

**ASSESSMENT OF COMPLIANCE TABLE WITH SECTION 79C
OF THE EP&A ACT 1979**

JRPP-15-02700 - Assessment of a Residential Care Facility (RCF)

Proposed Lot 2 in Nos. 37-43 Kildare Road, Blacktown

Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 is outlined below:

Head of Consideration	Comment	Complies
<p>a. <i>the provisions of:</i></p> <p>(i) <i>any environmental planning instrument (EPI)</i></p> <p>(ii) <i>any development control plan</i></p> <p>(iii) <i>any planning agreement</i></p> <p>(iv) <i>the regulations</i></p>	<ul style="list-style-type: none"> • Refer to Section 6 of the assessment report which addressed the EPIs which are relevant to this proposal. • The proposal is considered to be consistent with the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. • The proposed business identification sign at the entry is considered to be consistent with the State Environmental Planning Policy No 64 (Advertising and Signage). Refer to Attachment 5 for an assessment of compliance against SEPP 64. • The site is currently zoned R4 High Density Residential pursuant to the Blacktown Local Environmental Plan (BLEP) 2015 in which the proposed 'Seniors housing' development is permissible with development consent. • The proposed development is compliant with all of the numerical controls established under the BLEP with the exception of: <ul style="list-style-type: none"> ○ a building height exceedance of 300mm in the area of the lift and stair overrun. A clause 4.6 variation request has been submitted; refer to Attachment 2 • The proposed development is compliant with all of the numerical controls established under the Seniors Housing SEPP with the exception of the landscaped area. A variation request has been submitted; refer to Attachment 2. • The proposed development is compliant with all of the numerical controls established under the SEPP No 65 and the Apartment Design Guide with the exception of variations to setbacks, and building separation. The variations re setbacks and building separation are discussed in detail in the JRPP Report under Section 6(f) and at Section 9.4 and are considered acceptable by Council officers. Given that the non-compliances re setbacks and building separation are considered minor, and can be addressed by conditions requiring fixed privacy screens on level 5, it is recommended that the development be supported in its current form. 	Yes

	<p>Refer to discussion at clause 34 within Attachment 4. Conditions of consent have been recommended. The solar access, daylight access, and overshadowing of properties to the south and south east complies with the current solar access standards under SEPP No 65; refer to discussion at clause 35 within Attachment 4.</p> <ul style="list-style-type: none"> • Subdivision works, demolition and building identification signs are permissible in the R4 zone with consent. • The proposal is considered to satisfy the zone objectives of the BLEP 2015. • The Blacktown Development Control Plan 2015 applies to the subject site. Refer to the detailed assessment at Section 9 of the assessment report of key issues. Refer to Attachment 6 for an assessment of compliance against the BDCP 2015. • The proposed development is consistent with the existing and desired future character of the area. 	
b. <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</i>	<ul style="list-style-type: none"> • A thorough site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. • An assessment of the key issues is provided in Section 9 of the assessment report and it is considered that the likely impacts of the development have been satisfactorily addressed. It is considered that the likely impacts of the development, including traffic and access, site contamination, stormwater quality, salinity, amenity impacts, solar access, and noise impacts have been satisfactorily addressed. • In view of the above it is believed that the proposed development will result in beneficial social and economic impacts in the locality, and will not have any unfavourable environmental impacts. 	Yes
c. <i>the suitability of the site for the development</i>	<ul style="list-style-type: none"> • The existing area is currently low density residential living. The site and surround area have been rezoned R4 High Density Residential under BLEP 2015 which permits 'Seniors housing' with consent. Land subdivision and demolition is permissible with development consent. Business identification signs are permitted in the R4 zone with consent. • The proposal has been designed taking into consideration the site's constraints and locality. • The site is a desirable location given it is compatible with the adjoining land uses, including commercial land uses (medical and allied health services are nearby in Kildare Road; community service facilities are located in Gribble Place; Blacktown Hospital is 2.3km from the site; Blacktown Fire Station is 2.8km from the site; the Westpoint Shopping Centre is 400m 	Yes

	<p>away; the Max Webber Library and Blacktown Art Centre is 550m away.)</p> <ul style="list-style-type: none"> Given the site's location adjacent to the main Western railway corridor, and the nature of the development as a facility for the aged and disabled, noise attenuation measures have been provided to ensure noise impacts from the freight and passenger rail transport which operates over 24 hours per day have been addressed. Conditions have also been proposed in relation to noise levels at the site from the operation of plant and equipment, to address potential noise impacts on the surrounding residential and educational buildings. The subject development is considered satisfactory in terms of the likely impacts of the development. As such the subject site is considered suitable for the proposed development. 	
d. <i>any submissions made in accordance with this Act or the regulations</i>	<ul style="list-style-type: none"> The proposal was exhibited as part of the public notification process. No submissions were received that related to the proposal. One submission was received that requested information from Council relating to the possibility of obtaining access from the adjoining neighbour at No. 49 Kildare Road in order to access a drainage easement on the subject site to benefit the submitter located at No. 47 Kildare Road. 	Yes
e. <i>the public interest</i>	<ul style="list-style-type: none"> No adverse matters relating to the public interest arise from the proposal. Overall, the proposal provides a positive public benefit in the form and provision of Seniors Housing. The proposed built form and use is compatible with the surrounding residential and non-residential land uses, and is compatible with the existing and desired future character of the immediate locality. In addition, it is noted that a copy of the DA was forwarded to Sydney Trains and the NSW Roads and Maritime Services who did not raise any objections to the proposed development. Sydney Trains have provided recommendations and conditions to be included in the consent. A copy of the DA has been submitted to the NSW Police Local Area Command at Blacktown who did not raise any objection, and have provided recommendations and conditions to be included in the consent. Given all of the above, it is considered that the proposed development represents an orderly development of the land, and addresses the demand for additional Seniors Housing for persons who are frail-aged and/or living with dementia in Sydney, and is therefore in the public interest. 	Yes