

Compliance with EP&A Act Section 79C ' Heads of Consideration'

Heads of Consideration 79C	Comment	Complies
a. The provisions of: (i) Any environmental planning instrument (EPI)	The provisions of the relevant Environmental Planning Instruments (EPI) relating to the proposed development are summarised under section 6 of this report. The principal EPI is SEPP Seniors Housing. However, the application of the SEPP relies upon the zoning under the relevant LEP. Blacktown LEP 2015 currently applies to the site. At the time that the DA was submitted, however, Blacktown LEP 1988 was in force. Under that LEP the development was not permissible. The applicant therefore obtained a site compatibility statement verifying that the site is suitable for the proposed development to overcome this obstacle. Under Blacktown LEP 1988 a portion of the site (south-east corner) is within the Residential 2(a) zone. Within this zone the SEPP Seniors Housing Policy does not permit a building incorporating self-contained dwellings to have a height greater than 8 m or to be more than 2 storeys adjacent to the site boundary. The building in the south-east corner of the site (retirement living building 4) has a height of 13.1 m to the parapet and therefore does not comply with the development standard. A submission under SEPP No. 1 has been submitted justifying the variation to the development standard. The SEPP No. 1 submission only relates to building 4, as its eastern end is located over land that was zoned 2(a) Residential. The other buildings on site are located outside the 2(a) zone (i.e. either in the 3(a) or 5(a) zones). Given the south-east corner of the site is now zoned R4 High Density Residential and has a 14 m height limit (i.e. 4 storeys) under BLEP 2015, the proposed building (retirement living building 4) with a height of 11.6 m to the ceiling and 13.1 m to the parapet, is considered acceptable. As part of any consent, however, it is being recommended that a deferred commencement condition be imposed requiring that the floor-to-ceiling height of all habitable rooms be increased from 2.4 m to a minimum of 2.7 m. As the building contains 3 residential levels, the overall height will increase by 0.9 m to 14 m. This is still considered acceptable. The second major planning instrument relevant to this proposal is State Environmental Planning Policy (Housing for Seniors or People with a Disability). The	Yes SEPP No.1 objection dated 8 August, 2016 justifies variation.

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(ii) Any development control plan (DCP) (iii) The regulations	proposal is assessed in relation to this planning instrument in Attachment 7. Many criteria do not apply because the applicant is a social housing provider. State Environmental Planning Policy No.65 (Design Quality of Residential Flat Development) also applies to the self-contained dwelling component of the proposal (i.e. the 4 retirement living buildings). An assessment of the proposal in relation to the Residential Flat Design Code (RFDC), that applied at the time the application was submitted, is included as Attachment 6. The proposal does not strictly achieve all of the 10 principles of SEPP 65 and does not meet some of the numerical criteria of the RFDC as this is not a residential flat development. The self-care unit buildings provide a building separation distance of 8.9 m - 9.35, instead of the required 12 m. Several units also do not satisfy the minimum unit size and dimensions, the minimum ceiling heights, or the solar access and natural ventilation requirements. The applicant has submitted a design verification statement that requests that these variations be accepted. The basis for the request is that this is a senior's housing project and is not a standard residential flat development. A deferred commencement condition is recommended requiring that the applicant submit amended plans. The amended plans are to increase privacy to all bedroom windows and balconies where the distance separation between buildings is less than 12 m, increase the floor-to-ceiling height of all habitable rooms to a minimum of 2.7 m, provide more living/dining rooms with a north-east or north-west orientation, increase the size of some of the windows in the north-eastern walls, and widen corridors to a minimum width of 1.5 m where possible. While there is no guarantee that all the numerical criteria of the RFDC will be achieved by these modifications, the proposed modifications will improve the internal amenity of the units. Blacktown Development Control Plan 2006 applies to the site. It does not identify any issues not addressed by planning instruments that warrant consideration. There are no Regulations to be considered.	Conditions of consent are desirable to improve amenity. Failure to satisfy many of the criteria is justified as the applicant is providing low cost social housing. A deferred commencement condition of consent is desirable to improve amenity.

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b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	An assessment of the key issues relating to the proposed development is provided in the assessment report. The development is well located relative to public transport and a broad range of facilities. This development will provide an economic stimulus for Rooty Hill. The facilities within the development will enhance the range of services available for all residents in the centre. Given the size and scale of the development the traffic impacts can be managed adequately. It is also considered that the management of stormwater has been properly addressed. The accommodation of a large number of new residents who require assisted housing on 1 site could provide some challenges for the local community and existing support services. It is not ideal to concentrate a large number of people who suffer from financial or social distress in 1 location. There are some operational advantages with this proposal but the potential challenges must also be acknowledged. The Police have identified the potential for interaction and tension between residents of this development and the adjacent Lone Pine Tavern. The applicant is an experienced operator of social housing and it is accepted that the applicant will be capable of resolving these issues. To eliminate any potential noise complaints arising from the operations of the adjoining Lone Pine Tavern, it is recommended that any bedroom window located within 20 m of the north or east boundary of the tavern be provided with a minimum glazing thickness of 10.38 mm (i.e. double glazing) and that this matter be addressed as a condition of any consent granted. It is also recommended that a condition be imposed requiring that the existing 1.8 m high boundary fencing along the northern and eastern boundaries of the tavern be increased to 2.1 m to protect the privacy of the future residents, and that the new fencing be provided at full cost to the developer. Suitable conditions will also be imposed on any consent granted, to ensure that the residential lobby and lift provided for the mixed use building fronting Rooty Hill Road South is provided with a secure, card-key operating system to prevent unauthorised access into the building. In view of the above it is considered that the proposed development will not have any unacceptable social, economic or environmental impacts.	Yes

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c. The suitability of the site for the development	Previously the subject site was mostly zoned for uses other than residential. The zoning now allows residential use and the development is permissible on the site with development consent. The existing trees on site will be removed, but the application proposes that extensive replacement vegetation will be planted. Given the lack of variation in building form and the consistent scale of the buildings, the potential variation produced by the vegetation will be significant. The site has an area and configuration suited to the form of development proposed. It is considered that the site is suitable for the proposed development.	Yes
d. Any submissions made in accordance with this Act, or the regulations	One (1) public submission was received regarding the proposal. There were also several submissions from public authorities. The submission from the adjacent Lone Pine Tavern highlights the potential for tension and conflict between the 2 developments. The existing business is concerned that the residents of the new development may oppose the continuing operations of the business. The Police have also expressed concerns about the potential interaction between the 2 developments. While action can be taken to mitigate some of the potential problems it can be expected that some adjustments will be necessary. Sydney Trains has also identified some important matters for consideration. This has resulted in the imposition of appropriate conditions. While the issues raised do not warrant refusal of the application, it is appropriate to impose conditions of consent.	Yes
e. The public interest	Ultimately the public interest will be served by the provision of housing for those who may otherwise have minimal potential for receiving suitable accommodation. No adverse matters relating to the public interest arise from the proposal, and the provision of seniors living is desirable and is considered to be in the public interest.	Yes