



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition of existing structures and the construction of 33 independent living units for use as Seniors Housing, construction of communal facilities with associated landscaping, basement parking and drainage works

154-162 Stafford Street
Penrith

Prepared for: Fresh Hope Care

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Contents

1.	INTRODUCTION	1
2.	SITE ANALYSIS AND CONTEXT	2
2.1	The Site	2
2.2	Surrounding Development	5
3.	DESCRIPTION OF THE PROPOSAL	7
3.1	Pre DA Meeting.....	7
3.2	Urban Design Review Panel Comments	11
3.3	Demolition and Tree Removal.....	15
3.4	Proposed Works	15
3.5	Access and Parking	16
3.6	Landscaping.....	16
3.7	Waste Management.....	17
4.	ENVIRONMENTAL PLANNING ASSESSMENT	18
4.1	Preamble	18
4.2	Statutory and policy compliance	18
4.2.1	SEPP No.55 – Remediation of Land.....	18
4.2.2	SEPP (Housing for Seniors or People with a Disability) 2004	19
4.2.3	SEPP No. 65 – Design Quality of Residential Flat Buildings	20
4.2.4	SEPP Building Sustainability Index: BASIX 2004	21
4.2.5	Penrith Local Environmental Plan 2010.....	21
4.2.6	Penrith Development Control Plan 2014.....	21
4.2.7	Section 94A Development Contributions	21
4.3	Impacts on Natural & Built Environment	22
4.3.1	Topography & Scenic Impacts.....	22
4.3.2	Micro-climate Impacts.....	23
4.3.3	Water & Air Quality Impacts.....	23
4.3.4	Flora & Fauna Impacts	23
4.3.5	External Appearance & Design.....	23
4.3.6	Solar Access.....	24
4.3.7	Views	25
4.3.8	Aural & Visual Privacy	25
4.4	Economic & Social Impacts	25





4.4.1	Crime Prevention through Environmental Design	25
4.5	The Suitability of the Site	26
4.5.1	Access to Services	26
4.5.2	Car Parking.....	26
4.5.3	Hazards	26
4.6	The Public Interest.....	27
5.	CONCLUSION	28

FIGURES

Figure 1	Aerial Photograph of the subject site (outlined in red)	2
Figure 2	Church administration building (front) and church (face brick building behind) located at No. 156-160 Stafford Street	3
Figure 3	No. 154 Stafford Street.....	3
Figure 4	Church building on the subject site (adjoining No. 162 Stafford St)	4
Figure 5	No. 162 Stafford Street (corner property)	4
Figure 6	Nos. 150-152 Stafford Street (east of the site)	5
Figure 7	No. 159 Stafford Street (opposite the site to the north)	5
Figure 8	No. 63 Doonmore Street (opposite corner to the north-west).....	5
Figure 9	No. 164 Stafford Street (opposite to the west)	5
Figure 10	No. 68 Doonmore Street	6
Figure 11	No. 68 Doonmore Street	6
Figure 12	No. 25 Cronin Street (south of the site)	6
Figure 13	Northern elevation of No. 25 Cronin Street (southern neighbour)	6
Figure 14	3D view of the subject site.....	24

TABLES

Table 1	Supporting Documentation.....	1
Table 2	Pre DA Comments	7
Table 3	URDP Comments.....	11
Table 4	Section 4.15 Matters for Consideration	18

Annexures





Annexure A. SEPP (Housing for Seniors or People with a Disability) 2004 – Compliance Table.....	29
Annexure B. Penrith LEP 2010 – Compliance Table.....	40
Annexure C. Penrith DCP 2014– Compliance Table.....	43





1. Introduction

This Statement of Environmental Effects has been prepared on behalf of the applicant for the proposed development. This report is to accompany a development application to Penrith City Council seeking consent for the demolition of existing structures and the construction of 33 independent living units for use as Seniors Housing and community facilities with associated landscaping, parking and drainage works at Nos. 154-162 Stafford Street, Penrith.

The proposed development involves the construction of 33 independent living units in 2 x two storey buildings and 1 x part-two, part-three storey building. The dwelling mix consists of 4 x 1 bedroom units and 29 x 2 bedroom units.

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

Document	Author
Architectural Plans	Smith & Tzannes Architects
Survey Plan	Project Surveyors
BASIX Report	SLR Consulting
BCA Assessment Report	Blackett Maquire + Goldsmith
Access Report	Accessible Building Solutions
Landscape Plans	Paul
Arborist Report	Jacksons Nature Works
Stormwater Plans	Paul Scrivener Landscape
Traffic Impact Statement	Traffix
Waste Management Plan	Smith & Tzannes Architects
Geotechnical Report	JK Geotechnics
Acoustic Report	PKA Acoustic Consulting

The project has an estimated Capital Investment Value of \$18,243,589 (incl. GST).

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

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



2. Site Analysis and Context

2.1 THE SITE

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



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

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



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



Figure 3 No. 154 Stafford Street



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



Figure 5 No. 162 Stafford Street (corner property)



2.2 SURROUNDING DEVELOPMENT

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

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

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



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



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



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



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





Figure 10 No. 68 Doonmore Street



Figure 11 No. 68 Doonmore Street



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



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

In the wider area there is at least one other development which has permitted three storey townhouses at No.175-177 Stafford Street (DA17/0621, approved 26/04/2018). As of October 2019 the development was under construction and is likely completed, or nearing completion at the time of writing.

3. Description of the proposal

3.1 PRE DA MEETING

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

Table 2 Pre DA Comments	
Council Comment	Applicant response
Planning	
<i>The proposal is seeking advice for 36 independent living units under the State Environment Planning Policy (Housing for Seniors or People with Disability) 2004 (the SEPP).</i>	The proposal has since been amended and proposes 33 units.
<i>The SEPP outlines minimal development standards and it is unlikely that Council will support variations e.g. 1 storey in rear 25% of site, FSR Design changes to improve the interface with, and casual surveillance opportunities, of the courtyard are encouraged. This could include more balconies overlooking the courtyard communal area. This design change would also reduce the likely impacts the balconies at the rear of the site may have on the adjoining properties in terms of privacy.</i>	Clause 40(4)(c) does not apply to social housing providers (SHP) (Fresh Hope Care is a SHP). Privacy from balconies is discussed in Section 4.3.8 of this Statement.
<i>Building setbacks, particularly to the rear side boundaries, should be increased to ensure the building's bulk does not dominate on the low-density developments adjoining.</i>	Refer to discussion in Section 4.3.8 of this Statement.
<i>There is a minor building height encroachment which will require a clause 4.6 – Exception to development standards variation or a clause 5.6 - Architectural roof feature justification.</i>	SEPP Seniors is the superior statutory instrument and as such a Clause 4.6 variation is not required. Refer to the LEP compliance for further discussion.
<i>If the 3 storey element remains as part of the design, it is recommended that an Urban Design Review Panel review the proposal prior to the lodgement of an application.</i>	The development has since been presented to the URDP on three occasions. Following a meeting on December 4 the URDP considers the proposed scheme is a positive step toward the achievement of design quality.
Noise Impacts	
<i>An acoustic assessment is required to be submitted as a part of the development application to demonstrate that the proposed development will not have any impact on nearby sensitive receivers. This report is to be prepared by a suitably qualified acoustic consultant, and is to consider:</i>	An Acoustic Report is submitted with the application which confirms that the completed project will perform in accordance with the relevant standards.
<ul style="list-style-type: none"> <i>The 'NSW Noise Policy for Industry' in terms of assessing the noise impacts associated with the development, including noise from the indoor and outdoor communal spaces on internal residents as well as surrounding properties (including their outdoor spaces), the car parking spaces, as well as any mechanical plant associated with air conditioning for individual units and mechanical ventilation for the basement;</i> <i>The AS/NZS 2107:2016 Acoustics – Recommended design sound levels and reverberation times for building interiors in terms of ensuring that internal noise levels can be achieved; and</i> 	

Table 2 Pre DA Comments

- *The Interim Construction Noise Guideline in assessing the impacts associated with the construction phase of the development. Should mitigation measures be necessary, recommendations should be included to this effect. Recommendations and mitigation measures must be shown on all architectural plans.*

Contamination (SEPP 55)

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

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

Waste Management

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

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

Water Quality

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

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

General Environmental Health Impacts

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

Refer to discussion in Section 4.3 of this Statement.

Plan of Management

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

A Plan of Management is submitted under separate cover.

- *The 24 hour contact details of any property caretaker or manager, who has overall responsibility for the operation, administration, cleanliness, maintenance and fire safety of the premises;*
- *Any rules, including details of how they will be publicised to residents, that cover guest behaviour, activities and noise, visitor policy and any other relevant rules;*
- *Measures to minimise unreasonable impact to the habitable areas of adjoining properties, including the management of communal open spaces. The use of open spaces should be restricted to before a reasonable time eg. 10pm;*

Table 2 Pre DA Comments

- *Details of professional cleaning and pest and vermin control arrangements for the common areas;*
- *A pest management plan that clearly indicates how pest prevention, monitoring, and eradication will be completed:
The pest management program shall include but not be limited to:*
 - *pest management program*
 - *frequency of pest service*
 - *maintenance and cleaning*
 - *area of service*
 - *time of service*
 - *sighting of pests and a response plan*
 - *reporting*
 - *methods of treatment*
- *Specific consideration in the plan needs to be given to bed bugs particularly regarding monitoring and a response plan should they be identified. The plan shall clearly indicate how, and in what timeframe, pests can be eradicated and what measures will be put in place to prevent the further harbourage of pests.*

Stormwater

- *Stormwater drainage for the site must be in accordance with the following:*
- *Council's Development Control Plan,*
- *Stormwater Drainage Specification for Building Developments policy, and*
- *Water Sensitive Urban Design Policy and Technical Guidelines.*
- *A stormwater concept plan, accompanied by a supporting report and calculations, shall be submitted with the application*
- *Council does not generally support drainage pipes under buildings or the creation of trapped low points. However, if the applicant can provide evidence that overflow from the piped system can be conveyed around the building with safe flow depths and velocities it could be considered. The system is to be modelled in DRAINS with a pipe and pit blockage factor of 50%. Pipes smaller than Ø375 shall be considered 100% blocked. Ensure appropriate pit losses are used in the model.*
- *A Stormwater report shall detail information and parameters used in the DRAINS model.*
- *On-site Stormwater Detention (OSD) is required to be provided for the site. The Site Storage Rate (SSR) is 280cbm/Ha with a Permissible Site Discharge (PSD) of 120L/s/Ha as a minimum.*
- *The on-site detention system must be within common property and accessible from the street without going through dwellings or private courtyards.*
- *Ensure freeboard levels of buildings to the OSD tank and the overflow in the 100 year ARI storm event comply with parameters set out in Council's Stormwater Policy.*
- *A water sensitive urban design strategy prepared by a suitably qualified person is to be provided for the site. The strategy shall address water*

Refer to the Stormwater Management Plans submitted with the application.

Earthworks

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

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

Table 2 Pre DA Comments

Traffic

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

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

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

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

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

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

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

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

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

Table 2 Pre DA Comments

BUILDING

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

An Access Report has been provided under separate cover.

3.2 URBAN DESIGN REVIEW PANEL COMMENTS

Three meetings have been held with the Urban Design Review Panel (URDP) on 18 September 2019, 16 October 2019 and 4 December 2019. Minutes were provided following each meeting.

On the minutes provided for the 4 December the URDP confirmed that *'the concept plans...have addressed critical site design considerations and provide a built form spatial arrangement which is considered to be both site responsive and contextually respectful to the local character of the area'*.

In order to demonstrate how the design has addressed previous concerns of the URDP we provide an outline of the meeting minutes from 16 October 2019, with comments as to how the current proposal has addressed concerns raised:

Table 3 URDP Comments

Comment	Applicant response
<p>General Advice</p> <p>During the recent Urban Design Review Panel Meeting, it was recommended that comprehensive amendments be informed by a clear appreciation of key urban design considerations which, having regard to the SEPP, are critical for any assessment and resulting determination. These are as follows:-</p> <ul style="list-style-type: none"> - Clause 30 site analysis - Clause 32 design - Clause 33 neighbourhood amenity and streetscape - Clause 34 visual and acoustic privacy - Clause 35 solar access <p>Although it is appreciated that urban design expertise has been engaged, the amended plans and supporting statement as submitted don't appear to reflect sufficient urban design influence beyond relocation of the driveway in order to split the building into two elements fronting Stafford Street. The split building form was previously presented and discussed during the last UDRP meeting, and at that time, this was not considered a sufficient measure to address the concerns raised regarding contextual integration and compatibility.</p> <p>The key concerns in relation to design quality that remain can be best considered through four topics being:</p> <ul style="list-style-type: none"> - Visual impacts: primarily contextual compatibility - Internal amenity: primarily sunlight and daylight - Social interaction: in terms of common access and a hierarchy of residential territory - Neighbour's amenity: primarily in terms of overshadowing 	<p>Comprehensive design has taken place which sees the scheme completely redesigned.</p> <p>The development now comprises 3 distinct buildings, with highly articulated roof forms and façade articulation.</p> <p>The form of the development now better integrates with the surround area and reflects the broader character.</p>

Table 3 URDP Comments

In terms of visual impacts, the following advice is provided to be further considered and addressed:

- | | |
|---|---|
| <ul style="list-style-type: none"> - Due to the proposed length and insufficient articulation, the 'horizontal scale' of the proposed amended development remains incompatible with surrounding buildings. For example, neighbouring townhouses have street elevations between 8m and 15m wide compared to between approximately 30m and 40m which is reflected within the current proposed buildings. | <p>The development now proposes three distinct built forms of a residential form, scale and appearance. The single storey central lobby provides further breaks in the built form. Façade widths now range from 20m to 30m, however significant façade articulation is proposed to modulate the appearance and reduce any perceived streetscape impact.</p> |
| <ul style="list-style-type: none"> - The proposed scale of the built form is accentuated by the uniformity of roof forms and near-continuous alignments of eaves | <p>Each building is further broken up with multiple pitched roof forms, with dormer protections. This gives the appearance that each building is a collection of much smaller entities, which further lessens any perception of excess bulk or scale.</p> |
| <ul style="list-style-type: none"> - The proposed scale is further accentuated by repetition of exterior materials and finishes, and by the absence of lighter-weight detailing (for example, balconies) and by external building corners which incorporate 'hard' walls (as opposed to softer balconies) | <p>A range of materials are now proposed, together with light-weight details in the form of projecting verandahs/balconies, louvres and the like.</p> |
| <ul style="list-style-type: none"> - The amended landscaping may assist to moderate, but not eliminate scale impacts. | <p>Significant high quality landscaping is proposed across the development.</p> |
| <ul style="list-style-type: none"> - The additional tree plantings are brush box which would require extensive canopy pruning in order to clear overhead powerlines and building forms, hence canopies would not achieve the degree of 'opacity' which is common for that species | <p>Noted – an updated planting selection of appropriate species is proposed.</p> |

Internal amenity is still considered to be compromised by the general layout which has not been amended as outlined below:

- | | |
|--|--|
| <ul style="list-style-type: none"> - Sufficient sunlight (3 hours during midwinter as per AMCORD) would be received by only 11 out of the proposed 33 units. This reflects 30% of the overall yield which is not a supportable percentage. - Due to the configuration of overhead bridges, day light to at least four of the proposed ground floor units would be restricted (approximately 25%) - Due also to arrangement of the proposed bridges, living rooms and / or bedrooms in at least five of the ground floor units would be subject to uncontrolled overlooking. | <p>The revised scheme ensures that 27 of the 33 proposed units (81.8%) of the units receive at least 3 hrs of solar access in midwinter.</p> |
|--|--|

Social interaction would be compromised by space planning which remains unsatisfactory and requires reconsideration as follows:

- | | |
|---|---|
| <ul style="list-style-type: none"> - The suitability and useability of common recreation areas is compromised by a combination of: <ul style="list-style-type: none"> o small dimensions: particularly for the room which adjoins the main entry and lifts, o solid walls which block views to surrounding open spaces or accessways, o common walkways which incorporate a number of dead or apparently useless spaces without offering transitions | <p>The holistic redesign of the scheme ensures that common recreation areas are located within or adjacent to the central lobby.</p> <p>The communal room is generously sized being 98m² with a 21m² kitchen.</p> |
|---|---|

Table 3 URDP Comments

<ul style="list-style-type: none"> o failure to cluster dwelling entries in order to create local 'communities', and o absence of place-making features which might accentuate those 'local' communities - open spaces at the rear of the site are unlikely to be used: <ul style="list-style-type: none"> o paths which meander through setbacks do not lead to any 'shared' destinations, and adjoin blank rear and side walls of dwelling modules o consequently, these areas are unlikely to be used 	<p>The external courtyard is located to be easily accessible and will receive good levels of solar access.</p> <p>In addition, a community roof garden is proposed above the community room.</p>
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The amenity of neighbouring properties has not been sufficiently addressed as yet for the following reasons:-

<ul style="list-style-type: none"> - The southern neighbour at No. 68 Doonmore Street would be overshadowed extensively between 9am and 2pm (being their principal open space) and additional shadows would likely affect the living room window between 10 and at least 11am 	<p>Shadow diagrams have been provided which show limited additional overshadowing of the private open space (POS) at No.68 Doonmore Street.</p>
<ul style="list-style-type: none"> - The eastern neighbours at No. 150 Stafford Street (4 x units) would have open space areas overshadowed extensively from 1pm until 3pm, with slightly lesser impact for living room windows which face those open spaces. A rough estimate indicates that these neighbours' open space areas currently receive sunlight from 11.30am until approximately 1pm. 	<p>The shadow diagrams indicate additional overshadowing throughout the day at the POS at No.150 Stafford Street. However, the POS is predominantly overshadowed by the site's own built form. The proposed building lines are similar to those at No.150 and overshadowing from the proposed development is a result of a site's orientation.</p>
<ul style="list-style-type: none"> - It is also noted that the supporting statement identifies that solar access is still being reviewed however this is critical in the preparation of an amended design which is informed by a suitable and compliant solar access arrangement. 	<p>Solar access has been fully reviewed.</p>
<ul style="list-style-type: none"> - Privacy, on the other hand, has been overstated as a concern, and the use of high level windows results in undesirably bulky facades (ie visual impacts for neighbours): <ul style="list-style-type: none"> o in terms of privacy separation, south-facing facades are located at least 6m from the boundary which is consistent with ADG requirements for four storey residential flat buildings and therefore is not inherently problematic in terms of privacy considerations o taller windows and screened balconies could be provided without compromising neighbours' privacy, and would moderate visual impacts of facades which currently appear inappropriately-bulky 	<p>Noted. The proposed development is considered to balance neighbouring privacy and design successfully.</p>

Recommendation

Significant amendments are still considered to be warranted which are informed by urban design rationale. To assist with this analysis and progression of further amendments, the following suggestions are made for consideration in the address of the above identified matters:-

<ul style="list-style-type: none"> - Variation in the alignment of successive 'dwelling modules' in order to create more pronounced articulation which, subject to 	<p>The revised development provides 3 distinct dwelling modules, which within a highly articulated form.</p>
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Table 3 URDP Comments

<p>complementary design measures, could moderate scale appreciably:</p> <ul style="list-style-type: none"> o pull modules back from the street corner in order to accommodate a 'signature' cluster of trees o arrange successive modules in order to create deep soil recesses which would accommodate medium-sized canopy trees <p>- Accentuate modular articulation by pronounced variation of roof forms:</p> <ul style="list-style-type: none"> o cap each module with a separate roof form, and o for example, provide hipped forms for modules which stand 'forward' and flat roofs for recessed modules, and o consider the variation of roof forms in response to ceiling heights which may be lower for bedrooms and service areas <p>- Further-accentuate articulation by varying the design of facades for successive modules:</p> <ul style="list-style-type: none"> o use masonry for projecting modules, and cladding for recessed modules o employ softer detailing such as light-weight balconies, awnings and pergolas o locate softer design elements such as light weight balconies at outermost corners of the building <p>- Redesign common areas to encourage social interaction between residents:</p> <ul style="list-style-type: none"> o provide a hierarchy of semi-public spaces from the main Site entrance through to private dwelling entries o cluster private entries, and o design private entries to incorporate screened courtyards which provide transitions from semi-public places through to private realms - and which would allow residents to keep front doors open without compromising privacy or security <p>- Re-orient some dwellings to face the Site's side or rear boundaries in order to animate facades without necessarily compromising neighbours' privacy:</p> <ul style="list-style-type: none"> o a solution would involve tall bedroom windows - refer to the LEC principle in relation to Sydney City v Meriton o where setbacks are approximately 6m, other solutions involve balconies with fixed or moveable screens - either as primary or secondary open spaces for dwellings 	<p>The development is set back from the corner to comply with setback requirements and will allow sufficient space for a cluster of trees.</p>
<p>The roof form provides multiple pitched roof and projecting dormer elements which further breaks up any perceived massing.</p>	<p>The roof form provides multiple pitched roof and projecting dormer elements which further breaks up any perceived massing.</p>
<p>A range of materials and softer design elements including louvres and verandahs/balconies are proposed.</p>	<p>A range of materials and softer design elements including louvres and verandahs/balconies are proposed.</p>
<p>The proposed communal areas are centrally located, adjacent to the access lobby. This ensures ease of access and will encourage social interaction as all residents are likely to pass through the central lobby regularly.</p>	<p>The proposed communal areas are centrally located, adjacent to the access lobby. This ensures ease of access and will encourage social interaction as all residents are likely to pass through the central lobby regularly.</p>
<p>Dwellings have been reorientated to face interact with side and rear boundaries such that visual interest is provided without compromising privacy. Privacy screens have been included where necessary.</p>	<p>Dwellings have been reorientated to face interact with side and rear boundaries such that visual interest is provided without compromising privacy. Privacy screens have been included where necessary.</p>
<p>It must also be confirmed under which planning instrument the proposal is being pursued. There is currently a suggestion that the SEPP is relied upon to override the LEP, however the SEPP has specific principles that the proposal does not comply with. On the other hand, the LEP has building height requirements that are also not complied with, and a meritorious consideration against Penrith DCP 2014 would also suggest numerous non compliances similar in nature to the SEPP provisions.</p>	<p>The development is pursuant to the Senior's Housing SEPP.</p>
<p>As reflected within the architecture statement that supports the amendments, the height is not complied with and would warrant a clause 4.6 variation request were it being pursued. This would need to demonstrate better planning outcomes as a consequence of the noncompliance which is problematic given the contextual concerns above.</p>	<p>As previously advice, the SEPP overrides the LEP where there is an inconsistency and as such the LEP height limit does not apply. The proposal does however comply with the 8m height limit when measured to the ceiling.</p>

Table 3 URDP Comments

Given the concerns that remain with the current design, it is recommended that the above amendments be considered, addressed, a further formal Urban Design Review Panel be booked with Council to consider amended plans in November.

3.3 DEMOLITION AND TREE REMOVAL

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

An Arborist Report is submitted with the application which outlines that 17 trees on-site are to be removed, 1 tree is to be transplanted and all neighbouring and street trees are to be retained and protected.

The proposed landscaping plan identifies a range of suitable trees and plant species which more than makes up for the loss of existing trees on site.

3.4 PROPOSED WORKS

The proposed development involves the construction of 33 independent living units in three distinct buildings comprising 2 x two storey buildings and 1 x part-two, part-three storey building. In addition, a single storey central lobby, community room and a basement parking area are also proposed. The dwelling mix consists of 4 x 1 bedroom and 29 x 2 bedroom units.

The proposal adopts a contemporary, residential design aesthetic including framed windows, projecting balconies/verandahs, skillion roof elements and various materials to emphasise building articulation and modulation, and alleviate building mass. To further break down the scale and massing of the development the built form ensures clear separation between buildings and highly detailed multiple pitched roofs, with projecting dormers add additional visual interest.

This creates a harmonious built form within the existing site context, as cues have been taken from the existing traditional suburban building materials, including pitched roofs and face brick.

Due to the site topography, which slopes from west to east the ground floor of the central lobby and building's A and C are at a similar RL height as the basement level.

Building B and part of Building C are constructed above the basement parking area.

Basement level

The basement level provides parking for 35 cars, including 8 accessible spaces. A resident's store room with 14 cages, a bulky goods room, a Men's Shed, a maintenance room, hydrant and sprinkler pump rooms, and a general waste and recycling room are also provided at basement level.

Communal Areas

The central lobby fronts Stafford Street and contains a main reception area for greeting guests, residents and those arriving by vehicle to the basement parking area. The lobby structure also includes a community room and associated kitchen area.

Above the lobby structure is a community roof garden which contains raised planters. A projecting canopy entrance is also proposed to front Stafford Street above a vehicular driveways, creating a Porte Cochere.

A grassed communal open space (COS) is located adjacent to the communal room and to the rear of Building A.





Building A

Is two storeys and located at the north east of the site, fronting Stafford Street. The building contains 6 x two bedroom units, each with a private terrace. Units 1, 2, 4 and 5 have Private Open Space (POS) which face north toward Stafford Street. Units 3 and 6 has a terrace which faces south toward a central communal courtyard area.

All the units are accessed via a central lift lobby area.

Building B

Building B is two storeys and is located at the north west corner of the site fronting both Stafford Street and Doonside Street. It is located above the basement level and contains 2 x one bedroom unit and 12 x two bedroom units.

Units 1, 2, 3, 8 and contain POS which face south, toward the boundary with No.68-70 Doonside Road. Units 6, 7, 13 and 14 contain terraces which face north towards Stafford Street. Units 4, 5, 11 and 12 contain POS with dual aspect, facing Doonside Road to the west, and north or south toward Stafford Street and No.68-70 Doonside Road, respectively.

Each unit is accessed via a central lift lobby area.

Building C

Building C is set to the rear of the development site behind the central lobby, the communal open space and Building A. It contains 2 x one bedroom units and 11 x two bedroom units. Due to the site topography the building is part-two, part-three storeys in height.

Units 1, 2, 3, 6, 7 and 8 contain POS which faces north toward the central COS. Units 4 and 10 contain POS which faces north and west, to the north it faces towards the community roof garden, to the west it faces the boundary of No.68-70 Doonside Road.

Units 5 and 13 contains POS which faces west toward the boundary with 68-70 Doonside Road. Unit 9 and 12 contains POS which faces south toward the boundary with No.23-25 Crinan Street.

Each unit is accessed via a central lift lobby area.

Street Frontages, Material and Finishes

An external finishes plan is submitted with the architectural set. It indicates that the building will be constructed predominantly of face brick, weatherboard style cladding and metal roofs. Balcony balustrades are lightweight elements made from aluminium or timber, adding further articulation.

Proposed boundary treatment at the frontages comprises face brick walls. A covered entrance feature is proposed over the main pedestrian entrance, which will be constructed of coloured aluminium battens

3.5 ACCESS AND PARKING

Vehicular access to the site is proposed from Stafford Street via the driveway which serves the porte-cochere. The basement parking level contains 35 parking spaces, including 8 accessible spaces. A Traffic and Parking Assessment report has been prepared and submitted with the application.

3.6 LANDSCAPING

The proposed works require the removal of several exotic and native trees species, however, none have ecological, landscape or streetscape significance and can be readily replaced with suitable species. The trees identified for removal are supported by the Arboricultural Impact Assessment prepared by Jacksons Nature Works which is submitted with the application. The loss of existing trees is suitably offset by the provision of new canopy trees and layers of additional





shrubs and ground coverings which are detailed on the Landscape Plans submitted with this development application. The additional planting will ensure the proposed development harmonises with the landscape character of the locality and the mixed species that are prevalent in the site's residential context.

The Landscape Plans demonstrate that high quality landscaping is proposed throughout the development site. The setbacks to Stafford and Doonmore Streets maintain numerous existing canopy trees and supplement these with additional native and exotic plant species includes grasses, shrubs and small to medium sized canopy trees.

This planting approach is continued into the communal open space to the rear of building A and is supplemented with timber benches and open timber courtyard fencing.

Planting of the communal garden is more formal in nature containing raised planters which include Olive and Lemon Trees.

Setbacks to adjoining boundaries are planted with a range of screen planting including Blueberry Ash and Ferns to act as a visual buffer between developments whilst achieving appropriate medium canopy tree height.

3.7 WASTE MANAGEMENT

A detailed Waste Management Plan has been submitted with the application detailing the nature and volumes of waste during construction and operation of the development and the intended disposal and recycling of those materials. Waste storage is provided within each dwelling and at basement level for refuse and recycling waste.

It is proposed that the waste collection will be undertaken by private contractor utilising a Mini Waste Vehicle which will access the waste rooms within the basement parking area from Stafford Street. Entry and exist will be in a forward direction as demonstrated by the submitted swept paths. At no time will bins be placed or left along the site frontage.





4. Environmental Planning Assessment

4.1 PREAMBLE

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

4.2 STATUTORY AND POLICY COMPLIANCE

The relevant matters for consideration under Section 4.15(1)(a) of the EP&A Act, 1979, are identified in Table 4.

Table 4 Section 4.15 Matters for Consideration				
EP & A Act, 1979.	Matters for Consideration	OK	See Comments	N/A
S.4.15(1)(a)(i)	SEPP No.55 – Remediation of Land	✓	✓	
“	SEPP (Housing for Seniors or People with a Disability) 2004		✓	✓
“	SEPP No. 65 Design Quality of Residential Flat Buildings		✓	✓
“	SEPP (BASIX) 2004	✓	✓	
”	Penrith LEP 2010	✓	✓	
S.4.15(1)(a)(iii)	Penrith DCP 2014	✓	✓	
S.4.15(1)(a)(iv)	Any other prescribed matter: - AS 2601-1991: Demolition of structures.	✓		

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

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

4.2.1 SEPP No.55 – Remediation of Land

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

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

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

The PCS identified asbestos in two FCF samples obtained from the site surface as shown on Figure 2. Other FCF samples (possibly containing asbestos) were detected at the site surface as shown on Figure 2. The



presence of ACM at the site is widespread and poses a risk to human receptors. The ACM should be removed from the site prior to future development.

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

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

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

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

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

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

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

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

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

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

Chapter 1 - Preliminary

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



The Policy applies to land within NSW that is zoned primarily for urban purposes where dwelling houses, residential flat buildings, hospitals and special uses are permitted, or the land is being used for the purpose of a registered club. The subject site is within the R3 – Medium Density Residential under Penrith Local Environmental Plan 2010. Therefore the Seniors Housing SEPP applies to the land.

Chapter 2 - Key Concepts

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

The proposed development involves the construction of *Self-contained dwellings* (which are a form of *Seniors Housing*) only. Self-contained dwellings (for the purposes of the SEPP), are defined pursuant to Clause 13 of the Policy as follows:

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

Chapter 3 - Development for Seniors Housing

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

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

Assessment of the proposed development against the relevant development criteria is contained within the Compliance Table provided at Annexure A to this Statement. The assessment demonstrates that the proposed development is consistent with the principles, design requirements and guidelines outlined by the Policy.

Chapter 4 - Miscellaneous

Chapter 4 of the Seniors Housing SEPP predominantly provides savings and transitional provisions for development applications for Seniors Housing made before the Policy was introduced. These are not relevant to the subject DA. Clause 55 requires that Residential Care Facilities have a fire sprinkler system. The development is not a Residential Care Facility, rather it provides Self-contained dwellings (or Independent Living Units). As such, a sprinkler system is not required pursuant to the SEPP.

4.2.3 SEPP No. 65 – Design Quality of Residential Flat Buildings

SEPP No.65 – Design Quality of Residential Flat Buildings (SEPP 65) was gazetted on 26 July 2002 and applies to the assessment of Development Applications for residential flat developments of three or more storeys in height and containing at least four dwellings. Amendment 3 to SEPP 65 commenced on 17 July 2015 and implemented various changes including the introduction of the Apartment Design Guide (ADG) to replace the Residential Flat Design Code.





The proposed development is not a residential flat building, nor is it a mixed used development with a residential flat building component. The development is accurately described as a self-contained dwellings within Seniors Housing (defined above). Therefore, SEPP No. 65 is not applicable to the development.

4.2.4 SEPP Building Sustainability Index: BASIX 2004

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

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

4.2.5 Penrith Local Environmental Plan 2010

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

The objectives of Zone R3 are as follows:

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

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

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

4.2.6 Penrith Development Control Plan 2014

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

4.2.7 Section 94A Development Contributions

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



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

Schedule A of the Ministerial Direction states:

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

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

social housing provider means any of the following:

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

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

4.3 IMPACTS ON NATURAL & BUILT ENVIRONMENT

4.3.1 Topography & Scenic Impacts

In terms of topographic impacts, the proposal will result in a degree of excavation to accommodate the basement level parking for the proposed development. However, the completed buildings will generally occupy any excavated areas ensuring that there is no significant alteration of the site topography. In addition, the development has been designed to follow the topography of the site with minimal cut or fill required outside of the basement excavation, as demonstrated by the split level of the development across the site. Cut and fill diagrams are provided with the submission under separate cover. A Geotechnical Report is submitted which demonstrates there are no unusual ground conditions which would limit the ability of the site to be redeveloped as proposed. The report makes a series of recommendations which will be incorporated into the development and it is anticipated that Council will impose appropriate conditions of consent where necessary.

In terms of scenic impacts, the proposed built form is two/three storeys and reflects the emerging multi-dwelling housing character of the immediate locality. Deep soil planting around the perimeter of the site and on the western part of the site will provide suitable screen planting to minimise the visual impact of the proposed development. As the height will not exceed 3 storeys for any of the proposed built form, with the street facing built height being only 2 storeys, the scenic and visual impact of the proposal will be minimal and compatible with the scale of the locality.

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

4.3.2 Micro-climate Impacts

The proposed development requires the removal of 17 trees. The removal of the trees will have no significant adverse impact on surface or ground water regimes. Therefore no significant impact on local micro-climate is anticipated.

4.3.3 Water & Air Quality Impacts

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

Civil Plans prepared have been submitted with the development application. The Civil Plans detail proposed stormwater management concept, proposed integration with existing stormwater infrastructure and proposed erosion and sediment control measures. Specifically, the proposed development will include OSD with the majority of stormwater proposed to drain to this systems and improve stormwater management for the site. Further details are provided within the Stormwater Drainage Design Report submitted under separate cover.

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

4.3.4 Flora & Fauna Impacts

The proposed works require the removal of 17 trees. The trees identified for removal are supported by the Arboricultural Impact Assessment submitted with the application. The trees are common species planted in residential gardens and do not have ecological, landscape or streetscape significance.

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

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

4.3.5 External Appearance & Design

The proposed development is divided into three buildings, arranged around the perimeter of the site and a single storey central lobby building.

Each building is highly articulated in terms of façade design and modulation which includes insets and steps in form with softer features such as louvres and projecting verandahs/balconies. Each building contains detailed multiple pitched roof forms including projecting dormers. These roof forms further break up any perceived bulk or massing which may be apparent in the streetscape and contributes to the suburban residential character of the area.

The dwellings are setback a minimum of 5.5m from the street frontages and between 2.4m and 8m to provide suitable separation from adjoining residential dwellings to the south and east. Where less than 5m setbacks are provided to side/rear boundaries the development incorporates privacy measures to ensure no window directly faces a boundary. The buildings will be in keeping with the predominant two storey height of buildings in the surrounding locality.

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

As previously noted, the proposal adopts a contemporary design aesthetic including framed window and balcony elements, and variations in materials to emphasis building articulation and modulation, and alleviate building mass.

However, to create a harmonious built form within the existing site context, cues have been from the existing traditional suburban building materials, including proposed pitched roofs and face brick.

Provided in Figure 14 is a 3D image of the proposed development. It visually describes the landscape setting of the proposed buildings and the appropriate scale relationship with the neighbouring properties.

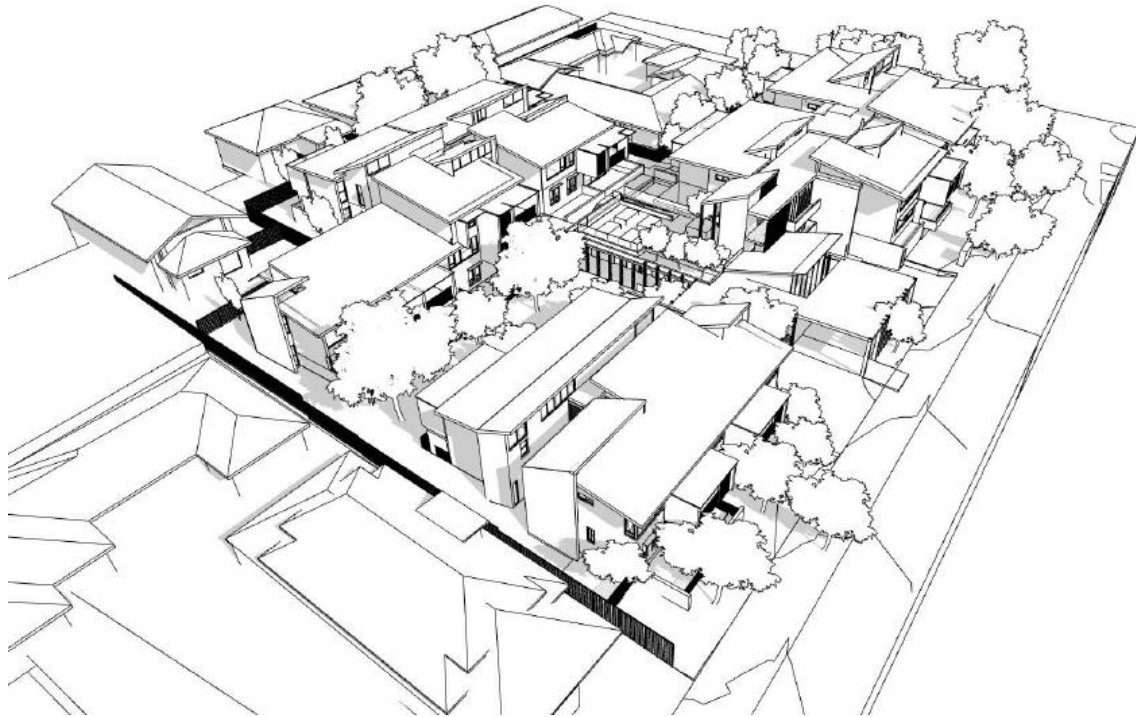


Figure 14 3D view of the subject site

4.3.6 Solar Access

Shadow diagrams demonstrating the extent of overshadowing associated with the proposed development have been prepared and are submitted with the development application. These diagrams indicate shadow cast at 9am, 12 noon and 3pm on the winter solstice (21st June). In addition, elevational shadow diagrams are provided for the adjoining buildings located at Nos. 68-70 Doonmore Street, Nos. 23-25 Cronin Street and Nos. 150-152 Stafford Street. These diagrams are provided in a range of formats including overhead shadow diagrams, sun eye views and elevational shadow diagrams.

SEPP Seniors Housing requires that 70% of dwellings within the development receive a minimum of 3 hours direct sunlight; the proposal will achieve 81.8% (27 of 33 dwellings) and is therefore compliant.

As there are no specific solar access requirements for a Seniors Housing development in regard to adjoining dwellings and the DCP does not contain controls specific to Seniors Housing in this regard. Therefore, an on-merit assessment of the overshadowing impacts on adjoining neighbours is required.

The aforementioned shadow diagrams confirm that the development will have no significant overshadowing impacts on adjoining neighbours. Shadows cast by new development generally fall within or marginally beyond the boundaries of the site, particularly when also considering the shadow cast by a typical 1.8m high boundary fence. Whilst there is additional overshadowing to No.6/23-25 Cronin Street throughout the day, a portion of the POS retains solar access until 3pm and the north facing elevation is not overshadowed until 3pm. Given the location of this property to the south of the subject site, this is considered to be an acceptable and reasonably anticipated outcome which is consistent with

forms of development which could be constructed pursuant to the suite of applicable controls and standards for the locality.

There is also additional overshadowing to the POS at Nos.150-152 Stafford Street from 12pm to 3pm (no additional shadow is cast at 9am). The proposed development follows the buildings lines of the adjoining properties at Nos.150-152 Stafford Street, and is a compliant built form, any additional overshadowing is therefore a result of site orientation and is reasonably anticipated by the controls and standards applicable to the site.

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

4.3.7 Views

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

4.3.8 Aural & Visual Privacy

The proposed ILU's have a high level of visual and aural privacy. The buildings have been designed to provide central lift lobbies which permits orientation of the units and private open spaces to the street frontages and communal courtyard where possible, thereby limiting opportunities for overlooking between habitable spaces of adjoining ILU's or adjoining properties. Where units do face shared boundaries setbacks, which generally exceed 5m, are proposed. Where setbacks of less than this are proposed design features such as windows concealed with blade walls, offset windows together with highlight and vertical slot windows are utilised to ensure there is little to no direct overlooking of the boundary.

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

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

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

4.4 ECONOMIC & SOCIAL IMPACTS

The proposal will have positive economic impacts. Undertaking the construction works will have some short-term positive economic impacts through employment generation, both direct employment and multiplier effects.

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

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

4.4.1 Crime Prevention through Environmental Design

Part B of the Department of Urban Affairs and Planning's (now Department of Planning and Environment) Crime Prevention and the Assessment of Development Applications: Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979 identify four Crime Prevention through Environmental Design (CPTED) principles. Each of the principles seeks to reduce opportunities for crime and have been used to inform the NSW Police Safer by Design Guidelines for Crime Prevention. The principles are:

- Surveillance;



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

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

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

4.5 THE SUITABILITY OF THE SITE

4.5.1 Access to Services

The site is located within 400m walking distance of 15 bus stops which provide transport to Penrith City Centre, Mount Druitt, Luddenham, Jamisontown and Glenmore Park. The site therefore has access to a range of services and facilities, including shops, banks, community and recreational services and medical services. The available bus services and proximity to facilities satisfies the requirements of Clause 26 of the SEPP.

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

4.5.2 Car Parking

The development proposes 35 parking spaces at basement level. This exceeds the SEPP standard of 1 space per 5 dwellings (which results in a minimum requirement of 7 spaces), an ambulance bay is also proposed at the Porte Cochere fronting Stafford Street. This will allow sufficient parking for residents, staff, visitors, delivery/services and the like to be contained entirely on site.

A Traffic Impact Statement is submitted under separate cover which demonstrates that the parking provision and likely traffic generation are appropriate and acceptable. The report states that the anticipated traffic generation is considered negligible and represents approximately one trip every 20 minutes in the AM peak and one trip every 10 minutes in the PM peak. Once distributed across all directions and intersections this will have no noticeable impact on the local and surrounding road network.

The report also confirms that all parking and waste handling arrangements comply with relevant Australian Standards.

4.5.3 Hazards

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





4.6 THE PUBLIC INTEREST

The proposed development will provide 33 high quality ILU's and communal facilities which is compatible with the scale and character of development in the locality and will not have an adverse impact on the amenity of adjoining properties.

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

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





5. Conclusion

This Statement accompanies a development application for the construction of 33 ILU's with associated car parking, landscaping and drainage works at Nos. 154-162 Stafford Street, Penrith. The proposed development has been assessed in light of Section 4.15 of the Environmental Planning & Assessment Act, 1979 and Council's planning Guidelines and Policies.

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

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

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



ANNEXURE A

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



SEPP (Housing for Seniors and People with a Disability) 2004

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



SEPP (Housing for Seniors and People with a Disability) 2004			
31	Design in accordance with Seniors Living Policy: Urban Design Guideline for Infill Development	Refer to Schedule 3 controls at the end of this table.	✓
33	Neighbourhood amenity and Streetscape issues are considered.	The proposal is consistent and complementary to existing streetscape character.	✓
34	The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity.	The development has been designed to maintain visual and acoustic privacy of the adjacent neighbours through providing generous setbacks to boundaries, orientation of private balconies to the street or communal open space where possible, location of communal areas centrally within the site and the provision of privacy screens and other design solutions to balconies and windows.	✓
35	The proposal is designed with regard to solar access climate.	Adequate solar access is provided to the proposal and adjoining development.	✓
36	The proposed development should: control and minimise the disturbance and impacts of stormwater runoff and include, where practical, on-site stormwater detention.	A stormwater management plan has been submitted with the application.	✓
37	The proposed development should provide personal property security for residents and visitors and encourage crime prevention.	The building will provide a security entry and provides for natural surveillance of common areas and the public domain.	✓
38	The proposed development should provide obvious and safe pedestrian links to public transport services or local facilities:	See comments in relation to Clause 26.	✓
39	Waste facilities to be provided that maximise recycling by the provision of appropriate facilities.	Each dwelling contains sufficient space for waste and recycling storage which will then be transferred to the main waste store at basement level. A waste management report is lodged under separate cover.	✓
Part 4 Development Standards to be complied with			
40(2)	The size of the site must be at least 1,000 square metres	This provision does not apply to Social Housing Providers which Fresh Hope Care is categorised as.	N/A
40(3)	The site frontage must be at least 20 metres wide	This provision does not apply to Social Housing Providers which Fresh Hope Care is categorised as.	N/A
If the development is proposed in a residential zone where residential flat buildings are not permitted:			
40(4)(a)	The height of all buildings in the proposed development must be 8 metres or less, and	The maximum height of the building is 8m to the ceiling.	✓



SEPP (Housing for Seniors and People with a Disability) 2004			
40(4)(b)	A building that is adjacent to a boundary of the site must be not more than 2 storeys in height,	The development comprises predominantly 2 storey buildings, however Building C is part-two, part-three storeys. This is due to the topography of the site which lends itself to a stepped building form which follows the slope of the site whilst maintaining the 8m height standard. However, the three storey element faces into the subject site toward the COS. No 3 storey element of the development is immediately adjacent to any boundary.	✓
40(4)(c)	A building located in the rear 25% area of the site must not exceed 1 storey in height.	This provision does not apply to Social Housing Providers which Fresh Hope Care is categorised as.	N/A
41	Standards for hostels and self-contained dwellings (1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development. (2) Despite the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15–20 of Schedule 3, a self-contained dwelling, or part of such a dwelling, that is located above the ground floor in a multi-storey building does not have to comply with the requirements of those provisions if the development application is made by, or by a person jointly with, a social housing provider.	The proposed buildings are accessible as lift access is provided at all levels. The submitted Access report undertakes an assessment of Schedule 3, as does this Statement in the following pages.	✓
Part 7 Development standard's that cannot be used as grounds to refuse consent			
50(a)	Buildings are 8 metres or less in height	The maximum height to the ceiling is 8m.	✓
50(b)	Floor space ratio is less than 0.5:1 Site area is 4,881m ²	0.73:1 – floor area of 3,576m ² . Penrith LEP 2010 does not specify a maximum FSR for the site. This is not a standard which is required to be met and Council can consider the merits of any scheme which exceeds the FSR standard. As Council have not specified a FSR control for this or surrounding sites it indicates that merit based assessments are the approach taken for development in this location. This should be based on applicable building envelope controls such as height and setbacks, and any significant adverse amenity impact on adjoining neighbours.	On merit



SEPP (Housing for Seniors and People with a Disability) 2004			
		In this instance there are no adverse impacts as a result of the development's GFA. The development height complies with the SEPP standard. The built form ensures setbacks which are consistent with the existing streetscape, significant areas of landscaping, deep soil and open space are provided within the development and there are no significant adverse impacts on the amenity of adjoining neighbours.	
50(c)	30% of the site area provided as landscaped area, or 35sqm/dwg – social housing provider	Fresh Hope Care is a community housing provider. The landscaped area provided is 2,137m ² (43.7% of the site area) and equates to 64.75m ² per dwelling.	✓
50(d)	15% deep soil	1,372m ² of deep soil is provided (28.1%)	✓
50(e)	70% of dwellings to receive at least 3 hours direct sunlight between 9am and 3pm midwinter	81.8% (27 of 33 dwellings) receive 3 hours of sunlight between 9am and 3pm on midwinter.	✓
50(f)	private open space for in-fill self-care housing: if: (i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and (ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,	Ground floor units have private open space areas that total at least 15m ² in area having a minimum dimension of 3m x 3m locate directly adjacent to the living area. First floor units each have at least one balcony, one of which adjoins the living area with a balcony a minimum of 10m ² with a minimum dimension of 2m.	✓ ✓
50(h)	parking: if at least the following is provided: (ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider (7 required).	35 parking spaces are provided, which equates to 1 space per dwelling with two spaces for staff.	✓
Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings			
1 Application of standards in this Part	The standards set out in this Part apply to any seniors housing that consists of hostels or self-contained dwellings.		



SEPP (Housing for Seniors and People with a Disability) 2004			
2 Siting standards	(1) Wheelchair access If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.	A continuous path of travel is provided for the area of the proposed works. Refer to the Access Report submitted with this development application.	✓
	(2) If the whole of the site does not have a gradient of less than 1:10: (a) the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and (b) the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.	Not applicable.	N/A
	(3) Common areas Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.	Continuous access is provided to the proposed Community Centre. Refer to the Access Report submitted with this development application.	✓
3 Security	Pathway lighting: (a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and (b) must provide at least 20 lux at ground level.	Pathway lighting will be installed and details are to be provided as part of the construction certificate documentation. Details of the lighting levels to be installed are to be provided as part of the construction certificate documentation.	✓
4 Letterboxes	Letterboxes: (a) must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and (b) must be lockable, and (c) must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry.	Letterboxes will be provided in the lobby area.	✓
5 Private car accommodation	If car parking (not being car parking for employees) is provided: (a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and (b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and	All spaces comply. Refer to the Traffic and Parking Assessment Report submitted with the DA. Eight spaces (22.8% of 35) are accessible spaces. No garage doors proposed as basement parking is proposed.	✓ ✓ ✓

SEPP (Housing for Seniors and People with a Disability) 2004

	(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.		
6 Accessible entry	Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.	Entry to the proposed ILU's complies with AS 4299. Refer to the Access Report submitted with this development application.	✓
7 Interior: general	(1) Internal doorways must have a minimum clear opening that complies with AS 1428.1.	Compliance with requirement will be provided and detailed as part of the Construction Certificate documentation.	✓
	(2) Internal corridors must have a minimum unobstructed width of 1,000 millimetres.	All proposed internal corridors are a minimum of 1m in width.	✓
	(3) Circulation space at approaches to internal doorways must comply with AS 1428.1.	The circulation at doorways requirements identified at Clause 13.3 of AS1428.1:2009 will be provided and detailed as part of the Construction Certificate documentation.	✓
8 Bedroom	At least one bedroom within each dwelling must have: (a) an area sufficient to accommodate a wardrobe and a bed sized as follows: (i) in the case of a dwelling in a hostel—a single-size bed, (ii) in the case of a self-contained dwelling—a queen-size bed, and	At least one bedroom in every ILU will comply with the requirements and is detailed on the architectural plans submitted with this development application.	✓
	(b) a clear area for the bed of at least: (i) 1,200 millimetres wide at the foot of the bed, and (ii) 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction, and	Compliance with requirement will be provided and detailed as part of the Construction Certificate documentation.	✓
	(c) 2 double general power outlets on the wall where the head of the bed is likely to be, and	Compliance with requirement will be provided and detailed as part of the Construction Certificate documentation.	✓
	(d) at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be, and	Compliance with requirement will be provided and detailed as part of the Construction Certificate documentation.	✓
	(e) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet, and	Compliance with requirement will be provided and detailed as part of the Construction Certificate documentation.	✓

SEPP (Housing for Seniors and People with a Disability) 2004

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

SEPP (Housing for Seniors and People with a Disability) 2004

14 Application of standards in this Part	The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of self-contained dwellings.	Noted.	-
15 Living room and dining room	(1) A living room in a self-contained dwelling must have: (a) a circulation space in accordance with clause 4.7.1 of AS 4299, and	Compliance with requirement will be provided and detailed as part of the Construction Certificate documentation.	✓
	(b) a telephone adjacent to a general power outlet.	The phone will be adjacent to the power outlet and details are to be provided as part of the Construction Certificate documentation.	✓
	(2) A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.	The wiring will be provided and details are to be provided as part of the Construction Certificate documentation.	✓
16 Kitchen	A kitchen in a self-contained dwelling must have: (a) a circulation space in accordance with clause 4.5.2 of AS 4299, and	The size of the kitchen and its fittings comply with the requirements of AS 4299 and details will be provided at the Construction Certificate stage.	✓
	(b) a circulation space at door approaches that complies with AS 1428.1, and	The circulation space at the door complies with AS 1428.1 and is detailed on the architectural plans submitted with this development application.	✓
	(c) the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299: (i) benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5 (a), (ii) a tap set (see clause 4.5.6), (iii) cooktops (see clause 4.5.7), except that an isolating switch must be included, (iv) an oven (see clause 4.5.8), and	All fittings will be provided in accordance with the requirements and details are to be provided as part of the Construction Certificate documentation.	✓
	(d) "D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and	The handles for the kitchen cupboards will comply with the requirements and details are to be provided as part of the Construction Certificate documentation.	✓
	(e) general power outlets: (i) at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and	Power outlets will comply with the requirements and details are to be provided as part of the Construction Certificate documentation.	✓

SEPP (Housing for Seniors and People with a Disability) 2004

	(ii) one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.		
17 Access to kitchen, main bedroom, bathroom and toilet	In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.	Not applicable.	N/A
18 Lifts in multi-storey buildings	In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.	Lift access is provided from the basement to the Ground and First Floors.	✓
19 Laundry	A self-contained dwelling must have a laundry that has: (a) a circulation space at door approaches that complies with AS 1428.1, and	The circulation space at the laundry door complies with AS 1428.1 and is detailed on the architectural plans submitted with this development application.	✓
	(b) provision for the installation of an automatic washing machine and a clothes dryer, and	An automatic washing machine and clothes dryer will be provided and details are to be provided as part of the Construction Certificate documentation	✓
	(c) a clear space in front of appliances of at least 1,300 millimetres, and	A clear space of more than 1,300mm is provided.	
	(d) a slip-resistant floor surface, and	A slip resistant floor will be provided and details are to be provided as part of the construction certificate documentation.	✓
	(e) an accessible path of travel to any clothes line provided in relation to the dwelling.	No external clothes drying lines are provided or required.	✓
20 Storage for linen	A self-contained dwelling must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.	Linen storage is provided and details are to be provided as part of the Construction Certificate documentation.	✓



SEPP (Housing for Seniors and People with a Disability) 2004

21 Garbage	A garbage storage area must be provided in an accessible location.	Garbage storage is provided in the basement level. Waste cupboards are provided at each level and waste will be moved to the basement by the Building Manager.	✓
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Seniors Living Policy

Urban Design Guidelines for In Fill Development

Responding to context	The proposal is compatible with the local context of the site. The predominant built form is two and three storey residential development, a mix of dwelling houses, dual occupancy development and multi-dwelling development.
Site planning and design	The proposed building have been oriented on the site to maximise natural light and ventilation to dwellings, address both street frontages, provide a landscaped internal courtyard, provide areas of deep soil landscaping and orient dwellings towards the street where possible to limit the impacts on neighbouring properties.
Impacts on streetscape	The proposal will complement the existing streetscape by orienting dwellings to each frontage where possible, providing deep soil landscaping within the street setbacks, providing articulated facades with a mix of suitable materials and finishes and maintaining a two storey appearance for the bulk of the building. Private open spaces are provided within the front setbacks to allow for casual surveillance and take advantage of the northern orientation of the site to Stafford Street. All parking is provided in the basement level which allows for more landscaping along the street frontages rather than at-grade parking.
Impacts on neighbours	The built form of the development is predominantly two storeys and well-articulated along each elevation. The development is split into three building modules to reduce bulk on neighbouring properties and suitable landscaped setbacks are provided to all site boundaries. Solar access is retained to all neighbouring properties and private balconies on the first floor are oriented to the street or communal open space where possible.
Internal site amenity	27 of 33 dwellings will receive more than 3 hours solar access during mid-winter and the communal courtyard is located centrally to the site to provide for alternative outdoor space for residents and visitors.

ANNEXURE B

Penrith LEP 2010 – Compliance Table



Penrith LEP 2010 – Compliance Table

Clause / Control	Requirement	Proposal	Complies?
Part 2 Permitted or prohibited development			
2.2 Zone objectives and Land Use Table	<p>Zone R3 Low Density Residential</p> <ul style="list-style-type: none"> To provide for the housing needs of the community within a medium density residential environment. To provide a variety of housing types within a medium density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To provide for a concentration of housing with access to services and facilities. To enhance the essential character and identity of established residential areas. To ensure that a high level of residential amenity is achieved and maintained. To ensure that development reflects the desired future character and dwelling densities of the area. 	<p>The proposed development meets the objectives of the R3 zone by providing 33 new self-care units comprising a mix of 1 and 2 units in an accessible location. The proposal is in keeping with the character of the locality, complies with the SEPP and LEP height limits and will provide a high quality residential development that maintains the amenity of adjoining properties.</p> <p>Seniors housing is a permissible development type in the zone.</p>	Yes
Part 4 Principal development standards			
4.3 Height of buildings	<p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>Height = 8.5m</p>	The development has a maximum height of 11.74m.	N/A SEPP Prevails
4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings – R3 standard lot: 800m ²	The site has an area of 4,881m ²	Yes
Part 6 Local Provisions			
6.2 Earthworks	<p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p>	Excavation is required for the basement parking level and will not have an adverse impact on the stability and amenity of adjoining properties.	Yes

Penrith LEP 2010 – Compliance Table

	<p>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p>	<p>The land modification works will allow for the construction of seniors housing development. The site will be used as such for the foreseeable future.</p> <p>A Phase 1 Site Investigation Report has been submitted with the application. Refer to discussion in Section 4.2.1 of this Statement.</p> <p>The excavation will not have an adverse impact on the stability and amenity of adjoining properties.</p> <p>Any excavated material will be reused on-site as fill with surplus material disposed of at licenced waste management facility.</p> <p>The potential for limited land modification works to disturb relics is considered highly unlikely, however, should any relics be identified during site preparation and excavation, work will stop immediately and applicable authorities will be notified.</p> <p>The development is within an established urban area and will undertake standard construction and stormwater handling methods. It is therefore unlikely that there will be any adverse impacts on watercourses or drinking water catchments. The site is not identified as an environmentally sensitive area.</p>	
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ANNEXURE A

Penrith DCP 2014– Compliance Table





Penrith Development Control Plan 2014 - Compliance Table			
Clause / Control	Requirement	Proposal	Complies?
C5 Waste Management			
5.1 Waste Management Plans	<p>1) Applicants are to submit a Waste Management Plan when lodging a development application for:</p> <p>a) Demolition or construction of buildings;</p> <p>b) Change of use of buildings for rural, residential, commercial and industrial developments;</p> <p>c) Subdivision of land and/or buildings; or</p> <p>d) Alterations to 50% or more of the existing gross floor area of buildings, or additions to buildings resulting in a 50% increase (or more) to the existing gross floor area.</p>	A Waste Management Plan has been submitted with the DA.	Yes
5.2.1 Siting and Design of Waste Bin Storage Areas for Residential Development	<p>2) Waste Bin Storage Area Size:</p> <p>a) The development must provide a waste bin storage area that is of sufficient size to accommodate all required waste bins associated with the development. This is to be achieved through the provision of a communal waste storage area. For larger developments, multiple waste bin storage areas may be required.</p> <p>b) All waste streams must be catered for, including general waste, bulky waste and recyclable waste.</p> <p>c) Sufficient space must be provided onsite to ensure that adequate room is provided to manoeuvre, clean and maintain all waste and recycling bins for the development.</p> <p>d) Sufficient space must be provided onsite for any required equipment to manage waste, waste bins (including washing and cleaning) and the waste bin storage area.</p> <p>3) Waste Bin Storage Area Location:</p> <ul style="list-style-type: none"> • The waste bin storage area is to be located within the basement footprint of the residential flat building developments. • The waste bin storage area is to be located on the ground level for multi-unit housing developments. • 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. • 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. 	<p>A waste store room is provided in the basement that can accommodate an appropriate number of bins.</p> <p>General waste, recycling and bulky goods are catered for.</p> <p>Complies – refer to the plans.</p> <p>Complies – refer to the plans.</p> <p>The waste bin room is located in the basement.</p> <p>Not applicable.</p> <p>The waste bin room is located in the basement.</p> <p>On site collection is proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p>

Penrith Development Control Plan 2014 - Compliance Table			
	<p>4) Waste Bin Area Layout</p> <ul style="list-style-type: none"> • 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. • An aisle space of 1.2m is required to access and manoeuvre the bins. • In determining the layout and size of the waste bin storage area, consideration should be given to whether waste bins are required to be rotated. If waste bins are to be rotated, additional room size to aisle width will be required to manoeuvre bins. <p>5) Waste Bin Storage Area Construction</p> <p>a) Waste Bin Storage Rooms are to be designed so that they can be constructed to the following:</p> <ol style="list-style-type: none"> Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting. The floors must be finished to a smooth even surface. The walls must be constructed of solid impervious material. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned. Walls, ceilings and floors must be finished in a light colour. It is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock. A close fitting and self-closing door openable from within the room. Must be constructed to prevent the entry of vermin. Be provided with adequate light and ventilation. The light source must be through controlled light switches located both outside and inside the room. 	<p>Complies – refer to the plans.</p>	<p>Yes</p>
	<p>a) Waste Bin Storage Rooms are to be designed so that they can be constructed to the following:</p> <ol style="list-style-type: none"> Floors must be constructed of concrete at least 75mm thick and graded and drained to a Sydney Water approved drainage fitting. The floors must be finished to a smooth even surface. The walls must be constructed of solid impervious material. The ceilings must be finished with a smooth faced non-absorbent material capable of being cleaned. Walls, ceilings and floors must be finished in a light colour. It is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock. A close fitting and self-closing door openable from within the room. Must be constructed to prevent the entry of vermin. Be provided with adequate light and ventilation. The light source must be through controlled light switches located both outside and inside the room. 	<p>Complies – refer to the plans.</p>	<p>Yes</p>
5.2.2. Residential Development Controls	<p>5.2.2.1 Controls applicable to all types of residential development (including dwellings and dual occupancies)</p> <ol style="list-style-type: none"> The kitchen of each dwelling should be designed with sufficient space (or an alternate location) for the interim storage of organic waste, other recyclable waste and non-recyclable waste. It should be of sufficient size to hold at least a single day's waste and to enable source separation of garbage, recyclables and compostable materials. The design and location of waste storage areas/facilities should be such that they: <ol style="list-style-type: none"> Complement the design of both the development and the surrounding streetscape; Have access to a cold water supply for the cleaning of bins and the waste storage areas; and Not be visually prominent from public areas. 	<p>Complies – refer to the plans.</p> <p>Located in the basement. Complies – refer to the plans.</p> <p>Located in the basement.</p>	<p>Yes</p> <p>Yes Yes</p> <p>Yes</p>

Penrith Development Control Plan 2014 - Compliance Table

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

Penrith Development Control Plan 2014 - Compliance Table

	<p>d) Does not interfere with the car parking (on or off-street), driveways, footpaths, landscaping and any existing trees and vegetation.</p> <p>e) The waste bin storage area is to be designed in accordance with Section 5.2.1 Siting and Design of Waste Bin Storage Areas for Residential Development.</p> <p>f) Swept paths demonstrating adequate manoeuvring area are to be provided with the application.</p> <p>4) Where the waste storage area will be secured, the locking mechanism installed must be an Abloy system employed by Council. The installation of the locking system and the supply of keys will be provided by Council at the developer's cost.</p> <p>5) The size and number of the waste bins shall be determined by Council, having regard to the need for either on-site access by collection vehicles or the requirement for bins to be wheeled to the collection point for collection by a contractor. If transferred to the street for collection, the body corporate or a caretaker must be responsible for the movement of bins to their collection point and their subsequent return.</p> <p>6) Where on-site collection is required to service the development, adequate and safe access must be provided for Council's Standard Waste Collection Vehicles and waste collection staff as follows:</p> <p>a) The site must be designed to allow collection vehicles to enter and exit the site in a forward direction with limited manoeuvring and reversing on-site;</p> <p>b) The route of travel (including vehicle manoeuvring areas) for the waste collection vehicle to the collection point is to satisfy the typical dimensions of heavy rigid vehicle. This also includes adequate vehicle clearance for the vehicle. Australian Standard AS2890.2 Parking Facilities: Off-Street Commercial Vehicle Facilities provides typical dimensions, turning circles and clearance heights.</p> <p>c) The route of travel for the waste vehicle is to be adequately paved and of sufficient strength to support the waste collection vehicle.</p> <p>d) The grades of entry and exit ramps must not exceed the capabilities of the waste collection vehicle and are to comply with AS2890.2 Parking Facilities: Off-Street Commercial Vehicle Facilities.</p> <p>e) The waste collection point and parking area for the waste vehicle is to be clearly nominated with dimensions on the site plan. The collection point is to be of sufficient space to accommodate and safely manoeuvre all required waste bins.</p> <p>f) Access to the nominated waste collection point for the development is to be designed to ensure that Council's standard waste vehicle can safely access and manoeuvre within the site. Typical dimensions (and turning circles) for a heavy rigid</p>	<p>Complies.</p> <p>Complies – refer to plans.</p> <p>Complies – refer to plans.</p> <p>Council may condition.</p> <p>The store room can accommodate an appropriate number of bins. Please see Waste Management Plan submitted under separate cover for full details.</p> <p>Complies</p> <p>A mini waste vehicle provided by private contractor is proposed to be utilised. See waste management report for future details.</p> <p>The route is fully paved.</p> <p>Complies</p> <p>Complies</p> <p>A private contractor is proposed to be used.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>On merit</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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Penrith Development Control Plan 2014 - Compliance Table			
	<p>vehicle are provided within AS 2890.2 Parking Facilities: Off-Street Commercial Vehicle Facilities.</p> <p>7) Where on-site collection is not possible because of topographic or access constraints, and/or restrictive site dimensions, adequate arrangements need to be made for the convenient, safe and direct access between the waste storage room and the collection point. These arrangements need to be discussed at a pre-lodgement meeting with Council.</p> <p>8) For developments where on-site collection is required or where Council collectors are required to enter a site for the purpose of waste collection services, an agreement will be required to be entered into with Council. This agreement is to be entered into with Council giving power and authority to Council to enter the; and for the purpose of waste services. Council is also to be provided with indemnity against any future claims for damage and loss.</p>	N/A	N/A
		N/A	N/A
PART C10 – TRANSPORT, ACCESS AND PARKING			
10.1 Transport and Land Use			
	1) A Transport Management and Accessibility Plan (TMAP) is to be prepared for all significant developments (see Appendix F3 – Submission Requirements for further details). The TMAP is to address the objectives and controls in this section.	The proposal is not considered to be a significant development and a TMAP is therefore not required.	Yes
	2) New development that will have potential significant public transport patronage (especially residential, commercial and employment generating uses) is to be located close to existing or proposed transport nodes or networks.	The site is located close to bus stops that provide services to surrounding centres.	Yes
	3) A range of uses are to be provided or integrated in mixed-use areas to provide a range of services in a single location and minimise the need for additional travel.	Not applicable.	N/A
	4) Public transport use is to be enhanced by providing good pedestrian connections from places of residence or employment to transport networks or nodes.	The site has good connections to bus stops within close proximity to the site.	Yes
10.2 Traffic Management and Safety			
1) Traffic Studies	Traffic studies may be required for some developments. Check with Council about whether a traffic report is required to support your proposal.	A traffic assessment report has been prepared and is submitted with the application.	Yes
2) Road Safety	<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>	Safe entry and exit is provided to Stafford Street and is separate from the pedestrian entry point. A porte-cochere and loop drive is proposed for vehicular access	Yes

Penrith Development Control Plan 2014 - Compliance Table

	<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>A demarcated pedestrian path of travel is identified within the porte-cochere. This effectively separates pedestrian access from Stafford Street.</p> <p>The proposal is unlikely to impact upon traffic flow. The traffic report demonstrates that traffic generation from the development is low.</p> <p>Adequate on-site parking is provided to meet the needs of the development.</p> <p>Not applicable.</p> <p>Vehicle access is provided from Stafford Street.</p> <p>The surrounding road network has been considered and no additional road works are required.</p> <p>All vehicles can enter and leave the site in a forward direction.</p> <p>A loading dock is not required but it is anticipated that servicing and loading will be carried out within the basement parking area which minimises pedestrian interaction.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3) Traffic Generating Development	<p>a) New access points off arterial, sub arterial or other major roads is to be avoided where alternate access opportunities exist.</p> <p>b) Any development identified in Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 is either referred to RMS (Column 2 developments) or Council's Local Traffic Development Committee (Column 3 developments) for assessment and conditions as required.</p>	<p>No access proposed from arterial, sub arterial or major roads.</p> <p>The proposal does not fall within Schedule 3 of the SEPP (Infrastructure)</p>	<p>Yes</p> <p>N/A</p>
10.5 Parking, Access and Driveways			
1) Provision of Parking Spaces	<p>a) Parking provided on site is to meet AS 2890 and where appropriate, AS 1428.</p>	<p>The layout and design of parking provided meets Australian Standards.</p>	<p>Yes</p>

Penrith Development Control Plan 2014 - Compliance Table

	<p>b) For any proposed development, Council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development as set out in Table C10.2 .</p> <p>c) Within rural zones, the range of possible uses of land is very broad. Car parking is to be provided in accordance with Table C10.2: Car Parking Rates. If parking rates for the use is not listed, it will be the applicant's responsibility to demonstrate that adequate parking is provided.</p> <p>d) For commercial developments providing employment for 20 people or more, bicycle parking is to be in secure and accessible locations, and provided with weather protection. The following associated facilities are to be provided:</p> <p>i) Change and shower for cyclists and are to be conveniently located close to the bicycle storage areas.</p> <p>ii) Where the building is to be strata-titled, the bicycle storage facilities and shower/change facilities are to be made available to all occupants of the building.</p> <p>e) For existing developments, a new use must not commence or the floor area increased until the required car park spaces have been provided on the site, corresponding to the land use outlined in Table C10.2.</p> <p>f) In the absence of specific requirements relevant to particular developments, the parking requirements in the RTA's "Guide to Traffic Generating Developments" (as updated) and Australian Standard AS 2890.1 and 2 - 2004 should be referred to as a guide. In the absence of all data, the applicant should revert to the use of first principles.</p> <p>g) Where relevant, development shall provide on-site loading facilities to accommodate the anticipated heavy vehicle demand for the site.</p> <p>h) Stacked parking will not be permitted for visitor spaces for any development.</p> <p>i) Stacked parking in commercial or industrial development may be permitted for employee spaces only, provided the number of stacked spaces does not account for more than 10% of the total required parking spaces.</p> <p>j) Car parking above ground level is to have a minimum floor to ceiling height of 2.8m so it may be adapted to another use in the future.</p>	<p>35 spaces proposed in accordance with the SEPP requirements.</p> <p>The site is not located within a rural zone.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>No stacked parking is proposed.</p> <p>Not applicable.</p> <p>No above ground level parking proposed.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
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Penrith Development Control Plan 2014 - Compliance Table

	<p>k) Car parking and associated internal manoeuvring areas provided over and beyond the requirements of this DCP shall be calculated as part of the development's gross floor area.</p> <p>l) Where possible, natural ventilation is to be provided to underground parking areas with ventilation grilles and structures that are:</p> <p>i) integrated into the overall façade and landscape design of the development;</p> <p>ii) located away from the primary street façade; and</p> <p>iii) oriented away from windows of habitable rooms and private open space areas.</p> <p>m) Proposals for basement parking areas are to be accompanied with a geotechnical report prepared by an appropriately qualified professional and any other supporting information to the Development Application.</p> <p>n) For all residential development at least one car parking space for each dwelling shall be covered the second space may be "stacked" or "tandem" or located on a driveway.</p>	<p>Noted.</p> <p>The basement will be mechanically ventilated.</p> <p>A Geotechnical Report prepared by JK Geotechnics has been submitted with the Development Application.</p> <p>One car parking space is provided for each dwelling, there are no stacked spaces.</p>	<p>-</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3) Additional Controls for Residential Developments	<p>a) On-site parking for residential developments, including the residential component in a mixed use development, is to be accommodated wholly in a basement parking area unless the applicant can demonstrate to Council's satisfaction that the site's unique conditions prevent the parking from being located in a basement structure.</p> <p>b) If on-grade car parking is proposed, the location and adequacy of the parking area must not adversely impact on the amenity of the adjoining neighbourhood. The parking area is to:</p> <p>i) be located on the side or rear of the site, and is not visible from the street and street frontage;</p> <p>ii) be landscaped or screened so that cars parked in the parking area are not visible from adjoining buildings or the street/ street frontage; and</p> <p>iii) allow safe and direct access to the building entry points.</p>	<p>Basement parking is proposed.</p> <p>On grade parking is not proposed.</p>	<p>Yes</p> <p>Yes</p>
Part D10 – Residential Development			
Part 2.4 – Multi-Dwelling Housing			
2.4.2 Preferred Configuration for New Dwellings	<p>1) New multi dwelling housing development should incorporate the traditional configuration of the cottages and cottage gardens that define the character of Penrith's established neighbourhoods, because:</p>	<p>Dwellings are oriented towards streets where possible.</p>	<p>Yes</p>

Penrith Development Control Plan 2014 - Compliance Table			
	<p>a) Traditional development demonstrates social and urban design benefits, particularly the orientation of dwellings and their private open spaces towards the street rather than overlooking neighbouring dwellings and gardens;</p> <p>b) Patterns of buildings and private gardens in established neighbourhoods have visual and symbolic richness that are valued by their community;</p> <p>c) the use of traditional features softens the popular perception that redevelopment is changing the traditional character of Penrith City.</p>	<p>Significant landscaping is provided throughout the development site and the building scale, form and pattern is reflective of the suburban character of the area.</p> <p>Traditional materials are proposed.</p>	
	<p>2) Within the relevant zones, established development is detached buildings or semidetached pairs which are:</p> <p>a) separated from one another by landscaped courtyards;</p> <p>b) stepped floor plans and projecting verandahs;</p> <p>c) capped by a variety of pitched roofs.</p>	<p>The development proposes three distinct built forms, separated from each other by extensive landscaping and courtyards. The roofscape is highly articulated with pitched roofs and projecting dormers.</p>	Yes
	<p>3) Within the relevant zones, established development provides a "green corridor" of trees and shrubs along the rear boundary:</p> <p>a) conserving remnant vegetation; and</p> <p>b) providing new shelter and habitat; and</p> <p>c) contributing to streetscape.</p>	<p>A landscaped rear boundary is proposed.</p>	Yes
	<p>4) Within the relevant zones, established development provides a front garden setback which may be filled by verandahs and private garden-courts (as shown in Figure D2.11):</p> <p>a) encourages active use by residents;</p> <p>b) provides for attractive front gardens.</p>	<p>A landscaped front setback is proposed which includes areas of POS and design features such as verandahs.</p>	Yes
	<p>5) Within the relevant zones, established development provides parking areas which are concealed from the street and consequently avoids the appearance of "garage architecture".</p>	<p>Basement parking is proposed.</p>	Yes
2.4.4 Urban Form	<p>1) For dwellings fronting the street, adopt a traditional orientation:</p> <p>a) living rooms, verandahs and the paths to entrances face the street rather than neighbouring properties; and</p> <p>b) private gardens fill the front setback area; and</p> <p>c) garages are concealed behind dwellings.</p>	<p>Living rooms and verandas/terraces/balconies face the street where possible. Due to the nature of the development a single point of entry is required.</p> <p>POS forms part of the front setback area.</p> <p>Basement parking is proposed.</p>	Yes
	<p>2) Dwellings behind the street frontage should adopt similar principles:</p>		

Penrith Development Control Plan 2014 - Compliance Table

	<p>a) living rooms and entrances face the street, and / or the landscaped rear boundary setback; and</p> <p>b) private gardens fill the rear setback area.</p>	<p>Where units do not face the street they predominantly face a central courtyard or landscaped rear boundary.</p> <p>POS areas are included within the rear setback.</p>	Yes
	<p>3) Avoid "gun-barrel" style developments with long rows of attached dwellings, long straight driveways and rows of uniform width garden courtyards:</p> <p>a) break buildings into separate blocks, each one not longer than 20m;</p> <p>b) provide "open space corridors" between buildings at least 4m wide across each site (this does not include front/rear setback areas);</p> <p>c) a combination of garden areas and parking courtyards; or</p> <p>d) open parking spaces that are lined by an "avenue" of shady, overhanging trees;</p> <p>e) along common driveways, step the alignment of buildings, and / or their external walls plus eaves;</p> <p>f) at the head of common driveways, a distinctive building or landscape feature should terminate the vista from the street.</p>	<p>Buildings are broken into separate blocks which articulation to provide modulation.</p> <p>Buildings are appropriately separated.</p> <p>Courtyard gardens and landscaped areas are provided.</p> <p>Basement parking is proposed.</p> <p>N/A</p> <p>N/A – a porte-cochere is proposed</p>	Yes
	<p>4) "Articulate" building forms by design measures that cast deep shadows:</p> <p>a) separate neighbouring buildings by irregularly-shaped garden courts that are at least 3m wide;</p> <p>b) external walls should not be longer than 5m between distinct corners;</p> <p>c) the upper storey surrounded by a larger ground floor plan that incorporates projecting rooms, shady verandahs and carports;</p> <p>d) use a variety of roof forms and pitches;</p> <p>e) include windows in every elevation.</p>	<p>Building articulation is provided in the form of insets in the façade, and soft projecting features such as verandahs and louvres to ensure deep shadow is cast on the buildings.</p>	Yes
2.4.5 Front and Rear Setbacks	<p>1) Determine the maximum development footprint for your site:</p> <p>a) The minimum rear setback for a single storey building (or any single storey component of a building) is 4m.</p> <p>b) The minimum rear setback for a two storey building (or any two storey component of a building) is 6m.</p> <p>c) adopt a front setback that matches the neighbourhood character.</p>	<p>N/A – minimum 2 storey development.</p> <p>A minimum 6m rear setback is provided.</p> <p>Complies</p>	Yes

Penrith Development Control Plan 2014 - Compliance Table			
	<p>2) Within the rear boundary setback:</p> <p>a) there shall be no building encroachments either above or below ground (eaves excepted);</p> <p>b) maximise the amount of undisturbed soil, encouraging rapid growth of healthy trees and shrubs;</p> <p>c) where there are physical encumbrances such as open drains, increase the setback accordingly.</p>	Complies	Yes
	<p>3) Determine an appropriate front setback:</p> <p>a) either average the setbacks of the immediate neighbours; or</p> <p>b) a 5.5m minimum whichever is the greater dimension.</p>	A 5.5m front setback to Stafford street is provided	Yes
	<p>4) Permissible encroachments within the front setback are:</p> <p>a) verandahs and pergolas only which are a 4.5m minimum setback to the face of the verandah or pergola; and maximum 50% of elevation.</p> <p>5) Garages and parking spaces are not permissible within the front setback.</p>	<p>There are modest encroachments from balconies/verandas and the porte-cochere.</p> <p>The verandahs/balconies are soft features which add additional articulation and breaks up any perceived building massing. The comply with the minimum 4.5m articulation setback.</p> <p>The porte-cochere is similarly adds articulation on the street built is also a useful identifier for residents and visitors alike. It is important to note that whilst the development has been holistically designed to reflect the character of the area and is similar in scale and appearance to multi-dwelling housing, it is a different form of development which is permissible in the zone. As such, it has specific needs and requirements which are standard across seniors housing development which are not applicable to multi-dwelling housing.</p> <p>Porte-cocheres are, as noted, useful identifies of the facility but also provide shelter for elderly and frail residents whilst existing vehicles or waiting outside.</p>	On merit
2.4.6 Building Envelope and Side Setbacks	<p>1) Development is to comply with the building envelope for the site. The building envelope means a height plane over the site at 45 degrees from a specified height above natural ground level at the side boundaries of the site, as shown in Figure D2.13.</p>	The development is not defined as multi-dwelling housing. The proposed built form is appropriate for the site and does not result in any significant adverse visual or amenity impact.	On merit.
	<p>2) The building envelope shall be measured relative to:</p> <p>a) Side boundaries only; and</p> <p>b) Existing ground level.</p>	As above	On merit

Penrith Development Control Plan 2014 - Compliance Table			
	<p>3) Only minor encroachments through the building envelope shall be permitted:</p> <p>a) eaves to main roofs b) chimneys and antennas c) pergolas.</p>	As above	On merit
	<p>4) Cut and fill and maximum ground floor heights:</p> <p>a) on sloping sites provide stepping building platforms in line with existing topography with floors no higher than 1m above natural ground level;</p> <p>b) restrict cut-and-fill to a maximum of 500mm; and</p> <p>c) provide effective sub-soil drainage.</p>	<p>The proposed buildings follow the topography of the site. Part of Building C sees a floor level protrude above existing ground level by approximately 1.7m. This permits level access and an efficient use of the land with minimal adverse amenity impact on adjoining properties.</p> <p>As noted, fill to a maximum of approximately 1.7m is required for Building C. Cut for building C is a maximum of approximately 1.6m. Beyond building footprints maximum cut is approximately 1m (excluding basement excavation).</p> <p>This level of excavation is required to permit the orderly and economic development of the site. At site boundaries the natural ground level is maintained. As such, to the casual observer the development will not excessively alter levels.</p> <p>High quality landscaping and significant deep soil is provided to ensure effective sub-soil drainage.</p>	On merit
	<p>5) Pitches for main roofs are not to be in excess of 25 degrees in order to reduce the visual bulk of the building.</p>	Complies	Yes
	<p>6) Provide reasonable separation and landscaping between neighbouring buildings, consistent with the following parts of this section:</p> <p>a) Driveways and parking b) Landscaped area c) Solar planning; and d) Privacy and outlook.</p>	Setbacks are complied with.	Yes
	<p>7) Setbacks from side boundaries should be varied to articulate walls to side boundaries:</p> <p>a) a minimum setback of 2m, but only b) along not more than 50% of any boundary.</p>	Complies. Minimum side setbacks of 2.4m are provided for significantly less than 50% of any boundary.	Yes
	<p>8) Zero setbacks from the side boundary are not permissible except for single garages or carports with an open appearance according to - Garage design, not taller than 2.1 m at the boundary.</p>	N/A	N/A

Penrith Development Control Plan 2014 - Compliance Table

<p>2.4.8 Landscaped Area</p>	<p>1) Landscaped areas should provide:</p> <p>a) effective separation between neighbouring dwellings;</p> <p>b) healthy growth of new trees and shrubs;</p> <p>c) long-term survival of existing vegetation required by Council to be preserved;</p> <p>d) private courtyards for all dwellings and a green outlook;</p> <p>e) front gardens that contribute to an attractive streetscape; and</p> <p>f) where more than 10 dwellings are proposed, a centrally located communal open space area that is accessible and available to all residents of the development, comprising 10% of the minimum landscaped area requirement.</p> <p>g) The area of common open space proposed can be reduced where larger areas of private open space are provided for individual dwellings. Where there is no common open space proposed private courtyards must be a minimum of 40m².</p>	<p>As noted, setbacks are complied with and high quality landscaping is provided.</p> <p>The landscape plan submitted with the application identifies suitable species for the site and area of landscaping.</p> <p>Existing neighbouring and street trees are to be retained and protected.</p> <p>Complies</p> <p>POS is provided within the street facing setbacks.</p> <p>The proposed central courtyard is approximately 370m² which exceeds 10% of the landscape area requirement.</p> <p>Each unit has high quality POS. However the communal area does not need to be reduced in size.</p>	<p>Yes</p>
	<p>2) Landscaped area must meet the following requirements:</p> <p>a) Landscaped areas should be:</p> <p>Zone R3 = 40% (1,952.4m²)</p>	<p>The development proposes 2,137m² of landscaping which is 43.7% of the site area.</p>	<p>Yes</p>
	<p>b) have a minimum width of 2m – with no basement encroachment; and containing unexcavated soil to promote landscaping that is effective and healthy;</p> <p>c) may include terraces and patios located not higher than 0.5m above ground and pedestrian pathways to building and dwelling entrances;</p> <p>d) do not include substantially-paved areas such as buildings, driveways and covered garages;</p> <p>e) should include verges that surround car parking areas and open driveways;</p> <p>f) should provide a reasonable area of private open space in accordance with the part within this section on design;</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p>

Penrith Development Control Plan 2014 - Compliance Table

	g) where more than one building is proposed, that part of any easement exceeding 10% of the site area shall not be included in the landscaped area calculation.	Easements not proposed.	
2.4.9 Solar Planning	<p>1) The applicant must demonstrate that dwellings meet acceptable solar standards and that existing neighbouring and proposed private open spaces receive adequate solar access by:</p> <p>a) Providing shadow diagrams prepared by a qualified technician for all two-storey buildings and additions;</p> <p>b) Illustrating the impacts of proposed development upon existing neighbouring dwellings and their open space areas;</p> <p>c) Demonstrating shadows cast by neighbouring buildings;</p> <p>d) Maximising potential for solar gain by placing windows in all exterior walls that are exposed to northern sun;</p> <p>e) Ensuring that the proposed development provides a minimum of 4 hours sunlight between 9am and 3pm on 21 June, to living zones (ie areas other than bedrooms, bathrooms, kitchen and laundry) of each dwelling, and the living zones of any adjoining dwellings;</p> <p>f) Ensuring that the proposed development provides a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings;</p> <p>g) In situations where the existing overshadowing by buildings and fences reduces sunlight to less than the minimums noted above, the development is to not further reduced sunlight to the specified areas by more than 20%.</p> <p>h) Applications shall include: shadow diagrams for two-storey buildings or additions prepared by a qualified technician for 9am, 12 noon and 3pm on June 21 and any other time required by Council.</p>	<p>Easements not proposed.</p> <p>Shadow diagrams are provided.</p> <p>Elevation diagrams required</p> <p>Shadow diagrams demonstrate this.</p> <p>Complies</p> <p>The SEPP provides guidance specific to seniors housing as proposed. As such, the SEPP has been used as a guide in this instance.</p> <p>The development provides a level of overshadowing which is reasonably anticipated by the controls applicable to a Seniors Housing development.</p> <p>As above.</p> <p>Shadow diagrams are provided.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>On merit</p> <p>On merit</p> <p>Yes</p>
2.4.11 Corner Sites and Park Frontages	<p>2) For corner lots and park frontages:</p> <p>a) the rear and front setbacks may be measured relative to the shortest boundaries;</p> <p>b) living rooms, dwelling entrances and verandahs may face either public frontage;</p> <p>c) building forms should be articulated;</p> <p>d) dormer windows may face either public frontage, and</p> <p>e) the area of driveways visible from public frontages should be minimised</p>	<p>Complies</p> <p>Complies</p> <p>Building form is highly articulated.</p> <p>Complies</p> <p>Complies</p>	<p>Yes</p>

Penrith Development Control Plan 2014 - Compliance Table

	<p>3) For frontages to a second street:</p> <p>a) minimum setback to dwellings and garage entrances should be 5.5m;</p> <p>b) minimum verandah setback should be 3m;</p> <p>c) each building should be no wider than 20m;</p> <p>d) adjacent buildings should be separated by garden corridors at least 2m wide that provide direct access from rear courtyards to the street;</p> <p>e) garden areas facing the street should be landscaped as private courtyards.</p>	<p>N/A – garage not proposed.</p> <p>N/A – 5.5m setback proposed.</p> <p>Complies</p> <p>Suitable building separation is proposed.</p> <p>A landscaped secondary street setback is provided to Doonside Street.</p>	Yes
2.4.12 Building Design	<p>1) Development should incorporate a variety of architectural features to minimise the apparent scale and bulk of two storey buildings:</p> <p>a) stepped alignment of walls;</p> <p>b) projections in the ground floor plan;</p> <p>c) rooms that extend beyond the upper storey;</p> <p>d) attached verandahs and carports;</p> <p>e) a variety of shadow-casting roofs:</p> <p>f) wide eaves;</p> <p>g) projecting verandahs and awnings;</p> <p>h) pergolas.</p>	Please see section 4.3.5 of the report above for detailed assessment of the building design.	Yes
	<p>2) Development should incorporate features that are typical of housing in established areas:</p> <p>a) stepped walls and articulated roof-forms;</p> <p>b) windows and doors inserted into all visible walls;</p> <p>c) a variety of materials including lightweight cladding and brickwork both face and painted.</p>	As above.	Yes
	<p>3) Variety in architectural features should be apparent in all visible facades:</p> <p>a) facing the street;</p> <p>b) facing side driveways; and</p> <p>c) facing neighbouring residential properties.</p>	As above.	Yes
2.4.14 Design of Dwellings and Private Courtyards	<p>1) A reasonable area of private open space should be provided for each dwelling:</p> <p>a) a minimum of 25m²;</p> <p>b) including one area measuring at least 5m by 4m, suitable for outdoor dining; and</p> <p>c) located immediately beside, and level with, living or dining rooms; and</p> <p>d) also incorporating an area for outdoor clothes-drying at least 2m wide, exposed to sunlight and breeze, screened from view by a fence or wall at least 1.8m tall; and</p> <p>e) with access direct to the street or common driveway:</p> <p>f) through a courtyard at least 2m wide; or</p> <p>g) via a carport with an open design.</p>	N/A – the facility is to operate as seniors housing, whilst it has been designed to be of a similar character and appearance as multi-dwelling housing the SEPP requirements for outdoor space are more appropriate in this instance.	N/A

Penrith Development Control Plan 2014 - Compliance Table

	<p>2) Landscaped areas should maximise the area available for private courtyards and gardens:</p> <p>a) the front and rear boundary setbacks should be used for private gardens,</p> <p>b) common open space should be restricted to driveway verges.</p>	<p>Front and rear setbacks are landscaped and include, or adjoin POS. N/A – COS is provided central to the site, not adjacent to a drive as this would not be appropriate.</p>	<p>Yes N/A</p>
2.4.19 Visual and Acoustic Privacy and Outlook	<p>1) Demonstrate a package of measures that achieves reasonable privacy:</p> <p>a) for adjacent dwellings: at least 3m between any facing windows, screened by landscaping or other means including courtyard walls, or pergolas to prevent cross viewing from first storey windows;</p> <p>b) dormer windows generally to be oriented to face the street or the rear boundary;</p>	<p>No windows on adjoining development are within 3m of proposed windows. Complies.</p>	<p>Yes</p>
	<p>c) private courtyards should be screened by pergolas and masonry walls to prevent direct cross-viewing and excessive transmission of noise;</p> <p>i) screening measures, including:</p> <p>ii) offsetting of windows; or</p> <p>iii) oblique orientation for windows; or</p> <p>iv) external screens to windows; or</p> <p>v) courtyard walls and pergolas;</p> <p>vi) note that landscaping (other than established trees and shrubs that are proposed to be retained) should not provide the principal means of screening;</p> <p>vii) rooms other than bedrooms should have any windows facing a driveway screened by landscaped verges at least 2m wide,</p> <p>viii) bedroom windows facing a driveway should be screened by masonry walls at least 1.5m tall located at least 1m from the face of the window;</p>	<p>POS is appropriately screened</p>	<p>Yes</p>
	<p>d) for windows of habitable rooms with a direct outlook onto windows of habitable rooms of adjacent dwellings:</p> <p>i. are offset by a distance sufficient to limit views between windows; or</p> <p>ii. have sill heights of 1.7 m above floor level; or</p> <p>iii. have fixed obscure glazing in any part of the window below 1.7 m.</p>	<p>Where habitable rooms overlook side boundaries they are set back in excess of 5.8m and are offset.</p>	<p>Yes</p>
	<p>e) All balconies and decks higher than 800mm above existing ground level shall incorporate privacy measures such as screening or landscape planting.</p>	<p>Complies</p>	<p>Yes</p>
	<p>2) Demonstrate measures that protect dwellings from external noise sources:</p> <p>a) windows to ground-level living rooms screened by landscaped verges at least 2m wide,</p> <p>b) within any dwelling, bedrooms should not adjoin the garage or living rooms of a neighbouring dwelling; internally, bedrooms should be segregated and separated from living areas by hallways, stairs or service rooms;</p>	<p>Complies Complies</p>	<p>Yes</p>



Penrith Development Control Plan 2014 - Compliance Table

	<p>c) sound resisting construction of separating walls, floors and windows, in accordance with BCA;</p> <p>d) zoning of dwellings into active living areas and passive sleeping areas, separated by corridors and/or service zones;</p> <p>e) plant and equipment should be effectively screened and located away from sleeping areas;</p> <p>f) along frontages to noisy arterial roads or the rail corridor:</p> <p>g) locate habitable rooms and private open spaces away from noise sources and if required protect with appropriate noise shielding devices.</p>	<p>The development is BCA compliant.</p> <p>Complies</p> <p>Standard residential layouts proposed. No plant such as A/C units are proposed.</p> <p>Stafford Street and Doonside Road are not noisy arterial roads.</p> <p>Standard residential layouts are proposed.</p>	
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