

# GYDE

## Response to Submissions Report

‘Pathways Leura Village Seniors Housing’  
(SSD-80068720)

203-223 Leura Mall, Leura

Submitted to NSW Department of Planning, Housing and Infrastructure  
on behalf of The Trustee for Skermanic Settlement

5 February 2026

## Acknowledgment of Country



Towards Harmony by Aboriginal Artist Adam Laws

Gyde Consulting acknowledges and pays respect to Aboriginal and Torres Strait Islander peoples past, present, Traditional Custodians and Elders of this nation and the cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander people. We recognise the deep and ongoing connections to Country – the land, water and sky – and the memories, knowledge and diverse values of past and contemporary Aboriginal and Torres Strait communities.

Gyde is committed to learning from Aboriginal and Torres Strait Islander people in the work we do across the country.

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## Appendices

As submitted – 22 September 2025

Reference	Title	Author
A	SEARs Compliance Table	Gyde Consulting
B	Statutory Compliance Table	Gyde Consulting
C	Mitigation Measure Compliance Table	Gyde Consulting
D	Clause 4.6 Variation Request – Height of Buildings	Gyde Consulting
E	Site Survey	Geosurv
F	Architectural Plans	PBD Architecture
G	Architectural Design Report	PBD Architecture
H	Landscape Plans	Svalbe & Co + Brendan Moar
I	Landscape Report	Svalbe & Co + Brendan Moar
J	Arboricultural Impact Assessment	Bradshaw Consulting Arborists
K	BDAR Waiver Request Letter	Biosis
L	BDAR Waiver	Department of Climate Change, Energy, the Environment and Water
M	Aboriginal Due Diligence Assessment	Biosis
N	Statement of Heritage Impact and Conservation Works Schedule	Weir Phillips Heritage
O	Façade Rehabilitation Report, Façade Site Report and Façade Statement Letter	Mantis Engineering
P	Existing Heritage Building Structural Strategy and Letter of Support	SCP Engineers
Q	Historical Archaeological Assessment	Biosis
R	Engagement Outcomes Report	Gyde Consulting
S	Social Impact Assessment	Gyde Consulting
T	Crime Prevention Through Environmental Design Report	Gyde Consulting
U	Traffic Impact Assessment and integrated Construction Traffic Management Plan	McLaren Traffic Engineering
V	Cultural Landscape Study	John Oultram Heritage and Design
W	Noise and Vibration Impact Assessment	Pulse White Noise Acoustics
X	Bushfire Risk Letter	Blackash Bushfire Consulting
Y	Flood Impact Assessment Report	SCP Engineers
Z	Geotechnical Investigation	JK Geotechnics
AA	Consolidated Preliminary Site Investigation and Detailed Site Investigation	Reditus Consulting
BB	Remediation Action Plan	Reditus Consulting
CC	Demolition and Construction Waste Management Plan	Waste Audit and Consultancy Services
DD	Operational Waste Management Plan	Waste Audit and Consultancy Services
EE	Stormwater Drainage Design Report and Plans	SCP
FF	Ecologically Sustainable Development Report	Aspire Sustainability Consulting

Reference	Title	Author
GG	Statement of Compliance – Access for People with a Disability	Accessible Building Solutions
HH	Fire Performance Solution Letter	Holmes
II	Section J Assessment	Aspire Sustainability Consulting
JJ	BCA Compliance Assessment Report	AED Group
KK	Estimated Development Cost Report	Hugh B Gage Pty Ltd
LL	Owners Consent	Skermanic Settlement Pty Ltd
MM	Executive Summary	Gyde Consulting

## Inputs provided post-lodgement to accompany Response to Submissions / Amendment Report

Reference	Title	Author
1	Amendment Report	Gyde Consulting
2	Revised Clause 4.6 Variation Request (Height)	Gyde Consulting
3	Clause 4.6 Variation Request (FSR)	Gyde Consulting
4	Revised Statutory Compliance Tables	Gyde Consulting
5	Revised Mitigation Measures Table	Gyde Consulting
6	Revised SEARs Compliance Table	Gyde Consulting
7	Revised Architectural Drawings	PBD Architects
8	Revised Architectural Design Report	PBD Architects
9	Revised Landscape Plans	Svalbe & Co + Brendan Moar
10	Revised Landscape Design Report	Svalbe & Co + Brendan Moar
11	Supplementary Traffic and Parking advice	McLaren Traffic Engineering
12	'Response to RFI' Heritage Impact Addendum	Weir Phillips Heritage
13	HAZMAT Survey	Prensa
14	Revised BCA Compliance Assessment Report	AED Group

## 1. Introduction

State Significant Development Application SSD-80068720 was submitted to the Department of Planning, Housing and Infrastructure (DPHI) on 22 September 2025 for the restoration of the Ritz estate and construction of a new fit-for-purpose residential care facility (RCF) at 203-223 Leura Mall, Leura (the site).

The site is located within the Blue Mountains Local Government Area (LGA). The proposed development, as *originally submitted* included:

- Restoration of the heritage listed buildings and grounds.
- Construction of a RCF providing 138 beds within the heritage listed building and 2 x new 3 storey buildings known as the 'west' and 'south' wings. Of note:
  - Ancillary communal facilities are proposed including lounge/dining areas, salon, café, cinema and bar area, being for resident use only;
  - Kitchen and laundry facilities are provided; and
  - Nurse stations and serveries are provided on each level.
- A basement level comprising 33 car parking spaces and an ambulance bay accessed from the south-west corner of the site off Wascoe Street. Residents can access the development either via the basement carpark through the proposed lift lobby or from the secondary accessway off Leura Mall with 2 short stay spaces. The basement level also contains back of house facilities including waste storage and collection, storage rooms, laundry and kitchen.
- Extensive landscaping, tree removal and replenishment, and fencing.
- Site preparation including demolition, remediation, earthworks, stormwater management and engineering works.

Key SSDA milestones thus far include:

- The Industry Specific SEARs was received 20 February 2025.
- The SSDA was submitted to DPHI on 22 September 2025.
- The SSDA and associated documentation was placed on public exhibition from 8 October 2025 to 22 October 2025.

Following public exhibition and in addition to the public and agency submissions, DPHI provided a Request for Additional Information dated 14 November 2025. These matters are addressed in detail in this Response to Submissions (RtS) Report.

This RtS Report provides a detailed analysis of the submissions received from the community, Blue Mountains City Council (Council) and NSW Government agencies during the public exhibition period and provides details of the actions undertaken by the project team in response.

The content in this RtS Report and accompanying annexures will enable the Minister (or delegate) to determine the SSDA in accordance with section 4.38 of the EP&A Act.

This Report is to be read in conjunction with the Amendment Report prepared by Gyde Consulting dated 4 February 2026. These amendments respond to the matters raised and deliver a superior built form outcome than that originally submitted by enhancing amenity for future residents and neighbours alike.

## 2. Analysis of submissions

A total of 8 community submissions were received during the exhibition period, and 1 submission was received after the exhibition period. In addition, 5 submissions were received from various authorities, including the DPHI, Council, Endeavour Energy, Transport for NSW (TfNSW), Sydney Water and the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) .

The following bullet points summarise the combined total of 13 submissions (comprising those submitted during the exhibition period):

- 5 community submissions (38.5%) objecting to the proposal.
- 3 community submission (23.1%) supporting the proposal.
- 5 submissions/comments were provided by agencies and Council (38.5%).

Submissions were received from the following locations:

**Table 1: Community submissions**

Locality	Number of submissions
<b>Object</b>	
Leura	4
Vaucluse	1
<b>Support</b>	
Leura	2
Chatswood	1
<b>Total</b>	<b>8</b>

Note: the above table is not inclusive of 1 x submission received outside of the exhibition period being consistent with the DPHI's advice for addressing in this RtS Report.

In addition to submissions received from the community, submissions were received from the following authorities:

**Table 2: Authority submissions**

Authority
DPHI
Council
DCCEEW – Water Group
Endeavour Energy
Sydney Water
TfNSW

### 2.1 Supported outcomes

The submissions identified the following positive outcomes of the proposal:

- Close proximity to train line providing easy access for employees and visitors
- Ideal location for an area that already attracts many retirees
- Restoration of the former 'The Ritz' estate.

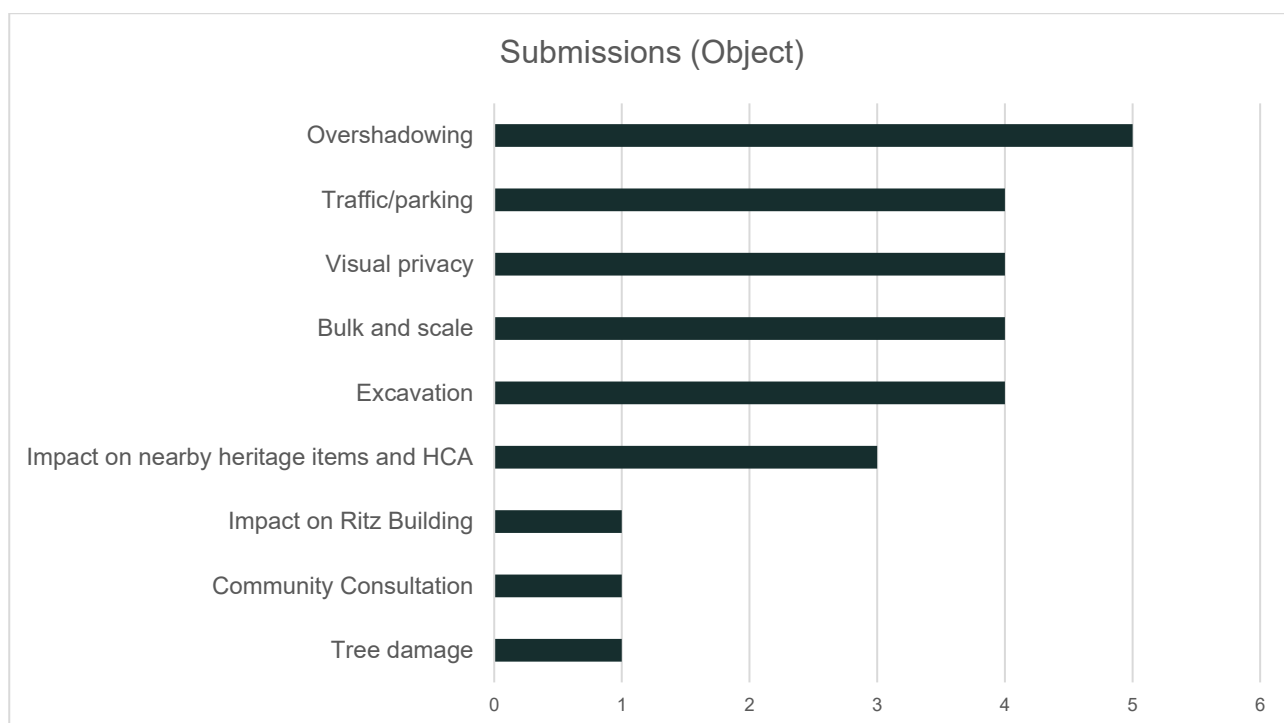
## 2.2 Key issues raised by the community

### 2.2.1 Summary of key issues

Of the 5 submissions received from the community in objection to the proposal, the key issues raised related to:

- Overshadowing
- Traffic and parking
- Visual privacy
- Bulk and scale
- Impact on heritage buildings
- Extent of excavation
- Community consultation
- Tree removal

This data has been summarised in the graph below.



### 2.2.2 Breakdown of community submissions

The key issues raised by the local community in response to the SSDA predominantly related to amenity concerns as they relate to overshadowing, traffic congestion and parking, visual privacy, bulk and scale, excavation impacts and the impact on the adjacent heritage items.

Submitters expressed their concern that the proposed height of the proposal was not consistent with the local character and resulted in overshadowing and the dwarfing of nearby low-density dwellings.

The community raised concern that the proposal would result in traffic impacts on Wascoe Street and place unnecessary strain on this road in the Leura network. Submitters flagged that in their view Wascoe Street is an unsuitable location for the carpark driveway. Submitters queried whether the proposal accommodates ample on-site parking to support the development.

Some submissions raised concerns regarding the excavation of the proposed buildings and the impact on neighbouring properties during construction. Submissions were also concerned that the proposal will have a significantly negative impact on the heritage listed items nearby, while one submission was concerned about the impact on The Ritz building on the site itself.

Concerns about community consultation have also been voiced, with some residents feeling that the process was insufficient, or that they were not properly consulted about the development.

The matters raised in objections to the proposal have been carefully considered by the project team and a response to each item of concern has been provided in Section 0 of this RtS Report.

## 2.3 Breakdown of Agency Submissions

Relevant feedback and advice has been received from various agencies as detailed below.

### 2.3.1 DPHI

A 'Key Issues Letter' was provided by DPHI dated 14 November 2025. In summary, the key matters raised include:

- Amenity impacts to southern properties – DPHI noted that the proposed southern setback, building height, topography of the land and the removal of existing vegetation on the southern boundary, results in significant overshadowing, visual privacy and visual impact to the residential properties to the south.
- The calculation of maximum height and FSR – DPHI requires the clause 4.6 variation request for building height to be updated and a new clause 4.6 variation request be provided for the proposed FSR variation.
- Lift access to attic and staff spaces – DPHI noted that it appeared that persons using the lift are required to walk across the open roof to access the attic staff only area in the Ritz building. This was noted as an unsafe path of travel.
- Heritage – DPHI requested additional detail and specific justification for all reasons for refusal and issues raised with heritage in the Council DA and NSW Land and Environment Court decision have been adequately addressed. Further, additional information is sought to justify that the demolition of the weatherboard cottage fronting Leura Mall will have no adverse impact on the heritage significance of the site.
- Traffic and car parking – Additional justification is sought as to how it has been determined that no traffic will travel south from the site. Further, DPHI requested a section plan showing the basement driveway achieves the required head height clearance of the largest vehicle proposed to enter the basement.
- Other matters – DPHI sought additional information for various matters such as Clause 6.4 (3) of the BMLEP 2015 (slope constraint), a HAZMAT survey, updated BCA report and revised Architectural Plans.

DPHI's Key Issues Letter is addressed in greater detail in Section 4.

### 2.3.2 Council

A submission was received from Blue Mountains City Council dated 22 October 2025. The submission provided background as to Council's previous assessment of Development Application No. X/1436/2021, and subsequent changes to housing policy in November 2021, meaning the nature of the current proposal constitutes State Significant Development (SSD).

Council staff noted and recognised the significance of this site to the Leura village context and are generally supportive of the applicant's intent to reinstate an operational residential aged care facility. Further, Council also acknowledged that the applicant has undertaken a number of consultative discussions with Council staff following the issuing of the SEARs, and that heritage considerations appear to now play a greater role in the analysis and design approach.

Council ultimately noted that some of the primary concerns that prevented support of the previous DA have been resolved through design changes and improved application documentation, however, in Council's view some issues remain. Council's submission is addressed in greater detail in Section 4.

### 2.3.3 Endeavour Energy

A submission was received from Endeavour Energy dated 13 October 2025. The submission noted various reasons for conditions. A prior submission was also attached, which related to Development Application X/1436/2021.

### 2.3.4 TfNSW

A submission was received from TfNSW dated 17 October 2025 noting no objections to the proposed development. TfNSW recommend DPHI to ensure that Council is satisfied that the swept path analysis and vehicle movement data on the local road network provides safe access and manoeuvrability for the design vehicle and emergency vehicles, particularly during peak periods. In addition, TfNSW note that consideration should be given to the types of vehicles expected during both construction and operation phases, and whether the proposed access routes are suitable for those vehicle types.

### 2.3.5 Sydney Water

Sydney Water provided a response dated 20 October 2025 which noted various Sydney Water requirements to assist in understanding the servicing needs of the proposed development. In summary, Sydney Water comments included:

- Confirmation that Sydney Water's preliminary assessment indicated that water and wastewater servicing should be available for the proposed development.
- Sydney Water noted that detailed requirements will be provided at the Section 73 application stage.
- Sydney Water would require the following conditions be included in the development consent:
  - Section 73 Compliance Certificate
  - Building Plan Approval

### 2.3.6 NSW DCCEEW – Water Group

A submission was received from NSW DCCEEW Water Group, dated 22 October 2025. The submission simply noted that NSW DCCEEW Water Group considers the potential for groundwater interference and associated impacts as minor. A post approval recommendation in regard to water take and licencing was also provided.

## 2.4 Categorising issues

The issues received by the community and agencies are grouped into the categories adopted from the 'State Significant Development Guidelines – Preparing a submissions report' (March 2024).

### 2.4.1 The project

- **Bulk and scale:** The scale of the development is viewed as out of character for the local area.
- **Overshadowing:** Concern that the proposal contributes to adverse overshadowing impacts on the low-density residential development and the heritage buildings adjacent to the site.
- **Traffic impacts:** Concern that the proposed development will worsen existing traffic congestion in the local area.
- **Excavation:** Concern that excavation for the development will negatively impact the amenity of the area

## 2.4.2 Procedural matters

- **Community consultation:** Concerns regarding the community consultation process.

## 2.4.3 Economic, environmental, and social impacts

- **Visual privacy:** Concerns that the proposed development will cause overlooking impacts on neighbouring properties
- **Heritage:** Concerns about the proposed impact on the heritage items close to the development and the heritage conservation area

## 2.4.4 Justification and evaluation of the project as a whole

None applicable.

## 2.4.5 Issues that are beyond the project scope

None applicable.

### **3. Actions taken since exhibition**

In response to the issues raised during the public exhibition, the project team has undertaken a series of actions outlined below to address feedback and refine the project.

#### **3.1 Project refinements**

The Amendment Report (Appendix 1) is submitted in accordance with *Environmental Planning and Assessment Regulation 2021*, Division 2 Section 37 Amendment of development application. Subsection (1) allows a Proponent to apply to the consent authority for an amendment to the SSDA at any time before the application is determined. This formal amendment is submitted to the DPHI for their consideration and relates to the matters raised through the RtS process. It has been prepared for the avoidance of doubt and to enable DPHI to finalise their assessment.

At a high-level, the key project amendment relates to a proposed revised profile of the southern elevation, resulting in the removal of two RAC rooms, and resulting in overshadowing and privacy improvements the properties which sit to the south – namely 24 Wascoe Street. Refer to Appendix 1 and later sections of this RtS for further detail and assessment.

#### **3.2 Further assessment of project impacts**

To support the additional impact assessment, additional or revised technical reports have been prepared as part of the revised SSDA package as detailed in the Appendices List.

The environmental impact assessment undertaken for the project as part of the original EIS and the Amendment Report (Appendix 1), has determined that the project would not result in any significant adverse impacts to environmental, cultural, social and economic values. The majority of the remaining impacts have been concluded as being generally consistent with those previously presented in the EIS. Any potential residual impacts can be suitably controlled with the management and mitigation measures proposed.

Therefore, despite the scheme being amended with a view to address comments received from the DPHI, community, Council and agencies, the general nature and form of the proposal being for a new seniors housing (RAC) development remains the same as the original proposal.

#### **3.3 Review and analysis of submissions**

The broader project team convened throughout the extent of the RtS phase to systematically review and analyse the submissions received. This collaborative approach has informed the project's refinement, ensuring that community and stakeholder feedback is incorporated into the final design.

#### **3.4 Instruction of technical consultants**

Technical consultants were instructed to provide specialised advice on several key issues. Their expertise has guided the project team in making informed decisions that enhance the development's functionality and its integration with the surrounding community.

#### **3.5 Further engagement**

Community consultation and public exhibition was carried out in strict accordance with DPHI's policies and guidelines. All adjoining properties were notified per DPHI's policies, ensuring that the community was adequately informed and had the opportunity to provide feedback.

In summary, the Proponent has taken significant steps to address the concerns raised during the public exhibition, including refining the project design, conducting additional impact assessments, and engaging with technical consultants. These actions demonstrate the Proponent's commitment to delivering a development that is responsive to community needs while maintaining the project's overall viability.

## 4. Response to submissions

The sections below provide tabulated responses to the submissions received by the community, DPHI, Council and Agencies.

### 4.1 Response to community concerns

Table 3 contains a response to matters raised by the public/community submissions.

**Table 3 Response to community submissions**

Issue	Response
<b>Project</b>	
<b>Overshadowing</b>	<p>Submissions raised concern regarding the extent of overshadowing – particularly to neighbouring dwellings to the south including 24 Wascoe Street.</p> <p>Please refer to the discussion in Table 4 responding to DPHI’s comments.</p>
<b>Bulk and scale</b>	<p>Submissions expressed concerns around the proposed bulk and scale of the proposed development.</p> <p>As assessed in the EIS, the proposal incorporates scale-modulating gabled roof design, vegetated setbacks, and material treatments to maintain a coherent visual transition from the heritage components of the site and to the nearby conservation area. Rather than replicating the smaller residential scale of the surrounding dwellings, the new buildings adopt a form and scale that relate directly to the existing Ritz Hotel.</p> <p>The Ritz has an existing maximum height of 15.5 metres (RL987.80) when measured from the established existing level to the top of the Gothic, pitched dormer on the roof of building A1, and therefore already exceeds the 11.8 metre height standard by 3.7 metres or 31.4% of the standard. We observe there are two existing chimneys on the roof of the Ritz at 15.42 metres (RL987.15) and 15.445 metres (RL987.78) being a 3.62 metre and 3.645 metre variation, respectively. There is no change to the height of the Ritz building, the works merely reflect restoration and conservation works.</p> <p>The maximum height of the new western wing is below the ridgeline of the existing Ritz, with a maximum height of 16.045 metres (RL983.64) being a 4.245 metre or 35.97% variation of the standard. The roof lengths are broken into shorter segments that reflect the articulation of the historic hotel, effectively reducing the bulk and avoiding continuous expanses of roof.</p> <p>The height of the proposal (existing and new structures) achieves the principles of the Housing SEPP by delivering much needed seniors housing in the Blue Mountains and facilitating the redevelopment of the site by restoring the Ritz and providing complementary new structures.</p> <p>The design of the southern elevation has been amended as discussed in detail in Table 4 to improve the relationship to the adjoining properties to the south.</p>
<b>Traffic generation</b>	<p>The community raised concerns regarding the traffic generation, particularly on Wascoe Street.</p> <p>As detailed in the Supplementary Traffic and Parking Advice prepared by McLaren (Appendix 11), Council has recently graded and resealed the road shoulder and undertaken a road reseal along Wascoe Street which has resulted in a wider road carriageway. The newly resealed road was measured to be 8.6m in width which can support parking along both sides of the road and a central travel lane with passing opportunities at driveways and locations where cars are not parked.</p>

Issue	Response
	 <p data-bbox="488 786 1370 810"><b>Figure 1: Aerial image of Wascoe Street recent roadworks (Source: Nearmap/McLaren)</b></p> <p data-bbox="488 842 1975 922">As per the Transport Impact Assessment submitted to accompany the EIS (Appendix U), Wascoe Street is estimated to support 110 two-way vehicle trips within the peak hour in the post development scenario. This relates to approximately one (1) vehicle every 30 seconds along the road which will be able to be accommodated by the existing road widths.</p> <p data-bbox="488 938 1975 1098">As determined through completed traffic surveys, the peak hour traffic volume along Wascoe Street is in the order of 50 two-way trips. Typically, daily traffic volumes equate to ten (10) times the peak hour traffic volume which results in a daily traffic volume along Wascoe Street of 500 trips. Daily vehicle trip generation rates are presented in the <i>Transport for NSW (TfNSW) Guide to Transport Impact Assessment</i> with a daily traffic generation rate for seniors living premises of 2.39 trips per dwelling. Applying this rate to the proposed 136 dwellings results in a daily traffic generation of 325 (136 * 2.39) trips and hence a total expected daily traffic volume along Wascoe Street in the post development scenario of 825 (500 + 325) trips.</p> <p data-bbox="488 1114 1975 1217">A daily traffic volume of 830 trips falls within the typical annual average daily traffic (AADT) for a yield street road design category in accordance with TfNSW Design of Roads and Streets Manual TS 00066:1.0. Suburban yield streets are two-way roads with a typical carriageway width of 7.6-8m which is less than the width of Wascoe Street. Therefore, Wascoe Street is of sufficient width to accommodate the existing and proposed traffic.</p>
<p data-bbox="190 1241 331 1265"><b>Excavation</b></p>	<p data-bbox="488 1241 1975 1265">Submissions raised concern as to the extent of excavation required for this basement, noting it poses significant structural and vibration risk.</p> <p data-bbox="488 1281 1975 1377">As detailed in the EIS and supporting documentation, JK Geotechnics consider that the risk analysis has shown that the site and existing and proposed development can achieve the 'Acceptable Risk Management' criteria provided that the recommendations given in Section 6 of the submitted Geotechnical Report (Appendix Z) are adopted. A detailed Geotechnical Monitoring Plan and Contingency Action Plan will be prepared prior to the commencement of works.</p>

Issue	Response
	<p>Further, the proposed shoring system has been designed by SCP to protect the existing heritage structures during excavation and construction of the new additions. Shoring will be installed entirely outside the footprint of the heritage buildings, ensuring no direct intrusion into the original fabric. The heritage building will not rely on the new shoring system for structural support. Instead, a standalone bracing system will be used to stabilise the existing building, particularly during excavation works adjacent to its foundations. This system will work independently of the new structure and will be removed upon completion of the construction works.</p> <p>Please refer to the existing heritage building structural strategy and structural letter of support submitted at Appendix P for further detail.</p>
<b>Procedural matters</b>	
<b>Consultation</b>	<p>Engagement has been undertaken in accordance with the DPHI's <i>Undertaking Engagement Guidelines for State Significant Projects</i>. Please refer to the EIS and Engagement Outcomes Report has been prepared by Gyde Consulting (Appendix R) for further detail.</p>
<b>Economic, environmental, and social impacts</b>	
<b>Tree removal</b>	<p>As assessed in the EIS, tree removal has been guided by the Arboricultural assessment, site contamination constraints and long-term landscape planning. The Bradshaw Consulting Arborist's report (Appendix J) confirms that none of the existing Monterey Pines are listed on the Blue Mountains Significant Tree Register.</p> <p>Three pines along Leura Mall (T91, T92, T97) are in poor condition and are recommended for removal due to declining vigour, structural instability and increased limb-shed—posing an unacceptable safety risk to pedestrians and future garden areas. The remaining four pines (T93–T96) are also in decline, with an expected 5–15 year life span, but will be retained and monitored annually, enabling a staged and visually sensitive transition.</p> <p>To maintain and strengthen the landscape character of Leura Mall, a progressive replacement strategy is proposed. Liquidambar styraciflua will be introduced as canopy replacements, supported by a new row of Acer × freemanii 'Scarsen' (Scarlet Sentinels) to the north. These will establish a layered, resilient streetscape that ensures continuity of canopy cover and seasonal interest over the long term.</p>
<b>Heritage impacts</b>	<p>Submitters raise concern as to the impacts of the proposed development with respect to the heritage nature of the site and its proximity to other heritage items and conservation areas.</p> <p>Weir Phillips provides the following response/comments:</p> <p><i>The site is not located within the Leura South Heritage Conservation Area. Assessment in Section 6.1.1.2 of the SoHI confirms that the proposal will have a neutral to low impact on the HCA due to topographic separation, vegetated buffers, and limited visibility from the public domain. The transitional scale function of the existing cottage is largely conceptual, not visually experienced. The new wing has been intentionally designed with broken roof forms, recessed levels, and deep landscaped setbacks, ensuring an appropriate scale relationship with the HCA and maintaining the soft, vegetated edge characteristic of Leura.</i></p> <p><i>Significant design revisions directly address the interface with the heritage-listed Kanowna Group. The building footprint has been designed to align with the The Ritz alignment, reducing perceived bulk, improving view corridors, and minimising overshadowing to No. 24. A flat roof form has been introduced in this zone to further reduce visual massing. A substantial landscaped buffer is now provided along the shared boundary, maintaining the legibility of the Federation cottages as fine examples of their type.</i></p> <p><i>Streetscape character is reinforced through a dry-stone wall treatment to the Wascoe Street frontage and retaining walls, consistent with the site's landscape structure. Visually intrusive services have been relocated further north to reduce their prominence, while civil upgrades, including a formalised footpath, will improve accessibility and enhance the streetscape presentation directly outside the site. The verge will remain the same outside the heritage listed properties.</i></p> <p><i>The excavation strategy has been specifically engineered to ensure no adverse impact on the adjacent heritage-listed cottages. The proposed shoring system, designed by SCP, is located entirely outside the footprint and fabric of the heritage buildings. The heritage</i></p>

Issue	Response
	<p><i>cottages will not rely on the new structure for support: instead, an independent bracing system will temporarily stabilise the buildings during excavation and will be removed upon completion.</i></p> <p><i>This approach is consistent with contemporary best practice and responds appropriately to the proximity of the heritage items. Landscaping improvements and conservation works across the site will further enhance the setting of Nos. 24 and 26 and ensure their ongoing interpretation as significant Federation weatherboard dwellings.</i></p> <p>Please refer to the response to DPHI key issues in Section 4.2 below, and the 'Response to RFI' letter prepared by Weir Phillips Heritage (Appendix 12).</p> <p>The proposed excavation strategy, as outlined in Structural Engineering Strategy (Appendix P), has been carefully reviewed and considered to ensure the safety and stability of both the new and existing structures. This strategy was informed based on finding in the Geotechnical Report (Appendix Z). Key measures include:</p> <ul style="list-style-type: none"> <li>• Temporary Shoring and Bracing: SCP has proposed a temporary bracing system to support all shoring and retention walls, particularly near property boundaries. Rigid retention systems will be constructed adjacent to existing buildings to limit any movement caused by the basement excavation.</li> <li>• Assessment of Existing Footings: The footing systems of all existing buildings, including the neighbouring property to the south-west (No. 24 Wascoe Street), are to be assessed. The loads from these structures will be incorporated into the retention system design to minimise movement and deflection during excavation.</li> <li>• Geotechnical Recommendations: Based on the geotechnical engineer's findings, additional investigations and control measures will be implemented before construction begins. This includes excavating test pits to confirm footing geometry and soil conditions, allowing the structural engineer to design retention systems appropriately and determine if underpinning is required.</li> <li>• Monitoring During Construction: Settlement and deflection monitoring will be carried out along adjacent buildings and key locations around the excavation. Monitoring will start before any ground works and continue until permanent support is provided by the basement floor slabs. A detailed Geotechnical Monitoring Plan and Contingency Action Plan will guide these activities.</li> <li>• Dilapidation Surveys: Before any site works, including demolition, detailed surveys of neighbouring properties within the excavation's zone of influence (approximately twice the excavation depth from the basement walls) will be completed. These surveys will record existing conditions both internally and externally, noting all defects in detail. Property owners will be asked to confirm these records to prevent disputes over pre-existing damage.</li> </ul> <p>These measures ensure that excavation works are carefully managed, protecting existing buildings and minimising any impact on neighbouring properties.</p>

## 4.2 Response to DPHI key issues

The table below provides a response to matters raised by the DPHI in their Key Issues Letter dated 14 November 2025.

Table 4: Response to DPHI key issues




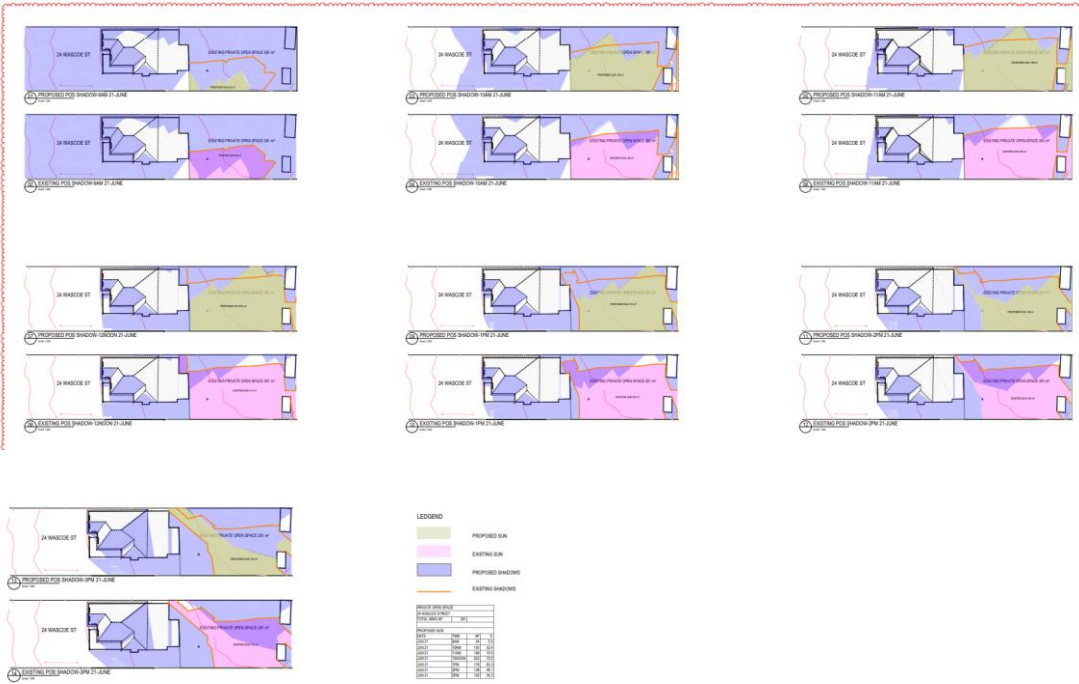
DPHI Raised Issue	Response	Relevant report(s)
<p><b>1. Amenity impacts to southern properties</b></p> <p>The proposed development creates unacceptable amenity impacts on neighbouring properties to the south, in particular the property at 24 Wascoe Street. The proposed southern setback, building height, topography of the land and the removal of existing vegetation on the southern boundary, results in significant overshadowing, visual privacy and visual impact to the residential properties to the south.</p> <p>Specifically, the development has been designed with 36 residential care facility (RCF) rooms directly overlooking 24 and 26 Wascoe Street and the overshadowing diagrams submitted demonstrates that 24 Wascoe Street will not receive a minimum of 2 hours solar access between 9am and 3pm on 21 June (mid-winter).</p> <p>While it is acknowledged the site's existing heritage, built form and topography create constraints. The Department considers the development's exceedance of building height and floor space ratio (FSR) (see point 2 below) changes are not justified. Design changes are required to reduce the bulk and scale of the development to make sure the development does not adversely impact the amenity of</p>	<p>Following receipt of DPHI's comments, the Proponent and project team re-grouped to test multiple design changes which would yield an improvement to the amenity of the properties to the south, namely no. 24. These scenarios sought to improve overshadowing impacts, particularly to no.24's rear POS and better manage overlooking.</p> <p>PBD utilised the existing baseline as the starting point, then made a comparison to the originally submitted proposal. It was evident that certain portions of the saw-tooth design, at the south elevation were causing adverse overshadowing and their associated small balconies orientated south contributed to overlooking.</p> <p>To address this, PBD has internally replanned of the south-west corner of the new west wing to delete two rooms, pull back portions of the south-west corner to improve access to sunlight for the properties to the south and half the number of rooms orientated to the south and amendment to the originally proposed trafficable balcony and introduction of juliet balconies therefore addressing overlooking. This can be seen in the following comparison images.</p> 	<ul style="list-style-type: none"> <li>• Revised Architectural Drawings (Appendix 7)</li> <li>• Revised Architectural Design Report (Appendix 8)</li> </ul>

Figure 2: Ground floor plan – as lodged (Source: PBD)

DPHI Raised Issue	Response	Relevant report(s)
<p>neighbouring properties. This includes:</p> <ol style="list-style-type: none"> <li>increasing the setback to the south to reduce the adverse impacts to the surrounding properties</li> <li>achieving a minimum 2 hours of direct solar access between 9am and 3pm on 21 June to the principle private open space of 24 Wascoe Street, and there is to be no increase in the shadow produced from the existing development</li> </ol>		
	<p><b>Figure 3: Ground floor plan – proposed amendment (Source: PBD)</b></p> <p>In relation to DPHI's comment 1(a), the southern setback to no.24 as originally proposed was a minimum of 2.49 metres and has increased to a minimum of 3.7 metres (measures from the southern setback to the edge of the proposed Juliet balconies).</p> <p><u>As lodged:</u></p>  <p><u>Modified proposal:</u></p> 	

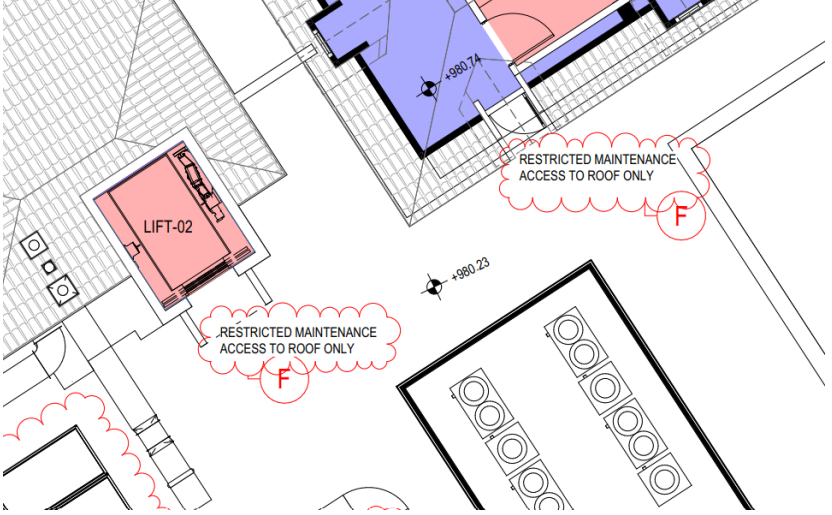
DPHI Raised Issue	Response	Relevant report(s)
	<p>Setting back certain parts of the southern elevation has meant the solar access for no.24's POS is largely comparable to that existing. PBD has prepared this detailed analysis on drawing DA631. The net increase from the existing scenario at certain hourly internals is ever so marginal as captured below.</p>  <p>The above figure demonstrates in green the proposed sun in mid-winter in the as modified scenario, in pink the existing sun in mid-winter and the orange line existing shadows in mid-winter. This analysis demonstrated the (as modified) SSDA proposal provides additional sun in certain locations within the POS between 10am and 3pm mid-winter. This is balanced by marginal loss of sun in other locations. Based on no.24's POS area being 281sqm the numerical comparisons of sun received in the existing versus as lodged versus as modified in mid-winter is shown in Table 5.</p>	


DPHI Raised Issue	Response	Relevant report(s)																																
	<p><b>Table 5: Mid-winter solar access to 24 Wascoe St POS – 281sqm</b></p> <table border="1" data-bbox="616 264 1520 600"> <thead> <tr> <th>Time</th> <th>Existing</th> <th>As lodged</th> <th>Modified proposal</th> </tr> </thead> <tbody> <tr> <td>9am</td> <td>98sqm (34.88%)</td> <td>7sqm (2.49%)</td> <td>24sqm (8.54%) +6.05%</td> </tr> <tr> <td>10am</td> <td>162sqm (57.65%)</td> <td>65sqm (23.13%)</td> <td>150sqm (53.38%) +30.25%</td> </tr> <tr> <td>11 am</td> <td>202sqm (71.89%)</td> <td>102sqm (36.30%)</td> <td>198sqm (70.46%) +34.16%</td> </tr> <tr> <td>12pm</td> <td>214sqm (76.16%)</td> <td>110sqm (39.15%)</td> <td>203sqm (72.24%) +33.09%</td> </tr> <tr> <td>1pm</td> <td>201sqm (71.53%)</td> <td>96sqm (34.16%)</td> <td>178sqm (63.35%) +29.19%</td> </tr> <tr> <td>2pm</td> <td>189sqm (67.26%)</td> <td>68sqm (24.20%)</td> <td>138sqm (49.11%) +24.91%</td> </tr> <tr> <td>3pm</td> <td>152sqm (54.09%)</td> <td>47sqm (16.73%)</td> <td>102sqm (36.30%) +19.57%</td> </tr> </tbody> </table> <p><u>Note:</u> The above green text relates to the increase in percentage from the ‘as lodged’ scenario to the modified proposal scenario.</p> <p>No.24’s principal POS being their rear garden (excluding the shed) now receives more than 2hrs of solar access (i.e. 4 hours between 10am and 1pm) to more than 50% of area (i.e. 53.38% to 72.46%) during mid-winter. The analysis undertaken is the worst-case scenario being mid-winter. This substantially improves at equinox and summer.</p> <p>It is noted that the dwelling at 24 Wascoe Street is considered to be a low-density dwelling. Per the Blue Mountains DCP, “at least 50% of private open space areas (or the principal area of private open space in the case of multi dwelling housing) associated with the development receive a minimum of 3 hours of unobstructed sunlight”.</p> <p>With consideration of the above, the POS at 24 Wascoe Street achieves at least 50% solar access at the hours of 10am, 11am, 12pm and 1pm (being 4 hours), exceeding the requirements of this control – noting at 2pm, just falling short at 49.11%.</p> <p>We are of the view, this addresses and satisfies DPHI’s comment 1(b) and substantially improves the amenity to number 24 Wascoe Street.</p>	Time	Existing	As lodged	Modified proposal	9am	98sqm (34.88%)	7sqm (2.49%)	24sqm (8.54%) +6.05%	10am	162sqm (57.65%)	65sqm (23.13%)	150sqm (53.38%) +30.25%	11 am	202sqm (71.89%)	102sqm (36.30%)	198sqm (70.46%) +34.16%	12pm	214sqm (76.16%)	110sqm (39.15%)	203sqm (72.24%) +33.09%	1pm	201sqm (71.53%)	96sqm (34.16%)	178sqm (63.35%) +29.19%	2pm	189sqm (67.26%)	68sqm (24.20%)	138sqm (49.11%) +24.91%	3pm	152sqm (54.09%)	47sqm (16.73%)	102sqm (36.30%) +19.57%	
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<p>c. ensuring no direct overlooking from balconies to the rear private open space, and into the homes at 24 and 26 Wascoe Street.</p>	<p>The amendments set out above are further enhanced by the replanning changes and the deletion of 2 RAC rooms. The replanning of the south-west and south portions of the as modified proposal has seen an amendment to the originally proposed trafficable balcony and introduction of juliet balconies and the reduction in the number of rooms orientated toward no.24 and no.26. We consider in the ‘as lodged’ design that 24 rooms are directly oriented towards no. 24 and no. 26 Wascoe Street (being 12 on the ground floor and 12 on the first floor). In the modified proposal, this has been reduced to 18 rooms (being 9 on the ground floor and 9 on the first floor). These design measures in addition to the additional setback greatly minimise opportunities for overlooking.</p> <p>A comparison of the as lodged versus modified proposal floor plans follows.</p>	<ul style="list-style-type: none"> <li>• Revised Architectural Drawings (Appendix 7)</li> <li>• Revised Landscape Plans (Appendix 9)</li> <li>• Revised Landscape Design Report (Appendix 10)</li> </ul>																																

DPHI Raised Issue	Response	Relevant report(s)
	<p><b>As lodged</b></p> <p><u>Lower ground floor</u></p>  <p><u>Ground floor</u></p>  <p><u>First floor</u></p>	<p><b>Modified proposal</b></p> <p><u>Lower ground floor</u></p>  <p><u>Ground floor</u></p>  <p><u>First floor</u></p>


DPHI Raised Issue	Response	Relevant report(s)
	<div data-bbox="616 199 1711 566" data-label="Image"> </div> <p data-bbox="616 582 1711 821">           Further, as detailed in the revised Landscape Design Report (Appendix 10), the proposed additional setbacks to the building mass along the southern boundary make way for two outdoor balcony spaces on Level 1. The larger of the two terraces is trafficable yet screened to maximise privacy to the adjoining residence (24 Wascoe Street).            The smaller of the terraces is non-trafficable. Layered mass planting held by a raised planter provides outlook planting to the adjoining area.            The southern elevation is largely vegetated, so the view of the proposal as viewed within the rear garden of no.24 means the development is hardly discernible, see Figure 5.         </p> <div data-bbox="616 853 1684 1279" data-label="Image"> </div> <p data-bbox="616 1295 1478 1321"> <b>Figure 4: Sketch view from 24 Wascoe St POS (Source: Svalbe &amp; Co + Brendan Moar)</b> </p> <p data-bbox="616 1353 1400 1378">           These amendments collectively mean comment 1(c) has been addressed.         </p>	

DPHI Raised Issue	Response	Relevant report(s)
<p><b>2. Calculation of maximum height and FSR</b></p> <p>The bonus building height and FSR permitted under section 87 of the Housing SEPP has been incorrectly applied to the non -discretionary development standards (NDDS) at section 107 of <i>State Environmental Planning Policy (Housing) 2021</i> (Housing SEPP).</p> <p>The 20% FSR bonus available under s.87(2)(a)(ii) is to be applied to the 0.4:1 FSR permitted under the <i>Blue Mountains Local Environmental Plan 2015</i> (BMLEP 2015 ), resulting in a maximum permitted FSR for the development of 0.48:1. Similarly, the 3.8 m height bonus available under s.87(2)(b) is to be applied to the BMLEP 2015 height limit of 8 m, resulting in a maximum permitted building height for the development of 11.8m.</p> <p>Accordingly, the Department requires the clause 4.6 variation request for building height to be updated and a new clause 4.6 variation request be provided for the proposed FSR variation.</p> <p>A variation to the development standards can only be supported if it is demonstrated that there are no adverse environmental impacts to neighbouring properties.</p>	<p>The Proponent had originally adopted the non-discretionary height standard in section 107(2)(a) of the Housing SEPP and the FSR standard in section 107(2)(c). This meant that a height of buildings clause 4.6 request was prepared to deal with variations which sat above the base Housing SEPP non-discretionary standard + the bonus in section 87(2)(b).</p> <p>We acknowledge the DPHI's comment on adopting the base Blue Mountain LEP standards for height and floor space then applying the respective bonuses atop.</p> <p>For the avoidance of any doubt, we have revised the height of buildings clause 4.6 and prepared an FSR clause 4.6 as DPHI has requested in Appendix 2 and 3.</p> <p>The relevant provisions and respective proposed variations are summarised below.</p> <p><u>Height of buildings:</u></p> <ul style="list-style-type: none"> <li>• The maximum permissible building height is the height of buildings standard established in Clause 4.3 of the BMLEP 2015 being 8 metres.</li> <li>• Therefore, in applying the bonus in s87(2)(b), the total maximum permissible building height is 11.8m.</li> <li>• The Ritz is proposed to be retained and restored, meaning the long-established height of this building is unchanged.</li> <li>• The proposed new buildings, including the western wing, sit below the established ridgeline of the Ritz. The northern roof ridge, two chimneys and associated roof structures on the Ritz building A1 sit above the 11.8 metre height plane.</li> <li>• The new western wing sits below this established ridgeline of RL986.22.</li> <li>• The northern two roof pitches on the new western wing sit above the 11.8 metre height plane.</li> <li>• The existing and proposed new variations to the height standard are illustrated in the following height plane diagrams and sections.</li> </ul> <p><u>FSR:</u></p> <ul style="list-style-type: none"> <li>• The maximum permissible FSR standard established in Clause 4.4 of the BMLEP is 0.4:1.</li> <li>• Therefore, in applying the bonus in s87(2)(a)(ii) of the Housing SEPP, the total maximum FSR is 0.48:1.</li> <li>• The proposed development has an FSR of 0.663:1 being a 0.183:1 or 38% variation of the 0.48:1 standard.</li> </ul>	<ul style="list-style-type: none"> <li>• Revised Architectural Drawings (Appendix 7)</li> <li>• Revised Clause 4.6 Variation Request – Height (Appendix 2)</li> <li>• Clause 4.6 Variation Request – FSR (Appendix 3)</li> </ul>
<p><b>3. Lift access to attic and staff spaces</b></p> <p>The attic floor level plan (DA104) appears to demonstrate that persons using the lift are required to walk across the open roof to access the attic staff only area in</p>	<p>Annotations have been included all Architectural Plans (Appendix 7), confirming that access to the roof level via the lift and attic door is restricted solely for maintenance purposes. The project team explored only utilising access door from attic however it was agreed that access control for the lift would provide significant benefits to maintain the heritage building and rooftop services.</p> <p>Please refer to the extract of the attic level plan below.</p>	<ul style="list-style-type: none"> <li>• Revised Architectural Drawings (Appendix 7)</li> </ul>

DPHI Raised Issue	Response	Relevant report(s)
<p>the Ritz building. This appears to be an unsafe path of travel, particularly for persons with a disability using this path of travel to access staff facilities.</p> <p>In addition, it is unclear what these staff only spaces will be used for as it is uncommon for seniors facilities to need so many individual spaces for staff.</p> <p>Consider removing lift access to the roof, or providing an internal path of travel, and clarify the use of the staff facilities within the attic of the Ritz building.</p>	 <p><b>Figure 5: Extract of revised attic floor plan (Source: PBD)</b></p>	
<p><b>4. Heritage</b></p> <p>a. Provide additional detail and specific justification in Section 5.2 of the Heritage Impact Assessment for all reasons for refusal and issues raised with heritage in the Council DA and NSW Land and Environment Court decision have been adequately addressed. The existing information provided is not clear and does not detail how each item has been resolved. Planning justification can also be provided where relevant.</p> <p>b. Provide additional information to justify that the demolition of the weatherboard cottage fronting Leura Mall will have no adverse impact on the</p>	<p>Please refer to the 'Response to RFI' letter prepared by Weir Phillips Heritage (Appendix 12) providing a comprehensive response to each of these matters raised. For completeness, a table providing additional clarification on the LEC Judgement and additional information to justify that the demolition of the weatherboard cottage has been provided.</p>	<ul style="list-style-type: none"> <li>• Revised Architectural Drawings (Appendix 7)</li> <li>• Statement of Heritage Impact (Appendix N)</li> <li>• 'Response to RFI' letter prepared by Weir Phillips Heritage (Appendix 12)</li> </ul>

DPHI Raised Issue	Response	Relevant report(s)
<p>heritage significance of the site.</p>		
<p><b>5. Traffic and Car Parking</b></p> <p>a. Provide additional justification on how it has been determined that no traffic will travel south from the site. It is noted that the intersection of Wascoe Street / Craigend Street has not been assessed at all. Further, no post development intersection assessment has been provided as it was considered that the Leura Mall / Craigend Street intersection will carry no traffic from the development.</p>	<p>As noted in the supplementary traffic and parking advice prepared by McLaren (Appendix 11), the site is located such that there is only a very small catchment of residential area that is located to the south of the site. Additionally, there is no primary attractors (supermarkets, local stores, small suburban shopping centres) located to the south of the site and the nearest highway connection to the site is located to the north as shown in the figure below. Therefore, for a person to leave the site and travel south they would need to be living in the small catchment of houses to the south.</p> <p>Furthermore, Megalong Street is the major road connection which supports greater traffic volume and hence adding all of the proposed traffic through this intersection results in a robust and conservative analysis of the surrounding traffic environment.</p>  <p><b>Figure 6: Residential area south of the subject site (Source: McLaren)</b></p> <p>In any case, and to avoid doubt, a sensitivity assessment of the intersection of Wascoe Street / Craigend Street has been undertaken by interpolating the traffic volumes from the nearby intersections and applying 100% of the proposed development traffic through the intersection.</p>	<ul style="list-style-type: none"> <li>Supplementary traffic and parking advice (Appendix 11)</li> </ul>

DPHI Raised Issue	Response							Relevant report(s)																										
	<table border="1" data-bbox="622 201 1514 427"> <thead> <tr> <th>Intersection</th> <th>Peak Hour</th> <th>Degree of Saturation<sup>(1)</sup></th> <th>Average Delay<sup>(2)</sup> (sec/veh)</th> <th>Level of Service<sup>(3)(4)</sup></th> <th>Control Type</th> <th>Worst Movement</th> </tr> </thead> <tbody> <tr> <td colspan="7" style="text-align: center;"><i>Post Development Performance</i></td> </tr> <tr> <td rowspan="2">Craigend Street / Wascoe Street</td> <td>AM</td> <td>0.07</td> <td>3.9 (Worst: 5.3)</td> <td><b>A</b> (Worst: A)</td> <td rowspan="2">Give way</td> <td>RT from Craigend Street (E)</td> </tr> <tr> <td>PM</td> <td>0.35</td> <td>3.6 (Worst: 5.2)</td> <td><b>A</b> (Worst: A)</td> <td>RT from Wascoe Street (N)</td> </tr> </tbody> </table> <p data-bbox="622 443 1357 467"><b>Figure 7: Post development intersection performance (Source: McLaren)</b></p> <p data-bbox="622 504 1684 611">As shown above, the intersection of Wascoe Street / Craigend Street would operate with a Level of Service 'A' condition even if all traffic entering and exiting the subject site were to travel through this intersection. It is reiterated that it is unlikely that any traffic will travel through this intersection and the above assessment is purely to address the above comments.</p>							Intersection	Peak Hour	Degree of Saturation <sup>(1)</sup>	Average Delay <sup>(2)</sup> (sec/veh)	Level of Service <sup>(3)(4)</sup>	Control Type	Worst Movement	<i>Post Development Performance</i>							Craigend Street / Wascoe Street	AM	0.07	3.9 (Worst: 5.3)	<b>A</b> (Worst: A)	Give way	RT from Craigend Street (E)	PM	0.35	3.6 (Worst: 5.2)	<b>A</b> (Worst: A)	RT from Wascoe Street (N)	
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<p>b. Provide a section plan showing the basement driveway achieves the required head height clearance of the largest vehicle proposed to enter the basement.</p>	<p>A section plan of the basement driveway is provided in Annexure B of the Supplementary Traffic and Parking Advice (Appendix 11) showing a minimum headroom of 4.5m in accordance with AS2890.2:2018.</p>							<ul style="list-style-type: none"> <li>Supplementary traffic and parking advice (Appendix 11)</li> </ul>																										
<p>a. Wascoe Street is an existing narrow local street which is proposed to be the primary vehicular access into and out of the site. Provide additional detail to confirm the existing carriageway widths of Wascoe Street are appropriate to cater for the proposed development, including details of any upgrade works to the eastern verge of the road, or any mitigation measures to ensure there is no vehicular conflict with parked vehicles and oncoming traffic.</p>	<p>Please refer to response to community concerns provided in table 2 in regard to this matter. Swept path tests have been undertaken with the newly resealed road and provided within the Supplementary traffic and parking advice (Appendix 11) showing that an MRV can successfully enter and exit the site.</p>							<ul style="list-style-type: none"> <li>Supplementary traffic and parking advice (Appendix 11)</li> </ul>																										
<p><b>6. Other matters</b> a. Provide additional information to address clause 6.4(3)(e) of</p>	<p>Clause 6.4 of the BMLEP 2015 relates to protected area – slope constraint area. Clause 6.4(3)(e) states: <i>(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that—</i></p>							<ul style="list-style-type: none"> <li>This response letter.</li> </ul>																										

DPHI Raised Issue	Response	Relevant report(s)
<p>BMLEP 2015 regarding the slope constraint area.</p>	<p>(e) <i>the development cannot practicably be located on land other than the land to which this clause applies.</i></p> <p>The north-west corner of the site is affected by the slope constraint, see below.</p>  <p>Natural Resources - Land Map - Sheet NRL_002GA</p> <p> <span style="color: red;">■</span> Protected Area - Slope Constraint Area (&gt;20%)  <span style="color: yellow;">■</span> Protected Area - Landslide Risk Area         </p> <p>The SSDA proposes remediation of contaminated soil in this area of the site (refer to the Remediation Action Plan (Appendix BB).</p> <p>Following remediation, the site slope constraint, as mapped, in essence, will be removed having regard of the site's post remediation condition. Following remediation, these site edges will be landscaped in accordance the Revised Landscape Plans (Appendix 9).</p> <p>There is no other suitable site in Leura for the seniors housing project as proposed in the SSDA. Remediation of this portion of the site is essential to make the site suitable in accordance with section 4.6 of the Resilience and Hazards SEPP. Therefore, having regard clause 6.4(3)(e) the development cannot practicably be located on land other than the land to which this clause applies.</p> <p>The applicability of the clause will be redundant post completion of construction.</p>	<ul style="list-style-type: none"> <li>Remediation Action Plan (Appendix BB).</li> </ul>
<p>b. Provide additional information to clarify the site will have adequate access to facilities</p>	<p>Section 93(5) of the Housing SEPP defines facilities and services as:</p> <p>(a) <i>shops and other retail and commercial services that residents may reasonably require, and</i></p>	

DPHI Raised Issue	Response	Relevant report(s)
<p>and services pursuant to section 94 of the Housing SEPP, with direct reference to the definition of facilities and services within section 93 of the Housing SEPP.</p>	<p><i>(b) community services and recreation facilities, and</i>  <i>(c) the practice of a general medical practitioner.</i></p> <p>Section 94(1) of the Housing SEPP sets out that:</p> <p><i>(1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services—</i></p> <p><i>(a) on-site, or</i>  <i>(b) by a transport service other than a passenger service.</i></p> <p>Residents will be supported on site with essential facilities and services comprising:</p> <ul style="list-style-type: none"> <li>• All meals, including drinks, will be provided on site via the basement kitchen/serveries and catering service.</li> <li>• All laundry will be undertaken for residents.</li> <li>• Residents have access to an on-site cinema room, bar and multi-person sitting room in the basement.</li> <li>• Residents have access to multiple lounge and dining rooms on all habitable levels (ground, first and second floors).</li> <li>• Residents will have on-site nursing staff and doctors/allied professionals will also be available for residents, as required.</li> <li>• Residents will have access to the on-site café and salon on the ground level.</li> <li>• Pathways organise daily/weekly activities which residents can opt to partake in. This often includes activities on-site but on occasion may include an excursion off-site.</li> </ul> <p>Hence, all necessary facilities/services are provided on the site.</p> <p>Should residents choose to do so and, are capable of doing so, they can take a short walk from the RCF to Leura Mall which directly abuts the site to visit one of the artisan local stores or have a coffee outside of the RCF's cafe.</p>	
<p>c. Provide a HAZMAT Survey in accordance with the Secretary Environmental Assessment Requirements and the recommendations of the Detailed Site Investigation (DSI) Report.</p>	<p>Please refer to the HAZMAT Survey provided at Appendix 13.</p>	<ul style="list-style-type: none"> <li>• HAZMAT Survey (Appendix 13).</li> </ul>
<p>d. Provide an updated Building Code of Australia Report or supplementary letter confirming fire sprinklers will be installed in accordance with section 91 of the Housing SEPP.</p>	<p>Please refer to the revised BCA Report provided at Appendix 14.</p>	<ul style="list-style-type: none"> <li>• BCA Report (Appendix 14)</li> </ul>

DPHI Raised Issue	Response	Relevant report(s)
<p>e. Provide updated Architectural Plans with:</p> <ul style="list-style-type: none"> <li>i. annotations on all relevant plans for the proposed residential care facility specifying <i>“the proposal will have a fire sprinkler system that complies with section 91 of the Housing SEPP”</i> or similar wording.</li> <li>ii. the maximum building height RLs and the RLs of existing ground level to allow for a complete assessment of the maximum building height.</li> <li>iii. the height of existing buildings on the site – including those to be demolished.</li> </ul>	<p>In response to each item:</p> <ul style="list-style-type: none"> <li>i. Please refer to the revised Architectural Drawings (Appendix 7), comprising relevant annotations to note: <i>Fire sprinkler system to be installed to all class 9c buildings in accordance with as 2118.1 &amp; as 2118.4 , ncc provisions including specification 17 and complying with section 91 of SEPP (Housing) 2021</i></li> <li>ii. Please refer to the revised Architectural Plans including relevant annotations.</li> <li>iii. As above.</li> </ul>	<ul style="list-style-type: none"> <li>• Revised Architectural Drawings (Appendix 7)</li> </ul>

### 4.3 Response to Blue Mountains City Council

Table 6 provides a response to Blue Mountains Council.


**Table 6: Response to Blue Mountains Council**

Issue	Council’s position	Response
<p><b>Heritage</b></p>	<ul style="list-style-type: none"> <li>While the internal levels of the original building wings are proposed to be retained, the hallways would require modification in width to meet current accessibility and fire safety requirements for an aged care facility. The demolition plans indicate significant internal demolition to the ground and first floors of the original Ritz building and wings. These changes would alter the internal spatial configuration of the heritage buildings and must therefore be carefully assessed in the context of the site’s heritage significance, which encompasses both the interiors and the historic understanding of the internal spaces. This issue was highlighted by Commissioner Dixon in the LEC judgment for the previous application, particularly at paragraphs 118 and 122.</li> </ul>	<p>The internal modifications required for accessibility and fire-safety compliance have been substantially reduced through major design revisions prepared by PBD Architects in consultation with AE&amp;D (Access). The previous proposal, which Commissioner Dixon found problematic in paragraphs 118 and 122 of the earlier LEC judgment, has been materially altered to limit demolition and protect the interpretability of the original internal configuration.</p> <p>The most significant change is the complete removal of the basement level previously proposed beneath the western wing, thereby eliminating the need for underpinning and reducing structural intervention within the original building envelope. This revision directly addresses the concerns raised by the Court regarding development pressure on the historic wings.</p> <p>To meet corridor width, accessibility and fire-safety requirements while maximising heritage retention, the revised design has adopted a targeted, minimal-impact approach, including:</p> <ul style="list-style-type: none"> <li>widening only one side of the corridor, enabling the opposite side—including original room partitions and wall alignments—to be retained</li> <li>reworking the internal layout so that original walls and spatial divisions within the main building and key public areas are preserved</li> <li>implementing fire separation in larger segments rather than individual rooms, reducing the number of walls requiring alteration or removal.</li> </ul> <p>These strategies ensure that the original spatial hierarchy, proportions and circulation pattern remain legible, preserving the building’s historic understanding and allowing the interiors to continue to be interpreted as part of the Ritz’s significance.</p>
	<ul style="list-style-type: none"> <li>The application is accompanied by a Building Code of Australia (BCA) Compliance Assessment Report and a proposed Performance Solution letter. These documents indicate that performance solutions will be developed to demonstrate an appropriate level of engineered fire safety. However, the proposal currently lacks sufficient detail to allow for full consideration of the extent and nature of internal works required to achieve compliance, and their potential impact on the heritage fabric. Given that the site’s heritage significance relates to both the external and</li> </ul>	<p>The proposed structural design for the refurbishment and new additions to the Ritz Hotel aim to satisfy current structural and fire safety standards while responding to the sensitivities of the existing historic built form. The design incorporates site-specific strategies that address vertical and lateral load requirements, fire safety compliance, and construction staging to ensure minimal intervention into existing heritage fabric. This includes:</p> <ul style="list-style-type: none"> <li>a reduction in occupancy density within the heritage building due to enlarged room sizes, resulting in less pressure on structural upgrades</li> </ul>

Issue	Council's position	Response
	<p>internal elements of "The Ritz and interiors," further clarification and documentation are required.</p>	<ul style="list-style-type: none"> <li>integration of new building elements (e.g. lift/stair core) to take on lateral loads from both the new and existing structures, thereby reducing stress on older, brittle materials</li> <li>use of a performance solution for earthquake loading, as full compliance with the current AS 1170.4 is not feasible due to the limitations of heritage construction</li> <li>a fire protection strategy involving treatment of existing timber floors and walls to meet 60-minute FRL, with potential to reach 90/90/90 where possible using tested systems compatible with timber construction</li> <li>access - In Building A3 (western wing), compliance with access requirements necessitated that the corridor meet the minimum unobstructed width as specified in the relevant standards. To achieve this, one side of the corridor was demolished to provide the required clearance, while the opposite side and all internal room partitions were retained.</li> </ul> <p>This approach recognises the limitations and behaviour of late 19th and early 20th-century construction, using reversible and sympathetic interventions that avoid intrusive structural modifications. By relying on the new core structure for seismic and wind resistance, the strategy preserves the character and form of the heritage buildings (Buildings A1, A2, A3, and C), without wholesale replacement of original load-bearing fabric.</p> <p>Where fabric is modified, such as for fire compliance or strengthening, it is targeted and reversible and does not result in major visual or structural alteration of heritage-significant elements. Certification under current codes, as proposed, will ensure that the building is safe and serviceable for its intended use, while retaining its integrity as former guest house.</p>
	<ul style="list-style-type: none"> <li>The removal of proposed excavation from underneath the Ritz building and wings has removed significant uncertainty and risk from the project regarding the extent of impact. However, details around excavation are still lacking. Excavation associated with the proposed basement is identified as being located immediately adjacent to the original Ritz building and wings. This will necessitate shoring piles and structural tie-ins to the new building via floor joists. Additional information is required to clarify potential impacts on the existing heritage fabric arising from these structural interventions.</li> </ul>	<p>Refer to the originally submitted SSDA documentation. Namely, for the Ritz Hotel, Appendix P (Structural Engineering Strategy) was carefully reviewed to ensure the safety and stability of both the new and existing structures. This strategy is based on the findings of the Geotechnical Report (original Appendix Z).</p> <p>Of note:</p> <ul style="list-style-type: none"> <li>Temporary shoring and bracing: SCP has proposed a temporary bracing system to support all shoring and retention walls, particularly near property boundaries. Rigid retention systems will be constructed adjacent to existing buildings to minimise movement caused by basement excavation. To protect the heritage fabric and maintain the structural integrity of existing buildings, the following measures will be undertaken:             <ol style="list-style-type: none"> <li>Test pits: prior to demolition, test pits will be excavated along the external walls of the Ritz Hotel and Manager's Cottage to confirm footing geometry and the materials on which they are founded.</li> </ol> </li> </ul>

Issue	Council's position	Response
		<p>ii) Geotechnical assessment: geotechnical engineers will inspect these test pits to assess the capacity of existing footings to carry any additional loads from the proposed development.</p> <p>iii) Structural intervention: where existing footings are insufficient, underpinning to higher-quality materials (likely sandstone bedrock) or the installation of new footings will be implemented to ensure structural stability.</p>
	<ul style="list-style-type: none"> <li>The proposal includes demolition of the 1905 weatherboard cottage fronting Leura Mall. This element contributes significantly to the streetscape character of the Mall, the Heritage Conservation Area, and the historical association with The Ritz, predating many of the other historic buildings. The merit of this demolition requires careful assessment having regard to both heritage and visual presentation impacts.</li> </ul>	<p>Please refer to the 'Response to RFI' letter prepared by Weir Phillips Heritage (Appendix 12) which provides additional detailed justification for the demolition.</p>
	<ul style="list-style-type: none"> <li>The maximum curtilage of the new development does not align with the recommendations of the 2020 Conservation Management Plan and would exceed the extent of the earlier refused proposal. The increased building footprint, particularly to the north-west, is likely to impact the curtilage of the Californian Bungalow identified in the 2020 Conservation Management Plan as being of exceptional significance. This approach differs from the earlier development application, which positioned new works behind the rear building line of the cottage, maintaining a greater separation and setting.</li> </ul>	<p>The 2020 CMP envelope was not fully appropriate for this site, as it proposed building encroachments that would have resulted in a poor interface with neighbouring properties and the surrounding streetscape.</p> <p>The CMP envelope extended too close to the southern boundary, adversely affecting the curtilage and amenity of adjoining heritage items, and reduced the clarity and separation between the new development and existing heritage buildings.</p> <p>By contrast, the revised design retains the curtilage of the Californian Bungalow, ensures the Bungalow remains the dominant element along the northern boundary, and introduces appropriate setbacks and landscaping to improve interface with neighbours and Leura Mall streetscape.</p> <p>The western wing consolidates new building bulk away from heritage-sensitive areas, reducing pressure on the original Ritz wings and enabling a more sympathetic and visually coherent outcome. With less demolition required internally.</p> <p>The revised footprint better respects heritage curtilage, improves the streetscape interface, and achieves a balanced integration of new development with the site's exceptional heritage context.</p>
	<ul style="list-style-type: none"> <li>Any infill to the northeastern corner of the ground floor to the 1892 Hotel should be removed with the original ground floor verandah to the eastern side of the 1892 Hotel reinstated.</li> </ul>	<p>This is proposed in the current scheme and was assessed in the submitted SOHI.</p>
	<ul style="list-style-type: none"> <li>Parts of the existing buildings are subject to variations in floor levels, resulting in sloping floors. While consideration of adjustments to improve accessibility is warranted,</li> </ul>	<p>The project design team has identified that the existing floors are uneven and unsuitable for an aged care facility. Minimising floor level changes is critical for functionality and to meet BCA and accessibility requirements. As outlined in</p>

Issue	Council's position	Response
	<p>clarification is needed regarding the extent of floor level alterations proposed. Such works may necessitate internal demolition and could impact the heritage fabric, particularly if undertaken to achieve BCA performance requirements.</p>	<p>Appendix P (Structural Engineering Strategy), the proposed approach involves removing the sub-floor substrate to expose the joists, allowing a thorough structural inspection of the existing building. Once structural strengthening is complete, the joists will be packed to create level floors, and a new floor substrate will be installed throughout the development. This methodology is further supported by SSDA Appendix N (HIS) and in drawing DA701, detail 2.</p>
<p><b>Built form and streetscape presentation</b></p>	<ul style="list-style-type: none"> <li>As the site adjoins lower-density residential properties, careful consideration is required of how the proposal provides an appropriate transition in scale and form to these adjoining developments.</li> <li>The proposed new building along Wascoe Street presents a significantly bulkier form than that considered under the previous LEC proposal. Whereas the earlier design incorporated attic rooms within a roof form to achieve a twostorey appearance, the current design proposes three full storeys with a steep gabled roof, resulting in a substantially more dominant presentation. This change alters the visual relationship between the new and existing heritage buildings and increases the visual impact on adjoining residential properties along Wascoe Street.</li> </ul>	<p>While the proposed new building along Wascoe Street presents a larger form than the previously refused LEC proposal, the revised design incorporates multiple strategies to reduce visual bulk, improve the interface with heritage items (with further changes proposed in this RFI) and achieve a conservation-oriented outcome:</p> <ul style="list-style-type: none"> <li>The new buildings are designed as a cohesive “campus” or “village” element that relates directly to the scale and landmark qualities of The Ritz Hotel, rather than attempting to replicate the smaller residential scale of surrounding dwellings. This ensures the Ritz remains the dominant heritage element within the townscape.</li> <li>Architectural modulation has been applied throughout the design, including: <ul style="list-style-type: none"> <li>Breaking the roof lengths into shorter segments inspired by The Ritz’s Gothic-style pitches and Inter-war era gables, reducing the perception of continuous bulk</li> <li>Using materials such as terracotta shingle roofing and light-toned masonry that complement the heritage fabric while distinguishing the new work as contemporary</li> <li>Setbacks to neighbouring residences have been increased, combined with refined landscaping and thoughtfully located entrances, to soften the building’s interface with surrounding properties.</li> </ul> </li> <li>The proposal has been reoriented to align with The Ritz’s skewed building axis, rather than the conventional Leura Village street grid, supporting a more organic spatial relationship between new and existing buildings, preserving view corridors, and enhancing the legibility of the heritage hotel.</li> </ul> <p>The design achieves a three-storey form while maintaining the visual impression of a cohesive, human-scaled composition through modulation, setbacks, and articulated roof forms, thereby mitigating visual dominance along Wascoe Street.</p>
	<ul style="list-style-type: none"> <li>The new built forms along Wascoe Street and adjacent to the manager’s cottage in the north-western portion of the site include extensive blank base walls to the lower levels. These are visually intrusive and inconsistent with the fine-grained character of the surrounding streetscape. Given the proximity to the retained manager’s cottage and the</li> </ul>	<p>The base of the new structures is grounded with a dry-stone walling treatment, integrating the built form more effectively with the surrounding landscape and reducing its visual dominance. This same dry-stone finish is extended to the basement entry, which remains in a similar location to the earlier scheme but has been refined through a narrower and lengthened access corridor that reduces its visual impact along Wasco Street</p>

Issue	Council's position	Response
	<p>prominent corner location, this treatment should be reconsidered.</p> <ul style="list-style-type: none"> <li>The reliance on a singular colour tone for the new building works may exacerbate perceptions of bulk and scale. A more varied and recessive colour palette should be considered to mitigate visual massing.</li> </ul>	<p>As assessed in the EIS, the proposed materials respond to the terracotta roofing used extensively in Leura Village. Additionally dry-stone wall cladding is proposed as retaining walls and basement cladding to complement the natural environment and landscape. The design achieves design excellence by delivering a high-quality restoration project, with new buildings which complement the heritage qualities of the site.</p> <p>The below image depicts the proposed built form and its high standard of architectural design and materiality.</p> <p><u>Note:</u> This image is for marketing purposes only and does not provide a to scale montage.</p>  <p><b>Figure 8: Photomontage - for marketing purposes only (Source: Doug and Wolf)</b></p>
	<ul style="list-style-type: none"> <li>The proposal has not been accompanied by architectural elevation plans showing the design and location of boundary fencing. The form, height, and materials of fencing are critical to the visual quality of the site's interfaces and the broader streetscape presentation, particularly given the prominence of this heritage property.</li> </ul>	<p>Please refer to the Revised Landscape Plans (Appendix 7) and revised Landscape Plans (Appendix 9) for details of boundary fencing.</p>
<p><b>Amenity</b></p>	<ul style="list-style-type: none"> <li>Due to the increased building height and reduced setbacks, and the removal of screening vegetation, the</li> </ul>	<p>Please refer to Section 4.2 of this RtS.</p>

Issue	Council's position	Response
	<p>proposal is likely to result in adverse amenity impacts on the adjoining property at No. 24 Wascoe Street. The justification for this level of amenity loss to the adjoining property requires careful consideration.</p>	
<p><b>Landscaping</b></p>	<ul style="list-style-type: none"> <li>The landscape maintenance schedule should be expanded to include the pedestrian promenade (public park) to ensure its ongoing management and presentation.</li> </ul>	<p>Please refer to the revised Landscape Plans (Appendix 9).</p>
	<ul style="list-style-type: none"> <li>Retaining walls proposed along the embankments to Megalong and Wascoe Streets should be constructed in ironstone to reflect and integrate with the existing stone walls on the site.</li> </ul>	<p>Please refer to the revised Landscape Plans (Appendix 9) – retaining walls are proposed as stone call wall materiality, and ensure integration with existing stone walls on site.</p>
	<ul style="list-style-type: none"> <li>The proposed replacement of the Cupressus species hedge along the boundary with No. 24 Wascoe Street with a mix of Acer palmatum and Rhododendron 'Elegans' will not achieve the same level of visual screening or privacy. The use of a taller evergreen species is recommended to maintain privacy. However, it is noted that the available planting area is insufficient to fully soften or screen the visual bulk of the proposed building from this adjoining property.</li> </ul>	<p>As noted in the revised Landscape Design Report (Appendix 10), replacing the Cupressus row to the western portion of the boundary (deemed by the Arborist to be in poor health) opens up the opportunity to reassess this area and its planting possibilities.</p> <p>Replacing the existing hedge with a mix of evergreen screening trees and deciduous canopy trees allows more light to penetrate to the neighbouring property, whilst also providing screening to/from the development for 24 Wascoe Street.</p>

## 4.4 Response to other Agencies

A response to commentary for the relevant agencies has been provided in the table below.

Table 7: Response to Agency submissions

Comment	Response
<b>Sydney Water</b>	
<ul style="list-style-type: none"> <li>• Water and Wastewater Servicing</li> <li>• Growth information</li> </ul>	Comments noted by the Proponent.
<b>Endeavour Energy</b>	
<ul style="list-style-type: none"> <li>• Network Capacity / Connection; Network Asset Design</li> <li>• Streetlighting</li> <li>• Earthing</li> <li>• Prudent Avoidance; Dial Before You Dig</li> <li>• Vegetation Management</li> <li>• Demolition</li> <li>• Removal of Electricity Supply</li> <li>• Site Remediation</li> <li>• Public Safety; Emergency Contact</li> </ul>	Comments noted by the Proponent.
<b>TfNSW</b>	
<p>TfNSW has reviewed the information and has no objections in response to the proposed development.</p> <ol style="list-style-type: none"> <li>1. DPPI should ensure that Council is satisfied that the swept path analysis and vehicle movement data on the local road network provides safe access and manoeuvrability for the design vehicle and emergency vehicles, particularly during peak periods. In addition, consideration should be given to the types of vehicles expected during both construction and operation phases, and whether the proposed access routes are suitable for those vehicle types.</li> </ol>	Comments noted by the Proponent.
<b>NSW DCCEEW Water</b>	
<p><u>Recommendation - post-determination</u></p> <p>That Department of Planning, Housing and Infrastructure (DPHI) requests the proponent to obtain a water access licence (WAL) to account for the maximum predicted water take for construction and operation activities unless an exemption applies under the Water Management (General) Regulation 2025.</p>	Recommendation noted by the Proponent.

## **5. Updated project justification**

Consistent with the originally submitted EIS, Pathways Leura Village SSD involves the restoration of the estate to facilitate the site's continued use as a high-quality RCF.

Having regard to the environmental, economic and social considerations, the amended proposal continues to be justified as it:

- is permissible with development consent pursuant to the Blue Mountains LEP 2015
- delivers a contemporary 136 bed RCF in the Blue Mountains
- the delivery of the RCF provides much needed seniors housing in the LGA, supporting aging demographic profile of the LGA/Leura and the greater to age in place
- restores 'The Ritz' to its former glory and ensures the new buildings of the RCF are sympathetic and complementary of the heritage characteristics through design measures such as the following.
  - Celebrating the chalet like roof forms
  - Proposing all roof structures below the ridgeline of the long-established Ritz Hotel
  - Achievement of design excellence in accordance with clause 6.19 of the BMLEP 2015
- resolves the former reasons for dismissal including ensuring detailed coordination, and minimises the impact of the proposal on the heritage significance of the Ritz
- protects the valued existing trees, and enhances the landscape gardens
- introduces multi-legible and purpose specific points of access to the site
- ensure the site is suitable for the proposed use, whereby remediation will be undertaken
- creates 150 new jobs during construction and 49 jobs during operation.

## **6. Conclusion**

In conclusion, the proposal (as modified), continues to represent an opportunity to deliver person-centred, well-considered, and well-designed seniors housing that directly addresses both local and national demand, ensuring older residents have access to the care, support, and community they require.

The key objective of the proposed development is met through the delivery of much-needed seniors housing to reflect the NSW Government's priority to increasing housing supply in accessible areas and deliver more diverse housing options in the Blue Mountains LGA.

This RtS report has thoroughly addressed community and agency/authority concerns, including those related to height, overshadowing, heritage impacts, bulk and scale, traffic impacts, amongst others. The additional information provided, inclusive of design amendments, demonstrates the proposal's suitability for the site, effectively mitigating concerns and showcasing how the development meets the area's needs.

Based on the detailed assessment undertaken in the EIS, prepared by Gyde, this RtS Report, and the Amendment Report, we conclude that it is in the public interest that consent be granted to the proposal, subject to the implementation of suitable conditions of consent reflecting the mitigation measures within the EIS and Appendix 3.