

Report to Sydney West Joint Regional Planning Panel

JRPP No:	Item (2012SYW050)
DA No:	JRPP-12-740
Local Government Area:	Blacktown
Proposed Development:	Seniors Housing Development involving bulk earthworks, 267 dwellings, a community building, road pattern variation, road access infrastructure and a property boundary adjustment
Development Type:	"Regional Development" – Capital Investment Value > \$20 million
Lodgement Date:	27 April 2012
Land/Address:	Lot 8891 and 8892, DP 1128072, Muscovy Drive and Stanhope Parkway, The Ponds
Land Zoning:	2(a) Residential (Clause 48) pursuant to Blacktown Local Environmental Plan 1988
Value of Development:	\$58,340,000
Applicant:	Peter Magnisalis (Anglican Retirement Villages)
Report Author:	Melissa Parnis, Town Planner
Instructing Officers:	Judith Portelli, Manager Development Services & Administration and Glennys James, Director City Strategy and Development
Date Submitted to JRPP:	1 November 2012
Date Considered by JRPP:	29 November 2012



ASSESSMENT REPORT

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- Attachment 2 – Compliance Table – SEPP (Housing for Seniors or People with a Disability) 2004
- Attachment 3 – Proposed Conditions of Consent

1. Executive Summary

- 1.1 Council is in receipt of a Development Application (DA) from Peter Magnisalis (of Anglican Retirement Villages) for the staged construction of a Seniors Housing Development involving bulk earthworks, 267 dwellings, a community building, road pattern variation, road access infrastructure and a property boundary adjustment on the subject site. The proposed development has a Capital Investment Value of \$58,340,000.
- 1.2 The proposed 267 dwellings are all residential independent living units. All dwellings are single storey and propose a dwelling mix of 22 one bedroom dwellings, 194 two bedroom dwellings and 51 three bedroom dwellings. The Independent Living Units comprise of 10 dwelling typologies.
- 1.3 The development is proposed to be constructed in 6 stages, with each stage proposed to include bulk earthworks along with the following number of Independent Living Units (ILU's) and associated buildings/works:
 - **Stage 1** – Construction of 43 ILUs, community centre and associated car parking, community room adjacent to ILU1/10 and road link through to Warbler Street/Muscovy Drive
 - **Stage 2** – Construction of 31 ILUs
 - **Stage 3** – Construction of 46 ILUs
 - **Stage 4** – Construction of 36 ILUs and the resident's workshop
 - **Stage 5** – Construction of 66 ILUs and community room
 - **Stage 6** – Construction of 45 ILUs
- 1.4 The Development Application proposes a property boundary adjustment between Lots 8891 and 8892, DP 1128072. The proposal seeks a boundary adjustment and extinguishment of several existing Restrictions of Use to facilitate the orderly and economic development of the land. The proposed boundary adjustment is to divide the development into two proposed lots, Lot 1 which is mainly to the west of Warbler Street will have an area of 8.717ha and Lot 2 to the east of the site and is proposed to have an area of 3.998ha. The abovementioned staging and the proposed subdivision will enable Stages 1 to 4 to be undertaken on proposed Lot 1 and Stages 5 and 6 to be undertaken on proposed Lot 2 depending on the demand for units.
- 1.5 Given the level differences across the site, net cut and fill is required to satisfy the accessibility requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. This will result in a maximum fill within the development site of 2.5m along the Stanhope Parkway frontage, which batters down to a retaining wall that ranges from 1.0m to 2.0m high. The maximum cut will be 2.3m towards the southern side of the site.
- 1.6 The construction of a Residential Aged Care Facility (RACF) in the south-east corner of the site will be subject to a separate Development Application and does not form part of the 6 stages proposed within this DA. However, the current Application includes the bulk earthworks and construction of the vehicular access point associated with the future RACF.
- 1.7 The proposed development constitutes 'Regional Development' requiring referral to a Joint Regional Planning Panel (JRPP) for determination as the proposed development has a Capital Investment Value of more than \$20M. As such, while Council is responsible for the assessment of the DA, determination of the Application will now be made by the Sydney West Joint Regional Planning Panel.
- 1.8 The proposed development includes 3 vehicle access points. The primary vehicular access to the site will be from View Street (southern extension of Conrad Road south of Stanhope

Parkway). The secondary vehicular access point has been located off Warbler Street which will be the primary access to the community centre and associated parking, with the third access point being provided at the southern end of View Street to access the future RACF development.

- 1.9 Currently the site is affected by a Blacktown Development Control Plan (BDCP) 2006 proposed road pattern along the southern elevation adjoining the Parklea Correctional Facility connecting into Mallard Drive in the west and View Street to the east. This Application proposes to delete this DCP road pattern as it is no longer required given that the applicant intends to service the development with internal private roads proposed within the site to access the dwellings. If approved, the proposed development will also supersede the previous Subdivision Application (DA-07-1241) which approved 126 residential lots, 12 smart residential lots, 7 residue allotments and associated roads over the subject properties as proposed by Landcom at the time.
- 1.10 A total of 484 car parking spaces are proposed which includes 318 spaces within the ILU's (garages and driveways), 112 on-street spaces for visitors and 54 spaces associated with the community facility.
- 1.11 The main area of the community centre is proposed to include a café (93sqm), meeting and lounge areas (85sqm) and a chapel / auditorium (162sqm). The Wellness and Administration building is proposed to include offices, consultation rooms for visiting health professionals, a salon beauty room, change rooms, gym and computer/library room. In addition, a number of outdoor recreational facilities have been proposed including 2 bowling greens, a pool and bbq area along with open space areas and 2 porte cocheres at the entrances to the buildings.
- 1.12 The subject site is zoned 2(a) Residential pursuant to Blacktown Local Environmental Plan 1988. The proposed development is permissible in this zone with development consent of the Sydney West Joint Regional Planning Panel.
- 1.13 The subject Development Application was notified in accordance with Blacktown Development Control Plan 2006 Part K – *Notification of Development Applications* to adjoining and nearby property owners and occupants for a period of 14 days from 12 June to 26 June 2012. In response to the public exhibition, one submission was received. The submission was received from the Anglican Church Property Trust Diocese of Sydney and identifies support for the proposed development. No objections were raised within the submission.
- 1.14 The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, including suitability of the site and the public interest, and is considered satisfactory. The proposed development is considered satisfactory with regard to key issues such as Built Form, Access, Stormwater Drainage, ESD, Site Contamination, Salinity, and Social and Economic Impacts, subject to the imposition of suitable conditions of consent to satisfactorily control the development.
- 1.15 In light of the above, it is recommended that the Sydney West Joint Regional Planning Panel approve the DA subject to the imposition of suitable conditions of consent. Recommended conditions are provided at **Attachment 3** to this Report.

2. Location

- 2.1 The subject site is located approximately 6km north-east of the Blacktown CBD and approximately 3.5 kilometres north-west of the Norwest Business Park in the southern part of the Second Ponds Creek Release Area.
- 2.2 The site is generally located between Stanhope Parkway and Muscovy Drive to the north and the Parklea Correctional Facility to the south.
- 2.3 The subject site is also located within 400m walking distance from the existing Stanhope Village Neighbourhood Shopping Centre which provides retail, commercial, community and open space uses for the local residents.
- 2.4 The site has street frontages to Stanhope Parkway, View Street (southern extension to Conrad Road south of Stanhope Parkway), and Warbler Street, Muscovy Drive, Torrent Street, Darter Street and Mallard Drive, with proposed vehicle access to View Street, Warbler Street and a third access point at the southern end of View Street to the future Residential Aged Care Facility, being a latter stage of the overall development by Anglican Retirement Villages.

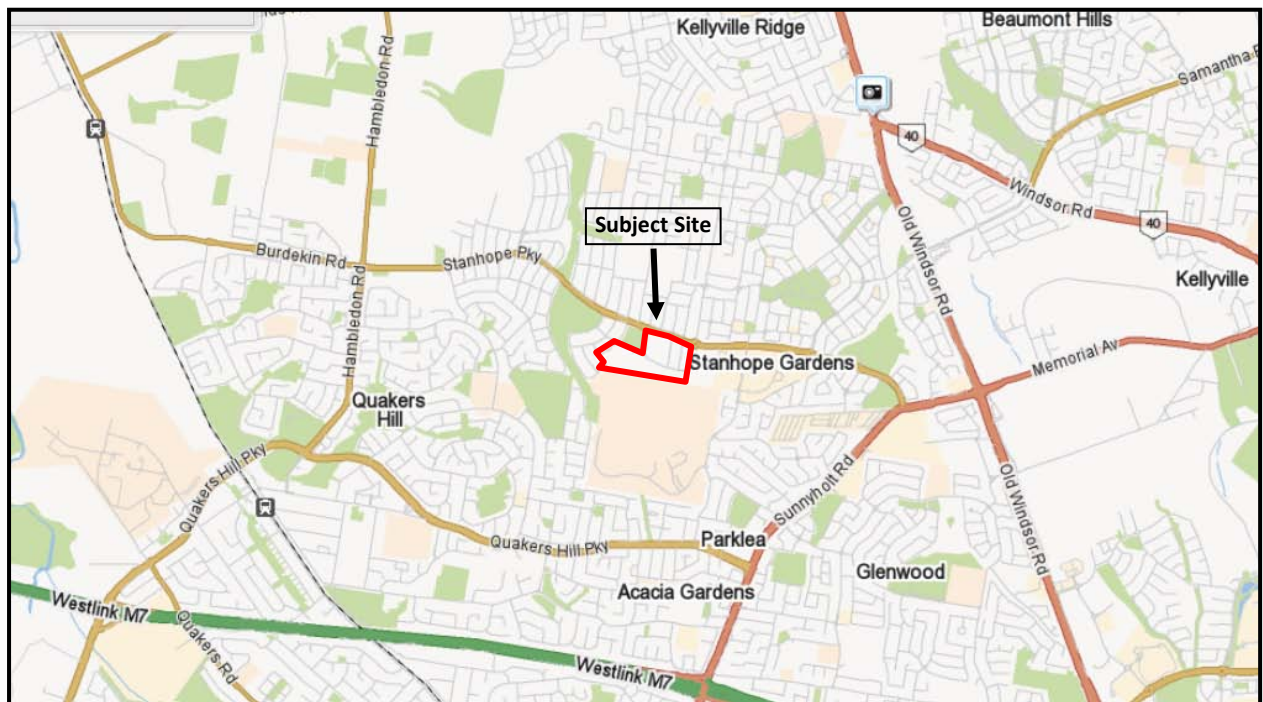


Figure 1. Location Context (Source: Whereis, 2012)

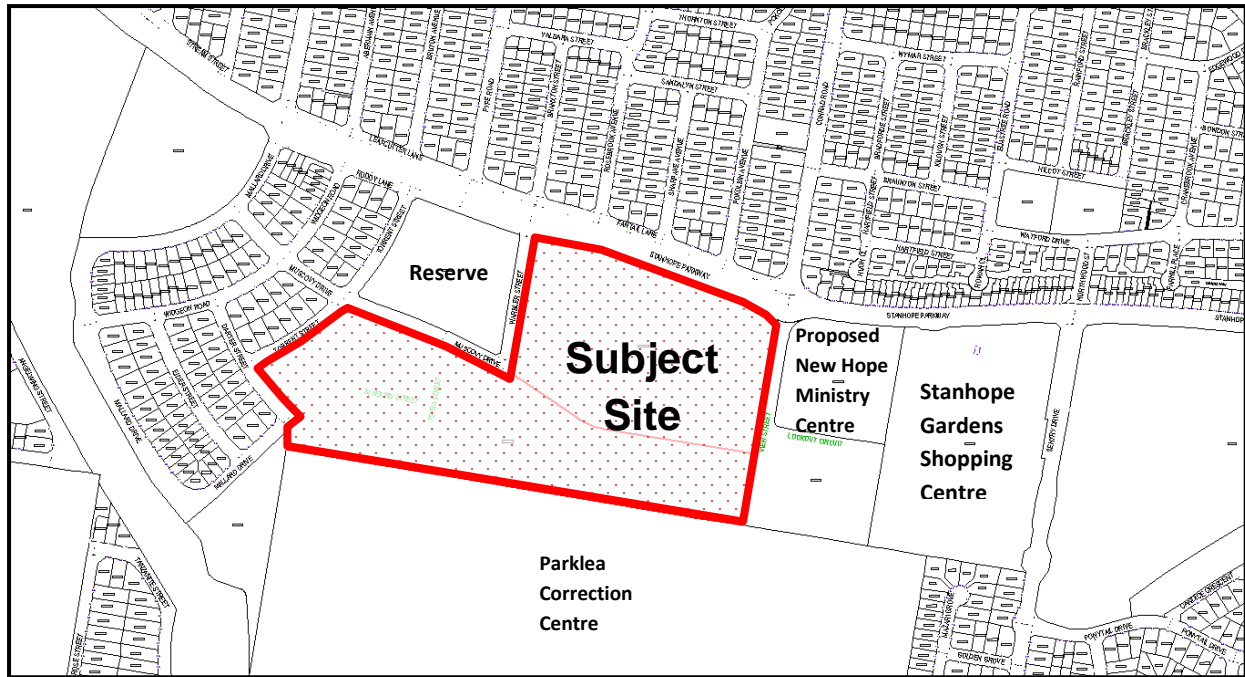


Figure 2. Location Plan (Source: Blacktown City Council, 2012)

3. Site Description and Locality

- 3.1 The subject site, being Lots 8891 and 8892 in DP 1128072, Muscovy Drive and Stanhope Parkway, The Ponds, is located within the Second Ponds Creek Release Area (The Ponds).
- 3.2 The Ponds and surrounding Stanhope Gardens and Kellyville Ridge areas have been subject to a large number of Development Applications for subdivision, residential development and associated facilities to support the residential development in this new suburb, such as schools and open space.
- 3.3 The site measures 12.705ha in area, made up of Lot 8891 which has an area of 6.99 hectares and Lot 8892 which has an area of 5.715 hectares.
- 3.4 The site has street frontages to Stanhope Parkway, View Street (southern extension to Conrad Road south of Stanhope Parkway), Warbler Street, Muscovy Drive, Torrent Street, Darter Street and Mallard Drive.
- 3.5 Lots 8891 and 8892 in DP 1128072 are currently vacant with no existing structures located thereon. The site is cleared of any significant vegetation and levelling and benching has been completed in accordance with Development Consent No. 07-1241. The site is currently predominantly grass covered with several small shrubs.
- 3.6 The area surrounding the site is predominantly characterised by land which has been recently subdivided and utilised for low density residential development and vacant land which will be subject to future residential subdivision.
- 3.7 The eastern portion of the site is bounded by the Stanhope Parkway, which comprises a 30-metre wide road reservation, with a service road to the north servicing low density residential development.

- 3.8 To the east of the subject site is the proposed New Hope Ministry Centre and a recently approved residential subdivision of predominantly Medium Density and Integrated Housing Development. The site is also located within 400m walking distance of Stanhope Village Shopping Centre, to the east of the subject site. Council's Leisure Centre and Library is also located opposite the shopping centre.
- 3.9 The western boundary of the site is characterised by low density residential, predominantly double storey residential homes and local public open space.
- 3.10 The north-eastern part of the site slopes downward to the north-west from a highpoint towards Stanhope Parkway with a gradient of about 1:20. The south-western part of the site generally slopes downward to the north from a high point towards Torrent Street, with a gradient of approximately 1:20.
- 3.11 The subject site is zoned 2(a) Residential (Clause 48) (Clause 20C) (Clause 20D) pursuant to Blacktown Local Environmental Plan 1988 as shown in Figure 2 below.

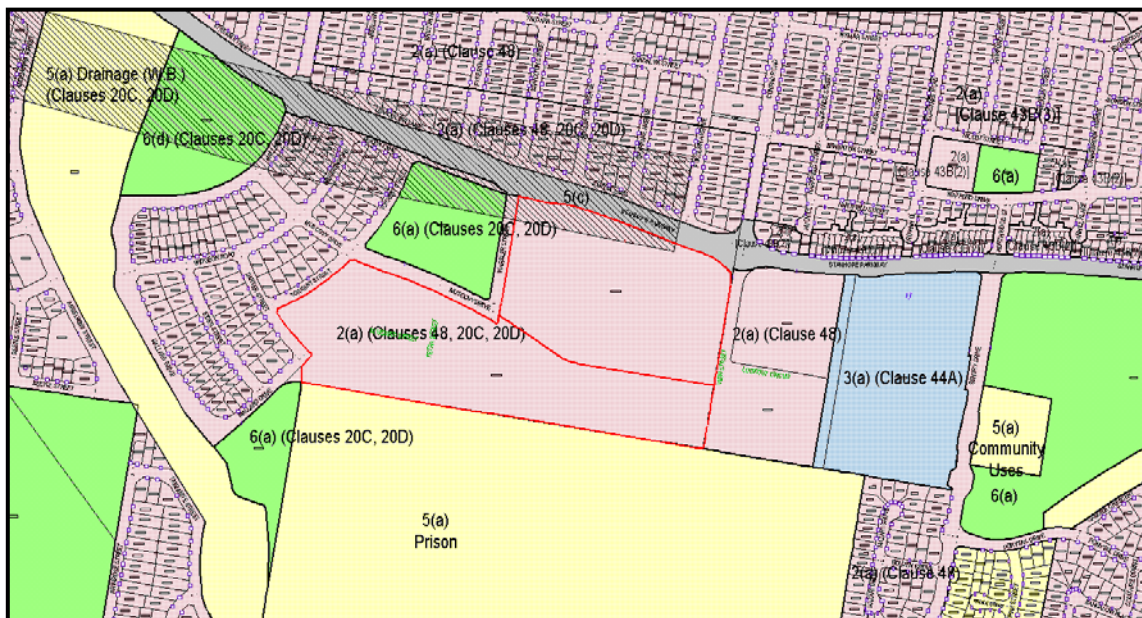


Figure 3. Zoning Plan (Source: Blacktown City Council)



Figure 4. Aerial Photo of Site and Surrounds (Source: Blacktown City Council, 2011)

4. History and Current Use of the Site

- 4.1 On 24 February 2006 Blacktown Local Environmental Plan (BLEP) 1988 - Amendment No. 202 was gazetted, rezoning and reconfiguring land uses within the Second Ponds Creek Release Area for various purposes. BLEP 1988 provides the statutory planning framework for the Second Ponds Creek Release Area, along with the controls within Blacktown Development Control Plan 2006, in particular Part M – *Second Ponds Creek*.
- 4.2 On 27 June 2006 Council approved DA-06-916 for Landcom, being for bulk earthworks and associated tree removal over now superseded Lot 13, DP 1088121.
- 4.3 On 7 September 2006 Council approved DA-06-1507 for Landcom, being a subdivision of Lot 113, DP 1116764 that proposed to create 79 residential Torrens title lots, 2 future public reserves, 1 environmental protection lot, 1 drainage lot, 9 residue lots and public roads. The subject site was a residue lot created by this subdivision.
- 4.4 On 11 October 2007 Council approved DA-07-1241 for Landcom, being the subdivision of Lots 889 and 890, DP 1119045 into 12 “smart” residential allotments, 126 conventional residential allotments, 7 residue allotments and new roads. The proposed development will supersede DA-07-1241 for the subdivision of land.
- 4.5 Landcom undertook the bulk earthworks associated with the approved subdivisions but then decided not to proceed with the subdivisions, instead selling the 2 residue lots.
- 4.6 The Anglican Retirement Villages – Diocese of Sydney purchased the land from Landcom for the proposed use.
- 4.7 The site is currently vacant land.

5. The Proposal

- 5.1 Council is in receipt of a Development Application (DA) from Peter Magnisalis (Anglican Retirement Villages) for the staged construction of a Seniors Housing Development involving bulk earthworks, 267 dwellings, a community building, road pattern variation, road access infrastructure and a boundary adjustment at the subject site. The proposed development has a Capital Investment Value of \$58,340,000.
- 5.2 The development is proposed to be constructed in 6 stages with each stage proposed to include bulk earthworks along with the following number of Independent Living Units (ILU's) and associated buildings/works:
- **Stage 1** – Construction of 43 ILUs, community centre and associated car parking, community room adjacent to ILU1/10 and road link through to Warbler Street/Muscovy Drive
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 - **Stage 3** – Construction of 46 ILUs
 - **Stage 4** – Construction of 36 ILUs and the resident's workshop
 - **Stage 5** – Construction of 66 ILUs and community room
 - **Stage 6** – Construction of 45 ILUs
- 5.3 The proposed 267 dwellings are all residential Independent Living Units. All dwellings are single storey and propose a dwelling mix of 22 one bedroom dwellings, 194 two bedroom dwellings and 51 three bedroom dwellings. The Independent Living Units comprise of 10 dwelling typologies.
- 5.4 Each dwelling has a functional floor plan consisting of a kitchen, bathroom(s), living area, bedroom(s) and internal laundry. Furthermore, each dwelling is provided with private open space at the rear of the dwelling.
- 5.5 The dwellings include a mix of designs with a variety of roof forms and are proposed to be constructed from face brick, gable infill panelling including weatherboard, concrete roof tiles, aluminium framed windows and colorbond garage doors. A number of the dwellings have been designed to de-centralise the garage by utilising a side car court so that the garage does not dominate the appearance of the streetscape.
- 5.6 The main area of the community centre is proposed to include a café (93sqm), meeting and lounge areas (85sqm) and a chapel / auditorium (162sqm). The Wellness and Administration building is proposed to include offices, consultation rooms for visiting health professionals, a salon beauty room, change rooms, gym and computer/library room. In addition, a number of outdoor recreational facilities have been proposed including 2 bowling greens, a pool and bbq area, along with open space areas and 2 portes cochere at the entrances to the buildings.
- 5.7 The construction of a Residential Aged Care Facility (RACF) in the south-east corner of the site will be subject to a separate Development Application and does not form part of the 6 stages proposed within this DA. However, the current Application includes further bulk earthworks and construction of the vehicular access point associated with the RACF.
- 5.8 The proposed development constitutes 'Regional Development' requiring referral to a Joint Regional Planning Panel (JRPP) for determination as the proposed development has a Capital Investment Value of more than \$20M. As such, while Council is responsible for the assessment of the DA, determination of the Application will now be made by the Sydney West Joint Regional Planning Panel.

- 5.9 The proposed development includes 3 vehicle access points. The primary vehicular access to the site will be from View Street (southern extension of Conrad Road south of Stanhope Parkway). The secondary vehicular access point has been located off Warbler Street which will be the primary access to the community centre and associated parking, with the third access point being provided at the southern end of View Street to access the future RACF development.
- 5.10 Currently the site has a proposed DCP road pattern along the southern elevation adjoining the Parklea Correctional Facility connecting into Mallard Drive in the west and View Street to the east. This Application proposes to delete this road pattern due to the road no longer being required, with internal private roads proposed within the site to access the dwellings. If approved, the proposed development will also supersede the previous Subdivision Application (DA-07-1241) which approved 126 residential lots, 12 smart residential lots, 7 residue allotments and associated roads over the subject properties.
- 5.11 The proposed development will provide for a total of 484 car parking spaces, which includes 318 spaces within the ILU's (garages and driveways), 112 on-street spaces for visitors and 54 spaces associated with the community facility.
- 5.12 Given the level differences across the site, net cut and fill is required to satisfy accessibility requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. This will result in a maximum fill within the development site of 2.5m along the Stanhope Parkway frontage which batters down to a retaining wall that ranges from 1.0m to 2.0m high. The maximum cut will be 2.3m towards the southern side of the site.
- 5.13 The Application also seeks a property boundary adjustment of existing Lots 8891 and 8892 in DP 1128072 for the site east of Warbler Street to be separated from that part of the site west of Warbler Street. The applicant seeks this boundary adjustment to provide flexibility in the event that market forces require an alternate development solution for the western part of the site in the future.
- 5.14 Refer to **Attachment 1** for Development Plans.

6. Planning Controls

- 6.1 The planning controls that relate to the proposed development are:

(a) State Environmental Planning Policy (State and Regional Development) 2011

SEPP (State and Regional Development) 2011 confers 'Regional Development' as listed in Schedule 4A of the Environmental Planning and Assessment Act 1979 to the Joint Regional Planning Panel (JRPP) for determination. The proposed development constitutes 'Regional Development' requiring referral to a Joint Regional Planning Panel (JRPP) for determination as the proposed development has a Capital Investment Value of more than \$20M. As such, while Council is responsible for the assessment of the DA, determination of the Application will now be made by the Sydney West Joint Regional Planning Panel.

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

The proposed development has been assessed against the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 and is considered to satisfactorily achieve the aims of the policy. The Application satisfies the site requirements for a seniors living development and achieves compliance with the design requirements, principles and development standards outlined in the SEPP.

A Compliance Table of the proposal against the provisions of the SEPP can be found at **Attachment 2**.

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

The Application has been accompanied by a BASIX Certificate that lists commitments by the applicant as to the manner in which the development will provide for water and energy efficiency. The requirements outlined in the BASIX Certificate have been satisfied in the design of the proposal. Nonetheless, a **condition** will be imposed to ensure such commitments are fulfilled. (Refer to Conditions 2.3 and 5.4).

(d) State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 aims to ensure that the Roads and Maritime Services (RMS) is made aware of and allowed to comment on types of development nominated as ‘traffic generating development’ listed in Schedule 3 of the SEPP. Schedule 3 identifies any use with more than 200 vehicles. The proposed development therefore triggers the Infrastructure SEPP. The DA was referred to the RMS for comment in accordance with the Infrastructure SEPP. RMS referred the Application to the Sydney Regional Development Advisory Committee (SRDAC) who raised no objections in principle subject to **conditions**. The RMS’ comments are outlined in Section 7 of this Report. In addition, a copy of any determination will be forwarded to the RMS in accordance with Clause 104(4) of the SEPP, following any consent granted. (Refer to Conditions 1.6.2, 3.4.1 and 4.4).

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

SEPP No. 55 relates to the remediation of contaminated lands. This policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If land is considered to be unsuitable, remediation must take place before the land is developed. A Phase 1 Preliminary Contamination Assessment report prepared by SMEC Testing Services dated December 2010 has been undertaken on the subject site and has been submitted by the applicant. The report concludes that the site is considered to be suitable for a standard residential land use with accessible soil. Therefore, no further works will be required to be undertaken on site in this regard as net cut and fill is proposed across the site.

(f) Blacktown Local Environmental Plan 1988

The land is zoned 2(a) Residential (Clause 48) (Clause 20C) (Clause 20D) pursuant to Blacktown Local Environmental Plan 1988 (BLEP). The proposed use is defined in the BLEP as ***“housing for aged or disabled persons”***. Under BLEP ***“housing for aged or disabled persons”*** has the same meaning as in superceded *State Environmental Planning Policy No. 5 — Housing for Aged or Disabled Persons*. Within the 2(a) zone “housing for aged or disabled persons” is permissible with consent.

Clause 10 of BLEP relates to subdivision and requires development consent for the subdivision of land. The proposal seeks a boundary adjustment and extinguishment of several existing Restrictions of Use to facilitate the orderly and economic development of the land. The proposal complies with the requirements of Clause 10.

Clause 20C applies to certain land within the Second Ponds Release Area and states:

20C *Development on certain land at Schofields and Kellyville Ridge, Parklea Release Area*

- (1) This clause applies to part of Lot 404, DP 1029932, and part of Lot A, DP 397496, as shown edged heavy black on the map marked “Blacktown Local Environmental Plan 1988 (Amendment No 202)”.*
- (2) In addition to any other requirement of this plan, the council must not grant consent to development of land to which this clause applies, unless the council is satisfied that, in so far as the nature of the development proposed allows, the development will:*
 - (a) contribute towards achieving water quality and flow objectives of the council by the application of total water cycle management principles, including WSUD (water sensitive urban design), best practice stormwater management and treatment systems, and minimising adverse impacts on the water cycle to the greatest extent possible, and*
 - (b) be environmentally sustainable by achieving agreed environmental outcomes acceptable to the council, particularly in relation to water and air quality, and*
 - (c) protect, enhance, maintain and restore land and water resources, their associated ecosystems, ecological processes, biological diversity and water quality, and*
 - (d) encourage best practice in the use and management of land and water resources so as to increase water efficiency, reduce reliance on imported water, and improve at-source retention of water quality, flooding, erosion, salinity and sedimentation, and*
 - (e) contribute to the conservation of biodiversity, and the protection and enhancement of the riparian corridor, and*
 - (f) contribute to the conservation of Aboriginal heritage.*

The proposed development has been assessed by Council’s Development Services Engineers and complies with the requirements of Blacktown Development Control Plan – Part R Water Sensitive Urban Design (WSUD) & Integrated Water Cycle Management. Further, the development is considered to be Environmentally Sustainable Development, achieved through dwelling design and proposed landscaping. Overall, the proposed development satisfies Clause 20C.

Clause 20D requires the provision of regional transport infrastructure and services to satisfy needs that will arise from development of land within the Second Ponds Creek Release Area. A suitable **condition** of consent has been included that, prior to the Occupation Certificate, evidence be provided to Council by the applicant from the Department of Planning and Infrastructure to satisfy Clause 20D. (Refer to Condition 11.3).

Clause 22 of BLEP applies as the subject site adjoins a designated road, Stanhope Parkway, which is zoned 5(c) under BLEP. Clause 22 states that *a person shall not carry out development on land which adjoins a designated road unless vehicle access to the land from that road is made by way only of another road (not being a designated road)*. The subject development proposes 3 vehicle access points, 2 from View Street and a third from Muscovy Drive. As such, Clause 22 is complied with.

Clause 48 of BLEP applies to land only in respect of the development of Dual Occupancies, Medium Density developments and Integrated Housing developments with respect to two storey development. The proposed use is within the land use definition of “housing for aged or disabled persons” and as such Clause 48 does not apply. Irrespective of this, all dwellings within the development are proposed to be single storey.

7. External Referrals

7.1 The subject Development Application was referred to the following external authorities as summarised in the table below:

Section	Comments
Roads and Maritime Service (RMS)	<p>The DA, being a seniors housing development involving over 200 car parking spaces, was referred to the RMS on 7 May 2012 pursuant to Clause 104 of SEPP (Infrastructure) 2007. The traffic impact of the proposed development was considered by the Sydney Regional Development Advisory Committee (SRADC) on 26 September 2012 and no objections were raised subject to the following conditions, which will be imposed on any consent granted. (Refer to Conditions 3.4.1 and 4.4.5 to 4.4.8).</p> <ul style="list-style-type: none"> • All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS. • A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to and approved by Council prior to the issue of a Construction Certificate. • The developer shall be responsible for all public utility adjustment/relocation works necessitated by the above work and as required by the various public utility authorities and/or their agents. • The car parking provision shall be to Council's satisfaction. • The layout of the car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) shall be in accordance with AS 2890.1-2004 and AS2890.2-2002 for heavy vehicle usage. • The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. • The required sight lines to pedestrians or other vehicles within the development shall not be compromised by landscaping, signage, fencing or display materials and in accordance with minimum sight lines for pedestrian safety as outlined in AS2890.1. • All access roads, internal roads and pathways within the proposed development are to be designed in accordance with AUSTROADS, Australian Standards, RMS Supplement and State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Sydney Water	Pursuant to Section 78 of the <i>Sydney Water Act 1994</i> , the Application was referred to Sydney Water on 7 May 2012. Comments were received from Sydney Water dated 28 May 2012 identifying that water, recycled water and waste water currently services the development area, however, main extensions may be required. At the Section 73 Application phase an ultimate servicing scheme plan must be submitted in order to determine detailed water, recycled water and waste water required. A suitable condition of consent will be imposed requiring the submission of a Section 73 Certificate prior to the release of the Occupation Certificate, should consent be granted. (Refer to Condition 11.5.1).
Endeavour Energy	On 7 May 2012 the Application was referred to Endeavour Energy to provide comments on the proposal in relation to the need for any additional substation to service the development. Endeavour Energy was granted 28 days to respond to the Application, however no response has been received. As such, a condition of consent will be imposed within any consent requiring a “Notification of Arrangement” be granted for the subject development prior to the release of the Construction Certificate. (Refer to Condition 3.3).
NSW Police	The Application was referred to the Quakers Hill Local Area Command to undertake a Safer by Design Evaluation and provide comments on the Application. A response from NSW Police dated 15 May 2012 was received by Council outlining that the Police Force are satisfied with the Application, providing all Crime Prevention through Environmental Design (CPTED) principles are implemented to maximise safety. Suitable conditions of consent will be included with regard to Natural Surveillance, Video Surveillance, Natural Access Control, Space Management Territorial Reinforcement and Street Numbering/Letter Box and Power Boards as recommended by NSW Police, should consent be granted. (Refer to Conditions 4.6, 4.7 and 11.18).

8. Internal Referrals

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

Section	Comments
Engineering	No objections subject to the imposition of appropriate conditions of consent. (Refer to Conditions 6 and 9).
Building	No objections subject to the imposition of appropriate conditions of consent. (Refer to Conditions 5, 7 and 8).
Traffic	<p>Council’s Traffic Management Section (TMS) have provided the following comments with respect to the proposed Application:</p> <ol style="list-style-type: none"> 1. Indented parking bays should be 2.3m wide not 2.1m as proposed by the developer. 2. Location of the proposed pedestrian crossing at the proposed extension of Conrad Rd and the access driveway is not supported. It needs to be moved westward inside the access driveway at least 6m. 3. As indicated in the proposal the Residential Aged Care Facility (RACF) to the south-west of the site will be subject to a separate DA. It is TMS’ view that access for the RACF will be considered with the RACF DA. The proposed RACF access requires changes in the road pattern which could have some impact on the subdivision to the east of the proposed extension of Conrad Rd south of Stanhope Parkway, hence requiring separate assessment. <p>Comments 1 and 2 will be conditioned as part of any Development Approval. (Refer to Condition 4.2). With respect to Comment 3, the submitted Preliminary Design Stage Road Safety Audit dated 25 July 2012 prepared by Traffic Solutions Pty Ltd concludes that the proposed driveway location is considered suitable. Council’s DSU</p>

	Engineering Section have no objections to the proposed driveway.
Environmental Health	No objections subject to the imposition of appropriate conditions of consent. (Refer to Conditions 10 and 14).
Section 94	The concurrence of Council's Section 94 Officer was sought with regard to Section 94 Contributions for the subject development. The subject site falls within Council's Section 94 Contributions Plan No. 5 – Parklea Release Area (CP5). However, on 12 October 2006 Council entered into a Voluntary Planning Agreement with Landcom, the "Second Ponds Creek Planning Agreement", which is applicable to a specific area of land in the Parklea Release Area known now as "The Ponds". By entering into this Agreement, Landcom agreed to provide "in-kind" all of the public facilities that were listed for the Second Ponds Creek area of CP5, in lieu of paying Section 94 monetary contributions under CP5. This arrangement effectively satisfies all contributions obligations that would normally be conditioned on a development consent for the Second Ponds Creek area, including the subject site. As such, Section 94 Contributions have already been satisfied by Landcom for the subject site and no Section 94 Contributions are applicable.

9. Council Assessment

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

(a) Blacktown Development Control Plan 2006

The provisions of Blacktown Development Control Plan, Part C, Section 8 – *Housing for Aged or Disabled Persons*, Part M – *Second Ponds Creek*, Part O – *Site Waste Management and Minimisation* and Part R – *Water Sensitive Urban Design and Integrated Water Cycle Management* are relevant to the proposal. The following table outlines that the Application complies with the relevant provisions of the Blacktown DCP.

Section	Comment	Complies
Part C – Housing for Aged or Disabled Persons		
Height of Buildings	All buildings proposed on the site are single storey in accordance with the DCP requirement.	Yes
Minimum Room Sizes	Room sizes are in accordance with the Building Code of Australia and SEPP (Seniors Living) requirements.	Yes
Design for the Disabled	All units and the community facilities are accessible and can be adapted for people in wheelchairs. All areas of the site are accessible to people in wheelchairs. The majority of living areas or private open spaces of dwellings have been orientated to the north to maximise solar access. A variety of dwelling sizes has been provided within the proposed development.	Yes
Laundries	Laundries have been provided in all dwellings to comply with the provision of the SEPP (Seniors Living).	Yes
Wheelchair Access	Wheelchair access has been provided in accordance with AS 1428, where compliance is required in the provisions of the SEPP (Seniors Living).	Yes
Community Facilities for Self-Contained Dwellings	The Application proposes the construction of a new common room for the use of the residents, and when combined with the existing facilities in the Rochford Place Retirement Village, includes both indoor and outdoor multi-purpose community facilities.	Yes
Common Rooms	The proposal seeks to provide a community centre,	Yes

	including a café, meeting and lounge areas (85sqm) and a chapel/auditorium. A Wellness and Administration Building is also proposed to include offices, consultation rooms for visiting health professionals, a salon beauty room, change rooms, gym and computer/library room. In addition, a number of outdoor recreational facilities have been proposed including 2 bowling greens, a pool and bbq area, along with open space areas and 2 portes cochere at the entrances to the buildings. These facilities are provided for the use of all residents and are easily accessible to all residents.	
Car Parking	Car parking has been provided in accordance with the SEPP (Seniors Living).	Yes
Part M – Second Ponds Creek		
Land Use	The subject site is zoned 2(a) Residential pursuant to Blacktown Local Environmental Plan 1988. The proposed development is permissible with consent.	Yes
Circulation Network	Suitable access has been provided to the subject site, linking the existing and proposed street network. Furthermore, access to the site is provided from local streets within close proximity to sub-arterial and collector roads. A Traffic Statement has been submitted with the proposal identifying that the proposed development is suitable within the existing and proposed road network.	Yes
Site Planning	The development has been considered with regard to implications with respect to Stormwater Management, Land Capability – Salinity and Sodcity, Aboriginal Heritage, Contamination, Cut and Fill, as well as Flora and Fauna. A detailed discussion of these matters is undertaken within the following pages of this report.	Yes
Part O – Site Waste Management and Minimisation		
Waste Management Plan	A Waste Management Statement prepared accordance with the requirements of the DCP has been submitted with the Development Application.	Yes
Part R – Water Sensitive Urban Design and Integrated Water Cycle Management		
Water Sensitive Urban Design and Integrated Water Cycle Management	Council's Engineers have undertaken an assessment of the proposal in accordance with the requirements of BDCP Part R. Accordingly, appropriate Engineering conditions (refer to Conditions 6 and 9) have been included and sufficient information has been provided to satisfy the requirements of Part R.	Yes

(b) DCP Road Variation

The Application proposes a DCP road pattern variation to remove the proposed DCP road on the southern boundary of the subject site and the proposed extension to Warbler Street from the subject site, as identified in Figure 5 below. As the proposed development seeks to provide an internal road network to service the site, in contrast to a residential subdivision, the proposed variation is considered satisfactory. Furthermore, the Application was notified for a period of 14 days identifying a proposed road pattern variation, in response to which no objections were received. In addition, Council's Traffic Management Section has reviewed the subject road pattern variation and has raised no objection to the proposed road variation.

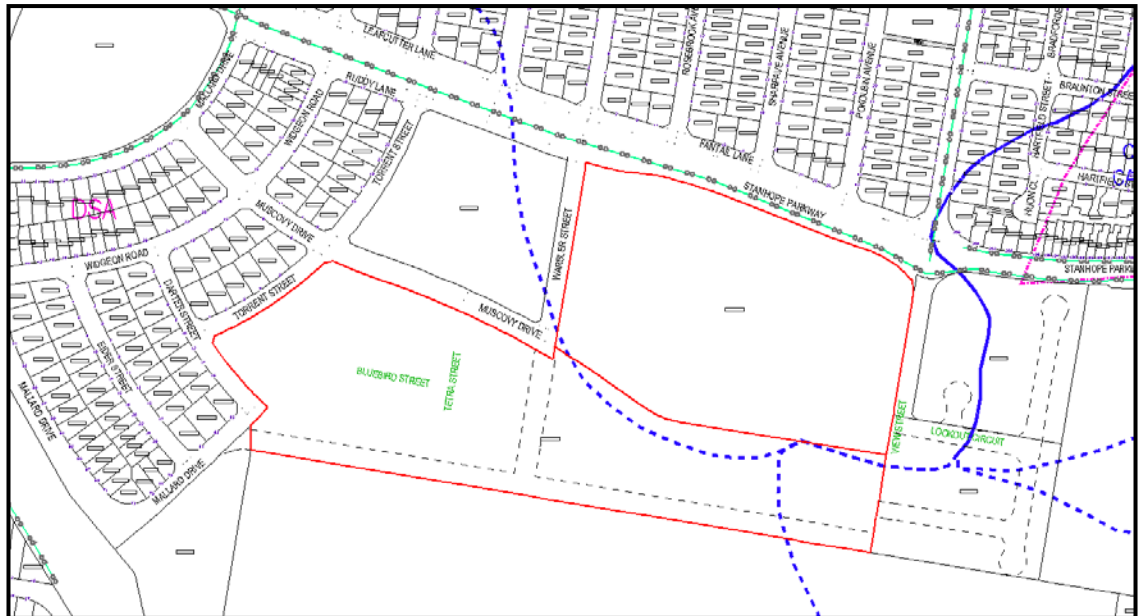


Figure 5: Proposed DCP Road Pattern (Source: Blacktown City Council, 2006)

In addition, as part of the proposal, the applicant seeks approval for the vehicle access point to the south of the subject site from View Street to access the future proposed Residential Aged Care Facility. The RACF will be subject to a separate Development Application, however the applicant seeks approval for the access at this point in time to provide certainty for the access and to enable closure of part of View Street on the adjoining Mirvac site. Mirvac have been granted approval for the residential subdivision of the land and have made the identified portion of land redundant, as identified in Figure 6 below.

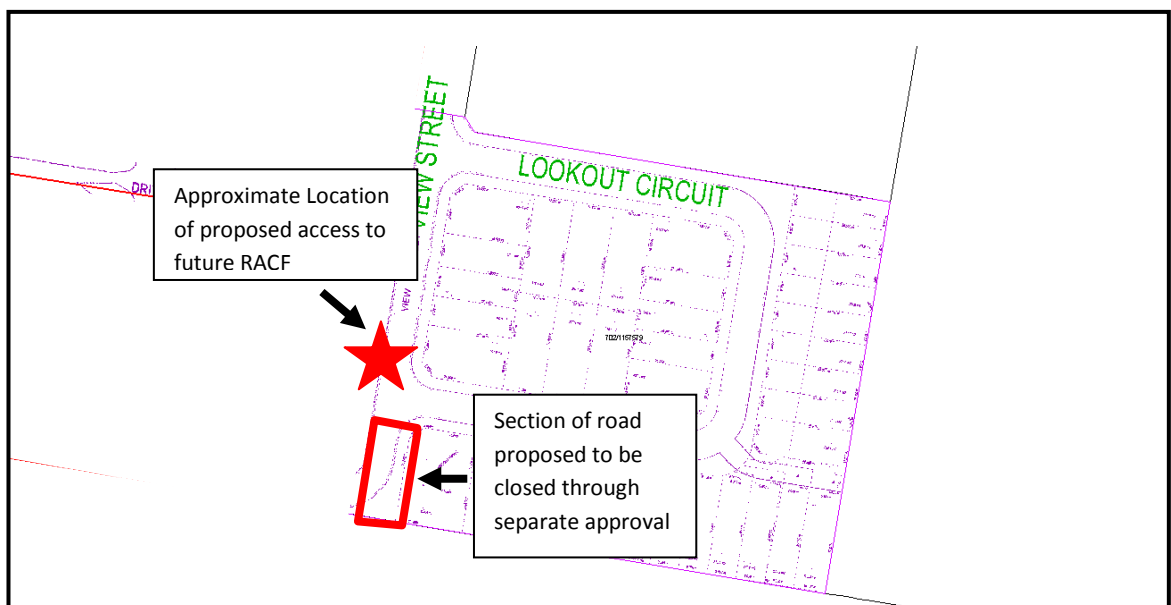


Figure 6: Proposed RACF Vehicle Access (Source: Blacktown City Council, 2012)

Council's Traffic Management Section (TMS) has provided comments on the vehicle access, identifying that:

As indicated in the proposal the Residential Aged Care Facility (RACF) to the south-east of the site will be subject to a separate DA. It is TMS' view that access for the RACF will be considered with the RACF DA. The proposed RACF access requires changes in the road pattern which could have some impact on the subdivision to the east of the proposed extension of Conrad Road to the south of Stanhope Parkway, hence requiring separate assessment.

However, Council's DSU Engineering Section have no objections to the proposed driveway to ensure the future closure of the identified extension to View Street. Furthermore, the submitted Preliminary Design Stage Road Safety Audit dated 25 July 2012, prepared by Traffic Solutions Pty Ltd, concludes that the proposed driveway location is considered suitable. As such, the proposed inclusion of the vehicle access for the future RACF is supported.

(c) Seniors Living Policy

Clause 31 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 requires the consent authority for infill self-care housing to take into consideration the provisions of the *Seniors Living Policy: Urban Design Guideline for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004.

These Guidelines have been prepared to assist in the design and assessment of Development Applications for infill development under the SEPP. The Policy sets out a range of design principles which must be considered in the assessment of these Applications. The Policy outlines 5 key issues to be considered with regard to proposed developments. A summary of these issues is outlined below:

i. *Responding to Context*

Development in the surrounding area is predominantly low density residential. The site is within 400m of the Stanhope Village commercial centre and adjoins the Parklea Correctional Centre. The proposed development is not considered to be out of character with the surrounding development and the proposed dwellings are consistent in scale and design with other developments in the locality. Dwellings located along the Stanhope Parkway and Muscovy Drive frontages and along the southern boundary of the Correctional Facility comprise the proposed 'Traditional' dwelling typologies which resemble single storey rear-loaded dual occupancies, with adequate setbacks, building design and landscaping. The development proposes the construction of internal roads which also provide for a layout similar to development in the area.

ii. *Site Planning and Design*

The development has been designed to be compliant with the objectives and requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and Blacktown Development Control Plan 2006. The seniors living proposal provides dwellings with high amenity to care to the needs of future residents. The development proposes a mix of 10 different independent living unit typologies, including one, two and three bedroom dwellings which are all single storey. The proposal will have minimal impact on neighbourhood character as the scale, density and design is appropriate for the locality.

iii. *Impacts on Streetscape*

The design and proportion of the buildings and the layout of the development have resulted in a proposal which is sympathetic to the existing streetscape in the area. Extensive landscaping is proposed across the development, including shrub planting to define courtyard spaces and screen planting for dwellings to soften the impact of the built form and break up the building facades. The development has a high quality transition between the public and private domains, through use of landscaping including appropriate fencing. Where fencing adjoins public roads it is proposed to be decorative fencing with suitable landscaping to minimise the impact of the development on the external streetscape. The Application proposes internal private roads within the development and the majority of the dwellings are provided with single garages. The development proposes suitable variation in the dwelling façades, which minimises the impact of the bulk and scale of the development on the streetscape.

iv. *Impacts on Neighbours*

The subject site currently adjoins the Parklea Correctional Centre to the south, a proposed church and future residential development. The single storey nature of the development means that the proposal will not create overlooking or overshadowing issues. Fencing and landscaping has been proposed to define the edges of the site, screen noise and reduce visual impact of the proposed development on future adjoining development.

v. *Internal Site Amenity*

The seniors living development proposes 267 independent living units. Each dwelling has been designed to maximise the amenity of future residents. Good solar access is provided to the living area and private open space of dwellings and each unit is provided with significant private open space, including an alfresco area. Further, the proposed development also includes an open space network, community gardens and community centre, which provides quality communal open spaces accessible to all residents.

Vehicular access around the site is considered to be clear, organised and orderly, whilst accessible, and clearly defined pedestrian pathways have been provided through use of appropriate signage, landscaping and fencing.

(d) Context and Scale

The site falls within an area characterised by new low density residential subdivision and housing development. The desired future character of the area is largely determined by the planning controls applying under the provisions of Blacktown Local Environmental Plan 1988 and Blacktown Development Control Plan 2006 – Part M *Second Ponds Creek*. The proposed development has been designed to be consistent with the desired future character and existing development of the locality.

The development is well designed and will contribute to the future quality and identity of area. The site's proximity to services, facilities and public transport makes the site suitable for the proposal.

The proposal has been designed to satisfy the numerical requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) for self-contained dwellings. These controls result in the development having suitable scale and context for the locality.

The proposed buildings of the development are all single storey in design, with a maximum height of 5.55m. The proposed height is considered to be in harmony with existing surrounding development and will not impact upon the amenity of the area.

The development proposes a floor space ratio of 0.21:1 across the whole site. The density proposed fits in with the objectives of the 2(a) Residential zone under BLEP 1988 which aims to enable development for a variety of housing forms, including townhouses, villas, integrated housing, dual occupancies and the like, if such development does not interfere with the amenity of surrounding residential areas by way of overshadowing, overlooking or loss of privacy.

Appropriate setbacks have been provided to minimise any negative impact upon adjoining and surrounding properties and provide good amenity to the streetscape. Furthermore, extensive landscaping embellishment is also proposed to soften the impact of the development.

(e) Private Open Space

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

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

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

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

Each proposed dwelling within the development is provided with an area of 15sqm or more. Private Open Space areas directly adjoin living areas and comprise of alfresco areas, service courts and are suitably landscaped.

The Access Report submitted with the Development Application states that the private open space for all dwellings will be wheelchair accessible in accordance with Clause 50(f) of SEPP (Housing for Seniors or People with a Disability) 2004.

The proposal is not considered to adversely impact on the privacy of future residents or neighbouring property owners. The proposed Anglican Retirement Village is separated from all adjoining residential properties by public roads, thus minimising the impact upon the privacy of existing and future dwellings. Suitable landscaping is proposed between all boundaries of the site, including the Parklea Correctional Centre which is currently heavily vegetated at the adjoining boundary to the subject development. Furthermore, the landscaping within the development ensures adequate privacy screening between

individual dwellings. All dwellings within the development are single storey and as such there is no potential for overlooking and overshadowing onto adjoining properties.

(f) Landscaping

The site is currently clear of significant vegetation and is currently predominantly grass-covered.

The applicant has submitted a detailed landscape plan and supporting landscape statement. The submitted landscape plan provides for the extensive embellishment of the site by providing ground covers, shrubs and trees to complement the proposed development.

Clause 50(c) of SEPP (Housing for Seniors or People with a Disability) requires a minimum of 30% of the area of the site to be landscaped. The landscape plans submitted to Council provide 43.5% (55,204m²) of the site area as landscaping. Furthermore, Clause 50(d) requires not less than 15% of the site area to be provided as deep soil zone. The development provides 27.75% (35,260m²) of the site as soil zones to support the growth of a variety of tree species.

(g) Solar Access

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

(h) Accessibility

An Accessibility Report, prepared by Access Associates Sydney, was submitted to Council with the Development Application. This Report provides a review of the proposed development's internal accessibility and access to services in accordance with the SEPP and the relevant Australian Standards. The report concludes that the proposal complies with the relevant access requirements as follows:

- *In summary the Anglican Retirement Village appears to satisfy the policy objectives and intent of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 updated 12 October 2007 and the requirements of AS 1428.1 and AS 4299 and consequently satisfy the intent of the development controls relevant at this stage of design and the principles of equitable access of the Disability Discrimination Act.*
- *Continuous accessible paths of travel complying with AS 1428.1 are to be provided in the ongoing landscaping design of the paths linking the independent living units and community facilities across the site.*
- *It is proposed to include accessible paths of travel to link all residential units with their neighbours, letterboxes and the garbage bin storage areas and to all common use facilities including relevant landscaped areas.*

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

development. Where insufficient information has been provided to Council in regard to the requirements under the SEPP with respect to accessibility, suitable **conditions** have been included requiring compliance and submission of details prior to the issue of the Construction Certificate.

(i) Parking

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

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

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

- (i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or*
- (ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.*

The development proposes the provision of 563 bedrooms across the village, which requires a total of 282 car parking spaces to be provided off-street. The Application proposes 484 car parking spaces to be provided in the form of 318 car parking spaces in garages and driveways, 112 on-street car parking spaces in identified car parking bays and 54 car parking spaces within the Community Centre carpark. In this regard the Application complies with the car parking requirements for the development.

The Access Report submitted with the Development Application further advises that all parking on site satisfies the accessibility requirements of AS 2890 and Schedule 3, Clause 5 of SEPP (Housing for Seniors or People with a Disability) 2004.

An operational **condition** will be imposed on the development consent requiring all parking on site to be used for vehicle parking only and not the long-term siting of caravans, trailers, boats or the like. (Refer to Condition 13.1.4).

(j) Heritage

The subject site contains no items of European heritage significance. In regard to Aboriginal Heritage, a consent pursuant to Section 90 of the National Parks and Wildlife Act 1974 was issued for the Second Ponds Creek Release Area in 2006, including consent for destruction of Aboriginal objects within Potential Archaeological Deposit 40 as identified in an October 2005 report by Jo MacDonald Cultural Heritage Management Pty Ltd, which covered part of the subject site.

(k) Contamination

A Stage 1 Preliminary Contamination Assessment Report undertaken by SMEC Testing Services Pty Ltd dated December 2010 has been submitted by the applicant with the Development Application. The Report concludes that the results of the soil sampling program show that the concentrations of contaminants in the soil samples analysed are low and well below criteria considered suitable for a residential land use with accessible soil. The subject site is therefore considered suitable for the proposed development with respect to contamination.

(l) Salinity and Soil Aggressivity

Previous approvals from earthworks on the subject site have been conditioned for salinity validation reports, which have been complied with. However, the most recent Development Approval, DA-07-1241, for the residential subdivision of land required the submission of a Salinity Management Plan (SMP) to be submitted to Council for approval, addressing the subdivision design aspects to reduce the effect of salinity on the future roads, drainage infrastructure and dwellings. A search of Council's records indicates that the SMP was never submitted to Council and the current proposal supercedes DA-07-1241.

As part of the proposal for the Anglican Retirement Village, a Salinity Assessment Report prepared by SMEC Testing Services has been submitted which concludes that the surface soils within the site are non-saline and slightly saline. The Salinity Assessment Report makes recommendations regarding the development of the site with respect to Salinity. As such, a **condition** has been included requiring that an addendum to the submitted report must be prepared to identify any additional construction parameters applicable for the construction of the individual living units, community centre/hall, office/admin and swimming pool etc prior to the release of the Construction Certificate. (Refer to Condition 5.5).

(m) Cut and Fill and Retaining Works

The Application seeks approval for bulk earthworks, including net cut and fill across the subject site and construction of retaining walls to facilitate the construction of the proposed development. The proposal seeks approval for extensive bulk earthworks across the site. The development proposes a retaining wall along Stanhope Parkway, with a maximum height of 2m and of masonry construction. These walls will be setback 1m from the boundary and will be landscaped for screening. Given the height of the retaining wall on the Stanhope Parkway boundary, a **condition** will be imposed requiring the retaining wall to be stepped at 1m intervals with suitable landscaping. A retaining wall is also proposed along the southern boundary to the Parklea Correctional Centre, with a maximum height of 1.6m. (Refer to Condition 4.2.1).

Given the level differences across the site, net cut and fill is required to satisfy accessibility requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. This will result in a maximum fill within the development site of 2.5m along the Stanhope Parkway frontage which batters down to a retaining wall that ranges from 1.0m to 2.0m high with a 2m section being localised near the middle of the site. The maximum cut will be 2.3m towards the southern side of the site.

(n) Bushfire

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

(o) Fencing

The development proposes a variety of fencing types based on the public road hierarchy. A 2m high masonry retaining wall with landscaping in front and 1.2m high palisade fence above is proposed along the Stanhope Parkway. The Conrad Road frontage will be fenced with a 1.8m high timber palisade and screen hedging. Warbler and Muscovy Streets are proposed to have a 1.2m high picket fence and Torrent and Darter Street are proposed to be fenced with 1.2m high picket fences with screen shrubs.

Internally within the development, 1.2m high picket fences with screen shrubs are proposed to internal streets and a 1.8m high lapped and capped timber fence adjoining the Parklea Correctional Facility. Side fencing to service courtyards will be 1.8m high lapped and capped timber. Landscaping and fencing is proposed to maintain the privacy of residents and adjoining neighbours, as well as distinguish between individual dwellings and common spaces within the development.

A **condition** will be included within the consent requiring that the building is constructed in accordance with the submitted fencing details held on Council's DA file. (Refer to Condition 8.9.2).

(p) External Building Materials and Colours

A suitable variety of external materials and finishes, consistent with the scale and character of development in the locality, has been selected for the proposed development. The applicant has proposed 4 varying schemes for the external appearance of the 267 dwellings in the development and a separate scheme for the community centre. The external colours and finishes will be further complemented by detailed landscaping and decorative retaining wall/fencing works. The proposed external materials and finishes are considered to be of a high standard and in keeping with the character of the surrounding residential locality.

A **condition** will be included within the consent requiring that the buildings are constructed in accordance with the finishes table held on Council's DA file. (Refer to Condition 8.9.1).

(q) Resident Facilities

The Application proposes the construction of a Community Centre within the Retirement Village. The Community Centre is proposed to include a café (93sqm), meeting and lounge areas (85sqm) and a chapel / auditorium (162sqm). The Wellness and Administration building is proposed to include offices, consultation rooms for visiting health professionals, a salon beauty room, change rooms, gym and computer/library room. In addition, a number of outdoor recreational facilities have been proposed, including 2 bowling greens, a pool and BBQ area along with open space areas and 2 portes cochere at the entrances to the buildings. The proposed buildings are generally single storey in height and are architecturally designed to be in keeping with the surrounding area. Furthermore, the community facilities are provided with 54 car parking spaces across the site and are suitably landscaped.

As the administration room proposes to contain a beauty/hair salon, a **condition** will be imposed on the development consent requiring plans and specifications to be submitted with the Construction Certificate that demonstrate compliance with the requirements of the Public Health (Skin Penetration) Regulation 2000 and NSW Health Department publication *Skin Penetration - Code of Best Practice* and *Skin Penetration Guidelines*. (Refer to Conditions 14.1 and 14.3).

(r) Property Boundary Adjustment

The Development Application proposes a boundary adjustment between Lots 8891 and 8892 DP 1128072. The proposal seeks a boundary adjustment and extinguishment of several existing Restrictions of Use to facilitate the orderly and economic development of the land. The proposed boundary adjustment is to divide the development site into 2 proposed lots, Lot 1 described mainly to the west of Warbler Street will have an area of 8.717ha and Lot 2 to the east of the site is proposed to have an area of 3.988ha. The proposed property boundary adjustment will enable Stages 1 to 4 to be undertaken on proposed Lot 1 and Stages 5 and 6 to be undertaken on proposed Lot 2. The design of the proposed development enables each stage to be developed independent of subsequent stages. The proposed subdivision is considered consistent with Blacktown Local Environmental Plan 1988 and Blacktown Development Control Plan 2006 and is therefore considered satisfactory.

(s) Developer Contributions

The subject site falls within Council's Section 94 Contribution Plan No.5 – Parklea Release Area (CP5). However, on 12 October 2006 Council entered into a Voluntary Planning Agreement with Landcom, the "Second Ponds Creek Planning Agreement", which is applicable to a specific area of land in the Parklea Release Area known now as "The Ponds". By entering into this Agreement, Landcom agreed to provide "in-kind", all of the public facilities that were listed for the Second Ponds Creek area of CP5, in lieu of paying Section 94 monetary contributions under CP5. This arrangement effectively satisfies all contributions obligations that would normally be conditioned on a development consent for the Second Ponds Creek area, including the subject site. As such, Section 94 Contributions have already been satisfied by Landcom for the subject site and no Section 94 Contributions are applicable.

(t) Impacts During Construction

Conditions of consent will be imposed to mitigate any potential impacts on the amenity of surrounding development. (Refer to Condition 8.4).

(u) Social and Economic Impacts

It is considered that the proposed Seniors Living development will complement the locality. The proposal is not expected to have any adverse social or economic impacts.

(v) ESD and Cumulative Impact

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

(w) BCA Compliance

A **condition** of consent will require that the proposed development comply with the applicable requirements of the Building Code of Australia.

(x) Water Management

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

(y) Soil Management

The proposed development is not expected to have an adverse impact regarding soil erosion or sedimentation. A **condition** of consent will require the applicant to ensure that the proposal is carried out in compliance with applicable erosion and sedimentation controls. (Refer to Condition 5.2.3).

(z) Waste Management

A Waste Management Plan (WMP) has been prepared and submitted as part of the Application. A **condition** of consent will be included within the consent requiring compliance with the submitted WMP. (Refer to Condition 11.12).

The proposal is expected to generate domestic quantities of waste from each dwelling. Common waste and recycling bin storage areas are provided throughout the site for the storage of garbage until collection. (Refer to Condition 11.2).

It has been identified that the site will be serviced by a private waste contractor. As such, an appropriate **condition** will be included requiring suitable arrangements to be made for a private waste contractor to service the site. (Refer to Condition 11.5.1).

(aa) General Services

The subject site has access to services such as water and sewer, power, telecommunications and gas supply. **Conditions** will be imposed on the consent requiring the applicant to obtain Service Authority Clearances prior to the issue of any Occupation Certificate. (Refer to Condition 11.5.1).

10. Public Comment

10.1 The subject Development Application was notified in accordance with Blacktown Development Control Plan 2006 Part K – Notification of Development Applications to adjoining and nearby property owners and occupants for a period of 14 days from 12 June to 26 June 2012. During this period no objections were received, but 1 submission from an adjoining owner, the Anglican Church Property Trust Diocese of Sydney, was received, identifying its support for the proposed development. The points raised in the submission and a Town Planning comment thereon are provided as follows:

10.2 The submission states:

“The ACPT advises that it supports DA no JRPP-12-740, that will provide much needed independent living units for the local government area in a great location next to established infrastructure including the village shopping centre.

The ACPT hopes to establish an Anglican ministry centre on adjoining lot 701 that will also serve the wider community. In order to assist in the assessment of the current DA, we would like to inform Council officers of our development intentions for the ACPT site.

Whilst the ACPT site is currently vacant, it is proposed to construct a church building on the site.

In an attempt to avoid a repeat of situation in other localities where residents have raised unreasonable complaints regarding the operation of adjoining non-residential uses whose approval pre-dated the residential development, the ACPT is seeking to appropriately manage the expectation of the future residents within the adjoining Mirvac land subdivision regarding the proposed church use and associated activities.

The ACPT has therefore encouraged Mirvac to alert prospective purchasers to the future church use. In this regard, it is noted that the Mirvac development plans suitably note “Proposed Church Site” on the ACPT land.”

Town Planning comment:

- The comments within the ACPT submission are noted.
- Further, since exhibition, ACPT has lodged a Development Application for the New Hope Ministry Centre on 20 August 2012, being JRPP-12-1529. A Report is being prepared on this Application for consideration by the JRPP.

10.3 In light of the above, the submission is in support of the Development Application and does not object to the DA.

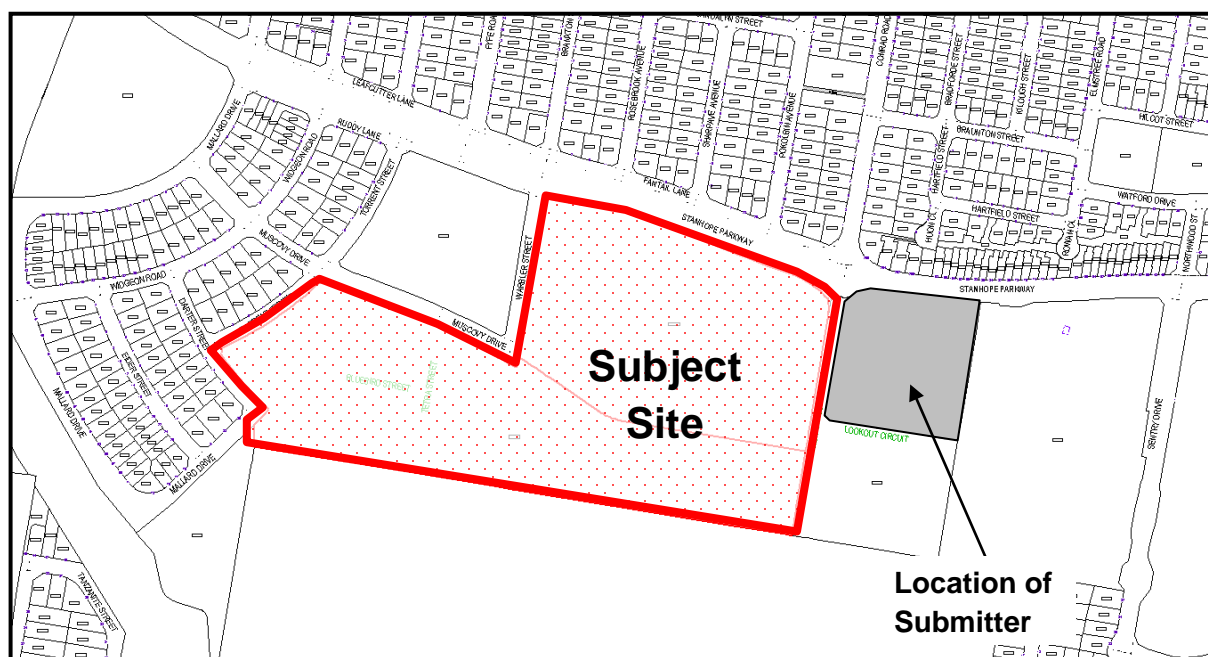


Figure 7. Location of Submitters (Source: Blacktown City Council, 2011)

10.4 The submission states:

“The ACPT advises that it supports DA no JRPP-12-740, that will provide much needed independent living units for the local government area in a great location next to established infrastructure including the village shopping centre.

The ACPT hopes to establish an Anglican ministry centre on adjoining lot 701 that will also serve the wider community. In order to assist in the assessment of the current DA, we would like to inform Council officers of our development intentions for the ACPT site.

Whilst the ACPT site is currently vacant, it is proposed to construct a church building on the site.

In an attempt to avoid a repeat of situation in other localities where residents have raised unreasonable complaints regarding the operation of adjoining non-residential uses whose approval pre-dated the residential development, the ACPT is seeking to appropriately manage the expectation of the future residents within the adjoining Mirvac land subdivision regarding the proposed church use and associated activities. The ACPT has therefore encouraged Mirvac

to alert prospective purchasers to the future church use. In this regard, it is noted that the Mirvac development plans suitably note “Proposed Church Site” on the ACPT land.”

Town Planning comment:

- The comments within the ACPT submission are noted.
- Further, since exhibition, ACPT has lodged a Development Application for the New Hope Ministry Centre on 20 August 2012, being JRPP-12-1529. A Report is being prepared for consideration by the JRPP.

10.5 In light of the above, the submission is in support of the Development Application and does not object to the DA.

11. Section 79C Consideration

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

Head of Consideration	Comment	Complies
<p><i>a. the provisions of:</i></p> <p><i>(i) any environmental planning instrument (EPI)</i></p> <p><i>(iii) any development control plan</i></p> <p><i>(iii) any planning agreement</i></p> <p><i>(iv) the regulations</i></p>	<ul style="list-style-type: none"> • The provisions of the relevant EPIs relating to the proposed development are summarised under Section 6 of this report. • The proposal is considered to be consistent with SEPP (Housing for Seniors or People with a Disability) 2004. • The proposal is permissible within the 2(a) Residential zone and satisfies the zone objectives outlined under the Blacktown Local Environmental Plan 1988. • The Blacktown Development Control Plan applies to the subject site. • The proposed development is consistent with the desired future character of the area. • A detailed assessment of the Application is provided under Section 9 of this Report. 	Yes
<p><i>b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</i></p>	<ul style="list-style-type: none"> • An assessment of the key issues is provided in Section 9 of this Report and it is considered that the likely impacts of the development have been satisfactorily addressed. 	Yes
<p><i>c. the suitability of the site for the development</i></p>	<ul style="list-style-type: none"> • The subject site is zoned 2(a) Residential and permits “housing for aged or disabled persons” with consent. • The proposal has been designed taking into consideration the site’s constraints and 	Yes

	locality. <ul style="list-style-type: none"> The site is therefore considered suitable for the proposed development. 	
<i>d. any submissions made in accordance with this Act or the regulations</i>	<ul style="list-style-type: none"> As noted in Section 10 of this Report, one submission was received, however the submission did not object to the proposed development. 	Yes
<i>e. the public interest</i>	<ul style="list-style-type: none"> No adverse matters relating to the public interest arise from the proposal and the provision of seniors living housing is desirable and is considered to be in the public interest. 	Yes

12. General Comments

- 12.1 The proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. In this regard it is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. Further, the subject site is considered suitable for the proposed development.
- 12.2 The proposal is consistent with the objectives of Blacktown Local Environmental Plan 1988 and the 2(a) Residential zone and is permissible in the zone with development consent. The proposal also complies with the provisions set out in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and Blacktown Development Control Plan 2006, and is considered satisfactory with regard to relevant matters such as Built Form, Heritage, Access, Stormwater Drainage, ESD, Site Contamination, Salinity, Social and Economic Impacts and the like, subject to the imposition of suitable conditions of consent to satisfactorily control the development.

13. Recommendation

- 13.1 The Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at **Attachment 3**.
- 13.2 The applicant be advised of the Sydney West Joint Regional Planning Panel's decision.
- 13.3 The submitter be advised of the Sydney West Joint Regional Planning Panel's decision.

MELISSA PARNIS

TOWN PLANNER

JUDITH PORTELLI

MANAGER DEVELOPMENT SERVICES AND ADMINISTRATION

GLENNYS JAMES

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