

JRPP REF No:	2012YW003
DA No:	DA11/1434
PROPOSED DEVELOPMENT:	Proposed use of Existing Residential Aged Care Facility and staged Construction of 164 Independent Living Units at Nos. 50-52 Manning Street Kingswood and 73-105 Caddens Road, Caddens.
APPLICANT:	Anglican Retirement Villages
REPORT BY:	Deepa Randhawa, Senior Environmental Planner



Executive Summary

A Development Application has been received from Anglican Retirement Villages for the use of a recently constructed Residential Aged Care Facility (102 beds) and staged construction of 164 Independent Living Units pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The subject site is part zoned 5(a) Special Uses (Tertiary Education) under the provisions of the Penrith Local Environmental Plan 1998 (Urban Land) and part zoned R 1- General Residential pursuant to Penrith Local Environmental Plan 2009 (Caddens).

Department of Planning has issued a Site Compatibility Certificate (SCC) for the site zoned 5(a) Special Uses (Tertiary Education) on 16th December 2011, which certifies that the site is suitable for the proposed development.

The subject application was advertised in the local paper and notified to a total of 970 adjoining property owners and occupiers from 16 January 2012 to 6 March 2012. Two (2) submissions were received in response to the proposal and the issues raised in these submissions have been addressed and do not warrant refusal of the subject application.

The proposal is generally compliant with the provisions of SEPP (Housing for Seniors or People with a Disability) 2004, State Environmental Planning Policy 55, Sydney Regional Environmental Plan No.20 – Hawkesbury/Nepean River, Penrith Local Environmental Plan 1998 (Urban Land), Penrith LEP 2009 (Caddens) and the Penrith Development Control Plan 2006.

An assessment under Section 23G and 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval.

Background

Council has issued a number of Development Consents on the subject site which are currently active and remain relevant to the subject proposal. A summary of these consents in chronological order are detailed as follows: -

1. DA07/0121 - Two (2) lots Torrens title subdivision. The land has now been registered and has been excised from the adjoining UWS Kingswood Campus.
2. DA07/1281 -Concept Masterplan for a Seniors Living Retirement Village comprising of a Residential Aged Care Facility (Stage 1) and Independent Living Units (Stage 2).
3. DA08/0656 - Construction of Stage 1 of the approved concept Masterplan comprising of a 102 bed Residential Aged Care Facility (RACF). Construction was completed in December 2011.
4. DA08/1340- Construction of Stage 2 of the approved concept masterplan for construction of seventy-seven (78) Independent Living Units (ILUs), a Community Facility, Arts and Craft Workshop Studio.
5. DA11/1337- Approval for bulk earthworks involving excavation of the site to grade levels for the proposed Retirement Village, including approved of a Remedial Action Plan.

Site and Surrounds

The site is partially located within land which was formerly part of the University of Western Sydney (UWS) Penrith Campus and partially within the Caddens Release Area, in Caddens.

The subject site is located within the south western corner of the University of Western Sydney (UWS) Kingswood Campus. Kingswood Primary School is located to the north, and residential properties adjoin the western and northern boundary. Land to the south of UWS is has recently been zoned residential and forms part of the new suburb of Caddens.

Refer Location Plan at Appendix No.1.

The site consists of two parcels of land located between Manning Street and Caddens Road, Kingswood 2747, legally described as:

- Lot 1 DP 1130750, known as 50-52 Manning Street (the '**Northern Parcel**' – located within the former UWS Campus); and
- Lot 1 DP 1145043, known as 73-105 Caddens Road (the '**Southern Parcel**' –located within the Caddens Release Area).

The site for the Caddens retirement village proposal constitutes a total site area of 8.485 hectares (comprising 5.815 hectares on the northern parcel and 2.67 hectares on the southern parcel).

Approximately 2.5 hectares of the northern parcel adjacent to Manning Street has recently been developed in accordance with development consent DA 08/0656 for a 102-bed RACF, including bulk earthworks and drainage facilities.

An aerial photograph of the site showing the two parcels of land at Appendix No. 2.

Proposed Development

The application was lodged to seek approval for 168 Independent Living Units, however amended plans have been received to reduce the number of the Independent Living Units from 168 dwellings to 164 dwellings to enable larger communal open spaces and creation of improved walkway connectivity within the development site.

Use of the Residential Age Care Facility (RACF)

The application seeks approval for the use of the 102 bed Residential Aged Care Facility (RACF) that has recently been constructed and there will be no change to the form or function of the approved RACF.

Independent Living Units (ILUs)

The proposal incorporates 164 ILUs and the layout generally involves pairs of single storey semi-detached dwellings fronting internal roads. Two two-storey buildings containing ILUs are to be located toward the centre of the site on the northern parcel, utilising the sloping land to minimise perceived building height.

Community Facilities

The proposal will include a community centre/club house incorporating a café, kitchen, chapel, lounge, meeting and consultation rooms, computer room, hairdresser, library, gymnasium, resident workshop, toilets, storage, lift and a garage space for the village mini-bus/service vehicle. Visitor car parking will be provided in close proximity to this facility.

In addition, a “Men’s Shed” is proposed. This will be a single storey structure providing a workshop for hobby woodwork, metalwork and the like. Visitor car parking will be provided nearby.

Several barbeque and picnic table areas within the communal landscaped open space areas are also to be provided throughout the site, providing communal outdoor eating areas.

Vehicular Access, Parking and Loading

All vehicular access to the site is initially proposed to be via Manning Street. Whilst there will be a connection through to Caddens Road, this is dependent upon the timing for the development of the Landcom site to the south. The proposed design allows for a southern access point from the proposed (future) Caddens By-Pass Road, at which time ARV proposes to install a controlled access boom gate at the Manning Street access point to prevent traffic other than ILUs and RACF residents, visitors, employees and emergency vehicles.

The RACF has been provided with 44 at-grade car parking spaces and 1 ambulance bay. The proposed ILUs will each be provided with 1-2 car parking spaces (depending on the number of bedrooms) in accordance with the requirements of SEPP Seniors. Provision for 300 car parking spaces is made comprising 124 car spaces within garages of ILUs, 93 spaces within driveways and 83 community and visitor car parking spaces (including eight accessible car parking spaces).

Accessibility and Adaptability

The proposed development has been designed to comply with all key requirements of SEPP Seniors Living, the BCA and relevant Australian Standards. A detailed Access report outlining this compliance and the ability for ILUs to be adaptable to cater for the needs of mobility impaired persons has been submitted with the application.

The following reports have been perused throughout the planning assessment: -

- Statement of Environmental Effects prepared by Don Fox Planning Consultants
- Site Compatibility Certificate
- Quantity Surveyors Report
- Site Survey prepared by Vince Morgan Surveyors
- Geotechnical Report prepared by Geotechnique Pty Ltd.
- Phase 1 Contamination Assessment and Phase 2 Site Classification prepared by Geotechnique Pty Ltd
- Architectural Drawings prepared by A & N Design
- Tree Report prepared by Stuart Pittendrigh (Registered Landscape Architect)
- Landscape Plan
- Traffic Report prepared by Colston Budd Hunt & Kafes Pty Ltd.
- Stage 2 Road Safety Audit prepared by Prepared by: Andrew Morse
- Facility Services Statement prepared by Anglican Retirement Villages
- BASIX Summary Certificates prepared by Benchmark Building Certifiers
- Access Report prepared Access Associates Sydney
- Acoustic Report prepared by Wilkinson Murray Pty Ltd
- Engineering Drawings prepared by Mott MacDonald Hughes Trueman Pty Ltd
- Civil Engineering Report prepared by Mott MacDonald Hughes Trueman Pty Ltd
- Infrastructure Report – Water, Sewer and Gas prepared by Mott MacDonald Hughes Trueman Pty Ltd
- Infrastructure Report – Electrical Services prepared by JHA Consulting Engineers
- Construction Management Plan prepared by Anglican Retirement Villages
- Social Impact Assessment prepared by Jo Manion Associates.
- CPTED Report prepared by Jo Manion Associates
- Waste Management Plan prepared by Anglican Retirement Villages
- BCA Report prepared by Benchmark Building Certifiers
- Letter from Landcom in support of a drainage easement to drain into Landcom detention basin.

Refer Architectural Plans at Appendix No.3.

Planning Assessment

The proposed development has been assessed against the relevant heads of consideration contained in Section 23G and Section 79C the *Environmental Planning and Assessment Act 1979*, and based on this assessment, the following issues have been identified for further consideration.

1. Section 23G – Joint Regional Planning Panels

The proposed development is has a capital investment value (CIV) of in excess of \$20 million (34.49million) and in accordance with Section 23G of the Environmental Planning and Assessment Act, 1979, the Joint Regional Planning Panel (JRPP) is the consent authority for determination of the application.

2. Section 79C(1)(a)(i) – Any Environmental Planning Instrument

The proposal have been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

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

The SEPP aims to encourage the provision of housing that meets the needs of seniors or people with a disability and make efficient use of existing infrastructure and services as well as ensuring good building design.

The subject application proposes the construction of 'Independent Living Units' pursuant to Clause 10 of the SEPP and Seniors housing is defined as follows: -

Clause 10 Seniors housing

*In this Policy, **seniors housing** is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:*

- (a) a residential care facility, or*
- (b) a hostel, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of these,*

but does not include a hospital.

Clause 24 - Site compatibility certificates required for certain development applications

(1) This clause applies to a development application for the purposes of seniors housing (other than dual occupancy) if:

(a) the development is proposed to be carried out on any of the following land to which this Policy applies:

- (i) land that adjoins land zoned primarily for urban purposes,*
- (ii) land that is within a zone that is identified as "special uses" under another environmental planning instrument*

The northern parcel of the site is zoned 5(a) Special Uses – Tertiary Education and accordingly, a Site Compatibility Certificate (SCC) is required. The Department of Planning issued a SCC on 16th December 2011, which certifies that the site is suitable for the proposed development.

The Southern Parcel of the site is zoned R1 General Residential which permits seniors housing and in any event, SEPP Seniors Living permits seniors housing on any urban zoned land irrespective of the provisions of any other environmental planning instrument. Therefore the proposal is permissible with consent under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The Site Compatibility Certificate issued by the Department of Planning for the site is satisfactory pursuant to Clause 24(1)(a)(i) and (ii) and Clause 24(2) of the SEPP given the 5(a) zoning of the site and its location which adjoins land zoned primarily for urban purposes.

Development Provisions

The proposed development has been assessed having regard to the development standards stipulated in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and the detailed assessment demonstrate that the proposed development is compliant relevant provisions of the SEPP. Refer SEPP (Housing for Seniors or People with a Disability) 2004 assessment at Appendix No. 5.

(b) State Environmental Planning Policy (Infrastructure) 2007

A Sydney Regional Development Advisory Committee (SRDAC) meeting was held on 29 February 2012 in response to the referral to the Roads and Maritime Services (RMS) required under Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*.

The Sydney Regional Development Advisory Committee considered the traffic impacts of the proposal and raised no objection to the proposed development subject to standard conditions.

A copy of the Sydney Regional Development Advisory Committee (SRDAC) requirements has been included at Appendix 6.

(c) State Environmental Planning Policy (Building Sustainability Index) 2004

Under the *Environmental Planning and Assessment Regulation 2000*, all ILUs (dwellings) within the proposed development are defined as *BASIX affected buildings* and accordingly, the provisions of the SEPP apply.

A BASIX Assessment has been submitted with the application which confirms that the proposed development complies with the provisions of the SEPP in relation to water, thermal comfort and energy.

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

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) aims to provide a framework for the assessment, management and remediation of contaminated land throughout the state. Clause 7(1) of SEPP 55 prevents consent authorities from consenting to a development unless it has considered whether the land is contaminated and is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

An assessment of the potential for contamination within the site has been undertaken in the Phase 1 Preliminary Contamination Assessment (PCA) report and the Phase 2 Contamination Assessment & Classification of Natural Soils report, both prepared by Geotechnique Pty Ltd.

With regard to potential contamination, the Phase 1 PCA report states:

“Based on the desktop study and site conditions, it is considered that the site has potential for contamination due to past agricultural activities. Potential contaminants resulting from these activities are metals, including arsenic, cadmium, copper, lead, mercury and zinc.

Based on the information obtained in preparation of this report and site inspection, it is considered that the site has only a low potential for contamination. Thus, the site is considered suitable for the proposed residential use, subject to the implementation of a suitable sampling and testing plan in order to address the potential for contamination and confirm the contamination status of the site. If contamination is identified, a detailed assessment to delineate the extent of contamination, preparation of a Remedial Action Plan (RAP) and validation will be required.”

The Phase 2 report was prepared to supplement the Phase 1 report. Phase 2 Contamination Assessment and Classification of Natural Soils prepared by Geotechnique conclude that, subject to testing and monitoring during construction, the site is suitable for the intended residential purpose.

Notwithstanding this, a separate development application (DA11/1337) was lodged for bulk earthworks which assessed potential contamination in detail. The soil sampling included 51 systematic sampling positions and six judgmental test pits across the site in accordance with NSW Environmental Protection Authority (EPA) guidelines.

The report found that the site does not pose a risk of hazard to human health and the environment, with the exception of topsoil at one test pit location, which might impact on the growth of certain plant species due to elevated zinc concentration, but would not present a risk of harm to human health.

The Executive Summary of the Phase 2 report stated:

“Virtually all laboratory data and/or data sets satisfied the criteria for stating that the analytes selected are either not present (i.e. concentrations less than Limits of Reporting) or present in the sampled and tested soils at concentrations that do not pose a risk of hazard to human health and the environment, under a retirement village development, which is similar to residential development with access to soil, with the exception of topsoil at one test pit location, as shown on Drawing NO. 12361/3-AA2, which might impact on the growth of certain plant species due to elevated zinc concentration, but would not present a risk of harm to human health.

The site is considered suitable for the proposed retirement village development, subject to the following:

“Stripping the full depth of topsoil in the vicinity of TP34 (approximately an area of 10m x 10m) and stockpile the stripped topsoil separately for re-sampling and testing for zinc. This process might require several stages (i.e. trial and error) to achieve the ultimate goal of producing environmentally re-useable soils. However, if the process is unsuccessful, the soils would require off-site disposal.”

Refer Appendix No. 7 for “Area to be Remediated”.

Council’s Senior Environmental Health Officer reviewed the Phase 1 Preliminary Contamination Assessment (PCA) report and the Phase 2 Contamination Assessment & Classification of Natural Soils report and has raised no objection to the development subject to conditions and recommended that:-

“Construction works are not to commence in the remediation area as marked in the approved “Remedial Action Plan: Proposed Retirement Village Development Part Lot 1 in DP1145043 Manning Street, Kingswood” prepared by Geotechnique Pty Ltd dated 3 February 2012 (Report No. 12561/3-AB), until such time as Council has approved the Validation Report.”

The site is considered to be suitable for the intended residential purpose, subject to compliance with the Remedial Action Plan and conditions of consent.

(e) Sydney Regional Environmental Plan No.20 – Hawkesbury/Nepean River

SREP No. 20 applies to the subject land and stipulates that the consent authority shall not grant consent to an application unless it is of the opinion that the carrying out of the development is consistent with any relevant, general and specific aim of SREP 20. The general aims and objectives of the plan are directed towards improving the amenity of the river and protecting the lands within the river valley, including scenic quality.

In accordance with Clause 11, remediation of contaminated land requires consent.

Remediation of contaminated land

Removing soil or other deposits from, or otherwise remediating, contaminated land. For the purposes of this definition, contaminated land means land on which hazardous substances occur at concentration levels above background levels, where an assessment (carried out in accordance with guidelines circulated to councils by the Department) has indicated the substances pose, or are likely to pose, an immediate or long-term hazard to human health or to the environment.

A small section of the site contains contamination and a Remediation Action Plan (RAP) has been prepared for the site under a separate consent which is consistent with the strategy of minimising adverse impacts on the water quality of the River.

The development proposal is in accordance with the general planning considerations set out in Clause 5 of SREP 20 and the relevant specific planning policies and related recommended strategies set out in Clause 6. In particular, provision will be made for adequate erosion and sediment control measures to ensure sediment as a result of the development is not deposited in the Hawkesbury-Nepean River via the stormwater system.

(f) Penrith Local Environmental Plan 1998 (Urban Land)

(i) Permissibility

The subject site is partly zoned 5(a) Special Uses (Tertiary Education) under the provisions of the Penrith Local Environmental Plan 1998 (Urban Land). The SEPP applies to the land and is permissible only with consent.

A 'Site Compatibility Certificate' pursuant to Clause 25 of the SEPP has been issued by the Department of Planning which concludes that the site is suitable for the proposed development.

(ii) Objective of the zone

The objective of the zone is as follows: -

"To facilitate certain development on land which is, or is proposed to be, used by public authorities, institutions, organizations or the council to provide and protect services, utilities or transport facilities and associated activities."

The proposed development would provide aged care housing for persons over 55 years of age and those with a disability. Accordingly, it is considered that the proposal would not be inconsistent with the objective of the zone.

Clause 13 – Environmental Performance

The location, siting and design of the proposed development will achieve effective environmental performance.

An acoustic assessment with respect to potential traffic noise impacts arising from the proposed development has been prepared by Wilkinson Murray was considered by Council's Environmental health officer, who has recommended appropriate conditions to ensure the implementation of the

recommendations of the report within the design of the buildings and the overall management of noise within the site.

The application was also referred to Council's Engineering Department for comment regarding the management of stormwater discharge. Appropriate conditions of consent have been included ensure the management and treatment of stormwater discharge from the site.

Clause 14 – Design Principles

The proposed development is consistent with the required design principles relating to protection of local topography, streetscape and character, compatibility with the scale and design of neighbouring development and provision of contemporary standards of amenity.

An Urban Design Review Panel meeting was held on 25 January 2012 which considered the proposal and suggested to investigate opportunities to coordinate and consolidate pedestrian access and view corridors with local parks and ensure that opportunities for north facing windows are maximised for all dwelling designs.

Amended plans were received by Council where by total number of the Independent Living Units were reduced from 168 dwellings to 164 dwellings to enable improved dwelling designs, larger communal open spaces and creation of improved walkway connectivity within the development site.

The proposal will facilitate infill low density housing between an established residential area and land zoned for future low density housing. There are no significant views across the site that may be impacted upon by the proposed development.

Clause 28 - Tree preservation

A Tree Report submitted by the applicant concludes that removal of twenty one (21) trees are required to accommodate the proposed development and is supported with an appropriate replacement planting regime. The Tree Report prepared surveyed 21 trees on the site and concludes that none are considered rare or endangered or significant.

A detailed landscape plan has been submitted with the application for the proposed Seniors Housing development in accordance with Council's requirements and the recommendations of the Tree Report.

Clause 30 - Development on contaminated land

In determining applications for consent to carry out development, the council must take into consideration of any land relating to contamination in accordance with the requirements of any guidelines, protocols or standards published by the *Australian Environment and Conservation Council* and the *Environment Protection Authority (EPA)* and any other controls relating to contamination of land.

A small section of the site has been identified to have contamination and a "Remedial Action Plan" has been identified to be carried out for the remediation of the land subject to a previous consent.

A condition has been recommended to ensure that the work is carried out and completed in accordance with the recommendation of the Remedial Action Plan prior to any construction of the subject land. Refer Condition No 2.18.

(g) Penrith Local Environmental Plan 2009 (Caddens)

Permissibility

Pursuant to clause 2.2 this LEP, the Southern Parcel of the site is zoned R1 General Residential. Accordingly, seniors housing is permissible with development consent in the R1 General Residential zone.

Objectives of the Zone

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provides facilities or services to meet the day to day needs of residents.*
- *To ensure that a reasonable high level of residential amenity is achieved and maintained.*
- *To ensure new development reflects the desired future character described in the Penrith Development Control Plan.*

The proposed development which is a form of seniors housing is permissible with consent in the R1 General Residential zone and is consistent with the objectives of the zone as they provide a variety of housing types to meet the needs of the community whilst respecting the desired future character of the locality and providing a high level of amenity.

It is considered that the proposal meets the objectives in the zone given it would promote land that would be suitable for future residential development.

3. Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instruments

This section is not applicable for the subject application.

4. Section 79C(1)(a)(iii) – Any Development Control Plan

Penrith Development Control Plan 2006

Penrith Development Control Plan (DCP) 2006 contains more detailed planning controls for land to which LEP 1998 and the LEP 2009 for Caddens applies. This includes precinct specific controls for the Caddens Release area which were adopted by Council on 9 March 2009.

Part 2.1 Contaminated Land

Council will evaluate whether the past and present uses are likely to give rise to contamination and whether further investigations are required.

A Phase 1 Preliminary Contamination Assessment (PCA) report and Phase 2 Contamination Assessment & Classification of Natural Soils report has been undertaken and with the *exception of topsoil at one test pit location, “which might impact on the growth of certain plant species due to elevated zinc concentration, but would not present a risk of harm to human health”* the site is considered to be suitable for future residential development subject to the recommendation of the Rap and conditions of consent.

Part 2.2 - Crime Prevention Through Environmental Design (CPTED)

A CPTED Report prepared by Jo Manion accompanied the application addresses the CPTED requirements as follows:

Lighting

Lighting of communal areas within the site will allow appropriate levels of visibility whilst avoiding spillage into nearby private spaces external to the development. In addition, energy efficient lighting will be provided and maintained by the village operator.

Fencing

The site will be secured by a 1.8m high open metal palisade fence which prevents unauthorised access other than via the main entries where greater surveillance can be achieved. These fences allow for passive surveillance of adjoining public land.

Car Parking

All communal car parking areas have been located such that they receive passive surveillance from residents and staff and will be appropriately designed, lit and landscaped to minimise conflict and entrapment opportunities.

Entrapment Spots and Blind Corners

The proposed site layout minimises entrapment spots by having a clear road pattern and pedestrian pathways with good sightlines and permeable landscaping where necessary.

Landscaping

The proposed landscaping uses a mixture of low ground covers and high canopies to minimise obscuring communal spaces.

Communal/Public Areas

The proposed community centre and other communal spaces will have passive surveillance from dwellings within the proposed development.

Site and Building Layout

Buildings within the site have been designed to allow passive surveillance of the communal areas through habitable room windows and doorways facing the internal road and communal spaces. All buildings within the development to be clearly numbered and identified. The proposed retirement village has been designed to encourage participation by residents in the village community by inclusion of communal open spaces and the community facility. The internal paths and streets will be signed to provide directions to key site facilities and where help may be obtained if required.

Security

All private dwellings will be fitted with industry standard door and window locks and all communal buildings will be fitted with physical and/or electronic locks.

Council's Community Safety Coordinator has reviewed the CPTED report and has recommended appropriate conditions of consent, in relation to adequate lighting, provision and implementation of emergency management plans, landscaping and building maintenance

Part 2.4 - Erosion and Sediment Control

An Erosion and Sedimentation Control Plan has been submitted with the application to ensure that adequate measures to control erosion and water quality impacts are engaged during construction.

Part 2.7 - Notification and Advertising

The proposed development was advertised in the local newspapers and notified to the owners and occupiers of adjoining and nearby properties. A total of 970 property owners and occupiers were notified in the surrounding area. The public exhibition period for the proposal was from 16 January 2012 to 6 March 2012. There were 2 public submissions received in relation to the proposal which have been addressed later in the report.

Part 2.9 - Waste Planning

A Waste Management Plan has been prepared by the applicant in accordance with Council's requirements which describes the storage and collection facilities and methods to minimise waste.

The Retirement Village will contract private companies to collect the waste to be generated by the facility. This includes general waste, medical waste as well as recycling.

The Waste Management Plan has also recognised the location of the bins, odour control measures and suitability for vehicle manoeuvring to collect the waste.

The property by way of its ownership is non rateable and as such Council is unable to enforce the mandatory charges for domestic waste management services unless the owner chooses to use the services provided by council.

Council however is responsible for the management of domestic waste under the provisions of the LGA and is required to develop services and strategies to reduce waste by 66% by 2014 in accordance with the requirements of the State Government, therefore submission of a waste management plan detailing how domestic waste will be collected and processed to achieve and maintain a waste to landfill diversion rate of 66% is required to be submitted. This requirement is conditioned as per Condition No. 2.17.

5. Section 79C(1)(a)(iv) – The Regulations

This section is not applicable for the subject application.

6. Section 79C(1)(b) – The Likely Impacts of the Development

Context and Setting

The subject site is made of two irregular shaped parcels of land. The northern parcel being excised from the University of Western Sydney lands and an additional parcel excised off Caddens Release Area. The proposed development comprises of the use of the buildings and ancillary development recently completed on the northern part of the site for a 102-bed Residential Aged Care Facility (RACF) and the staged construction of 164 Independent Living Units (ILUs) over the remainder of the site.

Development in the surrounding area is a mix of land uses with three storey student accommodation to the east on the University land, existing low density residential development to the west, the recently built Residential Age Care Facility comprising three single storey buildings on to the north and vacant land zoned for future residential development.

The proposed buildings will primarily be single storey which reflects the predominant scale of dwellings in the locality and as permitted on adjoining land.

Traffic, access and parking assessment

The applicant had submitted a Traffic Report prepared by Colston Budd Hunt & Kafes Pty Ltd. The report assessed the impact of traffic and parking generation, vehicular manoeuvrability and access to the proposed development with the conclusions made: -

Additional traffic generated by the RACF site and the ILU development will have its greatest effects during the morning and afternoon peak periods when the traffic generated by the development combines with commuter traffic. Access for the proposed ILU development will initially be to/from Manning Street only, via the RACF access driveway, and ultimately by Manning Street and a future connection through to Caddens Road. As a result, the traffic effects of the proposed development on Manning Street will be greatest prior to the completion of the Caddens Release Area. This traffic report has assessed the traffic effects of this initial situation. With the ultimate restriction of general traffic to Manning Street, access onto Manning Street would only be available for ILU residents, RACF visitors, employees and emergency vehicles.

The report concludes that proposed road network will be able to cater for the traffic generated by the proposed development based on the following summary:-

- *Based on RTA's Guidelines, the peak period traffic generations would be some 10 to 20 vehicles per hour for the approved RACF development and some 35 to 50 vehicles per hour for the ILU development.*
- *The RACF development would generate up to some 5 vehicles per hour onto Manning Street and some 5 to 15 vehicles per hour onto the UWS access road. The proposed ILU development would generate some 35 to 50 additional vehicles per hour onto Manning Street. The combined traffic generation onto Manning Street would therefore be some 40 to 55 vehicles per hour two-way. This is a low traffic generation.*
- *The low generation would not have significant effects on the operation of the surrounding road network. The additional traffic generated by the RACF and ILU development has been assigned to the road network. Existing peak hour traffic flows plus the additional development traffic are, summarised below:-*
 - *traffic flows on Second Avenue would increase by some 20 vehicles per hour two-way (sum of both directions) during the morning and afternoon peak periods;*
 - *traffic flows on Manning Street would increase by some 15 to 40 vehicles per hour two-way during peak periods; and*
 - *traffic flows on Peppermint Crescent, south of Manning Street would increase by some 15 vehicles per hour two-way during peak periods.*
- *Traffic flows on Manning Street and Peppermint Crescent will continue to carry traffic volumes less than the RTA's environmental goal for local streets. On Second Avenue, traffic flows will be within the RTA's environmental goal for collector roads during peak periods.*
- *The intersections of Second Avenue/Manning Street and Manning Street/Peppermint Crescent will continue to operate with average delays for all movements of less than 20 seconds per vehicle during morning and afternoon peak periods. This represents a reasonable level of intersection operation.*
- *The intersection of Manning Street and Casuarina Crescent will continue to operate with average delays for the movement with the highest average delay, of less than 10 seconds per vehicle during peak periods. This represents a good level of intersection operation.*

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- *The intersection of the access driveway and Manning Street will operate at a good level of service with average delays of less than 10 seconds per vehicle during peak periods. This represents a good level of intersection operation.*

Road Safety

The applicant has provided a copy of the Road Safety Audit of the Manning Street site access intersection has been undertaken by Parking and Traffic Consultants, in accordance with the RTA *Accident Reduction Guide Part 2: Road Safety Audits*, which concludes that Manning Street provide sufficient capacity to accommodate safe vehicle movements.

The Road Safety Audit has not identified any significant safety issues relating to the design of the proposed access.

Access and Servicing

The development proposes vehicular access from Manning Street and subject to development of the land to the south (owned by Landcom), it would provide access from Caddens Road.

Whilst there will ultimately be a connection through to Caddens Road, the completion of the access cannot be relied upon for the early stages of the ILUs and accordingly, it is proposed for all vehicular access to be via Manning Street with a boom gate to be installed upon connection of the development to Caddens Road that will prevent general traffic from accessing Manning Street. The Traffic report assessed the Manning Street access and a summary is provided below:-

- Vehicular access for the approved 102 bed RACF site will be to/from Manning Street and through the adjacent University of Western Sydney, Penrith Campus. The Manning Street access driveway will provide access to visitor parking. Access through the university will be for staff and service vehicles.
- Vehicular access for the proposed ILU development will initially be to/from Manning Street only, via the RACF access driveway, and ultimately, also by a future connection through to Caddens Road. With the development of the Caddens Release Area, access to the proposed ILU development will be to/from both Manning Street and Caddens Road. All other access to/from Manning Street will be restricted by a boomgate to prevent rat running.
- The proposed driveways onto Manning Street and onto Caddens Road will be a minimum width of six metres and will provide for two-way traffic. Driveways will have a maximum grade of 1 in 20 and will be provided in accordance with the Australian Standard for Parking Facilities, Part 1: Off-street car parking (AS2890.1-2004).
- Inside the site, circulation roads will be provided in a mix of one-way and twoway roads, providing access to the dwellings and the clubhouse facility. The main access road though the site will be six metres in width.
- Internal circulation roads providing access to the dwellings will be 4.5 metres wide for two-way roads and 4 metres wide for one-way roads. Localised widening will be provided on these roads adjacent to garages and on-street parking in order to provide appropriate access to and from these spaces.
- Passing bays and loading zones will be located along these roads in order to allow vehicles to pass.

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- The main internal access road through the site will provide for a 10.7 metre truck to enter, circulate and exit in a forward direction. A shared service bay/mini bus bay will be located adjacent to the clubhouse. Other internal roads within the site have been designed to cater for a medium rigid truck, include garbage truck, to circulate through the site.

A controlled access boom gate shall be installed to the Manning Street vehicular access to the site to prevent traffic other than RACF and ILU residents, visitors, employees and emergency vehicles such as ambulances, fire brigade and police.

Parking

The Housing for Seniors SEPP, a development cannot be refused if parking is provided at one space per two bedrooms for independent living units.

Parking for the Stage 1 development (102 bed RACF) was approved with 44 at-grade parking spaces and an ambulance bay.

The Stage 2 development consists of a total of 164 ILUs. The three bedroom dwellings will be provided by a single garage plus a second non garaged parking space between the garage and the internal access road. The remaining dwellings will provide at least one car space in a mixture of garaged and non-garaged spaces located adjacent to the internal circulation roads.

Council's Traffic Engineer and NSW Roads and Maritime Services have assessed the proposal as satisfactory subject to conditions of consent.

Accessibility

An Access Report prepared by Access Associates which assesses the proposed development for compliance with the Building Code of Australia (BCA), Australian Standards on Access and Mobility AS1428.1 (2009) and State Environmental Planning Policy (Housing for Seniors or people with a Disability) 2004 - standards concerning access and useability has been submitted with the application.

Drainage

As the drainage component has been removed from the S94 Plan, each development will be responsible for the provision of detention and water quality to service their development.

The southern catchment of the development drains via two outlets to the south-east into the proposed water quality / detention basin currently under construction as part of the Landcom subdivision works. In case that the basin not be constructed at the time of this development, the development has proposed an on-site detention tank with appropriate water quality treatment devices. No objections are raised to the tank however the tank discharges into the basin lands owned by Landcom.

The land upon which the basin resides is currently under Landcom's ownership and will be ultimately dedicated to Council. Until a formal agreement is entered into between Landcom and ARV, a drainage easement is to be dedicated over the Landcom land in favour of ARV in accordance with the request from Landcom in the letter dated 21 December 2011.

A condition of consent is recommended to ensure that the easement will be required to be registered prior to the issue of a construction certificate.

Acoustic Impact

An acoustic assessment with respect to potential traffic noise impacts arising from the proposed development has been prepared by Wilkinson Murray. Council's Senior Environmental Health Officer has reviewed the report and is satisfied with noise impacts subject to standard and special conditions.

7. Section 79C(1)(c) – The Suitability of the Site for the Development

The site is largely free of constraints and of sufficient area to accommodate existing tree buffers and additional landscape screening between the three RACF buildings and proposed ILUs and neighbouring residential backyards.

The provision of a retirement village on the perimeter of the University provides opportunity to locate a use which has residential characteristics which but can also fit comfortably in the curtilage of more institutional style development associated with the educational facility use.

The proposed development has a low built form (one storey), low density and generous setbacks to neighbouring residential properties which can accommodate established tree protection zones. The site is currently zoned to permit typically larger institutional buildings associated with the university's operations. Accordingly, the proposal for a relatively modest ARV development is an ideal transitional development between UWS to the east and low density housing to the west.

The site offers few constraints which are generally limited to existing tree plantings along the western and northern boundaries, proximity to residential properties which is mitigated via the retention and establishment of a tree protection zone along those boundaries.

The site is well provided for in terms of vehicle access having road frontage to Manning Street, frontage/access to UWS internal road and further could be linked to Landcom property to the south which is currently under development.

8. Section 79C(1)(d) – Any Submissions made in relation to the Development

(i) Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment

Referral Body	Comments Received
Building Surveyor	No objection raised, subject to conditions
Development Engineer	No objection raised, subject to conditions
Traffic Engineer	No objection raised, subject to conditions
Community Safety	No objection raised, subject to conditions
Waste Services	No objection raised, subject to conditions
Health Services	No objection raised, subject to conditions
Community Safety officer	No objection raised, subject to conditions
Roads and Maritime Services	No objection raised, subject to conditions
NSW Police	No objection raised, subject to conditions
NSW Fire and Rescue	No objection raised, subject to conditions

(ii) Community Consultation

In accordance with Notification and Advertising Section of *Penrith DCP 2006*, the proposed development was advertised in the local newspapers and notified to the owners and occupiers of adjoining and nearby properties. A total of 970 property owners and occupiers were notified in the

surrounding area.

The public exhibition period for the proposal was from 16 January 2012 to 6 March 2012. Two (2) submissions were received in response to the exhibition and the issues were:-

- Privacy,
- Surface run off and silt tracking and sediment control measures
- Dividing fence prior to the commencement of works including initial earthworks
- The two-storey developments on the hill and up towards Caddens Road will be too high and be a block to any natural sunlight and airflow to the back yards of the adjoining properties (including theirs).
- Dust control measures during construction

These raised in these submissions have been addressed in the DCP assessment and where required addressed by recommended conditions of consent.

9. Section 79C(1)(e) – The Public Interest

The site is suitable for the proposed development. The proposed meets the aims and objectives of the relevant environmental planning instruments. Two (2) submissions were received in relation to the proposal, which related to construction related issues which have been addressed by conditions of consent.

Section 94 Contributions

The following Section 94 Contribution Plans are applicable to Caddens Release Area:

- Penrith City Council Development Contributions Plan - Cultural Facilities
- Penrith City District Open Space Facilities Development Contributions Plan
- Werrington Enterprise Living and Learning (WELL) Precinct Development Contributions Plan 2008.

On 31 August 2010 the then Minister for Planning applied a \$30,000 per lot S 94 contributions cap to all residential development in new release areas including land within the WELL Precinct (which includes Caddens Release Area).

The \$30,000 per lot contribution cap would not permit construction of the essential infrastructure required for development of nearly all private lands within the WELL Precinct. An absence of adequate infrastructure results in an inability to achieve the requirements of the Caddens LEP and DCP and the objectives of the WELL Precinct Vision.

Council is not able to finance this infrastructure funding gap from general revenue and it is considered inequitable to expect Penrith City residents or WELL Precinct residents to meet such a sizeable shortfall through special rates variations. Any application on private land will therefore have to meet obligations to provide essential infrastructure as required under the s94 Contributions Plans and the requirements under the DCP and satisfy the \$30,000 cap.

The most recent residential DA considered by Council in the WELL Precinct was on 27 June 2011. In relation to this matter, Council resolved to endorse the following approach to guide the application of future development contributions within the Precinct:

- a. development contributions up to \$30,000 will be applied, and directed to recreation, community, administration and selected road facilities in the WELL s94 Plan, the District Open Space Plan and the Cultural Facilities Plans;

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- b. conditions imposed on the development consent will require proponents to provide all required drainage works, to be delivered in accordance with DCP 2006;
 - c. conditions imposed on the development consent will require proponents to provide all roads which are 100% apportioned to the Caddens sub-precinct, to be delivered in accordance with DCP 2006

The subsequent Land and Environment Court ruling on this consent required that Council applied the \$ 30,000 cap to the in force WELL Precinct Plan 2008, and the current District Open Space and Cultural Facilities Plans.

It is proposed that contributions for this application be applied consistent with Council's resolution of as refined by the Court ruling requiring in position of current s 94 plans and satisfying the \$30,000 cap. The Section 94 contributions applicable to this application are detailed in the attached conditions of consent.

Conclusion

In conclusion, the following is noted: -

- The proposal has been assessed having regard to the matters of consideration of Section 79C of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Sydney Regional Environmental Plan No.20 – Hawkesbury/Nepean River, Penrith LEP 1998 (Urban Land), Penrith LEP 2009 (Caddens), Penrith Development Control Plan 2006 and is considered satisfactory.
- The proposal is in keeping with the existing residential amenity of the area and maintains a consistent bulk and scale with adjoining development.
- The subject application was advertised in the local paper and notified to adjoining property owners. A total of two submissions were received in response to the proposal and the issues raised in these submissions have been addressed and do not warrant refusal of the subject application.

Accordingly, the application is considered satisfactory and is recommended for approval, subject to the imposition of the attached conditions.

Recommendations

1. That DA11/1434 for the use of a 102 bed Residential Aged Care Facility and staged Construction of 164 Independent Living Units at Nos. 50-52 Manning Street Kingswood and 73-105 Caddens Road, Caddens, be received.
2. That DA11/1434 for the use of a 102 bed Residential Aged Care Facility and staged Construction of 164 Independent Living Units at Nos. 50-52 Manning Street Kingswood and 73-105 Caddens Road, Caddens, be approved subject to the following conditions:
 - 2.1 The development must be implemented substantially in accordance with the following plans stamped approved by Penrith City Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions:

Architectural Plans

Description	Drawing No.	Rev	Drawn By	Date
Site Date (all Units)	A16800-DA Sheet 1	B	A & N Design	09/03/2012
Post Development Site Analysis	A16800-DA Sheet 2	B	A & N Design	09/03/2012
Master Plan	A16800-DA Sheet 3	B	A & N Design	09/03/2012
Staging Plan	A16800-DA Sheet 4	D	A & N Design	30/05/2012
Part Site Plans	A16800-DA Sheets 5-16	B	A & N Design	09/03/2012
Streetscapes	A16800-DA Sheets 17-21	B	A & N Design	09/03/2012
Community Buildings	A16800-DA Sheets 22-24	A	A & N Design	14/10/2011
Boundary Section	A16800-DA Sheet 32	B	A & N Design	09/03/2012
Colour Allocations Plan	A16800-DA Sheet 33	B	A & N Design	09/03/2012

Landscaping Plans

Description	Drawing No.	Rev	Drawn By	Date
Landscape Plans	1728 LP00 -LP07	B	John Lock & Associates	14/03/2012

Engineering Plans

Description	Drawing No.	Rev	Drawn By	Date
Engineering Plans	09S706C sheets DA101-DA128	D	Mott McDonald Hughes Trueman	21/03/2012
Civil Engineering Report		B	Mott McDonald Hughes Trueman	14/10/2011

Supporting Documents

Statement of Environmental Effects
Site Compatibility Certificate
Quantity Surveyors Report
Site Survey
Geotechnical Report
Phase 1 Contamination Assessment and Phase 2 Site Classification
Architectural Drawings
Tree Report
Landscape Plan
Traffic Report
Stage 2 Road Safety Audit
Facility Services Statement
BASIX Summary Certificates
Access Report
Acoustic Report
Engineering Drawings
Civil Engineering Report
Infrastructure Report – Water, Sewer and Gas
Infrastructure Report – Electrical Services
Construction Management Plan
Social Impact Assessment
CPTED Report
Waste Management Plan
BCA Report

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- 2.2 The recommendations proposed by the NSW Fire and Rescue Division, Reference No NFB/12773 dated 29 February 2012 are to be implemented for the said development
- 2.3 The recommendations proposed by the NSW Police, Reference No D/2012/14698, dated 2 February 2012 are to be implemented for the said development.
- 2.4 The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as carport, garage, shed, rural shed, swimming pool and the like}.

- 2.5 Lot 1 in Deposit Plan 1145043 and Lot 1 in Deposit Plan 1130750 are to be consolidated as one lot. Written evidence that the request to consolidate the lots has been lodged with Land and Property Information division of the Department of Lands is to be submitted to the certifying authority before the Construction Certificate for the development can be issued by the certifier.

A copy of the registered plan of consolidation from Land and Property Information division of the Department of Lands is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, prior to the issue of the Occupation Certificate for the development.

- 2.6 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 2.7 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 2.8 A separate **Construction Certificate** for each stage under Stages 3A, 3B, 3C and 3D as per the amended staging plan, drawing no. A16800-DA Sheet 4, Rev D, dated 30/5/2012 shall be obtained prior to commencement of any building works under these stages.
- 2.9 A covenant prepared pursuant to Section 88E of the Conveyancing Act shall be placed on the title of the land occupied by the "Seniors Living" development to prohibit the occupation of the premises by residents other than:
- Persons over 55 years of age; or
 - Persons of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affects their capacity to participate in everyday life.

The self-care dwellings shall be restricted to the housing of older people and / or people with a disability in accordance with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. A restriction shall be placed on the 88B Instrument to this effect.

- 2.10 The recommendations of Community Safety and Crime Prevention through Environmental Design (CPTED) report prepared by Jo Manion and Associates, dated

September 2011 are to be implemented for the said development. In addition the following conditions shall also be applied to further enhance the safety and security of all users and minimise the crime risk associated with this development.

- All blank walls (including retaining walls, sandstone walls and picket fences) proposed throughout the development must be coated with graffiti resistant materials where possible.
- Any proposed street furniture, seating, BBQ, children's play area, obelisks etc should be constructed of sturdy, vandal resistant materials to minimise opportunities for malicious damage, graffiti, vandalism and theft.
- Door and window locks shall be installed in all dwellings in addition to the recommended back to base security call systems.
- All proposed bin areas should be adequately lit, particularly as many of them are located away from high movement areas.
- All access points to the community centre, bowling green, swimming pool, gym areas are to be treated with dead locks and window locks to avoid vulnerable break and enter points. Back to base alarm systems shall be installed within these premises. All areas within these facilities where access to public is restricted (e.g. ARV health facilities or managers room) must be securely locked when not in use.
- Signage to assist the residents and visitors be located signage at entrances and near activity nodes Emergency exit signs will need to be well placed, easy to read and illuminated at night.
- Maps should also be provided showing connections and destinations, entry and exit points and the various facilities.

2.11 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

2.12 If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

2.13 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

2.14 No fill material is to be imported to the site without the prior approval of Penrith City

Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury-Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

- 2.15 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.
- 2.16 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

- 2.17 **No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council.** The Validation Certificate shall:
- ☐ state the legal property description of the fill material source site,
 - ☐ be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
 - ☐ clearly indicate the legal property description of the fill material source site,
 - ☐ provide details of the volume of fill material to be used in the filling operations,
 - ☐ provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
 - ☐ (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- ☐ Supervise the filling works,
- ☐ (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- ☐ Certify by way of certificate or written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

Add if EPA accredited auditor is needed

An EPA Accredited Site Auditor (as accredited under the Contaminated Land Management Act 1997) shall supervise the filling works. A Site Audit Statement and Site Audit Report must be submitted to Penrith City Council and any Principal Certifying Authority on completion of the filling works. The site must be suitable for its intended landuse and shall not pose any unacceptable risk to human health or the environment.

The contact details of the EPA Accredited Site Auditor engaged for the works shall be provided with the Notice of Commencement.

- 2.18 Submission of a waste management plan detailing how domestic waste will be collected and processed to achieve and maintain a waste to landfill diversion rate of 66% is to be submitted to Council prior to the issue a Construction certificate for Stage 3A of the development.
- 2.19 Construction works are not to commence in the remediation area as marked in the approved “Remedial Action Plan: Proposed Retirement Village Development Part Lot 1 in DP1145043 Manning Street, Kingswood” prepared by Geotechnique Pty Ltd dated 3 February 2012 (Report No. 12561/3-AB), until such time as Council has approved the Validation Report.
- 2.20 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 2.21 The Waste Management Plan and supplementary information contained in correspondence from Don Fox Planning (Ref: 7891A.14KM) dated 10 February 2012 is to be implemented and complied with during the construction and operational phases of the development.
- 2.22 Garbage bins are to be stored under cover within the loading dock of the residential aged care facility and be provided with appropriate visual screening. Provision for bin washdown is to be made undercover with the floor graded and drained to a floor waste connected to the sewer that shall be charged with a suitably located cold water hose cock. Access doors to the garbage store shall be tight fitting solid core or of non-combustible construction.
- 2.23 The “Construction Management Plan for Anglican Retirement Villages Kingswood Independent Living Units” dated October 2011 is to be implemented and complied with during the construction phase of the development.
- 2.24 Noise levels from the property shall not exceed the relevant noise criteria detailed in “ARV Kingswood: Stage 2 Traffic Noise Assessment” prepared by Wilkinson Murray

Pty Limited dated 5 October 2011 (Project No. 11248) and the supplementary "Review of Noise Issues" prepared by Wilkinson Murray Pty Limited dated 9 February 2012. The recommendations made in these documents are to be implemented during the operations of the facility.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 2.25 Construction noise levels from the property shall not exceed the relevant noise criteria detailed in the supplementary information "Review of Noise Issues" prepared by Wilkinson Murrury Pty Limited dated 9 February 2012 (Ref: DH 090212 Noise BC.doc). The recommendations provided in the above-mentioned acoustic information are to be incorporated into the Construction Management Plan (October 2011) and are to be adopted on site during all construction works associated with the development.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 2.26 All garbage stored in any external garbage rooms must be stored in accordance with the requirements of Food Safety Standard 3.2.3 and the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours. Ground areas where garbage containers holding putrescible material and containers used for storage of putrescible recycling material shall be:
- a) provided with a hose tap connected to the water supply;
 - b) paved with impervious material; and
 - c) graded and drained to a waste disposal system in accordance with Sydney Water requirements.
 - d) covered to prevent rainwater entering the sewage system.
- 2.27 The garbage stored in any internal garbage room area must be constructed and maintained in accordance with the requirements of AS4674-2004, Food Safety Standard 3.2.3 and the *Protection of the Environment Operations Act 1997*. Specifically, the garbage room floors are to be impervious, coved graded & drained. Walls are to be smooth impervious surfaces. The room is to be ventilated in accordance with the Building Code of Australia. Pest proofing and a hose tap must also be provided.
- 2.28 Bins, hoppers and other containers used for storing garbage or recyclable material shall be:
- a. constructed of impervious material such as metal or plastic; and
 - b. have tight fitting lids
 - c. bins that cannot be lifted for draining after cleaning shall have drainage bungs at the base.
- 2.29 Detailed plans for the fit-out of the café compliant with the Food Act 2003 and AS4674-2004 are required to be submitted to and approved by Penrith City Council prior to the issue of a Construction Certificate.
- 2.30 Detailed plans for the fit-out of the Hairdressing Salon compliant with the Local Government (General) Regulation 2005 are required to be submitted to and approved by Penrith City Council prior to the issue of a Construction Certificate.
- 2.31 The operator of hairdressing / beauty salon shall ensure that the requirements of the Local Government Act 1993 and Regulations thereunder, the Public Health (Skin Penetration) Regulation 2000 and the NSW Health Department's "Skin Penetration Guidelines" 2000 are met at all times.

2.32 Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

2.32 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

☐ within 12 months after the last such statement was given, or

☐ if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

☐ must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and

☐ prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

2.33 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

☐ complies with the performance requirements, or

☐ is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/statement for the building.

2.34 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

2.35 **Prior to the issue of a Construction Certificate**, a written clearance is to be obtained from Integral Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a padmounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of

the substation may impact on other services and building, driveway or landscape design already approved by Council.

- 2.36 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- ☐ the name of the Principal Certifying Authority, their address and telephone number,
- ☐ the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- ☐ that unauthorised entry to the work site is prohibited,
- ☐ the designated waste storage area must be covered when the site is unattended, and
- ☐ all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- ☐ at the commencement of, and for the full length of the, construction works onsite, and
- ☐ in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed **when the Occupation Certificate has been issued for the development.**

2.37 **Prior to the commencement of construction works:**

- (a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - a standard flushing toilet connected to a public sewer, or
 - if that is not practicable, an accredited sewage management facility approved by the council, or
 - alternatively, any other sewage management facility approved by council.
- (b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the

allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

- (d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:
- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
 - the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and any such hoarding, fence or awning is to be removed when the work has been completed.

- 2.38 Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- ☐ Mondays to Fridays, 7am to 6pm
- ☐ Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- ☐ No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

- 2.39 All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

- 2.40 **Prior to the issue of a Construction Certificate** a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:

- a) Opening the road reserve for the provision of services including stormwater.
- b) Utility lead in works.
- c) Provision of a heavy duty vehicular crossing in Caddens Bypass Road.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's **City Works Department** on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

- 2.41 On-site detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Mott McDonald Hughes Trueman, reference 09S706C sheets DA101-DA128, revision D, dated 20/03/2012 and the 'Civil Engineering Report' by Mott McDonald Hughes Trueman, revisionB, dated 14/10/2011.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

2.42 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

2.43 Stormwater runoff from parking, uncovered paved areas shall be directed to a stormwater pre-treatment system. The treatment devices shall be designed to remove expected pollutant loadings in accordance with the Department of Environment, Climate Change & Water's 'Managing Urban Stormwater – Environmental Targets/ Treatment Techniques– October 2007' publications.

Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the proposed device

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Penrith City Council with notification of the Construction Certificate issue.

2.44 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

2.45 **Prior to the connection of private drainage to Council's drainage system**, an inspection is to be carried out by Penrith City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

2.46 All filling shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

2.47 **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.

2.48 After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

- 2.49 Prior to the issue of select an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- a) On-site detention system/s
 - b) Stormwater pre-treatment system/s
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

- 2.50 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 2.51 **Prior to the issue of an Occupation Certificate** directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

- 2.52 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the existing drainage basin and water quality treatment system located near the Manning Street entrance has sufficient capacity to cater for the discharge from the northern catchment of the development site. Pre-developed flows are not to exceed post developed flows. Full engineering details are to be provided with the application of a Construction Certificate.

- 2.53 Prior to the issue of a Construction Certificate drainage easements shall be registered with the Land Titles Office over Lot 2 DP 1145043. The width of the drainage easements shall be in accordance with Penrith City Council's Engineering Works Development Control Plan 2006, Section 2.3 Engineering Works. A copy of the registered easement for drainage shall be submitted to the Certifying Authority and Penrith City Council, if Council is not the Certifying Authority.

- 2.54 All landscape works are to be constructed in accordance with the stamped-approved plan and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

- ☐ in accordance with the approved plan, and
- ☐ in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation, which died or was removed.

2.55 The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category 3 landscape works.

2.56 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

i. Implementation Report

- ☐ Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

- ☐ An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

- ☐ On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.
- ☐ This report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

2.57 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

2.58 All landscape works are to meet industry best practice and the following relevant Australian Standards:

- ☐ AS 4419 Soils for Landscaping and Garden Use,
- ☐ AS 4454 Composts, Soil Conditioners and Mulches, and
- ☐ AS 4373 Pruning of Amenity Trees

-
- 2.59 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$ 29,520.00 is to be paid to Council **prior to the release of a Construction Certificate** being issued for the relevant stages (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 2.60 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$201,966.00 is to be paid to Council **prior to the release of a Construction Certificate** being issued for the relevant stages (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 2.61 This condition is imposed in accordance with Penrith City Council's Werrington Enterprise Living and Learning (WELL) Precinct Development Contributions Plan 2008. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$2,077,968.00 is to be paid to Council **prior to the release of a Construction Certificate** being issued for the relevant stages (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Werrington Enterprise Living and Learning (WELL) Precinct Development Contributions Plan 2008 may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 2.62 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 2.63 **Prior to the commencement of any works on site**, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees

include Road Opening fees and Infrastructure Restoration fees.

- 2.64 **Prior to the commencement of any earthworks, construction or demolition works on site**, the proponent is to:
- a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
 - b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

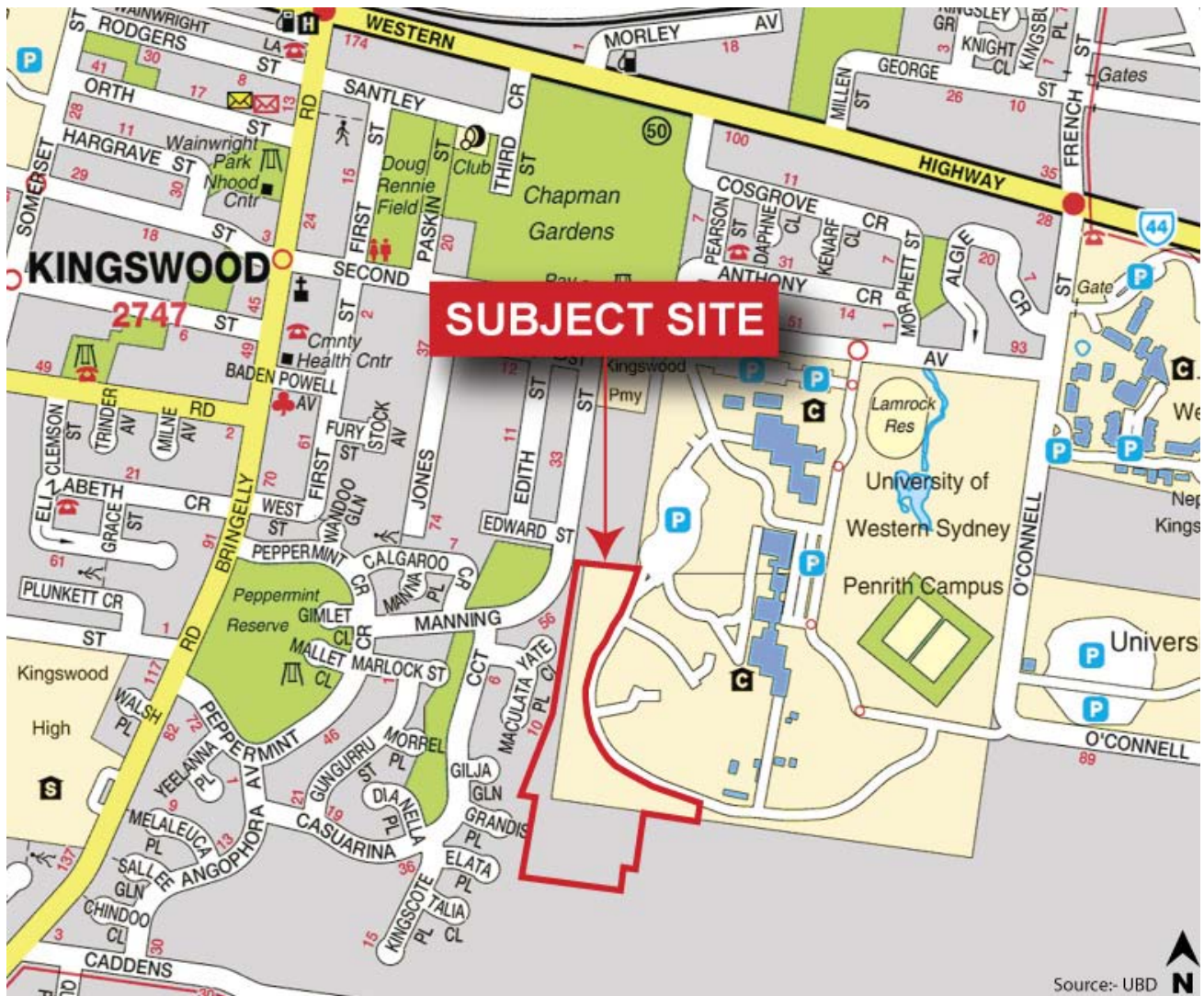
Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

- 2.65 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and **prior to the occupation of the building/tenancy and commencement of the approved use**. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

3. Those who made a submission to be advised of the determination.

Appendix No. 1 – Location Plan



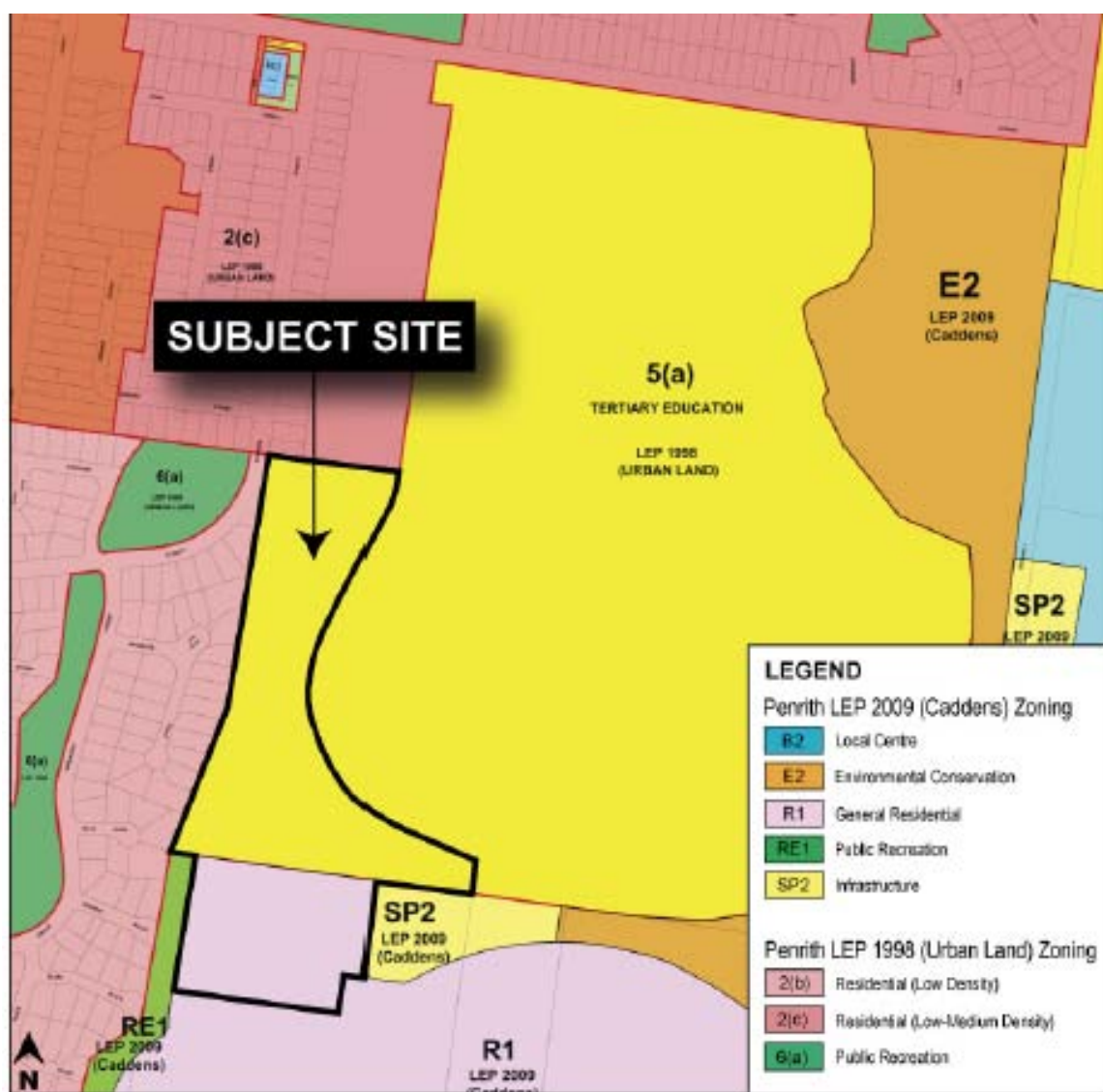
Appendix No. 2 – Aerial View of Site



Appendix No. 3 – Site Plans and Elevations

See separate attachment (39 pages)

Appendix No. 4 – Zoning Plan



Appendix No. 5 – SEPP 2004- COMPLIANCE TABLE

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004: Compliance

Requirement	Compliance/Comment
18 The facility can only be occupied by the parties defined in the clause.	The restriction on the occupation has been included as a condition of consent.
24 Site compatibility certificates required for certain development applications.	A Site Compatibility Certificate pursuant to clause 24 of SEPP Seniors for the site comprising Lot 1 DP 1130750 (50-52 Manning Street) has been issued.
26 Location and access to facilities	<p>Local shops (corner Manning Street & Second Ave) are located less than 400m from the site. An existing footpath from the site to these shops is provided along Manning Street.</p> <p>Westbus Route 790 provides transport to Manning Street shops/St Marys and Nepean Hospital / Penrith CBD. The hours of available bus services are consistent with the SEPP.</p>
28 Water and sewer	<p>The existing RACF is connected with water supply taken from the existing water main in Manning Street and sewered by Sydney Water 300VC main in Manning Street</p> <p>The site is adequately serviced or is capable of being adequately serviced with essential infrastructure.</p> <p>A condition of consent has been included to ensure that these services have been provided prior to the issue of the Construction Certificate.</p>
30 Site analysis	<p>The Site Analysis is supported by this Statement of Environmental Effects. This includes information on the site and its surroundings including the following;</p> <ul style="list-style-type: none"> • Solar orientation and prevailing winds; • Views from, to and across the site; • Notable vegetation; • Watercourses; • Existing vehicular access; • Potential future vehicular access; and • Surrounding land uses. <p>This site analysis has included the information required in Clause 30 (3) and (4) and is considered to be satisfactory.</p>
33 Neighbourhood amenity and streetscape	<p>The subject site adjoins the UWS to the east, Kingswood residential neighbourhood to the west and future residential lands to the south.</p> <p>The proposed buildings will primarily be single storey other than eight (8) ILUs which will utilise the sloping landform to provide two storey structures. The single storey reflects the predominant scale of dwellings in the locality and as permitted on adjoining land and is consistent and compatibility with the scale, design and amenity of neighbouring development The proposal is infill low density housing between an established residential area and land zoned for future low density housing.</p>

34 Visual and acoustic privacy	<p>The existing landscape buffer to the established Kingwood residential neighbourhood and low building heights and low density ensures that the development will not be detrimental to the surrounding neighbourhood amenity and will be compatible with adjoining residential and educational uses.</p> <p>The proposed setbacks and landscaping combined with low building height ensures no overlooking or privacy impact on neighbouring properties.</p>
35 Solar access and design for climate	<p>The proposed development comprises primarily single storey buildings with only several buildings being of two storeys, where the topography of the site allows for 'over-and-under' ILUs. In addition, all buildings are set back considerably from the site boundaries and from one another to allow ample solar access to dwellings within the site.</p> <p>The proposal complies with the requirements of SEPP Seniors Living with 79% of ILUs having a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter to living rooms and private open spaces.</p> <p>Furthermore the proposed building design incorporates the following features to maximise solar control and promote resident amenity;</p> <ul style="list-style-type: none"> ➤ Awnings to western windows to minimise sun penetration in warmer months ➤ Flow through ventilation of sitting areas ➤ Internal (protected) courtyards for frail aged residents ➤ External landscaped areas with tree covering over seated rest stops ➤ Appropriate selection of plant species to promote solar control balanced with specific safety requirements for seniors housing.
36 Stormwater	<p>The site has a crest running approximately from east to west through the site dividing the site into two separate catchments.</p> <p>A stormwater management system has been prepared in conjunction with the building/landscape design of the development which comprises two catchments –</p> <ul style="list-style-type: none"> - 1.Draining to the north into the detention basin already constructed as part of the RACF and - 2. Draining to the south to a detention basin to be constructed by Landcom as part of the Caddens Release Stage 1. <p>A letter from Landcom to drain to this basin has been submitted by the applicant. Detailed assessment is provided later in the report.</p>
37 Crime prevention	<p>A Crime Prevention Through Environmental Design (CPTED) assessment report has been submitted by the applicant which assesses the proposal in respect of dwelling design, design of common areas, lighting, car parking, landscaping, entrapment spots and blind corners, movement predictors, directional signage and way-finding devices and the ownership and management of spaces and provide adequate measure for safety and security of the future residents.</p>
38 Accessibility	<p>The proposed development has been designed to comply with</p>

	all key requirements of SEPP Seniors, the BCA and relevant Australian Standards. A detailed Access report prepared by Access Associates is provided in Appendix 5 outlining this compliance and the ability for ILUs to be adaptable to cater for the needs of mobility impaired persons.
39 Waste management The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	A Waste Management Plan has been prepared by the applicant in accordance with Council's requirements which describes the storage and collection facilities and methods to minimise waste. Waste and recycling bin store areas are located throughout the development. Bins will be managed/ maintained by ARV and collection will be undertaken by their commercial waste contractors.
40 Development standards—minimum sizes and building height (2) Site size site must be at least 1000m ² (3) Site frontage must be at least 20m wide (4) (a) Height: 8m or less (4) (b) Storeys: 2 storeys adjacent to boundaries (4) (c) Storeys: 1 storey in rear 25% of site	The site has an area of 8.491 hectares The site frontage to Manning Street is approximately 76 metres. The ILU will not exceed the 8 metre height limit with most having a height of approximately 2.6m. The maximum height of the ILU on the is one storey, with four two storey units which are not adjacent to boundaries. The maximum height of the ILU on is one storey.
41 Standards for hostels and self-contained dwellings	The Access Report prepared by Access Associates addresses these requirements.
42. Serviced self-care housing	A Facility Services Statement prepared by ARV indicates that these services will be available to the proposed ILUs.
43Transport Services to Local Centres	A Facility Services Statement prepared by ARV indicates that these services will be available to the proposed ILUs.
50 Standards that cannot be used to refuse development consent for self-contained dwellings a) building height: if all proposed buildings are 8 metres or less in height. (b) density and scale: floor space ratio of 1:5 or less, (c) landscaped area: 30% of the site minimum Requirement = 17,730m ² (d) parking for residents and visitors: 0.5 car spaces per bedroom Requirement for 370 beds = 185 car Spaces.	The eight (8) two storey ILU's do not exceed the 8m height limit The maximum height is 5.2m Proposed = 0.39:1 (Approx. 23,028m ² GFA) Proposed = 23,270m ² Proposal = 300 car spaces comprising 124 car spaces within garages of ILUs, 93 spaces within driveways and 83 community and visitor car parking spaces (including eight accessible car parking spaces).

Appendix No.6 –Sydney Regional Development Advisory Committee (SRDAC)

RMS Ref: SYD12/00075 Contact: Angela Malloch 8849 2041 Council Ref: DA-11/1434	SYDNEY REGIONAL DEVELOPMENT ADVISORY COMMITTEE
	SRDAC

RECEIVED
07 FEB 2012
PENRITH CITY COUNCIL

The General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751

Attention: David Drozd

**Independent Living Units – 50-52 Manning Street and 73-105 Caddens Road,
Kingswood**

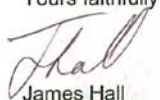
Dear Sir/Madam,

Reference is made to your correspondence dated 20 January 2012 concerning the abovementioned development application which was referred to the Roads & Maritime Services (RMS) for comment in accordance with the State Environmental Planning Policy (Infrastructure) 2007. I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of this application at its meeting on 29 February 2012.

Below are RMS comments on the subject application:

1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements and parking bay dimensions) should be in accordance with AS 2890.1- 2004.
2. Car parking provision to Council's satisfaction.
3. All works associated with the proposal shall be at no cost to the RMS.

Any inquiries in relation to this development application can be directed to the contact officer listed at the top of this letter.

Yours faithfully

James Hall
Chairman, Sydney Regional Development Advisory Committee
Transport Planning, Sydney Region
2 March 2012

Roads and Maritime Services of New South Wales

LEVEL 11, 27-31 ARGYLE STREET, PARRAMATTA NSW 2150
PO BOX 973 PARRAMATTA CBD NSW 2150 DX 28555
www.rmservices.nsw.gov.au | 13 22 13

Appendix 7 Area to be Remediated

