

SYDNEY WESTERN CITY PLANNING PANEL

Panel No:	2017SSW059
DA Number:	2017/1428/1
Local Government Area:	Camden.
Proposed Development:	Construction of a residential aged care facility comprising 80 single occupancy rooms, 67 self-contained dwellings, a community building, construction of roads, car parking bays and an ambulance bay, tree removal, construction of fencing, landscaping works including vehicular crossing within the riparian corridor.
Street Address(es):	2-24 Grice Street, Oran Park
Applicant:	Anglican Community Services (Care of DFP Planning Pty Ltd)
Owner:	Anglican Community Services (ACS)
Number of Submissions:	One in support.
Recommendation:	Approve with conditions.
Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011):	General development capital investment value >\$30 million.
List of All Relevant s4.15(1)(a) Matters:	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011. • State Environmental Planning Policy (Sydney Region Growth Centres) 2006. • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. • State Environmental Planning Policy (Infrastructure) 2007. • State Environmental Planning Policy No 55 - Remediation of Land. • Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River. • Camden Development Control Plan (DCP) 2011. • Oran Park Development Control Plan (DCP) 2007.
Does the DA Require Special Infrastructure Contributions Conditions (s7.24)?	Yes.
List all Documents Submitted with this	<ul style="list-style-type: none"> • Assessment report. • Growth Centres SEPP Assessment Table. • Seniors Housing SEPP Assessment Table.

Report for the Panel's Consideration:	<ul style="list-style-type: none"> • Oran Park DCP Assessment Table. • Camden DCP Assessment Table. • Recommended conditions. • Proposed plans. • General Terms of Approval from Rural Fire Services and Department of Primary Industries – Water. • Correspondence from Busabout regarding the relocation of bus stops. • Applicant's written request for a contravention to a development standard.
Report Prepared By:	Mathew Rawson, Executive Planner
Report Date:	July 2018

Summary of Section 4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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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
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Clause 4.6 Exceptions to Development Standards

If a written request for a contravention to a development standard (clause 4.6 of the Growth SEPP) has been received, has it been attached to the assessment report?	Yes
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions (s7.24)?	Yes
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (The Panel's) determination of a development application (DA) for the seniors housing development at 2-24 Grice Street, Oran Park.

The Panel is the consent authority for this DA as, pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the capital investment value (CIV) of the proposed development is \$52,912,280. This exceeds the estimated development cost threshold of \$30 million for Council to determine the DA.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2017/1428/1 for the seniors housing development pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a seniors housing development at 2-24 Grice Street, Oran Park.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant environmental planning instruments, development control plans and policies.

A summary of the assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

State Environmental Planning Policy (State and Regional Development) 2011.	The Panel is the determining authority for this DA as the proposed development has a CIV of \$52.9 million which exceeds the CIV threshold of \$30 million for Council to determine the DA.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006.	The proposed development is permitted with consent in the applicable R1 General Residential and E2 Environmental Conservation zones. The proposed development is consistent with the zone objectives and generally compliant with the other matters for consideration except for the height of buildings development standard which the applicant has requested a variation to.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	The proposed development is also permitted with consent under the Seniors Housing SEPP. The proposed development is consistent with the objectives of the SEPP and generally compliant with the other matters for consideration as outlined in the attached assessment table.
State Environmental Planning Policy (Infrastructure) 2007 (ISEPP).	A referral was sent to Endeavour Energy under Clause 45 of the State Environmental Planning Policy (Infrastructure) 2007. Endeavour Energy raised no objections subject to conditions of consent.
State Environmental Planning Policy No 55 - Remediation of Land.	A Contamination Assessment in support of the proposal was submitted with the application. This Assessment found the site to be suitable for the proposed development from a

	contamination perspective. Council staff have reviewed the documentation and agree with its findings.
Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP).	The proposed development is consistent with the aim of the SREP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 6 November 2017 to 19 November 2017. One submission in support of the proposal was received.

The proposed development has been assessed against the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP), Camden Development Control Plan (DCP) 2011 and the Oran Park Development Control Plan (DCP) 2007. The development is mostly compliant with these planning policies and controls in that it will provide appropriate seniors housing including aging in place and employment opportunities within an established and growing urban area, that will contribute to the overall development of Oran Park.

The applicant has submitted a traffic report and supporting information in support of the DA. The report and supporting information demonstrate that the proposed development will not have a significant negative impact upon the surrounding road network and the operation of surrounding intersections. Council staff have reviewed the report and supporting information and agree with their conclusions.

Through the assessment of the DA the applicant has provided amended plans that have improved the interface of the proposed development with the streetscape of Central Avenue. Additionally, the applicant has revised the riparian bridge crossing to retain the existing native trees and offered to construct new bus stops which will result in more accessible public transport for both residents of the seniors housing and the surrounding community. Overall, a reasonable balance will be achieved between attractive, articulated and landscaped frontages; requirements for service vehicles and parking; and maximising pedestrian linkages within the development site.

The applicant proposes a variation to Clause 4.3 of the Growth Centres SEPP. The Growth Centres SEPP prescribes a maximum height of 9m however the proposed development has a maximum height of 12.7m. A written request under Clause 4.6 to vary the development standard has been submitted with the subject application. The variation is assessed in detail in this report and is supported by Council staff.

The applicant proposes a variation to the internal separation between units control contained in the Oran Park DCP. The DCP sets out a 5m minimum separation however most units are separated by the more typical side setback controls for residential development. The variation is assessed in detail in this report and is supported by Council staff.

Based on the assessment, it is recommended that the DA be approved subject to the conditions attached to this report.

COMPLIANCE WITH KEY PLANNING CONTROLS

Control	Proposed	Variation
9.5m maximum building height.	12.7m maximum building height.	3.2m variation requested (33.4%).
Residential Care Facility car parking spaces – 20 spaces.	35 car parking spaces and 1 ambulance parking space.	None.
Self-contained dwelling car parking spaces – 1 space per 5 dwellings.	At least 1 car parking space per dwelling.	None.
Front setback 4.5m to building façade and 3.0m to articulation zone	All dwellings achieve a minimum setback of 4.5m with garages setback a minimum of 5.5m.	None.
Corner lots – Secondary street setback 2m	>4m for all ILU's proposed at street corners.	None.
Principle Private Open Space – 16sqm for ground floor or 10sqm if provided as a balcony.	All dwellings are provided with greater than minimum requirements.	None.
Maximum 50% of site coverage	Site coverage resulting from the overall development (including all stages) is 49.2%.	None.
Landscape area – Minimum of 30% of site area	34.31% landscaped area is provided	None.
Internal building separation - 5m	Separation varies but is greater than 0.9m and less than 5m.	Varies.

AERIAL PHOTO



Figure 1: Aerial Photo.

THE SITE

The site is commonly known as 2-24 Grice Street, Oran Park and is legally described as Lot 16 in DP 1153031. The site has an overall area of 7.89 hectares.

The site is bound by Redman Grange to the north, Central Avenue and Grice Street to the west and South Circuit to the east and south. The Oran Park Residential Release Area surrounds the site with the South Creek riparian corridor, public open space land, Oran Park Anglican School and a place of public worship in proximity to the site.

Existing upon the site are Stages 1 and 2 of the Anglicare Oran Park Seniors Housing which comprises 71 self-contained dwellings, a clubhouse with associated bowling green and an administration building which also contains a further 17 self-contained dwellings. A riparian corridor, that comprises a creek, traverses the site and flows from the north to the south. The riparian corridor contains some mature trees, but the site is otherwise substantially clear of vegetation.

The subject site is located in an area of Oran Park characterized by low density residential development that is interspersed with community uses such as the Anglican Church, Anglican School and playing fields to the north as well as the riparian corridor to the south which forms the southern boundary of the Oran Park estate.

MASTERPLAN

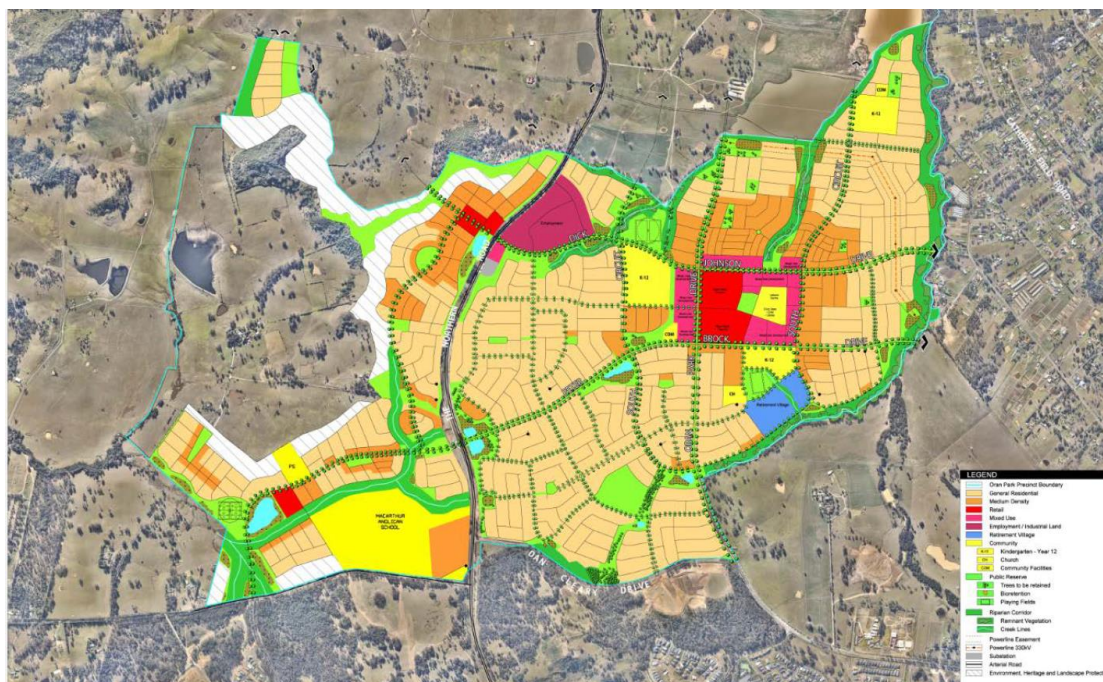


Figure 2: Indicative Layout Plan (ILP) from Oran Park DCP (subject site shown in blue and marked retirement living).

BACKGROUND

The relevant development background of the site is summarised in the following table:

Application No.	Development
DA/2010/371/1	Retirement Village and Ancillary Uses
DA/2014/761/1	Construction of a residential aged care facility, 13 independent living units and associated site works.
DA/2015/603/1	Construction of 33 single storey self-contained dwellings pursuant to SEPP (Housing for Seniors or People with a Disability) 2004 and associated site works.

The former Anglicare (now Anglican Community Services (ACS)) obtained development consent for a seniors housing development occupying the entire site. The development application (DA/2010/371/1) was approved by the Joint Regional Planning Panel (JRPP) on 26 November 2011. The approved development was to be carried out in 5 stages, however the DA was not submitted as a staged DA:

- Stages 1 and 2 have been developed and are operational. Stage 1 contains 38 self-contained dwellings and a clubhouse with 17 units. Stage 2 contains 33 dwellings. These stages were undertaken as part of DA/2010/371/1.
- Stage 3 for a residential care facility and 13 self-contained dwellings was approved by the JRPP on 26 June 2015 but works have not commenced. This DA reference is DA/2014/761/1.
- Stage 4 for 33 single storey self-contained dwellings was approved by Council on 20 October 2015 but works have not commenced. This DA reference is DA/2015/603/1.

- Stage 5 has not received development consent.

Anglican Community Services (ACS) now proposes to re-plan Stages 3, 4 and 5 of the site through the subject DA. The extent of the changes is such that the subject DA is a simpler process to achieve a consolidated consent for the final stages.

To eliminate any potential inconsistencies between the previously approved DA's for Stages 3 and 4 a condition of consent is recommended to be imposed which requires the surrender of these consents prior to the issue of a Construction Certificate.

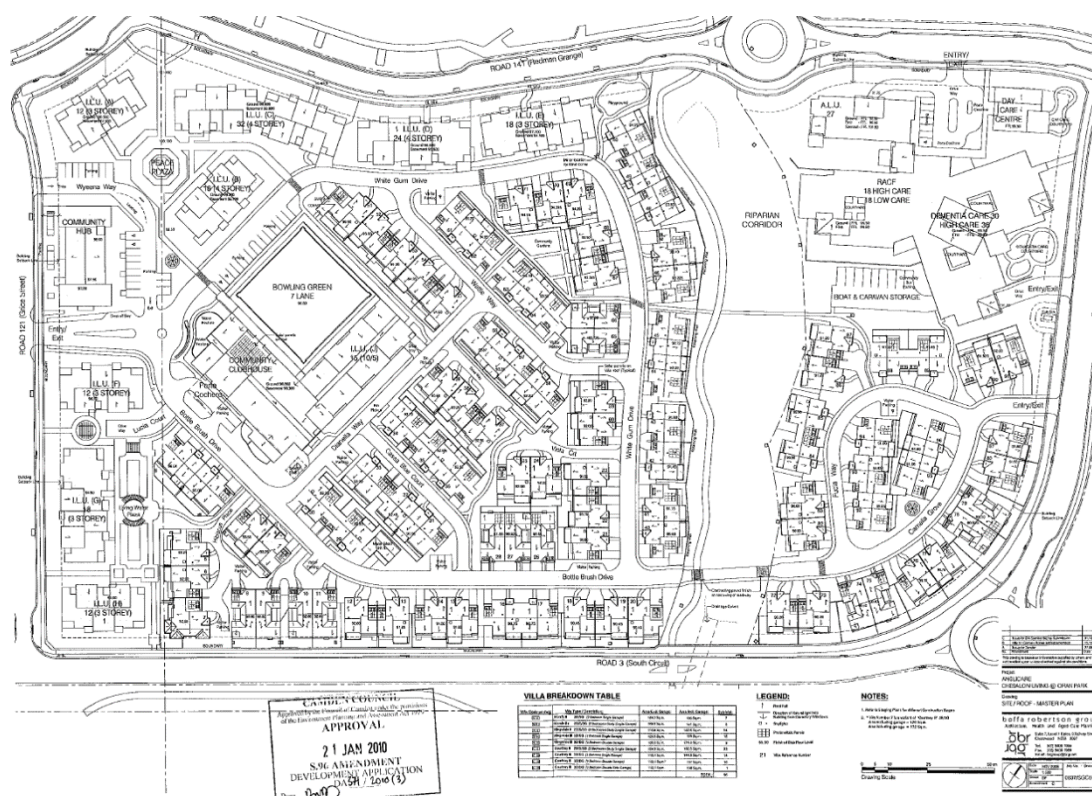


Figure 3: Originally approved overall staging plan.

THE PROPOSAL

DA/2017/1428/1 seeks approval for a seniors housing development at 2-24 Grice Street, Oran Park.

Specifically, the proposed development involves:

- Construction of a residential care facility (RCF) comprising 80 beds in 80 single occupancy rooms (16 are for persons with dementia). The building will comprise a built form of 1 and 3 levels. The 3-storey scale will be visible to the internal road and partly visible from Grice Street and Redman Grange. The building will read as single storey from Central Avenue.
- Construction of 67 self-contained dwellings (23 x 2 bedroom and 44 x 3 bedroom). Most dwellings are to be single storey. A group of 2-storey buildings are proposed along the Redman Grange frontage, however each dwelling within the buildings will be single storey (up and over townhouses).

- Construction of a community building on the eastern side of the riparian corridor.
- Construction of 2 new vehicular access roads – one from South Circuit providing access to an internal road servicing the self-contained dwellings. The other is from Redman Grange providing service access to the residential care building.
- New internal roads and pedestrian pathways including road and pedestrian bridge connections across the riparian corridor.
- Each dwelling is provided with a single or double garage. The self-contained dwellings that front the external road network will each be provided with driveway crossings.
- The residential care building is provided with 50 car parking spaces plus two drop off spaces at the main entrance and an ambulance bay. The 50 spaces include 14 spaces relocated from in front of the existing bowling green.
- 1.8m high timber look aluminum slat fencing along Redman Grange, Central Avenue, and Grice Street frontages to provide a secure area for the residential care building. This fencing is setback from the property boundary and screened with landscaping.
- Removal of 14 young street trees and removal of 15 site trees. No trees are required to be removed within the riparian corridor to enable the construction of the bridge and road connecting the eastern and western sides of the village.
- Landscaping works including significant replacement planting.

The estimated cost of the proposed development is \$52.9 million.



Figure 4: Site Plan showing existing and proposed development.



Figure 5: Perspective view of the RCF from Central Avenue.



Figure 6: Perspective view of the RCF from Central Avenue.



Figure 7: Perspective view of the RCF from Central Avenue.



Figure 8: Perspective view of the RCF from Grice Street.



Figure 9: Perspective view from internal shared driveway.



Figure 10: Perspective view from intersection of Grice Street and South Circuit.

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the proposed development are:

- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy No 55 – Remediation of Land.
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River.

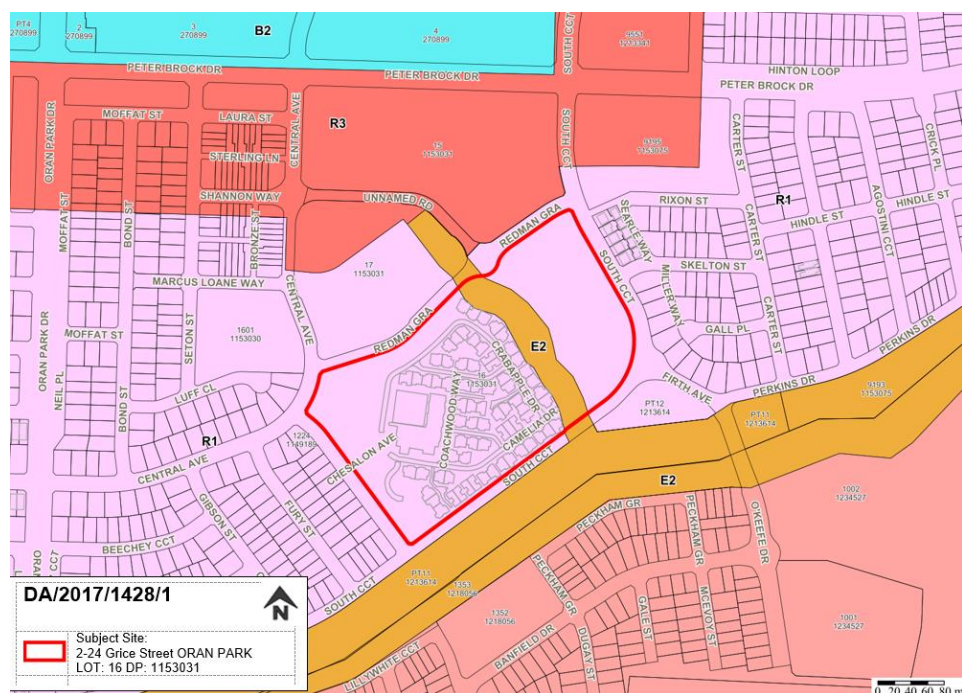
State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)

Pursuant to Schedule 7 of the SEPP, the Panel is the determining authority for this DA as the proposed development has a CIV of \$52.9 million which exceeds the CIV threshold of \$30 million for Council to determine the DA.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)

Site Zoning

The development site is zoned R1 General Residential and E2 Environmental Conservation pursuant to Appendix 1, Clause 2.2 of the Growth Centres SEPP.



Land Use Definitions

The proposed development is defined as 'seniors housing' and a 'road' by the Growth Centres SEPP.

Permissibility

Seniors housing and roads are permitted with consent in the R1 zone and roads are permitted in the E2 zone pursuant to the land use table in Appendix 1 of the Growth Centres SEPP.

An assessment table in which the proposed development is considered against the relevant clauses of the Growth Centres SEPP is provided as an attachment to this report.

Proposed Building Height and Consideration of Clause 4.6 Variation Request

The proposal has a maximum building height of 12.7m which equates to a 3.2m (34%) departure to the 9.5 maximum permitted building height prescribed under Clause 4.3 of the Growth Centres SEPP. Accordingly, the applicant has sought a variation to this development standard under Clause 4.6 of the SEPP.

Clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstance of the case, and
- (b) there are sufficient environmental planning grounds to justify contravening the development standard.

In accordance with Clause 4.6(3) the applicant requests that the height of buildings development standard be varied. The applicant's written request is appended to this report. The request has put forward the following key points in relation to demonstrating that compliance with the development standard is unreasonable and unnecessary (each point is expanded upon in the applicant's Clause 4.6 request).

1. *The proposal is not excessive in terms of bulk and scale.*
2. *There is unlikely to be any adverse impacts to the amenity of adjoining development.*
3. *Topography.*
4. *The proposal is consistent with the objectives of the building height development standard, the R1 zone objectives.*

The applicant also outlines the following key environmental planning grounds particular to the proposed development and site context:

- *The variation is contained to the residential care facility building in one part of the site*
- *The location of the variations is well removed from adjoining development and does not give rise to any adverse impacts external to the site or within the site and is consistent with the objectives of the development standard;*

- *The generous setback from the site boundaries provides large separation from adjoining development and good landscaping opportunities mitigating visual bulk and scale consistent with the objectives of the development standard;*
- *A better planning outcome is achieved as social benefits are achieved by providing a residential care facility in the locality and providing for ageing in place within the site.*
- *The proposed height variation is less than the 16m building height that applies to a residential flat building in the R1 zone under the Growth Centres SEPP and that could occur on the site or surrounding land. The proposed height is therefore consistent with the built form and character envisaged for the locality.”*

The environmental planning grounds put forward are supported and it is considered that compliance with the building height development standard would be unreasonable and unnecessary in this instance.

The proposal results in a preferable outcome on the site as compared to a strictly compliant scheme. A residential care facility has a built form that typically differs from conventional housing and is not dissimilar to the larger massing of the other community, educational and retail buildings that sit within the lower scale residential context. The proposed variation to the building height development standard will therefore not be inconsistent with the built forms that exist elsewhere and does not set a precedent or undermine the application of the 9.5m building height development standard that will continue to apply to lower density housing in the locality.

It is also noted that the SEPP allows some forms of residential development to exceed the 9.5m height limit where the development is located on a prominent street corner or adjacent to public open space and is not likely to have an adverse impact on the existing or future amenity of any adjoining land on which residential development is permitted. Although seniors housing is not identified as a form of development allowed to exceed the height standard, the proposed development is consistent with other tests for overheight development.

Consequently, it is recommended that the Panel support this proposed variation to the Growth Centres SEPP.

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

Permissibility

The portion of the site which is subject to this DA is zoned R1 General Residential and E2 Environmental Conservation under the provisions of the SEPP (Sydney Region Growth Centres 2006). The proposed seniors living development is entirely sited on land zoned R1 and is permissible with consent in accordance with Clause 4 and 15 of the SEPP (Housing for Seniors or People with a Disability) 2004.

The DA seeks consent for a residential care facility and self-contained dwellings. Both development types are permitted with consent on the land.

Aims of Policy

The aims of the SEPP are to increase the supply and diversity of housing for seniors or people with a disability, to make efficient use of existing infrastructure and services and to ensure good design. The proposal development is consistent with these aims.

Relevant Clauses

An assessment table in which the proposed development is considered against the relevant clauses of the Seniors Housing SEPP is provided as an attachment to this report.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

A referral was sent to Endeavour Energy under Clause 45 of the State Environmental Planning Policy (Infrastructure) 2007. Endeavour Energy raised no objections subject to conditions of consent.

A referral was not required to be sent to the Roads and Maritime Services (RMS) as the proposed development did not trigger any of thresholds for traffic generating development under Clause 104 of the ISEPP.

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

SEPP 55 requires the consent authority to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

The applicant has submitted a Contamination Assessment Review which detailed the previous assessment reports and documents relevant for the site including phase 2 detailed contamination assessment. This review found the site to be suitable for the proposed development from a contamination perspective. Council staff have reviewed the documentation and agree with its findings.

A standard contingency condition is recommended that requires any contamination found during construction to be managed in accordance with Council's Management of Contaminated Lands Policy.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20)

The proposed development is consistent with the aim of SREP 20 (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures and water pollution control devices have been proposed as part of the development.

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft State Environmental Planning Policy (Environment)

The purpose of the draft SEPP is to consolidate seven (7) existing SEPP's into a consolidated document to simplify the rules for a number of water catchments, waterways, urban bushland and the Willandra Lakes World Heritage Property. Within this SEPP, the only relevant SEPP is Deemed State Environmental Planning Policy No. 20 Hawkesbury – Nepean River.

As the Draft Environment SEPP is not yet considered imminent or certain, no significant weight has been given to this proposed planning instrument in this instance. Regardless, the proposed development complies with the requirements of the Deemed SEPP 20 and therefore the proposed development would be compliant with draft SEPP in any case.

(a)(iii) the provisions of any development control plan

The development controls plans that apply to the proposed development are:

- Camden Development Control Plan 2011.
- Oran Park Development Control Plan 2007.

Camden Development Control Plan 2011 (Camden DCP)

An assessment table in which the proposed development is considered against the Camden DCP is provided as an attachment to this report.

Oran Park Development Control Plan 2007 (Oran Park DCP)

An assessment table in which the proposed development is considered against the Oran Park DCP is provided as an attachment to this report. Discussion regarding the variations sought to the building separation controls is outlined below.

Proposed Variation – Building Separation

Internal building separation distance (minimum) - 5m (unless dwellings are attached by a common wall)

Applicant's Variation Justification – Building Separation

The housing facing the street is designed to reflect the surrounding development. The side setback control for residential lots is generally 0.9m for single storey (resulting in 1.8m separation) or 1.2m for double storey (resulting in 2.4m separation). The separation between the proposed dwellings provides for greater than 1.8m separation but less than 5m (aside from a few locations). The spacing between dwellings assists in integrating with the surrounding built form.

Variation Assessment – Building Separation

The proposed development appears most akin to paired semi-detached dwellings or dual occupancy development given the majority of lots have direct frontage to a public road, the remainder will front directly onto the private internal shared driveway. The proposed development complies with the relevant side setback controls for this form of development and achieves the minimum fire separation requirements (1.8m). These setbacks help the development appear more consistent with the prevailing character of the area.

Additionally, the separation control was more intended for 'gun barrel' multi dwelling housing proposals which are all access from a central straight driveway. This separation control would then ensure compliant private open space areas where the separation space between buildings comprises the principal private open space area for each unit. The proposed development is not 'gun barrel' development and provides compliant private open space and solar access in the rear backyards of each unit, therefore the building separation at the side setback does not result in any other impacts.

Consequently, it is recommended that the Panel support the proposed variation to the Oran Park DCP.

(a)(iia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

The site falls within the boundaries of land which is subject to the Oran Park Urban Release Area Voluntary Planning Agreement (VPA), signed in September 2011.

However, Lot 16 DP 1153031 (known as the Anglicare Land) is specifically excluded from the application of the VPA.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that are addressed in the conditions attached to this report.

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant negative impact on either the natural or built environments, or the social and economic conditions in the locality.

Bus Stop Re-Location and Location of Access Point from South Circuit

Concerns were previously raised regarding the location of the internal driveway (marked as 'Fuchsia Way' on the plans) as it requires the re-location of the existing bus stop. The applicant has considered the option of relocating this access point to create a fourth leg to the roundabout at South Circuit / Firth Avenue and identified a number of reasons why the location suggested is not possible or not desirable. Their reasoning is summarised as follows:

- Vehicular access from a public road to the site is defined as an 'access driveway' under AS2890.1 and the suggested location of an 'access driveway' at the roundabout is a prohibited location under AS2890.1.
- If a fourth leg was created it would create confused intersection priority as the driveway to the site is configured differently to a road.

- The proposed access driveway provides a more straightforward arrangement and is compliant with AS2890.1 in relation to sight distances and the location of a driveway from the roundabout.
- Pedestrian safety would be compromised as pedestrians crossing the access driveway would need to be aware of traffic coming from any leg of the roundabout as opposed to a simple T-intersection arrangement as proposed. This is particularly important given that the development is for seniors housing.

Additionally, the applicant has provided revised plans which relocate the bus stop further west along South Circuit and also provide a new bus stop in an area of need along with pedestrian refuges on South Circuit. This will relate well to the existing kerb ramps and provide pedestrian connection to the footpaths on both sides of South Circuit and bus stops. The pedestrian refuges will also serve as a road narrowing device to assist in slowing traffic speeds along this section of South Circuit.

The applicant has submitted correspondence from the bus operators 'Busabout' which confirms acceptance of the new bus stop locations.



Figure 11: Diagram showing changes to bus stops.

Community Protection Through Environmental Design

Concerns were previously raised regarding the lack of passive surveillance and potential for anti-social behavior along the pedestrian pathway and areas of common lawn proposed between the units fronting South Circuit and the units fronting the proposed internal driveway marked as 'Fuchsia Way' on the plans.

The applicant has since provided fencing plans and cross sections along the pathway that show that surveillance of this space can be achieved from each dwelling without compromising privacy.

The internal common open space allows each dwelling to enjoy an outlook over the common space and have direct access to that space. This will encourage social integration which is reinforced by the use of the pedestrian pathway winding through the space providing a walking route for residents.

The private open spaces are large enough to provide a private space as well as outlook over the common landscaped area. The private open space effectively borrows the common landscaped area without that space being within a private courtyard. If the space was allocated to a private courtyard, then this would increase the maintenance obligations for each resident which is contrary to the intent of the retirement village where residents are typically seeking a lower maintenance lifestyle.

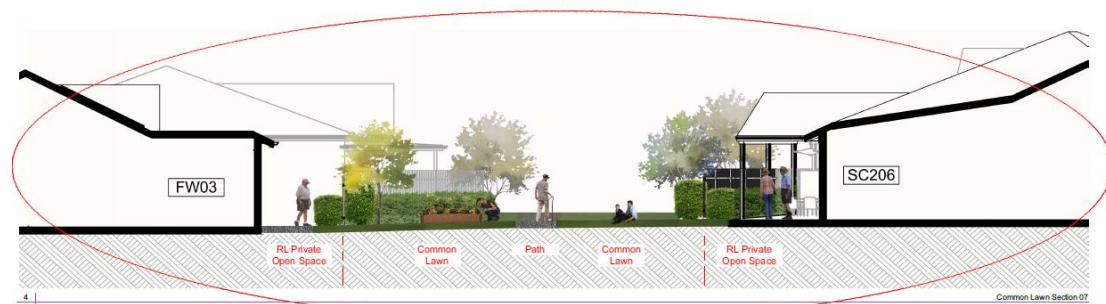


Figure 12: Cross section through self-contained dwellings and pedestrian pathway/common lawns

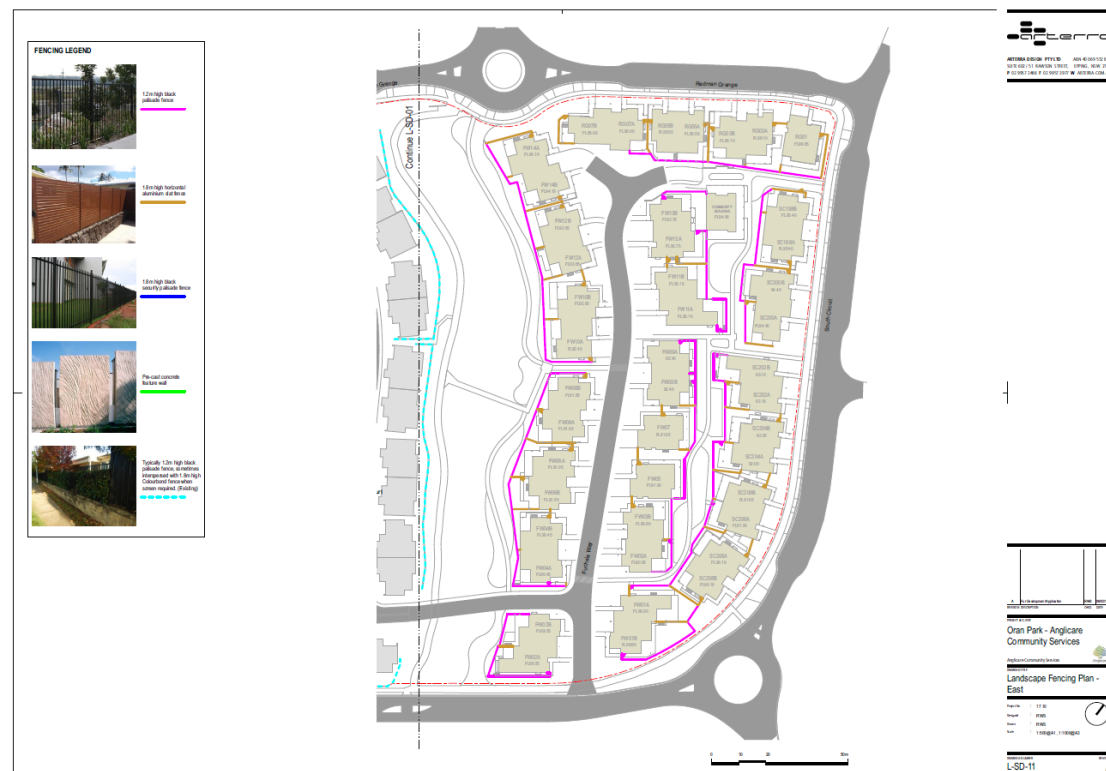


Figure 13: Showing fencing locations and details.

Traffic Impacts

The applicant has submitted a traffic report and supporting information in support of the DA. The report and supporting information demonstrate that the proposed development will not have a significant negative impact upon the surrounding road

network and the operation of surrounding intersections. Council staff have reviewed the report and supporting information and agree with their conclusions.

(c) the suitability of the site for the development

As demonstrated by the above assessment, the site is considered suitable for the proposed development.

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 6 November 2017 to 19 November 2017. One submission in support of the proposal was received.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, environmental planning instruments, development control plans and policies. Based on the above assessment, the proposed development is consistent with the public interest.

Environmental Planning and Assessment Act 1979 – Section 7.11 Contributions

A Section 94E Ministerial Direction issued by the then Minister for Planning on 14 September 2007 precludes a consent authority from imposing as a condition of consent a requirement that a social housing provider pay developer contributions under Section 94 (now 7.11) of the Act.

The term social housing provider is relevantly defined in clause 3 of Seniors Housing SEPP to include "a not for profit organisation that is a direct provider of rental housing to tenants". The owner of the land, namely Anglicare Community Services, meets this definition. Accordingly, no Section 7.11 contributions are required to be paid for this proposed development.

Additionally, seniors housing carried out by or on behalf of a social housing provider is exempt from the payment of the Special infrastructure Contributions (SIC).

EXTERNAL REFERRALS

The external referrals undertaken for this DA are summarised in the following table:

External Referral	Response
Rural Fire Services	General Terms of Approval, received 21 December 2017.
Endeavour Energy	Correspondence response received 6 November 2017.

A standard condition that requires compliance with the external referral responses is recommended.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That the Panel:

- i. **Support the written request lodged pursuant to Clause 4.6 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to vary the maximum height of buildings development standard (Clause 4.3), and**
- ii. **Approve DA/2017/1428/1 for a seniors housing development at 2-24 Grice Street, Oran Park subject to the conditions attached to this report.**