



SECTION 4.55(1A) STATEMENT OF ENVIRONMENTAL EFFECTS

Modifications to the approved Seniors Housing Development (DA20/0229)

154-162 Stafford Street
Penrith

Prepared for: Fresh Hope Care

REF M180276
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1. Introduction

We act on behalf of the applicant for the approved development at Nos. 154-162 Stafford Street, Penrith (DA20/0229), which was granted a deferred commencement development consent by Penrith Local Planning Panel on 12 November 2020. The approval allows for the demolition of existing structures and construction of part two (2) storey and part three (3) storey buildings including 33 independent living units, related communal facilities, basement car parking and associated site works'.

This proposal seeks to modify the development consent with minor design changes which are detailed in Section 3.2 of this Statement and on the Architectural Plans prepared by *Smith and Tzannes Architects*. This Statement of Environmental Effects accompanies an application pursuant to Section 4.55(1A) of the EP&A Act, 1979 which seeks to undertake modifications to the approved development that will result in minimal environmental impact.

The modifications have resulted in some minor changes to the external appearance of the building, including modification to fencing, roof form and glazing, however the proposal remains substantially the same development, with the majority of changes proposed internal to the approved development. Changes proposed as part of the Section 4.55 application are indicated on the amended plans prepared by *Smith and Tzannes Architects* and are submitted separately with the modification application.

The purpose of this statement is to address the planning issues associated with the modification proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of Sections 4.15 and 4.55 of the Environmental Planning & Assessment (EP&A) Act, 1979.

2. Site Description

The subject site is known as Nos. 154-162 Stafford Street, Penrith (Figure 1) and has a legal description of Lot 1 in DP 25705, Lots 1 and 2 in DP 20976, and Lot A in DP 405051. The subject site is an irregular shaped property with a frontage to Stafford Street of 88.65m, a frontage to Doonmore Street of 35.24m and a total site area of 4,881m².

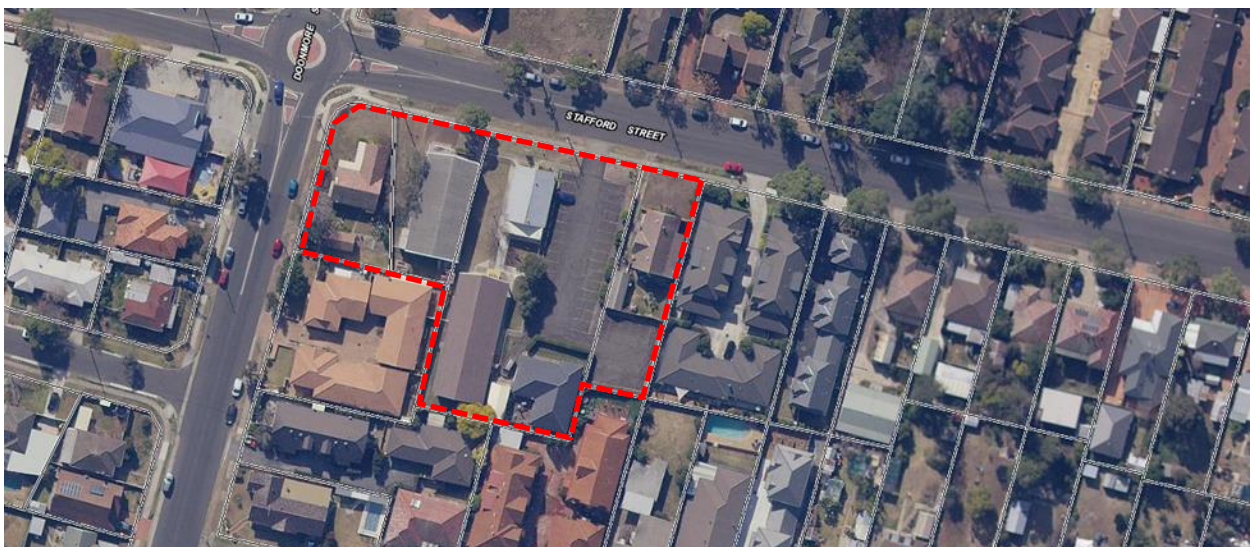


Figure 1 Location Plan (subject site outlined in red)



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

3. Proposal

3.1 BACKGROUND

DA20/0229 was approved by Penrith Local Planning Panel on 12 November 2020. The development consent allows for the demolition of all existing structures and construction of part two (2) storey and part three (3) storey seniors housing development comprising three (3) buildings including 33 independent living units, related community facilities, basement car parking and associated site works.

3.2 MODIFICATION TO APPROVED PLANS

The subject application seeks to make a number of modifications to DA20/0229, as outlined below:

- Modification to the kitchen layouts of units;
- Modification to the terrace fencing of dwellings A.01 and A.02;
- Internal reconfiguration of the community room;
- Alterations to the columns along external pathway;
- Provision of letterboxes adjacent to lobby carpark/entry to Building B;
- Raising of basement RL by 100mm and internal reconfiguration of the carpark;
- New plantroom to residential storage area within the parking area for Building C;
- Modification to the community roof garden on Building B;
- Slight relocation of the substation to be clear of proposed sewer line;
- New EXH space adjoining Lift B within Building B;
- Modification to the external walkway and stairs leading to the Building C lobby;
- Modification to the external walkway of Building B
- PV panels added to the roof of Buildings A, B and C;
- Modification to the roof form of Building A, B and C;
- AC Condensers added to the roof of Building A; and
- Minor external alterations including modification to windows at the eastern and western elevations of the development; and
- Minor changes proposed to the plant schedule.

The proposed modifications are indicated on the accompanying plans prepared by *Smith and Tzannes Architects*.

3.3 CONDITIONS OF CONSENT TO BE MODIFIED

It is requested that the following conditions be amended:

- Condition 1: the approved plans and documents are to be replaced with the plans and documents submitted with the subject application; and
- Condition 40: the accepted BCA Assessment Report is to be replaced with the report submitted with the subject application.





4. Statutory and Policy Compliance

4.1 SECTION 4.55

Section 4.55 of the *Environmental Planning & Assessment Act 1979* contains provisions relating to the modification of development consent. Specifically, subclause (1A) refers to other modifications, and states:

(1A) Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

The proposal is the subject of a Section 4.55(1A) modification. When assessing a modification application, the consent authority has a threshold decision to make, and must be satisfied that what is proposed is “of minimal environmental impact”, as set out in Section 4.55(1A)(a) of the EP&A Act, 1979. The proposed modifications are minor in nature, do not impact upon the amenity of future occupants or adjoining sites and the development will appear as essentially the same as that which has been approved. Many of the proposed modifications are required to satisfy construction and specialist consultant requirements including the National Construction Code (NCC), access, and fire brigade requirements. The proposal does not require a new development application as it is substantially the same as the approved development given that the proposal does not seek to alter the use, nature or essentially change the appearance or form of the approved building. Furthermore, the proposed modification will have only positive environmental impacts, as discussed in this Statement.


4.2 SECTION 4.15 ASSESSMENT

Section 4.55(3) requires consideration of Section 4.15(1)(a) of the EP&A Act, 1979 which is done under the relevant subject headings below.

4.3 SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 commenced on 31 March 2004. The application is made pursuant to the provisions of the SEPP (Housing for Seniors or People with a Disability) 2004, as was the original application under D20/0229. The application under DA20/0229 was generally consistent with





the SEPP (Housing for Seniors or People with a Disability) 2004. This application does not modify compliance with the SEPP.

Part 7 of the SEPP stipulates a number of development standards that cannot be used as grounds to refuse development consent. Clause 50(h) requires parking to be provided at a rate of 1 car space per 5 dwellings where the application is made by a social housing provider, and as such the development consisting of 33 dwellings requires a total of 7 parking spaces. The approved development provides a total of 35 car parking spaces which equates to 1 space per dwelling, with 2 spaces provided for staff. The proposed modification involves minor amendments to the approved layout of the parking areas, however, the proposal as modified will continue to retain the same quantum of parking as the approved development.

Schedule 3 of the SEPP provides standards concerning accessibility and useability for self-contained dwellings, including certain requirements for kitchen design. The proposal includes modifications to the approved kitchen layouts of units within the development. The approved development is for independent living units which will accommodate disabled residents, but also able-bodied residents over the age of 55. As such it is not considered necessary that units which will house able-bodied residents be fit out for disabled access. Until a disabled occupant resides within a dwelling on the site, it is proposed that the kitchens be designed as standard kitchens with the potential for adaptability if required.

An Access Report has been prepared by *Accessible Building Solutions* and is submitted with this application. The report identifies that the proposed kitchens are capable of compliance in terms of access.

There are no further provisions of the SEPP that require consideration as part of this modification application.

4.4 PENRITH SHIRE LOCAL ENVIRONMENTAL PLAN 2010

Penrith Local Environmental Plan 2010 applies to the subject site. The proposal remains permissible in the R3 Medium Density Residential zone and also maintains consistency with the zone objectives.

Clause 4.3 height of buildings requires a maximum building height of 8.5m for the subject site. The development was approved with a maximum height of 11.74m and the proposed modification does not alter the approved building height. As shown in the height blanket diagram within the architectural plans submitted with this application, the proposal will reduce the extent of non-compliance with the building height control as a result of the proposed modifications to the building roof forms.

The modifications do not significantly change the external appearance of the building as viewed from the street and from neighbouring properties.

There are no further provisions of the LEP that require consideration as part of this modification application.

4.5 PENRITH SHIRE DCP 2014

Penrith DCP 2014 applies to the subject site. The proposed modifications have no impact on the number of storeys, setbacks, private open space, access to sunlight, visual privacy, building form, landscaping or security.

Due to the minor nature of the proposed modifications, the DCP provisions of the DCP do not require further consideration as part of this proposal.



4.6 IMPACT OF PROPOSED MODIFICATION

The impacts of the proposed modification are considered below.

4.6.1 Natural Environment

The proposal does not give rise to any additional environmental impacts beyond that considered and approved as part of the original application. The proposal will maintain compliance with the remaining conditions of consent that are imposed to minimise all environmental impacts during construction and upon completion of the development.

4.6.2 Built Environment

The proposed modifications are minor in nature and do not materially alter the relationship between the building and adjoining sites. The proposed modifications will not impact on adjoining sites solar access, views and aural and visual privacy. The proposal will not introduce any additional impacts on topography, water and air quality and flora and fauna, beyond those which were considered under DA20/0229.

Accordingly, the proposed modifications will have only positive environmental impacts.

5. Conclusion

For the reasons outlined in this report, the proposed modifications are of minimal environmental impact and it is considered that the proposed development, as modified, is substantially the same as approved development under DA20/0229.

The proposal will maintain the intensity and scale of the approved development and will maintain positive streetscape appearance outcomes. The proposal will not introduce any adverse impacts on the locality.

The modifications will maintain consistency with the relevant provisions and objectives of SEPP (Housing for Seniors or People with a Disability) 2004, Penrith LEP 2010 and Penrith DCP 2014.

Accordingly, for the reasons outlined above, we respectfully request that Council modify the approved development as requested.

