

Our ref: SSD-45024776 | Narwee Parklands Seniors Housing

Mr Tony Chung
Senior Development Manager
PRINCIPAL HEALTHCARE FINANCE PTY LIMITED
173 SUSSEX STREET
SYDNEY New South Wales 2000

24 March 2023

Subject: Request for Additional Information

Dear Mr Chung

The Department issued a letter on Wednesday, 15th March 2023 requesting a written response to the issues raised in the submissions under section 59(2) of the *Environmental Planning and Assessment Regulation 2021*. In addition, the Department has undertaken a preliminary assessment of the application and requests that you provide a response to the key issues in Attachment A.

The written response must be in the form of a submissions report that has been prepared having regard to the *State Significant Development Guidelines* including *Appendix C - Preparing a Submissions Report*.

Please lodge your submissions report via the NSW planning portal
<https://majorprojects.planningportal.nsw.gov.au/>

If you have any questions, please contact Judith Elijah, on 0299955280 or via email at judith.elijah@dpie.nsw.gov.au.

Yours sincerely,



Gabriel Wardenburg

Team Leader, State Significant Acceleration

as delegate for the Planning Secretary

ATTACHMENT 1 – KEY ISSUES

1. Building Height, 45 Degree Plane & Clause 4.6

- (a) The proposal seeks a variation of 11.6% to the maximum building height development standard and makes no attempt to comply with the 45 degree plane development standard at the southern end of the development as prescribed by the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). The breach of these development standards results in unacceptable outcomes as discussed further below.
- (b) The Clause 4.6 submitted with the application does not satisfactorily demonstrate that the variations to development standards are unreasonable and unnecessary and does not provide adequate justification that there are sufficient environmental planning grounds to justify contravening the development standards on the following basis:
 - (i) The Clause 4.6 relies on the first method established in *Wehbe v Pittwater Council [2007] NSW LEC 827 (Wehbe)* to justify the variations. However, the proposal has not been adequately assessed against the intent of the Housing SEPP (in the absence of objectives of the standard) as it fails to reference all relevant principles of the Housing SEPP to demonstrate that the proposal is in the public interest. In particular, the Clause 4.6 statement does not include reference to the following principles of the Housing SEPP:
 - (c) *ensuring new housing development provides residents with a reasonable level of amenity,*
 - (e) *minimising adverse climate and environmental impacts of new housing development,*
 - (f) *reinforcing the importance of designing housing in a way that reflects and enhances its locality,*
 - (ii) The solar access amenity received by the residential care facility (RCF) units is considered to be poor, as there are a significant number of units that are south facing and do not receive access to sunlight during the winter solstice. In particular, the units to the south that are in breach of the 45 degree plane do not receive solar access as they have not been oriented to optimise solar access in accordance with the design guidance in the draft *Seniors Housing Design Guide* November 2022 (previously November 2021).
 - (iii) The solar access analysis demonstrates that the proposed development results in greater overshadowing impacts to Richard Podmore Reserve than a complying built form during the winter solstice. This has not been addressed in the Clause 4.6 submitted.
 - (iv) The existing site is largely cleared, with the exception of the two dwellings at the north-western corner and therefore, justification for a breach to the development standards based on the impacts of the previous development on the site is inadequate.

- (v) The exceedance of the development standards to the south impacts upon the character of the southern end of Karne Street North that largely consists of single and two storey residential development and allows clear visibility to the entrance and accessway of Richard Podmore Reserve.
- (c) Based on the above, the application is to be amended to strictly comply with the development standards, on the basis that the amendments achieve a suitable outcome for the site. Particularly, it is noted that a reduction in the number of units and/or a revised floor plan may be required to achieve suitable amenity outcomes. However, should an amended application continue to exceed the development standards, complying floor plans and elevations are to be submitted to demonstrate why the proposed development achieves a better outcome and provides better amenity for the site and surrounds.
- (d) Amended shadow diagrams are to be submitted that remove reference to the previous development on the site. The shadow diagrams must compare the impacts of the proposal against a complying built form.

2. Draft Seniors Housing Design Guide

A detailed assessment of the proposed design against the draft *Seniors Housing Design Guide* November 2022 (previously November 2021) is to be undertaken and amendments made to the plans where targets/design objectives are not met. In particular, the current design will require further detailed design work to be undertaken when considering the (draft) guide as the current proposal fails to provide a high level of amenity for the residents.

3. Built Form, Streetscape Character & Setbacks

- (a) In accordance with the design principles in Division 6 of the Housing SEPP, as the development exceeds two storeys *the “the additional storeys are [to be] set back within planes that project at an angle of 45 degrees inwards from all side and rear boundaries of the site”*. No attempt has been made to step the third-floor level of the building at the south adjoining Richard Podmore Reserve which results in overshadowing impacts to this public open space area. Additionally, this southern façade is provided with no articulation to the built form to reduce the visual bulk and scale of the development when viewed from the public domain. The proposal is to be amended to respond to the design principles of the Housing SEPP and the draft *Seniors Housing Design Guide* November 2022 (previously November 2021).
- (b) The application in its current form presents as an institutional building with each wing mirroring one another and the same unit layouts being presented one after another. Consideration is to be given towards articulating the built form to provide distinction between the three sections of the building.
- (c) The main site entry is dominated by driveways and ramps. Consideration is to be given to provide further landscaping in this area to provide an appropriate streetscape presentation and arrival experience.
- (d) Excavation for staff areas at the basement level is not to extend beyond the building footprint above.

- (e) The fire access stairs leading from the basement to the ground floor are to be relocated so as to not encroach upon the front setback area.
- (f) All architectural features, including balconies, are not to encroach upon the setbacks.
- (g) A streetscape photomontage is to be provided which accurately shows the entry/exit to the adjoining Richard Podmore Reserve. The imagery is to demonstrate the entry/exit looking south from the Karne Street North and Grove Avenue intersection and east from the north through end of Karne Street North.
- (h) Further detail and discussion on how Dharawal design vernacular will be understood, upheld and honoured in the project is to be provided and reflected in the architectural and landscape plans.

4. Amenity

The proposal currently provides poor amenity to a substantial number of units, communal areas and staffing areas. Issues impacting upon the amenity of the proposal are outlined below and are to be addressed with the submission of amended plans.

4.1 Solar Access

Approximately 43% of units do not receive a minimum of 2 hours solar access during the winter solstice. Furthermore, shadow diagrams demonstrate the communal terraces for Wings A and B receive minimal solar access during winter. Therefore, the layout is to be amended to provide good solar orientation for an increased number of RCF units and communal terraces.

4.2 Visual & Acoustic Privacy

- (a) The proposal results in adverse visual and acoustic privacy impacts as well as security concerns for the ground floor level units located adjoining the pedestrian pathway and driveway at the north-western corner of the site and is an unacceptable design outcome. Consideration should be given to increasing the width of the planter box along the path to provide increased residential amenity for these occupants as well as the provision of double glazing.
- (b) The width of the proposed planter boxes at the ground floor level adjacent to the balconies of units facing the southern courtyard are to be increased to provide increased residential amenity for the occupants of these units.
- (c) The proposal results in adverse visual privacy and acoustic impacts for residents where balconies of the units immediately adjoin communal terraces on levels 1 and 2 of the development as shown in **Figure 1** below. This design and layout are to be revised to provide acceptable residential amenity for the occupants of these units.



Figure 1: Balconies adjoining communal terraces on levels 1 and 2 shown clouded.

- (d) The proposed northern boundary tree planting is noted however, visual privacy diagrams are to be submitted that demonstrate the overlooking impacts and sightlines from the communal terraces located on the northern elevation of the building to the rear of the properties fronting Grove Avenue. Diagrams are to demonstrate sightlines from a seated and standing position. The material used for the balustrade of these terraces is unclear in the architectural plans submitted and additional angled louvres may have to be provided to maintain privacy to the residents to the north. Additionally, detailed sections of the communal terraces at this location are to be provided at a maximum scale of 1:50.
- (e) Similarly, visual privacy diagrams are to be submitted to demonstrate sightlines to 58C Grove Avenue to the east from the balconies of the units located on the eastern elevation of the development. Consideration is to be given to providing additional screen planting (Blue Berry Ash) along parts of the eastern boundary to minimise overlooking to the private open space of 58C Grove Avenue from the balconies of the proposed development.

4.3 Operational Noise

- (a) The operational noise of the development has not been adequately addressed in relation to the impact of day-to-day operations on residents within the proposed development or the surrounding area. Consideration is to be given to ambulance, delivery, staff movements and all uses on the site. All noise generating activities are to be described and at a minimum, the following issues/concerns are to be addressed:
 - (i) Hours of operation and patron numbers for the indoor and outdoor seating of the café, salon, function/training room, health consulting room, wellness room and multi-purpose room.

- (ii) Hours of operation for the reception area.
- (iii) Measures to mitigate noise impacts to Grove Avenue residents as a result of the outdoor seating of the café within the northern setback area.
- (iv) Frequency of deliveries (loading and unloading).
- (v) The RtS documentation is to detail the associated noise levels of the mechanical plant located on the roof and is to clarify whether acoustic screening around mechanical plant on the roof is required. The architectural plans are to be amended to demonstrate this.

4.4 Other Amenity Concerns

- (a) A total of 27 units directly overlook 16.9m of a driveway without a suitable buffer/treatment provided.
- (b) Areas for staff are located in the basement with little to no amenity for staff members during breaks. This is contrary to comments from the *State Design Review Panel* (SDRP) and principles within the draft *Seniors Housing Design Guide* November 2022 (previously November 2021).

Therefore, the proposal must be amended to address the above amenity concerns related to the current design.

5. Tree Removal, Landscaping & Deep Soil

- (a) The architectural plans indicate the removal of tree numbered T40 fronting Karne Street North. However, this tree is indicated to be retained on the landscape plans and in the Arboricultural Impact Assessment. Its location is also inconsistently demonstrated across the architectural and landscape plans. Clarification is sought on the retention of this tree, noting that its removal is not supported.
- (b) A detailed assessment is required on any impacts to trees that are identified to be retained in the Arboricultural Impact Assessment in relation to the extent of cut and fill proposed and the proposed retaining walls. This may require sub-surface tree root mapping to be undertaken of all trees that are identified to be retained, including trees located on the neighbouring property to the east having biodiversity values. The root mapping is to be undertaken by a suitably qualified professional with a minimum Australian Qualification Framework (AQF) level 5 Diploma of Arboriculture or Horticulture. The findings are to be detailed in the RtS and any changes required to be made to the development are to be reflected in the submission of amended architectural and landscape plans.
- (c) Deep soil zones indicated on the architectural plans and identified in the design report do not meet the definition for deep soil as prescribed by the Housing SEPP as follows:

deep soil zone means a landscaped area with no buildings or structures above or below the ground.

Therefore, the calculation of deep soil to be revised in accordance with this definition.

- (d) The proposal is to be amended to provide genuine landscaping treatment along both sides of the driveway.
- (e) Given the large frontage to Karne Street North, consideration is to be given to additional street tree planting.
- (f) Explore the provision of landscaping on the roof to improve amenity for the residents.

6. Mechanical Plant

- (a) The placement of the mechanical plant does not appear to be integrated with the design of the roof as required by the provisions of the Housing SEPP. The mechanical plant on the roof is to be amended to be setback a minimum of 2m from the edge of the roof to minimise visibility from surrounding properties and the public domain.
- (b) Further to the comments with regards to noise previously outlined, the architectural plans must be amended to demonstrate any acoustic screening that may be required. Additionally, the RL's of any such screening, the roof parapet, the lift overruns, PV cells and other plant must be indicated on the roof plan, elevations and sections.
- (c) The area of mechanical plant of the roof appears to exclude the area of the lift overruns and other plant. These areas are to be revised on the architectural plans and included in the calculation of area of mechanical plant that must not exceed 20% of the surface area of the roof in accordance with the Housing SEPP.
- (d) Certification is to be provided by a suitably qualified mechanical engineer that the plant demonstrated to be provided on the roof is sufficient, to confirm that more plant will not be added to the roof or heights of the mechanical plant increased in future.
- (e) Details of any discharge of basement exhaust is to be submitted and indicated on the plans.

7. Flooding

Flood emergency management plan and evacuation routes are to be provided. In preparation of these documents, the Applicant must engage with SES, considering any comments provided and all relevant guidelines.

8. Traffic and Transport

- (a) The submitted Green Travel Plan insufficiently addresses the SEARs requirement for a green travel plan. A revised Green Travel Plan is to be submitted that adequately addresses requirements of the SEARs.
- (b) The submitted Construction Traffic Management plan does not adequately consider worker parking arrangements, other construction within the area and how impacts on existing traffic, pedestrian and bicycle networks would be managed and mitigated. A detailed Construction Traffic Management Plan is required to be submitted meeting the requirements of the SEARs. Specifically, a focus is to be put on internal site parking in order to not impact public street parking for use of the nearby local parks.

- (c) As raised by the SDRP, further detailed design work is to be implemented on the driveway/entry.
- (d) Further consideration is to be given towards the ambulance turning circle in accordance with the relevant standards in *Vehicle Access Specifications – NSW Ambulance*, noting the sensitive use and increased potential for ambulance attendance to the site.
- (e) The architectural plans must be amended to accurately identify the parking spaces breakdown including allocating for visitors and staff.

9. Signage

- (a) Clarification is sought on the location of business identification and wayfinding signage as there are inconsistencies between the Environmental Impact Statement (EIS), elevations and floor plans. Particularly, the EIS states 4x business identification signs are to be located on the western elevation. However, the architectural plans demonstrate signs 01 and 04 on the northern elevation and 2x sign 02's on the western elevation. Furthermore, sign 04 is not indicated on the northern elevation plan and the western elevation plan demonstrates 3x signs, while the floor plans only show 2x signs.
- (b) Sign 01 is noted to be illuminated in the EIS however, this has not been indicated on the architectural plans submitted. Details of this illumination are to be provided as well as any curfew.

10. Safety & Security

- (a) The breach of the development standards to the south are considered to adversely impact upon the amenity, safety and security of Richard Podmore Reserve as it results in a solid built form against the access handle of the park. Further consideration is to be given to the design of the interface of the development at the south to the park to further increase opportunities for passive surveillance.
- (b) A lighting strategy for the development footprint is requested to be developed by a suitably qualified and experienced lighting expert.
- (c) Elevations of fencing across the entirety of the site are to be provided.
- (d) Consideration may be given to the provision of improved signage for the entry to the dog park through consultation with Council.
- (e) A streetscape photomontage of the development in relation to the entry/exit to Richard Podmore Reserve is to be submitted.
- (f) A detailed section plan and elevations of the Ironbark Garden are to be submitted to show the interface, fencing and proposed pathway leading to Richard Podmore Reserve. Opportunities to enhance the internal connection between the site and Richard Podmore Reserve are to be explored.

11. Social Impact Assessment

- (a) Clarity is to be provided on any actual mitigation commitments in Section 6.5 of the Social Impact Assessment (SIA). It is noted that deferring to construction management plans is not a suitable response and priority should be given to ensure that mitigation measures are tangible, deliverable, likely to be durably effective, directly related to the respective impact(s) and adequately delegated and resourced.
- (b) A summary table/list of all mitigation measures and commitments is to be submitted with the RtS to remove reference to the phrase '*where practicable*' from the EIS and SIA to clearly demonstrate what measures are proposed to be implemented and how.
- (c) Further detail and discussion as to how Dharawal design vernacular will be incorporated, understood, upheld and honoured in the project is to be provided.

12. Architectural Plans & Document Detailing

- (a) Architectural Plans
 - (i) Revised Gross Floor Area (GFA)/Floor Space Ratio (FSR) diagrams are to be submitted that include the various sheds located across the site. The proposal is to strictly comply with the FSR development standard.
 - (ii) Elevations and sections must be revised to reference the existing ground level.
 - (iii) RL's are to be provided on all elevations, sections and floor plans for all areas of the roof, mechanical plant, lift overrun and retaining walls.
 - (iv) Allocation of RCF and staff car parking spaces are to be identified on the plans.
 - (v) Detailed cross sections are required to be submitted for the sections identified with green arrows in **Figure 2** below.

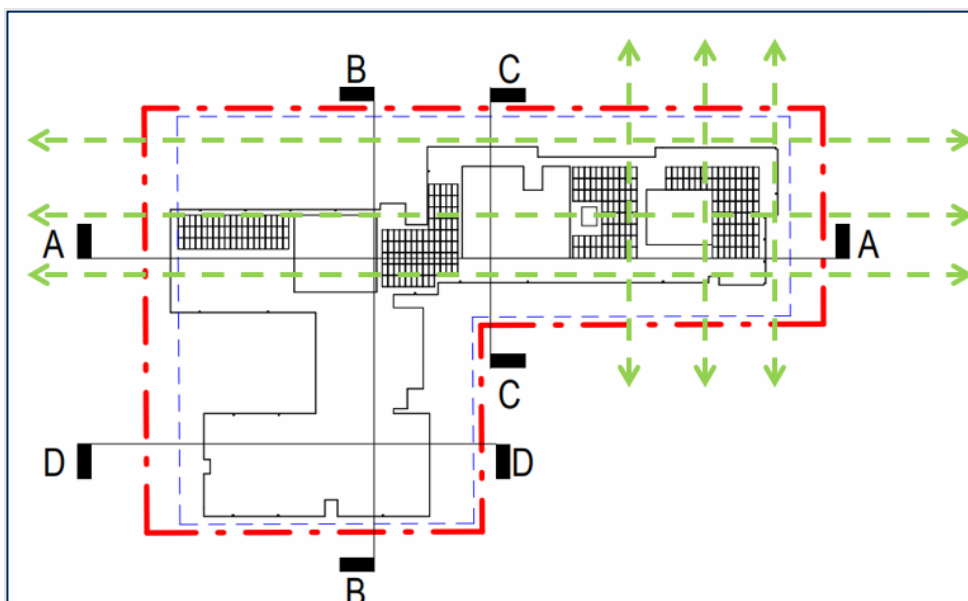


Figure 2: Required cross sections demonstrated by green arrows.

- (vi) Cross ventilation diagrams are to be submitted.
- (vii) Materials and finishes are to be abbreviated and notated on architectural plans, particularly on elevations and sections.
- (viii) Sustainability initiatives are to be demonstrated on the plans such as the inclusion of ceiling fans in each room.

(b) Documentation

- (i) The RtS is to address the following statutory and strategic planning context:
 - Detailed assessment against the draft *Seniors Housing Design Guide* November 2022 (previously November 2021) and amendments to plans where targets/design objectives are not met. As previously discussed, the current design will require further detailed design work to be undertaken when considering the (draft) guide, it is important that amenity is of the highest standard and the current proposal fails to provide a high level of amenity to the residents.
 - Draft Consolidated Canterbury-Bankstown Local Environmental Plan.
 - Draft Consolidated Development Control Plan.
 - Housing 2041: NSW Housing Strategy.
 - Ageing Well in NSW: Seniors Strategy 2021–2031.
- (ii) Should the amended proposal continue to breach the relevant development standards, the Clause 4.6 is to be revised to reference diagrams that demonstrate the existing ground level in relation to the maximum building height.
- (iii) *Attachment 3 – Mitigation Measures* is to be amended in line with advice provided in this letter and by agencies and submitted as a separate document.
- (iv) No information has been provided on the construction timeline. Information is to be submitted on any staging, phases and the delivery timeline of the proposed development and supported with a relevant staging plan if necessary.
- (v) The Architectural Design Report is to demonstrate the design of the western façade.
- (vi) Clarification is sought as to whether the development will cater for patients suffering from dementia.
- (vii) The amended documentation must address all outstanding comments made by the SDRP.