

Report to Sydney West Joint Regional Planning Panel

JRPP No:	Item (2014SYW101)
DA No:	JRPP-14-1437
Local Government Area:	Blacktown
Proposed Development:	Residential Aged Care Facility (RACF)
Development Type:	"Regional Development" – Capital Investment Value > \$20 million
Lodgement Date:	25 July 2014
Land/Address:	Lots 8891 and 8892, DP 1128072, View Street, The Ponds
Land Zoning:	2(a) Residential under Blacktown Local Environmental Plan 1988
Value of Development:	\$23,370,000
Applicant:	Peter Magnisalis (Anglican Retirement Villages)
Report Author:	Melissa Parnis, Town Planner
Instructing Officers:	Judith Portelli, Manager Development Services and Administration Glennys James, Director City Strategy and Development
Date Submitted to JRPP:	27 November 2014
Date Considered by JRPP:	12 December 2014

ASSESSMENT REPORT

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ATTACHMENTS

- Attachment 1 – Development application plans
- Attachment 2 – Compliance table – Seniors Housing SEPP
- Attachment 3 – Proposed conditions of consent

1 Executive summary

- 1.1 Council is in receipt of a Development Application (DA) from Peter Magnisalis (Anglican Retirement Villages) for the construction of a residential aged care facility (RACF) on the site. The development has a Capital Investment Value of \$23,370,000.
- 1.2 The RACF will be a single storey building containing 104 aged care beds. The proposal provides 55 car parking spaces as well as an ambulance/emergency vehicle parking space under the porte cochere. Vehicle access to the site was previously approved under JRPP-12-740, which approved the adjoining retirement village in December 2012.
- 1.3 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 \$20 million.
- 1.4 The site is zoned 2(a) Residential pursuant to Blacktown Local Environmental Plan (BLEP) 1988. The proposed development is permissible in this zone with development consent. The site is proposed to be zoned R3 Medium Density Residential under Draft Blacktown Local Environmental Plan (DBLEP) 2014. Seniors housing will also be permissible in the draft zone.
- 1.5 The DA was notified in accordance with Blacktown Development Control Plan 2006 Part K – *Notification of Development Applications* to adjoining and nearby property owners and occupants between 19 August and 2 September 2014. In response to the public exhibition, 2 submissions were received.
- 1.6 The submissions raise concerns in relation to the proposed vehicle access, impact on local roads, potential safety concerns and car parking. Council officers consider that the proposal addresses these concerns and that issues raised within the submissions do not warrant refusal of the DA.
- 1.7 Council officers consider the proposal to be satisfactory when assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979. The location and size of the site make the site suitable for the development. Further, given the community nature of the development, it is considered to be in the public interest. The DA satisfactorily addresses key issues including built form, design, stormwater drainage, car parking, accessibility, social and economic impacts, subject to the imposition of suitable conditions of consent to satisfactorily control the development.
- 1.8 It is recommended that the Sydney West JRPP approve the DA subject to 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. It is in the southern part of the Second Ponds Release Area.
- 2.2 The site is generally located between Stanhope Parkway and Muscovy Drive to the north and the Parklea Correctional Centre to the south.
- 2.3 The subject site is also located within 400m walking distance of the existing Stanhope Village local shopping centre which provides retail, commercial, community and open space uses for the local residents.

- 2.4 The RACF site proposes to utilise the access approved as part of JRPP-12-740 on the south-western side of View Street. The overall 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.

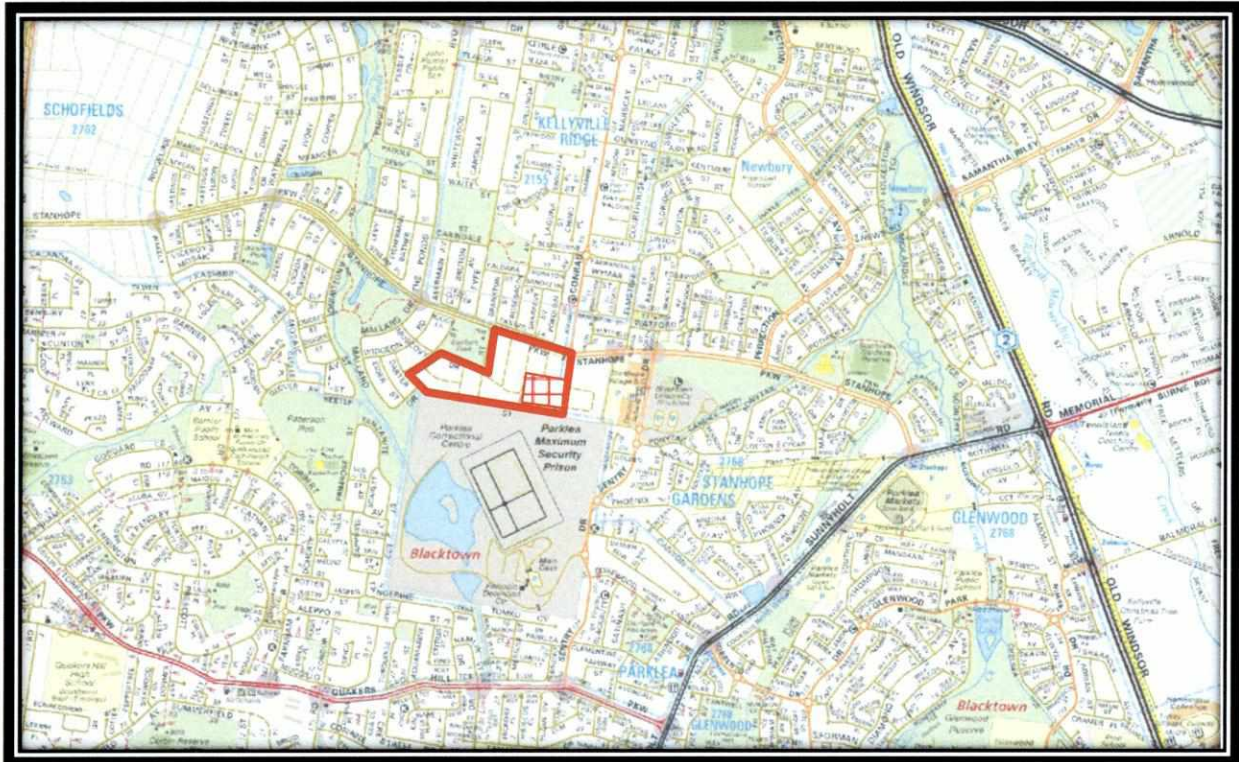


Figure 1. Location context (Source: BCC, 2014)

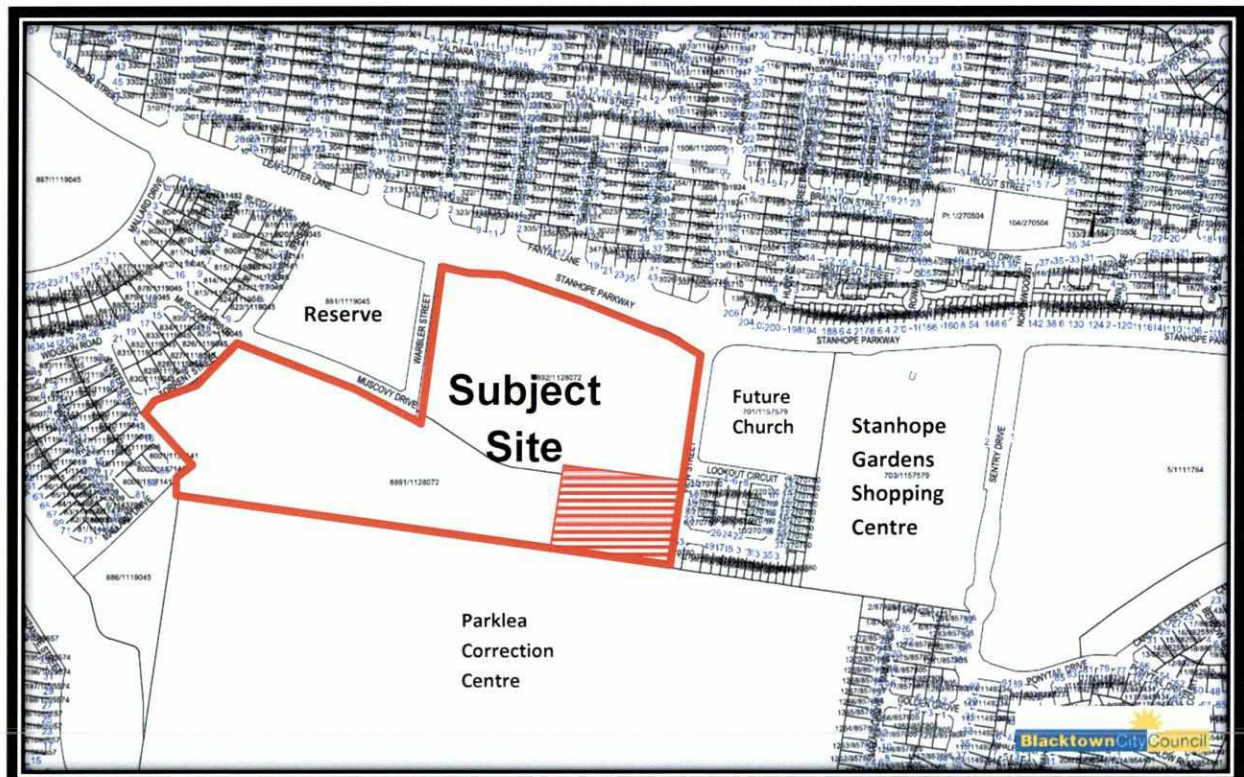


Figure 2. Location plan (Source: Blacktown City Council, 2014)

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). The RACF is proposed on the same lot as the approved retirement village which is currently under construction (approved by JRPP-12-740 in December 2012).
- 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 facilities to support the residential development, such as schools and open space.
- 3.3 The total 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 A retirement village is currently being constructed on Lots 8891 and 8892, however, the portion of the land proposed for the RACF is currently vacant. JRPP-12-740 approved the bulk earthworks and tree removal on the RACF site.
- 3.5 The area surrounding the site is predominantly characterised by land which has been recently subdivided and utilised for low density residential development.
- 3.6 To the north-east of the site are the approved New Hope Ministry Centre (which is yet to commence construction) and a recently developed residential area of 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 are also located opposite the shopping centre.
- 3.7 The subject site is zoned 2(a) Residential pursuant to BLEP 1988 as shown in Figure 3 below.



Figure 3. Zoning plan (Source: Blacktown City Council, 2014)



Figure 4. Aerial photo of site and surrounds captured 27 July 2014 (Source: Nearmap, 2014)

4 History and current use of the site

- 4.1 On 24 February 2006, 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 Release Area, along with the controls within Blacktown Development Control Plan (BDCP) 2006, in particular Part M – Second Ponds Creek Release Area.
- 4.2 On 27 June 2006, Council approved DA-06-916 for Landcom, for bulk earthworks and associated tree removal over now superseded Lot 13 DP 1088121.
- 4.3 Landcom undertook the bulk earthworks associated with approved subdivisions in the area, but then decided not to proceed with the subdivision, instead selling 2 residue lots.
- 4.4 The Anglican Retirement Villages – Diocese of Sydney purchased the land from Landcom for the proposed use.
- 4.5 On 3 December 2012, the Sydney West JRPP approved the staged construction of a Seniors Housing development involving bulk earthworks, 267 independent living units, a community building, road pattern variation, road access infrastructure for the future RACF and a property boundary adjustment on the site.
- 4.6 On 20 October 2014, Council approved a Section 96(1A) application that saw the increase in size of the future RACF site, which led to the variation to the internal road pattern design, reduction of the number of independent living units to 261 units and subsequent reduction in car parking on site.

5 The proposal

- 5.1 The DA seeks approval for the construction of a Residential Aged Care Facility (RACF) comprising 104 aged care beds at the site. A maximum of 25 staff members will be on the premises at any one shift.
- 5.2 The building will be a single storey building with a maximum roof height of 6.9m. The main building entry will be toward the View Street frontage, with a porte cochere over the driveway.
- 5.3 The floor plan provides for a central corridor giving access to 3 low care wings to the north, 2 dementia wings in the north-west corner of the building and 2 high care wings in the south-west corner. All resident rooms are single bed rooms with individual ensuites. Communal lounge and dining areas are spread throughout the facility and a multi-purpose chapel is provided. A central hub of cooking, cleaning and administration areas services the residential wings for staff use.
- 5.4 The building will be setback from the existing boundaries and the approved independent living dwellings as follows:
 - (a) North (approved development) – 9m
 - (b) East (View Street) – 17m
 - (c) South (Parklea Correctional Centre) – 6m
 - (d) West (approved development) – 12.5m
- 5.5 The vehicle access point from View Street to the site was previously approved under JRPP-12-740. The development will utilise this existing access point.
- 5.6 The proposal provides for 55 car parking spaces, including 2 disabled car parking spaces and an ambulance bay with a porte cochere near the main building entry. The carpark is located in the south-eastern corner of the site. Separate loading and waste pick-up areas are provided to the western end of the carpark.
- 5.7 The submitted landscape plan for the site provides for 8,860sq.m of hard and soft landscaping. This includes 5,200sq.m of soft planting. Proposed landscaping includes seating areas, a series of lawns and communal village green and sensory gardens for residents. Pathways provide 2 pedestrian connections to the rest of the retirement village to the north.
- 5.8 The applicant has submitted a traffic report for the development prepared by Transport and Traffic Planning Associates. The report has undertaken an assessment of the traffic and parking implications of the DA. Using the Roads and Maritime Services Development Guidelines criteria for 'aged persons' housing of 0.1 to 0.2 vehicle trips per hour in the evening peak, it is identified that, based on 104 beds, the development is anticipated to have a peak traffic generation of 18 vehicle trips per hour (vtph) in the morning and 23 vtph in the afternoon. The report concludes that the vehicle movements generated by the proposed development will be very minor and largely imperceptible. Further, it is concluded that there will be no adverse traffic capacity, safety or environmental implications, particularly as access will be controlled and facilitated by the Stanhope Parkway, View Street and Conrad Road intersection roundabout.
- 5.9 The traffic report also identified that the total of 55 parking spaces, including 2 accessible spaces, are in excess of the required 24 car parking spaces under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The report identifies that the car parking provision will accommodate for shift

changeover, peak seasonal visitation and chapel ceremonies. The parking provision ensures that there will be minimal on-street overflow parking demand, if any.

5.10 Refer to **Attachment 1** for the 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

State Environmental Planning Policy (SEPP) (State and Regional Development) 2011 refers 'Regional Development' as listed in Schedule 4A of the Environmental Planning and Assessment Act 1979 to the JRPP for determination. The proposed development constitutes 'Regional Development' as it has a capital investment value of more than \$20 million. While Council is responsible for the assessment of the DA, determination will now be made by the Sydney West JRPP.

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

The proposed development has been assessed against the provisions of the Seniors Housing SEPP 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 in **Attachment 2**.

(c) 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 was undertaken of the 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, the site is considered satisfactory with respect to site contamination.

(d) Blacktown Local Environmental Plan 1988

The land is zoned 2(a) Residential under Blacktown Local Environmental Plan 1988 (BLEP 1988). The proposed use is defined in the BLEP 1988 as 'housing for aged or disabled persons'. Within the 2(a) zone 'housing for aged or disabled persons' is permissible with consent.

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) and Integrated Water Cycle Management. Further, the development is considered to be environmentally sustainable development, achieved through building 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 certain land within the Second Ponds Creek Release Area. Clause 20D applies to the subdivision of land only. As the DA does not include subdivision, Clause 20D does not apply to the proposal.

(e) Draft Blacktown Local Environmental Plan (DBLEP) 2014

The DBLEP was placed on public exhibition between 23 January 2013 and 19 April 2013. The DBLEP proposes to rezone the subject site to R3 Medium Density Residential. In accordance with DBLEP 2014, the proposed development would be defined as 'seniors housing', which will be permissible within the R3 Medium Density Residential zone with development consent.

7 Internal referrals

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

Section	Comments
Engineering	No objections subject to the imposition of conditions of consent (Conditions 6.1, 10.1, 10.2 and 12.8).
Building	No objections subject to the imposition of conditions of consent (Conditions 5.1, 8.1, 9.1 and 12.4).
Traffic	No objection is raised to the proposal. Turning diagrams appear to be satisfactory.
Environmental Services	<p>Council's Environmental Services (ES) has reviewed the proposal and provided the following comments:</p> <ul style="list-style-type: none"> Noise <p>Traffic movements in and around the site are expected to be the greatest contributor to ambient noise levels. Review of the traffic report confirms that approximately 23 vehicles will travel in and out of the facility on any given day. The main accessways are not adjacent to residential properties. Such a small contribution to traffic volume is not expected to cause detrimental noise to the surrounding receivers.</p> <p>Operation of plant and equipment is unlikely to cause disturbance to surrounding residents.</p> <p>ES has requested an acoustic statement at detailed design stage confirming that all plant and equipment will meet the criteria outlined within the NSW Industrial Noise Policy.</p> Land contamination <p>The findings from the Phase 1 contamination study illustrate the benign nature of the land. No further action required.</p> Salinity <p>The subject site has been identified as a saline site. Management measures, including top soiling and revegetation procedures, adequate drainage design, suitable landscaping designs, and restrictions on irrigation and rainwater absorption tanks, should be implemented.</p> Air quality <p>It is understood earthworks have commenced.</p> <p>Although not addressed within the SEE, pollutants associated with construction works are associated with airborne particulates (PM10 and PM 2.5) which are likely to be generated during earthworks and the period leading up to landscaping and pavement being established.</p> <p>There are sensitive receivers to the immediate western, northern and eastern boundaries of the development.</p> <p>The Construction Management Plan must incorporate mitigation measures to reduce the potential impacts to receivers.</p> Skin penetration premises (hairdresser) <p>Conditions to be imposed.</p> Chemical storage and workshop

Section	Comments
	<p>Hazardous goods to be stored within bunded areas.</p> <ul style="list-style-type: none"> Food service The Coffee Shop must be registered with Council. The residents' food service is to be licensed with the NSW Food Authority who administer and regulate the Food Standards Code: 3.3.1 <i>Food Safety Programs for Food Service to Vulnerable Persons</i>. Cooling Tower There is no indication that a cooling tower is required. To be confirmed at detailed design phase. The application meets ES requirements subject to conditions (Conditions 7.1, 7.2, 12.9, 12.10, 13).
Waste	Council's Waste Section has raised no objection to the proposal. The site is to be serviced by a private contractor. This will be imposed as conditions of consent (Conditions 12.11.2 and 12.15.3) .

8 External referrals

8.1 The application was not referred to any external authorities.

9 Council assessment

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

(a) Blacktown Development Control (BDCP) Plan 2006

The provisions of BDCP 2006, including Part C, Section 8 – Housing for Aged or Disabled Persons and Part O – Site Waste Management and Minimisation, are relevant to the proposal. The following table outlines that the application is generally compliant with the relevant provisions of the DCP.

Section	Comment	Complies
Part C		
Height of buildings	The building will be single storey in accordance with DCP requirement.	Yes
Minimum room sizes	The development complies with the Building Code of Australia requirements.	Yes
Design for the disabled	<p>The building is accessible and can be adapted for people in wheelchairs.</p> <p>All areas of the site are accessible to people in wheelchairs.</p> <p>The majority of living areas or private open spaces of dwellings have been orientated to the north to maximise solar access.</p>	Yes
Wheelchair access	Wheelchair access has been provided in accordance with AS 1428.	Yes
Facilities for nursing and convalescent homes and hostels	The building provides for adequate communal areas for residents and staff. This includes kitchen and dining areas, communal lounge and sitting	Yes

Section	Comment	Complies
	areas, activities areas, hairdresser, library, administration areas and outdoor lawn and garden areas.	
Car parking	Car parking has been provided in accordance with the SEPP (Seniors Housing).	Yes
Part M		
Land use	The subject site is zoned 2(a) Residential pursuant to the Blacktown Local Environmental Plan 1988. The proposed development is permissible with consent.	Yes
Circulation network	Suitable access has been provided to the 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 also 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 stormwater management, land capability – salinity and sodicity, 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		
Waste Management Plan	A waste management statement prepared in accordance with the requirements of the DCP has been submitted with the DA.	Yes
Part R		
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 Part R. Engineering conditions have been included and sufficient information has been provided to satisfy the requirements of Part R. (Conditions 6.1.1)	Yes

(b) Context and Scale

The site falls within an area characterised by new low density residential subdivision and housing development. The site adjoins the Anglican Retirement Village currently under construction and a future church.

The desired future character of the area is largely determined by the planning controls applying under the provisions of BLEP 1988 and BDCP – Part M Development in the Second Ponds Creek Release Area. 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 the area. The site's proximity to services, facilities and public transport makes the site highly suitable for the proposal.

The proposal has been designed to satisfy the numerical requirements of the Seniors Housing SEPP for residential care facilities. These controls result in the development having suitable scale and context for the locality.

The building is single storey, with a maximum height of 6.9m to the roof ridge line. 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 has a floor space ratio of 0.39:1, with a gross floor area of 6,486sq.m. This density fits in with the objectives of the 2(a) Residential zone 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 virtue of overshadowing, overlooking or loss of privacy.

Setbacks of between 6m and 17m are provided to adjoining boundaries, with a 17m front setback provided to View Street. The proposed setbacks have been provided to minimise the negative impact upon adjoining and surrounding properties and provide good amenity to the streetscape. Furthermore, extensive landscaping embellishment is proposed to soften the impact of the development.

(c) Landscaping

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

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

Clause 48(c) of the Seniors Housing SEPP requires a minimum of 25sqm of landscaped area per residential care facility bed. The landscape plans provide 8,860sq.m as landscaping. This is in excess of the 2,600sqm required by the Seniors Housing SEPP.

(d) Solar access

The proposed development is considered to be satisfactory in terms of solar access provision to the accommodation on the site, communal property and adjoining properties. As the development is single storey, the development will not result in overshadowing of adjoining properties. Further, the building design enables the majority of resident rooms to receive adequate solar access throughout the day. Common rooms and outdoor areas are also located in areas achieving high solar access.

(e) Accessibility

An accessibility report, prepared by Accessible Building Solutions, was submitted to Council with the DA. This report provides a review of the proposed development's capability to achieve the spatial requirements to provide access for people with a disability. The report has undertaken a review against the access requirements of the SEPP, relevant Australian Standards and the provisions of the BCA. The report concludes that the proposal can achieve compliance with the relevant access provisions. A **condition** will be imposed on any consent issued requiring a detailed compliance report prior to the issue of a Construction Certificate. **(Condition 3.5.1).**

(f) Parking

Clause 48(d) of the Seniors Housing SEPP stipulates the off-street parking requirements for residential care facilities 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 residential care facility on any of the following grounds:

- (d) parking for residents and visitors: if at least the following is provided:*
 - (i) parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and*
 - (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and*
 - (iii) 1 parking space suitable for an ambulance.”*

The development proposes the provision of 104 beds and 25 staff members at any one shift. The application proposes 55 car parking spaces as well as 1 ambulance parking space under the porte cochere. The application complies with the car parking requirements for the development.

(g) Contamination

A Stage 1 Preliminary Contamination Assessment Report (Report) undertaken by SMEC Testing Services Pty Ltd dated December 2010 was submitted by the applicant. 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.

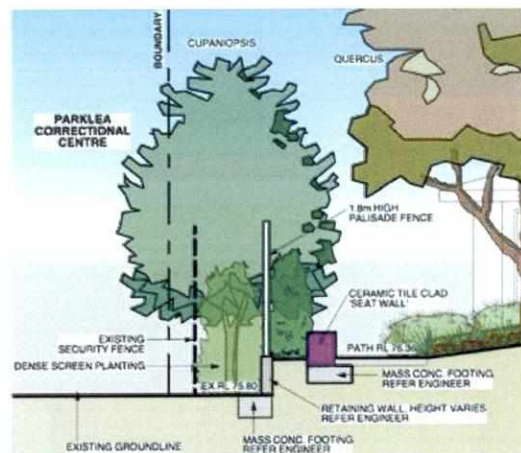
(h) Salinity and soil aggressivity

As part of the proposal for the Anglican Retirement Village, a Salinity Assessment Report prepared by SMEC Testing Services was 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. A **condition** has been included requiring the recommendations of the Salinity Assessment Report to be implemented (**Condition 3.6.1**).

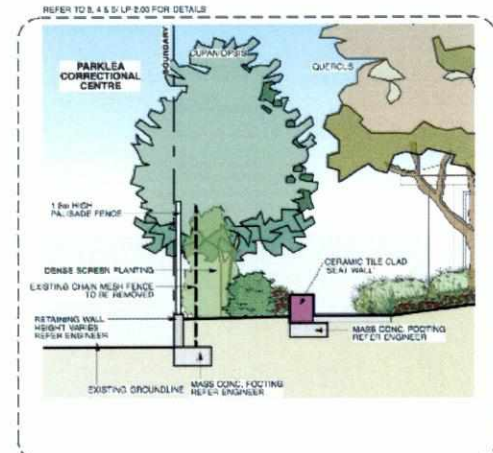
(i) Cut and fill and retaining works

Bulk earthworks for the site were previously approved under JRPP-12-740 for the Anglican Retirement Village.

The applicant does however seek to extend the fill to the southern boundary of the site. The change relates to the southern boundary fence. The existing fence between the ARV land and the correctional facility (southern boundary) encroaches approximately 0.5m onto the ARV site and the originally submitted DA plan showed a second fence about 1.3m inside the ARV land. ARV wish to rectify this through the amended plans which put a single, new fence on the boundary. The key area of difference can be seen by comparing the following 2 images (original DA left and amended plan right):



1 SOUTHERN BOUNDARY FENCE DETAIL
1:50@A1



1 SOUTHERN BOUNDARY FENCE DETAIL
1:50@A1

It is acknowledged that this is a civil matter between adjoining property owners. A **condition** will be imposed requiring adjoining owners consent (**Condition 4.2.5**). Alternatively, the fence can directly abut the existing chainwire fence.

(j) **Bushfire**

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

(k) **Fencing**

The development proposes a variety of fencing types dependent upon location throughout the property. A 1.8m palisade style fence is to front View Street and the internal northern and western boundaries. This type of fence is consistent with the adjoining retirement village.

The southern property boundary fence is to be erected on top of a retaining wall. Fencing on top of the retaining wall is to be a minimum 1.8m in height and solid lapped and capped or colorbond fence, as agreed with the adjoining landowner.

A **condition** will be imposed requiring construction of fencing in accordance with the above details. A **condition** will also be imposed requiring a solid fence along the eastern boundary adjoining residential Lot 40. The fence is to be constructed of a suitable material as required by an acoustic consultant. (**Conditions 4.1.1**)

(l) **External building materials and colours**

External materials and finishes consistent with the scale and character of development in the locality have been selected for the proposed development. The materials of the building include masonry, fibre cement, weathertex claddings with a steel colorbond roof.

A **condition** will be included within the consent requiring that the building is constructed in accordance with finishes table submitted as part of the DA. (**Condition 4.2.3**)

(m) **Developer contributions**

The subject site falls within Section 94 Contributions Plan No. 5 – Parklea Release Area. The land was formerly owned by Landcom as part of The Ponds Release Area. On 8 March 2006, Council resolved to endorse the Second Ponds

Creek Planning Agreement with Landcom (subject to amendments) and granted the General Manager authority to finalise the terms and execute the document under Power of Attorney. The execution of the Planning Agreement now means that any DA within the Second Ponds Creek Release Area would not need to be levied Section 94 contributions. Landcom since sold the site to the Anglican Retirement Villages in September 2008. The site therefore enjoys the benefits of the Second Ponds Creek Planning Agreement.

The concurrence of Council's Section 94 Officer has been obtained, confirming that the Second Ponds Creek Planning Agreement applies to the proposed development.

(n) Impacts during construction

Conditions of consent will be imposed to mitigate any potential impacts on the amenity of surrounding development (**Conditions 7.1.1 and 9.4.1**). This includes a construction environmental management plan.

(o) Social and economic impacts

It is considered that the proposed development will complement the locality. The proposal is not expected to have any adverse social or economic impacts. The development will also provide essential community services which will have a benefit to the locality.

(p) 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.

(q) BCA compliance

A **condition** of consent will require that the proposed development complies with the applicable requirements of the Building Code of Australia (**Condition 5.1.1**).

(r) Water management

The application has been reviewed by Council's Development Engineers who have raised no objection to the proposed development subject to the implementation of a **condition** of consent (**Condition 6.1.1**).

(s) Soil management

The proposed development is not expected to have an adverse impact in regard to the soil erosion or sedimentation. A **condition** of consent will require the applicant to ensure the proposal is carried out in compliance with erosion and sedimentation controls (**Condition 9.1.4**).

(t) Waste management

A Waste Management Plan has been prepared and submitted as a part of the DA. It has been identified that the site will be serviced by a private waste contractor. A **condition** has been included requiring suitable arrangements to be made for a private waste contractor to service the site (**Conditions 12.11.2 and 12.15.3**).

(u) General services

The subject site has access to services such as water and sewer, power, telecommunications and gas supply. The applicant has also provided evidence from Sydney Water that this site is serviced with drinking water and wastewater. **Conditions** will be imposed requiring the applicant to obtain service authority clearances prior to the issue of any Occupation Certificate (**Condition 12.3**).

10 Public comment

10.1 The subject DA was notified in accordance with Part K of Blacktown Development Control Plan 2006 to adjoining and nearby property owners and occupants for a period of 14 days from 19 August to 2 September 2014. During this period 2 submissions were received. The points raised in the submissions and Council's response are provided as follows:

10.2 Traffic impact

- (a) *The submitters are concerned regarding the increase in traffic that will be generated by a proposed second driveway entry into the RACF. The submitters have suggested that the development should consider using the existing vehicle access to the retirement village, also located on View Street.*
- (b) *The car parking entry will result in a significant increase in traffic along View Street, causing inconvenience to neighbouring road users, with building-up traffic along View Street and flow-on to the intersecting street, Lookout Circuit.*
- (c) *Noise emissions generated by the traffic will also adversely affect the quality of life of the residents of Stanhope Court. Types of vehicles likely to enter the RACF carpark entry will include ambulances and trucks delivering goods/supplies to the RACF at all hours of the day.*
- (d) *The RACF will have a cumulative effect as future developments, including the retirement village and church, will result in a higher volume of traffic.*

Town Planning comment:

- The vehicle crossing for this proposal has already been approved as part of JRPP-12-740 for the retirement village.
- The traffic generation of the proposal has been reviewed by Council's Traffic Management Section (TMS), who has advised that the existing road network is capable of servicing the development.
- The applicant's traffic report has identified that the maximum peak traffic is 23 vehicle trips per hour. The impact on the existing road network and adjoining properties will be minimal.
- Council acknowledges that traffic movements in and around the site are expected to be the greatest contributor to ambient noise levels. However, such a small contribution to traffic volume, as identified above, is not expected to be detrimental to the surrounding receivers.
- Further, as the site has an area of 16,953sq.m, it is capable of alternatively being developed into a minimum of 25 single dwellings. These dwellings would place a higher demand on the road network and subsequent noise implications than the proposed RACF.

10.3 Vehicle Crossing

- (a) *The width of the vehicle crossing is a concern as it is located within very close proximity to the approved vehicle crossing of Lot 40 Lookout Circuit. As the entry will provide vehicle access for visitors and facility deliveries, we request the width and angle of the vehicular entry be reconsidered and the adverse vehicle activity generated directly in front of Lot 40.*
- (b) *Consider possible noise minimisation measures, particularly along the boundary between the development site (carpark) and Lot 40.*

Town Planning comment:

- The location of the RACF driveway and the proposed driveway to service the proposed Mirvac residential development on Lot 40 meet the required standards for the location of vehicular crossings. A traffic report was submitted with JRPP-12-740 for the retirement village, which included a Road Safety Audit which clearly demonstrated that the layout exceeded safety requirements for sight distance, sight lines and traffic conflict.
- A **condition** will be imposed requiring the construction of a 2.1m high solid fence along the property boundary of Lot 40, to address any acoustic concerns. The fence will be required to be constructed of masonry or timber lapped and capped as deemed appropriate by a suitable qualified acoustic consultant (**Condition 7.3.1**).

10.4 Roadway safety

- (a) *The increase in traffic and proposed position of the RACF carpark entry poses a personal road safety concern for residents, who are not accustomed to high volume traffic within their community.*
- (b) *The close proximity to the children's playground within the Stanhope Court community has concerns about the endangerment to children's safety.*

Town Planning comment:

- View Street is a public road and does not form part of the community title subdivision that is the "Stanhope Court community". The location of the proposed RACF and retirement village were endorsed in 2012, prior to the construction of the dwellings within the "Stanhope Court community".
- As identified above, the RACF does not generate high levels of traffic and the proposed access and road network is considered suitable for the use. It is not considered that the development will increase road safety concerns provided the appropriate road rules are followed.

10.5 Car parking

- (a) *Residents currently enjoy the availability of on-street parking at the front of their homes. Should the RACF car parking entry proceed, the width of View Street, being approximately 16m, will not permit the use of on-street parking by the residents of Stanhope Court.*
- (b) *Proximity to Stanhope Court community visitor carpark may result in the RACF using those carpark facilities, which are for the exclusive use of visitors of residents of Stanhope Court.*

Town Planning comment:

- The development provides 55 car parking spaces, in excess of the 24 car parking spaces required by the relevant development controls. The car parking spaces on site more than adequately provide car parking for staff and visitors for the site. This includes consideration of shift change-overs and special holidays. The on-site car parking provision should not result in an overflow of car parking onto the street or Stanhope Court community visitor carpark.

11 Section 79C consideration

11.1 Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 is summarised below:

Head of Consideration	Comment	Complies
a. the provisions of: <ul style="list-style-type: none"> (i) any environmental planning instrument (EPI) (ii) any development control plan (iii) any planning agreement (iv) the regulations 	<ul style="list-style-type: none"> • The proposal is considered to be consistent with State Environmental Planning Policy (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 Blacktown Local Environmental Plan 1988. • The proposal is permissible within the R3 Medium Density Residential zone under Draft Blacktown Local Environmental Plan 2014. • Blacktown Development Control Plan 2006 applies to the subject site. • The proposed development is consistent with the desired future character of the area. • A detailed assessment of the DA is provided in Section 9. 	Yes
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	<ul style="list-style-type: none"> • An assessment of the key issues is provided in Section 9 and it is considered that the likely impacts of the development have been satisfactorily addressed. 	Yes
c. the suitability of the site for the development	<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 locality. • The site is a desirable location given its co-location with the adjoining retirement village. • The site is therefore considered suitable for the proposed development. 	Yes

Head of Consideration	Comment	Complies
d. any submissions made in accordance with this Act or the regulations	<ul style="list-style-type: none"> Two submissions were received as part of the public notification process. Consideration of the concerns raised within the submissions is undertaken in Section 10. The concerns raised in the submissions do not warrant refusal of the DA. 	Yes
e. the public interest	<ul style="list-style-type: none"> No adverse matters relating to the public interest arise from the proposal and the provision of seniors living is desirable and is considered to be in the public interest. 	Yes

12 Concluding comments

- 12.1 The proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979 and is considered to be satisfactory. 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 given its co-location with the adjoining retirement village.
- 12.2 The proposal is consistent with the objectives of Blacktown Local Environmental Plan 1988 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 the Blacktown Development Control Plan 2006. The development is considered satisfactory with regard to relevant matters such as built form, access, stormwater drainage, site contamination, salinity, and social and economic Impacts, subject to the imposition of suitable conditions of consent to satisfactorily control the development.

13 Recommendation

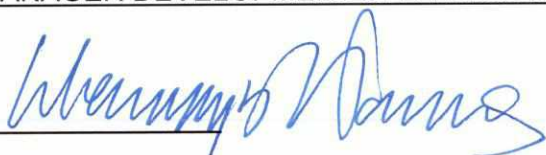
- 13.1 The Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at Attachment 3.
- 13.2 The applicant and submitters be advised of the Panel's decision.



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MANAGER DEVELOPMENT SERVICES AND ADMINISTRATION



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