

**Proposal:** Construction of a 2 storey 130 bed residential aged care facility (RACF) with part basement car park accommodating 38 carparking spaces. The project has a capital investment value of more than \$20M and the Joint Regional Planning Panel is the consent authority.

**Location:**

Lot 310, DP 1111685	11 Pastoral Circuit, Pemulwuy
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**Owner/  
Proponent:** Allity Aged Care Ltd C/O Smyth Planning

**Capital  
Investment  
Value:** \$29,136,457

**File No:** DA 2015/210/1

**Author:** Lydia Markham, Senior Development Planner

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**RECOMMENDATION**

1. That the application proposing the construction of a 2 storey 130 bed residential aged care facility (RACF) with part basement car park accommodating 38 carparking spaces be approved subject to conditions as outlined in Attachment F of this report.
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**SUPPORTING DOCUMENTS**

**AT-A** Site Locality Plan  
**AT-B** Architectural Plans  
**AT-C** Statement of Environmental Effects  
**AT-D** Traffic Report  
**AT-E** Submissions  
**AT-F** Draft Conditions of Consent

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**EXECUTIVE SUMMARY**

This development application proposes the construction of a 2 storey 130 bed residential aged care facility (RACF) with part basement car park accommodating 38 carparking spaces

This report summarises the key issues associated with the Development Application (DA) and provides an assessment of the relevant matters of consideration in accordance with the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004 (SEPP), the Holroyd Local

Environmental Plan 2013 (HLEP 2013) and Holroyd Development Control Plan 2013 (DCP 2013).

The application was placed on public exhibition for a period of 21 days from 10 June to 1 July 2015, wherein letters were sent to adjoining and surrounding owners and occupiers, an advertisement was placed in the local paper and a notice was placed on site. In response to the notification, 7 submissions (including 2 by the same person) were received in response.

The application was referred to Council's Building Services Section, Development Engineering Section, Traffic Section, Landscaping Section, Environmental Health Unit, Waste Management Section, Community Services Section (Social Planning and Accessibility) and Heritage Section. In addition, the application was referred externally to Holroyd Police. No objections were raised from the relevant sections or Holroyd Police subject to conditions/amendments in red.

The application is referred to the Sydney West Joint Regional Planning Panel for consideration pursuant to Clause 23G of the Environmental Planning & Assessment Act 1979. The development is for general development with a capital investment value in excess of \$20 million, and subsequently falls under Part 3 of Schedule 4A of the Act.

The proposed development complies with the maximum height permitted under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP), complies with the maximum floor space ratio permitted both under the SEPP and the Holroyd LEP 2013 and the general provisions of the SEPP relating to Residential Care Facilities (RCFs).

There are some non-compliances with the numeric provisions of Council's DCP 2013 primarily regarding the height of the retaining walls, cut/fill and the width of the proposed vehicular crossing to access the loading bay/staff car park. These non-compliances are considered minor and are acceptable under the circumstances of the case and are supported given the objectives of the relevant provisions have been satisfied.

It is considered that the proposed development is appropriate for the site and for the locality and will have minimal impact on the surrounding environment. Based on an assessment of the application, it is recommended that the application be approved subject to conditions as outlined in Attachment F of this report.

## **SITE DESCRIPTION AND LOCALITY**

The subject site includes 1 allotment, which is identified as follows:

Lot 310, DP 1111685	11 Pastoral Circuit, Pemulwuy
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The subject site is bounded by Pastoral Circuit to the west and Greystanes Road to the east. Adjoining to the north is a mixture of single and 2 storey dwellings located along Casino Road (known as 1, 2, 3 & 5 Casino Road) and to the south are part 2, 3 & 4 storey residential flat buildings (known as 13-19 Pastoral Circuit). Adjoining the site to the west and on the opposite side of Pastoral Circuit are two-storey dwellings located along Pastoral Circuit, which is a loop road, accessed from Driftway Drive. The loop of Pastoral Circuit extends along the southern boundary of the site, providing vehicular access to 13-19 Pastoral Circuit.

The site is irregular in shape and has an area of 1.048ha (10,481m<sup>2</sup>). The site has frontage to Greystanes Road of approximately 112.23m and frontage to Pastoral Circuit of approximately



### Lower Ground Floor Plan

The proposal incorporates the following: -

- Visitor parking on grade consisting of 17 car parking spaces, 1 bus parking bay and 1 ambulance bay accessed via a circular driveway with 2 vehicular crossings from Pastoral Circuit;
- Separate vehicular access via the Pastoral Circuit cul-de-sac bulb to a part basement staff car park consisting of 21 car parking spaces, plant room and electrical room;
- Construction of main entrance, including reception, lobby, café, lounge, library, private dining, internal courtyard, resident services (physio, massage and hairdresser), staff offices, kitchen, laundry, garbage, maintenance, store and amenity rooms.

### Ground Floor Plan

Construction of 4 wings as follows: -

- Wing A – 23 rooms;
- Wing B – 19 rooms (dementia care unit);
- Wing C – 21 rooms; and
- Wing D – 23 rooms.

### First Floor Plan

Construction of 2 wings as follows: -

- Wing E – 23 rooms; and
- Wing F – 21 rooms.

The proposal also includes landscaping, drainage, earthworks and associated site works.

## **SECTION 79C OF THE EP&A ACT**

The application has been assessed against the relevant matters for consideration under Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* as amended. The assessment is as follows:

### **(1) Matters for consideration—general**

In determining a Development Application, a Consent Authority is to take into consideration such of the following matters as are of relevance to the development the subject of the Development Application:

(a) *the provisions of:*

(i) *Any environmental planning instrument*

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

BASIX does not apply to the proposed development as the residential aged care facility is a Building Code of Australia (BCA) Class 9c building. The development is required to comply with the BCA, Section J requirements for energy efficiency.

### ***State Environmental Planning Policy No. 55 – Remediation of Land***

Under the provisions of Clause 7 of SEPP 55 the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. If the land is found to be contaminated, the Consent Authority must be satisfied that the land is suitable in its contaminated state or can and will be remediated in order for it to be suitable for the purpose for which the development is proposed.

A Preliminary Contamination & Salinity Assessment was prepared for the proposed earthworks by Environmental Investigation Services (EIS), which is a division of Jeffery and Katauskas Pty Ltd (Ref: E28119KBprt1) dated 16 March 2015. This report included sampling and stated that EIS are of the opinion that the site is considered to be suitable for the proposed aged care development. This report was reviewed by Council and further information was requested to amend the report to include a reference to the issued Site Audit Statement (SAS) for the precinct.

An addendum letter to the EIS report was submitted to Council which included a reference to the issued SAS and concluded that the site is still considered to be suitable for the proposed aged care facility. Council's Environmental Health Unit reviewed the addendum letter and is satisfied that these reports address the requirements of SEPP 55 and that the site is considered to be suitable for the proposed use. Therefore, Council is satisfied that the application can be approved on the subject site.

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

The proposal is defined as a *Residential Care Facility (RCF)*, being proposed as *seniors housing* residential accommodation under the SEPP.

The following provides a summary of compliance against the SEPP: -

#### **Chapter 1 Preliminary**

<b>Standard</b>	<b>Required/Permitted</b>	<b>Provided</b>	<b>Compliance</b>
Clause 2 – Aims of Policy	This Policy aims to encourage the provision of housing (including residential care facilities) that will: (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and (b) make efficient use of existing infrastructure and services, and (c) be of good design.	The proposed development includes a 130 bed RCF which will increase the supply and diversity of housing for seniors. The subject site is vacant, will make efficient use of existing infrastructure and services and is considered to be well designed.	Yes
Clause 4 – Land to which this Policy Applies	This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes but only if development for the purpose of any of the following	The subject site is zoned R3 Medium Density Residential under the HLEP 2013. Dwelling houses are a permissible land use which satisfies Clause 4.	Yes

	<p>is permitted on the land:</p> <ul style="list-style-type: none"> <li>(i) dwelling-houses,</li> <li>(ii) residential flat buildings,</li> <li>(iii) hospitals,</li> <li>(iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries.</li> </ul>		
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### Chapter 2 Key Concepts

Standard	Required/Permitted	Provided	Compliance
Clause 8 Seniors	<p><b>Seniors</b> are any of the following:</p> <ul style="list-style-type: none"> <li>(a) people aged 55 or more years,</li> <li>(b) people who are resident at a facility at which residential care (within the meaning of the <u>Aged Care Act 1997</u> of the Commonwealth) is provided,</li> <li>(c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.</li> </ul>	The proposal will cater for seniors as defined.	Yes
Clause 10 Seniors Housing	<p><b>Seniors housing</b> is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:</p> <ul style="list-style-type: none"> <li>(a) a residential care facility, or</li> <li>(b) a hostel, or</li> <li>(c) a group of self-contained dwellings, or</li> <li>(d) a combination of these, but does not include a hospital.</li> </ul>	The proposal is defined as a <i>residential care facility</i> , falling within the definition of <i>Seniors Housing</i> residential accommodation.	Yes
Clause 11 Residential Care Facilities	<p>A <b>residential care facility</b> is residential accommodation for seniors or people with a disability that includes:</p> <ul style="list-style-type: none"> <li>(a) meals and cleaning services, and</li> <li>(b) personal care or nursing care, or both, and</li> <li>(c) appropriate staffing, furniture, furnishings and</li> </ul>	The proposed development fits in with the criteria for a residential care facility.	Yes

	equipment for the provision of that accommodation and care, (d) not being a dwelling, hostel, hospital or psychiatric facility.		
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### Chapter 3 Development for Seniors Housing - Part 2 Site Related Requirements

Standard	Required/Permitted	Provided	Compliance
Clause 26 Location and access to Facilities Subclause (1)	(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: (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner.	The site is within 200m walking distance to Pemulwuy Marketplace which is located on the corner of Greystanes Road and Butu Wargun Drive. This contains many shops including Woolworths supermarket and numerous speciality shops including a medical centre, newsagency, butcher, banking facilities, restaurants, coffee shops and take away food premises. There are many recreation facilities located nearby including within Nelson Square.	Yes
Subclause (2)	(2) Access complies with this clause if:  (a) 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.  (b) 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	All services at Pemulwuy Marketplace are within 200m walking distance to the entrance to the shopping centre.  Nelsons Square is located within 300m walking distance from the subject site.  Pemulwuy Children's Centre & Alan Ezzy Community Centre is also located within 250m walking distance from the subject site.  These services are accessible via a footpath with a gradient of no more than 1:14.  There is public transport available nearby along Butu Wargun Drive and Old Prospect Road, with stops for Bus Routes 809 & 810 travelling in each direction	Yes

	<p>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 not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(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),</p> <p>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)...</p> <p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be 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.</p>	<p>within 135m for east bound buses along Old Prospect Road and 135m for west bound buses along Butu Wargun Drive. Routes 809 &amp; 810 bus stops are all accessible via a maximum footpath grade of 1:14.</p> <p>These bus routes provide access to Merrylands and Parramatta and occur 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).</p> <p>These services &amp; bus stops are accessible via a footpath with a gradient of no more than 1:14.</p> <p>These services &amp; bus stops are accessible via a footpath with a gradient of no more than 1:14.</p>	
Clause 28 Water and	A consent authority must not consent to a development	The subject site is within an established residential area,	Yes, subject to



Sewer	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.	with access to water and sewerage services. Any forthcoming consent with require the applicant to obtain a S73 Certificate from Sydney Water and connect into the existing sewerage system.	appropriate conditions
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### Chapter 3 Development for Seniors Housing - Part 3 Design Requirements

Standard	Required/Permitted	Provided	Compliance
Clause 30 Site Analysis	A Site Analysis must contain all the relevant information detailed within Clause 30.	A Site Analysis plan has been submitted with the DA with the required information	Yes
Clause 31 Design of In-Fill Self-Care Housing	Must consider the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004.	Proposal is for a residential care facility not in-fill self-care housing, so the provisions of Clause 31 do not apply to this DA.	N/A
Clause 32 Design of Residential Development	The proposed development must demonstrate that adequate regard has been given to the principles set out in Division 2.	As detailed below (refer to Clauses 33-39).	Yes
Clause 33 Neighbourhood amenity and streetscape	Proposed developments are required to recognise desirable elements in the current character of the locality, maintain reasonable neighbourhood amenity and appropriate residential character in relation to quality, identity, character, setbacks, siting, heights, scale, streetscape & landscape.	The subject site is located in an area bordered to the north by traditional low density residential development (1 & 2 storey dwellings), stepping up to the adjoining RFBs to the south (2, 3 & 4 storeys), with smaller lot residential development to the west (2 storey dwellings created as part of the Stockland Eastern Precinct, Pemulwuy land release). As such, the new development in Pemulwuy was required to follow a contemporary character with a similar style of colours and finishes. The proposed RCF has been designed to complement the existing streetscape character, and will maintain reasonable neighbourhood amenity and character.	Yes

Clause 34 Visual and acoustic privacy	The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents.	<p>The proposal has been setback from its most affected neighbours to the north by 13m to the building line and 11.3m to the balconies and is a maximum of 2 storeys in height.</p> <p>The only other residential property adjoining the subject site that may be affected is 7 Pastoral Circuit, and the proposal is setback 11.2m to the building line and associated balconies.</p> <p>The generous setbacks, coupled with significant landscaping along the northern and western boundary, will protect the visual and acoustic privacy both for adjoining residents and future residents of the RCF.</p> <p>In relation to visual and acoustic privacy between balconies, adverse impacts are not expected as the balconies are only 1.8m wide, are accessed from the Rooms, provide for an improved quality of life for residents and are likely to be used for passive recreation (such as reading).</p> <p>Privacy between Rooms is also unlikely to create adverse visual and acoustic concerns, as the living areas are separate (shared dining and activity rooms). In this regard, the proposal is considered to be acceptable in regards to visual and acoustic privacy.</p>	Yes
Clause 35 Solar access and design for climate	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.	The proposed development steps down to follow the natural contours of the land, and does not exceed more than 2 storeys in height. In this regard, the shadow impact from the proposed	Yes

		<p>development is minimal and the submitted shadow diagrams indicate there is no shadow impact on the adjoining RFB to the south (being Building D within 13-19 Pastoral Circuit) until after 12 noon, thereby allowing direct solar access from at least 9am to 12 noon.</p> <p>The RCF has been designed to orientate as many rooms and living areas along the northerly aspect and to limit rooms facing south.</p> <p>However, due to the square lot shape, there are also many east and west facing rooms, which is a result of the existing lot shape. The proposal is considered satisfactory in terms of solar access and design for climate.</p>	
Clause 36 Stormwater	The proposed development should control and minimise the disturbance and impacts of stormwater runoff on adjoining properties.	The proposed development includes a stormwater On-Site Detention (OSD) system, which will control and minimise the disturbance and impacts of stormwater runoff. The proposal has been reviewed by Council's development engineers who advised that the design complies with Council's requirements and is satisfactory.	Yes
Clause 37 Crime Prevention	The proposed development should provide personal property security for residents and visitors and encourage crime prevention.	The proposed RCF includes controlled entry and exit to ensure security for residents both internally to the building and externally via 1.8m high fencing. The proposal was also referred to the NSW Police Services for comments who raised no objections subject to their recommendations being considered.	Yes
Clause 38 Accessibility	The proposed development should have obvious and safe pedestrian links from the site that provide access to public	The proposed development has obvious and safe pedestrian links to public transport, parks and shops,	Yes

	transport services or local facilities, and provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	and will provide for attractive and safe environments for pedestrians and motorists with convenient parking.	
Clause 39 Waste Management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	The proposed development provides waste storage facilities that comply with Council's requirements.	Yes

**Chapter 3 Development for Seniors Housing - Part 4 Development Standards to be Complied With**

Standard	Required/Permitted	Provided	Compliance
Clause 40 Development Standards	<p><b>(1) General</b> - The proposed development must comply with the standards specified in this clause.</p> <p><b>(2) Site size</b> - The size of the site must be at least 1,000 square metres.</p> <p><b>(3) Site frontage-</b> The site frontage must be at least 20 metres wide measured at the building line.</p> <p><b>(4) Height in zones where residential flat buildings are not permitted</b> - If the development is proposed in a residential zone where residential flat buildings are not permitted</p> <p>(a) the height of all buildings in the proposed development must be 8 metres or less, and</p> <p><b>Note.</b> Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).</p> <p>(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</p>	<p>Proposal fully complies.</p> <p>The lot size is 10,481m2.</p> <p>The site frontage to Pastoral Circuit is 101.73m and 112.23m to Greystanes Road.</p> <p>The subject site is located in a R3 zone, and RFBs are not permitted in this zone. Note: <i>height in relation to a building means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.</i></p> <p>The proposed development has a maximum building height of 8m as per the definition in the SEPP.</p> <p>The building does not exceed 2 storeys in height at any point.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>more than 2 storeys in height, and</p> <p><b>Note.</b> The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.</p> <p>(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.</p>	<p>This Clause does not apply as there is technically <u>no rear</u> to the site, as the property has 2 street frontages along the eastern (Greystanes Road) and western boundaries (Pastoral Circuit) and dwellings on the north and south boundaries.</p>	N/A
	<p><b>(5) Development applications to which clause does not apply</b> - Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following:</p> <p>(a) the Department of Housing,</p> <p>(b) any other social housing provider.</p>	<p>The proposal is by a private care provider and is not a social housing provider or Department of Housing.</p>	N/A

**Chapter 3 Development for Seniors Housing - Part 7 Development Standards that Cannot be Used as Grounds to Refuse Consent**

Standard	Required/Permitted	Provided	Compliance
Clause 46 Inter-relationship of Part with design principles in Part 3	<p>Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.</p> <p>Note. It is considered possible to achieve good design and achieve density ratios set out in Division 2. Good design is critical to meriting these density ratios.</p>	Adequate regard has been given to the design principles in Division 2 of Part 3 (Clauses 33-39).	Yes
Clause 48 Standards that cannot be used to refuse development	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		

consent for residential care facilities	<p>care facility on any of the following grounds:</p> <p><b>(a) building height:</b> 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), or</p> <p><b>(b) density and scale:</b> if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</p> <p><b>(c) landscaped area:</b> if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,</p> <p><b>(d) parking for residents and visitors:</b> if at least the following is provided:  1 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.</p> <p><b>Note.</b> The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.</p>	<p>The proposed development does not exceed 8m in height (as per the SEPP definition).</p> <p>Total GFA= 6,018.6/10,481m2 FSR = 0.6:1.</p> <p>Required: 25m2 x 130 beds = 3,250m2 Provided: 5,274.1m2</p> <p>Required: 14 spaces (111 beds and 19 beds in the dementia Wing B) Provided: 17 spaces including 1 accessible space plus a bus parking bay</p> <p>Required: 35 staff = 18 staff spaces Provided: 21 including 1 accessible space</p> <p>Required: 1 ambulance space Provided: 1 ambulance space</p> <p><b>Total Required: 32 plus an ambulance space</b>  <b>Total Provided: 38 plus an ambulance space and a bus parking bay</b></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Clause 55 Residential care facilities for seniors required to have fire sprinkler systems	A consent authority must not grant consent to carry out development for the purpose of a residential care facility for seniors unless the proposed development includes a fire sprinkler system.	Should consent be forthcoming, a condition can be imposed requiring the facility to include a fire sprinkler system.	Yes

### ***State Environmental Planning Policy (Infrastructure) 2007***

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across the State. The ISEPP also contains provisions with respect to roads and traffic, including development in or adjacent to road corridors and road reservations. Clause 102 applies to development on sites likely to be affected by road noise. This is applicable in this case. In this regard, the applicant has submitted an Acoustic Report, which satisfies the provisions of this Clause subject to inclusion of recommended treatments as detailed in the Acoustic Report.

### ***Holroyd Local Environmental Plan 2013***

Holroyd Local Environmental Plan 2013 (LEP 2013) applies and the site is zoned R3 – Medium Density Residential. The proposal falls under the definition of a *seniors housing* being a *residential care facility* (RCF), which is permissible within the zone.

The objectives of the R3 zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The RCF will provide housing options for seniors, and responds to the needs of the community within a medium density residential environment, which complies with the zone objectives.

An assessment against the relevant LEP 2013 clauses is provided in the table below:

<b>Standard</b>	<b>Required/Permitted</b>	<b>Provided</b>	<b>Compliance</b>
4.3	Height of Buildings - Max. 9 metres	The proposed maximum building height is 11.5metres.	No*
4.4	Floor Space Ratio - Max. 0.7:1	The proposed floor space ratio is 0.6:1	Yes
5.9	Preservation of Trees or Vegetation	Council's Landscaping Section has raised no objection to the proposal.	Yes
5.10	Heritage	The site is not listed as a heritage item, but is located within the vicinity of the state heritage listed item 'Prospect Hill'. Council's Heritage Advisor has assessed the proposed development and advised that there are no concerns on the impact of the proposal on the vistas of Prospect Hill. Refer to architectural Drawing No. DA 10.	Yes
6.1	Acid Sulfate Soils	The site is not affected by	Yes

		Acid Sulfate Soils.	
6.2	Earthworks	The proposed earthworks are considered minor and ancillary to the proposed development. A separate consent was issued being DC 2015/211 for the <i>removal of trees; bulk earthworks; construction of retaining walls and associated works</i> on the 14 October 2015. This enables the developer to commence early earthworks, retaining works and tree removal separately without the need to wait for the determination of the subject DA 2015/210. The same earthworks and retaining walls are included in this proposal, to provide the developer with options regarding timing and construction.	Yes
6.3	Essential Services	Essential services are available.	Yes
6.5	Terrestrial Biodiversity	There is no evidence of any terrestrial biodiversity on the site.	Yes
6.4/6.7	Flood Planning and Stormwater Management	Council's records indicate that the site is not affected as flood prone land. Council's Engineers have no objection to the proposal, which complies with Council's requirements for stormwater management and on-site detention of stormwater.	Yes
6.8	Salinity	The site is located on lands identified as being affected by moderate salinity. Standard conditions of consent shall be imposed to address this should consent be granted.	Yes

As demonstrated above, the proposal is considered to comply with the requirements of the Holroyd LEP 2013, except for the maximum building height exceedance which is discussed below.

\* The proposal exceeds the maximum building height in Council's LEP 2013, however complies with the maximum height prescribed under the SEPP. Clause 5 of the SEPP, subclause (3) states: -



*(3) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.*

Therefore, the SEPP definition and height control of 8m overrides the HLEP 2013 building height control. Notwithstanding, the proposed development is considered consistent with the objectives of the height standard outlined in sub clause 4.3(1) as follows: -

- (a) to minimise the visual impact of development and ensure sufficient solar access and privacy for neighbouring properties,*
- (b) to ensure development is consistent with the landform,*
- (c) to provide appropriate scales and intensities of development through height controls.*

The development provides a transition from the adjoining low density residential dwellings in the north, to the RFBs to the south. The proposal is consistent with the landform, and has been stepped down to follow the natural contours of the site. The proposal is no more than 2 storeys in height, and provides for an appropriate scale and intensity.

- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

N/A

- (iii) any development control plan*

### **Holroyd Development Control Plan (DCP) 2013**

The following table provides an assessment of the proposed development against the relevant controls under Holroyd DCP 2013:

<b>Part A – General Controls</b>			
<b>Standard</b>	<b>Required/Permitted</b>	<b>Provided</b>	<b>Compliance</b>
3.1	Car Parking: Council's DCP provides no car parking rates, and refers to the SEPP rates.  Total Required as per the SEPP: At least 32 spaces plus an ambulance space.	Total Provided: 38 spaces plus an ambulance space and a bus parking bay.	Yes
3.2	Parking areas should be readily accessible and provide for circulation and manoeuvring of vehicles	Parking areas provided are considered to be accessible.	Yes
3.3	Dimensions of Car Parking Facilities, Gradients, Driveways, Circulation and Manoeuvring.	Council's Traffic Engineer has assessed the submitted plans & documentation and advised that the proposed development is supported.	Yes

3.5	<b>Driveways</b>  Driveways shall be setback a minimum of 1.0m from the side boundary.	The proposed driveways are all setback well in excess of 1m from side boundaries.	Yes
3.6	<b>Accessible parking</b>  - 2 spaces per 100 spaces	2 accessible spaces are provided, one in the visitor parking area and one in the staff parking area.	Yes
4.1	<b>Tree and Landscape Works</b>	<p>DC 2015/211 granted approval for the <i>removal of trees; bulk earthworks; construction of retaining walls and associated works</i>. An Arboricultural assessment was submitted which recommended removal of most of the trees along the Greystanes Rd frontage (primarily being Monterey Pine trees) and the retention of 3 key trees on site (being T01 – &amp; T02- Aleppo Pines &amp; T03 – Grey Box Eucalyptus) in the south-west corner of the site, as indicated on the Tree Removal &amp; Protection Plan (Drawing No. T-02, Revision B, dated 6/8/15).</p> <p>Council's Landscape officer reviewed the proposed tree removal plan and has raised no objections subject to the inclusion of standard conditions of consent.</p> <p>Note: Recommendations as per the Arborist report i.e., fencing around TPZ zones and the like relate to the 3 trees on site to be retained and the 7 street trees to be retained, as indicated on the endorsed plans detailed above.</p>	Yes
6.1	<b>Retaining walls</b>	DC 2015/211 granted approval for the <i>removal</i>	No, but acceptable as

	- Generally <1m in height.	<p><i>of trees; bulk earthworks; construction of retaining walls and associated works.</i></p> <p>As part of this approval, excavation of up to 3m and fill of up to 2.04m was approved with a retaining wall running across the site in a north to south direction. These early works were designed to support the future construction of the split level design of the RCF. However, to give the applicant options, this subject application also proposes the same bulk earthworks and retaining walls which are considered acceptable, and will enable the RCF to be stepped down to follow the natural contours of the site, and minimises adverse impacts of the proposed development.</p>	retaining walls are necessary and raise minimal adverse impacts.
6.3	<b>Erosion and Sediment Control</b>	A detailed sediment & erosion control plan was submitted & is considered to be acceptable.	Yes
7.4	<b>Stormwater Management</b>	Council's Development Engineer has reviewed the Stormwater Drainage Plans & calculations & advises that the design is acceptable subject to the imposition of recommended conditions should consent be forthcoming.	Yes
11	<b>Site Waste Minimisation and Management Plan (SWMMP)</b>	Council's Waste Officer has reviewed the proposed waste and recycling arrangements and SWMMP and has advised that they are acceptable. It should be noted that the applicant proposes to have the waste services provided by a private contractor and not by	Yes

		Council, and the applicant has demonstrated that private contractors can enter and exit the on-site loading dock to collect the bins from the waste service room. Council's Waste Services section has reviewed the proposed method of waste collection, and advises that these waste service arrangements are satisfactory.	
<b>Part B – General Residential Controls</b>			
1.1	<b>Building Materials</b>  Schedule of Colours & Finishes to be submitted.	Materials, colours and finishes acceptable.	Yes
1.2	<b>Fences</b>  Front fences to be solid $\leq 1\text{m}$ and be $\geq 50\%$ transparent to 1.5m	The front fence along Greystanes Road is required to be a 1.8m high acoustic fence. The applicant proposes this fence to be a 1.8m high timber fence, however due to the prominent location of the site, should consent be forthcoming, Council will require the fence to be a 1.8m high decorative acoustic fence. No other front fences are proposed to Pastoral Circuit.	Yes, subject to appropriate conditions
1.3	<b>Views</b>  Minimise obstruction of views	Currently, there are views from Greystanes Road towards the Heritage listed Prospect Hill. The applicant has submitted a view study which demonstrates that the proposed development permits views through the northern and southern setback areas to Prospect Hill. Furthermore, Council's Heritage Advisor has reviewed the proposed development and raises no concerns regarding the impact of the	Yes

		proposal on the vistas of Prospect Hill.	
1.4	<b>Visual &amp; Acoustic Privacy</b>  To provide a high level of visual and acoustic privacy for residents and neighbours in dwellings and private open spaces.	Refer to SEPP assessment.	Yes
1.5	<b>Landscaping</b>  Max. 50% of provided landscaped area shall be forward of the front building line. Majority of landscaped area to be at the rear of the building.  Only hard paved areas for driveways/pathways to be in front setback area. Not to cover entire area.	Achieved. Majority of landscaping has been provided in the side setback areas and the secondary street frontage to Greystanes Road, accessible from each wing of the RCF.  The front setback area to Pastoral Circuit includes driveways, car parking area, pathways and landscaping.	Yes         Yes
1.6	<b>Safety and Security</b>  The front door of a development should either be visible from the street or internal roadway, or overlooked by a window, and should be clearly visible from the driveway.  Blank walls along street frontages are prohibited.  Landscaping that may allow would-be intruders to hide shall be avoided.	The front door of the development is directly visible from the street.  The façade is adequately articulated.  Landscaping in the front setback allows for views to/from the street and consists of feature planting and large native trees.	Yes   Yes  Yes
1.8	<b>Sunlight Access</b>  Design and orientate development to maximise northerly aspect.  1 main living area of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June.  The living rooms and POS for at	The proposal has been designed to maximise northerly solar access.  The proposed development does not overshadow any adjoining dwellings.  The submitted shadow	Yes  Yes  Yes

	<p>least 70% of dwellings in a RFB shall receive a minimum 3 hrs direct sunlight between 9am and 4pm at the winter solstice.</p> <p>Min. 50% of required POS of existing adjacent dwellings to receive 3 hours direct sunlight between 9am and 4pm, 22 June</p>	<p>diagrams indicate there is no shadow impact on the adjoining RFB to the south (being Building D within 13-19 Pastoral Circuit) until after 12 noon, thereby allowing direct solar access from at least 9am to 12 noon.</p>	
1.9	<p><b>Cut &amp; Fill</b></p> <p>Cut: max. 1m; max. 0.45m within 0.9m of side/rear boundary. Cut controls are not applicable where basement parking is proposed.</p> <p>Fill: max. 0.3m within 0.9m of side/rear boundary; <math>\geq 0.6\text{m}</math> to be contained within the building; if <math>&gt; 0.15\text{m}</math> shall occupy max. 50% of the landscaped area.</p>	<p>The subject site experiences a significant fall of approximately 4.6m from east to west. The development steps down the site and it is proposed to excavate across the site by up to 3m, and fill up to 2.04m from existing ground level and provide a series of retaining walls.</p> <p>Basement parking is proposed therefore cut controls are not applicable.</p> <p>No fill is proposed within 0.9m of a boundary (except for a minor spot encroachment – 1:1 batter proposed as part of the earthworks along the northern boundary setback 0.5m from the boundary), which is to be retained as part of the stormwater works.</p> <p>Up to 2.04m of fill is proposed to facilitate the split level design and basement car park. This fill is proposed within the building footprint and raises no adverse impacts.</p>	<p>Yes</p> <p>No, but acceptable.</p>
1.11	<p><b>Carparking &amp; Roads</b></p> <p>Vehicle crossing/s shall be a minimum width of 3 metres and a maximum width of 5 metres at the boundary line. A width of up to 6m can be considered for</p>	<p>2 driveways are proposed fronting Pastoral Circuit providing circular access in and out. Both driveways are 4m wide at</p>	<p>No, but acceptable.</p>

	<p>multi-unit complexes.</p> <p>1 vehicle crossing permitted per site.</p> <p>Driveway to be 1m from side boundary and landscaped.</p>	<p>the boundary line. The 3<sup>rd</sup> driveway is proposed via the cul-de-sac bulb to access the part basement staff car park and loading bay. This measures 7m at the boundary line, which is acceptable and required to enable delivery and waste service vehicles to enter and exit the site in a forward direction.</p> <p>The design includes 3 vehicular crossings, which given the 101.73m frontage to Pastoral Circuit is considered appropriate.</p> <p>All 3 driveways are greater than 1m from side boundaries and the area between the driveway and boundaries are suitably landscaped.</p>	<p>No, but acceptable.</p> <p>Yes</p>
1.12	<p><b>Universal Housing &amp; Accessibility</b></p> <p>15% of units shall be adaptable units Class B.</p>	<p>No separate dwellings are proposed as part of this RCF. The proposal includes bedrooms only with shared living &amp; dining areas, and the entire facility has been designed to be accessible.</p>	N/A
<b>Part E – Public Participation</b>			
1.3	To be advertised for 21 days	The application was placed on public exhibition for 21 days from 10 June 2015 to 1 July 2015 during which time 7 submissions were received (2 from the same objector).	Yes
<b>Part P - Pemulwuy Residential Controls</b>			
4.2	<p><b>Lots from Front to Back Slopes</b></p> <p>House designs must respond to the topography of the land through front to back full level split designs.</p>	Whilst the DA does not include dwellings, the proposal includes a split level design that responds to the topography of the land.	Yes

4.11	<b>Roof Design</b>  Hipped, gable, skillion, flat roofs with parapets and curved roofs are acceptable.	The proposed roof design is a hipped roof, with deep eaves and overhangs.	Yes
4.22	<b>Type D Pemulwuy North Summary</b>  Side setbacks = 3m  Lot size = 100-250m2 Frontage = 30m  Landscaped Area = 20% (Require 2,096.2m2) Front Setback = 3m-4.5m Rear Setback = 8m	Min 13m north and 6.4 south 10,481m2 101.73m to Pastoral Circuit and 112.23m to Greystanes Rd 5,274.1m2  Min 12.1m No rear setback, as the sites has 2 street frontages. However, the building is setback a minimum of 8m to Greystanes Rd.	Yes
5.1	<b>Pemulwuy North Height Limits</b>  The subject site is affected by a maximum 2 storey height limit.	Proposal is for 2 storeys. Building Height is defined in the SEPP and overrides Council's DCP controls.	Yes
8.4	<b>Heritage</b>  Aboriginal Archaeology & Heritage	The subject site was investigated as part of the original subdivision of the Pemulwuy Eastern precinct and there were no 'potential archaeological deposits' (PAD) sites identified. No objections were raised from Council's Heritage Advisor.	Yes

As demonstrated above, the proposal is considered to comply with the requirements of the Holroyd DCP 2013, with the exception of height of proposed retaining walls, proposed cut/fill as well as the proposed width and number of driveways proposed. These minor non-compliances are considered acceptable, do not raise any adverse impacts and are supported based on the merits of the application as detailed above.

*(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*



N/A

- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

There are no specific matters prescribed by the Regulations that apply to this development.

- 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,*

#### **Built Environment**

It is considered that the proposed development will complement the existing streetscape and will not detract from the existing built environment. Once complete, the RCF will present well to the street, includes a variety of colours and finishes, will not dominate the streetscape and is considered to provide an acceptable built form.

With regard to context and setting, it is important to note that the site borders a R2 - Low Density Residential zone to the north and R4 – High Density Residential zone to the south, and for this reason, this site provides a transition from the low density zone in the north to high density zone in the south.

The test for compatibility in this context then would be whether the overall height of the building is satisfactory with regard to visual privacy, solar access, overshadowing, etc. On merit assessment of these amenity issues, the proposed development is considered appropriate and raises no adverse impacts.

#### **Natural Environment**

With regards to environmental impacts on the natural environment, the applicant has submitted an Arboricultural Impact Assessment report, which recommended removal of most of the trees along the Greystanes Rd frontage (primarily being Monterey Pine trees) and the retention of 3 key trees on site (being T01 & T02- Aleppo Pine trees & T03 – Grey Box Eucalyptus) in the south-west corner of the site, as indicated on the Tree Removal & Protection Plan (Drawing No. T-02, Revision B, dated 6/8/15).

The submitted landscape plan proposes significant landscaping of the site as part of the proposed development as illustrated below in the Landscape Concept Plan prepared by Arterra Landscape Architects. In this regard, the proposed development is not considered to adversely affect the natural or built environments and will provide for an enhanced natural environment through landscaping proposed on site.



### Environmental Impacts - Solar Access and Overshadowing

It is considered that the architect has addressed the issues of solar access to the development, overshadowing of units to the south, and the need to orientate the building so that it presents to and has passive surveillance of the street. The proposal orientates many rooms and living areas to receive northerly solar access, and minimises rooms with southerly aspects. However, given the site is primarily square in shape, many of the rooms are also orientated east and west. The proposal also includes deep eaves, significant landscaping and tree planting, which will provide shade to the rooms and living areas during the summer months.

Having regard to the above, it is considered that the development is satisfactory with regard to solar access and overshadowing.

### Environmental Impacts - Acoustic Amenity

The applicant has submitted an Acoustic Report prepared by Acoustic Logic, Project No. 20150216.1, Revision 3, dated 9/4/15 which will form part of the conditional approval, should consent be forthcoming. This report provides 2 options to achieve the noise criteria as defined under the ISEPP as follows: -

- Option 1 – 1.8m high acoustic barrier to Greystanes Road with greater acoustic attenuation measures required to the RCF.
- Option 2 – 3.3m high acoustic barrier to Greystanes Road with lesser acoustic attenuation measures required to the RCF.

Should consent be forthcoming, conditions have been imposed on the Draft consent requiring Option 1 recommendations to be implemented, as the height of the acoustic barrier proposed within Option 2 is unacceptable in terms of streetscape and amenity impacts.

Council's Environmental Health Unit have reviewed the submitted Acoustic report and raised no objections to the proposal on acoustic grounds subject to the inclusion of recommended conditions of consent.

### Social Impact

In accordance with Council's *Social Impact Assessment Policy August 2012*, the applicant prepared a Pro-forma Initial Social Impact Assessment (SIA) Scoping Review.

Council's Social Planner has reviewed this document and provided the following advice: -

*The documents identified the increased diversity of housing via the provision of needed accommodation for 130 high care and dementia care residents at a suitable location (i.e. close to services and public transport) as the major positive social impact. Other identified positives include:*

- *Enhanced safety via activation and passive surveillance of the public domain and provision of resident security systems and implementation of CPTED principles*
- *Improved social cohesion through the provision of opportunities for social interaction between residents (in internal and external meeting and gathering places)*
- *Short term economic benefits during the construction and fit-out stage (via sourcing of local material and tradesmen) and on-going benefits through the creation of temporary and permanent jobs*
- *Access for all – throughout the site and between the site and public transport stops*
- *Provision of recreational, health and social programs for the benefit of residents...*

*It is concluded that the proposal meets Council's Social Impact Assessment requirements and also meets the HSPD SEPP's requirements with respect to the provision of landscaped open space.*

In this regard, the proposed development is considered acceptable in regards to social impact.

#### *Economic Impacts*

The proposed development is not anticipated to have any adverse economic impacts.

#### *(c) the suitability of the site for the development*

The site is considered suitable for the proposed residential care facility (RCF) as it is zoned R3, is large, accessible, and is close to public transport, services, parks & the Pemulwuy Marketplace shopping centre. A previous approval for a 138 bed RCF was issued by Council on the 10/2/2009 which was subsequently modified on the 10/8/2010. However, this consent was not acted upon and has since lapsed.

The site is considered appropriate and suitable for the proposed development.

#### *(d) any submissions made*

In accordance with the Holroyd Development Control Plan 2013, the application was notified to adjoining and surrounding owners and occupiers for a period of 21 days. During this time, 7 submissions were received (2 from the same objector).

These issues are discussed below: -

#### *Issue: Removal of existing trees along the Greystanes Road frontage*

Comment: There are 25 trees (or stands of trees) on the site to be removed to ready the site for the future RCF development. An Arboricultural Assessment was undertaken by Arterra Landscape Architects for all trees likely to be impacted by future development on the site. Of the 25 trees (or stands of trees) within the site to be removed:

- 5 trees were rated with a **moderate** retention value
- 20 trees were rated with a **low or very low** retention value

The majority of the trees to be removed are located along the eastern boundary of the site fronting Greystanes Road. Many of these trees are in poor condition and are suffering from the impacts of a variety of pests and disease. The key recommendations of the Arboricultural Assessment are as follows:

- *Establish a fenced Tree Protection Zones (TPZ) as shown on Tree Protection and Removal Plan (T-02), before any site works commence.*
- *No works, material storage, stock piling or trafficking to be allowed within the TPZs. These areas are to be treated as exclusion zones for the duration of the construction, to be accessed only for the installation of final landscaping and pathways.*

The applicant intends to provide for significant landscaping and tree planting within the site and along the Greystanes Road frontage, as part of the construction of the RCF.

The proposed development has been reviewed by Council's Landscape officer, who raised no objection to the proposed removal of trees and landscape concept plan.

In this regard, the proposed development is considered worthy of support and once the construction of the residential aged care facility is undertaken, the landscaping and tree planting proposed will provide for a dense visual screen and landscaped streetscape as viewed from Greystanes Road.

*Issue: Impact on the amenity of adjoining residents (quality of life)*

Comment: Council has assessed the impacts of the proposed development on the natural and built environment and conclude that adverse impacts including parking, solar access, acoustic and visual privacy, shadow impact and the like have been mitigated. The proposal complies with Council's requirements, and is considered worthy of support.

*Issue: Density*

Comment: Concern was raised regarding the density of the proposed development, and that there will be too many people living in the area. The site currently permits a density or Floor Space Ratio (FSR) under Council's LEP 2013 of 0.7:1, and the proposed FSR is 0.6:1 which complies with Council's requirements. Council notes that under the SEPP, the applicant is permitted to achieve a maximum FSR of 1:1, and as such, the proposal is well below the maximum density permitted under the SEPP. The proposal is considered consistent with the zone (R3 zone) objectives and is below the maximum density permitted under both Council's LEP 2013 and the SEPP.

The proposed development is therefore considered acceptable based on density.

*Issue: Location of car park entrance, exit and impact from headlight glare*

Comment: Concern was raised from residents that cars exiting the car park will create undue noise, decrease pedestrian safety and create unacceptable headlight glare that will affect residents' quality of life.

Due to the nature of the development, being a RCF the majority of visitors are anticipated to generally attend between 10am and 4pm, with the staff entering and exiting the separate basement staff car park for the following shifts: -

- 7am -3pm
- 3pm-9pm
- 9pm-7am

In this regard, the majority of visiting is likely to occur during the day. The visitors will park within the on-grade visitor car park and it is unlikely that visitors exiting the car park will create undue noise or headlight glare, as the majority will leave during the daytime hours.

It is anticipated that there will be up to 35 staff members on site at any time. Staff will enter and exit the site via the cul-de-sac bulb of Pastoral Circuit to access the basement staff car park, which is unlikely to create undue noise or headlight glare issues.

A request that the proposed visitor entrance and exit driveway be removed due to the potential for accidents to occur between pedestrians and vehicles is not supported, given the sites large frontage of 101.73m to Pastoral Circuit and compliance with sight lines for motorists as per the relevant Australian Standards. It should be noted that the subject site could alternatively be developed for attached dwellings, dual occupancies, multi dwelling houses, semi-detached dwellings and the like, which would result in many more vehicular crossings compared to the

3 currently proposed as part of the RCF. In this regard, the proposed visitor entrance and exit driveways are supported and considered appropriate for the site.

The request that all vehicular access be provided via the staff/loading dock entrance raises concern regarding vehicular safety for visitors, may create confusion for visitors and conflicts with the operation of the loading bay for waste and service vehicles. It is considered that the proposed driveway locations are acceptable and appropriate in this instance.

*Issue: Inadequate car parking, width of Pastoral Circuit & lack of on street parking after 7pm*

Comment: The development provides in excess of the required car parking for the site under the SEPP. The total required parking under the SEPP is 32 spaces plus an ambulance space, and the applicant proposes 38 spaces plus an ambulance space and a bus parking bay.

Council notes a concern was raised that the development does not provide car parking as per Council's DCP 2013, Part P which requires visitor parking at a rate of 0.25 spaces per dwelling for residential flat buildings (RFBs). Concern was also raised that the proposed development does not comply with Part P, Clause 4.14, Objectives regarding 'Garages, Car Parking and Driveways'. However, these controls are not applicable to the proposed development, as the proposal does not consist of dwellings, is not a RFB and falls under the separate controls for Residential Care Facilities (RCFs) proposed under the SEPP (*State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*).

Furthermore, Council's DCP, Part A, Clause 3.1 stipulates the minimum car parking rates, and for RCFs proposed under the SEPP, refers to the car parking rate as stipulated in the SEPP. The development provides in excess of the required number of parking spaces under the SEPP and is therefore acceptable.

In relation to concerns that the proposed development does not comply with the Objectives of Council's DCP 2013, Part P, Clauses 7.3, 7.4 & 7.9 in relation to Access to Pemulwuy, Public Road Design and Pedestrian and Cycle Routes, these Clauses relate to the early subdivision and road design applications which were approved by Council at the subdivision stage of the Lakewood Estate. These Clauses are not applicable to the subject application.

In relation to existing limited on street parking, Council is unable to require additional parking be provided on site, as the proposal provides in excess of that required under the SEPP. In this regard, the proposal is deemed acceptable based on the provision of car parking.

Concern was also raised that the width of Pastoral Circuit makes passing other cars difficult when cars are already parked. The applicant's Traffic Report prepared by TTW indicates that *"Pastoral Circuit is a local road that provides access to the site via the adjoining local street network. It is two way road with one lane in each direction and also consists of a separate cul-de-sac to provide access to adjoin residential properties. There is typically unrestricted recessed kerbside parking bays available along the kerblines with a "No Parking" restriction currently along the eastern kerbline. The overall road width is typically 5.8m with recessed 3m parking bays."*

In this regard, provided vehicles' park within the designated parking areas, passing parked vehicles is possible and should not cause undue concern. Therefore, the proposal is considered acceptable and the concerns raised regarding lack of existing on street car parking, on-site car parking and width of Pastoral Circuit, do not warrant refusal of the application.

Should vehicles be parking illegally, residents can inform Council to enable Council to investigate the issue and take the appropriate action.

Should residents' believe the existing parking signage to be inadequate, residents' should similarly write to Council's Traffic Section accordingly, to enable Council's Traffic Engineers to investigate and address this issue. The issues of cars illegally parking and residents' concerns that the existing signage is inadequate are matters that need to be investigated separately as they are not related to the proposed development.

*Issue: Visibility of children, cyclist safety and vehicular access*

Comment: Concern was raised that with the increased vehicular movements within Pastoral Circuit, this may impact on the traffic safety of the local residents particularly in relation to the safety of young children who may run out onto the road and cyclists on Pastoral Circuit.

Council notes there are currently pedestrian footpaths located along Pastoral Circuit and Greystanes Road, which provide pedestrians with a safe path of travel.

Regarding the concern that the proposed development will impact on the safety of children cycling on Pastoral Circuit, there are many 'off-street' play areas and areas for children to practice bicycle riding in Pemulwuy, which may be a safer alternative for children than cycling on the local road network.

In relation to the request to consider vehicular access from Greystanes Road, vehicular access from Greystanes Rd to the subject site is not permitted either under Council's DCP 2013, Part P, Figure 60, nor is it permitted under Clause 101 of the ISEPP, as Greystanes Road is a regionally classified road. Therefore, the subject site has to provide access via Pastoral Circuit.

*Issue: Traffic Generation*

Comment: Concern was raised that Pastoral Circuit could not provide adequate access for the increased volume of traffic generated from the proposed development. The applicant prepared a Parking and Traffic Report to assess the likely traffic implications of the development, to determine whether the development is satisfactory, and recommend appropriate remedial measures if required. The report prepared by TTW, dated 11 May 2015 concludes that:

*It has been estimated that the proposed development has the potential to increase up to 52 peak hour vehicular trips. Modelling of the nearby intersections of Butu Wargun Drive/Driftway Drive indicates that the intersection would function at the same level to the existing level of service post development...*

*In traffic and transport engineering terms, the proposed development is acceptable and supportable and will have no adverse impact on the road system and parking conditions for the general operational activities of the site.*

Council's Traffic Engineer has reviewed the proposed development and submitted traffic report, and advised that this satisfactorily addresses traffic impacts on local roads and nearby intersections. In this regard, the proposed development is considered acceptable in terms of traffic and parking.

*Issue: Visual & Acoustic Privacy*

Comment: Concern was raised in relation to the privacy impacts from the proposed development and in particular from the western elevation (Pastoral Circuit) of the proposed development. In particular concerns raised include: -

1. *Noise from increased traffic on Pastoral Circuit;*  
Comment: It is unlikely that the increase in vehicle movements from the proposed development will create undue noise, due to the majority of visits occurring during daytime hours and the staggered shifts for staff.
2. *Noise from visitors car park including ambulance, buses and taxis;*  
Comment: Ambulances, buses and taxis are only likely to frequent the RCF based on the demand of the residents or as emergencies arise. The bus parking bay is proposed to accommodate a 22 seater bus (no service proposed as part of this proposal), and as such, these vehicles are unlikely to create adverse acoustic concerns.
3. *Noise introduced due to inadequate layout of service areas (kitchen, laundry etc.);*  
Comment: The kitchen, laundry and service areas are located on the lower ground floor plan with no doors or windows opening onto Pastoral Circuit. Therefore, there will be minimal external noise emitted from the operation of these service areas.
4. *Number of balconies along the west elevation of Pastoral Circuit;*  
Comment: In Wing C there are balconies proposed along the Ground Floor Plan for 10 rooms. These balconies are 1.8m wide and overlook the footpath, public road and are important for natural surveillance. These also provide for an improved quality of life for residents and add to the articulation of the building. These balconies are supported from a planning perspective, and are unlikely to create adverse overlooking or acoustic privacy concerns due to the narrow width of these balconies and likely use of these areas for passive recreation (such as reading).

In this regard, the proposed development is not considered to raise visual or acoustic privacy concerns.

*(e) the public interest*

Long term positive benefits of the proposal include the provision of purpose built accommodation for aged persons or persons with a disability and an appropriate increase in the population via a modest scale development which is considered to compliment the surrounding built forms. Short term benefits include the provision of employment for tradespersons, builders, landscapers and the like who will undertake physical construction of the development. It is acknowledged that there will be some short term disruption to the amenity of nearby residents (truck movements, deliveries, noise of construction work, etc.) but it is considered that the long term positive benefits outweigh the short term adverse impacts.

## INTERNAL REFERRALS

During the assessment process, comments were sought from a number of sections within Council as follows:

Building Services Section	No objection, subject to conditions.
Development Engineering Section	No objection, subject to conditions.
Traffic Section	No objections.
Landscaping Section	No objection, subject to conditions.
Environmental Health Unit	No objection, subject to conditions.
Waste Management Section	No objections.
Strategic Planning Section	No objections.
Community Services Section (Social Planning and Accessibility)	No objection as per Access Consultant and Social Planners comments.
Heritage Advisor	No objections.



## EXTERNAL REFERRALS

Comments were sought from NSW Police (Holroyd LAC) who raised no objection subject to standard recommendations.

## SECTION 94 CONTRIBUTIONS

As the proposed development is provided under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the developer is not required to provide for a monetary contribution imposed under Section 94 of the *Environmental Planning and Assessment Act 1979* (pursuant to section 94E).

## RECOMMENDATION

It is considered that the design is a sound response to the constraints of the site and will have an acceptable relationship with the surrounding natural and built environment. The presentation of the proposed 2 storey residential care facility (RCF) fronting Pastoral Circuit (and Greystanes Road) is complimentary in size and bulk compared to the surrounding development and provides a transition between the lower density dwellings to the north (R2 zone) and the higher density residential flat buildings (RFBs) to the south (R4 zone).

The proposed development complies with the maximum height permitted under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP), complies with the maximum floor space ratio permitted both under the SEPP and the Holroyd LEP 2013 and the general provisions of the SEPP relating to RCFs.

There are some non-compliances with the numeric provisions of Council's DCP 2013 primarily regarding the height of the retaining walls, cut/fill and the width of one of the proposed vehicular crossings. These non-compliances are considered minor and are acceptable under the circumstances of the case and given that the objectives of the relevant provisions have been satisfied.

The development results in an increase in the supply of much needed seniors housing. It is considered that these positives outweigh any perceived negative aspects of the proposed development.

It is recommended that the application proposing the construction of a 2 storey 130 bed residential aged care facility (RACF) with part basement car park accommodating 38 carparking spaces **be approved subject to conditions as outlined in Attachment "F" of this report.**

**Attachment “F” – Draft Conditions of Development Consent**