

Report to Sydney West Joint Regional Planning Panel

JRPP No.	Item (2011SYW092)
DA No:	JRPP-11-1496
Proposed Development:	Seniors Living Development including the construction of 76 dwellings, a private common room and a private internal road network
Development Type:	“Regional Development” – Capital Investment Value > \$10 million
Lodgement Date:	19 July 2011
Land/Address:	Lot 142, DP 1163474 & Lot 6, DP 1110661 Beston Drive & Avoca Street, Ropes Crossing
Land Zoning:	“Urban” pursuant to Sydney Regional Environmental Plan No. 30 – St Marys
Value Of Development:	\$14,752,000
Applicant:	Ryan Lane of Lend Lease
Report Author:	Nathan Collins, Town Planner
Instructing Officers:	Judith Portelli, Manager Development Services & Administration and Glennys James, Director City Strategy and Development
Date Submitted to JRPP:	16 November 2011

ASSESSMENT REPORT

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Attachment 1 – Development Application Plans

Attachment 2 – Compliance Table – SEPP (Housing for Seniors or People with a Disability)

Attachment 3 – Draft Conditions of Consent

1 Executive Summary

- 1.1 Council is in receipt of a Development Application (DA) from Ryan Lane of Lend Lease for a Seniors Living Development including the construction of 76 dwellings, a private common room and a private internal road network. The proposed development is an expansion of the existing Rochford Place Retirement Village adjoining the subject site to the north at Lot 142, DP 1163474 & Lot 6, DP 1110661, Beston Drive & Avoca Street, Ropes Crossing. The proposed development has a Capital Investment Value of \$14.752 million.
- 1.2 The proposed 76 dwellings are all residential independent living units. All dwellings are single storey and propose a dwelling mix of 2 one bedroom dwellings and 74 two bedroom dwellings. 75 of the proposed dwellings are attached and 1 dwelling is freestanding.
- 1.3 The proposed development was submitted prior to the changes to the Joint Regional Planning Panel (JRPP) process on 1 October 2011 which reduced the number of classes of Regional Development. In this regard the minimum Capital Investment Value (CIV) triggered to be referred to the JRPP was increased from \$10 million to \$20 million, however under the savings and transitional provisions the JRPP will continue to assess all applications submitted prior to 1 October 2011 between \$10 million and \$20 million. As such, at the time of submission the application was classified as 'Regional Development' requiring referral to a Joint Regional Planning Panel (JRPP) as it had a Capital Investment Value of more than \$10M. Therefore, while Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney West JRPP.
- 1.4 The subject site is zoned "Urban" pursuant to Sydney Regional Environmental Plan No. 30 – St Marys. The proposed development is permissible in this zone with Development Consent.
- 1.5 The subject Development Application was notified in accordance with Blacktown Development Control Plan 2006 Part K – *Notification of Development Applications* to adjoining and nearby property owners and occupants for a period of 14 days from 10 August to 24 August 2011. In response to the public exhibition no submissions were received.
- 1.6 The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, including suitability of the site and the public interest, and is considered satisfactory. The proposed development is considered satisfactory with regard to key issues such as Built Form, Access, Stormwater Drainage, ESD, Site Contamination, Salinity, Social and Economic Impacts and the like, subject to the imposition of suitable conditions of Consent to satisfactorily control the development.
- 1.7 In light of the above, it is recommended that the Sydney West Joint Regional Planning Panel approve the DA subject to the imposition of suitable conditions of Consent. Recommended conditions are provided at Attachment 3 to this Report.

2 Location and Site Description

- 2.1 The subject development site is located within the Eastern Precinct of Ropes Crossing which is within land covered under Sydney Regional Environmental Plan No. 30 – St Marys. The site is located within the central portion of the Eastern Precinct.

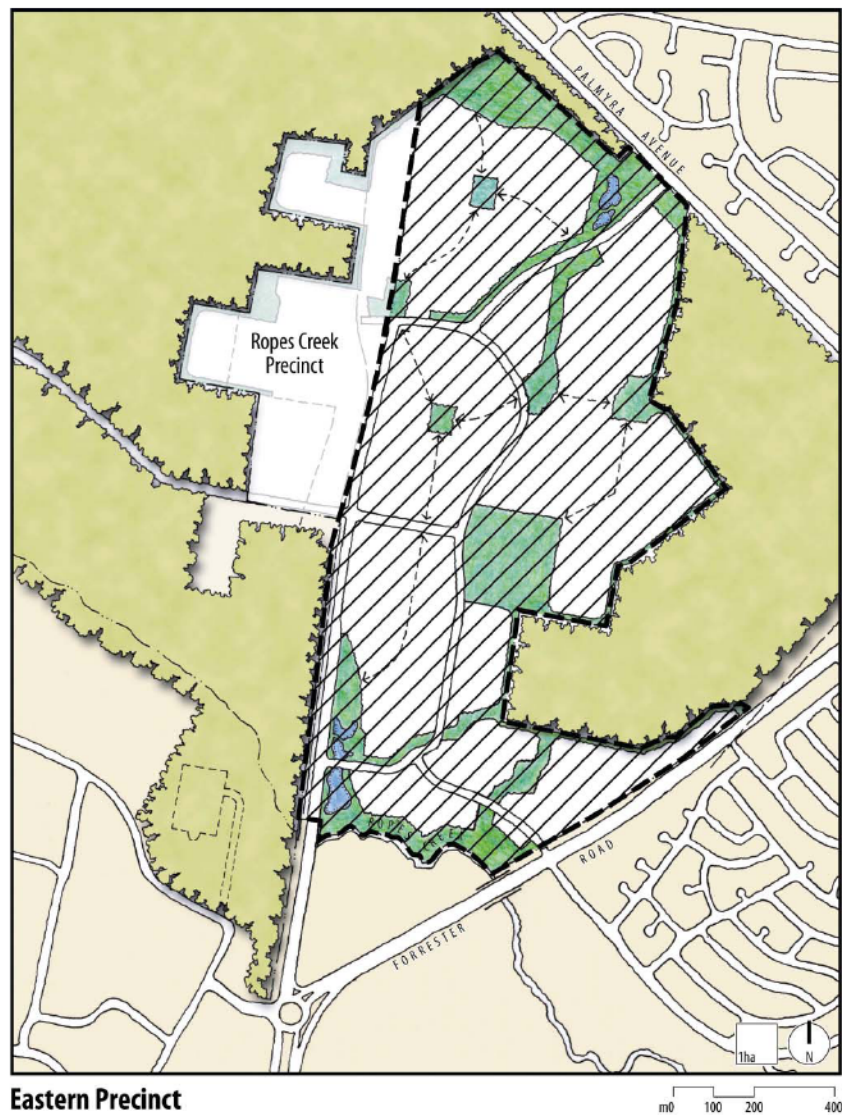
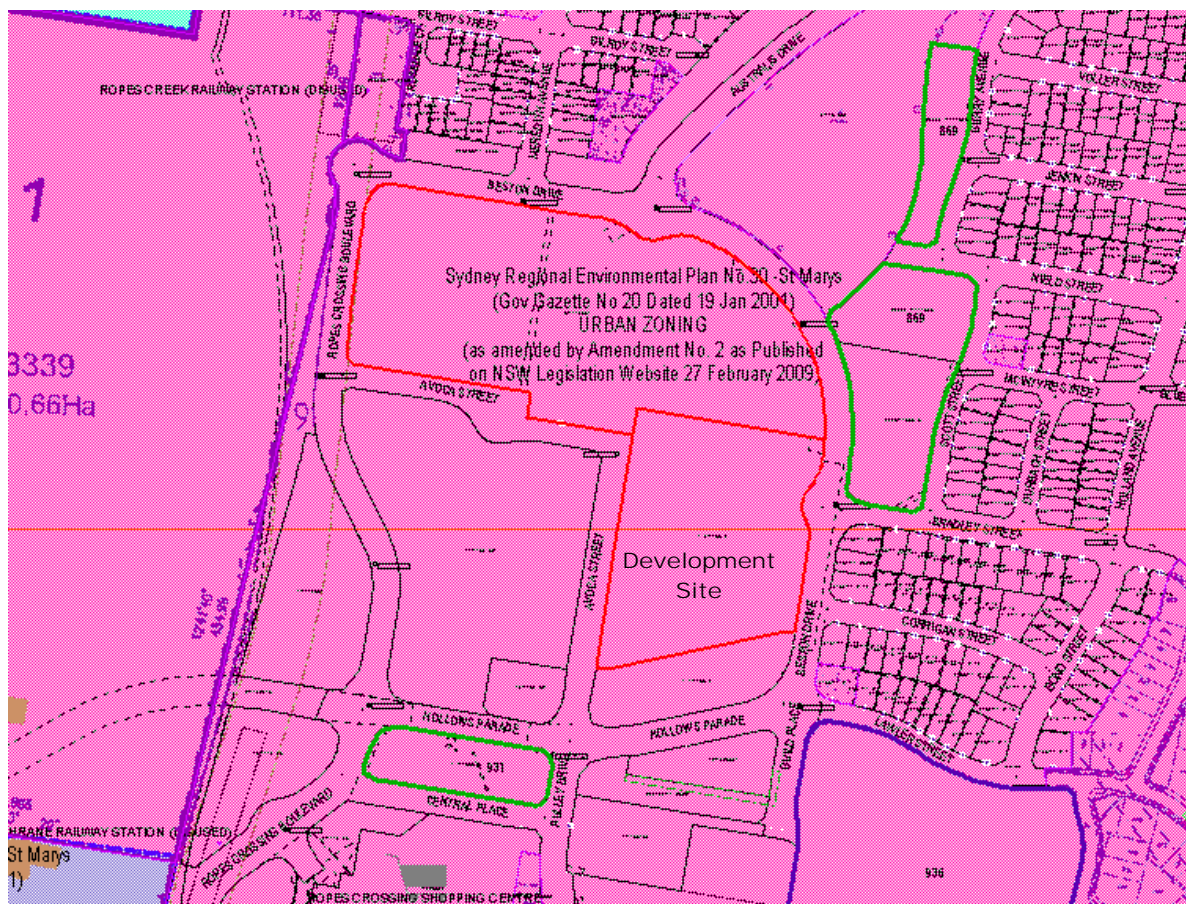


Figure 1 - Land to which this DCS applies

Precinct-wide Location Plan (Source: Blacktown City Council, 2011)

- 2.2 The Eastern Precinct has been subject to a number of Development Applications for subdivision, residential development and associated facilities to support the residential development, such as schools and open space.
- 2.3 The Eastern Precinct also contains a Village Centre which provides retail, commercial, community and open space uses for the local residents.
- 2.4 The subject land, being Lot 142 in DP 1110447 and Lot 6 in DP 1110661, currently has a total area of 6.16 hectares and is bounded by Beston Drive to the north and east, Ropes Crossing Boulevard and Avoca Street to the west and vacant residential land to the south.
- 2.5 It should be noted that the majority of the proposed extension of the Seniors Living Development is located on Lot 142 in DP 1110447, as Lot 6 in DP 1110661 contains the existing Rochford Place Retirement Village.





Aerial Photo of Site and Surrounds (Source: Blacktown City Council, 2010)

- 2.9 The topography of the land is relatively flat with a slope of approximately 1% falling in a north-easterly direction. The lowest level on the site is 32.01m Australian Height Datum (AHD) and the highest level is 34.26m AHD.

3 History and Current Use of the Site

- 3.1 The St Marys site was endorsed by the NSW Government for inclusion on the Urban Development Program in 1993. Subsequently Sydney Regional Environmental Plan No. 30 - St Marys (SREP 30) was gazetted in January 2001. SREP 30 provides the statutory planning framework for the St Marys site.
- 3.2 On 16 June 2003 the Minister for Planning released the Eastern Precinct, along with 5 other precincts, allowing Precinct Plans to be prepared for these sites.
- 3.3 The Eastern Precinct Plan and Development Control Strategy were adopted by Council on 4 February 2004. Consolidated Amendments to the Eastern Precinct Development Control Strategy (DCS) under Sydney Regional Environmental Plan No. 30 - St Marys were adopted by Council on 10 August 2011 and came into effect on 23 August 2011.
- 3.4 On 13 April 2006 Council approved DA-05-3438 for the subdivision of a Village Centre comprising 9 residue allotments, new roads and associated bulk earthworks. The site subject to this Development Application is located on one of the 9 residue allotments created.

- 3.5 On 27 November 2006 Council approved DA-06-2385 for the subdivision of a residue allotment created under DA-06-3438 into 2 residue allotments.
- 3.6 On 27 October 2007 Council approved DA-05-1946 for the demolition of existing buildings, structures and roadways (excluding the Ropes Creek Railway Station) and on-site stockpiling of demolished materials for re-use on-site / transportation off-site. The approval cleared the site to its current vacant state.
- 3.7 On 31 May 2007 Council approved DA-06-3297 for the construction of Stage 1 of a primary and junior secondary school accommodating a maximum of 116 students (K-7) and 13 staff members. Works on this school were never commenced and the Development Consent has not been activated.
- 3.8 On 5 December 2007 Council approved DA-07-1655 for the construction of a retirement village containing 106 x 1 storey attached and 2 x 1 storey detached self-contained villa dwellings, 5 x 3 storey residential flat buildings containing a total of 36 self-contained apartment units, resident facilities, internal private roads and other associated works pursuant to the Seniors Living State Environmental Planning Policy. This approval has subsequently been modified over time to its current approval for the construction of a retirement village containing 120 x 1 storey attached self-contained villa dwellings, 4 x 3 storey residential flat buildings containing a total of 30 self-contained apartment units, resident facilities, internal private roads and other associated works pursuant to the Seniors Living State Environmental Planning Policy. This approval is for the existing Rochford Place Retirement Village located on Lot 6, DP 1110661.
- 3.9 Council is currently considering an additional Section 96 Application to DA-07-1655 to remove the 3 apartment buildings and construct 8 villa units in their location.
- 3.10 On 16 March 2011 Council approved DA-10-2709 for the subdivision of the subject site from the adjoining site fronting Hollows Parade. The adjoining site is proposed to be utilised for future residential subdivision and development.

4 The Proposal

- 4.1 Council is in receipt of a Development Application (DA) from Ryan Lane of Lend Lease for a Seniors Living Development including the construction of 76 dwellings, a private common room and a private internal road network on Lot 142, DP 1163474 and Lot 6, DP 1110661, Beston Drive and Avoca Street, Ropes Crossing. The proposed development has a Capital Investment Value of \$14.752 million.
- 4.2 The proposed development is an expansion of the existing Rochford Place Retirement Village adjoining the subject site to the north.
- 4.3 The proposed 76 dwellings are all residential independent living units. All dwellings are single storey and propose a dwelling mix of 2 one bedroom dwellings and 74 two bedroom dwellings. 75 of the proposed dwellings are attached and 1 dwelling is freestanding. Refer to **Attachment 1** for the DA plans.
- 4.4 Each dwelling has a functional floor plan consisting of a kitchen, bathroom, living area, bedroom/s and internal laundry. Furthermore, each dwelling is provided with private open space at the rear of the dwelling.
- 4.5 The development will be in the ownership of the same owner as the original Rochford Place Retirement Village. The Applicant has advised that residents will occupy the dwellings under a lease arrangement.

- 4.6 The Application proposes the construction of a common room. The common room has an area of 146m² and will provide a theatre, workshop, hair salon, kitchen, lobby, alfresco area and accessible toilet. The common room will be for the use of all residents of the whole Rochford Place Retirement Village.
- 4.7 Appropriate colour selections of the external materials will be utilised to provide variation to the external appearance of the proposed dwellings and common room, which will be further complemented by detailed landscaping and decorative retaining wall/fencing works. The proposed external materials and finishes are considered to be consistent with the existing Rochford Place Village and surrounding residential development.
- 4.8 The proposed development will provide a single car parking space for each of the 76 residential dwellings. Furthermore, the proposal includes the provision of 4 visitor car parking spaces and 1 disabled visitor car parking space. In addition, the development will also share the existing 17 visitor car parking spaces located adjacent to the communal clubhouse in Stage 1 of the Retirement Village.
- 4.9 Vehicular access to the site is proposed via a single entry/exit point at Avoca Street on the western boundary. The proposal includes construction of an internal loop road for vehicular access throughout the site. All roads within the seniors living development are private roads, which will be under the care and maintenance of the operator of the development
- 4.10 Pedestrian access is proposed to be provided between the existing Rochford Place Retirement Village and the proposed extension. This pedestrian access will enable all existing and future residents to enjoy the use of all communal facilities in the village.
- 4.11 The Application proposes the removal of 9 existing trees on the subject site.
- 4.12 The Application seeks further approval for excavation and fill of the subject site and construction of retaining walls to facilitate the construction of the proposed development.

5 Planning Controls

- 5.1 The planning controls that relate to the proposed development are as follows:

- (a) **State Environmental Planning Policy (Major Development) 2005**

- (i) This Application (JRPP-11-1496) was lodged on 19 July 2011 prior to the changes to the Joint Regional Planning Panel (JRPP) process which were implemented on 1 October 2011. These changes related to the reduction in classes of Regional Development and changes to the Joint Regional Planning Panel (JRPP) process and procedures. In this regard the minimum Capital Investment Value (CIV) triggered to be referred to the JRPP was increased from \$10 million to \$20 million, however under the savings and transitional provisions all Applications submitted prior to 1 October 2011 between \$10 million and \$20 million will still continue to be assessed by the JRPP.
 - (ii) As such, at the time the Application was lodged the proposed development was identified under SEPP (Major Development) 2005 as 'regional development', requiring referral to a Joint Regional Planning Panel (JRPP) for determination on the basis of the criteria listed within Clause 13B. Therefore, while Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney West JRPP.

(b) **State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

- (i) The proposed development has been assessed against the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 and is considered to satisfactorily achieve the aims of the Policy. The Application satisfies the site requirements for a seniors living development and achieves compliance with the design requirements, principles and development standards outlined in the SEPP.
- (ii) A Compliance Table of the proposal against the provisions of the SEPP can be found at **Attachment 2** to this report.

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

- (i) The Application has been accompanied by a BASIX Certificate that lists commitments by the Applicant as to the manner in which the development will provide for water and energy efficiency. The requirements outlined in the BASIX Certificate have been satisfied in the design of the proposal. Nonetheless, a **condition** will be imposed to ensure such commitments are fulfilled.

(d) **Sydney Regional Environmental Plan No. 30 – St Marys**

- (i) The land is zoned "Urban" under the provisions of the Sydney Regional Environmental Plan No. 30 – St Marys (SREP).
- (ii) "Housing" is permissible in the Urban zone subject to the approval of the consent authority. "Housing" is defined in the SREP as *"development of a nature intended to create one or more dwellings, including dwelling houses, dual occupancies, multi-unit housing, housing for older people or people with disabilities, or any combination of them."*
- (iii) Section 40(1) of the SREP outlines the objectives of the Urban zone as follows:
 - ☐ *to ensure that buildings and works within the zone are primarily used for residential purposes and associated facilities, and*
 - ☐ *to limit the range and scale of non-residential uses to ensure that they are compatible with residential amenity and primarily serve local residents, and*
 - ☐ *to provide for local retailing and related services, including supermarkets, which will complement established centres in the Blacktown City and Penrith City local government areas and not have a significant adverse effect on the viability of established retail centres, and*
 - ☐ *to provide for medium density residential development in locations which provide optimum access to employment, public transport and services, while ensuring residential amenity, and*
 - ☐ *to promote home based industries where such activities are unlikely to adversely affect the living environment of neighbours, and*
 - ☐ *to ensure that development adjacent to the Regional Park zone does not have a negative impact on biodiversity or conservation within that zone.*
- (iv) The proposed seniors living development is considered to be consistent with the objective of the "Urban" zone and therefore is a permissible use with Consent.

(e) State Environmental Planning Policy No. 55 – Remediation of Land

- (i) SEPP 55 relates to the remediation of contaminated lands. This Policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If land is considered to be unsuitable, remediation must take place before the land is developed. The Eastern Precinct of the St Marys site has been subject to extensive contamination investigation and remediation through the rezoning and planning process. An independent NSW Site Audit Assessment Auditor has provided Site Audit Statements for the whole of the St Marys Site. In this regard the subject site is suitable for the proposed development.

(f) St Marys Eastern Precinct Development Control Strategy 2011

- (i) The Eastern Precinct Development Control Strategy (DCS) was prepared in accordance with the requirements of Sydney Regional Environmental Plan No. 30 – St Marys to provide development standards for the future planning of the Eastern Precinct. The proposed development is consistent with the Development Objectives and satisfies the Environmental Controls outlined in the DCS.

6 External Referrals

- 6.1 Consultation was not required to be undertaken with any State or external authorities.

7 Internal Referrals

- 7.1 The subject Development Application was referred to the following internal sections of Council as summarised in the table below:

Section	Comments
Engineering	<input type="checkbox"/> No objections subject to the imposition of appropriate conditions of consent. (Enclosure 23A on Council File JRPP-11-1414)
Building	<input type="checkbox"/> No objections subject to the imposition of appropriate conditions of Consent. (Enclosure 17A on Council File JRPP-11-1414)
Traffic	<input type="checkbox"/> No objections to the proposed development were raised. (Enclosure 20A on Council File JRPP-11-1496)
Land Projects	<input type="checkbox"/> The DA was referred to Council's Land Projects Committee for consideration. No objections were raised as a result of this process. (Enclosure 21A on Council File JRPP-11-1496)
Environmental Health	<input type="checkbox"/> No objections subject to the imposition of appropriate conditions of Consent. (Enclosures 28A & 29A on Council File JRPP-11-1496)
Waste Services	<input type="checkbox"/> No objections to the proposed development. (Enclosure 24A on Council File JRPP-11-1496)

8 Public Comment

- 8.1 The subject Development Application was notified in accordance with Blacktown Development Control Plan 2006, Part K – *Notification of Development Applications* to adjoining and nearby property owners and occupants for a period of 14 days from 10 August to 24 August 2011. In response to the public exhibition **no submissions were received**.

9 Assessment

- 9.1 An assessment of the key issues relating to the proposed development is presented below:

(a) Eastern Precinct Development Control Strategy

- (i) The Eastern Precinct Development Control Strategy (DCS) was prepared in accordance with the requirements of Sydney Regional Environmental Plan No. 30 – St Marys to provide development standards for the future planning of the Eastern Precinct.
- (ii) The Development Objectives outlined in Clause 2.2 of the DCS are as follows:
 - ☐ *“To accommodate demand for housing in a way that reflects the desired future character of the Precinct.*
 - ☐ *To retain and enhance significant trees and vegetation where possible to preserve the Precinct’s conservation values and biodiversity, including opportunities for wildlife populations and habitat.*
 - ☐ *To preserve the natural, built and cultural significance of identified heritage items and conservation areas including Aboriginal heritage.*
 - ☐ *To minimise the negative impacts of development on the amenity of adjoining properties.*
 - ☐ *To promote housing development that achieves the principles of ecologically sustainable development.*
 - ☐ *To minimise the reliance of housing development on non-renewable energy sources.*
 - ☐ *To encourage innovation in housing design.*
 - ☐ *To ensure building design promotes clear identification of building use.*
 - ☐ *To ensure that building height and massing contribute to the setting of different character areas.*
 - ☐ *To ensure that buildings clearly define public and private spaces, frontages and corners.*
 - ☐ *To encourage the development of landmark buildings in strategic locations to assist “way finding”, including corner buildings that help to define street blocks, and to create visual termination points.”*
- (i) The proposed seniors living development is considered to be consistent with the Development Objectives within the wider scheme of the Eastern Precinct as a whole.
- (ii) Section 7.0 of the DCS provides objectives, principles and guidelines relating to Environmental Controls for development in the Eastern Precinct. The Application is consistent with the relevant provisions of Section 7.0 relating to solar access, visual and acoustic privacy, external materials, energy efficiency, streetscape, fences and walls, garages, safety, servicing, landscaping and water and soil management.

(b) Blacktown Development Control Plan 2006

- (i) The DCS provides development controls replacing those within Blacktown Development Control Plan (BDCP) 2006. However, the provisions of the BDCP, Part C, Section 8 – *Housing for Aged or Disabled Persons* and Part O – *Site Waste Management and Minimisation* are relevant to the proposal and therefore some assessment against these provisions was considered appropriate. The following table outlines that the Application is compliant with the relevant provisions of the BDCP.

Section	Comment	Complies
Part C		
Height of Buildings	<input type="checkbox"/> All buildings proposed on the site are single storey in accordance with DCP requirement.	Yes
Minimum Room Sizes	<input type="checkbox"/> Room sizes are in accordance with the Building Code of Australia and SEPP (Seniors) requirements.	Yes
Design for the Disabled	<input type="checkbox"/> All units and the common room are accessible and can be adapted for people in wheelchairs. <input type="checkbox"/> All areas of the site are accessible to people in wheelchairs. <input type="checkbox"/> The majority of living areas or private open spaces of dwellings have been orientated to the north to maximise solar access. <input type="checkbox"/> A variety of dwelling sizes has been provided within the proposed development.	Yes
Laundries	<input type="checkbox"/> Laundries have been provided in all dwellings to comply with the provision of the SEPP (Seniors).	Yes
Wheelchair Access	<input type="checkbox"/> Wheelchair access has been provided in accordance with AS 1428.	Yes
Community Facilities for Self-Contained Dwellings	<input type="checkbox"/> The Application proposes the construction of a new common room for the use of the residents and when combined with the existing facilities in the Rochford Place Retirement Village includes both indoor and outdoor multi-purpose community facilities.	Yes
Common Rooms	<input type="checkbox"/> A new common room is proposed as part of the Application and an existing Clubhouse exists on site. <input type="checkbox"/> These facilities are provided for the use of all residents and are easily accessible to all residents.	Yes
Car Parking	<input type="checkbox"/> Car parking has been provided in accordance with the SEPP (Seniors).	Yes
Part O		
Waste Management Plan	<input type="checkbox"/> A Waste Management Statement prepared in accordance with the requirements of the DCP has been submitted with the Development Application.	Yes

(c) Seniors Living Policy

- (i) Clause 31 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 requires the consent authority for infill self-care housing to take into consideration:
- ☐ *Urban Design Guidelines for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004.
- (ii) These guidelines have been prepared to assist in the design and assessment of Development Applications for infill development under the SEPP. The policy sets out a range of design principles which must be considered in the assessment of

these Applications. The Policy outlines 5 key issues to be considered with regard to proposed developments. A summary of these issues is outlined below:

■ **Responding to Context**

- The proposed development is not considered to be out of character with the surrounding development. The proposal is an extension of the existing approved retirement village to the north and is consistent in scale and design with other developments in the locality. The development proposes the construction of an internal loop road which also provides for a layout similar to development in the area.

■ **Site Planning and Design**

- The development has been designed to be compliant with the objectives and requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and the DCS. The seniors living proposal provides dwellings with high amenity to care to the needs of future residents. The proposal will have a minimal impact on neighbourhood character as the scale, density and design is appropriate for the locality.

■ **Impacts on Streetscape**

- The design and proportion of the buildings and the layout of the development have resulted in a proposal which is sympathetic to the existing streetscape in the area. Extensive landscaping embellishment is proposed on the site to soften the impact of the built form and break up the building facades. The Application proposes an internal private road to minimise the impact of garages on the external streetscape, whilst the majority of the dwellings are provided with single 3.5m wide garages.

■ **Impacts on Neighbours**

- The subject site currently has no immediate adjoining neighbours. The site is an extension of the existing Rochford Place Retirement Village to the north, whilst the site adjoining to the south is undeveloped. Nonetheless, the single storey nature of the development means that the proposal will not create overlooking or overshadowing issues. Fencing and landscaping has been proposed to define the edges of the site.

■ **Internal Site Amenity**

- The seniors living development proposes 76 independent living dwellings and each dwelling has been designed to maximise the amenity of future residents. Good solar access is provided to the living area and private open space of dwellings and each unit is provided with significant private open space.
- Vehicular access around the site is considered to be clear, organised and orderly, whilst accessible and clearly defined pedestrian pathways have been provided.

(d) Context and Scale

- (i) The site falls within an area characterised by new low density residential subdivision and housing development. The desired future character of the area is largely determined by the planning controls applying under the provisions of Sydney Regional Environmental Plan No. 30 – St Marys and the Eastern Precinct Development Control Strategy. The proposed development has been designed to be consistent with the desired future character and existing development of the locality.
- (ii) The development is well designed and will contribute to the future quality and identity of the area. The site's proximity to services, facilities and public transport makes the site suitable for the proposal.
- (iii) The proposal has been designed to satisfy the numerical requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) for self-contained dwellings. These controls result in the development having suitable scale and context for the locality.
- (iv) The proposed buildings of the development are all single storey in design, with a maximum height of 3.76m. The proposed height is considered to be in harmony with existing surrounding development and will not impact upon the amenity of the area.
- (v) The development proposes a floor space ratio of 0.39:1 across the whole site. The density proposed fits in with the objectives of the Urban zone under the SREP which aims to provide development which does not adversely affect the local amenity.
- (vi) Appropriate setbacks have been provided to minimise the negative impact upon adjoining and surrounding properties and provide good amenity to the streetscape. Furthermore, extensive landscaping embellishment is also proposed to soften the impact of the development.

(e) Private Open Space

- (i) Clause 50(f) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 stipulates the private open space requirements for the self-contained dwellings within Seniors Living Developments as follows:

“A consent authority must not refuse Consent to a Development Application made pursuant to this Chapter for the carrying out of development for the purpose of a self contained dwelling (including in-fill self-care housing and serviced self-care housing) on the following grounds:

(f) private open space for infill self-care housing: if:

- (i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and*
- (ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area.”*

- (ii) The development provides each of the proposed dwellings with an area of private open space ranging from 40m² to 186m². The private open space areas adjoin a main living area of the dwelling and will all be suitably landscaped.
- (iii) The Access Report submitted with the Development Application states that the private open space for all dwellings will be wheelchair accessible in accordance with Clause 50(f) of SEPP (Housing for Seniors or People with a Disability) 2004.
- (iv) The proposal is not considered to adversely impact on the privacy of future residents or neighbouring property owners. The single storey nature of the development is such that there is no potential for overlooking onto adjoining properties. Furthermore, the Rochford Place Retirement Village will be separated from neighbouring properties by public roads that will provide suitable separation to minimise the impact upon privacy on existing and future dwellings.

(f) Landscaping

- (i) The proposal involves the removal of 9 trees from the subject site. These trees are remnant and isolated vegetation which remain on site following the clearing of the Eastern Precinct to enable the bulk earthworks and road layout to be undertaken in accordance with previous Development Applications.
- (ii) A detailed landscape plan has been submitted with the Application to provide for the extensive embellishment of the site by providing ground covers, shrubs and trees to complement the proposed development. The undertaking of landscaping in accordance with this Plan will be **conditioned** in any Consent granted.
- (iii) Clause 50(c) of the SEPP requires a minimum of 30% of the area of the site to be landscaped. The landscape plans submitted to Council provide 32.6% of the site area (6,931m²) as landscaping. Furthermore Clause 50(d) requires not less than 15% of the site area to be provided as deep soil zone. The development provides 16.2% of the site as soil zones to support the growth of a variety of tree species.

(g) Solar Access

- (i) The proposed development is considered to be satisfactory in terms of solar access provision to the dwellings, communal properties and adjoining properties. Clause 50(e) of the SEPP requires the living rooms and private open space for a minimum of 70% of the dwellings of the development to receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter. The Application achieves this requirement with in excess of 70% of all dwellings receiving complying solar access. It is further noted that all dwellings are designed, where possible, to provide living areas and private open space with a direct northern aspect to maximise solar access.

(h) Accessibility

- (i) An Accessibility Report, prepared by Accessibility Solutions, was submitted with the Development Application. This Report provides a review of the proposed development's internal accessibility and access to services in accordance with SEPP (Housing for Seniors or People with a Disability) and the relevant Australian Standards. The report concludes that the proposal complies with the relevant access requirements as follows:

"The development demonstrates compliance with the minimum requirements of visit ability by virtue of 100% of the 76 self contained dwellings that will have wheelchair accessible pathways from an adjoining road or internal road as

required by schedule 3 clause 2(1) and the accessibility requirements of the Seniors Living Urban Design Guideline as referenced by Clause 31; and

The pedestrian pathways to shops, services and public transport which facilitates access to surrounding regional centres confirms appropriate access in accordance with clauses 26 and 38(i) of the SEPP (Housing for Seniors or People with a Disability); and

Accessibility of the 76 self-contained dwellings (100%) and compliance with the design standards of schedule 3; and

Provision of well designed parking for residents and visitors in accordance with schedule 3 clause 5, clause 50(h) and 38(ii)".

- (ii) In this regard the proposed development is considered to be satisfactory from an accessibility perspective in providing suitable access for all future residents of the development.

(i) Parking

- (i) Clause 50(h) of SEPP (Housing for Seniors or People with a Disability) 2004 stipulates the off-street parking requirements for the self-contained dwellings within Seniors Living Developments as follows:

“A consent authority must not refuse Consent to a Development Application made pursuant to this Chapter for the carrying out of development for the purpose of a self contained dwelling (including infill self-care housing and serviced self-care housing) on the following grounds:

*(d) **Parking:** if at least the following is provided:*

- (i) 0.5 car spaces for each bedroom where the Development Application is made by a person other than a social housing provider, or*
 - (ii) 1 car space for each 5 dwellings where the Development Application is made by, or is made by a person jointly with, a social housing provider.”*
- (ii) The development proposes the provision of 150 bedrooms across the village, which requires a total of 75 car parking spaces to be provided off-street. The Application proposes 81 car parking spaces to be provided in the form of 76 resident spaces and 5 visitor spaces. The proposal also has access to the existing 17 visitor car parking spaces located adjacent to the clubhouse in Stage 1 of the village. In this regard the Application complies with the car parking requirements for the development.
- (iii) The Access Report submitted with the Development Application further advises that all parking on site satisfies the accessibility requirements of AS 2890 and Schedule 3, Clause 5 of the SEPP.
- (iv) An operational **condition** will be imposed on the Development Consent requiring all visitor car parking to be utilised for vehicle parking only and not the long-term siting of caravans, trailers, boats or similar vehicles.

(j) Heritage

- (i) An archaeological investigation of the Eastern Precinct was undertaken by Jo McDonald Cultural Heritage Management in 2003. The assessment identifies that the site comprises land that is in Archaeological Zone 4, that is, land which is extremely disturbed with virtually no chance of any Aboriginal sites remaining

intact. Consent (No.2392) under Section 90 of the National Parks and Wildlife Act 1974 has since been granted for the entire Eastern Precinct to manage and conserve aboriginal cultural heritage.

- (ii) The site is located in proximity of the "Ropes Creek Station" that is identified as an item of environmental heritage under Sydney Regional Environmental Plan No. 30 - St Marys. Part of this heritage item has been demolished in accordance with Development Consent 06-2728. Notwithstanding this, the item still remains as an item of heritage significance. However, given the distance and previous consideration given to the Railway Station, it is considered that the proposed seniors living development will not have an impact on the heritage significance of the former station or its setting.

(k) Contamination

- (i) The Eastern Precinct has been the subject of extensive investigation and remediation that has been fully integrated into the planning and rezoning process of the St Marys site. An independent NSW Site Audit Assessment Auditor produced the Site Audit Statements for the whole of the St Marys site. The relevant site audit statements are CHK001/1 and CHK001/6.
- (ii) The site is located within lands audited and certified under Site Audit Statement CHK 001/1 issued on 7/6/1999. Further, areas under structures and paved areas have also been certified in accordance with Site Audit Statements BEO89A, BEO 89B and BEO96.
- (iii) However, in the event that any contamination is found during site works, then a **condition** will be imposed requiring the Applicant to stop work immediately and meet any requirement of the site auditor.

(l) Salinity & Soil Aggressivity

- (i) A Soil Salinity Assessment and Management Plan Report, prepared by Environmental Investigation Services, was submitted with previous Development Applications for the subject site and the adjoining retirement village site. The report found that the salinity levels of a depth of 0.3m were generally considered to be slight to moderately saline. At depths below 0.3m the soil salinity generally increased to slight to moderate levels. The Report also found that soil pH conditions encountered on site were considered to be non-aggressive toward concrete foundations and steel structures.
- (ii) This report also provided a Salinity Management Strategy to address the impacts of saline soils for the previously approved development on site. In this regard **conditions** will be imposed on the Development Consent requiring the Applicant to submit a Salinity Management Plan prepared specifically for the proposal and for all works to be undertaken in accordance with this Salinity Management Plan.

(m) Cut and Fill and Retaining Works

- (i) The Application seeks approval for excavation and fill of the subject site and construction of retaining walls to facilitate the construction of the proposed development. Sandstone masonry retaining walls to a maximum height of 0.9m are proposed to be erected along the southern and eastern boundaries of the site. The sandstone rock retaining wall will be terraced to soften the appearance of the wall. Retaining walls internal to the site are proposed to be constructed from masonry block material. Retaining walls proposed will be integrated into the proposed

landscaping scheme on site. All retaining walls comply with the requirements of the DCS, with all retaining walls being less than 1.2m in height.

- (ii) Standard **conditions** will be included in the Consent with regard to the submission of documentary evidence confirming that any fill material is VENM and providing for the mitigation of any operational impacts (i.e. traffic, noise and air quality) of the fill works, including regular wetting down of the site, erosion and sediment control measures, standard hours of operation and supervision of all works by a suitably qualified environmental consultant.

(n) Bushfire

- (i) The subject site has not been identified as bushfire prone land or as buffer to bushfire prone land. In this regard there are no Asset Protection Zone or construction standard requirements for the proposed development.

(o) Fencing

- (i) The proposal also includes the provision of 1.8m high perimeter fencing to be erected along the southern and eastern boundaries of the subject site. The perimeter fencing proposed is consistent with the existing fencing erected around the boundaries of the Rochford Place site.
- (ii) Furthermore, 1.4m high fencing is to be provided at the rear of courtyards and adjacent to some alfresco areas in order to establish boundaries between dwellings and common areas. The courtyard fencing will also maintain privacy for residents. These fencing requirements will be **conditioned** accordingly in any Consent granted.

(p) External Building Materials and Colours

- (i) A suitable variety of external materials and finishes, consistent with the scale and character of development in the locality, has been selected for the proposed development. The Applicant has proposed 4 varying schemes for the external appearance of the 76 dwellings in the development and a unique scheme for the clubhouse. The external colours and finishes will be further complemented by detailed landscaping and decorative retaining wall/fencing works. The proposed external materials and finishes are considered to be consistent with the existing Rochford Place Village and surrounding residential development of Ropes Crossing.
- (ii) A **condition** will be included within the Consent requiring that the building is constructed in accordance with the Finishes Table held within Council's file.

(q) Resident Facilities

- (i) The Application proposes the construction of a new common room. The common room has an area of 146m² and will provide a theatre, workshop, hair salon, kitchen, lobby, alfresco area and accessible toilet. The common room will be for the use of all residents of the whole Rochford Place Retirement Village and will provide additional services to the existing clubhouse and common open space constructed during Stage 1 of Rochford Place. Similar to the adjoining clubhouse, the common room will generally operate between the hours of 8am to 9pm, however it may also operate until midnight on special occasions.
- (ii) As the common room proposes to contain a hair salon, a **condition** will be imposed on the Development Consent requiring plans and specifications to be submitted with the Construction Certificate that demonstrate compliance with the requirements of the Public Health (Skin Penetration) Regulation 2000 and NSW

Health Department publication Skin Penetration - Code of Best Practice and Skin Penetration Guidelines.

- (iii) Furthermore, the Applicant has advised that the kitchen in the common room is to be utilised by residents as a tea preparation area. In this regard a **condition** will be imposed requiring that the kitchen not be used to prepare food for sale.

(r) Developer Contributions

- (i) The St Marys Developer Agreement has been executed for the subject site, and as such no Section 94 Contributions Plan is applicable to the proposal.

(s) Impacts During Construction

- (i) **Conditions** of Consent will be imposed to mitigate any potential impacts on the amenity of surrounding development.

(t) Social and Economic Impacts

- (i) It is considered that the proposed seniors living development will complement the locality. The proposal is not expected to have any adverse social or economic impacts.

(u) ESD and Cumulative Impact

- (i) The development satisfactorily responds to the principles of Ecologically Sustainable Development. The proposal is not expected to have any cumulative negative impacts and the proposal will not inhibit the development of surrounding properties.

(v) BCA Compliance

- (i) A **condition** of Consent will require that the proposed development complies with the applicable requirements of the Building Code of Australia.

(w) Water Management

- (i) The Application has been reviewed by Council's Development Engineers who have raised no objections to the proposed development subject to the implementation of **conditions** of Consent.

(x) Soil Management

- (i) The proposed development is not expected to have an adverse impact in regard to soil erosion or sedimentation. A **condition** of Consent will require the Applicant to ensure the proposal is carried out in compliance with erosion and sedimentation controls.

(y) Waste Management

- (i) A Waste Management Plan (WMP) has been prepared and submitted as a part of the Application. The proposed development will generate little waste during the construction phase. Therefore, a **condition** of Consent will be included within the Consent requiring compliance with the submitted WMP.
- (ii) The proposal is expected to generate domestic quantities of waste from each dwelling. Common waste and recycling bin storage areas are provided throughout the site for the storage of garbage until collection.

- (iii) The Applicant is to make suitable arrangements for a Council waste collection service to each of the proposed units. This will be **conditioned** accordingly in any Consent granted.

(z) General Services

- (i) The subject site has access to services such as water and sewer, power, telecommunications and gas supply. **Conditions** will be imposed on this Consent requiring the Applicant to obtain Service Authority Clearances prior to the issue of any Occupation Certificate.

10 Section 79C Consideration

10.1 Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act is summarised below:

Head of Consideration	Comment	Complies
<p>(a) the provisions of:</p> <p>(i) any environmental planning instrument (EPI)</p> <p>(ii) any development control plan</p> <p>(iii) any planning agreement</p> <p>(iv) the regulations</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The provisions of the relevant EPIs relating to the proposed development are summarised under Section 5 of this report. <input type="checkbox"/> The proposal is considered to be consistent with SEPP (Housing for Seniors or People with a Disability). <input type="checkbox"/> The proposal is permissible within the “Urban” zone and satisfies the zone objectives outlined under Sydney Regional Environmental Plan No 30 – St Marys. <input type="checkbox"/> St Marys Eastern Precinct Development Control Strategy 2011 applies to the site. <input type="checkbox"/> The proposed development is consistent with the desired future character of the area. <input type="checkbox"/> A detailed assessment of the Application is provided under Section 9 of this Report. 	Yes
<p>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</p>	<ul style="list-style-type: none"> <input type="checkbox"/> An assessment of the key issues is provided in Section 9 of this Report and it is considered that the likely impacts of the development have been satisfactorily addressed. 	Yes
<p>(c) the suitability of the site for the development</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The subject site is zoned “Urban” and permits the proposed development with Consent. <input type="checkbox"/> The proposal has been designed taking into consideration the site’s constraints and locality. <input type="checkbox"/> The site is therefore considered suitable for the proposed development. 	Yes
<p>(d) any submissions made in accordance with this Act or the regulations</p>	<ul style="list-style-type: none"> <input type="checkbox"/> As noted in Section 8 of this Report, no submissions objecting to the proposed development were received. 	Yes
<p>(e) the public interest</p>	<ul style="list-style-type: none"> <input type="checkbox"/> No adverse matters relating to the public interest arise from the proposal and the provision of seniors living housing is desirable and is 	Yes

	considered to be in the public interest.	
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11 General Comments

- 11.1 The proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. In this regard it is considered that likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. Further, the subject site is considered suitable for the proposed development.
- 11.2 The proposal is consistent with the objectives of Sydney Regional Environmental Plan No. 30 – St Marys and the Urban zone and is permissible in the zone with Development Consent. The proposal also complies with the provisions set out in State Environmental Planning Policy (Housing for Seniors or People with a Disability) and the St Marys Eastern Precinct Development Control Strategy, and is considered satisfactory with regard to relevant matters such as Built Form, Heritage, Access, Stormwater Drainage, ESD, Site Contamination, Salinity, Social and Economic Impacts and the like subject to the imposition of suitable **conditions** of Consent to satisfactorily control the development.

12 Recommendation

- (a) The Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at Attachment 3.
- (b) The Applicant be advised of the Sydney West Joint Regional Planning Panel's decision.

NATHAN COLLINS
TOWN PLANNER

JUDITH PORTELLI
MANAGER DEVELOPMENT SERVICES & ADMINISTRATION

GLENNYS JAMES
DIRECTOR CITY STRATEGY & DEVELOPMENT

Attachments

- Attachment 1** - **Development Application Plans**
- Attachment 2** - **Compliance Table – SEPP (Housing for Seniors or People with a Disability)**
- Attachment 3** - **Draft Conditions of Consent**