

**JOINT REGIONAL PLANNING PANEL  
(Sydney East Region)**

JRPP No	<b>2015SYE028</b>
DA Number	<b>10.2015.08</b>
Local Government Area	<b>Ashfield Council</b>
Proposed Development	<b>Cardinal Freeman Village Stage 2 redevelopment including demolition of Buildings C and D, 12 Villas and the hostel, construction of 3 part 4 and part 5 storey buildings containing 106 independent living units over basement car parking, landscaping and associated works.</b>
Street Address	<b>137 Victoria Street, 8-10 Clissold Street, Ashfield</b>
Applicant/Owner	Stockland / Aevum Limited (Care the Village Managers) and others
Number of Submissions	<b>Nil</b>
Regional Development Criteria (Schedule 4A of the Act)	<b>Development with a CIV value over \$20 Million</b>
List of All Relevant s79C(1)(a) Matters	<b>Refer to the attached s79 © report</b>
List all documents submitted with this report for the panel's consideration	<ol style="list-style-type: none"> <li><b>1. Plans, Elevations and Sections</b></li> <li><b>2. Location Map</b></li> <li><b>3. Council's Heritage Advisor's Comments</b></li> <li><b>4. Council's SEPP 65 Assessing Officer's Comments</b></li> </ol>
Recommendation	<b>Approval</b>
Report by	<b>Shakeeb Mushtaq, Specialist Planner</b>
Report date	<b>30 July 2015</b>

## **DA Assessment Report**

## Development Assessment Report

<b>Subject</b>	Development Application: 10.2015.8.1 137 Victoria Street ASHFIELD, 8-10 Clissold Street ASHFIELD
<b>File No:</b>	2015.8.1
<b>Prepared by:</b>	Specialist Planner - S Mushtaq
<b>Reasons:</b>	Sydney East Joint Regional Planning Panel determination
<b>Objective</b>	For the Panel to determine the application
<b>Management Plan Activity</b>	2.11 Development & Building Control, Strategic Planning

### Overview of Report

#### **1.0 Description of Proposal**

Pursuant to Clause 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks consent to the development of Stage 2 works of the Cardinal Freeman Village redevelopment, involving the following:

- Demolition of the hostel ("The Lodge") fronting Victoria Street;
- Demolition of existing Buildings C and D, which contain Independent Living Units (ILUs);
- Demolition of 12 villas located in the south eastern site corner;
- Construction of three buildings containing 106 ILUs as follows:
  - Buildings 5 - five (5) storeys with basement parking;
  - Building 6 – four (4) storeys with basement parking; and
  - Building 7 - four storeys with basement parking.
- Formal landscaping to the east and south of the Chapel and Glenworth House;
- Reinstatement of the heritage gates further to the south on Victoria Street in the vicinity of the Chapel and Glenworth House and establishment of a Ceremonial Driveway;
- Realignment of internal street network in this part of the site including the completion of the east west internal access road; and
- Establishment of clear and upgraded pedestrian pathways to link with existing pedestrian pathways.

A summary of the proposed development is as follows:

Numerical Details of Stage 2 Proposal					
Buildings	Number of ILUs	Height	Dwelling Mix	Parking Spaces	Motorcycle Parking spaces
Building 5	46	5 Storey plus basement	36x2 bedroom 10x3 bedroom	89	4

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<b>Building 6</b>	28	4 Storey plus basement	28x2 bedroom	Provided in Building 5	Provided in Building 5
<b>Building 7</b>	32	4 Storey plus basement	32x2 bedroom	33	2
<b>Total</b>	106	-	106	122	6

The proposed development has a capital investment value (CIV) of \$39.105 million and the Sydney East Joint Regional Planning Panel is the consent authority.

Plans of the proposal are included in **Attachment 1**.

### 2.0 Summary Recommendation

The development is recommended for conditional approval.

### Background

#### 3.0 Application Details

Applicant	:	Stockland Properties Pty Ltd
Owner	:	Principal Healthcare Finance Pty Limited
Value of work	:	\$39,105,000
Lot/DP	:	LOT: 1 DP: 1186447 and Lot 101 702245
Date lodged	:	20/01/2015
Date of last amendment	:	24 July 2015
Building classification	:	9A
Application Type	:	Local
Construction Certificate	:	No
Section 94 Levy	:	Yes

#### 4.0 Site and Surrounding Development

The Cardinal Freeman Retirement Village occupies an entire suburban street block bounded by Victoria Street to the east, Queen Street to the west, Clissold Street to the north and Seaview Street to the south. The total site area is approximately 40,856sqm. The site is located approximately 900m from the Ashfield Town Centre. The existing facility comprises 348 units of accommodation and aged care beds accommodating about 400 residents. Buildings are generally low rise, mostly single storey, set in a well vegetated setting and are connected by a network of pathways. The village has developed in an incremental manner with most of the buildings dating from the 1970's to 1990's. There are two local heritage listed items on the site - Glenworth House and Chapel. Buildings on the site include:

- A former convent building;
- A 59 bed nursing home;
- A hostel known as 'The Lodge' containing 60 rooms;
- 49 serviced apartments;
- 180 Independent Living Units; and
- An administration building and activity centre.



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Surrounding development is generally residential in the form of low density dwelling houses with some walk-up flat buildings. The Trinity Grammar School is located to the south-west of the site and Sydney Private Hospital is located to the north of the village.

Stage 2 of the development, which is the subject of this application, pertains to the portion of the Cardinal Freeman Village designated as the 'Victoria Precinct' This precinct fronts Victoria Street with some interface to Seaview Street. Refer to **Attachment 2** for a locality map.

### 5.1 Development History

There is a long history of development on the subject land, however, the approvals relevant to this development application granted by the Planning Assessment Commission as a delegate to the Minister for Planning are as follows:

- MP 08\_0245 – Concept Plan Application for expansion of the existing aged care facility approved pursuant to Section 75O of the EP&A Act; and
- MP 08\_0260 - Cardinal Freeman Village Redevelopment – Project Application approved pursuant to Section 75J of the EP&A Act.

The Concept Approval MP08\_0245 was granted on 20 January 2011 and it was modified on 9 April 2013. The concept approval as modified includes the following development:

- Use of the site for a retirement village;
- Indicative building envelopes for **8** separate buildings with heights of 3 to 5 storeys to accommodate a **133** bed Residential Aged Care Facility and approximately **240** Independent Living Units;
- Basement level and at grade car parking;
- Internal road works and pedestrian pathways; **and**
- Community facilities and associated landscaping including the creation of a 5,000m<sup>2</sup> village green;

The Concept approval was further modified on 12 June 2014. This modification maintained the number of units and the parking spaces and mainly related to the following:

- Removal of the requirement restricting the commencement of Stage 2 until after 12 months has lapsed since the final Occupation Certificate is issued for Stage 1;
- Changes to staging to allow flexibility in the construction of buildings approved under Stage 1 including the proposed RACF and the serviced apartment building;
- Minor changes to the internal layout of apartments to Buildings 2, 3 and 4 and to the facades of buildings;
- The earlier removal of the heritage gates in order to achieve compliance with conditions regarding emergency access;
- Changes to arrangements for temporary buildings and facilities; and
- Changes to various conditions for clarification purposes.

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Project approval MP 08\_0260 for Stage 1 of the redevelopment, which was approved by the Planning Assessment Commission on 20 January 2011, is currently under construction and includes the following:

- Construction of 4 x 5 storey buildings containing 141 independent living units, community facilities and basement car parking;
- Demolition of the existing nursing home and the construction of a 133 bed residential care facility;
- The partial construction of a new village green;
- An upgrade and realignment of the existing east west road and the construction of a new north south laneway connecting to Clissold Street;

On 18 May 2015 the Planning Assessment Commission approved Modification Application to the approved Project Approval MP 08\_0260. The approved modifications relate to the design of the approved residential care facility on the corner of Queen and Clissold Streets. The modifications resulted in minor changes to the floor levels with no overall change to the building height, elevations, footprint and building setbacks within the development, building massing, changes to internal layout and changes to external facade including the terracotta elements.

### 5.2 Executive Summary

This application seeks development consent for Stage 2 of the Concept Plan approval issued for the site under Part 3A of the Act by the Planning Assessment Commission as delegate to the Minister for Planning. With the repeal of Part 3A of the Act, transitional provisions under Schedule 6A of the Act were created and this application is lodged under those provisions. The primary matter for consideration is the consistency of the application with the terms of the approved Concept Plan.

The proposal generally complies with the terms of approval of the approved Concept Plan. There are some minor variations to the numerical controls approved under the plan including the building depth, solar access and building separation. The justification provided for these variations is acceptable.

The proposal exceeds the number of dwellings approved under the Concept Plan increasing from 99 to 106. The proposal is well within the approved height and FSR. The additional units are a result of further design refinement as envisaged in the Concept Plan. The additional dwellings do not compromise the internal amenity and urban design of the development and on that basis no objection is raised to the variation.

The proposal provides parking in excess of Council's requirements under the Interim Development Assessment Policy 2013. Council's Traffic Engineer raised initial concerns with the extra parking due to potentially increased traffic generation from the site. However, since the car parking provision was in accordance with the Concept Plan, the Traffic Engineer no longer opposes the level of on-site car parking.

The proposed Stage 2 development is also consistent with Council's controls and the relevant EPIs to the extent that they apply. Whilst the bulk and scale of the proposed new buildings may not be consistent with other developments within the locality, the subject land being an independent block with public streets all around and extensive landscaping would assist in integration within the locality. The proposal successfully balances the heritage

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significance of the site and the location of various new buildings and their form create an acceptable relationship with the heritage items on the site. The proposed development is therefore recommended for conditional approval.

### Assessment

#### **6.0 Zoning/Permissibility/Heritage**

- The site is zoned R2 Low Density Residential under the provisions of Ashfield LEP 2013.
- The property is not located within a Conservation Area.
- The property is a heritage item.
- The property is located within the vicinity of a number of heritage items and heritage conservation area.
- The property is the subject of Concept Approval MP 08\_0245 issued by the NSW Department of Planning and Infrastructure on 20 January 2011 approved pursuant to Section 75O of Part 3A of the Environmental Planning and Assessment Act 1979.

The proposed works are permissible with Council consent. The proposal is also permissible by virtue of the Concept Plan Approval MP 08\_0245 under the provisions of State Environmental Planning Policy (Major Development) 2005.

#### **7.0 Section 79C Assessment**

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act.

##### **7.1 The provisions of any Environmental Planning Instrument**

###### **7.1.1 Local Environmental Plans**

###### **Ashfield Local Environmental Plan 2013**

Following is the assessment of the proposal against the provisions of the Ashfield LEP. The proposal fails to comply with the height and FSR controls of Ashfield LEP 2013, however, under clause 3B(2)(f), Schedule 6A of the Environmental Planning and Assessment Act 1979, the provisions of approved Concept Plan prevail.

<b>Ashfield Local Environmental Plan 2013 Summary Compliance Table</b>				
<b>Clause No.</b>	<b>Clause</b>	<b>Standard</b>	<b>Proposed</b>	<b>Complies</b>
2.3	Zone objectives and land use table	Zone R2 Low Density residential	Seniors Housing - Independent Living Units	Yes

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4.1	Minimum subdivision lot size	NA	NA	NA
4.3	Height of buildings	12.5m	16m	No Concept Plan prevails –
4.4	Floor space ratio	1:1	1.173:1	No Concept Plan prevails –
4.6(3)	Exceptions to development standards	Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:	No written request submitted as the development is subject of an approved Concept Plan MP08_245. Under clause 3B(2)(f), Schedule 6A of the Environmental Planning and Assessment Act 1979, the Ashfield LEP 2013 provisions do not have effect to the extent to which they are inconsistent with the terms of the approval of the concept plan.	N/A
5.10	Heritage Conservation	Listed as Heritage Item and located within the vicinity of heritage items and heritage conservation areas.		
5.10(4)	Effect of proposed development on heritage significance	The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This sub-clause applies regardless of whether a heritage management document is prepared under sub-clause (5) or a heritage conservation management plan is submitted under sub-clause (6).	Heritage management document has been submitted.	Yes
5.10(5)	Heritage assessment	The consent authority may, before granting consent to	Heritage management document has been	Yes



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		<p>any development:</p> <p>(a) on land on which a heritage item is located, or</p> <p>(b) on land that is within a heritage conservation area, or</p> <p>(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),</p> <p>require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p>	<p>submitted. Council's Heritage Adviser raised no objection to the Stage 2 proposal.</p> <p>Concerns were previously raised on the removal and relocation of heritage gates and fences during the Concept Plan approval. The Concept Plan was approved notwithstanding these concerns.</p> <p>The Heritage Adviser comments as follows: <i>"I have consistently opposed the relocation of the pillars as a poor conservation outcome, preferring that the pillars should remain in their present, original locations, but this has not been accepted.</i></p> <p><i>I understand that the work plan now proposed envisages that the pillars will not undergo some intermediate storage stage, but be simply transferred from their present location to the prepared new site. This is much to be preferred and will reduce the risk of loss or damage. On principle the relocation of the gates is not desirable, but the proposed sequence of events in their relocation is now improved over the earlier arrangements."</i></p> <p>(Refer to <b>Attachment 3</b>)</p>	
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### 7.1.2 Consistency with the Concept Plan approval

The Cardinal Freeman project is a transitional Part 3A project and Schedule 6A of the Act applies. The application has been prepared in accordance with the approved Concept Plan No MP08\_245 for the site. The proposal is generally consistent with the provisions of the Concept plan as follows:

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Schedule 2 - Conditions	
Conditions	Compliance
<b>1. Building Design</b> Future Development Applications for Stage 2 shall demonstrate compliance, or fully justify any non-compliance with the provisions of the State Environmental Planning 65 – Design Quality of Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002.	The proposal generally complies with the SEPP and RFDC. The non-compliance, including solar access and building depth have been addressed satisfactorily. Council's SEPP 65 Assessing Officer did not raise any objections to the proposal.
<b>2. Landscaping</b> The Future Development Application for Stage 2 shall include a Landscape Conservation Management Plan that provides guidance for the: (a) restoration of an appropriate garden setting for the Heritage Precinct area; and (b) relocation or replacement of existing Tree T39.	Yes.  A Landscape Conservation Management Plan has been submitted which addresses the requirements of the approved Concept plan. Tree 39 was identified for relocation and replacement. This tree was previously assessed as being of fair health and structural condition with a Useful Life Expectancy (ULE) of 5 - 15 years, and was considered worthy of retention. Further assessment of the tree's health by the arborist now assesses this tree as unsuitable for transplanting due to its poor health and it is recommended for removal. Provision has been made for the replacement of this tree with a super advanced species.
<b>4. Conservation of Fencing</b> The future Development Application for Stage 2 shall include a Schedule of Conservation Works for the Victoria Street fencing and gates, it shall review and comment on: (a) the methodology and conservation works required for the relocated gate posts and gates; (b) fabric removal and salvage requirements for the new or widened openings, and any appropriate methodology; and (c) fabric and methodology requirements for the construction of infill fencing to the former gateway;	Yes.  A schedule of conservation works for the fencing and gates have been provided. Council's Heritage Adviser has reviewed the proposal and did not raise any new concerns on the methodology proposed. It is noted that Council's Heritage Adviser raised concerns with the relocation of fences and gates during the Concept Plan approval process. The Heritage Adviser did not raise any concerns with any other aspects of the Concept Plan approval and the Stage 2 development.

### 7.1.3 Numerical Compliance with the Concept Plan MP08\_245

	Key Planning Controls		
	Required	Proposed	Compliance
<b>FSR - (Concept Plan MP08_245)</b>	1:177:1 GFA = 48,106 sqm	1:173:1 GFA – 47, 934 sqm	Yes
<b>Height (Concept Plan MP08_0245)</b>	Building 5 (Overall Height)	RL 60.4	Yes
	Building 5	B+ 3	Yes





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	Basement + 3 storey – southern facade Wall/parap et height Roof height	10m  11.5m	10m  10m (East elevation)	
	Basement + 4 storey Wall/parap et height Roof height	B + 4  13.5m  14.7m	B + 4  13.0m (East elevation)  13.0m	Yes
	Basement + 5 storey Wall/parap et Height Roof Height	B + 5  16.4m  17.9m	B + 5  16.0m  16.0m	Yes
	Building 6 Overall Building Height1	RL 57.3	RL 57.2	Yes
	Building 6 Basement + 4 storey section Wall/parap et height Roof height	B + 4  13.5m  14.7m	B + 4  12.8m  12.8m	Yes
	Building 7 Overall Building Height1	RL61.6	RL 60.8	
	Building 7 Basement + 4 storey section Wall/parap et height Roof height	B + 4  13.5m  14.7m	B + 4  12.8m  12.8m	Yes
<b>Dwellings</b>	No of ILUs	99	106	No - Refer to comments in 7.1.3.1 below.
<b>Building Articulation</b> Primary zone – 2 to 2.5m 45% built form (m	<b>Building 5</b>  East - Ground - 1st floor - 2nd floor - 3rd floor	  49% 52% 52% 52%	  Provides suitable building articulation	No - Refer to comments in 7.1.3.2 below

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Secondary articulation zone – 1-1.5m 45% built form	- 4th floor	Setback 2m	Yes	Yes
	West - Ground - 1st floor - 2nd floor - 3rd floor - 4th floor	51% 50% 50% 50% Setback 2.8m	Provides suitable building articulation	No – Refer to comments in 7.1.3.2 below
			Yes	Yes
	South - Ground - 1st floor - 2nd floor - 3rd floor - 4th floor	51% 56% 56% Setback 2m Setback 4m	Provides suitable building articulation  Yes Yes	No Refer to comments in 7.1.3.2 below  Yes Yes
<b>Building Articulation</b> Primary zone – 2 to 2.5m 45% built form Secondary articulation zone – 1-1.5m 45% built form North – part of facade - Ground  Secondary articulation zone – 1-1.5m 45% built form	<b>Building 6</b> North – part of facade			Yes
	- Ground - 1st floor - 2nd floor - 3rd floor	39% 39% 39% 39%	Yes Yes Yes Yes	
	East - Ground - 1st floor - 2nd floor - 3rd floor	44% 44% 44% 44%	Yes Yes Yes Yes	Yes
	West - Ground - 1st floor - 2nd floor - 3rd floor	83% 79% 79% 79%	Provides suitable building articulation	No – Refer to comments in 7.1.3.2 below
	South – part of facade - Ground - 1st floor - 2nd floor - 3rd floor	3 9% 39% 39% 39%	Yes Yes Yes Yes	Yes
<b>Building Articulation</b> Primary zone – 2 to	<b>Building 7</b> East			



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2.5m 45% built form (note – North façade not shown on Fig 3.17 with any articulation zone)	- Ground - 1st floor - 2nd floor - 3rd floor	36% 36% 36% 36%	Yes Yes Yes Yes	Yes
	West - Ground - 1st floor - 2nd floor - 3rd floor	41% 43% 43% 43%	Yes Yes Yes Yes	Yes
Secondary articulation zone – 1-1.5m 45% built form	South - Ground - 1st floor - 2nd floor - 3rd floor	39% 39% 39% 39%	Yes Yes Yes Yes	Yes
<b>Building Separation</b>	<b>Setbacks</b>			
	<b>Buildings 3 and 5</b>	18.5	18.1	No – See comments in 7.1.3.3 below
	<b>Buildings 6 and 6</b>	20m	19.57	No – See comments in 7.1.3.3 below
	<b>Buildings 6 and A</b>	North 15m East 17m	16.5m 17.0m	Yes Yes
	<b>Buildings 6 and 7</b>	18.5	18.5	Yes
	<b>Buildings 7 and Victoria Street</b>	5.5m	5.6m	Yes
	<b>Buildings 7 and Chapel</b>	14.5	14.7	Yes
<b>Parking Stage 2</b>	On-site parking	97	122	Yes
<b>Parking for the Site</b>	On-site parking	354	372	Yes – In excess – See comments 7.1.3.4 below

### 7.1.3.1 Number of Dwellings

The Concept Plan gave approval to accommodate a 133 bed Residential Care Facility and approximately 240 Independent Living Units (ILU). Stage 2 was required to have 99 ILUs. The subject proposal seeks approval to provide 106 ILUs in Stage 2 which would result in the total ILUs for the site upon completion of both stages of development being 247.

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The applicant has provided justification to this increase and also provided a legal advice from Corrs Chambers Westgarth Lawyers that the proposal is generally in accordance with the terms of the approval for the following reasons:

- The variations, which reflect minor design variations, are not inconsistent, incompatible or contradictory to the Concept Plan as a whole and the proposed development is consistent with the objectives of the Plan Approval.
- The number of ILUs contemplated by the Concept Plan is stated to be “*approximately 240*” and that 247 would “*fall within the descriptor “approximately 240” even without having recourse to the additional flexibility by the phrase “generally consistent”*”.
- The increase in the number of ILUs is due to the design efficiencies in the approved building envelope.
- The proposal proposed increase in the number of ILUs does not result in any variation to the approved Floor Space Ratio for the site. The proposal is in fact below the FSR approved for the Concept Plan.
- The number of ILUs is a result of rationalisation of the buildings in the precinct. This rationalisation has also resulted in the corresponding increase to the landscaped open space, reinstatement of heritage views to the Chapel and Glenworth House and Victoria and Seaview Streets and the provision of a built edge to the Village Green.
- The proposed increase is consistent with the “reasonable design development” contemplated in the Concept Plan approval.
- The proposal is “generally consistent” with the Concept Approval for the purpose of Clause 3B of Schedule 6A of the EPA Act as the proposed development will be carried out generally in accordance with the Concept Approval for the purposes of commitments of A2 of Schedule 3 of the Concept Plan.

The justification provided in the submitted access report is valid and is supported from a planning point of view. The proposal does not increase the bulk and scale as it maintains the approved FSR and heights, it provides reasonable amenity to the dwellings in terms of solar access and cross ventilation and respects the heritage character of the site. The proposal is consistent with the terms of Concept Plan approval as the number of ILUs being 247 are not significantly higher than the ‘approximately 240’ approved.

### 7.1.3.2 Building Articulation

The concept plan allows a maximum of 45% built form for all facades. The objective of this control is to achieve articulated building facades. The proposed facade lengths for:

**Building 5** - Vary between 49 – 56% which does not comply with the Concept Plan approval requirements. The applicant argues that the facades are highly articulated with inset balconies and angled walls to the main bedrooms and voids.

**Building 6** – All facades with the exception of Western facade comply with the articulation requirements. The SEE states that the western façade contains several forms of articulation in the form of balconies, voids, windows, shade structures and varying angled wall protrusions and therefore the proposal provides an acceptable design solution.

**Building 7** – Fully complies with the articulation requirements of the approved Concept Plan.

The variation to articulation requirements is considered acceptable as the buildings provide adequate design features including balconies, windows and voids to break the continuous



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solid mass of the buildings and use a variety of materials and finishes. The variation relates to Buildings 5 and internal elevation of Building 6. The east elevations of Building 6 and 7 which are street elevation and interface with public domain are fully compliant. On this basis the proposal is considered acceptable and generally compliant with the concept.

### 7.1.3.3 Building Separation

The proposal complies with the building separation requirements under the Concept Plan with the exception of separation between Buildings 3 and 5 and Buildings 5 and 6, the variation being 0.4m and 0.43m, respectively. The setbacks are considered acceptable and no amenity impacts including reduction in solar access, cross ventilation and visual and acoustic privacy appear to arise from this minor variation. In addition, the proposed setbacks also comply with the requirements of Residential Flat Design Code.

### 7.1.3.4 Car Parking

The submitted proposal for stage 2 provides a total of 122 car parking spaces which is in excess of 92 spaces required under the Concept Plan approval. This would also result in an overall provision of 373 spaces for the site exceeding the 354 car parking spaces required under Ashfield Interim Development Assessment Policy 2013.

Council's Traffic Engineer raised initial concerns with the excessive number of car spaces due to likely increase in traffic within the area and required that the car parking number be reduced to comply.

The applicant argues that the on-site car parking is consistent with the Concept Plan approval which requires that the provision be made generally in accordance with SEPP (Seniors Housing) and RTA Guidelines. The SEPP does not contain any car parking requirement other than consent cannot be refused where parking provision of at least 0.5 car spaces are provided for each bedroom. The Concept Plan also refers to a maximum of 374 spaces on the site and the proposed 372 spaces are considered consistent with the approval.

Council's Traffic Engineer has further reviewed the additional information and advises that *'the comments of BBC Planners demonstrating compliance with SEPP requirements take precedence over the DCP requirements in this instance are noted. On that basis I no longer oppose the level of parking'*.

In view of the above the car parking proposed is considered acceptable.

### 7.1.4 Compliance with the Statement of Commitments

Statement of Commitments	Proposal	Compliance
<b>A. General</b>		
A1. The development will be undertaken generally in accordance with the Environmental Assessment report prepared by BBC Consulting Planners, including accompanying volumes & appendices and the Environmental Assessment report accompanying Mod 1 to the Concept Plan Approval and Mod 1 to the Project Approval dated October 2012 and the Environmental Assessment report (as amended) accompanying Mod 2 to	The proposal is generally in accordance with Environmental Assessment Report as modified	Yes



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the Concept Plan Approval and Mod 2 to the Project Approval dated September 2013.		
A2. The development will be undertaken generally in accordance with the architectural, landscape, and civil services drawings submitted with the Environmental Assessment report (as amended) accompanying Mod 2 to the Concept Plan Approval and Mod 2 to the Project Approval dated September 2013 and design principles, strategies and guidelines submitted with the Environmental Assessment report (Mod 1), while allowing for reasonable design development to occur.	The development is generally in accordance with the drawings as relevant to Stage 2 development.	Yes
A3. The Proponent is committed to the principles of sustainability as defined in the Environmental Planning and Assessment Act, 1979.	Noted.	Condition of consent.
<b>B. Further Approvals</b>		
B1. The Proponent will obtain all necessary approvals and licenses required by State and Commonwealth legislation in implementing and operating the project.	Noted.	Condition of consent.
B2. The Proponent will obtain Project Approvals prior to undertaking any development approved under the Concept Plan approval. The Minister determined that subsequent stages are to be the subject of Part 4 of the Act.	Development Application lodged for Stage 2	Yes
<b>C. Commitment</b>		
C1. The proponent will implement the measures for managing mitigation, communication and management issues during construction as described in Section 5 of the Consultation Outcomes Report contained in Appendix C of Volume 5 and the Environmental Assessment report accompanying Mod 2 to the Concept Plan Approval and Mod 2 to the Project Approval dated September 2013.	Noted	Condition of consent.
<b>D. Demolition, Excavation and Construction Management</b>		
D1. The Construction Management Plan in Appendix 3 of Environmental Assessment report (as amended) accompanying Mod 2 to the Concept Plan Approval and Mod 2 to the Project Approval dated September 2013 will be updated through consultation with the building contractor in order to comprehensively address the issues raised in Sections 3.4.2 and 5.10 of the Environmental Assessment report and the following	Noted.	Condition of consent.
D2. The Proponent will put in place environmental controls to mitigate the effects of noise, dust, vibration and erosion during demolition, excavation and construction, including the implementation of:  Demolition and excavation in a manner that meets acoustic criteria for construction as identified in the Acoustic Impact Assessment; • Construction zones are to be enclosed and contained with semi-permanent solid hoarding to avoid prolonged direct exposure construction works by residents; • All building materials are to be stored within restricted, designated and properly secured areas; • Strict noise mitigation of construction activity and	Construction management plan submitted. A condition is also included requiring that the construction be carried out in accordance with the Construction Management Plan.	Condition of consent.



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<p>construction equipment;</p> <ul style="list-style-type: none"> <li>• Strict management of dust by use of screens and/or hose down having particular regard on the impacts on nearby residences; and</li> <li>• Implementation of erosion and sediment control devices as shown in the set of civil services plans submitted with the Environmental Assessment report</li> </ul>		
<p>D3. The building contractor will establish a Safety Plan before work commences on-site detailing safe work methods and procedures to be followed on-site and to ensure compliance with OH&amp;S and statutory requirements, such plan to address safety risks during demolition, excavation and construction activity, including:-</p> <ul style="list-style-type: none"> <li>• stability of adjacent structures;</li> <li>• excavation support;</li> <li>• falls from heights;</li> <li>• protection of pedestrians and the provision of safe paths of travel in the vicinity of construction zones;</li> <li>• provision of alternative access for pedestrians to community facilities and services on the site including external bus stops, letterboxes, garbage collection areas and temporary and permanent administration offices and community facilities,</li> <li>• traffic controls around the perimeter of the site and within the site.</li> </ul>	Noted.	Condition of consent.
<p>D4. Construction activities (including demolition and excavation) will only occur between 7.00am and 5.00pm, Monday to Friday. Construction on Saturdays will be limited to 50% of the Saturdays during the construction period, will be between the hours of 8.00am and 1.00pm and will involve activities that will not generate noise.</p>	Noted.	Condition of consent.
<p>D5. The Proponent and contractor are to jointly prepare a consultation plan to be implemented on a regular basis during construction to include effective communication with the residents of the village on construction program and construction activities.</p>	Noted.	Condition of consent.
<p>D6. The building contractor will be required to arrange sorting and recycling of waste materials to ensure maximum recycling is achieved, in accordance with the Construction Management Plan.</p>	Noted.	Condition of consent.
<p>D7. The Proponent will ensure construction traffic and parking requirements during construction activities are as per the adopted Construction Management Plan.</p>	Noted.	Condition of consent.
<p>D8. The Proponent will carry out all construction activities in accordance with relevant environmental protection legislation.</p>	Noted.	Condition of consent.
<p>D9. The Proponent will instigate environmental management and mitigation measures during construction activities as per the CMP.</p>	Noted.	Condition of consent.
<p>D10. Prior to construction commencing, the Proponent is to implement the Relocation Strategy contained in the Environmental Assessment report (as amended) accompanying Mod 2 to the Concept Plan Approval and</p>	Noted. The applicant advises that this requirement is already in place and	Condition of consent

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Mod 2 to the Project Approval dated September 2013.	will be applied throughout the construction phase.	
D11. Pedestrian and vehicular access is to be maintained during construction to ensure that access is maintained to and within the site at all times.	Noted.	Condition of consent.
<b>E. Tree Protection</b>		
E1. Specific tree protection measures and general tree protection measures (as appropriate) will be implemented for trees identified as being retained in the Arboricultural Assessment Reports appended to the Environmental Assessment report accompanying Mod 1 to the Concept Plan Approval and Mod 1 to the Project Approval dated October 2012.	Noted.	Condition of consent.
<b>F. Biodiversity/Tree Loss</b>		
F1. The proponent will implement the Landscape Plan forming part of the Environmental Assessment report (as amended) accompanying Mod 2 to the Concept Plan and Mod 2 to the Project Approval dated September 2013.	A landscape plan has been submitted with the application	Yes, also condition of consent.
<b>G. Acoustic considerations</b>		
G1. Noise and vibration during demolition, excavation and construction will be mitigated in accordance with the recommendations and guidelines in the acoustic report submitted with the Environmental Assessment report accompanying Mod 1 to the Concept Plan and Mod 1 to the Project Approval dated 2012.	Noted.	Condition of consent.
G2. Once plant and equipment has been selected for the new buildings, a separate acoustic assessment will be carried out to ensure that noise emissions are controlled, and compliance achieved with the criteria specified in the DECC Industrial Noise Policy guidelines.	Noted.	Condition of consent.
<b>H. ESD</b>		
H1. The Proponent will implement the measures proposed in the Environmental Sustainable Development Assessment, Civil Works report and Hydraulics Services Report submitted with the Environmental Assessment report accompanying Mod 1 to the Concept Plan Approval and Mod 1 to the Project Approval dated October 2012 and changes described in the Environmental Assessment report (as amended) accompanying Mod 2 to Concept Plan Approval and Mod 2 to the Project Approval dated September 2013.	Noted.	Condition of consent.

### 7.1.5 Regional Environmental Plans

#### Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

It is considered that the carrying out of the proposed development is generally consistent with the objectives of the Plan and would not have any adverse effect on environmental heritage, the visual environment, the natural environment and open space and recreation facilities.

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### 7.1.6 State Environmental Planning Policies

#### State Environmental Planning Policy No. 55 – Remediation of land

The provisions of SEPP No. 55 have been considered in the assessment of the development application. The application includes Stage 1 – Preliminary Contamination Assessment which concludes that the site has potential for contamination due to presence of site features and possible fill within the site. The site would be suitable for the proposed development subject to sampling and testing to target potential for contamination after demolition of site features. A condition of consent has been included which requires the applicant to address potential contamination matters through a detailed site investigation.

#### State Environmental Planning Policy No. 64 – Advertising and Signage

The proposal does not include any signage.

#### State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The proposal is defined as a residential flat building under the provisions of the SEPP and as such has been referred to Council's internal SEPP 65 assessor for comment (see **Attachment 4**). The assessment concludes that the proposal is generally satisfactory, in terms of compliance with the design quality principles under the SEPP, subject to minor changes and details being provided which could be addressed via conditions of consent were the application to be supported.

An assessment of the Stage 2 proposal against the Residential Flat design Code is as follows:

<b>Building 5</b>			
	<b>RFDC requirements</b>	<b>Proposed</b>	<b>Compliance</b>
Building Separation	Min 18m between habitable rooms	Min 18.5 and greater	Yes
Building Depth	10m-18m If greater than 18 m then must achieve ventilation	25.2m	No However, the development achieves the required 60% cross ventilation requirement and also corridors are provided separating the back to back apartments.
Naturally Cross Ventilated	60% of the units	65%	Yes
Kitchens with natural ventilation	Min 25%	>25%	Yes
Single aspect apartments distance from window	Max 8	100%	Yes
Depth of kitchen from window	Max 8m	100%	Yes
Apartment size (Min)	1 Bedroom = 50sqm 2 bedroom 70sqm	NA Min 77sq	Yes



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	3 bedroom 95sqmm	Min 96 sqm	
Balcony Depth	Min 2m	>2m	Yes
Floor to Ceiling heights	Min 2.7	Min 2.7m	Yes

<b>Building 6</b>			
	<b>RFDC requirements</b>	<b>Proposed</b>	<b>Compliance</b>
Building Separation	Min 18m between habitable rooms	Min 18.5 and greater	Yes
Building Depth	10m-18m If greater than 18 m then must achieve ventilation	20.4m	No However, the development achieves the required 60% cross ventilation requirement and also corridors are provided separating the back to back apartments.
Naturally Cross Ventilated	60% of the units	65%	Yes
Kitchens with natural ventilation	Min 25%	>25%	Yes
Single aspect apartments distance from window	Max 8	100%	Yes
Depth of kitchen from window	Max 8m	100%	Yes
Apartment size (Min)	1 Bedroom = 50sqm 2 bedroom 70sqm 3 bedroom 95sqmm	NA Min 77sq Min 96 sqm	Yes
Balcony Depth	Min 2m	>2m	Yes
Floor to Ceiling heights	Min 2.7	Min 2.7m	Yes

<b>Building 7</b>			
	<b>RFDC requirements</b>	<b>Proposed</b>	<b>Compliance</b>
Building Separation	Min 18m between habitable rooms	Min 18.5 and greater	Yes
Building Depth	10m-18m If greater than 18 m then must achieve ventilation	25.2m	No However, the development achieves the required 60% cross ventilation requirement and also corridors are provided separating the back to back apartments.
Naturally Cross Ventilated	60% of the units	65%	Yes
Kitchens with natural ventilation	Min 25%	>25%	Yes
Single aspect apartments distance from window	Max 8	100%	Yes

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Depth of kitchen from window	Max 8m	100%	Yes
Apartment size (Min)	1 Bedroom = 50sqm 2 bedroom 70sqm 3 bedroom 95sqmm	NA Min 77sq Min 96 sqm	Yes
Balcony Depth	Min 2m	>2m	Yes
Floor to Ceiling heights	Min 2.7	Min 2.7m	Yes

The proposed development demonstrates compliance with the RDFC requirements with the exception of building depth requirements. Whilst the depth exceeds 18m, the development achieves the required cross ventilation requirement and also corridors separating the back to back apartments are provided with adequate light and ventilation. It is considered that the proposal demonstrates an acceptable level of compliance with the SEPP and the Residential Flat Design Code.

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

The development application has been lodged under this SEPP and the following assessment is provided against its provisions:

Chapter 3 Development for seniors housing Summary Compliance Table				
Clause No.	Clause	Standard	Proposed	Compliance
<b>Part 2</b>	<b>Site-related requirements</b>			
<b>26</b>	<b>Location and access to facilities</b>			
26(1)	A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:		Complies with the locational criteria under this Chapter. The site is located within easy walking distance to nearby bus stops in Queen, Victoria and Clissold Streets.	Yes
26(1)(a)	shops, bank service providers and other retail and commercial services that residents may reasonably require, and		A regular bus service to Ashfield and Summer Hill Town Centres is located in compliance with cl. 26(2)(b). These centres offer a range of facilities such as banks, shops, doctors and community services. A range of in house services such as hair dressing, beauty salon, library, doctors, physio and podiatry rooms are also available.	Yes
26(1)(b)	community services and recreation facilities, and		A regular bus service to Ashfield and Summer Hill Town Centres is	Yes





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		located in compliance with cl. 26(2)(b). These centres offer a range of facilities such as banks, shops, doctors and community services. A range of in house services such as hair dressing, beauty salon, library, doctors, physio and podiatry.	
26(1)(c)	the practice of a general medical practitioner.	A regular bus service to Ashfield and Summer Hill Town Centre is available. In addition, there are in house doctors and other health care facilities also available within the village.	Yes
26(2)	Access complies with this clause if:		
26(2)(a)	<p>the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</p>	<p>The facilities noted above are not generally located within 400mm of the site and reliance must be placed upon cl. 26(2)(b).</p> <p>The report submitted by the access consultant indicates that there is a capacity for access paths from the site entry points to public transport.</p>	<p>No</p> <p>However, can comply.</p>
26(2)(b)	<p>in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of</p>	<p>The site is benefited by the following regular bus services:</p> <ul style="list-style-type: none"> <li>• No. 418: located in front of the site on Queen Street which connects to Ashfield town centre as well as Tempe and Burwood via Ashfield, Tempe, Randwick and Bondi Junction.</li> <li>• No. 413: located in front of the site on Clissold Street connects Campsie, Ashbury and City.</li> <li>• No. 406: located in front of the site on Victoria Street connects Hurlstone Park, Ashfield, Rodd Point and Five</li> </ul>	Yes





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	not more than 400 metres from the facilities and services referred to in subclause (1), and  (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or	Dock.	
<b>28</b>	<b>Water &amp; sewer</b>		
28(1)	A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	The site is serviced by a reticulated water system and sewered.	Yes
<b>29</b>	<b>Site Compatibility Criteria for Development Applications to which Clause 24 Does not apply</b>		
29(2)	A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).		
	(5)(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:		
	(b) (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development	The design retains substantial trees. There are no identified hazards. The proposed residential use approved as part of the Concept Approval is consistent with the surrounding uses in the locality.	Yes
	(b) (iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport	Adequate access will be available to services and infrastructure within the site including a village bus, doctors consulting rooms, nurses office, kiosk, hair dressing and beauty salon, swimming pool and	



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	services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,	spa library and crafts room.  Bus stops are located within walking distance in Queen, Victoria and Clissold Streets from which offer regular bus service to Ashfield and Summer Hill Town Centres.	
	(b) (iv) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development	The bulk and scale of the development is consistent with the Concept Plan approval design. The bulk and scale is considered acceptable as appropriate height, setbacks, landscaping, separation distance from the adjoining development has been provided.	
<b>Part 3 Design Requirements</b>			
<b>Division 2 Design principles</b>			
<b>33</b>	<b>Neighbourhood amenity and streetscape</b>	The proposed development should:	
33(a)	recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and	The locality is characterised by single and two developments, however, the proposal is consistent with the desired character envisaged in the Concept Approval.	Yes
33(b)	retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and	The site is a heritage item and is also located in proximity to a number of heritage items and heritage conservation areas. The proposal is considered compatible with the heritage character. No objections have been raised by Council's Heritage Adviser.	Yes
33(c)	maintain reasonable neighbourhood amenity and appropriate residential character by:		
33(c)(i)	providing building setbacks to reduce bulk and overshadowing, and	The proposed building setbacks are reasonable. No overshadowing impacts on the adjoining properties would arise.	Yes
33(c)(ii)	using building form and siting that relates to the site's land form, and	The siting of the buildings respects the topography and height of heritage buildings.	Yes
33(c)(iii)	adopting building heights at the street frontage that are compatible	The heights of the buildings along the street frontages are of four	Yes

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	in scale with adjacent development, and	storeys and generally consistent with the neighbouring buildings on the site ie Buildings A and B. The height of the buildings is in accordance with the Concept Plan approval.	
33(c)(iv)	considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and	The site is bounded by public streets and thus there is no impact on any neighbouring properties.	Yes
33(d)	be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and	The front buildings are appropriately set back.	Yes
33(e)	embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	Proposed planting scheme is considered satisfactory.	Yes
33(f)	retain, wherever reasonable, major existing trees, and	The site contains a number of significant trees. The proposal retains a significant number of these trees and incorporates in the landscape design.	Yes
33(g)	be designed so that no building is constructed in a riparian zone.	The site is not located in proximity to a riparian zone.	N/A
<b>34</b>	<b>Visual &amp; acoustic privacy</b>	The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:	
34(a)	appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and	The proposal results in minimal overlooking of neighbouring residential properties. Appropriate measures have been implemented in the design to minimise any privacy impacts.	Yes
34(b)	ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	Car parking and the majority of vehicular circulation is located underground.	Yes
<b>35</b>	<b>Solar access &amp; design for climate</b>	The proposed development should:	
35(a)	ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and	The proposal will not result in any overshadowing of adjacent properties.	Yes
35(b)	involve site planning, dwelling design and landscaping that reduces energy use and makes the	73% of the dwellings achieve cross ventilation. 70% of the private open space areas of the dwellings	Yes





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	best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	receive solar access in excess of 3 hours in mid winter and 90% of the living areas would receive direct sun light for 2 hours in mid winter.	
<b>36</b>	<b>Stormwater</b>	The proposed development should:	
36(a)	control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and	The stormwater design complies subject to conditions.	Issue can be addressed via conditions
36(b)	include, where practical, on-site stormwater detention or re-use for second quality water uses.	The stormwater design complies subject to conditions.	Issue can be addressed via conditions
<b>37</b>	<b>Crime prevention</b>	The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:	
37(a)	site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and	The site design will achieve adequate level of security and passive surveillance for the residents.	Yes
37(b)	where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and	The design includes secured entries and shared lobby areas.	Yes
37(c)	providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.	Each dwelling will be required to be fitted with an intercom.	Yes – conditions
<b>38</b>	<b>Accessibility</b>	The proposed development should:	
38(a)	have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and	Access report confirms that safe pedestrian links can be provided.	Yes
38(b)	provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and	Access report confirms that this can be achieved.	Yes

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	visitors.			
39	<b>Waste management</b> The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.		Waste storage/garbage areas have been shown on the drawings. Appropriate conditions will be included on the consent requiring the appropriate number of waste/recycling/green bins.	Yes - conditions
<b>Part 4</b>				
<b>Development standards to be complied with</b>				
<b>Division 1</b>				
<b>General</b>				
<b>40</b>				
<b>Development standards – minimum sizes and building height</b>				
40(1)	General	A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.		
40(2)	Site size	The size of the site must be at least 1,000 square metres.	40,856m <sup>2</sup>	Yes
40(3)	Site frontage	The site frontage must be at least 20 metres wide measured at the building line.	Exceeds 20m on all street frontages	Yes
40(4)	Height in zones where residential flat buildings are not permitted	If the development is proposed in a residential zone where residential flat buildings are not permitted:		
40(4)(a)	"	the height of all buildings in the proposed development must be 8 metres or less, and	Range from 10m – 16m as per Concept Approval	Yes
40(4)(b)	"	a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and	The site is a bounded by streets on all sides and therefore this clause is not applicable.	NA
40(4)(c)		a building located in the rear 25% area of the site must not exceed 1 storey in height.	The site is a bounded by streets on all sides and therefore this clause is not applicable.	NA
<b>Part 7</b>				
<b>Development standards that cannot be used as grounds to refuse consent</b>				
<b>Division 4</b>				
<b>Self-contained dwellings</b>				
50	Standards that cannot be used to refuse	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		

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	development consent for self contained dwellings	in-fill self-care housing and serviced self-care housing) on any of the following grounds:		
50(a)	Building height	if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys)	Range from 10m – 16m as per Concept Plan approval.	Yes
50(b)	Density and scale	if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	The FSR is 1.173:1 which is consistent with the approved Concept Plan.	Yes
50(c)(i)	Landscaped area	in the case of a development application made by a social housing provider - a minimum 35 square metres of landscaped area per dwelling is provided, or	Landscaping is generally consistent with the approved Concept Plan.	Yes
50(c)(ii)	Landscaped area	in any other case - a minimum of 30% of the area of the site is to be landscaped,	Landscaping is generally consistent with the approved Concept Plan.	Yes
50(d)	Deep soil zones	if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the <b>deep soil zone</b> ). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres.	Deep Soil zones are generally consistent with the approved Concept Plan.	Yes
50(e)	Solar Access	<b>solar access:</b> if living rooms and private open spaces for a minimum of	Living areas of 60% of the dwellings would receive the required 3 hour solar	No



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		70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.	access. The applicant argues that the deficiency is due to the orientation of the site. – (90% of the dwellings would, however, receive 2 hour solar access in mid winter.  90% of the private open space area would receive the required 3 hour solar access.	Yes
50(f)(i)	Private open space	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	NA	NA
50(f)(i)	Private open space	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,	NA	NA
50(h)(i)	Parking	0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or	The Concept Plan approval required a maximum of 374 spaces.  Provided - 372	Yes

As demonstrated in the above table, the proposed development is generally consistent with the provisions of the SEPP. The variation to some of the requirements is due to the Concept Plan approval which in some cases has set a different numerical requirement.

### State Environmental Planning Policy (Infrastructure) 2007

The application has been referred to the RMS for comment in accordance with Schedule 3 of the SEPP and no objections were raised.

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### 7.2 The provisions of any Draft Environmental Planning Instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

No draft environmental planning instruments apply to the land.

### 7.3 The provisions of any Development Control Plan.

The proposal is subject to the provisions of Ashfield Interim Development Assessment Policy (IDAP) 2013 specifically to the following Parts:

C1	ACCESS ADAPTABILITY AND MOBILITY	The proposal is for Seniors housing and adequate provisions have been made in the design to achieve access requirements of this part. The proposal complies with the Universal Access provisions of this part.
C10	HERITAGE CONSERVATION	Council's Heritage Adviser raised no objection to the Stage 2 proposal. However, maintains his position with regard to the works to the fences and gates raised during the Concept Plan application assessment.
C11	PARKING	The proposal achieves compliance with the car parking requirements for Seniors Living. The proposal exceeds the car parking requirements under the approved Concept Plan.
C12	PUBLIC NOTIFICATION IN THE PLANNING PROCESS AND ALL ASPECTS OF LAND MANAGEMENT	The application was notified in accordance with this part. No submission were received
D1	PLANNING FOR LESS WASTE	Complies  No objection raised to the proposal subject to conditions.

It is considered the application complies with the parts as indicated and ultimately achieves the aims and objectives of the IDAP 2013.

### 7.4 Any matters prescribed by the regulations that apply to the land to which the development application relates.

These matters have been considered in the assessment of this application. Appropriate conditions are included on the consent requiring the need for a Construction Certificate and compliance with the Building Code of Australia including fire safety.

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### 7.5 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality.

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will have no significant adverse environmental, social or economic impacts upon the locality.

The proposal is for the redevelopment of an existing retirement village in accordance with the approved Concept Plan. This would allow improved facilities and better quality aged housing in the Ashfield area. The design of the buildings are well thought out and articulated and the choice of materials will respond well to and complement the existing built form within the site and the locality.

### 7.6 The suitability of the site for the development

These matters have been considered as part of the assessment of the development application. There are no natural hazards or other site constraints that are likely to have a significant adverse impact upon the proposed development. The proposed development is considered suitable in the context of the locality and is in accordance with the standards set in the Concept Plan approval in terms of height, bulk, scale, contribution to the streetscape, traffic, access and safety, site facilities, and waste management.

### 7.7 Any submissions made in accordance with this Act or the regulations

The proposal was notified to approximately 621 adjoining and nearby affected property owners and occupants and Councillors from 28 January 2015 to 23 February 2015.

#### 7.7.1 Summary of submissions

No submissions were received.

### 7.8 The public interest

Matters of the public interest have been taken into consideration in the assessment of the application. The proposal is generally in accordance with the approved Concept Plan. The proposed development is considered to be suitable in the context of the locality. It is a continuation of use of existing retirement village by providing improved accommodation and facilities to the aged and persons with disabilities and therefore warrants support.

### 8.0 Referrals

#### Internal and External

Comments received from both internal and external bodies are summarised below.

Department	Comments
Heritage	No objections to the stage 2 development (Refer to <b>Attachment 3</b> ).
Urban Design	Council's SEPP 65 assessing officer generally supports the proposal subject to inclusion of the following condition relating to landscaping treatment within the foreground of Building 6:



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	<p><i>For the front external area shown on drawing DA 362101, for Building 6 Ground level, the external stairways and pathways within the front building line along Victoria Street shall be moved to the east to enable a deep soil zone of approximately 2.5 meters and the planting of continuous large trees. The terraces of the adjoining apartments numbers, being numbers 6.0.06 and 6.0.03 shall be reduced in size to enable this, and their privacy screens adjusted to suit.</i></p> <p>Refer to <b>Attachment 4</b> for a copy of the assessment report made by Council's SEPP 65 Assessing Officer.</p>
NSW Police Force	No significant issues raised. Conditions recommended in respect to lighting and surveillance system.
RMS	No objections raised to the proposal.
Energy Australia	No objections subject to conditions
Building Surveyor	No objections. Conditions have been provided requiring compliance with the BCA.
Design Engineer	No objections subject to conditions of consent.
Traffic Engineer	Raised a number of issues on traffic, car parking and traffic generation. However, upon receipt of additional information from the applicant no objections have now been raised subject to conditions which are included in the recommendation to this report.
Waste Management Officer	No issues raised subject to conditions of consent.

### 9.0 Other Relevant Matters

#### Financial Implications

Contribution under Council's Contributions Plan (Section 94) are payable in accordance with the Plan. The proposal is for 106 ILUs. It is proposed to demolish a total of 31 existing dwellings including 12 villas and 19 ILUs in Buildings C and D. The contributions would be payable on 75 additional ILUs as follows:

<u>Community Infrastructure Type</u>	<u>Contribution</u>
Local Roads	\$3748.47
Local Public Transport Facilities	\$42,609.49
Local Car Parking Facilities	\$0.00
Local Open Space and Recreation Facilities	\$749,311.91
Local Community Facilities	\$46,286.26
Plan Preparation and Administration	\$34,045.32
<b>TOTAL</b>	<b>\$875,981.45</b>

#### Design for Crime Prevention

The application was referred to Ashfield Police and the comments received advise that the proposal generally complies with CPTED principles. Appropriate conditions as recommended by Police have been included on the consent.



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### **10.0 Building Code of Australia (BCA)**

A Construction Certificate will be required to be applied for by condition of consent.

### **Other Staff Comments**

See Section 8 of this report.

### **Public Consultation**

See Section 7.7 of this report.

### **Conclusion**

The application has been assessed in accordance with the provisions of the EP&A Act 1979 with all matters specified under Section 79C (1) Clauses (a) to (e) having been taken into consideration.

The proposal is an acceptable outcome for the site in terms of providing improved facilities to the residents while maintaining the heritage context for the site. Despite being different in bulk and scale of the development, the overall design has achieved an acceptable relationship with other development within the locality.

The proposal is generally consistent with the Concept Plan approval. Conditions, where necessary, have been included to ensure that the commitments of the Concept Approval are fully complied with. The proposal is acceptable and is recommended for conditional approval.

### **Attachments**

Attachment 1 – Plans of the Proposal  
Attachment 2 – Locality Map  
Attachment 3 – Heritage Adviser Comments  
Attachment 4 – SEPP 65 Officer Comments  
Attachment 5 – NSW Police Comments

### **Recommendation**

- A** That the Joint Regional Planning Panel Sydney East as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. 10.2015.08 for Stage 2 redevelopment including demolition of Buildings C and D, 12 Villas and the hostel, construction of 3 part 4 and part 5 storey buildings containing 106 independent living units over basement car parking, landscaping and associated work on Lot 1 n DP: 1186447 and Lot 101 DP: 702245, known as 137 Victoria Street and 8-10 Clissold Street Ashfield, subject to the following conditions:

### **Conditions**



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See over.