CRITERIA	COMMENT	COMPLIANCE
<p>service available to the residents who will occupy the proposed development:</p> <ul style="list-style-type: none"> <li>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</li> <li>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</li> <li>(iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),</li> </ul> <p>and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).</p> <p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <ul style="list-style-type: none"> <li>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</li> <li>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</li> <li>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</li> </ul>		
<b>Clause 27 – Bush Fire Prone Land</b>		
<p>A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 10.3 of the EP&amp;A Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled <i>Planning for Bush Fire Protection</i>, ISBN 0 9751033 2 6, prepared by the</p>	<p>The site is located on bushfire prone land and is classified as “vegetation buffer”. The development application is for integrated development. The application is accompanied by an bush fire risk assessment report indicating that the development can comply with the requirements of Planning for Bush Fire Protection</p>	<p>Yes</p>

SENIORS HOUSING SEPP CRITERIA	COMMENT	COMPLIANCE
NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.	Refer to Bush Fire Assessment Report (Appendix 20).	
<b>Clause 28 – Water and Sewer</b>		
A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	The proposal will connect to the existing water and sewerage system serving the development.	Yes
<b>PART 3 – DESIGN REQUIREMENTS (DIVISION 1 GENERAL)</b>		
<b>Clause 30 – Site Analysis</b>		
(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	Addressed below.	Noted
(2) A site analysis must: (a) contain information about the site and its surrounds as described in subclauses (3) and (4), and (b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on land adjoining land zoned primarily for urban purposes, an aerial photograph of the site): (i) explaining how the design of the proposed development has regard to the site analysis, and (ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.	A site analysis is provide in <b>Section 2</b> of this SEE and is supported by a series of figures.  Furthermore, a detailed Site Analysis Plan is provided in the architectural drawings provided in <b>Appendix 2</b> .	Yes
(3) The following information about a site is to be identified in a site analysis: (a) Site dimensions (b) Topography (c) Services (d) Existing vegetation (e) Micro climates (f) Location	The site analysis detailed in <b>Section 2</b> of this SEE identifies all relevant matters referred to Clause 30(3). Also, a detailed Site Analysis Plan has been prepared by Custance (see <b>Appendix 2</b> ).	Yes

SENIORS HOUSING SEPP CRITERIA	COMMENT	COMPLIANCE
(g) Views to and from the site (h) Overshadowing by neighbouring structures		
4) The following information about the surrounds of a site is to be identified in a site analysis: (a) Neighbouring buildings (b) Privacy (c) Walls built to the site's boundary (d) Difference in levels between the site and adjacent properties at their boundaries (e) Views and solar access enjoyed by neighbouring properties (f) Major trees on adjacent properties (g) Street frontage features (h) The built form and character of adjacent development (including buildings opposite on both sides of the street(s) fronted) (i) Heritage features of surrounding locality and landscape (j) Direction and distance to local facilities (k) Public open space (l) Adjoining bushland or environmentally sensitive land (m) Sources of nuisance (n) Adjoining land uses and activities	The site analysis in <b>Section 2</b> of the SEE identifies all relevant matters referred to Clause 30(4). This includes the nature of development on adjoining and adjacent sites. Key elements of the surrounding area include: <ul style="list-style-type: none"> <li>• Three dwelling houses adjoin the site to the west and four to the east. There is the potential for some additional dwellings to the west of the site subject to resolving drainage issues.</li> <li>• The site has one street frontage and adjoins a local park to the north east. The privacy of development to the east and west has been considered in the design of the development;</li> <li>• All existing trees on the site have been identified;</li> <li>• There are no heritage items on or adjoining the site;</li> <li>• The site is approximately 1.3 kms from St Clair Shopping Centre;</li> <li>• The site is removed from any source of nuisance, environmentally sensitive land or active agricultural uses other than the M4 motorway which is a noise source.</li> </ul>	Yes
<b>Clause 32 – Design of Residential Development</b>		
A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.	Addressed below.	Noted
<b>PART 3 – DESIGN REQUIREMENTS (DIVISION 2 DESIGN PRINCIPLES)</b>		
<b>Clause 33 – Neighbourhood Amenity and Streetscape</b>		
The proposed development should: (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where	The proposed built form has been designed with regard to the existing and future character of St Clair.	Yes

SENIORS HOUSING SEPP CRITERIA	COMMENT	COMPLIANCE
described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and		
(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and	The site does not contain any heritage items and is not within, or near to, a heritage conservation area.	Yes
(c) maintain reasonable neighbourhood amenity and appropriate residential character by: <ul style="list-style-type: none"> <li>(i) providing building setbacks to reduce bulk and overshadowing, and</li> <li>(ii) using building form and siting that relates to the site's land form, and</li> <li>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</li> <li>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</li> </ul>	The front, side and rear setbacks have been designed to reduce perceived bulk and overshadowing. The form and configuration of the proposal is sympathetic to the site's land form and to neighbouring development. This is addressed in greater detail in the Architectural Design Statement in <b>Appendix 3</b> .	Yes
(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and	The building is setback a variable distance with a minimum setback 7.5 metres from Explorers Way, 4.2 metres to the eastern boundary and 7.5 metres to the western boundary which will be in sympathy with the neighbouring dwellings.	Yes
(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	Landscaping and tree planting is provided. This is addressed in the landscape provided in <b>Appendix 4</b> .	Yes
(f) retain, wherever reasonable, major existing trees, and	A number of trees are to be retained. This is addressed in the Arborist Report (see <b>Appendix 19</b> ).	Yes
(g) be designed so that no building is constructed in a riparian zone.	The site is not within a designated riparian zone.	Yes
<b>Clause 34 – Visual and Acoustic Privacy</b>		

SENIORS HOUSING SEPP CRITERIA	COMMENT	COMPLIANCE
<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>The design of the proposal has taken into consideration existing development on neighbouring sites in relation to visual and acoustic privacy.</p> <p>An Acoustic Report is provided in <b>Appendix 18</b>.</p>	Yes
<b>Clause 35 – Solar Access and Design for Climate</b>		
<p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<p>This is addressed in greater detail in the Architectural Design Statement (see <b>Appendix 3</b>).</p>	Yes
<b>Clause 36 – Stormwater</b>		
<p>The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p> <p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<p>The proposal incorporates stormwater infrastructure (including on-site stormwater detention) as detailed in the Stormwater Management Report and Plans (see <b>Appendix 11A and 11B</b>).</p>	Yes
<b>Clause 37 – Crime Prevention</b>		
<p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</p>	<p>The proposal incorporates CPTED principles as detailed in <b>Section 4.10</b> and Appendix 17 of this SEE.</p> <p>Adequate surveillance is provided with effective lighting, landscaping, identification of the entrances, and avoidance of dark spaces. Opportunities for passive surveillance to Explorers Way are provided.</p>	Yes

SENIORS HOUSING SEPP CRITERIA	COMMENT	COMPLIANCE
(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	The building form and design delivers safety and security measures and assists in reducing opportunities for crime in and around the site.	
<b>Clause 38 – Accessibility</b>		
The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The proposal includes provision of safe pedestrian access from the site to public transport and local services to the extent relevant. Accessibility is detailed and assessed in <b>Appendix 10</b> . Safe and convenient parking is provided for staff and visitors.	Yes
<b>Clause 39 – Waste Management</b>		
The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The Waste Management Plan describes excavation and construction, use and ongoing waste management, and equipment and waste management systems (see <b>Appendix 14</b> ).	Yes
<b>PART 4 – DEVELOPMENT STANDARDS TO BE COMPLIED WITH</b>		
<b>Clause 40 – Development Standards - Minimum Sizes and Building Height</b>		
<b>(1) General</b> A consent authority must not consent to a development application made pursuant to this Chapter unless the development complies with the standards specified in this clause.	Addressed below.	Noted
<b>(2) Site size</b> The size of the site must be at least 1,000 square metres.	The site has an area of 1.050ha.	Yes
<b>(3) Site frontage</b> The site frontage must be at least 20 metres wide measured at the building line.	The sites primary frontage to Explorers Way exceeds 20 metres.	Yes
<b>(4) Height in zones where residential flat buildings are not permitted</b>	The site is located within the R2 Low Density Residential Zone in which residential flat	Non-compliance



SENIORS HOUSING SEPP CRITERIA	COMMENT	COMPLIANCE
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.	buildings are permissible with consent.  The north eastern wing of the development exceeds the height limit to a minor extent as shown on the DA drawings.  A small part of the development is located within the rear 25% area of the site (discussed below).	
<b>(5) Development applications to which clause does not apply</b> Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following— (a) the Department of Housing, (b) any other social housing provider.	N/A	N/A
<b>PART 7 – DEVELOPMENT STANDARDS THAT CANNOT BE USED AS GROUNDS TO REFUSE CONSENT</b>		
<b>Clause 46 - Inter-relationship of Part with design principles in Part 3</b>		
Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3	Noted.	N/A
<b>Clause 48 - Standards that cannot be used to refuse development consent for residential care facilities</b>		
(a) <i>“building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or</i>	Most of the development complies with the 8 metres building height standard. The extent of non-compliance is minimal, meets the objectives of the standard and is 2 storeys in height.	Minor non-compliance
(b) <i>density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</i>	Complies. The FSR is 0.8:1.	Yes
(c) <i>landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,</i>	Complies	Yes

SENIORS HOUSING SEPP CRITERIA	COMMENT	COMPLIANCE
<p>(d) <i>parking for residents and visitors: if at least the following is provided:</i></p> <p>i) <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</i></p> <p>ii) <i>1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and</i></p> <p>iii) <i>1 parking space suitable for an ambulance.”</i></p>	Complies	Yes

## 4.8.1 Part 3 – Design Requirements

### 4.8.1.1 Clause 30 – Site Analysis

A site analysis has been prepared in Section 2 of this SEE and a Site Analysis Plan is provided as part of the architectural drawings (see **Appendix 2**).

### 4.8.1.2 Clause 33 – Neighbourhood Amenity and Streetscape

The proposal is consistent with the existing character of the area. Generous setbacks to all boundaries are provided to ensure that the amenity of development of adjoining sites are not adversely affected.

The streetscape character of the building reflects the proposed use with the bulk and scale of the building minimised through maintaining a two storey height, well-proportioned openings and material selection and modulated facades in plan and form.

The development contains a driveway and limited parking together with significant planting within the front setback. This is consistent with the streetscape character of the area.

### 4.8.1.3 Clause 34 – Visual and Acoustic Privacy

The site includes extensive landscape areas to the Explorers Way frontage and to the eastern and western boundaries which adjoins existing low density residential development. Generous landscaped setbacks and the provision of privacy measures integrated into the design maintain the visual privacy of neighbours. Plant and activity areas (such as loading areas) are located away from adjoining residential sites as much as is possible and are design to minimise impacts on existing and future adjoining residential development.

The loading area and garbage rooms are located along the western side of the proposal and are generously setback from neighbouring residential boundaries.

The building will also be designed to be primarily air-conditioned and to a high acoustic standard.

### 4.8.1.4 Clause 35 – Solar Access and Design for Climate

The orientation of the proposal has been designed to enable solar access to terrace areas, outdoor areas and to resident bedrooms. Residents are encouraged to spend time outside their bedrooms and in the common areas and landscaped courtyards.

#### **4.8.1.5 Clause 36 – Stormwater**

The proposal provides for augmentation of the site's stormwater infrastructure as outlined in the Stormwater Report in **Appendix 11B**.

#### **4.8.1.6 Clause 37 – Crime Prevention**

The safety and security of the residents is paramount and has been considered in the design of the proposal. Adequate surveillance will be provided on site with the use of effective lighting, appropriate fencing, landscaping, clear identification of the site entrances, avoidance of dark spaces between buildings and in the buildings surrounds and CCTV cameras to the foyer and entry areas.

#### **4.8.1.7 Clause 38 – Accessibility**

The proposed building has been designed to comply with the relevant access provisions of the Building Code of Australia 2013 ("BCA") and related Australian Standards. An Access Report are provided at **Appendix 10**.

#### **4.8.1.8 Clause 39 – Waste Management**

Waste management and recycling areas are provided on the ground floor adjacent to the loading dock and are adequate for the scale and type of use proposed.

### **4.8.2 Division 2 - Residential Care Facility – Accessibility & Useability**

Part 4, Division 2 of the SEPPHS provides no specific standards in relation to accessibility and useability, rather it says that:

*"Development standards concerning accessibility and useability for residential care facilities are not specified in this Policy. For relevant standards, see the Commonwealth aged care accreditation standards and the Building Code of Australia."*

The proposal has been designed in accordance with the Commonwealth aged care accreditation standards and the relevant components of the BCA.

### **4.8.3 Discussion**

#### **Clause 26 – Location and Access to Facilities**

Clause 26 states:

*26 Location and access to facilities*

*"(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:*

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

*(2) Access complies with this clause if:*

- (a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance*



*accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:*

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

*(b) in the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development:*

- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*
- (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*
- (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),*

*and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or*

*(c) in the case of a proposed development on land in a local government area that is not within the Greater Sydney (Greater Capital City Statistical Area)—there is a transport service available to the residents who will occupy the proposed development:*

- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*
- (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*
- (iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),*

*and the gradient along the pathway from the site to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).*

*Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.*

*(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to*



be no more than 1:14, although the following gradients along the pathway are also acceptable:

- (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,
  - (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,
  - (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.
- (4) For the purposes of subclause (2):
- (a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and
  - (b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.
- (5) In this clause:  
bank service provider means any bank, credit union or building society or any post office that provides banking services.”

Clause 26(1) identifies three types of facilities that the residents of the proposed development need to have access:

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

Currently the nearest bus service (route 776) to the site is located on Colorado Drive (approximately a 600m walk south-east of the site). This bus route provides services between Mount Druitt Station and Penrith Station (via St Marys).

St Clair Shopping Centre is located approximately 1km south-west of the site. The shopping centre provides a number of services including a medical centre, library, chemist, hairdressers, and a post office.

Clause 26(2) identified two relevant possible means of access to those facilities:

- Clause 26(2)(a) requires that the facilities and services be located at a distance of not more than 400m from the site by an accessible pathway; or
- Clause 26(2)(b) that the site be located at a distance of not more than 400m of a public transport service that will take those residents to a place that is within 400m from the facilities.

The key objective of clause 26 is to ensure that the residents of the residential care facility will have access to all services and facilities required by the clause that they would reasonably require. Clause 26 is satisfied because the required facilities are provided on site by the development to meet the needs of the residents of the facility.

It is relevant to note that the residents of the facility have a need for high care because of frailty or dementia. Admission to a residential care facility is generally following an assessment undertaken by an Aged Care Assessment Team (ACAT). There is a preference for admission to a residential care facility to be delayed for as long as possible with services provided in the



home. Residents are admitted to a residential care facility because they have been assessed as having 'high care needs' and so are limited in their mobility or cognition. It is preferable for services to be provided on site so as to avoid providing any need for people with cognitive impairment or other disability to leave the site.

Residential care facilities operate under the Aged Care Act 1997 and the Quality of Care Principles 2014. This legislation sets out facilities that operators of RCFs are to meet including meals and refreshments; personal care and nursing care, furniture furnishings, bedding, toiletries, pharmaceuticals, social activities and emergency assistance. In addition the proposed residential care facility will include the following services:

- Therapy room and treatment rooms as part of the Allied Health Facility;
- a café with the opportunity to provide related items such as newspapers, snacks and personal needs;
- consultation rooms, in addition to resident rooms where GPs will attend the site provide services of a medical practitioner to residents;
- a hairdresser; and
- areas for recreational activities including secure courtyard spaces, internal activity spaces and TV/audio rooms and the like.

Opal Health Care operates 74 residential care facilities including two in the City of Blacktown. Its experience in operating such facilities makes it well informed on the facilities and services that residents would reasonable require. A letter from Opal Health Care (**Appendix 21**) provides written evidence of the facilities and services to be provided on site. Residents of the proposed development will have access to:

*(a) shops, bank service providers and other retail and commercial services that residents may reasonably require,*

Residents of nursing homes do not have the same need to visit shops as do residents of other forms of seniors housing. This is because all meals, nursing care and personal care are provided on site. Opal will arrange for incidental items such as toiletries (most are provided by Opal), newspapers, magazines, confectionery, stamps, writing materials etc to be available as required. The hair salon can provide a range of related beauty products such as shampoo, conditioners, moisturisers and the like. The development includes a café that can provide snacks and related items.

A bank service provider is defined to mean any bank, credit union or building society or any post office that provides banking services. Where residents require assistance with banking, this will be provided either through digital banking channels provided on site or by visiting mobile bankers arranged by management.

*(b) community services and recreation facilities,*

The services and facilities to be provided include:

- access to a community bus for resident outings – this bus will be shared between facilities in the region and provides the opportunity for supervised and assisted outings;



- services available through the allied health facility such as physiotherapy, exercise physiologists, rehabilitation therapy;
- services of a pharmacist, music therapist, podiatrist and the like;
- areas for recreational activities including secure courtyard spaces (putt-putt golf, walking and relaxation), internal activity spaces and TV/audio rooms and the like;

(c) *the practice of a general medical practitioner.*

The development will arrange for general practitioners to practice at the site to meet resident needs.

All of the above facilities and services would be accessible as defined in the SEPPHS. The proposed residential care facility is specifically designed and will operate to care for people who are no longer capable of taking adequate care of themselves and who are not capable of independent living and travel. It is considered that the proposed development satisfies the requirements of clause 26 to the extent relevant to the proposed residential care facility.

Compliance with the requirement to provide access via a bus service within 400 metres walking distance would be unreasonable and unnecessary because residents of the residential care facility are likely to have severely frailty or disability and be unlikely to use a public bus if it were available. Access to the services and facilities required by clause 26 are provided on the site. The underlying objective or purpose of clause 26 is met.

#### **Clause 40 - height**

##### **Clause 40(4)(a)&(b)**

The proposed building complies with the height limits in clause 40(4)(b). There is a minor non-compliance with the 8 metre height limit in clause 40(4)(a).

##### **Clause 40(4)(a)**

This control states:

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

Under the SEPPHS:

- ground level means the level of the site before development is carried out pursuant to this Policy.
- 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.

There is a non-compliance with the 8 metre maximum height standard in the northern part of the site where the ceiling of upper level bedrooms protrude above the height limit.

The primary objective of Clause 40(4)(a)(c) is taken to be to limit the bulk and scale of a building to protect the amenity of adjoining residential properties.



In considering the objectives of this standard, consideration can be given to the objectives of the building height development standard in the PLEP which are:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,*
- (c) to minimise the adverse impact of development on heritage items, heritage conservation areas and areas of scenic or visual importance,*
- (d) to nominate heights that will provide a high quality urban form for all buildings and a transition in built form and land use intensity.*

The objective of the development standard is to achieve building height compatible with the character of the streetscape and locality.

In this regard the non-compliance is to the rear of the site with no impact on the streetscape qualities of Explorers Way. Those parts of the building that do not comply with the height limit do not adjoin and residential development. To the north west, the building is setback approximately 15 metres from the adjoining vacant residential zoned land owned by Council.

To the norther east, the elements of the building that do not comply with the height limit adjoin public open space and are setback 6 metres from the boundary providing significant area for planting while still allowing passible surveillance of the park. The extent to which the building does not comply with the height limit has no significant adverse impact on the amenity of adjoining land and is a direct consequence of providing a building with floors at the one level as required for resident and staff safety. Non-compliance with the standard is acceptable in this instance.

Clause 40(4)(c)

This control states:

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

The rear 25% area of the site is located adjoining the M4 motorway for a distance of approximately 36 metres.

The intention of cl 40(4)(c) is to limit the bulk and scale of a building to protect the amenity of the rear of adjoining residential properties. As can be seen from the DA drawings (Dwg No DA1.20, there are no residences adjoining the rear 25% area of the site.

The development is located mostly outside the rear 25% area of the site.

The proposal is setback 6 metres from the eastern boundary and 15 metres from the western boundary with two storey elements of the development protruding a maximum 10 metres into the rear 25% area of the site. There are no adjoining residential dwellings. There is no resulting loss of amenity resulting from overshadowing or overlooking to properties adjoining the rear 25% area of the site.





The building design and on site arrangement will result in development that is consistent with the existing character of the locality and will not unreasonably impact on the amenity of existing or future adjoining residential premises.

## 5. STATUTORY ASSESSMENT

The following matters are required to be considered in the assessment of this development application under the Environmental Planning and Assessment Act 1979 and its Regulations.

### 5.1 Statutory Planning Considerations

In determining the subject DA, Council is required to consider those relevant matters listed in Section 4.15 of the Environmental Planning and Assessment Act, 1979 (“the Act”). Each of the relevant matters is addressed below.

### 5.2 Section 4.15(1)(a) – Statutory Planning Considerations

Section 4.15(1)(a) of the Act requires the consent authority to take into consideration:-

(a) *the provisions of:*

- (i) *any environmental planning instrument, and*
- (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) *any development control plan, and*
- (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (v) *(Repealed)*

*that apply to the land to which the development application relates,*

In relation to Section 4.15(1)(a)(i) and (a)(iii) of the Act, these matters are addressed in Section 5 of this SEE.

In relation to Section 4.15(1)(a)(ii), there are no current draft EPI relevant to the proposal.

Otherwise, there are no other current draft instruments applicable to this development.

In relation to Section 4.15(1)(a)(iiia), no planning agreement is proposed.

In relation to Section 4.15(1)(a)(iv), Clause 92 of the Environmental Planning and Assessment Regulation 2000 there are no relevant prescribed matters.

### 5.3 Section 4.15(1)(b) – Environmental, Social and Economic Impacts

Section 4.15(1)(b) requires the consent authority to consider:-

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.*

The relevant matters are addressed below.

#### 5.3.1 Impacts on the natural environment

The site is largely undeveloped comprising a residual site from the residential subdivision creating the suburb of St Clair. The entire site has been mown, cleared or disturbed since subdivision in the early 1960s. There are remnant local native trees and some landscape and garden planting on the site. The biodiversity impacts of the development have been assessed in the Prescribed Ecological Actions Report (PEAR) for Lot 36 DP 239502 100 Explorers Way, St Clair by Abel Ecology (**Appendix 5**). The vegetation on site is described as follows:

*The vegetation community is: Shale Gravel Transition Forest, as tree canopy species, with no shrub layer.*

*The herb layer is more than 95% weeds.*

*The vegetation is classified as poor integrity vegetation.*

*No threatened species were observed.*

*The site contains a mix of remnant native trees, endemic herb species, exotic and native weeds, and exotic trees (Appendix 2). Of the 49 herb species on site there are 17 local native species (35%) and 32 weed species (65%). There is a total of 24 native species on site of which ten species are indicators of Shale Gravel Transition Forest (Tozer et al. 2010, page 623). For the purpose of this report, common couch *Cynodon dactylon* is regarded as a local native species as per the NSW Royal Botanic Gardens Herbarium.*

Abel Ecology undertook a five part test as required by the Biodiversity Conservation Act finding as follows:

*Under Section 7.3 of the Biodiversity Conservation Act several factors (listed in Appendix 1) need to be considered in deciding whether there is likely to be a Significant effect on threatened species, populations or ecological communities, or their habitats. If there is likely to be a significant effect on threatened species, etc., the proposal must be accompanied by a Biodiversity Development Assessment Report.*

*While the overall proposal incorporates mitigating considerations and offsets, these are not taken into account in determining the outcome of the five-part tests.*

*There is no significant effect, so a Biodiversity Development Assessment Report is not required.*

Abel Ecology also conclude that a Biodiversity Development Assessment Report is not required.



### 5.3.2 Bulk and scale impacts

The development is considered to be of a bulk and scale that is appropriate for the context for the following reasons:

- The building facades to the street and to side and rear boundaries are highly articulated and broken onto different components:
- The materials of each of the building components provide further articulation with weatherboard panels, coloured fibre cement panels, glass, metal panels and brick. Sun blades and hoods provide additional articulation to the façade.
- All components are grounded by a brick base (also preferred for maintenance purposes) and the panels on level one are differentiated by contrasting elements. The sitting rooms also have their own colour that continues inside. Timber look battens and aluminium blades and screens are applied to the façade.
- Separate building components and recesses create breaks in the elevation. These changes reduce the perceived length of the building.
- Generous setbacks are provided to all boundaries and the building complies with the building controls except to the north of the site where there are no adjoining residential buildings.

The bulk and scale and visual impact of the building is acceptable having regard to the articulated façade design, the building setback and the opportunities for landscaping.

The building design and on site arrangement will result in development that is consistent with the character of the St Clair locality and will not unreasonably impact on the amenity of adjoining residential premises.

### 5.3.3 Overshadowing impacts

The proposal has been designed to minimise impacts on overshadowing on adjoining development, particularly residential development to the east and west of the site. This is achieved by the height of the development and the setback from the eastern and western boundaries.

Shadow diagrams prepared by Custance, project architects, confirm that the private open space of adjoining properties receive a minimum of 3 hours sunlight between 9am and 3pm on 21 June.

### 5.3.4 Privacy impacts

The building has been designed to enable impacts on the privacy of neighbours to be managed. This is achieved by providing adequate building separation, site landscaping and privacy screening integrated into the design of the building.

### 5.3.5 Visual and view impacts

It is considered that the proposal will not have a detrimental effect on the views and visual privacy of neighbouring properties. The proposal will have a high quality appearance when viewed from public domain and adjoining residential properties and the local park.

### 5.3.6 Traffic and parking impacts

A Traffic Report has been prepared for the development and is provided in **Appendix 9**. The traffic, transport and parking assessment confirms that the development will:

- *not present any unsatisfactory traffic implications;*
- *incorporate a suitable and appropriate parking provision for the nature of the development proposed;*
- *incorporate suitable vehicle access internal circulation and servicing arrangements.*

### 5.3.7 Noise Impacts

The acoustic impacts of the proposed development has been considered in the assessment contained in **Appendix 18**. The report considered the suitability of the site for the development and the impacts the operation of the facility would have on the amenity of existing and any future neighbours.

The report concluded as follows:-

*This report details the required acoustic constructions of the building's façade, including external windows, to ensure that the future internal noise levels comply with the relevant noise levels of the Australian Standard AS2107:2016 and the Department of Planning Development Near Rail Corridors and Busy Roads – Interim Guideline and the Infrastructure SEPP. Providing the recommended constructions detailed in this report are included in the construction of the project the required internal noise levels will be achieved.*

*External noise emissions from the site have been assessed and detailed in accordance with the NSW Environmental Protection Authorities Noise Policy for Industry. The future design and treatment of all building services associated with the project can be acoustically treated to ensure all noise emissions from the site comply with the EPA NPfl criteria. Details of the equipment and associated acoustic treatments will be provided as part of the CC submission of the project.*

### 5.3.8 Social and economic impacts

The social and economic impacts of the proposal will be positive, in that:

- it will provide a high quality seniors housing development in an appropriate location;
- the accommodation is to be owned and managed by a reputable aged care provider;
- it will provide much needed high-care accommodation (including dementia facilities);
- adjoining properties will suffer no unreasonable impacts; and
- employment opportunities will be created during construction.



## 5.4 Section 4.15(1)(c) – The suitability of the site

Section 4.15(c) requires the consent authority to consider:

“(c) the suitability of the site for the development.”

The site is zoned R2 Low Density Residential pursuant to the LEP. The proposal is permissible with consent in this zone and represents an appropriate use for the site. Indeed, the broader housing objectives of the zone and aims of the LEP encourage and recognise the socially beneficial nature of this type of housing.

The site is accessible and well suited to use for the purposes of seniors housing. The particular type of seniors housing provided in this instance is also intended to be affordable to its users. The site is suitable for the form of development proposed.

## 5.5 Section 4.15(1)(d) – Submissions

Section 4.15(d) requires the consent authority to consider:

“(d) any submissions made in accordance with this Act or the regulations”.

Any relevant submissions will need to be considered by the consent authority.

## 5.6 Section 4.15(1)(e) – Public interest

Section 4.15(e) requires the consent authority to consider:

“(e) the public interest”.

The public interest is best served by the orderly and economic use of land for permissible purposes in a form which is cognisant of, and does not impact unreasonably on surrounding uses, and which satisfies a market demand, in this case for residential care facilities.

The proposal is in the public interest in that it will:

- provide an aged care facility in the area to meet future demand;
- be consistent with the built form expectations for the site’s low density residential zoning with the development being compatible with the existing character of the area; and
- provide a development that is compatible with the amenity of the site and with the adjoining area.



## 6. CONCLUSION

This SEE accompanies a development application lodged with Penrith City Council for the construction of a residential aged care facility, including demolition of an existing dwelling house, landscaping, drainage and associated works at 94- 100 Explorers Way, St Clair.

This SEE demonstrates that the proposal is reasonable and acceptable. The proposal will deliver a high quality residential aged care facility which will fulfil an important social purpose and assist in satisfying an increasing need for high care and aged care facilities. The proposal is sympathetic to, and compatible with, surrounding uses.

Given the challenges facing the aged care industry as result of an aging population, peoples' desire to age in place and the difficulties in attracting quality staff, there is a genuine community need for the form of residential care services as proposed. The proposal will provide an excellent living environment for seniors requiring high care and provide employment opportunities for the local community.

The proposed development displays a high level of compliance when assessed against relevant planning and environmental controls relating to the site with any non-compliance justified in the circumstances.

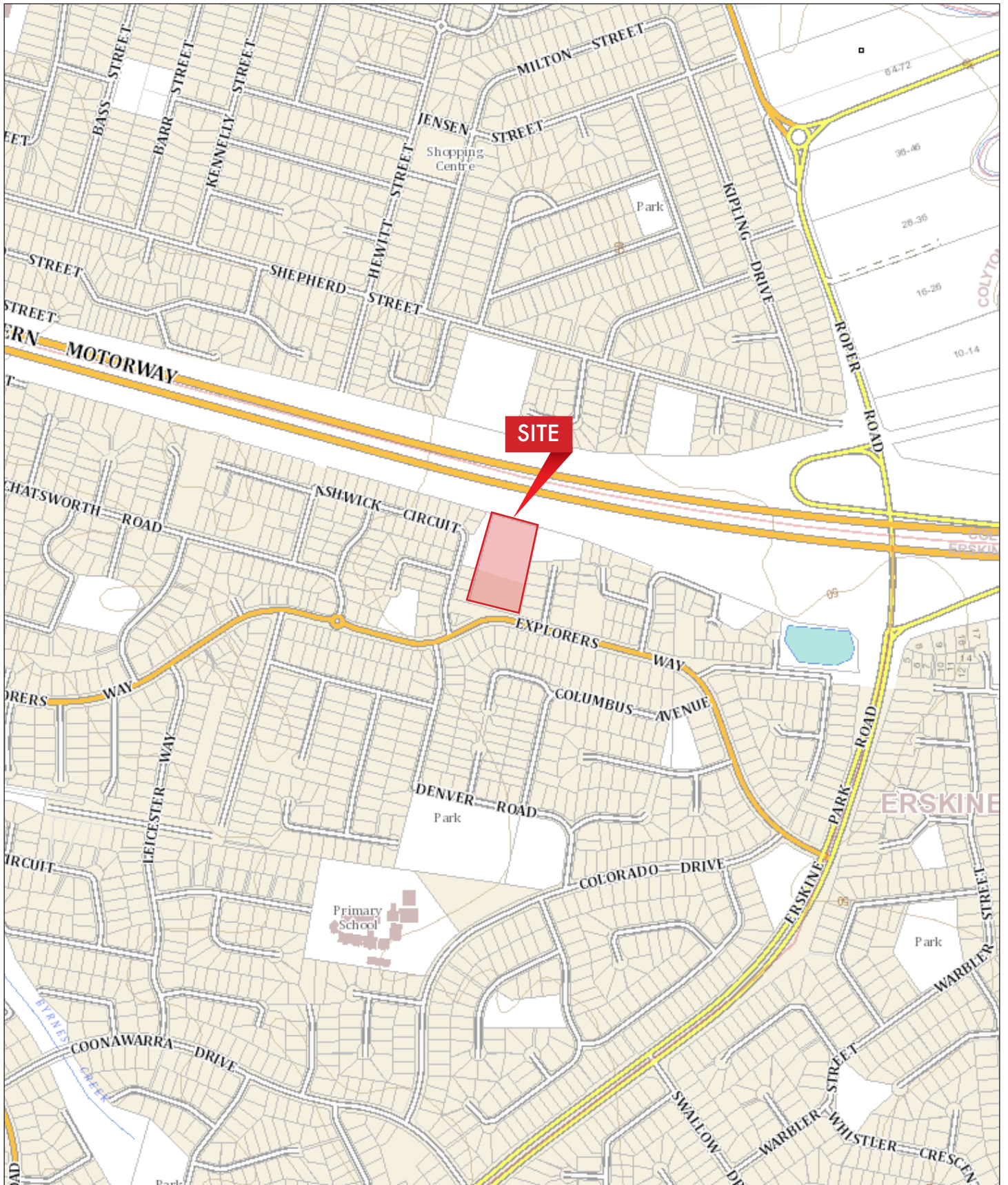
Having regard to the above, and the relevant heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act, 1979, the proposal is considered to be reasonable and appropriate and warrants favourable assessment by Penrith City Council and approval from the Sydney Western City Planning Panel.



## **FIGURES**

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Source: <http://maps.six.nsw.gov.au>



**STATEMENT OF ENVIRONMENTAL EFFECTS**  
94-100 Explorers Way, St Clair

**FIGURE 1**  
Location

Prepared For - Opal Aged Care





Source: <http://maps.six.nsw.gov.au>

**STATEMENT OF ENVIRONMENTAL EFFECTS**  
94-100 Explorers Way, St Clair

**FIGURE 2**  
Site

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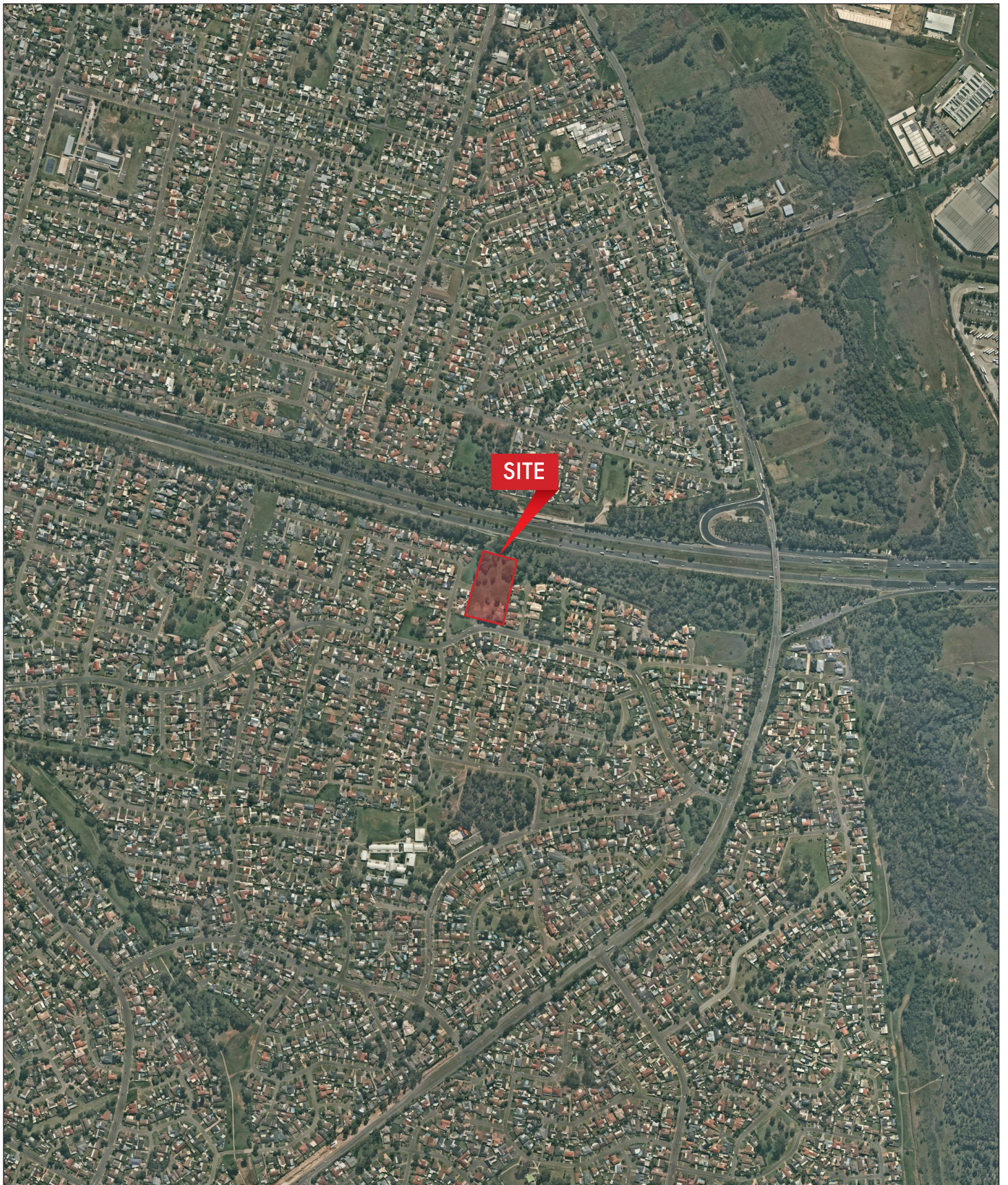
Source: NearMap 7 April 2019

**STATEMENT OF ENVIRONMENTAL EFFECTS**  
94-100 Explorers Way, St Clair

**FIGURE 3A**  
Aerial Photo - Detail

Prepared For - Opal Aged Care





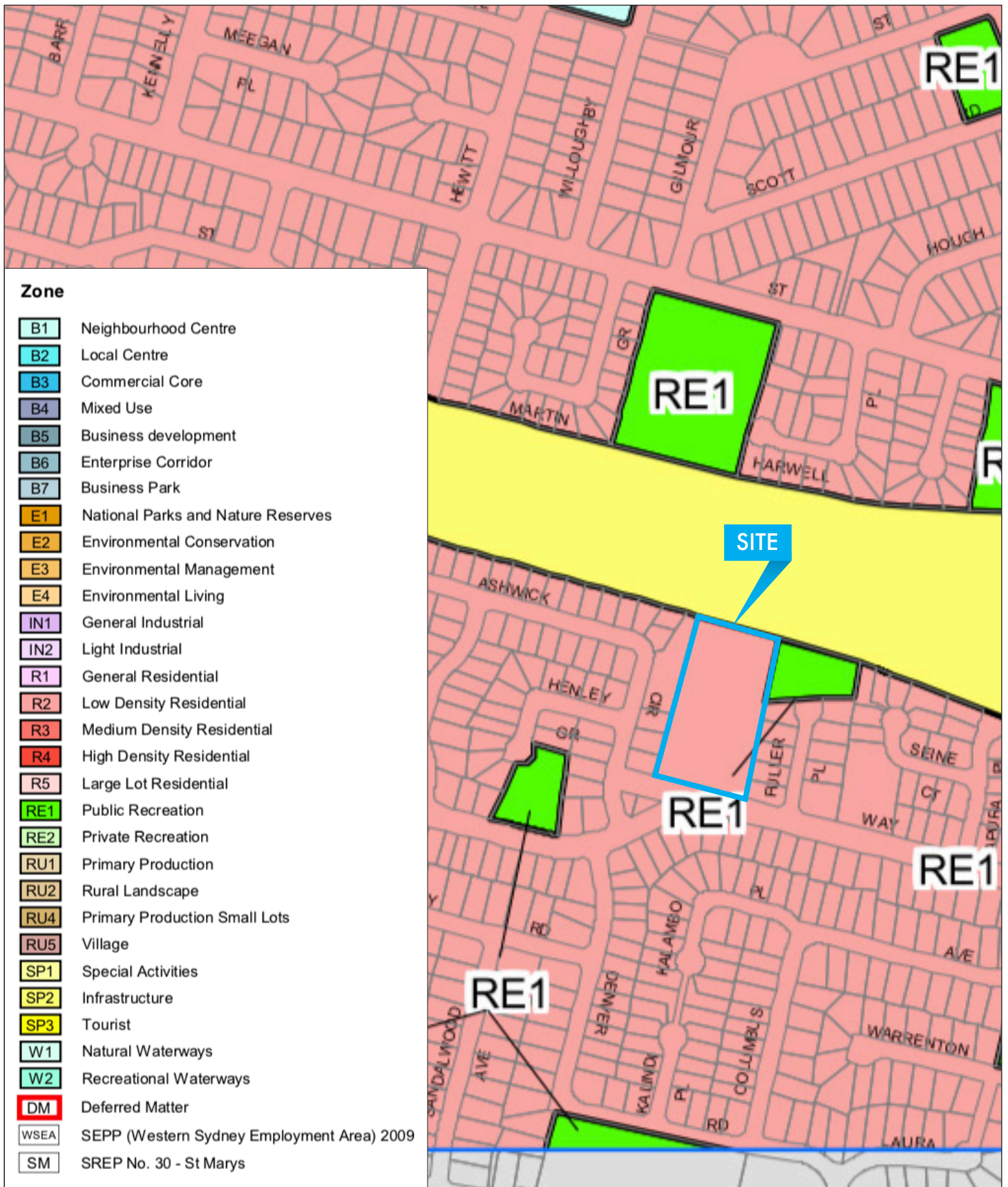
Source: NearMap 7 April 2019

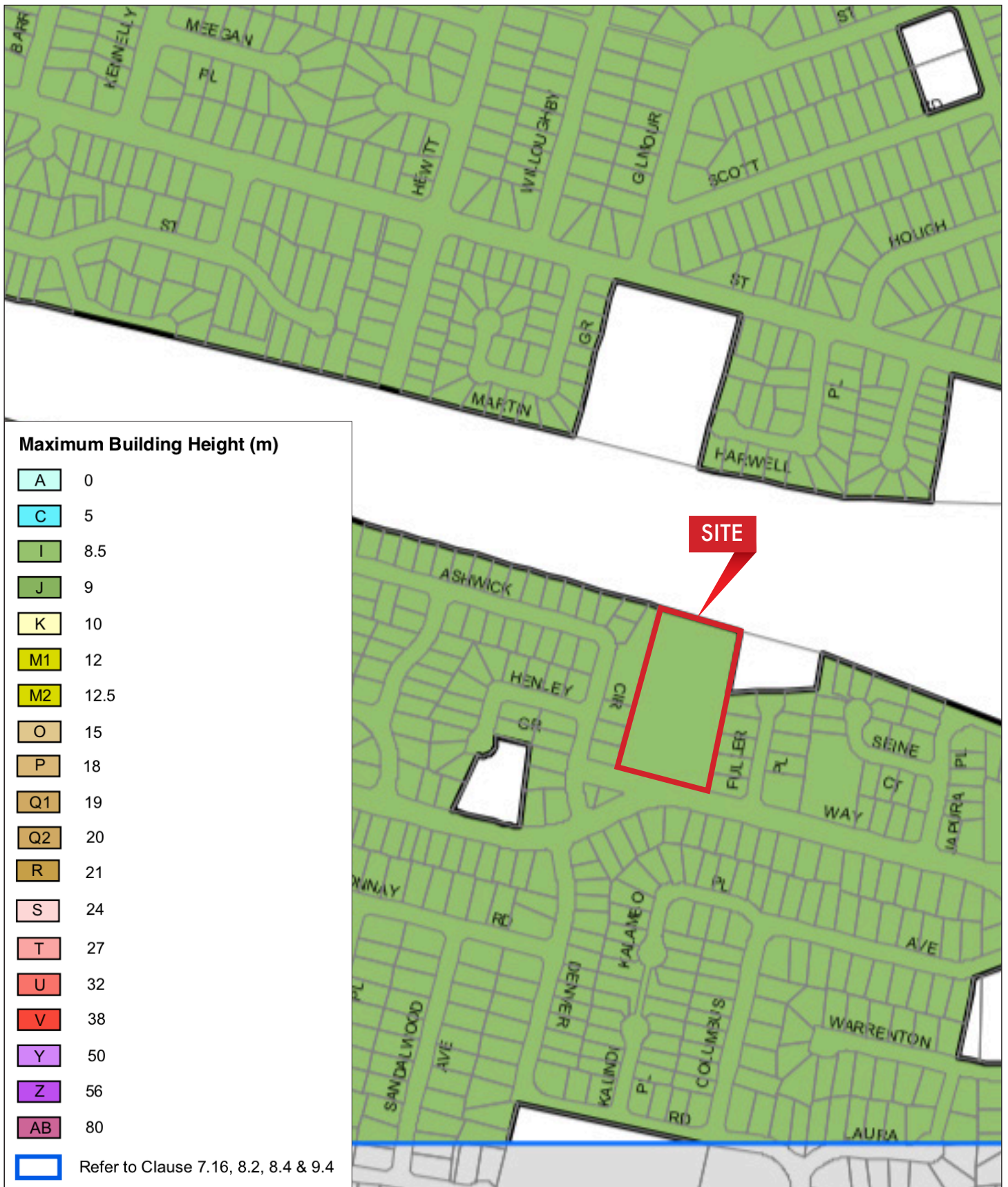
**STATEMENT OF ENVIRONMENTAL EFFECTS**  
94-100 Explorers Way, St Clair

**FIGURE 3B**  
Aerial Photo - Wider Area

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**STATEMENT OF ENVIRONMENTAL EFFECTS**

94-100 Explorers Way, St Clair

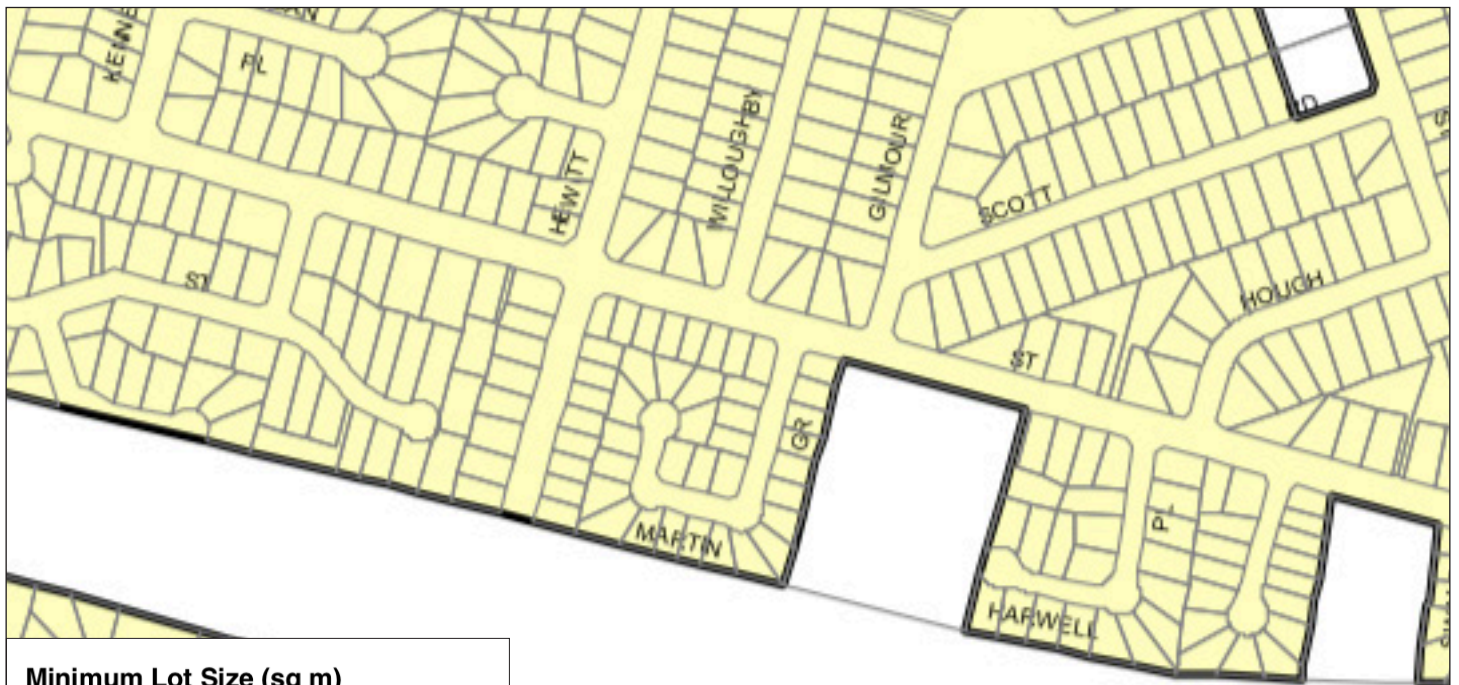
**FIGURE 4B**

Height of Buildings Map - Penrith LEP 2010


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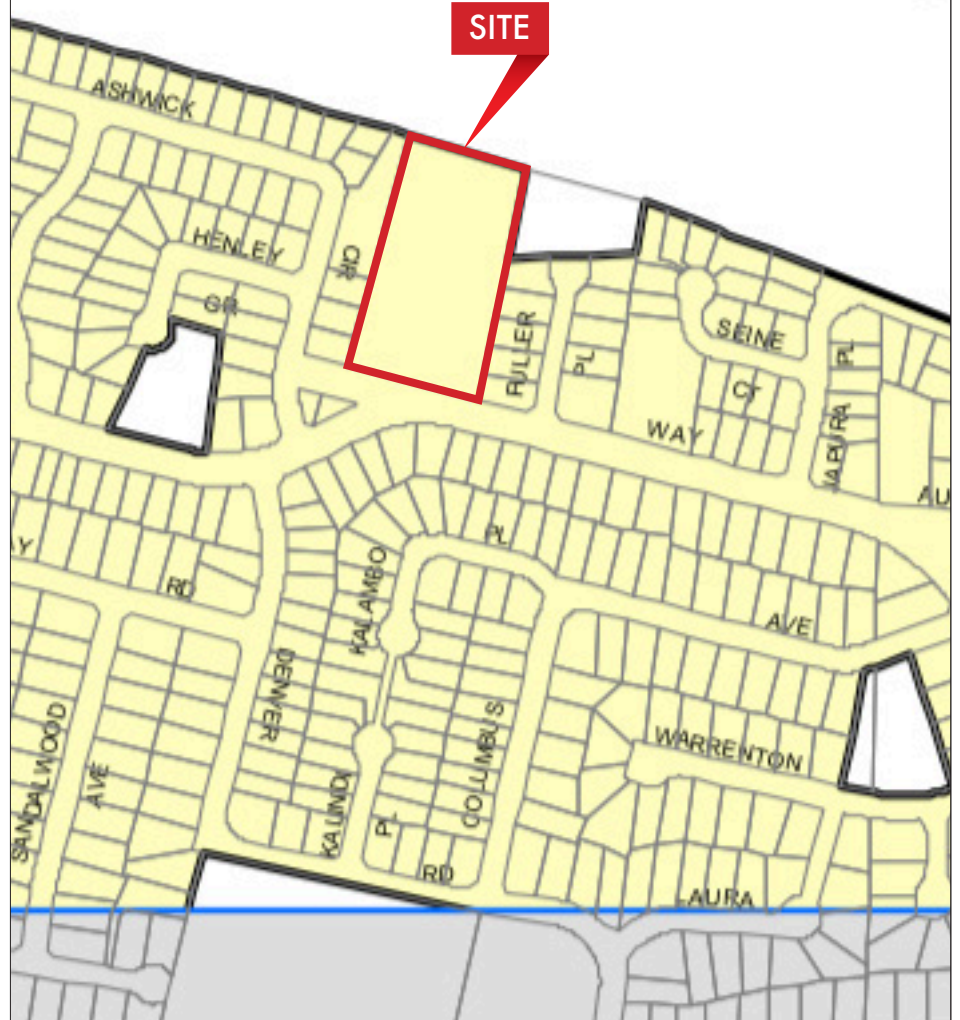


CONSULTING PLANNERS



**Minimum Lot Size (sq m)**

F	400
G	450
K1	550
K2	560
M	600
R	750
S	800
U1	1000
U2	1200
V	2000
W	4000
X	6000
Y1	10000 (1 ha)
Y2	12500 (1.25 ha)
Z	20000 (2 ha)
AB1	100000 (10 ha)
AB2	200000 (20 ha)
AB3	400000 (40 ha)
AI	1000000 (1000 ha+)
	Refer to Clause 7.16, 7.19 & 7.21



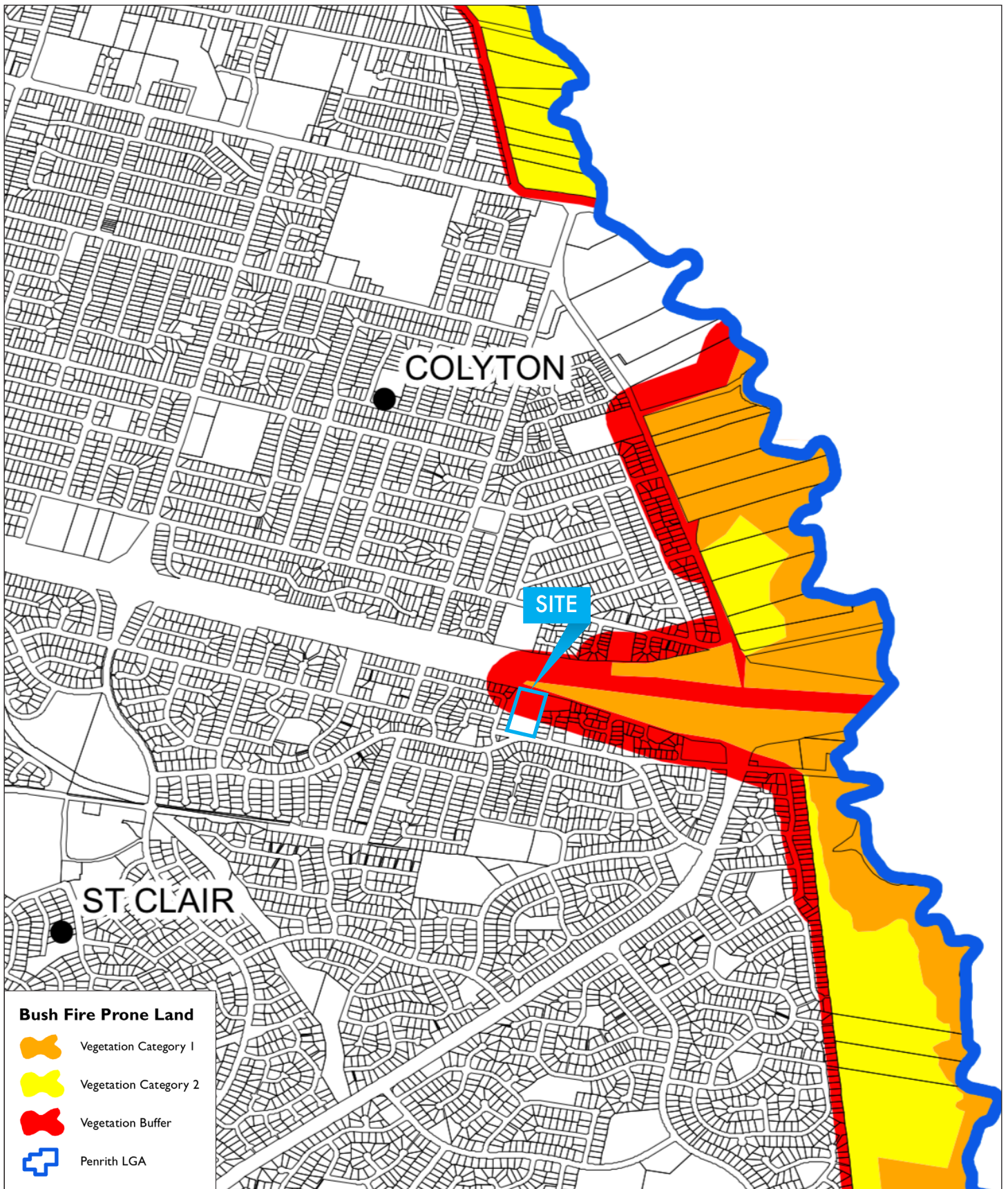
**STATEMENT OF ENVIRONMENTAL EFFECTS**

94-100 Explorers Way, St Clair

**FIGURE 4C**

Lot Size Map - Penrith LEP 2010

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**STATEMENT OF ENVIRONMENTAL EFFECTS**  
 94-100 Explorers Way, St Clair

**FIGURE 5**  
 Bushfire Prone Land Map - NSW Rural Fire Service

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