

ITEM	10 Nelson Short Street, POTTS HILL
	Construction of a Seniors Living Development comprising of six (6) buildings with a total of 224 dwellings and ancillary uses including a medical centre, café, retail shop, restaurant/lounge, outdoor swimming pool, with communal landscaped areas and on-site basement car-parking.
FILE	DA-845/2017 - Bass Hill Ward
ZONING	B7 Business Park
DATE OF LODGEMENT	12 September 2017
APPLICANT	Mecone
OWNERS	Potts Hill Group Pty Limited
ESTIMATED VALUE	\$70,635,855
AUTHOR	Development Services

SUMMARY REPORT

This matter is reported to the Sydney South Planning Panel in accordance with the provisions of State Environmental Planning Policy (State and Regional Development) 2011. The proposed development has an estimated capital investment value that exceeds the threshold of \$30 million for 'General Development' (Schedule 7, CI 2).

Development Application No. DA-845/2017 proposes construction of a seniors living development comprising of six (6) buildings with a total of 224 dwellings and ancillary uses including a medical centre, café, retail shop, restaurant/lounge, outdoor swimming pool, with communal landscaped areas and on-site basement car-parking.

DA-845/2017 has been assessed against the relevant provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, State Environmental Planning Policy No. 55 – Remediation of Land, State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide (ADG), State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004, Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015

The application was advertised and notified for a period of twenty-one (21) days from 27 September to 17 October 2017. Ten (10) submissions were received during this period, which raised concerns relating to character of the area, privacy impacts, traffic impacts, access to services, acoustic impacts, overshadowing and car parking. These issues are addressed in the body of the report.

POLICY IMPACT

The matter being reported has no direct policy implications.

RECOMMENDATION

Based on the assessment report (Attachment A), it is recommended that the application be approved subject to the attached conditions.

ATTACHMENTS

- Attachment A - Section 4.15 Assessment Report
- Attachment B - Conditions of consent
- Attachment C - Locality plan
- Attachment D - Submissions map
- Attachment E - Architectural Plans
- Attachment F - Site Survey:
- Attachment G - Landscape plans
- Attachment H - Natural Ventilation Assessment
- Attachment I - Traffic Report
- Attachment J - Economic Report
- Attachment K - Stage 1 Preliminary Site Investigation (no attachments)
- Attachment L - Site Audit Report
- Attachment M - Remedial Action Plan

Attachment A – ASSESSMENT REPORT

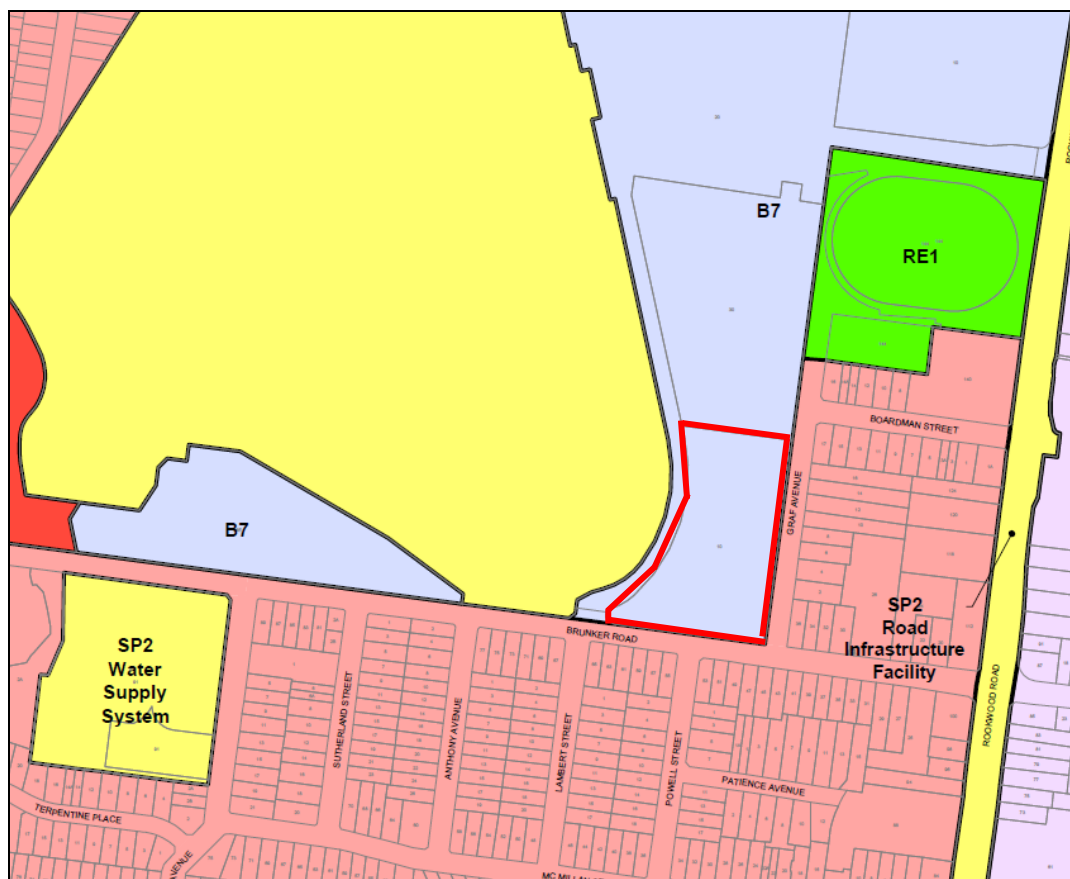
SITE & LOCALITY DESCRIPTION

The subject site is legally described as Lot 104 in Deposited Plan 1149790, known as 10 Nelson Short Street, Potts Hill. The site is located on the northern side of Brunker Road, bounded by Graf Avenue (to the east) and Nelson Short Street (to the west).

The site is irregular in shape with a curved frontage of approximately 183 metres to Nelson Short Street, 140 metres to Brunker Road, 184 metres to Graf Avenue and a total site area of 18,920m². The site is currently vacant with vegetation, in the most part, confined to along the site's frontages to Brunker Road and Graf Avenue.

While the site is relatively flat, embankments approximately 5 and 7 metres high are provided along the Brunker Road and Graf Avenue frontages respectively.

The site is zoned 'B7 Business Park' under the Bankstown Local Environmental Plan 2015. The adjoining sites to the north are similarly zoned 'B7 Business Park' while sites to the east and south, along both Graf and Brunker Road, are zoned 'R2 Low Density Residential'. To the west, on the opposite side of Nelson Short Street, is the Potts Hill Reservoir Site which is zoned 'SP2 Infrastructure (Water Supply System)'. The zoning map below provides details relating to the site and those adjoining.

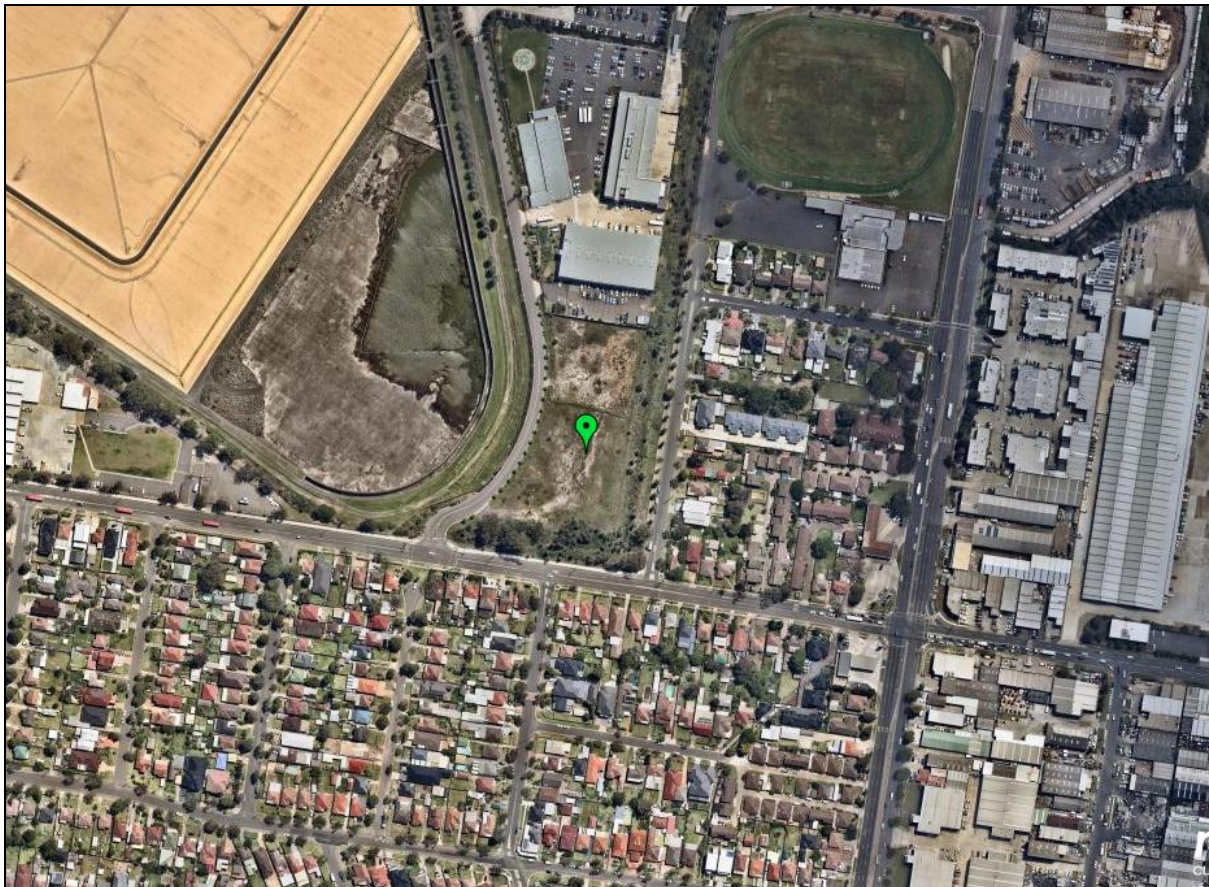


Occupying the site to the north (on No 30 William Holmes Street) are three separate NSW Police buildings. To the south and east, on the opposite side of Bruncker Road and Graf Avenue respectively, sites are occupied by a number of single and two storey detached dwellings whilst west of the site is the Potts Hill Reservoir.

Traffic lights are provided at the intersection of Bruncker Road and Nelson Short Street, while the intersection treatment provided at Bruncker Road and Graf Avenue restricts access into Graf Avenue to motorists travelling in an easterly direction along Bruncker Road while egressing Graf Avenue motorists are confined to a left turn movement only due to a central median being provided in Bruncker Road.

Street tree plantings are provided at regular intervals along both the Graf Avenue and Nelson Short Street road reserves.

Below is an aerial photo of the site and its immediate surrounds.



PROPOSED DEVELOPMENT

Development Application No. DA-845/2017 proposes the construction of a Seniors Living Development comprising of six (6) buildings with a total of 224 dwellings and ancillary uses including a medical centre, café, retail shop, restaurant/lounge, outdoor swimming pool, with communal landscaped areas and on-site basement car-parking for 214 vehicles.

The development consists of a residential care facility and self-contained dwellings. The residential care facility is located to the northern end of the site and contained within Buildings A and F with the self-contained dwellings located throughout the centre and southern portions of the site within Building B, C, D and E.

Residential Care Facility

Building A is a three (3) storey building located at the north-eastern corner of the site, comprising of forty-six (46) residential care facility beds of which fourteen (14) are designated for dementia patients. The ground floor provides offices, lounge and dining areas and associated patient support services. The upper storeys comprise of the remaining residential care facility beds, with lounge and dining areas provided on each floor as well as further patient support services.

Building F is a three (3) storey building located at the north-western corner of the site, comprising of thirty-eight (38) residential care facility beds of which six (6) are designated for dementia patients. The ground floor provides offices, lounge and dining areas, associated patient support services and an external courtyard area fronting Nelson Short Street. The upper storeys comprise of the remaining residential care facility beds, with lounge and dining areas provided on each floor as well as further patient support services.

Building A and F are designed to operate as one facility for a total of eighty-four (84) beds, being connected by walkways at each floor, thereby able to share services and share the communal courtyard between the two buildings. The facility is separated from the remainder of the site with entry/exit provided via Building F to Nelson Short Street or via two (2) lifts to the basement within each building. Forward of the pedestrian entry to Building F is a vehicular pick up and drop off point for the facility.

Self-Contained Dwellings

Building B is a four (4) storey building located to the centre of the site towards the eastern side, comprising of thirty-eight (38) seniors housing units, being ten (10) x one (1) bedroom units and twenty-eight (28) x two (2) bedroom units. Pedestrian entry to the building is provided at the ground floor on the western side from the central communal open space of the development with a pathway leading from the main entrance to the site adjacent to Building D. Access to the basement is provided from two lifts within the building.

Building C is a four (4) storey building located to the south-eastern corner of the site, comprising thirty-three (33) seniors housing units, being seventeen (17) x one (1) bedroom units and 16 x two (2) bedroom units. Pedestrian and basement access are consistent with the arrangements for Building B.

Building D is a four (4) storey building located to the south-western corner of the site comprising of a cafeteria, neighbourhood shop and medical centre at the ground floor and thirty-two (32) seniors housing units, being seven (7) x one (1) bedroom units, twenty-two (22) x two (2) bedroom units and three (3) x three (3) bedroom units. Pedestrian entry to the building is provided at the ground floor on the northern side from the communal open space area leading from the main site entry. To the western end of the building, fronting Nelson Short Street is a pick up and drop off area servicing Buildings B – E. Access to the basement is provided from two lifts

within the building.

Building E is a four (4) storey building located to the centre of the site along the western boundary comprising of a cafeteria, swimming pool, gym and associated facilities and thirty-seven (37) seniors living units being eleven (11) x one (1) bedroom units and twenty-six (26) x two (2) bedroom units. Pedestrian entry to the building is via the southern end of the building from the communal open space area. Access to the basement is provided from two lifts within the building.

Basement

A single level basement provides parking for 214 vehicles. Access to the basement is from Nelson Short Street via a driveway and ramp located between Buildings E and F. Parking is allocated as per the tables below.

PARKING SCHEDULE_Standard Parking Bays		
Building_No	Comments	Count
A	Standard Car Parking Bay	4
B	Standard Car Parking Bay	33
C	Standard Car Parking Bay	25
D	Standard Car Parking Bay	31
E	Standard Car Parking Bay	33
Surplus	Standard Car Parking Bay	12
Total Number of Standard Parking Spaces: 138		

PARKING SCHEDULE_Visitor		
Building_No	Comments	Count
V-B	Visitor	7
V-C	Visitor	5
V-D	Visitor	7
V-E	Visitor	7
Total Number of Visitor Parking Spaces		26

PARKING SCHEDULE_Commercial		
Building_No	Comments	Count
D	Medical	5
D	Restaurant	12
D	Retail	1
Total Number of Parking Spaces: 18		

PARKING SCHEDULE_RACF		
Building_No	Comments	Count
A	RACF STAFF	5
F	RACF STAFF	5
Total Number of RACF Staff Parking Spaces: 10		

PARKING SCHEDULE_Accessible		
Building_No	Comments	Count
	Accessible Car Parking Bay	14
	3.8m Accessible Car Parking Bay	8
Total Number of Accessible Parking Spaces		22

The basement incorporates support services for the development including a kitchen, laundry facilities and staff dining areas. Garbage rooms, storage areas and mechanical plant rooms are also provided in the basement.

SECTION 4.15 ASSESSMENT

The proposed development has been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 4,15(1)(a)(i)]

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the proposed development.

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

The following clauses of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* were taken into consideration:

Chapter 1 Preliminary

- 2 Aims of Policy
- 4 Land to which Policy applies
- 5 Relationship to other environmental planning instruments
- 7 Suspension of certain agreements and covenants

Chapter 2 Key concepts

- 8 Seniors
- 9 People with a disability
- 10 Seniors housing
- 11 Residential care facilities
- 13 Self-contained dwellings

Chapter 3 Development for seniors housing

- 14 Objective of Chapter
- 15 What Chapter does
- 16 Development consent required
- 18 Restrictions on occupation of seniors housing allowed under this Chapter
- 19 Use of seniors housing in commercial zones
- 26 Location and access to facilities
- 28 Water and sewer
- 29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply
- 30 Site analysis
- 32 Design of residential development
- 33 Neighbourhood amenity and streetscape
- 34 Visual and acoustic privacy
- 35 Solar access and design for climate
- 36 Stormwater
- 37 Crime prevention
- 38 Accessibility
- 39 Waste management

- 40 Development standards – minimum sizes and building height
- 41 Standards for hostels and self-contained dwellings
- 46 Inter-relationship of Part with design principles in Part 3
- 48 Standards that cannot be used to refuse development consent for residential care facilities
- 50 Standards that cannot be used to refuse development consent for self-contained dwellings
- Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings

The following table provides a summary of the development application against the primary numerical controls contained within *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*:

STANDARD	PERMITTED	PROPOSED	COMPLIANCE
Use of ground floor of buildings fronting the street	No part of the ground floor of a building that fronts a street may be used for residential purposes	No part of the ground floor of a building fronting Nelson Short Street is to be used for residential purposes.	Yes – see below
Location and access to facilities	The site must be located with access to certain services	The site relies on public transport for access to the required services	Yes – see below
Site Area	Min. 1000m ²	18,920m ²	Yes
Site frontage	Min. 20m	140m	Yes
Accessibility standards	Requirements set out in Schedule 3	Capable of complying	Yes
Residential care facilities			
Building height	Must not refuse under 8m	Building A – 11.80m Building F – 11.35m	N/A – see below
Density and scale	Must not refuse under 1:1	1.22:1	N/A – see below
Landscaped area	Must not refuse if a minimum of 25m ² per care facility bed is provided	26.20m ² per care facility bed is provided	N/A
Parking for residents and visitors	Must not refuse if 18 car spaces (8 resident spaces/visitor spaces and 10 staff spaces) are provided	26 car spaces (16 resident/visitor spaces and 10 staff spaces)	N/A
Self-contained dwellings			
Building height	Must not refuse under 8m	Building B – 14.28m Building C – 16m Building D – 14.90m Building E – 14.32m	N/A – see below
Density and scale	Must not refuse if under 0.5:1	1.13:1	N/A – see below
Landscaped area	Must not refuse if a minimum of 5,676m ² (30%) of the site area is landscaped	5,790m ² (31%)	N/A

Deep soil	Must not refuse if a minimum of 2,838m ² (15%) is provided	5,790m ² (31%)	N/A
Solar access	Must not refuse if a minimum of 3 hours solar access between 9:00am and 3:00pm to 70% of units	2 hours solar access between 9:00am and 3:00pm to 70% of units	N/A – see below
Parking for residents and visitors	119 spaces (0.5 per bedroom)	148 car spaces provided	N/A

Permissibility

Clause 4 identifies that the Seniors Living SEPP applies to land zoned primarily for urban purposes but only if dwelling houses, residential flat buildings or hospitals are permitted. The site is located within the B7 Business Park Zone under BLEP 2015 and is therefore zoned primarily for urban purposes. Within the zone, health services facilities, which includes hospitals, are permitted with development consent. Therefore, the SEPP applies to the site.

Clause 15 of the Seniors Living SEPP permits development for the purpose of seniors housing on land zoned primarily for urban purposes, despite the provisions of any other environmental planning instrument. Therefore, the proposed development is permissible with development consent.

Use of seniors housing in commercial zones

Clause 19 of the Seniors Living SEPP states that no part of the ground floor of a building on the site that fronts a street may be used for residential purposes as the site is zoned primarily for commercial uses. The proposed development satisfies the requirements of this clause, with the portions of the ground floor of Buildings D, E and F fronting Nelson Short Street not being used for residential accommodation.

Whilst the site technically has three street frontages, being Graf Avenue (east), Brunker Road (south) and Nelson Short Street (west), it is not considered that the development fronts Graf Avenue and Brunker Road. This is due to the significant level change of approximately 7.87m from the eastern side boundary to the ground floor of Buildings B and C and of between 4.51 metres and 8.28 metres from the southern boundary to the ground levels of Buildings C and D. Additionally, it is noted that the development also adopts significant setbacks from the both the eastern and southern boundaries (20 metres and 10 metres) and no vehicular access is provided to either street from the development. As such, the proposed development satisfies the provisions of Clause 19 of the SEPP.

Access to facilities

The site is located within 400m of bus service (Bus Service 908) going to and from Bankstown Central at least once hourly between 8:00am and 12:00pm and 12:00pm and 6:00pm Monday to Friday. A suitable access pathway is provided to the bus stops. Bankstown Central provides shops, bank services, community services and recreation facilities. Additionally, a medical centre (Alpha-Cure Medical Centre) is located at the corner of Rickard Road and Chapel Road which is along the 908 bus

service route. Therefore the proposed development satisfies the location and access to facilities requirements under Clause 26 of the Seniors Living SEPP.

Density and scale

Clause 48(b) of the Seniors Living SEPP states that the consent authority must not refuse consent for a “*residential care facility*” if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less. The floor space ratio for the residential care facility part of the proposed development, when expressed as a ratio of the site area it occupies (i.e. the northern portion of the site, being 5,000m²) is 1.22:1.

Clause 50(b) of the Seniors Living SEPP states that the consent authority must not refuse consent for “*self-contained dwellings*” if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less. The floor space ratio for the self-contained dwellings part of the proposed development, when expressed as a ratio of the site area it occupies (i.e. the southern portion of the site, being 13,920m²) is 1.13:1.

It is noted that the floor space ratio figures expressed above are based on the definition of gross floor area in the Seniors Living SEPP, which reads as follows:

gross floor area means the sum of the areas of each floor of a building, where the area of each floor is taken to be the area within the outer face of the external enclosing walls (as measured at a height of 1,400 millimetres above each floor level):

- (a) *excluding columns, fin walls, sun control devices and any elements, projections or works outside the general lines of the outer face of the external wall, and*
- (b) *excluding cooling towers, machinery and plant rooms, ancillary storage space and vertical air conditioning ducts, and*
- (c) *excluding car parking needed to meet any requirements of this Policy or the council of the local government area concerned and any internal access to such parking, and*
- (d) *including in the case of in-fill self-care housing any car parking (other than for visitors) in excess of 1 per dwelling that is provided at ground level, and*
- (e) *excluding space for the loading and unloading of goods, and*
- (f) *in the case of a residential care facility—excluding any floor space below ground level that is used for service activities provided by the facility.*

Both Clauses 48(b) and 50(b) of the Seniors Living SEPP are expressed as amounts which, if complied with, the consent authority cannot use to refuse an application on the grounds of floor space ratio. If the floor space ratio exceeds these numbers, then the consent authority can either approve or refuse the application on floor space ratio grounds.

In determining whether or not to support the density and scale of the development, when expressed as floor space ratios as calculated under the SEPP, it is considered relevant to consider the overall floor space ratio of the development when calculated

under the definition of gross floor area in the Bankstown Local Environmental Plan 2015, which reads as follows:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

Clause 4.4 of the Bankstown Local Environmental Plan 2015 provides a maximum floor space ratio for development on the site of 1:1. When calculated in accordance with the definition above, the entirety of the proposed development complies with this requirement, the floor space ratio being 1:1.

When considering whether the density and scale of the development is appropriate, it is relevant to consider other permissible uses that could be proposed on the subject site. Under the B7 - Business Park zoning, 'office premises' is a permissible land use. A development proposing 18,920m² of office premises could be proposed under the BLEP 2015, and could very likely present as a similar built form as that proposed under the current application, albeit one more commercial in appearance. It is worth noting that an office premises development of 18,920m² would generate a demand for 473 parking spaces at a rate of 1 per 40m² under Part B5 (Parking) of Council's BDCP 2015, more than double the number required to be provided for the development proposed under the Seniors Living SEPP. It is considered that the intensification of the use of the site if developed as office premises would be significantly greater than that currently proposed, especially in terms of traffic generation. The number of vehicle movements associated with 473 parking spaces for office premises would be significantly greater, especially in the morning and evening peak periods, than the number of vehicle movements associated with the 214 parking spaces required for the proposed uses on the site. The subject development is considered to be less intensive than a development of similar scale for office premises, which would otherwise be permitted on the site under the BLEP.

Given that the development complies with the maximum floor space ratio of 1:1 permitted under the BLEP 2015 and is considered to be of a lower level of intensity than other forms of development that are permitted in the zone, it is considered that the density and scale of the proposed development remains appropriate, despite exceeding the threshold at which the consent authority cannot refuse under Clauses 48(b) and 50(b) of the Seniors Living SEPP.

Building height

Clause 48(a) of the Seniors Living SEPP states that the consent authority must not refuse consent for a '*residential care facility*' if the building height is less than 8 metres.

Building A – 11.80m

Building F – 11.35m

Clause 50(a) of the Seniors Living SEPP states that the consent authority must not refuse consent for '*self-contained dwellings*' if the building height is less than 8 metres.

Building B – 14.28m

Building C – 16m

Building D – 14.90m

Building E – 14.32m

It is noted that the building height figures expressed above are based on the definition of height in the Seniors Living SEPP, which reads as follows:

***height** in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.*

Both Clauses 48(a) and 50(a) of the Seniors Living SEPP are expressed as amounts which, if complied with, the consent authority cannot use to refuse an application on the grounds of building height. If the building height exceeds these numbers, then the consent authority can either approve or refuse the application on the grounds of building height.

In determining whether or not to support the height of the buildings in the development, when expressed as heights calculated under the SEPP, it is considered relevant to consider the provisions associated with building height as contained in the Bankstown Local Environmental Plan 2015. The definition of building height in the BLEP 2015 reads as follows:

***building height** (or height of building) means:*

- (a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

It is noted that the BLEP 2015 does not prescribe a maximum height for the subject site. Height is controlled via the Bankstown Development Control Plan 2015, which sets a maximum height of 16m when measured under the definition of building height in the BLEP 2015. This control was created under an approval under Part 3A of the *Environmental Planning and Assessment Act, 1979* across the old Potts Hill reservoir site; the Potts Hill Design Guidelines which formed part of the Part 3A approval becoming part of the DCP controls applicable to the site. This height control is considered to be the most relevant control to compare the development to, when considering whether to approve or refuse the application under Clauses 48(a) and 50(a) of the Seniors Living SEPP.

When measured under the definition in the BLEP 2015, building heights are as follows:

Building A – 13.0m
Building F – 12.55m

Building B – 15.53m
Building C – 18.69m
Building D – 16m
Building E – 15.57m

The diagram below demonstrates where the development fails to comply with the 16m maximum building height plane:

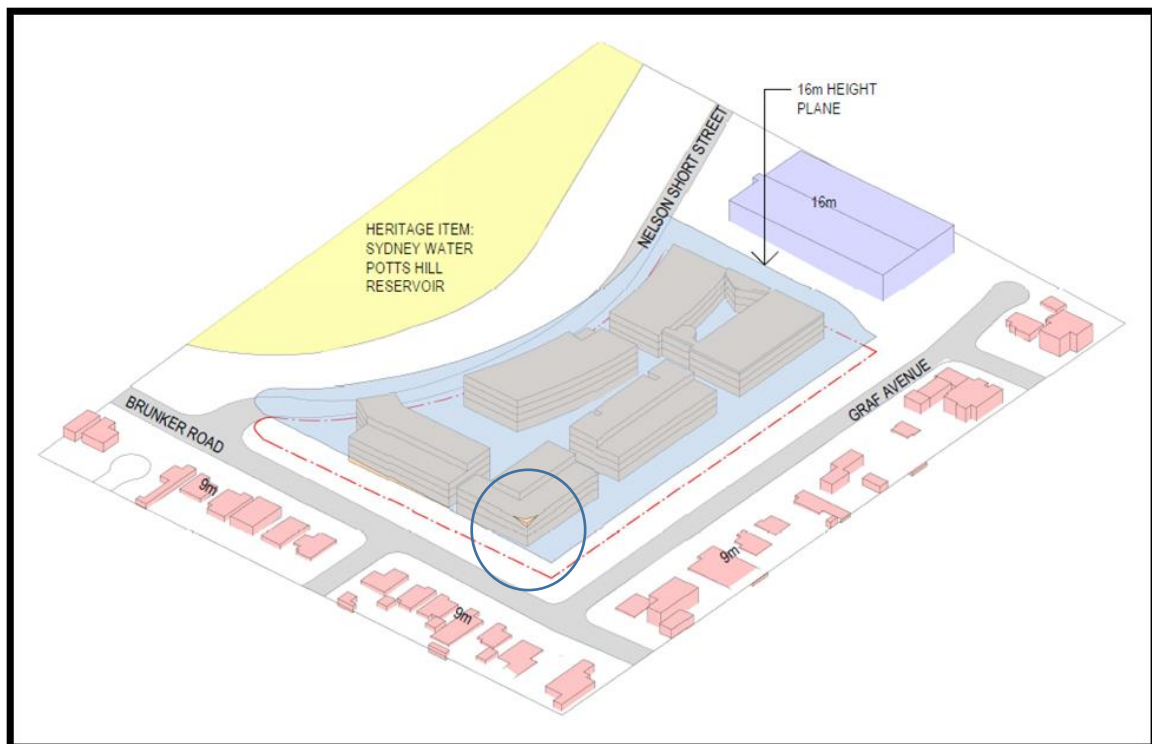


Illustration of where proposed development breaches the building height of 16m prescribed in the BDCP 2015

As indicated in the diagram above, the vast majority of the development sits below the 16m height limit. A very small portion of proposed Building C breaches the height plane in the south eastern corner of the site. This is due primarily to Building C extending slightly into the part of the site where the site falls rapidly from the predominantly flat (between RL55-56.5m) platform level that covers the majority of the site, down to the street level at the southeast corner (RL47.5m). At the point of worst case, the height of the building measures 18.69m. However, apart from this minor breach in the southeastern corner of Building C, the remainder of the development sits below the maximum building height permitted under the BDCP 2015. The minor breach in height will not result in significantly different levels of impact when compared to a development that complies with the height. It is worth noting that residential dwellings on the southern side of Brunner Rd are setback at least 35m from the proposed location of Building C, and residential dwellings on the eastern side of Graf Avenue are setback at least 43m from the same location.

Based on the above, it is considered that the building height of the proposed development remains appropriate, despite exceeding the threshold at which the consent authority cannot refuse under Clauses 48(a) and 50(a) of the Seniors Living SEPP.

Solar access – self-contained dwellings

Clause 50(e) of the Seniors Living SEPP states that the consent authority must not refuse consent for self-contained dwellings if a minimum of 70% of the living areas and private open spaces of those dwellings receive solar access between 9:00am and 3:00pm in mid-winter. The ADG requirement under SEPP 65 is that 70% of dwellings receive 2 hours solar access between 9:00am and 3:00pm at mid-winter. The ADG has been relied upon for assessment of solar access for the self-contained dwellings and the development satisfies that requirement.

State Environmental Planning Policy No. 55 – Remediation of Land

A Stage 1 Preliminary Site Investigation (PSI) prepared by Consulting Earth Scientists Pty Ltd was submitted in support of the development application. The PSI revealed that one sample (BH12-0.5-0.6) exceeded the site acceptance criteria for Polycyclic Aromatic Hydrocarbons (PAH). Reference was also made to an Environmental Management Plan applying to the site which stated that existing fill materials were contaminated with PAH. Parts of the site were remediated with respect to commercial/industrial land use assessment criteria however, other parts of the site were considered to remain contaminated. Based on the PSI and historical records, Council's Environmental Health Unit were not satisfied that the land was suitable for the proposed use and further information was requested.

The applicant provided a response to Council's concerns. Council's Environmental Health Unit were not satisfied that the land was suitable for the proposed use as sufficient information had not been provided to demonstrate how the residual contamination would be adequately managed during excavation, construction and operation of the proposed development and that the site will be suitable for a HIL B land use. Council required the PSI be peer reviewed by a NSW EPA Accredited Site Auditor and a Site Audit Statement submitted to Council, certifying that the site is suitable for the proposed use.

The applicant submitted in response a Remedial Action Plan and a Site Audit Statement. Council's Environmental Health Unit were satisfied that the site will be suitable for the proposed use provided that the site is remediated in accordance with the Remedial Action Plan and the Site Audit Statement.

The development consent has been staged requiring two Construction Certificates, one being for the excavation and basement works and one for the remaining building works. A Validation Report is to be prepared and submitted to Council certifying the sites suitability after remediation has occurred and prior to the issue of a Construction Certificate for the building works. The Validation Report is required to be audited by a NSW EPA Accredited Site Auditor. Should the Remedial Action Plan or the Validation Report require the implementation of an Environmental Management Plan, this will form part of the development consent and also must be submitted to Council prior to the issue of the Construction Certificate for the building works. As such, the provisions of Clause 7 of SEPP 55 have been satisfied.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65), and the Apartment Design Guide (ADG)

SEPP No. 65 applies to residential flat buildings having four (4) or more units and three (3) or more storeys. Accordingly an assessment against the Design Quality Principles in SEPP 65 and the accompanying Apartment Design Guide (ADG) has been carried out in relation to the self-contained dwellings within buildings B – E.

The proposed development is considered to be consistent with the objectives and Design Quality Principles contained in the SEPP and ADG, and responds appropriately to the site's context. Moreover, the application generally conforms with the key 'design criteria' contained in the Apartment Design Guide, as illustrated in the table below, with the exception of natural cross ventilation, unit performance, and apartment layouts.

'DESIGN CRITERIA'	PROPOSED	COMPLIES?
3D-1 Communal open space 25% of the site area is to be communal open space (3,861.25m ²) and 50% of the communal open space must receive at least 2 hours direct sunlight between 9am-3pm on 21 June.	4,193m ² (27%) of the site is to be used as communal open space. At least 50% of the COS is able to achieve at least 2 hours direct sunlight between 9am-3pm on 21 June.	Yes
3E-1 Deep soil zones 7% of the site area is to be deep soil zone (1,324.40m ²)	5,794m ² of the site is deep soil zone.	Yes

<p>3F-1 Visual Privacy (Building separation)</p> <p>6m setback up to 4 storeys (3m to non-habitable rooms) from side and rear boundaries.</p> <p>12m separation up to 4 storeys (6m to non-habitable rooms) between buildings within the site.</p> <p>0m to blank walls</p>	<p>Building B <u>North (Separation to Building A)</u></p> <p>All storeys - 12.88m</p> <p><u>South (Separation to Building C)</u></p> <p>All storeys - 12m</p> <p><u>West (Separation to Building E)</u></p> <p>All storeys - 13.50m</p> <p>Building C <u>North (Separation to Building B)</u></p> <p>All storeys – 12m</p> <p><u>West (Separation to Building D)</u></p> <p>All storeys - 3.75m setback from the blank wall of Building D and 13.35m from habitable rooms and balconies</p> <p>Building D <u>North (Separation to Building E)</u></p> <p>All storeys - 28.90m</p> <p><u>East (Separation to Building C)</u></p> <p>All storeys - 3.75m setback from blank wall to western elevation of Building D and 13.35m to habitable rooms and balconies</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4A-1 Solar access</p> <p>70% of units should receive 2hrs solar access between 9am – 3pm midwinter</p>	<p>96 of 140 (68.57%) units receive 2hrs direct solar access between 9am – 3pm midwinter.</p>	<p>No – compliance to be achieved via a condition of consent requiring a re-design of Building B Units GR-10 and 01-10</p>

4A-3 Solar access A maximum 15% of apartments receive no direct sunlight between 9am and 3pm mid-winter	20 of 140 (14.29%) units receive no direct sunlight at the relevant time.	Yes
4B-3 Natural cross-ventilation 60% of units to be naturally cross-ventilated	76 of 140 (54.29%) of units are naturally cross-ventilated.	No – see below
4C-1 Ceiling heights Min. 2.7m for habitable rooms.	Floor-to-ceiling heights are greater than 2.7m to habitable rooms.	Yes
4D-1 Unit size 1 bed – min. 50m ² 2 bed – min. 70m ² 3 bed – min. 90m ² Add 5m ² for each additional bathroom/WC Every habitable room must have a window in an external wall	1 bed – min. 58m ² 2-bed, 1 bath – min 72m ² 2-bed, 2 bath – min 75m ² 3-bed, 2 bath – min. 100m ² All habitable rooms have a window in an external wall.	Yes Yes
4D-2 Unit Performance maximised Habitable room depths are limited to a maximum of 6.75m. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	All the units meet the habitable room depth requirements except for Building B GR-08 and Building D GR-01.	No - compliance to be achieved via a condition of consent requiring an additional window within the living area.
4D-3 Apartment layouts <ul style="list-style-type: none"> • Master Beds: 10m² min • Other beds: 9m² min • Bedrooms min dimension of 3m • Living room minimum width 4m for 2 and 3 bedroom apartments 	89% satisfy the apartment layout requirements.	No – the units that fail to satisfy the apartment layout requirements are predominately located within Building E and fail due to the curved shape of the building that follows the street frontage.

		Despite the non-compliances, where the minimum bedroom dimensions are not achieved, a greater area than the minimum is provided. Where living room widths are not met, these are generally limited to a portion of the living area and not the living area in entirety. For these reasons, the units will maintain a suitable level of amenity and the non-compliances are considered supportable.
4E-1 Private Open Space 1-bed: Min 8m ² , 2m depth 2-bed: Min. 10m ² , 2m depth 3-bed: Min 12m ² , 2.4m depth to primary balconies. Ground level units: Min 15m ² , 3m depth	All units meet the required minimum areas except Building E Units 01-01, 01-04, 01-05, 01-10, 02-01 02-04, 02-05, 02-10, 03-01, 03-04, 03-05 and 03-10.	No - compliance to be achieved via a condition of consent requiring the balconies to be increased in area.
4F-1 Internal circulation Max. 12 units accessed from a single corridor.	A maximum of eleven (11) units are accessed from a single corridor.	Yes
4G-1 Storage 1 beds: 6m ³ , 2 beds: 8m ³ , 3 beds: 10m ³ (At least half to be provided within the unit)	All units are provided with sufficient storage with at least half provided within the unit.	Yes

Cross ventilation

Objective 4B-3 requires 60% of units to be naturally cross ventilated. Council's assessment is that 76 of 140 (54.29%) of units are naturally cross-ventilated, thereby falling 8 units short of the requirement. The applicant has submitted a Natural Ventilation Assessment prepared by JHA Consulting Engineers. The assessment compares air changes per hour (ACH) between 12 units (10 of which Council consider to fail the requirements of the ADG) against 3 reference units that are considered to satisfy the ADG. The assessment concludes that the worst performing unit of the 10 units identified by Council still achieves a natural ventilation performance that meets the ADG requirement. This is set out below.

The annual average volume flow rates for the selected apartment's range between 17.8–51.3 ACH, while the reference apartments (deemed to satisfy the ADG) range between 21–29.3 ACH. The results also demonstrate a number of apartments have a greater quality of natural ventilation (higher air change per hour) than the reference apartments. Apartment E-GR-10 is the worst performing apartment, it achieves an average volume flow rate 85% that of the reference. However the apartment still has an average 17.8 ACH, this is deemed to be a high natural ventilation rate for apartments.

The summer average volume flow rates for the selected apartment's range between 34.9–99.1 ACH, while the reference apartments (deemed to satisfy the ADG) range between 38.9–53.86 ACH. The results also demonstrate a number of apartments have a greater quality of natural ventilation (higher air change per hour) than the reference apartments. Apartment E-GR-10 is the worst performing apartment, it achieves an average volume flow rate 89% that of the reference. However the apartment still has an average 34.9 ACH, this is deemed to be a high natural ventilation rate for apartments.

Based on the computation modelling results, it was determined that the proposed type with window configuration as per the proposed design, is capable of producing natural ventilation performance that meets ADG SEPP65 requirements.

The layouts of 8 apartments (out of 140) do not match those layouts provided in the ADG for units that can be considered to be appropriately naturally cross-ventilated. In light of the report provided, it is considered that the number of units in question is not sufficient to warrant a significant redesign of the proposal in order to achieve compliance.

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 of SEPP (Infrastructure) 2007 identifies certain development types at a relevant size or capacity for which the RMS is to be notified with comments received to be taken into consideration when assessing the application. In correspondence dated 20 November 2017, the Roads and Maritime Services stated that they raise “... no objections to the proposed development, subject to Council's approval and the following conditions being included in any consent issued by Council:

- 1. Sight distances from the proposed vehicular crossings to vehicles on Nelson Short Street are to be in accordance with the Austroads 'Guide to Traffic Engineering Practice, Part 5: Intersections at Grade, Section 6.2 – Sight Distance' and AS 2890. Vegetation and proposed landscaping / fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.*
- 2. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS2890.1-2004, AS2890.6-2009 and AS2890.2-2002 for heavy vehicle usage.*

3. All vehicles are to enter and leave the site in a forward direction.
4. All vehicles are to be wholly contained on site before being required to stop.

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

A valid BASIX Certificate accompanied the Development Application. The Certificate details the required thermal comfort, energy and water commitments. The proposal satisfies the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 in this instance.

Bankstown Local Environmental Plan 2015

Having regards to the aims of the Seniors Living SEPP, the following clauses of the Bankstown Local Environmental Plan 2015 were taken into consideration:

- Aims of Plan
- Maps
- 1.9A Suspension of covenants, agreements and instruments
- 2.1 Land use zones
- 2.2 Zoning of land to which Plan applies
- 2.3 Zone objectives and Land Use Table
- 2.7 Demolition requires development consent
- Zone B7 Business Park
- 4.4 Floor space ratio
- 4.5 Calculation of floor space ratio and site area
- 5.4 Controls relating to miscellaneous permissible uses
- 5.10 Heritage conservation
- 6.2 Earthworks

The following table provides a summary of the development application against the primary numerical controls contained within BLEP 2015.

STANDARD	PERMITTED	PROPOSED	COMPLIANCE
Floor space ratio max	1:1	1:1	Yes
Neighbourhood shop	Maximum floor area 90m ²	37m ²	Yes

Heritage

‘Potts Hill Reservoirs 1 and 2 and site’, on the opposite side of Nelson Short Street, is identified in Schedule 5 of the BLEP as having ‘state’ heritage significance. In the event that the development site is in the immediate vicinity of the item, an assessment has been undertaken having to Clauses 5.10(4) and 5.10(5) of the Bankstown Local Environmental Plan 2015 which read as follows:

- (4) *Effect of proposed development on heritage significance*

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

Council's Heritage Advisor has provided the following response;

"The impacts on the adjacent heritage item are considered low as the proposal is contained wholly within its property boundaries and located at the lower end of the terrain, in which case the visual curtilage associated with the reservoir should remain unaffected. The proposed development has adequate setbacks and is of an appropriate scale given the context of the area and the seemingly isolated nature of the site. I don't have any particular concerns with regards to the proposal from a heritage point of view."

Development control plans [section 4.15(1)(a)(iii)]

The following table provides a summary of the development application against the controls contained in Parts B5 and B6 of Bankstown Development Control Plan 2015 and Part B3.1 of the Potts Hill Concept Plan: Business Park Design Guidelines

STANDARD	PERMITTED	PROPOSED	COMPLIANCE
Storeys max	2	4	No – see below
Landscape buffer zone along primary and secondary frontages	5m min	10m and 20m	Yes
Side and rear setback	6m min	6m	Yes
Floor space ratio	1:1 max	1:1	Yes
Site coverage	70% max	40%	Yes
Building height	16m max	Building B – 15.53m	No – see

		Building C – 18.69m Building D – 16m Building E – 15.57m	previous discussion in report
Setbacks	20m – eastern boundary 6m – northern and western boundaries 10m – southern boundary	20m – eastern boundary 6m – northern and western boundaries 10m – southern boundary	Yes
Vehicular access	From Bruncker Road	From Nelson Short Street	No – see below
Ancillary Uses Car Parking	Retail: 1 per 40m ² Medical Centre: 1 per 25m ² Restaurant: 0.15 per m ²	1 (37m ²) 5 (115m ²) 34 (228m ²)	Yes

Storeys

Clause 6.1 of Section 6 of Part B1 of BDCP 2015 limits development to a maximum of 2 storeys. This requirement is inconsistent with the 16 metre height limit imposed under the Potts Hill Concept Plan: Business Park Design Guidelines. It would be unreasonable to refuse the application based on an exceedance to the maximum number of storeys when the development generally complies with the maximum height limit except for a minor non-compliance to Building C.

Vehicular access

Due to the steep embankment along the southern boundary, it is not practicable to provide vehicular access from Bruncker Road to the site. As an alternative, vehicular access is to be provided from Nelson Short Street, without the need for extensive earthworks. Despite the inconsistency with the control, the proposed vehicular access is considered to be the most appropriate solution for the site.

Planning agreements [section 4.15(1)(a)(iia)]

There are no planning agreements applicable to the proposed development.

The regulations [section 4.15(1)(a)(iv)]

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

The likely impacts of the development [section 4.15(1)(b)]

The likely impacts of the proposal have been managed through the design of the development which is compliant with Council's planning controls, with the exception of the variations which have been addressed previously within this report.

Suitability of the site [section 4.15(1)(c)]

The proposed development is permissible with consent on the subject site, and represents a built form that is commensurate with the development type.

Submissions [section 4.15(1)(d)]

The application was advertised and notified for a period of twenty-one (21) days from 27 September to 17 October 2017. Ten (10) submissions were received during this period, which raised concerns relating to character of the area, privacy impacts, traffic impacts, access to services, acoustic impacts, overshadowing and car parking. A discussion follows in relation to each of the matters raised in submission:

1. Character of the area

Comment: The proposed development will change the character of the area with there currently being no multi-storey units of this form or type being provided in the immediate vicinity of the site. The overall height, scale and size of the development is excessive. The proposed land use is also contrary to the intent of the zoning.

Response: The report provides for an assessment of the development having regard to both the regulatory controls that apply to the site and the development the applicant seeks to provide on the site. The development represents a permissible form of development and, as the report has indicated, has been found to largely satisfy the provisions contained within the various layers of planning legislation that apply. With specific regard to the 'height, scale and size' of the development, other than a minor encroachment in the south eastern corner of the development, the development satisfies the 16 metre building height control as stipulated in the Potts Hill Concept Plan: Business Park Design Guidelines and provides for a floor space ratio that is consistent with that permitted on the adjoining sites to the north (that are similarly zoned 'B7 Business Park').

The large open expanse of the Sydney Water reservoir site adjoins the site to the west while sites to the east, on the opposite side of Graf Avenue, are typically occupied by single detached residential dwellings interspersed with a number of large older villa style developments. To the north, sites are typically occupied by developments of an industrial style and form while single detached dwellings more or less occupy sites along the southern side of Brunner Road. The built form in the immediate vicinity of the site, in the most part, reflects the zone and land use controls that apply, in essence delivering built form outcomes that are varied and 'zone' specific / responsive.

The site shares the same zoning as those to the north hence it would be reasonable to expect that the development responds to the B7 Business Park controls that apply as the applicant has. It could be reasonably argued that concerns relating to the 'height, scale and size' of the development are largely in response to the sites interface between the B7 Business Park and R2 Low Density Residential Zone to the south and east. The generous setback controls that apply to the site are seen to soften this interface while the recessed upper floor to the development assists in providing a transition in built form.

2. Privacy

Comment: The development will result in a loss of privacy for the residents occupying developments along the eastern side of Graf Avenue and the southern side of Brunner Road that occupy dwellings immediately opposite the development site.

Response: Both the Brunner Road and Graf Avenue road reserves are 20 metres wide. Coupled with the setbacks the development provides to the each of these streets, there is a significant separation between the footprint of the development itself and the nearest residential properties such it would be hard to argue that occupants of the development could unreasonably overlook or impact a nearby resident's privacy. Of the eleven (11) properties that are opposite the development site in Brunner Road, none of the front yards have been designed for any specific private recreational use. Currently pedestrians are able to look directly into these yards while walking along the footpath. Of the properties fronting the site in Graf Avenue, a similar scenario exists with the exception of the corner allotment (at Graf Avenue and Brunner Road). While their rear yard is orientated to the north, existing site vegetation and the considerable setbacks proposed will prevent a loss of privacy for these residents. It is considered that no discernible loss of privacy will occur for the residents of Graf Avenue and Brunner Road should this development proceed.

3. Traffic Impacts

Comment: Brunner Road will be unable to cope with the additional vehicle movements generated by the development which will result in the congestion of Brunner Road, a reduction in the level of service at the nearby street intersections and an overall adverse impact on the wider road network.

Response: Accompanying the development application was a report entitled 'Assessment of Traffic and Parking Implications' as prepared by 'Transport and Traffic Planning Associates'. As all means of vehicular access to the site is proposed off Nelson Short Street, the critical intersection is the one that the road shares with Brunner Road. The existing operational performance of the signalised intersection of Brunner Road and Nelson Short Street (under the existing peak hour flows) was observed as being at a Level of Service 'B'. The report concluded that post development, the Brunner Road and Nelson Short Street intersection would remain at a Level of Service 'B'. The report also concluded that due to the 'relatively broad directional spread of approach and departure movements there will be no perceptible impact on the other intersections in the area.'

The application, including this report, was referred to Council's Traffic Unit (for comment) and the Roads and Maritime Services (as required by Clause 104 of the Infrastructure SEPP).

In correspondence dated 20 November 2017, the Roads and Maritime Services stated that they raise "... no objections to the proposed development, subject to Council's approval and the following conditions being included in any consent issued by Council:

1. Sight distances from the proposed vehicular crossings to vehicles on Nelson Short Street are to be in accordance with the Austroads 'Guide to Traffic

Engineering Practice, Part 5: Intersections at Grade, Section 6.2 – Sight Distance’ and AS 2890. Vegetation and proposed landscaping / fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.

2. *The layout of the proposed car parking areas associated with the subject development (including, driveways, grades turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS2890.1-2004, AS2890.6-2009 and AS2890.2-2002 for heavy vehicle usage.*
3. *All vehicles are to enter and leave the site in a forward direction.*
4. *All vehicles are to be wholly contained on site before being required to stop.”*

Naturally these conditions have been recommended to be imposed as conditions of development consent.

An assessment of the impact of the development by Council’s Traffic Unit and the RMS has found that the local road network has the capacity to accommodate the additional vehicle movements generated by the development and is able to function and operate at a satisfactory level of service.

4. Access to Services

Comment: *The development is in isolation, not being in close proximity to any services or associated infrastructure, such as shopping centres, hospitals, shops, etc.*

Response: Where a site is not located within the vicinity of facilities and services, Clause 26 of the Seniors Living SEPP requires that it is located within 400m of public transport accessing such facilities. Bus Service 908 operates within 400m of the site, is accessed via a suitable pathway and provides transport to Bankstown Central and a medical centre en-route. The provisions of the Seniors Living SEPP have been satisfied.

5. Acoustic Impacts

Comment: *The development will result in an intensification of the site that will have an adverse impact on the acoustic amenity of the nearby residents.*

Response: An acoustic report has been prepared by ‘Acoustic Logic Pty Ltd’. The report has had regard to noise emissions from the development and whether mitigation measures would need to be implemented in order to protect the amenity of the adjoining and nearby property owners.

There are a number of specific land use types within the development that have the potential to generate noise that could impact the acoustic amenity of the adjoining residents. They include a café (and associated outdoor seating area) and the outdoor swimming pool, both of which present to Nelson Short Street. These land uses are located in the western portion of the site and given that the multi-storey residential land uses essentially border the southern and eastern boundaries of the

site, the noise generated by these activities will be shielded by these buildings preserving the acoustic amenity of the adjoining residents. With respect to mechanical plant noise, in the absence details being provided at the DA stage, the following condition of consent is recommended to be imposed:

Noise emissions from all mechanical services / plant to the closest residential receiver shall comply with the noise emission criteria provided in Table 9 in Section 4.1.3.3 of the acoustic report entitled '10 Nelson Short Street, Potts Hill' as prepared by Acoustic Logic Pty Ltd dated 9 March 2018 (Project No 20180200.1, Document Reference 20180200.1/0903A/RO/HC, Revision 0). Details shall be provided with the Construction Certificate.

6. Overshadowing

Comment: *The development will result in overshadowing of residential properties in Brunner Road and Graf Avenue.*

Response: As indicated in the report, the development itself is sited on the allotment such that generous setbacks are provided to both Graf Avenue and Brunner Road. Solar access to any north facing living room windows of the dwellings occupying Brunner Road and west facing living room windows of dwellings in Graf Avenue will be maintained as will solar access to the principal private open space areas that serve these dwellings.

7. Car Parking

Comment: *The development provides for insufficient on-site car parking that will meet the demands generated by the development. As existing available on-street parking is limited there is nowhere else for them to park.*

Response: The assessment report provides details as to the number of on-site car parking spaces the applicant will need to provide as per the provisions contained in the Seniors Living SEPP. The development provides for 214 on-site car parking spaces. Each of these spaces are accessible, functional and practical for use for occupants of the development and visitors to the site. In light of the applicant providing adequate on-site car parking, the incidence or likelihood of people parking in the local streets is naturally significantly reduced. Furthermore the large embankments provided along the eastern and southern boundaries of the site reduce the attractiveness of motorists to park in the streets due to the distance they will need to walk to access the site.

8. Sydney Water Comments

Comment: *Where proposed works are in close proximity to Sydney Water land or easements, the developer may be required to carry out additional works to facilitate their development in order to not encroach within the Sydney Water land parcel or easement. If a new main or deviation of an existing main are required to get a Section 73 Certificate and the mains are not in a dedicated public road or pathway, the developer will need to pay to create or release an easement in favour of Sydney Water.*

Response: The above comments were provided by Sydney Water and are able to be addressed at the Section 73 Certificate stage.

9. Other Matter

Note – Correspondence was also received from an aged care facility / provider in which it was alleged that their organisation was used by the applicant to “... *support their application as to the need of the property for aged care*” when in fact they have not been engaged / consulted. The organisation indicated that they would be seeking urgent legal advice and “... *will consider to take action against the relevant parties which represent (them) fraudulently.*” No specific comments were provided in their correspondence as to the merits or otherwise of the development being the subject of this report.

The public interest [section 4.15(1)(e)]

The public interest is best served by the consistent application of the requirements of the relevant environmental planning instruments and by the consent authority ensuring that any adverse impacts on the surrounding area and the environment are avoided. Allowing for the variations, such as those proposed through this application, would not go to undermining the integrity of these particular controls. As a result approval for this development would be in the public interest.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant planning controls, in particular the provisions of SEPP (Housing for Seniors or People with a Disability) 2004. The proposed development generally complies with all applicable planning controls. The development exceeds the threshold of clauses which the consent authority cannot refuse an application if the thresholds are not exceeded, in relation to density and scale, and also building height. However, it is considered that the development remains consistent with the envisaged character of the area and also complies with the controls that would relevantly apply if an application was lodged for a development that does not rely on the Seniors Living SEPP. Where minor variations occur, it is considered that those minor variations are acceptable, as discussed in this report and can be supported.

Overall the proposed development is permitted on the subject site under the zoning, and is considered to be appropriate in the context of surrounding land uses.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.