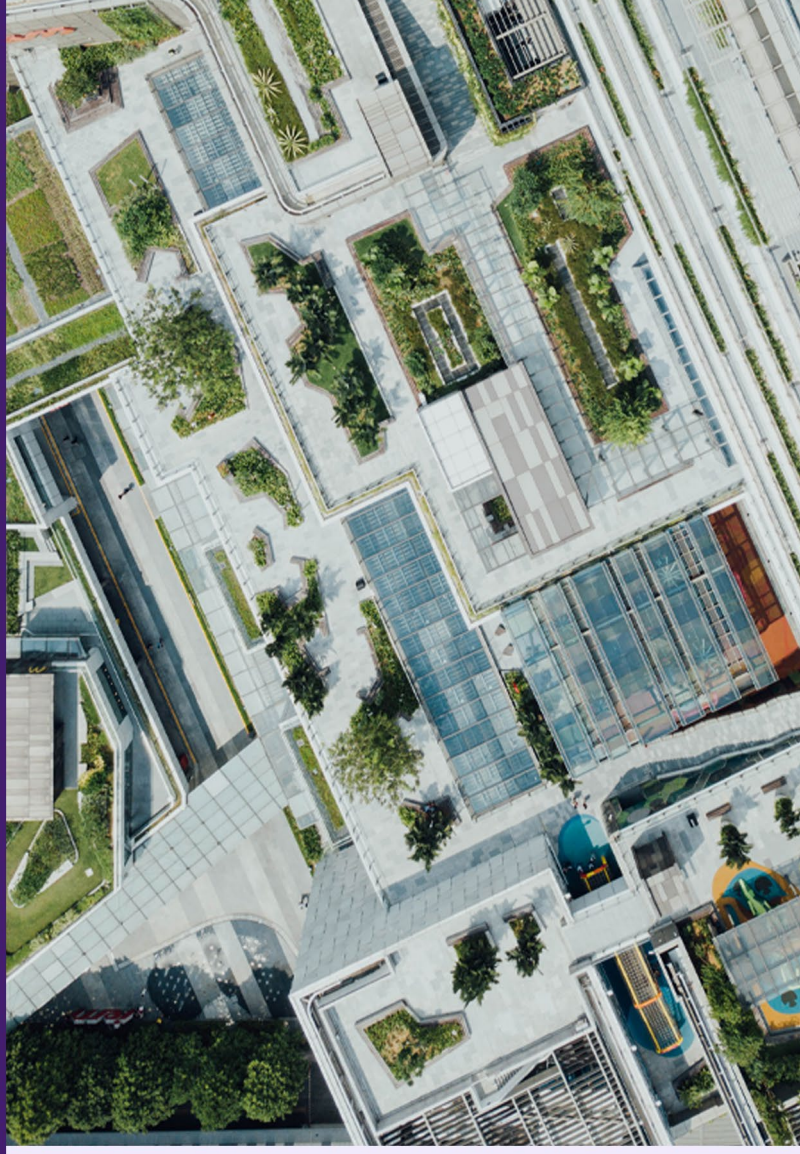
The Planning Studio



366 Jamison Road, Jamisontown NSW 2750

Response To Submissions for SSD-68603709

On behalf of SummitCare Penrith

11 February 2026

The Planning Studio acknowledges the traditional custodians of the lands + waters of Australia, particularly the Gadigal People on whose traditional lands our office is located, and pay our respects to Elders past, present + emerging. We deeply respect the enduring Connection to Country + culture of Aboriginal and Torres Strait Islander peoples and are committed to walk alongside, listen + learn with community as we plan for equitable, sustainable, generous, and connected places. Always was, Always will be.

Project Director

Kate Bartlett

Contributors

Kate Bartlett (Director)

Harjeet Spence (Associate Director)

Revision	Revision Date	Status	Authorised	
			Name	Signature
V1	23 January 2026	Draft	Kate Bartlett	
V1	11 February 2026	Final	Kate Bartlett	

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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Table of Contents

Schedule of Figures and Tables

1 Introduction

This Response to Submissions (RTS) has been prepared by The Planning Studio NSW Pty Ltd (The Planning Studio) on behalf of SummitCare Penrith (ABN - 54 829 537 883) to address matters raised by the Department of Planning, Housing and Infrastructure Environment (DPHI), public agencies, the Penrith City Council (Council), stakeholders and the community during the exhibition of a State Significant Development Application (SSDA) at 366 Jamison Road, Jamisontown NSW 2750 (the site).

The SSDA (SSD-68603709) was lodged on 17 July 2025 and was placed on Public Exhibition between 5 August 2025 and 1 September 2025. At the conclusion of this exhibition period, DPHI issued letter and email correspondence to Centurion Project Management Pty Ltd on 2 September 2025, 16 September 2025 and 1 October 2025 requesting a response to the issues raised during the public exhibition of SSD-68603709. DPHI's Request for Additional Information (RFI) relates to the following matters:

- Flooding including updates to the Flood Impact and Risk Assessment (FIRA);
- Displacement of existing residents at the existing facility and relocation impacts;
- Operational noise associated with the mechanical services equipment, onsite vehicle and car parking, waste and garbage collections, service and access areas, café, multi-function room, and external communal areas;
- Management of groundwater interception during construction and operation;
- The development standards that apply to seniors' housing under Section 84 and Section 85 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP);
- Compliance with the access requirements under Schedule 4 of the Housing SEPP;
- Built form details within the Architectural Plans:
- Aboriginal Heritage Information Management System (AHIMS) search;
- BASIX Certificate;
- Operational and construction employment details;
- Operations of the café and multi-function room;
- Car parking layout and design; and
- Basement pool terrace.

This RTS Report outlines the proposed refinements, clarifications and amendments and responds to all concerns raised within submissions. It has been prepared in accordance with Appendix C of the State Significant Development Guidelines (Guidelines) that were published by DPHI in March 2024.

This RTS Report should be reviewed in conjunction with the supporting documentation that has been submitted to address the matters raised within the RFI and submissions. This appended documentation has been referenced as necessary throughout this RTS and is attached in the following appendices:

Appendix 1: Architectural Drawings

Appendix 2: Architectural Urban Design Report

Appendix 3: Aboriginal Heritage Information Management System

Appendix 4: Aboriginal Archaeological Research Design Report

Appendix 5: Aboriginal Community Consultation

Appendix 6: Arborist Report

Appendix 7: Clause 4.6 Variation Request

Appendix 8: Flood Impact and Risk Assessment

Appendix 9: Flood Emergency Response Plan

Appendix 10: Groundwater Advice

Appendix 11: Integrated Water Management Plan

Appendix 12: NatHERS and BASIX Assessment

Appendix 13: Noise and Vibration Impact Assessment

Appendix 14: Statutory Compliance Table

Appendix 15: SEARs Items and Mitigation Measures Table

Appendix 16: Section J Report

Appendix 17: Social Impact Assessment

Appendix 18: Traffic and Parking Impact Assessment

Appendix 19: Traffic - Swept Path Analysis

Appendix 20: Submissions Register

1.1 Exhibited Project Description

As outlined in the Environmental Impact Statement (EIS), this SSDA seeks approval for the redevelopment of an established, but dated, residential care facility, owned and operated by SummitCare Penrith, and its conversion into a new seniors housing development that also includes a residential care facility at 366 Jamison Road, Jamisontown NSW 2750.

The detailed SSDA consists of the following –

- Demolition of the existing residential care facility (RCF) and construction of new seniors housing and residential care facility to be contained within 4 distinct buildings.
    - **Building A**: Part 4 part 5 storeys consisting of 5 x one-bedroom independent living units (ILUs), 24 x two-bedroom ILUs and 5 x three-bedroom ILUs; a total of 34 units. Building A also contains a workshop on the ground floor level and a game room on level 4.
    - **Building B**: Part 4 part 5 storeys consisting of 5 x residential aged care rooms (RCRs), 1 x one-bedroom ILUs, 19 x two-bedroom ILUs and 6 x three-bedroom ILUs; a total of 26 units and 5 RCRs. Building B also contains communal lounge / kitchen / dining area, a nurse station, Dirty Utility Room (DUT) and Clean Utility Room (CLUT) servicing the RCRs on the ground floor level. The ground floor also contains a General Manager Office, Care

Manager Office, Sales Office access lobby) and double height lounge at ground floor. Both Building B and D are interconnected on the ground floor.

  - **Building C**: Part 4 part 5 storeys consisting of 1 x one-bedroom ILUs, 27 x two-bedroom ILUs and 5 x three-bedroom ILUs; a total of 33 units.
  - **Building D**: single storey and is interconnected with Building B, consisting of a reception area, kitchen, café, multi-purpose function room, private dining, storage room and WC amenities on the ground floor. An indoor pool with an outdoor terrace, salon room, two spa rooms, jacuzzi room, gym and WC amenities in the basement. The ground floor level of Building D will be open to the community for use.

- The development will have a total amount of 93 ILUs and 5 RCR. The ILUs will contain a total of 16 x 3-bedroom apartments, 70 x 2-bedroom apartments and 7 x 1 bedroom apartments.
- Basement car park to accommodate 99 resident car spaces, 13 visitor car spaces and 5 staff car spaces (totalling 117 car spaces with 17 accessible car spaces) with 1 service car space and 2 wash bays. The provision of basement services including plant rooms, switch room, rainwater tank, waste rooms, storage rooms / cages, laundry, staircase and lift cores and lobbies.
- The development proposes vehicular access from McNaughton Steet for ambulance and a drop off / pick up area with 3 visitor car spaces (including 2 accessible spaces). An additional two vehicular access points are proposed from Harris Street which provides a service access to the ground floor loading/unloading area and access to the basement car parking level.
- Various pedestrian access points are provided with 1 access point from Harris Street, 2 access points from the existing Council car park fronting Jamison Road and 3 access points from McNaughton Street.
- New landscape design that will include the planting of new native trees with the retention of some significant trees and proposes amenities including lawns and gardens, a green roof, water features / sculptures, courtyards, pavements, outdoor seating, café terrace area, green roof and entry plaza.
- The development seeks to remove 95 trees, retain 14 trees and plant 164 new native trees.
- To ensure compliance with accessibility requirements, the development proposes:
  - 17 accessible car spaces within the basement level
  - 2 accessible car spaces on the ground floor level
  - All ILUs and RCRs will be designed to ensure equitable access.
  - All common areas, circulation spaces building entrances have suitable accessible path of travel
  - Accessible bathroom facilities in all communal areas
  - Lift cores within all four buildings of the development providing access to all levels.

No amendments to the scope of the proposed development (as outlined throughout this RTS Report) will change the description above.

A summary of the proposed development is provided in the table below.

Table 1 – Summary of Proposed Development

Planning Matter	Proposed
Site Area (m^2)	11,116.7m^2
Building Height (9.5m + 3.8m = 13.3m under Housing SEPP) Service Equipment atop of rooftop (11.5m under Housing SEPP)	<u>Building A:</u> • Building Height: 16.8m (RL43.8) • Service Equipment Height: 1.4m above topmost roof level (RL45.2) • Total Building Height: 18.2m (4.9m or 36.8% departure) <u>Building B:</u> • Building Height: 16.3m (RL43.8) • Service Equipment Height: 1.4m above topmost roof level (RL45.2) • Total Building Height: 17.7m (4.4m or 33.1% departure) <u>Building C:</u> • Building Height: 16.3m (RL43.8) • Service Equipment Height: 1.4m above topmost roof level (RL45.2) • Total Building Height: 17.7m (4.4m or 33.1% departure) <u>Building D:</u> • Total Height: 7m • No service equipment located on roof of Building D.
Height in storeys	Part 4 and part 5 storeys (Buildings A to C) 1 storey (Building D)
Gross Floor Area (GFA)	13,674m^2
Floor Space Ratio (FSR)	1.23:1
Residential Unit Breakdown (ILUs)	1-Bedroom: 7 (7.5%)

Table 1 – Summary of Proposed Development	
Planning Matter	**Proposed**
	2-Bedrooms: 70 (75.3%) 3-Bedrooms: 16 (17.2%) Total: 93
Residential Aged Care Facility Rooms (RCR)	5
Solar Access (70% required)	2-hour solar: 73 (78.5%) 1-hour solar: 15 (16.1%) No solar: 5 (5.4%)
Cross Ventilation (60% required)	60 (64.5%)
Landscaped Area - Deep soil	SEPP = 2,328m^2 (22.7%) ADG = 2,013m^2 (18.1%)
Communal Space	2,114m^2 (internal) 4,157m^2 (external)
Setbacks	Basement Front Setback (Jamison Road / North) - Min 6.5m Side Setback (East) - 1.8m to 6.5m Side Setback (West) - Nil to 6.5m Rear Setback (South) - Min 4m Building A Front Setback (Jamison Road / North) - Min 6.5m Side Setback (Harris Street / West) - Min 6.177m Rear Setback (South) - Min 10.9m Building B Front Setback (Jamison Road / North) - Min 6.5m Building C Front Setback (Jamison Road / North) - Min 6.5m Side Setback (McNaughton Street / East) - 5.85m Rear Setback (South) - Min 17m

Table 1 – Summary of Proposed Development	
Planning Matter	**Proposed**
	Building D Side Setback (East) - 6.177m Side Setback (West) - Min 4.95m
Parking	Basement: ILU: 98 spaces RCF: 1 space Staff: 5 spaces Visitor: 13 spaces Service: 1 space Wash Bays: 2 space Ground floor: Accessible visitor car spaces: 2 Visitor car space: 1 Total: 120 car spaces / 1 service bay / 2 wash bays
Ambulance Bay / Drop Off & Pick Up	Ground floor: Ambulance Bay: 1 space Drop Off & Pick Up: 1 space

1.2 Proposed Amendments

In response to the key issues raised within the submissions, further assessment and information has been provided within this RTS report and associated appendices. The revised package includes updated consultant reports providing additional information and undertaking environmental assessment against the relevant legislative requirements. The proposed amendments are not considered to give rise to material alteration to the environmental assessment of the potential impacts considered as part of the original SSDA lodgement and the development description (as exhibited) remains unchanged. Rather, the proposed amendments respond to the matters raised by DPHI, Council, State agencies and the local stakeholder and community.

The physical form and design of the proposed development largely remains unchanged with the exception of the minor level changes of the vehicular access point off Harris Street to addressing flooding.

2 Analysis of Submissions

2.1 Overview of Submissions

The SSDA was placed on Public Exhibition between 5 August 2025 and 1 September 2025. At the conclusion of this exhibition period the following submissions were received by the DPHI:

- Seven (7) agency submissions
- One (1) submission from Council
- Four (4) public submissions

The relevant submissions and DPHI's Key Issue Letter are summarised and categorised in accordance with the DPHI State Significant Development Guidelines are provided further below.

2.2 DPHI Key Issues Letter

Following the public exhibition period and a preliminary assessment of the SSDA, the DPHI issued letter and email correspondence to Centurion Project Management Pty Ltd on 2 September 2025, 16 September 2025 and 1 October 2025 requesting a response to the issues raised during the public exhibition of SSD-68603709. DPHI's Request for Additional Information (RFI) relates to the following matters:

- Flooding including updates to the Flood Impact and Risk Assessment (FIRA);
- Displacement of existing residents at the existing facility and relocation impacts;
- Operational noise associated with the mechanical services equipment, onsite vehicle and car parking, waste and garbage collections, service and access areas, café, multi-function room, and external communal areas;
- Management of groundwater interception during construction and operation;
- The development standards that apply to seniors' housing under Section 84 and Section 85 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP);
- Compliance with the access requirements under Schedule 4 of the Housing SEPP;
- Built form details within the Architectural Plans:
- Aboriginal Heritage Information Management System (AHIMS) search;
- BASIX Certificate;
- Operational and construction employment details;
- Operations of the café and multi-function room;
- Car parking layout and design; and
- Basement pool terrace.

A detailed response to each issue raised in the DPHI letter is provided in **Section 4.1** of this report.

2.3 Government / Agency Submissions and Advice

Advice from seven (7) agencies was received and one (1) submission was made by Council during the exhibition period of the SSDA. These submissions are dated as follows:

- Penrith City Council, dated 27 August 2025
- Fire and Rescue NSW, dated 4 August 2025
- Transport for NSW (TfNSW), dated 12 August 2025
- NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW), dated 20 August 2025
- Conservation Programs, Heritage and Regulation (CPHR) Group, dated 27 August 2025
- Heritage NSW, dated 27 August 2025
- NSW State Emergency Service (SES), 2 September 2025
- Sydney Water, dated 29 August 2025

A detailed review has been undertaken of the agency / Council submissions and a detailed response to each issue is provided in **Sections 4.2 and 4.3** of this report

2.4 Public Submissions

Four (4) public submissions were made to the proposed development, consisting of three (3) submissions from the community objecting to the development and one (1) submission from Endeavour Energy who recommended approval of the application subject to conditions.

A detailed review has been undertaken of the public submissions received during the exhibition period for SSD-68603709. A detailed response to each issue raised is provided in **Section 4.4** of this report.

2.5 Submissions Theme and Categorisation

In accordance with the DPHI State Significant Development Guidelines, the issues raised in the submissions and DPHI's Key Issues correspondence are summarised in the below Table and the relevant Sections of the RTS Report that responds to the submissions.

Table 2 – SSD-68603709 Categorisation of Key Issues			
Category	**Issue**	**Stakeholder**	**RTS Section**
The Project	Flooding • The development is to be designed to address the flood affection and levels of the site. Building Treatment • Fibre cement and painted render to building facades should be avoided. Traffic • Provision of upgraded bus stop and shelter. Endeavor Energy Assets • Appropriate conditions to manage Endeavour Energy assets. Operational Details • Operational and construction employment details. • Operations of the café and multi-function room. • Basement pool terrace use.	• DPHI • NSW SES • Penrith City Council • Public submissions	**Section 3.2** **Section 4** **Section 5.1** **Section 5.6**
Procedural Matters	Consultation • Consultation with NSW State Emergency Service (SES) is required. • Evidence of consultation with Aboriginal stakeholders. Housing SEPP • The application of the height provisions under Section 87 of the Housing SEPP. • Compliance with Section 84(2)(c)(iii) of the Housing SEPP. • Compliance with Schedule 4 of the Housing SEPP.	• DPHI • CPHR • Penrith City Council • Heritage NSW • Sydney Water	**Section 3.2** **Section 4** **Section 5.5** **Section 5.8** **Section 5.9**

Table 2 – SSD-68603709 Categorisation of Key Issues			
Category	**Issue**	**Stakeholder**	**RTS Section**
	• Compliance with access requirements under Schedule 4 of the Housing SEPP. <u>Stormwater</u> • Compliance of the development with WSUD requirements and Chapter 6 - Water Catchments of State Environmental Planning Policy (Biodiversity and Conservation) 2021. <u>Document Submission</u> • Submission of land contamination documents to Council. • Aboriginal Heritage Information Management System Search less than 12 months. • Section 73 application process required to Sydney Water. • BASIX Certificate submission. • Architectural Plans with dimensions of all setbacks and building heights of the existing buildings on site.		
<u>Economic, environmental and social impacts</u>	<u>Displacement</u> • Displacement of existing residents at the existing facility and relocation impacts. <u>Trees Removal / Retention</u> • Tree retention on the site. • Section 3 Tree Protection and Management Recommendations from the Arborist Report be included as conditions of consent. <u>Flooding</u> • The flood Impact and Risk Assessment to consider climate	• CPHR • NSW SES • Penrith City Council • Heritage NSW • TfNSW • DCCEEW • Public Submissions	**Section 3.2** **Section 4** **Section 5**

Table 2 – SSD-68603709 Categorisation of Key Issues			
Category	**Issue**	**Stakeholder**	**RTS Section**
	change, the Hawkesbury Nepean regional flooding and evacuation requirements. <u>Traffic and Parking</u> • Increase in traffic congestion and impacts on pedestrian safety. • Compliance of the car parking with AS 2890.1, AS 2890.2 and AS 2890.6. • Swept path analysis. • Clarification and impact of truck movements. • Service area and equipment design. • Driveway location adjacent to neighbouring properties. • Waste collection impacts and servicing. • Council to manage vehicle access arrangements to the local roads. • Development will not have a detrimental impact on the surrounding classified road network. <u>Acoustic</u> • Operational noise associated with the mechanical services equipment, onsite vehicle and car parking, waste and garbage collections, service and access areas, café, multi-function room, and external communal areas. <u>Groundwater</u> • Clarification on the potential for groundwater interception and mitigation measures. <u>Heritage</u>		

Table 2 – SSD-68603709 Categorisation of Key Issues			
Category	**Issue**	**Stakeholder**	**RTS Section**
	• Impact of the basement excavation on the potential Aboriginal Cultural Heritage of the site. <u>Amenity</u> • Loss of privacy to rear yard of adjacent residential properties • Increase in pollution, people and waste. • The proposed 5 storey form will result in excessive overshadowing. • View loss of the greens, mountains and sunsets will be lost. <u>Construction Impacts</u> • Potential airborne asbestos fibre and risk of dust disease during construction phase. • Acoustic impacts from construction. • Damage of local roads and infrastructure during construction. <u>Property Value</u> • Decrease in property values due to construction of proposed development.		

3 Post-Exhibition Actions

In response to the key issues raised within the submissions, further assessment and information has been provided within this RTS report and associated appendices. The proposed amendments are not considered to give rise to material alteration to the environmental assessment of the potential impacts considered as part of the original SSDA lodgement and the development description (as exhibited) remains unchanged. This section summarises the changes and document updates that have been made to the project since its public exhibition. It also outlines the additional assessment undertaken to respond to the concerns raised by DPHI, Council, State agencies and the local stakeholder and community.

3.1 Project Engagement

No further engagement and consultation was required beyond the consultation within the SSDA to inform the RTS package.

3.2 Project Refinements and Assessment

3.2.1 Flooding

TTW have provided a detailed response and updated the Flood Impact and Risk Assessment Report and Flood Emergency Response Plan to address flood planning / modelling at a regional and local level, climate change impacts, flood evacuation requirements and design of access points. To minimise impacts of flooding within the basement levels, the vehicular access point off Harris Street has been amended to increase the level of the basement entry crest.

This is addressed in detail in **Sections 4** and **5.1** of this report and refer to **Appendix 8: Flood Impact and Risk Assessment** and **Appendix 9: Flood Emergency Response Plan**.

3.2.2 Social Impact

The Social Impact Assessment (SIA), prepared by The Planning Studio has been updated to include details of how the displacement of existing residents at the facility, including relocation arrangements and how these impacts will be managed. This is addressed in detail in **Section 5.2** of this report and refer to **Appendix 17: Social Impact Assessment**.

3.2.3 Operational Noise

PWNA have updated the Noise and Vibration Impact Assessment (NVIA) to address impacts associated with mechanical services equipment, onsite vehicle and car parking, waste collection, service and access areas.

The Assessment has also been updated to address the operations of the café, multi-function room, and external communal areas and noise generated for those areas.

The findings of the updated NVIA is addressed in **Sections 4** and **5.3** of this report and refer to **Appendix 13: Noise and Vibration Impact Assessment**.

3.2.4 Groundwater

Interim Groundwater Advice, prepared by Martens and Associates has been provided addressing groundwater interception. The Interim Groundwater Advice outlines field investigation and groundwater level monitoring. The findings of the Interim Groundwater Advice has been addressed in detail in **Section 5.4** of this report and refer to **Appendix 10: Groundwater Advice**.

3.2.5 Built Form & Height

The Clause 4.6 variation, prepared by The Planning Studio has been updated to include the service equipment within the building height variation.

Jackson Teece has prepared elevational plans and building envelope diagrams addressing the building envelope controls within Section 84(2)(c)(iii). Buildings A, B and C sit largely within the prescribed building envelope plane, with the exception of a minor non-compliance at the building parapet on the Level 4 roofed area to the rear of Building A and Building B.

The is discussed in detail in **Section 5.5** of this report. In addition, the Clause 4.6 has been updated to address this minor breach. Refer to **Appendix 1: Architectural Drawings, Appendix 7: Clause 4.6 Variation Request** and **Appendix 14: Statutory Compliance Table**.

Jackson Teece has prepared a Setback and Height Plan of the existing Residential Aged Care Facility on the site. Refer to **Appendix 1: Architectural Drawings**.

3.2.6 Traffic & Parking

Jackson Teece have prepared an amended basement car park plan demonstrating compliance with AS 2890, Parts 1, 2 and 6. Refer to **Appendix 1: Architectural Drawings**.

McLaren Traffic Engineering has prepared relevant swept paths and updated the Traffic Impact Assessment (TIA) that demonstrates compliance with AS 2890, Parts 1, 2 and 6. The swept path analysis demonstrates compliance with matters raised in Council's submission. This is addressed in detail in **Section 5.6** and refer to **Appendix 18: Traffic and Parking Impact Assessment** and **Appendix 19: Traffic - Swept Path Analysis**.

The TIA has also been updated to address vehicles to undertake waste collection for the proposed development. Refer to **Section 5.10**

3.2.7 Tree Retention

Arterra has prepared an Arboricultural Response addressing the matters raised by Council for tree retention within the site. This is addressed further in **Section 5.7** of this report and **Appendix 6: Arborist Report**.

3.2.8 Water Management

TTW has updated the Integrated Water Management Plan (IWMP) addressing the matters raised by Council to include information on non-potable demands / rainwater re-use assumptions and compliance with Council's WSUD Technical Guidelines. In addition, the report has undertaken an assessment in accordance with Chapter 6 - Water Catchments of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

This is addressed in detail in **Section 5.8** and refer to **Appendix 11: Integrated Water Management Plan**.

3.2.9 Aboriginal Cultural Heritage

An updates AHIMS search has been provided which reflects the Aboriginal Cultural Heritage Assessment Report (ACHAR), prepared by GML. Refer to **Appendix 3: Aboriginal Heritage Information Management System**.

GML also has updated the Aboriginal Archaeological Design Report (AADR) and provided additional information to compliment Appendix B of the Aboriginal Cultural Heritage Assessment Report (ACHAR). This is addressed in **Sections 4** and **5.9** and refer to **Appendix 4: Aboriginal Archaeological Research Design Report** and **Appendix 5: Aboriginal Community Consultation**.

3.2.10 Design Detail and Additional Documentation

- Jackson Teece have updated the Architectural Plans to confirm the nature of the use of the basement pool terrace area. This is addressed in **Section 4.1** of this report and refer to **Appendix 1: Architectural Drawings**.
- Jackson Teece have updated the Architectural Urban Design Report with a compliance table addressing Schedule 4 of the Housing SEPP. Refer to **Appendix 2: Architectural Urban Design Report**.
- Confirmation has been provided of the FSR proposed within the development. This is addressed in **Section 4.1** of this report, refer to **Appendix 14: Statutory Compliance Table**.
- Confirmation has been provided of operational and construction employment details. This is addressed in **Section 4.1** of this report.
- A NatHERS and BASIX Assessment prepared by Efficient Living has been provided that includes a BASIX Certificate, this is addressed in **Section 4.1** and refer to **Appendix 12: NatHERS and BASIX Assessment**.

4 Response To Submissions

This section provides a detailed summary of the Applicant's response to the issues raised in the RFI and submissions.

4.1 DPHI

Matters that have been raised by DPHI are addressed in the below table with reference to updated documentation that is appended to this RTS Report.

Table 3 – Response to DPHI Key Issues Letter

Key Issue	Issue	Response
Flooding **(DPHI Category: The project / economic, environment and social impacts)**	Regional Flooding Provide an updated FIRA that addresses the regional flood behaviour of the Hawkesbury-Nepean River system, including flood constraints and risks across the full range of flooding scenarios and mitigation measures.	TTW have updated the FIRA to address the regional flood behaviour of the Hawkesbury-Nepean River system. The key finding of the updated FIRA is that Hawkesbury-Nepean flooding presents a manageable risk to the site, with no inundation in the 1% Annual Exceedance Probability (AEP) event and only minor above-floor impacts in the 0.5% AEP event. Overall, the identified flood risks are consistent with development outcomes anticipated under the Hawkesbury-Nepean flood framework and do not preclude the proposed development, subject to the adoption of the emergency response measures outlined in the Flood Emergency Response Plan (FERP) submitted with the FIRA. This is addressed in detail in **Section 5.1** of this report and refer to **Appendix 8: Flood Impact and Risk Assessment** and **Appendix 9: Flood Emergency Response Plan**.

Table 3 – Response to DPHI Key Issues Letter		
Key Issue	**Issue**	**Response**
	Impact on Neighbouring Properties Provide an updated Flood Impact and Risk Assessment (FIRA) that provides evidence that the proposal will not result in additional overland flow to neighbouring properties.	TTW have updated the FIRA to address the potential flood impacts of the proposal on the neighbouring properties. The updated FIRA includes a revised assessment / afflux mapping and the key finding that the flood risk planning for the site has been assessed in accordance with Penrith Local Environmental Plan (PLEP) and Penrith Development Control Plan (PDCP). The proposed development is located above the applicable Flood Planning Level and does not increase flood risk to surrounding properties. This is addressed in detail in **Section 5.1** of this report and refer to **Appendix 8: Flood Impact and Risk Assessment** and **Appendix 9: Flood Emergency Response Plan.**
	Evacuation Requirements Provide an updated FIRA that demonstrate flood safe vehicular and pedestrian access to the proposed residential aged care facility during the 0.2% AEP flood event, with consideration of evacuation requirements and the need for flood-free and/or flood-safe access.	TTW have updated the FIRA and identifies that in accordance with the controls of PDCP the 1% AEP event is the key event for flood evacuation requirements. The site is unaffected by regional or local flooding in the 1% AEP event. It is, however, impacted by regional flooding in the 0.2% AEP event – in the event of significant Hawkesbury-Nepean flooding, the adopted response strategy is to follow NSW SES regional evacuation orders, well in advance of the site or key access roads becoming inundated. This is addressed in detail in **Section 5.1** of this report and refer to **Appendix 8: Flood Impact and Risk Assessment** and **Appendix 9: Flood Emergency Response Plan**.

Table 3 – Response to DPHI Key Issues Letter		
Key Issue	**Issue**	**Response**
Social Impact Assessment **(DPHI Category: Economic, environment and social impacts)**	Provide details regarding the displacement of existing residents at the facility, including relocation arrangements and how these impacts will be addressed in the updated Social Impact Assessment report (Appendix 26).	The SIA, prepared by The Planning Studio has been updated to include details of how the displacement of existing residents at the facility, including relocation arrangements and how these impacts will be managed. To manage the impacts the SIA recommends that SummitCare prepare a resident transition plan. The is addressed in detail in **Section 5.2** of this report and refer to **Appendix 17: Social Impact Assessment**.
Operational Noise **(DPHI Category: Economic, environment and social impacts)**	Provide an updated noise and vibration impact assessment that models relevant operational sources identified in the report (i.e. mechanical services equipment, onsite vehicle and car parking, waste and garbage collections and delivery trucks in loading dock) from the nearest sensitive receivers, including residences to the south.	PWNA have updated the NVIA to address impacts associated with mechanical services equipment, onsite vehicle and car parking, waste collection, service and access area. The Assessment concluded that the resulting noise from the operational areas will be acoustically acceptable and noise impacts to the surrounding receivers will comply with the noise emission criteria with the implementation of mitigation measures. This is addressed in detail in **Section 5.3** of this report and refer to **Appendix 13: Noise and Vibration Impact Assessment**.
Groundwater **(DPHI Category: Economic, environment and social impacts)**	The EIS references potential groundwater interception during construction and operation. However, this has not been confirmed, nor has the volume of groundwater take been quantified. As such, please confirm the following: • whether groundwater interception will occur during any phase of the project • if interception is expected, quantify the maximum annual	Interim Groundwater Advice, prepared by Martens and Associates has been provided addressing groundwater interception. The Interim Groundwater Advice concludes that groundwater interception is not expected to occur during construction of the proposed development, and as such, no construction dewatering will be required and no associated licensing requirements in accordance with the Water Management Act. The findings of the Interim Groundwater Advice

Table 3 – Response to DPHI Key Issues Letter		
Key Issue	**Issue**	**Response**
	volume of groundwater take for both construction and operational stages • demonstrate the ability to acquire sufficient water entitlements to support this activity, unless an exemption applies.	have been addressed in detail in **Section 5.4** of this report and refer to **Appendix 10: Groundwater Advice**.
Clause 4.6- Building Height **(DPHI Category: Procedural matters)**	Services Equipment Height Provide a revised Clause 4.6 variation request (Appendix 8) that includes the servicing equipment in the building height variation calculation. The clause 4.6 variation request currently excludes the servicing equipment from the building height variation.	The Clause 4.6 variation, prepared by The Planning Studio has been updated to include the service equipment within the building height variation. This is discussed in detail in **Section 5.5** of this report and refer to **Appendix 7: Clause 4.6 Variation Request**.
	Section 84 Housing SEPP Compliance Provide elevation plans demonstrating compliance with section 84(2)(c)(iii) of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), showing that the third to fifth storey are set back within planes projecting at a 45-degree angle inward from the side and rear boundaries of the site.	Jackson Teece has prepared elevational plans and building envelope diagrams addressing the building envelope controls within Section 84(2)(c)(iii). Buildings A, B and C sit largely within the prescribed building envelope plane, with the exception of a minor non-compliance at the building parapet on Level 4 roofed area to the rear of Building A (with a maximum breach of 2.55m) and Building B (with a maximum breach of 1.03m). The Statutory Compliance Table have been updated to address Section 84(2)(c)(iii) of the Housing SEPP. In addition, the Clause 4.6 has been updated to address this minor breach. This is addressed in **Section 5.5** of this report and refer to **Appendix 1: Architectural Drawings, Appendix 7: Clause 4.6 Variation Request** and

Table 3 – Response to DPHI Key Issues Letter		
Key Issue	**Issue**	**Response**
		Appendix 14: Statutory Compliance Table.
Schedule 4 Standards **(DPHI Category: Procedural matters)**	Demonstrate compliance with access requirements for seniors housing under Schedule 4 of the Housing SEPP. The Architectural Urban Design Report (Appendix 2) does not include a compliance table.	Jackson Teece have updated the Architectural Urban Design Report with a compliance table addressing Schedule 4 of the Housing SEPP. Refer to **Appendix 2: Architectural Urban Design Report**.
Built Form **(DPHI Category: Procedural matters)**	To assist with the Department's assessment, please update the Architectural Plans to provide dimensions of all setbacks and building heights of the existing buildings on site.	Jackson Teece has prepared a Setback and Height Plan of the existing Residential Aged Care Facility on the site. Refer to **Appendix 1: Architectural Drawings**.
Other Matters **(DPHI Category: Procedural matters)**	Aboriginal Heritage Information Management System Provide an updated AHIMS search. AHIMS searches are required to be less than 12 months old.	An updated AHIMS search has been provided which reflects ACHAR, prepared by GML. Refer to **Appendix 3: Aboriginal Heritage Information Management System**.
	BASIX Provide a BASIX Certificate.	A NatHERS and BASIX Assessment prepared by Efficient Living has been provided that includes a BASIX Certificate. Please refer to **Appendix 12: NatHERS and BASIX Assessment** and **Appendix 16: Section J Report**.
	Employment Details Provide the number of operational and construction employment details. This has not been provided in the EIS.	The operational employment of the development will consist of 38 full time equivalent jobs made up of as follows: • 18 Aged Care nursing and associated care staff across three daily shifts • 14 Management and administrative staff. • 6 Maintenance and garden staff

Table 3 – Response to DPHI Key Issues Letter		
Key Issue	**Issue**	**Response**
		The existing RCF currently employs approximately 36 staff, leading to a net benefit of 2 additional full time equivalent staff at the operation phase of the development. The construction phase of the project will contribute to the creation of approximately 165 jobs. This is based on a proposed timeline of two years of construction across the works, and consequent design, management and trade requirements to deliver the project.
	<u>Statutory Compliance Table</u> The Statutory Compliance Table (Appendix 22) refers to a different FSR to what has been stated in the EIS. Confirm the correct FSR and ensure consistency across all reports. Provide a finalised Statutory Compliance Table (Appendix 22) with all internal draft comments removed. The current version includes project team notes regarding building height and should be replaced with a clean document.	The development amounts to a FSR of 1.23:1. The Statutory Compliance Table has been updated to address DPHI comments. Refer to **Appendix 14: Statutory Compliance Table**.
<u>Café and Multi-Function Room</u> **(DPHI Category: The project / economic, environmental and social impacts)**	Please confirm whether the fit-out of the café will be undertaken via a separate approval. Based on current level of detail provided, the Department can approve the use, but not the fit-out as part this application. If you wish for the fit out to be included, we will require more details on the café and kitchen layout.	The café will not be open to the public and will be restricted for the use of residents and family visiting the residents within the development including up to 50 users. The multi-function room will not be open to the public and will be restricted for the use of residents for social gatherings and social activities which will include groups of approximately 30-40 people.

Table 3 – Response to DPHI Key Issues Letter		
Key Issue	**Issue**	**Response**
	Provide operational details for both the café and multi-function room, including: • Café hours of operation, patron capacities, and staffing. • Intended use of the multi-function room, if it will cater for events, anticipated maximum capacities, hours of operation, and whether it will be open to the public or restricted to residents only. • Please note that we have some concern regarding acoustic impacts associated with the use of the multi-function room if intended to cater for large and/or frequent events, due to the proximity to low-density residential development.	The operation and fit-out of the café will be subject to a separate Development Application and is not to be intended to be included as part of the subject SSDA. PWNA have updated the NVIA to address operational noise generated by the café, multi-function room and external areas. The Assessment outlines the nature of the uses of these areas and mitigation measures to be implemented during the operation to avoid acoustic impact. This is discussed in detail in **Section 5.3** of this report and refer to **Appendix 13: Noise and Vibration Impact Assessment**.
Car Parking Compliance **(DPHI Category: Economic, environmental and social impacts)**	Please double check that the allocation of car parking spaces shown in the basement floor plan is consistent with the car parking requirements under Schedule 4 of the Housing SEPP. The Traffic and Parking Impact Assessment states that out of the 98 ILU parking spaces, 15 spaces are consistent with AS2890.6:2021 (15%), and 49 spaces achieve a minimum width of 3.2m (50%), which satisfies the parking space requirements under schedule 4. However, our review of the basement car park plan indicates that only 48 spaces meet the 3.2m minimum width requirement. Please review and ensure compliance upon	Jackson Teece have updated the Architectural Plans to ensure consistency with Schedule 4 of the Housing SEPP and Traffic and Parking Impact Assessment. Refer to **Appendix 1: Architectural Drawings**.

Table 3 – Response to DPHI Key Issues Letter		
Key Issue	**Issue**	**Response**
	submission of the amended documents.	
Basement Pool Terrace **(DPHI Category: The project)**	The Architectural Plans nominates an outdoor area adjacent to the swimming pool, which includes excavation to the boundary of No.2 Harris Street. Please confirm the intended function of this area.	Jackson Teece have updated the Architectural Plans to identify this area is to be unroofed landscaped area that is not intended to be trafficable. Refer to **Appendix 1: Architectural Drawings**.

4.2 Penrith City Council

Matters that have been raised by Council are addressed in the below table with reference to updated documentation that is appended to this RTS Report.

Table 4 – Response to Penrith City Council Submission		
Key Issue	**Issue**	**Response**
Statutory Planning and Design Considerations **(DPHI Category: The project / procedural matters / economic, environmental and social impacts)**	Section 84 & Section 87 Housing SEPP Compliance The Clause 4.6 Variation Request - Building Height incorrectly refers to Section 87 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) as permitting an additional building height of 3.8m. This forms the basis for the permitted height under the Clause 4.6 variation request. Section 87 of the Housing SEPP does not apply • Residential flat buildings and shop top housing is not permitted under Chapter 5, Chapter 6 or another EPI; and • The land is not zoned E2 - Commercial Centre or B3 - Commercial Core.	The site is currently split into two zones - R3 Medium Density Residential (which permits seniors housing and shop top housing under PLEP2010) and R2 Low Density Residential (which permits residential care facilities and respite day care centres and shop top housing under PLEP2010). The proposed senior housing development is also permitted under Part 5 of Housing SEPP. Given the permissibility of shop top housing on the site under PLEP, it is considered that Clause 87 of the Housing SEPP is applicable. The Clause 4.6 variation, prepared by The Planning Studio has been updated to include the service equipment within the building height variation. This is discussed in **Section 5.5** of this report and refer to **Appendix 7: Clause 4.6 Variation Request**.

Table 4 – Response to Penrith City Council Submission		
Key Issue	**Issue**	**Response**
	In this regard, the Clause 4.6 variation request should be revised and the request for variation to the building height should be based on the heights permitted under Section 84(2)(c)(i) and Section 84(2)(c)(ii) of the Housing SEPP. The Clause 4.6 variation request should also provide an impact analysis between a compliant height scheme and the proposed scheme for comparison.	
	<u>Section 84 Housing SEPP Compliance</u> The application submission has not demonstrated that compliance with Section 84(2)(c)(iii) of the Housing SEPP is achieved for the setback plane above the second storey, in particular Building A from the boundary adjoining 2 Harris Street. The submitted Environmental Impact Statement (EIS) makes no mention of this provision being applicable	Jackson Teece have prepared elevational plans and building envelope diagrams addressing the building envelope controls within Section 84(2)(c)(iii). Buildings A, B and C sit largely within the prescribed building envelope plane, with the exception of a minor non-compliance at the building parapet on the Level 4 roofed area to the rear of Building A (with a maximum breach of 2.55m) and Building B (with a maximum breach of 1.03m). The Statutory Compliance Table has been updated to address Section 84(2)(c)(iii) of the Housing SEPP. In addition, the Clause 4.6 has been updated to address this minor breach. This is addressed in **Section 5.5** of this report and refer to **Appendix 1: Architectural Drawings, Appendix 7: Clause 4.6 Variation Request** and **Appendix 14: Statutory Compliance Table.**

Table 4 – Response to Penrith City Council Submission		
Key Issue	**Issue**	**Response**
	<u>Trees Removal / Retention</u> Trees at the north-western corner of the site should be prioritised for retention (i.e. T66, T67, T68, T69, T70 and T79). Only T66 is proposed to be retained, however these trees have established as a group of trees (excluding T79) and should be retained as such. The trees have intertwined canopies and root systems which will be damaged in the removal of individual trees, affecting the long-term health of the only tree proposed to be retained (T66). These established trees provide high landscape value to the streetscape and also provide canopy shade from northern and western summer sun, which in turn reduces the impact of urban heat. They would also provide a green buffer to the proposed built form, which is a significant change from the single storey built form currently on the site. Additional tree retention will require appropriate building, basement and infrastructure (stormwater, paving, etc) setbacks from the trees, as well as tree protection measures during demolition and construction works to ensure the tress can be retained in good health.	Arterra has prepared Arboricultural Response addressing the matters raised by Council. The Arboricultural Response provides further assessment of the proposed tree removal and retention approach of the development as submitted. This is addressed in detail in **Section 5.7** of this report and refer to **Appendix 6: Arborist Report**.

Table 4 – Response to Penrith City Council Submission		
Key Issue	**Issue**	**Response**
	Acoustic Impacts The proposed servicing area is largely exposed to the street, with indications of reversing manoeuvres which will require acoustic modelling (including of reversing beepers) with respect to noise impacts to the closest residential receivers. This includes the southern adjoining residential properties and those opposite the site on Harris Street. A landscaped strip should be incorporated at the termination point of the driveway to the loading area, at Building D. Landscaping will break-up the expanse of hardstand area, reducing visual harshness	PWNA have updated the NVIA to address impacts associated with the service area. The Assessment concluded that based on the proposed operational hours of the loading dock the resulting noise impact from the use of the loading dock will be acoustically acceptable and noise impacts to the surrounding receivers will comply with the noise emission criteria with the implementation of mitigation measures. This is discussed in **Section 5.3** of the report and refer to **Appendix 13: Noise and Vibration Impact Assessment.**
	Location of Services The proposed substation, hydrants and service meters should not be located in setback zones and should be internalised and appropriately screened from the public domain. The indication of the hydrant booster and service master meter at the north-eastern corner of the site, and the substation in the setback to McNaughton Street, is an inappropriate streetscape outcome.	The placement of substations and fire hydrant booster assemblies is the result of multiple factors that include life safety and operational consideration. The hydrant booster and water have been placed in an enclosure to provide an appropriate presence on McNaughton Street. The substation has been surrounded by vegetation and integrated into the buffer landscape design. The service equipment is generally located in the setback area of the proposed development to address emergency access, risk and disruption to residents, fire spread and agency compliance. This is addressed in detail in **Section 5.11** of this report.

Table 4 – Response to Penrith City Council Submission		
Key Issue	**Issue**	**Response**
	Driveway Location The proposed driveway access at the McNaughton Street entry is too close to the neighbouring property in sections and a minimum 2m landscaped setback is considered necessary to ameliorate the internal presentation of this hardstand area and allow suitable separation from the adjacent dwelling to the south	The driveway access from McNaughton Street within the proposal maintains the existing driveway access currently servicing the site. The proposal significantly improves the overall amenity and interface between the subject site and 11 McNaughton Street (located immediately south of the site) with the provision of landscaped area along the boundary varying in width between 1m and 9.6m. The compressed landscaped setbacks have been placed where the building on the south side has its bulk/garage, so that the aspect from its windows focus on the larger areas where trees have been placed. From the street, the setback presents itself filtered by an edge of growing on a screen, with a Green Avenue Lilly Pilly and two Brush Boxes screening the development from the neighbours. This is addressed in detail in **Section 5.11** of this report.
	Finishes and Materials Fibre cement and painted render to building façades should be removed	Fibre cement and painted render is proposed in contrast to other light weight and solid material to provide a contemporary built form that provides visual interest and compliment the surrounding building character.
Flood Planning **(DPHI Category: The project / economic, environmental and social Impacts)**	Flood safe vehicular and pedestrian access to the proposed residential aged care facility has not been demonstrated in the 0.2% flood event. Given flood evacuation requirements, consideration should be given to the provision of flood free and/or flood safe	TTW have updated the FIRA and identifies that in accordance with the controls of PDCP the 1% AEP event is the key event for flood evacuation requirements. The updated FIRA demonstrates that the site can be safely evacuated during a 1% AEP event.

Table 4 – Response to Penrith City Council Submission		
Key Issue	**Issue**	**Response**
	access up to and including the 0.2% AEP flood event.	The site is unaffected by regional or local flooding in the 1% AEP event. It is, however, impacted by regional flooding in the 0.2% AEP event – in the event of significant Hawkesbury-Nepean flooding, the adopted response strategy is to follow NSW SES regional evacuation orders, well in advance of the site or key access roads becoming inundated. This is addressed in detail in **Section 5.1** of this report and refer to **Appendix 8: Flood Impact and Risk Assessment**.
Traffic and Parking **(DPHI Category: The project / economic, environmental and social Impacts)**	Basement Carparking Insufficient information has been submitted regarding the proposed basement car park arrangement. A fully dimensioned car parking plan is required, demonstrating that access, car parking and manoeuvring complies with AS 2890, Parts 1, 2 and 6.	Jackson Teece have prepared an amended basement car park plan demonstrating compliance with AS 2890, Parts 1, 2 and 6. Refer to **Appendix 1: Architectural Drawings**.
	AS2890 Compliance The submitted Traffic and Parking Impact Assessment provides insufficient detail to determine conclusively if the development complies with AS 2890.1, AS 2890.2 and AS 2890.6 without clearly stating compliance. There is insufficient detail provided to determine conclusively if compliance is achieved.	McLaren Traffic Engineering has prepared an updated the TIA that demonstrates compliance with AS 2890.1, AS 2890.2 and AS 2890.6. Refer to **Appendix 18: Traffic and Parking Impact Assessment**.
	Swept Path Analysis	McLaren Traffic Engineering has prepared relevant swept paths and an updated the TIA. The swept path

Table 4 – Response to Penrith City Council Submission		
Key Issue	**Issue**	**Response**
	A swept path analysis is required which demonstrates that: ○ A car can pass another car at all passing areas and can enter and exit restricted spaces; ○ A car can turn around within the site when all visitor spaces are occupied and exit in a forward direction; and ○ The largest vehicle (heavy vehicle) required to service the site can enter the site, manoeuvre into the loading area and exit the site in a forward direction when cars are parked on-street adjacent to the access driveway (driveway dimensions should be included)	analysis demonstrates compliance with matters raised in Council's submission. This is discussed further in **Section 5.6** of this report and refer to **Appendix 18: Traffic and Parking Impact Assessment and Appendix 19: Traffic - Swept Path Analysis**.
	<u>Waste Collection</u> Further detail on the number of proposed truck movements in this regards to waste removal is required, and this detail should also be included and considered in the Noise and Vibration Impact Assessment.	Waste collection will occur from the loading dock and waste collection area accessed from Harris Street to the rear of Building A. McLaren Traffic Engineering has prepared relevant swept paths and for the loading dock and waste collection area and updated the TIA. This is discussed further in **Section 5.6** of this report and refer to **Appendix 18: Traffic and Parking Impact Assessment and Appendix 19: Traffic - Swept Path Analysis**. PWNA has prepared an updated NVIA which undertakes a detailed assessment of the potential acoustic impacts from the waste and garbage collection. This is addressed in detail in **Section 5.3** of this report and refer to **Appendix 13: Noise and Vibration Impact Assessment**.

Table 4 – Response to Penrith City Council Submission		
Key Issue	**Issue**	**Response**
	Bus Stop Upgrade The proposal warrants the provision of an upgraded bus stop and shelter on Jamison Road, which is critical infrastructure requirement for a development proposal of this nature.	The applicant acknowledges that proposal warrants the provision of an upgraded bus stop and shelter on Jamison Road and would accept a condition to be imposed on any consent granted requiring for an upgraded bus stop and shelter.
Land Contamination **(DPHI Category: Procedural matters)**	Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 requires that the consent authority be satisfied in relation to the site's suitability for the proposed land use. It is requested that copies of all site contamination related documentation be provided to Council (i.e. any Preliminary Site Investigations, Detailed Site Investigations, Asbestos Management Plans, Remediation Action Plans, Validation Reports and Long-Term Environmental Management Plans, as well as any documents prepared by a NSW EPA Accredited Site Auditor in endorsing these documents). The documents will be recorded on Council's property file and will be placed as notations on Section 10.7(5) Planning Certificates issued for the property.	Noted. The applicant will accept a condition to be imposed on any consent granted requiring relevant land contamination documents to be submitted to Council.
Noise Impacts **(DPHI Category: Economic, environmental and social impacts)**	The submitted Noise and Vibration Impact Assessment (NVIA) does not adequately address the potential noise impacts associated with the proposed use of the site. In particular:	PWNA have updated the NVIA to address impacts associated with: • Vehicle movements into/out of the main entrance; • Vehicle movements into/out of the basement; and • Service and waste vehicles using the loading dock.

Table 4 – Response to Penrith City Council Submission		
Key Issue	**Issue**	**Response**
	• Vehicle movements into/out of the main entrance – No assessment has been undertaken for the main access entry to the facility from McNaughton Street, including the parking area, drop-off/pick-up zone or ambulance parking. • Vehicle movements into/out of the basement – It is overlooked that vehicles will create noise as vehicles enter and leave the basement. As such, the NVIA needs to be amended to include a full assessment of vehicle noise, including noise impacts at nearby sensitive receivers on Harris Street. • Service and waste vehicles using the loading dock – There has been no assessment of the noise impacts associated with the proposed loading dock as there will be many more residents in the proposed development when compared to the existing use and the proposed loading dock will expose different receivers to noise. In addition, the existing entry and exit points of the existing facility are in different locations. The proposed new locations will expose a range of new receivers to noise.	The Assessment concludes that above elements of the development will comply with the project trigger noise levels established by PMNA. This is addressed in detail in **Section 5.3** of this report and refer to **Appendix 13: Noise and Vibration Impact Assessment**.

Table 4 – Response to Penrith City Council Submission		
Key Issue	**Issue**	**Response**
Stormwater Management **(DPHI Category: Procedural matters)**	The proposed stormwater management system includes the use of proprietary stormwater treatment measures as well as a 200kL rainwater tank, which will be used to irrigate landscaped areas. Based on a review of the information submitted, the following matters need to be addressed in this regard: • Insufficient information regarding non-potable demands / rainwater re-use assumptions has been included in the submitted Stormwater Report in order to demonstrate compliance with Council's Water Sensitive Urban Design (WSUD) requirements. Further, the electronic version of the MUSIC modelling was not submitted for review. • It has not been demonstrated that the proposed rainwater tank is sufficiently sized to meet non-potable demands and all landscaped areas at the rates specified in Council's WSUD Technical Guidelines. • The Stormwater Report does not include any information regarding compliance with the requirements of Chapter 6 - Water Catchments of State Environmental Planning Policy (Biodiversity and Conservation) 2021. Should approval of the development proposal be granted, it is recommended that conditions be imposed requiring the stormwater treatment	TTW has updated the IWMP to include information on non-potable demands / rainwater re-use assumptions and compliance with Council's WSUD Technical Guidelines. In addition, the report has undertaken an assessment in accordance with Chapter 6 - Water Catchments of State Environmental Planning Policy (Biodiversity and Conservation) 2021. This is addressed in detail in **Section 5.8** of this report and refer to **Appendix 11: Integrated Water Management Plan**.

Table 4 – Response to Penrith City Council Submission		
Key Issue	**Issue**	**Response**
	measures and rainwater harvesting and re-use system be maintained by the landowner in perpetuity. It is also recommended that conditions be imposed requiring the registration of stormwater management positive covenants and restrictions in accordance with the wording in Appendix F of Council's Stormwater Drainage Specification for Building Developments.	
<u>Waste Servicing</u> **(DPHI Category: Economic, environmental and social impacts)**	Conflicting information has been provided in relation to proposed waste servicing for the proposal. Given the scale of the proposed development and the anticipated waste generation, and the ability of the loading dock to service removalist vehicles, clearance heights for a HRV are recommended to be provided. This will ensure loading and unloading is not undertaken from the street or within the driveway area. The servicing of the site by a SRV would not be efficient or sustainable and would lead to increased visits to the site by waste vehicles, resulting in adverse acoustic and traffic impacts. It may also incentivise the collection of all waste as a single stream, which is not in line with Council's diversion targets and EPA requirements. The proposed loading area on the architectural plans does not appear to be enclosed. The acoustic impacts of an open	Waste collection will occur from the loading dock and waste collection area accessed from Harris Street to the rear of Building A. McLaren Traffic Engineering has prepared relevant swept paths and for the loading dock and waste collection area and updated the TIA. This is discussed further in **Section 5.6** and **Section 5.10** of this report and refer to **Appendix 18: Traffic and Parking Impact Assessment** and **Appendix 19: Traffic - Swept Path Analysis**. PWNA has prepared an updated NVIA which undertakes a detailed assessment of the potential acoustic impacts from the waste and garbage collection. This is addressed in detail in **Section 5.3** and **Section 5.10** of this report and refer to **Appendix 13: Noise and Vibration Impact Assessment**.

Table 4 – Response to Penrith City Council Submission		
Key Issue	**Issue**	**Response**
	loading dock need consideration due to the proximity of the loading area to adjacent residential housing and noting the proposed hours and frequency of collections. The proposal does not comply with Council's waste management guidelines and given the scale of the proposed development and unknown size of the waste collection vehicle, "intermittent collection" is unlikely. To reduce noise, visual and odour impacts, the loading area should be enclosed.	

4.3 Agency Groups

Matters that have been raised by agency submissions are addressed in the below table with reference to updated documentation that is appended to this RTS Report.

Table 5 – Response to Agency Submissions		
Key Issue	**Issue**	**Response**
Conservation Programs, Heritage and Regulation Group		
Flooding **(DPHI Category: The project / procedural matters / economic, environmental and social impacts)**	NSW SES Consultation Consultation with the NSW SES is required due to the sensitivity of the proposed development, and to confirm its ability to evacuate the proposed number of vulnerable residents during a flood event.	NSW SES has been consulted and provided comments as part of the SSDA exhibition process. The comments provided by SES NSW are addressed further below within this table of the RTS Report.

Table 5 – Response to Agency Submissions		
Key Issue	**Issue**	**Response**
	Regional Flooding The FIRA is updated in accordance with the Flood Risk Management Guideline LU01 Flood Impact and Risk Assessment (LU01 Guideline) to address and report on the Hawkesbury Nepean regional flooding for the full range of flooding. The minimum level of information to achieve the purpose of the FIRA requires the following: • The full range of flood behaviour, flood constraints and risk for the existing scenario. To achieve this, flood behaviour should be examined for a range of events. The hydrological and hydraulic models developed by the applicant's consultant must be compatible with the 2024 Hawkesbury-Nepean River Flood Study. The applicant's consultant should verify their models against this study for the full range of flooding. • The full range of flood behaviour, flood constraints and risk for the post-development scenarios. To achieve this, the consultant must incorporate the development components including proposed cut and fill and infrastructure into the verified models and identify post-development flood characteristics for a range of events. • The constraints that flooding places on the land (floodways,	TTW have updated the FIRA to address the regional flood behaviour of the Hawkesbury-Nepean River system. The key finding of the updated FIRA is that Hawkesbury-Nepean flooding presents a manageable risk to the site, with no inundation in the 1% AEP event and only minor above-floor impacts in the 0.5% AEP event. Climate change impacts have also been considered, and the proposed finished floor levels maintain appropriate freeboard under near-term projected increases in rainfall intensity. This is addressed in detail in **Section 5.1** of this report and refer to **Appendix 8: Flood Impact and Risk Assessment**.

Table 5 – Response to Agency Submissions		
Key Issue	**Issue**	**Response**

	flood storage, flood hazard and emergency response issues).
	• The suitability of locating a sensitive development at this site based on the flood constraints from the Hawkesbury Nepean regional flooding.
	• The impacts of the development on the Hawkesbury Nepean regional backwater flooding for the full range of flood events.
	• The impacts of the development on the Hawkesbury Nepean regional evacuation capacity for the full range of flooding. This should be assessed by the regional evacuation models in consultation with the SES.
	• The adequacy of management measures and controls to:
	  ○ effectively address these constraints to ensure the flood risks to the proposed development and its users are acceptable
	  ○ manage flood and associated emergency management impacts to the existing community due to the proposed development.
	
	Climate change impacts based on Australian Rainfall & Runoff Version 4.2.	

Table 5 – Response to Agency Submissions		
Key Issue	**Issue**	**Response**
Biodiversity **(DPHI Category: Economic, environmental and social impacts)**	Section 3 Tree Protection and Management Recommendations from the Arboricultural Impact Assessment be included as conditions of consent.	Noted. The applicant accepts appropriate conditions to be imposed from the Arboricultural Impact Assessment submitted with the SSDA.
NSW State Emergency Service		
Site Intensification **(DPHI Category: The project / economic, environmental and social impacts)**	• Reconsidering the suitability of this site for intensification, as the site is located in a high-risk catchment with existing evacuation constraints. • Reconsidering increasing the number of vulnerable occupants on this site. While we note the site is an existing seniors housing complex, this proposal is for intensification of the existing site and is considered as a 'high risk proposal', as determined in the PS 24-001 Planning Circular, as it is for a sensitive use (seniors housing) development.	The site is currently occupied by an aged care facility with 95 beds. The proposal will include 93 ILUs and 5 RCRs. The proposal seeks to upgrade the existing facility and will be largely occupied by residents who typically have their own car space, are mobile, do not receive any nursing care and not considered to be vulnerable occupants. Only 5 residents have specialised care and nursing assistance which can be evacuated safely. In addition, the updated FIRA identifies that in accordance with the controls of PDCP the 1% AEP event is the key event for flood evacuation requirements. The key finding of the updated FIRA is that Hawkesbury-Nepean flooding presents a manageable risk to the site, with no inundation in the 1% AEP event and only minor above-floor impacts in the 0.5% AEP event. Overall, the identified flood risks are consistent with development outcomes anticipated under the Hawkesbury-Nepean flood framework and do not preclude the proposed development, subject to the adoption of the emergency response measures outlined in the Flood Emergency Response Plan submitted with the FIRA.

Table 5 – Response to Agency Submissions		
Key Issue	**Issue**	**Response**
		This is addressed in detail in **Section 5.1** of this report and refer to **Appendix 8: Flood Impact and Risk Assessment**.
Basement Level Inclusion **(DPHI Category: The project / economic, environmental and social impacts)**	Reconsidering the inclusion of any basement levels for the site, due to the significant flood risk. Any proposed basement should ensure that it is passively protected to the Probable Maximum Flood (PMF) – i.e., that all entrances and openings (vents, etc) are located above the PMF for all flooding, which is unlikely to be feasible for this site due to flood depths of greater than 6 metres in a PMF.	TTW have updated the FIRA to address passive protection of the proposed basement levels to the PMF. The updated FIRA identifies that providing passive protection of all basement openings and vents to the PMF level from regional flooding is not feasible, given the significant depths during this event. To ensure protection, the proposal has been amended to raise the Harris Street basement entry crest to, preventing ingress of PMF overland flows via the driveway, reducing pathways for flow to enter the basement. This is addressed in detail in **Section 5.1** of this report and refer to **Appendix 8: Flood Impact and Risk Assessment**.
Flood Impact and Risk Assessment **(DPHI Category: The project / economic, environmental and social impacts)**	Revisions to the FIRA to consider current flood information for the site. The Hawkesbury-Nepean Flood Study was released in June 2024 and should be viewed as the most up to date riverine flood information for the site. This supersedes the 2018 Nepean River Flood Study referenced in the FIRA.	TTW have updated the FIRA to address the Hawkesbury-Nepean Flood Study. The key finding of the updated FIRA is that Hawkesbury-Nepean flooding presents a manageable risk to the site, with no inundation in the 1% AEP event and only minor above-floor impacts in the 0.5% AEP event. Overall, the identified flood risks are consistent with development outcomes anticipated under the Hawkesbury-Nepean flood framework and do not preclude the proposed development, subject to the adoption of the emergency response measures outlined in the Flood Emergency Response Plan submitted with the FIRA.

Table 5 – Response to Agency Submissions		
Key Issue	**Issue**	**Response**
		This is addressed in detail in **Section 5.1** of this report and refer to **Appendix 8: Flood Impact and Risk Assessment** and **Appendix 9: Flood Emergency Response Plan**.
Impacts on Climate Change **(DPHI Category: Economic, environmental and social impacts)**	Considering the impacts of climate change. It is estimated that the actual probability of a 1 in 100 AEP for the Nepean River is approximately a 1 in 62 AEP event for the current 2025 scenario. For the proposed development site, this could result in more frequent inundation and/or isolation than what is currently expected based on previous modelling.	TTW have updated the FIRA to address climate change on 1% AEP flood levels. Overall, the proposed development is resilient under near-term climate change conditions, with no above floor inundation in the CC2030 scenario. The CC2090 scenario represents a highly conservative, long-term climate change projection, and while above-floor inundation is predicted under this scenario, flood depths remain shallow and within a low-hazard range, indicating that residual impacts are limited even under this upper-bound climate change scenario. It is also noted that consideration of climate change when determining flood planning levels remains non-prescriptive and is not required as part of PDCP. This is addressed in detail in **Section 5.1** of this report and refer to **Appendix 8: Flood Impact and Risk Assessment**.
Relocation of Site Access Points **(DPHI Category: The project / economic, environmental and social impacts)**	Relocating site access points to locations which avoid the most flood affected parts of McNaughton and Harris Streets to prevent site users entering, or becoming isolated by flooding during relatively frequent local flooding events.	Relocating the site access points were explored and it was identified within the updated FIRA that the development maintains the existing vehicle access point from McNaughton Street and relocation would be unfeasible due to significant design changes and significantly constrained opportunities for the eastern frontage to provide flood-free vehicular access. The proposed development provides an improvement in site accessibility via

Table 5 – Response to Agency Submissions		
Key Issue	**Issue**	**Response**
		a new entry on Harris Street, located at the highest point along the adjoining road. This therefore represents the most suitable access location from a flood risk management perspective. This will also be the main vehicular access point for site users, with connections to the basement car park. It is also noted that flood-free pedestrian access is available from the northeast corner of the site onto McNaughton Street via the proposed pathway during the 1% AEP event. This is addressed in detail in **Section 5.1** of this report and refer to **Appendix 8: Flood Impact and Risk Assessment**.
Road Access from the Site **(DPHI Category: The project / economic, environmental and social impacts)**	Pursuing site design which allows for rising road access from the site to an area outside the Hawkesbury-Nepean River PMF Flood extent.	The updated FIRA outlines that due to the site's location within the wider Hawkesbury-Nepean floodplain, it is not possible to achieve a rising road access route outside the PMF extent through site design alone. During extreme floods, the recommended management measure is to implement a pre-emptive evacuation strategy, consistent with NSW SES guidance for flood-affected areas of Penrith. This is addressed in detail in **Section 5.1** of this report and refer to **Appendix 8: Flood Impact and Risk Assessment**.
NSW Department of Climate Change, Energy, the Environment and Water		
Groundwater and Licensing **(DPHI Category: Economic, environmental and social impacts)**	• Clarify the potential for groundwater interception and if required quantify the maximum annual volume of water take during construction and operation • Demonstrate the ability to acquire sufficient water	Interim Groundwater Advice, prepared by Martens and Associates has been provided addressing groundwater interception. The Interim Groundwater Advice concludes that groundwater interception is not expected to occur during construction of the proposed development, and as such, no

Table 5 – Response to Agency Submissions		
Key Issue	**Issue**	**Response**
	entitlement unless an exemption	construction dewatering will be required and no associated licensing requirements in accordance with the Water Management Act. The findings of the Interim Groundwater Advice have been addressed in detail in **Section 5.4** of this report and refer to **Appendix 10: Groundwater Advice**.
Groundwater Impact Assessment **(DPHI Category: Economic, environmental and social impacts)**	An assessment be undertaken of the impacts due to the aquifer interference activities with the NSW Aquifer Interference Policy and framework (2012) if the take of groundwater is found to be greater than 3ML per year.	Interim Groundwater Advice, prepared by Martens and Associates has been provided addressing groundwater interception. The Interim Groundwater Advice concludes that groundwater interception is not expected to occur during construction of the proposed development, and as such, no construction dewatering will be required and no associated licensing requirements in accordance with the Water Management Act. The findings of the Interim Groundwater Advice have been addressed in detail in **Section 5.4** of this report and refer to **Appendix 10: Groundwater Advice**.
Heritage NSW		
Proposed Works **(DPHI Category: Economic, environmental and social impacts)**	The ACHAR and the Aboriginal ARD note impact through excavation for basement car parking to approx. 3m in depth. Given the potential depth of natural deposits within the study area, please update the ACHAR and ARD as appropriate to provide: • Further Information on the nature, extent, and depth of proposed piling works • Assessment of the impacts of piling to the potential archaeological resource where	Detailed design has not been undertaken for piling work, this would be undertaken as part of a Construction Certificate. Should the SSDA be approved, the applicant will accept a condition to provide an updated ACHAR and AARD to ensure the piling design does not impact the archaeological resources.

Table 5 – Response to Agency Submissions		
Key Issue	**Issue**	**Response**
	relevant, up updated methodology for archaeological Investigation	
Aboriginal Heritage Information Management System Search **(DPHI Category: Procedural matters)**	Heritage NSW generally requires, as per 1b of the Code of Practice, that AHIMS searches are less than 12 months old. Please provide an updated AHIMS search.	An updated AHIMS search has been provided which reflects the ACHAR, prepared by GML. This is addressed in **Section 5.9** of this report and refer to **Appendix 3: Aboriginal Heritage Information Management System**.
Aboriginal Consultation **(DPHI Category: Procedural matters)**	Updated Appendix B of the ACHAR to include: • A copy of the public notice places in the Daily Telegraph on 30 April 2024 • Evidence of Aboriginal stakeholder responses registering for consultation on the project. • Evidence of the Draft ACHAR being provided to Deerubbin Local Aboriginal Land Council (DLALC) and Darug Custodian Aboriginal Corporation (DCAC) for review. • Any evidence of project updates to Registered Aboriginal Parties, noting that the last evidence of consultation with Aboriginal stakeholders was in Sept 2024. Heritage NSW requires that consultation with RAPs is continuous consultation.	GML has provided the following additional information in relation to Aboriginal Consultation as requested by Heritage NSW: • Newspaper tearsheet from the Daily Telegraph on 20 April 2024. • Detailed RAP responses as evidence of consultation with Aboriginal stakeholders. • Confirmation from GML that DCAC (Justine Coplin) provided verbal feedback on the draft ACHAR, stating that it was accepted. Both the DLALC and DCAC were provided the final ACHAR on 13 December 2024 (as indicated in the RAP emails). Neither group provided a response on issue of the ACHAR. • The most recent update was provided to Registered Aboriginal Parties on 13 December 2024. In this update, the final ACHAR was provided to all RAPs. The EIS was lodged four months after this update, in March 2025. For the purposes of the EIS submission, the ACHAR consultation was maintained.

Table 5 – Response to Agency Submissions		
Key Issue	**Issue**	**Response**
		This is discussed in **Section 5.9** of this report and refer to **Appendix 5: Aboriginal Community Consultation**.

Archaeological Research Design
 	
(DPHI Category: Economic, environmental and social impacts)
	• Please clarify the number of test pits proposed as a part of test excavations, noting that the AARD states that 10 pits are proposed, while the indicative layout shown in Figure 3.1 shows 11 locations.
	• Noting that the proposed dimensions of test excavation units are 1.2m in width by 3m to 20m in length, please outline the criteria Ih will be used to assess the appropriate length of each test unit, and triggers for lengthening and shortening units.
	• Please clarify where manual excavation and machine excavation will be employed, and the proposed criteria for changing between the two.
	• Section 3.2.1 of the AARD states that to access deeper deposits, the ground surface surrounding each trench will be lowered by 1m following the excavation of first metre of deposit. Provide further discussion on the proposed methodology to confirm whether:
	  ○ this approach will be implemented for the full depth of the test pit (lowering following the excavation of each metre of deposit).
	  ○ trench lowering activities will step out to create
		GML have updated the AARD to address the matters raised by Heritage NSW. This is discussed in **Section 5.9** of this report and refer to **Appendix 4: Aboriginal Archaeological Research Design Report** and **Appendix 5: Aboriginal Community Consultation**.

Table 5 – Response to Agency Submissions		
Key Issue	**Issue**	**Response**
	further 1m benches surrounding each test pit where deeper excavation is required.	
Fire and Rescue NSW (FRNSW)		
General Comments	FRNSW submit no comments or recommendations for consideration, nor any requirements beyond that specified by applicable legislation at this stage.	Noted.
Transport for NSW		
Vehicle Access **(DPHI Category: Economic, environmental and social impacts)**	The development proposes vehicle access for the seniors housing from McNaughton Street (local road) with loading/delivery access via Harris Street (local road). TfNSW advises that as Council is the relevant Road Authority for existing road connections, Council should be satisfied with the design, layout and proposed access arrangement ling swept path movement for the largest vehicle.	Noted.
Traffic Generation **(DPHI Category: Economic, environmental and social impacts)**	The development's estimated traffic generation daily trips (45 vehicle trips in the site peak hour and 25 trips PM peak hour) will not have a detrimental impact on the surrounding classified road network.	Noted.
Sydney Water		

Table 5 – Response to Agency Submissions		
Key Issue	**Issue**	**Response**
Conditions Recommended **(DPHI Category: Economic, environmental and social impacts)**	• Preliminary assessment indicates that water and wastewater servicing should be available for the proposed development. • Amplifications, adjustments, deviations and/or minor extensions may be required. • Detailed requirements will be provided at the Section 73 application stage. • Recommended conditions of consent to be imposed.	The applicant accepts the conditions recommended by Sydney Water to be imposed on any consent granted.

4.4 Public Submissions

Matters that have been raised by the public are addressed in the below table with reference to updated documentation that is appended to this RTS Report.

Table 6 – Response to Public Submissions		
Key Issue	**Issue**	**Response**
Traffic and Parking **(DPHI Category: Economic, environmental and social impacts)**	• Increase in traffic and congestion as a result of the development. • Increase in traffic accidents and impacts on pedestrian safety.	McClaren Traffic Engineering prepared a Construction Traffic Management Plan, a Green Travel Plan and Traffic and Parking Impact Assessment submitted with the SSDA which undertook a detailed assessment of the traffic and associated impacts resulting from the proposed development. The traffic generated by the proposed development has been assessed using SIDRA modelling and has been found to not detrimentally impact the ongoing operation of the existing road network. The development also seeks to improve the pedestrian / vehicular eligibility of the site to increase safety. The development provides the

Table 6 – Response to Public Submissions		
Key Issue	**Issue**	**Response**
		required car parking spaces to reduce impacts on the street. TfNSW reviewed the SSDA and raised no objection to the proposal and noted that the development will not have a detrimental impact on the surrounding classified road network.
Amenity **(DPHI Category: Economic, environmental and social impacts)**	• Loss of privacy to rear yard of adjacent residential properties • Increase in pollution, people and waste. • The proposed 5 storey form will result in excessive overshadowing. • View loss of the greens, mountains and sunsets will be lost.	The senior housing proposal is a form of development that is envisaged by the land zoning provisions applying to the site. The development has been designed to achieve high quality internal environmental amenity for residents and minimise amenity impacts on the surrounding residential properties. The development has been designed: • To provide the required solar access to surrounding residential properties in accordance with the Apartment Design Guide provisions with the appropriate massing and siting of the buildings. This is addressed in detail in **Appendix 1: Architectural Drawings** and **Appendix 2: Architectural Urban Design Report.** This was also addressed in **Section 8.3.3** of the EIS initially submitted with the SSDA lodgement. • To retain the visual privacy of surrounding residential properties with the provision of suitable building setbacks, landscaping / planting, screening and appropriate massing and siting of the buildings. This is addressed in detail in **Appendix 1: Architectural Drawings** and **Appendix 2: Architectural Urban Design Report.** This was also addressed in **Section 8.3.6** of the EIS

Table 6 – Response to Public Submissions		
Key Issue	**Issue**	**Response**
		initially submitted with the SSDA lodgement. • The development incorporates appropriate waste and stormwater management practices during the construction phase and operation phase of the development to minimise pollution and waste. This is addressed in detail in **Section 8.11** and **Section 8.12** of the EIS initially submitted with the SSDA lodgement. • To have an acceptable outcome for the site from a traffic and parking perspective. This is addressed in detail in **Appendix 18: Traffic and Parking Impact Assessment.** This was also addressed in **Section 8.8** of the EIS initially submitted with the SSDA lodgement. • To ensure compliance with the project noise triggers established by the Noise and Vibration Impact Assessment as outlined in **Section 5.3** of this report and **Appendix 13: Noise and Vibration Impact Assessment**. • To minimise visual intrusion and provide suitable outlook / views from surrounding residential properties through appropriate massing, treatment and siting of the buildings. It is noted that the site is not located in an area that experiences any significant and or iconic views. This is addressed in detail in **Section 8.3.2** and **Section 8.4** of the Environmental Impact Statement initially submitted with the SSDA lodgement.

Table 6 – Response to Public Submissions		
Key Issue	**Issue**	**Response**
Property Values **(DPHI Category: Economic, environmental and social impacts)**	• Decrease in property values due to construction of proposed development.	The Senior Housing proposal is a form of development that is envisaged by the land zoning provisions applying to the site. The development is considered to provide a much-needed upgrade and improvement to the existing outdated aged care facility. The development will provide modern living environment with high quality internal and external amenity that will enhance the surrounding character and streetscape. Property values are not considered a matter of consideration in the assessment of a Development Application as outlined in Part 4, Division 4.3, Clause 4.15 of the Environmental Planning and Assessment Act.
Construction Impacts **(DPHI Category: Economic, environmental and social impacts)**	• Potential airborne asbestos fibre and risk of dust disease during construction phase. • The noise from 7-day construction. • Damage of local roads and infrastructure during construction.	Demolition / construction management practices associated with waste, traffic, water management are proposed in accordance with industry standards accompanying the SSDA to minimise impacts during the construction phase of the development. This is addressed in detail in **Section 8.8, Section 8.10 Section 8.11, Section 8.12** and **Section 8.14** of the EIS initially submitted with the SSDA lodgement The applicant has no objection for a condition to be Imposed on any consent grated requiring the submission of detailed Construction Management Plan prior to any work commencing on the site.

Table 6 – Response to Public Submissions		
Key Issue	**Issue**	**Response**
Endeavor Energy **(DPHI Category: The project)**	Recommended the SSDA be approved subject to conditions.	Noted. The applicant would accept conditions to be imposed on any consent granted reflecting Endeavor Energy's submission.

5 Environmental Assessment

This RTS Report is accompanied by updated technical reporting that has sought to address matters that were raised by the public, Council, agencies and DPHI. The updated technical reports and information provided undertake a detailed assessment of the potential impacts and are summarised from **Section 5.1** to **Section 5.11** below.

The Statutory Compliance Table and Mitigation Table has also been updated to reflect the updated technical documents and this RTS report. Refer to **Appendix 14: Statutory Compliance Table** and **Appendix 15: SEARs Items and Mitigation Measures Table**.

5.1 Flooding

TTW have provided a detailed response and updated the Flood Impact and Risk Assessment Report and Flood Emergency Response Plan to matters that were raised by DPHI, Council, CPHR and NSW SES in relation to the flood planning / modelling at a regional and local level, climate change impacts, flood evacuation requirements and design of access points. Refer to **Appendix 8: Flood Impact and Risk Assessment** and **Appendix 9: Flood Emergency Response Plan.** A summary of the findings are provided below.

5.1.1 Regional Flooding

The updated FIRA addresses the regional flood behaviour of the Hawkesbury-Nepean River system. To assess flood behaviour, Council's Peach Tree and Lower Surveyors Creek TUFLOW model (2019) was obtained and updated to reflect the proposed development. In addition, the New South Wales Reconstruction Authority's Hawkesbury Nepean Flood Study (2024) was reviewed and adopted to assess regional flood impacts. Flood behaviour was assessed for a range of events including the 1%, 0.5%, and 0.2% AEP events, as well as the PMF.

The following findings have been made:

- The site is not impacted by Hawkesbury-Nepean flooding in the 1% AEP event, which represents the primary design flood level typically adopted for development assessment.
- Initial inundation of the site does not occur until an event exceeding the 0.5% AEP, with only minor above floor inundation (up to 50mm) confined to Building A in this event.
- More substantial flood impacts are not predicted until events of a magnitude between the 0.5% and 0.2% AEP, which are extreme and infrequent.
- In comparison with large areas of the Hawkesbury-Nepean floodplain, which experience deep and high hazard inundation in more frequent events, the site occupies a relatively elevated position and is subject to comparatively low flood risk.
- Flood hazard across the site in events up to the 0.5% AEP is predominantly low to moderate, with severe high hazard conditions only arising in very rare events approaching the PMF.
- Access constraints during larger regional flood events are consistent with broader Hawkesbury-Nepean flood behaviour and can be appropriately managed through

early evacuation procedures, detailed in the site-specific FERP submitted alongside this report.

- In the Penrith City Council LEP, the Flood Planning Level (FPL) for the LGA is defined as the 1% AEP flood level plus 0.5m freeboard. As the site is unaffected by regional flooding in the 1% AEP event, the FPL can be taken from the creek crossing over Jamison Road, northwest of the site. The 1% AEP flood level here during a Hawkesbury-Nepean flood peaks at 26.45m AHD, equating to a FPL of 26.95m AHD. Building A of the proposed development has a Finished Floor Level (FFL) of 27.70m AHD, while Buildings B, C and D have an FFL of 27.80m AHD. The proposed development is therefore safely located 100-200mm above the maximum FPL.

Based on the above, the Hawkesbury-Nepean flooding presents a manageable risk to the site. Overall, the identified flood risks are consistent with development outcomes anticipated under the Hawkesbury-Nepean flood framework and do not preclude the proposed development, subject to the adoption of the emergency response measures outlined in the FERP submitted alongside this report.

5.1.2 Local Flooding

The updated FIRA addresses the potential adverse cumulative or offsite impacts to neighbouring properties or changes to local catchment flood behaviour as a result of the development. This was undertaken for the 1% AEP event and the PMF event and it was found that the development does not increase flood risk to the surrounding properties. The following observations have been made:

- In the 1% AEP event, the change in flood levels as a result of the proposed development is negligible, with a minor increase of just 3mm over McNaughton Street.
- In the PMF event, there are some more notable changes in flood level due to the diverted overland flow paths. The proposed building footprints are more open than in existing conditions and provide an alternative route for flow overtopping into the site from McNaughton Street to travel northwards into the commuter car park and Jamison Road.
    - This results in an overall reduction in flood levels across residential properties south of Jamison Road on Harris Street, McNaughton Street and Willoring Crescent as flows are rerouted further north.
    - There is a subsequent increase in flood level of up to 125mm on Jamison Road, and 225mm within the commuter car park. However, this road is a designated conveyance route for overland flow in accordance with the floodplain manual, and there is no change in hazard classification across the road.
    - North of Jamison Road, there is an increase of 50-90mm across commercial and residential properties on Mulgoa Road in the PMF event. However, in existing conditions, depths here exceed 1100mm, and thus an increase of less than 100mm in flood level across this area would have no impact on existing flood emergency planning arrangements.
- In the Penrith City Council LEP, the FPL for the LGA is defined as the 1% AEP flood level plus 0.5m freeboard. As the site is unaffected by local flooding in the 1% AEP event, the FPL can be taken from the adjacent sag point on McNaughton Street, east

of the site. The 1% AEP flood level here peaks at 27.10m AHD, equating to a FPL of 27.60m AHD. Building A of the proposed development has a FFL of 27.70m AHD, while Buildings B, C and D have an FFL of 27.80m AHD. The proposed development is therefore safely located 100-200mm above the maximum FPL.

5.1.3 Climate Change

The updated FIRA reviewed the flood behaviour at regional and local level as a result of climate change impacts for the years 2030 (CC2030) and 2090 (CC2090) scenarios. The key findings were as follows:

Regional Flooding

- In both the CC2030 and CC2090 scenarios, floodwaters encroach upon the site.
- In the CC2030 scenario, flood level increases by 0.84m. However, all proposed buildings remain flood free, and are not affected by above-floor inundation. The proposed buildings are 0.40-0.50m above the surrounding floodwaters in this scenario.
- In the CC2090 scenario, flood level increases by 1.55m, with all buildings impacted by above-floor inundation. Flood level exceeds the FFL by 0.20-0.30m. This flood depth is regarded as low hazard.

Overall, the proposed development is resilient under near-term climate change conditions, with no above-floor inundation in the CC2030 scenario. The CC2090 scenario represents a highly conservative, long-term climate change projection, and while above-floor inundation is predicted under this scenario, internal flood depths remain shallow and within a low-hazard range, indicating that residual impacts are limited even under this upper-bound climate change scenario.

Local Flooding

In the CC2030 scenario:

- The flood level within the sag point of McNaughton Street increases by 204mm, with a subsequent expansion of flood extent here. Flows back up into the south of the site, reaching Building D.
- It should be noted that the deck area immediately south of Building D is elevated to 27.80m AHD, with flows conveyed beneath the decking until the flood level exceeds this.
- Flood level over this area reaches a maximum of 27.28m AHD in the CC2030 event, 520mm below the ground floor level of this building.

In the CC2100 scenario:

- The flood level within the sag point of McNaughton Street increases by 308mm.
- Flows adjacent to Building D reach a maximum flood level of 27.38m AHD, 420mm below the ground floor level of this building. The development is consequently robust against flood impacts in the 1% AEP local flood events under future climate change.

5.1.4 Evacuation

The updated FIRA and FERP has undertaken an assessment of flood evacuation requirements.

The site is currently occupied by an aged care facility with 95 beds. The proposal will include 93 ILUs and 5 RCRs. The proposal seeks to upgrade the existing facility and will be largely occupied by residents who typically have their own car space, are mobile, and do not receive any nursing care and not considered to be vulnerable occupants. Only 5 residents have specialised care and nursing assistance, which can be evacuated safely.

The updated assessment notes that PDCP prescribes that 1% AEP event is the key event for flood evacuation requirements. However, Council DPHI, Council, CPHR and NSW SES required the consideration of flood evacuation requirements of a 0.2% AEP flood event.

The site is impacted by regional flooding in the 0.2% AEP event. However, in the event of significant Hawkesbury-Nepean flooding, the adopted response strategy is to follow NSW SES regional evacuation orders. For Jamison East, this is triggered by a gauge height of 12.0m (which equates to a flood level of 26.10m AHD) at the Victoria Street Bridge gauge (2 km north of the site). This is well below the 0.2% AEP flood level, which reaches 27.80m AHD at the Victoria Street Bridge. Evacuation of the site would therefore occur well before inundation of the site and prior to the key access routes being cut off.

Regional flooding from the Hawkesbury Nepean River system does not affect the site until events exceeding the 0.5% AEP. These events are extreme and infrequent and are characterised by long warning times that enable planned and orderly evacuation. Flood risks associated with these larger regional flood events can be appropriately managed through early evacuation consistent with NSW SES regional flood warning, advice, and evacuation arrangements. The evacuation can also appropriately be managed through procedures, detailed in the site-specific FERP.

5.1.5 Vehicle Access and Basement Levels

The updated FIRA reviewed the passive protection of the proposed basement levels to the PMF and the location of vehicle access points of the development to minimise impacts.

Providing passive protection of all basement openings and vents to the PMF level from regional flooding is not feasible, given the significant depths during this event. The PMF level is significantly higher than the ground floor and all surrounding areas, meaning even the habitable portions of the development cannot feasibly be protected to this level. Requiring full passive protection of a non-habitable basement to the regional PMF level would be inconsistent with the broader site context and flood planning objectives. Section 3.1.2 of Penrith City Council's "Stormwater Drainage Specification for Building Developments" Policy (2018) outlines the design freeboards for sites impacted by overland flooding. For basement levels, the required flood planning level is the 1% AEP level + 300mm freeboard. The proposal complies with this requirement and offers additional protection by raising the Harris Street basement entry crest to RL 27.45, preventing ingress of PMF overland flows via the driveway, reducing pathways for flow to enter the basement.

Relocating the site access points were explored and it was identified within the updated FIRA along McNaughton Street, the local sag point results in ponding that extends across much of the site's eastern frontage, significantly constraining opportunities to provide flood-free vehicular access. The existing driveway on this frontage is an established vehicle

access point and relocating it further north would require substantial redesign works and removal of several established trees. In existing conditions, there is only one driveway access, located at the sag point on McNaughton Street. The proposed development provides an improvement in site accessibility via a new entry on Harris Street, located at the highest point along the adjoining road. This therefore represents the most suitable access location from a flood risk management perspective. This will also be the main vehicular access point for site users, with connections to the basement car park. It is also noted that flood-free pedestrian access is available from the northeast corner of the site onto McNaughton Street via the proposed pathway during the 1% AEP event, while vehicular access remains available via the Harris Street entry.

5.2 Social Impact

The SIA, prepared by The Planning Studio has been updated to address DPHI's matter to include details of how the displacement of existing residents at the facility, including relocation arrangements and how these impacts will be managed. Refer to **Appendix 17: Social Impact Assessment**.

The residents of the existing RCF will be managed out of the RCF via a mix of natural attrition in the months leading up to construction commencement, with remaining residents to be relocated to one of SummitCare's nearby RCF's at either St Mary's, Smithfield, Canley Vale or Liverpool.

The recommendations within the SIA have been updated to require:

- SummitCare prepare a resident transition plan, which outlines at minimum the key dates, support that will be provided if relocation is required and the arrangements/requirements.
- SummitCare engage regularly with existing residents, their families and staff throughout the development and implementation of the plan to ensure that the transition plan requirements are clearly understood. A dedicated contact for any questions and concerns to be discussed should be provided by SummitCare and outlined in the Plan.
- The residents and their families be provided adequate notice before any relocation occurs and they are provided adequate support in any temporary move/relocation that will be required to ensure they are provided the opportunity to make decisions that are best for their particular circumstances.

5.3 Operational Noise

PWNA have updated the NVIA to address matters raised by Council and DPHI, specifically impacts associated with mechanical services equipment, onsite vehicle and car parking, waste collections, service and access areas, café, multi-function room, and external communal areas.

Refer to **Appendix 13: Noise and Vibration Impact Assessment**. A summary of the findings are provided below.

5.3.1 Mechanical Services Equipment

The NVIA identifies that the details of the required mechanical services equipment and acoustic treatments to ensure the relevant noise level criteria established based on industry standards identified within Section 5 of the NVIA will be achieved as part of the Construction Certificate submission of the project. PWNA considers that suitable acoustic treatment can be achieved for mechanical equipment such as:

- Supply and Exhaust Fans – location of fans within the building and treated using internally lined ductwork or acoustic silencers.
- General supply and exhaust fans – general exhaust and supply fans such as toilet, kitchen, lobby and other small mechanical fans can be acoustically treated using acoustic flex ducting or internal lined ducting.

5.3.2 Onsite Vehicle and Car Parking

The site has two proposed vehicle access points for the site, the basement car park entry on the western boundary off Harris Street and the port cochere access on the eastern boundary off McNaughton Street.

The NVIA assesses the operational noise from the car park will be minimal to nearby receivers as any noise will be sufficiently contained within the basement level. The operations of the entry/exit doors such as roller doors or motorised gates will be designed in accordance with internal noise levels established in Section 5 of the NVIA to minimise acoustic impacts.

The vehicular activities at the port cochere will be infrequent for drop off and pick up and/or for emergency ambulance access. As such, this area is anticipated to have minimal adverse impacts or annoyance on the nearby receivers.

Based on the proposed layout of the project, including the basement carparking and drop of areas the resulting noise levels resulting the vehicle movements of the site will comply the relevant noise level criteria established based on industry standards identified within Section 5 of the NVIA.

5.3.3 Waste Collection

The NVIA has been updated to include details of the waste removal arrangements from the site. Based on the requirements of the waste removal and the Waste Management Plan, prepared by Waste Audit submitted with the original SSDA lodgement, the site will have up to four (4) waste collections within a week, which include two (2) collections for general waste and two collections for recycling.

The resulting noise impact from the site will be similar to noise levels currently experienced by exiting receivers from exiting waste collection services, train noise and vehicle movements on surrounding roadways.

The recommended acoustic treatments to the building facade detailed in the NVIA include those required to ensure internal noise levels within the future dwellings of the project from the collection of waste will be acoustically acceptable and compliant with the recommended internal noise levels identified in Section 5 of the NVIA.

The removal of the waste from the site includes an essential service which will be undertaken on limited numbers of times a week and will be undertaken in accordance with Council's waste management requirements.

The NVIA concludes that the resulting noise impacts resulting from the collection of waste from the site will be acoustically acceptable and will not impact on the amenity of surrounding receivers.

5.3.4 Service and Access Areas

The NVIA has been updated to include an assessment of impacts from the service and access areas. The development includes services and access area (loading dock) to the south of the site off Harris Street. The use of the loading dock will be limited to include arrival and departures of van and small trucks during daytime hours only.

Based on the proposed operational hours of the loading dock the resulting noise impact from the use of the loading dock will be acoustically acceptable and noise impacts to the surrounding receivers will comply with the relevant noise level criteria established based on industry standards identified within Section 5 of the NVIA provided the following mitigation measures are implemented:

- The surface finish of the service area to include a ruff finish, such as bitumen, broom finished concrete or the like (to prevent wheel squeal).
- Any grates or metal plates to be securely fixed to prevent movement and resulting impact noise.
- Install a solid lapped and capped timber fence (or similar) to the western boundary of the site. The fence should include a minimum height of 2.1m and should be located as detailed in the figure below.

Figure 1: Fencing Detail (PWNA)

5.3.5 Café / Multi-Function Room

The café will not be open to the public and will be restricted for the use of residents and family visiting the residents within the development including up to 50 users. The operation and fit-out of the café will be subject for a separate Development Application (DA) and is not to be intended to be included as part of the subject SSDA. The expected hours of

operation of the café would be 7.00am to 10.00pm of the café including use of the external areas between 7.00am to 7.00pm, however the hours would be confirmed in a future fit-out DA.

The multi-function room will not be open to the public and will be restricted for the use of residents for social gatherings and social activities such as yoga, dancing classes, bingo and the like which will include groups of approximately 30-40 people. The multi-function room will not be used for functions for parties, or the like and night activities will only occur on rare occasions subject to strict acoustic management controls.

The use of the café/lounge and multifunction room would cater for occasional community meetings of up to 150-200 (all meetings will be undertaken within the building with façade openings closed).

Based on the use of these areas the NVIA recommends the following mitigation measures to ensure compliance with the relevant noise level criteria established based on industry standards identified within Section 5 of the NVIA:

- Amplified music is not permitted to be played externally to the building at any-time.
- All external openings are the be closed during periods when activities are being conducted within the areas within the potential to generate elevated noise levels including bingo, dancing classes or other activities which include playing of amplified noise.
- There will be staff around the clock so the neighbours will have a point of contact to communicate loud noise disturbances.
- Details of the detailed acoustic assessment and operational management controls of the café will further be included in the future DA of the café.

5.3.6 External Areas

The proposed external areas of the development will not be open to the public. The external areas will be restricted for the use of residents and family visiting the residents within the development.

The use of the external areas will include the use of normal residential uses, including that expected within the external gardens, pools and the like. Staff will be available as a point of contact for neighbouring properties to report loud noise disturbance.

The open spaces and gardens are quiet places for contemplation and very mild exercise. The resulting noise levels resulting from the proposed external open areas within the development include those which are consistent with normal residential aeras.

Based on the uses these areas the NVIA recommends the following mitigation measures to ensure compliance with the relevant noise level criteria established based on industry standards identified within Section 5 of the NVIA:

- External common areas are only to be used during the daytime and evening time which are as follows:
    - For Monday to Saturday, Daytime 7:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm.
    - On Sundays and Public Holidays, Daytime 8:00 am – 6:00 pm; Evening 6:00 pm – 10:00 pm)

- Use of the common area is permitted for communal activities. The area is not to be used for high noise generating activities such as large gatherings, playing of loud music or parties.
- Amplified music is not permitted in the communal area or in the common room at any-time.
- Signs must be installed within the area outlining the recommendations above.

5.4 Groundwater

Interim Groundwater Advice, prepared by Martens and Associates has been provided addressing groundwater interception as raised by DPHI and DCCEEW. Refer to **Appendix 10: Groundwater Advice**. The following is noted in summary:

- The Geotechnical Investigation sought to establish the nature of existing ground conditions through the drilling of eight (8) boreholes and three (3) groundwater monitoring wells.
- The monitoring of the groundwater levels within each of the wells were observed to be highly consistent with only minor fluctuations and response to incident rainfall to be minimal. Groundwater level data collected during the monitoring period indicated that the groundwater depth ranges between 20.83m AHD and 21.32m AHD over time.
- The Interim Groundwater Advice outlines field investigation and groundwater level monitoring and identifies that the proposed development includes a basement level with FFL of 24.3m AHD, excavation to approximately 23.8m AHD is expected to allow for basement slab construction. As such, groundwater (between 20.83m AHD and 21.32m AHD) is not expected to be intercepted during basement construction and no construction dewatering will be required and no associated licensing requirements in accordance with the Water Management Act.

5.5 Built Form & Height

The DPHI and Council's submission raised concerns with the compliance of the proposed development with the building height and building envelope controls contained within Clause 84 and Clause 87 of the Housing SEPP. The concerns and associated impacts are addressed below.

5.5.1 Building Height

The site is currently split into two zones - R3 Medium Density Residential (which permits seniors housing and shop top housing under PLEP2010) and R2 Low Density Residential (which permits residential care facilities and respite day care centres and shop top housing under PLEP2010). The proposed senior housing development is also permitted under Part 5 of Housing SEPP.

Given the permissibility of shop top housing on the site under PLEP, it is considered that Clause 87 of the Housing SEPP is applicable. Clause 87 of the SEPP has recently been amended to permit the bonus 3.8m height limit without the application of an FSR. Based on the amended Clause 87, the 3.8m bonus height combined with the permitted height of 9.5m under Clause 84(2)(c)(i) of the SEPP amounts to an applicable height of 13.3m for the site and also a service equipment height of 11.5m under Clause 84(3)(c) of the SEPP.

The development amounts to a height of:

Building A:

- Building Height: 16.8m (RL43.8)
- Service Equipment Height: 1.4m above topmost roof level (RL45.2)
- Total Building Height: 18.2m (4.9m or 36.8% departure)

Building B:

- Building Height: 16.3m (RL43.8)
- Service Equipment Height: 1.4m above topmost roof level (RL45.2)
- Total Building Height: 17.7m (4.4m or 33.1% departure)

Building C:

- Building Height: 16.3m (RL43.8)
- Service Equipment Height: 1.4m above topmost roof level (RL45.2)
- Total Building Height: 17.7m (4.4m or 33.1% departure)

The Clause 4.6 variation, prepared by The Planning Studio has been updated to include the service equipment within the building height variation. The Clause 4.6 variation confirms that compliance with the maximum Height of Buildings development standard contained in Clause 84 and Clause 87 of the Housing SEPP is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify the contravention to the development standard. Refer to **Appendix 7: Clause 4.6 Variation Request**.

5.5.2 Building Envelope

The development proposes part four, part five storey form for Buildings A, B and C. Building D has a single storey form. As such, the building envelope controls within Clause 84(2)(c)(iii) of the Housing SEPP only apply to the upper levels of Buildings A, B and C. Given the site has three street frontages, the building envelope controls have been applied along the rear setbacks of the site for Buildings A, B and C.

Jackson Teece have prepared elevational plans and building envelope diagrams addressing the building envelope controls within Section 84(2)(c)(iii). Buildings A, B and C sit entirely within the prescribed building envelope plane, with the exception of a minor non-compliance at the building parapet on the Level 4 roofed areas to the rear of Building A (with a maximum breach of 2.55m) and Building B (with a maximum breach of 1.03m). Updated shadow diagrams have been provided demonstrating the impact of the breach to be negligible. Refer to **Appendix 1: Architectural Drawings**. The Statutory Compliance Table has also been updated to address Clause 84(2)(c)(iii) of the Housing SEPP. Refer to **Appendix 14: Statutory Compliance Table.** The Figures below shows the minor breach:

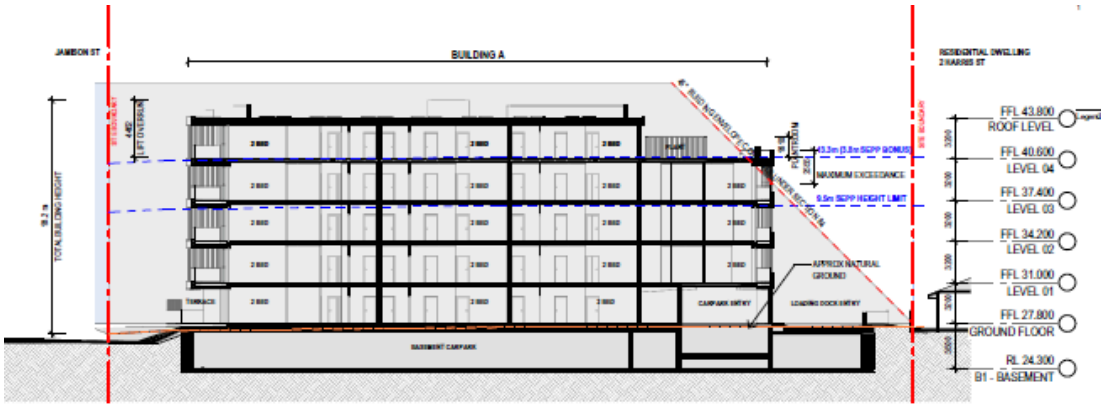

Figure 2: Proposed Building A Section 84 Building Envelope Compliance (Jackson Teece)

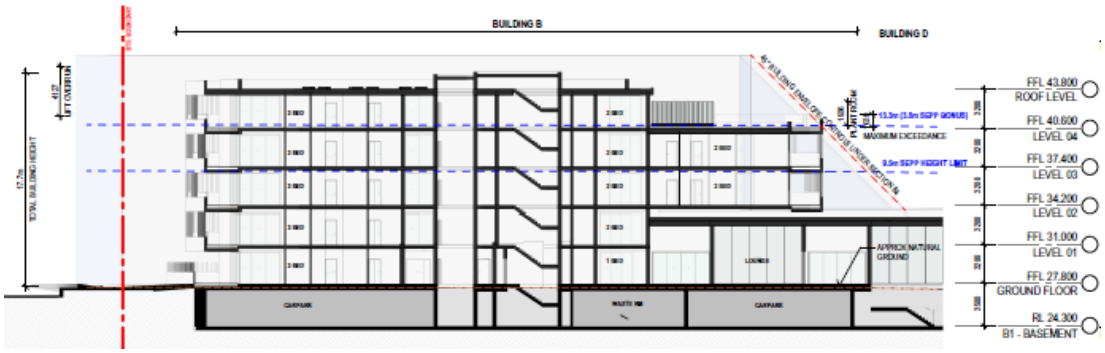

Figure 3: Proposed Building B Section 84 Building Envelope Compliance (Jackson Teece)

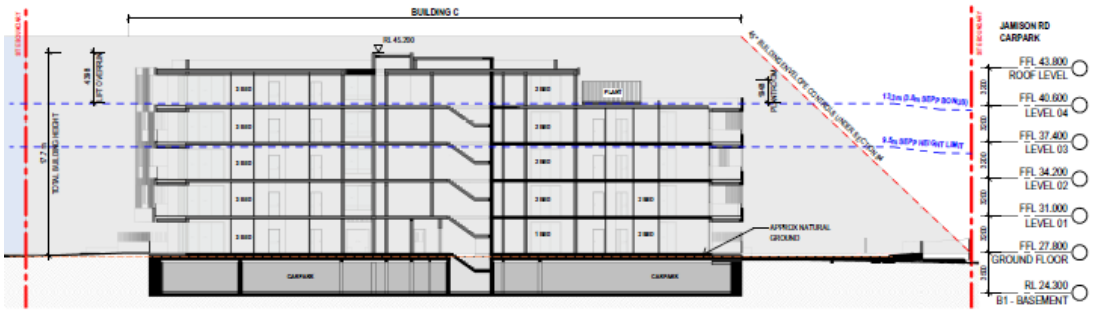

Figure 4: Proposed Building C Section 84 Building Envelope Compliance (Jackson Teece)

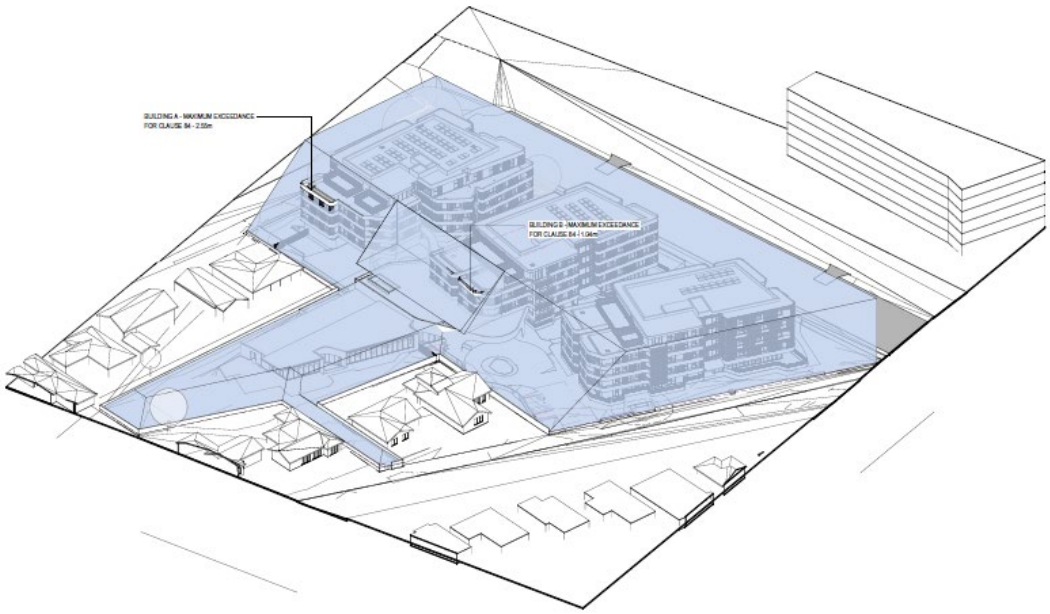

Figure 5: Proposed Building Envelope Diagram (Jackson Teece)

The Clause 4.6 variation, prepared by The Planning Studio has been updated to address the minor breach of the development with the building envelope controls. The Clause 4.6 confirms that compliance with the maximum Building Envelope development standard contained in Clause 84 of the Housing SEPP is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify the contravention to the development standard.

The proposed development delivers a much-needed upgrade to the existing residential aged care facility occupying the site, resulting in an improved outcome for the land use. A thoughtful and careful design approach to the existing and desired future character of the locality has been implemented, as the proposal presents an outcome for the site that is in keeping with the medium density residential character to the north of the site along Jamison Road.

5.6 Traffic & Parking

McLaren Traffic Engineering has prepared relevant swept paths and updated the Traffic Impact Assessment (TIA) addressing DPHI, Councils and public's concerns in relation to the compliance of the car parking areas and traffic impacts. Refer to **Appendix 18: Traffic and Parking Impact Assessment** and **Appendix 19: Traffic - Swept Path Analysis**. This is discussed in detail below.

5.6.1 Car Parking Layout

Jackson Teece have prepared an amended basement car park plan demonstrating compliance with AS 2890, Parts 1, 2 and 6 in accordance with matters raised in Council and DPHI's submission. Refer to **Appendix 1: Architectural Drawings**.

5.6.2 Amended Traffic Impact Assessment

McLaren Traffic Engineering has prepared relevant swept paths and updated the Traffic Impact Assessment addressing Council's submission and a summary is provided below:

- The swept paths have been provided demonstrating compliance with AS 2890.1, AS 2890.2 and AS 2890.6.
- The loading dock and waste collection area and driveway have been designed to accommodate a heavy rigid vehicle (HRV), however due to the headroom restrictions a medium rigid vehicle (MRV) will service this area.

5.6.3 Upgraded Bus Stop / Shelter

The applicant acknowledges that the proposal warrants the provision of an upgraded bus stop and shelter on Jamison Road as indicated in Council's submission and welcomes a condition to be imposed on any consent granted requiring for an upgraded bus stop and shelter.

5.6.4 Traffic Impact

It is noted that the public submissions raised concerns with impacts on the traffic network as a result of the development and pedestrian / cyclist safety.

It is considered that that traffic generated by the proposed development has been assessed using SIDRA modelling within the TIA and has been found to not detrimentally impact the ongoing operation of the existing road network. The development also seeks to improve the pedestrian / vehicular eligibility of the site to increase safety. The development provides the required car parking spaces to reduce impacts on the street.

TfNSW reviewed the SSDA and raised no objection to the proposal and noted that the development will not have a detrimental impact on the surrounding classified road network.

5.7 Trees Retention

Arterra has prepared Arboricultural Response addressing the matters raised by Council for tree retention at the north-western corner of the site for the trees identified as T66, T67, T68, T69, T70 and T79 within the Figure below.

Figure 6: Tree Removal Plan (Arterra)

The development seeks to retain T66, however seeks the removal of T67, T68, T69, T70 and T79. Refer to **Appendix 6: Arborist Report**, a summary of the response is provided below:

- The trees have grown as a group and provide worthwhile screening and urban canopy. However, given their current forms and the species they are not considered as 'high' value trees. They are 'moderate' value trees and their retention values were noted during the design process of the development.
- T66 was identified as one of the only trees in the group that could be successfully retained with minimal impacts from the removal of the other trees, given its current canopy form and position on the site.
- To successfully retain more of the trees would necessitate the retention of most, if not all the trees within this north-western group, given their intergrown nature. However, given the size of the trees, (particularly T67 and T69 (Populus deltoides)) and their required tree protection zone (TPZ) radius and their overhead canopy spreads, retaining the trees would have a great impact on the location and extent of both the building and basement locations and would require substantial re-design to now accommodate their retention.
- The retention of T79 (Schinus areira), is considered highly problematic given the tree's large trunk diameter and its resultant extremely large nominal TPZ. Its retention is considered to be impractical, as a large area of the site would be required for it to be retained and would render this area to be undevelopable.
- The removal of the trees is possible without injuring T66. It is very common on similar development sites to remove trees that are in close proximity to other trees to be retained. With appropriate techniques and oversight the other trees could be removed while still retaining T66 with minimal impacts.

- The existing trees are exotic and deciduous species and, on balance, it was considered appropriate to remove most of these trees to achieve the required built forms and provide replacement planting of native species as identified within the Landscape Plan, prepared by Arterra submitted with the original SSDA lodgement.
- The removal of the trees on the site has been well compensated through the proposed landscape design and the specification of a diverse selection of additional trees that respond to the new building designs and are of more appropriate and climate adaptive species. Many of the new trees, particularly in the street frontages are also Australian native trees. The sites existing canopy cover is proposed to be increased from a modest 14% to a 'best practice' target of greater than 30%.

5.8 Water Management

TTW has updated the Integrated Water Management Plan addressing the matters raised by Council to include information on non-potable demands / rainwater re-use assumptions and compliance with Council's WSUD Technical Guidelines. In addition, the report has undertaken an assessment in accordance with Chapter 6 - Water Catchments of State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Refer to **Appendix 11: Integrated Water Management Plan**. A summary of the findings is provided below.

5.8.1 Stormwater Management

The stormwater management strategy within the IWMP has been developed to address the requirements as stipulated in PDCP. By extension, the design addresses the applicable stormwater requirements of Chapter 6 – Water Catchments of State Environmental Planning Policy (Biodiversity and Conservation) 2021. The IWMP concludes that the on-site detention and stormwater treatment measures have been introduced to manage stormwater runoff from the development. The stormwater management strategies identified within the initial SSDA lodgement is to be maintained and includes:

- Adequate provision of sedimentation and erosion control measures will be implemented to prevent potential soil degradation and pollution of waterways during the construction phase of the development.
- Connection five (5) stormwater discharge points that include connections to Council's inground drainage network and connections to the kerb discharge on Harris Street and McNaughton Street. An on-site detention (OSD) OSD tank is proposed to capture the building roof catchment, which makes up the majority of the site.
- The stormwater treatment measures will include a combination of proprietary stormwater quality devices, swales and a rainwater tank are proposed to manage various catchments of the development.

5.8.2 Rainwater Tank

The rainwater tank is proposed to be utilised for landscape irrigation and 2 car washing bays. A rainwater tank of 200kL is nominated based upon the entire roof catchment (4,000m^2) connecting to the tank and an irrigated area of 4,000m^2. The roof is proposed to

be drain by a siphonic drainage system to ensure the entire roof can discharge to the rainwater tank.

The reuse rate of 0.4kL/year/m^2 was assumed based on guidance from Council's WSUD Technical Guidelines for sprinkler systems.

The rainwater tank will provide significant reductions to pollutant loads in site discharge and will reduce potable water use. During larger storm events, or when the rainwater tank is full, the tank will overflow to the Stormfilter chamber of the proposed onsite detention tank.

5.9 Aboriginal Cultural Heritage

An updated AHIMS search has been provided addressing the matters raised in DPHI and Heritage NSW submission which reflects the ACHAR, prepared by GML. Refer to **Appendix 3: Aboriginal Heritage Information Management System**.

GML has provided additional information in relation to Aboriginal Consultation to compliment Appendix B of the ACHAR as requested by Heritage NSW, this is detailed in **Section 4.3** of this report and refer to **Appendix 5: Aboriginal Community Consultation**.

GML also has updated the AARD to address Heritage NSW's submission. **Appendix 4: Aboriginal Archaeological Research Design Report**. The AARD outlines a program and methodology of Aboriginal archaeological excavations required to understand the area's Aboriginal archaeological potential. As part of the excavation, test pits will be required to be established. Heritage NSW sought confirmation on the excavation of the test pits. A summary is provided below:

- Confirmation of the number of test pits proposed as a part of test excavations, to be 11 test units (TUs) and Figure 3.1 (reproduced in the below Figure) within the ARD to be correct.
- Confirmation that the criteria to be used to assess the appropriate length of each TU will be determined through onsite consultation between the archaeologists and onsite RAPs. Factors which may affect the length of each TU include prior disturbances, work health and safety (WHS) requirements for shoring/benching to access deeper deposits, or spatially extensive archaeological deposits.
- Confirmation that manual excavation would occur at locations shown to consist of intact strata with an archaeological signature of five (5) or more Aboriginal objects per 1m of each excavated 100mm spit or an Aboriginal cultural feature. Excavations would proceed in accordance with Section 3.2.2 of the AARD. All other excavations would employ machine excavation in accordance with Section 3.2.1 and 3.2.2 of the AARD.
- Confirmation that the ground surface surrounding each trench will be lowered by 1m for the full depth of the test pit (lowering following the excavation of each metre of deposit). Noting that benching around a trench may require wider areas than 1m if a safe workspace is to be maintained.

Figure 3.1 Indicative 20m x 20m sampling grid. (Source: Six Maps with GML overlay)

Figure 7: Figure 3.1 contained within the AARD providing a location of the 11 test units. (GML)

5.10 Waste

The DPHI and Council's submission raised concerns with the acoustic impacts from waste collection and the servicing of waste vehicles on site.

5.10.1 Acoustic

PWNA have updated the NVIA to address the acoustic impacts from waste collection. This is discussed in detail in **Section 5.3** of this report and refer to **Appendix 13: Noise and Vibration Impact Assessment**.

5.10.2 On-Site Servicing

Waste collection will occur from the loading dock and waste collection area accessed from Harris Street to the rear of Building A. The area and driveway have been designed to accommodate a HRV; however a MRV will undertake waste collections during the early morning hours, consistent with Council's waste collection time restrictions. McLaren Traffic Engineering has prepared relevant swept paths and for the loading dock and waste collection area and updated the TIA that demonstrates a MRV can adequately manoeuvre in accordance with the relevant Australian Standards. Refer to **Appendix 18: Traffic and Parking Impact Assessment** and **Appendix 19: Traffic - Swept Path Analysis**.

5.11 Services

Council's submission raised concerns with the service equipment location and driveway location along McNaughton Street. The concerns and associated impacts are addressed below.

5.11.1 Service Equipment Location

The placement of service equipment ie the fire hydrant booster assemblies and service metres located at the north-eastern corner of the site and substitution located in the setback to McNaughton Street is the result of multiple factors that include life safety and operational consideration.

The hydrant booster and water have been placed in an enclosure to provide an appropriate presence on McNaughton Street. The substation has been surrounded by vegetation and integrated into the buffer landscape design.

The service equipment is generally located in the setback area of the proposed development for the following reasons:

- Emergency Access - Firefighters and utility crews need rapid, unobstructed access. Placing substations and hydrant boosters in the setback ensures they can be reached directly from the street, without entering the building or moving through private/common areas.
- Reduced Risk to Residents - Electrical substations contain high-voltage equipment; locating them away from habitable areas reduces exposure to fire, smoke, or explosion hazards.
- Minimised Fire Spread - Keeping these services outside the building envelope and in non-habitable setback areas lowers the chance of fire spreading from equipment into apartments.
- Agency Compliance - Power authorities (Ausgrid, Jemena, etc.) require substations to be accessible from a public road or setback for routine maintenance and emergencies.
- Fire brigades require hydrant booster assemblies to be in clear view from the street frontage so they can be quickly connected to their appliances.
- Uninterrupted Operation During an Emergency - Fire services must be able to connect to the booster without entering the building, especially if the fire is in the lobby or car park. Locating in the setback ensures equipment remains usable even if parts of the building are inaccessible.
- Reduced Disruption to Residents - Maintenance, testing, or emergency repairs can occur without service crews entering secure residential areas or disturbing occupants.

5.11.2 Driveway Location

The driveway access from McNaughton Street within the proposal maintains the existing driveway access currently servicing the site.

The proposal significantly improves the overall amenity and interface between the subject site and 11 McNaughton Street (located immediately south of the site) with the provision of

landscaped area along the boundary varying in width between 1m and 9.6m. The compressed landscaped setbacks have been placed where the building on the south side has its bulk/garage, so that the aspect from its windows focus on the larger areas where trees have been placed.

From the street, the setback presents itself filtered by an edge of growing on a screen, with a Green Avenue Lilly Pilly and two Brush Boxes screening the development from the neighbours.

6 Updated Project Justification

This Report has responded to each of the issues raised in the government agencies and public submissions received regarding the proposed seniors housing development at the site. There is no change to the evaluation of the proposal's statutory or strategic merit, as a result of the RTS.

6.1 Suitability of the site

The site is considered highly suitable for the revised proposed development, and the revised development remains suitable for the site for the following reasons outlined in the EIS initially submitted with the SSDA lodgement and this RTS Report:

- **The proposal complements the character of development within the site and immediate locale.**

  The proposed development is complementary to the objectives for the R3 Medium Density Residential Zone. Specifically, the proposed development is considered to present an outcome for the site that is in keeping with the medium density residential character to the north of the site along Jamison Road.

  Whilst the development does result in a breach with the height development standards and a minor departure from the building envelope standards prescribed by the Housing SEPP, the proposed development delivers a much-needed upgrade to the existing residential aged care facility occupying the site, resulting in an improved outcome for the land use. A thoughtful and careful design approach to the existing and desired future character of the locality has been implemented.

- **The proposal will achieve residential uplift at an accessible location.**

  The site is well-serviced by a range of high-frequency public transport options, including Penrith Train Station and Bus Routes along Jamison Road. These public transport services provide a direct connection to Penrith City Centre and surrounding suburbs. Access to suitable transportation options is a critical requirement for seniors' housing.

  To support the residential uplift in the area, the applicant is willing to upgrade and improve the existing bus stop and shelter along Jamison Road, subject to a condition imposed in the consent to encourage greater accessibility within the area.

- **Surrounding cultural and social infrastructure will support the proposed development.**

  The established residential context for the site will support opportunities for senior residents to 'age in place' within an established residential context that benefits from ready access to a range of cultural and social infrastructures.

- **There is an identified need for housing options that allow residents to 'age in place'.**

  The delivery of additional and diverse seniors' housing options responds to the demographic profile of Penrith, where the elderly age bracket has experienced significant population growth. It has been established that the proposed mix of ILUs

and RCF beds will ensure the necessary level of care is available to residents without compromising lifestyle independence.

- **The proposal will leverage the critical mass of an existing residential aged care facility.**

  The proposal to upgrade the existing aged care facility at Penrith will deliver a contemporary and high-quality aged care development that aligns with the changing approach to seniors living, including increasing focus on aging in place.

6.2 Public Interest

The proposal will deliver significant public benefits to the community. The proposal is in the public interest for the following reasons outlined in the EIS initially submitted with the SSDA lodgement and this RTS Report:

- **The proposal is anticipated by the local statutory and strategic planning frameworks.**

  The proposal will support relevant state and local strategic plans and generally complies with the relevant State and local planning controls with the exception of height and building envelope under the Housing SEPP. The height / building envelope variation is supported by a Clause 4.6 submission. Refer to **Appendix 7: Clause 4.6 Variation Request**.

- **Expansion of a socially vital offering to the local community.**

  This SSDA will facilitate the upgrade of an existing RCF of a socially vital offering to the local community. It has been demonstrated that no unacceptable adverse environmental, social or economic impacts will arise from the proposed development.

- **The proposal will address the aging demographic profile of Penrith.**

  As mentioned, the proposed delivery of additional and diverse seniors' housing options responds to the evolving demographic profile of Penrith. There is a strategic need for low-maintenance seniors' housing with access to care that does not compromise lifestyle autonomy.

- **Temporary and permanent employment opportunities will be created.**

  Temporary and permanent employment opportunities will be generated during the construction and operational phases of the proposal.

- **The proposal will deliver high-quality public open space.**

  The proposal will deliver meaningful public space throughout the development.

- **An extensive program of public engagement predates the submission of this SSDA.**

  The issues identified during the stakeholder engagement have been addressed through the design of the proposed development, and appropriate mitigation where necessary.

7 Conclusion

This RTS Report has been prepared on behalf of SummitCare Penrith to address matters raised by the DPHI, public agencies, Council, stakeholders and the community during the exhibition of SSD-68603709. The SSDA seeks to redevelop an established, but dated, residential care facility, owned and operated by SummitCare Penrith, and its conversion into a new seniors housing development that also includes a residential care facility at 366 Jamison Road, Jamisontown NSW 2750.

Following the conclusion of the Public Exhibition period for the proposed development, SummitCare Penrith has addressed detailed feedback from DPHI, Council, various public agencies and the local community. This feedback has informed the detailed response within this RTS Report, which are supported by the updated technical documents that are appended to this document.

The proposed development represents a significant contribution to the supply of aged care housing in the Penrith local government area with the delivery of 93 independent living units and 5 residential care facility beds. The proposal is a positive housing and social outcome for the community as it allows older people to age in place.

It has been demonstrated that no unacceptable adverse environmental, social or economic impacts will arise from the proposed development. This RTS Report and the appended material has provided an exhaustive assessment of and response to submissions that should suffice to facilitate DPHI's assessment and timely determination of this SSDA.

8 Appendices

Appendix 1: Architectural Drawings

Appendix 2: Architectural Urban Design Report

Appendix 3: Aboriginal Heritage Information Management System

Appendix 4: Aboriginal Archaeological Research Design Report

Appendix 5: Aboriginal Community Consultation

Appendix 6: Arborist Report

Appendix 7: Clause 4.6 Variation Request

Appendix 8: Flood Impact and Risk Assessment

Appendix 9: Flood Emergency Response Plan

Appendix 10: Groundwater Advice

Appendix 11: Integrated Water Management Plan

Appendix 12: NatHERS and BASIX Assessment

Appendix 13: Noise and Vibration Impact Assessment

Appendix 14: Statutory Compliance Table

Appendix 15: SEARs Items and Mitigation Measures Table

Appendix 16: Section J Report

Appendix 17: Social Impact Assessment

Appendix 18: Traffic and Parking Impact Assessment

Appendix 19: Traffic - Swept Path Analysis

Appendix 20: Submissions Register