

Blacktown City Council assessment report Sydney West Central Planning Panel

Panel reference	2016SYW023
DA number	JRPP-15-02700
LGA	Blacktown City Council
Proposed development	Subdivision and construction of a Residential Care Facility (RCF)
Street address	37 - 43 Kildare Road, Blacktown
Applicant and owner	Applicant: BBC Consulting Planners Owner: M R Creighton, K F Creighton and A D Yendle
Date of DA lodgement	11 December 2015
Land zoning:	R4 High Density Residential pursuant to Blacktown Local Environmental Plan 2015
Capital investment value:	\$31,940,000
Regional development criteria (Schedule 4A of the EP&A Act)	"Regional Development" – Capital Investment Value > \$20 million
Number of submissions	0 1 enquiry received, but does not relate to subject DA
Recommendation	Approval subject to conditions
Relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide (ADG) 2015 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy No 64 – Advertising and Signage
Documents submitted with this report for the Panel's consideration	Council officer assessment report
Report prepared by	Ruth Bennett, Senior Project Planner, Blacktown City Council
Report date	19 December 2016
Date to be considered by Panel	Electronically

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (Clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **No**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Assessment report

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Attachment 6	– Assessment of compliance with Blacktown Development Control Plan 2015
Attachment 7	– Assessment of compliance with Section 79C of the EP&A Act 1979
Attachment 8	– Assessment of Clause 4.6 variation request regarding building height

1. Executive summary

- 1.1 Council is in receipt of a Development Application (DA) from BBC Consulting Planners (Opal Healthcare) for a subdivision and the construction of a Residential Care Facility (RCF) for seniors housing with associated demolition works, tree removal and signage on the site.
- 1.2 The RCF will be a 5 storey building containing 137 rooms and 149 'high care' beds, including 17 dementia beds. The proposal also provides for 33 car parking spaces at grade as well as an ambulance parking bay near the entrance. Access for all vehicles, including private waste collection vehicles and large delivery vehicles, is provided via the Kildare Road access handle.
- 1.3 The proposed development constitutes 'regional development' requiring referral to a Joint Regional Planning Panel for determination as the proposed development has a Capital Investment Value of more than \$20 million. While Council is responsible for the assessment of the DA, determination of the DA will be made by the Sydney West Central Planning Panel (SWCPP).
- 1.4 The site is zoned R4 High Density Residential under Blacktown Local Environmental Plan (BLEP) 2015, with a building height limit of 20 m. The proposed seniors housing development is permissible in this zone with development consent.
- 1.5 A detailed assessment has been undertaken against the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP), Blacktown Local Environmental Plan 2015 (BLEP) and Blacktown Development Control Plan 2015 (BDGP). The development complies with the development standards contained within the Seniors Housing SEPP with the exception of landscaping provision. The development complies with the development standards contained within BLEP 2015 with the exception of building height, with an exceedance of 300 mm for the lift and stair overrun.
- 1.6 Demolition of one dwelling at 37 Kildare Road and the swimming pool at 39 Kildare Road is proposed under the amended application. The applicant has submitted a contamination report which reveals that opportunistic dumping of building waste, including asbestos, has occurred at the rear of 37 Kildare Road. A Stage 1 Investigation Contamination Report accompanied the application, which recommended further testing at the site to address potential areas of environmental concern and associated chemicals of primary concern. The proposal complies with the requirements of SEPP No. 55 given that, subject to the recommendations of the contamination report, and following site validation by a suitably qualified environmental consultant after demolition, the site can be made suitable for the proposed residential use. This remediation and validation by a qualified consultant will be required prior to the release of a Construction Certificate.
- 1.7 The applicant has lodged a request under Clause 4.6 for variation to the development standard for building height under BLEP 2015. The building height is varied by up to 300 mm above the permissible height limit of 20 m, being a variation of 1.5 %. The variation is considered acceptable as the additional height relates to a point encroachment only for the lift and stair overrun area, covering an area of 90.4 sqm only or 6.7 % of the roof area. The majority of the roof apex is measured at 18 m, with a portion on the southern elevation (the highest point on the site) being measured at 19 m. The lift and stair overrun is visually imperceptible, does not result in excessive bulk and scale and does not result in adverse shadow and amenity impacts on surrounding properties. The height variation does not result in additional floor levels and is considered to be reasonable.
- 1.8 The DA was notified to adjoining and nearby property owners between 17 February and 2 March 2016. In response to the public exhibition, no submissions were received

that related to the merits of the proposal. The one submission that was received was a written enquiry from the neighbour at 47 Kildare Road, who sought Council's assistance with obtaining a drainage easement for their benefit across their adjoining neighbour's land at 49 Kildare Road, in order to connect into the drainage easement at the rear of proposed Lot 2, which is the site for the proposed RCF development. Council officers have provided information to the adjoining neighbour in relation to this, however this is a civil matter and unrelated to this proposal.

- 1.9 The Seniors Housing SEPP also requires compliance with SEPP No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide (ADG) for any high rise residential care facilities. The proposal is consistent with the objectives of SEPP No. 65 and satisfactorily achieves the 9 'design quality principles' listed under Schedule 1. Our officers have assessed the application against the requirements within the Apartment Design Guide (ADG).
- 1.10 The applicant seeks a variation to the Seniors Living SEPP requirement of 25 sqm per bed for landscaping area on the site. In this case all the landscaped areas, including terraces and balconies with planter boxes, total 23.9 sqm per bed. This represents a variation of only 1.1 sqm per bed and is consistent with similar variations approved by Council for other seniors living developments in the City. This shortfall will not compromise the quality of open space or the amenity intended to be provided to the future residents of the complex. On this basis the variation is considered acceptable and is recommended to be supported.
- 1.11 The development is considered satisfactory with regard to relevant matters such as siting and design, bulk and scale, privacy, amenity, overshadowing, access, traffic impacts, parking and stormwater drainage. The location and size of the site make the site suitable for this form of land use and built form, being in a location close to the Blacktown CBD that has been rezoned for high density residential development and allowing for a building height of 20 m.
- 1.12 The proposed development has been assessed against the relevant matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, including the suitability of the site and the public interest, and is considered satisfactory.
- 1.13 It is recommended that the proposed development be approved subject to the conditions at **Attachment 1**. A copy of the conditions has been provided to the applicant who has given feedback. In response to this, minor amendments have been made to the draft conditions and this is reflected in **Attachment 1**.



Figure 1 - 3D View 9, looking from rear of proposed Lot 1 toward front elevation (Allen Jack + Cottier, Revision 4, 13/05/16)

2. Location

- 2.1 The subject site is located immediately south of the main Western railway line within an established residential area, and is approximately 250 m west of the Westpoint Shopping Centre and 500 m from the Blacktown Railway Station and Bus Rail Interchange. It has an access handle which fronts Kildare Road to the south.
- 2.2 The site is generally located between Allawah Street to the west and Balmoral Street to the east. The eastern perimeter of the site abuts Gribble Reserve, which is an area of open space for drainage. Gribble Place is a public road which ends in a cul-de-sac.
- 2.3 To the east, next door on Kildare Road, there is a single storey dwelling at No. 35 and a church known as the Ukrainian Orthodox Church of the Transfiguration at No. 35A. To the immediate west on Kildare Road is a dwelling at No. 47 and a single storey church hall at No. 49, previously used as a Jehovah's Witness Kingdom Hall, which is now the site of the recently approved Islamic school.
- 2.4 To the east of Gribble Place at 29 – 31 Kildare Road there are 2 existing 6 storey residential flat buildings known as Key West. To the west of Key West on the Gribble Place frontage are 3 Council-owned buildings:
- The building at the rear at No. 3 is Blacktown Meals on Wheels
 - On the eastern corner of Gribble Place and Kildare Road is the Muriel Woods Hall, also known as the Guides Hall
 - On the western corner of Gribble Place and Kildare Road is the Senior Citizens Centre which is a well-used community centre.
- Groups including the Country Women's Association and Embroiderers' Guild of NSW meet in these buildings.
- 2.5 The site is within 250 m walking distance of the existing Westpoint Shopping Centre which provides retail, commercial and recreation uses for local residents. Nearby is the Blacktown Police Station and the Council Library. Medical centres are located at 36 and 55 Kildare Road. Diagonally across from Gribble Place, to the south, is an area zoned open space that is largely used for drainage purposes. There are also large areas of open space and parkland across the Main Western railway line to the north, being the Blacktown Showground precinct.
- 2.6 The site is serviced by regular bus routes along Kildare Road, which provide services to the Blacktown CBD and Blacktown Bus Rail Interchange, and to Mount Druitt via Minchinbury and Doonside. These major centres provide retail, commercial, community and recreational uses for local residents.
- 2.7 The RCF site proposes vehicular and pedestrian access to Kildare Road by a battle-axe access handle. The overall site has a street frontage to Kildare Road. Pedestrian access from the proposed RCF site will also be available to Council's reserve which fronts onto Gribble Place, in case of emergency, via a locked gate (See Figure 4).

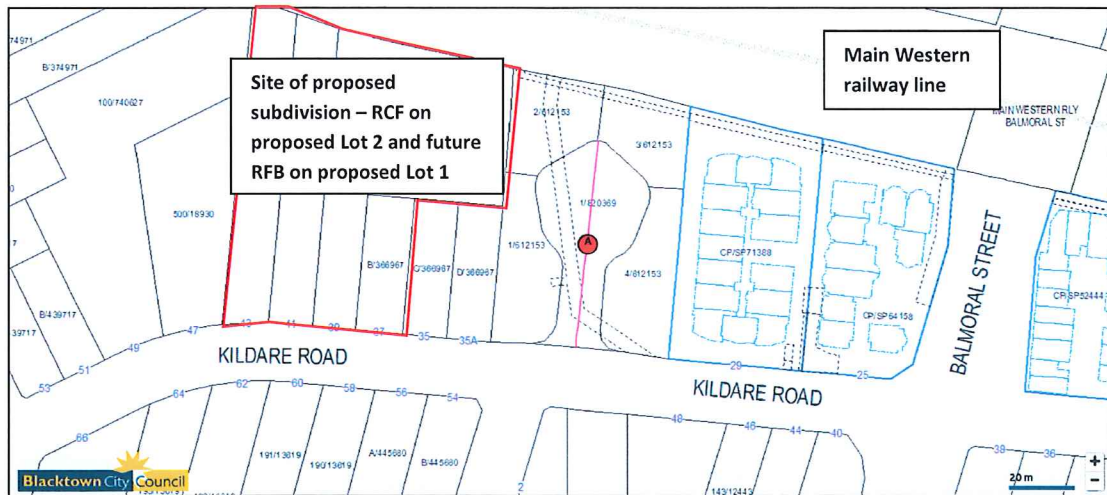


Figure 2 - Location context, 37 - 43 Kildare Road (Source: Blacktown City Council, 2016)

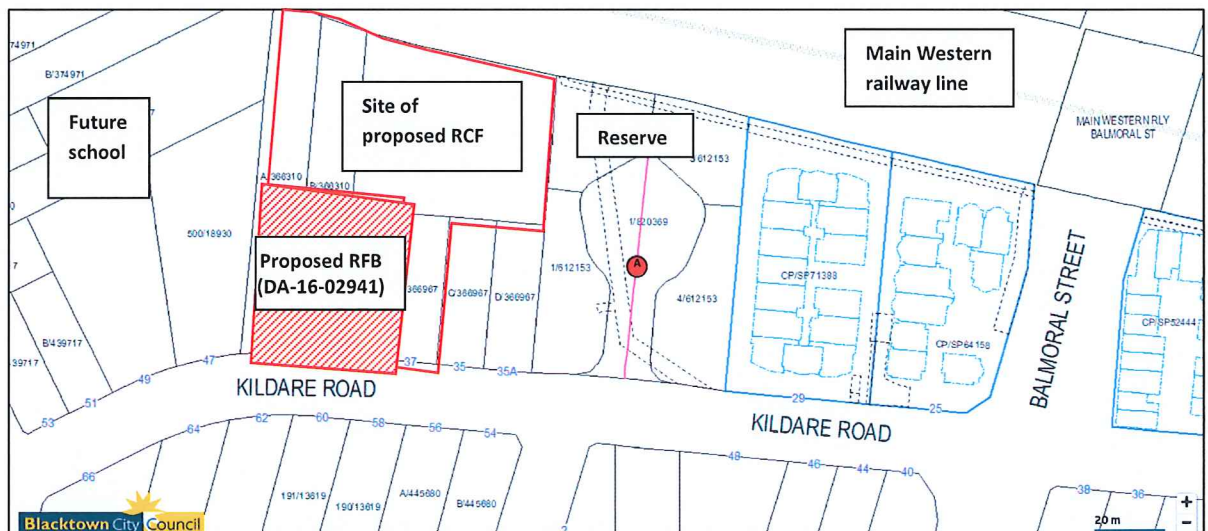


Figure 3 - Location plan (Source: Blacktown City Council, 2016)



Figure 4 - Aerial photo showing proposed pedestrian access gate location from subject site to Gribble Place, for emergency pedestrian access only (Source: Blacktown City Council, 2016)

3. Site description

3.1 The development site is identified as Lot A and Lot B DP 366310, Lot A, DP 366967, Lot B DP 612153, H/N 37-43 Kildare Road, Blacktown. The 4 lots are described below:

- 37 Kildare Road – Lot B DP 612153, 696 sqm
- 39 Kildare Road – part Lot A DP 366967, 3804 sqm
- 41 Kildare Road – part Lot B DP 366310, 1540 sqm
- 43 Kildare Road – part Lot A DP 366310, 1675 sqm.

The 4 lots have a total site area of 7,715 sqm, which when amalgamated and subdivided will result in proposed Lot 2, the site of the residential care facility, having a site area of 5,212 sqm, and proposed Lot 1, the site of a future residential flat building (RFB), having a site area of 2,503 sqm. The proposed subdivision plan is at **Attachment 3**.

3.2 The subject site is situated to the west of the Blacktown CBD, being approximately 500 m west of Blacktown Railway Station and 250 m west of the Westpoint Shopping Centre. Developments in the area are predominantly residential, consisting of a mix of single dwellings and multi dwelling housing. Due to the first stage rezoning of land in the Blacktown Urban Renewal Precinct in July 2015, the immediate vicinity is undergoing transition to a high density residential area, with recent approvals for 6 storey residential flat buildings in Kildare Road and surrounding streets such as Allawah Street and Balmoral Street. See Figure 5 – aerial view below.



Figure 5 - Aerial view of proposed Lot 2 (Source: gisweb, Blacktown City Council, 2016)

3.3 The development site falls from the south-west (at Kildare Road) down to Gribble Place in the north-east, with a maximum crossfall of approximately 5.7 m. The site frontage to Kildare Road to the south is via an access handle, which is 15.202 m in width and 45.72 m in length. The rear boundary which abuts the railway corridor is 93 m in length. The length of the site along the western boundary is 53.5 m, while the

length of the site along the eastern boundary, which abuts Council's public reserve in Gribble Place is 47 m. The site width at the building line is 91.5 m.

- 3.4 Existing improvements on the site include 4 dwellings built post war, which are detached, comprised of asbestos cladding or brick walls with tile roofing, together with associated structures and outbuildings, and vegetation. The rear portion of the site has been contaminated as a result of the dumping of building waste including asbestos.
- 3.5 There are existing trees on various parts of the site. On the rear portion of the site is a 1700 sqm stand of Grey Box (*Eucalyptus moluccana*), considered to be a remnant of an earlier natural stand of Cumberland Plain Woodland. The natural mid-storey vegetation stratum has been removed and exotic and noxious weed species make up the sparse mid-storey.
- 3.6 Existing infrastructure services and connections are available to the site, including electricity, gas, water, stormwater and telecommunications. These services will be extended and augmented where necessary, in order to meet the requirements of the development under this application.
- 3.7 The subject site is zoned R4 High Density Residential pursuant to Blacktown Local Environmental Plan 2015 as shown in Figure 6 below. The site is adjacent to land reserved for open space in Kildare Road and Gribble Place. Joseph Frank Park in Ida Place is 400 m from the site to the west and is accessible by bus and on foot. A large area of land zoned for public recreation (Blacktown Showground and Francis Park) is located across the Main Western railway line to the north, accessible via Balmoral Street (see zoning plan below).

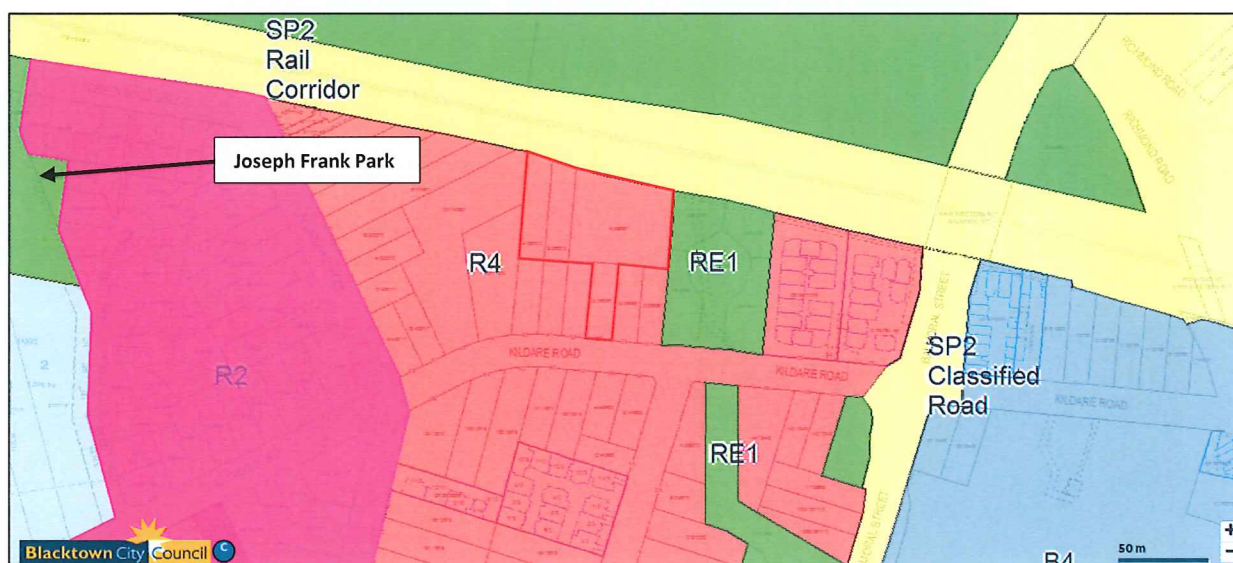


Figure 6 - Zoning plan, proposed Lot 2 (Source: gisweb, Blacktown City Council, 2016)

4. Background

- 4.1 There is a lapsed consent for development of the site for medium density housing (DA-12-846). There is no other relevant recent development history for the site. The ownership remains unchanged since the previous consent.
- 4.2 Blacktown Local Environmental Plan (BLEP) 2015 commenced on 7 July 2015, which rezoned the land to R4 High Density Residential, in which zone the proposed 'Seniors housing' development is permissible with development consent. This application was lodged on 11 December 2015.

5. The proposal

- 5.1 The DA seeks approval for consolidation and subdivision of the land, demolition works, and the construction of a Residential Care Facility (RCF). The development has a total capital investment value of \$31,940,000.
- 5.2 The 4 lots that currently make up the subject site will be amalgamated and subdivided into 2 lots (refer to **Attachment 3** for subdivision plan):
- Proposed Lot 1 addresses Kildare Road and has a site area of 2,500 sqm (site of a proposed RFB under DA-16-02941)
 - Proposed Lot 2 is accessed via an access handle from Kildare Road and has a site area of 5,212 sqm (site of proposed RCF under this DA). The RCF building is located north of the proposed future 6 storey RFB.
- 5.3 The development proposal, as amended, includes demolition of the existing house and associated structures at 37 Kildare Road. The proposal also includes the demolition of an in-ground swimming pool in the rear yard of 39 Kildare Road. A site contamination report has been provided which provided detailed recommendations. These matters are discussed against SEPP No. 55.
- 5.4 The proposal seeks the removal of most of the trees which are centrally located within the site, including a 1700 sqm stand of Grey Box (*Eucalyptus moluccana*). A Flora, Fauna and Biodiversity Impact Assessment by ACS Environmental Pty Ltd undertook a '7 part test'.
- 5.5 In accordance with the report's recommendations, 8 existing native trees are to be retained within the setback to the railway corridor, in the area on the site set aside for landscaping treatment. Medium-sized trees will be incorporated into the access handle, at the rear of the site and along the side boundary adjacent to Gribble Place. These trees will include ornamental trees, and also Cumberland Plain Woodland species. Hedging to a height of 3 m will also be used to screen the access handle and along part of the southern boundary, using a species such as Lilly Pilly 'Goodbye Neighbour'.
- 5.6 The proposal includes provision of landscaping throughout the site, including landscape screening within the side setbacks adjoining the eastern and western boundaries which are shared with the proposed Islamic school and Council's drainage reserve in Gribble Place. The landscaping plan has been amended to incorporate:
- Fencing details of fence to adjoin Gribble Reserve along the site's eastern boundary, which includes brick piers to enhance the appearance of the fence
 - Permeable paving in the access handle, and in the staff parking areas near the southern boundary, as car spaces 16 - 33 are permeable paving
 - Additional planting on the southern boundary
 - Amended landscape details, including the playground area in the south-western corner.
- 5.7 The RCF comprises 5 levels of accommodation and associated service areas. The building's design incorporates an east wing, a middle bridge element and a smaller west wing. The RCF will provide 149 'high care' beds, including 17 beds reserved for dementia patients. The facility will operate 24 hours a day, 7 days a week. A maximum of 36 staff members will be on the premises during any one shift.

5.8 The building consists of the following levels and uses:

- Level 1: the west wing comprises a loading dock, service areas (including commercial kitchen, laundry and staff offices), a bridge element incorporating a foyer, nurses' station, servery and sitting area, and the east wing comprising 17 accommodation rooms
- Levels 2, 3, 4 and 5: 30 rooms are located over the east and west wings; in the bridge is located the nurses' station, servery, treatment areas and recreational facilities. In each wing is a sitting area, with adjacent balcony area. In the middle bridge element, a large north-west facing balcony is proposed
- Given that the facility will function to provide high care, the recreational activities proposed are in the main located within the facility, with limited recreational activities being offered outside of the building. The landscaped area of the site will predominantly be a place for passive activities, relaxation and light exercise
- The range of activities to be offered to residents includes the following types:
 - Physical
 - Cognitive
 - Constructive
 - Creative
 - Sensory and beauty
 - Social
 - Spiritual/religious
 - Cultural.

5.9 The 5 storey RCF building will have a maximum roof height of 20.3 m at the lift and stair overrun. The main apex of the roof for the majority of the roof area is at a height of 18 m, with the roof being at a height of 19 m on part of the southern elevation.

5.10 The building height of 20.3 m will be a 300 mm departure from the 20 m maximum height limit under the Blacktown LEP 2015. This variation of 1.5% and is considered acceptable as the additional height relates to the lift and stair overrun only. The majority of the roof apex is at a height of 17.5 - 18 m. The applicant has lodged a request to vary the development standard. The applicant's Clause 4.6 variation request from the BLEP development standard is at **Attachment 2**. Council's assessment of this variation is undertaken in Section 9.

5.11 The design of the building includes further screening measures to protect the amenity of neighbouring properties, including planter boxes on the ground level and privacy screening to the level 2 - 5 bedrooms with terraces, and adjacent to the central south side dining area.

5.12 The main building entry point faces towards the Kildare Road frontage to the south. Vehicular and pedestrian access to the main entry point is via the battle-axe access handle which comes off Kildare Road. Keyed pedestrian access is also proposed from Gribble Place when required, in case of emergency access being required. This access was approved by Council's Property Section and Council's Civil and Park Maintenance Section on the basis that the pedestrian gate access is restricted to use in the event of emergency use only, and not as regular use access. This would be addressed by conditions of consent.

- 5.13 The proposed building follows the shape of the allotment, being a long building form which spans the site, with balconies at the rear of the building facing north and at the side facing east. The building is setback:
- 6.1 m from the building line to the southern boundary (boundary of the proposed 6 storey RFB under separate DA-16-02941)
 - 8.5 m from the building line to the southern boundary with 35 and 35A Kildare Road
 - 54.5 m from the building line to Kildare Road, where the access handle comes off Kildare Road
 - 6 m from the building line to the western boundary (approved development – school)
 - 6.1 m from the building line to the eastern boundary (Gribble Place)
 - 7.05 m to 32 m from the building line to the northern boundary (abutting the Main Western railway line).
- 5.14 The proposal is for 149 high care beds (including 17 beds reserved for dementia patients), contained within a total of 137 rooms, each with an en suite bathroom. The RCF comprises 5 levels of accommodation and associated service areas. The building's design incorporates an east wing, middle bridge element, and a smaller west wing. Common facilities for the use of the residents include dining areas, communal lounges and sitting areas, activity areas, activities room, hair salon, outdoor courtyard and garden areas, and outdoor terrace areas. Common facilities are also provided for staff, including interview room, consulting room, staff rooms, staff amenities, outside terrace and administration areas. A maximum of 36 staff members will be on the premises during any one shift. A commercial kitchen will provide all meals and all laundry is dealt with on site.
- 5.15 Given that the development is located in an R4 High Density Residential zone on the fringe of the Blacktown CBD, and is 5 storeys in height, open space is provided to the residents via a landscaped area at ground level, which is highly detailed and very useable, and also through the various large balcony areas integrated into the building. Over levels 2 to 5 of the RCF, small 8 to 12 sqm balconies are provided off each ward sitting room, and a larger central balcony is provided off the main sitting foyer areas. The landscaped area on the ground level comprises 2,159 sqm. However, this does not meet the landscaping requirements of the Seniors Housing SEPP, which requires 3,725 sqm based on a rate of 25 sqm per bed. The applicant has lodged a request to vary from the development standard, which is at **Attachment 4**. Council's assessment of this variation is provided in Section 9 below.
- 5.16 The proposal includes car parking at-grade, which is accessed through the only available vehicular access from Kildare Road via the access handle. Total on-site parking is 33 car parking spaces, including 2 disabled car parking spaces within the access handle and 1 ambulance/emergency vehicle bay near the main building entry. This meets the requirement for 33 car parking spaces under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, which requires 1 space per 10 beds in the RCF for residents and visitors, 1 space for each 2 persons employed and on duty at any one time, and 1 space suitable for an ambulance.
- 5.17 Within the site the 33 parking spaces comprise:
- 18 staff spaces (consisting of 13 spaces in double stack parking formation)
 - 15 visitor spaces (including 2 visitor disabled spaces).

There is also an ambulance bay.

5.18 The parking spaces are located as follows:

- 15 in the battle-axe access handle
- The remainder in the southern portion of the site, including stacked parking for staff (spaces 18 - 23 and 28 - 33)

Spaces 16 - 33 will be finished in a pervious material, which will allow stormwater to percolate and infiltrate the surface areas, thereby reducing stormwater runoff.

- 5.19 Separate loading and waste pick-up areas for private waste vehicles are provided in the south-east portion of the site and are accessed by the access handle. This area includes a waste storage area and a manoeuvring area which provides a loading area for waste collection and deliveries, enabling vehicles to enter and exit the site in a forward direction. Once received, deliveries are taken through the loading area or through the workshop/maintenance room. All deliveries/waste collection activities are to be restricted to between 7 am and 6 pm Monday to Saturday only, with no collection permitted on Sundays or public holidays.
- 5.20 Stormwater management measures include an on-site stormwater detention (OSD) tank located in the north-eastern corner of the site. Drainage will be directed to Council's drainage reserve at the eastern boundary and stormwater quality treatment solutions will be installed on-site.
- 5.21 Interallotment drainage easements are proposed to provide drainage from proposed Lot 1 (future RFB proposed under DA-16-02941) to the culvert under the railway line to the north of Gribble Place. The applicant will be required to augment the water and sewerage connections to the site to accommodate the proposed development. We will condition for suitable arrangements to be made with service authorities.
- 5.22 The proposal will have 1.8 m high lapped and capped timber fencing, with 300 mm lattice topping, along the eastern, western and southern boundaries, and along the access handle. This will be conditioned in the consent. The eastern side boundary which fronts onto Gribble Reserve in Gribble Place will have brick piers incorporated into the timber fencing design to improve its visual appearance as it fronts onto the reserve. Amended plans have been provided to include this.
- 5.23 The north-eastern corner of the site, adjacent to Council's drainage reserve and drainage culvert in Gribble Place, is within the 1 in 100 year flood extent. The rear boundary abutting the railway corridor has wire mesh fencing along the base of this part of the perimeter, to enable flow through of floodwaters within the 1 in 100 year flood extents. A condition will be imposed for an acoustic barrier (masonry or timber) to a height of 2.4 m to be installed on the rear boundary, in order to reduce noise and visual impacts from the rail corridor. This fence will incorporate a wire mesh base to a height of 400 mm to enable stormwater flows to be maintained through the site.
- 5.24 Additional landscaping will incorporate 3 m high narrow green hedges of Lilly Pilly within the access handle, to screen the site from adjoining neighbours.
- 5.25 The proposal includes 3 fire-isolated stairs (i.e. fire stairs 01, 02 and 03) that have emergency egress doors which discharge out to paved external paths on level 1.
- 5.26 Business identification signage is proposed on the feature wall within the Kildare Road front setback and also on the lift overrun on the roof level. The signage content is 'Opal Specialist Aged Care', with the address and phone contact number.
- 5.27 The application is supported by a Traffic Impact Assessment prepared by Colston Budd Rogers and Kafes Pty Ltd, and by amended plans, an addendum to the report and revised turning circles. The report has undertaken an assessment of the traffic

and parking implications of the proposed development. This is discussed in detail in Section 4.5 of **Attachment 6**.

- 5.28 The site is provided with 24 hour staffing, CCTV monitoring and external lighting to ensure the surroundings are secure.
- 5.29 Refer to **Attachment 3** for the development plans.

6. Planning controls

- 6.1 The planning controls that relate to the proposed development are:

(a) Environmental Planning and Assessment Act 1979

For an assessment against the Section 79C 'Heads of consideration' refer to **Attachment 7**.

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

The Sydney West Central Planning Panel (SWCPP) is the consent authority for all development with a capital investment value (CIV) of more than \$20 million. The DA has a CIV of \$31,940,000. While Council officers are responsible for the assessment of the DA, determination of the application is to be made by the Panel.

(c) State Environmental Planning Policy (SEPP) (Infrastructure) 2007

The Infrastructure SEPP, Clauses 85 - 87, relate to this development. The proposed development is immediately adjacent to the Main Western railway line, which provides for freight traffic and passenger traffic 24 hours per day. The proposed building will be located a minimum of 7 m from the site's rear boundary which adjoins the rail corridor. It is not expected that the proposed development will adversely affect the adjoining rail corridor. The development has received the concurrence of Sydney Trains (ST) under the provisions of Clause 86(4), which has provided conditions, as the site and development is within 25 m of the rail corridor, and the proposed building and associated works will provide for excavation to at least 2 m to provide for the building foundations and site works.

Acoustic impacts from the railway line will be managed within the building's design and operation - rooms will have openable windows, but generally the accommodation will be air conditioned. Conditions will be imposed re compliance with the requirements of Clause 87 relating to noise intrusion into the living areas and sleeping areas, and requiring certification by a qualified acoustic engineer that the development will achieve these acoustic requirements. Sydney Trains has provided recommendations and conditions which will be incorporated within the consent to ensure compliance with Clauses 85 - 87 of the SEPP and the recommendations of ST.

(d) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)

- i. Clause 7 Contamination and remediation to be considered in determining development application.*

SEPP No. 55 aims to "provide a State-wide planning approach to the remediation of contaminated land". Clause 7 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the

granting of development consent.

A Stage 1 Investigation Contamination Report has been submitted with the Development Application. This has been prepared by Martens and Associates. The report concludes that there is some limited asbestos contamination due to dumping at the rear of the site. The report recommends further testing at the site in accordance with the conceptual site model, to evaluate potential areas of environmental concern and associated chemicals of primary concern. The requirement for further testing is due to the lack of access available to the rear of the site at 37 Kildare Road when the report was being prepared. Once additional investigation works have been undertaken as outlined in the report, and potential contamination risks identified, a Remediation Action Plan (RAP) can be prepared and implemented for the site following completion of the demolition works and prior to its residential use.

Subject to the implementation of the RAP recommendations, and site validation by a suitably qualified environmental consultant, the site will be made suitable for the proposed residential use. To ensure these remediation works are undertaken prior to the release of a Construction Certificate for the proposed residential care facility, conditions will be imposed to ensure that the site is made suitable for residential development without any limitations. These conditions include the requirements set out in the report described above.

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

The proposed development has been assessed against the provisions of the Seniors Housing SEPP and is considered to satisfactorily achieve the aims of the policy. The application satisfies all of the site requirements for a Seniors housing development, with the exception of the landscaping requirement where a variation from the development standard is sought. Apart from this variation, the proposal achieves compliance with the design requirements, principles and development standards outlined in the Seniors Housing SEPP. Council's assessment of the landscaping variation and the applicant's submission is included in **Attachment 4**.

The application proposes a building height of 20.3 m at the top of the lift and stair overrun. The majority of the roof height is below 20 m. The Seniors Housing SEPP has development standards relating to minimum site size, site frontage at the building line and building height, contained within Clause 40. The proposal meets the site size requirement of 1,000 sqm and the site frontage requirement of at least 20 m wide at the building line. The development standard for building height, which is 8 m, is for 'zones where residential flat buildings are not permitted'. Given that the proposed RCF is within the R4 zone which permits RFBs, the building height provision in BLEP 2015 is applicable to the proposal.

A detailed assessment of the proposal against the provisions of the Seniors Housing SEPP can be found at **Attachment 4**.

(f) SEPP No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide (ADG) 2015

Council's City Architect has provided comments and recommendations in relation to the provisions of the ADG relating to Objective 3B Orientation (concerning site layout) and Objective 3F Visual Privacy (concerning neighbouring present and future properties). He recommended some appearance offset changes to the external building, including a variety of fenestrations and the introduction of a shallow linking element to create more transparency at the centre of the building. In addition, he provided advice in

relation to landscaping treatment and car parking layout. The applicant provided a series of amendments to address these matters to Council's satisfaction.

SEPP No. 65 is not applicable to high care facilities, but we have assessed it against the solar access and setback principles under the SEPP. We have also considered the requirements under SEPP No. 65 regarding adequate solar access. **Attachment 4** gives a full assessment of compliance with the Seniors Housing SEPP.

The proposed setbacks are discussed in Section 9 below. Clause 6A of the SEPP states that DCPs cannot be inconsistent with the ADG.

The applicant has provided amended plans to address the concerns raised by the City Architect. The building's appearance was amended to reduce its 'institutional' character within what will be a precinct of residential flat buildings. The height of the building is approximately one-half to one storey below the LEP control (with the exception of the lift and stair overrun). In its location on the battle-axe lot, in urban design terms this will allow for an appropriate transition in scale to likely higher residential flat buildings in the future to the south which will front Kildare Road.

An undercroft has been incorporated into the design to improve drainage from the site and also increase landscaping provision. Additional detailed landscaping treatment in several areas of the site, including the access handle, together with screening on balconies and terraces have been incorporated into the design to improve privacy, screening, useability of common open space areas and streetscape presentation. The proposal, as amended, now presents a high quality RCF, being a building of architectural merit which will be a worthy addition both visually and in terms of its function in providing seniors housing very close to the Blacktown CBD.

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

The proposed development has been assessed against the provisions of the Building Sustainability Index SEPP and is considered to satisfactorily achieve the aims of the policy.

(h) SEPP No. 64 – Advertising and Signage

The aim of this SEPP is to improve the amenity of urban and natural settings by managing the impact of outdoor advertising.

The application seeks consent for 2 business identification signs (one at the entry and a wall sign) and seeks consent for 1 roof sign. A business identification sign reading 'Opal Specialist Aged Care,' with the address and contact number (approximate dimensions 1500 mm by 400 mm), is proposed to be integrated into the eastern side fencing to the Kildare Road frontage of the access handle.

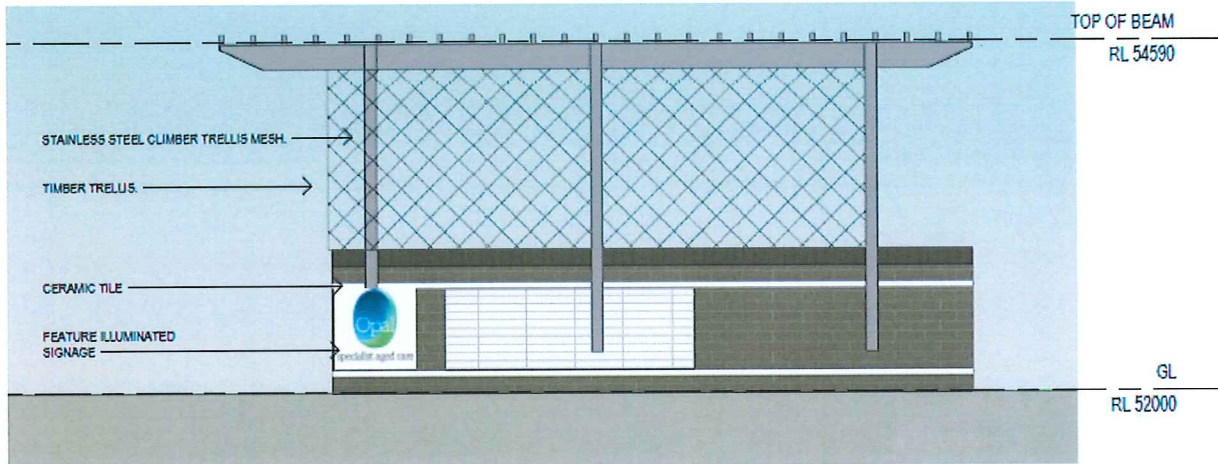


Figure 7 - Signage at front entry wall elevation, Kildare Road, shown on Elevation 2
(Allen Jack + Cottier, Revision 4, 13/05/16)

A wall sign is proposed to be located on the southern elevation of the lift motor room to the main building. In addition, entrance/exit points will be clearly signposted and visible from the street.

One roof sign is proposed to be located on the lift overrun, facing the railway corridor, with the Opal logo and referencing 'Specialist Aged Care' (approximate dimensions 4.938 m by 1.651 m). Refer to Figure 8 for the proposed position of this sign. The sign will be inner-illuminated. Its location on the northern face of the lift overrun will enable clients, visitors and health personnel who are travelling to the RCF to be able to read its location from the rail corridor, and from the Showground site to the north of the rail corridor.

The signage is defined as a 'business identification sign' as it indicates the name of the business carried out on the premises where the signage is displayed. Part 2 of the SEPP applies to signage generally, and states:

'A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in Clause 3(1)(a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.'

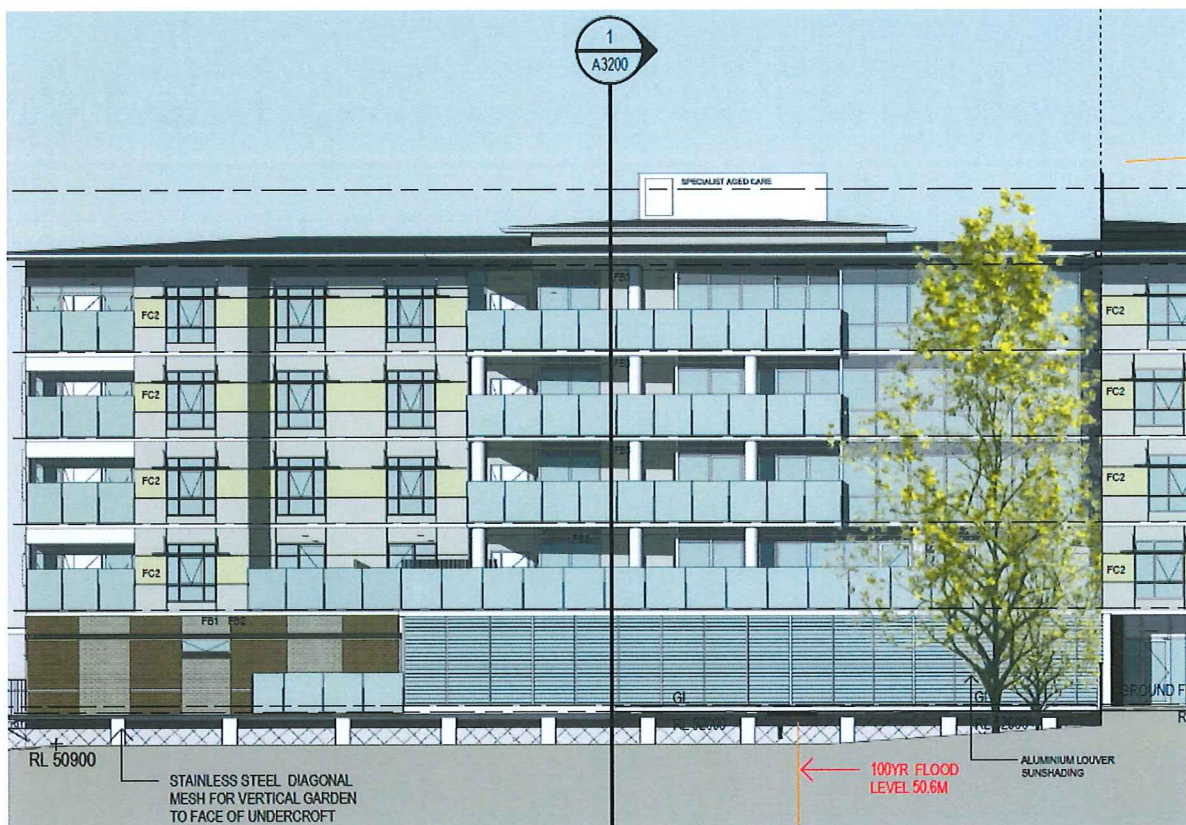


Figure 8 - Proposed roof sign on lift overrun on northern elevation facing the railway corridor, shown on elevations (Allen Jack + Cottier, Revision 7, 13/05/16)

The business identification sign at the entry off Kildare Road and the wall sign comply with the objectives of SEPP No. 64. However we do not support the proposed roof sign, given the building's location within a residential area. A flush wall sign facing the railway line could achieve the same outcome. Refer to **Attachment 5** for our assessment of compliance with SEPP No. 64.

(i) Protection of the Environment Operations Act 1997

An Acoustic Report has been provided which addresses the requirements of the POEO Act and Regulation. These matters have been addressed further in **Attachment 6**. The use of mechanical plant and equipment will be restricted and will be designed so their operation does not cause a noise nuisance. The DA Acoustic Assessment Report has been assessed by Council's Environmental Health Section. It concurs with the recommendations of the report and has provided conditions which will be incorporated within the consent to ensure compliance with Clauses 85 - 87 of the ISEPP and the recommendations of Sydney Trains.

(j) Blacktown Local Environmental Plan 2015

The land is zoned R4 High Density Residential pursuant to Blacktown Local Environmental Plan 2015 (BLEP 2015), and the maximum height of building map shows a limit of 20 m. It is noted that, at Clause 40(4) of the Seniors Housing SEPP, a non-discretionary development standard for building height applies the BLEP height control (rather than the SEPP height control) in a residential zone where residential flat buildings are permitted. The height control under the SEPP, namely 8 m, applies to zones where residential flat buildings are not permitted.

The application seeks to vary from the BLEP height limit by 300 mm in the area of the lift and stair overrun, and thus the proposed RCF exceeds the permitted

building height to a very minor extent. To address this variation, a Clause 4.6 variation from the BLEP development standard has been provided, which is at **Attachment 2**. The proposed use is defined in BLEP 2015 as 'Seniors housing', which includes as one of its definitions 'a building or place that is ... a residential care facility'. A 'residential care facility' is defined as 'accommodation for seniors or people with a disability that includes: (a) meals and cleaning services, and (b) personal care or nursing care, or both, and (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, but does not include a dwelling, hostel, hospital or psychiatric facility'. Within the R4 zone, 'Seniors housing' is permissible with consent.

(k) Blacktown Development Control Plan (BDCP) 2015

BDCP 2015 applies to the site and **Attachment 6** provides an assessment of compliance.

Assessment against BDCP 2015 is discussed in Section 9. The key issue is flood planning, as the eastern portion of the site within 39 Kildare Road is affected by local overland flooding.

- 6.2 The proposal has been assessed against relevant clauses within the applicable environmental planning instruments. Council's assessing officers consider the development satisfies all relevant clauses.

7. Internal referrals

- 7.1 The DA was referred to the following internal sections of Council:

Section	Comments
Engineering	No objection subject to conditions.
Drainage Engineering	No objection subject to conditions.
Building	No objections subject to conditions. A Waste Management Plan and demolition work plan have been provided, relating to the demolition of the dwelling at 37 Kildare Road and demolition of the swimming pool at 39 Kildare Road.
Traffic Engineering	No objection subject to conditions.
Environmental Health Unit	The application meets requirements in relation to acoustic treatment and ongoing operations, subject to conditions.
Waste Services	No objection to the proposal. The site is to be serviced by a private contractor. This will be imposed as a condition.
City Architect	The City Architect has provided comments and recommendations, and has attended several meetings with the applicant. In response to the matters raised by the City Architect, the applicant submitted amended plans. These satisfactorily resolve the City Architect's issues.
Community Development	The option of a key card lockable gate between this site and Council's reserve in Gribble Place, for pedestrian access in case of an emergency, was referred to the Community Development Section. It has no objection.
Property	No objection on the basis that the gate referred to above is

Section	Comments
	restricted to emergency use only.
Civil and Parks Maintenance	No objection on the basis that the gate referred to above is restricted to emergency use only.

8. External referrals

8.1 The DA was referred to the following external authorities:

Authority	Comments
Roads and Maritime Services (RMS)	No objection to the proposal.
Sydney Trains	No objection to the proposal, subject to conditions.
NSW Police Blacktown LAC	No objection to the proposal, subject to conditions.

9. Assessment

9.1 An assessment of the key issues relating to the proposed development is presented below, including variations sought from the planning controls.

9.2 Context and scale

The site falls within an area characterised by emerging new high density residential development following the rezoning of the area from medium density residential in 2015. The site is zoned R4 High Density Residential and 'Seniors housing' is permissible with consent in the zone.

The desired future character of the area is largely determined by the planning controls applying under the provisions of BLEP 2015 and BDCP 2015. The proposed development has been designed to be consistent with the desired future character of the locality. The proposal for subdivision to enable development of Seniors housing on the rear battle-axe lot, and a future residential flat building on the southern lot, meets the requirements of Clause 4.1 of BLEP, which does not stipulate a minimum subdivision allotment size. Based on merit considerations, the 2 lots will allow for development of each lot in line with the zone objectives.

The development is well designed and will contribute to the future quality and identity of the area. The site's proximity to services, facilities and public transport makes the site suitable for the proposal.

9.3 Flood planning

The properties at 37, 41 and 43 Kildare Road are not shown as affected by any of the Flood Risk Precincts or Local Overland Flooding categories. The eastern portion of the site within 39 Kildare Road is affected by Local Overland Flooding – Major Drainage. An investigation by Council has determined a 1% Annual Exceedance Probability (AEP) flood level of RL 50.6 m AHD as a result of water ponding around the current culvert under the railway line. Council's drainage engineers have applied

conditions to address the flood affected area of the site to protect the development against a flood event. This includes interallotment drainage easements and on-site detention.

9.4 Variation to BLEP 2015 development standard – building height variation

The proposal seeks to vary the building height by up to 300 mm above the permissible height limit of 20 m, being a variation of 1.5%. This variation relates to a minor portion of the roof structure, being the lift and stair overrun, and is an area of 90.4 sqm. The height variation does not result in additional floor levels or any additional yield.

The height exceedance is related to the lift and stair overrun area, with the majority of the roof apex being measured at 18 m, and reaching 19 m on part of the southern elevation. The lift and stair overrun is visually imperceptible, does not result in excessive bulk and scale, and does not result in adverse shadow and amenity impact on surrounding properties, and would not be visible from the street or public realm. The additional 300 mm in height is therefore considered acceptable.

Given that the additional height does not result in any commercial gain for the developer (in terms of yield or number of storeys) and will result in a better designed building, it is considered that the proposed variation to the height standard should be supported in this instance.

The applicant has submitted a request to vary from this development standard pursuant to Clause 4.6 of BLEP 2015. The objective of Clause 4.6 is to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes from development by allowing flexibility in justified circumstances.

Clause 4.6 requires consideration of the following:

1. *Has the applicant submitted a written request 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.*
2. *Is the proposed development 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.*
3. *Has the concurrence of the Director-General been obtained.*

The applicant's written request has adequately justified that compliance with the height development standard is unreasonable and unnecessary in this instance.

A copy of the applicant's written request is held at **Attachment 2**.

The variation will not have unreasonable impacts on neighbouring properties or the character of the area. The proposal is also consistent with the objectives of the development standard and the R4 High Density Residential zone that applies to the site. A full assessment of the request against the NSW Land and Environment Court '5-part test' is provided at **Attachment 8**.

In accordance with Clause 64 of the *Environmental Planning and Assessment Regulation 2000*, a consent authority, in this case the JRPP, has 'assumed

concurrence' from the Secretary (formerly the Director-General) of the Department of Planning and Environment to determine the Clause 4.6 request.

9.5 Variations to BDCP 2015 requirements

Refer to our assessment of compliance with BDCP 2015 at **Attachment 6**, which demonstrates that the proposal is for the most part compliant with BDCP. Council's Traffic Management Section and Waste Section have examined the amended plans and the turning circle diagrams, and confirm that the amended carpark design in terms of dimensions and aisle widths complies with Australian Standards AS 2890.1 and AS 2890.6.

Two special conditions will be imposed requiring an amended plan to modify the planter near the loading area, and to set back the location of the workshop door. This is to improve manoeuvrability on the site for waste collection vehicles, and also to reduce the risk to staff entering or exiting by the workshop door which is located adjacent to the loading area.

Car parking provision is determined under the Seniors Housing SEPP and the DA complies – refer to **Attachment 4**.

The provisions of Part C, Development in the Residential Areas, Section 7, Seniors Housing have been complied with – refer to **Attachment 6**.

9.6 Variations to the Apartment Design Guide requirements

(a) Building separation at the 5th level

SEPP No. 65 requires that consideration must be given to the requirements of the Apartment Design Guide (ADG). This has been addressed in Section 6 above. The development complies with the ADG with the exception of Objective 3F, which relates to visual privacy and building separation.

Under the ADG the building separation controls increase as the height of the development increases. The ADG indicates that the following are considerations for building separation:

Five storeys and above	Applicant's share of this building separation (from building to the boundary)
18 m between habitable rooms/balconies	9 m
12 m between habitable and non-habitable rooms	6 m

The proposal satisfies this guideline with the exception of the 5th storey at the front elevation and at the south-western edge of the building. The proposed building follows the shape of the allotment, being a long building form which spans the site, with balconies at the rear of the building facing north and at the side facing east. The building setback variation relates to the southern elevation where:

- The building is setback 6.1 m from the building line to the southern boundary (boundary of the proposed 6 storey RFB under DA-16-02941). This is a shortfall of 2.9 m at Level 5 at the south-western corner of the building.
- The building is setback 8.5 m from the building line to the southern boundary with Nos. 35 and 35A Kildare Road. This is a shortfall of 0.5 m at Level 5.

- The building is setback 6 m from the building line to the western boundary (approved development – school). This is a shortfall of 3 m at Level 5.

The amended design does not provide any large sized or exposed windows to its front and western facades. The windows are a combination of narrow vertical and horizontal windows (refer to the Floor and Elevation Plans provided at **Attachment 3**).

In relation to the adjoining site, amended plans for the proposed residential flat development being assessed under DA-16-02941 have not yet been provided. It is therefore unclear whether what is proposed facing the Seniors housing development will be habitable rooms/balconies or non-habitable rooms, so the required distance cannot be calculated with certainty. Notwithstanding this, the variations being sought are considered acceptable with appropriate measures to mitigate any potential privacy and overlooking impacts at level 5. This includes the windows in the vicinity of the south-western corner location on the southern elevation, and the western elevation being required to have a fixed privacy screen to a height of 1.4 m measured from the finished floor level, in order to address privacy impacts with the proposed RFB located to the south and the approved school development to the west. This will provide an innovative solution which will meet the intent of the design guidelines by mitigating potential overlooking of the adjoining developments.

9.7 Variations to the Seniors Housing SEPP

(a) Landscaping requirements

The proposal has been designed to satisfy, for the most part, the numerical requirements of the Seniors Housing SEPP for residential care facilities. These controls result in the development having a suitable scale and context for the locality. However, the proposal does not meet the 'landscaped area' requirement under the Seniors Housing SEPP, which sets a standard of a minimum of 25 sqm of landscaped area per residential care facility bed. The amended landscape plan is shown at **Figure 9**.

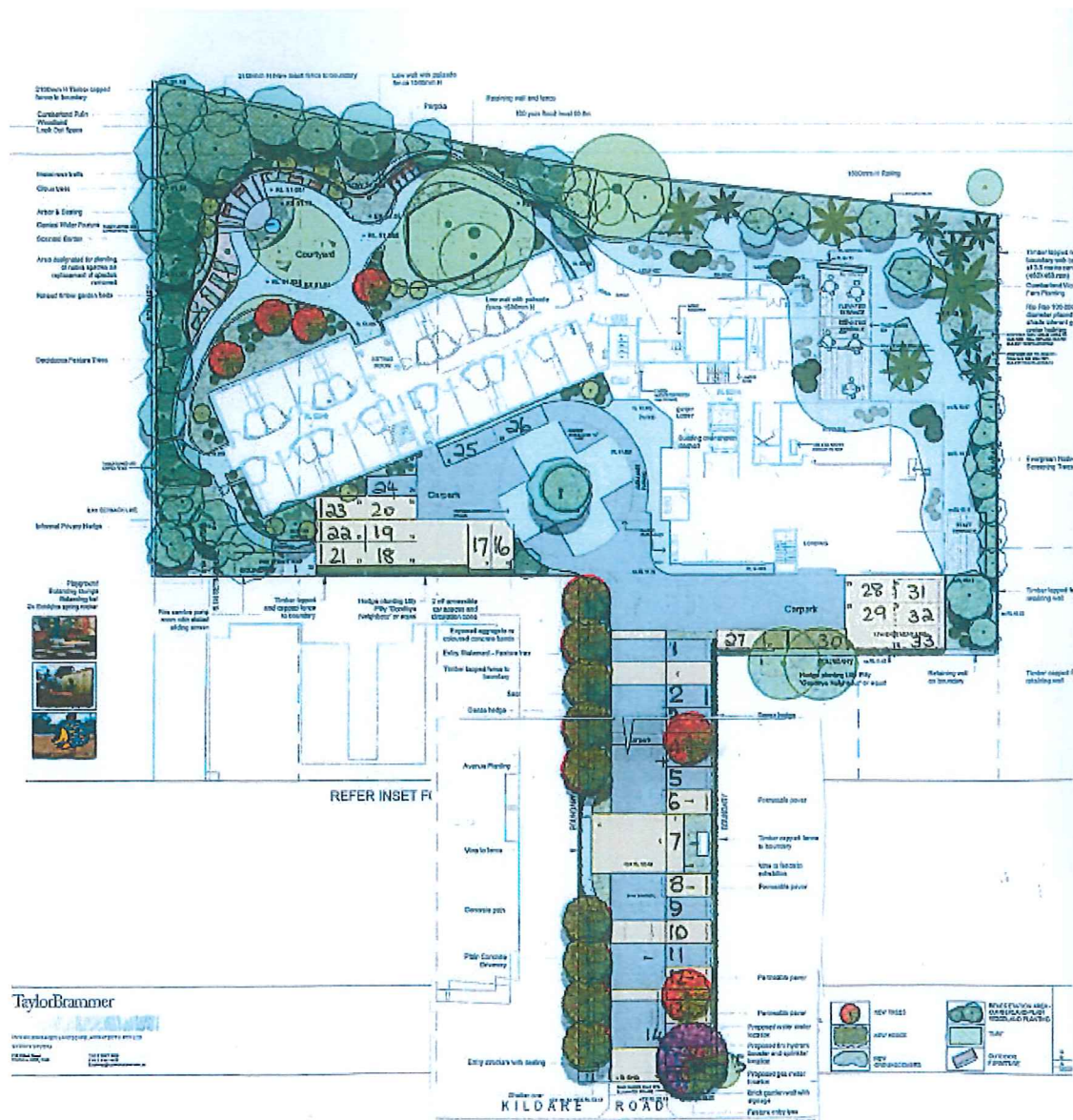


Figure 9 - Amended landscape masterplan (Taylor Brammer, Issue C, 16/05/16)

The definition of 'landscaped area' under the SEPP "means that part of the site area that is not occupied by any building and includes so much of that part as is used or to be used for rainwater tanks, swimming pools or open-air recreation facilities, but does not include so much of that part as is used or to be used for driveways or parking areas".

With the recent rezoning of this land adjacent to the rail corridor in response to Council's plan to increase densities around major public transport nodes, the site can have development to a height of 20 m, with setbacks to the western, northern and eastern boundaries of 6 m for levels 1 to 4, and 9 m setbacks to level 5. Strict compliance with the definition of 'landscaped area' under the Seniors Housing SEPP is unreasonable as Council has given a minor variation to other developments in the City of 1.1 sqm per bed. Therefore this DA should be given similar consideration as it will not compromise the amenity of the residents.

The applicant has submitted a detailed landscape plan. The submitted landscape plan provides for extensive embellishment of the site by providing ground covers, shrubs, trees, hedging along boundaries, a children's play area, and seating and planter beds. The landscaping is highly detailed and provides areas for passive recreation and active recreation.

Clause 48(c) of the Seniors Living SEPP states that Council must not refuse consent if a minimum of 25 sqm of landscaped area per bed is provided. The clause does not state that a residential care facility must provide 25 sqm of landscaped area per bed, although it does represent the minimum standard that should be sought. Thus the development standard is one upon which the application cannot be refused. Accordingly, this figure is essentially intended as an advisory standard and the quantity provided should be assessed on its merit. The provision of landscaped open space is discussed below.

The compliance table at **Attachment 4** indicates that there is 2,558 sqm of landscaping, which equates to 17.2 sqm per bed. This does not include the landscaping contained within the access handle, the hedges along the southern boundary, and landscaping contained near the entry to the facility, which when added to this figure provides a total of 2,881 sqm of landscaping, or 19.34 sqm per bed. This is a shortfall of approximately 20 per cent. This variation is discussed below.

Recent residential care facilities approved by Council and by the JRPP provide guidance with respect to interpretation of this standard. These applications have considered variations to landscaping, given that the developments also provide areas of common open space such as terraces and balconies, and areas within the facilities for therapy, relaxation and communal activities. These examples include JRPP-15-482 and DA-12-1294, where variations of between 1.1 per cent and 4 per cent have been permitted, and consideration has been given to the amount of common open space (including landscaping) provided per bed.

The proposed development also includes terraces and balconies of 704.6 sqm, which when combined with the landscaping discussed above, provide for a total common open space area of 3,586 sqm, which equates to a provision of 23.9 sqm of common open space per bed. Given that the proposed development provides for acute high care for patients who are aged in their 80's and above, and includes 17 beds for dementia patients, it is considered that, on merit grounds, the variation to the landscaping provision is considered acceptable, given the provision of terraces and balconies and internal areas within the facility have been provided for communal use. We note that in order to achieve 25 sqm of common open space per bed the proposal would need to have its bed numbers reduced to 144 beds within the facility, which is a reduction of 5 beds.

The most recent application approved, under JRPP-15-482, provided for 23.9 sqm per bed of landscaping, which included terraced areas and courtyards.

The applicant has provided support by way of a justification which is included at **Attachment 4**, where it is assessed. The applicant argues that:

"The building setbacks and ground level landscaping provided are appropriate to this zone and it should also be noted that this development includes various large balcony areas integrated into the building. These balconies serve the same purpose as landscaped area."

In conclusion, the proposed variation is supported. While strict compliance with the landscaped area provision of the Seniors Housing SEPP is not achieved, it is clear that minor variations from this standard have been considered in the past, in the context of the provision of common open space and other communal facilities which are provided. The variation in this instance, being an overall provision of 23.9 sqm of common open space per bed, instead of the 25 sqm per bed of landscaped area SEPP guideline, is considered an acceptable variation from the standard. This is considered appropriate in the context of this development, and given the high quality of the landscaping that is provided.

In addition, conditions have been included to ensure that both on ground and balcony common areas are landscaped with planter boxes and furniture. This will enhance these areas, and also provide screening to adjoining development, and privacy to residents.

9.8 Removal of Cumberland Plain Woodland

The site contains 0.17 ha of remnant Cumberland Plain Woodland and an Ecology Report which includes a 7 part test has been provided by the applicant. The report, titled 'A Flora, Fauna and Biodiversity Impact Assessment by ACS Environmental Pty Ltd', concluded that the remnant woodland is a degraded remnant form of Cumberland Plain Woodland in poor condition.

There is a mid-storey which is made up of exotic shrubs and noxious weed species, with 37 species in total. The report noted the presence of small skinks, native birds, 2 migratory birds the subject of international treaties and Indian myna birds. A systematic search for the presence of the Cumberland Plain Land Snail yielded no result. The report concluded the proposal would have no overall negative impact on the viable occurrence of the Cumberland Shale Plains Woodland in the locality and recommended that mitigation measures be undertaken in relation to the fragmented patch of natural woodland vegetation occurring on the subject site, by conditions of consent. An Aboricultural Impact Appraisal and Method Statement Report by Andrew Scales was submitted with the application. This examined the trees on the site, and provided recommendations in relation to tree retention, tree protection and ongoing tree management. Council's Civil and Open Space Maintenance Section has provided recommendations and conditions of consent, and concurs with the report's recommendations in relation to tree retention and protection, and a proposed tree replanting scheme.

In accordance with the report's recommendations, 8 existing native trees are to be retained within the setback to the railway corridor, in the area on the site set aside for landscaping treatment. Medium-sized trees will be incorporated into the access handle, at the rear of the site and along the side boundary adjacent to Gribble Place. These trees will include ornamental trees, and also Cumberland Plain Woodland species. Hedging to a height of 3 m will also be used to screen the access handle and along part of the southern boundary, using a species such as Lilly Pilly 'Goodbye Neighbour'.

The landscape plans include Cumberland Plain Woodland species to be provided as compensatory plantings. The landscape plan shows 8 major trees to be retained, with the majority of the remnant woodland proposed for removal due to its poor condition, and exotic and weed species also to be removed.

The submitted landscape plans will satisfactorily provide for the embellishment of the site by providing suitable ground covers, shrubs and trees to complement the development, and also address the north-eastern corner of the site which is flood prone.

Suitable conditions of consent are recommended to ensure suitable planting is provided prior to the issue of an Occupation Certificate, and all planting is to be maintained for the life of the development to ensure its health and quality.

9.9 Traffic impacts

Using the Roads and Maritime Services development criteria for aged persons housing of 0.1 to 0.2 vehicle trips per hour in the evening peak, it is identified that, based on 149 beds, the development is anticipated to have a peak traffic generation of 30 vehicle trips per hour (two-way) during the morning and afternoon peak periods, which is a low generation rate. Car parking provision for staff will be provided in a stacked configuration, and will accommodate shift changeover. The access handle and

loading bay area will be able to accommodate up to an 8.8 m long medium rigid truck, service vehicles and mini-buses. All vehicles will be able to enter and exit the site in a forward direction.

The submitted Traffic Report concludes that the proposed parking provision is appropriate and that the low traffic generation would not have noticeable effects on the operation of the surrounding road network. An amended carpark design has been provided which meets the 5.8 m aisle width requirement of the Australian Standard. This is to ensure that there is 5.8 m of free aisle space for manoeuvring between car space 17 and car spaces 18, 19 and 20. A condition will be included to modify the planter box near the loading area and to alter the workshop door location, in order to improve manoeuvrability on the site for waste collection vehicles and increase pedestrian safety in the loading area. This will reduce risks to staff entering or exiting by the workshop door, which will be set back, given its location adjacent to the loading area and where larger vehicles manoeuvre.

9.10 Noise assessment

The application is supported by an Acoustic Assessment Report prepared by Acoustic Logic Consultancy Pty Ltd, which examined the conditions of the site. The report contained a noise intrusion assessment and a noise emission assessment, which is required given the development's location immediately adjacent to a transport noise corridor, namely the Main Western railway line. The report also identifies the potential noise sources which will be generated by plant and equipment used at the site.

The report provides recommended acoustic treatments to ensure that compliance is achieved with the requirements of SEPP Infrastructure 2007 for mitigation of noise impacts in relation to sleeping areas and living areas, to provide for adequate ventilation within the RCF, and to address vibration impacts from the railway corridor. The report confirms that the development will comply with the Department of Planning's 'Development Near Rail Corridors and Busy Roads – Interim Guideline'. It also provides recommendations for noise emission goals for plant and equipment within the development, to ensure that nearby residential and educational buildings are not adversely affected.

This report states that the operation of the development will be in accordance with the NSW Environment Protection Authority (EPA) noise criteria in its Industrial Noise Policy (INP), being a maximum noise emission of 55dB(A) during the day, 45dB(A) during the evening period and 40dB(A) during the night period. The Acoustic Report confirms that noise amelioration treatments will be incorporated in the design to ensure that noise levels comply with the recommended EPA INP noise emission criteria and the Regulation to the Protection of the Environment Operations (POEO) Act. Recommendations have been provided with respect to the acoustic treatments necessary to achieve internal noise levels that comply with the Infrastructure SEPP, BDCP 2015, the 'Development Near Rail Corridors and Busy Roads' Guideline, and the non-mandatory Department of Environment and Climate Change (DECC) (now EPA) Road Traffic Noise Policy (Sleep Disturbance Guidelines). The recommendations of this Acoustic Report will be included as conditions of consent.

10. Public comment

10.1 The DA was notified, in accordance with Blacktown Development Control Plan 2015, to adjoining and nearby property owners and occupants from 17 February to 2 March 2016. An advertisement was also placed in the local newspaper and a notification sign placed on site.

10.2 No objections were received to the proposal.

- 10.3 However, one submission was received from the owners of 47 Kildare Road, Blacktown, which did not object to the application but requested Council “condition ... for the allowance of a drainage easement, beneficiary to number 47 Kildare Road, to allow for future development on the property”. This proposed easement would burden 49 Kildare Road, to enable the owners of 47 Kildare Road to connect into the drainage easement at the rear of the RCF site adjoining the rail corridor. Further, the submitter states: “We would also like to make it abundantly clear that we are not objecting to the nature of the development, but only ask for Council to consider conditioning an easement for drainage as part of the development application determination”. Council’s Senior Drainage Engineer has advised that this is a matter for private negotiation with the owners, and not a matter that can be conditioned as part of the DA. The submitter will be advised of this upon determination of the application.

11. Section 79C consideration

- 11.1 Consideration of the matters prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* is summarised in **Attachment 7**.
- 11.2 It is considered that the likely impacts of the development, including traffic and access, site contamination, stormwater quality and drainage, flooding, building form, appearance and separation, signage, solar access and overshadowing, and noise and privacy impacts have been satisfactorily addressed, and where required suitable conditions have been imposed to address these likely impacts. The proposal is considered to be in the public interest and the site is considered suitable for the proposed development.

12. Recommendation

- 12.1 The DA be approved by the Sydney West Central Planning Panel subject to the conditions held at **Attachment 1**.
- 12.2 The applicant be advised of the Panel’s decision.
- 12.3 The submitter be advised of the Panel’s decision.



Ruth Bennett
Senior Project Planner



Judith Portelli
Manager Development Assessment



Glennys James
Director Design and Development