

Department of Planning, Housing and Infrastructure

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Carlingford Seniors Housing Development

State Significant Development Assessment Report (SSD-33631237)

July 2024





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Cover Image: Perspective looking south-west from the corner of Martins Lane and Wulaba Place

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Preface

This assessment report provides a record of the Department of Planning, Infrastructure and Housing's (the Department) assessment and evaluation of the State significant development (SSD) application for the Carlingford Seniors Housing development located at 1 Martins Lane and 3A Homelands Avenue, Carlingford, lodged by BaptistCare NSW. The report includes:

- an explanation of why the project is considered SSD and who the consent authority is
- an assessment of the project against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the project during the assessment process
- an assessment of the likely environmental, social and economic impacts of the project
- an evaluation which weighs up the likely impacts and benefits of the project, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- an opinion on whether the project is approvable or not, along with the reasons, to assist the Independent Planning Commission in making an informed decision about whether development consent for the project can be granted and any conditions that should be imposed.

Executive Summary

This report details the Department's assessment of the State significant development (SSD) application (SSD 33631237) for the Carlingford Seniors Housing proposal at 1 Martins Lane and 3A Homelands Avenue, Carlingford (the Proposal).

The Applicant is BaptistCare NSW (the Applicant) and the site is located within the City of Parramatta (Council) local government area (LGA).

The site is located within the southern half of the former BaptistCare Carlingford seniors housing development site (fBC Site). The fBC Site has previously been the subject of a Planning Proposal (2019) which increased height and density controls, a Voluntary Planning Agreement for site improvements and a planning application for the redevelopment of the northern half of the fBC Site for an affordable housing development.

This application seeks consent for site preparation works, construction of seven, one to six storey buildings and basement levels providing for a residential aged care facility (RCF), independent living units (ILUs), respite day centre and car and bicycle parking on the southern portion of the fBC Site.

The proposal also seeks consent for tree removal, including the removal of 0.9 hectares of Blue Gum High Forest (BGHF) threatened ecological community. This would be offset by the purchase and retirement of two ecosystem credits and implementation of a Vegetation Management Plan for the protection and management of significant existing trees within the ecological zone located in the southern and eastern portions of the site.

The proposal also provides communal and public open spaces, footpaths, hard and soft landscaping, tree retention, protection and planting, stormwater and utility works and signage.

The proposal is declared as State significant development (SSD) under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and section 28 of Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) as the development comprises seniors housing, includes a residential care facility, has a CIV of more than \$30 million and there are no prohibited components of the development under an environmental planning instrument (EPI).

The proposed development is permissible with consent under the provisions of Section 81 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP).

The Independent Planning Commission (IPC) is the consent authority for the proposal under section 4.5 of the EP&A Act, as the City of Parramatta Council objects to the development.

The development is predicted to generate up to 551 construction jobs and 142 operational jobs and has a capital investment value (CIV) of \$188,200,000. If approved, construction of the project is proposed to commence in 2024 and be completed by 2026.

This report is provided to the IPC for their consideration when deciding whether to grant consent to the SSD.

Engagement

The Department exhibited the Applicant's environmental impact statement (EIS) from 23 February 2023 until 22 March 2023 (28 days). During the exhibition period, the Department received advice from 10 government agencies and two submissions, comprising one from Council and one from the public, both objecting to the proposal.

Council primarily objects to the proposed density of the development, insufficient separation (by a road or setback) to the ecological zone and lack of a road along the western boundary. Council's other key concerns include the bulk and scale of the proposal, traffic, landscaping and deep soil, tree and vegetation impacts. The public submission included concerns relating to built form, residential amenity, biodiversity, flooding, traffic, access and parking.

The Applicant submitted its response to submissions (RtS) on 6 October 2023 and provided additional information on 15 February and 31 May 2024 in response to issues raised in submissions and public authority advice.

The Applicant's RtS and additional information made key amendments to the proposal to reduce impacts on retained significant trees and the southern ecological zone, alternations to footpaths, internal layouts / design and stormwater infrastructure and minor amendments to GFA and FSR.

The Applicant also made clause 4.6 variation requests relating to non-compliance with the height of buildings and FSR development standards under the Parramatta Local Environmental Plan 2011 (PLEP) and the Housing SEPP.

Council maintained its objection primarily on the grounds of excessive density, the lack of roads and a southern setback in accordance with the Parramatta Development Control Plan 2011 (PDCP), impact on significant trees and resulting quality of accommodation.

Council and government agencies provided further comments and advice which informed the Department's recommended conditions in **Appendix F**.

Assessment

The Department has considered the merits of the proposal in accordance with section 4.15(1) of the EP&A Act, the issues raised in the submissions, and the Applicant's responses.

On balance, the Department considers the proposal is acceptable for the following reasons:

- it is consistent with the Greater Sydney Region Plan and the Central City District Plan as it will provide services and infrastructure to meet the changing needs of an ageing population and create opportunities for older people to age-in-place, close to family, friends and established health and support networks
- the minor building height exceedance of the lift overruns above the Housing SEPP permissible height is acceptable as these elements would not be visible from a pedestrian perspective. Further the building height overall is acceptable as the buildings are stepped with the slope of the land and provide an appropriate built form transition to existing adjoining properties
- the FSR exceedance is acceptable as all impacts associated with the development density can be managed or mitigated
- the Applicant has sufficiently considered options to avoid, mitigate or reduce its impact on BGHF as required under the *Biodiversity Conservation Act 2016* and all impacts will be offset by the purchase and retirement of two ecosystem credits and implementation of management and mitigation measures and a Vegetation Management Plan
- the removal of existing seven trees is justified as they either conflict with the development footprint, are of poor health or low landscape value. The proposal would provide 175 replacement trees, the majority of which would constitute native species endemic to the BGHF community
- the proposal provides for the rehabilitation of the ecological zone, while balancing the objectives for public access by providing an elevated boardwalk pedestrian link and connecting Grace Street to Martins Lane
- the proposal provides appropriate vehicular and pedestrian access for the proposed seniors housing and residential care land uses, and public access is provided via the western and southern pedestrian links
- it achieves a high level of internal and external amenity for future residents, which generally reflects consistency with the principles and design criteria of the Apartment Design Guide
- predicted traffic generation can be adequately accommodated within the existing road network, nearby intersections would continue to perform at acceptable levels
- the proposal provides a total of 282 spaces including 209 ILU resident spaces, 26 visitor spaces, 22 RACF spaces, 20 staff spaces and 5 respite care spaces which is significantly more than the Housing SEPP minimum car parking rates. The Department considers this is acceptable in this instance noting the ILU resident parking would also be used by in home care support as needed. In addition, the site has a steep topography of the site, there is limited on-street parking around the site, and it is located approximately 900m from the future light rail stop

- the proposal provides appropriate on-site service and emergency vehicle and bicycle parking
- the proposal has been designed to address flooding impacts, subject to conditions requiring the implementation of mitigation measures
- it would not result in adverse amenity impacts to neighbouring properties, particularly relating to operational noise, overshadowing, privacy and construction impacts can be managed / mitigated
- it has been designed in accordance with ecologically sustainable development principles and would achieve a minimum average 7-star NatHERs rating and outperform BASIX
- the proposal includes significant public benefits including the creation of seniors housing accommodation (RCF and ILUs), an ecological zone and is predicted to generate up to 551 construction jobs and 142 operational jobs.

Conclusion

The Department supports the proposal as it is consistent with strategy planning objectives, will deliver diverse housing opportunities, includes public benefits and the identified environmental impacts can be managed and / or mitigated subject to the recommended conditions.

As such, the Department considers the project is in the public interest and concludes that the project is approvable, subject to conditions.

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1 Introduction

1.1 Application summary

1. This report provides an assessment of a State significant development (SSD) application seeking approval for the Carlingford seniors housing development, located at 1 Martins Lane and 3A Homeland Avenue (the Proposal)
2. The application seeks approval for site preparation works and tree removal, construction of seven, one to six storey buildings and basement levels providing for a residential aged care facility (RCF), independent living units (ILUs) and a respite day centre.
3. The application has been lodged by BaptistCare (the Applicant) under Part 4, Section 4.38 of the Environmental *Planning and Assessment Act 1979* (EP&A Act).

1.2 The former BaptistCare Carlingford site

4. The former BaptistCare Carlingford site (fBC Site) is located at 264-268 Pennant Hills Road, approximately 21 kilometres (km) north-west of the Sydney CBD and 5 km north-east of the Parramatta CBD in the City of Parramatta (Council) local government area (LGA).



Figure 1 | The fBC Site location and surrounding context (Base source: Nearmap)

5. The fBC Site has an area of 27,112 m², is rectangular in shape and has frontages to Pennant Hills Road to the north and Martins Lane to the east. It shares its western and southern boundaries with low density residential properties fronting Azile Court and Homeland Avenue (**Figure 1**).
6. Until its recent demolition (2019), the fBC Site contained a seniors housing development comprising RCF, ILUs, supported housing and respite care facility. The former seniors housing development accommodated up to 315 residents and approximately 165 staff.
7. The site is now divided in two development sites, comprising:
 - Site A – a northern site containing a four-storey affordable housing development (Gimbawali), comprising 162 apartments, basement parking and a southern east-west and western north-south road (Wulaba Place)
 - Site B – an undeveloped southern site containing bare, grassed, hard stand and treed areas.
8. Pedestrian access to Site A is from all adjoining roads and vehicular access is via Wulaba Place. Site B is accessed from Martins Lane and Wulaba Place. The Precinct does not contain

any State or local listed heritage items. Site B contains areas of biodiversity value along its southern and eastern boundaries.

9. This application relates to the undeveloped southern site / Site B of the fBC Site and an adjacent residential lot at 3A Homelands Avenue (hereafter referred to as the site).

1.3 The site (Site B and 3A Homelands Avenue)

10. The site is irregular in shape and has frontages to Martins Lane, Homelands Avenue and Wulaba Place. It also shares its southern and western boundaries with residential properties fronting Homelands Avenue and Azile Court (**Figure 2**).
11. In total, the site covers an area of 19,905 m². 3A Homelands Avenue has an area of 793 m² and contains a single storey dwelling and associated outbuildings. Site B has an area of 19,112 m² and contains 24 existing native and non-native trees, grassed and bare soil areas, remnant hard standing / gravel surfaces and stormwater detention basins (**Figure 3** and **Figure 4**).
12. The site contains 24 native and non-native trees, 13 trees along the southern and eastern boundaries of Site B are identified as part of remnant Blue Gum High Forest (BGHF), which is listed as a threatened ecological community under the *Threatened Species Conservation Act 1995* (**Figure 3**). Little native understorey vegetation remains.
13. Portions of the southern and eastern parts of Site B relating to the BGHF are identified as environmentally sensitive land and mapped as having biodiversity value under section 7.3(3) of the *Biodiversity Conservation Regulation 2017* (BC Reg) and clause 6.4 of the Parramatta Local Environmental Plan 2011 (PLEP). (**Figure 5**).
14. The topography of the site slopes steeply from north to south, with a fall of approximately 16.5 m from its highest to lowest point. The site is impacted by flooding from overland flows during the 1 in 100 annual exceedance probability (1% AEP) and up to a depth of 0.3 m during probable maximum flood (PMF) flood events.



Figure 2 | Site location and immediate context (Base source: Nearmap)



Figure 3 | View north-west across the site from the south-east corner (Base source: Site visit 08 April 2024)



Figure 4 | The frontage (left) and Martins Lane access to 3A Homelands Avenue (middle) and view south towards the Martins Lane / Wulaba Place corner of Site B and trees T1, T2 and T3 (Base source: Site visit 08 April 2024)

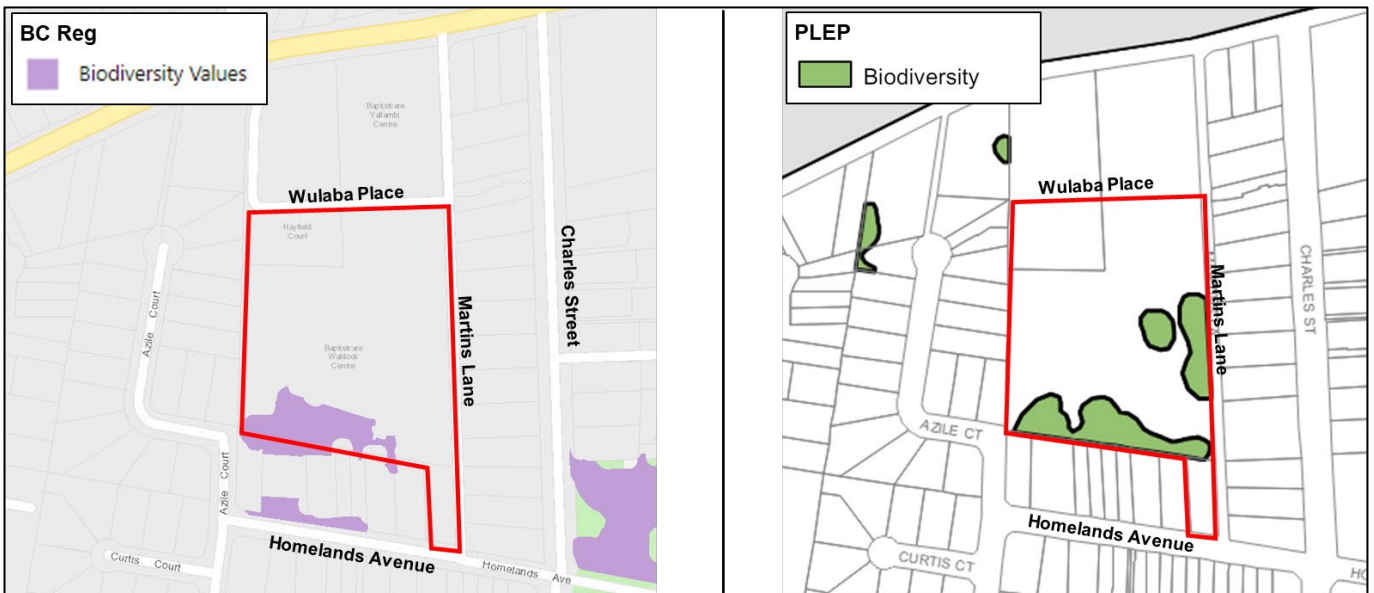


Figure 5 | Different biodiversity value mapping under the BC Reg (left) and PLEP (right) (Base source: BC Reg / PLEP). The BC Reg and PLEP mapping is inconsistent, with the BC Reg identifying biodiversity value along part of the southern boundary of the site and the PLEP showing biodiversity value along the full southern boundary and part of the eastern boundary

1.4 Surrounding context

15. The surrounding context comprises an established urban area generally characterised by low density housing interspersed with medium density residential development. The surrounding area is summarised below and shown at **Figure 6** to **Figure 8**:

- to the north is Site A / Gimawali, the four-storey affordable housing development and Wulaba Place. Beyond this is Pennant Hills Road, low and medium density residential dwellings and the Cumberland and James Ruse High Schools. Further to the north-east is

the Carlingford Light Rail Station (not yet operational) and medium / high density developments

- to the east is Martins Lane and single to four storey low and medium density dwellings fronting Charles Street. Properties at the northern end of Charles Street are zoned for high density development
- to the south and west are single and two storey residential dwellings fronting Homelands Avenue and Azile Court. Further south is the Homelands Reserve and oval and Telopea light rail station (not yet operational). Properties fronting Pennant Hills Road and at the northern end of Azile Court are zoned for high density development.

16. There are no State or local heritage items within the immediate vicinity of the site. Martins Lane is subject to overland flooding to a similar degree as experienced on the site.

17. The site has access to public transport services and local shops and facilities as it is located:

- 100 m south of bus stops on Pennant Hills Road including several high frequency bus routes to Parramatta, Epping, Macquarie Park, Rydalmere and Norwest
- within 900 m walking distance of both the Carlingford and Telopea light rail stations which, once operational in mid-2024, will provide high frequency services to Parramatta CBD
- 800 m south-west of a local centre on the corner of Pennant Hills Road and Coleman Avenue and 1.5 km south-west of the Carlingford town centre.

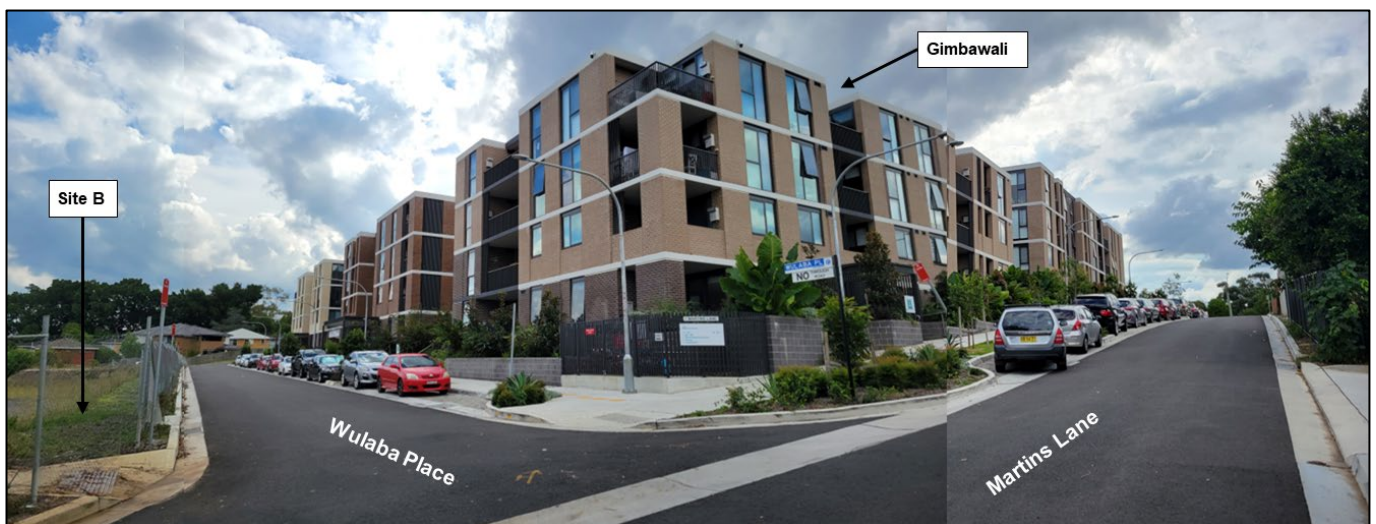


Figure 6 | View north-west towards Gimbawali at the corner of Wulaba Place and Martins Lane (Base source: Site visit 08 April 2024)

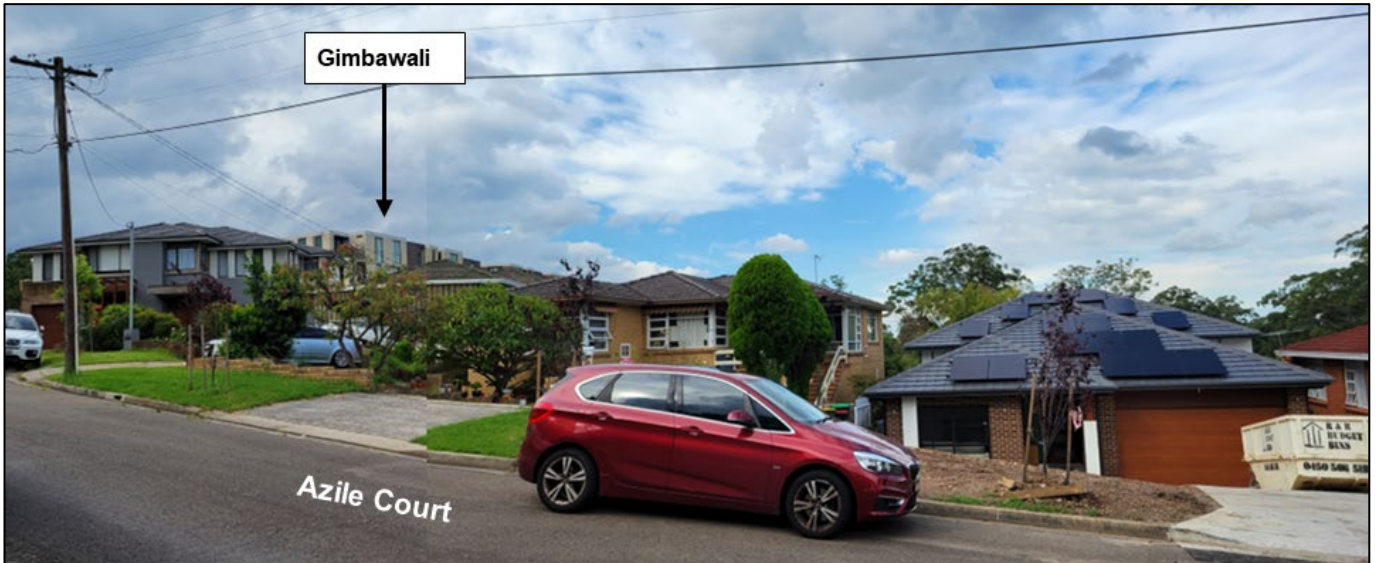


Figure 7 | View east towards dwellings fronting Azile Court (Base source: Site visit 08 April 2024)



Figure 8 | View west towards low and medium density dwellings fronting Charles Street (Base source: Site visit 08 April 2024)

1.5 Relevant planning history

1.5.1 BaptistCare Carlingford Planning Proposal (PP-2020-2759), planning agreement and development control plan

18. On 21 September 2019, a Planning Proposal for Site A and B was finalised and gazetted and the changes to the PLEP included:

- rezone the site from R2 Low Density Residential to R4 High Density Residential
- increase FSR from 0.5:1 to 1:1
- increase building height from 9 m to 14 m
- amend the Natural Resources Biodiversity Map.

19. The Planning Proposal included Voluntary Planning Agreement (VPA) and site specific development control guidelines, which are discussed below.

Voluntary Planning Agreement

20. The Applicant and City of Parramatta Council entered into a VPA in association with the rezoning of the site (**Figure 9**). The VPA was executed in August 2019 and included works for the signalisation of Baker Street and Pennant Hills Road, widening and public domain improvements to Martins Lane, dedication of land for new roadways, a north-south and east-west road, and the provision of 162 affordable housing units.

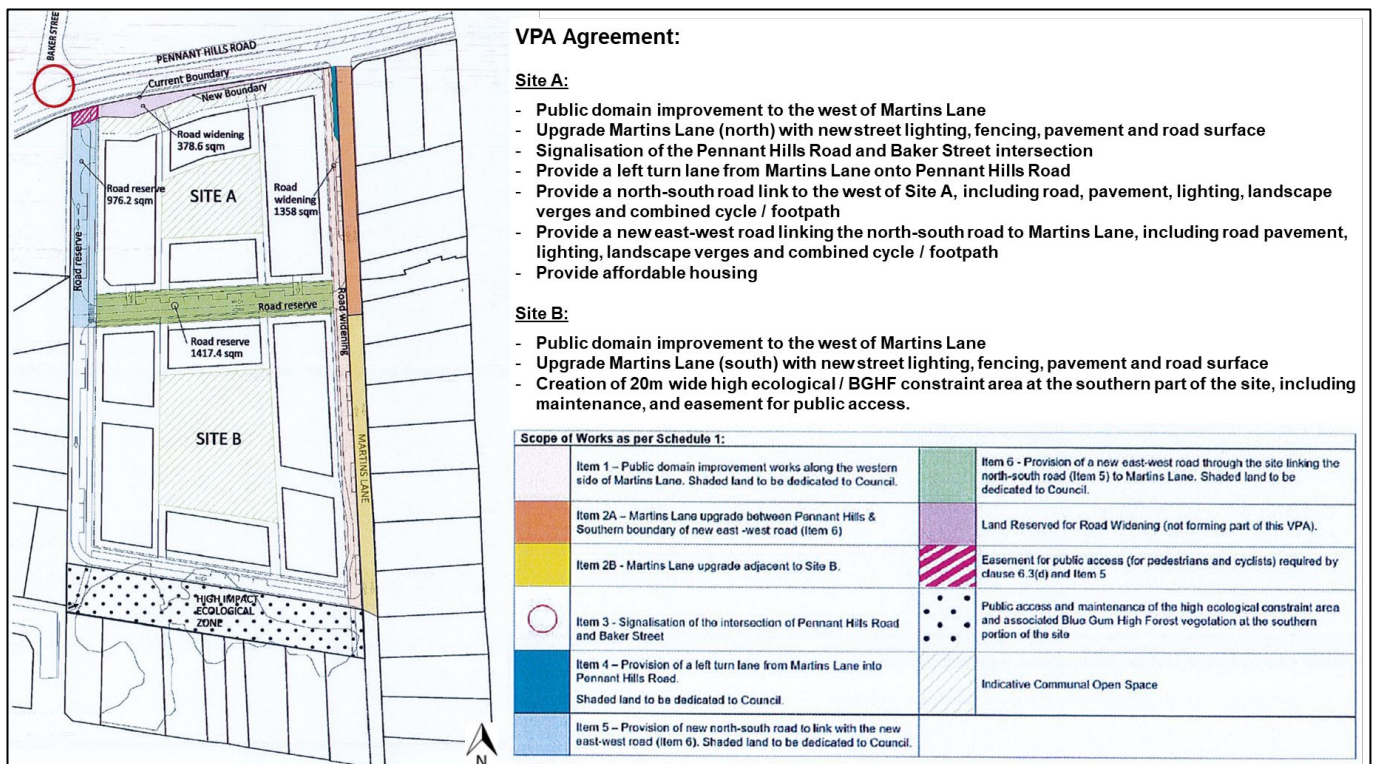


Figure 9 | Carlingford Precinct Improvements agreed through the VPA (Base source: Applicant’s EIS)

Parramatta Development Control Plan – site specific guidelines

21. Section 8.5.7 of the PDCP provides site-specific guidelines for the redevelopment of 264-268 Pennant Hills Road, Carlingford. The PDCP includes objectives and design guidance for Site A and B relating to built form and design excellence, height, setbacks, public domain, landscaping and ecological spaces (**Figure 10**).
22. The PDCP also sets out the ‘desired future character’ of the redevelopment of Site A and B, including:
- increased density to allow for the provision of new dwellings

- provision of residential apartment buildings of a height/scale that transitions to adjoining lower density development to the south and west
- new access roads and public domain widening of Martins Lane

23. In accordance with Section 2.10 of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP), DCPs do not apply to SSD. However, noting the PDCP includes site-specific guidance the Department has considered the relevant parts of the PDCP at **Section 6** and **Appendix B**.



Figure 10 | PDCP indicative building and road layouts (left) and site setback guidelines (right) (Base source: PDCP)

1.5.2 Previous development consents

Precinct site preparation works

24. On 16 January 2018, Council approved a development application (DA) (DA/689/2017) for demolition works, tree removal, site remediation and associated earthworks for the entire fBC Site. These works have been completed.

Affordable housing development (Site A)

25. On 23 December 2020, the Sydney Central City Planning Panel granted deferred commencement for a development consent (DA/242/2020) at the site for the consolidation of existing lots, re-subdivision to create 2 lots with associated road and pathway infrastructure, civil works and construction of an affordable housing development comprising 162 apartments with basement parking on Site A. The consent has been activated, modified on four occasions and the affordable housing development has been constructed and occupied. The affordable housing development is named Gimbawali (**Figure 11**).
26. This consent also includes the construction of a new concrete footpath along the western side of Martins Lane. The Department has confirmed that the footpath has been partly constructed beneath trees T1, T2 and T3 while visiting the site.



Figure 11 | View looking south-west across the Pennant Hills Road / Martins Lane intersection towards the completed affordable housing development on Site A (Source: Google Street View)

2 Project

2.1 Description of development

27. The application seeks approval for site preparation works and tree removal, construction of a seniors housing development comprising a residential aged care facility (RCF), independent living units (ILUs) and a respite day centre.
28. The key aspects of the project are outlined in **Table 1** and shown at **Figure 12** to **Figure 14**.

Table 1 | Key aspects of the project

Aspect	Description
Site preparation	<ul style="list-style-type: none"> Demolition of an existing dwelling (3A Homelands Avenue) and removal of seven trees. Bulk earthworks and excavation to a maximum depth of 9 m. Remediation of the site in accordance with the Remediation Action Plan.
Built form	<ul style="list-style-type: none"> Construction of seven, 1 to 6 storey buildings including: <ul style="list-style-type: none"> five 6 storey inter-connected buildings with a maximum height of 17.8 m (19.4 m including lift overrun) located at the northern end of the site (Buildings A to E) a part 3 to 4 storey building with a maximum height of 16.75 m (18.25 m including lift overrun) at the southern end of the site (Building F) a single storey building with a maximum height of 7.5 m on the single allotment at the corner of Homelands Avenue and Martins Lane (Respite Day Centre).
Gross floor area (GFA)	<p>A total GFA of 23,644 m², comprising:</p> <ul style="list-style-type: none"> 23,455 m² seniors housing GFA, including: <ul style="list-style-type: none"> 16,320 m² ILU GFA 5,461 m² RCF GFA 1,674 m² communal ILU / RCF GFA 189 m² Respite Day Centre GFA at 3A Homelands Avenue.
Floor space ratio (FSR)	<ul style="list-style-type: none"> Seniors housing FSR of 1.67:1 for development at Site B Respite Day Care FSR of 0.24:1 for development at 3A Homelands Avenue
Seniors housing accommodation	<ul style="list-style-type: none"> 96 RCF beds, within the lower levels of Building F.

Aspect	Description
	<ul style="list-style-type: none"> • 130 ILUs including 66x2 bed and 64x3 bed units, within Buildings A to E and the uppermost level of Building F.
Communal open space and ancillary amenities	<ul style="list-style-type: none"> • Provision of 7,465 m² of open space including: <ul style="list-style-type: none"> ○ ecological area and new public accessway with raised boardwalk ○ Level 1 dementia garden and western edge ○ Level 2, 3 and 5 terraces. • Indoor ILU and RCF administration and resident amenity spaces including: <ul style="list-style-type: none"> ○ RCF kitchen, staff and administration, multipurpose and ancillary rooms and café at ground floor level of Building F ○ ILU staff and administration, pool, function, gymnasium, games, library, cinema, health and beauty, café and dining rooms at Level 3 of Buildings A and E and beneath the upper courtyard.
Vehicle and pedestrian access	<ul style="list-style-type: none"> • Provision of three vehicle entrances off Martins Lane, including a vehicle entrance to the: <ul style="list-style-type: none"> ○ ILU basement via ramp beneath Building A ○ RCF basement via ramp beneath Building F ○ Respite Day Centre surface parking via driveway to rear of the centre building. • Provision of multiple pedestrian entrances to the development, including: <ul style="list-style-type: none"> ○ two entrances to the RCF within Building F at ground floor level southern façade ○ five entrances to the ILUs within Buildings A to E at Levels 2, 3 and 4 from Wulaba Place, Martins Road and the western landscaped area. • Extension of the pedestrian footpath along the western side of Martins Lane south to connect with Homelands Avenue. • Provision of publicly accessible pedestrian links through the western landscaped area and the southern ecological zone.
Parking	<ul style="list-style-type: none"> • 277 seniors housing car parking spaces, including: <ul style="list-style-type: none"> ○ 235 ILU spaces (209 resident and 26 visitor), incorporating 26 accessible spaces ○ 42 RCF spaces (22 visitor and 20 staff), incorporating two accessible spaces. • Five Respite Care Centre surface car parking spaces, incorporating two accessible spaces • Six motorcycle parking spaces at basement Levels 1 and 2.

Aspect	Description
	<ul style="list-style-type: none"> • 50 bicycle parking spaces including: <ul style="list-style-type: none"> ◦ 30 spaces for ILU residents at basement Level 1 ◦ 20 spaces for staff and end of trip facilities (EoT) at ground floor / basement level. • Three loading / unloading bays provided at basement levels, including: <ul style="list-style-type: none"> ◦ one for a courier van at Level 1, accessed via the ILU vehicle entrance ◦ two for 12.5 m long heavy rigid vehicles (HRV) accessed via the RCF vehicle entrance. • One on-site ambulance bay, located within the RCF porte-cochere, accessed via the RCF vehicle entrance.
Trees	<ul style="list-style-type: none"> • Removal of seven trees. • Retention and protection of 17 existing trees on the site and 16 existing trees on adjoining Homelands Avenue properties. • 167 replacement trees throughout the site within the ecological zone, Dementia Garden, setbacks, communal open spaces and terraces. • 8 transplanted existing juvenile BGHF trees within the southern ecological zone and the western setback. • An overall increase of 1,498 m² site-wide tree canopy cover (from 1,150² to 2,648 m²).
Landscaping and public domain	<ul style="list-style-type: none"> • 7,465 m² of landscaped areas, including: <ul style="list-style-type: none"> ◦ 4,205 m² of public open space, including the southern ecological area and western setback ◦ 3,260 m² of communal open space, including Dementia Garden (Level 1), courtyards (Level 2 and 3) and roof terraces (Level 5) incorporating outdoor dining, amenities and hard and soft landscaping ◦ 3,807 m² of deep soil zone (20% of total site area) • Private ILU roof terraces (Level 4, 6, 7 and 8) • Retain, restore and adapt the BGHF ecological zone area along the southern boundary of Site B and BGHF trees along the eastern boundary, including provision of publicly accessible hard paved and elevated paths / boardwalks and soft landscaping. • Provide a new landscaped area between the western boundary and the development, including a publicly accessible north-south pedestrian connection, a swale and hard and soft landscaping.

Aspect	Description
	<ul style="list-style-type: none"> • Hard and soft landscaping and pedestrian links within building setbacks to Martins Lane, Wulaba Place and Homelands Avenue.
Stormwater, flooding and utilities	<ul style="list-style-type: none"> • Construction of new stormwater / flooding infrastructure including four on-site detention tanks (OSD), a swale along the western boundary and connections to Sydney Water and Council's existing networks. • Construction of two free-standing, co-located electrical sub-stations fronting Martins Lane.
Signage	<ul style="list-style-type: none"> • Provision of one building identification sign on the eastern elevation of the RCF fronting Martins Lane. • Provision of wayfinding, information and safety signage throughout the development.
Hours of operation	<p>The development proposes the following hours of operation:</p> <ul style="list-style-type: none"> • RCF: 24 hours a day, 7 days a week • ILUs: 9am to 5pm 7 days a week (residents and families have 24 hour access) • Respite Day Centre: 9am to 5pm Monday to Sunday • Environmental zone public walkway: 24 hours a day, 7 days a week
Jobs	551 construction jobs and 142 operational jobs.
Capital investment value (CIV)	\$188,200,000



Figure 12 | Proposed building layout, setbacks, vehicle, pedestrian entrances and trees and open spaces
 (Base source: Rts)



Figure 13 | Perspective looking south-west across the Upper Courtyard towards Buildings E and F (Base source: RtS)



Figure 14 | Perspective looking west towards the Martins Lane elevations of Buildings A and B (Base source: RtS)

3 Strategic context

3.1 Project justification

- 29. The proportion of the population over 65 years of age in Greater Sydney is projected to grow from 13% to 18% over the next 20 years. The Social Impact Assessment submitted with the application indicates that the population of the LGA and the immediate locality (within 1km radius) is much older than average. In addition, the LGA population aged 70+ is expected to increase by 22,606 by 2041, creating a demand for an additional 535 to 628 ILUs by 2026 and 1,763 RCF places by 2041.
- 30. The proposal replaces a former seniors housing village that had reached the end of its economic life with new purpose built, modern RCF and ILUs. The proposal would improve access to seniors housing and provides an opportunity for more senior residents to age in place. The proposal supports the overarching strategic goal to alleviate housing pressure, responds to community needs and the needs of an aging demographic.

3.2 Strategic justification

- 31. The project is consistent with the strategies, plans and policies outlined in **Table 2**, and therefore the Department considers it appropriate for the site.

Table 2 | Strategic Justification

Strategy, plan or policy	Consistency	Comments
Greater Sydney Region Plan (Region Plan)	Consistent	<p>The Region Plan identifies priorities to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. The proposal would contribute to the Region Plan’s priorities of ‘A city supported by infrastructure’ and ‘housing the city’ and supports the direction to ‘create a city for the people’ as it provides:</p> <ul style="list-style-type: none"> • services and infrastructure to meeting changing communities’ needs, including ageing in place • ensures communities are healthy, resilient and socially connected • additional seniors housing accommodation in a highly accessible location • a housing type for an aging population which is more diverse and affordable.

Strategy, plan or policy	Consistency	Comments
Central City District Plan 2018	Consistent	<p>The proposal is located within the Central City District. The Central City District Plan sets out planning priorities and actions for supporting demographic change and improving the quality of life for residents.</p> <p>The proposal supports the plan as it provides an upgraded seniors housing development on an existing aged care site to respond to the needs of modern-day seniors and aged care standards. Additionally, the site is considered to be well placed for seniors housing development as a result of its good proximity to services, transport facilities, employment opportunities.</p>
Future Transport Strategy 2056 (FTS 2056)	Consistent	<p>The FTS 2056 outlines a planned and coordinated set of actions to address challenges faced by the NSW transport system to support the State's economic and social performance over the next 40 years.</p> <p>The proposal is consistent with the key outcomes of the FTS 2056 as the site is located approximately:</p> <ul style="list-style-type: none"> • 150 m walking distance of bus stops on Pennant Hills Road providing three bus routes to Parramatta and Macquarie Park • 900 m walking distance of an existing local centre and Carlingford light rail stop and 1.5 km from the Carlingford town centre. <p>The proposal also includes pedestrian through site links and would encourage active transport and sustainable travel options through the implementation of a Green Travel Plan (as discussed at Section 6.5).</p>
Housing 2041: NSW Housing Strategy	Consistent	<p>The NSW Housing Strategy supports the provision of new housing stock in NSW and to increase the diversity and affordability of housing.</p> <p>The proposal is consistent with the strategy as it would provide a diverse range of dwelling types in the strategic centre of Carlingford, including RAC units and ILUs in a variety of dwelling sizes and layouts.</p>
Ageing Well in NSW: Seniors Strategy 2021 – 2031 (Seniors Strategy)	Consistent	<p>The Seniors Strategy responds to the opportunities and challenges of the ageing population. The strategy focuses on five priority areas including health and wellbeing, working and retiring, housing choices, getting around and inclusive communities.</p> <p>The proposal is consistent with the strategy as it would directly contribute to the provision of seniors housing to cater for the needs of a growing aging population and has been designed to promote a socially inclusive community.</p>

Strategy, plan or policy	Consistency	Comments
Local Strategic Planning Statement City Plan 2036 (LSPS)	Consistent	<p>The LSPS is a 20-year plan for the LGA that realises the aims and objectives of the Region and District Plan. The LSPS encourages a mix of housing types, including seniors housing.</p> <p>The proposal supports the vision by renewing the replacing a former aged care facility with a new RCF and ILUs to meet the needs of an ageing population, close to services and transport to allow ageing in place.</p>
City of Parramatta Local Housing Strategy 2020 (LHS)	Consistent	<p>The LHS provides direction for future housing growth to 2036 and beyond. The LHS anticipates approximately 34,000 additional seniors (70 years +) will live in the City of Parramatta LGA between 2020 and 2036 and identifies the need for future housing supply to include more and diverse types of seniors housing.</p> <p>The proposal supports the strategy as it is consistent with the goals of the plan to meet the housing needs of its aging population, redeveloping an existing site used for aged care and importantly, to develop an age-friendly community where the needs of residents are prioritised.</p>

4 Statutory context

4.1 Permissibility and assessment pathway

32. The Department’s consideration of the legal pathway under which consent is sought and the permissibility of the project are provided in **Table 3** below.

Table 3 | Assessment pathway, consent authority and permissibility

Description	Consideration
Assessment pathway	<p>State significant development</p> <p>The proposal is declared SSD under section 4.36 of the EP&A Act in accordance with section 2.6(1) and section 28 of Schedule 1 of the Planning Systems SEPP as:</p> <ul style="list-style-type: none"> the development is for the purposes of seniors housing, which includes a RCF and has a CIV greater of \$30 million (in the Greater Sydney region) there are no prohibited components of the development under an EPI the development is permissible with development consent under Part 4 of the EP&A Act.
Consent authority / decision-maker	<p>Independent Planning Commission (the Commission)</p> <p>The Commission is the declared consent authority under section 4.5(a) of the EP&A Act and section 2.7(1) of the Planning Systems SEPP, as Council made a submission objecting to the proposal during the exhibition period.</p>
Permissibility	<p>Permissible with consent</p> <ul style="list-style-type: none"> The subject site is zoned R4 High Density Residential and R2 Low Density Residential under PLEP 2011. The proposed seniors housing is located wholly within the R4 zone, while the respite day centre is within land zoned R2. The proposed RCF and ILUs are permissible with consent within the R4 zone under the PLEP and Part 5, Division 1, section 81 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP). The respite day care centre is permissible with consent in the R2 zone under the PLEP.

4.2 Other approvals and authorisations

33. The proposal will not require an environment protection licence issued by the NSW Environment Protection Authority under section 42 of the *Protection of the Environment Operations Act 1997*.

34. Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD. This is because all relevant issues are considered during the assessment of the SSD application.
35. Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD (e.g. approvals for any works under the Roads Act 1993). These authorisations must be substantially consistent with any SSD development consent for the proposal.
36. The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the project (**Section 5** and **Section 6**). Suitable conditions have been included in the recommended conditions of consent (**Appendix G**).

4.3 Planning Secretary’s environmental assessment requirements

37. The Department’s review determined that the EIS addresses each matter set out in the Planning Secretary’s environmental assessment requirements (SEARs) issued on 24 December 2021 and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

4.4 Mandatory matters for consideration

4.4.1 Matters of consideration required by the EP&A Act

38. Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department’s consideration of these matters is shown in **Table 4**.

Table 4 | Matters for consideration

Matter for consideration	Department’s assessment
Environmental planning instruments (EPIs), proposed EPIs and development control plans	Appendix B and Appendix G
Any planning agreement	An existing VPA applies to the Carlingford Precinct (Site A and B). The Department has considered the VPA were relevant at Section 6 .
EP&A Regulation	Appendix B

Matter for consideration	Department's assessment
Likely impacts	Section 6 – Assessment
Suitability of the site	Section 1 - Introduction, Section 3 - Strategic Context and Section 6 – Assessment
Public submissions	Section 5 - Engagement and Section 6 – Assessment
Public interest	Section 5 - Engagement, Section 6 - Assessment & Section 7 - Evaluation

4.4.2 Objects of the EP&A Act

39. In determining the application, the consent authority should consider the consistency of the proposal with the relevant objects of the EP&A Act (section 1.3) including the principles of ecologically sustainable development (ESD). The Department has considered these factors in **Appendix B**.
40. As a result of the analyses in **Appendix B**, the Department is satisfied that the development is consistent with the objectives of the EP&A Act and the principles of ESD.

4.4.3 Biodiversity development assessment report

41. Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless it is determined that the proposal is not likely to have any significant impact on biodiversity values.
42. The EIS included a BDAR, which assessed the biodiversity values on the site, impacts of the proposal in accordance with the BC Act and includes offsets and mitigation measures. The BDAR was subsequently updated in response to submissions.
43. The BDAR confirmed the development results in the removal of 0.09 ha of Critically Endangered Ecological Community (CEEC) native vegetation listed under the BC Act. To address the removal of the identified CEEC vegetation, the BDAR recommended the retirement of two ecosystem credits and other management and mitigation measures during and following construction.
44. The Department has considered biodiversity impacts in detail at **Section 6.3** and concludes impacts can be managed and mitigated subject to conditions requiring the retiring of two ecosystem credits, implementation of the BDAR management and mitigation measures and the Department's additional recommended mitigation measures.

5 Engagement

5.1 Public exhibition and notification

45. The Department publicly exhibited the EIS on its website from 23 February 2023 until 22 March 2023 (28 days) and notified surrounding landowners, Council and relevant public agencies in writing. The Department also published the Applicant’s response to submissions and additional information on its website and notified Council and relevant public authorities.
46. The Department undertook site visits on 20 June 2023 and 5 March 2024.
47. The Department received two submissions in response to the exhibition of the EIS comprising one from Council and one from the public, both objecting to the proposal. The Department also received advice from 10 public authorities.
48. A summary of the submissions and public authority advice received during the exhibition and subsequent notification of the response to submissions and additional information is provided at **Table 5**. A summary of the issues raised is provided at **Sections 5.2 to 5.4** and a link to the submissions and advice is provided at **Appendix A**.
49. The Applicant has taken steps set out in **Sections 5.5** to address issues raised in the submissions, advice and in response to the Department’s requests for further information, which are discussed in detail in its:
 - Response to Submissions (RtS) dated 6 October 2023
 - Responses to Request for Further Information (RRFI) dated 15 February and 31 May 2024.

Table 5 | Summary of public exhibition and notification of the application

Stage	Exhibition / Notification Period	Submissions and advice
EIS	23 Feb 2023 until 22 Mar 2023 (28 days)	<ul style="list-style-type: none"> • an objection from Council • one objection from the public • advice received from 10 public authorities
RtS	6 Oct 2023 until 20 Oct 2023 (14 days)	<ul style="list-style-type: none"> • Council maintained its objection • five public authorities provided advice
RRFIs	15 Feb 2024 until 29 Feb 2024 (14 days) 31 May 2024 until 14 Jun 2024 (14 days)	<ul style="list-style-type: none"> • Council maintained its objection • four public authorities provided advice

50. The Department has considered the comments raised by the community, Council and public authorities during the assessment of the application (**Section 6**) and where appropriate has recommended conditions of consent (**Appendix G**) to minimise the impacts of the proposal.

5.2 Summary of advice received from public authorities

51. A summary of the public authority submissions is provided in **Table 6**. This summary outlines the final position and any outstanding comments raised by each public authority response to the exhibition of the EIS and, where relevant, notification of the RtS and RRFI. A link to a copy of the advice is provided in **Appendix A**.

Table 6 | Summary of authority advice

Department of Climate Change, Energy the Environment and Water (DCCEEW), Biodiversity, Conservation and Science Group (BCS)

BCS reviewed the Applicant's EIS, RtS and both RRFIs and provided comments on flooding, biodiversity value, impacts on retained trees / tree roots and the BGHF CEEC, the design of the southern ecological zone, proposed planting, tree transplanting, ongoing tree care / maintenance, VMP mitigation measures and stormwater impacts.

BCS considered the Applicant's responses to its comments and confirmed that its previous concerns had been addressed.

BCS recommended conditions relating to engaging a project arborist, root pruning in accordance with Australian Standards, no pruning of roots greater than 50mm, works certification, VMP monitoring of BGHF trees, VMP mitigation measures and implementation of the BDAR recommended offsets and mitigation measures.

NSW State Emergency Service (SES)

The SES reviewed the Applicant's EIS, RtS and RRFI and provided comments on cumulative impacts, flood modelling and assumptions, shelter in place strategy, the FERP, building flood defence design and the response to flash flooding.

The SES considered the Applicant's responses to its comments. The SES's final advice and outstanding comments are summarised below:

- in relation to flash flooding, the Applicant should:
 - locate any aged care facilities, medical centres, day hospital above the PMF level
 - provide readily accessible habitable areas above the PMF for potential occupants, clients and visitors
 - implement drills of the FERP to ensure its effectiveness and consider installation of PA system
 - provide for amenities and essential services (power, water and sewerage) during flood events
 - address secondary risks of fire and medical emergency during flood events

NSW State Emergency Service (SES)

- maintain the ability of the existing community to effectively respond and self-evacuate
- update the FERP to consider people visiting the area / using the development
- implement an effective flood warning strategy, effective signage and emergency drills during construction and operational phases and review and update the FERP over time.
- amend the FERP to:
 - remove the statement that ‘vehicles can safely traverse floodwaters’ and instead provide that horizontal evacuation pathways are included as the primary travel path
 - include the Australian Warning System categories
 - include measures to prevent cars exiting the basement car park into flood waters on Martins Lane.

Transport for NSW (TfNSW)

TfNSW reviewed the Applicant’s EIS and RtS and provided comments on car pooling, traffic generation rates, on-site car parking, mode share targets, bicycle parking, green travel plan (GTP) and Travel Access Guide (TAG).

TfNSW considered the Applicant’s responses to its comments. TfNSW recommended the Applicant:

- update the Green Travel Plan (GTP) to include an implementation Plan for proposed initiatives and ongoing monitoring measures
- prepare a Travel Access Guide for future residents in accordance with TfNSW requirements.

The Department has recommended conditions accordingly.

NSW DCCEEW Water

NSW DCCEEW Water reviewed the Applicant’s EIS, RtS and RRFI and provided comments on groundwater take and volume, Water Access Licence (WAL) and consideration of NSW Aquifer Interference Policy 2012.

NSW DCCEEW Water considered the Applicant’s responses to its comments. NSW DCCEEW Water’s final advice recommended the Applicant obtain a WAL, unless an exemption applies in accordance with the regulations.

The Department has recommended conditions accordingly.

Heritage NSW

Heritage NSW reviewed the Applicant’s EIS and stated the site is not listed as a state heritage item (SHR) item or in the immediate vicinity of any SHR items and does not contain any known historical non-aboriginal archaeological relics.

Heritage NSW Aboriginal Cultural Heritage (Heritage ACH)

Heritage ACH reviewed the Applicant’s EIS and confirmed the Aboriginal Cultural Heritage Assessment (ACHAR) has been prepared in accordance with Heritage ACH requirements. Heritage ACH confirmed it

Heritage NSW Aboriginal Cultural Heritage (Heritage ACH)

supports the ACHAR recommended management / mitigation measures.

Endeavour Energy

Endeavour Energy reviewed the Applicant's EIS and provided the following comments:

- an electrical sub-station is located on-site and low voltage under / above ground cables adjoin the site
- no activities should occur in Endeavour Energy easements and adhere to minimum safety standards
- an application for network connection must be submitted to Endeavour Energy
- the proposed new electrical sub-stations must be located within the property and include an easement and restrictions benefitting Endeavour Energy
- no trees should be planted within the easement of an electrical sub-station.

Endeavour Energy provided standard construction, connection and safety advice.

Sydney Water

Sydney Water reviewed the Applicant's EIS and provided the following comments:

- a Section 73 application must be submitted to Sydney Water
- the site has access potable water and wastewater to service the development. However, amplifications, adjustments or minor extensions may be required
- all tree planting to adhere to Sydney Water's specifications within Section 46 of *Sydney Water Act 1994* and Technical Guideline Building Over and Adjacent to Pipe Assets - Diagram 5 Planting Trees.

Fire and Rescue NSW (FRNSW)

FRNSW reviewed the Applicant's EIS and RtS. FRNSW's final advice recommended the Applicant:

- provide safe, efficient and effective access in accordance with FRNSW fire safety guidelines
- provide assess on first principles basis all category 2 fire safety provisions deemed as BCA non-compliant
- install additional smoke hazard management measures
- prepare an Emergency Response Plan and an Emergency Services Information Package in accordance with FRNSW guidelines.

Environment Protection Authority (EPA)

The EPA reviewed the Applicant's EIS and provided the following comments:

- the proposal is not a Scheduled Activity under the *Protection of the Environment Operations Act (1997)* and does not require an Environment Protection Licence
- there are no activities for which the EPA is the appropriate regulatory authority and the site is not being regulated by the EPA under the Contaminated Land Management Act (1997).

5.3 Summary of Council submissions

52. Council objected to the proposal. A summary of the issues raised by council is provided in **Table 7** and a link to all submissions in full is provided in **Appendix A**.

Table 7 | Summary of public exhibition and notification of the application

City of Parramatta Council

Council reviewed the Applicant's EIS, RtS and RRFI and objected the proposal on the following grounds:

- the increase in density beyond the Housing SEPP 25% bonus is not supported
- the bulk and scale of the development is inappropriate and adversely impacts significant trees
- a road should be provided within the western setback
- Building F should be separated from the southern ecological zone by a road or setback.

Council's final advice and outstanding comments are summarised below:

- the proposal should be amended to address the following built form and urban design matters:
 - reduce the total GFA so it does not exceed the Housing SEPP FSR standards
 - comply with the DCP setback and height of building controls
 - reduce the bulk and scale of Building F to reflect character of adjoining low density zone
 - include a 12 m setback between Building F and the 20 m southern ecological zone (32 m total) in accordance with DCP requirements
 - incorporate privacy screens to the southern elevation of Building F to reduce privacy impacts
 - amend the operational waste strategy to comply with Council's layout and design requirements
 - provide individual street address / access for ILUs in Building E and on the top floor of Building F
 - provide an accessible pedestrian path to Building E along the western boundary from Wulaba Place
 - incorporate building articulation including:
 - minimum upper level setback of 3 m above 4 storeys
 - 60 m maximum building length and 6 m separation between buildings
 - break building lengths into two or more components with minimum 3 m wide, 3 m deep breaks
 - update the Public Art Strategy (PAS) from a conceptual to detailed strategy, confirm location of art, artist selection, confirm provision of contemporary art and separate the PAS from heritage interpretation
- the proposal should be amended to address the following amenity matters:
 - remove high-level ILU windows facing internal communal sitting areas due to inadequate ventilation
 - exclude the southern ecological zone from the calculation of communal open space
 - apply ADG solar / ventilation standards to each individual building, not as a site-wide average
 - remove subterranean ILUs B104 and D103, no unit should be 500 mm below natural ground level

- units 500 mm or less below natural ground must demonstrate adequate solar access and open space, include minimum 5 m setback from retaining wall(s) and have minimum 3 m ceiling height
- the proposal should be amended to address the following matters in relation to landscaping, trees and public domain:
 - improve the design and future amenity of new public pedestrian connections and ensure all connections are publicly accessible 24 hours a day, seven days a week
 - provide a clear delineation between private / communal and public open spaces
 - the root mapping provided does not ameliorate previous concerns about impact on significant trees
 - revise retaining wall footings to not impact on retained trees, use isolated pier / beam structure(s)
 - revise stormwater design to use non-destruction methods for drainage pipes in TPZs
 - provide elevated boardwalks / footpaths within TPZ of T1 to T6, including posts / supports around major roots and above natural ground level
 - no edging, excavation, compaction or regrading within TPZs
 - no works or new trees to be proposed within the Structural Root Zone (SRZ) of significant trees
 - relocate all construction stockpile to be outside the TPZ of significant trees
 - limit encroachments into TPZs to a maximum of 10% in accordance with the Australian Standard
 - replace proposed transplanted trees with 1,000 litre pot, advanced grown / mature tree stock
 - redesign the swale to allow for hedge planting along the western boundary
 - ensure planting on structure does not conflict with walls and is provided with adequate soil profiles
 - consider the Parramatta Public Domain Guide for works / planting in the public domain
 - update groundwater modelling, confirm tanked basement design and no groundwater discharge to Council's drainage network.
- the proposal should be amended to address the following traffic and transport matters:
 - provide a one-way, 12 m wide road and pedestrian path adjacent to the southern ecological zone in accordance with DCP requirements. Notwithstanding, at a minimum Building F should be set back at least 4 m from the 20 m line to allow for appropriate paths and access outside of the southern ecological zone
 - reduce the number of tandem parking spaces and accessible spaces should not be tandem design
 - the two vehicle entries and the pedestrian entries off Martins Lane are not supported due to their impacts on the ecological zones. In addition, the entries are not in alignment with the VPA plans and terms that were provided to Council.
 - redesign the ILU driveway so its gradient does not exceed 5% for the first 6 m into the property and its gradient at the footpath should not exceed 2.5% and be sloped towards the road (not the property)
 - remove all line-marking / pedestrian crossings across driveways from Martins Lane

- confirm adequate splays and sightlines are achieved at driveway
- redesign the RCF driveway / remove roller doors to provide unimpeded entry/exit for ambulances
- include an easement to ensure the extended Martins Lane footpath is publicly accessible at all times
- provide formalised road and / or footway to the private edge of the western and southern publicly accessible open spaces. Public parks sharing a boundary with private developments is not supported.

Council also recommended conditions, in the event that the application is approved, relating to biodiversity, flooding and drainage management, tree protection, pruning and management, water sensitive urban design features, public domain and kerb construction, remediation, dilapidation, street lighting and furniture, retaining walls, security measures, extension of Martins Lane footpath, equitable access, removal of line-markings, removal of roller doors, landscape amendments and payment of development contributions.

5.4 Summary of public submissions

53. The Department received one public submission from an individual during the public exhibition period of the EIS. A link to this submission is provided at **Appendix A**.
54. The public submission objects to the proposal on the basis of adverse impacts caused during the construction of the Gimbawali development on Site A. The submission notes that these impacts included traffic, parking, light spill, night works which overall caused a significant impact to the amenity of surrounding residents. The submission raised the concern that the proposed development could cause greater impacts than those experienced from the Gimbawali development.

5.5 Applicant's response to submissions, advice and additional information

55. On 14 April 2023, following the exhibition of the EIS, the Department placed copies of all submissions and advice received on its website and requested the Applicant to provide a response to the issues raised. The Department also wrote to the Applicant 7 July 2023, 8 March and 6 May 2024 requesting additional information, clarification and justification of the application.
56. On 6 October 2023, the Applicant provided its RtS, which included additional information and justification in response to the issues raised during the public exhibition of the proposal (**Appendix A**). The RtS also includes the following key amendments to the proposal:

- revised GFA and FSR calculation methodology based on Housing SEPP definition and revised GFA and FSR calculations
- extension of the Martins Lane footpath further south to connect with Homelands Avenue
- privacy screening to ILUs in Buildings A and F to mitigate visual privacy impacts
- revised BDAR management and mitigation measures to include a VMP, Dewatering Plan, pre-clearance surveys, seed collection, translocation of juvenile plants, reuse of trees and hollows,
- amended landscaping to only include BGHF species in the southern ecological zone and along the eastern and western boundaries
- expansion of the area covered by the VMP to include the eastern boundary setback
- removal the play area from the southern ecological zone to allow for greater replanting capacity
- realignment of the southern ecological zone public pathway and reduce its width to minimise impacts to TPZ and the BGHF
- removal of retaining walls / 'flood walls' for flood management
- removal of swales and the three parallel stormwater pipes along the northern boundary
- amendment to the ambulance bay design / layout including adjustment of the width and turning area
- amendment to the design and layout of waste storage and bin circulation areas.

57. On 15 February 2024, the Applicant submitted its response to request for further information (RRFI), which provides a further response to submissions, advice and additional information regarding groundwater, flooding, tree root mapping and the southern ecological zone (**Appendix A**). The RRFI also included the following amendments to the proposal:

- amendments to the eastern part of the development and its relationship to trees, including:
 - reduced ground disturbance and bulk earthworks within the TPZ of T4, T5 and T6
 - realigned pedestrian entry pathways from Martins Lane to provide increased offsets to T4
 - reduced pedestrian pathway widths to minimise TPZ encroachments to T3
 - reduced landscape works within the TPZ of T5 and T6
 - increased setbacks to balconies and terraces fronting Martins Lane
 - removal of emergency egress pathways within the structural root zone (SRZ) of T5 and the TPZ of T6.

- amendments to interventions into the southern ecological zone, including:
 - deletion of the detention basin to minimise TPZ encroachments to T22, T25, T30, and T35
 - realigned vegetated swale and café spill out space to minimise impacts on ecological value
 - realigned public pedestrian pathway to remove incursion into the BGHF.
- amendments to the subterranean apartments, including the realignment to the basement retaining wall of Unit D103 to improve residential amenity
- clarification of apartment cross ventilation to demonstrate compliance with ADG requirements.

58. On 31 May 2024, the Applicant submitted an additional RRFI, which provides a further response to submissions, advice and additional information regarding earthworks, tree root mapping (tree T3), swale design, TPZ and SRZ impacts and mitigation measures, tree planting, wind mitigation, ambulance access, operational noise, ILU internal layout and design and ADG compliance, (**Appendix A**). The RRFI also included the following amendments to the proposal:

- overall reduction of incursions into TPZs and SRZs of trees T1 to T6 including:
 - decrease of tree T1 TPZ incursion from 21% to 4%
 - decrease of tree T2 TPZ incursion from 11% to 1%
 - decrease of tree T3 TPZ incursion from 24% to 11% and removal of SRZ incursion
 - decrease of tree T4 TPZ incursion from 32% to 31% and removal of SRZ incursion
 - decrease of tree T5 TPZ incursion from 18% to 16%
 - decrease of tree T6 TPZ incursion from 8% to 4%
- reduction of earthworks adjacent to footpaths and significant trees within the eastern setback
- removal of street furniture and services from within the TPZs of T1 to T6
- provision of six visitor bicycle parking spaces located between Buildings A and B in the eastern setback
- relocation of construction stockpiles and catchment drain from within the TPZs of T1 and T6
- deletion of proposed trees (wind mitigation) within the TPZs of T5 and T6
- confirmation that tree canopy coverage increases from 1,150 m² (7%) to 2,648 m² (16.8%)
- confirmation of proposed signage illumination and dimmer functions
- confirmation of operational noise mitigation measures

- revised Landscape Planting Schedule to take account of mitigation measures
- revised VMP including expanded boundary to incorporate all BGHF trees, annual reporting, ongoing monitoring and maintenance / care of significant trees

6 Assessment

6.1 Key assessment issues

59. The Department has considered the Applicant's EIS, RtS and additional information and the issues raised in submissions in its assessment of the proposal. The Department considers the key assessment issues associated with the proposal are:

- built form and design
- biodiversity, trees, ecological zone and landscaping
- amenity.

60. Each of these issues is discussed in the following sections of this report. Other issues were taken into consideration during the assessment of the Concept Proposal and are discussed at **Section 6.5**.

6.2 Built form and design

61. The proposal seeks approval for the construction of six interconnected buildings arranged in a perimeter block layout around a generous split level central courtyard and fronting adjoining roads, a western landscaped setback and the southern ecological zone, as discussed at **Section 2**.

62. Although comprising one overall development, the facades of Buildings A to E are separated by deep vertical recesses and each building is connected by a pedestrian bridge. Building F is a stand-alone building and is articulated to break down its longest facades. The development responds to the site's topography by stepping the buildings down with the slope of the land, which ensures buildings generally do not exceed 5 storeys.

63. The Department considers the key assessment issues to be:

- building height and density
- layout and design of the western and southern setbacks
- scale and articulation
- design quality.

6.2.1 Building height and density

64. Building height and density are controlled by the PLEP and the Housing SEPP, which provides additional height and floor space controls for seniors housing.

65. The PLEP provides a maximum height of 14 m and a maximum FSR of 1:1. Notwithstanding this, the Housing SEPP provides an additional 25% of the maximum permissible floor space for developments which include both ILUs and a RCF on sites with an area of at least 1,500 m². It also provides for additional building height of up to 3.8m above the maximum permissible building height.
66. The proposal seeks approval for a maximum building height of 19.45 m (6 storeys) and a maximum GFA of 23,120 m² (FSR of 1.67:1) which exceeds the Housing SEPP development standards as summarised at **Table 8** and **Table 9** and shown at **Figure 15**.

Table 8 | Proposed variation above the maximum permissible building height under the Housing SEPP

EPI	Max. height	Proposed max. height*	Difference
Housing SEPP	17.8 m	19.45 m	+1.65 m (+9.3%)

* Maximum height as measured above existing ground level noting that height of existing ground level varies across the site.

Table 9 | Proposed variation above the maximum permissible FSR under the Housing SEPP

EPI	Site Area	Max. GFA / FSR	Proposed GFA / FSR*	Difference
Housing SEPP	13,879 m ²	17,348.75 m ² 1.25:1	23,120 m ² 1.67:1	+5,771.25 m ² +0.42:1 (+33%)

* The site area excludes the biodiversity zone (which is identified as environmentally sensitive land) and the roads constructed as part of the Site A development consistent with the Housing SEPP definition of site area

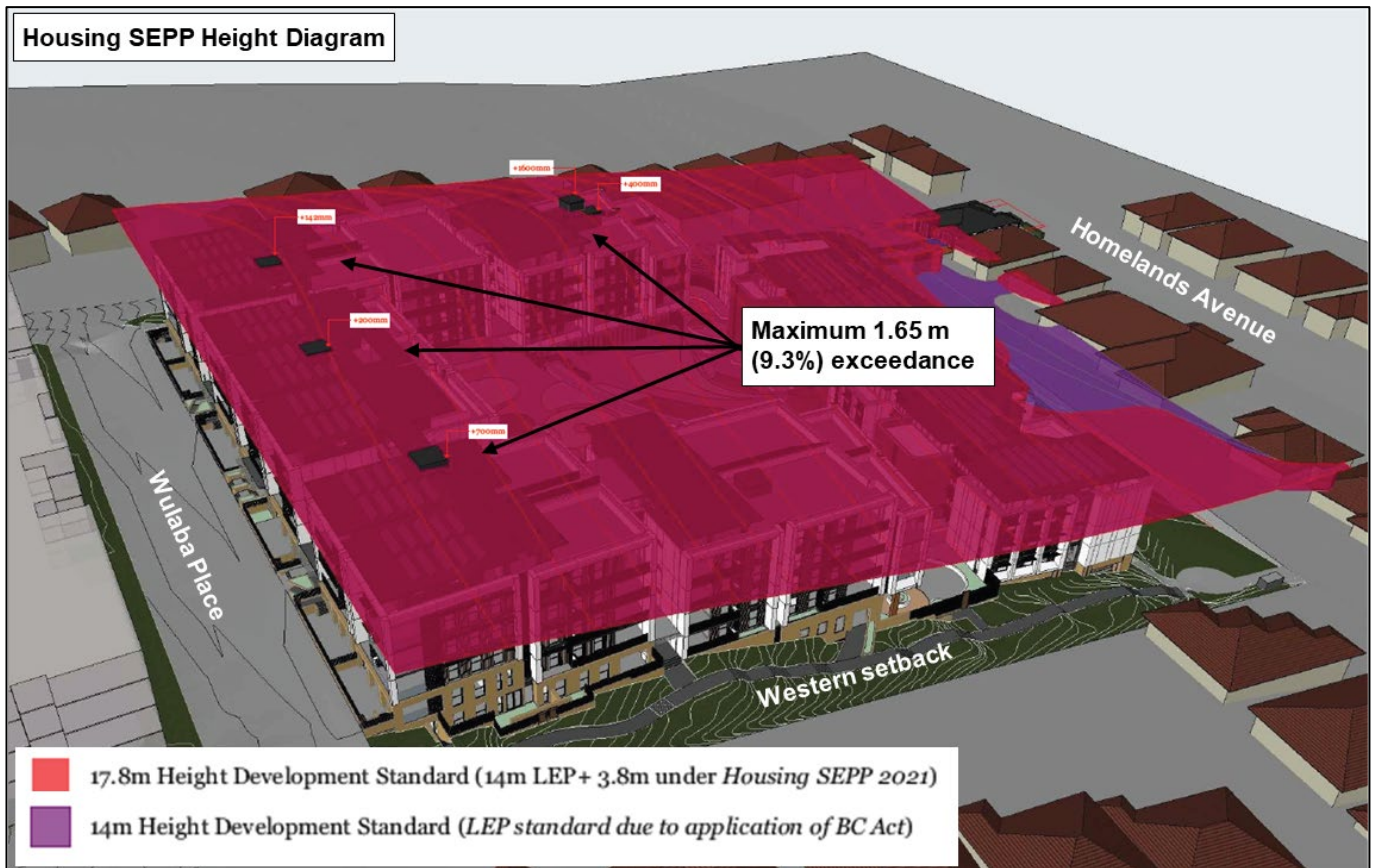


Figure 15 | Proposed height exceedances above the maximum permissible building height under the Housing SEPP (Base source: Applicant's RtS)

67. Council objected to the amount of floor space proposed, as it considers the density is unjustified and inappropriate for the site. Council similarly objects to the height exceedances and recommends the development is amended to comply with the development standards.
68. The Applicant has submitted clause 4.6 variation requests for the height and floor space variations (**Appendix C**). The Applicant has stated the proposed building height and FSR are justified because:
- the proposal would not result in any adverse visual, amenity or other environmental impacts and compliance with the height control is therefore unnecessary in these circumstances
 - the proposal meets the objectives of the standards and the R4 High Density Residential zone and compliance with the standard would compromise, without reasonable grounds, the provision of seniors housing.
69. The Department has carefully considered the proposed height and FSR variation requests in **Appendix C**. The Department has also carefully considered the impacts of the proposal and the concerns raised by Council in its assessment of building height and density below.

Building height

70. The application includes a Visual Impact Renderings and Methodology Report (VIRMR), which provides perspectives of the proposed development when viewed from key public vantage points (Figure 16 and Figure 17).



Figure 16 | Existing (left) and proposed (right) view looking north along Martins Lane (Base source: Applicant's RtS)



Figure 17 | Existing (left) and proposed (right) view looking north-east from Azile Court (Base source: Applicant's RtS)

71. The Department has considered the Applicant's VIRMR and acknowledges the proposed buildings would be visible within close and medium distance views around the site and that the height of Buildings A to F differ from that of existing low-medium density buildings within Martins Lane, Homelands Avenue and Azile Court.
72. The Department however notes the site is zoned for a higher density than the surrounding medium and low density areas and therefore taller buildings are to be expected in this context. Further the proposal has been designed to generally comply with the maximum height limit of 17.8 m under the Housing SEPP (Figure 15) and the four minor areas variations relate only to lift overruns between 0.14 m to 1.65 m (0.8% to 9.3%) above the height limit.

73. The Department therefore considers the height of the proposal is appropriate for the site and the minor height exceedances are acceptable as:
- the lift overruns which exceed the height limit would not result in any adverse impacts as they are located centrally within the building roofs, would not be visible from a pedestrian perspective / the public domain or cause overshadowing to any neighbouring property
 - building heights have been stepped to follow the downward slope of the land between Wulaba Place and Homelands Avenue ensuring the buildings do not dominate the streetscape
 - the proposal provides for an appropriate built form transition to adjoining properties as:
 - the top floors are set back to reduce the perceived height of the buildings
 - Building F is 3.8 m below the Housing SEPP 17.8 m maximum height limit and provides for a stepped transition between Buildings A and E and dwellings fronting Homelands Avenue
 - appropriate building setbacks have been provided to streets and site boundaries
 - the northern 5 storey parapet of Buildings B, C and D (RL 106.3) are of a comparable height to the southern four storey parapet of Gimbawali (RL 107.8)
 - the Applicant's VIRMR has demonstrated that although public views to the site from and within the surrounding streets would be altered, impacts would not be significant
 - the setbacks, design, articulation, appearance and materiality of the development is acceptable (**Sections 6.2.3**)
 - there would be no adverse solar, privacy or heritage impacts to adjoining properties (**Section 6.5**)
 - the development density is appropriate for the site, as discussed below.
74. In conclusion, the Department considers the overall building height, including the minor height variations, is consistent with the objectives of the R4 High Density zone, the provisions of the Housing SEPP and would support the delivery of seniors housing.

Density

75. The entire site has a mapped FSR of 1:1 under the PLEP 2011.
76. Section 87 of the Housing SEPP provides for a 25% FSR bonus for development that includes ILUs and RCF in order to maximise the provision of seniors housing in accordance with strategic policy and identified need. This would allow a maximum permissible FSR of 1.25:1.
77. However, the seniors housing provisions of the Housing SEPP do not apply to environmentally sensitive land, which includes the ecological zone which is mapped under the Biodiversity

Conservation Act 2016. This, along with the roads which have already been constructed and dedicated as part of Site A, has the effect of reducing the site area by 5,233m² for the purpose of calculating the maximum permissible GFA.

78. Given the Applicant is not able to include the ecological zone or the roads within the site area, the Applicant seeks consent for a 33% variation to the maximum permitted FSR under the Housing SEPP.
79. The Department has considered the Applicant's clause 4.6 variation request in detail at **Appendix C** and concludes the 33% variation to the FSR control (**Table 9**) is justified as the Applicant has demonstrated that:
- there are sufficient environmental planning grounds to justify the contravention of the FSR development standard and the clause 4.6 matters to be demonstrated have been addressed
 - the proposal is consistent with the objectives of the development standard and the zone and is therefore in the public interest
 - compliance with the development standard is unnecessary as the objectives of the standard are achieved and unreasonable as no purpose is served by requiring strict compliance.
80. In addition to considering the Applicant's clause 4.6 variation request, the Department has considered the merits of the proposed GFA having regard to the appropriateness and potential impact of key density considerations relating to built form, traffic generation, amenity impact and demand on existing / future infrastructure.
81. The Department considers the proposed GFA is appropriate and the impacts of density is acceptable as:
- the site is located within an existing urban setting and the proposed buildings have acceptable built form, visual and urban design outcomes, subject to conditions (**Section 6.2.3**)
 - there would be no adverse solar, privacy or other impacts to the amenity of adjoining properties (**Section 6.5**)
 - traffic impacts can be managed and mitigated and would be less than the indicative apartment complex envisaged by the Planning Proposal (**Section 6.5**)
 - future development will be designed in accordance with ESD principles (**Appendix B**)
82. The Department also notes that despite the variation, the proposal is consistent with the Region Plan and other relevant strategic policies (**Section 3**) as it provides for high-quality

well-located seniors housing to support the projected growth of approximately 34,000 additional senior residents in the City of Parramatta LGA to 2036.

83. In addition, the additional GFA is consistent with key density considerations and the intent of the Housing SEPP to provide bonuses and incentives for the delivery of seniors housing, rather than restrict it.
84. In conclusion, the Department considers the proposed GFA and variation to the FSR development standard are acceptable and justified given the circumstances of the case. Overall, the Department considers the impacts of the density are acceptable and the proposal makes a significant contribution towards the provision of seniors housing, including 96 RCF beds and 130 ILUs.

6.2.2 Layout and design of the western and southern setbacks

85. The PDCP provides for the creation of new publicly accessible one-way roads along the western boundary of the site, which then runs along the north of the southern ecological zone and connects to Martins Lane (**Figure 10**).
86. The application does not provide public roads as envisaged in the DCP, and instead provides all vehicular access from Martins Lane, a landscaped western setback with a publicly accessible footpath, and a pedestrian footpath and raised boardwalk within the ecological zone.
87. The Department has considered the layout and design of the western and southern setbacks below.

Western setback layout and design

88. The proposal provides a 12 m landscaped setback between the western boundary and Buildings D, E and F, which includes a swale and publicly accessible (but not universally accessible) pedestrian footpath connecting Wulaba Place in the north to the southern ecological zone and Grace Street in the south (**Figure 18**).



Figure 18 | Perspective looking north along the western setback footpath (top left), section indicating excavation necessary to construct a road (top right) and proposed western setback layout (bottom) (Base source: Applicant's RtS and RRFI)

89. Council objected to the proposed design of the western setback, and recommended the design be amended to:
- be consistent with the PDCP, in particular, install a road connecting Wulaba Place to the southern ecology zone and increase the width of the setback by 2.4 m (to 14.4 m) to align with Gimbawali
 - ensure the public pedestrian footpath is fully accessible from Wulaba Place to Building E
 - relocate the pedestrian footpath so that it is located along the private edge of buildings D, E and F to prevent a public park sharing a boundary with a private development
 - include a hedge along the western side of the swale to reduce privacy impact to Azile Court.
90. The Applicant notes that the PCDP does not apply to the SSD application and provided the following justification and response to Council's recommendations:
- providing a road in the setback is a poor outcome as it would have an extremely steep gradient (15.4%), not be accessible by large vehicles and require extensive excavation and retaining walls (121 m long up to 3.2 m high) along the western boundary with adjoining Azile Court properties

- the setback width is appropriate as it does not include a road and provides adequate amenity
 - an accessible footpath cannot be provided within the setback due to the significant gradient
 - the public footpath location is appropriate and the western setback would be landscaped.
91. The Department notes the proposal does not provide public roads within the site as envisaged by the PDCP.
92. However, the Department agrees with the Applicant that the construction and operation of a road and accessible footpath would be heavily compromised by the steep topography of the site (falling approximately 16 m from north to south) and is not a feasible option in this respect.
93. In addition to the physical topography challenges to providing a road along the western boundary, the Department also considers that there is little need and utility of the road within the site noting that the development will be operated as a seniors housing development, as opposed to a residential development where street address is more important.
94. The Department is satisfied that the combination of accessible pedestrian paths with a maximum gradient of 1:10 as well as lifts between the buildings, provides acceptable access to the central courtyard and Wulaba Place, which meets the requirements of the relevant Australian Standard and Building Code of Australia
95. Although a further publicly accessible path would be desirable, it is not required to meet the access requirements of the relevant Australian Standard and is not feasible on this site as it would also require significant regrading, retaining structures and switch back ramps. The Department considers this would create both an undesirable and cumbersome design outcome as well as require the significant reconfiguration of the development which would unnecessarily reduce the yield of the development and the ability to provide 96 RCF beds and 130 ILUs.
96. The Department is therefore satisfied that the proposed footpath, while not universally accessible, would provide acceptable access because:
- rest points / seating are provided along the steepest parts of the footpath
 - the public footpath previously approved by Council along Martins Lane has a similar gradient.

97. In relation to Council's request for the footpath to be located immediately adjacent to the development, the Department considers the location of the public footpath centrally within the western setback, rather than immediately adjacent to the development is acceptable as:
- the setback has been designed to primarily provide a pedestrian route and a swale / flood defences and it is not of a width or gradient that would lend itself active or passive recreation, like a public park ringed by roads or footpaths
 - it is unavoidable that the open space adjoins private properties, being either the development on the east or the rear of properties facing Azile Court to the west.
98. The Department also does not consider that a hedge is warranted along the western boundary, noting Buildings D, E and F exceed the Apartment Design Guide (ADG) recommended minimum building separation distance of 9 m to a side boundary (**Section 6.4.2**) and the Applicant's concerns about impact on the operation of the swale.
99. Based on the above assessment, and in the context of the site constraints, the Department concludes the proposed landscaped western setback provides an acceptable design alternative to the DCP as it would provide public access and contribute to the amenity of the development.

Southern setback layout and design

100. The VPA which applies to the site (**Section 1.5**) includes the creation of a 20 m wide publicly accessible ecological zone along the southern boundary of the site to contain the majority of the BHGF trees.
101. The PDCP provides a new 12 m wide, publicly accessible one-way eastbound road between the future development and the ecological zone (**Figure 10**).
102. The application includes the creation of a 20 m wide ecological zone along the southern boundary of the site, consistent with the VPA and DCP (**Figure 19**), however:
- Building F fronts directly onto the southern ecological zone without a road or landscaped buffer
 - a publicly accessible pedestrian footpath and raised boardwalk is provided within the ecological zone to connect with the footpath within the western setback, Martins Lane, Azile Court and the RCF pedestrian entrances.

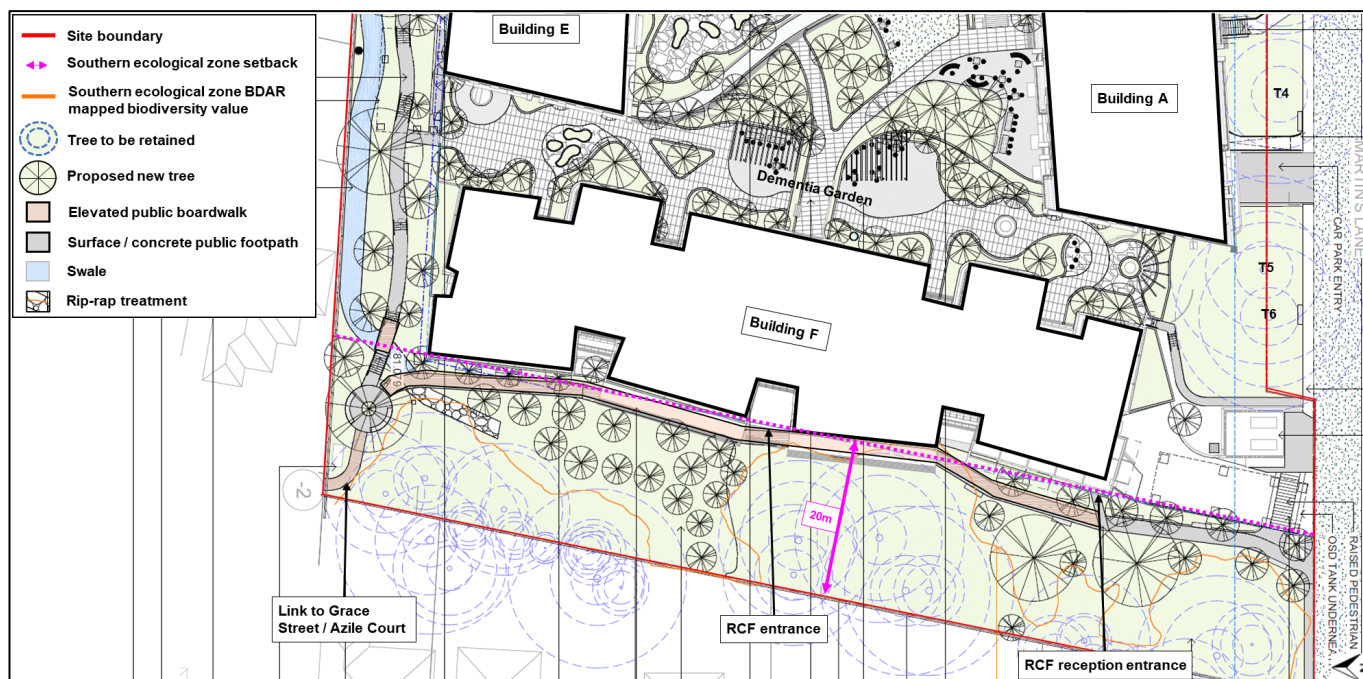


Figure 19 | Proposed southern ecological zone layout and design (Base source: Applicant's RRFI)

103. The Applicant contends that the design is appropriate as:

- the provision of a road would result in a poor urban design outcome, reduce seniors housing and would not improve legibility or wayfinding for users
- the proposal is a managed seniors housing development, which operates differently to a residential development, and does not require a street address
- the ecological zone has been designed to be publicly accessible, which includes wayfinding signage and publicly accessible footpath and elevated boardwalk.

104. Council objected to the relationship between Building F and the ecological zone. Council considers that without a road providing a public edge to the ecological zone, it fails to read as a publicly accessible open space and is contrary to the requirements of the VPA, and recommended the design be amended to:

- be consistent with the PDCP, in particular, include a 12 m Building F setback from the southern ecological zone and provide a one-way road, pedestrian footpath and landscape buffer within the setback connecting the western setback to Martins Lane and include landscaped buffer
- relocate the RCF basement car park entry from Martins Lane to the new one-way road.

105. Council in its final submission noted that while its preference remained for a road, that all elements of Building F should be setback at least 4m from the ecological zone to allow for appropriate paths and access outside of the ecological zone.

106. BCS also initially recommended the public footpath / boardwalk be relocated outside the ecological zone and to design footpaths to allow existing trees to be retained and proposed trees to grow to maturity. However in its final submission, BCS advised that its previous concerns have been addressed and raised no further concerns about the footpath /boardwalk within the ecological zone.
107. The Department has carefully considered Council’s concerns and the advice provided by BCS. The Department however considers the proposed location of Building F, in relation to the southern ecological zone, is appropriate noting:
- the provision of a road between the ecological zone and Building F, and along the western boundary (which is not feasible as discussed in the previous section) is not required to provide access or street address to the seniors housing development and would be of little value to the site or broader community
 - the proposed footpath / boardwalk within the ecological zone is supported by BCS as it has been designed and located to ensure it has minimal impact on the retained BGHF trees within the zone (**Section 6.3**)
 - the provision of a larger setback to include a footpath outside the ecological zone is therefore of limited value and would require a significant redesign of the development which would not be possible without a loss of RCF beds and ILUs contrary to the aims and objectives of the Housing SEPP to maximise the provision of seniors housing accommodation in appropriate locations
 - the VPA confirms the southern ecological zone is to be publicly accessible, and the provision of an elevated footpath through the zone is the least intrusive way to both provide public access and conserve the biodiversity value of the space
108. Based on the above assessment, and the iterative review and feedback from BCS in relation to the mitigation of impacts on the ecological zone, the Department concludes the design and layout of the southern setback provides an acceptable design alternative to the PDCP.

6.2.3 Building scale and articulation

109. Council objected to the bulk and scale of the development and in particular the length of uninterrupted facades (noting Building F is nearly 90 m long), which it considered to be excessive. Council recommended the buildings be further articulated to include:
- A minimum upper-level setback of 3 m above 4 storeys
 - 60 m maximum building length and 6 m separation between buildings

- break building lengths into two or more components with minimum 3 m wide, 3 m deep breaks.
110. In response the Applicant notes the development is generally consistent with the desired future high-density character of the area, buildings already include setback upper floors and facades have been modulated. In addition, the façade of Building F has been separated into separate elements and include significant vertical recesses.
111. The Department has carefully considered Council’s concerns about bulk and scale and recommendations for further setbacks and articulation. The Department however considers the bulk and scale of the development is appropriate and the design of the development includes appropriate articulation noting (**Figure 20**):
- the top floor of each building includes the following setbacks, which are considered adequate and are further emphasised by the prominent cantilevered canopy roof:
 - Buildings A-E: 1.9 m to Martins Lane, 2.1 m to Wulaba Place and 1.5 m to the western setback
 - Building F: varied setbacks including a minimum of 3.4 m facing the southern ecological zone.
 - all elevations are highly modulated and articulated, including windows grouped vertically into bays with strong vertical surrounds, extruded slab edges and contrasting materials
 - building lengths are further broken down through the incorporation of significant vertical recesses, which ensure the:
 - facades of each individual building (Buildings A to E) are separated and clearly defined and no building has a façade longer than 38 m (being that of Building C)
 - southern façade (90 m) of Building F includes three deep recesses, which create four separate façade bays and reduce its perceived bulk, scale and length of the façade.
112. The Department therefore concludes that the proposed upper-level setbacks, breaks in the facades and use of architectural detailing are appropriate.

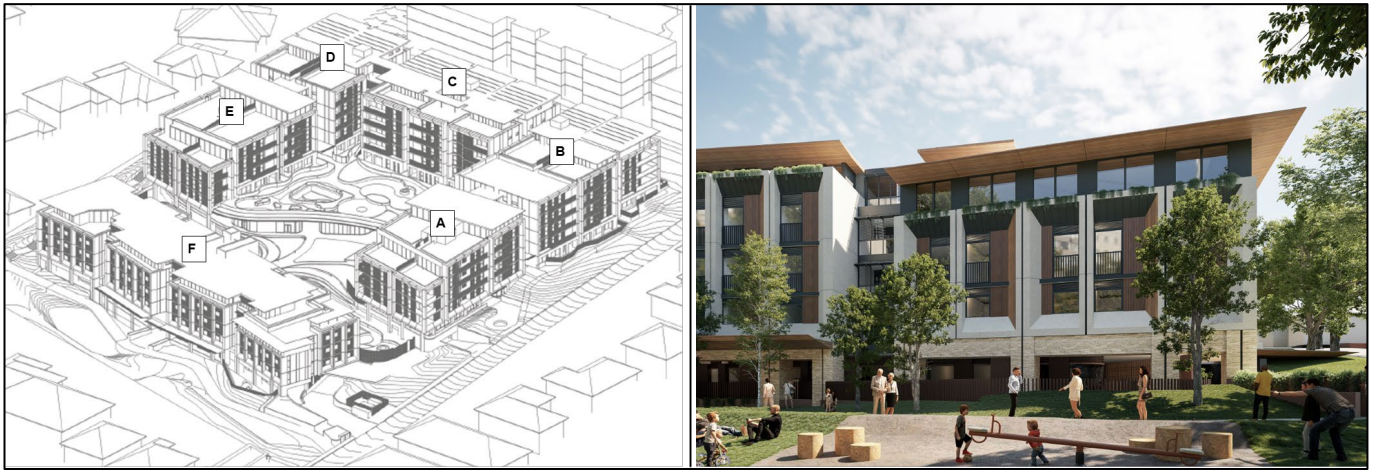


Figure 20 | Massing diagram (left) and southern façade of Building F (right) (Base source: Applicant’s RtS)

6.2.4 Design quality

113. The PLEP does not include a design excellence clause or requirements relating to the site. However, the SEARs require the Applicant to address the objectives of good design in Better Placed and for the proposal to be reviewed by the Government Architect NSW (GANSW) State Design Review Panel (SDRP).
114. The application includes a Design Report which responds to the seven objectives of good design in Better Placed and prior to lodgement the application was presented to the SDRP for design review on three occasions including: 2 February 2022, 30 March 2022 and 27 April 2022.
115. The SDRP was supportive of the proposal overall and the following design aspects in particular:
- provision of perimeter buildings, central courtyards, façade design and ESD principles
 - diversity of spaces provided as part of landscape design, deep soil and communal roof terraces
 - pedestrian movement and separation of vehicle circulation
 - Connecting with Country and inclusion of indigenous arts strategy.
116. Throughout the design review process the SDRP provided advice and recommendations in relation to designing with country, solar access, level changes, accessibility and movement, ESD, link to southern ecological zone and building design. In its final review, the SDRP considered these matters to be generally resolved and recommended additional consideration of courtyard design, open space solar access, façade detailing and design of the RCF roof.
117. Council did not provide specific comments on the design quality of the development, other than the matters already raised and discussed in the preceding sections of this report.

118. In response to the SDRP's final review and prior to the lodgement of the application, the Applicant amended the proposal including:
- refinement of the landscape design and layout of the Level 2 amenity area
 - refinement of the façade design to improve the integration of the vertical and horizontal shading elements, recessed and expressed slab / joints and column / frame locations
 - redesign of the RCF roof to provide for a similar architectural expression as Buildings A to E.
119. The GANSW considered the proposal and confirmed it supports the Applicant's (above) response to the SDRP final review and that the proposal remains consistent with what was presented to the SDRP.
120. The Department has considered the advice of the SDRP and is satisfied that, through the SDRP review process, the proposal has evolved to provide a high-quality architectural response within its context while delivering high amenity for future occupants and employees.
121. To ensure that the building achieves the highest standard of design and appearance and maintains its design integrity, the Department recommends a condition requiring the submission of the final schedule of materials and a materials sample board.

6.3 Biodiversity, trees, ecological zone and landscaping

122. The site contains 24 existing native and non-native trees, grassed and bare soil areas, remnant hard standing / gravel surfaces and stormwater detention basins. The site is mapped as being significant for its biodiversity value under clause 7.3(3) of the BC Reg and also under clause 6.4 of the PLEP (**Figure 5, Figure 21 and Figure 22**).
123. The development proposes site-wide landscaping including the creation of communal and publicly accessible open spaces for residents, visitors, establishment of a 20 m wide ecological zone at the southern end of the site, the removal of existing trees and planting of new trees as summarised at **Section 2** and shown at **Figure 22 and Figure 26**.
124. To address the impacts of the proposal in terms of biodiversity, ecology and landscaping considerations the application includes the following documents (as amended):
- a BDAR, which assesses the biodiversity values on the site, impacts of the proposal in accordance with the BC Act and recommends biodiversity offset and mitigation
 - an Arboricultural Impact Assessment (AIA), which considers existing trees on the site, their health, significance, relationship to the development, tree retention / removal and mitigation

- landscape and civil drawings, which set out the landscaping proposal for the development, including tree replacement and development infrastructure.

125. The Department considers the key issues for assessment include biodiversity impact, tree removal, replacement and retention, ecological zone and landscaping.

6.3.1 Biodiversity impact

126. The Applicant’s BDAR identified that the site contains a variety of native and non-native vegetation. The native vegetation on-site (approximately 0.86 ha) is generally aligned with plant community Type (PCT) 1237 Sydney Blue Gum High Forest (BGHF). Of the 0.86 ha BGHF, the BDAR identified 0.25 ha conforms to the BGHF Critically Endangered Ecological Community (CEEC) listing under the BC Act.

127. The 0.25 ha BGHF CEEC is indicated in blue and cross-hatched at **Figure 21** and the identified BGHF CEEC is generally consistent with the PLEP mapped Biodiversity value (and not the BC Reg mapping, **Figure 5**).

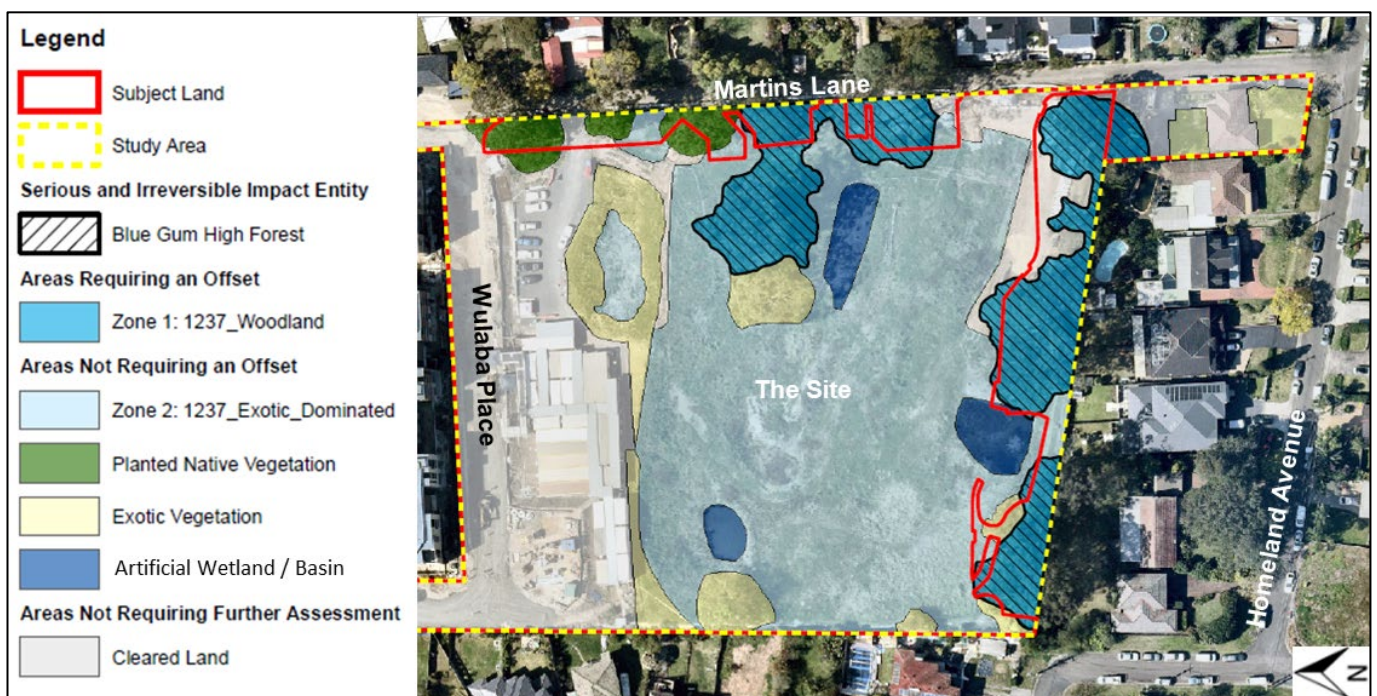


Figure 21 | Location of BGHF as mapped by the BDAR (Base source: Applicant’s RtS)

128. The BDAR outlines that 0.09 ha of BGHF CEEC would be impacted by the development. This includes the proposed removal of one mature *Eucalyptus Saligna* / Sydney Blue Gum (Tree 40) as part of this application and the previous removal of understorey vegetation that occurred prior to the lodgement of the current application. This represents 36% of the BGHF CEEC area

on the site. The BDAR notes that Tree 40 contains a hollow, has structural defects and a predicted life expectancy of 5-15 years.

129. The BDAR also included a habitat assessment for threatened fauna species, and acoustic surveys detected Grey Headed Flying Fox and Large Bent Winged Bat. However, as inspection of the hollow-bearing tree did not identify roost(s), it is concluded the bats were most likely passing over the site. The BDAR concluded no species credits were required.
130. The BDAR considers that impacts to other non-BGHF CEEC areas on the site (approximately 0.88 ha) identified as planted native vegetation, exotic vegetation, artificial water bodies and cleared land do not require further assessment.
131. The BDAR concluded that two ecosystem credits would be required to offset the removal of 0.09 ha of BGHF CEEC. To further address direct and indirect impacts of the proposal the BDAR recommends mitigation measures including:
 - retention and projection of the remaining 0.16 ha of BGHF CEEC, including implementation of a Vegetation Management Plan (VMP) relating to the ecological zone and implementation of a water-body dewatering / fauna relocation plan relating to the basins
 - installation of a nest box to compensate for the hollow-bearing tree removed, undertake seed collection and provide at least seven replacement trees representative of the BHGF
 - implementation of management procedures including pre-clearing survey, staged clearing, monitoring by an ecologist and weed and sediment control.
132. Council stated the BDAR is acceptable and recommended that mitigation and management measures be secured by condition.
133. BCS reviewed the BDAR, which was amended by the Applicant over the course of the assessment, and recommended that the mitigation measures and offset requirements within the BDAR be included as conditions of consent.
134. The Department has considered the Applicant's amended BDAR and the advice provided by Council and BCS. The Department is satisfied the biodiversity impacts are acceptable for the following reasons:
 - the impact of the proposal is limited to the removal of one Sydney Blue Gum tree which has structural defects with a limited life expectancy of 5-15 years
 - this Sydney Blue Gum tree, as well as the previously removed understorey planting, would be appropriately offset by retiring the two ecosystem credits prior to the commencement of any works

- the proposal is unlikely to affect threatened fauna species as the Applicant's BDAR identified that bats most likely pass over the site, rather than roost
- indirect impacts during and following construction would be adequately managed and mitigated by the implementation of the BDAR and VMP mitigation measures
- the Department's further environmental management and mitigation measures, discussed in detail the following sections would further mitigate potential biodiversity impacts associated with the development.

135. The Department has recommended conditions requiring the retiring of two ecosystem credits, and implementation of the BDAR, VMP and Department's recommended mitigation measures.

6.3.2 Tree removal, replacement and retention

136. A total of 40 trees are located on or immediately adjacent to the site, including 24 trees on the site and 16 trees outside the site boundary within 5, 13 and 15 Homelands Avenue. Of the 40 trees, 16 are identified as having high retention value and 12 are species that form part of the BGHF (**Figure 22**).

137. The proposal seeks to remove seven trees on the site that conflict with the location of proposed buildings / works, retain and protect the remaining 33 trees, plant 175 trees (including 167 replacement / new trees and the transplant of eight existing on-site juvenile trees).

138. As outlined at **Section 1.5**, Council has previously granted consent for tree and vegetation removal, new Martins Lane concrete footpath and earthworks for the entire fBC Site. In addition, site visit has confirmed approximately half of the previously approved concrete Martins Lane footpath (i.e. beneath T1, T2 and T3) has now been constructed in accordance with that approval (**Figure 22**).

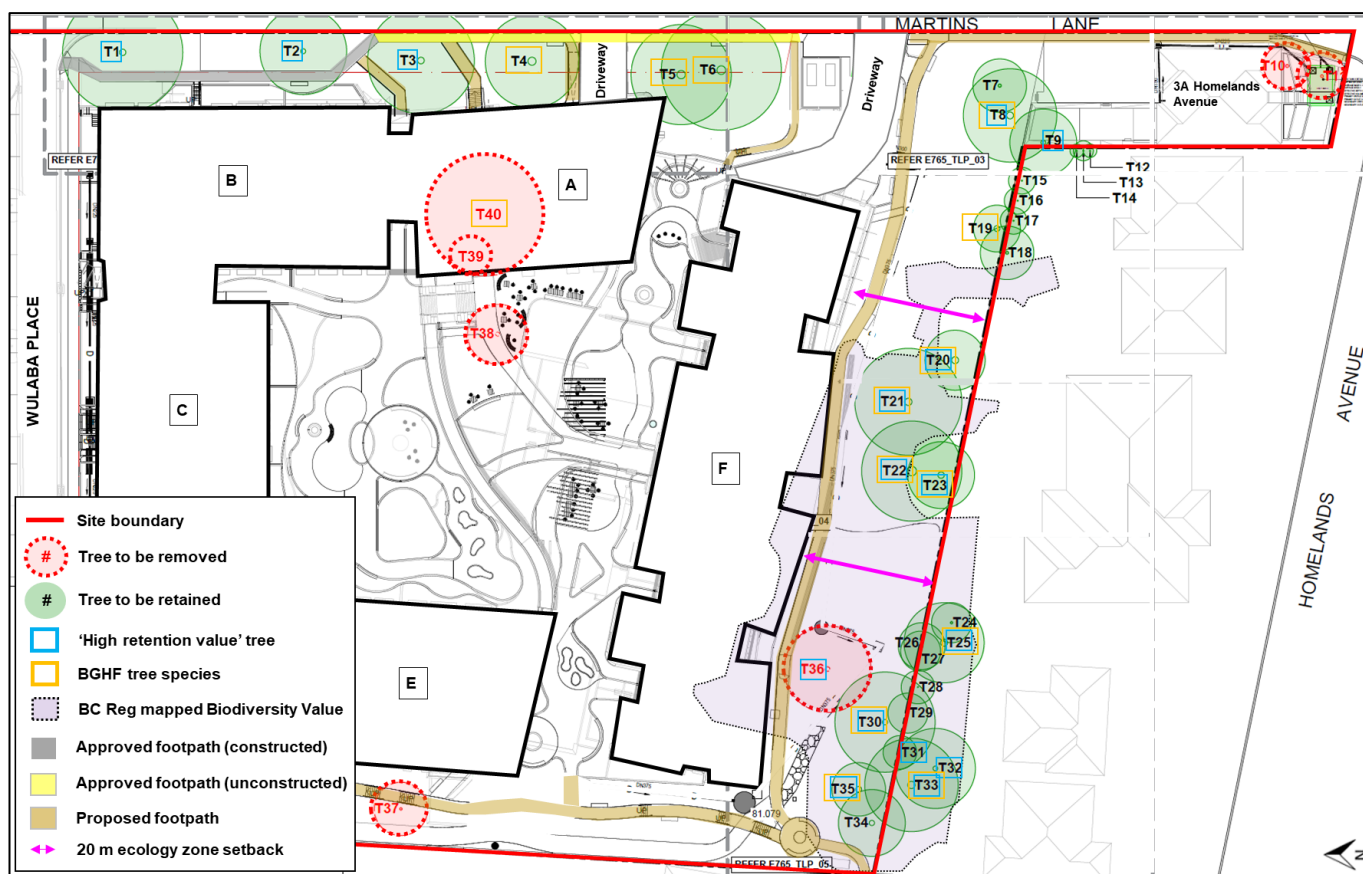


Figure 22 | Location of tree removal and retention and the relationship to the proposed buildings, driveways, approved and proposed footpaths, BC Reg Biodiversity Value mapped area and the southern ecological zone (Base source: Applicant’s RRFI)

Tree removal and replacement

139. The Applicant’s AIA has surveyed the seven existing trees proposed for removal and identifies their health, life expectancy, structural condition, landscape significance and retention value. Of those seven trees:

- one (T36) has high retention value, the remainder have medium (T38, T39) or low (T10, T11, T37 and T40) retention values due to short life expectancy or structural / health issues
- T38, T39 and T40 are native species and T40 is a *Eucalyptus Saligna*/ BGHF tree species
- T40 has a high landscape value.

140. The AIA concludes there is no feasible option to retain the seven trees proposed for removal, as they either conflict with the development or their removal is warranted due to poor health and / or low landscape significance. To address tree removal the:

- BDAR has confirmed two ecosystem credits would be retired to offset the removal of T40, which is a hollow-bearing BGHF species tree (**Section 6.3.1**)
- proposal includes the planting of 175 new trees within and around the development.

141. BCS requested further justification for the removal of T36 and recommended any removed trees are replaced at a ratio greater than 1:1. BCS also recommended new planting across the whole site should consist of species characteristic of the BGHF, be of an advanced sized and that existing juvenile *Eucalyptus Saligna* trees that have regenerated on the site be transplanted into the ecological zones.
142. Council did not object to the proposed tree removal however it does not support the transplanting of existing juvenile trees due to the reduced chance they would survive the process and these trees should be replaced with advanced tree stock of the same species.
143. In response the Applicant confirmed replacement tree planting (175 new trees) significantly exceeds BCS' recommended 1:1 ratio and agreed to transplant eight juvenile regenerated trees. The Applicant stated the removal of tree T36 is unavoidable as it conflicts with proposed essential drainage works.
144. The Department has considered the proposed tree removal and replacement, the advice and recommendations provided by BCS and Council, and the Applicant's response. The Department is satisfied the proposed tree removal and replacement is acceptable as:
- T40 (a BGHF CEEC species) is in poor health, has a short predicted life span (5-15 years) and its removal (and the previous removal of understorey vegetation) would be offset by the purchase and retiring of two ecosystem credits
 - although T36 has a high retention value due to its age and life expectancy, it is a non-native species that conflicts with proposed essential drainage infrastructure. In addition, it is located within the southern ecology zone and its removal would allow the planting of a BGHF species
 - the remaining five trees are of poor health and / or of low to medium landscape value
 - it is not possible to amend the development to retain the seven trees for removal without adversely and significantly compromising the design and layout of the development
 - the removal of seven trees would be replaced with at least 175 new and transplanted trees
 - tree planting comprises native plant species characteristic of the BGHF community within the ecological zone and along sites boundaries. Other proposed planting is appropriate for the development.
145. The Department recommends conditions requiring tree removal occur only in accordance with the tree removal plan and planting occur in accordance with the final landscape planting schedule.
146. While the Department appreciates Council's concerns about the potential for the eight juvenile *Eucalyptus Saligna* trees to not survive the transplanting process, the Department

supports the intention to transplant these trees into the ecological zone, noting this is in accordance with BCS' recommendation. The Department recommends conditions requiring the temporary relocation of the trees during construction and their transplanting back onto the site following the construction phase. In response to Council's concerns, the Department recommends a condition requiring the eight transplanted trees be monitored for 18 months and in the event that any are not successful they are replaced with another advanced stock tree of the same species.

Tree retention

147. The proposal includes the retention and protection of 33 existing trees, including 17 trees on the site and all 16 trees outside of the site.
148. Australian Standard 4970-2009 (AS4970) provides guidance for the protection of trees on development sites. AS4970 defines the relevant tree zones and likely acceptable incursions into these zones as follows:
 - the structural root zone (SRZ) extends out from the trunk of a tree, contains key structural roots responsible for stability. Root damage / loss can result in decline, decay and destabilisation of structural integrity, disturbance in this area should be avoided.
 - the tree protection zone (TPZ) is a circular area generally the size of a tree's drip line and contains structural and majority of feeder roots. Minor incursion (<10%) may be acceptable, major encroachment (>10%) must be justified and may require root investigation.
149. Section 99(g) of the Housing SEPP requires the retention of significant trees wherever reasonable.
150. The Applicant's AIA identifies that the previous footpath works and the proposed development may impact six native trees along Martins Lane, being Trees T1 to T3 (high value retention trees) and trees T4 to T6 (BGHF species trees) (**Figure 23**).
151. In particular, the location of the proposed footprint of Buildings A and B, the ILU driveway, approved and proposed footpaths and earthworks result in incursions into the TPZs contrary to AS4970 criteria (above), as summarised in **Table 10**.

Table 10 | Approved and proposed TPZ and SRZ incursions relating to trees T1 to T6 (as amended by the RRFI)

Tree	Species / Name	TPZ Incursion		SRZ Incursion	
		Approved*	Proposed	Approved*	Proposed
T1	Eucalyptus Microcorys / Tallowwood	18%	22% (+4%)	8%	8% (no change)
T2	Eucalyptus Microcorys / Tallowwood	18%	19% (+1%)	5%	5% (no change)
T3	Eucalyptus Microcorys / Tallowwood	5%	16% (+11%)		
T4 (BGHF)	Eucalyptus Resinifera / Red Mahogany	3%	33% (+31%)		
T5 (BGHF)	<i>Eucalyptus Saligna</i> / Sydney Blue Gum	3%	19% (+16%)		
T6 (BGHF)	<i>Eucalyptus Saligna</i> / Sydney Blue Gum	3%	7% (+4%)		

* The 'approved' incursions into tree SRZs and TPZs relate to the previous Council approved footpath along Martins Lane

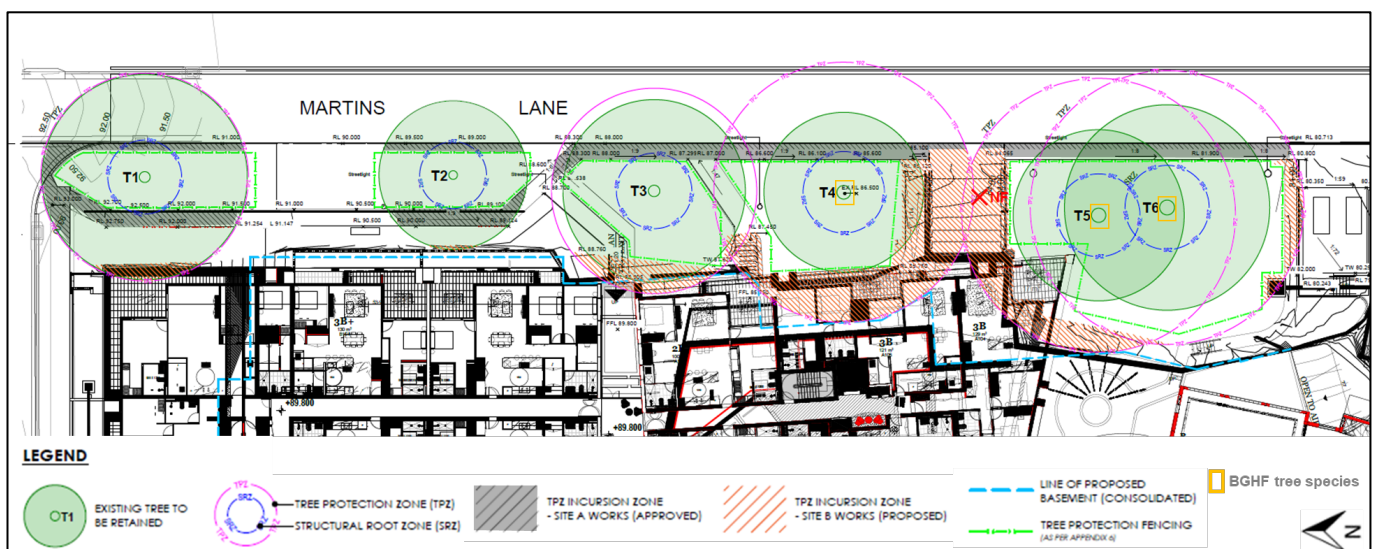


Figure 23 | Location and extent of TPZ and SRZ incursions relating to T1 to T6 (Base source: Applicant's RRFI)

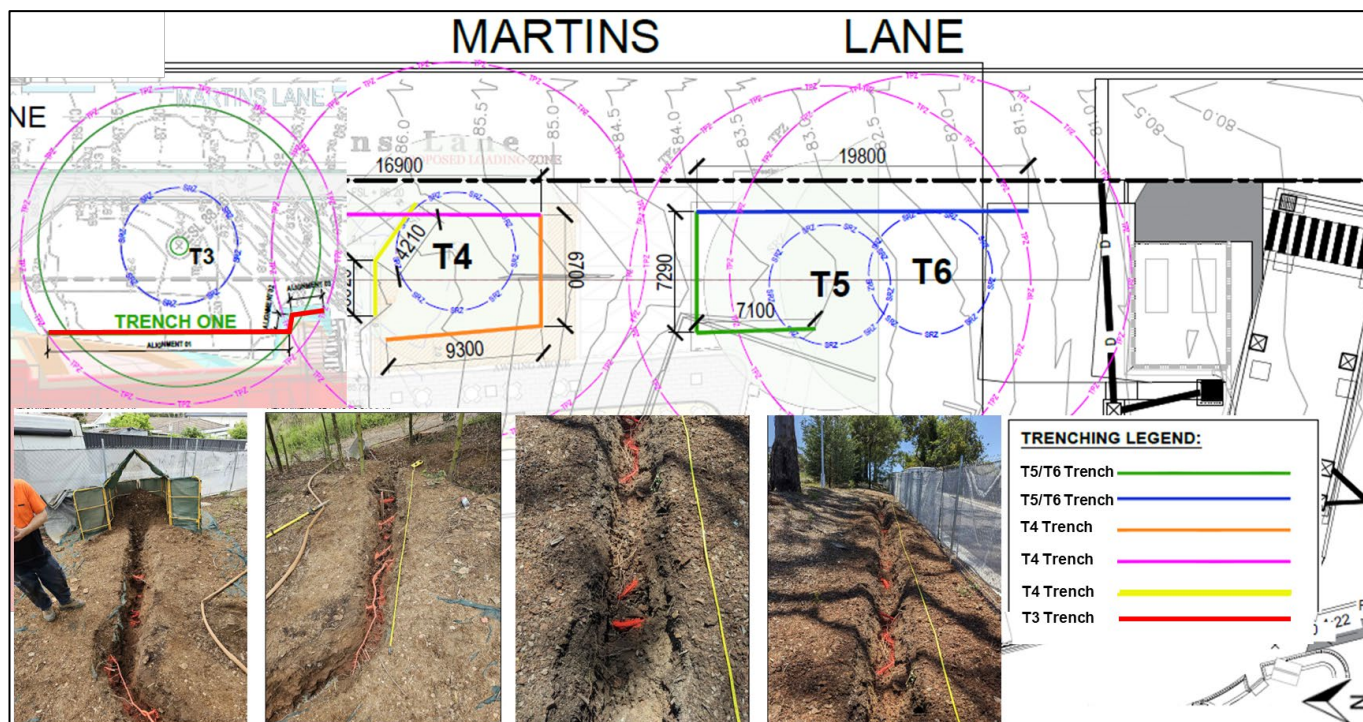


Figure 24 | Tree root mapping undertaken for trees T3 to T6 (Source: Applicant's RRFI)

152. Both the proposal and the Applicant's AIA was amended over the course of the assessment to reduce impacts to trees T1-T6 (**Section 5.5**).

153. The final AIA documented the findings of root mapping for Trees T3, T4, T5 and T6 (**Figure 24**) to determine whether there are significant roots which would be affected by the proposal.

This root mapping identified:

- four small roots (between 10-25 mm) within the investigation trench for tree T3.
- 26 small-medium roots (between 10-50 mm) and two medium-large roots (up to 90 mm) within investigation trenches for tree T4.
- 18 small-medium roots (between 10-65 mm) within investigation trenches for trees T5 and T6.

154. Following the root mapping, the Applicant's AIA concluded that the proposal would not have an adverse impact on tree health, condition, stability or result in tree decline for the foreseeable life expectancy of the trees subject to the following key recommendations:

- a 2 m additional setback west of T4 and that the (Council approved) footpath within the SRZ of T4 be elevated 150mm above ground to provide adequate protection of the up to 90 mm diameter roots, which should remain intact / unsevered
- earthworks be reduced within the TPZ of T5 to ensure ongoing viability of this tree.

155. BCS reviewed the proposal on an iterative basis through the assessment. BCS initially raised concern about the potential impact of the development on retained trees T1 to T6, and considered the proposal should provide a larger buffer to trees to support their long-term

health / protect against whole or partial tree failure. BCS also recommended the boundary of the VMP be expanded to include the eastern boundary of the site.

156. BCS' final advice noted that overall, it was satisfied that the Applicant had addressed its earlier concerns and provided sufficient information. BCS recommended conditions requiring:
- a project arborist be present on site to control works within TPZs, which must be undertaken using tree sensitive construction methods
 - root pruning in accordance with Australian Standards and no pruning of roots greater than 50mm
 - works to be documented and certified as consistent with approved plans by the project arborist
 - the final VMP be submitted for approval prior to the commencement of construction and implemented in perpetuity.
157. Council initially recommended the application be amended to reduce impacts to trees T1 to T6 by removing all works from within SRZs, all services and seating east of T3 to T6 and reduce incursions from buildings, footpaths and the ILU driveway within TPZs to 10% or less.
158. While the amendments made do not completely resolve Council's request to limit TPZ incursions to 10%, Council recommended conditions requiring construction details of the elevated footpaths, consideration of further amendments to footpaths to reduce impact to trees T3 and T4 and the preparation and implementation of a Tree Protection Management Plan (TPMP).
159. The Department notes the Applicant has undertaken extensive amendments to the proposal based on the recommendations of BCS, Council and the AIA / root map findings. In addition, these amendments coupled with proposed management and mitigation measures have significantly reduced the potential impacts to retained trees.
160. The Department notes the Applicant has not provided tree root mapping for trees T1 and T2. However, as the proposed additional TPZ incursions into these trees are negligible to minor (1% to 4%), the Department is satisfied tree root mapping is not necessary.
161. The Department has considered the advice of BCS, Council and the results of the exploratory root mapping and is of the view that the proposed works are unlikely to adversely affect the retention trees T1 to T6, noting:
- no new SRZ incursions are proposed and proposed incursions into the TPZ of tree T6 have been reduced to 7%, which is below the AS4970 criteria

- new incursions into the TPZs of trees T1 and T2 are negligible, located at the periphery of the TPZs and unlikely to have a significant impact on the health / viability of these (non-BGHF) trees
 - root mapping indicates four small roots of tree T3 would be severed. However, the AIA confirms this would not adversely affect the health of this (non-BGHF) tree
 - the design of Building A, new footpaths and earthworks have been amended to ensure the root map identified medium-large roots of trees T4 and T5 would not be severed / adversely impacted
 - the implementation of the VMP would ensure ongoing tree monitoring and care / maintenance during construction and operational phases.
162. Based on the above assessment, the Department is satisfied that the proposal has been designed to retain all significant trees, including trees representative of the BGHF CEEC and impacts on retained trees can be adequately managed and mitigated.
163. To ensure that all works are carried out in a manner to protect the long-term survival of all retained trees on and off the site, the Department recommends conditions requiring:
- the submission of the details of proposed elevated footpaths
 - the preparation and implementation of a TPMP
 - implementation of tree sensitive construction measures in accordance with AS4970
 - that an application be made to Council to amend the existing development consent for footpaths along Martins Lane to avoid impacts to significant roots within the SRZ of tree T4, prior to the issue of the first construction certificate
 - appropriate / industry standard root severance methods for roots required to be severed
 - tree roots with a diameter greater than 50mm be retained and protected
 - engagement of a minimum AQF Level 5 Project Arborist to certify works
 - preparation of the final VMP and implementation in perpetuity (and amended as discussed below).
164. The Department supports the expansion of the VMP boundary to include the BGHF trees located within the eastern setback of the development. However, to ensure all retained significant trees (i.e. trees T1 to T6, not just BGHF trees T4 to T6) benefit from ongoing monitoring and care during construction and operational phases, the Department recommends a condition requiring the boundary of the VMP be expanded to include the whole eastern setback and incorporate all existing trees T1 to T6. The Department recommends the VMP also be:

- updated to require annual monitoring and include the implementation of mitigation measures in the event that there are adverse impacts on the BGHF CEEC
- implemented in accordance with the revised VMP boundaries.

6.3.3 Ecological zone

165. The VPA which applies to the site includes the creation of a 20 m wide publicly accessible ecological zone along the southern boundary of the site to contain the majority of the BHGF trees. An ecological zone was not required over the BHGF CEEC along the eastern boundary.
166. The application includes the creation of a 20 m wide ecological zone along the southern boundary of the site (**Figure 19** and **Figure 25**), and the Applicant has committed to implementing a VMP to manage BGHF CEEC during and following construction.
167. The proposal initially included elements to activate the ecological zone, including a café spill out area and play area, as well as a bioretention basin. These encroachments were removed from the proposal following initial concerns raised by Council and BCS.

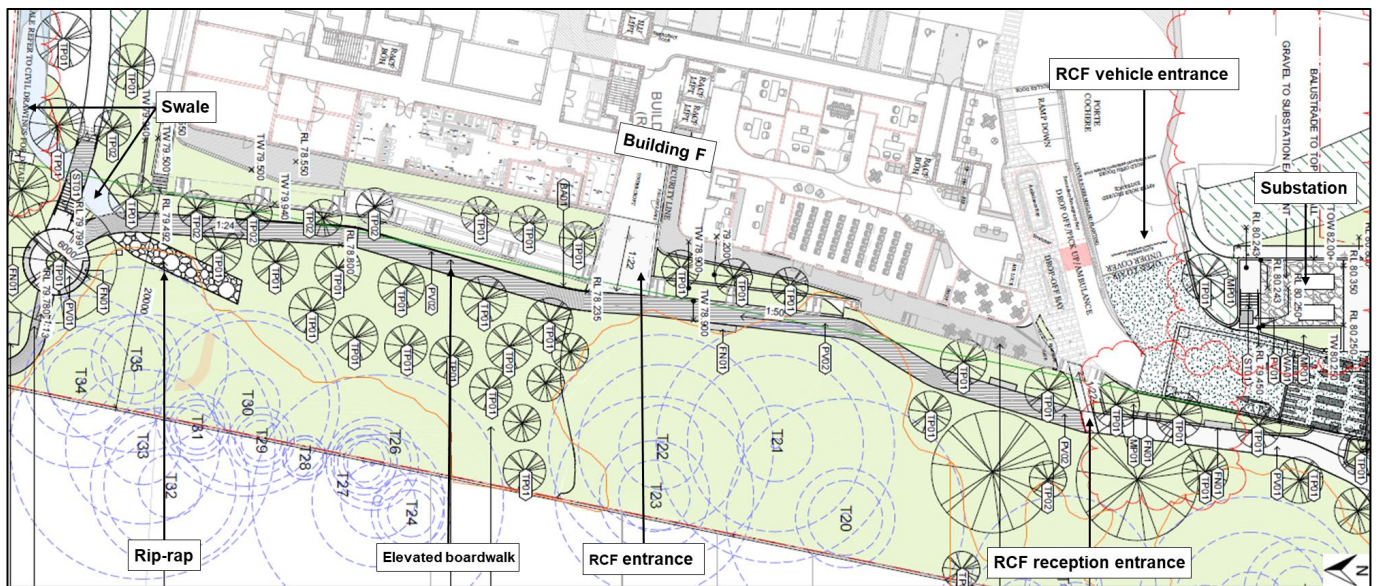


Figure 25 | Proposed southern ecological zone layout and design (Source: Applicant's RRFI)

168. Over the course of the assessment BCS raised concern about the proposed footpath / boardwalk within the ecological zone. BCS also raised concern about the potential impacts of the drainage elements (swale and rip rap) on soil moisture, nutrients, existing trees and the rehabilitation of BGHF.
169. BCS also recommended management and mitigation measures including amendments to the VMP to incorporate:
- a Dewatering / Fauna Relocation Plan, Post Dewatering Analysis Report, Pre-Clearance

Fauna Survey and Inspection to be implemented during the construction phase

- ongoing monitoring of the BGHF trees' health relating to potential decline in tree health, elevated soil moisture level and increase in weed abundance and planting and mitigation measures to address any identified impacts during the operational phase.

170. In response the Applicant redesigned the swale termination into a riprap (being a foundation of loose-locked stones / rocks to control erosion and dissipating water action) and inserted new measures into the VMP requiring the monitoring of any moisture impacts and BCS' recommended management plans and mitigation measures.

171. The Department has considered the design of the ecological zone, BCS' comments and the Applicant's responses. The Department considers the proposed impact on the BGHF CEEC in the southern ecological zone is likely to be minor / negligible as:

- proposed stormwater infrastructure would capture the majority of overland flows and results in a reduction in flows draining into the ecological zone when compared to the current situation
- the riprap cannot be relocated and proposed planting would further reduce soil moisture content
- the implementation of both the Applicant's and BCS' monitoring, management and mitigation measures would ensure any tree decline is appropriately addressed and remedied. The Department has recommended conditions accordingly.

6.3.4 Landscaping

172. The application includes a site-wide landscape masterplan including landscaped area across the Ground Level, Level 1, 2, 3 and 5. These areas will provide varied landscaping treatments providing different space for residents, visitors and staff to utilise.

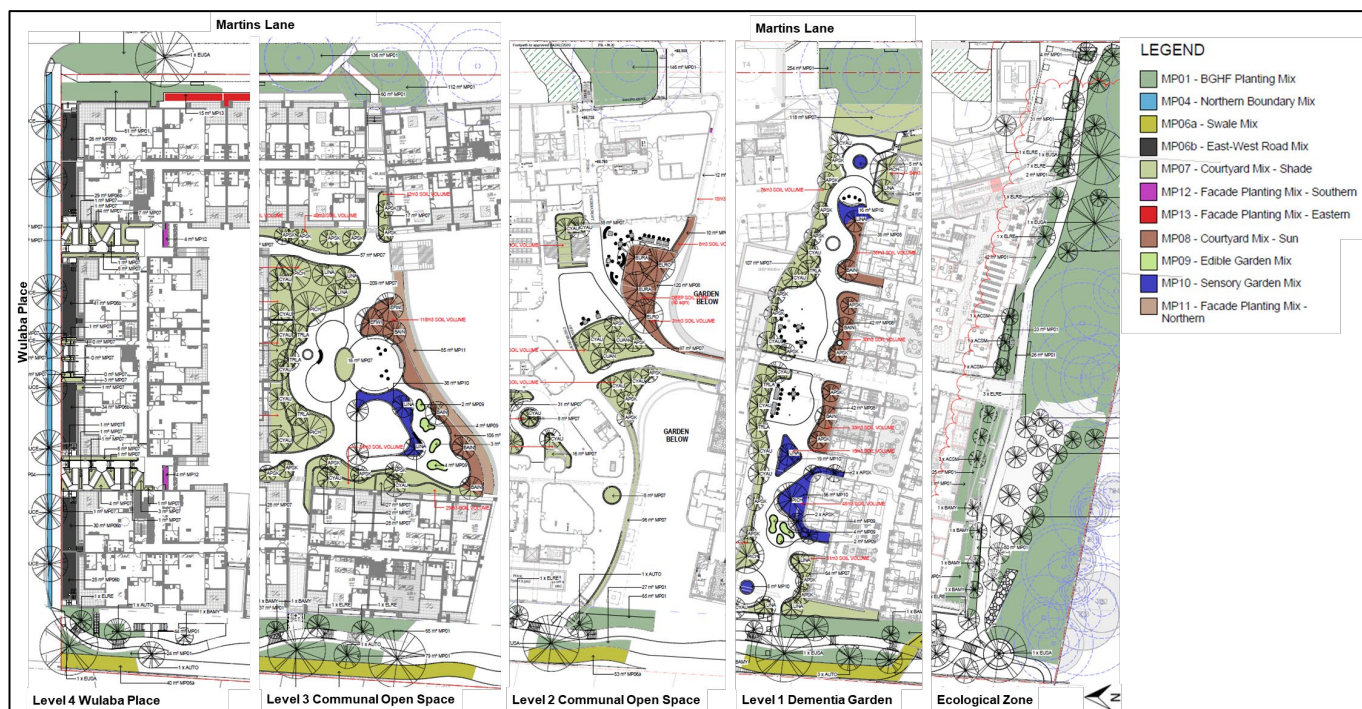


Figure 26 | Proposed landscape layout and planting mix (Base source: Applicant’s RRFI)

173. In addition to the ecological zone and western and eastern setbacks, discussed above, the proposal provides internal landscaped areas (**Figure 26**), including:

- a total of 7,221 m² site-wide communal and public open space landscaping and 3,807 m² deep soil area
- Level 1 dementia garden, which provides various areas for refuge situated around productive gardens, water fountains and bird baths, seating areas, mass planting and trees on structure
- Level 2 lower courtyard, which provides deep soil planting, raised planters with seating and flexible artificial lawn, a library spill out space and outdoor dining
- Level 3 upper courtyard, which provides a sensory and productive garden, garden shed and green house to provide various areas for residents to interact, outdoor seating spaces beneath structures and flexible lawn areas
- Level 4 Wulaba Place frontage, which provides street tree and verge planting
- Level 5 rooftop terrace with façade planting and planter boxes.

174. Council stated the overall landscaped design is well thought through. However, Council recommended further details be provided in relation to soil depths and volumes for trees planted on-structure and tree density, height and root ball location.

175. In response the Applicant and updated the landscape plans to include soil volumes, clarified locations of tree planting and that trees would meet Council's planting rate, height and distance from built structure requirements.
176. Council reiterated its concerns about tree planting positions and soil depths and recommended a condition requiring the submission of these details and further details of general landscaping.
177. The Department is satisfied the proposed landscaping works are appropriate and would contribute to the overall high-standard of design of the development. In particular:
- the proposed communal and public open spaces for ILUs and the RCF would enhance the development by providing for active and passive recreational spaces for future residents and visitors
 - the proposed landscaping would complement the design and appearance of buildings and contribute to integrating the development into the existing surrounding urban setting
 - the proposed deep soil areas within the building setbacks and soil volumes for planting on-structure would allow for the establishment of significant trees, new habitat and a significant 1,498 m² increase in site-wide on-site tree canopy (from 1,150 m² to 2,648 m²).
178. The Department agrees with Council that the landscaping details relating to tree location and soil depth for trees located on-structure should be provided and has recommended conditions accordingly.

6.4 ILU amenity

179. The former State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) (now repealed, but remains relevant to the proposed due to SEPP 65 savings provisions) and the associated Apartment Design Guide (ADG) provide planning guidance and principles to ensure acceptable levels of internal amenity are provided to residential apartments, including ILUs. SEPP 65 and the ADG do not apply to the RCF.
180. The application includes a design report, which outlines how the development addresses the Design Quality Principles of SEPP 65 and the recommended design guidance of the ADG.
181. The Department has considered the quality of ILU amenity as part of its assessment and is satisfied the proposal is generally consistent with the key ADG design criteria (**Table 11**). A detailed assessment of the proposal's consistency with the ADG is provided at **Appendix B**.

Table 11 | Consideration of key ADG design criteria

	Cross Ventilation	Solar Access	Open Space	Building Separation	Habitable Rooms
ADG	Minimum of 60% ILUs	Minimum 70% of ILUs to receive 2hrs mid-winter	Minimum 25% of site as communal open space	12 m up to 4 storeys and 18 m between 5 to 8 storeys	Must each have a window in an external wall
Proposal	60% (78/130)	71% (90/130)	30.9% (5,903.63 m ²)	All consistent, except ILUs E204 and E304	All consistent, except ILUs A501, A502 and D102

182. The Department notes the proposal does not meet the ADG design recommendations relating to habitable room windows and visual privacy.
183. Council also raised concern about the provision of apartments with floor levels below the surrounding ground level, access to Building F ILU apartments, the Applicant’s method for calculating solar / natural ventilation access and the size of the communal open space.
184. The Department has assessed these issues below.

6.4.1 Habitable room windows

185. The ADG recommends every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. In addition, daylight and air may not be borrowed from other rooms.
186. The development includes the provision of high-level ILU windows facing onto the internal communal sitting areas located between each building. These windows serve bedrooms and bathrooms (**Figure 27**).
187. Council raised concern that the high-level windows face an internal area, would provide inadequate ventilation and should be removed / redesigned.
188. The Applicant considers that these ILUs achieve adequate amenity as:
- the bedroom windows would be operable, high-level secondary windows
 - the communal sitting areas between the buildings are open-air spaces
 - the bathroom windows would be fixed shut, high-level, obscurely glazed and do not serve habitable rooms.

189. The Department notes that bathrooms are not habitable rooms and therefore do not require natural ventilation via a window on an external wall in accordance with the ADG. All bathrooms would be mechanically ventilated in accordance with the BCA.
190. The Department considers that the proposed bathroom and secondary bedroom windows facing the communal sitting areas are acceptable, only if they are all fixed shut, high-level and obscurely glazed and to prevent any amenity impacts in terms of ventilation or privacy. Notwithstanding this, the Department notes that some bathroom and secondary bedroom windows are not annotated as fixed shut and / or obscurely glazed and therefore recommends a condition requiring this to be the case.
191. The Department notes there are only two instances (ILUs A501 and A502) where the primary and only window of a bedroom faces (obliquely) into internal sitting areas. In both cases, the windows are operable, opaque and high level (**Figure 27**). The Department considers this design would result in a sub-standard bedroom accommodation as the rooms would have no outlook and opening the windows for natural ventilation would result in overlooking from the sitting areas. The Department therefore recommends a condition requiring the layout and design of ILU A501 and A502 be amended to ensure all bedrooms have a window on an external wall, with a clear glass area not less than 10% of the floor area and have a unit layout and/or window location/design sufficient to prevent overlooking from internal sitting areas.

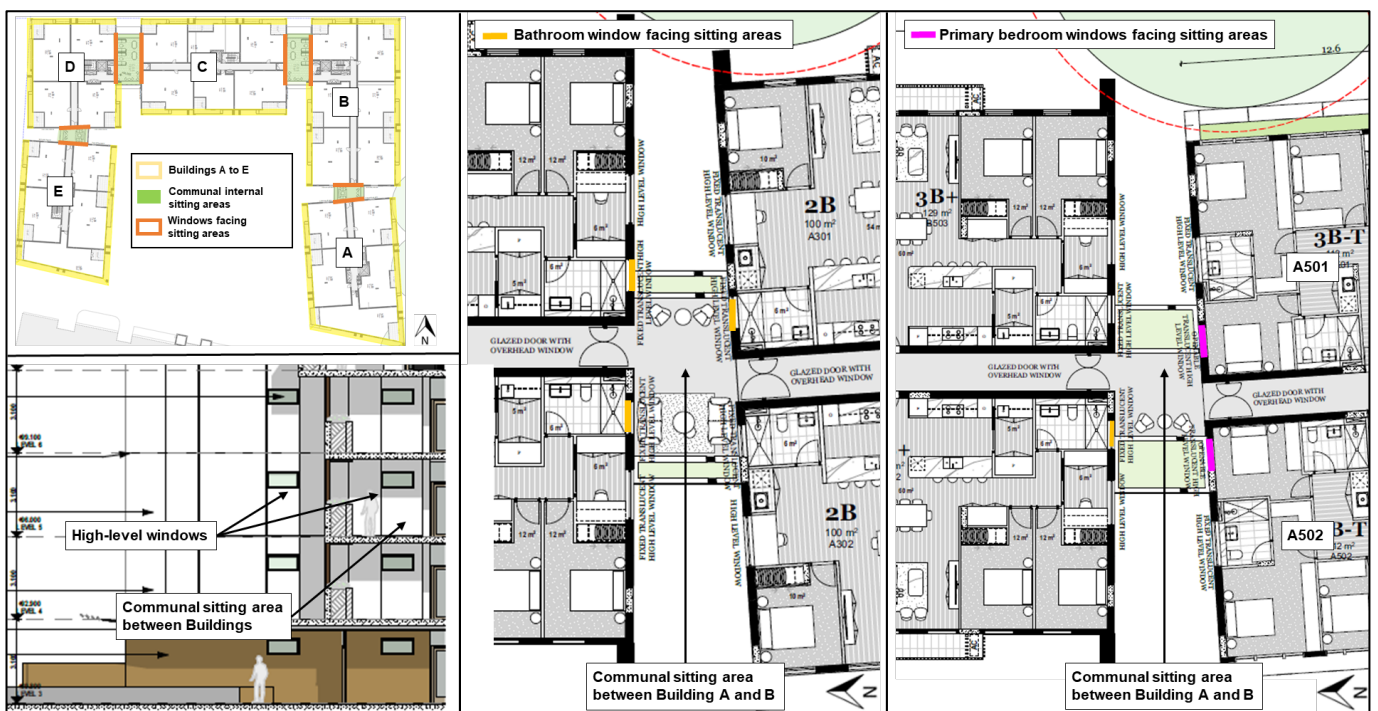


Figure 27 | Location and design of windows facing communal sitting areas (top and bottom left) and relationship of typical bathrooms and bedrooms A501/2 windows to communal sitting area (right) (Base source: Applicant’s RRFI)

192. The Department notes that ILU D102 includes a 10 m² room (indicated as a study) without a window (**Figure 29**). As this room is of a size that could be considered a habitable room, the Department recommends a condition requiring this room be removed or reduced in size to 6 m² or less to ensure it is not able to be used as a habitable room.

6.4.2 Visual privacy

193. The ADG recommends that new buildings within the development be designed to ensure that habitable rooms / balconies are separated by a distance of:

- 6 m up to 4 storeys and 9 m between 5 to 8 storeys between proposed buildings within the development and side and rear boundaries with adjoining properties.
- 12 m up to 4 storeys and 18 m between 5 to 8 storeys between proposed buildings within the development.

Building separation between adjoining properties

194. The development provides the following building and boundary separation distances to neighbouring properties (noted at the closest point):

- 18 m to Gimbawali across Wulaba Place to the north
- 25.5 m to the rears of dwellings fronting Charles Street across Martins Lane to the east
- 12.9 m to the shared boundary with dwellings fronting Azile Court
- 18.3 m to the shared boundary with dwellings fronting Homelands Avenue.

195. The proposed building separation exceeds the recommendations of the ADG (between 6 m and 9 m to side boundaries). However, notwithstanding this, Council recommended that the southern elevation of Building F be amended to incorporate privacy screens to reduce potential overlooking of the rear of properties facing Homelands Avenue.

196. In response the Applicant stated the proposal exceeds the ADG minimum recommended building separation distance and the southern ecological zone would also provide an extensive landscaping buffer between Building F and the rear of properties facing Homelands Avenue.

197. The Department notes the habitable room windows on the southern elevation of Building F are located between 38 m to 42 m away from the rear elevations of existing houses fronting Homelands Avenue and at least 18.3 m away from the shared boundary / their rear gardens. The Department is therefore satisfied the proposal exceeds the ADG recommended

separation distance and would not result in adverse overlooking of existing properties fronting Homelands Avenue.

198. In addition, as discussed at **Appendix B, Table 21** the Department is also satisfied that the proposal would not result in overlooking of Gimbawali or any properties facing Azile Court and Charles Street as in all instances the proposal exceeds the ADG minimum building and boundary separation distances.

Building separation between ILUs within the development

199. The development provides the following separation distances to buildings within the development (noted at the closest point):

- 48.6 m between habitable room windows and balconies of Buildings A/B and D/E
- 9.2 m between habitable room windows of Building E and roof terrace of Building F
- 8.3 m between balcony of Building A and roof terrace of Building F.

200. Building E includes two ILUs (E204 and E304) with south facing living room windows at Levels 3 and 4 that overlook the roof terrace of an ILU in the RCF (F107) at a distance of 9.2 m (2.8 m less than the ADG recommended minimum of 12 m) (**Figure 28**).

201. Overlooking closer than the ADG design recommendation only occurs at the identified locations (above). The Department notes the proposal includes privacy screens to prevent overlooking between Building A balconies and the roof terrace of Building F and at the internal corners of the buildings. In addition, the proposed building separation is acceptable in terms of solar access, ventilation and outlook.

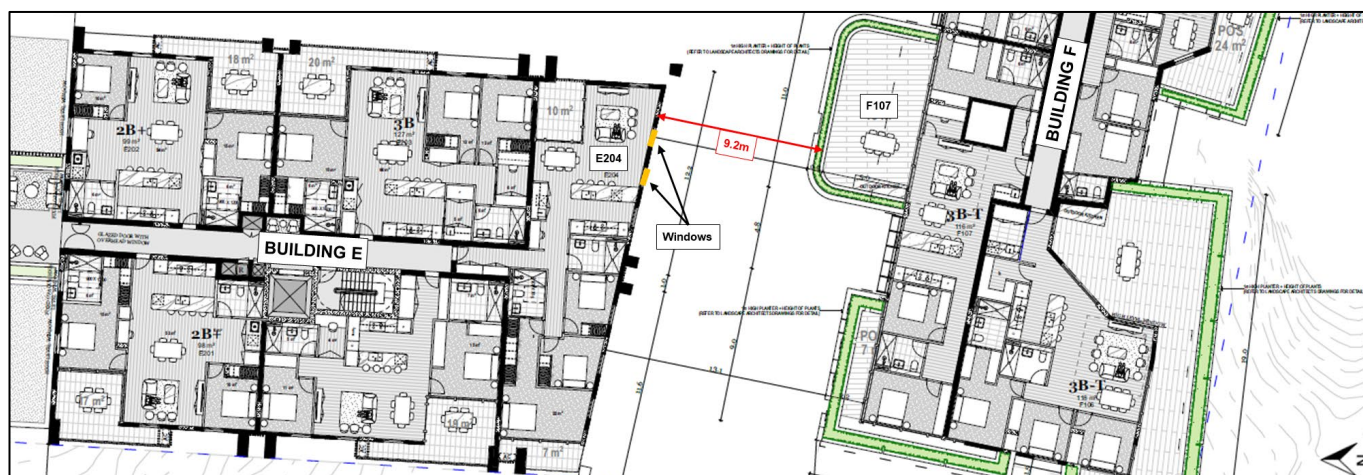


Figure 28 | Building E and F Level 3 layout and relationship between windows and roof terraces (Base source: Applicant's RtS)

202. To address the identified overlooking the Department recommends a condition requiring the two south facing living room windows of ILUs E204 and E304 are amended and/or treated (for example with privacy screens) to prevent overlooking in this location. The Department considers the potential installation of screens in this location would be acceptable as the affected living room windows are secondary, south facing windows and the primary light source to these rooms is from main windows on the eastern elevation.

6.4.3 Lower-level apartments

203. Due to the slope of the land the development includes ground level apartments at varying levels below surface ground level. Council raised concern about the provision of ILUs below ground level and recommended:

- any ILU between ground level and 0.5 m below ground level should demonstrate adequate solar access, include 5 m setback from any retaining wall and have a floor to ceiling height of 3 m
- ILUs B104 and D103 be redesigned or removed as they are up to 2 m below ground and have poor amenity.

204. The Applicant stated that on significantly sloping sites it is inevitable that some units may be lower than the natural ground level. Regarding B104 and D103 (**Figure 29**), the layouts have been designed to locate the living rooms where they are least impacted and consequently both ILUs would receive 2 hours of sunlight in mid-winter and achieve a high overall level of amenity. In response to Council's concern, the Applicant increased the setback of the façade of D103 from its retaining by 2 m (from 2 to 4 m) and increased its courtyard from 33 m² to 40 m².

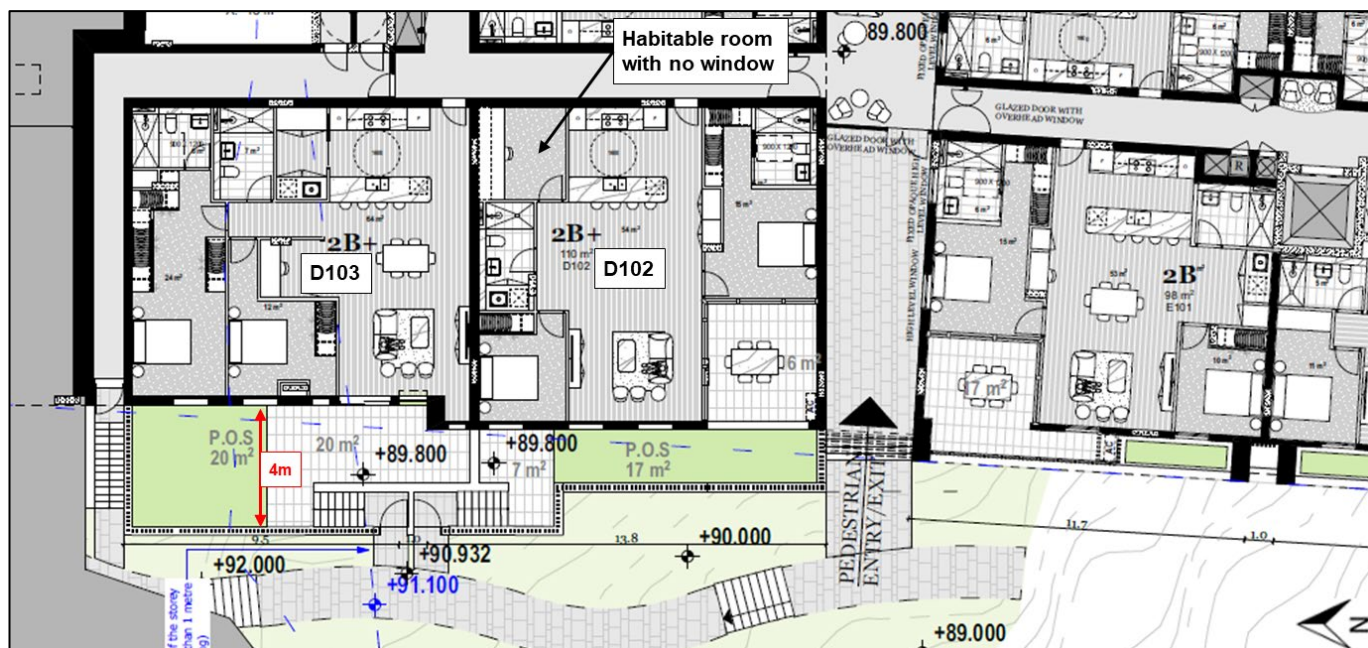


Figure 29 | ILU D103 and D102 layouts (Base source: Applicant's RRFI)

205. The Department has carefully considered the design of ILU B104 and D103 and considers on-balance that the units are acceptable as:

- due to the steep slope of the site and the need to step the development, the creation of some ILUs that are lower than ground floor level is unavoidable
- both ILUs achieve 2 hours of direct sunlight in mid-winter, have a spacious open plan layout, exceed ADG apartment, room, storage and private open space sizes, are provided with floor to ceiling heights up to 3.1 m, private entrances from the western setback and include generously sized glazed windows
- the Applicant has enlarged the private open space of ILU B104 and increased the distance between the retaining wall and unit façade to 4 m. This amendment improves the unit outlook access to sunlight and overall amenity.

206. The Department has considered whether these ILUs could be setback 5 m in line with Council's recommendation, however notes that this would have the adverse outcome of reducing daylight access into the apartments, due to the projecting building form of Level 1 above. In addition, the Department does not consider a further setback is needed as the ILUs received 2 hours direct sunlight in mid-winter and they have generously proportioned courtyards which exceed the ADG recommendation of 15m².

207. The Department has considered the amenity of all other apartments located partly below ground level and is satisfied that those apartments achieve an acceptable standard of

amenity, particularly with regard to future outlook, solar access and internal space standards and are acceptable.

6.4.4 Building E and F ILU street access

208. Council raised concern that Buildings E and F do not have direct street access. In particular:

- pedestrian access to Building E is via Building D
- the only access to the top floor ILU apartments within Building F is via a lift from the basement and the ILUs do not have a designated lobby.

209. In response the Applicant stated, as per the *Retirement Village Act 1999*, a dedicated street address and lobby is not required for each individual building and therefore, the current design is appropriate. In addition, a lobby is provided on the top floor of Building F for those ILUs, and ILU residents would not need to enter the RCF to access their unit.

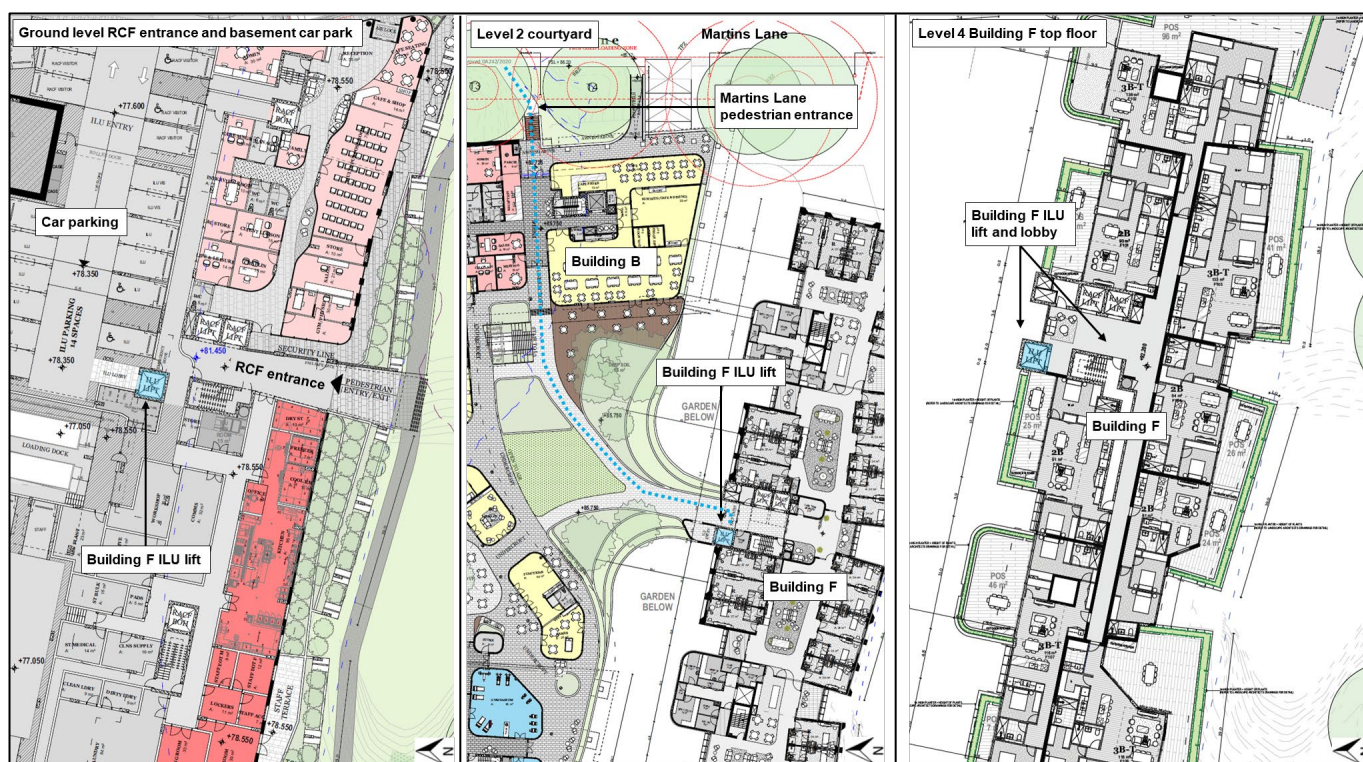


Figure 30 | Proposed pedestrian access to the top floor ILUs in Building F (Base source: Applicant’s RtS and RRFI)

210. The Department has considered Council’s concerns however is satisfied that the proposed access arrangements are acceptable as:

- fully accessible pedestrian access to Building E is provided via the corridor of Building D, which is acceptable as the route is not excessively long and the corridors are articulated

and include lounge / sitting areas. Staired, ground level access is provided directly to Building E from the western pedestrian link

- the future residents of the top floor ILUs in Building F would be able to access their apartments by lift from the basement level car park and from Martins Lane via the Level 2 internal courtyard
- the ILUs form part of a broader managed seniors housing complex (i.e. interconnected and managed buildings, amenities and open spaces), the ILUs are not for private residential sale and individual street addresses are less important in this context.

211. To ensure appropriate pedestrian access from Martins Lane is afforded to the future ILU residents of Building F, the Department recommends a condition requiring 24 hour pedestrian access from Martins Lane through Building A and via Level 2 courtyard for the occupants of Building F ILUs.

6.4.5 Calculation of solar and natural ventilation access

212. Council recommended that the calculation of the percentage of solar access and natural ventilation access for ILUs should be based on a building-by-building basis to provide a more equitable minimum amenity standard. In particular, Council noted, of the ILUs in Building C only 45% achieve at least 2 hour solar access in mid-winter (below the 70% minimum ADG target) and 38% receive no solar access (above the 15% maximum ADG target).

213. In response the Applicant stated overall the development achieves 71% solar access and 60% natural ventilation consistent with the ADG. In addition, the proposal is for a single co-located retirement village and therefore the ADG criteria should apply across the whole site.

214. The Department acknowledges that the Applicant has divided the development into six buildings. However, the Department considers the calculation of solar and ventilation access based on the overall development is acceptable in this instance as:

- the ILU component (Buildings A to E) of the development is holistically linked at basement / car parking and ground levels and by connecting communal lounge areas at upper floors
- the ILUs form part of an interconnected seniors housing development, which would be operated / owned by the Applicant and each individual ILU would not be available for sale on the open market
- the ADG acknowledges that the 70% solar access target is not always possible to achieve and flexibility should be given, particularly to south facing sites
- in all other respects the ILUs within Building C are considered to meet or exceed ADG

standards and would provide for a high standard of future ILU amenity.

6.4.6 Calculation of communal open space

215. Council recommended the southern ecological zone be excluded from the overall communal open space calculation as the only part of the zone that would be able to be accessed / used would be the 1.8 m wide public elevated footpath. Noting this exclusion, Council raised concern insufficient communal open space is provided and the proposal would not meet the ADG minimum requirement (25%).

216. In response the Applicant stated the proposal provides sufficient communal open space, noting the size of the communal open space:

- including the southern ecological zone is 7,464.63 m² (39% of site)
- excluding the southern ecological zone is 4,896.63 m² (26.6% of site).

217. Based on the above calculations, the Department is satisfied the proposal exceeds the ADG recommended minimum communal open space requirement of 25%.

6.5 Other issues

218. The Department’s consideration of other issues is summarised in **Table 12** below.

Table 12 | Assessment of other issues

Issue	Consideration	Recommendation
<p>Sustainable transport</p>	<ul style="list-style-type: none"> • The application includes a draft Green Travel Plan (GTP), which recommends the development of travel education and information strategies and sustainable transport measures. • TfNSW recommended the GTP be updated to include mode share targets, an implementation plan and monitoring measures. In addition, TfNSW recommended a Travel Access Guide (TAG) be prepared for the benefit of people accessing the site. • In response the Applicant notes it would be premature to commit to mode share targets noting the evolving nature of surrounding public transport options. The Applicant agreed to prepare a TAG prior to the occupation of the development. • The Department supports the Applicant’s commitment to implement sustainable transport measures through a GTP and 	<p>The Department has recommended conditions requiring the preparation, implementation and ongoing review of the final GTP and TAG.</p>

Issue	Consideration	Recommendation
	<p>TAG. The Department recommends the final GTP and TAG be prepared in consultation with TfNSW and incorporate TfNSW's requirements prior to the occupation of the development.</p>	
<p>Traffic generation</p>	<ul style="list-style-type: none"> • The application includes a Traffic Impact Assessment (TIA) which confirms that the development would generate up to 475 daily vehicle movements. The TIA estimates that approximately 96 vehicle trips per hour are expected during the PM peak, and notes that traffic associated with seniors housing does not generally coincide with the AM peak. • The TIA concludes that vehicle movements would have a minimal impact on the operation and efficiency of local road network. In addition, nearby intersections currently operate with minimal delay and the development would not adversely impact intersection performance. • TfNSW initially raised concern that the proposed amount of on-site car parking has not been factored into traffic generation predictions. • In response the Applicant stated the TIA traffic generation rates applied are the standard rates provided for senior housing developments under the RMS Guide to Traffic Generating Developments V2.2 2002 and Technical Direction TDT 2013/04a (TfNSW Guide) and are therefore considered appropriate. The rates do not infer any adjustment based on parking provisions. TfNSW did not raise any further comments or concerns. • Based on the TIA conclusions, the Department considers the: <ul style="list-style-type: none"> ○ predicted vehicle traffic generation would not result in adverse impact on the local road network ○ proposal would not have an adverse impact on intersection performance and no infrastructure upgrades are required ○ implementation of the GTP sustainable transport measures is likely to further reduce traffic impacts. 	<p>No additional conditions or amendments are necessary.</p>
<p>Car parking</p>	<ul style="list-style-type: none"> • Section 107 and 108 of the Housing SEPP provides minimum development standards for parking for RCF and ILUs. A consent authority must not refuse consent to an application on the grounds of car parking if it complies with these minimum requirements. 	<p>The Department has recommended conditions requiring car parking be provided in accordance with the</p>

Issue	Consideration	Recommendation
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- The proposal includes the provision of 235 ILU, 42 RCF and 5 Respite Centre car parking spaces, which significantly exceed the minimum Housing SEPP rates, as shown below:

Type	SEPP min rate	Required (min)	Proposed	Complies
ILU	1 per 5 units	26	235 (209 resident and 26 visitors)	Yes +209
RCF beds	1 per 15 beds	6.4	22	Yes +15.6
RCF Staff	1 per 2 staff	20	20	Yes
Ambulance	1 per RCF	1	1	Yes
Respite centre	-	-	5	Yes +5
Total		52.4	282 (plus ambulance)	Yes
- Of the above car parking, 26 ILU, five RCF and two Respite Centre spaces would be accessible and 96 of the ILU spaces would be 'tandem' spaces (being two spaces, one located behind the other). In addition, six motorcycle spaces are provided.
- TfNSW initially requested additional justification for the exceedance of the Housing SEPP ILU minimum car parking standard. Council recommended all tandem spaces be removed from the development as they encourage on-street parking and no accessible spaces should be designed as tandem spaces.
- In response the Applicant stated the number of ILU spaces is appropriate as the proposal exceeds the Housing SEPP minimum standards and:
 - vehicle ownership is high in the senior's demographic
 - a high proportion of ILU residents are likely to receive professional in-home care. These providers commonly drive and if resident's car spaces are not available, they would occupy visitor spaces (which are intended for family and visitors) or park within limited on-street spaces
 - tandem ILU spaces ensure all resident (and carer) parking is contained on the site, would not impact on the availability of on-street parking and provide the opportunity for

plans and Australian Standards, only used by future occupants, visitors and staff and the installation of EV infrastructure.

Issue	Consideration	Recommendation
	<p>conversion to storage / mobility scooter parking as part of the aging in place progression.</p> <ul style="list-style-type: none"> • The Department notes the proposed 209 ILU resident and visitor spaces exceed the Housing SEPP minimum standard (26 spaces) and provides for ILU parking at an average rate of 1.6 spaces per ILU. However, on-balance, the Department considers the car parking provision is acceptable noting the Applicant's justification above and as: <ul style="list-style-type: none"> ○ the Housing SEPP sets minimum (not maximum) standards and the application cannot be refused on the grounds of car parking if the minimum standards are met ○ the limited availability of on-street parking warrants a higher rate of car parking ○ the steep topography of the site and distance to the future light rail (900 m) would discourage trips by walking, and this would particularly be the case for older and/or less ambulant seniors ○ the proposal would not result in adverse traffic generation impacts and includes sustainable transport measures, as discussed in the preceding sections ○ parking is generally similar to what would be required for an equivalent residential development under the PDCP (179 spaces), noting that beyond a typical residential use there, would be some additional demand for car parking associated with in-home care services and the like. • The Department requested the Applicant consider car parking spaces be fitted with appropriate infrastructure to allow for the future installation of EV charging points. In response the Applicant confirmed that ILU car parking spaces would be fitted with base electrical infrastructure in accordance with the new requirements of the NCC. The Department has recommended conditions accordingly. • On-balance and based on the above assessment, the Department concludes the car parking provision is acceptable subject to conditions requiring ILU, RCF and respite care car parking spaces be provided in accordance with the plans, compliance with the applicable Australian Standards, parking 	

Issue	Consideration	Recommendation
	<p>be used only by occupants, visitors and staff of the development and the provision of appropriate EV infrastructure in accordance with the NCC.</p>	
<p>Ambulance access</p>	<ul style="list-style-type: none"> • Section 107(2)(j) of the Housing SEPP requires the development to include an on-site ambulance bay for the RCF. • The proposal provides a RCF porte-cochere, including an ambulance bay and pick-up/drop-off bay accessed from the RCF Martins Lane driveway / basement vehicle entrance. In addition, a basement turn-around area is provided for ambulances existing the porte-cochere, which is accessed via two security roller shutters. • Council recommended the Applicant consult with Ambulance NSW to ensure its design requirements are met. In addition, Council recommended direct and unimpeded ambulance entry / exit should be provided and recommended a condition requiring the two roller doors be deleted. • In response the Applicant amended the ambulance bay size and location within the porte-cochere and increased the vehicle turning circle size. In addition, the Applicant stated: <ul style="list-style-type: none"> ○ the ambulance bay forms part of a drive through porte-cochere, which is consistent with Ambulance NSW's requirements ○ roller doors are required for operational security ○ the RCF basement entry will be fitted with a swipe security system. In addition, the RCF would be staffed 24 hour, seven day a week basis and therefore an employee would ensure that ambulance movements in / out of the premises are managed. • The Department considers the ambulance bay design is acceptable and subject to the security roller shutters being operated in accordance with the Applicant's proposed management measures (above), ambulances would be able to exit the site unimpeded. 	<p>The Department has recommended a condition requiring the RCF vehicle entrance roller shutters be open during business hours, and that a RCF staff member be available 24 / 7 to ensure ambulances can enter / leave without restriction after business hours.</p>
<p>Martins Lane footpath and ILU driveway</p>	<ul style="list-style-type: none"> • The VPA includes a commitment to the create a new public footpath along Martins Lane, which terminates at the rear boundary of 3A Homelands Avenue. Council has granted consent for a concrete footpath and the northern extent of this 	<p>The Department has recommended conditions requiring</p>

Issue	Consideration	Recommendation
	<p>footpath has been constructed and currently ends beneath tree T3. The southern extent of the footpath has not yet been constructed (Figure 22).</p> <ul style="list-style-type: none"> • In addition, to its comments on footpaths within the western and southern setbacks and footpath impact on significant trees (Section 6.3), Council recommended the Applicant: <ul style="list-style-type: none"> ◦ extend the Martins Lane footpath to Homelands Avenue, ensure it is accessible 24/7, is maintained, contained within an easement and provide civil drawings for Council’s approval ◦ redesign the Martins Lane ILU driveway so its footpath gradient does not exceed 2.5% and slopes towards the road and driveway gradient does not exceed 5% for the first 6 m ◦ remove the pedestrian crossing line markings from driveways. • In response the Applicant amended the proposal to include an extension to the Martins Lane footpath to connect to Homelands Avenue and agreed to a condition requiring its construction. • The Applicant stated the ILU driveway provides an appropriate access design and its gradient meets the relevant Australian Standards. In addition, the footpath gradient generally follows the gradient of Martins Lane, which is quite steep and therefore cannot achieve compliant grades. The Applicant confirmed the application does not include the construction of pedestrian crossings. • Council reiterated its concerns about the ILU driveway and footpath gradients, stating they do not meet the Australian Standards and would result in compromised sight-lines. In addition. Council recommended conditions requiring footpaths in the public domain be constructed in accordance with the Parramatta Public Domain Guidelines 2017 (PPDG) and remove the pedestrian crossing line markings. • The Department notes that the topography and gradient of the site and adjoining Martins Lane compromises the ability to provide for footpaths and ILU driveways with gentler slopes. 	<ul style="list-style-type: none"> • the approved and extended Martins Lane footpath be constructed and align with VPA timings • ILU driveway be constructed in accordance with the relevant Australian Standards • footpaths meet PPDG requirements and pedestrian crossing line markings be removed.

Issue	Consideration	Recommendation
	<p>Notwithstanding this, the Applicant has demonstrated that the ILU driveway will be constructed in accordance with the Australian Standards.</p> <ul style="list-style-type: none"> • The Department recommends conditions requiring: <ul style="list-style-type: none"> ◦ the approved (not yet constructed) Martins Lane footpath be constructed prior to the first occupation of the development ◦ the Martins Lane footpath extension be constructed prior to the first occupation of the development and aligned with the timing of the VPA land dedication and footpath works ◦ the footpath crossing the ILU driveway be constructed in accordance with the relevant Australian Standards ◦ footpaths meet the PPDG requirements and the pedestrian crossing line markings be removed. 	
<p>Service vehicles</p>	<ul style="list-style-type: none"> • The proposal includes two loading docks comprising three service vehicle spaces, two spaces at RCF basement level for 12.5 heavy rigid vehicles (HRV) and one space at ILU basement level for a courier / van. • The Applicant’s TIA predicts there would be a maximum of 21 truck deliveries per week, which equates to three in / out bound per day. The TIA indicates that no vehicle queuing is expected at the site entries due to the low overall service vehicle demand (consisting of waste collection, food and linen deliveries). • Council initially raised concern about the ability of vehicles to access loading / unloading bays and manoeuvrability within the basement. In addition, Council recommended that appropriate sight-lines / splays are provided at vehicle entrances. • In response the Applicant stated the basement has been designed to allow vehicles to pass each other and exit in a forward direction. In addition, due to the very low frequency of vehicles accessing the development, the opportunity for blocking parking is very low and can be managed. The Applicant agreed to provide triangular splays associated with sight-lines as part of detailed construction drawings. • Council reviewed the RtS and did not raise any further concern about loading / unloading facilities or sight-lines. • Based on the TIA, the Department considers the service vehicle 	<p>The Department has recommended conditions requiring</p> <ul style="list-style-type: none"> • loading / unloading facilities be provided in accordance with the proposal • adequate sight-lines be provided at vehicle entrances.

Issue	Consideration	Recommendation
	<p>demand related to the operation of the development is likely to be low. In this context the Department is satisfied that sufficient loading / unloading facilities have been provided. In addition, the application has demonstrated that vehicles can access the proposed spaces and manoeuvre within the basement areas.</p>	
<p>Bicycle facilities</p>	<ul style="list-style-type: none"> • The proposal includes the following bicycle facilities: <ul style="list-style-type: none"> ◦ 30 spaces for ILU residents at basement Level 1 ◦ 20 spaces for staff and end of trip facilities at ground floor / basement level ◦ six spaces for visitors, within the eastern setback adjacent to the pedestrian entrance between Buildings A and B. • The Department considers the bicycle facilities are acceptable as: <ul style="list-style-type: none"> ◦ staff end of trip facilities have been provided, including bathrooms for male and female staff and lockers ◦ resident / staff bicycle parking is secure and conveniently located within the basement levels ◦ noting the development is for seniors housing, and the absence of a minimum requirement, 30 ILU spaces (approximately 25% of ILUs) and 20 staff spaces (approximately 15% of all staff) and six visitor spaces is reasonable. 	<p>The Department has recommended conditions requiring the bicycle spaces and EoT be provided in accordance with the proposal and relevant Australian Standards.</p>
<p>Wind impact</p>	<ul style="list-style-type: none"> • The application includes a Pedestrian Wind Environmental Study (PWES), which undertook an assessment, including wind tunnel testing, to determine the existing and predicted wind conditions affecting various outdoor areas within and around the development. • The Applicant's PWES concludes, subject to the implementation of the following mitigation measures to address wind impacts, all spaces within and around the site would be suitable for their intended uses: <ul style="list-style-type: none"> ◦ include dense evergreen trees along Martins Lane and at the south-east corner of the site ◦ include trees, shrubs and / or hedges and install a 3 m high impermeable screen within the courtyard. 	<p>The Department has recommended a condition requiring the PWES mitigation measures be implemented, excluding the planting of trees within Martins Lane (to avoid conflict with the TPZ and SRZ of T5 and T6).</p>

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> The Department accepts the findings of the Applicant's PWES and notes that subject to the implementation of appropriate wind mitigation measures, it is likely that outdoor areas within and around the development would be suitable for their intended uses. 	
Flooding and drainage	<ul style="list-style-type: none"> The application includes a Flood Impact Assessment (FIA) and Stormwater and Management Plan (SMP), which provides an assessment of the existing and predicted flood conditions and impact and stormwater infrastructure and management and mitigation measures. The Applicant's FIA confirms the current site is subject to the flooding, including <ul style="list-style-type: none"> adjoining roads experience minimal inundation (< 0.1 m) during the 1% AEP and PMF and have a flood hazard of H1 'no restrictions' during the 1 % AEP. Martins Lane has a flood hazard of H3 during the PMF for a period of up to 30 minutes the majority of the site has a flood depth of less than 0.15 m during the 1% AEP and less than 0.20 m during the PMF peak flood flows discharge through a private easement between 11A and 13 Homelands Avenue, south of the site. The Applicant's SMP and FIA includes the following design / infrastructure to address the minor flooding and drainage requirements of the site: <ul style="list-style-type: none"> remove existing on-site basins and install a swale in the western setback and two on-site detention systems (OSD) provide two emergency overland flow paths one along the Wulaba Place frontage and one north of Building F provide new pit and pipe drainage network throughout the site. a flood emergency response plan (FERP) a shelter in place strategy for residents, staff and visitors in the event of an extreme flood evacuation routes by vehicle and foot. BCS provided advice on the Applicant's FIA and FERP initially raised concerns about flood free access and a number of other 	<p>The Department has recommended conditions requiring the implementation of the FIA flood mitigation measures and the FEMP.</p>

Issue	Consideration	Recommendation
	<p>technical modelling and design details. SES initially provided comments on the FERP modelling, car park openings and access points. SES also provided flash flood design advice.</p> <ul style="list-style-type: none"> • Upon review of additional information, BCS confirmed the Applicant had addressed its comments. SES recommended additional minor amendments to the FERP. • Council also confirmed the proposal satisfies the PDCP requirements and recommended conditions requiring the FIA and water management measures be implemented. • To assist with its assessment the Department also engaged GRC Hydro to review the FIA and stormwater strategy. The GRC Review concluded the development is compatible with the site flood affectation and the safety of residents, staff and occupants would be managed effectively by design / through the flood emergency response measures outlined in the FERP. • The Department has carefully considered the submissions relating to flood and stormwater impacts and the Applicant's responses to these. The Department notes BCS, SES and Council no longer raise concerns and the GCR Review concludes the proposal is acceptable. • The Department notes the site as existing, and as proposed, is susceptible to minor overland flooding during a range of flood events. However, the Department notes the flood impact is low and concludes the proposed flooding impacts can be adequately managed and mitigated subject to implementation of the proposed stormwater infrastructure, the FERP and associated management and measures. • The Department recommends the FERP is updated to incorporate SES' recommended minor amendments. 	
Groundwater	<ul style="list-style-type: none"> • The proposal includes excavation (approximately 4-9 m in depth) and is likely to encounter ground water. The basements are proposed to be of a drained (not tanked) construction. • DCCEE Water requested the Applicant quantify the maximum annual water take in megalitres (ML) annually, obtain a water access licence (WAL) if water take is greater than 3 ML annually and consider the NSW Aquifer Interference Policy (AIP). 	The Department has recommended conditions requiring the development obtain a WAL (or exemption) and approval for any discharge to the

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> • Council recommended groundwater modelling be updated, the basement be of a tanked construction and no groundwater be discharged to Council's drainage network. • In response the Applicant submitted a Geotechnical Investigation Report and Groundwater Inflow Assessment (GIA), which considered the NSW AIP and confirmed groundwater inflow rates would be approximately 0.8 ML in the first year and 0.3 ML annually thereafter. Noting the water take would be less than 3 ML, the Applicant stated a WAL will not be required. In addition, although permission for a drained basement is subject to an application with DCCEEW Water, the GIA has demonstrated that a drained basement and discharge of drained water is feasible. • DCCEEW Water noted the GIA indicates water take may be less than 3 ML annually and therefore a WAL exemption may apply. DCCEEW Water recommended a condition requiring sufficient water entitlement be held in a WAL, unless an exemption is granted. Council stated matters can be addressed by condition. • The Department is satisfied the proposal's impact on groundwater can be managed subject to the development obtaining a WAL (or exemption) and any necessary approval(s) to discharge any groundwater to the Council's drainage / sewer system(s). 	<p>drainage / sewer system(s).</p>
<p>Operational noise</p>	<ul style="list-style-type: none"> • The closest receivers to the site are the apartments within Gimbawali and dwellings fronting Homelands Avenue, Azile Court and Charles Street, which are located between 5-15 m away from the site's boundaries (Figure 2). • The application includes an Operational Noise and Vibration Impact Assessment (ONVIA) which identifies operational noise sources would primarily arise from the use of ILU and RCF cafés, outdoor communal areas, mechanical plant, loading dock and road traffic. • The Applicant's ONVIA undertook noise monitoring to determine the existing background and ambient noise levels and establish the following project noise trigger levels (PNTL) at the nearest sensitive receivers during in accordance with the Noise Policy for Industry (NPfI), including: 	<p>The Department has recommended conditions requiring the implementation of the ONVIA and Department's management and mitigation measures.</p>

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> ○ 42 dB(A) during the day and evening (7 am to 10 pm) ○ 38 dB(A) at night, being after 10 pm. ● The ONVIA concludes the proposal would not result in unacceptable operational noise impacts, noting: <ul style="list-style-type: none"> ○ the fit out and operation of the cafés would form part of separate application ○ regarding communal open spaces: <ul style="list-style-type: none"> - there are no specific noise emission criteria for these spaces and the NPfI is not applicable - the <i>Protection of the Environment Operations (Noise Control) Regulations 2017</i> (EONC Reg) prevents properties from adversely impacting amenity, particularly at nighttime - the nearest receivers to these spaces are future ILUs and the RCF and impacts would be managed by the Applicant - an acoustic review of proposed treatments should be undertaken prior to construction certificate ○ mechanical plant specification will be confirmed during the detailed construction design phase and it would be possible to design, locate and if necessary, treat the plant to ensure compliance with PNTLs ○ noise from road traffic and use of loading dock would be below emission limits, subject to management measures including no nighttime deliveries (i.e. between 10pm to 7am) and no more than one service vehicle in or out in a 15 minute period. ● Council recommended that the ONVIA mitigation measures be implemented. ● The Department has considered the findings of the Applicant's ONVIA and considers the operational noise generated by the communal open spaces, mechanical plant and roads can be sufficiently managed and / or mitigated and is unlikely to have an unreasonable impact on surrounding noise sensitive receivers subject to implementation of the ONVIA mitigation measures and the following additional measures: 	

Issue	Consideration	Recommendation																	
	<ul style="list-style-type: none"> no amplified music in outdoor areas and consistent with EONC Reg the use of communal open spaces and all ancillary amenities (listed at Table 1), excluding cafes, limited to 7 am and 10 pm daily and only for use by residents and their guests (i.e. not for public hire). 																		
Construction noise / vibration	<ul style="list-style-type: none"> The Interim Construction Noise Guidelines (ICNG) recommend limits to construction noise impacts in NSW. In particular, it sets noise management levels (NML), standard construction hours (7am to 6pm Monday to Friday and 8am to 1pm on Saturdays) and notes that noise impacts above 75 dB represent a point where sensitive receivers may be ‘highly noise affected’ and additional mitigation is warranted. The application includes a Construction Noise and Vibration Management Plan (CNVMP). The CNVMP confirms construction would be carried out in accordance with the ICNG and the standard hours of construction and anticipates a construction timeframe of 24-28 months. The CNVMP predicts the construction has the potential to exceed the NMLs as summarised in the following table: <table border="1" data-bbox="357 1238 1176 1563"> <thead> <tr> <th>Receiver</th> <th>NML dB(A)</th> <th>Predicted dB(A)</th> <th>Exceedance dB(A)</th> </tr> </thead> <tbody> <tr> <td>Charles St</td> <td rowspan="4">47</td> <td>45-89</td> <td>up to 42</td> </tr> <tr> <td>Homelands Ave</td> <td>45-90</td> <td>up to 43</td> </tr> <tr> <td>Azile Ct</td> <td>45-92</td> <td>up to 45</td> </tr> <tr> <td>Gimbawali</td> <td>44-87</td> <td>up to 40</td> </tr> </tbody> </table> The CNVMP indicates that the most significant noise exceedances would occur during intensive excavation / preliminary works (rock hammering, excavators and piling) and impacts would reduce during general construction works. Vibration impacts could occur during hammering / excavation works. The CNVMP recommends the following mitigation measures to address the predicted exceedances and indicates that the implementation of these measures would reduce exceedances up to 10 dB(A): 	Receiver	NML dB(A)	Predicted dB(A)	Exceedance dB(A)	Charles St	47	45-89	up to 42	Homelands Ave	45-90	up to 43	Azile Ct	45-92	up to 45	Gimbawali	44-87	up to 40	<p>The Department has recommended conditions requiring the implementation of the Applicant’s and Department’s construction noise and vibration mitigation measures and adherence to the ICNG construction hours.</p>
Receiver	NML dB(A)	Predicted dB(A)	Exceedance dB(A)																
Charles St	47	45-89	up to 42																
Homelands Ave		45-90	up to 43																
Azile Ct		45-92	up to 45																
Gimbawali		44-87	up to 40																

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> ○ installation of a minimum 2.4 m high noise screen / hording around the full perimeter of the site ○ implementation of respite periods, comprising limiting noisiest work to Mon-Fri between 8am-12pm and 2pm-5pm ○ attended noise and vibration monitoring ○ non-tonal reversing beacons, avoidance of unnecessary noise during manual operations and switching off idle vehicles ○ community consultation and noise complaint procedure. ● Concern was raised in one public submissions about construction noise impacts and potential night-work. Council recommended the mitigation measures of the CVNMP be complied with. ● The Department has considered the findings of the Applicant's CNVMP and considers some noise exceedances to surrounding properties during construction would be unavoidable, given the scale of the development and the proximity to residential properties in the immediate surrounding area. ● The Department notes the most significant noise impact would be temporary and largely limited to excavation works. Notwithstanding this, the Department acknowledges that, even including proposed mitigation measures, the works are likely to exceed the NMLs and ICNG's highly noise effected criteria. The Department therefore considers the following noise mitigation measures, in addition to the CNVMP measures, are also necessary to further mitigate impacts: <ul style="list-style-type: none"> ○ prepare and implement a final CNVMP ○ vehicles to arrive / depart during construction hours ○ switch off idle plant and machinery and locate plant and machinery as far away from sensitive receives as is practical ○ no noise to be 'offensive noise' as defined by the POEO Act. ● The Department also recommends that construction hours are limited to the ICNG standard hours. ● Based on the above assessment, the Department is satisfied construction works can be appropriately managed to allow efficient construction while minimising and managing 	

Issue	Consideration	Recommendation
	disruption to nearby amenity.	
Other construction impacts	<ul style="list-style-type: none"> The proposed works may have other construction impacts in terms of construction traffic, waste, air quality, soil and erosion and dilapidation and the like. The Application includes draft Construction Pedestrian and Traffic Management Plan (CPTMP) and Construction Waste Management Plan (CWMP), which consider traffic and waste impacts and suggests processes and mitigation measures. The EIS states that all necessary environmental plans would be finalise prior to the commencement of works to address all other construction impacts. Council recommended the Applicant further clarify the proposed approach to waste storage, collection, recycling/reuse and offsite disposal. In addition, construction traffic should not park in surrounding residential streets and a dilapidation report should be prepared for Council’s roads and assets. TfNSW stated the proposal would not have an adverse impact on the State road network. Concern was raised in one public submission about reduction of on-street parking due to construction traffic and workers and light spill. In response the Applicant stated the CPTMP would manage potential traffic impacts, limited parking spaces would be provided on-site for workers, with workers being encouraged to car-pool and use public transport. The Applicant agreed to prepare a dilapidation report. The Department notes the site is located within an established urban environment, which is accessed via existing residential streets and in this context, it is likely that some construction impacts would be unavoidable. However, the Department considers construction impacts can be kept within acceptable parameters subject to the construction occurring in accordance with the hours of construction and works being undertaken in accordance with standard practices for development sites within urban areas. The Department has recommended the preparation of a detailed CEMP to holistically address the likely environmental 	The Department has recommended conditions requiring the implementation of the CEMP, its associated construction management plans, preparation of dilapidation report(s) and construction worker transport strategy.

Issue	Consideration	Recommendation
	<p>impacts arising during construction phase (noted above). The Department also recommends the Applicant prepare dilapidation report(s) and a construction worker transport strategy to ensure any dilapidation and on-street parking impacts are addressed.</p> <ul style="list-style-type: none"> The Department concludes construction impacts can be appropriately managed and mitigated in accordance with standard practice for development sites in urban areas, subject to the implementation of the construction mitigation measures discussed previously in this report, the CEMP and dilapidation reports. 	
Aboriginal cultural heritage	<ul style="list-style-type: none"> The application includes an Aboriginal Cultural Heritage Assessment Report (ACHAR) which was prepared in consultation with Aboriginal stakeholders and interested parties. The ACHAR concluded the site does not hold any specific cultural heritage significance. In addition, no surface artifacts were identified within the site and, due to the high level of disturbance across the site, the ACHAR did not consider there to be the potential for subsurface deposits. The ACHAR recommended the preparation and implementation of an unexpected finds protocol (UFP) including a stop-work provision if remains are identified. Heritage ACH supported the ACHAR's recommended mitigation measures. Council did not provide any comments. Based on the findings of the ACHAR, the Department concludes the proposal is unlikely to impact Aboriginal cultural heritage subject to the implementation of an UFP. 	<p>The Department recommends a condition requiring the excavation and construction be carried out in accordance with the ACHAR mitigation measures.</p>
Sustainability	<ul style="list-style-type: none"> The Applicant has confirmed the development has been designed in accordance with ESD principles. In addition, the proposal would achieve a minimum average 7-star NatHERs rating (which would exceed a 5 Star Green Star rating equivalent) and outperform the minimum BASIX Energy and Water requirements by 20%. The Department has considered ESD in detail at Appendix B and concludes the proposal has appropriately incorporated ESD principles into its design, includes appropriate 	<p>The Department has recommended a condition requiring the proposal achieve minimum sustainability targets.</p>

Issue	Consideration	Recommendation
	<p>sustainability initiatives and design features subject to meeting the proposed sustainability targets.</p>	
<p>Fit out and operation of cafes</p>	<ul style="list-style-type: none"> • The Department notes the Applicant indicates that consent is sought for the fit-out and operation of the ILU and RCF cafes. • However, the Applicant has not provided any details of the use or management of these tenancies. In addition, the ONVIA states these tenancies would be subject to future application(s) and therefore provides no assessment of operational noise impact. • Noting the above and lack of information and as the use of these tenancies has the potential to have adverse amenity impacts, the Department considers it would be premature to grant permission for fit-out and operation of the ILU and RCF cafes (including any associated outdoor dining areas). 	<p>The Department has recommended condition confirming no consent is granted for the fit out and operation of the ILU and RCF cafes (including any associated outdoor dining areas).</p>
<p>Crime prevention</p>	<ul style="list-style-type: none"> • The Applicant submitted a Crime Prevention through Environmental Design (CPTED) report. The assessment concludes that the development would provide a high level of natural surveillance and site activation by positioning ILUs and the RCF fronting streets and walkways, open spaces and communal areas. In addition, basement car park and lobby areas would be secure, appropriate lighting and CCTV is proposed and public and private areas are clearly defined. • The CPTED report includes several recommendations relating to surveillance, lighting, territorial reinforcement, environmental maintenance, space management and access and design. With the implementation of these mitigation measures, the site's crime risk is expected to be low. • Council recommended security matters relating to mailbox placement and storage facilities be considered. • In response to Council's comments, the Applicant updated the CPTED report to consider mailboxes and storage. • The Department considers the development would provide for a safe and secure environment and be consistent with CPTED principles subject to the implementation of the CPTED report's recommended management and mitigation measures. 	<p>The Department has recommended a condition requiring the implementation of the CPTED management and mitigation measures.</p>
<p>Signage</p>	<ul style="list-style-type: none"> • The application seeks approval for one business identification 	<p>The Department has</p>

Issue	Consideration	Recommendation
	<p>sign, located on the eastern elevation of Building F (RCF) at Level 3 and measuring approximately 4.2 m wide and 2.8 m high. The sign would be illuminated and display the BaptistCare name and logo and includes a dimmer function.</p> <ul style="list-style-type: none"> • Council and TfNSW did not provide comments on the proposed sign. • The Department has assessed the sign against the provisions of State Environmental Planning Policy (Industry and Employment) 2021 (Appendix B). • The Department notes sign is proposed to be illuminated, is located at an elevated level and faces the rear of residential properties fronting Charles Street. To ensure the sign illumination does not have an adverse impact on neighbouring residential amenity the Department recommends: <ul style="list-style-type: none"> ○ the Applicant prepare a report confirming the signage design and illumination complies with the requirements of Australian Standard AS 4282-2019 Control of Obtrusive Effects of Outdoor Lighting ○ the illumination be dimmed between 10pm and 7am every night ○ the intensity of the illumination should be further dimmed if it results in adverse amenity impact. • The Department considers the sign is of an appropriate size and location and is proportionate to the overall scale of the development. The Department concludes the sign is acceptable within the streetscape and setting of the development. • The Department recommends the sign be installed in accordance with the proposed drawings, relevant applicable guidelines and standards and subject to the above requirements. 	<p>recommended a condition requiring installation in accordance with the proposed drawings and relevant guidelines and standards and subject to the illumination be dimmed.</p>
<p>Utilities</p>	<ul style="list-style-type: none"> • The application includes an Infrastructure Delivery, Management and Staging Report (IDMSR), which confirms the proposal would connect to existing services. In addition, the proposal includes the installation of two electrical sub-stations, an underground power cable along Martins Lane, water, sewer, NBN and gas connections. • Endeavour Energy required a network connection application, 	<p>The Department has recommended conditions requiring:</p> <ul style="list-style-type: none"> • consultation with relevant utility providers prior to construction of

Issue	Consideration	Recommendation
	<p>protection of its easements, the new electrical sub-station must include an easement and restrictions benefitting Endeavour Energy and no trees should be planted within the sub-station easement. Endeavour Energy provided standard construction, connection and safety advice.</p> <ul style="list-style-type: none"> • Sydney Water confirmed that adequate potable and wastewater services are available, amplifications may be required and recommended the Applicant submit a separate Section 73 Application. Sydney Water also stated tree planting should adhere to Sydney Water’s specifications within Section 46 of <i>Sydney Water Act 1994</i> and Technical Guideline Building Over and Adjacent to Pipe Assets - Diagram 5 Planting Trees. • The Department requested the Applicant clarify whether the easement required by Endeavour Energy around the sub-stations would have an adverse impact on significant trees T5 and T6. • In response the Applicant noted Endeavour Energy’s and Sydney Water’s comments and committed to ongoing consultation with agencies as required. The Applicant provided an updated IDMSR, which confirmed neither tree T5 or T6 overhangs the sub-stations and there is no conflict with the required easement. • The Department has considered the information provided and is satisfied that the development is capable of providing the required utilities and services to the site subject to the Applicant consulting with Endeavour Energy and Sydney Water. • The Department is satisfied that the location of the sub-station and requirement for an easement would not have an adverse impact on the retention of trees T5 and T6. However, the Department notes the associated proposed route of the underground power cable is shown as located along the western side of Martins Lane from Pennant Hills Road to the sub-station and through the SRZs and TPZ of trees T1 to T6. • To ensure there is no adverse impact on the health, safety and longevity of retained trees T1 to T6, the Department recommends the power cable is relocated outside the SRZs / TPZs of those trees, possibly to the eastern side of Martins 	<p>utilities and all utilities are available prior to operation</p> <ul style="list-style-type: none"> • the relocation of the underground power cable outside the TPZ / SRZ of retained trees T1 to T6.

Issue	Consideration	Recommendation
<p>Operational waste</p>	<p>Lane.</p> <ul style="list-style-type: none"> The application includes a draft Operational Waste Management Plan (OWMP), the OWMP and architectural plans outline storage areas, bin size, waste quantities and collection frequencies and provides dedicated facilities for the ILU, RCF and Respite Centre uses. The Applicant's OWMP confirms the buildings include vertical waste chutes (all levels) connected to waste rooms at basement level and recycling storage would be provided at each level for residents. Staff would be responsible for the maintenance and management of all bin holding / collection areas on the site and bin movement. Council would be responsible for ILU waste collection and a private contractor would collect RCF and Respite Centre waste. Council recommended the Applicant update the OWMP and plans relating to store room sizes, layouts and access and unobscured paths of travel to collection areas. The Applicant amended the OWMP and plans in response to Council's concerns. Council considered the response and recommended further changes to the store room design to improve access and usability. The Department considers, subject to minor amendments to waste management in accordance with Council's requirements, the site would be able to accommodate the operational waste needs of the development and operational waste can be appropriately managed, and impacts mitigated. 	<p>The Department has recommended a condition requiring the final OWMP be prepared in consultation with Council and the plans be updated to incorporate any necessary amendments.</p>
<p>Fire and rescue</p>	<ul style="list-style-type: none"> FRNSW recommended fire brigade access, consideration of fire safety provisions and smoke hazard management measures and preparation of an Emergency Response Plan (ERP) and an Emergency Services Information Package (ESIP). In response the Applicant confirmed fire brigade access would be from Martins Lane, the development would meet NCC safety and smoke hazard measures requirements and agreed to prepare and implement and ERP and ESIP. Subject to the development meeting NCC requirements and the preparation and implementation of the ERP and ESIP, the Department is satisfied the development would adequately 	<p>The Department has recommended conditions requiring:</p> <ul style="list-style-type: none"> the development meets NCC requirements preparation and implementation of the ERP and ESIP.

Issue	Consideration	Recommendation
	address fire risk and management.	
Public art	<ul style="list-style-type: none"> • The proposal includes a Public Art Strategy (PAS), which considers potential approaches for public art on and within the site and identifies the southern ecological zone and central courtyard as potential public art installation locations. • Council recommended public art to be provided in accordance with Council’s Interim Public Art Guidelines for Developers (IPAG). Council raised concern the PAS did not meet its requirements relating to public art location, vision, artwork, artist selection / procurement and art budget (0.5% CIV). In addition, the PAS inappropriately amalgamated heritage interpretation and public art. • In response, the Applicant updated the landscape drawings to more clearly identify locations for public art. The Applicant confirmed it would work with Council to refine and finalise the PAS and suggested a condition be imposed in this regard. • Council considered the Applicant’s response and reiterated its concerns. • The Department notes Council’s comments, however, considers that the PAS can be refined and finalised following determination and during the detailed design phase of the development. • The Department supports the preparation and implementation of a PAS for the site and is satisfied public art would provide for a public benefit, subject to conditions. The Department notes the Applicant has committed to work with Council to secure appropriate public art on the site. • The Department also notes that the Applicant has suggested an art budget of 0.2% of the CIV would be appropriate noting that the proposal has a high CIV and that Baptist Care is a not for profit organisation. • While the Department appreciates the Applicant’s position, the Department notes that the affordable housing development on Site A provided a 0.5% public art budget and considers that Council’s IPAG should be applied consistently to all projects. • To ensure appropriate public art is provided on-site, the Department recommends that a Public Art Plan (PAP) be 	<p>The Department has recommended conditions requiring:</p> <ul style="list-style-type: none"> • Preparation of a PAP in consultation with Council and in accordance with Council’s guidelines • minimum budget of 0.5% of CIV and installation of public art prior to the first occupation of the development.

Issue	Consideration	Recommendation
	<p>prepared, in consultation with Council and in accordance with the IPAG, prior to issue of a Construction Certificate for above ground works. The PAP must also have a public art budget of at least 0.5% of the CIV of the development. The Department also recommends the public art is installed prior to the first occupation of the development.</p>	
<p>VPA</p>	<ul style="list-style-type: none"> • A VPA applies to the site and is summarised at Section 1.5.1. • Council initially raised concern that the proposal is not consistent with the requirements of the VPA. • In response the Applicant stated the obligations of the VPA have not changed as part of the proposed development. In addition, the plans reflect the approved and built footpath along Martins Lane and proposed 20 m ecological zone. • Council considered the Applicant’s response and raised further concerns that the two vehicle entries and pedestrian entries off Martins Lane are not consistent with the VPA plans and terms. • The Department considers the proposal is consistent with the requirements of the VPA and notes in particular: <ul style="list-style-type: none"> ○ the proposal does not seek to amend the site-wide VPA for the precinct and footpaths and the southern ecological zone are consistent with the VPA plans / terms ○ the VPA plan (Figure 9) shows indicative layouts of buildings and does not include recommended vehicle or pedestrian entry points relating to the application site ○ improvement works to Martins Lane including new street lighting, footpath and road works, arising from the VPA, were approved by Council and have already been partly constructed Section 1.5.2. • To ensure the development is consistent with the requirements of the VPA, the Department recommends a condition requiring the Applicant demonstrate the relevant terms of the VPA have been complied with prior to first occupation of the development. 	<p>The Department has recommended a condition requiring compliance with the VPA.</p>
<p>Development contributions</p>	<ul style="list-style-type: none"> • Council recommended a condition requiring the payment of a \$2,107,352 section 7.11 contribution under the City of Parramatta (Outside CBD) Development Contributions Plan 	<p>No conditions are necessary.</p>

Issue	Consideration	Recommendation
	<p>2021 (Contributions Plan). Council stated the contribution is necessary to provide for improvements to community infrastructure.</p> <ul style="list-style-type: none"> • The Applicant however considers that the development meets the development contributions exemption criteria pursuant to Ministerial Direction dated 14 September 2007 under section 7.17 (former 94E) of the EP&A Act (MD2007) as BaptistCare is: <ul style="list-style-type: none"> ○ a not-for-profit organisation ○ defined as a social housing provider under the Housing SEPP. • The Department has considered the applicability of Section 7.11 contributions to the proposal and notes: <ul style="list-style-type: none"> ○ Ministerial Direction 2007 (MD 2007) provides that conditions for development contributions (public amenities or services) cannot be imposed on a seniors housing development consent under the Housing SEPP if the application is made by a social housing provider The Applicant, is a social housing provider as defined in the Housing SEPP ○ the Contributions Plan does not specifically exempt seniors housing from payment of development contributions. However, confirms that development is exempted if separately confirmed by Ministerial Direction under section 7.17 of the EP&A Act. • The Department therefore concludes that section 7.11 development contributions are not applicable for the proposal as the Applicant is a social housing provider. 	
<p>Social Impact Assessment</p>	<ul style="list-style-type: none"> • The EIS included a Social Impact Assessment (SIA) that considered the social impacts of the proposal. The SIA found that the proposal would provide the following social benefits: <ul style="list-style-type: none"> ○ meet growing demand for ILU in a retirement village setting ○ provision of RCF beds in a location with an aging population ○ provision of new construction and operational job opportunities • The SIA however identified the following key challenges: <ul style="list-style-type: none"> ○ topography of the site and impact on accessibility 	<p>No conditions or amendments necessary.</p>

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> ○ access to public transport and nearby services ○ temporary impacts during construction ● Overall, the SIA concludes that the project is anticipated to bring significant public benefits to the local and broader communities subject to mitigation measures to manage any risks and enhance the positive benefits. ● The Department is satisfied that the proposal would have positive social impacts as it would provide for additional seniors housing (ILUs and RCF) and employment opportunities. ● Short term impacts arising from the construction phase would be managed and/or mitigated through detailed construction management plans, as discussed in preceding sections. ● The Department has considered the acceptability of the development and associated impacts at Section 6, and concludes it is acceptable subject to conditions. 	

7 Evaluation

219. The Department has reviewed the Applicant's EIS, RtS and additional information and assessed the merits of the proposal, taking into consideration the relevant matters and objects of the EP&A Act, including the principles of ESD (**Sections 3 and 6**), advice from government agencies, Council and public submissions (**Section 5**), and strategic government policies and plans (**Section 4**). All environmental issues associated with the proposal have been thoroughly addressed (**Section 6**).
220. The Department's assessment concludes that the proposal is acceptable for the following reasons:
- it is consistent with the Greater Sydney Region Plan and the Central City District Plan as it will provide services and infrastructure to meet the changing needs of an ageing population and create opportunities for older people to age-in-place, close to family, friends and established health and support networks
 - the minor building height exceedance of the lift overruns above the Housing SEPP permissible height is acceptable as these elements would not be visible from a pedestrian perspective. Further the building height overall is acceptable as the buildings are stepped with the slope of the land and provide an appropriate built form transition to existing adjoining properties
 - the FSR exceedance is acceptable as all impacts associated with the development density can be managed or mitigated
 - the Applicant has sufficiently considered options to avoid, mitigate or reduce its impact on BGHF as required under the Biodiversity Conservation Act 2016 and all impacts will be offset by the purchase and retirement of two ecosystem credits and implementation of management and mitigation measures and a Vegetation Management Plan
 - the removal of existing seven trees is justified as they either conflict with the development footprint, are of poor health or low landscape value. The proposal would provide 175 replacement trees, the majority of which would constitute native species endemic to the BGHF community
 - the proposal provides for the rehabilitation of the ecological zone, while balancing the objectives for public access by providing an elevated boardwalk pedestrian link and connecting Grace Street to Martins Lane
 - the proposal provides appropriate vehicular and pedestrian access for the proposed seniors housing and residential care land uses, and public access is provided via the western and southern pedestrian links

- it achieves a high level of internal and external amenity for future residents, which generally reflects consistency with the principles and design criteria of the Apartment Design Guide
- predicted traffic generation can be adequately accommodated within the existing road network, nearby intersections would continue to perform at acceptable levels
- the proposal provides a total of 282 spaces including 209 ILU resident spaces, 26 visitor spaces, 22 RACF spaces, 20 staff spaces and 5 respite care spaces which is significantly more than the Housing SEPP minimum car parking rates. The Department considers this is acceptable in this instance noting the ILU resident parking would also be used by in home care support as needed. In addition, the site has a steep topography of the site, there is limited on-street parking around the site, and it is located approximately 900m from the future light rail stop
- the proposal provides appropriate on-site service and emergency vehicle and bicycle parking
- the proposal has been designed to address flooding impacts, subject to conditions requiring the implementation of mitigation measures
- it would not result in adverse amenity impacts to neighbouring properties, particularly relating to operational noise, overshadowing, privacy and construction impacts can be managed / mitigated
- it has been designed in accordance with ecologically sustainable development principles and would achieve a minimum average 7-star NatHERs rating and outperform BASIX
- the proposal includes significant public benefits including the creation of seniors housing accommodation (RCF and ILUs), an ecological zone and is predicted to generate up to 551 construction jobs and 142 operational jobs.

221. The assessment report is hereby presented to the Independent Planning Commission to determine the application.

Glossary

Abbreviation	Definition
1% AEP	1 in 100 annual exceedance probability
ACHAR	Aboriginal Cultural Heritage Report
ADG	Apartment Design Guide accompanying State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
Applicant	BaptistCare NSW
BC Act	<i>Biodiversity Conservation Act 2016</i>
BC Reg	<i>Biodiversity Conservation Regulation 2017</i>
BCS	DCCEEW – Biodiversity, Conservation and Science Group
BDAR	Biodiversity Development Assessment Report
BGHF	Blue Gum High Forest
Carlingford Precinct	1 Martins Lane, including Site A and Site B
CEMP	Construction Environmental Management Plan
CIV	Capital Investment Value
Commission	Independent Planning Commission
Consent	Development Consent
Contributions Plan	City of Parramatta (Outside CBD) Development Contributions Plan 2021
Council	City of Parramatta Council
DA	Development application
Department	Department of Planning Housing and Infrastructure
DCCEEW	Department of Climate Change, Energy, the Environment and Water
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development

Abbreviation	Definition
fBC Site	Former BaptistCare Carlingford site located at 264-268 Pennant Hills Road, Carlingford
FIA	Flood Impact Assessment
FSR	Floor Space Ratio
FPL	Flood planning level
GANSW	Government Architect of NSW
GFA	Gross Floor Area
GRC Review	GRC Hydro review of the Applicant's Flood Impact Assessment
GTP	Green Travel Plan
Heritage NSW	DCCEEW - Heritage Division
ICNG	Interim Construction Noise Guidelines
Infrastructure SEPP	State Environmental Planning Policy (Transport and Infrastructure) 2021
LGA	Local government area
Minister	Minister for Planning and Public Spaces
PAS	Public Art Strategy
PDCP	Parramatta Development Control Plan 2011
Planning Secretary	Planning Secretary of the Department of Planning and Environment
PLEP	Parramatta Local Environmental Plan 2011
PMF	Probable maximum flood
RAP	Remediation Action Plan
RCF	Residential aged care facility
RRFI	Response to request for further information
RtS	Response to Submissions
SDRP	NSW State Design Review Panel
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
Site A	Northern site of the Carlingford Precinct containing an affordable housing development

Abbreviation	Definition
Site B	The undeveloped southern site of the Carlingford Precinct / part of the application site
SJB Review	SJB Planning review of the Applicant's clause 4.6 height and FSR variation requests
SSD	State significant development
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
TfNSW	Transport for New South Wales
TfNSW Guide	RMS Guide to Traffic Generating Developments V2.2 2002 and Technical Direction TDT 2013/04a
TIA	Traffic Impact Statement
TPMP	Tree Protection Management Plan

Appendices

Appendix A – List of reference documents

Reference and supporting documents and information to this assessment report can be found on the Department’s website, including:

1. the EIS, RtS and additional information relating to the application
2. all submissions and government agency advice.

<https://www.planningportal.nsw.gov.au/major-projects/projects/baptistcare-carlingford-seniors-housing>

Appendix B – Statutory considerations

B1 Objects of the EP&A Act

A summary of the Department’s consideration of the relevant objects (section 1.3 of the EP&A Act) are provided in **Table 13**.

Table 13 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,	<p>The proposal promotes the social and economic welfare of the community by providing employment and seniors housing on the site of a former aged care facility, with good access to transport and urban services, and, in doing so, contributes to the achievement of State and regional planning objectives.</p> <p>The proposal comprises development that would have a positive impact the economic welfare of the community and would not result in adverse impacts on the State’s natural or other resources subject to conditions as discussed in Section 6.3.</p> <p>The proposal is predicted to generate 551 construction and 142 operational jobs.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making	<p>The proposal has integrated ESD principles as discussed in Appendix B, Section B3.</p>

Object	Consideration
about environmental planning and assessment,	
(c) to promote the orderly and economic use and development of land,	<p>The proposal involves the orderly and economic use of land through the efficient development of an existing urban site that is in close proximity to existing services and access to public transport. The development of the site will provide economic benefits through job creation.</p> <p>The proposed land uses are permissible with consent and the form of the development has regard to the character of the locality. The merits of the proposal are considered in Section 6.</p>
(d) to promote the delivery and maintenance of affordable housing,	<p>The wider development of the former BaptistCare Carlingford site included the delivery of 162 affordable housing apartments. These units have already been constructed on Site A. The proposal would not result in the loss of any existing affordable or low-cost housing within the locality.</p> <p>The proposal will alleviate supply-side pressure on the local market for seniors housing, which is necessary to improve the quantity and diversity of affordable housing options in the locality.</p>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	<p>The proposal comprises a seniors housing development on an existing developed urban site and includes the redevelopment of a previously partially cleared site that contains a remnant BGHF CEEC. The proposal includes the removal of seven existing trees.</p> <p>As discussed at Section 6.3, the Department concludes the proposal would not result in unacceptable biodiversity, habitat or BGHF CEEC impacts, subject to management and mitigation measures. In addition, the provision of replacement and new trees and landscaping is acceptable.</p> <p>The application includes a BDAR, which recommends offsets to address identified impacts. The Department has been considered biodiversity impacts and the BDAR in detail at Section 6.3.</p>
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	<p>The proposal would not result in adverse heritage impacts noting the site is not identified as a local or State heritage item, is not located within a heritage conservation area and no local or State heritage items or conservation areas are located near to the site.</p>

Object	Consideration
	The ACHAR and ATR concluded the site has no potential to encounter Aboriginal and non-Aboriginal archaeological deposits. The Department has recommended a condition requiring the implementation of an unexpected finds protocol during the construction phase of the development (Section 6.5).
(g) to promote good design and amenity of the built environment,	The proposal achieves a high standard of design and amenity as discussed at Section 6.2 .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The application was accompanied by reports that conclude the development has been designed to be accessible and inclusive and is capable to complying with the requirements of the relevant sections of the Building Code of Australia.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposed development as outlined in Section 5 , which included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5 , which included notifying adjoining landowners and displaying the proposal on the Department's website during the EIS and RtS public exhibition periods.

B2 Ecologically sustainable development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Applicant has committed to achieving the following minimum sustainability targets:

- minimum average of 7 star NatHERS rating (which would exceed a 5 Star Green Star rating equivalent)

- exceed the minimum BASIX Energy and Water Requirements by 20%
- exceed the requirements of Section J of the National Construction Code for energy-efficiency.

The development includes the following ESD initiatives and sustainability measures:

- optimise mechanical plant to ensure peak efficiency
- install high efficiency lighting and air conditioning equipment to reduce the energy consumption
- implement variable speed drive controls for pumps, fans, and mechanical plant to limit power use
- install a high-performance façade to limit heat gain, air conditioning system size and annual energy use
- emission reductions and material optimisation
- maximise use of non-toxic building and recyclable materials
- minimise waste in construction and operation
- install renewable energy generation – solar panels and heat pump technology.

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposed development. The conservation principle has been applied through the protection of trees and provision of new landscaping around, on and within the development and the valuation principle has been applied through the efficient use of the site, application of sustainability measures and creation of significant new employment opportunities.

The Department has recommended conditions requiring the implementation of ESD measures and minimum sustainability targets.

Subject to the above conditions, the proposed development would be consistent with ESD principles, and the Department is satisfied the future detailed development is capable of encouraging ESD, in accordance with the objects of the EP&A Act.

B3 EP&A Regulation

The EP&A Regulation requires the Applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the applicant to have regard to the *Social Impact Assessment Guideline for State Significant Projects* and *Undertaking Engagement Guidelines for State Significant Projects*.

The Department considers that the Applicant has considered the requirements of the EP&A Regulation including the above guidelines, as relevant to the application. The application includes a SIA and the Applicant has consulted with the local community and key stakeholders.

B4 Environmental Planning Instruments

To satisfy the requirements of Section 4.15(a)(i) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department’s environmental assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP)
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (Infrastructure SEPP)
- State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards SEPP)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity SEPP)
- State Environmental Planning Policy (Building Sustainability Index BASIX) 2004 (BASIX)
- State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainability SEPP)
- State Environmental Planning Policy (Industry and Employment) 2021 (Employment SEPP)
- State Environmental Planning Policy (Housing) 2021 (Housing SEPP)
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) and its accompanying Apartment Design Guide (ADG)
- Parramatta Local Environmental Plan 2011 (PLEP).

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 State and Regional Development

Chapter 2 of the Planning Systems SEPP aims to identify SSD State significant infrastructure and regionally significant development and is relevant to this proposal. The proposal is SSD as summarised at **Table 14**.

Table 14 | Consideration of the relevant sections of the Planning Systems SEPP

Section	Consideration and comments	Complies
<p>2.1 Aims of Chapter</p> <p>The aims of this Policy are as follows:</p> <p>(a) to identify development that is State significant development,</p>	<p>The proposed development is identified as SSD (Section 4.1).</p>	<p>Yes</p>

Section	Consideration and comments	Complies
<p>2.6 Declaration of SSD: section 4.36</p> <p>(1) Development is declared to be State significant development for the purposes of the Act if:</p> <p>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</p> <p>(b) the development is specified in Schedule 1 or 2.</p>	<p>The proposed development is permissible with development consent.</p> <p>Seniors housing development is specified in Schedule 1 of the Planning Systems SEPP.</p>	<p>Yes</p>
<p>Schedule 1 State significant development – general</p> <p>28 Seniors housing</p> <p>Development for the purposes of seniors housing if –</p> <p>(a) the seniors housing component has a capital investment value of –</p> <p>(i) for development on land in the Greater Sydney region – more than \$30 million, or</p> <p>(ii) otherwise – more than \$20 million, and</p> <p>(b) the seniors housing component includes a residential care facility, and</p> <p>(c) other components of the proposed development are not prohibited on the land under an environmental planning instrument.</p>	<p>The proposal comprises seniors housing, includes an RCF, is within the greater Sydney region and has a CIV more than \$30 million (\$188,200,000).</p> <p>Other components of the development are not prohibited on the land under an EPI.</p>	<p>Yes</p>

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Chapter 2 of the Infrastructure SEPP is relevant to this proposal and identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure development. It also requires consultation with relevant public authorities about certain development during the assessment process.

The development would result in additional traffic generation and includes the installation of two new electrical sub-stations and connection to the electricity network.

Table 15 | Consideration of the relevant Infrastructure SEPP requirements

Section	Consideration and comments
<p>2.48 Determination of development applications – other development</p>	<p>Future development results in the provision of two electrical substation and connections to the electricity network. Section 2.48 requires the consent authority to notify the relevant utility authority about the proposal.</p> <p>The Department consulted Endeavour Energy and its response is summarised at Section 5. The Department has recommended conditions requiring the Applicant to consult with utility providers (Section 6.5).</p>
<p>2.118 Development on proposed classified road</p>	<p>The site is not located on land reserved for the purpose of a classified road.</p>
<p>2.119 Development with frontage to classified road</p>	<p>The site does not have a frontage to a classified road (and does not include access located within 90 m of a classified road)</p>
<p>2.120 Impact of road noise or vibration on non-road development</p>	<p>The development site is not located in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles.</p>
<p>2.122 Traffic-generating development</p>	<p>The development constitutes traffic generating development as Wulaba Place has pedestrian access within 90 m of a classified road (Pennant Hills Road) and the development generates more than 50 vehicle movements per hour. Therefore, section 2.122 requires the consent authority to notify the relevant roads authority.</p> <p>The Department consulted with TfNSW and Council and their responses are summarised at Section 5. The Department has considered traffic, parking and infrastructure improvements at Section 6.5 and is satisfied traffic impacts can be managed / mitigated subject to conditions.</p>

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

Chapter 4 of the Hazards SEPP is relevant to this proposal and aims to provide a State-wide planning approach to the remediation of contaminated land, reduce risk of harm to human health and the environment and ensure that potential contamination issues are considered in the determination of a development applications.

The application includes a Preliminary Site Investigation (PSI) undertaken in 2016. The PSI confirmed the history of site use since the 1890s consisted of farming, residential and aged care uses. The PSI

included a site walk over and limited soil investigation. Based on this, the PSI reported that parts of the site may be subject to various degrees of contamination and identified concentration of lead and copper at depths between 0.5 m and 1 m in certain locations. However, the PSI concluded the site could be made suitable for the proposed land use subject to preparation and implementation of a RAP, groundwater investigation, hazardous material survey, sampling of fill and investigation for asbestos.

Noting the above, the application is supported by a Contamination Summary Statement (CSS), Hazmat Survey and a Remedial Action Plan (RAP). These reports provide a summary of likely contaminants, recommendations on further investigation, remediation and management and the suitability of the site for its intended use.

The RAP considered the PSI, previous site investigations / RAP / data gap investigations and validation, relating to the former BaptistCare Carlingford site, as well as the Hazmat Survey and geotechnical reports. Based on this review, the RAP outlined the preferred remediation strategy for remaining potential sources of contaminants of potential concern (CoPC) within three remediation areas (RAs) as summarised at **Table 16**.

Table 16 | The RAs and the RAP’s preferred remediation strategy

Remediation Area CoPC	RAP Preferred Remediation Strategy
<p>RA1: total recoverable hydrocarbons (TRH) in the vicinity of boreholes BH2 and BH3 (being the remnant hard standing at the south eastern part of the site).</p>	<p>Delineation and possible excavation and off-site disposal of RA1 impacted fill at BH2 and BH3. Comprising inspection and possible additional sampling in vicinity of Remediation Area 1 and if required:</p> <ul style="list-style-type: none"> • waste classification of unsuitable / surplus fill • disposal of unsuitable / surplus fill • validation of remediation excavation.
<p>RA2: fill of unknown origin at 3A Homelands Avenue, which may include various metals, TRH, volatile organic compounds, various hydrocarbons, pesticides, phenols and asbestos.</p>	<p>Additional soil and environmental sampling for 3A Homelands Avenue following demolition of existing dwelling.</p> <p>Remediation strategy to be developed following investigation and updates to RAP as required.</p>
<p>RA3: asbestos impacted fill (bonded and fibrous) possibly located across the balance of the site.</p>	<p>The concentration of asbestos in the were below levels of concern for residential apartments. However, there is the potential to encounter localised pockets of fill more highly impacted. Therefore:</p> <ul style="list-style-type: none"> • asbestos identified during site development works should be managed under an asbestos finds protocol • for fill remaining on the site (which is considered to potentially

Remediation Area CoPC**RAP Preferred Remediation Strategy**

contain asbestos) to be capped and contained at an appropriate depth.

The RAP’s preferred remediation strategy also includes validation, importation of fill, waste disposal and management strategies. Subject to remediation and validation the RAP concludes the site can be made suitable for the proposed use.

Council stated that the contamination aspects of the development can be adequately managed, subject to the implementation of the RAP and validation. Council recommended conditions required any contamination that is to remain on the site post development is managed under a Long-Term Environmental Management Plan. Further that a reference to any encapsulated contaminated materials be included as a covenant on the land title.

In response the Applicant confirmed that a LTEMP would be implemented (if required).

The Department notes further sampling and testing would be required particularly following demolition and site-clearance works at 3A Homelands Drive. However, the Department agrees this further testing can occur as part of future detailed investigations and sufficient information has been provided at this stage, noting the extensive previous site investigations and RAP commitments.

Based on the above assessment, and noting the Applicant’s commitment to the remediation of land, the Department considers that the site can be made suitable for its intended use, subject to:

- competition of the sampling and testing of RA2 following demolition of the existing dwelling at 3A Homelands Drive and subsequent RAP update(s)
- implementation of the RAP, its management and mitigation measures, site remediation and validation
- consideration of the import / export of soil relating to earthworks in accordance with legislation and government guidance
- in the event that contamination remains on the site and is capped, the implementation of a LTEMP and any necessary covenants.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of the Biodiversity SEPP is relevant to this proposal and aims to protect the biodiversity value of trees and other vegetation in non-rural areas of the State and the amenity of non-rural areas through this preservation.

The proposal includes the removal of seven existing trees and the provision of new development adjacent / near to existing significant trees and the identified ecological areas. The Department has considered biodiversity impacts, tree removal and retention in detail at **Section 6.3**.

The Department concludes the tree removal is unavoidable and compensated for by the retirement of two ecosystem credits, provision of new / replacement trees, restoration of the ecological area and protection of existing significant trees. Overall the Department considers the identified impacts can be appropriately managed and mitigated subject to conditions.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Sustainable Buildings) 2022

BASIX encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water, energy and thermal comfort. BASIX requires all new dwellings meet sustainable targets of a 35% reduction in energy use (building size dependent) and 40% reduction in potable water.

The Sustainability SEPP encourages the design and delivery of more sustainable buildings across NSW. The Sustainability SEPP incorporates, updates and supersedes BASIX. It sets increased sustainability standards for residential and non-residential development and establishes the process of measuring and reporting on the embodied emissions of construction materials.

The Sustainability SEPP commenced on 1 October 2023 and includes savings and transitional provisions which confirm that the Sustainability SEPP does not apply to applications lodged before the commencement date. As this application was lodged prior to 1 October 2023 the Sustainability SEPP does not apply to the proposal.

The application includes a BASIX report for the building demonstrating satisfactory compliance with BASIX targets. The BASIX scores of the building are:

- Thermal Comfort – Pass
- Water – 48%
- Energy – 45%.

The Department has recommended a condition of consent requiring the development to be constructed in accordance with the BASIX report (certificate reference: 1321715M).

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and Signage

Chapter 3 of the Industry and Employment SEPP (IE SEPP) applies to all signage within the State that under an EPI can be displayed with or without development consent and is visible from any

public space or public reserve. The IE SEPP aims to ensure that signage is compatible with the desired amenity and visual character of the area, provides effective communication in suitable locations and is of a high quality.

The development includes one building identification sign. The sign:

- is located on the eastern façade of the RCF at Level 3
- would be internally illuminated
- measures approximately 4.16 m wide and 3.1 m high.

Under section 3.11(1) of the IE SEPP, consent must not be granted for any signage application unless the proposal is consistent with the SEPP objectives and Schedule 5 signage assessment criteria.

The Department has considered the proposal against the IE SEPP assessment criteria at **Table 17**. The Department concludes the proposal is consistent with the IE SEPP objectives as signage is of a high quality, in an appropriate location and would not have an adverse visual or amenity impact, subject to the illumination being dimmed between 10pm and 7am.

Table 17 | Employment SEPP, Schedule 5, signage assessment criteria compliance table

Assessment Criteria	Department's consideration	Complies
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The design of the sign is proportionate to the building and compatible with the existing character of the area. It is not expected to have any adverse impacts.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There are no relevant themes for outdoor advertising in the area.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The sign would not detract from the environmentally sensitive part of the site and does not contain a heritage item. The sign would not detract from the amenity or visual quality of the surrounding area.	Yes

Assessment Criteria	Department's consideration	Complies
3 Views and vistas		
Does the proposal obscure or compromise important views?	The sign would not obscure or compromise any important views, dominate the skyline or reduce the quality of vistas.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	As above	Yes
Does the proposal respect the viewing rights of other advertisers?	The sign is not proposed in proximity to any other existing signs and would therefore not impact on the viewing rights of other advertisers.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The sign is of an appropriate scale for the size of the building and would not detract from the character of the streetscape or setting.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The sign has been incorporated into the design of the building and complements the built form.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signs would not result in visual clutter.	Yes
Does the proposal screen unsightliness?	Not applicable.	N/A
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The sign would not protrude above the building or any structures or tree canopies.	Yes
Does the proposal require ongoing vegetation management?	No ongoing vegetation management is needed.	Yes
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the	The sign is compatible with the scale and proportion of the development and the design of the building.	Yes

Assessment Criteria	Department's consideration	Complies
site or building, or both, on which the proposed signage is to be located?		
Does the proposal respect important features of the site or building, or both?	The sign is appropriate and respects design of the building.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The sign identifies the site/building and assists with way finding. The sign is visually acceptable.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The sign is directly mounted onto the building and illumination is integrated into the design of the sign. No platforms or logos are proposed.	Yes
7 Illumination		
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	The sign is unlikely to result in unacceptable glare. The Applicant has confirmed that it would include a dimmer function to reduce intensity if necessary.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	The sign is located at the third storey of the eastern elevation of the RCF and faces Martins Lane and the rear of 17 and 19-21 Charles Street. Subject to the illumination being dimmed between 10pm and 7am (below), the illumination would not have an adverse impact on adjoining residential amenity.	Yes
Can the intensity of the illumination be adjusted, if necessary?	The sign will include a dimmer, which can adjust the intensity of illumination if necessary.	Yes
Is the illumination subject to a curfew?	The Applicant did not propose a curfew. However, noting the surrounding area is residential, the Department recommends a condition requiring the signage lighting be dimmed between 10pm and 7am.	Yes.

Assessment Criteria	Department's consideration	Complies
8 Safety		
Would the proposal reduce safety for any public road, pedestrians or bicyclists?	The sign is attached to the RCF, which is set back from Martins Lane. The sign would not reduce road, pedestrian or cyclist safety.	Yes
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	As above.	Yes

State Environmental Planning Policy (Housing) 2021

The Housing SEPP seeks to enable the development of diverse housing types that meet the needs of the community, provide housing in areas of existing infrastructure and services, provide housing that minimises environmental impacts and reflects / enhances its locality, support short-term rental accommodation and mitigate the loss of existing affordable rental housing.

Housing SEPP – Housing Amendment

On 14 December 2023, the State Environmental Planning Policy Amendment (Housing) 2023 (Housing Amendment) was gazetted and the Seniors Housing Design Guide (SHDG) was adopted. The Housing Amendment, among other things, included changes to Seniors Housing requirements, including non-discretionary development standards and design principles the SHDG includes design guidelines for Seniors Housing development.

The Housing Amendment included savings and transitional provisions which confirm that the changes within the Housing Amendment (including the SHDG) do not apply to applications lodged before the commencement date. As the application was lodged prior to 14 December 2023 the Housing Amendment and SHDG do not apply to the proposal.

Chapter 3 Diverse Housing

Chapter 3 of the Housing SEPP includes provisions related specifically to seniors housing development and RCFs. An assessment of the development against the relevant considerations of the Housing SEPP (excluding the Housing Amendment below) is provided at **Table 18** and **Table 19**.

Table 18 | Consideration of the relevant sections of the Housing SEPP

Housing SEPP section / requirement	Assessment / Comment	Complies
CHAPTER 3 – PART 5 HOUSING FOR SENIORS AND PEOPLE WITH A DISABILITY		

Housing SEPP section / requirement	Assessment / Comment	Complies
Division 1 – Land to which Part Applies		
<p>79. Land to which Part applies</p> <p>This Part applies to land in the following zones –</p> <p>(c) Zone R4 High Density Residential</p>	<p>The site is zoned R2 Low Density Residential and R4 High Density Residential under the PLEP, comprising:</p> <ul style="list-style-type: none"> - Site B: R4 zone - 3A Homelands Ave: R2 zone. 	Yes
<p>80. Land to which Part does not apply – general</p> <p>This Part does not apply to the following land –</p> <p>(b) land described in Schedule 3 (Land identified on the Map within the meaning of the <i>Biodiversity Conservation Regulation 2017</i>, section 7.3)</p>	<p>1,561 m² of land along the southern part of the site is mapped as environmentally sensitive land under the BC Reg (Figure 22).</p> <p>The proposal includes the protection of identified BGHF CEEC, creation of a 20 m wide southern ecological zone and implementation of a VMP covering all identified BGHF CEEC.</p> <p>The Department has recommended conditions relating to tree retention and protection, replacement, transplanting and new planting, footpath design and implementation of a VMP, as discussed at Section 6.3. Subject to these conditions the Department concludes the proposal would not have an adverse impact on the identified biodiversity area.</p>	Yes
<p>81. Seniors housing permitted with consent</p> <p>Development for the purposes of seniors housing may be carried out with development consent –</p> <p>(a) on land to which this Part applies, or</p> <p>(b) on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.</p>	<p>Development for the purposes of seniors housing is permitted with development consent on the site under the provisions of PLEP.</p>	Yes
Division 3 – Development Standards		
<p>84. Development standards–general</p>	<p>The proposal includes the erection of a building. This section applies.</p>	Yes

Housing SEPP section / requirement	Assessment / Comment	Complies
(1) This section applies to development for the purposes of seniors housing involving the erection of a building.		
(2) Development consent must not be granted for development to which this section applies unless – (a) the site area of the development is at least 1,000m ² , and (b) the frontage of the site area of the development is at least 20m measured at the building line, and	Clause 2(a) and 2(b) relating to site area and frontage do not apply to social housing providers. Notwithstanding, the proposal complies: (a) the application site area equals 19,905 m ² (b) the site has frontages of: - 195 m to Martins Lane (east) - 115 m to Wulaba Place (north) - 14 m to Homelands Avenue (south)	Yes
(c) for development on land in a residential zone where residential flat buildings are not permitted – (i) the development will not result in a building with a height of more than 9.5m, excluding servicing equipment on the roof of the building, and (ii) if the roof of the building contains servicing equipment resulting in the building having a height of more than 9.5m – the servicing equipment complies with subsection (3), and (iii) if the development results in a building with more than 2 storeys – the additional storeys are set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site.	N/A. Residential flat buildings are permitted within the R4 zone under the PLEP.	N/A
(3) The servicing equipment must – (a) be fully integrated into the design of the roof or contained and suitably	N/A as residential flat buildings are permitted within the R4 zone under the PLEP. Notwithstanding this, the rooftop plant / lift overrun area is less than 20% of	N/A

Housing SEPP section / requirement	Assessment / Comment	Complies
<p>screened from view from public places, and</p> <p>(b) be limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(c) not result in the building having a height of more than 11.5m.</p>	<p>the surface area and does not exceed 1.6 m above the roof.</p>	
<p>(4) Subsection (2)(a) and (b) do not apply to development the subject of a development application made by the following –</p> <p>(a) the Land and Housing Corporation,</p> <p>(b) another social housing provider.</p>	<p>The Applicant is a social housing provider.</p>	<p>N/A</p>
<p>85. Development standards for hostels and independent living units</p> <p>(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.</p>	<p>The relevant sections of Schedule 4 have been considered at Table 19.</p>	<p>Yes</p>
<p>(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 7–13 and 15–20 if the development application is made by, or by a person jointly with, a social housing provider.</p>	<p>The Applicant is a social housing provider and therefore the requirements in Schedule 4, sections 2, 7–13 and 15–20 do not apply.</p> <p>The requirements of sections 1, 3-6, 14 and 21 have been considered at Table 19.</p>	<p>Yes</p>
<p>87. Additional floor space ratios</p> <p>(1) This section applies to development for the purposes of seniors housing on land to which this Part applies if –</p> <p>(a) development for the purposes of a residential flat building or shop top housing is permitted on the land under another environmental planning instrument, or</p>	<p>Residential flat buildings are permitted with consent under the PLEP within the R4 High Density Zone. This section applies.</p>	<p>Yes</p>

Housing SEPP section / requirement	Assessment / Comment	Complies
(b) the development is carried out on land in Zone E2 Commercial Centre or Zone B3 Commercial Core.		
<p>(2) Development consent may be granted for development to which this section applies if—</p> <p>(a) the site area of the development is at least 1,500m², and</p> <p>(b) the development will result in a building with the maximum permissible floor space ratio plus—</p> <p>(i) for development involving independent living units— an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or</p> <p>(ii) for development involving a residential care facility— an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or</p> <p>(iii) for development involving independent living units and residential care facilities— an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and</p> <p>(c) the development will result in a building with a height of not more than 3.8m</p>	<p>(a) The site is 19,905 m²</p> <p>(b) The proposal includes ILUs and RCF beds and is subject to an allowable floor space ratio bonus (25%) under this provision.</p> <p>(c) The proposal is subject to the allowable height bonus (3.8 m) under this provision.</p> <p>The Applicant has submitted a clause 4.6 variation request to vary the PLEP FSR development standard and the PLEP and Housing SEPP building height development standards (Section 6.2 and Appendix C).</p>	Yes

Housing SEPP section / requirement	Assessment / Comment	Complies
above the maximum permissible building height.		
<p>88. Restrictions on occupation of seniors housing</p> <p>(1) Development permitted under this Part may be carried out for the accommodation of only the following –</p> <ul style="list-style-type: none"> (a) seniors or people who have a disability, (b) people who live in the same household with seniors or people who have a disability, (c) staff employed to assist in the administration and provision of services to housing provided under this Part. <p>(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</p>	<p>The proposal includes ILUs and RCF beds.</p> <p>The Department recommends conditions to ensure occupation is restricted to only persons specified by section 88.</p>	Yes
<p>91. Fire sprinkler systems in residential care facilities</p> <p>(1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system.</p> <p>(2) Development for the purposes of the installation of a fire sprinkler system in a residential care facility may be carried out with development consent.</p>	<p>The Applicant has confirmed a fire sprinkler system would be installed within the RCF.</p> <p>The Department has recommended conditions requiring the installation of a RCF fire sprinkler system.</p>	Yes
Division 4 – Site Related Requirements		
<p>93. Location and access to facilities and services – independent living units</p> <p>(1) Development consent must not be granted for development for the purposes of an independent living unit unless the consent</p>	<p>Public transport services operate along Pennant Hills Road, including bus routes to Parramatta CBD, Epping and nearby train and light rail stations. The Applicant has also committed to operating a private</p>	Yes

Housing SEPP section / requirement	Assessment / Comment	Complies
<p>authority has considered whether residents will have adequate access to facilities and services –</p> <p>(a) by a transport service that complies with subsection (2), or</p> <p>(b) on-site.</p>	<p>shuttle bus service to take residents to nearby centres.</p> <p>The proposal also includes on-site amenities and services for future residents including café, restaurant, health club, cinema, allied health, library, community garden and home care services.</p>	
<p>94. Location and access to facilities and services–residential care facilities</p> <p>(1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services –</p> <p>(a) on-site, or</p> <p>(b) by a transport service other than a passenger service.</p>	<p>The Applicant has committed to operating regular shuttle bus services for residents. Surrounding public transport services also satisfy this provision.</p> <p>The Department has recommended a condition requiring the Applicant provide the shuttle bus service for the life of the development.</p>	Yes
<p>95. Water and sewer</p> <p>(1) A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will –</p> <p>(a) be connected to a reticulated water system, and</p> <p>(b) have adequate facilities for the removal or disposal of sewage.</p> <p>(2) If the water and sewerage services will be provided by a person other than the consent authority, the consent authority –</p> <p>(a) must consider the suitability of the site in relation to the availability of reticulated water and sewerage infrastructure, or</p> <p>(b) if reticulated services are not available – must satisfy the relevant</p>	<p>The application includes an Infrastructure Management Statement detailing existing and proposed servicing and network utility upgrades and arrangements for the site.</p> <p>The Department has considered utilities at Section 6.5 and concludes adequate provision can be made for essential services subject to ongoing consultation with utility providers.</p>	Yes

Housing SEPP section / requirement	Assessment / Comment	Complies
<p>authority that the provision of water and sewerage infrastructure, including environmental and operational considerations, is satisfactory for the development.</p>		
Division 5 – Design Requirements		
<p>97 Design of in-fill self-care housing</p> <p>In determining a development application for development for the purposes of in-fill self-care housing, a consent authority must consider the Seniors Living Policy: Urban Design Guideline for Infill Development, March 2004, published on the Department’s website.</p> <p>98. Design of seniors housing</p> <p>A consent authority must not consent to development for the purposes of seniors housing unless the consent authority is satisfied that the design of the seniors housing demonstrates adequate consideration has been given to the principles set out in Division 6</p>	<p>The proposal has been designed in accordance with the Seniors Living Policy: Urban Design Guideline for Infill Development, March 2004</p> <p>Refer to the following assessment of Division 6 Design Principles.</p>	<p>Yes</p>
Division 6 – Design Principles		
<p>99. Neighbourhood amenity and streetscape</p> <p>Seniors housing should be designed to –</p> <p>(a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and</p> <p>(b) recognise the desirable elements of –</p> <p>(i) the location’s current character, or</p> <p>(ii) for precincts undergoing a transition – the future character of the location so new buildings contribute to the quality and identity of the area, and</p>	<p>(a) The RCF has been designed to suit the operational and functional needs of BaptistCare. Residents are housed in shared ‘care households’ comprising a total of 96 beds comprising 16 twin-bed rooms over three levels in Building F. The RCF includes a commercial kitchen, laundry services, reception, offices and wellness. Given the steep topography, the RCF is located at the southern end of the site in a multi-storey linear layout. A single main front entry is provided.</p> <p>(b) The development achieves a high standard of design and layout and has</p>	<p>Yes</p>

Housing SEPP section / requirement	Assessment / Comment	Complies
<p>(c) complement heritage conservation areas and heritage items in the area, and</p> <p>(d) maintain reasonable neighbourhood amenity and appropriate residential character by –</p> <p>(i) providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) using building form and siting that relates to the site’s land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p> <p>(e) set back the front building on the site generally in line with the existing building line, and</p> <p>(f) include plants reasonably similar to other plants in the street, and</p> <p>(g) retain, wherever reasonable, significant trees, and</p> <p>(h) prevent the construction of a building in a riparian zone.</p>	<p>been designed to fit appropriately within its context (Section 6.2).</p> <p>(c) The site is not listed as a heritage item, is not located in a conservation area and is not near any listed heritage items or conservation areas. The development would not have any heritage impacts (Section 6.5).</p> <p>(d) The Department has considered the design and appearance of the building and its relationship to adjoining buildings and the surrounding neighbourhood at Section 6.2. The Department concludes that the building height, scale and design is appropriate for the site and within the surrounding urban context.</p> <p>(e) The development has adopted the same Martins Lane setbacks as the new development on Site A, which is considered appropriate.</p> <p>(f) The development retains existing significant mature trees, includes replacement and new trees and general landscaping. New landscaping includes species within the BGHF habitat.</p> <p>(g) The development results in the removal of seven trees. All other existing significant trees along the eastern and southern boundary will be retained and protected. The Department considers the proposal is acceptable in this regard subject to conditions (Section 6.3).</p> <p>(h) The side does not contain, and is not within the vicinity of, a riparian zone.</p>	

Housing SEPP section / requirement	Assessment / Comment	Complies
<p>100. Visual and acoustic privacy</p> <p>Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and residents by –</p> <p>(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<p>(a) The development has been designed to include appropriate building separation and orientation, screening and landscaping, which will provide for an appropriate level of privacy for adjoining neighbours and future occupants.</p> <p>(b) The building has been designed to ensure an appropriate internal acoustic environment. The Department has recommended conditions to ensure operational noise is appropriately managed and mitigated where necessary.</p>	Yes
<p>101. Solar access and design for climate</p> <p>The design of seniors housing should –</p> <p>(a) for development involving the erection of a new building – provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	<p>(a) The development provides for appropriate levels of solar access to ILUs, RCF and communal open spaces and has minimal impact on neighbouring properties, as discussed at Section 6.4.</p> <p>(b) The proposal provides for adequate natural ventilation, has minimised south facing windows where possible and has been designed in accordance with ESD principles to reduce energy demands.</p>	Yes
<p>102. Stormwater</p> <p>The design of seniors housing should aim to –</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p>	<p>(a) The Department has considered stormwater and flooding in detail at Section 6.5 and concludes the development would provide for adequate stormwater and flooding infrastructure and mitigation measures subject to conditions.</p> <p>(b) The development includes an OSD system.</p>	Yes

Housing SEPP section / requirement	Assessment / Comment	Complies
(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.		
<p>103. Crime prevention</p> <p>Seniors housing should –</p> <p>(a) be designed in accordance with environmental design principles relating to crime prevention, and</p> <p>(b) provide personal property security for residents and visitors, and</p> <p>(c) encourage crime prevention by –</p> <p>(i) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and</p> <p>(ii) providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and</p> <p>(iii) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<p>The proposal seeks to maximise passive surveillance within the development and towards the adjoining public streets and spaces. The development would include secure entry points. The application includes a Crime Prevention through Environmental Design Report (CPTED), which makes recommendations to ensure the development provides for a safe and secure environment.</p> <p>The Department has recommended a condition requiring the CPTED recommendations be implemented prior to occupation of the development.</p>	Yes
<p>104. Accessibility</p> <p>Seniors housing should –</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and</p> <p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>Vehicle and pedestrian accesses are clearly identifiable and have been separated to minimise conflicts.</p> <p>New and upgraded pedestrian paths are provided to and within the site to ensure residents have a safe and accessible path of travel. The Department has considered accessibility at Section 6.3.</p> <p>Pedestrian entrances are secure and footpaths include appropriate lighting.</p>	Yes

Housing SEPP section / requirement	Assessment / Comment	Complies
<p>105. Waste management</p> <p>Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>Adequate waste facilities are provided, the Department has considered operational waste at Section 6.5.</p>	<p>Yes</p>
Division 7 – Non-Discretionary Development Standards		
<p>106. Interrelationship of Division with design principles in Division 6</p> <p>Nothing in this Division permits the granting of consent to development under this Part if the consent authority is satisfied that the design of the seniors housing does not demonstrate that adequate consideration has been given to the principles set out in Division 6.</p>	<p>Adequate consideration has been given to the principles set out in Division 6.</p>	<p>Yes</p>
<p>107. Non-discretionary development standards for hostels and residential care facilities—the Act, s. 4.15</p> <p>(2) The following are non-discretionary development standards in relation to development for the purposes of hostels or residential care facilities –</p> <p>(a) No building has a height of more than 9.5m, excluding servicing equipment on the roof of a building.</p> <p>(b) Servicing Equipment on the Roof of a Building which results in the building having a height of more than 9.5m –</p> <p>(i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and</p> <p>(ii) is limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(iii) does not result in the building having a height of more than 11.5m.</p>	<p>(a) Section 87 of the Housing SEPP allows for a maximum height of 17.8 m and the proposal has a maximum height of 19.4 m. The Applicant has submitted a clause 4.6 variation request to vary the maximum building height (Appendix C).</p> <p>(b) The building exceeds 9.5m and:</p> <p>(i) there are no rooftop plant enclosures. The rooftop solar panels and lift overrun are sufficiently setback from roof edge to minimise visibility, fully integrated into the design and suitably screened from view.</p> <p>(ii) there are no rooftop plant enclosures.</p> <p>(iii) the development has a height greater than 11.5m. The Applicant has submitted a clause 4.6 variation request to vary the maximum building height (Appendix C).</p>	<p>No - refer to Appendix C</p> <p>No - refer to Appendix C</p>

Housing SEPP section / requirement	Assessment / Comment	Complies
<p>(c) The density and scale of the buildings when expressed as a floor space ratio is 1:1 or less.</p> <p>(d) Internal and external communal open spaces with a total area of at least –</p> <p>(ii) for a residential care facility – 10m² for every bed.</p> <p>(e) At least 15m² of landscaped area for every bed.</p> <p>(f) A deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site.</p> <p>(h) For a residential care facility – at least 1 parking space for every 15 beds in the facility,</p> <p>(i) At least 1 parking space for every 2 employees who are on duty at the same time,</p> <p>(j) At least 1 parking space for the purpose of ambulance parking.</p>	<p>(c) Section 87 of the Housing SEPP allows for a maximum FSR of 1.25:1 (and is inconsistent with this requirement) and the proposal has a FSR of 1.67:1. The Applicant has submitted a clause 4.6 variation request to vary the maximum PLEP building floor space ratio (Appendix C).</p> <p>(d) 3,152 m² combined RCF internal / external communal open space is provided (32 m² for each RCF bed).</p> <p>(e) 1,580 m² RCF landscaped area is provided (16 m² for each RCF bed).</p> <p>(f) 3,807 m² (27.4%) deep soil area is provided.</p> <p>(h) 22 RCF visitor parking spaces are provided, which exceeds the 7 required.</p> <p>(i) 20 RCF staff parking spaces are provided which meets the minimum requirement.</p> <p>(j) An ambulance parking bay is provided as part of the porte-cochere.</p>	<p>No - refer to Appendix C</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>108 Non-discretionary development standards for independent living units – the Act, s 4.15</p> <p>(2) The following are non-discretionary development standards in relation to development for the purposes of independent living units –</p> <p>(a) no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building,</p> <p>(b) servicing equipment on the roof of a building, which results in the building having a height of more than 9.5m –</p> <p>(i) is fully integrated into the design of the roof or contained and</p>	<p>(a) The proposal has a maximum height of 19.4 m. The Applicant has submitted a clause 4.6 variation request to vary the maximum building height (Appendix C).</p> <p>(b) The building exceeds 9.5m and:</p> <p>(i) there are no rooftop plant enclosures. The rooftop solar panels and lift overrun are sufficiently setback from roof edge to minimise visibility, fully integrated into the design and suitably screened from view.</p>	<p>No - refer to Appendix C</p> <p>No - refer to Appendix C</p>

Housing SEPP section / requirement	Assessment / Comment	Complies
<p>suitably screened from view from public places, and</p> <p>(ii) is limited to an area of no more than 20% of the surface area of the roof, and</p> <p>(iii) does not result in the building having a height of more than 11.5m,</p> <p>(c) the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</p> <p>(d) for a development application made by a social housing provider – at least 35m² of landscaped area per dwelling,</p> <p>(e) if paragraph (d) does not apply – at least 30% of the site area is landscaped,</p> <p>(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p> <p>(g) at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces,</p> <p>(i) for a dwelling in a multi-storey building not located on the ground floor – a balcony accessible from a living area with minimum dimensions of 2m and –</p> <p>(i) an area of at least 10m², or</p> <p>(ii) for each dwelling containing 1 bedroom – an area of at least 6m²,</p> <p>(j) for a development application made by, or made by a person jointly with, a social housing provider – at least 1 parking space for every 5 dwellings,</p>	<p>(ii) there are no rooftop plant enclosures.</p> <p>(iii) the development has a height greater than 11.5m. The Applicant has submitted a clause 4.6 variation request to vary the maximum building height (Appendix C).</p> <p>(c) Section 87 of the Housing SEPP allows for a maximum FSR of 1.25:1 (and is inconsistent with this requirement) and the proposal has a FSR of 1.67:1. The Applicant has submitted a clause 4.6 variation request to vary the maximum PLEP building floor space ratio (Appendix C).</p> <p>(d) 5,903.63 m² landscaped area is provided.</p> <p>(f) 3,807 m² (27.4%) deep soil area is provided.</p> <p>(g) 92 of 130 (71%) of ILUs receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter.</p> <p>(h) each dwelling is provided with a minimum of 15 m² private open space with a minimum dimension of 3 m.</p> <p>(i) The proposal exceeds the Housing SEPP minimum 26 space requirement. The Department considers parking is acceptable in the circumstances of the site (Section 6.5).</p>	<p>No - refer to Appendix C</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Housing SEPP section / requirement	Assessment / Comment	Complies

Table 19 | Consideration of the relevant sections of Schedule 4 of the Housing SEPP

Housing SEPP Schedule 4 section / requirement	Assessment / Comment	Complies
Schedule 4 Standards applying to hostels and independent living units		
Part 1 Standards applying to hostels and independent living units		
<p>1. Application of standards in this Park</p> <p>The standards set out in this Part apply to any seniors housing that consists of hostels or independent living units</p>	<p>The proposal includes ILUs and therefore Schedule 4 Part 1 applies.</p> <p>However, pursuant to section 85(2) of the Housing SEPP, as the Applicant is a social housing provider the requirements in sections 2, 7-13 of Schedule 4 do not apply.</p>	Yes
<p>3 Security</p> <p>Pathway lighting –</p> <p>(a) must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</p> <p>(b) must provide at least 20 lux at ground level.</p>	<p>The Accessibility Report submitted with the EIS has confirmed the development is capable of meeting these requirements. Detailed design and construction would form part of construction certificates.</p> <p>The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.</p>	Yes
<p>4 Letterboxes</p> <p>Letterboxes –</p> <p>(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</p> <p>(b) must be lockable, and</p> <p>(c) must be located together in a central location adjacent to the street entry or, in the case of independent living units, must be located together in one or more central locations adjacent to the street entry.</p>	<p>The Accessibility Report submitted with the EIS has confirmed the development is capable of meeting these requirements. Detailed design and construction would form part of construction certificates.</p> <p>The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.</p>	Yes

Housing SEPP Schedule 4 section / requirement	Assessment / Comment	Complies
<p>5 Private car accommodation</p> <p>If car parking (not being car parking for employees) is provided –</p> <p>(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890.6, and</p> <p>(b) 10% of the total number of car parking spaces (or at least one space if there are fewer than 10 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and</p> <p>(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.</p>	<p>The Accessibility Report submitted with the EIS has confirmed the development is capable of meeting these requirements. Detailed design and construction would form part of construction certificates.</p> <p>The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.</p>	<p>Yes</p>
<p>6 Accessible entry</p> <p>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.</p>	<p>The Accessibility Report submitted with the EIS has confirmed the development is capable of meeting these requirements. Detailed design and construction would form part of construction certificates.</p> <p>The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.</p>	<p>Yes</p>
<p>Part 2 Additional standards for independent living units</p>		
<p>14 Application of standards in this Part</p> <p>The standards set out in this Part apply in addition to the standards set out in Part 1 to any seniors housing consisting of independent living units.</p>	<p>The proposal includes ILUs and therefore Schedule 4 Part 2 applies.</p> <p>However, pursuant to section 85(2) of the Housing SEPP, as the Applicant is a social housing provider the requirements in sections 15–20 of Schedule 4 do not apply.</p>	<p>Yes</p>
<p>21 Garbage</p> <p>A garbage storage area must be provided in an accessible location.</p>	<p>The proposal includes communal operational waste storage areas in convenient and accessible basement locations.</p> <p>The Accessibility Report submitted with the EIS has confirmed the development is</p>	<p>Yes</p>

Housing SEPP Schedule 4 section / requirement	Assessment / Comment	Complies
	<p>capable of meeting this requirement.</p> <p>Detailed design and construction would form part of construction certificates.</p> <p>The Department recommends a condition requiring verification of compliance prior to the issue of the construction certificate.</p>	

State Environmental Planning Policy No. 65 – Residential Apartment Development, including Apartment Design Guide

SEPP 65 seeks to improve the design quality of residential apartment developments and encourage innovative design. The ADG is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential apartment developments.

State Environmental Planning Policy Amendment (Housing) 2023 – Repeal of SEPP 65

On 14 December 2023, the State Environmental Planning Policy Amendment (Housing) 2023 (Housing Amendment) was gazetted. The Housing Amendment, among other things, incorporated SEPP 65 and its associated Apartment Design Guide and then repealed SEPP 65.

The Housing Amendment included savings and transitional provisions which confirm that the changes within the Housing Amendment do not apply to applications lodged before the commencement date. As the application was lodged prior to 14 December 2023 the Housing Amendment and repeal of SEPP 65 does not apply to the application.

Noting the above, an assessment of the development against the relevant provisions of SEPP 65 and the ADG is provided in the following section.

SEPP 65 Aims and Objectives

The Department has assessed the proposal against the SEPP 65 aims / objectives at **Table 20** and the ADG best practice design principles is provided at **Table 21**.

Table 20 | Consideration of aims and objectives of SEPP 65

SEPP 65 Principle	Consideration and comments
1. Context and Neighbourhood Character	The Department has considered the height, scale and design of the development at Section 6.2 and concludes the proposal responds to the existing context of the site and surrounding area and maintains adequate levels of amenity for existing neighbouring properties.

SEPP 65 Principle	Consideration and comments
2. Built Form and Scale	The height and scale of the development is appropriate in this location and context and the development is considered to achieve a high standard of layout, design and appearance (Section 6.2).
3. Density	There is strategic merit for the proposed density on the site to appropriately deliver seniors housing and associated amenities. The proposal has demonstrated that it would not have adverse built form, traffic, amenity or heritage impacts and flooding impacts can be managed / mitigated (Section 6.2).
4. Sustainability	The development has been designed in accordance with ESD principles and the Department has recommended conditions requiring the development achieve appropriate sustainability targets (Appendix B, Section B2).
5. Landscape	<p>The proposal includes hard and soft landscaping. Internal and external communal open spaces are provided for future residents and ILUs are provided with generous private balconies and terraces. The Department considers the landscaping achieves a high standard of design and forms an integral part of the development (Section 6.3).</p> <p>The proposal includes the removal of seven existing trees and provision of new and replacement trees. The Department has considered the development's impact on trees and ecological areas at Section 6.3 and concludes the impacts can be managed and mitigated subject to conditions.</p>
6. Amenity	The proposal is generally consistent with the key ADG criteria and would achieve satisfactory internal amenity (see Section 6.4 and Table 21).
7. Safety	The application includes a CPTED Report and mitigation measures and the development would provide for passive and active surveillance of the surrounding area. The Department has recommended a condition requiring the implementation of the CPTED Report mitigation measures.
8. Housing Diversity and Social Interaction	The development will improve housing supply and choice for seniors and provides for a mix of ILU apartment types and a RCF to cater for a range of senior households and needs. The provision of new seniors housing will aid in the creation of a mixed and balanced community.
9. Architectural Expression	The development includes appropriate building articulation, modulation and setbacks to complement the desired character for the site and surrounding area. The palette of materials and finishes would appropriately articulate the building form. The architectural detail responds appropriately to the site's opportunities and constraints and would provide for a visually interesting contemporary building. The development is considered to achieve a high standard of design as discussed in Section 6.2 .

Apartment Design Guide

The ADG sets out guidelines for residential apartment development to ensure apartments are appropriately designed, achieve an appropriate level of residential amenity and have acceptable impacts.

An assessment of the proposal against the ADG best practice design principles is provided at **Table 21**.

Table 21 | Consistency with ADG design criteria

ADG – Relevant Criteria	Proposal	Consistent
<p>3B Orientation</p> <ul style="list-style-type: none"> • Building type/layouts respond to streetscape, optimising solar access • Where the street frontage is to the east or west, rear buildings should be orientated to the north • Solar access to living rooms, balconies and private open spaces of neighbours should be considered and overshadowing of neighbouring properties is minimised • Where an adjoining property does not currently receive the required hours of solar access, solar access to neighbouring properties should not be reduced by more than 20% • A minimum of 4 hours of solar access should be retained to solar panels on neighbouring buildings 	<ul style="list-style-type: none"> • The buildings are oriented to Martins Lane, Wulaba Place and the western setback / landscaped area to provide an appropriate urban form. A large central courtyard is created between the buildings and solar access has been maximised in this context. • The development does not result in adverse overshadowing of neighbouring properties during mid-winter (Section 6.5). • The development does not overshadow adjoining solar panels. 	<p>Yes</p>
<p>3C Public Domain Interface</p> <ul style="list-style-type: none"> • Transition between public/private without compromising security • Amenity of public domain is retained and enhanced • On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking 	<ul style="list-style-type: none"> • Active frontage is provided at ground level. Residential lobbies and vehicle entrances are easily identifiable. • Upper level windows and balconies overlook the public domain, lengths of solid walls have been limited along street frontages. • All landscaping, open space and the public domain interface is of a high quality and the interface with publicly 	<p>Yes</p>

ADG – Relevant Criteria	Proposal	Consistent												
<ul style="list-style-type: none"> Where development adjoins public parks, open space or bushland, the design positively addresses this interface 	<p>accessible open spaces has been appropriate designed.</p> <ul style="list-style-type: none"> Protrusions of the basement car parking levels above ground has been minimised. The Department has considered the interface of the development with the ecological and open space areas at Section 6.3. 													
<p>3D Communal and Public Open Space</p> <ul style="list-style-type: none"> minimum 25% of the site minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours in mid-winter 	<ul style="list-style-type: none"> A total of 5,903.63 m² communal open space is provided (excluding the southern ecological zone), which comprises 30.9% of the site (19,112 m²). 50.4% to 76.6% of the communal open spaces receive 3 hours of direct sunlight in mid-winter. 	Yes												
<p>3E Deep Soil Zones</p> <ul style="list-style-type: none"> For sites greater than 1,500m² a minimum of 7% to 15% of the site should provide for deep soil zone(s) 	<ul style="list-style-type: none"> The proposal includes 3,807 m² (20%) deep soil area as defined by the ADG. 	Yes												
<p>3F Visual Privacy</p> <ul style="list-style-type: none"> Minimum building separation distance: <table border="1" data-bbox="130 1339 721 1720"> <thead> <tr> <th>Height</th> <th>Habitable rooms / balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td> <td>12m*</td> <td>6m</td> </tr> <tr> <td>Up to 25m (5-8 storeys)</td> <td>18m*</td> <td>9m</td> </tr> <tr> <td>Over to 25m (9+ storeys)</td> <td>24m*</td> <td>12m</td> </tr> </tbody> </table> <p>* Half this number to side and rear boundaries with existing adjacent development</p>	Height	Habitable rooms / balconies	Non-habitable rooms	Up to 12m (4 storeys)	12m*	6m	Up to 25m (5-8 storeys)	18m*	9m	Over to 25m (9+ storeys)	24m*	12m	<ul style="list-style-type: none"> Building A, south facing living room windows of ILUs E204 and E304 overlook Building F roof terrace of ILU F107 at a distance of 9.2m. ILU apartment windows / balconies include screens to address potential oblique overlooking between ILUs located at internal right-angle corners of the buildings. Building A ILU balconies include screens to prevent overlooking of ILU windows and terraces on the top floor of Building F. At their closest, Buildings: <ul style="list-style-type: none"> D and E are located 12.9 m away from the side boundary shared with buildings fronting Azile Court 	Yes, except the separation between Building A and F (red text) Refer to Section 6.4
Height	Habitable rooms / balconies	Non-habitable rooms												
Up to 12m (4 storeys)	12m*	6m												
Up to 25m (5-8 storeys)	18m*	9m												
Over to 25m (9+ storeys)	24m*	12m												

ADG – Relevant Criteria	Proposal	Consistent
	<ul style="list-style-type: none"> - F is located between 18.3 m and 21.3 m away from the rear boundary shared with buildings fronting Homelands Avenue. - B, C and D are located 18 m away from Gimbawali, across Wulaba Place - A and B are located 25.5 m away from the rear of dwelling fronting Charles Street, across Martins Lane. 	
<p>3G Pedestrian Access to Entries</p> <ul style="list-style-type: none"> • Building entries and pedestrian access connects to and addresses the public domain. • Access, entries and pathways are accessible and easy to identify. 	<ul style="list-style-type: none"> • Building entries and pedestrian access connect to and address the public domain. • Entries are well located, designed and easily identifiable. • Although the new footpath within the western setback would not be accessible, all other access, entries and pathways are accessible and residents have accessible pathways to all parts of the development (Section 6.3 and 6.5). 	Yes
<p>3H Vehicle Access</p> <ul style="list-style-type: none"> • Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes. 	<ul style="list-style-type: none"> • Vehicle and pedestrian entrances are separated and identifiable. • Appropriate sight lines are provided. • The carpark entry is appropriately designed and ambulance movements can be managed (Section 6.5). 	Yes
<p>3J Bicycle and Car Parking</p> <ul style="list-style-type: none"> • Minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less • Parking is available for other modes of transport • Car parking design access is safe and secure • Visual and environmental impacts of 	<ul style="list-style-type: none"> • 50 bicycle parking spaces including <ul style="list-style-type: none"> ◦ 30 spaces for ILU residents at Level 1 ◦ 20 spaces for staff and EoT at ground floor / basement level. • Six visitor parking spaces are located within the public domain. • The proposal would provide for 282 car parking spaces for ILU and RCF residents and visitors, staff visitors and the respite 	Yes

ADG – Relevant Criteria	Proposal	Consistent
<p>underground, at grade or above ground car parking are minimised</p>	<p>centre. The proposal exceeds the Housing SEPP ILU minimum 26 space requirement. The Department concluded parking is acceptable given the circumstances of the site (Section 6.5).</p> <ul style="list-style-type: none"> All car parking is contained at basement level. 	
<p>4A Solar and Daylight Access</p> <ul style="list-style-type: none"> Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9am-3pm in mid-winter in the Sydney Metropolitan Area Maximum of 15% of apartments have no direct sunlight between 9am-3pm in mid-winter Shading and glare control is provided 	<ul style="list-style-type: none"> 92 of 130 ILUs (71%) receive 2 hours of direct sunlight during mid-winter. 19 of 130 ILUs (14.6%) receive no direct sunlight in mid-winter. Balconies and architectural features provide passive solar protection to apartments. 	Yes
<p>4B Natural Ventilation</p> <ul style="list-style-type: none"> At least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated) Overall depth of a cross-over or cross-through apartment does not exceed 18m 	<ul style="list-style-type: none"> 78 of the 130 ILUs (60%) achieve natural cross ventilation. Cross through ILUs are 10.6 to 11.7 m deep. 	Yes
<p>4C Ceiling Heights</p> <ul style="list-style-type: none"> Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <ul style="list-style-type: none"> Habitable rooms 2.7m Non-habitable rooms 2.4m 	<ul style="list-style-type: none"> Proposed minimum habitable ceiling heights and non-habitable ceiling heights comply with, or exceed, the ADG recommended minimums. 	Yes
<p>4D Apartment Size and Layout</p> <ul style="list-style-type: none"> Minimum apartment sizes <ul style="list-style-type: none"> Studio 35sqm 1 bedroom 50 m² 2 bedroom 70 m² 	<ul style="list-style-type: none"> The proposed ILU sizes include: <ul style="list-style-type: none"> 2 bedroom – 81 to 99 m² 3 bedroom – 120 to 138 m² ILU D102 has a habitable room that does not have a window and ILU A501 and A502 have bedroom windows facing onto 	<p>No (red) Refer to Section 6.4</p>

ADG – Relevant Criteria	Proposal	Consistent
<ul style="list-style-type: none"> - 3 bedroom 90 m² • Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms • Habitable room depths are limited to 2.5 x the ceiling height • In open plan layouts the maximum habitable room depth is 8m from a window • Master bedrooms have a minimum area of 10 m² and other bedrooms have 9 m • Bedrooms have a minimum dimension of 3 m (excluding wardrobes) • Living rooms have a minimum width of: <ul style="list-style-type: none"> - 3.6 m for studio and one bed - 4 m for 2 and 3 bed • The width of cross-over or cross-through apartments are at least 4 m internally. 	<p>internal corridors.</p> <ul style="list-style-type: none"> • All habitable room depths are less than 2.5 x ceiling height • ILUs have open plan rooms with depths equal to, or less than, 8m from a window • All main bedrooms are equal to or greater than 10 m² and secondary bedrooms are equal to or greater than 9 m² • All bedrooms exceed the 3m dimension requirement • All living rooms exceed the minimum width requirements • All ILUs exceed 4m internal width. 	
<p>4E Private Open Space and Balconies</p> <ul style="list-style-type: none"> • Primary balconies are provided to all apartments providing for: <ul style="list-style-type: none"> - 1 bedroom min area 8m² min depth 2m - 2 bedroom min area 10m² min depth 2m - 3 bedroom min area 12m² min depth 2.5m • For apartments at ground floor level or similar, private open space must have a minimum area of 15sqm and depth of 3sqm • Private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building • Primary open space and balconies maximises safety 	<ul style="list-style-type: none"> • Balconies are provided to all ILUs, including: <ul style="list-style-type: none"> - 2 bedroom – 18 to 30 m² - 3+ bedroom – 18 to 183 m² • Ground level ILUs all have terraces between 23 m² to 56 m². • All balconies are integrated into the architectural form/detail of the building. • Balcony design avoids opportunities for climbing and falls. 	Yes
<p>4F Common Circulation and Spaces</p> <ul style="list-style-type: none"> • Maximum number of apartments off a 	<ul style="list-style-type: none"> • Maximum number of apartments on a floor off a single circulation core is six. 	Yes

ADG – Relevant Criteria	Proposal	Consistent
<p>circulation core is eight – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core.</p> <ul style="list-style-type: none"> • For buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40 • Natural ventilation is provided to all common circulation spaces where possible • Common circulation spaces provide for interaction between residents • Longer corridors are articulated 	<ul style="list-style-type: none"> • The development is not 10 storeys • The communal corridors have access to windows for natural light and ventilation. • Communal corridors at each level include lounge/lobby areas that allow for interaction. • Communal corridors are all interconnected creating one long corridor. However, each building has its own lift, and its corridor is separated from adjoining buildings by doors and bridges. All corridors include articulation, seating, direct sunlight and generous lounge/lobby spaces. 	
<p>4G Storage</p> <ul style="list-style-type: none"> • The following storage is required (with at least 50% located within the apartment): <ul style="list-style-type: none"> - Studio apartments 4m³ - 1 bedroom apartments 6 m³ - 2 bedroom apartments 8 m³ - 3 bedroom apartments 10 m³ 	<ul style="list-style-type: none"> • Adequate internal and external storage is provided to all ILUs, including (combined): <ul style="list-style-type: none"> - 2 bedroom – 8.15 m³ to 30.33 m³ - 3+ bedroom – 10.23 m³ to 29.76m³ 	Yes
<p>4H Acoustic Privacy and 4J Noise and Pollution</p> <ul style="list-style-type: none"> • Noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. • Noise impacts are mitigated through internal apartment layout and acoustic treatments. 	<ul style="list-style-type: none"> • ILUs are appropriately laid out to prevent noise transfer and would meet BCA noise / acoustic requirements. 	Yes
<p>4K Apartment Mix</p> <ul style="list-style-type: none"> • Provision of a range of apartment types and sizes • Apartment mix is distributed to suitable locations within the building. 	<ul style="list-style-type: none"> • The proposal includes a range of apartments sizes, including: <ul style="list-style-type: none"> - 66x2 bed apartments (50.8%) - 64x3 bed apartments (49.2%) 	Yes
<p>4L Ground Floor Apartments</p>	<ul style="list-style-type: none"> • Ground floor ILUs have direct street access and activate surrounding streets 	Yes

ADG – Relevant Criteria	Proposal	Consistent
<ul style="list-style-type: none"> • Direct street access should be provided • Street frontage activity is maximised where ground floor apartments are located • Design of ground floor apartments delivers amenity and safety for residents 	<p>and pedestrian routes.</p> <ul style="list-style-type: none"> • Ground floor ILUs include front terraces enclosed in a fence, which provide adequate street level security. 	
<p>4M Facades</p> <ul style="list-style-type: none"> • Building facades provide visual interest along the street while respecting the character of the local area • Building functions are expressed by the façade 	<ul style="list-style-type: none"> • The development is of a high standard of design and appearance (Section 6.2). • The building design has been appropriately expressed to indicate a seniors housing development. 	Yes
<p>4N Roof Design</p> <ul style="list-style-type: none"> • Roof treatments are integrated into the building design and positively respond to the street • Opportunities to use roof space for accommodation and open space is maximised • Roof design includes sustainability features 	<ul style="list-style-type: none"> • The top floor is recessed, clad in a different material and includes a projecting canopy to differentiate it from lower levels. • The development includes a rooftop communal garden and solar panels. 	Yes
<p>4O Landscape Design and 4P Planting on Structures</p> <ul style="list-style-type: none"> • Landscape design is viable and sustainable • Landscape design contributes to streetscape and amenity • Appropriate soil profiles are provided and plant growth is maximised (selection/maintenance) • Plant growth is optimised with appropriate selection and maintenance • Building design includes opportunity for planting on structure 	<ul style="list-style-type: none"> • The site includes extensive landscaping, which would be viable and sustainable and contribute to the streetscape and overall amenity. • Communal gardens, including on-structure planting, is provided throughout the development. • Plant selection would be majority native BGHF species • Appropriate soil depths are provided for on-structure planting. 	Yes
<p>4Q Universal Design</p> <ul style="list-style-type: none"> • 20% of apartments meet the Universal Design Guidelines. 	<ul style="list-style-type: none"> • All 130 ILUs will comply with the Universal Design criteria. • ILUs are adaptable in accordance with the 	Yes

ADG – Relevant Criteria	Proposal	Consistent
<ul style="list-style-type: none"> A variety of apartments with adaptable designs are provided Apartment layouts are flexible and accommodate a range of lifestyle needs 	<p>Housing SEPP requirements</p> <ul style="list-style-type: none"> ILU layouts are regular in shape and flexible to accommodate a range of lifestyles. 	
<p>4S Mixed Use</p> <ul style="list-style-type: none"> Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents 	<ul style="list-style-type: none"> The proposal is not a mixed use development. 	N/A
<p>4T Awning and Signage</p> <ul style="list-style-type: none"> Awnings are well located and complement and integrate with the building Signage responds to the context and design streetscape character 	<ul style="list-style-type: none"> Awnings are provided over building entries and incorporated into the design of the building. Signage is proposed and has been designed to integrate with the development (Section 6.5). 	Yes
<p>4U Energy Efficiency</p> <ul style="list-style-type: none"> Development incorporates passive environmental and solar design Adequate natural ventilation minimises the need for mechanical ventilation 	<ul style="list-style-type: none"> The development has been designed in accordance with ESD principles and the Department has recommended conditions requiring the development achieve appropriate sustainability targets (Appendix B, Section B2). 	Yes
<p>4V Water Management and Conservation</p> <ul style="list-style-type: none"> Potable water use is minimised Urban stormwater is treated on site before being discharged to receiving waters Flood management systems are integrated into the site design 	<ul style="list-style-type: none"> The Department has considered flooding and drainage at Section 6.5 and concludes, subject to conditions, the flooding and drainage impacts can be managed and/or mitigated. 	Yes
<p>4W Waste Management</p> <ul style="list-style-type: none"> Waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity 	<ul style="list-style-type: none"> The Department has considered operational waste at Section 6.5 and has recommended operational waste management conditions. 	Yes

ADG – Relevant Criteria	Proposal	Consistent
<ul style="list-style-type: none"> Domestic waste is minimised by providing safe and convenient source separation and recycling 		
4X Building Maintenance <ul style="list-style-type: none"> Building design detail provides protection from weathering Systems and access enable ease of maintenance Material selection reduced ongoing maintenance cost 	<ul style="list-style-type: none"> The building has been appropriately designed to allow ease of maintenance. The materials are robust. 	Yes

Parramatta Local Environmental Plan 2011

The PLEP 2011 aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the LGA. The PLEP 2011 also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Parramatta Local Environmental Plan 2023 is now in force. However, as the current application was lodged prior to the commencement of that Plan, the PLEP 2011 continues to apply in accordance with savings provision under clause 1.8A.

The Department consulted with Council throughout the assessment process and considered the matters raised in submissions by Council and the public (**Sections 5 and 6**). The Department has considered the relevant provisions of the PLEP at **Table 22** and concludes the development is consistent with the PLEP.

Table 22 | Consideration of the relevant clauses of the PLEP 2011

Clause	Control	Consideration and comments	Complies
Clause 2.3 Zoning objectives and Land Use Table	The proposed development is on land zoned R4 High Density Medium Residential and R2 Low Density Residential	Seniors housing and respite day care centres are permissible with consent in the R4 and R2. The proposal meets the objectives of the R4 zone as it: <ul style="list-style-type: none"> provides for the housing needs of seniors in a high density residential zone. will assist in meeting the current and 	Yes

Clause	Control	Consideration and comments	Complies
		<p>growing need for additional seniors housing.</p> <ul style="list-style-type: none"> • provides a variety of services and facilities to support the delivery of seniors housing on site; • provides opportunities for future residents to undertake a range of activities outside their homes, including a regular daily shuttle bus service to which offers future residents direct access to nearby facilities, services and shopping centres; and • is in an accessible location, with access to bus services along Pennant Hills Road, approximately 900 metres from the future Parramatta Light Rail (Carlingford stop) and approximately 5.5 km from the Parramatta CBD to the south west. <p>The respite day centre in the R2 zone meets the objectives of the R2 zone as it will enable a land use that provide facilities or services to meet the day to day needs of residents and its form and design maintains the low density residential character of the area.</p>	
<p>Clause 4.3 Height of buildings</p>	<p>A maximum building height of 14 m applies to the site. Section 87 of the Housing SEPP grants a building height bonus of 3.8m. This results in a maximum permissible height of 17.8m</p>	<p>The proposed building has a maximum building height as discussed in Section 6.2 and Appendix C.</p>	<p>No</p>
<p>Clause 4.4 FSR</p>	<p>A maximum FSR of 1:1 applies to the site. Section 87 of the Housing SEPP grants an FSR bonus of 25%. This results in a maximum FSR of 1.25:1.</p>	<p>The proposed development exceeds the maximum FSR as discussed in Section 6.2 and Appendix C.</p>	<p>No</p>

Clause	Control	Consideration and comments	Complies
Clause 4.6 Exceptions to development standards	Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	The Application has submitted variation requests relating to height of buildings (clause 4.3) and FSR (clause 4.4) under the provisions of clause 4.6. The Department has considered the variations at Section 6.2 and Appendix C .	Yes
Clause 5.10 Heritage conservation	To conserve the environmental heritage, the significance of heritage items and heritage conservation areas, including associated fabric, settings and views, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.	The site is not identified as a local or State heritage item, is not located within a heritage conservation area and no local or State heritage items or conservation areas are located near to the site. The Department concludes the proposal would not have any adverse heritage impacts. The Applicant's ACHAR concluded the site does not hold any specific cultural heritage significance and due to the high level of disturbance across the site, the ACHAR did not consider there to be the potential for subsurface deposits The Department has recommended a condition requiring the implementation of an unexpected finds protocol in the event that any Aboriginal objects are encountered during the construction phase of the development (Section 6.5).	Yes
Clause 5.21 Flood planning	Minimise flood risk to life and property, allow development on land compatible with the flood function and behaviour of the land, avoid adverse impacts and enable the safe occupation and efficient evacuation in the event of a flood.	The site is flood affected (overland flooding). The application includes an assessment of flooding and stormwater impacts and includes management and mitigations measures. The Department has considered flooding at Section 6.5 and has recommended conditions to manage and mitigate impacts.	Yes

Clause	Control	Consideration and comments	Complies
Clause 6.1 Acid sulfate soils	Ensure development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The site is identified as Class 5 Acid sulfate soils. Further action or preparation of an Acid Sulphate Soils Management Plan is not required for the application.	Yes
Clause 6.2 Earthworks	Ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	<p>The proposal includes stepped basement levels and requires earthworks associated with the redevelopment of the site.</p> <p>The application includes a DSI and RAP to address contamination and has considered impacts on archaeology, stormwater and dewatering impacts.</p> <p>The Department has considered earthworks, contamination and archaeology and has recommended conditions to manage and mitigate impacts.</p>	Yes
Clause 6.4 Biodiversity protection	Protect and maintain terrestrial and aquatic biodiversity.	<p>The proposal comprises a seniors housing development on an existing developed urban site and includes the redevelopment of a previously partially cleared site that contains a remnant critically endangered ecological community (CEEC). The proposal includes the removal of seven existing trees.</p> <p>As discussed at Section 6.3, the Department concludes the proposal would not result in unacceptable biodiversity, habitat or CEEC impacts, subject to management and mitigation measures. In addition, the provision of replacement and new trees and landscaping is acceptable.</p> <p>The application includes a BDAR, which recommends offsets to address identified impacts. The Department has been considered biodiversity impacts and the BDAR in detail at Section 6.3.</p>	Yes

Other policies

In accordance with Section 2.10 of the Planning Systems SEPP, development control plans do not apply to SSD. Notwithstanding this, the Department notes that the PDCP 2011 would apply to the site were it not for the development being SSD. The Department has considered the PDCP 2011 where relevant throughout **Section 6** and below.

Parramatta Development Control Plan 2011

The Parramatta Development Control Plan 2023 is now in force. However, as the current application was lodged prior to the commencement of that Plan (18 September 2023), the PDCP 2011 continues to apply in accordance with savings provisions of the PDCP.

Section 4.3.8 of the PDCP 2011 provides site-specific guidelines relating to built form and design excellence, height, setbacks, public domain, landscaping and ecological spaces (**Figure 10**). The PDCP 2011 also sets out the ‘desired future character’ of the precinct.

The Department has considered the proposal against the PDCP desired future character and the guidelines relevant to Site B at **Table 23**.

Table 23 | Consideration of the proposal against the relevant provisions of section 4.3.8 Carlingford Precinct of the PDCP

PDCP - Section 4.3.8 Carlingford Precinct	Response	Complies
<p>Desired Future Character</p> <ul style="list-style-type: none"> increased density to allow for the provision of new dwellings provision of residential apartment buildings of a height/scale that transitions to adjoining lower density development to the south and west new access roads and public domain widening of Martins Lane. 	<p>The design of the development, although not precisely following the design and layout recommended by the PDCP, achieves the aims and objectives of the ‘desired future character’ for the site.</p>	<p>Yes</p>
<p>Public Domain</p> <p>C.4 Martins Lane public domain widened area must be dedicated to Council.</p> <p>C.5 Street typologies must be provided as detailed in Figure 1.2.</p> <p>C.6 Public access (24 hours a day, 7 days a week) is to be provided to the high value ecological zone to the southern boundary as identified in Figure 1.2.</p> <p>C.7 A new public pedestrian connection is to be provided between Grace Street / Azile Court and</p>	<p>C.4 The Martins Lane widening and dedication forms part of the VPA executed for Site A.</p> <p>C.5 New roads are not provided along the western and southern boundaries. Instead, publicly accessible pedestrian footpaths and landscaping is proposed (Section 6.3)</p> <p>C.6 Public access (24 hours a day, 7 days a week) will be provided to</p>	<p>No (red) Refer to Section 6.3</p>

PDCP - Section 4.3.8 Carlingford Precinct	Response	Complies
<p>Pennant Hills Road and to the publicly accessible open space area on the southern boundary of the site as shown in Figure 1.2.</p> <p>C.8 All new streets / accessways as shown in Figure 1.2 are to be publicly accessible 24 hours a day, 7 days a week.</p> <p>C.9 No basement or sub-floor structures are to be located under new streets, accessways or publicly accessible open space.</p>	<p>the ecological zones.</p> <p>C.7 The proposal includes a new public pedestrian connection along the western boundary connecting Azile Court to Pennant Hills Road via Wulaba Place and to the publicly accessible ecological zones.</p> <p>C.8 Complies.</p> <p>C.9 Complies.</p>	
<p>Height of Buildings</p> <p>C.1 Building heights must be in accordance with PLEP Height of Buildings Map as shown below in Figure 1.4 to respond to the context, to provide visual interest and to minimise and mitigate adverse overshadowing and privacy impact to adjoining properties and adjoining public domain and land uses.</p> <p>C.2 When viewed from adjoining streets and adjacent properties the buildings on the site are to appear no higher than 4 storeys.</p>	<p>C.1 Building heights exceed the PLEP building height development standards. The application includes variation requests relating to height of buildings (clause 4.3) and FSR (clause 4.4) under the provisions of clause 4.6.</p> <p>The Department concludes the height of buildings are acceptable and would not result in adverse visual or amenity impacts (Section 6.2).</p> <p>C.2 The development would appear as a 5 storey development. See above.</p>	<p>No (red) Refer to Section 6.2</p>
<p>Setbacks</p> <p>C.1 Setbacks must be provided in accordance with Figure 1.5.</p> <p>C.3 Development must not occur within the setback areas except for soft landscaping, footpaths, fencing, driveways, retaining walls and essential infrastructure.</p> <p>C.4 Ground floor apartments may have courtyards that extend up to 3m into the setback where they front a street or public pedestrian accessway.</p>	<p>C.1 The proposal meets or exceeds the PDCP setback requirements, with the exception of:</p> <ul style="list-style-type: none"> • minimum 12 m to the western boundary (PDCP recommends 14.4 m) • minimum 20 m to southern boundary (PDCP recommends 32 m). <p>The Department has assessed</p>	<p>No (red) Refer to Section 6.3</p>

PDCP - Section 4.3.8 Carlingford Precinct	Response	Complies
<p>C.5 An ecological assessment is to be submitted with DAs on land proximate to areas identified on the PLEP Natural Resources – Biodiversity map as areas of high and medium ecological constraint to determine the appropriate setbacks between the built form and existing trees within these areas to ensure their protection and ongoing health.</p>	<p>the western and southern setbacks at Section 6.3.</p> <p>C.3 Complies (excluding above).</p> <p>C.4 Complies.</p> <p>C.5 Complies. The Department has assessed the impact on the ecological zones at Section 6.3.</p>	
<p>Floor Space Ratio</p> <p>P1. Floor space ratios must be in accordance with the FSR LEP map.</p> <p>C.1 The following areas may be included as part of the site area for the purposes of calculating FSR, the:</p> <ul style="list-style-type: none"> widening of Martins Lane, north-south and east-west roads and provision of any public pedestrian pathway areas of high and moderate ecological value as mapped on the PLEP Natural Resources – Biodiversity map. 	<p>The application was amended to ensure FSR has been calculated correctly with reference to the PLEP and Housing SEPP. The Housing SEPP excludes areas which are included in the site area under the DCP.</p> <p>The application includes variation requests relating to height of buildings (clause 4.3) and FSR (clause 4.4) under the provisions of clause 4.6.</p>	Yes
Landscaped Spaces and Areas of Ecological Value		
<p>Landscape Generally</p> <p>C.1 Existing high ecological significance trees must be retained where possible.</p> <p>C.3 Landscaping must use predominantly indigenous species that reflect the region’s character of the Sydney BGHF and Sydney Turpentine-Ironbark Forest vegetation communities. Opportunities to plant species representative of the communities and the existing areas of moderate and high ecological significance located on the site are to be explored provided planting of these species does not present a danger to residents and the public.</p> <p>C.4 Selected plant species must provide form, enclosure, texture and colour. The planting should also take on a further role in providing biodiversity,</p>	<p>C.1 Existing significance trees have been retained where possible. The Department has considered the impact on trees at Section 6.3.</p> <p>C.3 The application has been amended to include a majority of native species that reflect the BGHF.</p> <p>C.4 Complies.</p> <p>C.5 Complies.</p> <p>C.6 Complies.</p> <p>C.7 Complies.</p> <p>C.8 Deep soil zones are provided along the western and southern boundaries and partially along</p>	<p>No (red) Refer to Section 6.3</p>

PDCP - Section 4.3.8 Carlingford Precinct	Response	Complies
<p>shade and protection.</p> <p>C.5 A mix of local trees, shrubs and grasses must be used to create attractive, colourful and low maintenance landscaped areas.</p> <p>C.6 All building setbacks are to be landscaped.</p> <p>C.7 Any DA must include a detailed landscape plan and landscape design report prepared by a qualified landscape architect. The landscape plans are to include details of plant species, pot sizes, mature height, tree protection measures and a detailed maintenance program.</p> <p>C.8 Deep soil zones must be provided for the first 3m of all property boundaries.</p>	<p>Martins Lane.</p>	
<p>Communal Open Space Areas</p> <p>C.9 All communal open space areas must include the following:</p> <ul style="list-style-type: none"> • sub-surface drip irrigation systems controlled by timers using soil moisture or rainfall sensors; • drought tolerant plants and grasses; • water retaining media mixed into soil; and • tree planting and landscaping using elements such as indigenous plant species, interesting sculptural elements and pavement design. <p>Details of these elements are to be shown on landscape plans submitted with development applications.</p> <p>C.10 Communal Open Space on both Site A and Site B is to reflect the rectangular shape and approximate area size illustrated in the Public Domain Plan Figure at 1.2.</p>	<p>C.9 Communal open spaces have been designed to incorporate a range of plant species that are drought tolerant, and water retaining and mostly comprise native species.</p> <p>C.10 The proposal provides for a central courtyard generally in accordance with the PDCP. The proposal includes 5,903.63 m² communal open space, which exceeds the PDCP minimum requirement (2,879 m²)</p>	<p>Yes</p>
<p>Water Sensitive Urban Design</p> <p>C.11 Post-development peak flows from the development site must not exceed predevelopment peak flows.</p> <p>C.12 All development must incorporate WSUD measures including rain gardens, bioswales,</p>	<p>The Department has considered flooding and stormwater at Section 6.5.</p>	<p>Yes</p>

PDCP - Section 4.3.8 Carlingford Precinct	Response	Complies
<p>biosinks, and water polishing ponds, wetlands and other constructed ecologies which can detain, retain and reuse water.</p> <p>C.13 Landscape works must be undertaken in collaboration with the hydraulic and civil works to develop an integrated stormwater design.</p>		
<p>Areas of High and Moderate Ecological Significance</p> <p>C.15 Any development on land containing or immediately adjoining areas of high or moderate ecological significance must confirm the boundaries of the area of ecological significance with detailed analysis to ensure no adverse impacts to those areas occurs as a result of the development.</p> <p>C.16 A flora and fauna assessment must be submitted with any development application on land identified as containing areas of high or moderate ecological significance.</p>	<p>The application has confirmed the boundaries of the ecological zone and includes detailed assessment of impacts.</p> <p>The Department has considered the impact of the proposed development on the ecological zone and significant trees at Section 6.2.</p>	Yes
Built Form and Site Requirements		
<p>Controls for Residential Apartment Building Development</p> <p>C.1 Setbacks and siting of buildings must provide areas for deep soil/permeable surfaces, communal open space areas and private open spaces.</p> <p>C.2 The massing and siting of the buildings must:</p> <ul style="list-style-type: none"> • Enable buildings to address and align with streets and public spaces • Define positive spaces • Minimise stepping • Use the sloping topography to locate apartments at ground level • Provide setbacks as per Figure 1.5. • Provide building separations consistent with the provisions of Part 2F of the Apartment Design Guide. <p>C.3 Sites must be a minimum of 1,500m² for</p>	<p>C.1 Complies.</p> <p>C.2 The Department has considered the bulk and scale, setbacks and residential amenity of the development at Sections 6.2 and 6.4.</p> <p>C.3 The site is greater than 1,500m².</p> <p>C.4 The site has frontage of:</p> <ul style="list-style-type: none"> • 195 m to Martins Lane (east) • 115 m to Wulaba Place (north). 	Yes

PDCP - Section 4.3.8 Carlingford Precinct	Response	Complies
<p>development of apartment buildings of 3 or more storeys.</p> <p>C.4 Sites must have a minimum frontage of 24m for development of apartment buildings of 3 or more storeys.</p>		
<p>Height of Buildings</p> <p>C.1 A detailed site analysis plan must be submitted with a DA proposing residential apartment building(s) and/or multi-unit residential development.</p> <p>C.2 Buildings must be designed to:</p> <ul style="list-style-type: none"> • Provide entrances, outlook and address to the street and/or public/pedestrian thoroughfare and communal open space(s) to maximise passive surveillance opportunities. • Create positive spaces between buildings. • Be scaled and well- proportioned through appropriate modulation, articulation, materials and detailing. • Use robust minimum maintenance materials of the typology and context. • Use brick and/or other hardy materials that require minimal maintenance. 	<p>C.1 The application includes a Design Report, which provides site analysis.</p> <p>C.2 The Department has considered building design at Section 6.2.</p>	<p>Yes</p>

Appendix C – Clause 4.6 variation request

C1 - Variation of Building Height and FSR development standards under Clause 4.6

The application seeks approval for a maximum building height of 19.45 m and a GFA of 23,120 m², (FSR 1.67:1). The Housing SEPP and PLEP both include height of buildings and FSR development standards relating to the future development on the site and the proposal exceeds those standards as shown at **Figure 31** and summarised at **Table 24** and **Table 25**.

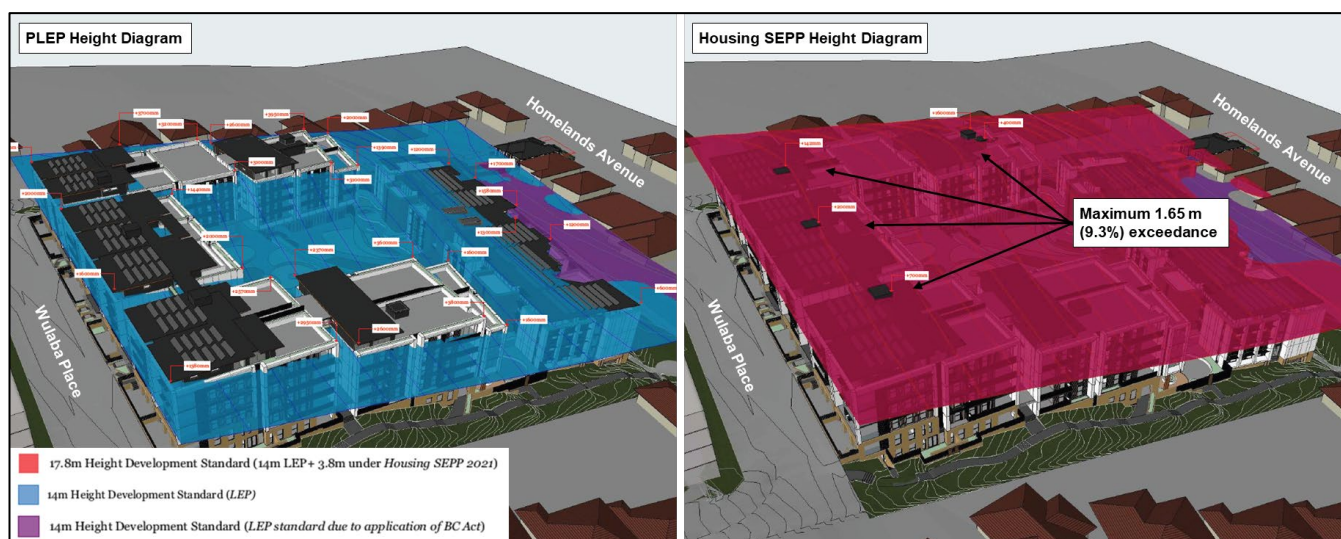


Figure 31 | PLEP and Housing SEPP height diagrams and location of height exceedances (Base source: Applicant’s RtS)

Table 24 | Comparison between the Housing SEPP and PLEP building height standards and the proposed building height

EPI	Max. height	Proposed max. height*	Difference
Housing SEPP	17.8 m	19.45 m	+1.65 m (+9.3%)
PLEP	14 m		+5.45 m (+39%)

* Maximum height as measured above existing ground level noting that height of existing ground level varies across the site.

Table 25 | Comparison between the Housing SEPP and PLEP FSR standards and the proposed FSR

EPI	Site Area	Max. GFA / FSR	Proposed GFA / FSR*	Difference
Housing SEPP	13,879 m ²	17,348.75 m ² 1.25:1	23,120 m ² 1.67:1	+5,771.25 m ² +0.42:1 (+33%)
PLEP	19,112 m ²	19,112 m ² 1.1:1	23,455 m ² 1.23:1	+4,343 m ² +0.22:1 (+23%)

* The Housing SEPP and PLEP definition and calculation of GFA and site area are not consistent (the Housing SEPP excludes the biodiversity values area and Site A constructed Wulaba Place and Martins Lane, and the PLEP includes these areas), applying these differing definitions to the proposal results in the above noted different GFA and FSR calculations.

C2 - Clause 4.6 of PLEP

Clause 4.6(2) of PLEP permits the consent authority to consider a variation to a development standard imposed by an EPI. The aim of clause 4.6 is to provide an appropriate degree of flexibility in

applying development standards to achieve better development outcomes for and from development by allowing flexibility in certain circumstances. In consideration of the proposed variation, clause 4.6 requires the following:

Clause 4.6(3) requires the following:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The Applicant has prepared written requests in accordance with clause 4.6(3) to vary the following development standards:

- Height of Buildings: clause 4.3 of the PLEP and section 87(2)(c) of the Housing SEPP
- FSR: clause 4.4 of the PLEP and Section 87(2)(b)(iii) of the Housing SEPP.

The development standards subject to a variation request and the Applicant's proposed variations are summarised in Section C1 of this Appendix.

Clause 4.6(4) provides:

- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
 - (a) *the consent authority to be satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Planning Secretary has been obtained.*

The Department has considered the proposed exceptions to the development standard under clause 4.6, applying the tests and having regard to the latest NSW Land and Environment Court (Court) judgements:

- *Wehbe v Pittwater Council* [2007] NSWLEC 827

- Four2Five Pty Ltd v Ashfield Council [2015] (x3)
- Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 118.
- Bettar v Council of City of Sydney (2014) NSWLEC 1070
- Stamford Property Services Pty Ltd v City of Sydney & Anor (2015) NSWLEC

Clause 4.6(4)(b) requires the concurrence of the Planning Secretary to have been obtained. In deciding whether to grant concurrence, subclause (5) requires:

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

The concurrence of the Secretary is assumed to have been granted for the proposed height variation in accordance with the Department of Planning Circular PS 20-005 ‘Variations to development standards’, dated 5 May 2020. This circular is a notice under section 55(1) of the Environmental Planning and Assessment Regulation 2021 and provides for assumed concurrence. A consent granted by a consent authority that has assumed concurrence is as valid and effective as if concurrence had been given.

Exception to the development standard

1. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone

EPI	Consideration
PLEP: R4 High density residential zone	<p>The objectives of the R4 High Density Residential zone are:</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a high density residential environment.</i> • <i>To provide a variety of housing types within a high density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> • <i>To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.</i> • <i>To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.</i> <p>The Department is satisfied that the proposed development is consistent with the</p>

1. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone

relevant objectives of the R4 High Density Residential zone, as the development:

- provides for the housing needs of seniors in a high density residential zone.
- will assist in meeting the current and growing need for additional seniors housing.
- provides a variety of services and facilities to support the delivery of seniors housing on site;
- provides opportunities for future residents to undertake a range of activities outside their homes, including a regular daily shuttle bus service to which offers future residents direct access to nearby facilities, services and shopping centres; and
- is in an accessible location, with access to bus services along Pennant Hills Road, approximately 900 m from the future Parramatta Light Rail (Carlingford stop) and approximately 5.5 km from the Parramatta CBD to the south west.

Housing SEPP:
s.3 Principles of
Policy

The Principles of the Housing SEPP is considered relevant in that they provide an indication of the intended outcomes of the instrument as a whole.

The principles of this Policy are as follows –

- (a) enabling the development of diverse housing types, including purpose-built rental housing,*
- (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,*
- (c) ensuring new housing development provides residents with a reasonable level of amenity,*
- (d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,*
- (e) minimising adverse climate and environmental impacts of new housing development,*
- (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,*
- (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,*
- (h) mitigating the loss of existing affordable rental housing.*

The Department is satisfied that the proposed development is consistent with the relevant principles of the SEPP, as the development:

- provides for diverse housing to meet the needs of seniors housing in the local area.
- demonstrates it will achieve appropriate amenity for future residents while also avoiding any adverse amenity impacts to surrounding residents.
- seeks to upgrade and revitalise the existing BaptistCare site to provide more seniors

1. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone

housing in a strategically located and accessible area.

- includes ESD initiatives to assist in minimising climate and environmental impacts.

2. Is the consent authority satisfied the proposed development will be consistent with the objectives of the standard

EPI	Consideration
PLEP cl.4.3 height	<p>The objectives of clause 4.3 are:</p> <ul style="list-style-type: none"> (a) <i>to nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan,</i> (b) <i>to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,</i> (c) <i>to require the height of future buildings to have regard to heritage sites and their settings,</i> (d) <i>to ensure the preservation of historic views,</i> (e) <i>to reinforce and respect the existing character and scale of low density residential areas,</i> (f) <i>to maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.</i> <p>The Department is satisfied that the proposed development is consistent with the relevant objectives of the development standard, as:</p> <ul style="list-style-type: none"> • The height breach is of minor nature as it is limited to the proposed stair and lift overruns. The Department accepts the Applicant’s arguments that a transition in built form is achieved, notwithstanding the breach, as the built form is stepped to follow the topography of the site and setback distances to neighbouring properties meet or exceed the ADG recommended setbacks. On this basis, the development achieves objective (a). • The visual massing of the development overall will not significantly impact or materially change the existing visual catchment of the streetscape of the surrounding low-density environment located on Azile Court, Homelands Avenue and Martins Lane / Charles Street. Amenity impacts are minimised to adjoining properties as shadow diagrams indicate the stair and lift overruns will not result in any additional overshadowing. Adequate building setbacks and separation distances, use of upper-level setbacks for balconies which are orientated towards the R2 Low Density Residential zone as well as the retention of existing vegetation at the southern

2. Is the consent authority satisfied the proposed development will be consistent with the objectives of the standard

boundary ensures visual privacy of adjoining properties is maintained. On this basis, the development achieves objective (b).

- The existing character of development in the adjoining R2 low density zone is respected and reinforced because the development provides: adequate, landscaped building setbacks including deep soil zones; adequate separation distances which meet or exceed the minimum distances recommended under the ADG; introduces a massing that 'steps down' the site to correspond with the fall of the land, including a reduced scale for Building F at the southern end of the site; and retains existing vegetation of mature height and extensive canopy spread located along the southern site boundary. The Department accepts that the height breach is of minor nature as it is limited to the proposed stair and lift overruns. The reasons provided establish that the development reinforces and respects the existing character of the adjoining low density residential zone. On this basis, the development achieves objective (e).
- Objectives (c), (d) and (f) are not relevant to the proposal.

PLEP: cl.4.4 FSR

The objectives of clause 4.4 are:

- (a) to regulate density of development and generation of vehicular and pedestrian traffic,*
- (b) to provide a transition in built form and land use intensity within the area covered by this Plan,*
- (c) to require the bulk and scale of future buildings to have regard to heritage sites and their settings,*
- (d) to reinforce and respect the existing character and scale of low density residential areas.*

The Department is satisfied that the proposed development is consistent with the relevant objectives of the development standard, as:

- the density would not give rise to unacceptable vehicular and pedestrian traffic impacts
- the proposal provides adequate building setbacks, separation distances and a stepped built form to achieve an appropriate built form transition and land use intensity for the area.
- due to the location of the existing vegetation and the building setbacks provided, the visual massing of the development would not significantly impact or materially change the existing visual catchment of the streetscape of the surrounding low-density environment.
- Objective (c) is not relevant to the proposal.

2. Is the consent authority satisfied the proposed development will be consistent with the objectives of the standard

Housing SEPP:
s. 87(2)(b) height
s. 87(2)(c) FSR

Section 87 of the Housing SEPP does not contain objectives. However, the Department considers the underlying purpose of the provision as follows:

- Section 87 has been established to incentivise seniors housing through the uplift of FSR and height to increase supply in zones where residential flat buildings or shop top housing are permitted; and
- in order for development to utilise the additional FSR in section 87(2)(b)(iii), additional building height of 3.8 metres above the maximum permissible building height standard is permitted under section 87(2)(c);

The Applicant considers that:

- notwithstanding the height exceedance of the lift overruns, the proposed floor space sits within the additional height allowance (i.e., gross floor area (GFA) does not breach the height limit); and
- compliance would effectively inhibit the proposed development and prevent meeting the intent of the provisions of Section 87 of the housing SEPP where the delivery of independent units and a residential aged care facility (RACF) is proposed.

The Department is satisfied that the proposed development is consistent with the underlying purpose of the provision in the Housing SEPP, as:

- it facilitates the delivery of seniors housing in an area zoned for high density residential housing;
- it utilises the bonus FSR and building height development standards which is intended to incentivise seniors housing for the purposes of RCFs and ILUs; and
- the proposed built form is generally reflective of the envelope anticipated by the Housing SEPP.

3. Has the consent authority considered a written request that demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and they are satisfied that the matters required to be demonstrated have adequately been addressed

EPI	Consideration
PLEP: cl.4.3 height cl.4.4 FSR	The Applicant demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, having regard to the five tests outlined in <i>Wehbe v Pittwater Council</i> [2007] NSWLEC 827. It establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances, as the proposed development achieves the objectives of the standard and accordingly justifies the variation to the height and FSR control, meeting the first test outlined in <i>Wehbe</i> .
Housing SEPP: s. 87(2)(b) height s. 87(2)(c) FSR	The Department supports the Applicant’s conclusions that the proposed development

3. Has the consent authority considered a written request that demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and they are satisfied that the matters required to be demonstrated have adequately been addressed

achieves the objectives of the standard. Compliance with the development standard is unnecessary in this case as the objectives of the height and FSR standard are still achieved and unreasonable as no purpose is served by requiring strict compliance.

Having considered the Applicant’s written request, the Department is satisfied that the Applicant has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

4. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard and with the Court the matters required to be demonstrated have adequately been addressed

EPI	Consideration
<p>PLEP: cl.4.3 height cl.4.4 FSR</p>	<p>The Applicant’s written request justifies contravention of the building height development standard on the following three key environmental planning grounds:</p> <p><i>Ground 1: Falling topography</i></p> <p>(i) <i>Site B has a 16.5m fall across the site from north to south. Despite this significant fall in topography, the proposed development complies with the 17.8m building height standard of section 87(2)(c) of the Housing SEPP (except for lift/stair overruns).</i></p> <p>(ii) <i>The proposal introduces massing that ‘steps down’ the site to correspond with the fall of the land, including a reduced scale for Building F at the southern end of the site where it adjoins the R2 Low Density Residential zone.</i></p> <p><i>Ground 2: Visual impact</i></p> <p>(i) <i>The stair and lift overrun will not be viewed from Martins Lane. As the exceedances are centrally located in the northern portion of the site, the variation will have no visual impact on properties along Martins Lane</i></p> <p>(ii) <i>When viewed from the middle of Homelands Avenue, (directly opposite 26 Homelands Avenue), the lift and stair overruns are centrally located toward the northern portion of the site and therefore, the proposed exceedance will not result in any visual impact</i></p> <p>(iii) <i>The stair and lift overrun exceedance are located toward the north of the site, and therefore, these exceedances cannot be viewed from Azile Court.</i></p> <p><i>Ground 3: Amenity impacts to neighbouring properties</i></p> <p>(i) <i>the overshadowing analysis prepared by DKO, illustrates that the stair and lift overrun non-compliance does not result in any additional overshadowing to adjoining properties where the shadow falls on the roof form.</i></p> <p>The Applicant’s written request justifies contravention of the FSR development standard</p>

4. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard and with the Court the matters required to be demonstrated have adequately been addressed

on two key environmental planning grounds:

Ground 1: Height and built form transition and setbacks

- (i) The exceedance in FSR is accommodated within (and substantially below in places) the building height development standard of section 87 and does not result in a built form or scale that exceeds what is intended under section 87 of the Housing SEPP.*
- (ii) The transition in building height and the distribution of GFA across 5 buildings ensures the development appropriately responds to the urban context and provides an appropriate transition in building form from the high density residential zoning of the site and to the north, stepping down to the low density residential zone to the south.*
- (iii) The proposed development accommodates significant setbacks to all boundaries, in excess of what would be required in an R2 or R4 zone, or the ADG or PDCP 2011. These generous side and rear setbacks as shown in Figure 9 will accommodate the retention of existing trees as well as significant landscaping works that will allow additional deep soil planting. Clearly, the proposed GFA and resultant FSR (which results in a variation to the Housing SEPP on account of the site area calculations) will not impact the proposal's ability to ensure generous width deep soil boundary interfaces to the north, south, east and west.*

Ground 2: Amenity impacts

- (i) The proposed development does not give rise to additional overshadowing impacts on adjoining properties. Importantly, Building F being largely compliant with the 14m PLEP 2011 height development standard and significantly below the 17.8m Housing SEPP maximum building height development standard, further minimises potential overshadowing to the adjoining southern properties.*
- (ii) The proposed development largely accommodates the additional floor space within the 17.8m height development standard and adopts significant setbacks to all boundaries to maintain and protect amenity to all adjoining properties.*

Having considered the Applicant's written request and further to the Department's assessment of height and floor space ratio in Section 6, the Department concludes the Applicant has identified sufficient environmental planning grounds to justify the contravention of the development standards and the matters required to be demonstrated have adequately been addressed.

Consequently, the Department considers the Applicant's written request adequately addresses the matters required to be demonstrated under clause 4.6 of the PLEP and the proposal will be in the public interest because it is consistent with the objectives of the development standard, the objectives for development within the zone, and would result

4. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard and with the Court the matters required to be demonstrated have adequately been addressed

in a built form that would be compatible with the surrounding uses and the size of the land to be developed within a high density residential environment.

Appendix D – Independent review of flooding

Following the EIS exhibition, and to assist with its detailed assessment, the Department engaged GRC Hydro to undertake an independent review of the Applicant’s FIA. The GRC review can be found on the Department’s website, link provided below:

<https://www.planningportal.nsw.gov.au/major-projects/projects/baptistcare-carlingford-seniors-housing>

Appendix E – Summary of the Department’s consideration of community views

Table 26 | Key issues and how they have been considered

Issue	Consideration
<p>Adverse impacts during construction during Stage 1 works on Site A (traffic, light spill, night works and amenity impact)</p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The Department acknowledges the concerns raised in the submission about construction parking, night road works, lighting and noise impacts during the previously approved and now completed Stage 1 works on Site A. • The Department also acknowledges that the construction of the development would cause disturbance to neighbouring properties given the built-up urban character of the area, and that impacts such as noise, vehicle movements are unavoidable. • The application has considered the potential construction impacts and has recommended a number of mitigation measures to reduce these impacts. • The Applicant’s Noise and Vibration Impact Assessment (NVIA), recommended mitigation measures including preparation of a Construction Noise and Vibration Management Plan (CNVMP), noise monitoring and mitigation measures where noise limits are exceeded. • The Applicant has also committed to preparing a Construction Pedestrian and Traffic Management Plan (CPTMP) and a

Construction Environmental Management Plan (CEMP), including air quality and waste management assessments, a communications strategy and dilapidation survey.

- The Department considers the Applicant's mitigation measures are acceptable and recommends works be restricted to standard hours of construction consistent with the Interim Construction Noise Guideline (7am to 6pm Monday to Friday and 8am to 1pm Saturdays), preparation and implementation of the various construction management plans, respite periods and other controls.
- The Department concludes, subject to conditions, construction impacts can be satisfactorily mitigated and managed to reasonably protect the amenity of neighbouring properties (**Section 6.5**).

Recommended Conditions

- Preparation and implementation of a CEMP, CPTMP and CNVMP prior to construction commencing
- External lighting must be compliance with the applicable Australian Standards
- Ensure sufficient off-street parking has been provided for heavy vehicles, to ensure that construction traffic associated with the development does not utilise on-street parking or public parking facilities.
- Preparation of a Construction Worker Transportation Strategy detailing sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities.
- Limiting construction work to 7am to 6pm, Monday to Friday and 8am to 1pm, Saturdays.
- Only allowing construction hours outside of these hours if required by the Policy or a public authority for the delivery of vehicles, plant or materials or in an emergency to avoid loss of life, damage to property or to prevent environmental harm. In these instances, notification must be given to residences before the work or in the case of an emergency, as soon as practical afterwards.
- High noise impact work may only be carried out from 9am-12pm and 2pm-5pm, Monday to Friday and 9am-12pm Saturday.
- The Applicant must ensure construction vehicles (including

Issue	Consideration
	<p>concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.</p> <ul style="list-style-type: none"> • The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, vehicle movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers. • The Applicant must ensure that idle plant and machinery is switched off when not in use and that plant and machinery is located as far away from sensitive receivers as is practical.

Appendix F – Recommended instrument of consent

The recommended instrument of consent can be found on the Department’s website, link provided below:

<https://www.planningportal.nsw.gov.au/major-projects/projects/baptistcare-carlingford-seniors-housing>