



**STATEMENT OF ENVIRONMENTAL EFFECTS
TO ACCOMPANY A DEVELOPMENT
APPLICATION FOR THE CONSTRUCTION OF A
RESIDENTIAL AGED CARE FACILITY &
ASSOCIATED SUPPORT SERVICES**

AT

14-20 Eldridge Road, Bankstown

Prepared for

**Hansen Yuncken
by
BBC Consulting Planners**

Job 15-091
14-20 Eldridge Road Bankstown_SEE
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Appendix 3:	Clause 4.6 Variation Request

ACCOMPANYING DOCUMENTS

The following documents are provided under separate cover:-

- Architectural Drawings and Design Statement prepared by AJ+C Architects
- Landscape Plan prepared by Arcadia Landscape Architecture
- Civil Drawings prepared by Henry and Hymas
- Engineering Report prepared by Henry and Hymas
- Geotechnical Report prepared by Douglas Partners
- Contamination Report prepared by Douglas Partners
- Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineering
- Acoustic Report prepared by Acoustic Logic
- Access Report prepared by Accessible Building Solutions
- BCA Report prepared by Group DLA
- Arborist Report prepared by TALC
- Waste Management Plan prepared by AJ+C Architects

1. Introduction

1.1 Overview

This Statement of Environmental Effects ("SEE") has been prepared on behalf of Hansen Yuncken ("the Applicant") to accompany a Development Application ("DA") lodged pursuant to Section 78A of the Environmental Planning and Assessment Act 1979, for the construction of a residential aged care facility and associated support services ("the proposal") at Nos. 14,16 and 20 Eldridge Road, Bankstown ("the site").

To provide contemporary residential care standards and to meet the recognised and growing demand for aged care facilities, Hansen Yuncken are seeking to redevelop the vacant site on Eldridge Road for the purposes of a Residential Aged Care Facility ("RACF"), comprising 155 beds, a basement car park comprising 40 car spaces plus an accessible car space and ambulance bay at ground level, and associated support services.

The proposal will provide a high-quality, high-amenity, well-designed, 24/7 aged care facility for the frail aged and people living with dementia. The proposal has been formulated over several months involving positive meetings with senior Council planning officers. It has full and proper regard for the relevant planning controls, the constraints and opportunities of the site, and existing development on neighbouring properties and in the locality generally.

Vehicle access to the site is via three driveways including a one way entry off Eldridge Road, a two-way entry/exit off Eldridge Road, and a one way exit on Calidore Lane.

The proposal has a GFA of 7,562m² which on a site area of 4,378m² this equates to a floor space ratio of 1.72:1.

The proposal has a maximum height of 12.95m from ground level to the roof of Level 3. This contributes to a non-compliance with the 8.0m height limit under Clause 40 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* ("HSSEPP"). In addition, part of the proposal is located in the rear 25% area of the site and exceeds the one storey height limit under HSSEPP.

A written request for a variation of the height standards under the HSSEPP is provided in **Appendix 3**.

1.2 Objectives of the Development

The primary objectives of the proposed development are to:

- meet the growing needs for aged care services through the provision of a new residential aged care facility and associated support services for the frail aged and people living with dementia;
- provide a high quality residential aged care facility to meet contemporary residential standards; and
- provide a development that is compatible with the amenity of the site and with the desired future character of the adjoining area.

1.3 Purpose of this Statement of Environmental Effects

The purpose of this SEE is to:-

- describe the land to which the DA relates;
- describe the characteristics of the surrounding locality;
- describe the proposed development;
- define the statutory planning framework within which the DA is to be assessed and determined; and
- assess the proposed development in light of all relevant heads of consideration.

1.4 Previous Development Consents

The most recent development consent and modification to this consent for the site include:

- Development Application (DA 1063/2007) approved 3 June 2008 – DA for Demolition of existing structures and construction of part 2 storey and part 4 storey day surgery and day procedure centre with ground floor and basement car parking.
- Section 96 Application (DA 1063/2007/1) approved May 2011;
- Section 96 Application (DA 1063/2007/2) approved July 2011; and
- Section 96 Application (DA 1063/2007/3) approved December 2012.

Development under this consent has commenced.

1.5 Pre-DA Consultation

Representatives of the Applicant met with senior Council staff on 6 November 2015 to discuss various aspects of the proposal. Key planning issues addressed in this meeting included building height and FSR, access to facilities, car parking, servicing, overlooking, potential contamination, drainage, and presentation of the proposed development to Eldridge Road.

These issues have been addressed to the fullest extent reasonably practicable in the final DA design.

2. Site Analysis

2.1 Location

The site, comprising No's 14,16 and 20 Eldridge Road, Bankstown is located on the southern side of Eldridge Road (see **Figures 1 and 2**), approximately 77m west of the intersection with Chapel Road and near the Chapel Road group of shops. The site is approximately 385 metres from Bankstown Hospital. It is bounded by Eldridge Road to the north, residential dwellings to the south, townhouses to the west and a mixture of dwelling houses and shops to the east (see **Figures 3A and 3B**).

2.2 Real Property Description and Ownership

The site comprises:-

- Lot 1 in DP 374220, known as 18-20 Eldridge Road;
- Lot 1 in DP 374219, known as 16 Eldridge Road; and
- SP 20206, known as 14 Eldridge Road

A Deposited Plan and Certificate of Titles for each of the above three lots is provided in **Appendix 1**. The Certificates of Title show that the site is currently owned by Hansen Beslich Nominees Pty Ltd.

2.3 Area and Frontages

The site is irregular in shape (see **Figure 2**) and has a total area of approximately 4,378.2m². The site has a frontage of approximately 56m to Eldridge Road. A survey plan is provided in **Appendix 2**.

2.4 Topography

The site slopes gently from west to north-east, varying from approximately RL20.90m along the western boundary of the site to RL18.24 towards the north-east corner of the site.

2.5 Geology

A Geotechnical Report has been previously prepared for the site by Douglas Partners (for DA 1063/2007) and is provided under separate cover. The report confirms the suitability of the site for development and provides advice on construction methods and foundation requirements.

2.6 Vegetation and Landscape Character

As shown on the survey plan in **Appendix 2**, the majority of the site has been cleared of vegetation with the exception of four trees located along the southern and eastern boundaries of the site. There are also trees located along the Eldridge Road frontage.

An arborist report, prepared by Tree and Landscape Consultants (TALC), is provided under separate cover. It describes, in detail, the existing trees on and near the site. Of the four trees located on site, numbers 1 and 4 are in fair condition, number 3 is in poor condition and number 2 is dead.

2.7 Access

Vehicular access to the site is provided from Eldridge Road and Calidore Lane to the rear of the site, shared with a number of other commercial developments fronting Chapel Street.

There is a bus stop located along the Eldridge Road frontage which provides a regular public bus service between Canterbury and Bankstown via Bankstown Hospital and Bankstown Square Shopping Centre Canterbury (Bus Route 487).

In addition, there is a bus stop located along Chapel Road, approximately 135m north-east of the site, which provides metrobus services between Liverpool and Burwood, and Sutherland to Parramatta (M90 and M92).

2.8 Development on the Site

The site is currently vacant apart from a substation located to the north of the site. Much of the site is unsealed where previous buildings have been demolished. Asphalt is present in areas surrounding previous building footprints.

2.9 Heritage

The site is not a heritage listed item and is not located within a heritage conservation area.

2.10 Urban Services

The site is connected to the Sydney Water services and is served by the existing electricity grid in the locality.

There is no existing drainage system for the pre-developed site. There are two council pits that are adjacent to the site. There is a kerb inlet lintel in Eldridge road, towards the north-eastern boundary and there is a kerb inlet lintel in Calidore Lane, towards the south-eastern boundary of the site.

2.11 Contamination

The site has a history of medical and residential use. A Contamination Report has been prepared by Douglas Partners and is provided under separate cover. See Section 5.1 of this SEE for further details.

2.12 Stormwater Flooding

During the Pre-DA meeting with Bankstown Council on the 6 November 2015, the applicant was advised that based on the Stormwater System Report, the site flooding issues do not need to be further investigated for the proposed development. According to the SSR, the



design 100yr ARI flood level is 19.2. The proposed ground floor level for the development is 20.60, 1.4m above the 100yr flood level.

3. Surrounding Context

3.1 To the North

Located to the north of the site (on the opposite side of Eldridge Road) are mainly single storey brick and wooden detached houses. Further north is Arthur Street and more low density residential development.

3.2 To the East

Immediately to the east of the site is a new two storey residential dwelling (known as No.12 Eldridge Road). Further to the east are the Chapel Road shops. On the eastern side of Chapel Road is an industrial area.

3.3 To the South

To the south of the site are residential dwellings consisting of mainly single storey cottages (one used as medical consulting rooms) along Calidore Street and two storey townhouses (accessed via Eldridge Road). Further to the south are Canterbury Road and the M5 Motorway.

3.4 To the West

Immediately to the west of the site are double storey brick townhouses which are accessed via Eldridge Road. Further west (approximately 385m) is Bankstown Hospital.

4. The Proposal

4.1 Description

The proposal is to:

- excavate to accommodate one level of basement parking (40 spaces), and otherwise as required;
- construct a new residential aged care facility comprising 155 beds and associated care facilities over 4 storeys, including basement car parking for 40 vehicles, an accessible car space and ambulance bay at ground level, landscaping; and
- carry out ancillary drainage, landscaping and other related works, as required.

The proposal is detailed in the architectural drawings submitted with the DA. The proposed site services, facilities and amenities are detailed in the Architect's Design Statement provided under separate cover.

4.1.1 Design Approach

The basis of AJ+C's approach to the design of a residential care building is that it must be as home-like and intimately scaled as possible. This approach begins at the design and design development stages, and extends through to internal and external materials and colour selections, down to minor everyday details.

The accommodation is in a series of 'wings' which run perpendicular and into a communal 'spine'. The building form and materiality takes heed of the adjacent residential developments.

Circulation zones are provided for ambulant residents to freely move and exercise. Paths extend from and return to communal spaces. Where possible dead-end corridors have been avoided and sitting areas or bay window/large windows provided, where residents may pause and re-orientate.

The sitting and dining areas are central to the scheme. They are designed to have light and where possible sun. At the ground floor residents can access secure courtyards with paved walking paths. The paving is level and surfaced to assist elderly frail people, often with walking frames or in wheelchairs. Courtyards have shaded seating areas for resting and contemplation. Planting is selected for colour and scent (so-called 'sensory' gardens).

Upper level common areas have extensive areas of natural light, delivered from western and eastern glazing on both sides.

There are specific activity rooms, where residents are brought together for occupational and diversional therapy. Specialist carers assist residents in the activities and adjacent store rooms are provided for equipment and consumables.

A cafe has been provided near the entrance so that visitors may meet with the residents in a congenial, social atmosphere.

Access to the main east west side courtyard is located near the front entrance to the building, visible from reception. The space is designed to allow informal meeting of residents and visitors, spending time together outdoors.

4.1.2 Bulk and Form

The building consists of two and four storey elements, with accommodation wings grouped around landscaped courtyards.

External walls comprise a combination of materials and colours to break up the building scale. The key building materials are masonry and painted cladding, complementing nearby domestic construction. Windows and doors will be large elements, constructed from pre-finished metal. Roofs, gutters and downpipes will be pre-treated treated metal.

4.1.3 Support Services

Deliveries to the facility and removal of waste from the facility will be at the loading dock located to the left of the vehicular entry. The widened driveway adjacent the entry will allow trucks to enter and leave the site in a segregated, separate route. Vehicles will leave the site via the rear laneway in a forward direction. The loading dock is conveniently located near the kitchen, laundry and back of house lift lobby.

The facility has a commercial laundry located at basement level capable of processing all the laundry needs of the facility. An on-site laundry has the advantage of maintaining quality control of the laundered products, and eliminates laundry deliveries to site.

Food will be provided from the commercial kitchen located at basement level. After preparation, the food is transported via back-of-house corridors, designated circulation pathways and lobbies to the café and serveries at dining rooms.

A waste holding room is located at ground floor level, opening onto the Loading Dock, and will be the holding area for all rubbish and recyclable materials. The waste holding room has a roller shutter door providing access to the loading dock. It will have the required materials and finishes. Waste will be stored in designated bins, for pickup by garbage contractor as required.

4.1.4 Environmental Elements

The building has wide eaves overhangs and separate sun shading, providing shading to the affected windows, and reducing glare.

Heating and cooling will provide residents and visitors with required comfort conditions. The plant platform has stair access from within the building. Mechanical ventilation will be provided to toilets, bathrooms, ensuites, dirty utility, pan rooms etc. Exhaust will be discharge located greater than 6 m from the boundaries.

4.2 Staff Numbers

On completion of the proposal, the maximum number of staff proposed on site will be approximately 48 people.

4.3 Management of the Facility

The new RACF will be operated by Opal Aged Care. Opal Aged Care will be responsible for the operation and maintenance of the facility in accordance with the requirements of the Commonwealth Department of Health.

4.4 Vehicular Access

As shown on the architectural plans, vehicle access to the site is via three driveways including a one way entry off Eldridge Road, a two-way entry/exit off Eldridge Road, and a one way exit on Calidore Lane.

4.5 Accessibility

An Access Report has been prepared by Accessible Building Solutions and is provided under separate cover. The report concludes that the proposal can achieve compliance with the access provisions of the Building Code of Australia 2015 ("BCA"). One accessible car space is provided at ground level near the entry.

4.6 Parking

A Traffic and Parking Impact Assessment has been prepared by McLaren Traffic Engineering and is provided under separate cover. The proposal includes a basement car park with a total of 40 car spaces and ground level parking for drop-off, disabled parking and an ambulance bay.

4.7 Safety and Security

The safety and security of the residents is paramount and has been considered in the design of the proposal. Adequate surveillance will be provided on site with the use of effective lighting, appropriate fencing, landscaping, clear identification of the site entrances, and avoidance of dark spaces between buildings.

4.8 Landscaping

The proposal is accompanied by a detailed Landscape Plan prepared by Arcadia Landscape Architecture provided under separate cover.

The key components of the landscape scheme include:

- landscaping at the entrance of the RACF (fronting Eldridge Road);
- provision of 4 courtyards which comprise plantings, turf areas, seating, tables and chairs, water features, etc; and
- perimeter landscaping.

The landscape plans also show the existing trees to be removed and retained on site.

4.9 Acoustic

An Acoustic Report has been prepared by Acoustic Logic and is provided under separate cover. The report provided criteria, in-principle treatment and design requirements in relation to the proposal including recommended treatments to deal with road traffic noise. Refer to Section 6.3.5 for further discussion.

4.10 Stormwater Management

Proposed civil work plans and an Engineering Report have been prepared by Henry and Hymas and are provided under separate cover. An Erosion and Sediment Control Plan has been prepared for the proposal and is submitted with the DA.

There is no existing drainage system for the pre-developed site. There are two council pits that are adjacent to the site. There is a kerb inlet lintel in Eldridge road, towards the north-eastern boundary and there is a kerb inlet lintel in Calidore Lane, towards the south-eastern boundary of the site. The proposed development will be connecting the majority of the stormwater runoff to Pit EX-1 in Eldridge road, with a small portion of the site draining to Pit EX-2 in Calidore Lane

Provision has been made for an OSD tank located under the driveway near the entry to the site (north-eastern side).

There are no specific stormwater targets that are required to be met for this development; however the proposed stormwater system has been designed to best practice with regards to stormwater quality.

4.11 Earthworks

Earthworks are proposed to form the basement for the development as shown on the engineering drawings.

4.12 Gross Floor Area and Floor Space Ratio

Measured in accordance with the relevant definitions in the SEPP (Housing for Seniors) 2004, the proposal has a gross floor area of 7,562m² and a floor space ratio of 1.72:1.

4.13 Height

The proposal has a maximum height of approximately 14 metres (four storeys) measured to the ceiling of the top most floor.

4.14 Setbacks

Setback dimensions are identified on architectural plans and can be summarised as follows:-

Level	Setback
Basement	
Rear	Minimum 4.36m
Side	Minimum 3.28m to eastern boundary Minimum 9.36m to western boundary
Front boundary	Minimum 9.53m
Ground	
Rear	Minimum 5.1m
Side	6.14m to eastern boundary 3.42m to western boundary
Front boundary	Minimum 8.3m
Level 1	
Rear	Minimum 4.99m
Side	6.05m to eastern boundary 3.33m to western boundary
Front boundary	Minimum 7.93m
Level 2	
Rear	Minimum 4.99m
Side	6.05m to eastern boundary 3.33m to western boundary
Front boundary	Minimum 7.93m
Level 3	
Rear	Minimum 4.99m
Side	6.05m to eastern boundary 5.77m to western boundary
Front boundary	Minimum 7.93m

4.15 BCA Compliance

A BCA Report has been prepared by Group DLA to assess compliance with the Building Code of Australia 2015 ("BCA").

The report concludes that compliance with the BCA for the proposed works will be able to be achieved by compliance with the deemed-to-satisfy (DTS) provisions.

4.16 Waste Management

A Waste Management Plan has been prepared and is provided under separate cover. All waste on the site during demolition, construction and operation of the development will be appropriately managed.

A waste holding room is located at ground floor level, opening onto the Loading Dock, and will be the holding area for all rubbish and recyclable materials. The waste holding room has a roller shutter door providing access to the loading dock.

Opal Aged Care's maintenance crews will be responsible for transferring all handheld and wheelie bins from care levels of the proposed building into the ground floor bin storage area – where they await pickup by garbage contractor as required.

4.17 Signage

Two identification signs are proposed along the Eldridge Road frontage and a directional sign is proposed in the north-east corner. Refer to the architectural drawings for further details.

5. PLANNING CONTROLS

5.1 State Environmental Planning Policy No. 55 - Remediation of Land

The objectives of State Environmental Planning Policy No. 55 - Remediation of Land ("SEPP 55") include:-

"....to provide for a Statewide planning approach to the remediation of contaminated land".

"....to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and*
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
- (c) by requiring that a remediation work meet certain standards and notification requirements."*

SEPP 55 provides that a consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated. Furthermore, SEPP 55 requires that a consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned, carried out in accordance with the contaminated land planning guidelines before determining an application for consent to carry out development that would involve a change of use of that land.

A Contamination Report has been prepared and is provided under separate cover. Some near-surface, soil contamination has been identified from sampling. However, it is considered that the contamination can be effectively removed by excavation and off-site disposal. The report concludes that the site can be made suitable for the proposed residential development.

5.2 State Environmental Planning Policy (Housing for Seniors or People with a Disability) ("HSSEPP")

5.2.1 Provisions of the Seniors Housing HSSEPP

Development consent for the proposal is sought under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* ("HSSEPP").

The proposed development would be characterised as a "residential care facility", which is a form of seniors housing defined in Clause 11 of the HSSEPP.

A discussion of the relevant sections of the HSSEPP is provided below.

5.2.2 Permissibility

Development for the purpose of seniors housing is permissible on the site under the HSSEPP. **Clause 4** of the HSSEPP states that the HSSEPP applies to the site which is considered to be land zoned primarily for an urban purpose:

"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:

(a) development for the purpose of any of the following is permitted on the land:

(i) dwelling-houses,

(ii) residential flat buildings,

(iii) hospitals,

(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, or

(b) the land is being used for the purposes of an existing registered club."

The site is zoned primarily for urban purposes (under Bankstown LEP 2015); development for the purpose of a dwelling house is permissible on the land zoned R2, and health services facilities is permissible in the SP2 zone, fulfilling **Clause 4(a)**.

Clause 4 (5) relates to land zoned for Special Uses and states:

(5) Application of Policy to land zoned for special uses and existing registered clubs

For the purposes of this Policy (and for the avoidance of doubt), a consent authority must not treat:

(a) land on which development for the purposes of special uses is permitted, or

(b) land that is being used for the purposes of an existing registered club,

as being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes.

The SP2 portion of the site predominantly adjoins land zoned R2, with only one small portion of the south-eastern boundary adjoining land zoned SP2 – Road Facility Infrastructure zone. Therefore, the whole site (including the 2 lots zoned R2) can be considered as land zoned primarily for urban purposes.

Pursuant to clause 15 of HSSEPP, development on land zoned primarily for urban purposes for the purpose of any form of seniors housing is allowed despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy.

5.2.3 Part 2 – Site Related Requirements

5.2.3.1 Clause 26 – Location and Access to Facilities

Clause 26 (2) (b) states:-

“(2) Access complies with this clause if:

(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 residents who will occupy the proposed development:

(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

(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

(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)”

In line with Clause 26, the site is located approximately 2km from Bankstown Shopping Centre and services, and approximately 77m west of the intersection with Chapel Road and the Chapel Road group of shops.

In relation to the provision of public transport services, public bus 487 travels between Canterbury and Bankstown via Bankstown Square Shopping Centre and stops adjacent to the site on Eldridge Road.

In addition, there is a bus stop located along Chapel Road, approximately 135m from the site, which provides metrobus services between Liverpool and Burwood, and Sutherland to Parramatta (M90 and M92).

The buses run regularly throughout the day.

The access consultant has assessed the suitability of the path of travel from the site to the public transport.

The proposal involves the construction of a high care residential aged facility with 24 hour care. Whilst it has been demonstrated that appropriate access opportunities exist, the residents would not be in a position to (independently) access outside services and facilities given their physical or mental state.

5.2.3.2 Clause 27 – Bushfire Prone Land

The site is not identified as bush fire prone land.

5.2.3.3 Clause 28 – Water and Sewer

Water and sewer services are available to the site.

5.2.3.4 Clause 29 – Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply

Clause 29 requires the consent authority to consider those matters listed under Clause 25 (5) (b) (i), (iii) and (v), for development, such as that proposed, to which Clause 24 does not apply. Clause 25 (5) (b) (i), (iii) and (v) states:

"25 (5) The Director-General must not issue a site compatibility certificate unless the Director-General:

(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:

(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...

(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 services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision...

(v) 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."

In summary, it has been found that the proposal will have minimal environmental impact, the subject site is adequately serviced and the proposal will be of a design compatible with surrounding development and land uses. Refer to Section 6.3 of this SEE for further discussion.

5.2.4 Part 3 – Design Requirements

5.2.4.1 Clause 30 – Site Analysis

A Site Analysis Plan has been provided as part of the architectural drawing package submitted with the DA.

5.2.4.2 Clause 32

Clause 32 requires the consent authority to be satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2. These principles are:

33 Neighbourhood amenity and streetscape

The proposed development should:

(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

(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

(c) maintain reasonable neighbourhood amenity and appropriate residential character by:

- (i) providing building setbacks to reduce bulk and overshadowing, and
 - (ii) using building form and siting that relates to the site's land form, and
 - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and
 - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and
- (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
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and
- (f) retain, wherever reasonable, major existing trees, and
- (g) be designed so that no building is constructed in a riparian zone.

34 Visual and acoustic privacy

The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and
- (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

Note. The Australian and New Zealand Standard entitled AS/NZS 2107–2000, Acoustics—Recommended design sound levels and reverberation times for building interiors and the Australian Standard entitled AS 3671—1989, Acoustics—Road traffic noise intrusion—Building siting and construction, published by Standards Australia, should be referred to in establishing acceptable noise levels.

35 Solar access and design for climate

The proposed development should:

- (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
- (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.

Note. AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.

36 Stormwater

The proposed development should:

- (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
- (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.

37 Crime prevention

The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

- (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
- (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and

(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.

38 Accessibility

The proposed development should:

- (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.

39 Waste management

The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.

5.2.4.3 Clause 33 – Neighbourhood Amenity and Streetscape

The proposal will see the construction of a modern facility that will be visually appealing and reflect the emerging character of the area. In addition, the proposal will maintain the existing neighbourhood amenity and residential character of the area.

The proximity of the site to the Chapel Road shops and its suitability for development is reflected in the Draft North Central Local Area Plan. The North Central Local Area Plan is a Council strategic planning document sets out a vision for that area, aiming to strengthen its role as an important economic and transport connection to the Hume Highway Enterprise Corridor and the West Industrial Belt. The Local Area Plan (NCLAP) is designed to inform future changes to the statutory planning framework.

NCLAP has been exhibited and Council is currently reviewing submissions received during the exhibition.

Section 2.2 of the NCLAP contains proposals for the hospital precinct which includes the site. Under the heading I2 – Plan for Employment Activities in the Hospital Precinct, the report notes that Council will work with Health Infrastructure to develop a masterplan for the future redevelopment and expansion of the hospital.

It also states:

As part of this integration, Council's Employment Lands Study recommends the creation of a mixed use/ medical precinct at the nearby Chapel Road shops to support the Hospital Precinct. The Chapel Road shops include Nos. 6–14 Chapel Road, Nos. 199–219 Canterbury Road and Nos. 10–20 Eldridge Road in Bankstown. In 2007, Council approved a 4 storey day surgery centre at Nos. 14–20 Eldridge Road.

There is the opportunity to apply a mixed use zone which permits hospitals, medical centres, offices, health consulting rooms and shop-top housing (refer to Figure 19). The building envelope may increase from 1:1 FSR / 2 storeys to 1.5:1 FSR / 4 storeys together with a minimum 18 metre lot width to achieve the higher floor space provision. This aims to encourage high quality development with the most efficient parking layout possible. Otherwise a 1:1 FSR will apply.

Another feature of the Chapel Road shops is the special use zone for rear lane access. Council has consistently applied this policy since the 1950s and it is proposed to retain the special use zone requirement for development to provide an 8 metre wide rear lane if the mixed use/medical precinct is to function in an efficient way. However, it is proposed to remove the special use zone for a public car park on Calidore Lane (behind the shops). The construction of a new car park is no longer an infrastructure priority as the location of the



Chapel Road shops is designed for passing trade, and there is sufficient on–street parking on Canterbury and Chapel Roads. P.63

Figure 19 from the NCLAP is included below.

The NCLAP includes key changes to the LEP zone and development standards, and states:

Chapel Road shops

- *Rezone the land at Nos. 10–20 Eldridge Road and part of Nos. 6–8 Chapel Road from a special use / residential zone to a mixed use zone (subject to relevant contamination investigations). P.86*

Chapel Road shops

- *In the mixed use zone, increase the building envelope from a 1:1 FSR / 2 storeys to a 1.5:1 FSR / 4 storeys. Apply a minimum lot width of 18 metres to achieve the higher floor space provision otherwise a 1:1 FSR will apply. P.87*

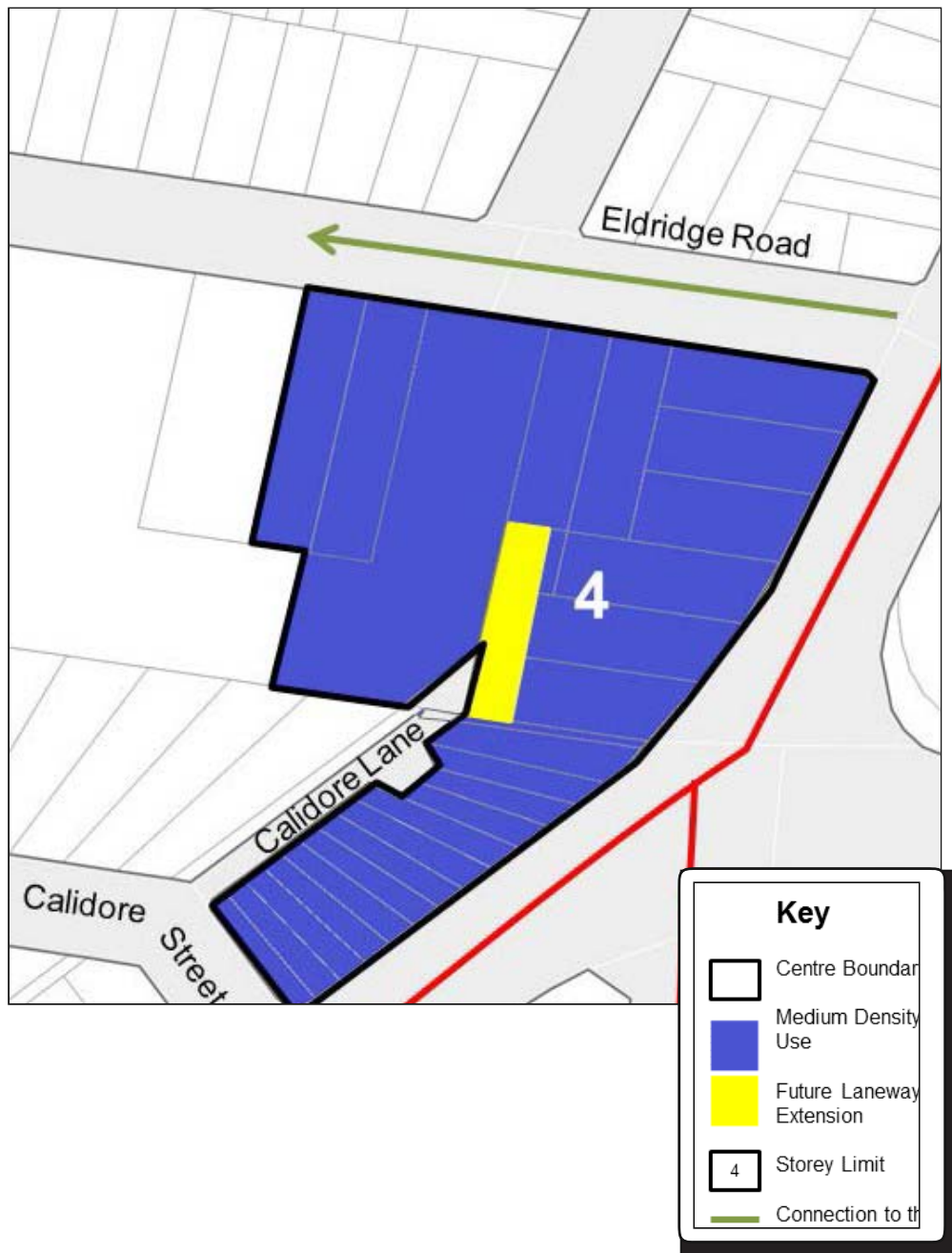


FIGURE 19 Chapel Road Shops

Excerpt from North Central Local Area Plan (Public Exhibition Draft Oct 2014)

The local area plan reflects the desired future character of the area. It is considered that the proposed development would be consistent with this desired future character of the area in a manner that respects existing surrounding land uses, creates employment and provides suitable synergies with the hospital.

5.2.4.4 Clause 34 – Visual and Acoustic Privacy

The proposed landscaping scheme will contribute to visual privacy for future residents of the RACF with the use of appropriate landscaping at the entrance, within the courtyards and between the boundary and building footprint (refer to the Landscape Plan provided under separate cover).

Traffic noise from Eldridge Road and Chapel Road will be minimised using techniques and methods recommended in the Acoustic Report. Implementation of noise control measures for mechanical services equipment (such as air conditioning, ventilation systems and toilet exhaust fans) will need to be undertaken during the detailed design phase of the proposal to ensure they do not emit noise levels which exceed the noise levels identified in the Acoustic Report.

Overlooking of is minimised through orientation of the building and setbacks from side and rear boundaries enabling significant landscaping. Lounge rooms and living areas are set well back from side and rear boundaries and are located within the centre of the building with the opportunity for screening if required.

5.2.4.5 Clause 35 – Solar Access and Design for Climate

Shadow diagrams for the proposal have been prepared. The layout of the proposal has been designed to provide maximum solar access to the residents of the facility and to protect solar access to adjoining properties.

The four courtyards will provide solar access to resident rooms and also provide an accessible outdoor space for the residents to enjoy. The building has wide eaves overhangs and separate sun shading, providing shading to the affected windows, and reducing glare.

The design ensures adequate daylight to neighbouring properties including private open space.

5.2.4.6 Clause 36 – Stormwater

Stormwater issues have been addressed in the Engineering Report provided under separate cover. See Section 4.13 of this SEE for further details.

5.2.4.7 Clause 37 – Crime Prevention

The safety and security of the residents is paramount and has been considered in the design of the proposal. Adequate surveillance will be provided on site with the use of effective lighting, appropriate fencing, landscaping, clear identification of the site entrances, and avoidance of dark spaces between buildings.

5.2.4.8 Clause 38 – Accessibility

An Access Report has been prepared by Accessible Building Solutions and is provided under separate cover. Ramp access has been provided from the main pedestrian entry at the site boundary fronting Eldridge Road and access has been provided from accessible car parking located at the entry of the facility.

All common rooms and facilities will be provided on ground level to levels 1, 2 and 3 of the new building and accessible by pathways or lifts which complies with the provisions of the

BCA. The widths of the corridors ensure that the suitable passing spaces are provided as required for compliance.

Vehicular access entry to the site is to remain via Eldridge Road. External pathways will be constructed in accordance with the Australian Standard to ensure gradients and surface treatments are appropriate.

Overall, the Access Report concludes that the proposal can achieve compliance with the access provisions of the Building Code of Australia 2015 ("BCA") and the requirement of HSSEPP relating to the location and access to facilities.

5.2.4.9 Clause 39 – Waste Management

A description of waste collection, storage, handling and removal is provided in the Waste Management Plan provided under separate cover.

5.2.5 Part 4 – Development Standards to be Complied With

5.2.5.1 Clause 40 – Development Standards – minimum sizes and building height

Site Size

The site is approximately 4,378.2m² which exceeds the minimum requirement of 1,000m².

Site Frontage

The site has a frontage of approximately 56m to Eldridge Road which exceeds the minimum site frontage of 20 metres.

Height in zones where residential flat buildings are not permitted

Residential flat buildings are not permitted in the residential zone that applies to part of the site. On this part of the site the maximum building height would be limited by this Clause to 8m (measures to the ceiling of the top floor) and a building located in the rear 25% area of the site must not exceed 1 storey in height.

The proposal has a maximum building height of 14 metres (measured to the roof of Level 3) and part of the building is located in the rear 25% area of the site.

A written request for a variation of the height standard is provided in **Appendix 3**.

5.2.5.2 Division 2 - Residential Care Facility – Standards concerning accessibility & useability

Part 4, Division 2 of the HSSEPP provides no specific standards in relation to accessibility and useability, rather it says that:

"Development standards concerning accessibility and useability for residential care facilities are not specified in this Policy. For relevant standards, see the Commonwealth aged care accreditation standards and the Building Code of Australia."

The proposal has been designed in accordance with the Australian Standard and the relevant components of the BCA (see BCA Report submitted with the DA).

5.2.6 Part 7 - Development Standards that Cannot be Used as Grounds to Refuse Consent

5.2.6.1 Clause 46 - Inter-relationship of Part with design principles in Part 3

Adequate regard has been given to the principles set out in Division 2 of Part 3 (see Section 5.2.3 of this SEE).

5.2.6.2 Clause 48 – Standards that cannot be used to refuse development consent for residential care facilities

Building Height

The proposed building has a height of approximately 14 metres which exceeds the nominated building height of 8 metres. A written request for a variation of the height standard is provided in **Appendix 3**.

It is noted that the provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent

Density and Scale

The proposed building has an FSR of 1.72:1 which exceeds the maximum FSR requirement of 1:1 for the purposes of a RACF.

Landscaped Area

The proposal does not comply with the minimum landscaped area requirement of 25m². However, a high quality, comprehensive landscaping scheme is proposed for the site and includes the use of courtyards, perimeter landscaping and also landscaping along the Eldridge Road frontage. See the Landscape Plan submitted with the DA for further details.

Parking for Residents and Visitors

Relevant parking rates have been addressed in the Traffic and Parking Impact Assessment provided under separate cover.

A total of 41 car spaces and one ambulance bay is required based on the provision of 155 additional beds and 48 staff and based on the following rates in Clause 48:

- i) 1 parking space for each 10 beds in the residential care facility;
- ii) 1 parking space for each 15 beds for persons with dementia only;
- iii) 1 parking space for each 2 persons to be employed in connection with the proposal and on duty at any one time; and
- iv) 1 parking space suitable for an ambulance

Overall, 42 car spaces including an ambulance space have been provided on site which complies with the HSSEPP requirements in terms of car parking provision.

5.3 Bankstown Local Environmental Plan 2015

For the purposes of this DA, development consent is sought under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. However, consideration of the Bankstown LEP provisions is provided below.

5.3.1 Zoning

No.14 Eldridge Rd is located within the SP2 Infrastructure Zone under the Bankstown Local Environmental Plan 2015 ("the LEP"). The LEP zoning map (see **Figure 4A**) indicates the special use for the site as "Health Services Facility".

Nos. 16 & 20 Eldridge Road are zoned R2 – Low Density Residential under the LEP.

5.3.2 Zone objectives

The objectives of the SP2 zone are as follows:-

"To provide for infrastructure and related uses.

To prevent development that is not compatible with or that may detract from the provision of infrastructure."

The objectives of the R2 zone are as follows:

"To provide for the housing needs of the community within a low density residential environment.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

To allow for certain non-residential development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.

To allow for the development of low density housing that has regard to local amenity.

To require landscape as a key characteristic in the low density residential environment."

The proposal is consistent with the above objectives, in that:

- the proposal will provide for aged care health related infrastructure and services;
- the proposal will provide an aged care facility that meets the needs of residents; and
- the proposal will provide a development that is compatible with the amenity of the site and with the adjoining area.

5.3.3 Permissibility of residential care facilities

Development that is permissible with consent in the SP2 zone includes:

Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

No other development is permissible with or without consent.

The LEP zoning map indicates the special use for the site as “Health Services Facility”. The LEP Dictionary defines ‘Health Services Facilities’ as:

***health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:*

- (a) a medical centre,*
- (b) community health service facilities,*
- (c) health consulting rooms,*
- (d) patient transport facilities, including helipads and ambulance facilities,*
- (e) hospital.*

Seniors housing is not permissible in SP2 Infrastructure zone under the LEP.

Development that is permissible with consent in the R2 zone includes:

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Car parks; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Hospitals; Information and education facilities; Jetties; Multi dwelling housing; Places of public worship; Public administration buildings; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Water recreation structures; Water supply systems

Seniors housing is permissible in the R2 zone.

5.3.4 Development Controls

Consent is sought under the provisions of the HSSEPP and consequently the development standards in the LEP do not apply to the development.

5.3.4.1 Floor space ratio (Clause 4.4)

The maximum floor space ratio (FSR) for the portions of the site zoned R2 is shown on the LEP map as 0.5:1 (see **Figure 4D**). The portion of the site zoned SP2 is left uncoloured on the LEP FSR map indicating no relevant FSR for that lot.

5.3.4.2 Height of Buildings (Clause 4.3)

The maximum building height for the whole site is shown on the LEP Height Map (see **Figure 4C**) as 9 metres.

The objectives of the height controls in the LEP are as follows:-

- (a) to ensure that the height of development is compatible with the character, amenity and landform of the area in which the development will be located,*
- (b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of two storeys in Zone R2 Low Density Residential,*
- (c) to provide appropriate height transitions between development, particularly at zone boundaries,*
- (d) to define focal points by way of nominating greater building heights in certain locations.*

The proposal is consistent with these objectives taking into consideration the desired future character of the area as reflected in the North Central Local Area Plan and the development consent in place on the site. .

A written request for a variation of the 8.0m height standard under the HSSEPP is provided in **Appendix 3**.

5.3.4.3 Flood Planning (Clause 6.3)

Clause 6.3 of the Bankstown LEP 2015 relates to flood planning and states:

6.3 Flood planning

(1) The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

(2) This clause applies to land at or below the flood planning level.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

During the Pre-DA meeting with Bankstown Council the applicant was advised that based on the Stormwater System Report, the site flooding issues do not need to be further investigated

for the proposed development. According to the Stormwater System Report, the design 100yr ARI flood level is RL19.2 metres. The proposed floor level for the development is RL20.60 metres, 1.4m above the 100yr flood level.

An Engineering Report has been provided under separate cover.

5.4 Bankstown Development Control Plan 2015

The Bankstown Development Control Plan 2015 ("the DCP") was adopted by Council on 27 May 2014 and it came into effect on 5 March 2015. The DCP is divided into the following parts:-

Part A – Precinct Controls; and

Part B – General Controls

There are no provisions of the DCP specifically relating to residential care facilities. However, the DCP contains a number of general controls that need to be taken into consideration.

The following table sets out the proposal's compliance with the most relevant controls in the BBDCP.

Part	Control	Proposed	Compliance/ comments
B4 Sustainable Development	3.2 Proposals for new development, or extensions where the total gross floor area equals or exceeds 5,000m ² must comply with Requirement E3 requiring an energy efficiency report	Noted.	The application is accompanied by a BCA report indicating that the development would be subject to the requirements of Part J of the BCA.
B5 Parking	2.1 Development must calculate the amount of parking required using the schedule of off-street parking requirements. Residential care facilities • 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 • 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and • 1 parking space suitable for an ambulance.	The site provides a total of 42 car parking spaces, including the required breakdown of users, meeting Council DCP parking requirements.	Yes

Part	Control	Proposed	Compliance/ comments												
	Based on the above, the development would require a total of 41 car parking spaces including 1 space suitable for an ambulance.														
	2.7 Development should provide special parking spaces for people with disabilities at the rate of at least one car space per 100 car spaces provided. Council may require a higher proportion of car spaces for land uses which generate high volumes of sick and infirm visitors such as in medical centres and hospitals.	One disabled car space is proposed at ground level near the entry.	Yes												
	3.2 Parking areas for people with disabilities should be close to an entrance to development. Access from the parking area to the development should be by ramps or lifts where there are separate levels.	See above.	Yes												
	4.1 The location of driveways to properties should allow the shortest, most direct access over the nature strip from the road.	An entry/exit and entry only driveway is proposed off Eldridge Road. An exit driveway is proposed on Calidore Lane.	Yes												
	4.7 The queuing area between the vehicular control point and the property boundary should be sufficient to allow a free influx of traffic which will not adversely affect traffic or pedestrian flow in the frontage road.	Noted	Can comply												
	4.8 Limiting requirements for grades on circulation roadways and ramps shall be as follows: <table><tr><th>Maximum Gradient</th><th>Straight ramps longer than 20m</th><th>Straight ramps up to 20m</th></tr><tr><td>Public car parks</td><td>1 in 6 (16.7%)</td><td>1 in 5 (20%)</td></tr><tr><td>Private or residential car parks</td><td>1 in 5 (20%)</td><td>1 in 4(25%)</td></tr><tr><td>Domestic driveways</td><td>1 in 4 (25%)</td><td></td></tr></table>	Maximum Gradient	Straight ramps longer than 20m	Straight ramps up to 20m	Public car parks	1 in 6 (16.7%)	1 in 5 (20%)	Private or residential car parks	1 in 5 (20%)	1 in 4(25%)	Domestic driveways	1 in 4 (25%)		See Traffic and Parking Report submitted with the DA.	The proposed site layout and basement plans have been assessed according to AS2890.1, AS2890.2 and AS2890.6 where applicable and found to be generally compliant with relevant clauses
Maximum Gradient	Straight ramps longer than 20m	Straight ramps up to 20m													
Public car parks	1 in 6 (16.7%)	1 in 5 (20%)													
Private or residential car parks	1 in 5 (20%)	1 in 4(25%)													
Domestic driveways	1 in 4 (25%)														
	5.1 Clear headroom dimension is necessary to make sure that vehicles are clear of mechanical or service obstructions such as fire sprinklers, lighting fixtures and signs. Following minimum headroom	Refer to Architectural Plans submitted with the DA.	Can comply												

Part	Control	Proposed	Compliance/ comments								
	dimension has to be maintained in all development. <table><tr><th>Minimum headroom</th><th>Dimension</th></tr><tr><td>Car and light vans</td><td>2.4m</td></tr><tr><td>People with disabilities</td><td>2.3m</td></tr><tr><td>Small rigid vehicles</td><td>3.6m</td></tr></table>	Minimum headroom	Dimension	Car and light vans	2.4m	People with disabilities	2.3m	Small rigid vehicles	3.6m		
Minimum headroom	Dimension										
Car and light vans	2.4m										
People with disabilities	2.3m										
Small rigid vehicles	3.6m										
	5.4 The design of loading docks must: (a) be separate from parking circulation or exit lanes to ensure safe pedestrian movement and uninterrupted flow of other vehicles in the circulation roadways; (b) allow vehicles to enter and leave an allotment in a safe manner; and (c) have minimum dimensions of 4 metres by 7 metres per space.	Visitors and staff can exit via Eldridge Road. Service vehicles will leave the site via a rear lane in a forward direction. Noted.	Yes Yes Yes								
	5.8 For all development, adequate sight distance must be provided for vehicles exiting driveways. Clear sight lines are to be provided at the street boundary to ensure adequate visibility between vehicles on the driveway and pedestrians on the footway and vehicles on the roadway. Refer to Australian Standard 2890.1 for minimum sight distance requirements.	Noted.	Can comply								
	5.9 Parking areas should be designed so that through-traffic is excluded, and pedestrian entrances and exits are separate from vehicular entrances and exits.	Lift access is provided from the basement to the reception area.	Yes								
	5.10 Lifts and stair lobbies should be prominently marked to help users find them and to increase personal security.	Noted.	Can comply								
	5.12 All car parking spaces should be clearly line marked consistently as illustrated in Australian Standard 2890.1.	Noted.	Can comply								
	5.13 Where customer or visitor parking is provided, signposting should be provided to indicate the location of these spaces.	Directional signage is proposed near the entry to the site.	Yes								

Part	Control	Proposed	Compliance/ comments
	5.14 Where a one-way circulation pattern is adopted, direction of flow should be indicated by signposting and arrow markings on the surface of aisles and driveways. Segregated entries and exits are to be signposted to that effect.	See above.	Yes
B11 Tree Preservation Order	2.12 Where trees are to be retained on a site, the applicant must implement a program to protect the trees. Appendix 3 lists the requirements for the program and the implementation of the program will be included as a condition of consent with any approval.	Noted.	
	2.13 Council may grant consent to the removal of a tree subject to the following conditions: (a) no other action is taken; or (b) one or more suitable replacement trees are planted within a prescribed time; or (c) one or more suitable replacement trees are planted and growing for a period of time prior to the removal of the tree, and the replacement trees are not damaged during the removal of the tree; or (d) one or more suitable super advanced replacement trees are planted.	A comprehensive landscaping scheme is proposed for the site. Refer to Landscape Plans submitted with the DA.	Yes
B12 Flood Risk Management Schedule 5	Floor Level 3. The level of habitable floor areas to be equal to or greater than the 100-year flood level plus freeboard.	According to the SSR (provided under separate cover), the design 100yr ARI flood level is 19.2. The proposed floor level for the development is 20.60, 1.4m above the 100yr flood level.	Yes
	Structural Soundness 1. Applicant to demonstrate that the structure can withstand the forces of floodwater, debris, and buoyancy up to and including a 100-year flood plus freeboard, or up to the probable maximum flood (PMF) if required to satisfy the evacuation requirement (see below); an engineers report may be required.	Refer to Engineering Report provided under separate cover.	Yes

Part	Control	Proposed	Compliance/ comments
	2. Applicant to demonstrate that the structure can withstand the forces of floodwater, debris, and buoyancy up to and including a 100-year flood plus freeboard. An engineers report may be required. 3. Engineers report is required to certify that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100-year flood plus freeboard. 4. Engineers report is required to certify that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100-year flood plus freeboard, or up to the PMF if required to satisfy the evacuation requirement (see below).		
	Flood Effects 2. Applicant to demonstrate to Council's satisfaction (by way of an engineers report if requested) that the development will not increase flooding effects elsewhere, having regard to: loss of flood storage; changes in flood levels, flows and velocities; the cumulative impacts of multiple developments in the vicinity. The report should also identify the presence of any "major overland flow paths" (refer to Note 8 in Notes to Table). Note: Where major overland flow paths are present, this may result in restrictions of the proposed development to maintain the functioning of the flowpath, and/or to manage the impacts of development on properties. Refer also to Council's Development Engineering Standards Policy.	An Engineering Report is provided under separate cover.	Yes

6. STATEMENT OF ENVIRONMENTAL EFFECTS

6.1 Statutory Planning Considerations

In determining the subject DA, the Council is required to consider those relevant matters listed in Section 79C of the *Environmental Planning and Assessment Act, 1979* ("EPA Act"), as amended. Each of the relevant matters is addressed below.

6.2 Section 79C(1)(a) – Statutory Planning Considerations

Section 79C(a) requires the consent authority to take into consideration:-

- "(a) the provisions of:
- (i) any environmental planning instrument; and
 - (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
 - (iii) any development control plan; and
 - (iiia) 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
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),
- that apply to the land to which the development application relates,"

In relation to Section 79C(1)(a)(i), (a)(ii) and (a)(iii), these are addressed in Section 5 of this SEE. They include the Seniors Housing SEPP (see Section 5.1) and the Campbelltown (Urban Area) LEP 2002 (see Section 5.2).

The proposal is permissible with the consent of the Council pursuant to the provisions of the HSSEPP. The proposal meet the requirements of Clause 40 – 'Development Standards' except for the building height of 8 metres and rear 25% area rule on that part of the site zoned residential. However, the resulting built form is appropriate for the site given its size and zoning, the nature of the use, the desired future character of the area and the form of the approved development on the site. The development has an appropriate relationship to the street, is residential in character and has a bulk and scale that has been reduced through a highly modelled façade and choice of building materials. The building comprises four storeys with accommodation wings grouped around landscaped courtyards. The existing residential character of the area will be maintained and the overall mass of the proposed building will be adequately screened by proposed tree plantings. The overall height of the development is less than currently approved on the site (with the exception of centrally located plant room and lift overrun). Above ground, the development has a significantly smaller building footprint due to the design of the buildings and the wings presenting a narrow frontage to adjoining properties to the east and west.

In relation to Section 79C(1)(a)(iii)(a), no planning agreement is proposed.

In relation to Section 79C(1)(a)(iv), Clause 92 of the *Environmental Planning and Assessment Regulation 2000* relevantly requires that in the case of development involving demolition of a building the provisions of Australian Standard AS 2601 – 2001: the Demolition of Structures, need to be taken into consideration. Demolition of the existing slab levels will be carried out in accordance with AS 2601 – 2001.

In relation to Section 79C(1)(a)(v), this sub-section does not apply to this DA.

6.3 Section 79C(b) – Environmental, Social and Economic Impacts

Section 79C(1)(b) requires the consent authority to consider:-

“(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.”

The relevant matters are addressed below.

6.3.1 Impacts on the natural environment

The proposal will have no significant impacts on the natural environment. Any proposed removal of trees will be replaced with new plantings as part of an overall comprehensive landscape scheme for the site (see Landscape Plan under separate cover). Appropriate measures will be implemented during the construction phase of the proposal to protect the roots of the existing trees.

6.3.2 Impacts on the built environment

6.3.2.1 Bulk and scale impacts

The bulk and scale of the proposal is compatible with the existing approved use of the site as a medical centre (DA 1063/2007) and is considered consistent with the desired future character of the area. The design of the building with wings oriented east to west and separated by landscaped courtyards, together with the separation from adjoining buildings results in an appropriate relationship with adjoining buildings. The development has a similar footprint and building depth to the adjoining dwelling to the east, with a courtyard located adjoining the rear yard. This is a much improved relationship to the approved development.

The separation between the development and buildings on adjoining sites is sufficient to accommodate the changing scale from 2 to 4 storeys as can be seen from the elevations. To the south, existing and proposed landscaping assists in providing an appropriate transition between the existing residential development and the proposed development.

The selected materials for the proposed building include the use of masonry and painted cladding, and pre-treated metal roofs, windows and doors. These materials, combined with good building articulation, will convey an appropriate residential scale which will be more recognisable and more ‘homely’ compared to what was previously occupying the site.

Overall, it is anticipated that there will be no negative bulk and scale impacts as a consequence of the proposal.

The building will result in a significant improvement on the streetscape from the previous development.

6.3.2.2 Aesthetics

View impacts on the residences to the north, east and west of the site have been considered in the design of the proposal. The incorporation of a contemporary materials palette, the retention of existing tree plantings and the provision of new landscaping will enhance the visual aesthetics of the proposed building.

A 3D perspective of the street corner is provided under separate cover.

6.3.2.3 Amenity

It is considered that there will be no significant adverse amenity impacts arising from the proposal in relation to overlooking, obstruction of light or air, obstruction of views or any other such impacts on nearby residential properties.

Privacy impacts on the existing 2 storey townhouses along the western boundary and the 2 storey house along the eastern boundary have been mitigated by means of a large setback, existing and proposed vegetation, orientation of windows and the potential for screening of window openings.

The development would result in additional overshadowing. However the orientation of the site and buildings and the location of adjoining development results in a development that maintains reasonable solar access to adjoining residential properties. Properties to the west would receive good solar access from midday and the dwelling to the east would begin to be affected by overshadowing in the afternoon. The rear yard of the property to the south would be overshadowing in the morning to early afternoon in mid-winter. The rear yard of this property, used as professional consulting rooms, comprises a large sealed car parking area.

It is considered that the overshadowing impacts of the development are acceptable.

Future residents of the proposed RACF will experience excellent amenity with level access to communal areas on each floor and also access to the ground floor courtyards via paved walking paths. The proposed courtyards include landscaped gardens and have shaded seating areas for resting and contemplation.

6.3.2.4 Landscaping

The site is to be comprehensively landscaped in accordance with the plans provided under separate cover. The landscape plans will result in a significant positive improvement to the landscape design qualities of the site.

6.3.3 Geotechnical impacts

A Geotechnical Report has been previously prepared for the site by Douglas Partners (for DA 1063/2007) and is submitted with the DA. The report confirms the suitability of the site for development and provides advice on construction methods and foundation requirements.

It is anticipated that there will be no adverse geotechnical impacts as a result of the proposal.

6.3.4 Stormwater impacts

An Engineering Report is provided under separate cover. The report states as follows:-

"The drainage system for the proposed development has been designed to collect all concentrated flows from the proposed impervious areas such as roof, road and footpath areas. The system has been designed in such a way that the 100yr ARI will be piped entirely prior to the discharge point of the site. In the event of a total system blockage/failure, site grading is such that overland flow will be directed to both Eldridge road and Calidore Lane. Therefore, ultimately, in this unlikely scenario, the flows will still be directed to the existing council pits in the event of a complete pipe blockage."

It is anticipated that there will be no adverse drainage impacts as a result of the proposal.

6.3.5 Noise impacts

The noise impacts of the proposal are addressed in detail in the Acoustic Report submitted with the DA. The Acoustic Report concludes as follows:-

"The acoustic assessment has revealed that it is both possible and practical to acoustically treat the proposed development such that internal noise level comply with the relevant noise level criterion."

It is therefore considered that there will be no significant noise impacts as a result of the proposal. However, there may be some temporary noise impacts during the construction period. In this regard, Section 6 of the acoustic report presents a specification for the processes, which will be followed to manage noise and vibration associated with the proposed construction activities which are required as part of the development and the potential for noise and vibration impact to receivers within close proximity to the site.

6.3.6 Traffic and parking impacts

The traffic and parking impacts of the proposal are addressed in detail in the Traffic and Parking Report submitted with the DA.

In relation to parking, the report concludes as follows:-

"The development is required to provide a minimum of 40 parking spaces plus an ambulance bay to satisfy the relevant SEPP clauses. The proposed development includes supply of 41 parking spaces plus an ambulance bay, including a disabled visitor space. A drive through pickup/drop-off area is conveniently located at ground level and a single basement level car park suitably address the remaining parking supply. The design meets relevant clauses of AS2890.1, AS2890.2 and AS2890.6."

In relation to impacts on the network operation, the report concludes as follows:-

"Traffic generation of the site is minor with site generation of 31 vehicle trips during the evening network peak hour. The nursing staff changeover times do not overlap

with peak network activity and in any case are minor. The traffic generated by the site is low and will result in negligible changes to the local road network including residential amenity, traffic safety and traffic flow efficiency.”

The Traffic and Parking Assessment therefore concludes that the proposed development is supportable on traffic and parking grounds and will operate satisfactorily.

6.3.7 Social and economic impacts

The social and economic impacts of the proposal will be positive, in that:-

- strong market demand for aged care facilities will be better-satisfied;
- future patients will have excellent amenity and will have excellent access to high quality care;
- the RACF will be located in close proximity to public transport and services;
- adjoining properties will suffer no unreasonable impacts; and
- many and varied employment opportunities will be created during marketing, construction, fit-out, and occupation; and

6.4 Section 79C(c) – The suitability of the site

Section 79C(c) requires the consent authority to consider:

“(c) the suitability of the site for the development.”

Development for the purpose of seniors housing is permissible on the site under the HSSEPP. The residential aged care facility which is proposed is a highly suitable use of the site.

6.5 Section 79C(d) – Submissions

Section 79C(d) requires the consent authority to consider:

“(d) any submissions made in accordance with this Act or the regulations”.

Any relevant submissions will need to be considered by the consent authority in the determination of the DA.

6.6 Section 79C(e) – Public interest

Section 79C(e) requires the consent authority to consider:

“(e) the public interest”.

The public interest is best served by the orderly and economic use of land for permissible purposes in a form which is cognisant of and does not impact unreasonably on development on surrounding land, and which satisfies a market demand, in this case for an aged care facility.

The proposal is in the public interest as it will:-

- Provide a residential aged care facility in the area to meet future demand;
- Provide high quality aged care facilities within close proximity to Chapel Road shops, Bankstown Square Shopping Centre and services, and Bankstown Hospital; and
- Provide a development that is compatible with the amenity of the site and with the adjoining area.

7. Conclusion

This Statement of Environmental Effects, including the plans and technical appendices which form part of it, demonstrates that the proposal is one which has substantial merit and warrants favourable consideration by Council.

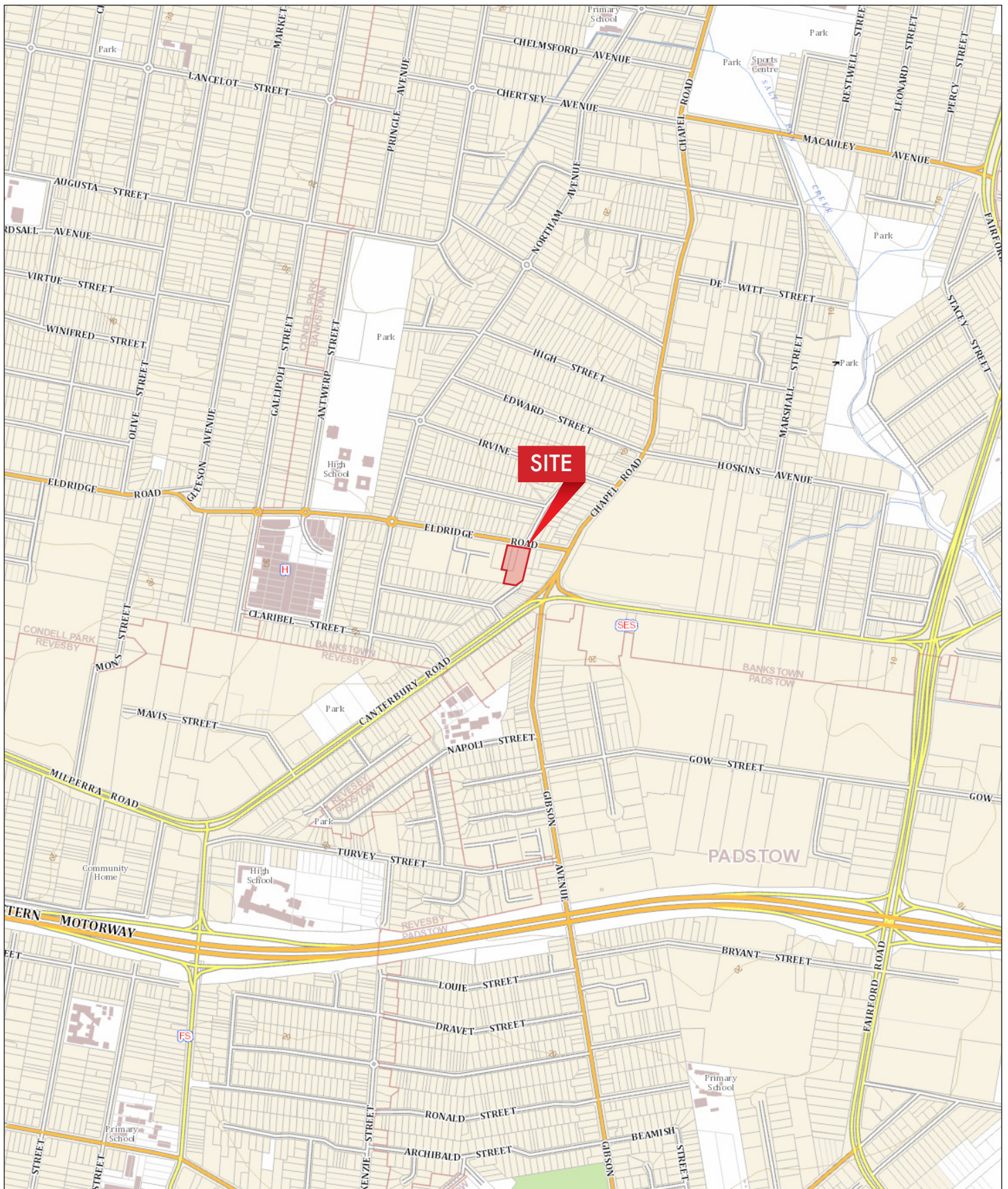
The proposal has been formulated over several months involving meetings with senior Council planning officers. It has full and proper regard for the relevant planning controls, the constraints and opportunities of the site, and existing development on neighbouring properties and in the locality generally.

The proposed aged care facility will provide a high level of care and amenity for future residents, without diminishing in any unreasonable way the amenity of existing residential properties or future residents on adjoining or nearby sites. The proposal also exhibits a high quality of design, with a well-considered street frontage presentation which will be a positive contribution to Eldridge Road, and provides landscaping opportunities along the Eldridge Road frontage, within each proposed courtyard and around the perimeter of the building.

The proposal has considerable merit and warrants approval.



FIGURES

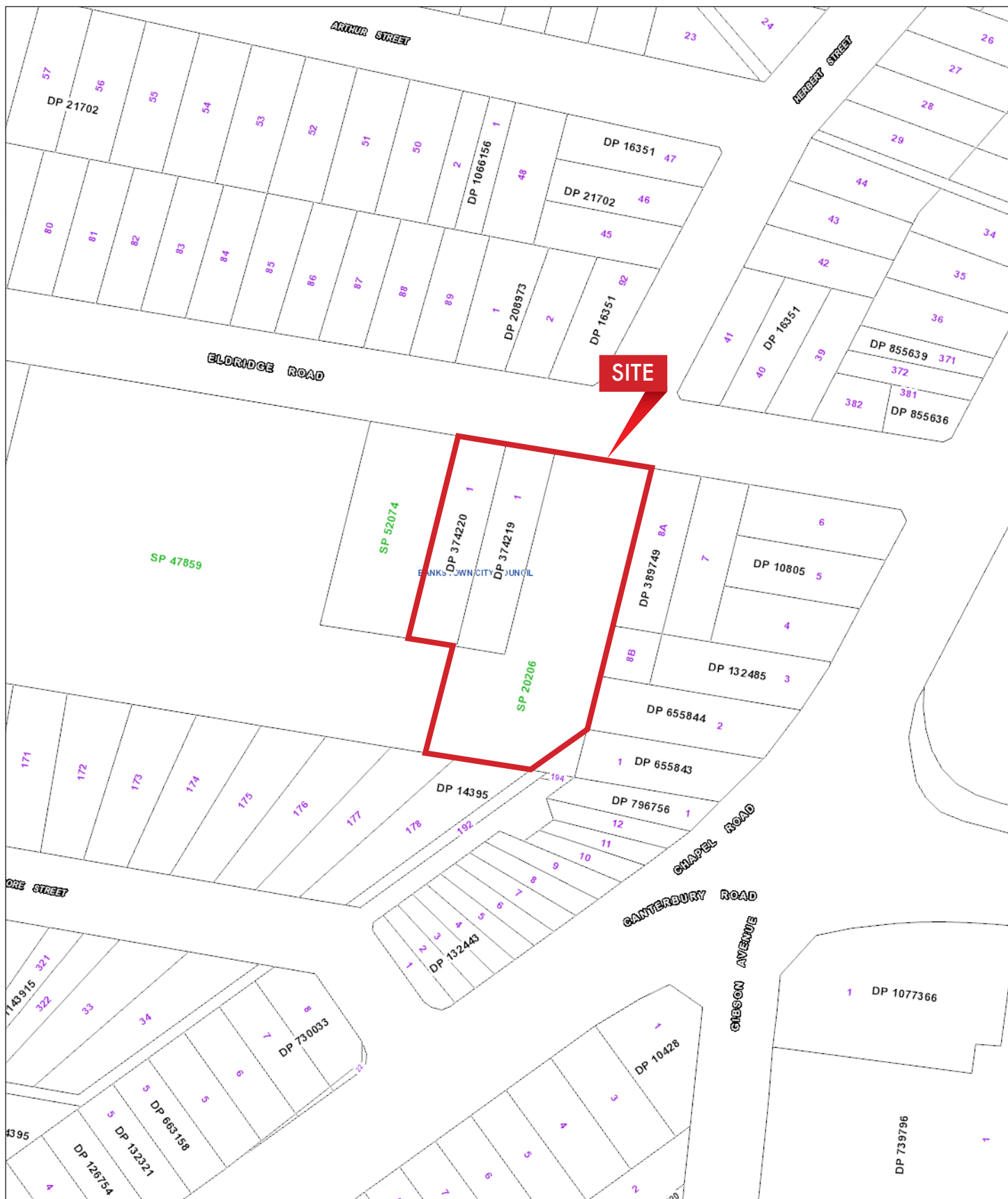


Source: <http://maps.six.nsw.gov.au>



STATEMENT OF ENVIRONMENTAL EFFECTS
Proposed Residential Aged Care Facility - 14, 16 and 20 Eldridge Road, Bankstown

FIGURE 1
Location



Source: <http://maps.six.nsw.gov.au>

STATEMENT OF ENVIRONMENTAL EFFECTS
Proposed Residential Aged Care Facility - 14, 16 and 20 Elldridge Road, Bankstown

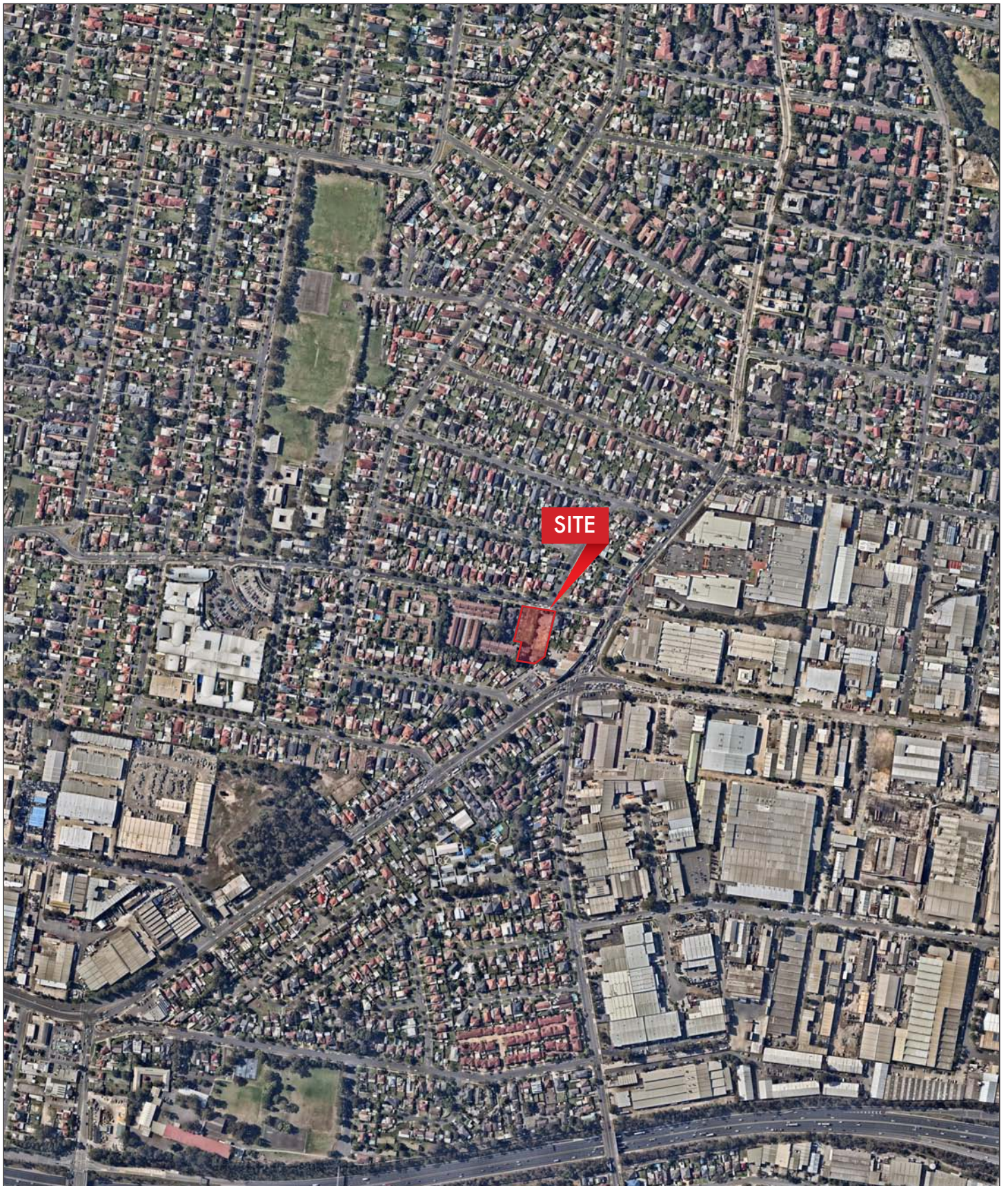
FIGURE 2
Site



Source: NearMap 2015

STATEMENT OF ENVIRONMENTAL EFFECTS
Proposed Residential Aged Care Facility - 14, 16 and 20 Eldridge Road, Bankstown

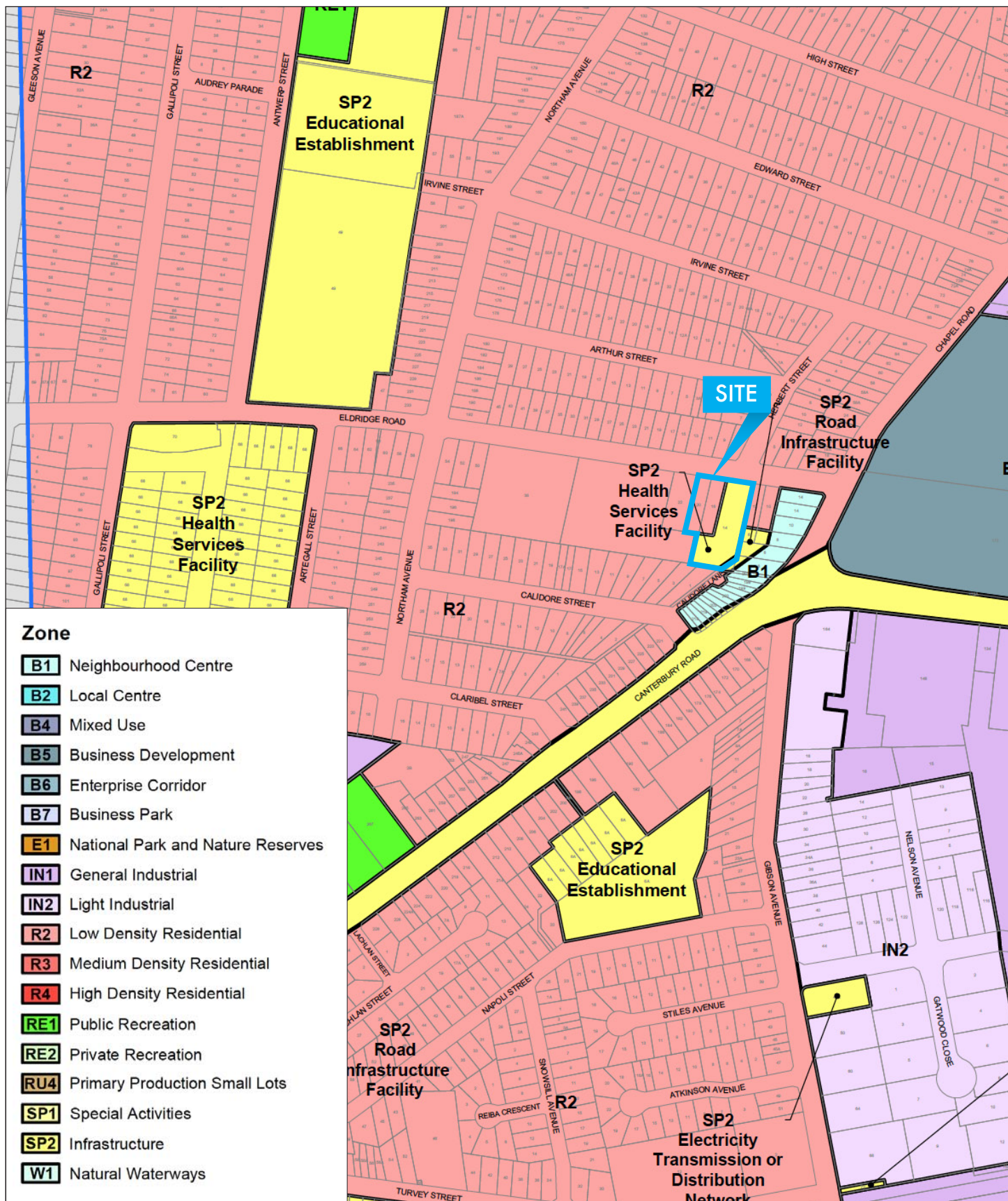
FIGURE 3A
Aerial Photo - Detail



Source: NearMap 2015

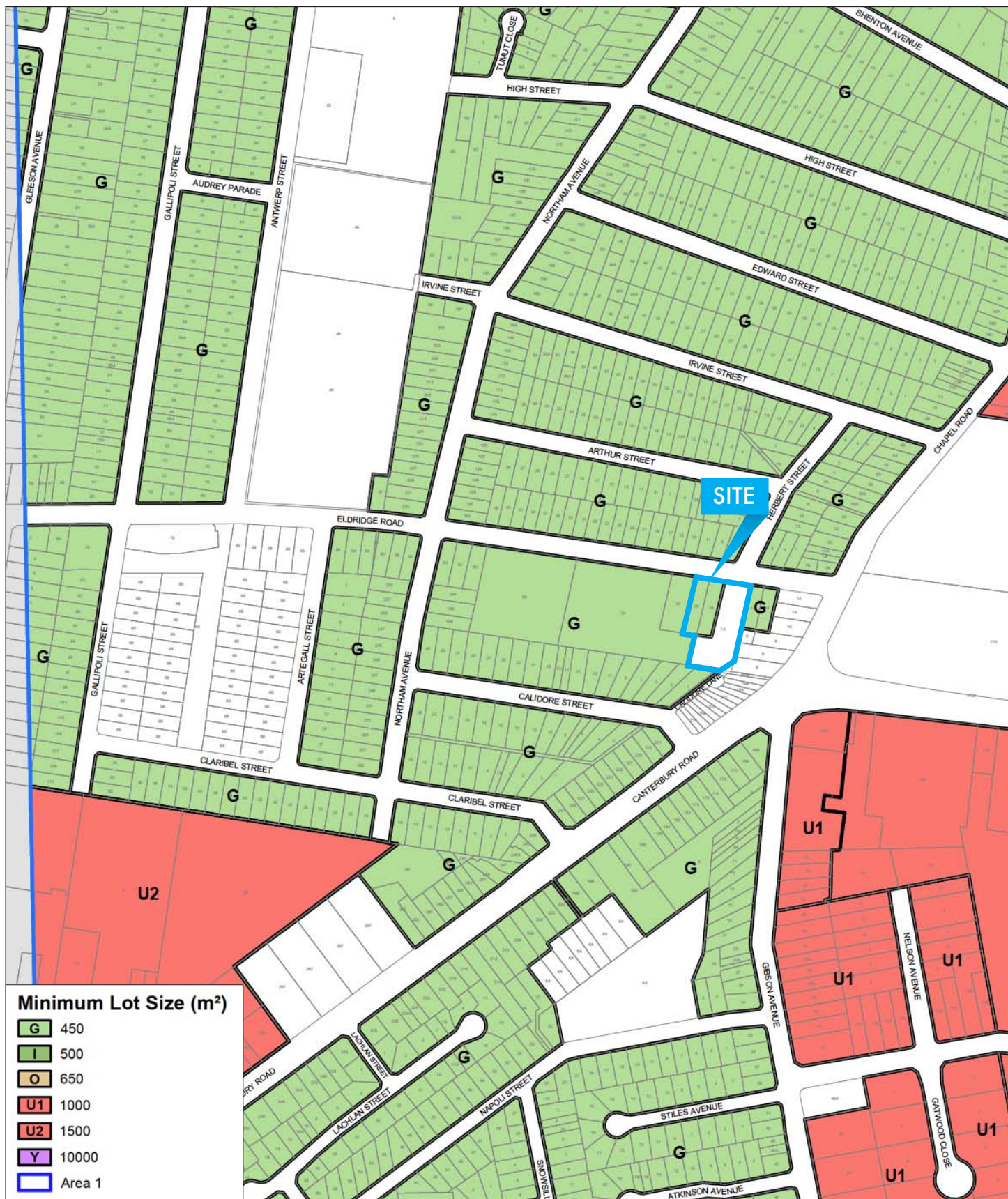
STATEMENT OF ENVIRONMENTAL EFFECTS
Proposed Residential Aged Care Facility - 14, 16 and 20 Eldridge Road, Bankstown

FIGURE 3B
Aerial Photo - Wider Area



STATEMENT OF ENVIRONMENTAL EFFECTS
Proposed Residential Aged Care Facility - 14, 16 and 20 Eldridge Road, Bankstown

FIGURE 4A
Zoning Map - Bankstown LEP 2015



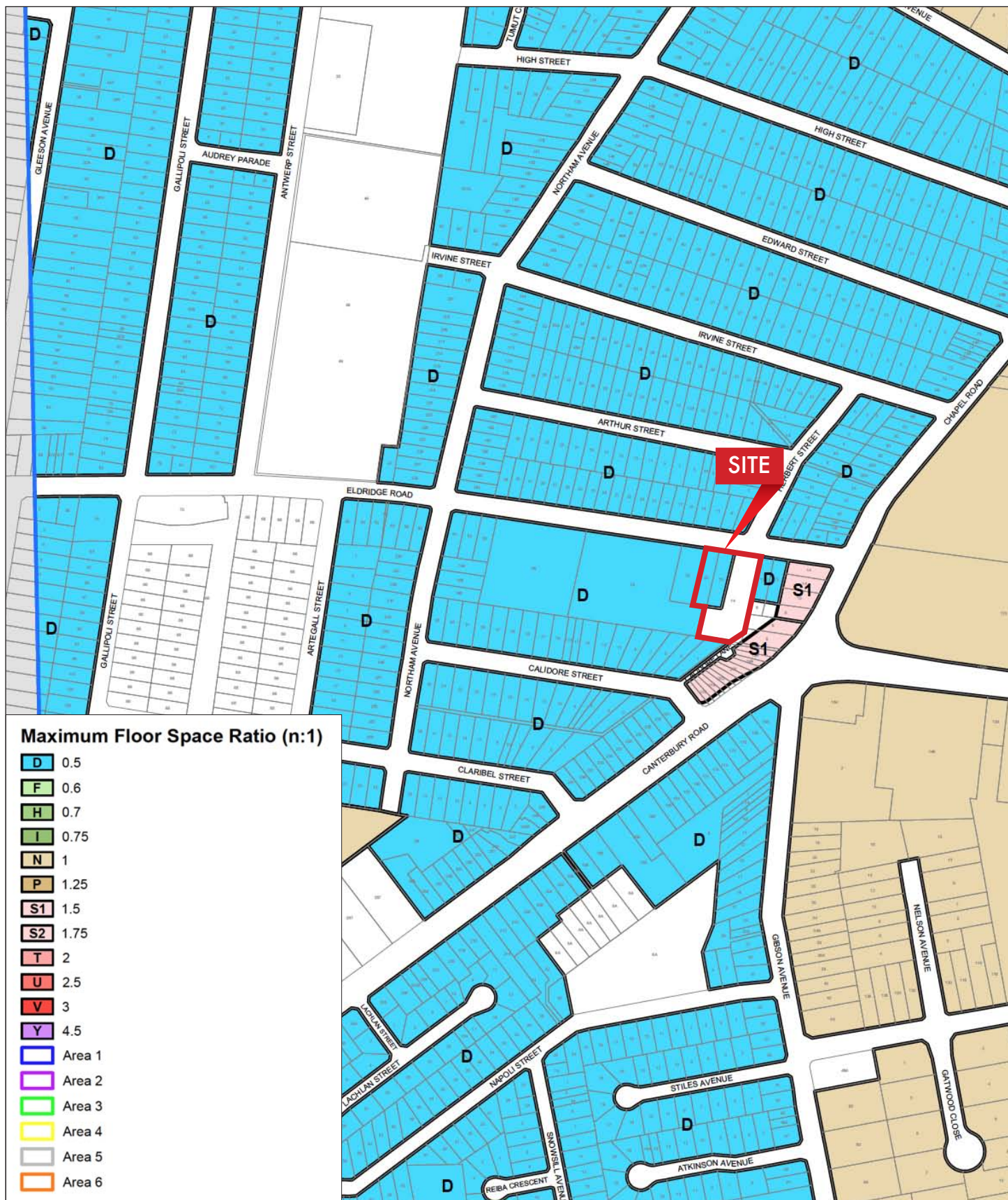
STATEMENT OF ENVIRONMENTAL EFFECTS
Proposed Residential Aged Care Facility - 14, 16 and 20 Eldridge Road, Bankstown

FIGURE 4B
Lot Size Map - Bankstown LEP 2015



STATEMENT OF ENVIRONMENTAL EFFECTS
Proposed Residential Aged Care Facility - 14, 16 and 20 Eldridge Road, Bankstown

FIGURE 4C
Height of Buildings Map - Bankstown LEP 2015



STATEMENT OF ENVIRONMENTAL EFFECTS
Proposed Residential Aged Care Facility - 14, 16 and 20 Eldridge Road, Bankstown

FIGURE 4D
Floor Space Ratio Map - Bankstown LEP 2015



APPENDICES



APPENDIX 1

Certificate of Title and Deposited Plans

TITLE SEARCH

Title Reference: 1/374220

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/374220

SEARCH DATE	TIME	EDITION NO	DATE
4/11/2015	1:04 PM	6	21/1/2013

LAND

LOT 1 IN DEPOSITED PLAN 374220
LOCAL GOVERNMENT AREA BANKSTOWN
PARISH OF BANKSTOWN COUNTY OF CUMBERLAND
TITLE DIAGRAM DP374220

FIRST SCHEDULE

HANSEN BESLICH NOMINEES PTY LIMITED (T AH416574)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 4/11/2015

TITLE SEARCH

Title Reference: 1/374219

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/374219

SEARCH DATE	TIME	EDITION NO	DATE
4/11/2015	1:04 PM	11	21/1/2013

LAND

LOT 1 IN DEPOSITED PLAN 374219
LOCAL GOVERNMENT AREA BANKSTOWN
PARISH OF BANKSTOWN COUNTY OF CUMBERLAND
TITLE DIAGRAM DP374219

FIRST SCHEDULE

HANSEN BESLICH NOMINEES PTY LIMITED (T AH416574)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 4/11/2015

Land and Property Information Division

ABN: 84 104 377 806

GPO BOX 15

Sydney NSW 2001

DX 17 SYDNEY

Telephone: 1300 052 637



Land & Property Information

A division of the Department of Finance & Services

TITLE SEARCH

Title Reference: 1/SP20206

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/SP20206

SEARCH DATE	TIME	EDITION NO	DATE
4/11/2015	1:04 PM	14	21/1/2013

LAND

LOT 1 IN STRATA PLAN 20206
AT BANKSTOWN
LOCAL GOVERNMENT AREA BANKSTOWN

FIRST SCHEDULE

HANSEN BESLICH NOMINEES PTY LIMITED (T AH416574)

SECOND SCHEDULE (1 NOTIFICATION)

1 INTERESTS RECORDED ON REGISTER FOLIO CP/SP20206

NOTATIONS

UNREGISTERED DEALINGS: ST AJ940205.

*** END OF SEARCH ***

PRINTED ON 4/11/2015

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE.
WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.

CONVERSION TABLE ADDED IN
DEPARTMENT OF LANDS



DP 374219	FEET INCHES	METRES
5	-	1.524
45	-	13.716
100	-	30.480
190	2 1/2	57.976
190	2 5/8	57.979
290	2 1/2	88.456
290	2 5/8	88.459
A	R	SQ. M
-	-	411
-	-	790.4

F508383

PLAN

— of Subdivision of Lot 11 Eldridge R^d. DP 10805 leaving —
— portion 100ft. x 45ft. to be consolidated with Council land Lot 10. —

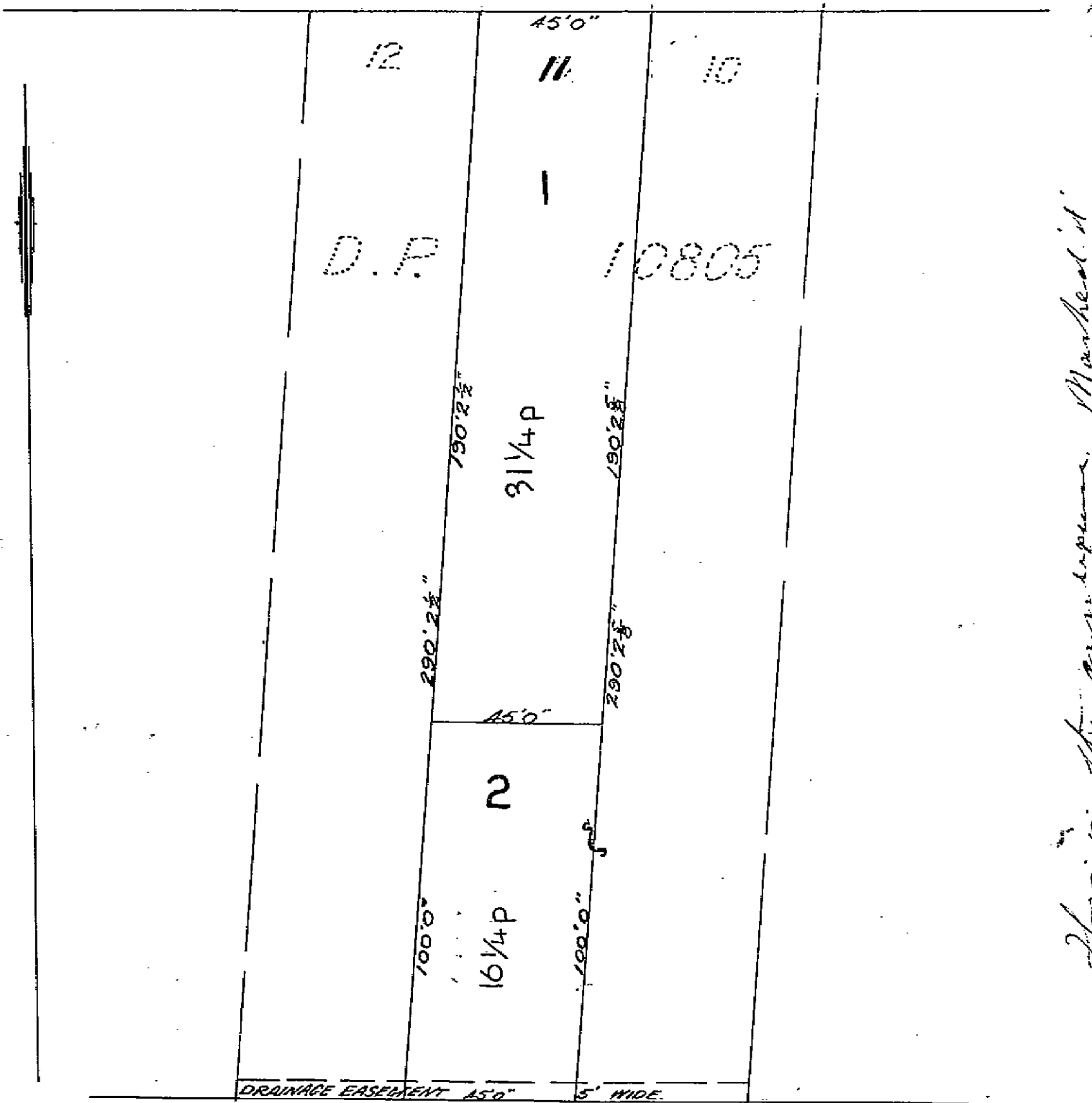
FP 374219

ec: Plan of Subdn. (R.P.)
Regd. No. 74219

This Plan (which is also the plan covered by my
Certificate No. 3752, and dated 25.6.51)
was approved by The Council of the Municipality
of Bankstown on the 22.5.51 when authority
was given to affix the Seal of Council hereto.
B. Barkl
Mayor
Municipality of Bankstown.

ELDRIDGE

R^d.



FOR EVIDENCE OF COUNCIL'S
APPROVAL SEE DEALING

C.A. No 3753 of 25.6.51

BANKSTOWN MUNICIPAL COUNCIL

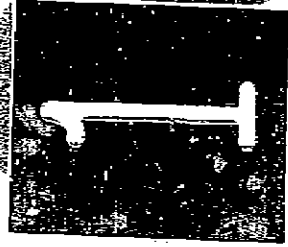
Scale: 40 Ft to 1 in

REG. 1A-6-51

AMENDMENTS AND/OR ADDITIONS NOTED ON
PLAN IN REGISTRAR GENERAL'S OFFICE

I, Bruce Richard Davies, Under Secretary for Lands and
Registrar General for New South Wales, certify that this
negative is a photograph made as a permanent record of a
document in my custody this day.

8th October, 1981



Council's Certificate.
The Council of the *City *Municipality *Shire of
BANKSTOWN, having satisfied itself that the
requirements of the Strata Titles Act, 1973 (other than the
requirements for the registration of plans) have been
complied with, approves of the proposed

*strata plan
*strata plan of subdivision
illustrated herein.
*Council does not object to the encroachment of the
building beyond the alignment of

*This approval is given on the condition that lot(s)

is/are subject to the restriction on
user referred to in section 39 of the Strata Titles Act, 1973.

Date **21.4.83**

Subdivision No. **100185**

Council Clerk

*Complete, or delete if inapplicable.

Surveyor's Certificate
WILLIAM LAWRENCE REIN
of **COLWELL LARCOMBE & REIN-104 BATHURST ST. SYDNEY**
a surveyor registered under the Surveyors Act, 1929,
hereby certify that —

1. any wall, the inner surface or any part of which corresponds substantially with any line shown on the accompanying floor plan as a boundary of a proposed lot, exists;
2. any floor or ceiling, the upper or under surface or any part of which forms a boundary of a proposed lot, shown in the accompanying floor plan, exists;
3. any wall, floor, ceiling or structural cubic space, by reference to which any boundary of a proposed lot shown in the accompanying floor plan is defined, exists;
4. any building containing proposed lots erected on the land shown on the accompanying location plan and each proposed lot shown on the accompanying floor plan are wholly within the perimeter of the parcel subject to subparagraphs (a) and (b) —
*~~(a) except to the extent that the building encroaches on a public place;~~
*~~(b) eaves and guttering of the building encroach on land other than a public place, in respect of which eaves and guttering an appropriate easement has been created by registered plan.~~

*5. the survey information recorded in the accompanying location plan is accurate.

Signature **William Rein**

Date **28.3.83**

*Delete if inapplicable.

†State whether dealing or plan, and quote registered number.

This is sheet 1 of my Plan in **2** sheets.

PLAN OF STRATA SUBDIVISION OF LOT 123 IN D.P. 611213

Mun./Shire

City: **BANKSTOWN**

Locality: **BANKSTOWN**

Parish: **BANKSTOWN**

County: **CUMBERLAND**

Reduction Ratio 1: **500**

Lengths are in metres



STRATA PLAN 20206

Registered: **17.5.1983**

C.A.: N^o 100185 OF 21.4.1983

Purpose: **STRATA PLAN**

Ref. Map: **U0037-12**

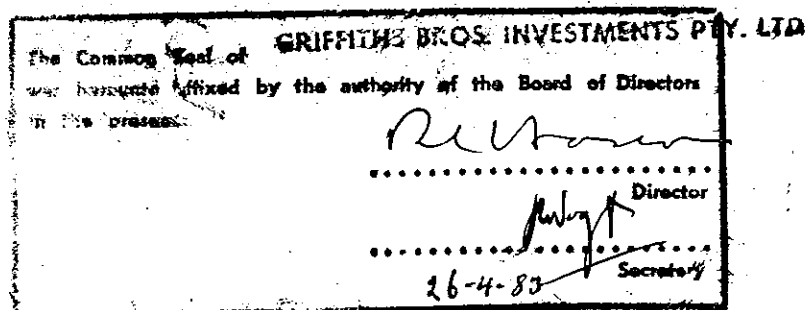
Last Plan: **D.P. 611213**

Name of, and *address for
service of notices on, the body
corporate.

*Address required on original strata
plan only.

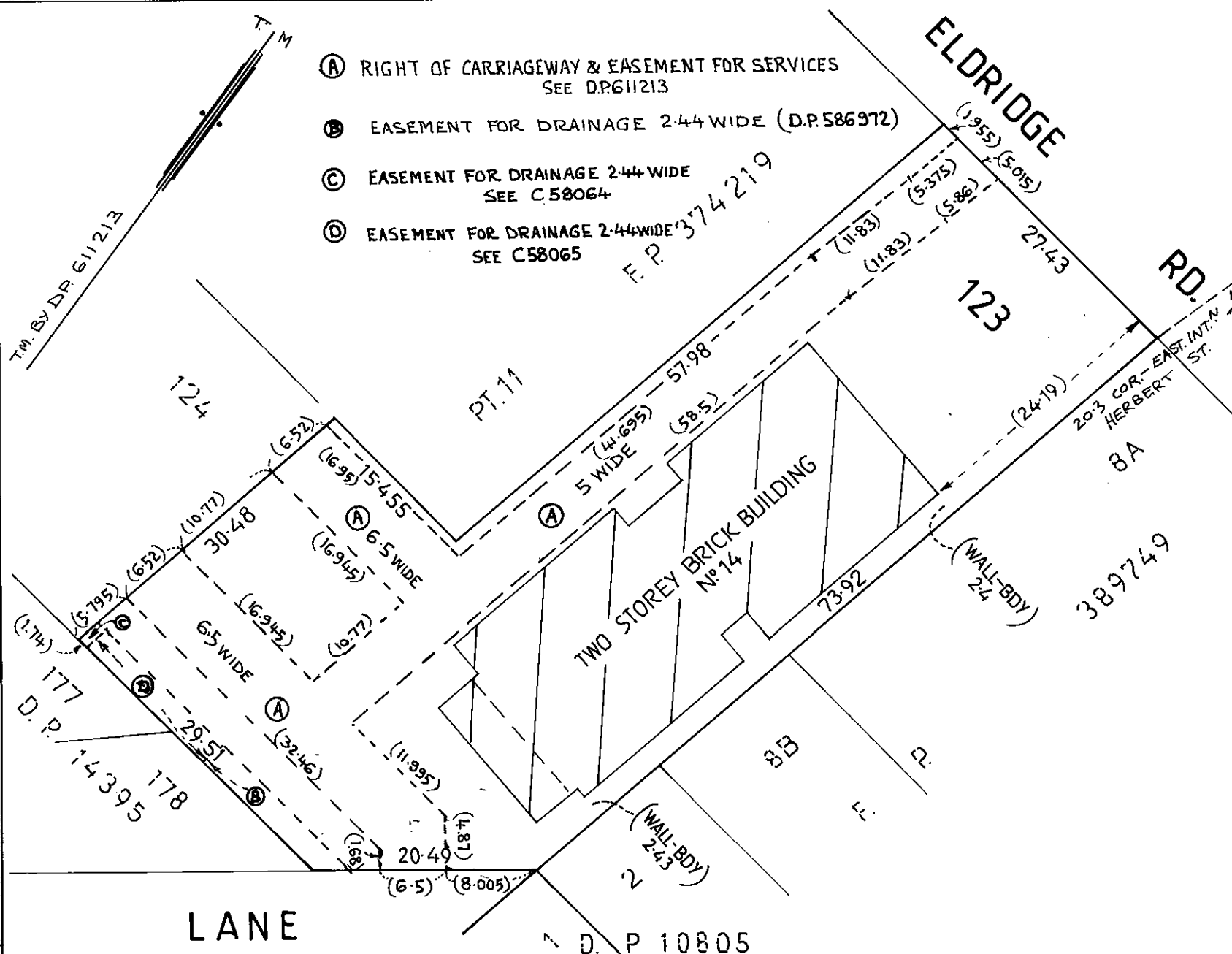
"THE PROPRIETORS" STRATA PLAN N^o 20206
N^o 14 ELDRIDGE RD, BANKSTOWN N.S.W.

Signatures, seals and statements of intention to create easements or restrictions as to user.



For and on behalf of AUSTRALIAN
EUROPEAN FINANCE CORPORATION LIMITED,
by its Attorneys **JAMES GUILD**
and **TREVOR McDONALD**
who declare that the Power of
Attorney No. **738** Book **3517**
has not been revoked.

Witness — Justice of the Peace



10 20 30 40 50 60 Table of mm 100 110 120 130 140 150 160

SURVEYOR'S REFERENCE **G 269 / 8321A**

Plan drawing only to appear in this space.

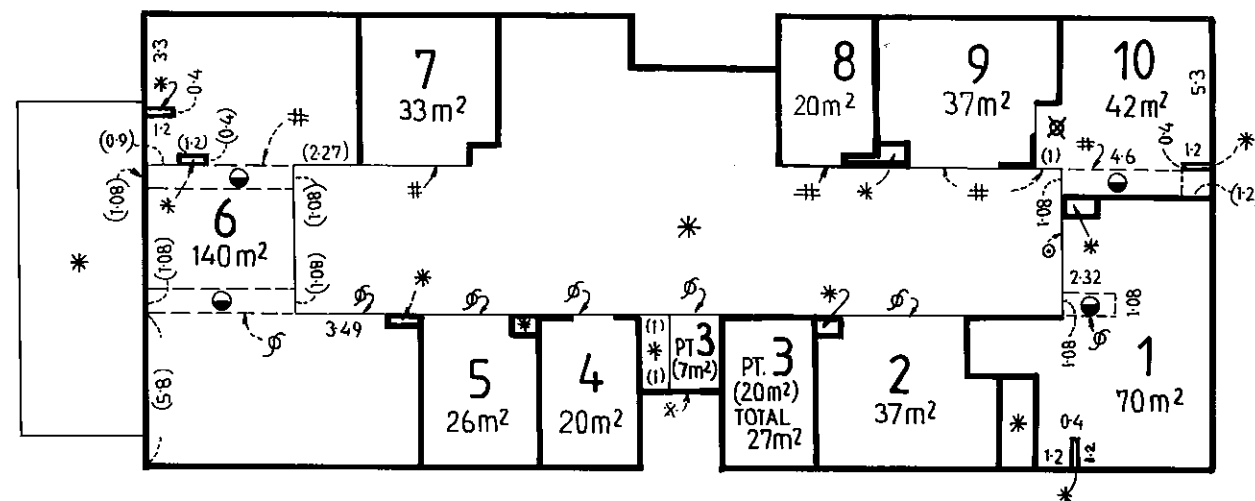
Plan drawing only to appear in this space.

STRATA PLAN 20206

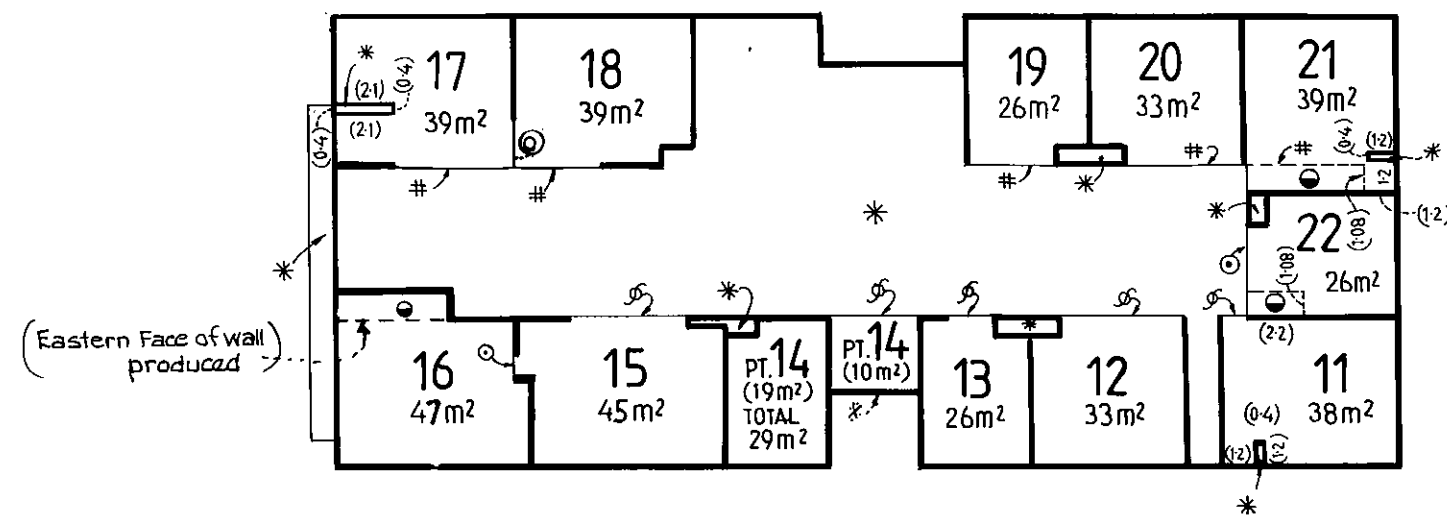
SCHEDULE OF UNIT ENTITLEMENT

LOT N°	UNIT ENTITLEMENT
1	70
2	37
3	27
4	20
5	26
6	140
7	33
8	20
9	37
10	42
11	38
12	33
13	26
14	29
15	45
16	47
17	39
18	39
19	26
20	33
21	39
22	26
AGGREGATE	872

GROUND FLOOR



FIRST FLOOR



AREAS ARE APPROXIMATE ONLY

* DENOTES COMMON PROPERTY

✱ DENOTES INSIDE FACE OF GLASS WALL

⊘ DENOTES PROLONGATION OF WESTERN FACE OF WALL

DENOTES PROLONGATION OF EASTERN FACE OF WALL

✱ DENOTES PROLONGATION OF NORTHERN FACE OF WALL

● DENOTES PART LOT LIMITED IN HEIGHT TO 2.31 ABOVE THE UPPER SURFACE OF THE SLAB THEREOF

⊙ DENOTES PROLONGATION OF SOUTHERN FACE OF WALL

⊙ DENOTES PROLONGATION OF CENTRELINE OF WALL

Reduction Ratio 1: 300

Lengths are in metres

Wm. Rein
Registered Surveyor 28.3.83

John
Council Clerk

SURVEYOR'S REFERENCE: G269 / 8321A

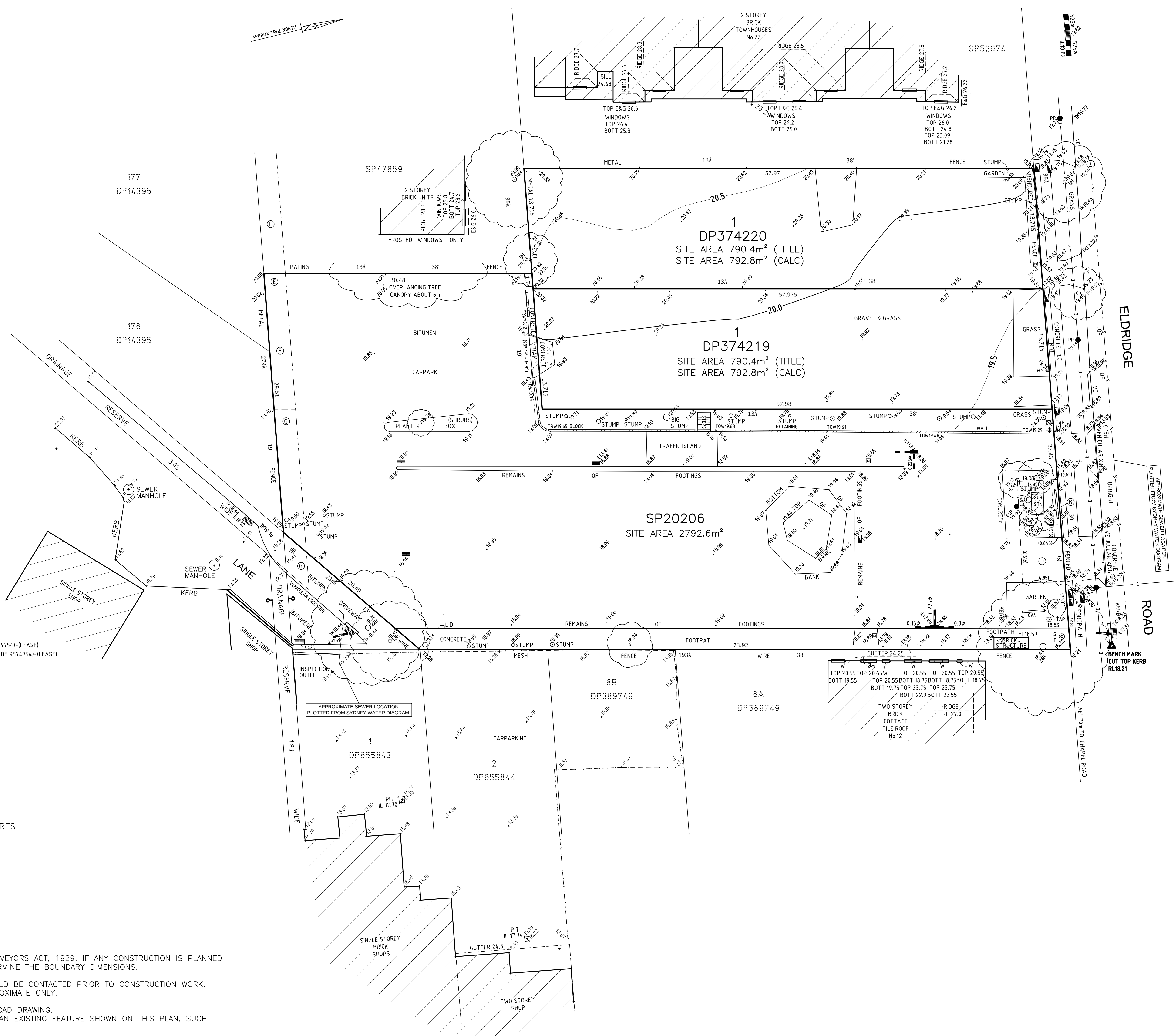


APPENDIX 2

Survey Diagram

LEGEND

DESCRIPTION	EXISTING
ELECTRICITY (AERIAL), POWER POLE, POWER POLE & LIGHT, POWER POLE & TRANSFORMER, LIGHT POLE ELECTRICITY (UNDERGROUND), PILLAR, PIT	PP ● PPBL ● PP&T ● ELP ● EP ● E
TELECOMMUNICATION CABLE (UNDERGROUND), PIT, PILLAR, EQUIPMENT HOUSING TELECOMMUNICATION CABLE (AERIAL), POLE	Tu ● TEL ●
SHARED TELECOMMUNICATION/ELECTRICITY	TE
WATER MAIN, METER, HYDRANT, STOP VALVE	W ● WTD ● SV ●
GAS MAIN, METER, MARKER, VALVE	G ●
SEWER MAIN, ACCESS CHAMBER, INSPECTION POINT, LAMP HOLE	S ● S ● S ●
DRAINAGE PIPE KERB INLET PIT, SEALED PIT, GRATED PIT, DOWN PIPE	PIT ● SW ●
SIGN (GENERAL), TRAFFIC LIGHT, TRAFFIC LIGHT CONTROL BOX	Sign ●
FENCE	---
WATERCOURSE/TABLE DRAIN	---
EMBANKMENT/BATTER	---
CONTOURS	---
LEVELS, TOP OF KERB LEVEL	---



2 0 2 4 6 8 10
METRES
SCALE 1 : 100

NOTES:

- THIS DETAIL SURVEY IS NOT A "SURVEY" AS DEFINED BY THE SURVEYORS ACT, 1929. IF ANY CONSTRUCTION IS PLANNED IT IS ADVISABLE TO CARRY OUT FURTHER SURVEY WORK TO DETERMINE THE BOUNDARY DIMENSIONS.
- ALL BEARINGS AND DISTANCES ARE SUBJECT TO FINAL SURVEY.
- ONLY VISIBLE SERVICES ARE SHOWN. RELEVANT AUTHORITIES SHOULD BE CONTACTED PRIOR TO CONSTRUCTION WORK.
- RIDGE AND GUTTER HEIGHTS ON ADJOINING PROPERTIES ARE APPROXIMATE ONLY.
- ALL TREE CANOPIES ARE TO SCALE.
- THESE GENERAL NOTES SHOULD BE STORED WITH THE SUPPLIED CAD DRAWING.
- IF ANY BUILDING OR STRUCTURE IS TO BE LOCATED RELATIVE TO AN EXISTING FEATURE SHOWN ON THIS PLAN, SUCH FEATURE SHOULD BE LOCATED ACCURATELY BY SURVEY.

AUSTRALIAN HEIGHT DATUM

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DRAWN: LM

CHECKED: SL

SURVEYED: SL/BF

FRANKHAM ENGINEERING SURVEYS PTY. LTD.

10 PRITCHARD STREET EAST, WENTWORTHVILLE. NSW 2145
P.O. BOX 281, WENTWORTHVILLE. NSW 2145.PH: (02) 9636 3248 FAX: (02) 9636 9070
Email: office@fespl.com.au

CLIENT: HANSEN YUNCKEN PTY. LTD.

PROJECT: LOT 1 IN DP374220, LOT 1 IN DP374219 & SP20206
ELDRIDGE ROAD, BANKSTOWN

DETAIL SURVEY

SCALE: 1:200 ~ B1

DATE: 15/10/2015

DRAWING No.:
213095

29-10-2015	EXTRA DETAIL AND LEVELS ADDED SOUTH OF SUBJECT LOT	LM
DATE	REVISION	BY



APPENDIX 3

Clause 4.6 Variation Request



**WRITTEN REQUEST PREPARED PURSUANT TO
CLAUSE 4.6 OF BANKSTOWN LOCAL
ENVIRONMENTAL PLAN 2015 IN RELATION TO A
VARIATION WHICH IS SOUGHT OF THE HEIGHT
DEVELOPMENT STANDARDS IN CLAUSE 40 OF
HOUSING FOR SENIORS SEPP**

**Submitted in Support of a Development Application
for a Residential Aged Care Facility at Nos.14-20
Eldridge Road, Bankstown**

**Prepared for
Hansen Yuncken**

**By
BBC Consulting Planners**

Job No: 15-091

December 2015

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1. Introduction

This written request has been prepared as part of a Development Application ("DA") for a Residential Aged Care Facility ("the proposal") at Nos. 14-20 Eldridge Road, Bankstown ("the site").

Pursuant to Clause 40 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* ("HSSEPP"), that part of the site that is zoned R2 Residential (the western part of the site) is subject to a development standard being a maximum height limit of 8m for buildings in zones where residential flat buildings are not permitted and where a building located in the rear 25% area of the site must not exceed 1 storey in height.

The proposed development will result in a building height of 14 metres and part of the building is located in the rear 25% area of the site. This contravenes the height provisions of Clause 40(4)(a),(b) and (c) of HSSEPP.

Clause 40(4) states:

(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:

(a) the height of all buildings in the proposed development must be 8 metres or less, and

Note. 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).

(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

Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.

Nos 18 and 20 Eldridge Road are zoned R2 Residential and residential flat buildings are not permitted.

Clause 4.6 allows approval to be granted to a development application where a proposal contravenes a development standard in the LEP. However, in this case, development consent for the proposal is sought under the provisions of HSSEPP. As SEPP 1 – 'Development Standards' does not apply to land within Bankstown (pursuant to Clause 1.9 of the LEP), the following variation request to Clause 40 of HSSEPP will be lodged under Clause 4.6 of Bankstown LEP 2015.

The objectives of clause 4.6 are:-

(a) "to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances."

This written request addresses the requirements of clause 4.6.

2. Clause 4.6

Clause 4.6 of RLEP 2014 provides:

- “(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) 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:*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) the consent authority is satisfied that:*
 - i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Secretary has been obtained.*
- (5) In deciding whether to grant concurrence, the Secretary must consider:*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.”*

The matters raised above are addressed below in Section 4 of this submission.

3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case and are there sufficient planning grounds to justify contravening the standard?

3.1 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Compliance with the height development standards under HSSEPP including the maximum building height of 8m, the 2 storey and single storey height limit for a building within the rear 25% area of the site, is unreasonable and unnecessary in the circumstances of this case for the following reasons:-

- The site has been identified by Council as being suitable for a 4 storey building having regard to the proximity to Chapel Road shops, Bankstown Hospital, public transport and other services;
- The development reflects the desired future character of the area as reflected in Council's exhibited strategic planning documents
- The bulk and scale of the building is considered appropriate as outlined in the Statement of Environmental Effects accompanying the development application;
- Consent has already been granted for the construction of a medical centre on site (DA 1063/2007) to a height similar to the proposed development;
- The site is of sufficient size to accommodate the proposed development;
- Adjoining development to the west and partly to the south comprises two storey town house developments in the rear 25% area of these sites;
- The proposed RACF will meet an important social need in providing aged care services in the local community.

Compliance with the development standard is therefore unreasonable and unnecessary given the circumstances of this case.

3.2 Are there sufficient environmental planning grounds to justify contravening the development standard?

The contravention of the above height development standards is justified on environmental planning grounds specific to this development for the following reasons:-

- The bulk and scale of the proposal is compatible with the existing approved use of the site as a medical centre (DA 1063/2007) and is considered consistent with the desired future character of the area.
- The separation between the development and buildings on adjoining sites is sufficient to accommodate the changing scale from 2 to 4 storeys as can be seen from the elevations. To the south, existing and proposed landscaping assists in providing an appropriate transition between the existing residential development and the proposed development.

- The selected materials combined with good building articulation, will convey an appropriate residential scale which will be more recognisable and more 'homely' compared to what was previously occupying the site.
- It is anticipated that there will be no negative bulk and scale impacts as a consequence of the proposal.
- The building will result in a significant improvement on the streetscape and an appropriate relationship to adjoining development.
- It is considered that there will be no significant adverse amenity impacts arising from the proposal in relation to overlooking, obstruction of light or air, obstruction of views or any other such impacts on nearby residential properties.
- It is considered that the overshadowing impacts of the development are acceptable.

The proposal is considered to be consistent with the objectives of relevant planning instruments and will result in no significant adverse environmental planning impacts. The inherent characteristics of the site, including its size, existing use and surrounding development, make the proposal eminently suitable and entirely justifiable on environmental planning grounds.

There is an absence of significant environmental harm associated with the non-compliance of the proposal with the height development standards.

3.3 Has this written request adequately addressed the matters required to be demonstrated by sub-clause (3)?

It is considered that the development adequately addressed the matters set out in Clause 4.6(3) as required by Clause 4.6(4)(a)(i).

4. Is the development in the public interest?

Clause 4.6(4)(a)(ii) specifies that a development will be in the public interest as it is consistent with the objectives of particular development standards and the objectives for development within the zone in which the development is proposed to be carried out.

It is considered that the development will be in the public interest for the following reasons.

4.1 Consistency with the objectives of the standards

There is no specifically stated purpose or object expressed in Clause 40(4) of the HSSEPP. The note to Clause 40(4)(b) states:

Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

It can be assumed that the objective of the height and rear 25% area standard is to minimise amenity impacts of overshadowing and overlooking on adjoining detached dwellings and their private open space and to maintain a low scale residential form.

It is difficult to define and identify the rear 25% area of this site given the shape of the site and the underlying objectives of the control. In our view this control is intended for smaller sites in a residential context.

The rear 25% area is taken to be the area defined by a line parallel to the street frontage boundary within which 25% of the site area is contained.

It is noted that the site has effectively frontages to Eldridge Road and Calidore Lane. The rear 25% area of the site adjoins two storey townhouses occupying the rear 25% area of adjoining sites and by a detached dwelling to the south used as medical consulting rooms.

The relationship of the proposed development to the street can be seen from the elevation drawings. The combination of articulated façade, building separation to the street frontage and building setback result in a change of scale that is acceptable and not inconsistent with character of the streetscape.

It is considered that there will be no significant adverse amenity impacts arising from the proposal in relation to overlooking, obstruction of light or air, obstruction of views or any other such impacts on nearby residential properties.

Privacy impacts on the existing 2 storey townhouses along the western boundary and the 2 storey house along the eastern boundary have been mitigated by means of a large setback, existing and proposed vegetation, orientation of windows and the potential for screening of window openings.

The development would result in additional overshadowing. However the orientation of the site and buildings and the location of adjoining development results in a development that maintains reasonable solar access to adjoining residential properties. Properties to the west would receive good solar access from midday and the dwelling to the east would begin to be affected by overshadowing in the afternoon. The rear yard of the property to the south would be overshadowing in the morning to early afternoon in mid-winter. The rear yard of this property, used as professional consulting rooms, comprises a large sealed car parking area.

It is considered that the overshadowing impacts of the development are acceptable.

Future residents of the proposed RACF will experience excellent amenity with level access to communal areas on each floor and also access to the ground floor courtyards via paved walking paths. The proposed courtyards include landscaped gardens and have shaded seating areas for resting and contemplation.

The objection to the standards Clause 40(4) is well founded for the following reasons:

- the development is appropriate in this location;
- the development does not undermine the underlying objectives of the standard;
- the non-compliance does not result in any significant adverse environmental impacts on the amenity of the surrounding area in general, or on the amenity of nearby residential properties in particular; and
- the scale of the proposal, notwithstanding the non-compliance, is compatible with desired future character of the area and is appropriate in the current context.

4.2 Consistency with the objectives of the zone

The site is located within the SP2 zone and R2 low density residential zone under Bankstown LEP 2015.

The objectives of the R2 zone are as follows:

"To provide for the housing needs of the community within a low density residential environment.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

To allow for certain non-residential development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.

To allow for the development of low density housing that has regard to local amenity.

To require landscape as a key characteristic in the low density residential environment."

The proposal is consistent with the above objectives, in that:

- the proposal will provide for aged care health related infrastructure and services;
- the proposal will provide an aged care facility that meets the needs of the community; and
- the proposal will provide a development that is compatible with the amenity of the site and with the adjoining area.

The density of development is higher that would otherwise be permitted in the R2 zone. However the location of the site in the context of the Chapel Road shops, the hospital and given the mixed residential forms in the locality this density is considered appropriate.

5. Conclusion

Compliance with the height development standards in clause 40(4) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* is both unreasonable and unnecessary in the circumstances of the proposed RACF at Nos. 14-20 Eldridge Road, Bankstown.

There are sufficient environmental planning grounds to justify the non-compliance, and the proposal is in the public interest because it is consistent with the objectives of both the height standard and the zoning of the land under the Bankstown LEP 2015.

Further, consistently with the objectives of clause 4.6, it is considered that strict adherence to the development standards to this particular development is not warranted and relaxing the standards results in a better development.