

ITEM	14-20 Eldridge Road, Bankstown
	Construction of a four (4) storey 155 bed residential care facility including administration, staff, nursing and resident areas and basement car parking
FILE	DA-1476/2015 (JRPP Reference: 2016SYW020)
ZONING	SP2 Infrastructure: Health Services Facility and R2 Low Density Residential
DATE OF LODGEMENT	10 December 2015
APPLICANT	Hb + B Property Pty Ltd
OWNERS	Hansen Beslich Nominees Pty Ltd
ESTIMATED VALUE	\$33,605,678
SITE AREA	4378.2m²
AUTHOR	Development Services

SUMMARY REPORT

This matter is reported to the Sydney West Joint Regional Planning Panel in accordance with the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*. The proposed development has an estimated value of \$33,605,678.00, which exceeds the capital investment threshold of \$5 million for 'private infrastructure and community facilities' under Schedule 4A(6)(b) of the *Environmental Planning and Assessment Act, 1979*.

Development Application No. DA-1476/2015 proposes the construction of a four (4) storey 155 bed residential care facility including administration, staff, nursing and resident areas and basement car parking.

The application has been assessed against the following:

- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*
- *Bankstown Local Environmental Plan 2015;*
- *Bankstown Development Control Plan 2015*

The application is compliant with the above planning policies, except for variation to *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* in regards to building height. The assessment of the development application has found that the variation is justified in the circumstances of this case, in the context of both the overall development and the surrounding locality.

The application was advertised and notified for a period of twenty one (21) days, from 13 January 2016 to 2 February 2016. Three (3) submissions were received during the notification period raising concerns relating to building height, privacy, solar access, traffic and landscaping. Following the submission of amended plans and details, the application was notified for further periods of fourteen (14) days, from 4 May 2016 to 17 May 2016 and 22 June 2016 to 5 July 2016. No further submissions were received during these re-notification periods.

POLICY IMPACT

This matter has no direct policy implications. The proposed variation to building height is appropriate in the context of the site, and would not set a precedent for development elsewhere in the LGA.

FINANCIAL IMPACT

This proposed matter being reported has no direct financial implications.

RECOMMENDATION

It is recommended that:

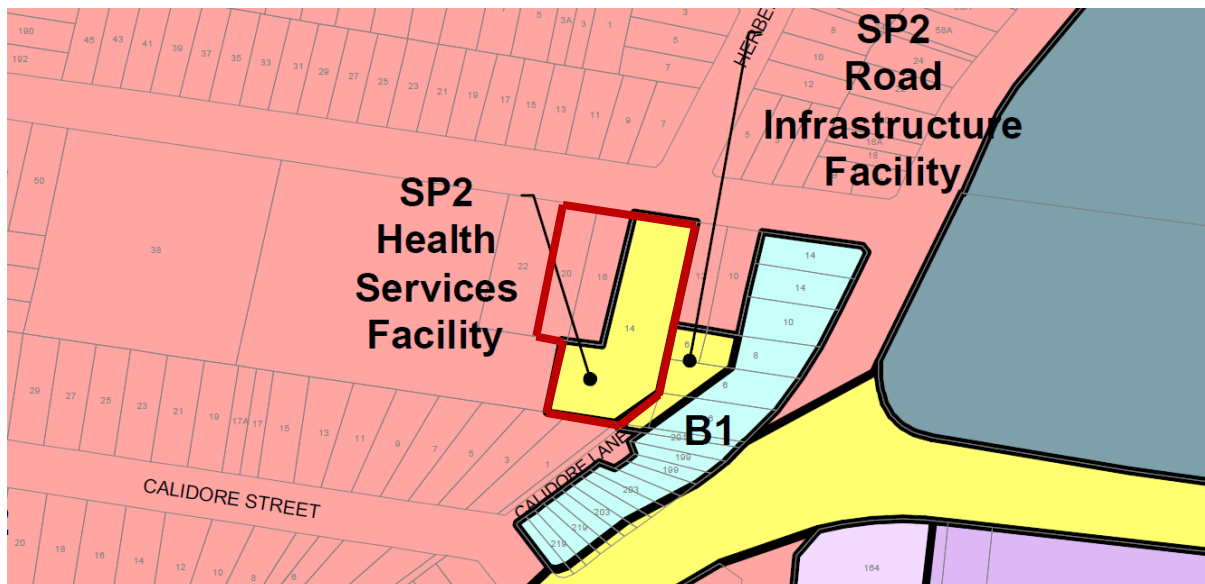
- A – The written submission lodged under Clause 4.6 of Bankstown Local Environmental Plan 2015 to vary the building height be supported; and
- B – The application be approved subject to the attached conditions.

DA-1476/2015 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 14 - 20 Eldridge Road, Bankstown. The site is located on the southern side of Eldridge Road, opposite its intersection with Herbert Street; has a total site area of 4378.2m² and a frontage to Eldridge Road of 53.78m. The site also benefits from rear lane access off Calidore Lane.

The site contains two zonings being SP2 Infrastructure: Health Services Facility for 14 Eldridge Road (area of 2792.6m²) and R2 – Low Density Residential for 16 and 20 Eldridge Road (combined area of 1585.6m²) (Note: 18 Eldridge Road does not exist).



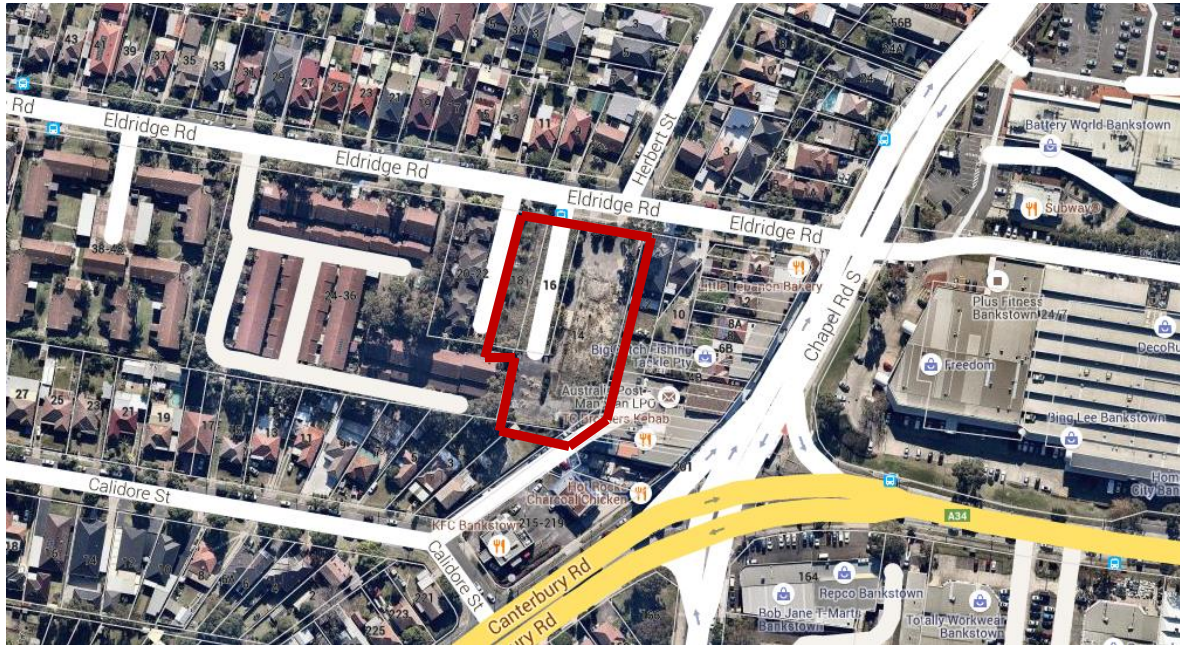
Zoning Map – BLEP 2015

The site is currently vacant with a gentle slope from west to north-east, varying approximately from RL 20.9m along the western boundary of the site to RL 18.24 towards the north-east corner of the site. The majority of the site has been cleared of vegetation with the exception of some trees located along the southern and eastern boundaries of the site.

The surrounding development consists of the following:

- to the east, adjacent to the site, is a two storey residential dwelling that is currently under construction;
- to the east and southeast, single and two storey commercial premises with frontage to Chapel Road and Canterbury Road;
- to the south, single storey residential dwellings with frontage to Calidore Street;

- to the west, two storey townhouses at 22 Eldridge Road and a separate two storey townhouse development at 24 Eldridge Road; and
- to the north, single and two storey dwellings with frontage to Eldridge Road or Herbert Street.

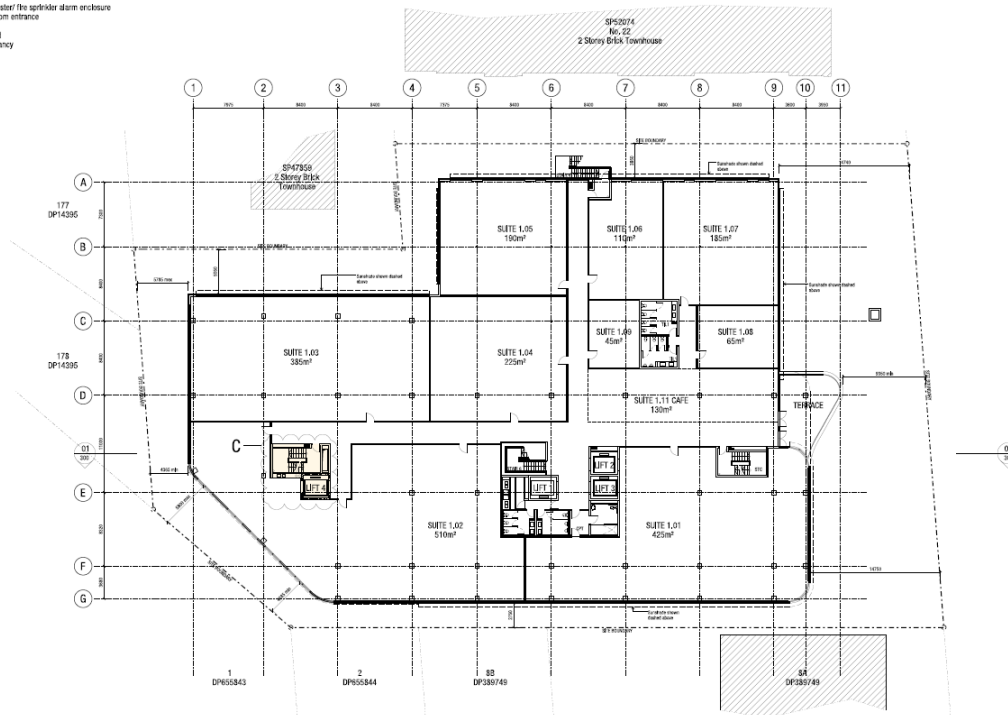


HISTORY OF THE SITE

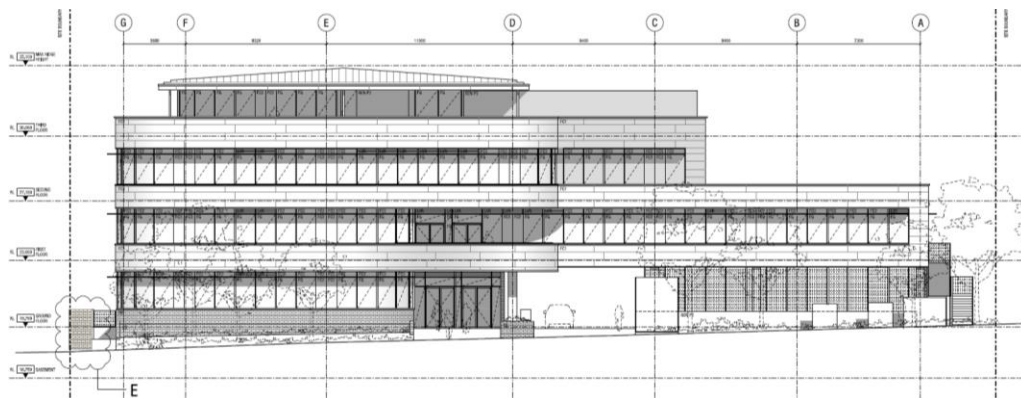
Development consent was granted in June 2008 for the redevelopment of this site under a previous DA-1063/2007. This approval was for a part two storey and part four storey day surgery and day procedure centre with ground floor and basement car parking. Development under this consent has commenced and hence remains active.

The first floor plan and Eldridge Street elevation of the approved development is provided below:

rust booster/ fire sprinkler alarm enclosure
 100mm from entrance
 adjusted
 vent fanancy



First floor plan



North (Eldridge Road) Elevation

PROPOSED DEVELOPMENT

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 and landscaping; and
- Carry out ancillary drainage, landscaping and other related works, as required.

Vehicular access to the development is proposed from Eldridge Road with access to rear lane for service vehicles.

The facility will provide a 24/7 aged care facility for the frail and aged and people living with dementia. The applicant describes the design approach to the project as:

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.

AMENDMENTS TO THE DEVELOPMENT

The original development plans were amended as follows:

- Reducing the gross floor area from 7447m² to 7227.5m².
- Reconfiguration of the layout to provide greater setback to the townhouses to the west.
- Increased landscape area along the street frontage
- Upgrading of the façade.

Matters raised during JRPP briefing

The following matters were raised by the JRPP members during the initial briefing of the development proposal:

- *Extensive hardstand area is provided within the front setback area – concern exists as the scale and built form of the development is substantial.*
- *The hardstand area does not provide for sufficient landscaping opportunities within the front setback area – need to redesign/remove the concrete to provide more landscaping.*
- *An increased setback may need to be provided to the street.*
- *Consideration should be given to providing for a transition in the building form to Eldridge Road.*

The front landscape area has been increased from 32% in the original scheme to 45% of the front setback area to provide continuous landscaping along the street frontage. This is similar to what Council would require if the site was developed for a multi-dwelling housing or residential flat building development. Tall canopy trees are to be provided to soften the built form.

- *The substation may need to be relocated so as to allow for additional landscaping opportunities.*

Consultation with Ausgrid has confirmed that the location of the substation cannot be altered and the two substations cannot be co-located.

- *Providing for a transition in the building form to the adjoining residents to the west should be considered.*

The setback to the town houses on 22 Eldridge Road has been increased by 1m with more opportunity to landscape the area.

The Level 1 floor plan and Photomontages of the building to Eldridge Road are provided below:



First Floor Plan



A comparison of the approved development with the current proposal is provided below:

Item	Approved Development	Proposed Development
Gross Floor Area (GFA)	6850m ²	7227.5m ²
FSR	1.564:1	1.65:1
Ridge Height (AHD)	Approx. RL 34.95m RL 35.1m including lift overrun	RL 35.2m RL36.65m including lift/stair overrun
Volume	31,929m ³ (including ground floor undercroft parking)	25,885m ³

SECTION 79C ASSESSMENT

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 79C(1)(a)(i)]

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

In accordance with Clause 3 of Schedule 4A of the *Environmental Planning and Assessment Act, 1979*, 'private infrastructure and community facilities' development with a capital investment value in excess of \$5 million is classified as regional development under Clause 20 of the SRD SEPP. In accordance with Clause 21(1)(a) of the SRD SEPP the consent authority function is to be exercised by the Joint Regional Planning Panel. The subject application has a capital investment value of \$33,605,678 and, as such, the subject application is to be determined by the Sydney West Joint Regional Planning Panel.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of Clause 7 of State Environmental Planning Policy No. 55 – Remediation of Land specifies that a consent authority must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Preliminary Site Investigation for Contamination with Soil Sampling, prepared by Douglas Partners, accompanied the development application. Some near-surface, soil contamination was identified from sampling.

The report concludes that "...Given that bulk excavation will be undertaken to accommodate the proposed basement, the contamination can be effectively removed by excavation and off-site disposal. On the basis of the investigation findings, it is considered that the site can be made suitable for the proposed residential development".

The Preliminary Site Investigation Report has been reviewed by Council's Environmental Unit and found to satisfactorily address the site contamination matters. Conditions requiring disposal of waste material and 'unexpected finds protocol' have been incorporated in the conditions of consent, thus satisfying Clause 7 of SEPP 55.

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.

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).

The following table provides an assessment of the proposed development against the relevant numerical controls contained in the HSSEPP.

HSSEPP CONTROL	PROPOSED	COMPLIES?
Location and access to facilities Sydney Statistical Division - not located more than 400m from a suitable means of transport to provide access to retail and commercial services, community services, recreational facilities and medical practitioners.	The subject site is within a 135m walking distance to bus stops on Chapel Road that are serviced by the M90 and M92 buses and provide access to Bankstown CBD. Bus 487 travels between Canterbury and Bankstown via Bankstown Square Shopping Centre and stops adjacent to the site on Eldridge Road. The frequency of services and the gradient of the access to the bus stops meet the requirements of the SEPP.	Yes.
DEVELOPMENT STANDARDS		
Site size At least 1,000m ² .	The subject site is 4,378.2m ² .	Yes.
Site frontage At least 20m wide at the building line.	The subject site has a front boundary length of 53.78m.	Yes.

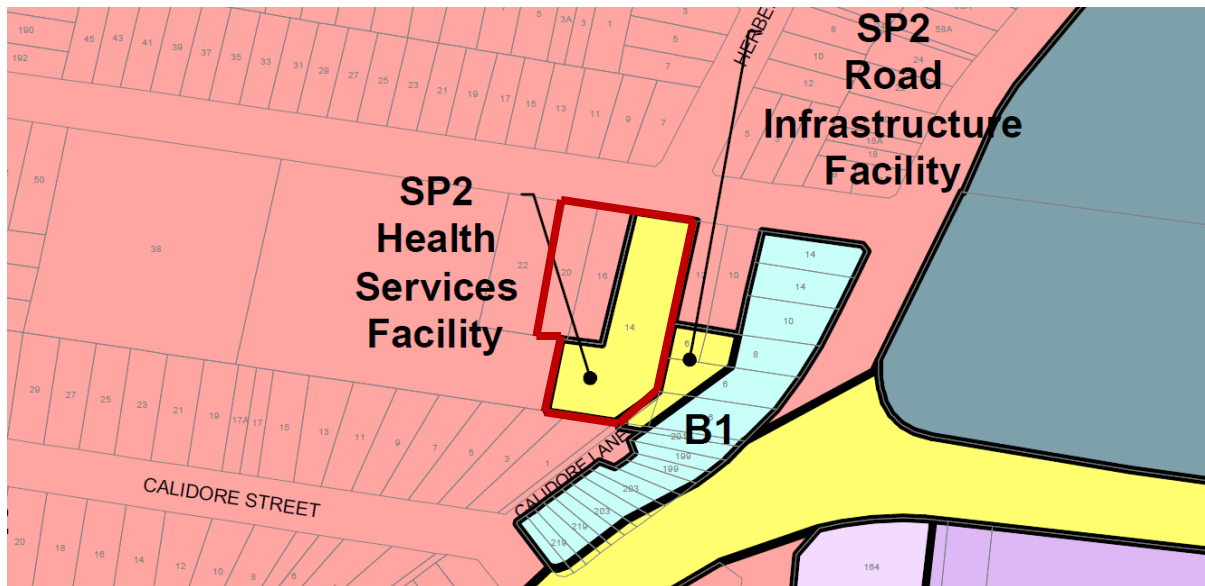
Building height ○ 8m or less ○ Max. 2 storeys adjacent to the boundary ○ Not greater than 1 storey for the rear 25% of the site.	The proposed development will result in a building height 14m (4 storeys) and part of the building is located in the rear 25% area of the site. The proposed development is 4 storeys fronting Eldridge Road and along the western boundary and 4 to 5 storeys along the eastern and southern boundaries.	No.
STANDARDS THAT CANNOT BE USED TO REFUSE DEVELOPMENT CONSENT		
Building height ○ 8m or less ○ Max. 2 storeys	As above	No
Density and scale Max. FSR of 1:1.	The proposed development equates to a FSR of 1.65:1.	No.
Landscape area Min. 25m ² per bed	The proposed development includes approx. 1372m ² of landscape area which equates to 8.9m ² per bed.	No.
Parking ○ 1 car space per 10 beds, and ○ 1 car space per 2 employees, and ○ 1 parking space suitable for an ambulance Total parking spaces require: 40 spaces plus an ambulance bay	40 parking spaces and an ambulance bay are provided.	Yes.

As the table demonstrates, the application is considered to be satisfactory with regard to the above controls contained in the HSSEPP except for building height, floor space ratio and landscape area.

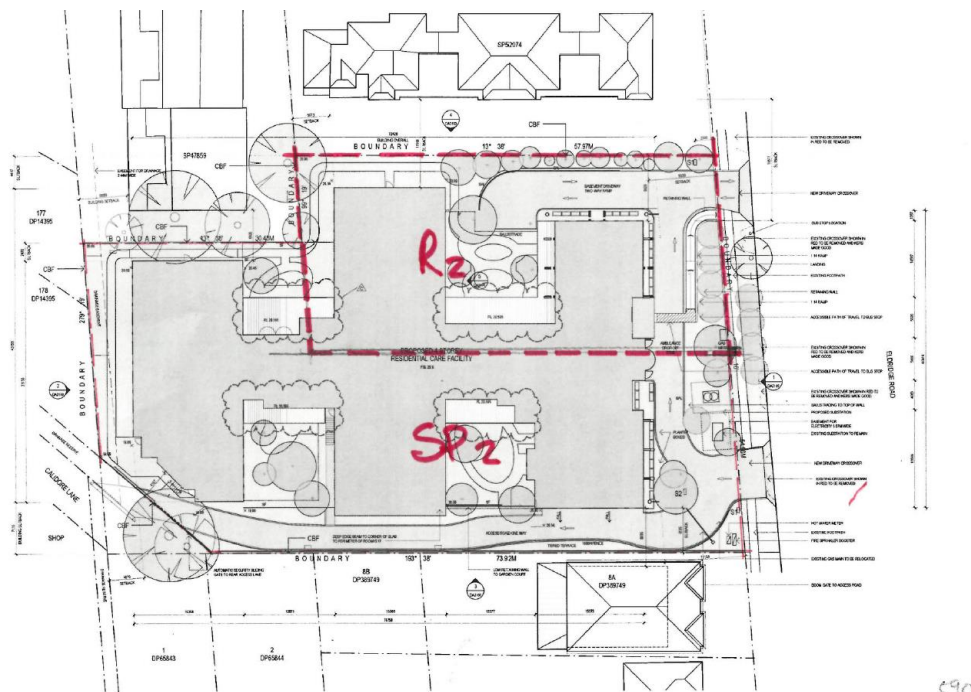
Building Height within R2 Zoned Land

Clause 40 (4) of the HSSEPP stipulates that in a residential zone where residential flat buildings are not permitted, the following height requirements apply:

- (a) *the height of all buildings in the proposed development must be 8 metres or less, and*
- (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*
- (c) *a building located in the rear 25% area of the site must not exceed 1 storey in height.*



As shown on the zoning map above, No. 16 & 20 Eldridge Road are zoned R2 – Low Density. Residential flat buildings are not permitted on R2 zoned land hence an 8m height limit applies to the western part of the development site. In addition to the height limit, the development also must not exceed two storeys adjacent to the western/southern boundary and 1 storey to the rear 25% of the site.



The proposed building is four storeys and has a height of 14m and part of the building is located in the rear 25% of the site. Thus the building contravenes the height and number of storeys controls.

Clause 4.6 of the Bankstown LEP 2015 allows consent to be granted where a proposal contravenes a development standard in the LEP or any other environmental planning instrument. The applicant has made a submission, under the provisions of Clause 4.6 of the Bankstown Local Environmental Plan 2015, seeking a variation to the provisions of Clause 40(4) of HSSEPP. A copy of the applicant's submission is attached to this report. In summary, the applicant argues:

- *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.*

Specifically, in relation to the particular breaches, the applicant states:

- *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.*

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

Comment:

The points raised in the applicant's submission, as reproduced above, are considered to be valid. The breach to the height limit and the number of storeys, is without significant impact and the development has been designed with a substantial 12 metre to 15 metre separation to the town houses to the west.

It should be noted that, whilst the HSSEPP establishes a height limit of 8 metres for development on this site, BLEP 2015 sets a height limit of 9m. It is also relevant to note that the site is earmarked for four storey development under the draft North Central Local Area Plan which was recently adopted by Council.

There are two (2) wings of the development that are provided on that portion of land that is zoned R2 Low Density Residential. The wing provided at the front of the development is four (4) storeys high. This wing is setback 15 metres from the adjoining front townhouses occupying the adjoining site to the west. The second wing, provided towards the rear of the R2 zoned land, whilst also containing four (4) storeys, provides for a transition from two (2) storeys to four (4) storeys. The following setbacks to the adjoining townhouses are proposed for the second wing:

- Ground and first floors – 12 metres
- Second floor – 16 metres (with the terrace observing a 12 metre setback)
- Third floor – 20 metres (with the terrace observing a 16 metre setback)

Such setbacks aid in reducing the visual bulk of the development as viewed by the adjoining residents within the townhouse development.

Further to the above, the built form provided along the western elevation of the development is not of a continuous four (4) storey form. The built form is staggered along this elevation with significant recessed elements aiding in reducing any impact the building form would have on the visual amenity of the adjoining residents. The western elevations of both wings of the development (as referred to above) equate to approximately 52% of the depth of the site. Furthermore the remaining recessed elements of the western elevation of this development are setback in the order of 27 metres from the adjoining townhouses.

Whilst the proposal involves a variation to the height limit, the increased height within the site allows for larger areas of open space to be provided between the buildings and to the property boundaries and also balances the need for deeper landscaping areas, staggered building footprints and recreation areas for the residents. This is considered to be a better planning outcome on a large site such as this rather than spreading the bulk of the building across the entire length of the site that consequently would occupy larger footprints and reduce opportunities for landscaped areas throughout the site.

It is considered that the applicant's Clause 4.6 submission has demonstrated that there is sufficient planning grounds in this instance to support a variation to the provisions of Clause 40(4) of HSSEPP, that strict application of the standard is

unnecessary, and that the approval of the variation will be in the interests of the general public.

There are three other standards in the HSSEPP that require further consideration. These standards are stipulated in Clause 48 of the HSEPP and relate to building height within SP2 zoned land, density and scale and landscaped area. These are standards that cannot be used to refuse development consent for residential care facilities.

Building Height within SP2 Zoned Land

Clause 48(a) of the HSSEPP states that development consent cannot be refused “*if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys)*”. The proposed building is four storeys and has a height of up to 15 metres along the eastern elevation.

As discussed earlier in this report, the building is also designed with wings on that portion of land that is zoned SP2 Health Services Facility. The built form is similarly staggered along this elevation with significant recessed elements aiding in reducing any impact the building form would have on the visual amenity of the adjoining residents. The eastern elevations of the wings of the development (as referred to above) equate to approximately 52% of the depth of the site. Furthermore the remaining recessed elements of the eastern elevation of this development are setback in the order of 16 to 18 metres from the eastern boundary.

Whilst the proposal exceeds 8 metres in height, the increased height within the site allows for larger areas of open space to be provided between the buildings and to the property boundaries and is considered to be a better planning outcome. The impact from the development relating to overshadowing and loss of privacy is minimal.

Density and Scale

The HSSEPP states that development consent cannot be refused “*if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less*”. The proposed building has an FSR of 1.65:1.

The applicant has presented the following case in support of the development:

There is no FSR control that applies to the site. The height control in the SEPP (Housing for Seniors) applies only to that part of the site that is zoned R2 Residential (the western part of the site) and is subject to a development standard being a maximum height limit of 8m and where a building located in the rear 25% area of the site must not exceed 1 storey in height.

In considering this standard and the height of the development in general consideration has been given to a number of factors including the existing site context, the desired future character of the area as reflected in Council strategic planning documents and the approved development on the site.

The central east-west residential spine has been moved in an easterly direction to improve the transition to the western adjoining townhouse development. This transition is more generous with a building separation of 14.8 metres for the northern part of the building fronting Eldridge Road and 11.8 metres for the first two storeys of the central wing with the upper levels set back further from the side (western boundary).

The separation between the development and buildings on adjoining sites to the west 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 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 with the development to the east and also to the west notwithstanding that the height of part of the building on the western side is higher than the approved 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 as a residential form 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.

With all the changes included the revised FSR is 1.62:1. The previous approved development would have a FSR of 1.78:1 if based on the current method of calculation under LEP2015 and including the ground floor undercroft parking area.

A volume comparison has been carried out between the previous approved development and the current DA. The current DA equates to 19% less volume/mass.

Previous development = 31,929m³ (includes ground floor undercroft parking)

Current DA = 25,885m³

Comment:

The FSR is one of those standards in the HSSEPP that cannot be used as grounds for refusal where it satisfies the provisions contained within Clause 48(b).

Clause 48 of the HSEPP has a notation that says "*The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent*". As a consequence the Panel is able to grant consent to the development if it is satisfied that the density and scale of the development is acceptable.

The building mass presents as a four storey element to the north (Eldridge Road) and south (i.e. street frontages) with the building form to east and west (facing adjacent neighbours) indented with landscaped courtyards to promote form, scale and proportions that are in keeping with the residential character of the neighbourhood.

When compared to the approved medical centre development, the proposed development has a reduced building footprint (1,838m² compared to 2,890m²) and consequential increased landscaped area of 1,372m² compared to 668m². This results in a development that is more residential in character than the approved medical centre development.

As pointed out by the applicant above the overall external envelope of the proposed building has 19% less volume than the approved medical building and provides for a building with a density and scale less bulky in appearance than the approved building.

Other relevant considerations are:

- No. 14 Eldridge Road (area of 2792.6m²), which occupies 63.7% of the site, zoned SP2 has no FSR control under BLEP 2015.
- The draft North Central Local Area Plan proposes an FSR of 1.5:1 for the site.

In light of the above and given the unique circumstances of the site, the proposed FSR is considered acceptable.

Landscape area

The recommended minimum landscape area for the development is 25m² per bed. The proposed development provides landscape area @ of 8.9m² per bed. The applicant has presented the following arguments in support of the development:

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.

Additional external terrace areas have been provided which contribute to the resident share spaces:

- *The two terraces facing west have been widened on each level.*
- *Two additional terraces have been provided off the sitting areas facing east on each level.*

'Resident Share Space' area is proposed at 19.7m²/per resident. This includes:

- *landscape area,*
- *terraces,*
- *siting areas,*
- *tv rooms,*
- *café,*
- *quite spaces.*

The SEPP Housing for Seniors or People with a Disability 'A Guide for Councils & Applicants' May 2004 supports the reduced landscape area for sites within established areas. The key aspects are that high amenity is achieved within the building and that the impact on the streetscape and neighbours are considered.

An extract from the guide is provided:

A potential conflict arises in relation to landscaping. The re-development of many existing residential care facilities or even new residential care facilities in established areas will be on sites that would not allow much land to be set aside for landscaping while achieving a 1:1 fsr. The most important external issues for these sites are the impacts on streetscape and neighbours. High amenity for residents can be achieved within the building without meeting a high landscape area standard. The clause 70 *landscape standard of 25m² per bed*, i.e. a standard that cannot be used to refuse consent, is not a minimum standard per se, that must be met. It is possible and reasonable for consent to be given to facilities that have less than 25m² per bed landscaped area if they take other issue such as streetscape and impact on neighbours into account.

Comment

The proposed development has been designed with recessed courtyards for use as recreational area. The facility is a 'high care' use including people with dementia. It is considered that the amount of landscaping area provided combined with the large terraces, sitting areas, quiet spaces and the like would provide reasonable amenity to the residents of the facility. The landscaping plan submitted with the application includes canopy tree planting along the side and rear boundaries to soften the impact of the development on the streetscape and adjoining residents. It will be a conditions of approval that trees that can grow higher up to 20m be planted along the front and side to match the proposed building height.

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

The subject site is located within the Georges River Catchment and accordingly GMREP No. 2 applies. The proposed works are consistent with the relevant planning principles outlined in the REP, and do not propose any of the specific development types listed under the '*planning control table*'.

Bankstown Local Environmental Plan 2015 (BLEP 2015)

The following clauses of Bankstown Local Environmental Plan (BLEP) 2015 are relevant to the proposed development and were taken into consideration:

Clause 1.2 – Aims of Plan
Clause 2.1 – Land use zones
Clause 2.2 – Zoning of land to which Plan applies
Clause 2.3 – Zone objectives and Land Use Table
Clause 2.7 – Demolition requires development consent
Clause 4.6 – Exceptions to development standards
Clause 5.9 – Preservation of trees or vegetation
Clause 6.2 – Earthworks
Clause 6.3 – Flood Planning

An assessment of the Development Application has revealed that the proposal complies with the matters raised in each of the above clauses of Bankstown Local Environmental Plan 2015. Further discussion on the preservation of trees and flood planning is provided in a later section of this report.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

There are no draft environmental planning instruments applicable to the proposed development.

Development control plans [section 79C(1)(a)(iii)]

There are no provisions in the DCP specifically relating to residential care facilities. However, the DCP contains a number of general controls that need to be taken into consideration. These controls are contained in the following parts of the BDCP 2015.

- Part B4 – Sustainable Development
- Part B5 – Parking
- Part B11 – Tree Preservation Order
- Part B12 – Flood Risk Management

An assessment of the proposal against the relevant controls in the BDCP 2015 has revealed that the development is generally consistent with the provisions subject to conditions. The following comments are provided regarding the provisions in Part B4, B11 and B12.

Part B4 – Sustainable Development

Part B4 applies to buildings with a Classification of Class 5 to Class 9 under the Building Code of Australia. The proposed building is Class 7 and Class 9c. Under the DCP, buildings that have a floor area of 5,000m² or more need to satisfy water and energy conservation measures.

Water Conservation Controls

Water conservation controls require the use of water efficient fixtures and the preparation of a site water management plan that includes:

- Preparation of an integrated water collection and recycling system for the capturing and recycling of rainwater
- Capturing and reusing grey water on the site
- Capturing and reusing stormwater from the site

Use of water efficient fixtures and the preparation of a site water management plan satisfying the provisions of Part B12 of the BDCP 2015 has been imposed as a condition of consent.

Energy Conservation Controls

An Energy Performance Report is to be prepared for developments with a floor area equal or exceeding 5,000m². The development application was accompanied by a BCA report indicating that *"Compliance with the BCA will be achieved by compliance with the deemed-to-satisfy (DTS) provisions"*. As part the BCA compliance the development would be subject to the requirements of Part J of the BCA which deals with energy efficiency requirements of Class 3 to 9 buildings. Whilst compliance with Part J will satisfy some of the design issues, the development will need to consider the energy requirements for the operation of the proposed facility and show how energy minimisation measures will be incorporated. A condition will be imposed requiring the preparation of an energy performance report satisfying the relevant energy minimisation measures specified in Part B4.

Part B11 – Tree Preservation Order

The application has been assessed against the provisions of Part B11. There is no significant vegetation within the site requiring retention. Two street trees on the Eldridge Road frontage, that are located under the power lines, are to be removed and replaced with 5 X Dwarf Flowering Eucalyptus.

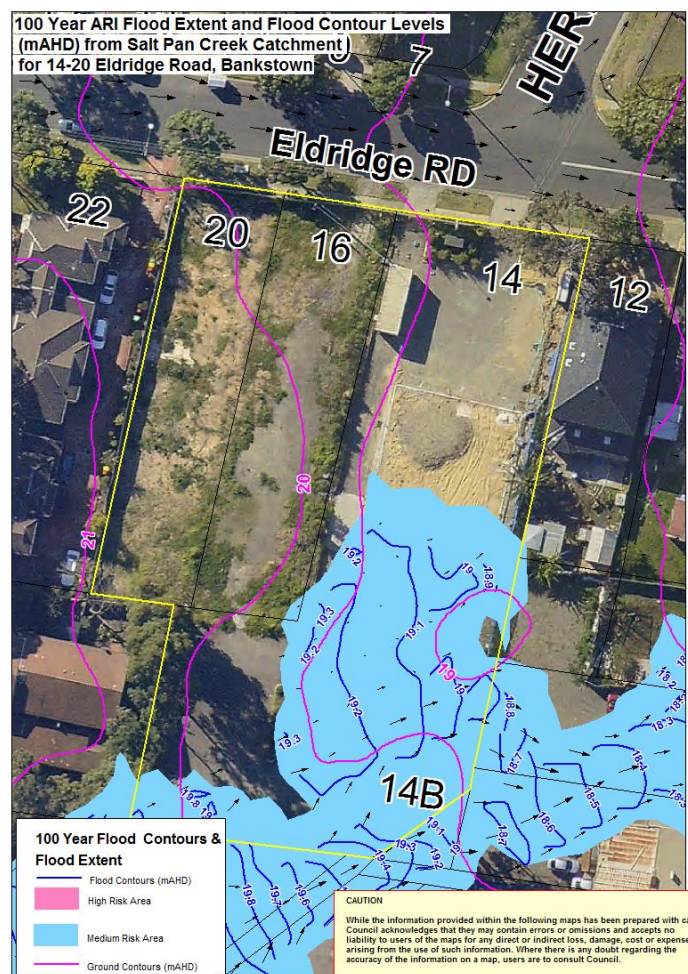
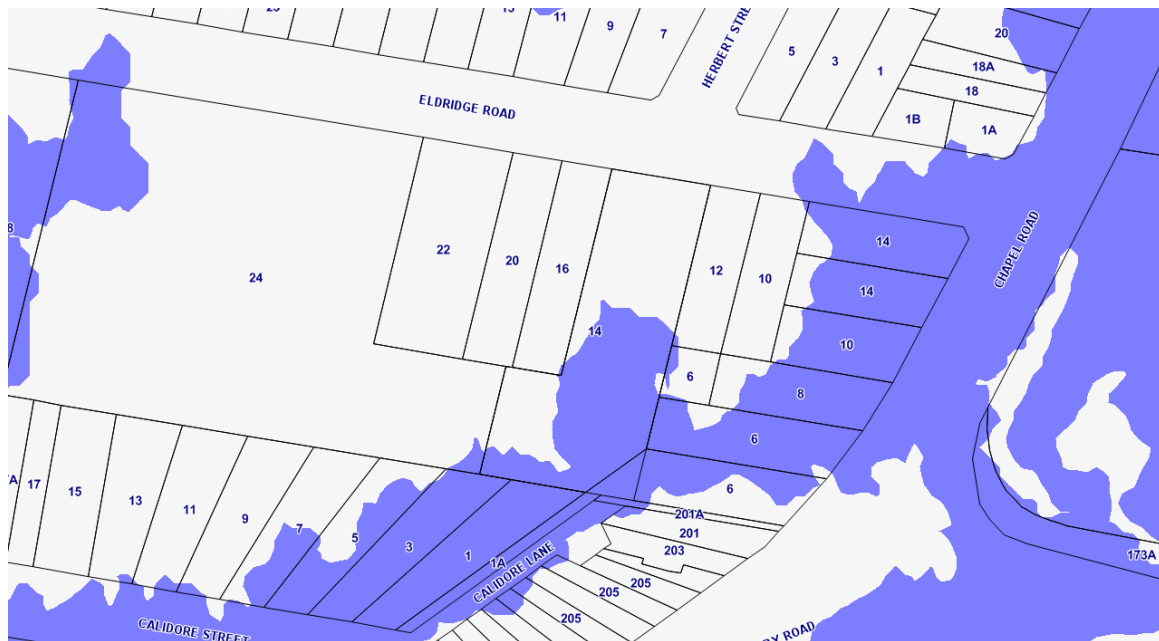
There are 2 x Sydney Blue Gums located on the road verge adjacent to the south eastern corner of the site on Calidore Lane, which are to be retained. These trees are in good condition, visually prominent to the site and surrounding streetscapes and contribute to the environmental amenity of the surrounding area.

Originally these trees were to be removed to allow driveway construction. However, following discussion with Council, the applicant has submitted revised plans relocating the access road and allowing for the retention of the two trees. Specific design constraints have been imposed on the construction of the driveways to ensure the retention and continuous survival of these trees.

Part B12 – Flood Risk Management

The south-eastern part of the site is affected by stormwater flooding from Salt Pan Creek Catchment as shown on the map below. The designed 100 year ARI* flood level at the site is RL 19.2 m AHD. Based on the Stormwater System Report (SSR) issued by Council habitable floor levels are to be at least 500mm above the 100 year ARI* flood level at the site. The proposed building has a ground floor RL of 20.6m

and provides sufficient freeboard. The driveway to the basement is located towards the north-western end on Eldridge Road having an RL of above 19.6m at the front boundary.



Planning agreements [section 79C(1)(a)(iia)]

There are no planning agreements applicable to the proposed development.

The regulations [section 79C(1)(a)(iv)]

The proposed development is not inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation 2000.

Any coastal zone management plan – [section 79C(1)(a)(v)]

The development site is not within the coastal zone, and hence considerations are not applicable in this instance.

The likely impacts of the development [section 79C(1)(b)]

Based on the assessment contained in previous sections of this report, it can be concluded that the proposed development will have an acceptable impact on the locality.

Suitability of the site [section 79C(1)(c)]

The proposed development is permitted with consent on the subject site, and represents a built form that is compatible with the existing and desired future character of the locality. The site is considered suitable for the proposed development.

Submissions [section 79C(1)(d)]

The application was advertised and notified for a period of twenty one (21) days, from 13 January 2016 to 2 February 2016. Three (3) submissions were received during this notification period raising concerns relating to building height, privacy, traffic and landscaping. Following the submission of amended plans and details, the application was notified for further periods of fourteen (14) days, from 4 May 2016 to 17 May 2016 and 22 June 2016 to 5 July 2016. No further submissions were received during these later re-notification periods. The following comments are provided to the points of concerns raised in the submissions:

*Objection: The building height is too high and this will affect the area as there is no four storey building in the area;
The area will be too congested due to the height of the building;
The building will be an eyesore*

Comment: The building has a similar height as the day surgery building previously approved for this site. The development provides suitable setbacks to surrounding developments and is consistent with the emerging character of the area. The building has a modulated façade with sufficient treatments provided along the eastern and western boundaries such that it presents an appropriate transition to the adjoining properties.

Objection: The building is way too close to the boundary which will affect privacy of the town houses to the west of the site.

Comment: The building has variable setbacks from the residential boundaries with 6.13m from the eastern boundary and 2.47m to 9m from the western boundary. Privacy impacts have been managed through design of the building and setback from the adjoining buildings. The western terraces on the upper floors have screening along the eastern and western ends to minimise potential overlooking.

Objection: The building will affect air flow and sun light to the houses to the west.

Comment: There is sufficient separation between the buildings to facilitate airflow and achieve compliance with the BCA.

Shadow diagrams indicate that the adjoining townhouses to the west and the dwelling to the east would not be significantly impacted with the additional shadow at 9.00am mid-winter falling on the driveway.

Objection: No trees/green area is provided on west side of the proposed building.

Comment: The development provides a 4.4m wide landscape buffer along the western boundary. Canopy trees are proposed along the boundary which would provide visual relief to the built form.

Objection: Too much traffic as there is not enough parking on road side.

Comment: The development was accompanied by a Traffic and Parking Impact Assessment prepared by McLaren Traffic Engineers. The assessment included a comparison of the existing and future intersection performance at Eldridge Road and Chapel Road intersection with no change to the Level of Service as 'B'. The report concluded that "*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 network including residential amenity, traffic safety and traffic flow efficiency*".

With regard to parking the development provides forty (40) car parking spaces and an ambulance bay as required by the HSSEPP.

The public interest [section 79C(1)(e)]

The public interest is well served by the provision of well-designed buildings and the proposed development would not contravene the public interest. The proposed development responds appropriately to the requirements of the HSSEPP as well as the relevant standards and controls contained in the Bankstown Local Environmental Plan 2015 and the Bankstown Development Control Plan 2015. Matters raised in the public submissions have been satisfactorily addressed, and it is considered that there will be no unreasonable impacts on the locality.

CONCLUSION

The Development Application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act, 1979* and the provisions of *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*, *State Environmental Planning Policy No. 55 - Remediation of Land*, *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, *Bankstown Local Environmental Plan 2015* and *Bankstown Development Control Plan 2015*.

The proposed development represents an appropriate built form for the site and the relevant planning controls have been appropriately responded to. No significant, unresolved matters have been raised in the public submissions, and the proposal is not considered to have any unacceptable or unreasonable impacts on the surrounding locality.