

**City of Parramatta**

File No: DA/1281/2016

SECTION 79C ASSESSMENT REPORT – PARRAMATTA LEP 2011
Environmental Planning & Assessment Act 1979**APPLICATION SUMMARY**

DA No:	DA/1281/2016 (SCCPP Ref:2017SWC007)
Property:	Lot 30 in DP 1106209 and Lots 6, 7, 8 & 9 in DP 22506, 12 Station Road & 4-10 Wentworth Avenue, TOONGABBIE, NSW 2146
Proposal:	Demolition works, amalgamation of lots and re-subdivision for construction of a 128 bed Residential Care Facility (RCF) at the 'Toongabbie Sports Club', provision of vehicular access, landscaping, signage and ancillary stormwater and civil works (Integrated Development under the Water Management Act 2000). The application will be determined by the Sydney Central City Planning Panel.
Date of receipt:	23 December 2016
Applicant:	Opal Aged Care
Owner:	Toongabbie Sports & Bowling Club Limited
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	Nil
Recommendation:	Refusal
Assessment Officer:	Shaylin Moodliar

LEGISLATIVE REQUIREMENTS

Zoning:	RE2 Private Recreation & R3 Medium Density Residential Zones under Parramatta Local Environmental Plan 2011 (PLEP 2011)
Other relevant legislation/state environmental planning policies (SEPP)/policies:	Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, SEPP 55 - Remediation of Land, SEPP 64 - Advertising and Signage, SEPP (Infrastructure) 2007, SEPP (Housing for Seniors or People with a Disability) 2004, SEPP (Vegetation in Non-Rural Areas) 2017, SEPP (State and Regional Development) 2011, SREP (Sydney Harbour Catchment) 2005 and Water Management Act 2000.
Planning Controls & Policy	Parramatta Section 94A Contributions Plan 2011 (Outside CBD), Parramatta Development Control Plan 2011, Floodplain Risk Management Policy (Version 2, approved 27 October 2014), Policy for the handling of unclear, insufficient and amended development applications

Heritage / Heritage Conservation Area	No
Integrated development	Yes – NSW Department Industry (Lands & Water)
Designated development	No
Crown development	No
Delegation	Sydney Central City Planning Panel (SCCPP)

EXECUTIVE SUMMARY

This Report is an assessment of a Development Application (DA) made to City of Parramatta Council seeking consent for the demolition, amalgamation of lots and re-subdivision for construction of a 128 bed Residential Care Facility (RCF) at the 'Toongabbie Sports Club', provision of vehicular access, landscaping, signage and ancillary stormwater and civil works on land at 12 Station Road & 4-10 Wentworth Avenue, Toongabbie. The development is "Integrated Development" and requiring separate approval pursuant to Sections 89-91 of the *Water Management Act 2000*.

The application is referred to the Sydney Central City Planning Panel (SCCPP) pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 as the development has a Capital Investment Value (CIV) in excess of \$20 million. The proposed development has a CIV of \$34,446,500.

The site is located on land zoned RE2 Private Recreation and R3 Medium Density Residential under Parramatta Local Environmental Plan 2011 (PLEP 2011). The DA is made pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. This permits development for the purposes of *housing for older people or people with disabilities* on land within the RE2 Zone and on land where there is an existing registered club. The DA is not made pursuant to zoning provisions of the PLEP 2011.

The proposed development exceeds the 8 metre building height development standard under Clause 40(4) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 by 8.1 metres (101% variation). The proposed built form is not sympathetic to the character of the locality particularly with the predominantly low-density residential development along Wentworth Avenue.

The bulk, scale, built form and character sought exceeds that envisaged for the site, particularly having regard to its environmentally sensitive flooding affectation, specifically the natural watercourse (being Girraween Creek), which are currently not controlled by appropriate riparian buffer zones set by the Department of Primary Industries (Water). The site is significantly constrained by the creek, running along the 219m western boundary. This poses significant and life-threatening flood mitigation challenges which make the site unsuitable for the proposed RCF.

The proposal is inconsistent with the aims and relevant clauses of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and SREP (Sydney Harbour Catchment) 2005.

Based on a detailed assessment of the proposal against the applicable planning controls, the proposed RCF does not satisfy the appropriate controls and legislative requirements. Accordingly, it is recommended that SCCPP, as the determining authority, refuse this application for the reasons detailed within the "Recommendation" section of this report.

RELEVANT BACKGROUND

- On 30 April 2014, a pre-lodgement meeting (PL/37/2014) was held with the applicant and their representatives for the proposed subdivision of Toongabbie Sports Club from one lot into two lots and a State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 development on the newly created lot at 12 Station Road, Toongabbie.
- On 23 January 2015, Council granted delegated approval to Development Application No. DA/545/2014 for Torrens Title subdivision of one (1) lot into two (2) lots to create a development lot fronting Wentworth Avenue at 12 Station Road, Toongabbie. The consent included subdivision of the RE2 'Private Recreation' zoned land into: a lot facing Station Road with an area of 16,300m²; and, a lot facing Wentworth Avenue with an area of 2,350m².
- On 13 April 2016, a pre-lodgement meeting (PL/43/2016) was held with the applicant and their representatives to discuss Council's view to the site compatibility issues and suitability of the site for the construction of a Residential Care Facility at 12 Station Road & 4-8 Wentworth Avenue, Toongabbie.
- On 14 September 2016, a follow-up pre-lodgement meeting (PL/151/2016) was held with the applicant and their representatives for the construction of a 128-bed RCF. The applicant was advised that the following fundamental issues had been identified and that it was unlikely that the proposal would be supported:
 - A RCF may be incompatible on flood-prone land;
 - Non-compliance with Council's Floodplain Matrix under PDGP 2011;
 - Stormwater drainage;
 - Site compatibility test;
 - Departures from development standards;
 - Compatibility with area character; and
 - Biodiversity impacts.
- On 23 December 2016, Council received the subject application Development Application No.DA/1281/2016;
 - On 1 March 2017, Development Application No.DA/1281/2016 was referred to the Sydney West Central Planning Panel (SWCPP) for a briefing meeting.
 - During the site inspection with SWCPP, a member of the SWCPP queried the permissibility of the proposal under the SEPP (Housing for Seniors or People with a Disability) 2004 and the legality of the site suitability certificate issued by the NSW Department of Planning and Environment which relates to the land being flood prone land and certain requirements in the SEPP.
 - The SWCPP raised "*legality*" and "*flooding impact*" as the key issues "*...to be clearly decided before further work undertaken by Council*".

PROPOSED DEVELOPMENT

Pursuant to Clause 78A (1) of the EP&AA 1979 (as amended) this application seeks consent for demolition works and construction of a 4-storey, 128-bed Residential Care Facility (RCF) including tree removal, earthworks and at-grade car parking and associated infrastructure works and upgrades within Wentworth Avenue.

It must be noted that part of the development site will continue to be used as an existing registered club ('Toongabbie Sports and Bowling Club').



Figure 1 – Subject site (red) and proposed development zone and location of the RCF (blue). Source: SEE prepared by BBC Consulting Planners

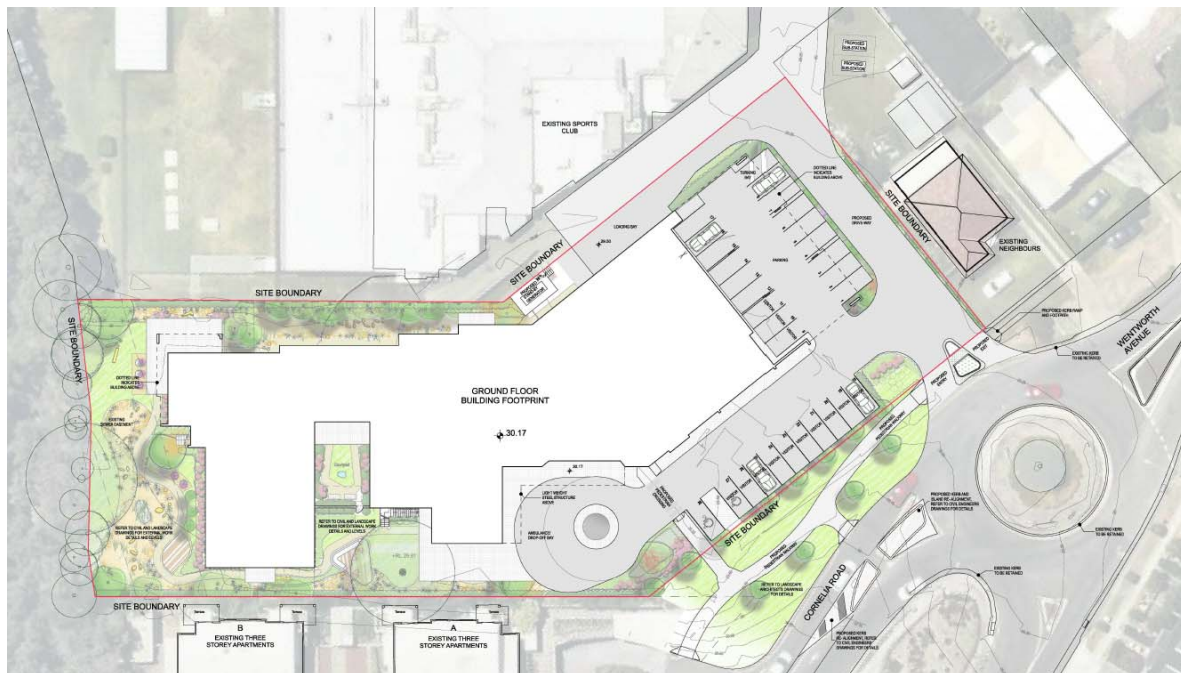


Figure 2 – Site plan of proposed RCF. Source: Calder Flower Architects

A detailed summary of the proposal is provided as follows:

Retention of Toongabbie Sports Club owned buildings

- Retention of the registered club 'Toongabbie Sports Club', two (2) bowling greens and car park with access from 12 Station Road; and
- Retention of a dwelling house on land at Lot 6 in DP 22506, No.10 Wentworth Avenue, Toongabbie.

Demolition works

- Demolition of three (3) dwelling houses and on-site structures on land at Lots 7-9 in DP 225064, 4, 6 & 8 Wentworth Avenue, Toongabbie; and
- Demolish part of the rear yard fence on land at Lot 6 in DP 22506, No.10 Wentworth Avenue, Toongabbie.

Tree Removal

- Removal of all vegetation including twelve (12) trees within the south-western portion of the development site.

Civil works & improvements

- New access road from the Wentworth Avenue roundabout intersection; and
- New public domain works including a change in the access arrangements to the strata-titled 60-unit residential flat building at 2 Wentworth Avenue, Toongabbie.

Site facilities & improvements

- Associated site works, on-site detention (OSD) ponds and landscaping along western, eastern and southern boundaries.

Construction

- Construction of 4-storey residential care facility (RCF) containing 128 beds including:

Ground Floor (RL 30.17)

- Construction of ground floor RCF building including eighteen (18) single residential care bedrooms with ensuites for patients with dementia, 2 courtyards, nurse stations, reception, lounge room, dining room, café, hair salon, multi-purpose room, interview room, stairs, staff room, communication room, kitchen, laundry rooms, entry foyer and 2 lift core; and
- At-grade car park for 28 vehicles with an undercroft area for 17 vehicles and a turning bay, ambulance bay, loading bay and loading dock.

Level 1 (RL 33.37)

- Construction of level 1 RCF building including forty (40) single residential care bedrooms with ensuites, 3 lounge rooms, nurse stations, servery area, dining room, 2 lift cores, 3 balconies, storerooms, bathroom, sitting area, linen room, treatment room and cleaning rooms.

Level 2 (RL 36.57)

- Construction of level 2 RCF building including forty (40) single residential care bedrooms with ensuites, 3 lounge rooms, nurse stations, servery area, dining room, 2 lift cores, 3 balconies, storerooms, bathroom, sitting area, linen room, treatment room and cleaning rooms.

Level 3 (RL 99.64)

- Construction of level 3 RCF building including thirty (30) single residential care bedrooms with ensuites, 3 lounge rooms, nurse stations, servery area, dining room, 2 lift cores, 5 balconies/terraces, storerooms, bathroom, sitting area, linen room, treatment room and cleaning rooms; and
- Part rooftop landscape terrace accessible from eastern lounge/activity area.

Signage

- Three (3) signs are proposed: building identification sign, entry sign and building wall signs with single sided non-illuminated powder coated aluminium lettering reading 'Opal Aged Care Toongabbie' with a white emblem behind the logo. See **Figure 7**.

Amalgamation of lots and subdivision

- Amalgamation of Lots 7, 8 & 9 in DP 22506 and Lot 30 in DP 1106209;
- Re-subdivision into 2 lots comprising a residual northern lot approximately 16,330m² and a southern lot approximately 4,887.4m²; and
- Re-subdivision including boundary adjustment of Lot 6 in DP 22506, 10 Wentworth Avenue, Toongabbie into approximately 694.8m².

Staff use of the RCF

- Approximately thirty (30) full-time and part-time staff will be employed for the RCF within the development site.

Amended plans

There were no amendments to the subject application as lodged.



Figure 3 – Photomontage of development site looking south-east from Girraween Creek boundary. *Source: Calder Flower Architects*



Figure 4 – Photomontage of development site looking south-west from the car park between the proposed development and the Toongabbie Sports Club. Source: Calder Flower Architects

EXISTING SITE AND CONDITIONS

The subject site is legally known as Lots 6, 7, 8 & 9 in DP 22506 and Lot 30 in DP 1106209, and is known as 4, 6, 8 & 10 Wentworth Avenue & 12 Station Road, Toongabbie. The site is located on the western side of Wentworth Avenue and the southern side of Station Road in Toongabbie. The site adjoins the Girraween Creek to the west, Station Road to the north and Wentworth Avenue to the east and south.

The subject site is an irregular shape comprising of approximately 21,912.2m² (see **Figure 1**). The site has a northern frontage to Station Road of approximately 72.8m, a combined eastern boundary of approximately 135.2m, a combined southern frontage to Wentworth Avenue of approximately 72.9m (for properties at 4, 6, 8 & 10 Wentworth Avenue), a southern boundary to the 2 Wentworth Avenue of approximately 74.4m and an irregular western boundary to Girraween Creek of approximately 219.6m.



Figure 5 – Aerial allotment map of the site and locale. Note: the western boundary adjoins Girraween Creek (left) and the Toongabbie Railway Station is to the south (bottom left). Source: Nearmap dated 22 August 2017

The site is surrounded by residential flat buildings to the south-west and south and detached style dwelling houses to the east and south-east along Wentworth Avenue. The 'Toongabbie Sports and Bowling Club' is located on Lot 30 in DP 1106209 within the northern portion of the site.

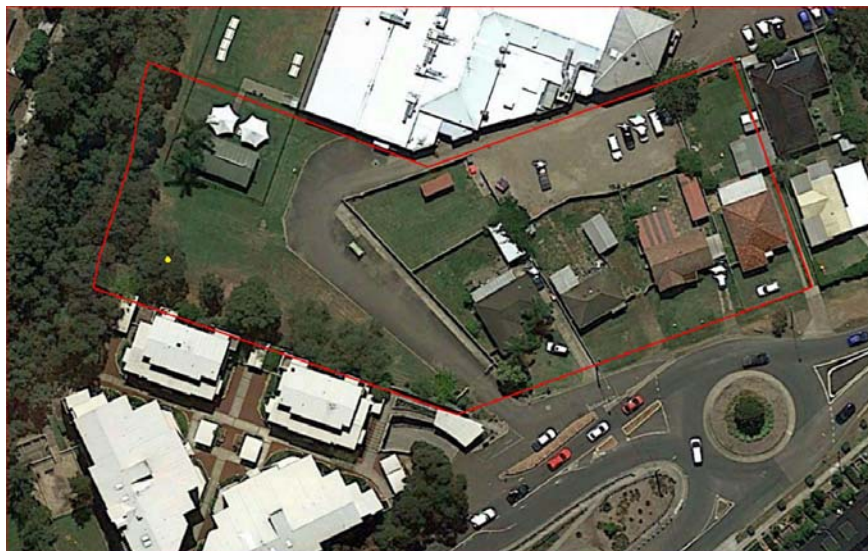


Figure 6 – The development zone (highlighted in red) within the subject site. Source: *Ecological Assessment Report*, version 002, prepared by Cumberland Ecology, dated 3 August 2016

The southern portion of the Toongabbie Sports Club site comprises a covered BBQ area, an existing formed vehicle access way, a fire hydrant, electricity substation and a grassed area. This part of the site also contains significant mature trees located along the southern and western boundaries.

The four (4) adjoining residential lots 6, 7, 8 & 9 in DP 22506 contain single-storey dwelling houses with tiled roofs, detached rear yard structures which were built in the 1950s and 1960s and all owned by Toongabbie Sports Club. Between 2000 and 2003, the rear yards of No.6 & 8 Wentworth Avenue (Lots 7 & 8 in DP 22506) were converted into hard-surfaced overflow car parking and vehicular turning area for the Toongabbie Sports Club and the rear boundary fences of No.6 & 8 Wentworth Avenue were modified to reflect this.

PLANNING CONSIDERATION

The proposal, as amended, has been assessed under the provisions of the *Environmental Planning and Assessment Act 1979*. The matters below are those requiring the consideration of the Sydney Central City Planning Panel (SCCPP).

SECTION 79C(1) – MATTERS FOR CONSIDERATION – GENERAL

Section 91A Development that is Integrated Development

The proposal is defined as a 'Nominated Integrated' development under the provisions of Section 91 of the *Environmental Planning and Assessment Act 1979*, as an approval is required from the NSW Department of Primary Industries (Water), in accordance with the requirements of the *Water Management Act 2000*.

The application was referred to the NSW Department of Primary Industries (Water) pursuant to Section 91A(3) of the *Environmental Planning and Assessment Act 1979*. The NSW

Department of Primary Industries (Water) issued General Terms of Approval (GTA) for works requiring a controlled activity approval under Section 91 of the Water Management Act 2000.

The NSW DPI (Water) noted that the GTA are not the controlled activity approval and the applicant “...*must apply to DPI Water for a controlled activity approval after consent has been issued by Council and before the commencement of any work or activity on waterfront land.*”

The NSW DPI (Water) confirmed that Girraween Creek is a 2nd order stream and a 20 metre riparian corridor applies.

In accordance with the GTA and the document titled ‘Controlled activities on waterfront land - Guidelines for riparian corridors on waterfront land’ issued by the NSW DPI (Water) correspondence between the City of Parramatta Council and NSW DPI (Water) occurred and on 9 October 2017, the NSW DPI (Water) revised the required width of the vegetated riparian zone within the Girraween Creek riparian corridor with the following comments “...*in addition to our discussion today about the condition of GTA related to maintaining riparian corridor, DPI Water guideline provides flexibility. So the applicant can provide minimum 10 metres and average of 20 metres for 2nd order Girraween Creek.*”.

The applicant has been advised of NSW DPI (Water) requirements. As proposed the development does not achieve the required riparian corridor setback. Amended plans have not been provided to Council since the DA was lodged. Structures, including components of the RCF building, are within 10 metres from the western boundary abutting Girraween Creek. The proposal therefore does not satisfy the riparian corridor issue. This has been included as a reason for refusal.

PROVISIONS OF ENVIRONMENTAL PLANNING INSTRUMENTS (S.79C(1)(a)(i))

State Environmental Planning Policy No.55 - Contaminated Land (SEPP 55)

An assessment of the application has been undertaken on the basis of Clause 7(1), 7(2) and 7(3) of SEPP 55 and the Managing Land Contamination Planning Guidelines 1998 for assessing potential contamination of a site. The following is a checklist for the evaluation:

- Is the planning authority aware of any previous investigations about contamination on the land? What were the results including any previous evaluations?

Comment: Council records show no evidence in previous investigations for contamination of the land the subject of this application.

- Do existing records of the planning authority show that an activity listed in Table 1 has ever been approved on the subject land? (The use of records held by other authorities or libraries are not required for an initial evaluation).

- Comment: Council and applicant records show that no uses identified in the table below that may result in contamination were present on the site.

Acid/alkali, plant and formulation	Landfill sites
Agricultural/horticultural activities	Metal treatment
Airports	Mining and extractive industries
Asbestos production and disposal	Oil production and storage
Chemicals manufacture and formulation	Paint formulation and manufacture
Defence works	Pesticide manufacture and formulation
Drum re-conditioning works	Power stations
Dry cleaning establishments	Railway yards

Electrical manufacturing (transformers)	Service stations
Electroplating and heat treatment premises	Sheep and cattle dips
Engine works	Smelting and refining
Explosives industry	Tanning and associated trades
Gas works	Waste storage and treatment
Iron and steel works	Wood preservation

Table 1: Some Activities that may cause contamination

- Was the subject land at any time zoned for industrial, agricultural or defence purposes?

Comment: Council's records show that the site was not used for residential purposes prior to being a recreation club.

- Is the subject land currently used for an activity listed in Table 1 above?

Comment: Council records and a site inspection reveal that the land is not currently used for a purpose identified at Table 1 above.

- To the planning authority's knowledge was, or is, the subject land regulated through licensing or other mechanisms in relation any activity listed in Table 1?

Comment: No.

- Are there any land use restrictions on the subject land relating to possible contamination such as notices issued by the EPA or other regulatory authority?

Comment: No.

- Does a site inspection conducted by the planning authority suggest that the site may have been associated with any activities listed in Table 1?

Comment: A number of site inspections were undertaken during the course of assessment. No activities in Table 1 were identified.

- Is the planning authority aware of information concerning contamination impacts on land immediately adjacent to the subject land which would affect the subject land?

Comment: No. The adjoining sites are currently being used for low density residential development.

- Has the applicant for development consent carried out the investigation required by subclause 7(2) of SEPP 55 and provided a report on it to the consent authority.

Comment: Yes.

Concluding comments: In view of the above evaluation, and considering the requirements of SEPP 55 and the Managing Land Contamination Planning Guidelines 1998, a 'Detailed site and contamination investigation' report, Project number: 85056.00.Rev1, dated November 2015, prepared by Douglas Partners was submitted and assessed by Council's Environmental Health Officer. Subject to standard and special conditions, the site is suitable for its proposed use and Clause 7 of SEPP 55 is satisfied.

Were the application recommended for approval standard, asbestos, site audit statement, site investigation and contamination conditions would be incorporated into a notice of determination. It is therefore considered that the site poses no risk of contamination and as such no further consideration is required under Clause 7 of the SEPP.

State Environmental Planning Policy No.64 – Advertising and Signage

The application proposes the construction and display of the following signage:

- Site entry signage affixed to a free-standing 300mm high brick wall near the driveway/roundabout entrance along Wentworth Avenue. The site entry sign will be a single-sided non-illuminated powder coated aluminium lettering, measuring 2000mm wide x 800mm long reading 'Opal Specialist Aged Care Toongabbie' with a white emblem behind the logo approximately 1.2-1.5 metres above the existing Wentworth Avenue footpath;
- Building wall sign with single sided non-illuminated powder coated aluminium lettering measuring 3000mm wide x 1500mm long reading 'Opal Specialist Aged Care Toongabbie' with a white emblem behind the logo. The sign will be affixed to the new Wentworth Avenue building approximately 10.5-12 metres above the existing ground level along Wentworth Avenue; and
- Building entry sign affixed to the southern elevation of the building entrance at the western end of the Wentworth Avenue car park. The entry sign will be a single-sided non-illuminated powder coated aluminium lettering, measuring 1500mm wide x 750mm long reading 'Opal Specialist Aged Care Toongabbie' with a white emblem behind the logo approximately 2 metres above the existing Wentworth Avenue footpath.



Figure 7 – Proposed signage along the Wentworth Avenue building, entry and wall façade. *Source: Calder Flower Architects*

SEPP 64 was gazetted on 16 March 2001 and aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

Clause 8 of SEPP 64 states the following:

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

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

Aims and Objectives

The proposed signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations is of high quality design and finish, and is therefore consistent with the aims and objectives of Clause 3 of SEPP 64.

Assessment Criteria

The following table outlines the manner in which the proposed signage satisfies the assessment criteria of SEPP 64.

Consideration	Comment
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes. The proposed non-illuminated building, wall and entry signage are compatible with the existing building identification signage in the locality.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes. The content of the proposed signage is consistent with the character of the existing building identification signage along Wentworth Avenue and the Toongabbie locality.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No. The proposal does not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.
3 Views and vistas	
Does the proposal obscure or compromise important views?	No. The proposal does not obscure any views.
Does the proposal dominate the skyline and reduce the quality of vistas?	No. The proposal does not dominate the skyline or reduce the quality of vistas.
Does the proposal respect the viewing rights of other advertisers?	Yes. The proposed sign respects the viewing rights of other advertisers.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes. The scale, proportion and form of the proposed signage is appropriate for the streetscape and setting and are consistent with that of similar building identification signage along Wentworth Avenue.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes. The proposed signage serves to identify the existing retail premise and contributes to the visual interest of the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A.
Does the proposal screen unsightliness?	N/A. The proposed signage will be attached to the new RCF building fronting Wentworth Avenue and near the modified roundabout intersection without creating adverse traffic impacts.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No. The proposed sign does not protrude above buildings, structures or tree canopies.
Does the proposal require ongoing vegetation management?	N/A. The proposed signage will not require ongoing vegetation management.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. The proposed signage is of an acceptable sizing and scale.

Does the proposal respect important features of the site or building, or both?	Yes. The signs do not significantly protrude from the existing building, are of an appropriate size and scale and adopts an acceptable colour scheme, thereby respecting the important features of the site and surrounding buildings.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes. The signage demonstrates innovation and imagination.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Yes. The 'Opal Aged Care Toongabbie' logo has been included on all proposed signage structures. No safety devices or platforms are proposed.
7 Illumination	
Would illumination result in unacceptable glare?	No illumination is proposed.
Would illumination affect safety for pedestrians, vehicles or aircraft?	No illumination is proposed.
Would illumination detract from the amenity of any residence or other form of accommodation?	No illumination is proposed.
Can the intensity of the illumination be adjusted, if necessary?	N/A. No illumination is proposed.
Is the illumination subject to a curfew?	N/A. No illumination is proposed.
8 Safety	
Would the proposal reduce the safety for any public road?	No. The proposed signage would not reduce the safety for any public road, as it is of an acceptable size, design and scale.
Would the proposal reduce the safety for pedestrians or bicyclists?	No. The proposed signage would not reduce the safety for pedestrians or cyclists, as it is of an acceptable size, design and scale.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The proposed signage will not reduce the safety for pedestrians, particularly children, as it is of an acceptable size, design and scale.

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

The provisions of SEPP (HSPD) 2004 have been considered in the assessment of the development application.

Chapter 1 Preliminary

Clause 2 Aims of Policy

The aims of the policy are as follows:

(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and

The proposed development is consistent with the aims of the policy, in that the proposed development will increase the supply and diversity of residences to meet the needs of seniors or people with a disability.

(b) make efficient use of existing infrastructure and services, and

In terms of the availability of infrastructure, public transport, community facilities and environmental quality, the site is located within an established residential area and would be supported by the relevant providers (i.e. telecommunications, water, electricity etc.).

The site abuts Wentworth Avenue and is adequately serviced by continuous bus routes. Community facilities (including Toongabbie Railway station, shopping area, sports clubs and medical centres) are located within close proximity of the site.

The proposed development is considered to be consistent with the aims of the policy.

(c) be of good design.

When assessing the development against the aim of achieving good design, the development must be considered in context with the other provisions of the PLEP 2011 and PDCP 2011. In this regard, in the context of the built environment, the development proposes the construction of 4-storey RCF development (adjoining Girraween Creek). The development has not been designed in order for buildings and works to be integrated into the site to minimise disturbance of vegetation and landforms.

In addition to the above, the development is not located and designed in a manner particularly suited to the environmentally sensitive nature of the site.

For the above reasons, the proposed development is inconsistent with the aims of the SEPP and this issue has been included as a reason for refusal.

Clause 3 Land to which Policy applies

Clause 3 defines an "existing registered club" as a *'registered club in existence on land immediately before the date on which State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2) commences.'* The 'Toongabbie Sports Club' has been in operation from the 1970s and was in existence at the time of the amending legislation, therefore meeting the definition.

Clause 4 Land to which Policy applies

Clause 4(5) provides, that the SEPP (Housing for Seniors or People with a Disability) 2004 does not apply to land being used for the purposes of an 'existing registered club' and that a consent authority must not treat that land as being zoned primarily for urban purposes thereby enabling this SEPP on adjoining land, *unless* it is satisfied that most of the club land adjoins land zoned for urban purposes. As more than 50% of the boundary abuts land zoned for urban purposes the proposal complies with this sub-clause.

Clause 4(6)(a) of this SEPP refers to Schedule 1 in which certain types of development exclude the application of this SEPP. Parts of the site are classified as "floodway" and "high flooding hazard" under the PDCP 2011. This SEPP does not apply to development described as 'environmentally sensitive land' as listed in Schedule 1 of this SEPP which includes the following words such as 'open space', 'floodway', 'high flooding hazard', 'natural hazard' and 'water catchment' as 'environmentally sensitive land.' None of the above terms are identified under the PLEP 2011. Having regard to 'open space' and the interchangeable RE2 Zone, and under normal circumstances, development could not proceed under the Schedule 1 of this SEPP. However, an exception is made under clause 4(7) of the SEPP (Housing for Seniors or People with a Disability) 2004 when land is being used for the purposes of an 'existing registered club.' With regard to the above and the site compatibility certificate issued by the NSW Department of Planning and Environment, the site is partly used as an existing registered club and is zoned RE2 'Private Recreation'.

In these circumstances, the site does not fall within any of the exemptions listed in the Schedule and the SEPP (Housing for Seniors or People with a Disability) 2004 applies.

Chapter 2 Key Concepts

The proposed development comprises the redevelopment of the site to accommodate a RCF which includes the following:

- Meals and cleaning services;
- Personal care or nursing care or both; and
- Appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care.

Accordingly on this basis, the proposed development is consistent with the provisions outlined in Chapter 2 of this SEPP.

Chapter 3 Development for seniors housing

Clause 14 Objective of Chapter

The objective of this chapter is as follows:

“The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.”

The proposed development will create a RCF to accommodate very vulnerable occupants, including frail, aged and people with dementia, on a site next to Girraween Creek that is catastrophically flood affected during extreme events. The proposed RCF is not suitably located and not designed in a manner particularly suited to the environmentally sensitive nature of the site.

For the above reasons, the proposed development is inconsistent with the objective of this chapter and this issue has been included as a reason for refusal.

Clause 15 What Chapter does

The majority of the development site is zoned RE2, however, in accordance with clause 15 the proposed RCF is permissible as the site is located on land that is zoned primarily for urban purposes and development for the purpose of dwelling houses is permitted on part of the site (Lots 7, 8 & 9 in DP 22506) are zoned R3.

Clause 21 Subdivision

Consolidation of the existing five (5) allotments and re-subdivision into two (2) lots are proposed under this application. Were the application recommended for approval, conditions pertaining to subdivision will be incorporated into the Notice of Determination.

Clause 22 Fire sprinkler systems in residential care facilities for seniors

Were the application recommended for approval, conditions pertaining to fire sprinkler systems will be incorporated into the Notice of Determination.

Clause 23 Development on land used for the purposes of an existing registered club

Part of the site has an existing registered club 'Toongabbie Sports Club'. The proposal is physically separated from the 'Toongabbie Sports Club' building and thus complies with this clause.

Clause 24 Site compatibility certificates required for certain development applications

Under this clause, if a development site has an existing registered club the applicant must apply to the Department of Planning and Environment for a site compatibility certificate. On 5 May 2017, the applicant lodged an application for a site compatibility certificate with the NSW Department of Planning and Environment for a RCF relating to Lot 30 in DP 1106209, 12 Station Road, Toongabbie. The proposal complies with this clause.

Clause 25 Application for site compatibility certificate

On 5 May 2017, the applicant lodged an application for a site compatibility certificate with the NSW Department of Planning and Environment, dated 16 August 2016, issued by the Minister, (or his delegate), was issued for the proposed development site. In summary, the site compatibility certificate is valid and the development is permissible with consent under the SEPP (Housing for Seniors or People with a Disability) 2004.

A site compatibility certificate issued by the NSW Department of Planning and Environment enables the lodgement of a development application with the consent authority, it does not preclude a full merit assessment under the Section 79C of the Environmental Planning & Assessment Act 1979. The NSW Department of Planning and Environment acknowledged that flooding is an issue within the site, however, the 'opinion' was formed under clause 25, that flooding *may* be dealt with by an evacuation plan when the Development Application is assessed on its merits. The evacuation plan, assessed in this report is unsatisfactory.

Clause 26 Location and access to facilities

The site is within 400m walking distance of shops in Toongabbie. This shopping precinct comprises restaurants, banks and supermarkets. The proposed development includes ancillary services to the proposed seniors housing use such as a hair salon, café and health shop.

Suitable paved pathways for access for electric wheel chairs and motorised carts and the lift are provided from the subject site to the bus stops on Wentworth Avenue.

The average gradients of these pathways do not exceed the acceptable maximum gradient.

Clause 27 Bush fire prone land

The site is not located within bushfire prone land.

Clause 28 Water and Sewer

The site is located within the Sydney Water service area and is required to connect to the required services. If the application recommended for approval, conditions of consent would be included to this effect.

Clause 29 Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply

This clause is not applicable as clause 24 applies.

Clause 30 Site analysis

A site analysis diagram was submitted with the application and thus complies with this clause.

Clause 31 Design of in-fill self-care housing

The development provides on-site support services (including meals, cleaning services, nursing and personal care) and therefore is not self-care housing.

Clause 32 Design of residential development

Refer to assessment of clauses 33-39 (inclusive) below.

Clause 33 Neighbourhood amenity and streetscape

The size and scale of the built form of the development as presented along Wentworth Avenue is not in keeping with the size and scale of the built forms comprising the existing development in the area. The visual pattern of the development is inconsistent with the predominant character of surrounding development and future character of the R3 Zone.

The development is inconsistent with the prevailing setback of adjoining properties to the south. Further, trees along the southern boundary are not retained and there are structures proposed within the riparian buffer zone as set by the NSW Department of Primary Industries (Water).

For the above reasons, the proposed development is unsatisfactory and inconsistent with this clause and this issue has been included as a reason for refusal.

Clause 34 Visual and acoustic privacy

Inappropriate separation and location openings (i.e. windows & balconies) have been provided in the design and location of many RCF beds. In addition, a number of outdoor spaces (i.e. terraces and balconies) face south.

For the above reasons, the proposed development is unsatisfactory and inconsistent with this clause and this issue has been included as a reason for refusal.

Clause 35 Solar access and design for climate

The proposed development does not align with adjacent buildings along the Wentworth Avenue frontage. The proposal should provide greater separation from the existing registered club and any future development of that site allowing for better solar access and more outdoor space to the north of the development.

The provision of appropriate sunshade devices to windows needs more consideration, particularly for the west-facing rooms. At-grade car parking without adequate tree plantings to provide shade in summer to reduce heat loading from expansive paved areas is problematic.

For the above reasons, the proposed development is inconsistent with this clause and this issue has been included as a reason for refusal.

Clause 36 Stormwater

Council's Property Officer reviewed the proposal and noted the following:

"The proposal (seeks) to discharge stormwater across the western side of the subject development adjoining Girraween Creek. There is a large easement (9.145m wide and variable width) across the western side of the property. The applicant is proposing to establish stormwater drainage pipes (underground), surface inlet pits, junction pits, headwalls and landscaping (hard & soft surface) all within the easement. The Applicant will require the written consent of the authority benefitted by the easement before further consideration can be made to the proposed construction within the easement.

The Applicant is proposing to establish underground pipes connecting pits A-A, B-1, B-2, B-3, B-4, C-1 and Headwall H-1 all within the easement area...which intends to release a concentrated flow of water towards the creek and the erosive effects this may have.

If discharge is going to be approved into Girraween Creek, the applicant should be required to obtain an easement, the DA should be deferred until the applicant first obtains the written consent of the benefitted authority under K830546, and secondly obtains an easement to drain from Council for discharge into Girraween Creek. The proposed development will alter the overland flow to concentrated points of discharge..."

Insufficient information with regard to the above comments and the location and design of on-site stormwater detention or re-use have been provided. The proposed development is inconsistent with this clause and this issue has been included as a reason for refusal.

Clause 37 Crime Prevention

The proposed development does not incorporate CPTED principles in the following manner:

- The main lobby is not clearly visible from the street;
- Upper level balconies, terraces and windows do not address Wentworth Avenue and the central common areas, providing passive surveillance to the front setback and landscaped communal areas; and
- The entries are not clearly distinguishable.

For the above reasons, the proposed development is inconsistent with this clause and this issue has been included as a reason for refusal.

Clause 38 Accessibility

The development provides for adequate footpaths to public transport and services. Pedestrian access to the site is provided via pathways and vehicles have separate access to the proposed RCF. The building is provided with a double lift core from the ground floor. However, the proposed RCF is within flood-prone land, which does not allow for these services to be utilised in a safe and controlled environment. The proposed development is inconsistent with this clause and this issue has been included as a reason for refusal.

Clause 39 Waste Management

Council's Environmental Health Officer (Waste) has reviewed the proposal and noted the following deficiencies:

"The location of the proposed waste storage. This must be clearly shown on the architectural and/or floor plans. Details of how building residents will transfer waste from their apartments to the building waste store area. Details of how waste will be collected from the building by a private contractor and the proposed collection point shown on the architectural plans."

For the above reasons, the proposed development is inconsistent with this clause and this issue has been included as a reason for refusal.

Clause 40 Development Standards – minimum sizes and building height

The development site where the proposed RCF will be located is approximately 4,887m² which meets the minimum requirement of 1,000m². Further, the site has a frontage of approximately 72.9m to Wentworth Avenue which achieves the minimum requirement of 20m. The proposal complies with the minimum site and frontage requirements of this clause.

The proposed RCF building height is **16.1 metres** (to the top of the eastern fire stairs) and the rear 25% of the development site is also 4 storeys in height and therefore does not comply with Clause 40(4). Refer to the Clause 4.6 variation to the 8 metre height development standard as contained in clause 40(4) within the 'Parramatta Local Environmental Plan 2011' section below.

Clause 41 Standards for hostels and self-contained dwellings

There are no hostels or self-contained dwellings proposed as part of this development.

Clause 42 Serviced Self Care Housing

The development does not propose any self-contained dwellings.

Clause 43 Transport services to local centres

Given that 18 single bedrooms will be allocated for persons with dementia, insufficient information has been provided to ascertain if a bus capable of carrying at least 10 passengers will be provided to the residents. Were the application recommended for approval, conditions pertaining to a private bus service to the Toongabbie shopping area could be incorporated into the Notice of Determination.

Clause 44 Availability of facilities and services

The residents will have opportunities to occupy housing when available. Were the application recommended for approval, conditions of consent would be included to this effect.

Clause 45 Vertical Villages

Residential flat buildings are not permitted on the site and therefore this clause is not applicable.

Clause 48 Standards that cannot be used to refuse development consent for residential care facilities

The proposal provides at-grade car parking for 28 vehicles and an ambulance space which complies with clause 48(d).

As mentioned above, the proposed RCF building height is 16.1m and does not comply with clause 48(a). Refer to discussion on height within the Clause 4.6 of the 'Parramatta Local Environmental Plan 2011' section of this report.

The RCF is sited on Lots 7-9 in DP 22506 with a total area of approximately 2,537.8m². The proposed RCF gross floor area is 3,025.9m², which equates to a FSR of 1.19:1 and does not comply with clause 48(b). As the application is lodged pursuant to this SEPP and not the PLEP 2011, and Clause 48 is not a development standard where a Clause 4.6 variation request under PLEP 2011 is sought, no further assessment of this breach is required. As the proposal seeks FSR greater than 1:1, this has been included as a reason for refusal.

The proposal provides approximately 1,318.7m² of landscaping which does not comply with the minimum 25m² of landscaped area per residential care facility bed which equates to 3,200m² of landscaped areas. The development is deficient by approximately 1,881.3m² of minimum requirement for landscaping and does not comply with clause 48(c).

The proposed development has been found to be inconsistent with clause 48(a), 48(b) and 48(c) and this has been included as a reason for refusal.

Chapter 4 – Miscellaneous

The proposed development is consistent with the provisions contained in Chapter 4. The site is not located on environmentally sensitive land (as defined by Schedule 1 of this SEPP), is not affected by amendments to other SEPPs, and the special provisions do not apply to this land. However, the requirement of Clause 55 is applicable to the proposed development, which states:

“A consent authority must not grant consent to the carrying out of development for the purpose of a residential care facility for seniors unless the proposed development includes a fire sprinkler system”.

The SEE indicates that this requirement should be deferred as a condition of consent. Accordingly, this requirement can be addressed by way of conditions should the application be approved. Accordingly, no further assessment of the application is required under Chapter 4 of the SEPP.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The provisions of ISEPP have been considered in the assessment of the development application.

Endeavour Energy

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
- immediately adjacent to an electricity substation, or
- within 5m of an overhead power line.

The application was referred to Endeavour Energy on 5 January 2017 for comment. Endeavour Energy raised no objections subject to network capacity/connection, earthing, safety clearances, vegetation management, noise, dial before you dig, demolition, public safety and emergency contact comments which will be included as a condition of consent should the application be approved.

Roads and Maritime Service (RMS)

The application is not subject to clause 101 of the ISEPP as the site does not have frontage to a classified road. The application is not subject to clause 102 of the ISEPP as the average daily traffic volume of Wentworth Avenue is less than 40,000 vehicles.

With regards to requirements of Clause 104(2) (b) and, Schedule 3 of the ISEPP, the development does not have a capacity for 200 or more motor vehicles. Therefore, the ISEPP does not apply in this respect.

State Environmental Planning Policy (State and Regional Development) 2011

This application is captured by Part 4 of this SEPP which provides that the SCCPP is the consent authority for this application.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The provisions of this SEPP have been considered in the assessment of the development application.

Part 1 Preliminary

Clause 3 Aims of Policy

The aims of the policy are as follows:

(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and

It is noted that Clause 5.9 Preservation of trees and vegetation under the PLEP 2011 was repealed and the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 commenced on 25 August 2017. The proposed development seeks to remove the trees along the southern boundary and towards the south-western corner of the site which is not consistent with the aims of the policy. The proposed development does not ensure tree protection with regard to biodiversity values along Girraween Creek.

(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation

When considering the development against the aim of preserving the amenity through tree preservation, the development must be considered in context with the other provisions of the PLEP 2011 and PDCP 2011. The context of the existing natural environment is not adequately considered as the development proposes the construction of 4-storey development adjoining Girraween Creek. The development has not been designed in order for buildings and works to be integrated into the site to minimise disturbance of vegetation and landforms.

In addition to the above, the development is not considered to be located and designed in a manner particularly suited to the environmentally sensitive nature of the site.

For the above reasons, the proposed development has been found to be inconsistent with the aims of the SEPP and this issue has been included as a reason for refusal.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- Protect and improve hydrological, ecological and geomorphologic processes;
- Consider cumulative impacts of development within the catchment;
- Improve water quality of urban runoff and reduce quantity and frequency of urban runoff; and
- Protect and rehabilitate riparian corridors and remnant vegetation.

The site is not located on the foreshore. The site is located adjacent to the Girraween Creek which is a natural waterway along the length of the subject site. The site and the surrounding area are subject to major low, medium and high hazard flooding. Girraween Creek is mostly a natural waterway upstream and is a concrete channel further downstream where Girraween Creek merges with Pendle Creek. Therefore, flow volumes are high and at times of concentration are shortened with flood peaks travelling rapidly downstream, resulting in short warning times, high intensity and potential for high peak floods.

Girraween Creek is subject to severe floods during extreme events of the upper Parramatta River catchment, resulting in flood hazard conditions for a majority of the site area.

The application subject to this review was assessed by Council's Catchment Engineer, who concluded that the proposed use of the site would expose occupiers of the building to the risks and hazards of flooding on the site.

For the above reasons, the proposed development has been found to be inconsistent with the aims of the SEPP and this issue has been included as a reason for refusal.

State Environmental Planning Policy No 1 – Development Standard

Refer to the Clause 4.6 variation within the 'Parramatta Local Environmental Plan 2011' section below for the breach to the 8 metre height development standard under clause 40(4) of the SEPP (Housing for Seniors or People with a Disability) 2004.

Parramatta Local Environmental Plan 2011 (PLEP 2011)

The DA is not made pursuant to the PLEP 2011, however, any inconsistencies between the SEPP (Housing for Seniors or People with a Disability) 2004 and the PLEP 2011 are noted.

The relevant matters considered under PLEP 2011 and pursuant to Clause 5(3) of the SEPP (Housing for Seniors or People with a Disability) 2004 for the proposed development are outlined below:

Clause 1.2 Aims of Plan

One of the aims of the PLEP 2011 is “...to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by restricting development in sensitive areas.”

The subject site is considered to be sensitive in terms of flooding and as such Council could not support any development which increases the risk to the community as a result of flooding. The proposed development is considered to be such a development and is therefore not consistent with the aims of the PLEP 2011.

Clause 2.3 Zone objectives and Land Use Table

The site is zoned RE2 Private Recreation & R3 Medium Density Residential under the provisions of PLEP 2011. Seniors housing is permissible within the R3 Medium Density Residential zone allotments (4-10 Wentworth Avenue, Toongabbie). The development site includes works on Lot 30 in DP 1106209, 12 Station Road, Toongabbie which is zoned RE2 Private Recreation, of which, *seniors housing* is a prohibited land use.

Notwithstanding PLEP 2011 zoning provisions, seniors housing is permissible with consent in a RE2 Private Recreation zoning under the SEPP (Housing for Seniors or People with a Disability) 2004.

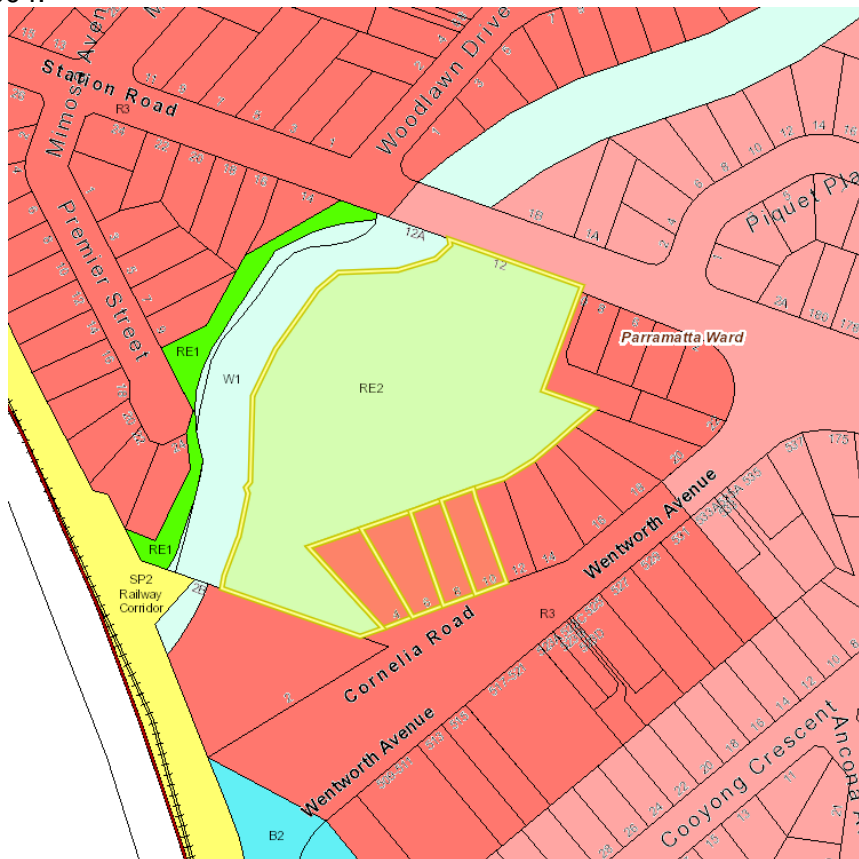


Figure 8 – Dual R3 Zone (dark red) and RE2 Zone (light green) map of the subject site (highlighted) and locale.

Clause 2.6 Subdivision – consent requirements

The proposal satisfies this clause. Refer to discussion under Clause 21 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 above in this report.

Clause 2.7 Demolition requires development consent

Clause 2.7 of PLEP 2011 states that the demolition of a building or work may be carried out only with development consent. Approval is sought for demolition works. Council's standard conditions relating to demolition works can be included if this application were recommended for approval.

Clause 4.3 Height of Buildings

The maximum building height limit of 11 metres may apply to the R3 Zoned portion of the site (Lots 6, 7, 8 & 9 in DP 22506 fronting Wentworth Avenue). As shown in **Figure 9** below, the proposed new four-storey RACF is partially on land where the maximum height of building control does not apply. The DA is not made pursuant to the Parramatta Local Environmental Plan 2011.

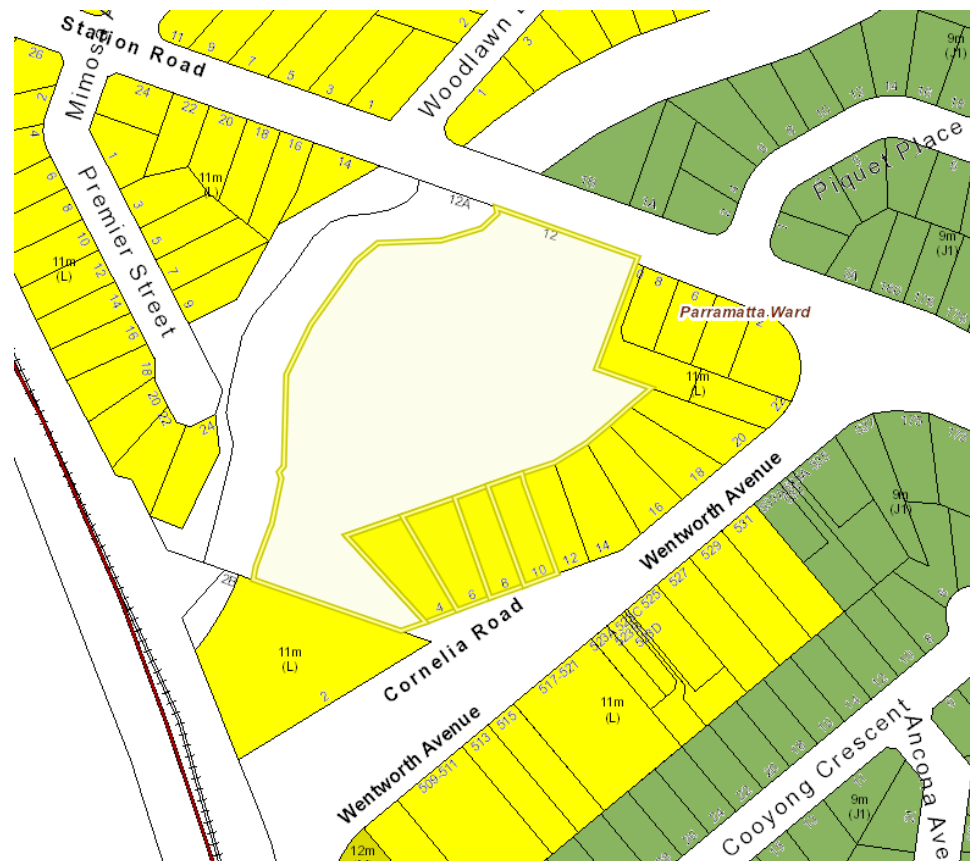


Figure 9 – Maximum height of building map of the subject site (highlighted) and locale. Note the application is lodged pursuant to SEPP (Housing for Seniors and Persons with a Disability) 2004

The proposed RCF building height is **16.1m** (to the top of the eastern fire stairs) which does not comply with the 8m development standard as prescribed by Clause 40(4) of the SEPP (Housing for Seniors and Persons with a Disability) 2004.

The applicant's Clause 4.6 justification is not agreed with, and the variation to the height is not supported for the reasons outlined in this report. Refer to Clause 4.6 below.

Clause 4.4 Floor Space Ratio

The maximum FSR control applies only to the four (4) lots fronting Wentworth Avenue (Lots 6, 7, 8 & 9 in DP 22506 fronting Wentworth Avenue). As shown in **Figure 10** below, the proposed RCF building is, across the three (3) lots which front Wentworth Avenue (Lots 7, 8 & 9 in DP 22506, No.4, 6 & 8 Wentworth Avenue, Toongabbie), on land where a maximum FSR control applies.

As mentioned above, the DA is made pursuant to SEPP (Housing for Seniors or People with a Disability) 2004 and not the PLEP 2011. Refer to discussion above under Clause 48 of the 'SEPP (Housing for Seniors or People with a Disability) 2004' section of this report.

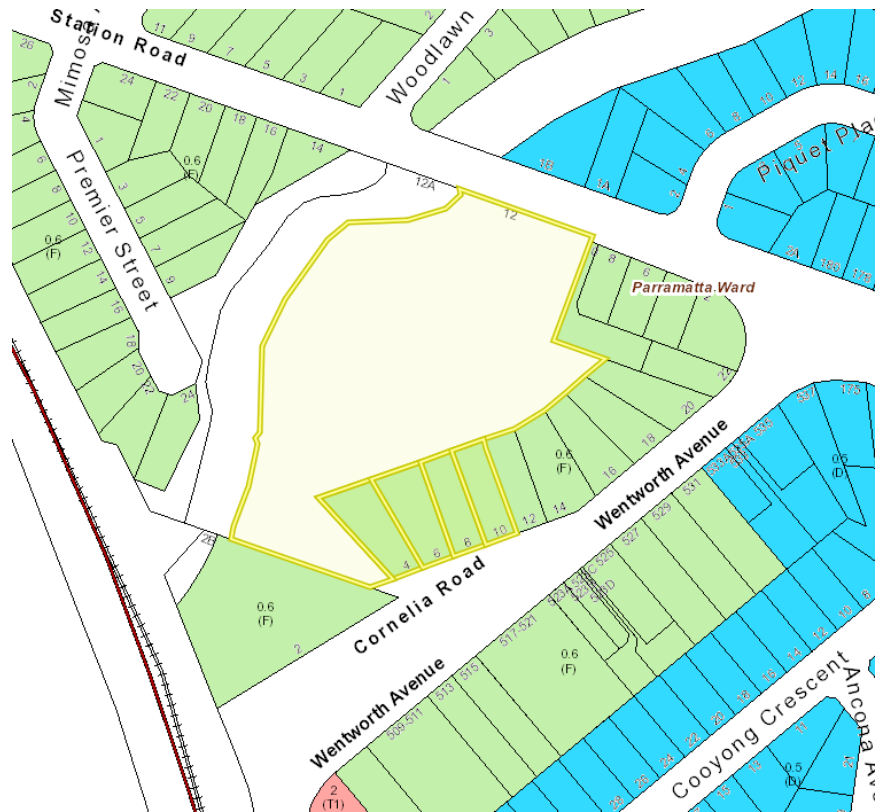


Figure 10 – Dual maximum FSR map of the subject site (highlighted) and locale.

Clause 4.6 Exceptions to Development Standards

Clause 4.6 of PLEP 2011 allows Council to provide an appropriate degree of flexibility in applying certain development standards, where flexibility would achieve better outcomes.

The proposal does not comply with the maximum 8m building height development standard Clause 40(4) of the SEPP (Housing for Seniors and Persons with a Disability) 2004. The proposed building height is **16.1m** (to the top of the eastern fire stair structure).

The development proposal exceeds the maximum permissible building height by 8.1m which is a **101% variation** to the development standard.

In the absence of objectives for Clause 40(4) of the SEPP (Housing for Seniors and Persons with a Disability) 2004 the objectives of clause 4.6 of the PLEP 2011 are considered as follows:

- “(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances”*

The operation of clause 4.6 is not limited by the terms of Clause 4.6(8) of this LEP, or otherwise by any other instrument.

Clause 4.6(3) requires that the applicant provide a written request seeking to justify contravention of the development standard. The request must demonstrate that:

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

The applicant has submitted a written request justifying the variation to the height of building development standard. In the justification the applicant states:

- *“The development will be visually attractive and sympathetic to the existing and emerging character of the area.*
- *The development will maintain the neighbourhood amenity and character of the local area.*
- *The development is 4 storeys in height which is consistent with the neighbouring development to the south.*
- *The development reflects the DFC of the area as reflected in Council’s exhibited strategic planning documents.*
- *The development has an attractive and appropriate presentation to the street.*
- *The bulk and scale of the building is considered appropriate as outlined in the SOEE accompanying the DA.*
- *The site is of sufficient size to accommodate the proposed development.*
- *The proposed RACF will meet an important social need in providing aged care services in the local community.”*

Comment: An assessment has been undertaken to determine whether compliance with the standard is ‘unreasonable and unnecessary’ and there are ‘sufficient planning ground’ as follows:

An assessment against the relevant case law established in the NSW Land and Environment Court has been undertaken below. These cases establish tests that determine whether a variation under Clause 4.6 of an LEP is acceptable and whether compliance with the standard is unreasonable or unnecessary.

Wehbe v Pittwater Council

Case law in the NSW Land & Environment Court has considered circumstances in which an exception to a development standard may be well founded. In the case of *Wehbe v Pittwater Council [2007] NSWLEC 827* the presiding Chief Judge outlined the following five (5) circumstances:

1. *The objectives of the development standard are achieved notwithstanding non-compliance with the standard.*

Height of Buildings

“(a) To permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.”

Comment: The key constraints of the site are its irregular shape, topography, natural hazards, proximity to Girraween Creek, street frontages, existing registered club and shared boundaries. The proposed height is considered excessive and will set an undesirable precedent for the locality that envisages low-to-medium density residential buildings interspersed with building heights essentially 2-3 storeys.

The purpose of a 2-storey building height under Clause 40(4)(c) of SEPP (Housing for Seniors and Persons with a Disability) 2004 is “...to avoid an abrupt change in the scale of development in the streetscape.” Accordingly, the height of the proposed 4-storey RCF building is not compatible with the 1-to-2-storey nature of buildings along the northern side of Wentworth Avenue and would be excessive in terms of its scale as compared to other housing developments. Developments along the southern side of Wentworth Avenue consist of 1-to-2-storey nature of buildings with attics.

The adjoining development at 2 Wentworth Avenue consists of 4 x multi-storey residential buildings with 60 dwellings is the anomaly within the immediate context and cannot be reasonably argued that this built form is the predominant nature of Wentworth Avenue. The combination of the vertical and horizontal massing of the side elevations of the building in conjunction with the proposed setbacks results in visually dominant building bulk that has no sympathy or relationship to the bulk of surrounding residential development.

The non-compliant building height is further indicative of the visual dominance of the development and, given the proposed setbacks, could result in an unreasonable sense of enclosure to the established neighbouring dwellings and that of residents within the RCF.

2. *The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*

Comment: The non-compliance with the height standard will result in inconsistencies with this objective as the flood prone site is not appropriate for a RCF building.

However, it is noted that the impacts associated with this proposal have not been “minimised” and a compliant building would achieve greater consistency with this objective which on merit does outweigh strict compliance with the building height development standard. The visual impact of the development is found to be unacceptable in its current form.

3. *The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*

Comment: The applicant does not suggest that the objective would be thwarted if compliance was required; rather that the objective is achieved despite the breach of the height of buildings development standard.

4. *The development standard has been virtually abandoned or destroyed by the Council’s own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*

Comment: The standard has not been abandoned within the site itself or within the Toongabbie area as this DA is the first proposal for seniors housing. It is considered that compliance with the standard in this case is reasonable and necessary as the proposal:

- Is inconsistent with the aims and relevant clauses of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and SREP (Sydney Harbour Catchment) 2005;
- For a RCF within flood-prone land is not suitable and the potential loss of life outweighs any public benefit for the community;

- For a 4-storey building height is excessive and not compatible within the Wentworth Avenue streetscape;
- Is located within the Girraween Creek riparian buffer corridor; and
- Results in an unsatisfactory relationship to adjoining developments.

Compliance with the development standard in this instance is reasonable and necessary given the above. The risk to life both within the building and within the landscaped settings of the site cannot be appropriately mitigated as the flood-prone site is not suitable for a RCF.

5. *The zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would also be unreasonable or unnecessary.*

Comment: The applicant does not challenge that the zoning is inappropriate or that the standard is unreasonable or unnecessary.

Four2Five Pty Ltd v Ashfield Council

The proposal has been assessed on merit and having regard to the principles in *Four2Five v Ashfield Council* [2015] NSWLEC 90. The judgement suggests that 'sufficient environmental planning grounds' is more onerous than compliance with zone and standard objectives. The commissioner also established that the additional grounds had to be particular to the circumstances of the proposed development, and not merely grounds that would apply to any similar development.

In this instance, it is deemed reasonable and necessary to restrict all building structures to a height of 8 metres. The applicant's justification above is not supported in this instance.

Clause 4.6(4) of PLEP 2011 outlines that development consent must not be granted for development that contravenes a development standard unless:

- "a) the consent authority is satisfied that:*
- i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- b) the concurrence of the Secretary has been obtained."*

Comment: The matters of clause 4.6(4)(a)(i) have been dealt with in the preceding section.

Public Interest

Clause 4.6(4)(a)(ii) of PLEP 2011 states:

"The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out".

Comment: The proposal fails to satisfy the relevant considerations under Section 79C(1)(e) Environmental Planning and Assessment Act 1979 in that the adverse impacts by the

development due to non-compliances with the applicable planning controls are not beneficial for the local community and, as such, are not in the wider public interest.

Concurrence

Clause 4.6(4)(b) of PLEP 2011 states:

“The concurrence of the Secretary has been obtained”.

Comment: Such concurrence is assumed (refer to the Planning Circular).

Conclusion: In summary, it is considered that breaching the building height control would not result in a better provision of the built form across the subject site. A RCF within flood-prone land is not suitable and the potential loss of life outweighs any public benefit for the community. Further, the 4-storey building height is excessive and not compatible within the Wentworth Avenue streetscape. As such, the request to vary the height standard is not supported.

Clause 5.10 Heritage Conservation

The subject site is not identified as a heritage item, however, is identified as being of high significance by Council's Aboriginal Heritage Sensitivity Database (see **Figure 11**). The application was referred to the local Deerubbin Aboriginal Land Council, however, no response has been received. Were the application recommended for approval with any significant excavation, a referral response from the local Deerubbin Aboriginal Land Council would be requested prior to Determination.

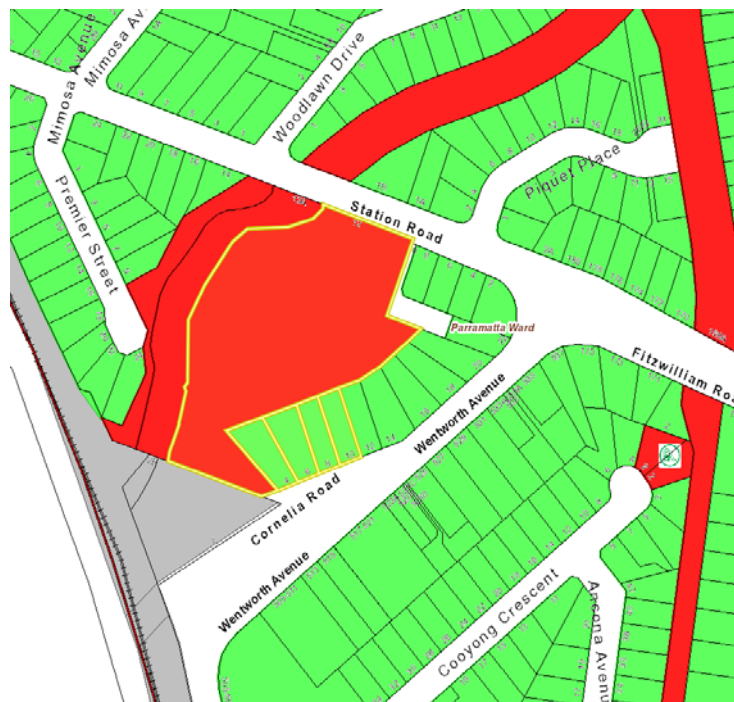


Figure 11 – Part of the site has a high (red) Aboriginal sensitivity. Source: City of Parramatta's GIS Online

Clause 6.2 Earthworks

Minimal excavation of the site is proposed and it is noted that the applicant has not submitted a geotechnical assessment report for the site. Were the application recommended for approval suitable conditions of consent will be imposed regarding excavation works.

Clause 6.3 Flood Planning

The proposal increases the flood risk to life and property associated with the use of land as a RCF. The proposal does not satisfy objectives (a), (b) or (c) of clause 6.3 of the PLEP 2011.

Council's Catchment Engineer has reviewed the proposal and advised that:

"... this site is subject to flooding from Girraween Creek. The Applicant has accepted Council's flood levels as supplied by a Flood Enquiry and has done further 'Drains' modelling from these. Council modelling indicates the building footprint avoids the 1% AEP (100 year) flooded area, although this is subject to modelling accuracy. In addition to the above, the proposed building footprint is subject to higher level flooding up to the probable maximum flood (PMF)." See Figure 12.

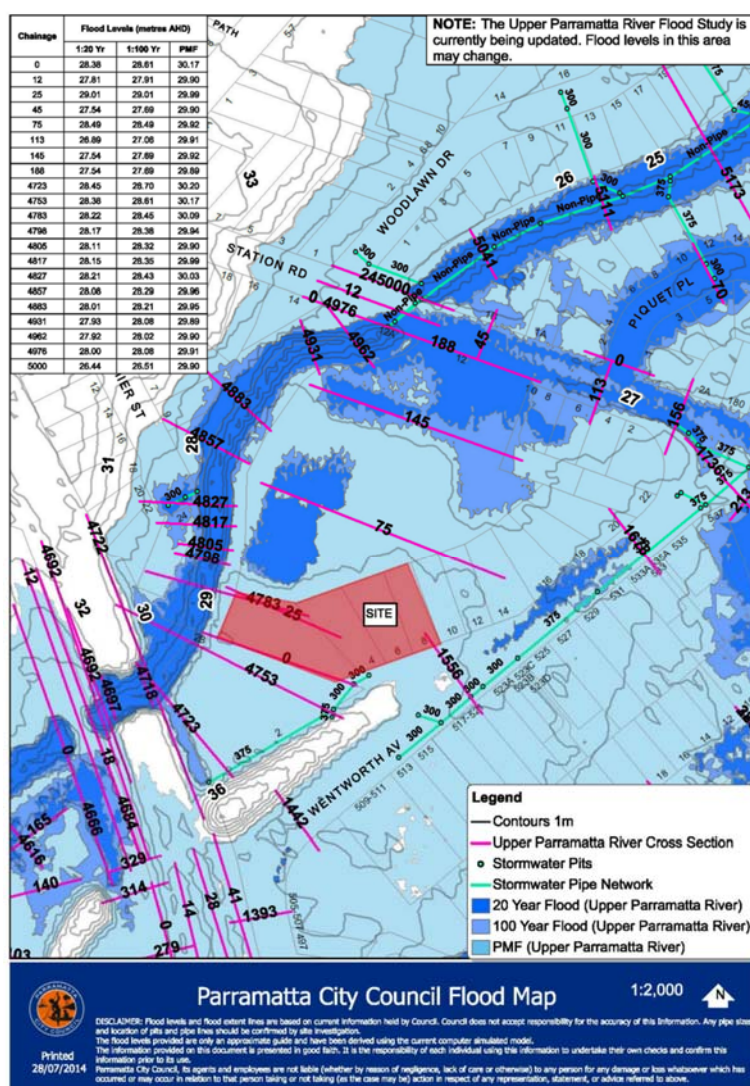


Figure 12 – City of Parramatta Council flood map for the subject site (highlighted). Source: Flood Impact Report, Revision 4, dated 14 December 2016, prepared by Martens & Associates Pty Ltd

Similarly, Council's model indicates the high hazard flows are contained within the normal creek banks and do not overtop onto the adjoining, relatively flat floodplain area where the building would be sited (see Figure 13).

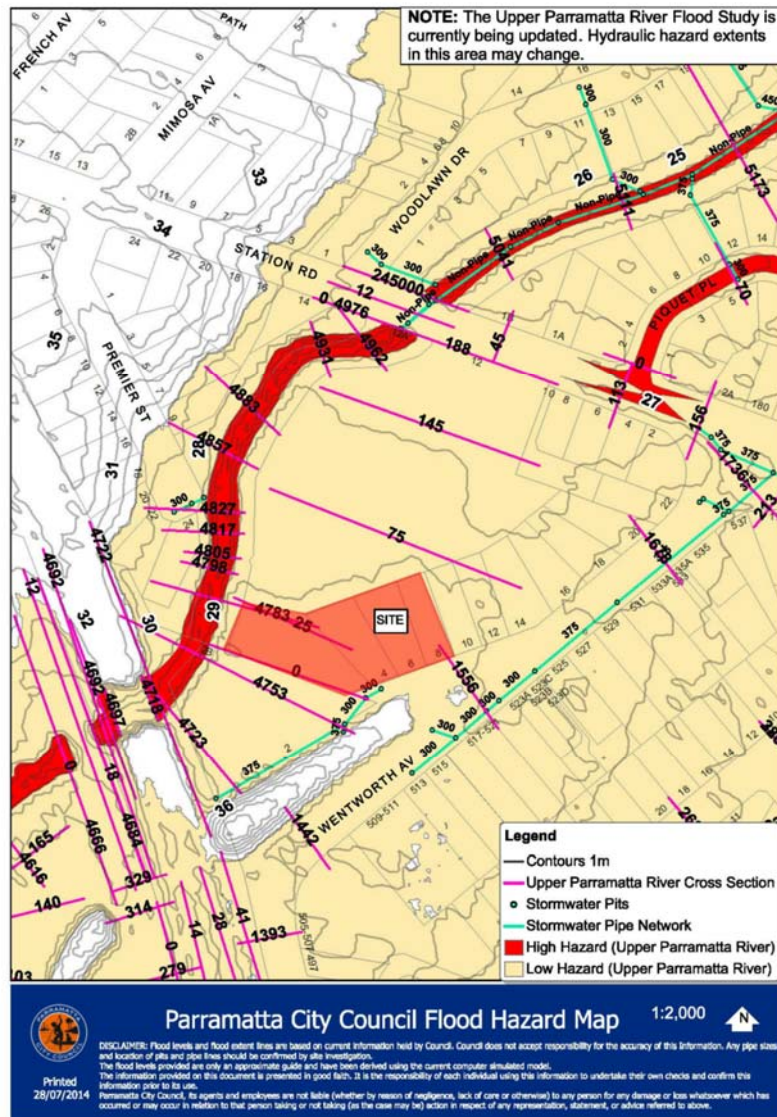


Figure 13 – City of Parramatta Council flood hazard map for the subject site (highlighted). Source: *Flood Impact Report, Revision 4*, dated 14 December 2016, prepared by Martens & Associates Pty Ltd

The proposed RCF is a 'sensitive use' and for even low flood hazard would be an 'unsuitable land use' in accordance with the PDCP 2011 and the Floodplain Development Matrix. In such cases Council carries out an assessment on merit, which is evidence based, but in accordance with Floodplain Development Manual.

Council's Catchment Engineer further advises that:

"...the Applicant's architectural designs, flood submission and Flood Emergency Response Plan recognise the site's flooding environment constraints and seek to do a risk management assessment of the site conditions and use. The proposal is heavily reliant on evacuation planning based on a flood warning system. The Floodplain Development Manual does not support granting consent based on a Flood Emergency Response Plan.

The Girraween Creek system may not be amenable to flood warning given the short warning times available, the lack of proven flood warning technology and the difficulty in achieving response – particularly for frail-aged, demented and bedridden occupants and their support staff.

Of particular concern is the volume of floodwaters travelling down the Girraween Creek catchment. The Applicant predicts a flow of some 100 m³/s in a 1% event. This is a very substantial flow. It is questionable whether such a flow would be contained by the creek banks.

The predicted PMF flow is extreme with a volume of over 600m³/s. The corresponding predicted flow path width at the site for this flow is approximately 550 m. This represents catastrophic circumstances.

The proposal is to accommodate very vulnerable occupants, including frail, aged and demented people, on a site next to Girraween Creek that is catastrophically flood affected during extreme events. The combination of the RCF use and the site results in an unacceptably high risk profile which should not be pursued.

From a flood risk management perspective, a different use of this site by other more able-bodied occupants would enable a more acceptable risk profile to be created. This would include emergency escape access for the lower floods, say up to the 1% AEP event and 'shelter in place' strategies to be implemented for more severe floods up to the PMF. (There would need to be some flexibility and careful thought in combining these.) But for this use and these occupants, as proposed in this DA, such opportunities are not available and it is likely that there would be significant loss of life in severe floods as a result. Consequently, the development in its present form is not supported.

The site is subject to flooding from Girraween Creek which cannot be designed against without comprising the life of, and amenity of, the future RCF occupants and in Council's view flood mitigation on this site for a RCF is untenable. This issue has been included as a reason for refusal.

Clause 6.4 Biodiversity protection

The 219.6 metre length of the western boundary to Girraween Creek is currently occupied by native vegetation and the proposed development will result in a significant impact upon the site including its natural drainage features, vegetation and topography.

Council's Natural Area and Open Space Officer has reviewed the proposal and provided the following:

"Girraween Creek flow through the reserve and it is zoned Natural Waterways (W1) under the Parramatta Local Environmental Plan 2011. The public reserve is classified as 'community land' under the Local Government Act 1993 and Council is only permitted to grant easements for stormwater infrastructure to connect into an existing 'facility' as per Section 46 (a)(a1) of the Act. It is noted that no existing facilities exist in proximity to the subject property.

*Furthermore, a review of the 'Arboricultural Impact Assessment' prepared by Tree IQ indicates the presence of stands of *Eucalyptus tereticornis* (Forest Red Gum) accompanied by *Acacia parramattensis* (Parramatta Wattle) within the public reserve along the boundary with the subject site. Whilst the site has been subject to past disturbance, riparian vegetation is present along the creek corridor in historical aerial photos. Vegetation within the adjoining reserve is therefore considered to meet the NSW Scientific Committee determination for Critically Endangered Cumberland Plain Woodland; however, is restricted to overhanging canopy along the western boundary*

within the subject site...In consideration of this and the above, the proposed stormwater drainage is NOT supported by Open Space & Natural Resources.

Further to the above, there are proposed structures, including components of the RCF building within 10 metres from the western boundary abutting Girraween Creek which is not in accordance with the NSW DPI (Water). Insufficient information has been provided in this regard and this issue has been included as a reason for refusal.

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 (Section 79C(1) (a)(ii))

There are no draft Environmental Planning Instruments applying to this proposal.

Provisions of Development Control Plans (Section 79C(1) (a)(iii))

Parramatta Development Control Plan 2011 (PDCP 2011)

The proposal has been assessed against the objectives and controls under PDCP 2011 and associated documents. The relevant matters to be considered under PDCP 2011 for the proposed development are outlined below:

Development Control	Comment	Comply
2.4.1 Views and Vistas	The building has been designed to protect views to and from the public domain and the heritage items through the varied setbacks to the floor levels across the two streetscapes.	Yes
2.4.2 Water Management	<p>The site is identified in Council's database as being flood prone from the adjoining Girraween Creek.</p> <p>The proposal is inconsistent with this section of the DCP. The risk of life issues identified within this section of the DCP deem the site unsuitable for any sensitive land use such as a RCF.</p> <p>Council's Development Engineer, Open Space & Natural Area Planner and Property Officer have reviewed the proposal and fundamental site planning flaws and insufficient information with regard to flooding and water management.</p>	No
2.4.3 Soil Management	An erosion and sedimentation and acid sulfate soils management plan have not been submitted with the application. Were this application recommended for approval, conditions would have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind-blown soil loss.	No
2.4.4 Land Contamination	Refer to assessment under SEPP 55.	Yes
2.4.5 Air Quality	Were this application recommended for approval, standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised during construction.	Yes
2.4.6 Development on Sloping Land	The development responds to the topography of the site. The building is stepped and appropriate excavation and fill is proposed enabling an adequate building platform.	Yes
2.4.7 Biodiversity	<p>Council's Landscape Officer has raised concerns with regards to the Landscape Plan. The landscape plan submitted does not propose species nominated in Appendix 3 of DCP 2011.</p> <p>The site does not adjoin bushland. The site adjoins land zoned W1. The site is adjacent to Girraween Creek to the west. The proposal will adversely affect the following:</p> <ul style="list-style-type: none"> o native vegetation; o soil erosion; o siltation of streams and waterways; spreading of weed sand exotic plants; overshadowing; 	No

	<ul style="list-style-type: none"> ○ stormwater runoff or removal; or ○ degradation of existing vegetation on this land. <p>The NSW DPI (Water) have raised concerns regarding the inadequate width of the vegetated riparian zone within the Girraween Creek riparian corridor and the proposal is inconsistent with this section of the DCP.</p>	
2.4.8 Public Domain	Insufficient public domain and roundabout work plans and an absence of any approval or notification to and from the adjoining residential flat building with 60 units (2 Wentworth Ave, Toongabbie) regarding the proposed changes to the access to their property.	No
3.1.3 Preliminary Building Envelope Tables (Height)	Refer to Clause 40 of SEPP (Housing for Seniors or People with a Disability) 2004 section above.	No
3.1.3 Preliminary Building Envelope Tables (Floor Space Ratio)	Refer to Clause 48 of SEPP (Housing for Seniors or People with a Disability) 2004 section above.	No
3.1.3 Preliminary Building Envelope Tables (minimum site frontage)	Refer to Clause 40 of SEPP (Housing for Seniors or People with a Disability) 2004 section above.	Yes
3.1.3 Preliminary Building Envelope Tables (landscaped area)	Refer to Clause 48 of SEPP (Housing for Seniors or People with a Disability) 2004 section above.	No
3.2.1 Building Form and Massing	The bulk and scale of the proposed development is inconsistent with the desired future character of the area. The proposed development (including the proposed height variation) will adversely impact the existing streetscape as due to insufficient setbacks, building articulation and stepping of the building reduce the building's bulk and scale. The building form and massing is inconsistent with similar development types along the street.	No. Clause 33 of SEPP (Housing for Seniors or People with a Disability) 2004 prevails.
3.2.2 Building Façade and Articulation	The development is not designed with multiple recesses to create articulation, improve solar access to adjoining properties and create visual interest. As such, there will be unreasonable amenity loss to adjoining properties. The proposal has been designed as a very bulky and institutional looking building with somewhat imposing facades. The proposal does not include measures to break down the massing of the building into smaller components to a more domestic scale with vertical articulation and detailing.	No
3.2.3 Roof Design	The roof design appropriately responds to contemporary design.	Yes
3.2.5 Streetscape	The proposed 4-storey RCF is inconsistent with the current and future desired character of the locality. Further to the non-compliance with the building height and floor space ratio controls which apply to development, there is a lack of inter-relationship between the RCF building and the existing and proposed landscape and open spaces within the site. Insufficient information has been provided to assess the public domain.	No
3.2.6 Fences	No fences are proposed.	N/A
3.3.1 Landscaping	Refer to Clause 48 of SEPP (Housing for Seniors or People with a Disability) 2004 section above.	No
3.3.2 Private and Communal Open Space	Common open space is provided for the development on each floor level. Numerical requirements are not specified for seniors housing development, however, the proposed RCF is not suitable for the site and the flood-prone land does not allow sufficient design for balconies, terraces and communal areas to be usable outdoor areas. The proposal does not satisfy the objectives of this section of the DCP.	No
3.3.3 Visual and Acoustic Privacy	Refer to Clause 34 of SEPP (Housing for Seniors or People with a Disability) 2004 section above.	No
3.3.4 Acoustic Amenity	No major roads or railway lines adjoin the site.	Yes

3.3.5 Solar Access and Cross Ventilation	Refer to Clause 35 of SEPP (Housing for Seniors or People with a Disability) 2004 section above.	No
3.3.6 Water Sensitive Urban Design	Insufficient information has been provided to assess the proposed RCF against this clause.	No
3.3.7 Waste Management	Refer to Clause 39 of SEPP (Housing for Seniors or People with a Disability) 2004 section above.	No
3.4.1 Culture and Public Art	An arts plan is not required as the application does not have a CIV of more than \$5,000,000.00 and is not located within: - A local town centre - Land zoned B2 Local Centre or B4 Mixed Use - Land with a site area greater than 5000m ²	N/A
3.4.2 Access for People with Disabilities	The proposed RCF has a double lift core from the ground floor to the fourth storey. Were the application to be recommended for approval a condition would be included to reflect compliance with the Disability Discrimination Act 1992 (DDA) requirements.	Yes, subject to conditions
3.4.3 Amenities in Buildings Available to the Public	The proposal is not a public building.	N/A
3.4.4 Safety and Security	Refer to Clause 35 of SEPP (Housing for Seniors or People with a Disability) 2004 section above.	No
3.4.5 Housing Diversity and Choice	The proposal provides a RCF which will provide equitable access to new housing.	Yes
3.5 Heritage	Refer to PLEP 2011 section of this report above.	Yes
3.6.1 Sustainable Transport	The development contains more than 50 dwellings. As the development is for seniors living and provides sufficient parking, car share spaces are not necessary.	N/A
3.6.2 Parking and Vehicular Access	No parking rates or controls are provided within the PDGP 2011. Refer to Clause 40 of SEPP (Housing for Seniors or People with a Disability) 2004 section above.	Yes
3.6.3 Accessibility and Connectivity	The site is considered to be of a size that could create opportunities for a pedestrian through site link, however, insufficient information has been provided regarding the public domain works.	No
3.7.1 Residential Subdivision - general	Refer to Clause 21 of SEPP (Housing for Seniors or People with a Disability) 2004 section above.	Yes
3.7.2 Site Consolidation and Development on Isolated Sites	The proposal does not result in the isolation of any adjoining properties.	Yes

OTHER MATTERS

Parramatta Design Excellence Advisory Panel (DEAP)

The development application was considered by the DEAP on 9 March 2017, who provided the following advice:

- *“The application for amalgamation of lots and subdivision and the development of an aged care facility is a significant development for the local precinct with potential to provide substantial revitalisation of derelict buildings and neglected land in close proximity to a railway station.*
- *Having regard to the above, the application is lacking in detail with regard to the surrounding context. There is insufficient context analysis and the plans, elevations and sections do not show the surrounding context to enable proper assessment of the development.*
- *In addition, the Panel considers such a proposal worthy of more extensive preliminary design consultation with a view to discussing options for the development of the site along with potential scenarios for future development of the adjacent land, sports club and bowling greens.*
- *Further to the above, the Panel recommends a masterplan is prepared for the site and adjacent land including the sports club, bowling greens and parking areas. The*

plan is to consider the relationship of this land to the surrounding residential sites, street pattern, pedestrian and open space networks and nearby train station.

- *A design consultant with experience in urban design and planning should be engaged to assist in preparing the masterplan, with the aim of providing a more integrated plan for the site taking into account the surrounding context and adjacent land uses. The plan should also consider potential future development such as the re-use or redevelopment of the adjacent club house and bowling greens.*
- *The Panel notes that number 10 Wentworth Avenue is proposed to be partially used for vehicle access to the bowling club site and for electricity sub stations. As part of the more detailed context analysis, and examination of development options the applicant may consider moving the development further east utilising number 10 to pull the building further away from Girraween Creek and from the apartments at 2 Wentworth Avenue.*
- *In addition, the Panel recommend all the trees on the subject site adjacent to the boundary with 2 Wentworth Avenue are retained and incorporated in the landscape plan for the development. Along with increased setbacks in this area, the retention of the trees will assist in addressing privacy and overshadowing impacts.*
- *With regard to any electrical substations on site or at the rear of 10 Wentworth Avenue, the applicant needs to incorporate suitable screening and landscaping to ensure surrounding land is safe and useable whether it be for private or public use.*
- *With regard to the streetscape, the proposal has been designed as a very bulky and institutional looking building with somewhat imposing facades. In this regard, the applicant should consider ways to make the development more in-keeping with the surrounding residential character. This may include measures to break down the massing of the building into smaller components to a more domestic scale with vertical articulation and detailing.*
- *The opportunity to move the building further east (as suggested above) and to move it closer to Wentworth Street to align with adjacent houses should also be considered. This would allow the development to read more as a continuation of the streetscape rather than a completely separate development. In this regard, further consideration needs to be given to the parking arrangement on site. Options to remove the parking from the front of the development into an area behind and/or underneath the building should be considered. Any exposed parking areas should include a grid of trees to provide shade in summer to reduce heat loading from expansive paved areas. Moving the development closer to Wentworth Avenue will also provide greater separation from the existing club house and any future development of that site allowing for better solar access and more outdoor space to the north of the development.*
- *The Panel regards the site and associated sports club and greens as highly significant land with significant potential for the revitalisation of the area with good access to public transport via the train line. For this reason, any masterplan prepared for the site should consider potential development opportunities (particularly in conjunction with the Bowling Club) including built form, pedestrian, cycle and vehicle circulation, and potential recreation use of Girraween Creek such as cycle paths and other environmental improvements.*
- *The proposed development has many units as well as a number of outdoor spaces facing south. The applicant is advised to consider switching the orientation of the development so that the majority of units, in particular the living and dining spaces as well as balconies and courtyards, primarily face north.*
- *The provision of appropriate sunshading to windows needs more consideration, particularly for the west facing rooms.”*

Concluding comments: The applicant has been advised to incorporate all properties owned by Toongabbie Sports Club, which includes the 4 dwelling houses on land at Lots

6-9 in DP 22506 No.4-10 Wentworth Avenue. However, there were no amendments to the subject application as lodged. Insufficient information including contextual analysis and the surrounding built form are not shown on the plans, elevations and sections. As mentioned, amended architectural, landscaping and engineering plans have been requested and to date no amendments to the application as lodged have been received. The trees along the southern boundary are proposed to be removed. The applicant has not provided a master plan for the Toongabbie Sports Club.

Parramatta Section 94A Contributions Plan 2011 (Outside CBD)

The proposal is subject to the application of Council's Section 94A Contributions Plan 2011. A monetary contribution is applicable, and it will be included as a condition of consent should the application be approved. A condition requiring payment of 1% of the total development cost of \$34,446,500 is to be imposed if this application is approved.

Bonds

In accordance with Council's 2017/2018 Schedule of Fees and Charges, the developer would be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site should the application be approved.

Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F (Section 79C(1) (a)(iia))

The proposal does not include any Voluntary Planning Agreements (VPAs) and section 93F does not apply to the application.

Provisions of Regulations (Section 79C(1) (a)(iv))

Clause 92 of the EPA Regulations 2000 requires the consent authority to consider *AS 2601-1991: The Demolition of Structures*. This matter may be addressed via a condition of consent should this application be approved.

Clause 98 of the EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia. A condition of consent could be included in the consent if the application was worthy of approval that all works to be consistent with the provisions of the Building Code of Australia.

Any Coastal Zone Management Plan (Section 79C(1) (a)(v))

A Coastal Zone Management Plan is not applicable to the proposal.

Impacts of the Development (Section 79C(1) (b))

The environmental impacts of the proposed development on the natural and built environment are addressed in this report. A number of inconsistencies with the relevant controls have been identified which indicate the impact of the development on the built environment is not acceptable.

The development will provide housing designed specifically for seniors or people with a disability and therefore ensuring that the housing stock caters for a broad cross section of the community. The proposed development will therefore not have a detrimental social impact on the locality.

The proposed development will not have a detrimental economic impact on the locality considering the residential nature of the proposed land use.

Suitability of the Site (Section 79C(1) (c))

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the in this report. Whilst the site can accommodate a senior's housing development, the site is not considered to be suitable for this type of development which renders the development to be inconsistent with its current and desired future character. The constraints of the site together with the design issues have been assessed and it is considered that the subject site is unsuitable for the proposed development.

Public submissions (Section 79C(1) (d))

In accordance with Council's notification procedures that are contained in Appendix 5 of PDCP 2011 and in accordance with Integrated Development, owners and occupiers of adjoining and surrounding properties were given notice of the application for a 30-day period between 18 January 2017 and 21 February 2017. No submissions were received.

Public Interest (Section 79C(1) (e))

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. The proposed development is for a Seniors Housing Development which will assist in meeting the demands of Sydney's ageing population. However, as discussed in this report, the overall impact of the proposal is found to be inconsistent with the applicable planning controls for this site. Consequently, it is considered that a development, of this scale is not serving the broader and sectionalised public interest as the development is fundamentally not suited to the site in terms of the built and natural forms.

The public benefit of providing seniors living accommodation on this site does not outweigh the concerns in relation to the built and natural forms of the proposal and the impacts that the proposal would have on the locality. Accordingly, the proposed development is not in the overall public interest as the development results in adverse impacts on the built and natural environments that the community can reasonably expect to be provided on this site.

CONCLUSION

The proposal has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979. This assessment has taken into consideration the submitted plans, the Statement of Environmental Effects and all other documentation supporting the application, internal and external referral responses.

The proposal is inconsistent with the aims and relevant clauses of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and SREP (Sydney Harbour Catchment) 2005.

The site is significantly constrained wherein the location of the creek which runs along the 219m western boundary length of the site, poses significant and life-threatening flood mitigation challenges which cannot be supported and therefore deems the site as unsuitable for the proposed RCF.

The DA was publicly exhibited in accordance with Parramatta Development Control Plan 2011 (PDCP 2011), and no submissions were received. A merit assessment of the application has determined that the proposed RCF is unsatisfactory and unsuitable for site and not in the public interest.

Based on a detailed assessment of the proposal against the applicable planning controls, it is considered that the proposed RCF does not satisfy the appropriate controls and legislative requirements. As such, it is recommended that the Sydney Central City Planning Panel (SCCPP) refuse the application for the reasons stated in the 'Officer Recommendation' section of the report.

OFFICER RECOMMENDATION

Pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act, 1979:

- i. That SWCPP as the consent authority refuse development consent to DA/1281/2016 for the demolition works, amalgamation of lots and re-subdivision for construction of a 128 bed Residential Care Facility (RCF) and existing registered club 'Toongabbie Sports Club', provision of vehicular access, landscaping, signage and ancillary stormwater and civil works on land at Lot 30 in DP 1106209 and Lots 6, 7, 8 & 9 in DP 22506, 12 Station Road & 4-10 Wentworth Avenue, TOONGABBIE, NSW 2146 for the following reasons:

Height

1. The proposed development does not comply with the development standard of Clause 40(4) 'Height in zones where residential flat buildings are not permitted' of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 as the proposal will result in a building height of 16.1m exceeding the maximum building height by 8.1m (101%). The variation under the provisions in Clause 4.6 of PLEP 2011 is not supported.
2. The proposal breaches the number of storeys control stipulated in Clauses 40(4)(b) and 40(4)(b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
3. The proposed height breaches the Parramatta Development Control Plan 2011 Clause 3.2.1, P1 in that the building height fails to respond to the topography of the site.

Site suitability

4. The site is not suitable for the scale of development due to its proximity to the high hazard flooding impacts of Girraween Creek particularly:
 - a) The proposal is inconsistent with Parramatta Local Environmental Plan 2011, Clause 1.2(2)(e) 'Aims of Plan' as the site is in a low, medium and high hazard flood prone area and the development increases the risk to the community as a result of flooding impact.
 - b) The proposal is inconsistent with the following City of Parramatta Council/State government plans/policies:
 - i. The NSW Flood Plain Development Manual 2005, Appendix J2.1.2 *Development Controls* and J2.1.3 *Aspects dealt with in Individual Development Application*;

- ii. Floodplain Risk Management Plan 2005, Section 7.1.4 *Planning Matrix for Lower Parramatta River*, Section 7.1.5 *Implementation of the Planning Matrix Approach and Figure 7-5 Floodplain Matrix of the Lower Parramatta River Catchment*; and
 - iii. Parramatta City Council's Floodplain Risk Management Policy (Version 2, approved 27 October 2014), Policy Principles and Application of Principles No. 1-4.
- c) The proposal is inconsistent with the Parramatta Development Control Plan 2011, Section 2.4.2.1 Flooding as the development results in increased risk to human life and does not provide a satisfactory evacuation method and area.
 - d) Pursuant to Section 79C (1) (b) Environmental Planning and Assessment Act 1979, the site is substantially affected by flood risk and adjoins a high hazard flood way (Girraween Creek) where a combination of floodwater velocity and depth creates highly dangerous conditions in and around the site.
 - e) Pursuant to Section 79C (1) (e) Environmental Planning and Assessment Act 1979, the proposed use as residential accommodation is categorized as a 'sensitive land use' in accordance with Table 2.4.2.1.1 of Parramatta Development Control Plan 2011 and is not suitable on the site due to flood risk in accordance with Table 2.4.2.1.2 of Parramatta Development Control Plan 2011.
 - f) Pursuant to Section 79C (1) (b) Environmental Planning and Assessment Act 1979, the proposed building siting in the floodway will cause displacement of floodwaters.
 - g) Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and Clause 14 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the proposed development is not suitably located and designed to be consistent with the objective of the chapter.
- 5. The proposal fails the medium density residential zone objectives bullet point one of Clause 2.3 Parramatta Local Environmental Plan 2011 in the R3 Medium Density Residential zone in that it does not satisfactorily (and safely) provide for the housing needs of the community.

Biodiversity

- 6. Pursuant to Section 91 of the *Environmental Planning and Assessment Act, 1979*, the NSW DPI (Water) have outstanding matters regarding the width of the vegetated riparian zone within the Girraween Creek riparian corridor and the General Terms of Approval that are required in order for the development application to be consented to.
- 7. The proposal is inconsistent with Parramatta Local Environmental Plan 2011, Clause 6.4 'Biodiversity Protection' as the RCF adversely impacts native ecological communities and significant species of fauna and flora or habitats within the Girraween Creek riparian corridor.
- 8. Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and Clause 3 of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, the proposed development is not considered to be consistent with the Aims of the policy.

Safety

9. Pursuant to Section 79C (1) (b) Environmental Planning and Assessment Act 1979, access for emergency teams and vehicles to the occupants of the site would be unacceptably hazardous, as would attempts at evacuation, particularly given the increased number of frail aged and disabled people needing assistance.
10. Pursuant to Section 79C (1) (b) Environmental Planning and Assessment Act 1979, the proposal would have adverse safety impacts for persons entering and exiting the site onto Wentworth Avenue due to the ratio of velocity and depth of flood waters at the entrance to the site in the event of an emergency evacuation during a flood event.
11. Pursuant to Section 79C (1) (b) Environmental Planning and Assessment Act 1979, the proposal has unsatisfactory egress in the event of a flood.

Overdevelopment of the site

12. The proposal breaches Clause 1.2(h) of Parramatta Local Environmental Plan 2011 as the proposed development does not enhance the amenity and characteristics of the established area.
13. The proposal fails to provide adequate landscaped area in accordance with Clause 48(c) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in that the proposal provides 1,318.7m² of landscaped area where 3,200m² is required for the proposed number of residents.
14. The elevation of the building does not satisfactorily maintain reasonable neighbourhood amenity and appropriate residential character as the proposal does not provide building setbacks to reduce bulk, use siting to relate to the site's landform, and does not consider the impact of the location of the building on the boundary in accordance with Clause 33(c), 33(f) and 33(g) of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.
15. Pursuant to Section 79C (1) (a) (i) of the Environmental Planning and Assessment Act, 1979 and the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the proposed development is inconsistent with the following clauses of this SEPP:
 - a) Clause 40 Development Standards – minimum sizes and building height,
 - b) Clause 48 Standards that cannot be used to refuse development consent for residential care facilities.

Urban Design

16. The proposal fails the objectives and design principles of Section 3.2.1 Building Form and Massing in Parramatta Development Control Plan 2011 as follows:
 - a) The development is not of compatible form relative to the spatial characteristics of the local area;
 - b) The building mass and form does not complement or enhance the visual character of the street;
 - c) The distribution of building height and mass does not preserve or enhance neighbourhood amenity, site characteristics and environmental constraints;
 - d) The proposed building scale, mass and height is not sensitive to amenity issues of surrounding or nearby development; and
 - e) The building height and mass results in unreasonable loss of visual amenity to the adjacent public domain.

Amenity

17. Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the proposed development is inconsistent with the following clauses of this SEPP:
- a) Clause 33 Neighbourhood amenity and streetscape
 - b) Clause 34 Visual and acoustic privacy
 - c) Clause 35 Solar access and design for climate
18. The proposal is inconsistent with the objectives of the Parramatta Development Control Plan 2011, Part 3.3.2 private and communal open space as the development does not provide a satisfactory design for balconies, terraces and communal areas to be usable outdoor areas.

Poor relationship to the public domain

19. The proposal breaches Clause 1.2(l) of Parramatta Local Environmental Plan 2011 in that the development does not protect, conserve or enhance natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependent ecosystems.
20. Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and Clause 38 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the proposed development is inconsistent with the intent of the accessibility requirements and for the services to be utilised in a safe and controlled environment.

Insufficient information

Public Domain

21. The proposal breaches development control 2.4.8, of Parramatta Development Control Plan 2011 in that there is no information on the public domain and roundabout works.

Stormwater/Flooding

22. Insufficient information and details are submitted demonstrating that retaining walls along common boundary lines will not impact on neighbouring properties in accordance with Section 3.3.6.1, P6 of Parramatta Development Control Plan 2011.
23. Insufficient information is submitted demonstrating that the building incorporates the following flood mitigation measures:
- a) Satisfactory Draft Flood Emergency Detailed Response Plan;
 - b) Closure methods for all openings necessary to mitigate flood effects;
 - c) Methods of providing safe back-up emergency electrical power in the event of a flood to protect the proposed OSD system;
 - d) Sewage tank details to hold sewage for a sufficient amount of time in the event of a flood;
 - e) Installation of a potable water tank for back-up water supply in a flood event; and
 - f) A suitably designed lift that mitigates flood effects to the ground floor of the building.
24. Insufficient information is submitted demonstrating that performance modelling using Model for Urban Stormwater Improvement Conceptualisation (MUSIC) software for the proposed Water Sensitive Urban Design treatment will achieve the pollution reduction

targets outlined in Table 3.30 - *Stormwater Treatment Targets for Development of Parramatta Development Control Plan 2011*.

25. Insufficient information is submitted regarding the proposed changes to the access to the adjoining strata-titled residential flat building with 60 units (2 Wentworth Ave, Toongabbie).
26. Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and Clause 36 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the proposed development is inconsistent with the intent of the stormwater requirements.

Safety

27. Insufficient information is submitted demonstrating that:
 - a) A flood warning system will function as intended in the flash flood environment of Girraween Creek providing adequate warning as required by the Flood Emergency Response Plan.
 - b) That the flood warning system will be installed in accordance with Australian Standard AS-3745.
28. Pursuant to Section 79C (1) (b) Environmental Planning and Assessment Act 1979, insufficient information is submitted regarding the details of the outdoor areas and the flood evacuation process.
29. Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and Clause 37 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the proposed development is inconsistent with the intent of the safety measures.

Waste

30. Pursuant to Section 79C (1) (b) Environmental Planning and Assessment Act 1979 and Clause 39 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, insufficient information is submitted regarding the waste management.

Public Interest

31. The proposal fails to satisfy the relevant considerations under Section 79C(1)(c) Environmental Planning and Assessment Act 1979 for suitability of the site, built environment, and the public interest.
32. Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and Clause 2(1) (c) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the proposed development is not considered to be consistent with this Aim of the policy.
33. Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and Clause 2 of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*, the proposed development is not considered to be consistent with the Aims of the policy.

34. The proposal fails to satisfy the relevant considerations under Section 79C(1)(e) Environmental Planning and Assessment Act 1979 in that the adverse impacts by the development due to non-compliances with the applicable planning controls are not beneficial for the local community and as such, are not in the wider public interest.



City of Parramatta Council

File No: DA/1281/2016

ADDENDUM ASSESSMENT REPORT
Environmental Planning & Assessment Act 1979

SUMMARY

Addendum to DA No:	DA/1281/2016 (SCCPP Ref: 2017SWC007 – original assessment report dated 6 December 2017 to SCCPP)
Property:	Lot 30 in DP 1106209 and Lots 6, 7, 8 & 9 in DP 22506, 12 Station Road & 4-10 Wentworth Avenue, TOONGABBIE, NSW 2146
Proposal:	Demolition works, amalgamation of lots and re-subdivision for construction of a 128 bed Residential Care Facility (RCF) at the 'Toongabbie Sports Club', provision of vehicular access, landscaping, signage and ancillary stormwater and civil works (Nominated Integrated Development under the Water Management Act 2000). The application will be determined by the Sydney Central City Planning Panel.
Date of receipt:	23 December 2016
Applicant:	Opal Aged Care
Owner:	Toongabbie Sports & Bowling Club Limited
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	Nil
Recommendation:	Refusal
Assessment Officer:	Shaylin Moodliar

Legislative requirements

Zoning	RE2 Private Recreation & R3 Medium Density Residential Zones under Parramatta Local
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Other relevant legislation/state environmental planning policies (SEPP)/policies:	Environmental Plan 2011 (PLEP 2011) Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, SEPP 55 - Remediation of Land, SEPP 64 - Advertising and Signage, SEPP (Infrastructure) 2007, SEPP (Housing for Seniors or People with a Disability) 2004, SEPP (Vegetation in Non-Rural Areas) 2017, SEPP (State and Regional Development) 2011, SREP (Sydney Harbour Catchment) 2005 and Water Management Act 2000.
Planning Controls & Policy	Parramatta Section 94A Contributions Plan 2011 (Outside CBD), Parramatta Development Control Plan 2011, Floodplain Risk Management Policy (Version 2, approved 27 October 2014), Policy for the handling of unclear, insufficient and amended development applications
Heritage / Heritage Conservation Area	No
Integrated development	Yes – NSW Department of Primary Industries (Water)
Designated development	No
Crown development	No
Delegation	Sydney Central City Planning Panel (SCCPP)

EXECUTIVE SUMMARY

Council provided the original assessment report to the Sydney Central City Planning Panel, which was considered at the public meeting of 6 December 2017.

The application proposed demolition, amalgamation of lots and re-subdivision for construction of a 128 bed Residential Care Facility (RCF) at the 'Toongabbie Sports Club', provision of vehicular access, landscaping, signage and ancillary stormwater and civil works on land at 12 Station Road & 4-10 Wentworth Avenue, Toongabbie. The development is nominated "Integrated Development" and requiring separate approval pursuant to Sections 89-91 of the *Water Management Act 2000*.

Prior to submission of this development application (DA), Council provided pre-lodgement advice (under PL/43/2016 & PL/151/2016) to the applicant and their representatives for the construction of a 128-bed RCF. The applicant was advised that the following fundamental issues had been identified and that it was unlikely that the proposal would be supported as the site is flood-prone and the RCF is incompatible with Council's Floodplain Matrix under PDCP 2011.

The DA was submitted in contravention to the advice and the proposed development exceed the maximum 8 metre building height development standard under Clause 40(4) of SEPP (Housing for Seniors or People with a Disability) 2004 by 5.6 metres (70% variation).

At the Sydney Central City Planning Panel meeting, the Panel deferred the determination of the application and resolved the following at that meeting:

1. *A briefing has occurred between the Council and Applicant in which the flooding experts of each part endeavour to reach a consensus. If a consensus cannot be reached, the Panel may request an independent expert to assess the flooding concerns on the Panel's behalf.*
2. *The Applicant is to make a written response to be provided to both Council and the Panel which addresses the 34 reasons of refusal listed in the Council assessment report.*
3. *The Applicant is required to provide to Council and the Panel, in writing, a justification of the height breach.*
4. *The Applicant is to address the Panel's concerns regarding the development's interface with the adjoining residential flat building to the south-west.*

When this information has been received, the panel will hold a supplementary public determination meeting.

Below is a supplementary report which assesses the proposal against the above requirements.

PROPOSED DEVELOPMENT

A detailed summary of the proposal is provided in the original assessment report.

No amended architectural, landscape, engineering plans or new documentation has been provided to Council.

ASSESSMENT OF DEFERRED MATTERS

1. Meeting between flood experts

On 8 February 2018, a meeting was held between Council's flood engineer/experts and the applicant along with their representatives.

Discussions focussed on the design of the residential care facility (RCF) and the flood events along Girraween Creek. The applicant group advised Council they had not conducted any pre-development, post-development, 100-year flood and larger flood events modelling within the site and across the catchment. The applicant group stated there will be fill between 0.8m to 1.2m above the natural ground level across the development site including the carpark and landscaped areas (see **Figure 1**) which covers approximately 4,887.4m² of flood-prone land resulting in modified ground levels above the flood planning level.

Council does not allow any fill in the floodplain as this creates a loss of flood storage or flood conveyance capacity elsewhere either upstream or downstream.



Figure 1 – Subject site (red) and proposed development zone and location of the RCF (blue). Source: *SEE prepared by BBC Consulting Planners*

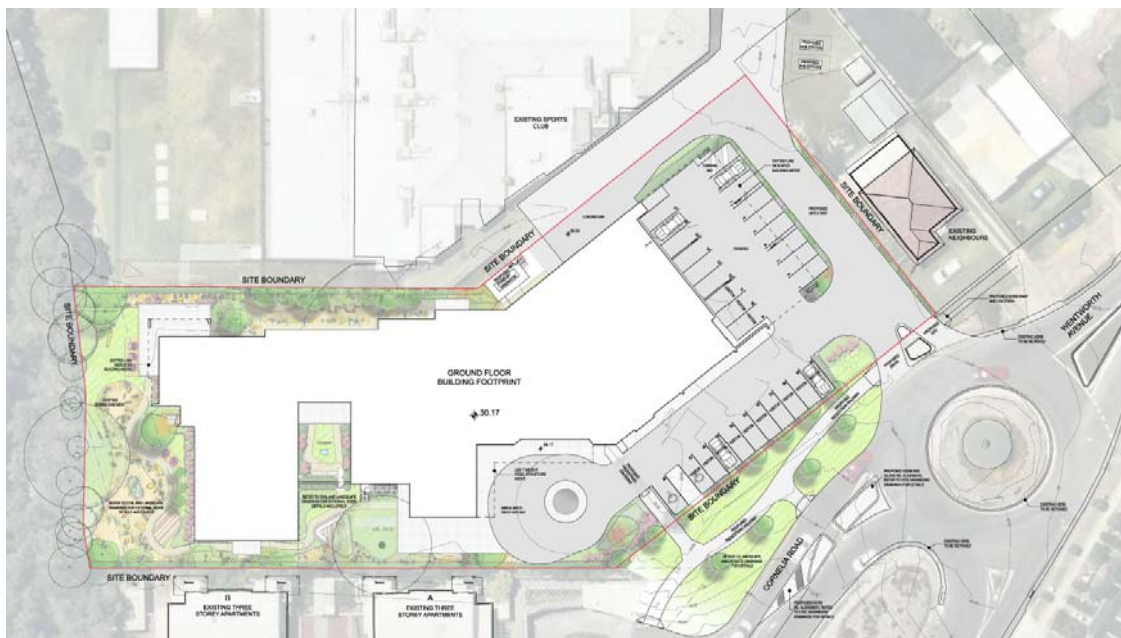


Figure 2 – Site plan of proposed RCF. Source: *Calder Flower Architects*

The applicant group stated that the RCF will have control over who enters/exits the RCF in a flood event by mitigating the potential risk through limiting/cutting off access entirely as opposed to evacuation management plan / refuge-in-place strategy. This rationale is not supported by Council as in hazardous situations, there cannot be as assumed degree of control when dealing with a vulnerable population and the risk of flooding and other associated impacts are generally greater in flood prone land than non-flood prone land.

Further, Council advised the applicant group that it is unlikely to support the proposed RCF as this site is within flood prone land and unreasonably creates an unnecessary layer of risk to vulnerable people (less able-bodied/mobile persons, rescue personnel and emergency staff) in a dangerous situation. The proposed RCF is a sensitive land use and according to table 2.7 floodplain matrix of the PDCP 2011, such uses in flood zones are discouraged and are to be avoided.

2. Provide written response addressing Council's 34 reasons of refusal

Council has not received written response from the applicant addressing Council's 34 reasons for refusal.

3. Provide written justification of the height breach

Council has not received appropriate written justification from the applicant the breach to the building height.

Council notes that the relevant definition used in calculating *height* is clause 3 of the SEPP (Housing for Seniors or People with a Disability) 2004 **not** the definition used in PLEP 2011.

A typographical error in the original report referred to the building height definition in PLEP 2011 rather than the height definition of SEPP (Housing for Seniors or People with a Disability) 2004. In the calculating the height of the RCF the following definition is used:

"...distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point."

The proposed RCF building height is **10.4m** (north-eastern end of the RCF) and up to **13.6m** (western and central parts of the RCF) which does not comply with the maximum 8 metre building height development standard as prescribed by Clause 40(4) of the SEPP (Housing for Seniors and Persons with a Disability) 2004.

The development proposal exceeds the maximum permissible building height by 5.6m which is a **70% variation** to the development standard.

The applicant's original Clause 4.6 justification is not supported, and the variation to the height is not supported for the reasons outlined in the original report.

4. Interface with the adjoining residential flat building at 2 Wentworth Avenue, Toongabbie

Council has not received written response or documentation regarding the RCF interface with the adjoining south-western residential flat building at 2 Wentworth Avenue, Toongabbie.

FURTHER MATTERS FOR CONSIDERATION

State Emergency Service (SES)

Due to the increased risks the proposed RCF places upon the community, the application was referred to the SES for comment.

The SES reviewed the proposal and noted that “...at the 1%AEP...the site practically is a low flood island...”. The SES stated that it creates an unsafe environment for its personnel and does not support the proposed RCF within this location.

CONCLUSION

The application has not been amended to comply with the Panel’s resolution of 6 December 2017.

The public benefit of providing seniors living accommodation on this site does not outweigh the concerns in relation to the built and natural forms of the proposal and the impacts that the proposal would have on the locality. Accordingly, the proposed development is not in the overall public interest as the development results in adverse impacts on the built and natural environments that the community can reasonably expect to be provided on this site.

EPIs and DCPs should be the focal point of any development assessment and although the applicant may disagree with the flood planning controls, this is not a sufficient reason to deviate from the NSW Flood Plain Development Manual 2005 and Parramatta City Council’s Floodplain Risk Management Policy (version 2, approved 27 October 2014).

The proposed RCF is a *sensitive land use* and, according to the floodplain matrix within the PDCP 2011, sensitive land uses (such as RCFs, child care centres, schools, hospitals and seniors housing) on flood risk land are *unsuitable* and are to be avoided.

The site is significantly constrained wherein the location of the creek which runs along the 219m western boundary length of the site, poses significant and life-threatening flood mitigation challenges which cannot be supported and therefore deems the site as unsuitable for the proposed RCF. Furthermore, the SES does not support a residential care facility within this site due to the uncertainty of floodwaters and the inherent risk to its personnel during a rescue operation.

As such, it is recommended that the Sydney Central City Planning Panel (SCCPP) refuse the application.

OFFICER RECOMMENDATION

Pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act, 1979:

- i. That SWCPP as the consent authority refuse development consent to DA/1281/2016 for the demolition works, amalgamation of lots and re-subdivision for construction of a 128 bed Residential Care Facility (RCF) and existing registered club ‘Toongabbie Sports Club’, provision of vehicular access, landscaping, signage and ancillary stormwater and civil works on land at Lot 30 in DP 1106209 and Lots 6, 7, 8 & 9 in DP 22506, 12 Station Road & 4-10 Wentworth Avenue, TOONGABBIE, NSW 2146 for the following reasons:

Height

1. The proposed development does not comply with the development standard of Clause 40(4) 'Height in zones where residential flat buildings are not permitted' of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 as the proposal will result in a building height of 13.6m exceeding the maximum building height by 5.6m (70%). The variation under the provisions in Clause 4.6 of PLEP 2011 is not supported.
2. The proposal breaches the number of storeys control stipulated in Clauses 40(4)(b) and 40(4)(b) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
3. The proposed height breaches the Parramatta Development Control Plan 2011 Clause 3.2.1, P1 in that the building height fails to respond to the topography of the site.

Site Suitability

4. The site is not suitable for the scale of development due to its proximity to the high hazard flooding impacts of Girraween Creek particularly:
 - a) The proposal is inconsistent with Parramatta Local Environmental Plan 2011, Clause 1.2(2)(e) 'Aims of Plan' as the site is in a low, medium and high hazard flood prone area and the development increases the risk to the community as a result of flooding impact.
 - b) The proposal is inconsistent with the following City of Parramatta Council/State government plans/policies:
 - i. The NSW Flood Plain Development Manual 2005, Appendix J2.1.2 *Development Controls* and J2.1.3 *Aspects dealt with in Individual Development Application*;
 - ii. Floodplain Risk Management Plan 2005, Section 7.1.4 *Planning Matrix for Lower Parramatta River*, Section 7.1.5 *Implementation of the Planning Matrix Approach* and Figure 7-5 *Floodplain Matrix of the Lower Parramatta River Catchment*; and
 - iii. Parramatta City Council's Floodplain Risk Management Policy (Version 2, approved 27 October 2014), Policy Principles and Application of Principles No. 1-4.
 - c) The proposal is inconsistent with the Parramatta Development Control Plan 2011, Section 2.4.2.1 Flooding as the development results in increased risk to human life and does not provide a satisfactory evacuation method and area.
 - d) Pursuant to Section 79C (1) (b) Environmental Planning and Assessment Act 1979, the site is substantially affected by flood risk and adjoins a high hazard flood way (Girraween Creek) where a combination of floodwater velocity and depth creates highly dangerous conditions in and around the site.
 - e) Pursuant to Section 79C (1) (e) Environmental Planning and Assessment Act 1979, the proposed use as residential accommodation is categorized as a 'sensitive land use' in accordance with Table 2.4.2.1.1 of Parramatta Development

Control Plan 2011 and is not suitable on the site due to flood risk in accordance with Table 2.4.2.1.2 of Parramatta Development Control Plan 2011.

- f) Pursuant to Section 79C (1) (b) Environmental Planning and Assessment Act 1979, the proposed building siting in the floodway will cause displacement of floodwaters.
 - g) Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and Clause 14 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the proposed development is not suitably located and designed to be consistent with the objective of the chapter.
5. The proposal fails the medium density residential zone objectives bullet point one of Clause 2.3 Parramatta Local Environmental Plan 2011 in the R3 Medium Density Residential zone in that it does not satisfactorily (and safely) provide for the housing needs of the community.

Biodiversity

6. Pursuant to Section 91 of the *Environmental Planning and Assessment Act, 1979*, the NSW DPI (Water) have outstanding matters regarding the width of the vegetated riparian zone within the Girraween Creek riparian corridor and the General Terms of Approval that are required in order for the development application to be consented to.
7. The proposal is inconsistent with Parramatta Local Environmental Plan 2011, Clause 6.4 'Biodiversity Protection' as the RCF adversely impacts native ecological communities and significant species of fauna and flora or habitats within the Girraween Creek riparian corridor.
8. Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and Clause 3 of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*, the proposed development is not considered to be consistent with the Aims of the policy.

Safety

9. Pursuant to Section 79C (1) (b) Environmental Planning and Assessment Act 1979, access for emergency teams and vehicles to the occupants of the site would be unacceptably hazardous, as would attempts at evacuation, particularly given the increased number of frail aged and disabled people needing assistance.
10. Pursuant to Section 79C (1) (b) Environmental Planning and Assessment Act 1979, the proposal would have adverse safety impacts for persons entering and exiting the site onto Wentworth Avenue due to the ratio of velocity and depth of flood waters at the entrance to the site in the event of an emergency evacuation during a flood event.
11. Pursuant to Section 79C (1) (b) Environmental Planning and Assessment Act 1979, the proposal has unsatisfactory egress in the event of a flood.

Overdevelopment of the site

12. The proposal breaches Clause 1.2(h) of Parramatta Local Environmental Plan 2011 as the proposed development does not enhance the amenity and characteristics of the established area.
13. The proposal fails to provide adequate landscaped area in accordance with Clause 48(c) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 in that the proposal provides 1,318.7m² of landscaped area where 3,200m² is required for the proposed number of residents.
14. The elevation of the building does not satisfactorily maintain reasonable neighbourhood amenity and appropriate residential character as the proposal does not provide building setbacks to reduce bulk, use siting to relate to the site's landform, and does not consider the impact of the location of the building on the boundary in accordance with Clause 33(c), 33(f) and 33(g) of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.
15. Pursuant to Section 79C (1) (a) (i) of the Environmental Planning and Assessment Act, 1979 and the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the proposed development is inconsistent with the following clauses of this SEPP:
 - a) Clause 40 Development Standards – minimum sizes and building height,
 - b) Clause 48 Standards that cannot be used to refuse development consent for residential care facilities.

Urban Design

16. The proposal fails the objectives and design principles of Section 3.2.1 Building Form and Massing in Parramatta Development Control Plan 2011 as follows:
 - a) The development is not of compatible form relative to the spatial characteristics of the local area;
 - b) The building mass and form does not complement or enhance the visual character of the street;
 - c) The distribution of building height and mass does not preserve or enhance neighbourhood amenity, site characteristics and environmental constraints;
 - d) The proposed building scale, mass and height is not sensitive to amenity issues of surrounding or nearby development; and
 - e) The building height and mass results in unreasonable loss of visual amenity to the adjacent public domain.

Amenity

17. Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the proposed development is inconsistent with the following clauses of this SEPP:
 - a) Clause 33 Neighbourhood amenity and streetscape
 - b) Clause 34 Visual and acoustic privacy
 - c) Clause 35 Solar access and design for climate

18. The proposal is inconsistent with the objectives of the Parramatta Development Control Plan 2011, Part 3.3.2 private and communal open space as the development does not provide a satisfactory design for balconies, terraces and communal areas to be usable outdoor areas.

Poor relationship to the public domain

19. The proposal breaches Clause 1.2(l) of Parramatta Local Environmental Plan 2011 in that the development does not protect, conserve or enhance natural resources, including waterways, riparian land, surface and groundwater quality and flows and dependent ecosystems.
20. Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and Clause 38 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the proposed development is inconsistent with the intent of the accessibility requirements and for the services to be utilised in a safe and controlled environment.

Insufficient information

Public Domain

21. The proposal breaches development control 2.4.8, of Parramatta Development Control Plan 2011 in that there is no information on the public domain and roundabout works.

Stormwater/Flooding

22. Insufficient information and details are submitted demonstrating that retaining walls along common boundary lines will not impact on neighbouring properties in accordance with Section 3.3.6.1, P6 of Parramatta Development Control Plan 2011.
23. Insufficient information is submitted demonstrating that the building incorporates the following flood mitigation measures:
- a) Satisfactory Draft Flood Emergency Detailed Response Plan;
 - b) Closure methods for all openings necessary to mitigate flood effects;
 - c) Methods of providing safe back-up emergency electrical power in the event of a flood to protect the proposed OSD system;
 - d) Sewage tank details to hold sewage for a sufficient amount of time in the event of a flood;
 - e) Installation of a potable water tank for back-up water supply in a flood event; and
 - f) A suitably designed lift that mitigates flood effects to the ground floor of the building.
24. Insufficient information is submitted demonstrating that performance modelling using Model for Urban Stormwater Improvement Conceptualisation (MUSIC) software for the proposed Water Sensitive Urban Design treatment will achieve the pollution reduction targets outlined in Table 3.30 - *Stormwater Treatment Targets for Development* of Parramatta Development Control Plan 2011.

25. Insufficient information is submitted regarding the proposed changes to the access to the adjoining strata-titled residential flat building with 60 units (2 Wentworth Ave, Toongabbie).
26. Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and Clause 36 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the proposed development is inconsistent with the intent of the stormwater requirements.

Safety

27. Insufficient information is submitted demonstrating that:
- a) A flood warning system will function as intended in the flash flood environment of Girraween Creek providing adequate warning as required by the Flood Emergency Response Plan.
 - b) That the flood warning system will be installed in accordance with Australian Standard AS-3745.
28. Pursuant to Section 79C (1) (b) Environmental Planning and Assessment Act 1979, insufficient information is submitted regarding the details of the outdoor areas and the flood evacuation process.
29. Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and Clause 37 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the proposed development is inconsistent with the intent of the safety measures.

Waste

30. Pursuant to Section 79C (1) (b) Environmental Planning and Assessment Act 1979 and Clause 39 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, insufficient information is submitted regarding the waste management.

Public Interest

31. The proposal fails to satisfy the relevant considerations under Section 79C(1)(c) Environmental Planning and Assessment Act 1979 for suitability of the site, built environment, and the public interest.
32. Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and Clause 2(1) (c) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the proposed development is not considered to be consistent with this Aim of the policy.
33. Pursuant to Section 79C (1) (a) (i) of the *Environmental Planning and Assessment Act, 1979* and Clause 2 of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*, the proposed development is not considered to be consistent with the Aims of the policy.

34. The proposal fails to satisfy the relevant considerations under Section 79C(1)(e) Environmental Planning and Assessment Act 1979 in that the adverse impacts by the development due to non-compliances with the applicable planning controls are not beneficial for the local community and as such, are not in the wider public interest.

DESIGN DEVELOPMENT APPLICATION

OPAL AGED CARE PROPOSED RESIDENTIAL AGED CARE

Wentworth Avenue, Toongabbie NSW

Drawing List

Drawing No:	Drawing Name	Rev
DA 00	Cover Page	A
DA 01	Site Locality Map	A
DA 02	Site Analysis	A
DA 03	Site Plan	A
DA 04	Demolition Plan	A
DA 05	Ground Floor Plan	A
DA 06	Level 1	A
DA 07	Level 2	A
DA 08	Level 3	A
DA 09	Roof Plan	A
DA 10	Smoke Compartment	-
DA 11	Elevations- Sheet 1	A
DA 12	Elevations- Sheet 2	A
DA 13	Sections	A
DA 14	Sun Shadow Diagrams	-
DA 15	Sun Shadow Study-Building A	-
DA 16	Sun Shadow Study-Building B	-
DA 17	Photomontages - Sheet 1	A
DA 18	Photomontages - Sheet 2	A
DA 19	External Finishes & Materials	A
DA 20	External Building Signage	-
DA 21	Notification Plans - Sheet 1	-
DA 22	Street Elevation	A



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Cover Page

Opal Toongabbie
Opal Specialist Aged Care
Wentworth Avenue
Toongabbie, NSW 2146

DEVELOPMENT
APPLICATION

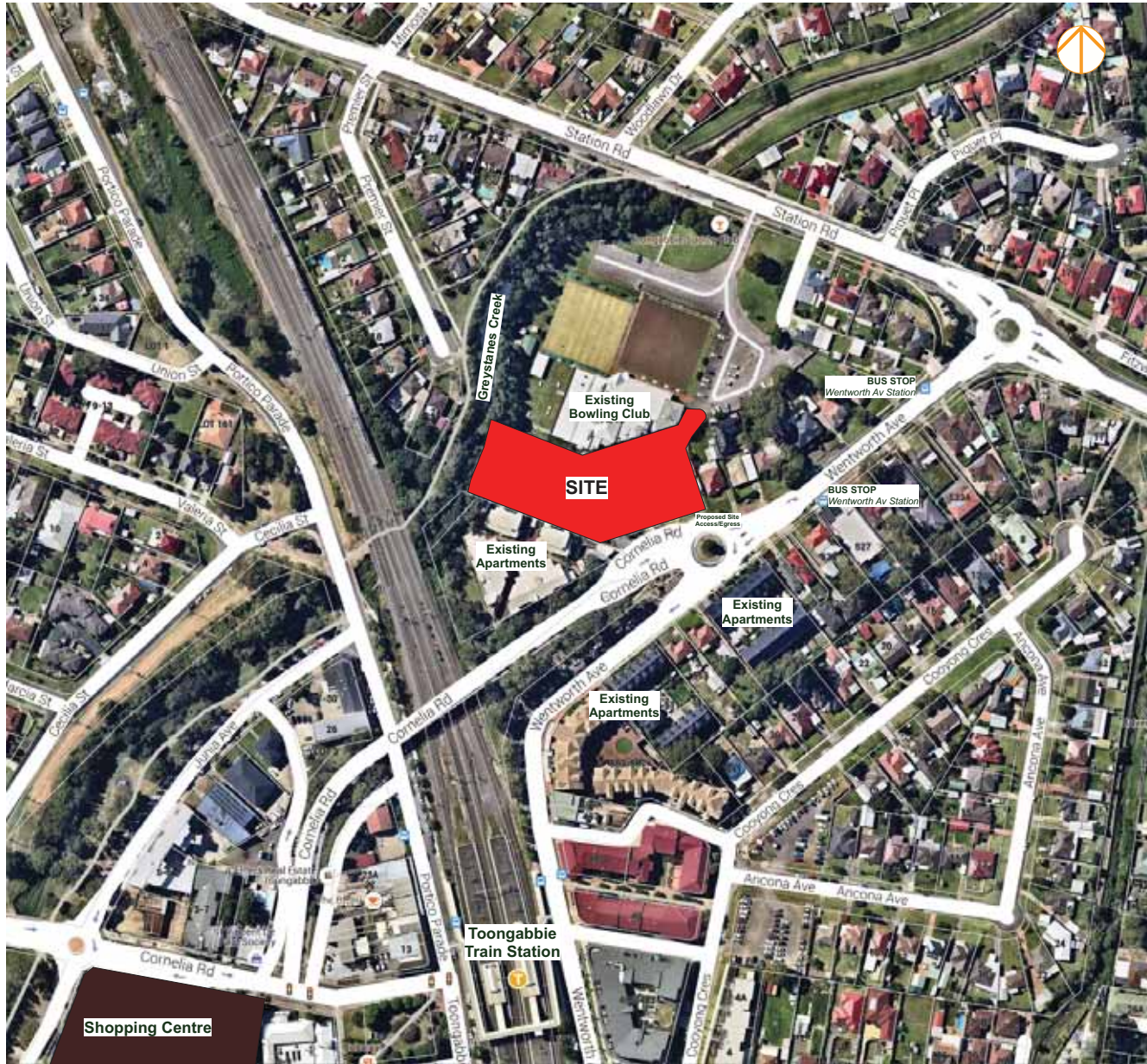


NOTES

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SCALE: NTS
JOB NO: 15280
DATE: 14/12/2016
DWG NO: DA 00
REV NO: A

DEVELOPMENT
APPLICATION



SITE CONTEXT



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Site Locality Map

Opal Toongabbie
Opal Specialist Aged Care
Wentworth Avenue
Toongabbie, NSW 2146

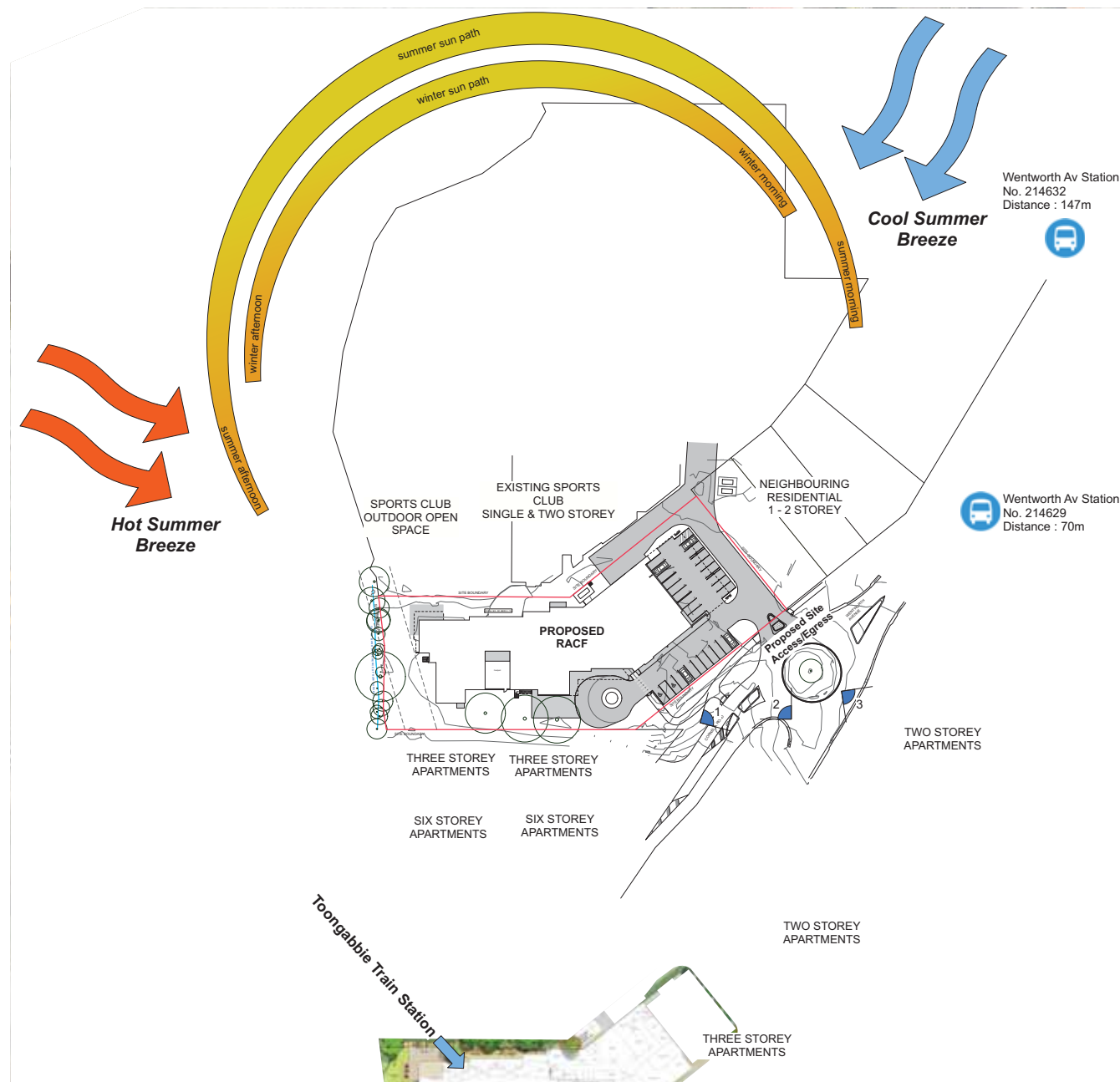
DEVELOPMENT
APPLICATION



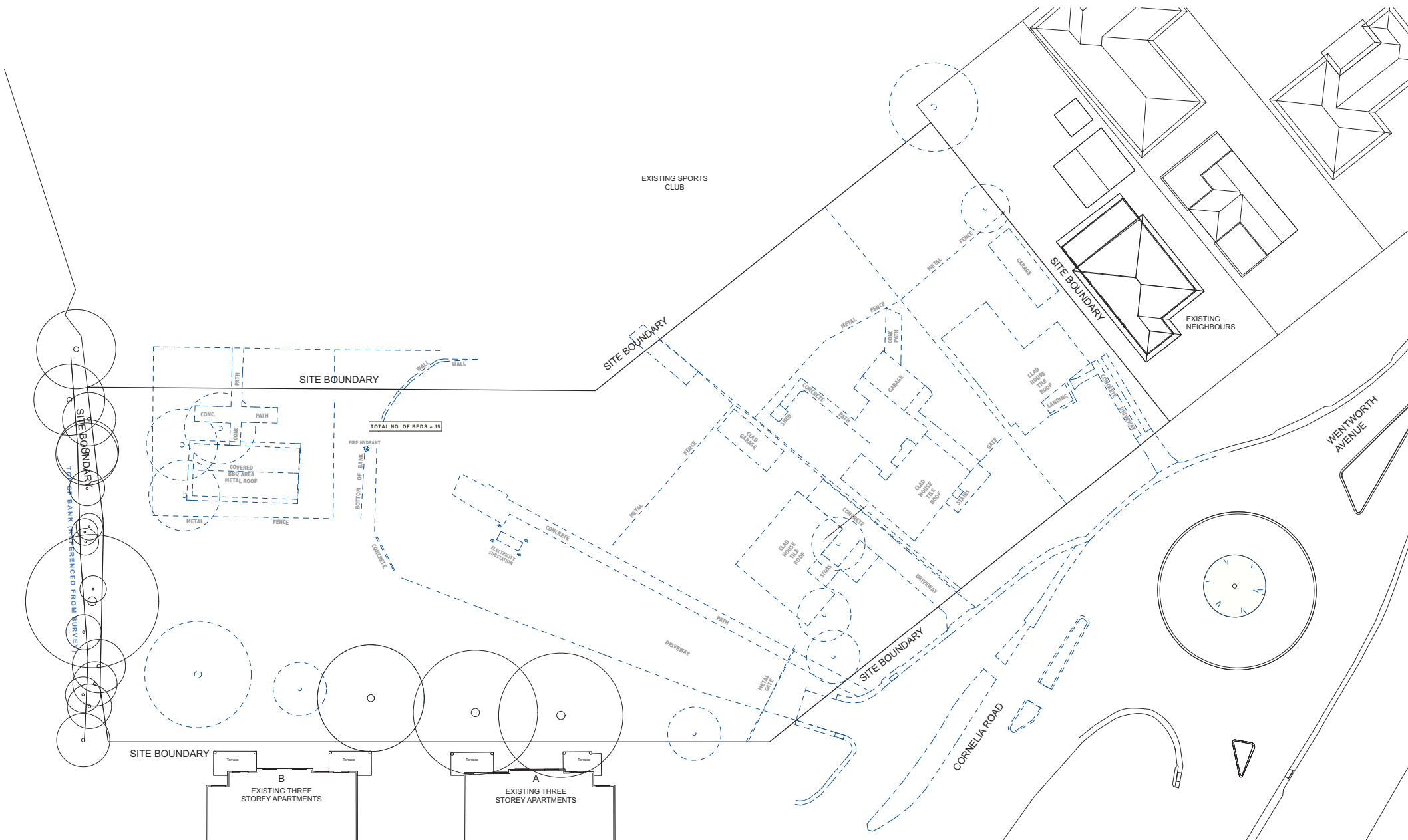
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JOB NO: 15280
DATE: 14/12/2016
DWG NO: DA 01
REV NO: A



NOTE:
RACF = RESIDENTIAL AGED CARE FACILITY



LEGEND

— EXISTING
 - - - - - TO BE DEMOLISHED

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SCALE: 1:200 @ A1
 JOB NO: 15280
 DATE: 14/12/2016
 DWG NO: DA 04
 REV NO: A

0 1 2 3 4 5 10



Demolition Plan

Opal Toongabbie
 Opal Specialist Aged Care
 Wentworth Avenue
 Toongabbie, NSW 2146

DEVELOPMENT
 APPLICATION





1 FIRST FLOOR

ID	Revision
1-01	Bedroom omitted to retain existing landscape tree.
1-02	Balcony added. Link created to external terrace area.



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Level 1
Opal Toongabbie
Opal Specialist Aged Care
Wentworth Avenue
Toongabbie, NSW 2146

DEVELOPMENT
APPLICATION



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SCALE: 1:200 @ A1
JOB NO: 15280
DATE: 14/12/2016
DWG NO: DA 06
REV NO: A

0 1 2 3 4 5 10



DEVELOPMENT
APPLICATION



1 SECOND FLOOR PLAN

ID	Revision
2-01	Bedroom omitted to retain existing landscape tree.
2-02	Balcony added.



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Level 2
Opal Toongabbie
Opal Specialist Aged Care
Wentworth Avenue
Toongabbie, NSW 2146

DEVELOPMENT
APPLICATION



NOTES

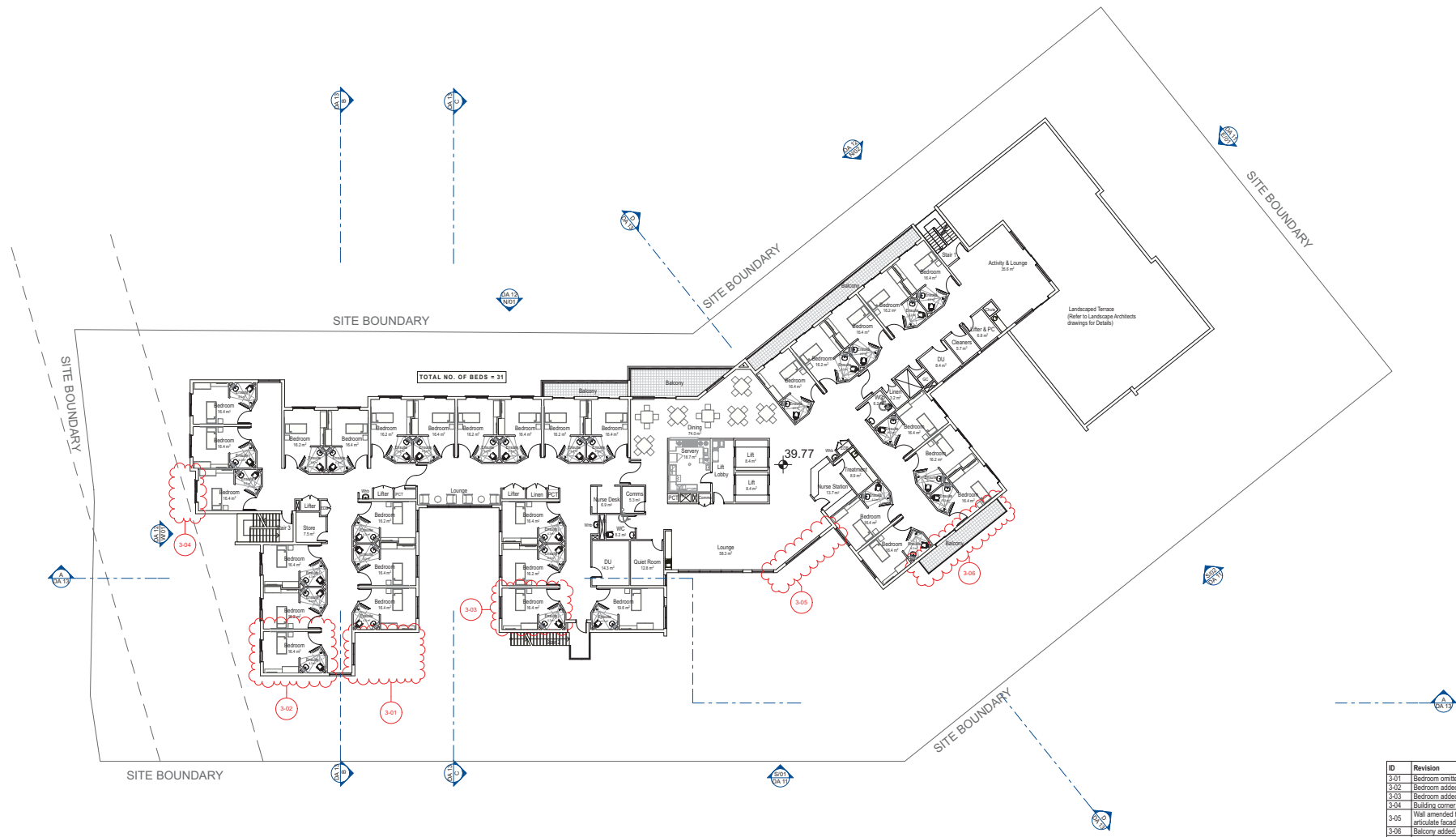
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SCALE: 1:200 @ A1
JOB NO: 15280
DATE: 14/12/2016
DWG NO: DA 07
REV NO: A

0 1 2 3 4 5 10



DEVELOPMENT
APPLICATION



1 THIRD FLOOR PLAN

ID	Revision
3-01	Bedroom omitted to retain existing landscape tree.
3-02	Bedroom added.
3-03	Bedroom added.
3-04	Building corner setback from easement.
3-05	Wall amended to increase lounge area and articulate facade.
3-06	Balcony added.



CALDER FLOWER
ARCHITECTS

Calder Flower Architects Pty Limited • ABN 46 001 900 278 • Nominated Architect L Calder 6955
• L2 140 Myrtle St Chippendale NSW 2006 • ph (02) 9698 9822 • fx (02) 9698 5937 • www.calderflower.com.au

Level 3
Opal Toongabbie
Opal Specialist Aged Care
Wentworth Avenue
Toongabbie, NSW 2146

DEVELOPMENT
APPLICATION



NOTES

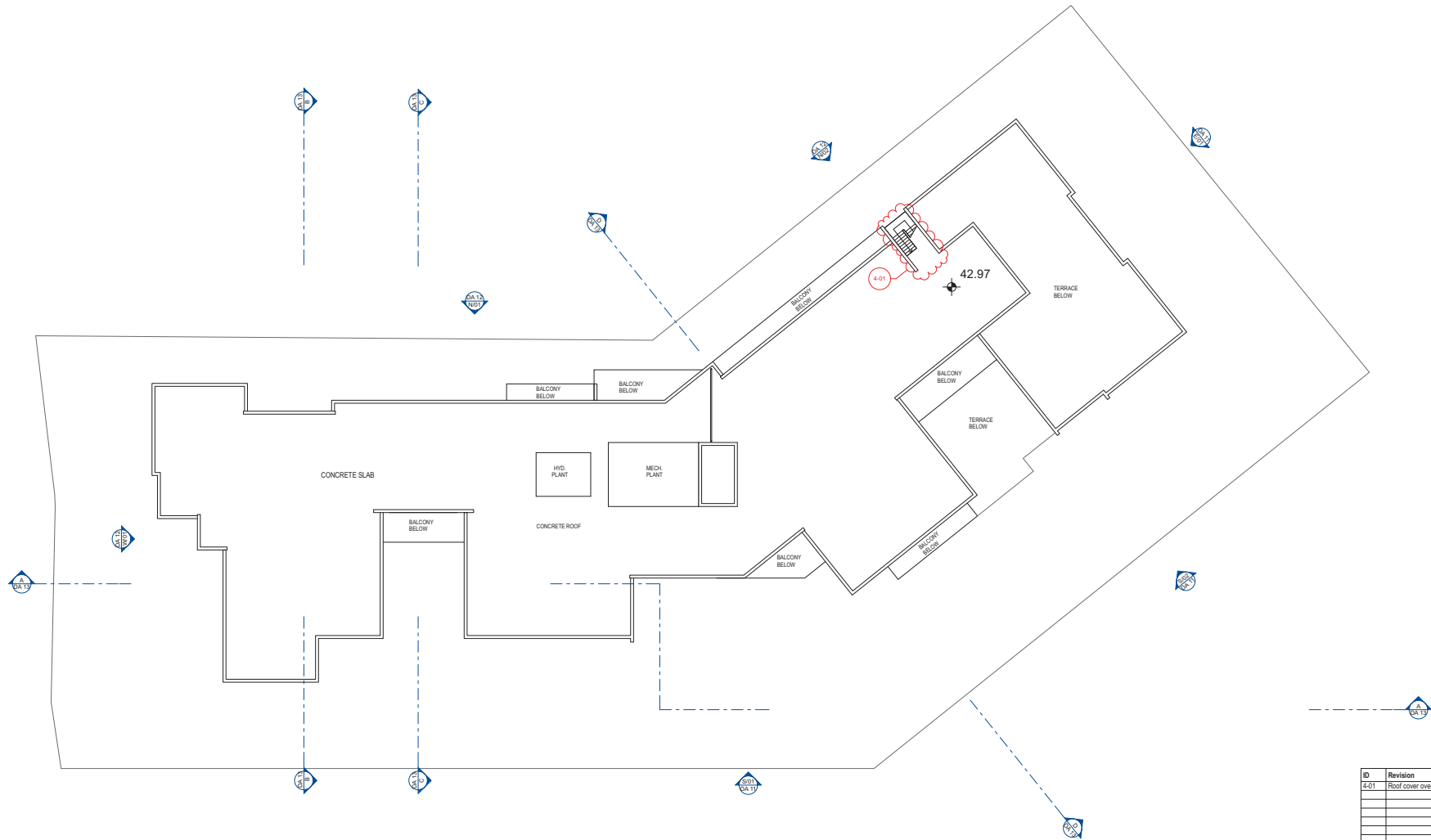
Do not scale from this drawing. Use figured dimensions only.
Contact the architect for clarifications if required.
Calder Flower Architects are not liable for any loss, damage, claim, cost demand as a result of the use or receipt of drawings issued in DWG format.

SCALE: 1:200 @ A1
JOB NO: 15280
DATE: 14/12/2016
DWG NO: DA 08
REV NO: A

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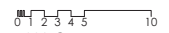


DEVELOPMENT
APPLICATION



1 ROOF PLAN

ID	Revision
4-01	Roof cover over stair access omitted.





ID	Revision
E-01	Building facade materials amended. Refer to External Finishes and Material Sheet.
E-02	Window sun-screens amended.



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Elevations- Sheet 1

Opal Toongabbie
Opal Specialist Aged Care
Wentworth Avenue
Toongabbie, NSW 2146

DEVELOPMENT
APPLICATION



NOTES

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SCALE: 1:200 @ A1
JOB NO: 15280
DATE: 14/12/2016
DWG NO: DA 11
REV NO: A

0 1 2 3 4 5 10



DEVELOPMENT
APPLICATION



ID	Revision
E-01	Building facade materials amended. Refer to External Finishes and Material Sheet.
E-02	Window sun-screens amended.



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Elevations- Sheet 2

Opal Toongabbie
Opal Specialist Aged Care
Wentworth Avenue
Toongabbie, NSW 2146

DEVELOPMENT
APPLICATION



NOTES

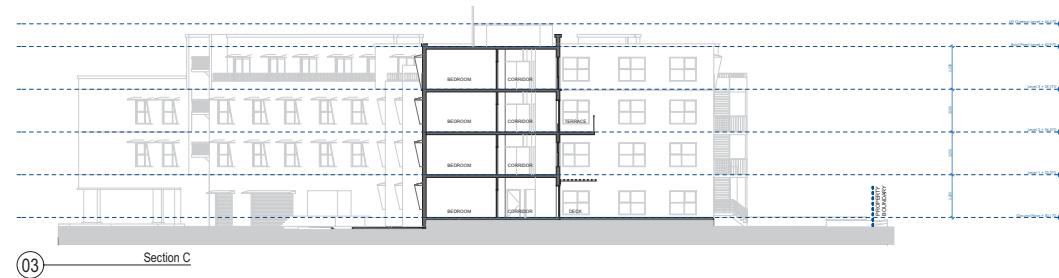
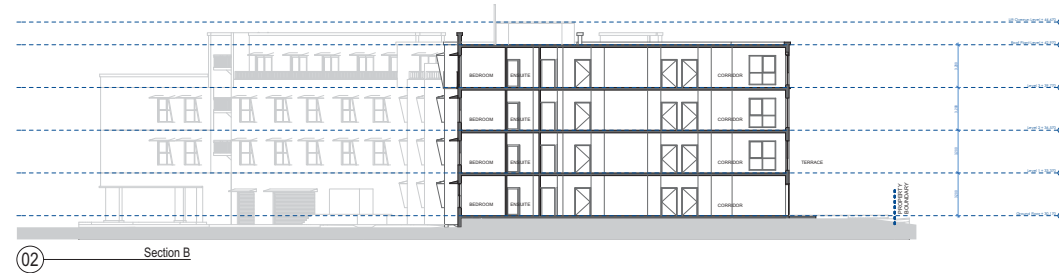
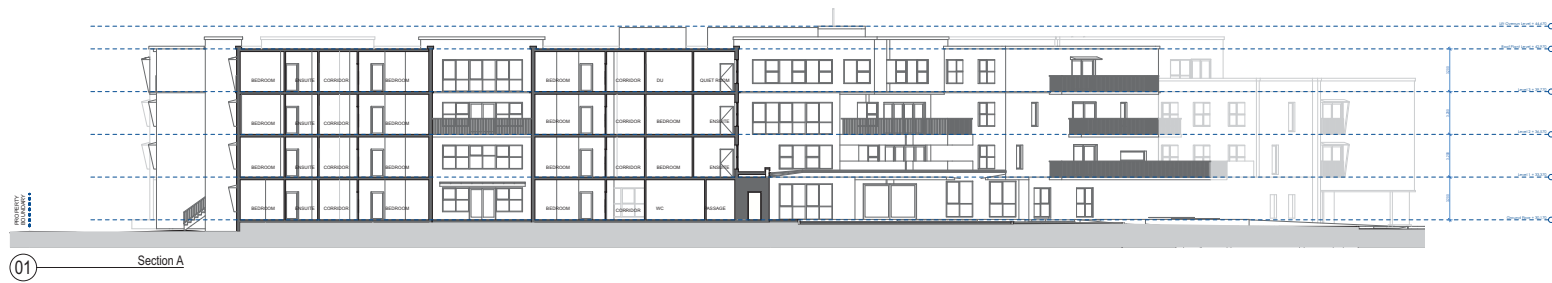
Do not scale from this drawing. Use figured dimensions only.
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SCALE: 1:200 @ A1
JOB NO: 15280
DATE: 14/12/2016
DWG NO: DA 12
REV NO: A

0 1 2 3 4 5 10



DEVELOPMENT
APPLICATION



NOTES

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SCALE: 1:200 @ A1
JOB NO: 15280
DATE: 14/12/2016
DWG NO: DA 13
REV NO: A

0 1 2 3 4 5 10



STREET VIEW



SOUTH VIEW



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Photomontages - Sheet 1

Opal Toongabbie
Opal Specialist Aged Care
Wentworth Avenue
Toongabbie, NSW 2146

DEVELOPMENT
APPLICATION



NOTES

Do not scale from this drawing. Use figured dimensions only.
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SCALE: NTS
JOB NO: 15280
DATE: 14/12/2016
DWG NO: DA 17
REV NO: A

DEVELOPMENT
APPLICATION



NORTH WEST VIEW



NORTH EAST VIEW

NOTES

Do not scale from this drawing. Use figured dimensions only.
Contact the architect for clarifications if required.
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SCALE: NTS
JOB NO: 15280
DATE: 14/12/2016
DWG NO: DA 18
REV NO: A



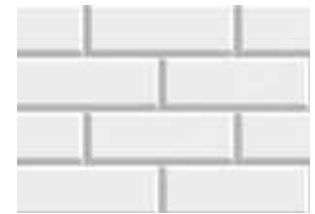
BRICK "TERRACOTTA"



BRICK "URBAN BLUE"



BRICK "MIDNIGHT BLUE"



BRICK "WHITE"



COLORBOND "LYSAGHT LONGLINE" CLADDING.
COLOUR TO BE SPECIFIED.



ALUMINIUM WINDOW & DOORS (TYPICAL)



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External Finishes & Materials

Opal Toongabbie
Opal Specialist Aged Care
Wentworth Avenue
Toongabbie, NSW 2146

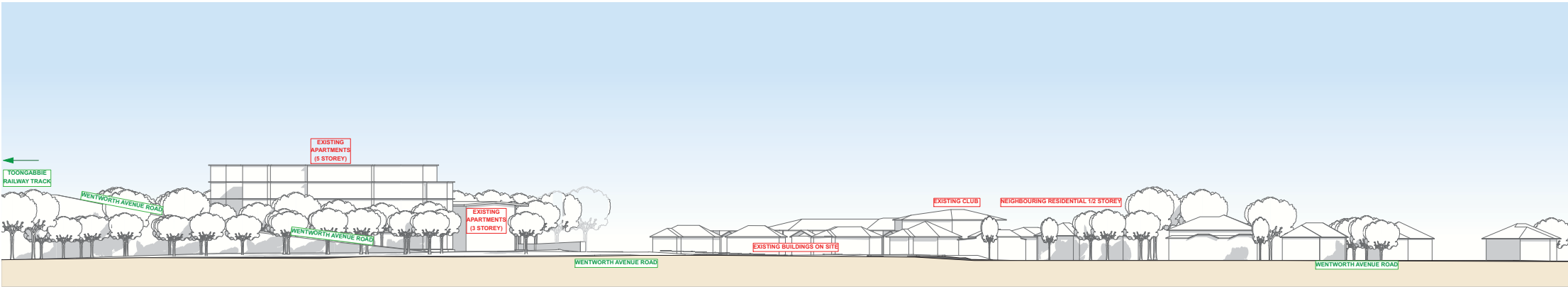
DEVELOPMENT
APPLICATION



NOTES

Do not scale from this drawing. Use figured dimensions only.
Contact the architect for clarifications if required.
Calder Flower Architects are not liable for any loss, damage, claim, cost demand as a result of the use or receipt of drawings issued in DWG format.

SCALE: NTS
JOB NO: 15280
DATE: 14/12/2016
DWG NO: DA 19
REV NO: A



EXISTING STREET ELEVATION



PROPOSED STREET ELEVATION



JUSTIFICATION OF THE HEIGHT BREACH AS REQUESTED BY SYDNEY CENTREAL CITY PLANNING PANEL

**Submitted in Support of a Development Application
for a Residential Aged Care Facility at Toongabbie
Sports Club**

Wentworth Avenue, Toongabbie, NSW, 2146

**Prepared for
Opal Aged Care**

**by
BBC Consulting Planners**

Job 16-050
Toongabbie RACF Justification of Height Breach.docx
February 2018

1. Introduction

This report has been prepared at the request of the Sydney Central City Planning Panel for the panel and Council to justify the height breach of DA1281/2016 (2017SWC007) for a Residential Aged Care Facility at the Toongabbie Sports Club site, Nos. 4-10 Wentworth Avenue and No. 12 Station Road, Toongabbie ("the site").

2. Relevant Controls

Clause 40(4) of the Seniors SEPP stipulates an 8-metre height limit on that part of the site that is within the residential zone (see below). Further the clause states that a building that is adjacent to a boundary of the site (being the site, not only of that development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height. The purpose of this standard is to avoid an abrupt change in the scale of development in the streetscape. Finally, a building located in the rear 25% area of the site must not exceed 1 storey in height.

Clause 40(4) states:

(4) Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted:

(a) the height of all buildings in the proposed development must be 8 metres or less, and

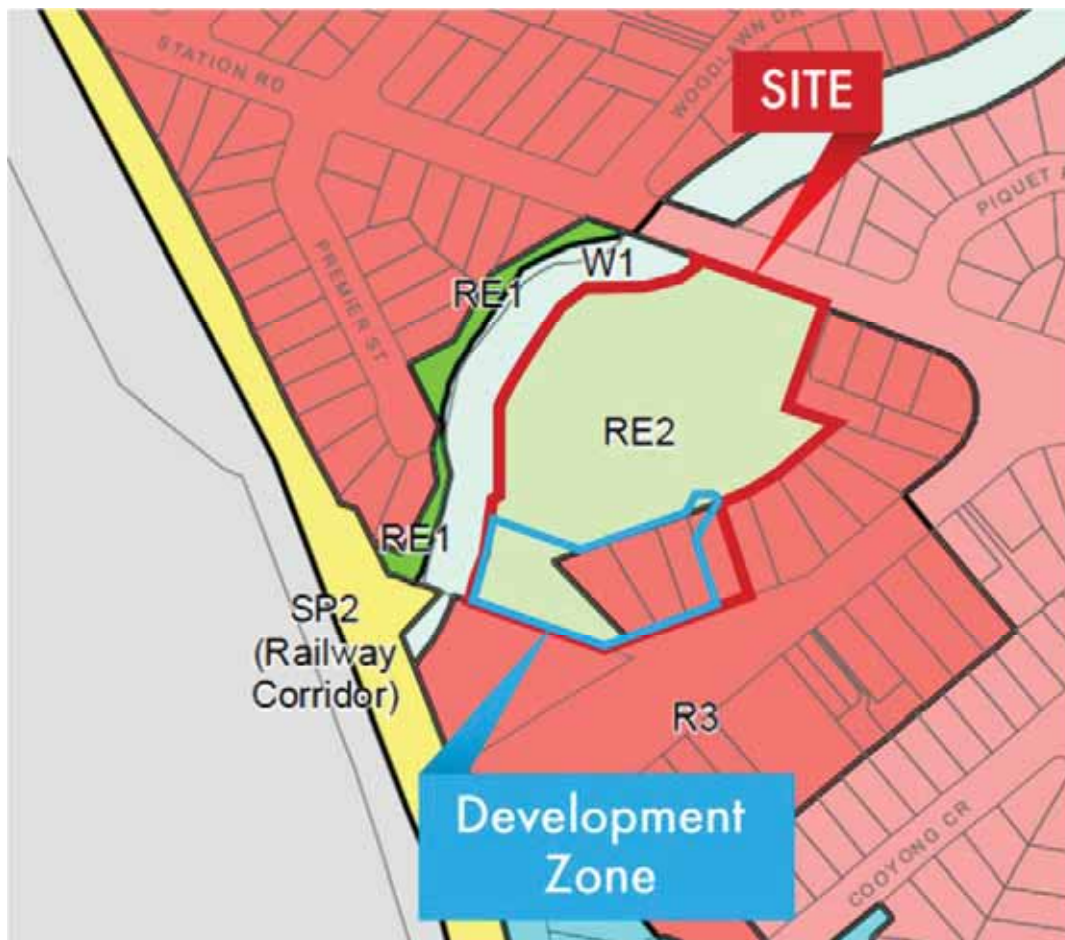
Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).

(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and

Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.

These height controls apply to development applications lodged under the SEPP in all residential zones in NSW where area residential flat buildings are not permitted – typically R2 and R3 zones in some cases. The R3 zone applying to part of the site (see below) does not permit residential flat buildings.



There is no height control on the remainder of the site within Zone RE2. The diagram contained in Attachment 1 indicates that part of the site to which the Seniors SEPP height control applies.

For completeness, that part of the site within zone R3 is subject to a building height development standard of 11 metres under the LEP. However, this has no work to do as the application is made under the Seniors SEPP.

Under the Seniors SEPP 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.

Under the LEP means the vertical distance from ground level (existing) to the highest point of the building in metres.

3. Height of the Development

The maximum height of the building measured in accordance with the SEPP definition is 13.4 metres.

The height of the building measured to the top of the plant area toward the centre of the building is 16.1 metres. This is in accordance with the height definition in the LEP.

The height of the main part of the building of four levels measured to the building parapet is 14.4 metres. The height of eastern part of the building closest to the adjoining residential lots to the east is 11.2 metres – comparable to the maximum height of 11 metres allowed on these medium density sites. The building is setback some 10 metres from the eastern boundary to an adjoining residential building (which forms part of the site) for the three-level element and 19 metres to the four-storey element.

It is not considered that this building is adjacent to the boundary in the terms meant by clause 40. Similarly, strict application of the rear 25% rule is unnecessary in this case given the nature of adjoining and adjacent development.

The non-compliance with the height controls in clause 40(4) of the Seniors SEPP is supported by a clause 4.6 request submitted with the development application.

4. Design Response

To the south (where there are no height controls), the side adjoins an existing apartment development comprising buildings of three storeys near to the boundary and four storeys to the centre of the development.

The design respects this interface by stepping and by presenting narrow façades to the south with an indented courtyard breaking the building mass. The building bulk aligns with the location of buildings to the south. This transition has been further improved with the amendments to the design to increase the building setback enabling the retention of existing trees.

To the south the building presents as a highly modified façade with deep recesses and narrow building frontages. The minimum building setback has been increased in response to the panels concerns regarding the development's interface with adjoining residential flat building to the south from 3.9 metres to a minimum of 7.9 metres.

There will be no negative bulk and scale impacts as a consequence of the proposal with the building resulting in an appropriate relationship to adjoining development.

The building form is arranged as a combination of 3 and 4 storeys with the greater height towards the north-western end of the site. The building then steps down to 3 storeys adjacent to the neighbouring residential properties to the east. The 3-storey building height is consistent with the zoning of the area and the medium density character of nearby residential development along Cornelia and Wentworth Avenues.

5. Justification

There will be no significant adverse amenity impacts arising from the non-compliance in relation to overlooking, obstruction of light or air, obstruction of views or any other such impacts on nearby residential properties. Overshadowing impacts of the development are acceptable. The proposal is consistent with the objectives of relevant planning instruments and will result in no significant adverse environmental planning impacts. The inherent characteristics of the site, including its size, existing use and surrounding development, make the proposal eminently suitable and entirely justifiable on environmental planning grounds. There is an absence of significant environmental harm associated with the non-compliance of the proposal with the height development standards.

Compliance with the height development standards under the Seniors SEPP including the maximum building height of 8m, the 2 storey and single storey height limit for a building

within the rear 25% area of the site, is unreasonable and unnecessary in the circumstances of this case for the following reasons:

- The development will be visually attractive and sympathetic to the existing and emerging character of the area;
- The development will maintain the neighbourhood amenity and character of the local area;
- The development is four storeys in height which is compatible with the neighbouring development to the south;
- The development reflects the desired future character of the area as reflected in Council's exhibited strategic planning documents;
- The development has an attractive and appropriate presentation to the street;
- The bulk and scale of the building is considered appropriate as outlined in the Statement of Environmental Effects accompanying the development application;
- The site is of sufficient size to accommodate the proposed development;
- The proposed RACF will meet an important social need in providing aged care services in the local community.

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

The contravention of the above height development standards is justified on environmental planning grounds specific to this development for the following reasons:

- The bulk and scale of the proposal is compatible with the neighbouring development to the south and is considered consistent with the desired future character of the area;
- The proposed building setbacks have been designed to reduce perceived bulk and overshadowing, and the form and configuration of the proposal is sympathetic to the land form;
- The proposed building ranges from 3 to 4 storeys in height with the lower height portion of the building located adjacent to neighbouring properties to the east. In addition, the incorporation of a contemporary materials palette, the retention of existing tree plantings and the provision of new landscaping will enhance the visual aesthetics of the proposed building;
- Buffer tree and shrub planting is proposed along the northern and southern boundaries of the site as well as new multi layered tree, shrub, and groundcover planting adjacent to car park and driveway, maintaining privacy to properties adjacent to the site as well as future residents of the RACF;
- A contemporary palette of materials will be utilised including the use of face brickwork, glazed brickwork, facing brick tile, aluminium windows and doors, coloured cladding panels, sunshade elements, powder-coated balustrading and concrete roofing. This will contribute to the modulation of the building façade;
- There will be no negative bulk and scale impacts as a consequence of the proposal;

- The building will result in an appropriate relationship to adjoining development;
- There will be no significant adverse amenity impacts arising from the non-compliance in relation to overlooking, obstruction of light or air, obstruction of views or any other such impacts on nearby residential properties; and
- The overshadowing impacts of the development are acceptable.

The proposal is consistent with the objectives of relevant planning instruments and will result in no significant adverse environmental planning impacts. The inherent characteristics of the site, including its size, existing use and surrounding development, make the proposal eminently suitable and entirely justifiable on environmental planning grounds.

There is an absence of significant environmental harm associated with the non-compliance of the proposal with the height development standards.

There is no specifically stated purpose or object expressed in Clause 40(4) of the HSSEPP. The note to Clause 40(4)(b) states:

Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

It can be assumed that the objective of the height and rear 25% area standard is to minimise amenity impacts of overshadowing and overlooking on adjoining detached dwellings and their private open space and to maintain a low scale residential form.

It is difficult to define and identify the rear 25% area of this site given the shape of the site and the underlying objectives of the control. In our view this control is intended for smaller sites in a residential context.

The rear 25% area is taken to be the area defined by a line parallel to the street frontage boundary within which 25% of the site area is contained.

It is noted that the site has a frontage to Wentworth Avenue. The rear 25% area of the site adjoins the Toongabbie Sports Club site.

The relationship of the proposed development to the street can be seen from the elevation drawings. The combination of articulated façade, building separation to the street frontage and building setback result in a change of scale that is acceptable and not inconsistent with character of the streetscape.

It is considered that there will be no significant adverse amenity impacts arising from the proposal in relation to overlooking, obstruction of light or air, obstruction of views or any other such impacts on nearby residential properties.

Privacy impacts on the existing 2 storey dwelling house along the eastern boundary and the 3-6 storey apartments along the southern boundary have been mitigated by means of a large setback, existing and proposed vegetation, orientation of windows and the potential for screening of window openings.

The development would result in additional overshadowing. However the orientation of the site and buildings and the location of adjoining development results in a development that maintains reasonable solar access to adjoining residential properties. In mid-winter, the property to the east would receive good solar access in the morning and begin to be affected by overshadowing in the afternoon. The apartments to the south would be affected by overshadowing in the morning (mid-winter) and would receive good solar access in the

afternoon. In mid-summer, the proposed development would not impact on solar access in relation to either properties to the south and east.

It is considered that the overshadowing impacts of the development are acceptable.

Future residents of the proposed RACF will experience excellent amenity with level access to communal areas on each floor and also access to the ground floor courtyards via paved walking paths. The proposed courtyards include landscaped gardens and have seating areas for resting and contemplation.

The objection to the standards Clause 40(4) is well founded for the following reasons:

- the development is appropriate in this location;
- the development does not undermine the underlying objectives of the standard;
- the non-compliance does not result in any significant adverse environmental impacts on the amenity of the surrounding area in general, or on the amenity of nearby residential properties in particular; and
- the scale of the proposal, notwithstanding the non-compliance, is compatible with the desired future character of the area and is appropriate in the current context.

The site is located within the R3 Medium Density Residential and RE2 Private Recreation zone under PLEP 2011.

The objectives of the R3 Medium Density Residential zone are as follows:-

“To provide for the housing needs of the community within a medium density residential environment.

To provide a variety of housing types within a medium density residential environment.

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.

To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.”

The objectives of the RE2 Private Recreation zone are as follows:-

“To enable land to be used for private open space or recreational purposes.

To provide a range of recreational settings and activities and compatible land uses.

To protect and enhance the natural environment for recreational purposes.

To identify privately owned land used for the purpose of providing private recreation, or for major sporting and entertainment facilities which serve the needs of the local population and of the wider Sydney region.”

The proposal is consistent with the above objectives, in that:-

- the site is in a location appropriate for development of this type;



- the proposal will provide for aged care health related infrastructure and services;
- the proposal will provide a high quality aged care facility that meets the needs of the community;
- the proposal will provide a development that is compatible with the amenity of the site and with the adjoining area; and
- the site is located within walking distance of public transport and local shops.

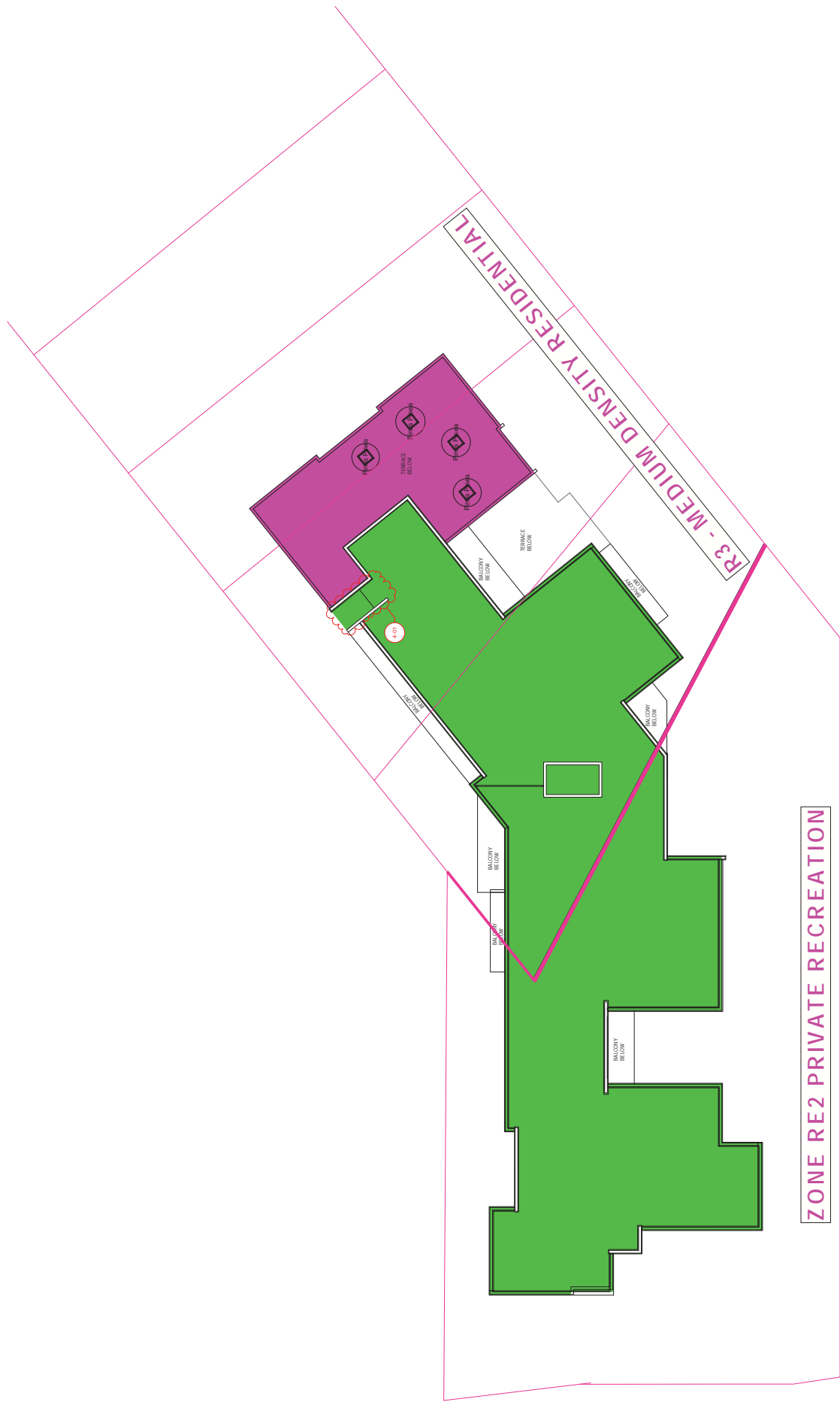
Seniors housing is prohibited in the RE2 Private Recreation zoned part of the site. Notwithstanding the provisions of the LEP, a residential care facility is permissible with consent in a RE2 Private Recreation zone under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

A site compatibility certificate was approved on 16 August 2016 which now permits development on the site for the purposes of seniors housing with development consent.

The density of proposed development is higher than that would otherwise be permitted in the R3 zone. However the location of the site in the context of the nearby shops, Toongabbie train station and given the mixed residential forms in the locality (including the neighbouring six storey apartments), this density is considered appropriate.



Attachment 1





EXISTING TOONGABBIE SPORTS CLUB

EXISTING FENCE TO BE REMOVED MATCH EXISTING BITUMEN LEVELS

BATTER 1 IN 3
MAX

Technical drawing of a mechanical part, showing a cross-section with dimensions 29.37 and GD-1.

57.45

LEGEND

	PROPOSED BOUNDARY
	SEWER BOUNDARY
	PROPOSED RIDGE LINE
	PROPOSED VALLEY LINE
	PROPOSED GRASSED SWALE
	PROPOSED JUNCTION PITS
	PROPOSED SURFACE INLET PITS
	PROPOSED LINTEL ONGRADE & SAG PITS
	PROPOSED PIT TAG
	PROPOSED GRATED DRAIN
	PROPOSED STORMWATER PIPE
	EXISTING STORMWATER PIPE
	PROPOSED BATTER LINE
	EXISTING CONTOURS
	PROPOSED CONTOURS
	PROPOSED KERB & GUTTER
	PROPOSED KERB ONLY
	PROPOSED VEHICULAR CROSSING

EXISTING APARTMENTS

EXISTING APARTMENTS

FFL 30.17

ENTWORTH AVE

DETAIL PLAN - STORMWATER AND GRADING

SCALE 1:200

FOR DA ONLY

SURVEY INFORMATION

SURVEYED BY RPS AUSTRALIA EAST
DATUM: AHD
ORIGIN OF LEVELS: PM29167

[illegible]

Client _____

ORAL SPECIALIST AGED CARE

CALDER FLOWER ARCHITECTS

This drawing and design remains the property of Henry & Hymas and may not be copied in whole or in part without the prior written approval of Henry & Hymas.

Level 5,

Telephone

Email
email@hhconsult.com.au

Project
ORAL SPECIALIST AGED CARE

Title	
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Drawn	Designed	Date
L. Caha	L. Caha	MAY 2016

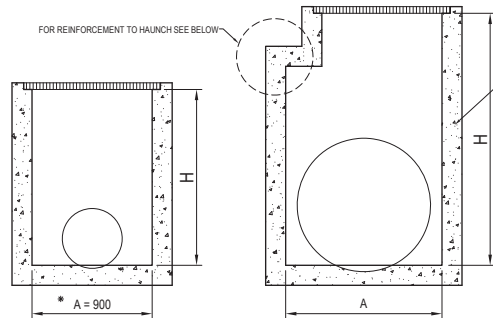
	1. Client	2. Project	3. Drawing No.
	Drawing number	Revision	

NG	15B96_DA_C100	09
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IT IS THE CONTRACTORS RESPONSIBILITY TO SELECT PIT CHAMBER SIZE WITH REGARDS TO PIPE SIZE, DEPTH TO INVERT AND SKEW ANGLE. REFER SKETCHES BELOW.

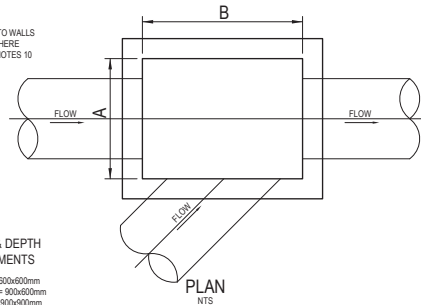
- ① SELECT PIT CHAMBER USING THE STEPS BELOW:
- ② SELECT PIT CHAMBER SIZE DEPENDING ON THE PIPE DIAMETERS.
- ③ CHECK PIT CHAMBER SIZE TO SATISFY DEPTH TO INVERT REQUIREMENTS.
CHECK PIT CHAMBER DIMENSIONS TO SATISFY THE SKEW ANGLE IN THE TABLE.

FOR B = 600mm - MAX. SIDE ENTRY PIPE AT 45° SKEW = 225mm
 FOR B = 900mm - MAX. SIDE ENTRY PIPE AT 45° SKEW = 375mm
 FOR B = 1200mm - MAX. SIDE ENTRY PIPE AT 45° SKEW = 600mm
 FOR B = 1500mm - MAX. SIDE ENTRY PIPE AT 45° SKEW = 825mm
 FOR B = 1900mm - MAX. SIDE ENTRY PIPE AT 45° SKEW = 1050mm



② PIT SIZE & DEPTH REQUIREMENTS

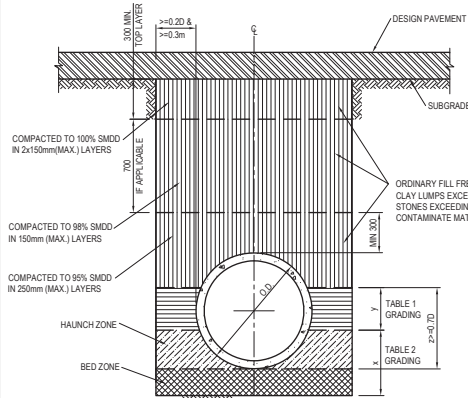
H = 0-900mm - AxB = 600x600mm
H = 900-1200mm - AxB = 900x600mm
H = >1200mm - AxB = 900x900mm



③ PIT CHAMBER FOR
SIDE ENTRY ON SKEW

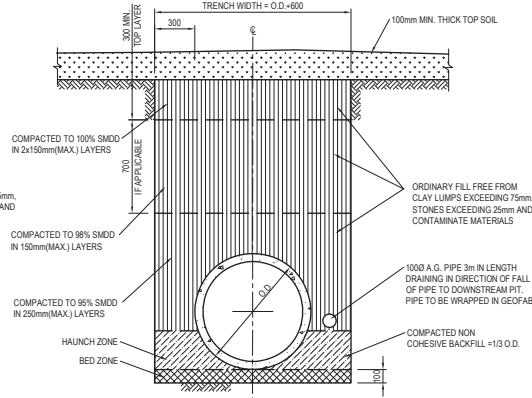
*A = 600 FOR PIPES UP TO 375 DIA.

① PIT CHAMBER DIMENSIONS FOR PIPES UP TO 600 DIA.



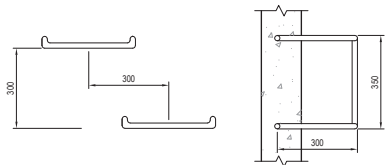
PIPE TRENCH INSTALLATION BENEATH PAVEMENT

(HS SUPPORT TO BE USED UNDER ROADWAY)
SCALE 1:20

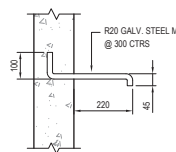


PIPE TRENCH INSTALLATION IN LANDSCAPE AREAS

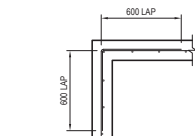
(H1 & H2 SUPPORT)
SCALE 1:20



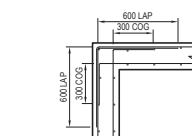
ELEVATION



SECTION



150 WALL - CORNER DETAIL





200 WALL - CORNER DETAIL

TYPICAL STEP IRON DETAIL

SCALE 1:10

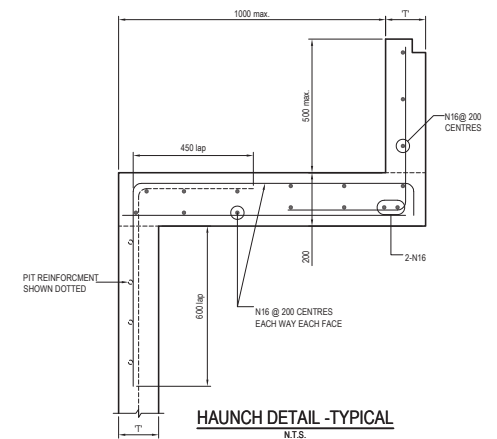


<div>SURVEY INFORMATION</div> <div>SURVEYED BY RPS AUSTRALIA EAST</div> <div>DATUM: AHD</div> <div>ORIGIN OF LEVELS: PM20167</div>	07	ISSUED FOR DA ONLY	K	TC	21.08.2016						Client	OPAL SPECIALIST AGED CARE	<div>Level 5, 79 Victoria Avenue Cherrybrook NSW 2067</div> <div></div> <div>Telephone +61 2 9417 9600</div> <div>Facsimile +61 2 9417 6337</div> <div>Email enquiries@hennryhymas.com.au</div> <div>Web www.hennryhymas.com.au</div>	<div></div> <div>hennry&hymas</div>	Project	OPAL SPECIALIST AGED CARE WENTWORTH AVE., TOONGABBIE, NSW .	Drawn	Designed	Date
	06	ISSUED FOR DA ONLY	K	TC	18.12.2016						Architect	CALDER FLOWER ARCHITECTS			L.Caha	L.Caha	May 2016		
	05	ISSUED FOR DA ONLY	K	TC	25.11.2016										Checked	Approved	Scale		
	04	ISSUED FOR DA ONLY	NIS	TC	26.10.2016										T.Chan	A.Francis	AS SHOWN @ A1		
	03	PRELIMINARY	NIS	TC	05.08.2016														
	02	PRELIMINARY	NIS	TC	15.07.2016														
	01	PRELIMINARY	NIS	TC	20.06.2016														
REVISION	AMENDMENT	DRAWN	DESIGNED	DATE	REVISION	AMENDMENT	DRAWN	DESIGNED	DATE	This drawing and design remains the property of Hennry & Hymas and may not be copied in whole or in part without the prior written approval of Hennry & Hymas.									
											Drawing number					15B96_DA_C200		07	

PIT/STRUCTURE NUMBER	DESCRIPTION
B-2 B-3	SURFACE INLET PIT WITH HINGED 900x600 LIGHT DUTY GRATED LID CLASS 'B'
A-9 A-10	SURFACE INLET PIT WITH HINGED 900x600 HEAVY DUTY GRATED LID CLASS 'D'
A-2 A-3 A-4 A-7	HINGED 900x600 HEAVY DUTY GRATED LID CLASS 'D' WITHIN OSD TANK
ED-1	200mm WIDE GRATED DRAIN HEAVY DUTY CLASS 'D'
A-11	SURFACE INLET PIT WITH SAG 1.8m LINTEL HEAVY DUTY CLASS 'D' IN ACCORDANCE WITH COUNCIL'S STANDARD DRAWINGS WITH STORMWATER360 ENVIROPOD MICRON 200
D-1	SURFACE INLET PIT WITH 1.8m LINTEL HEAVY DUTY CLASS 'D' IN ACCORDANCE WITH COUNCIL'S STANDARD DRAWINGS
EX-1	EXISTING SURFACE INLET PIT WITH LINTEL TO BE RECONSTRUCTED WITH 800x600 GRATED LID HEAVY DUTY CLASS 'D' IN ACCORDANCE WITH COUNCIL'S STANDARD DRAWINGS
EX-2	CONNECT TO EXISTING STORMWATER PIT. ENSURE GOOD CONDITION. RECONSTRUCT IF REQUIRED.
C-1 C-2	SURFACE INLET PIT WITH HINGED 900x600 LIGHT DUTY GRATED LID CLASS 'B' WITH STORMWATER360 ENVIROPOD MICRON 200
B-1 A-8	SURFACE INLET PIT WITH HINGED 900x600 HEAVY DUTY GRATED LID CLASS 'D' WITH STORMWATER360 ENVIROPOD MICRON 200
A-5 A-6	HINGED 900x600 HEAVY DUTY GRATED LID CLASS 'D' WITHIN OSD TANK WITH STORMWATER360 ENVIROPOD MICRON 200

DRAINAGE NOTES:

1. ALL STORMWATER WORK TO COMPLY WITH AS 3500 PART 3.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE MINIMUM COVER OF 600mm ON ALL PIPES.
3. PROTECTION OF PIPES DUE TO LOADS EXCEEDING W/ WHEEL LOAD SHALL BE THE CONTRACTORS RESPONSIBILITY.
4. BEDDING TYPE SHALL BE TYPE H2 FOR RCP, WHERE NECESSARY THE OVERLAY ZONE SHALL BE REDUCED TO ACCOMMODATE PAVEMENT REQUIREMENTS. REFER TO THIS DRAWING FOR DETAILS.
5. MINIMUM COVER OVER EXISTING PIPES FOR PROTECTION DURING CONSTRUCTION SHALL BE 800mm.
6. NO CONSTRUCTION LOADS SHALL BE APPLIED TO PLASTIC PIPES.
7. FINISHED SURFACE LEVELS SHOWN ON LAYOUT PLAN DRGS TAKE PRECEDENCE OVER DESIGN DRAINAGE SURFACE LEVELS.
8. ALL PIPES UP TO AND INCLUDING 300 DIA. SHALL BE SUBVENTOR OR RUBBER RING JOINED PVC CLASS SH PIPE TO AS1580, ALL OTHER PIPES TO BE RCP USING CLASS 2 RUBBER RING JOINED PIPE. HANDIRED PVC PIPE MAY BE USED IN LIEU OF RCP IF DESIGNED IN GROUND. ALL RERIAL PIPES TO BE PVC CLASS SH.
9. ALL PITS IN NON TRAFFICABLE AREAS SHALL BE PREFABRICATED POLYESTER CONCRETE "POLYCRETE" WITH "LIGHT DUTY" CLASS B OR MILD STEEL GRATING AND FRAME. ALL PITS IN TRAFFICABLE AREAS (CLASS "S" LOADING MAX) MAY TO HAVE 150mm THICK CONCRETE WALKS AND BASE CAST IN SITU FOR 32 MPa, REINFORCED WITH H12-200 BOTH LOADING WAYS CENTRALLY PLACE U.N. ON SEPARATE DESIGNING. ALL PITS SHALL BE CAST IN SITU GALV MILD STEEL GRATING AND FRAME TO SUIT DESIGN LOADING. PRECAST PITS, RECTANGULAR OR CIRCULAR IN SHAPE, MAY BE USED IN LIEU AND SHALL COMPLY WITH RELEVANT AUSTRALIAN STANDARDS.
10. ALL PITS, GRATINGS AND FRAMES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS SPECIFICATION AND TO BE IN ACCORDANCE WITH AS3500.3 AND AS3096.
11. PIT CHAMBER DIMENSIONS ARE TO BE SELECTED TO SATISFY THE FOLLOWING:
 - PIPE SIZE
 - DEPTH TO INVERT
 - SKEW ANGLE
 - REFER TYPICAL PIT CHAMBER DETAILS BELOW
12. IF PIT LID SIZE IS SMALLER THAN THE PIT CHAMBER SIZE THEN THE PIT LID IS TO BE CONSTRUCTED ON THE CORNER OF THE PIT CHAMBER WITH THE STEP RONS DIRECTLY BELOW. ALTERNATIVELY THE PIT LID TO BE USED, IS TO BE THE SAME SIZE AS THE PIT CHAMBER.
13. FOR PIPE SIZES GREATER THAN Ø300mm, PIT FLOOR IS TO BE BENCHED TO FACILITATE FLOW.
14. GALVANISED STEEL IRONS SHALL BE PROVIDED AT 300 CTS FOR PITS HAVING A DEPTH EXCEEDING 1200mm. SUBSOL DRAINAGE PIPE SHALL BE PROVIDED IN PIPE TRENCHES ADJACENT TO INLET PIPES. (MINIMUM LENGTH 3m)
15. ALL SUBSOL PIPES SHALL BE 100mm SLOTTED PVC IN A FILTER SOCK UNQ. TO BE INSTALLED UPSTREAM OF ALL PITS.
16. ALL PIPENWORK SHALL HAVE MINIMUM DIAMETER 100.
17. MINIMUM GRADE FOR ROOFWATER DRAINAGE LINES SHALL BE 1%.
18. ALL PIPE JOINTIONS AND TAPER UP TO AND INCLUDING 300 DIA. SHALL BE VIA PURPOSE MADE FITTINGS.
19. ALL ROOF DRAINAGE TO BE INSTALLED IN ACCORDANCE WITH AS3500, PART 3. TESTING TO BE UNDERTAKEN AND REPORTS PROVIDED TO THE SUPERINTENDENT.
20. LOCATION OF THE DIRECT DOWN PIPE CONNECTIONS MAY VARY ON SITE TO SUIT SITE CONDITIONS, WHERE CONNECTION SHOWN ON LONG SECTIONS CHANGES ARE INDICATIVE ONLY.
21. PITS IN EXCESS OF 1.5 m DEPTH TO HAVE WALL AND FLOOR THICKNESS INCREASED TO 200mm. REINFORCED WITH 4/200 CTS CENTRALLY PLACED BOTH WAYS THROUGHOUT U.N. ON SEPARATE DESIGNING. IN THIS SET, IF DEPTH EXCEEDS 2000mm TO CONTAIN WALL.
22. SUBSOL DRAINAGE LINES FOR LANDSCAPE AREA NOT SHOWN ON THESE DRAWINGS. REFER TO LANDSCAPING PLANS FOR DETAILS.
23. ALL STORMWATER PITS TO HAVE Ø100 PVC SLOTTED SUBSOL PIPES CONNECTED TO THEM. THESE SUBSOLS TO EXTEND 3m UPSTREAM OF THE PIT AT A MINIMUM GRADE.




HAUNCH DETAIL -TYPICAL

N.T.S

FOR DA ONLY

CEN0530	NAME	AMENDMENT

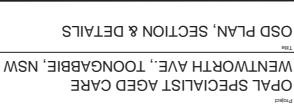
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+61 2 9417 8400

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+61 2 9417 8337

Email
enrol@aihsconsult.com.au
mh@www.henryandrymas.com.au



100 x 16 MILLIMETER BAR WITH
BARKER'S SCREEN TO BE ATTACHED
TO THE WALL BUT SHOULD BE
REMOVABLE TO PERMIT THE USE OF
TOOLS TO PREVENT CEMENTS AND
EASY RESECTION OF THE OUTLET
CONTROL AT STEEL TO BE HOT
DIPPED GALVANIZED.

STATION	DESCRIPTION	DATE	REVISION	APPROVED BY
01	ESTABLISHED FOR DA	15.08.2016		
02	ESTABLISHED FOR DA	15.08.2016		
03	FOR DA ONLY	24.08.2016		
04	ESTABLISHED FOR DA ONLY	24.08.2016		
05	ESTABLISHED FOR DA ONLY	24.08.2016		
06	ESTABLISHED FOR DA ONLY	24.08.2016		

STATION	DESCRIPTION	DATE	REVISION	APPROVED BY
07	ESTABLISHED FOR DA	15.08.2016		
08	FOR DA ONLY	24.08.2016		
09	ESTABLISHED FOR DA ONLY	24.08.2016		
10	ESTABLISHED FOR DA ONLY	24.08.2016		
11	ESTABLISHED FOR DA ONLY	24.08.2016		
12	ESTABLISHED FOR DA ONLY	24.08.2016		

OPAL SPECIALIST AGED CARE

CALDER FLOWER ARCHITECTS

29 KILGOUR AVENUE
CHERRYBROOK NSW 2057

16/17 9417 8600

16/17 9417 8327

www.berryandhymas.com.au

henry&hymas

henry&hymas

STORMWATER CATCHMENT PALN

OPAL SPECIALIST AGED CARE

WENTWORTH AVE., TOONGABBIE, NSW

15B96_DA_C250

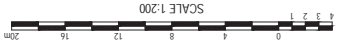
06

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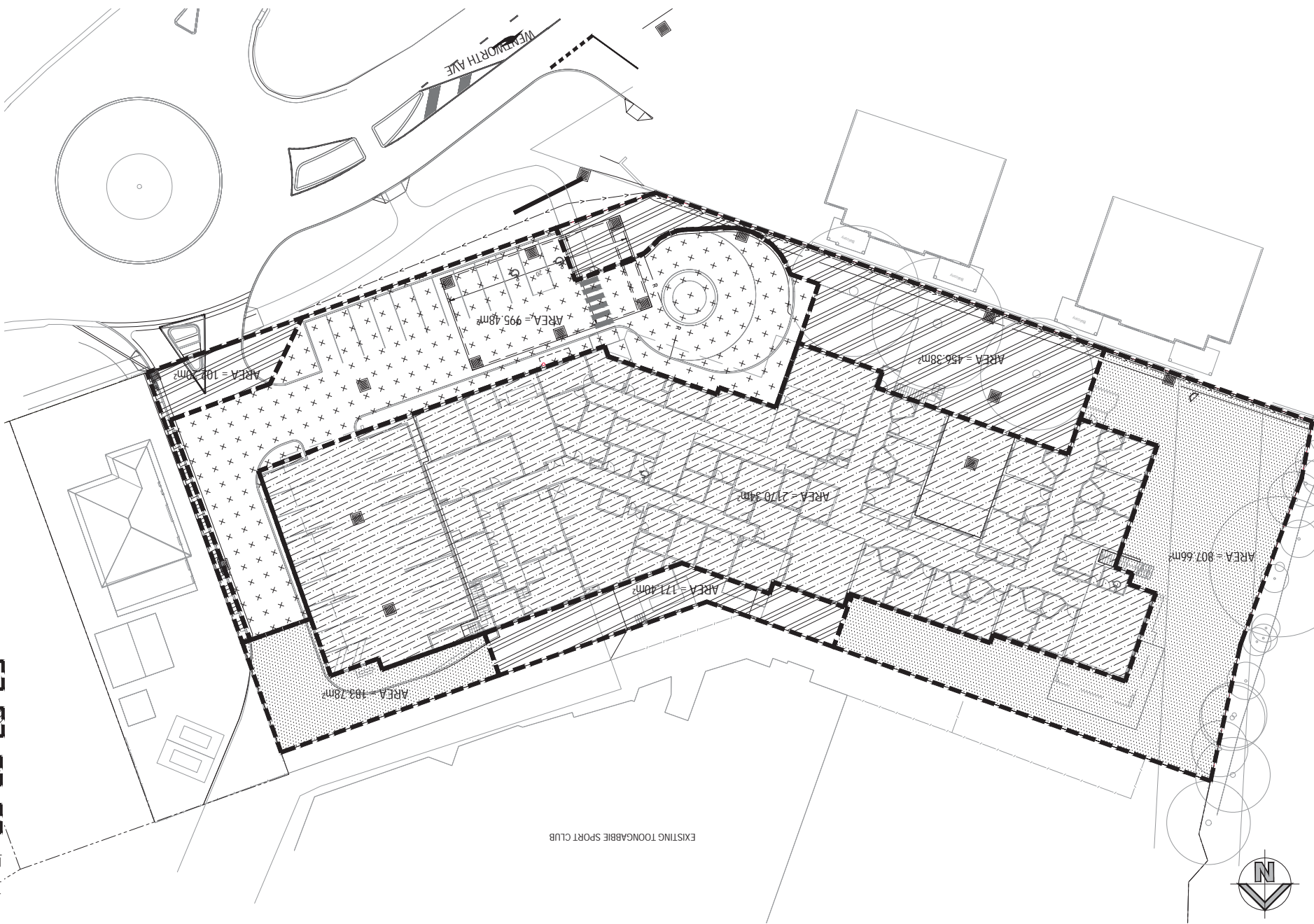
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06



STORMWATER CATCHMENT PLAN
SCALE 1:200



LEGEND

- AREA = 2170.34m²
ROOF TO OSD
- AREA = 991.44m²
LANDSCAPING AREA / EXISTING
- AREA = 729.98m²
SITE BYPASS
- AREA = 995.48m²
EXTERNAL TO OSD

TOTAL SITE AREA = 4896m²

FOR DA ONLY

STATION	DESCRIPTION	DATE	BY	CHKD
01	STATION 1	12/08/2016	MS	MS
02	STATION 2	12/08/2016	MS	MS
03	STATION 3	12/08/2016	MS	MS
04	STATION 4	12/08/2016	MS	MS
05	STATION 5	12/08/2016	MS	MS
06	STATION 6	12/08/2016	MS	MS
07	STATION 7	12/08/2016	MS	MS

STATION	DESCRIPTION	DATE	BY	CHKD
08	STATION 8	12/08/2016	MS	MS
09	STATION 9	12/08/2016	MS	MS
10	STATION 10	12/08/2016	MS	MS
11	STATION 11	12/08/2016	MS	MS
12	STATION 12	12/08/2016	MS	MS
13	STATION 13	12/08/2016	MS	MS
14	STATION 14	12/08/2016	MS	MS

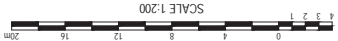
Lead 5:
29 KILGOUR STREET
CHERRYBROOK NSW 2061

Lead 6:
1617 2917 1600
CHERRYBROOK NSW 2061

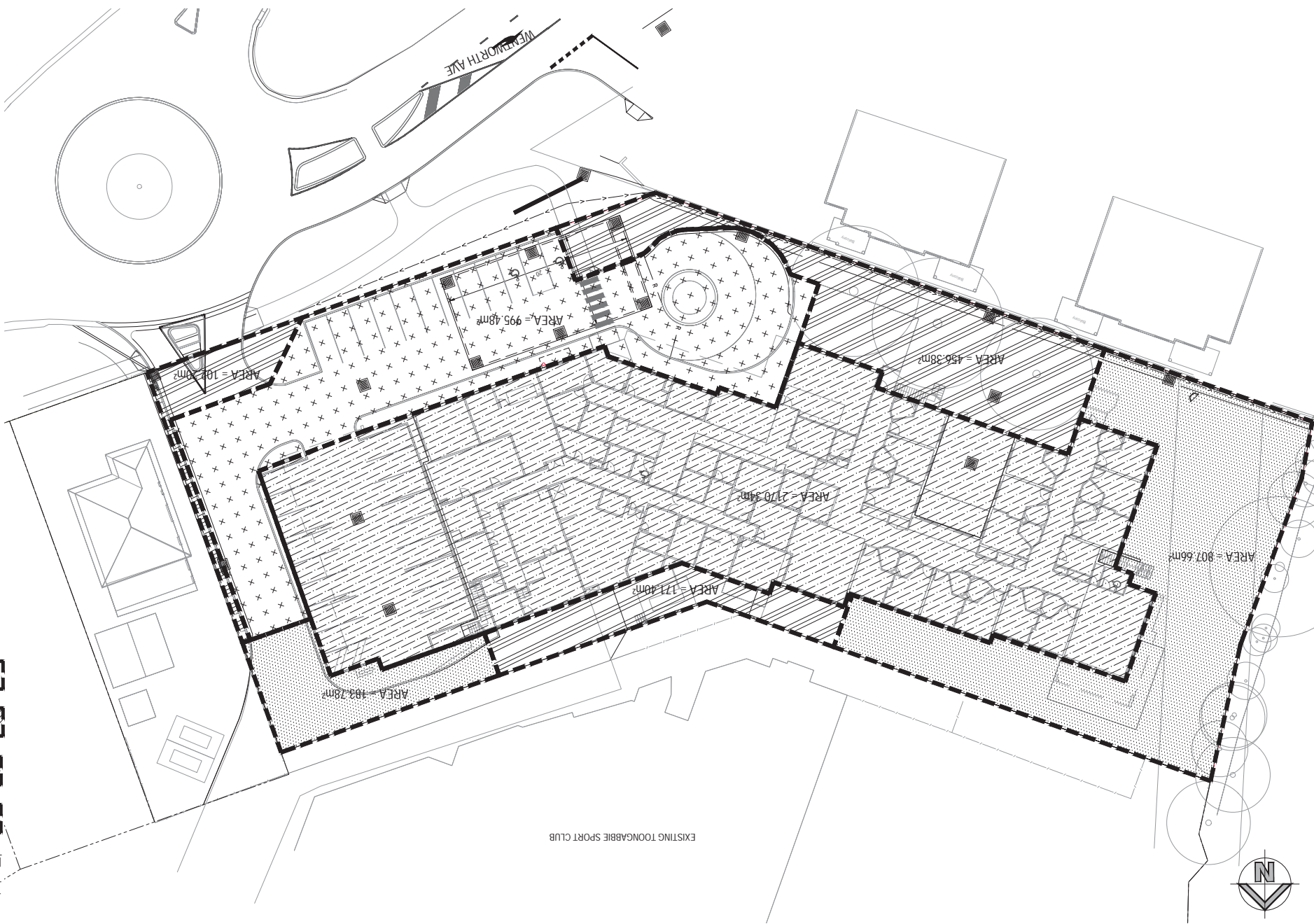
Lead 7:
1617 2917 1600
CHERRYBROOK NSW 2061

Lead 8:
1617 2917 1600
CHERRYBROOK NSW 2061

STORMWATER CATCHMENT PALN
WENTWORTH AVE., TOONGABBIE, NSW
OPAL SPECIALIST AGED CARE



STORMWATER CATCHMENT PLAN
SCALE 1:200

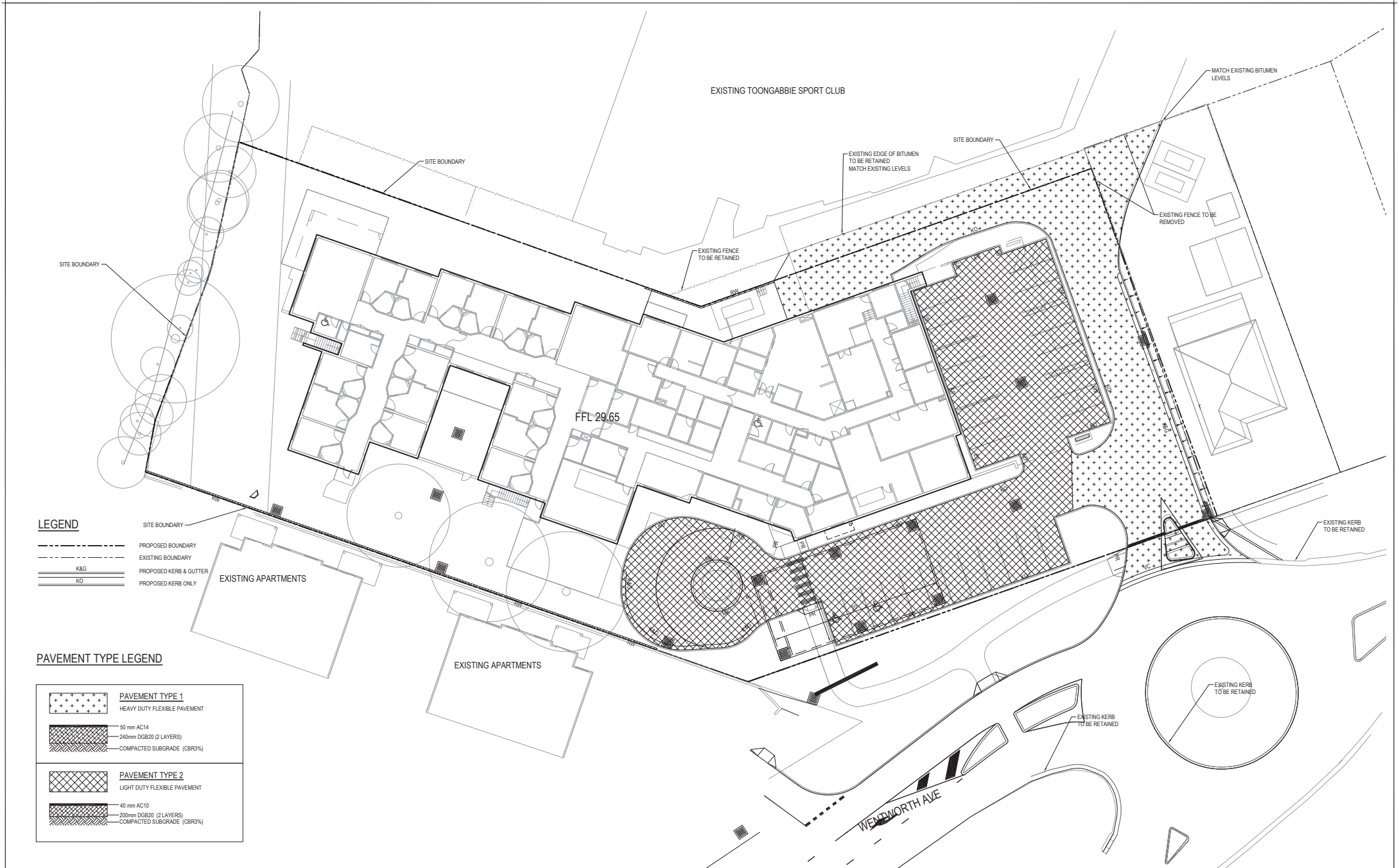


LEGEND

- AREA: 2170.34m²
ROAD TO OSD
- AREA: 991.44m²
LANDSCAPING AREA / EXISTING
- AREA: 729.98m²
SITE BYPASS
- AREA: 995.48m²
EXTERNAL TO OSD

TOTAL SITE AREA = 4896m²

FOR DA ONLY



LEGEND

- SITE BOUNDARY
- PROPOSED BOUNDARY
- EXISTING BOUNDARY
- K&G PROPOSED KERB & GUTTER
- K&G PROPOSED KERB ONLY

PAVEMENT TYPE LEGEND

PAVEMENT TYPE 1
HEAVY DUTY FLEXIBLE PAVEMENT

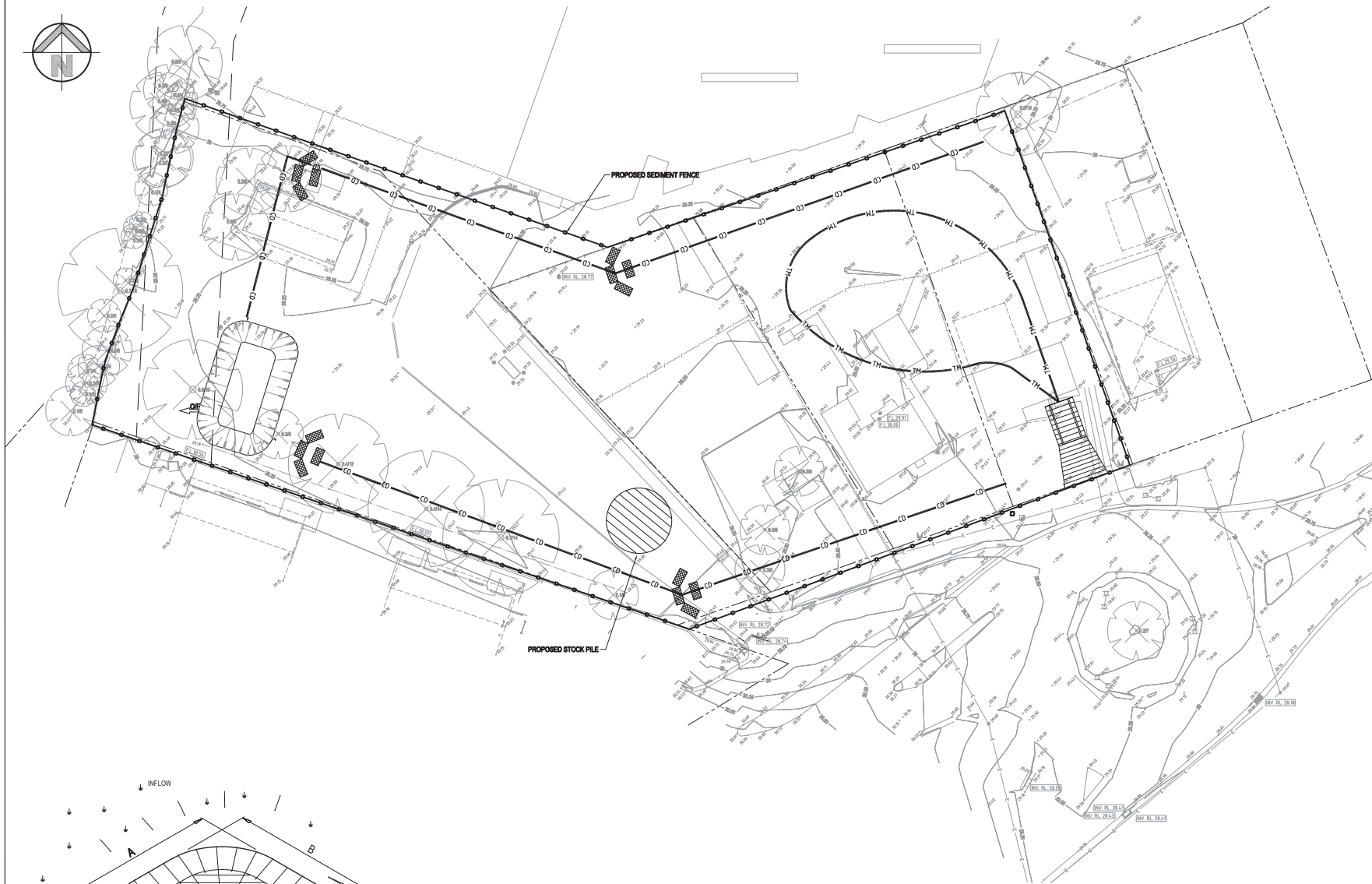
50 mm AC14
240mm DGB20 (2 LAYERS)
COMPACTED SUBGRADE (CBR3%)

PAVEMENT TYPE 2
LIGHT DUTY FLEXIBLE PAVEMENT

40 mm AC10
200mm DGB20 (2 LAYERS)
COMPACTED SUBGRADE (CBR3%)



<div>SURVEY INFORMATION</div> <div>SURVEYED BY RPS AUSTRALIA EAST</div> <div>DATUM: AHD</div> <div>ORIGIN OF LEVELS: PM20167</div>	07	ISSUED FOR DA ONLY	JK	TD	19.06.2016																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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- ## GENERAL INSTRUCTIONS

1. THIS SEDIMENT AND EROSION CONTROL WORKS FOR THE SITE SHALL BE CARRIED OUT IN
2. ACCORDANCE WITH THE REQUIREMENTS OF 'MANAGING URBAN STORMWATER - SOLS AND
3. CONSTRUCTION', 4TH EDITION (2004) BY LONDON.
4. AS REQUIRED BY BREWSTER CITY COUNCIL, SEDIMENT CONTROL MEASURES WILL BE
5. REQUIRED DURING THE CONSTRUCTION OF ALL DEVELOPMENT/ BUILDING WORKS. IT SHALL
6. BE THE CONTRACTORS RESPONSIBILITY THAT THE WORKS ARE CARRIED OUT IN
7. ACCORDANCE WITH THE SEDIMENT AND EROSION CONTROL PLAN AND COUNCIL'S
8. REQUIREMENTS.
9. THE CONTRACTOR SHALL ENSURE THAT ALL SUBCONTRACTORS ARE INFORMED OF THEIR
10. RESPONSIBILITIES IN MINIMISING THE POTENTIAL FOR SOIL EROSION AND POLLUTION TO
11. DOWNDRAPE AREAS.
12. THE NON-DISTURBED PORTION OF THE CATCHMENT OUTSIDE OF OPERATING AREA IS TO
13. BYPASS THE BASINS BY MEANS OF LINEED CHAIN DRAINS.
14. WHERE PRACTICABLE, THE SOIL EROSION HAZARD SHALL BE KEPT AS LOW AS POSSIBLE.
15. LIMITATIONS TO ACCESS ARE TO BE VIA THE SEALED ACCESS ROAD OFF CAPTAIN CROOK DRIVE
16. UNLESS OTHERWISE APPROVED BY COUNCIL.
17. ENSURE THAT ALL DRAINS ARE OPERATING EFFECTIVELY AND SHALL MAKE ANY NECESSARY
18. REPAIRS. REMOVE TRAPPED SEDIMENT WHERE THE CAPACITY OF THE TRAPPING DEVICE
19. FALLS BELOW 50%.
20. CONSTRUCT ADDITIONAL EROSION OR SEDIMENT CONTROL WORKS AS MAY BE APPROPRIATE
21. TO ENSURE THE PROTECTION OF DOWNDRAPE LANDS AND WATERWAYS.
22. MAINTAIN EROSION AND SEDIMENT CONTROL MEASURES IN A FULLY FUNCTIONING CONDITION
23. AT ALL TIMES UNTIL THE SITE IS REVEGETATED.
24. REMOVE TEMPORARY SOIL CONSERVATION STRUCTURES AS THE LAST ACTIVITY IN THE

EROSION CONTROL REQUIREMENTS

1. CLEAR VISIBLE BARRIER FENCING SHALL BE INSTALLED AT THE DISCRETION OF THE SITE SUPERINTENDENT TO ENSURE TRAFFIC CONTROL AND PROHIBIT UNNECESSARY SITE DISTURBANCE. VEHICULAR ACCESS TO THE SITE SHALL BE LIMITED TO ONLY THAT ESSENTIAL FOR CONSTRUCTION WORK AND SHALL ENTER THE SITE ONLY THROUGH THE STABILISED ACCESS POINT.

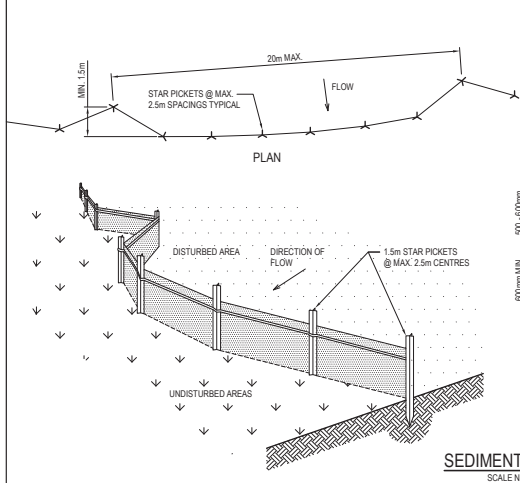
SOIL MATERIALS SHALL BE REPLACED IN THE SAME LAYERS THEY ARE REMOVED FROM THE FOUNDATION SUBGRADE AND BE BURIED AND TOPSOIL IS TO BE RESPIRED ON THE SURFACE AT THE COMPLETION OF WORKS.
3. ALL DISTURBED AREAS ARE TO BE STABILISED WITH SEVEN WORKING DAYS OF THE COMPLETION OF LAND SHAPING. ALL DISTURBED AREAS ARE TO BE PROTECTED SO THAT THE LAND IS PERMANENTLY STABILISED WITHIN SIX MONTHS. TOPSOIL SHALL BE RESPIRED OVER THE SITE, OTHER THAN LO-RE GRADING AREAS, TO A MINIMUM DEPTH OF 100mm ON THE SURFACE. SOIL SURFACES AND THE SITE SHALL BE REVEGETATED IN ACCORDANCE WITH THE SITE PLAN.

NOTE:

THE SEDIMENT AND EROSION CONTROL MEASURES SHOWN ON THIS PLAN ARE FOR THE INITIAL EARTHWORKS STAGES. AS CONSTRUCTION OF THE SITE PROGRESSES, GEOTEXTILE INLET FILTERS AND MESH & GRAVEL INLET FILTERS WILL BE REQUIRED TO BE INSTALLED AROUND THE PROPOSED STORMWATER PITS.

FOR DA ONLY

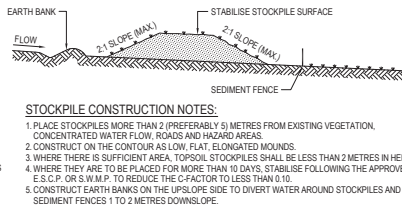
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SEDIMENT FENCE
SCALE N.T.S.

SEDIMENT FENCE CONSTRUCTION NOTES:

1. CONSTRUCT SEDIMENT FENCES AS CLOSE AS POSSIBLE TO BEING PARALLEL TO THE CONTOURS OF THE SITE, BUT WITH SMALL RETURNS AS SHOWN IN THE DRAWING TO LIMIT THE CATCHMENT AREA OF ANY ONE SECTION. THE CATCHMENT AREA SHOULD BE SMALL ENOUGH TO LIMIT WATER FLOW IF CONCENTRATED AT ONE POINT TO 50 LITRES PER SECOND IN THE DESIGN STORM EVENT, USUALLY THE 10-YEAR EVENT.
2. CUT A 150mm DEEP TRENCH ALONG THE UPSLOPE LINE OF THE FENCE FOR THE BOTTOM OF THE FABRIC TO BE ENTRENCHED.
3. DRIVE 1.5m LONG STAR PICKETS INTO GROUND @ 2.5m INTERVALS (MAX.) AT THE DOWNSLOPE EDGE OF THE TRENCH. ENSURE ANY STAR PICKETS ARE FITTED WITH SAFETY CAPS.
4. FIX SELF-SUPPORTING GEOTEXTILE TO THE UPSLOPE SIDE OF THE POSTS ENSURING IT GOES TO THE BASE OF THE TRENCH. FIX THE GEOTEXTILE WITH WIRE TIES OR AS RECOMMENDED BY THE MANUFACTURER. ONLY USE GEOTEXTILE SPECIFICALLY PRODUCED FOR SEDIMENT FENCING. THE USE OF SHADE CLOTH FOR THIS PURPOSE IS NOT SATISFACTORY.
5. JOIN SECTIONS OF FABRIC AT A SUPPORT POST WITH A 150mm OVERLAP. 6. BACKFILL THE TRENCH OVER THE BASE OF THE FABRIC AND COMPACT IT THOROUGHLY OVER THE GEOTEXTILE.

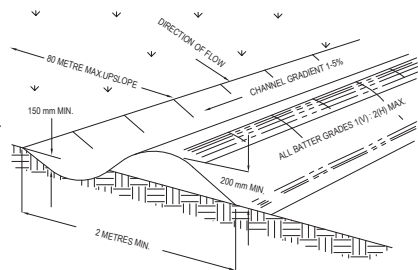


STOCKPILE CONSTRUCTION NOTES:

1. PLACE STOCKPILES MORE THAN 2 (PREFERABLY 5) METRES FROM EXISTING VEGETATION, CONCENTRATED WATER FLOW, ROADS AND HAZARD AREAS.
2. CONSTRUCT ON THE CONTOUR AS LOW, FLAT, ELONGATED MOUNDS.
3. WHERE THERE IS SUFFICIENT AREA, TOPSOIL STOCKPILES SHALL BE LESS THAN 2 METRES IN HEIGHT.
4. WHERE THEY ARE TO BE PLACED FOR MORE THAN 10 DAYS, STABILISE FOLLOWING THE APPROVED E.S.P. OR S.W.M.P. TO REDUCE THE C-FACTOR TO LESS THAN 0.10.
5. CONSTRUCT EARTH BANKS ON THE UPSLOPE SIDE TO DIVERT WATER AROUND STOCKPILES AND SEDIMENT FENCES 1 TO 2 METRES DOWNSLOPE.

STOCKPILES
SCALE N.T.S.

SECTION DETAIL

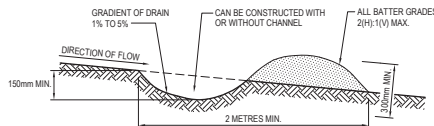


NOTE: ONLY TO BE USED AS TEMPORARY BANK WHERE MAC UPSLOPE LENGTH IS 80 METRES.

CATCH DRAIN CONSTRUCTION NOTES:

1. CONSTRUCT ALONG GRADIENT AS SPECIFIED.
2. MAXIMUM SPACING BETWEEN BANKS SHALL BE 80 METRES.
3. DRAINS TO BE OF PARABOLIC OR TRAPEZOIDAL CROSS SECTION NOT V-SHAPED.
4. EARTH BANKS TO BE ADEQUATELY COMPACTED IN ORDER TO PREVENT FAILURE.
5. CONSTRUCTION IS OF A TEMPORARY NATURE AND SHALL BE COMPLETED AT THE END DAYS WORK OR IMMEDIATELY PRIOR RAIN.
6. ALL OUTLETS FROM DISTURBED LANDS ARE TO FEED INTO SEDIMENT BASIN OR SIMILAR.
7. DISCHARGE RUNOFF COLLECTED FROM UNDISTURBED LANDS ONTO EITHER A STABILISED OR AN UNDISTURBED DISPOSAL SITE WITHIN THE SAME SUBCATCHMENT AREA FROM WHICH THE WATER ORIGINATED.
8. COMPACT WITH A SUITABLE IMPLEMENT IN SITUATIONS WHERE THEY ARE REQUIRED TO FUNCTION FOR MORE THAN FIVE DAYS.
9. EARTH BANKS TO BE FREE OF PROJECTIONS OR OTHER IRREGULARITIES THAT WILL IMPEDE NORMAL FLOW.

CATCH DRAINS SD 5-8
SCALE N.T.S.

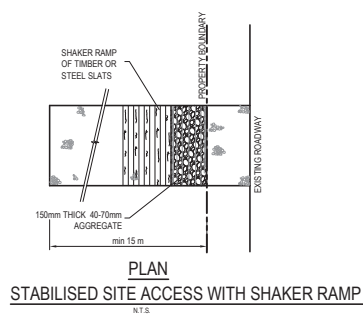


NOTE: ONLY TO BE USED AS TEMPORARY BANK WHERE MAXIMUM UPSLOPE LENGTH IS 80 METRES.

EARTH BANK CONSTRUCTION NOTES:

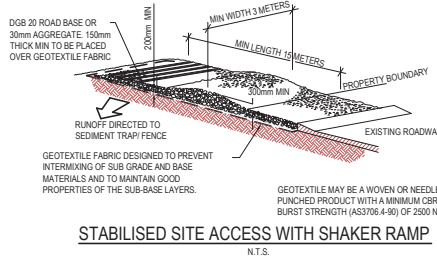
1. BUILD WITH GRADIENTS BETWEEN 1% AND 5%.
2. AVOID REMOVING TREES AND SHRUBS IF POSSIBLE - WORK AROUND THEM.
3. ENSURE THE STRUCTURES ARE FREE OF PROJECTIONS OR OTHER IRREGULARITIES THAT COULD IMPEDE WATER FLOW.
4. BUILD THE DRAINS WITH CIRCULAR, PARABOLIC OR TRAPEZOIDAL CROSS-SECTIONS, NOT V-SHAPED.
5. ENSURE BANKS ARE PROPERLY COMPACTED TO PREVENT FAILURE.
6. COMPLETE PERMANENT OR TEMPORARY STABILISATION WITHIN 10 DAYS OF CONSTRUCTION.

EARTH BANK (LOW FLOW)
N.T.S.



PLAN
STABILISED SITE ACCESS WITH SHAKER RAMP
N.T.S.

CONSTRUCTION SITE



STABILISED SITE ACCESS WITH SHAKER RAMP
N.T.S.

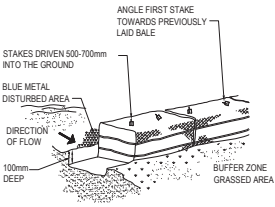
NOTES:

1. THIS DEVICE IS TO BE LOCATED AT ALL EXITS FROM CONSTRUCTION SITE.
2. THIS DEVICE IS TO BE REGULARLY CLEANED OF DEPOSITED MATERIAL SO AS TO MAINTAIN A 50mm DEEP SPACE BETWEEN PLANKS.
3. ANY UNEXPECTED ROAD BETWEEN THIS DEVICE AND NEAREST ROADWAY IS TO BE TOPPED WITH 100mm THICK 40-70mm SIZE AGGREGATE.
4. ALTERNATIVELY, THREE(3) PRECAST CONCRETE CATTLE GRIDS (AS MANUFACTURED BY HUMES CONCRETE) MAY BE USED. 1, 2 & 3 ABOVE ALSO APPLY.

CONSTRUCTION SEQUENCE

WORKS SHALL BE UNDERTAKEN IN THE FOLLOWING SEQUENCE:

1. INSTALL SEDIMENT FENCING AND CUT DRAINS TO MEET THE REQUIREMENTS OF THE SEDIMENT AND EROSION CONTROL PLAN. WASTE COLLECTION BINS SHALL BE INSTALLED ADJACENT TO SITE OFFICE.
2. CONSTRUCT STABILISED SITE ACCESS IN ACCORDANCE WITH CUMBERLAND COUNCIL'S REQUIREMENTS.
3. REDIRECT CLEAN WATER AROUND THE CONSTRUCTION SITE.
4. INSTALL SEDIMENT CONTROL PROTECTION MEASURES AT ALL NATURAL AND MAN-MADE DRAINAGE STRUCTURES. MAINTAIN UNTIL ALL THE DISTURBED AREAS ARE STABILISED.
5. CLEAR AND STRIP THE WORK AREAS. MINIMISE THE DAMAGE TO THE GRASS AND LOW GROUND COVER OF NON-DISTURBED AREAS.
6. ANY DISTURBED AREAS, OTHER THAN BUILDING PAD AREAS, SHALL IMMEDIATELY BE COVERED WITH SITE TOPSOIL WITHIN 7 DAYS OF CLEARING. BUILDING PAD AREAS SHALL BE COVERED WITH BITUMEN EMULSION AS SPECIFIED.
7. APPLY PERMANENT STABILISATION TO SITE (LANDSCAPING).



HAYBALE BARRIERS
N.T.S.

SEDIMENT BASIN SIZING

1. THE SEDIMENT BASIN SHALL BE CONSTRUCTED ON A RATE PER HECTARE BASIS AND HAS BEEN IN ACCORDANCE WITH THE REQUIREMENTS OF THE LANDCOM MANUAL "MANAGING URBAN STORMWATER - SOILS AND CONSTRUCTION" FOR SEDIMENTATION TYPE D SOILS. THE DISTURBED AREA WITHIN THIS CATCHMENT AT ANY ONE TIME SHOULD BE LIMITED TO AN AREA FOR WHICH EACH SEDIMENT BASIN CAN HANDLE. EACH BASIN SHALL BE SIZED IN ACCORDANCE WITH THE TABLE BELOW.

SEDIMENT BASIN SIZING TYPE D SOILS	
VOLUMETRIC RUNOFF COEFFICIENT, CV	0.25 (APPENDIX F - TABLE F2)
75TH PERCENTILE 5 DAY TOTAL RAINFALL DEPTH, R	19.0 mm
CATCHMENT AREA, A	1 Ha (UNIT AREA)
SETTLING ZONE VOLUME (PER HECTARE) 10 CV A R	47.5 m ³
DISTURBED CATCHMENT AREA	1 Ha (UNIT AREA)
R K L S P C	110.87m ³
SEDIMENT ZONE VOLUME (0.17 A [R K L S P C]) ¹ 3	14.5m ³ < 50% SETTLING VOL
TOTAL SEDIMENT BASIN VOLUME REQUIRED:	71.25 m ³ Ha

* (LANDCOM MANAGING URBAN STORMWATER MANUAL REFERENCE)

2. THE FOLLOWING DESIGN PARAMETERS HAVE BEEN ASSESSED FOR THE SITE:

CONSTRAINT	VALUE	(SOURCE)*
RAINFALL EROSION (R-FACTOR)	2350	APPENDIX B
LENGTHSLOPE GRADIENT FACTOR, LS	0.955	APPENDIX A - TABLE A1
SOIL ERODIBILITY (K-FACTOR)	0.038	(TABLE C20 - BLACKTOWN)
EROSION CONTROL PRACTICE FACTOR (P-FACTOR)	1.3 (COMPACTED)	APPENDIX A - TABLE A2
COVER FACTOR (C-FACTOR)	1.0 (DURING EARTHWORKS)	APPENDIX A - FIGURE A5
CALCULATED SOIL LOSS, A (RUSLE EQUATION)	110.87t/ha/yr	A = R K L S P C
SOIL HYDROLOGIC GROUP	GROUP C	APPENDIX C TABLE 20
SEDIMENT TYPE	TYPE D	APPENDIX C TABLE 4
75TH PERCENTILE 5-DAY RAINFALL EVENT	19.0mm (BLACKTOWN)	TABLE 6.3A

* (LANDCOM MANAGING URBAN STORMWATER MANUAL REFERENCE)

BASIN MANAGEMENT

1. THE CAPTURED STORMWATER IN THE SETTLING ZONE SHOULD BE DRAINED TO MEET THE MINIMUM STORAGE CAPACITY REQUIRED WITHIN A FIVE (5) DAY PERIOD FOLLOWING RAINFALL, PROVIDED THE ACCEPTABLE WATER QUALITY (NFR) AND TURBIDITY HAVE BEEN ACHIEVED.
2. CHEMICAL FLOCCULANT SUCH AS GYPSUM MAY BE DOSED TO AID SETTLING WITHIN 24 HOURS OF CONCLUSION OF EACH STORM. THE APPLIED DOSING RATES SHOULD ACHIEVE THE TARGET QUALITY WITHIN 36 TO 72 HOURS OF THE STORM EVENT.
3. INSPECT THE SEDIMENT BASINS AFTER EACH RAINFALL EVENT AND/OR WEEKLY. ENSURE THAT ALL SEDIMENT IS REMOVED ONCE THE SEDIMENT STORAGE ZONE IS FULL. REFER TO PEGS INSTALLED IN BASINS IN ACCORDANCE WITH THE SWMPY. ENSURE THAT OUTLET AND EMERGENCY SPILLWAY WORKS ARE MAINTAINED IN A FULLY OPERATIONAL CONDITION AT ALL TIMES.

SOWING SEASON	SEED MIX
AUTUMN/WINTER	OATS@40kg/ha + JAPANESE MILLET@10kg/ha
SPRING/SUMMER	OATS@20kg/ha + JAPANESE MILLET@20kg/ha

NOTE: THESE PLANT SPECIES ARE FOR TEMPORARY REVEGETATION ONLY. THEY WILL ONLY PROVIDE PROTECTION FROM EROSION FOR SIX MONTHS. WHERE THE LOTS ARE TO BE LEFT UNDEVELOPED FOR A LONGER PERIOD, THE CONTRACTOR SHALL SEEK ADVICE FROM THE SITE SUPERINTENDENT AS TO MORE APPROPRIATE REVEGETATION METHODS.

REVEGETATION IN ACCORDANCE WITH THE ABOVE TABLE WILL BE ENHANCED BY ADDING LIME AT A RATE OF 4kg/TONNE OF TOPSOIL AND 7.5kg/TONNE OF SUBSOIL.

4. THE LONG TERM GROUND COVER FACTORS FOR THE CONSTRUCTION WORKS IS NOT TO EXCEED THE FOLLOWING LIMITS:

LAND	MAXIMUM C-FACTOR	REMARKS
WATERWAYS AND OTHER AREAS OF CONCENTRATED FLOWS, POST CONSTRUCTION	0.05	APPLIES AFTER TEN WORKING DAYS OF COMPLETION OF FORMATION AND BEFORE CONCENTRATED FLOWS ARE APPLIED. FOOT AND VEHICULAR TRAFFIC IS PROHIBITED IN THIS AREA AND 70% GROUND COVER IS REQUIRED.
STOCKPILES, POST CONSTRUCTION	0.10	APPLIES AFTER TEN WORKING DAYS FROM COMPLETION OF FORMATION. 60% GROUND COVER IS REQUIRED.
ALL LANDS, INCLUDING WATERWAYS AND STOCKPILES, DURING CONSTRUCTION	0.15	APPLIES AFTER 20 DAYS OF INACTIVITY, EVEN THOUGH WORKS MAY BE INCOMPLETE. 50% GROUND COVER IS REQUIRED.

FOR DA ONLY

SURVEY INFORMATION				Client				Level 5, 79 Victoria Avenue, Chesham NSW 2057				Project				Drawn			
SURVEYED BY RPS AUSTRALIA EAST				OPAL SPECIALIST AGED CARE				Tel: 02 9417 8400				OPAL SPECIALIST AGED CARE				LKHACHAB			
DATE: 15/12/2016				Calder Flower Architects				Fax: 02 9417 8337				WENTWORTH AVE, TOONGABBIE, NSW 2146				Checked			
ORIGIN OF LEVELS: PEG2015				This drawing and design remains the property of Henry & Hymas and may not be copied in whole or in part without the prior written approval of Henry & Hymas.				Email: henryhymas.com.au				T.Chan				Approved			
REVISION				DRAWN				Web: henryhymas.com.au				A. Francis				Scale			
AMENDMENT				DESIGNED				1:200 @ A1				Drawing number				Revision			
15B96_DA_SE02				DATE				15B96_DA_SE02				15B96_DA_SE02				15B96_DA_SE02			

OPAL, TOONGABBIE- LANDSCAPE DA PACKAGE

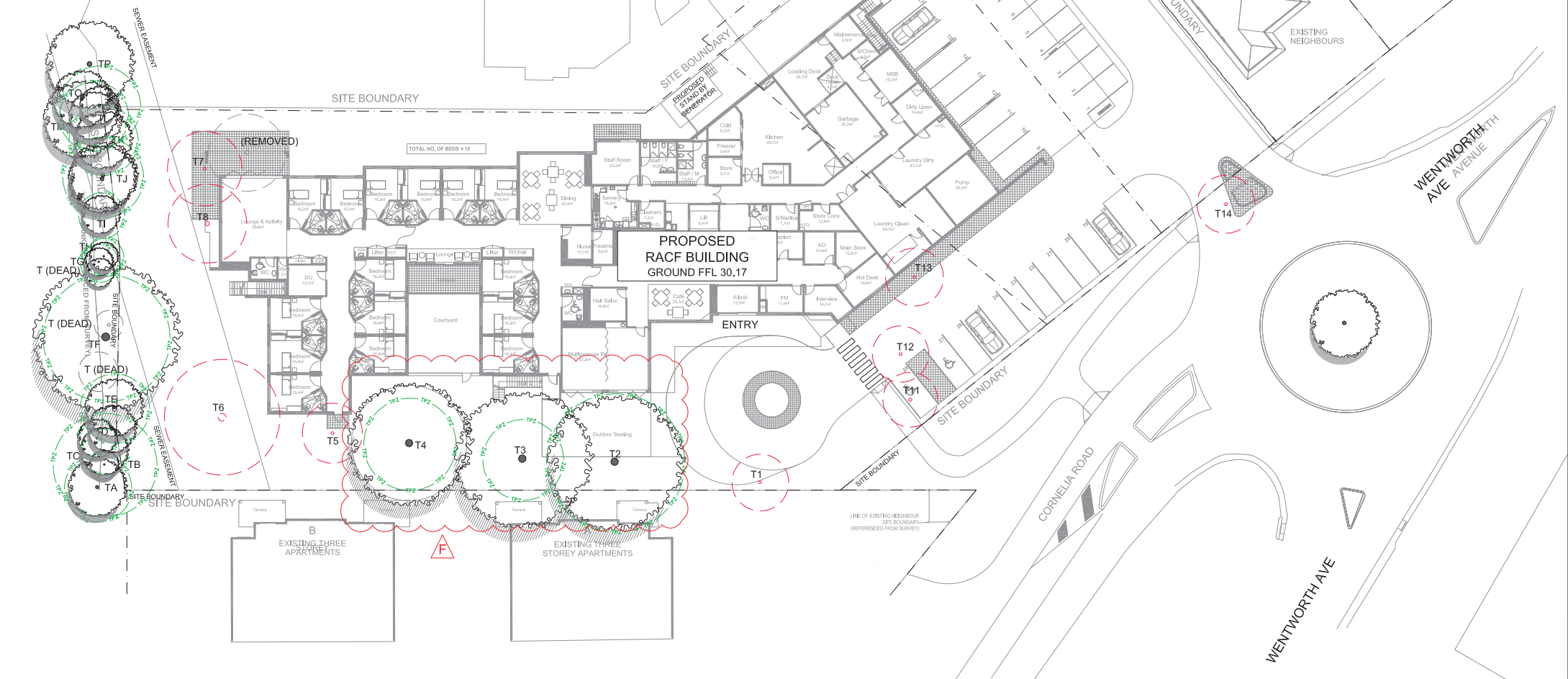
DWG	DRAWING TITLE	SCALE
LA01	COVER SHEET AND CONTEXT PLAN	N/A
LA02	TREE REMOVAL AND RETENTION PLAN	1:200@A1
LA03	LANDSCAPE PLAN - GROUND FLOOR	1:200@A1
LA04	PLANTING PLAN - GROUND FLOOR	1:200@A1
LA05	LANDSCAPE PLAN - LEVEL 1	1:200@A1
LA06	LANDSCAPE PLAN - LEVEL 3	1:200@A1
LA07	LANDSCAPE SECTIONS / DETAILS	VARY@A1
LA08	LANDSCAPE SECTIONS	1:200@A1
LA09	LANDSCAPE SIGNAGE PLAN	VARY@A1



LOCAL CONTEXT AND TRANSPORT PLAN
NOT TO SCALE

EXISTING VEGETATION SCHEDULE

ID	BOTANICAL NAME	COMMON NAME	HEIGHT (m)	NOTE	TPZ (m)
T1	<i>Schinus molle</i> var. <i>areira</i>	Peppercom Tree	6		2.4
T2	<i>Schinus molle</i> var. <i>areira</i>	Peppercom Tree	7		4.2
T3	<i>Schinus molle</i> var. <i>areira</i>	Peppercom Tree	7		4.2
T4	<i>Corymbia maculata</i>	Spotted Gum	15		4.8
T5	<i>Lophosolenomon cordatus</i>	Brush Box	7		3
T6	<i>Eucalyptus racholii</i>	Small-Leaf Peppermint	7		7.7
T7	<i>Syagrus romanzoffianum</i>	Cocos Palm	8	WEED SPECIES	
T8	<i>Syagrus romanzoffianum</i>	Cocos Palm	8	WEED SPECIES	
T9	<i>Haplophyllum corymbosum</i>	Kalle Flum	9		10.8
T10	<i>Liquidum ligustrum</i>	Large Leaf Privet		WEED SPECIES	
T11	<i>Thuja occidentalis</i>	White Cedar	5		4.2
T12	<i>Syagrus romanzoffianum</i>	Cocos Palm	8	WEED SPECIES	
T13	<i>Syagrus romanzoffianum</i>	Cocos Palm	8	WEED SPECIES	
T14	<i>Callistemon viminalis</i>	Weeping Bottlebrush	3		3.5
A	<i>Eucalyptus tereticornis</i>	Forest Red Gum			3.5
B	<i>Eucalyptus tereticornis</i>	Forest Red Gum			5.4
C	<i>Alcega jamaicensis</i>	Paranatta Green Wattle			2.4
D	<i>Eucalyptus tereticornis</i>	Forest Red Gum			2
E	<i>Jacaranda mimosifolia</i>	Jacaranda			3.6
F	<i>Eucalyptus sideroxylon</i>	Mugga Ironbark			6.6
G	<i>Eucalyptus tereticornis</i>	Forest Red Gum			2
H	<i>Eucalyptus tereticornis</i>	Forest Red Gum			2
I	<i>Eucalyptus tereticornis</i>	Forest Red Gum			2.4
J	<i>Eucalyptus tereticornis</i>	Forest Red Gum			4.2
K	<i>Eucalyptus tereticornis</i>	Forest Red Gum			3.6
L	<i>Eucalyptus tereticornis</i>	Forest Red Gum			3.6
M	<i>Eucalyptus tereticornis</i>	Forest Red Gum			4.2
N	<i>Eucalyptus tereticornis</i>	Forest Red Gum			4.2
O	<i>Eucalyptus tereticornis</i>	Forest Red Gum			4.2



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E info@taylorbrammer.com.au

CLIENT:

specialist aged care

LEGEND

SITE BOUNDARY

EXISTING TREE RETAINED

TREE PROTECTION ZONE AS PER ARBORIST REPORT

EXISTING TREE REMOVED

PROPOSED CONTOUR TO ENG. DETAILS

EXISTING SPOT LEVEL

NOTE: FOR DETAILED TREE ASSESSMENT REFER ARBORICULTURAL REPORT BY TREEIQ

REVISED DATE	FOR DA - GENERATOR LOCATION	FOR DA	FOR DA	FOR DA	FOR DA	FOR DA	FOR DA	FOR DA	FOR DA
26.08.2019	16.12.2019	14.12.2019	14.12.2019	14.12.2019	14.12.2019	14.12.2019	14.12.2019	14.12.2019	14.12.2019
27.10.2019	27.10.2019	27.10.2019	27.10.2019	27.10.2019	27.10.2019	27.10.2019	27.10.2019	27.10.2019	27.10.2019
04.08.2019	04.08.2019	04.08.2019	04.08.2019	04.08.2019	04.08.2019	04.08.2019	04.08.2019	04.08.2019	04.08.2019

PROJECT: OPAL TOONGABIE

DRAWING TITLE: TREE REMOVAL AND RETENTION PLAN

SCALE: 1:200 @ A4

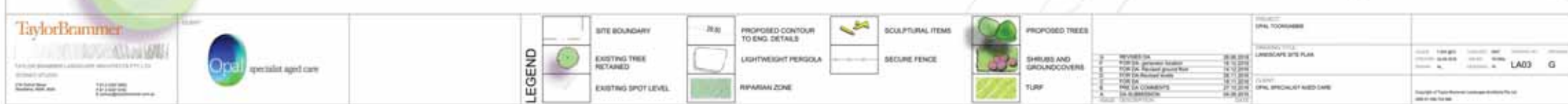
CHECKED: DMT

DRAWING NO: LA02

REVISION: F

CLIENT: OPAL SPECIALIST AGED CARE

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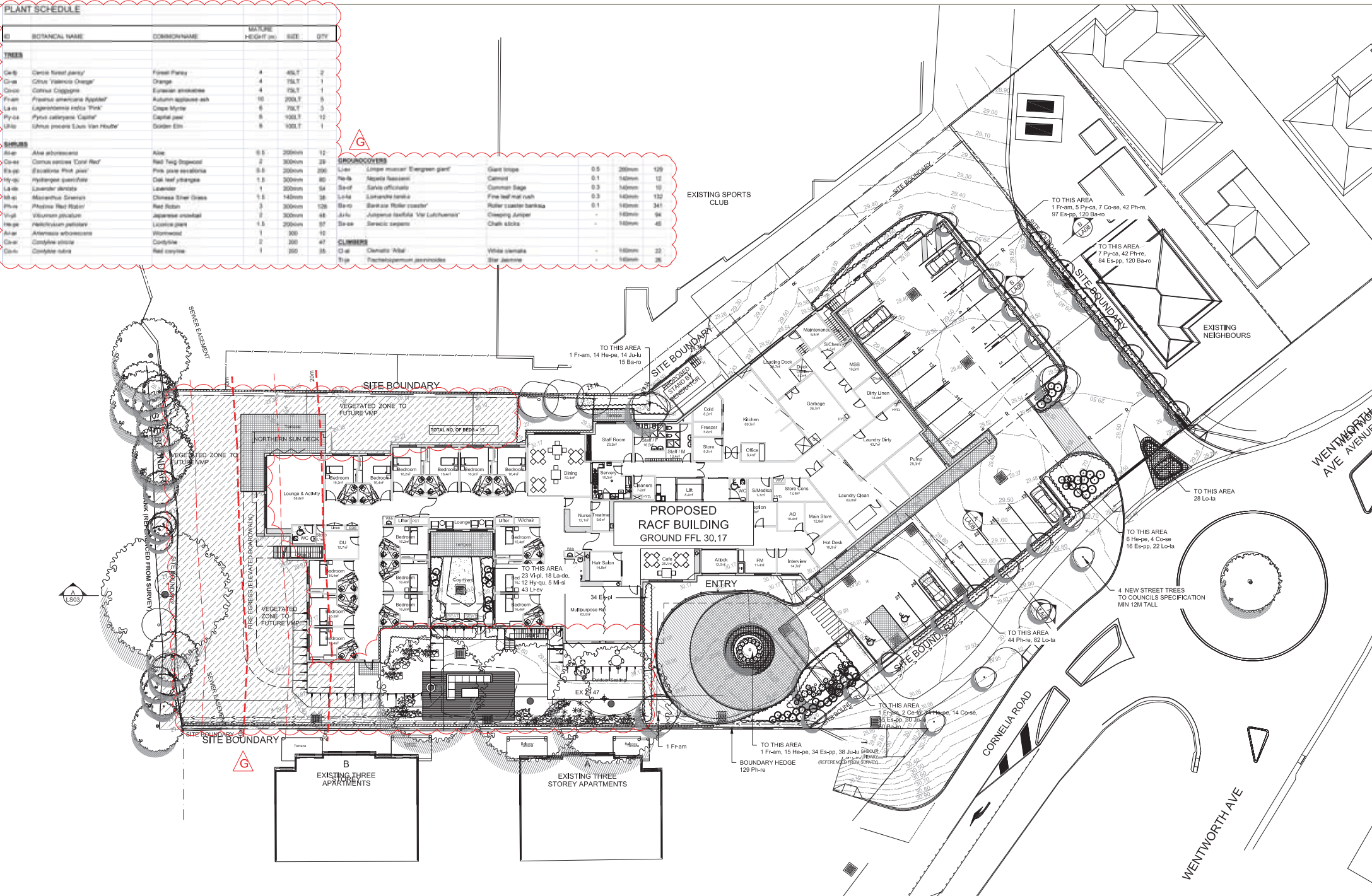


PLANT SCHEDULE

ID	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT (m)	SITE	QTY
TREES					
Ce-6	Cercis forest pansy	Forest Pansy	4	45L-7	2
Or-6	Citrus Valencia Orange	Orange	4	75L-7	1
Co-6	Cornus Dogwood	Eurasian dogwood	4	75L-7	1
Fr-6	Fraxinus americana Apple	Autumn apple ash	10	200L-7	5
La-6	Lagerströmia indica "Pink"	Orchid Myrtle	6	75L-7	3
Py-6	Pyrus satyriana Capital	Capital pear	8	100L-7	10
El-6	Elmus procera Louis Van Houtte	Golden Elm	8	100L-7	1

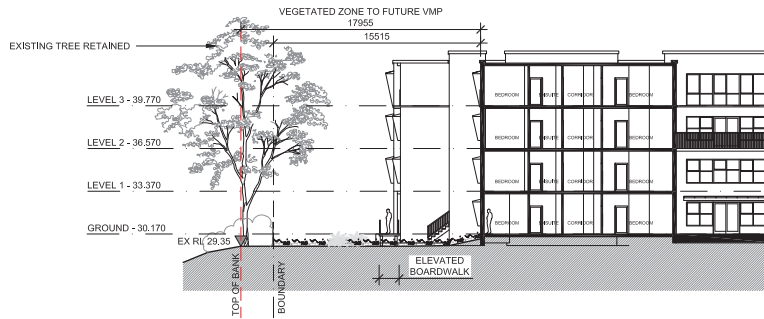
SHRUBS					
Al-6	Alnus arbuscula	Alnus	0.5	200mm	12
Co-6	Cornus sericea Coral Red	Red Twig Dogwood	2	300mm	39
Fr-6	Fraxinus excelsior Pink pine	Pink pine excelsior	0.5	200mm	200
Hy-6	Hydrangea paniculata	Oak leaf hydrangea	1.5	300mm	80
La-6	Lavender dentata	Lavender	1	200mm	54
Mo-6	Monarda didyma	Chinese Silver Grass	1.5	140mm	38
Ph-6	Phytolacca Red Robin	Red Robin	3	300mm	126
Vi-6	Viburnum plicatum	Japanese viburnum	2	300mm	48
Hy-6	Hydrangea paniculata	Lavender plant	1.5	250mm	87
Al-6	Alnus arbuscula	Wormwood	1	300	10
Co-6	Cornus sericea	Cornus	2	300	47
Co-6	Cornus sericea	Red corymb	1	300	35

GROUNDCOVERS					
Li-6	Liriodendron "Emergreen gent"	Giant iris	0.5	200mm	129
Re-6	Rehmannia "Rehmannia"	Cornel	0.1	140mm	12
Re-6	Rehmannia "Rehmannia"	Common Sage	0.3	140mm	10
Li-6	Liriodendron "Rehmannia"	Fire leaf mulch	0.3	140mm	132
Re-6	Rehmannia "Rehmannia"	Butterfly bush	0.1	140mm	341
Re-6	Rehmannia "Rehmannia"	Creeping juniper	-	140mm	94
Re-6	Rehmannia "Rehmannia"	Chalk sticks	-	140mm	45
CLIMBERS					
Cl-6	Clematis "Alba"	White clematis	-	140mm	20
Tr-6	Trachelium "Rehmannia"	Star jasmine	-	140mm	36

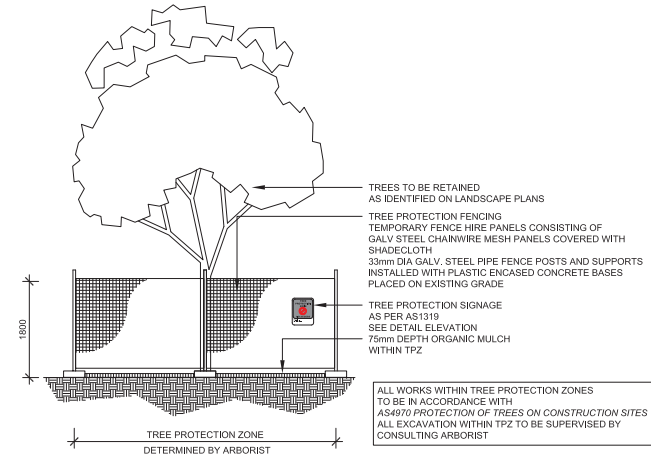




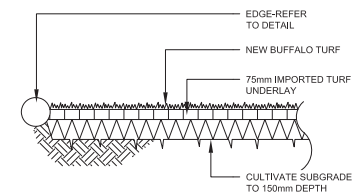




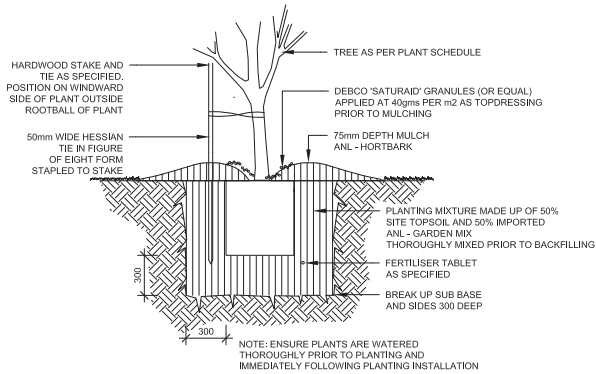
A-A GIRRAWEEN CREEK PROPOSAL
SCALE 1:200



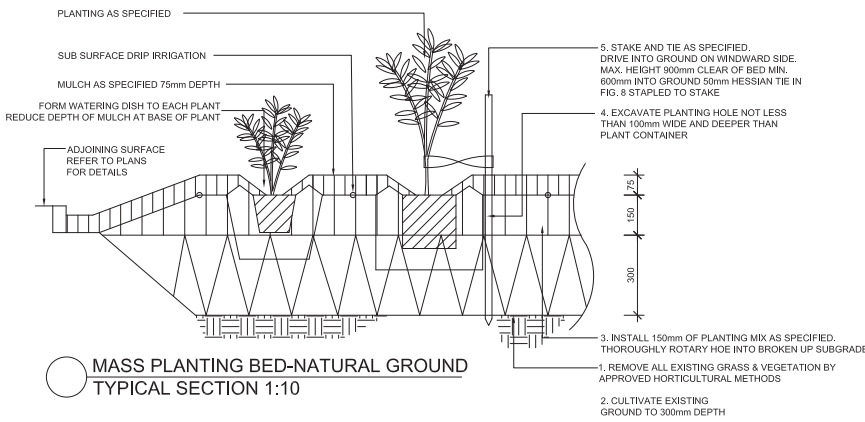
TREE PROTECTION
SCALE 1:50



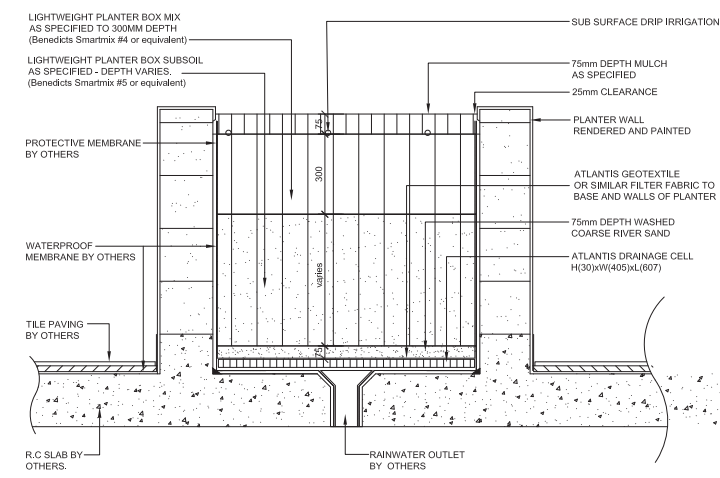
TURF SECTION 1:20



TREE PLANTING
TYPICAL SECTION 1:20



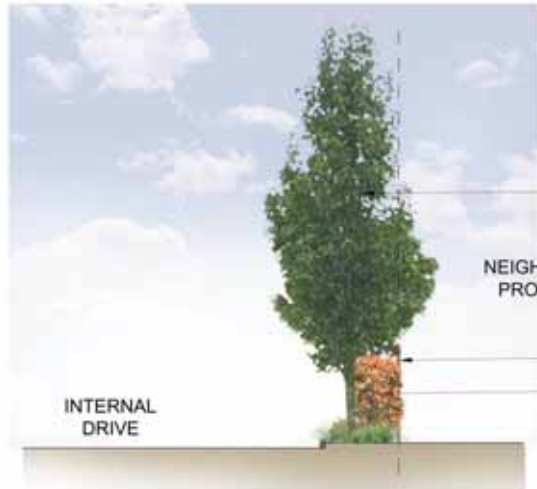
MASS PLANTING BED-NATURAL GROUND
TYPICAL SECTION 1:10



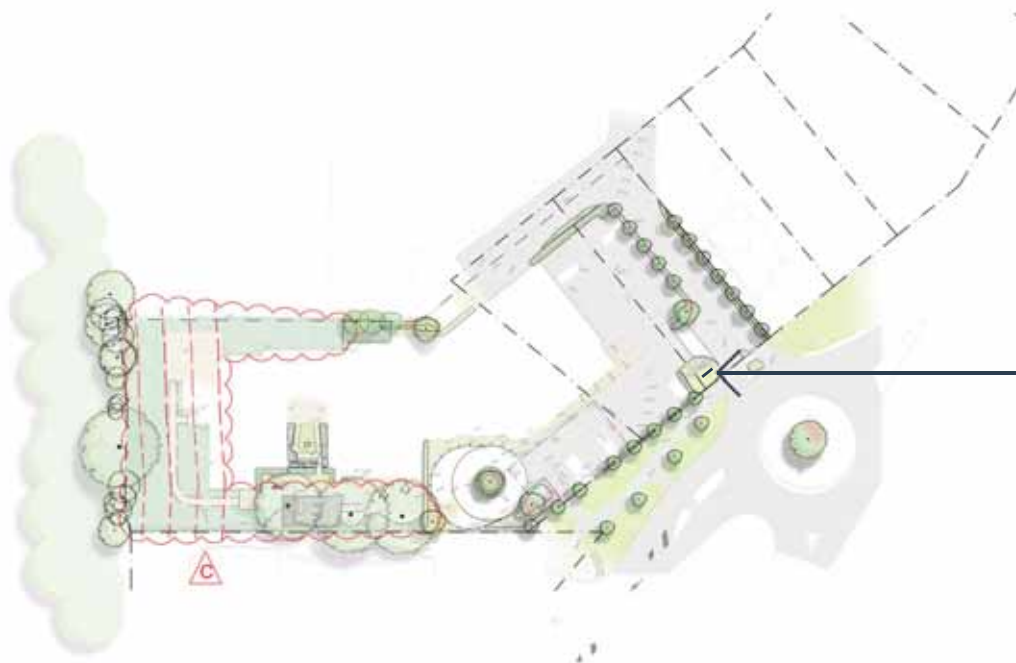
PLANTING ON SLAB
TYPICAL SECTION 1:10



SECTION AA
SCALE 1:50



SECTION BB
SCALE 1:50



KEY PLAN
1:500



ENTRY SIGNAGE (OPAL STANDARD)
FRONT ELEVATION 1:15

28th February 2018

City of Parramatta Council
PO Box 32
Parramatta NSW 2124

Attn: Shaylin Moodliar – Senior Development Assessment Officer
Re: DA/1281/2016

Dear Mr Moodliar,

Thank you for the opportunity to provide comment on the planned development at 12 Station Rd, Toongabbie. The New South Wales State Emergency Service (NSW SES) is the combat agency for floods, storms and tsunamis within NSW. An integral part of this role includes planning for, responding to, and coordinating early recovery efforts from flooding. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, especially where the development may exacerbate existing risk or create new risk areas. While planning controls for flooding applies to land in the flood planning area defined by Council (normally the 1% AEP event +500mm freeboard), the NSW SES plans for events up to the probable maximum flood (PMF).

The NSW SES's primary strategy to protect life during a flood is evacuation from the hazardous environment to an area above the PMF located outside the floodplain.

It is noted that the Certificate of Site Compatibility requires the applicant to demonstrate how people dependent on care can be evacuated in case of emergency. Shelter in place does not constitute evacuation and there is no clear indication of intent to evacuate in the documents provided.

The NSW SES does not support the proposed development, for the following key reasons:

- Placement of a vulnerable population within a high flood risk area.
- Unsuitability of shelter-in-place
- Lack of evacuation strategy
- Difficulty of rescue
- Increased complexity of response operations and demand on emergency services.
- Potential for displacement of floodwaters onto neighbouring properties due to bulk landfill as part of the development.

Vulnerable population

The development application is for a 128-bed aged care facility. It is noted from the applicant's Statement of Environmental Effects that the facility is being designed for a cohort where *"the average age of occupants is 85 years and over and the majority of the occupants will have some form of disability and impairment (such as dementia)."*

Flood models developed independently by City of Parramatta Council, and the applicant, show some variation in expected flood impacts. However, both indicate that the site will become isolated by a flood event greater than the 1% AEP and less than the PMF. There is no disagreement that the site will experience indirect and direct impacts of flooding across the range of events. The intentional placement of a vulnerable population into an area where such does not already exist, cannot be supported.

Shelter-in-place

Numerous documents provided by the applicant advocate a shelter-in-place strategy. This response strategy leaves residents vulnerable to secondary risks and does not actually remove them from the hazard. The NSW SES does not support shelter-in-place as a primary response strategy.

While available modelling suggests that flooding of the site from a single event is likely to be of relatively short duration, analysis of historical flood levels, including the 1986 and 1988 flood events within the Parramatta River catchment, indicate a propensity for multi-peak flood events, caused by multiple rain bursts over consecutive days. This is consistent with the sensitivity expected of a flash flood catchment. By way of example, the April 1988 flood event saw a series of seven peaks over 3 days with no return to "normal" water levels between peaks.

In combination with the extended duration of a multi-peak event, the resultant damage to infrastructure has the potential to make the area unfit for ongoing habitation for a significantly longer duration, consequently increasing the duration of entrapment. Surrounding roads and infrastructure in the wider local network may be unserviceable for an even longer duration due to debris and/or damage.

As a result, many measures, such as the provision of 3 days food and medication supply (page 16 Flood Issues Summary – Molino Stewart) and on-site power generation to supply electricity to the facility for 8 hours (applicant's Flood Emergency Response Plan) may prove inadequate in floods of greater magnitude than the 1988 event (which was less than a 1% event) necessitating the mass rescue of trapped residents.

Lack of evacuation strategy

The NSW SES policy is to pro-actively evacuate residents before floodwaters affect the area. Evacuation (rather than rescue) ensures public safety and eliminates the need for high-risk, time-critical rescue operations due to inundation; resupply operations due to prolonged isolation; and maintains the safety of residents in the face of extended utilities outages.

Shelter-in-place is not an evacuation strategy as it does not remove people from the hazard area. The chance of successful evacuation is lessened by the short warning time for flooding at the site. The age, and physical and mental condition, of the residents of the development are not conducive to self-evacuation, and would require a multi-agency response incorporating specialist medical transport vehicles. Even with the installation of the proposed flood warning device, it is unlikely that the evacuation would be successful. Any attempt at evacuation of residents in response to a flood evacuation order is likely to be further compromised by rapidly rising flooding on surrounding roads. In addition, many of the residents would require transport to specialist care facilities, rather than general evacuation centres. The NSW SES cannot guarantee that it will have resources to facilitate the evacuation of patients from this site.

Difficulty of rescue operations

Where evacuation and shelter in place are not viable, rescue is the only remaining option. The location of the site, with multiple approach routes cut by flooding, makes access for rescue teams hazardous and difficult. Low points on access roads are likely to be cut by higher hazard flooding than that experienced at the site, resulting in a higher risk profile for rescuers, or a complete inability to reach the site. As stated previously, this large scale rescue operation will require a multi-agency approach including specialist medical transport vehicles. The proposed use of the site to house a vulnerable population represents a further threat to the success of either evacuation or shelter-in-place, and is not supported.

Increased operational complexity and demand on emergency services

The NSW SES cannot support plans that result in a requirement for shelter-in-place, or likely evacuation or rescue, of vulnerable communities. Operational complexity is brought about by the scale of the event, and the diversity of the response required. Emergency service resources will already be heavily engaged in responding to the existing threat due to the scale of a Parramatta River flood event. Furthermore, weather events likely to cause this type of flooding are likely to cause simultaneous flooding on other major waterways within the Sydney Metropolitan area including the Hawkesbury-Nepean, Georges and Cooks Rivers. This will result in greater competition for finite emergency service resources.

The proposed population for the development will require assisted evacuation and, in many cases, ambulance assistance. This demand does not currently exist at the site and to add this complex demand to any existing emergency response is not acceptable.

Displacement of floodwaters

The importing of 1236m³ bulk fill onto the site reduces the sites ability to carry floodwater. While the site is not within the floodway, it does provide flood storage. Acknowledging that catchment-wide effects may be small, the potential for local impacts is a concern with a distinct possibility of exacerbating flood impacts on surrounding properties. Furthermore, the design of the building could channel water away from the floodway and into the surrounding floodplain.

I trust that the issues above have been covered in sufficient detail. If you require further information, please contact George Jeffreys on 8811 7700 or george.jeffreys@swd.ses.nsw.gov.au

Yours Sincerely

A handwritten signature in cursive script, appearing to read 'P. Cinque'.

Peter Cinque ESM OAM
Sydney Western Region Controller
New South Wales State Emergency Service

5 July 2018
Ref: J2266L_3.docx

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Dear Panel Members

**PROPOSED RESIDENTIAL CARE FACILITY (RCF) – OPAL AGED CARE
TOONGABBIE SPORTS AND RECREATION CLUB & ADJACENT LOTS
CITY OF PARRAMATTA COUNCIL DA/1281/2016
INDEPENDENT REVIEW OF FLOOD RISKS**

The City of Parramatta Council (**Council**) and Opal Aged Care (**Applicant**) have jointly commissioned this review.

The review has been carried out independently and having regard to best practice within NSW for the management of flood risks. The reviewer acknowledges that his overriding duty is to the Panel and not to either party.

The Council and the Applicant provided the reviewer with a 113 page briefing document (**Brief**) which included the terms of reference for this review. The reviewer was instructed that the Brief was prepared by the Applicant and approved by the Council. The Brief attached copies of all relevant documents (that existed at the time it was prepared). The reviewer understands that a copy of the Brief has been provided to the Panel. Additional documents which the reviewer considers are relevant, and which emerged after the Brief was issued, are attached to this report or are referenced below.

The purpose of this review is to respond to item 5 in the 'Scope of Work' section of the Brief. This requires the reviewer to report on "... *the impacts of flooding on the proposed development of a residential care facility at the site ...*" including responses to seven matters listed within item 5 of the Brief.

This report provides the reviewer's response to the Brief. A draft of this report was provided to the parties before it was finalised and forwarded to the Panel.

Consultation Conducted during the Review

The reviewer conducted face-to-face meetings with:

- (a) Terry Harvey of Martens & Associates on 14 June 2018;
- (b) Paul Clark and Shaylin Moodliar of Council on 19 June 2018;
- (c) Steven Molino of Molino Stewart on 19 June 2018;
- (d) Mark Lederer of Opal Aged Care and Corey Taylor of PactPM on 25 June 2018;
- (e) George Jeoffreys and Peter Cinque of the Sydney Western Region of the NSW State Emergency Service (**SES**) on 27 June 2018.

Additional Documentation provided during the Review

During the course of the review, the following additional documents emerged. Some of these were generated in response to the consultation conducted by the reviewer.

- (a) Molino Stewart's letter of 31 May 2018. This letter responds to the matters raised in the SES' letter of 28 February 2018. Molino Stewart's letter also attaches a letter of the same date from Martens & Associates entitled '*Flood Assessment for Proposed Aged Care Facility – 12 Station Road & 4-10 Wentworth Avenue, Toongabbie*'. (As both parties have a copy of these two letters, they have not been attached to this report. The reviewer has assumed that the Panel will be provided with these letters).
- (b) Email from Paul Clark of Council to the reviewer dated 27 June 2018. This has been reproduced in **Attachment A**. This was provided by Mr Clark following the reviewer's meeting with him on 19 June 2018. It includes a document entitled '*Key Points*' and a response to Molino's Stewart's letter of 31 May 2018. The reviewer understands **Attachment A** summarises Council's key flood risk concerns with the development proposal.
- (c) Emails from Corey Taylor (PactPM) and Mark Lederer (Opal Aged Care) to the reviewer dated 25 June 2018. These are reproduced in **Attachment B** and contain additional descriptions about the Applicant's staffing, 'decanting' and emergency response procedures for the proposed development.

The reviewer understands that the SES is also preparing a written response to Molino Stewart's letter of 31 May 2018. This response had not been received at the time of drafting of this report. When it issues, the reviewer considers the SES' response should be provided to the Panel so that they are fully informed of the SES' views. The reviewer anticipates that the SES' written response will be consistent with the SES' views on Molino Stewart's letter of 31 May 2018 which were discussed when the reviewer met with the SES on 27 June 2018.

Consideration of Issues Broader than Flood Risk

This review considers the appropriateness of the development proposal having regard only to flood risk. It makes no comment on other issues.

Whilst it is clearly a very important issue for this development proposal, flood risk is but one of a number of issues that the Panel must take into consideration when making its assessment.

Format of the Remainder of this Report

The remainder of this report is structured into two sections:

- (a) the reviewer's 'Commentary on Flood Risk Issues' that he considers to be relevant to the Application; and
- (b) the reviewer's 'Response to Item 5 of the Brief' including responses to requirements (a) through (g) of that part of the Brief.

COMMENTARY ON FLOOD RISK ISSUES

Disparate Views on Flood Risk

1. This matter is characterised by the diverse views about flood risks expressed by various parties that have provided reports and advice. For example (with underlining by reviewer):

- (a) “... a site next to Girraween Creek that is catastrophically flood affected during extreme events”,¹
- (b) “The proposed development is therefore at no greater risk from the direct or indirect effects of flooding than any other site within Girraween that is above the level of the PMF”,²
- (c) “the proposal would pose miniscule incremental risks to property and risk to life”,³
- (d) “... a high flood risk area.”⁴

Confusion over what is ‘the Site’ and what are its Flood Characteristics

- 2. If approved, development will occur partly on land created by subdivision from a much larger parent parcel owned by the Toongabbie Sport and Recreation Club (**Club**), and partly on some smaller lots fronting Wentworth Avenue.
- 3. The flood characteristics of these parcels are different. In particular the northern portion of the Club’s land is much more flood prone and has higher flood hazards than the southern portion upon which the development will take place after it is subdivided from the parent parcel.
- 4. The Brief defines the ‘Site’ as the land after the subdivision and upon which the development will be built. The reviewer has adopted this definition of the ‘Site’. This is consistent with the depiction of the ‘Site’ shown on **Figures 1 and 2**.
- 5. In the opinion of the reviewer confusion has been created when comments have been made about the flood characteristics of the “site” which relate to the Club’s land and not to the ‘Site’ as defined in paragraph 4 above. The following are examples (with the reviewer’s opinions included in brackets):
 - (a) “The site and the surrounding area are subject to major low, medium and high hazard flooding”.⁵ (As can be seen from **Figure 2** the entirety of the Site is on low hazard land);
 - (b) “... the proposed building siting in the floodway ...”.⁶ (The Site is not in a floodway);
 - (c) “Although the building footprint is technically above the 1% flood level, much of this site is below”.⁷ (None of the Site is below the 100 year flood level – refer **Figure 1**);
 - (d) “... much of the site is flood affected during the 1% AEP event ...”.⁸ (None of the Site is inundated in a 1% AEP flood event – refer **Figure 1**).

Use of the Term ‘Flood Risk’

- 6. The term ‘risk’ is used in everyday language to mean ‘chance of occurrence’. However this is not how ‘risk’ is used in the NSW Floodplain Development Manual (**Manual**) or more widely in the risk management industry.⁹

¹ Page 15 of 44. Officers report to Council Meeting of 6 December 2017 (which is Attachment 2 of the Brief).

² Page 4 of 4 of Molino Stewart’s report dated 31 May 2018.

³ Page 23 of Molino Stewart’s report which is Attachment 2 of BBC Consulting Planners report dated 23 February 2018.

⁴ Page 1. SES’ letter to Council dated 28 February 2018.

⁵ Page 22 of 44. Officers report to Council Meeting of 6 December 2017 (which is Attachment 2 of the Brief).

⁶ Page 40 of 44. Officers report to Council Meeting of 6 December 2017 (which is Attachment 2 of the Brief).

⁷ Refer third page of **Attachment A**.

⁸ Refer first page of **Attachment A**.

⁹ Refer AS/NZS ISO 31000:2009, Risk management - Principles and guidelines.

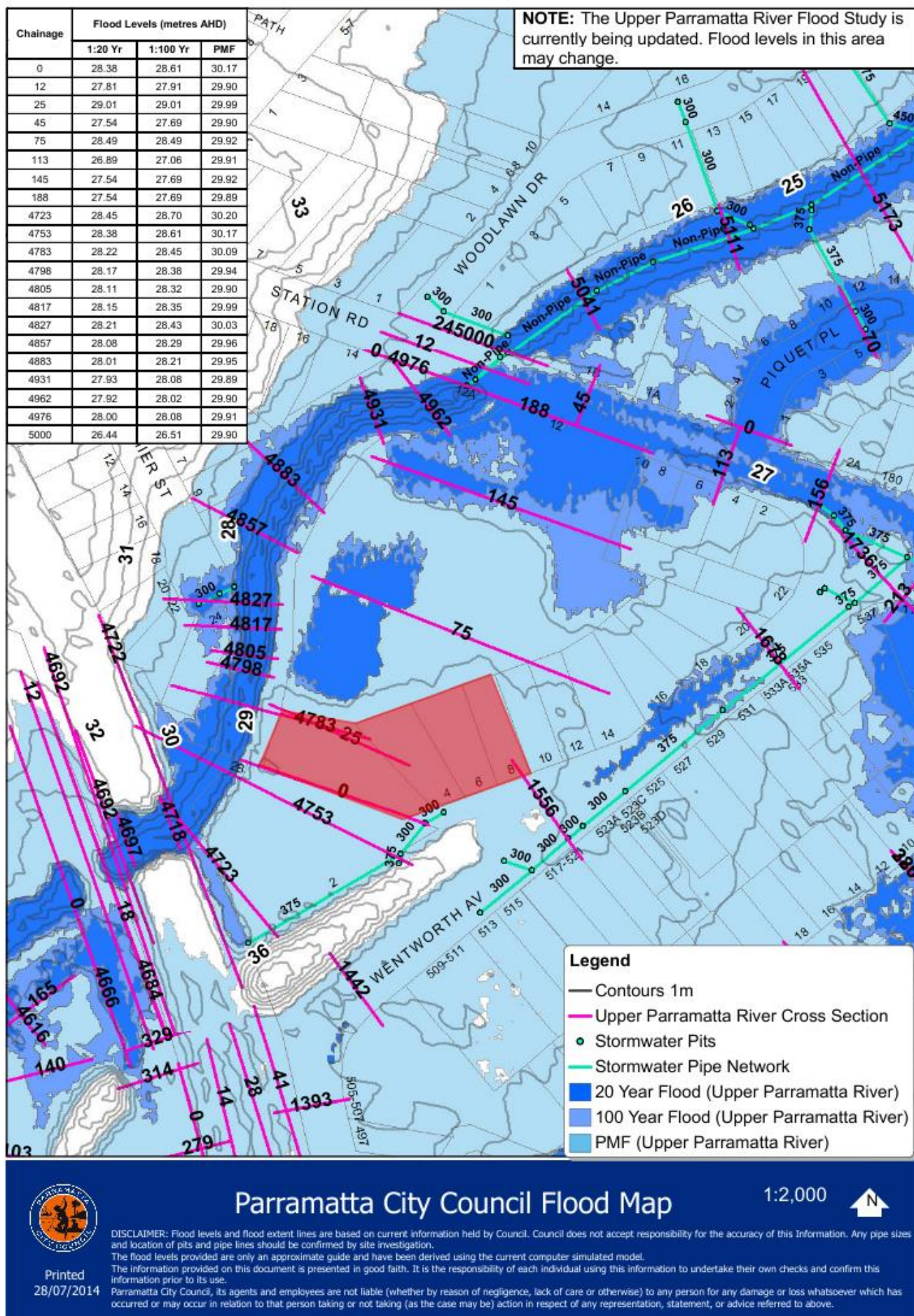


Figure 1: The Site superimposed on Council's Flood Map
(Source: Attachment A of Martens & Assoc letter dated 31 May 2018)

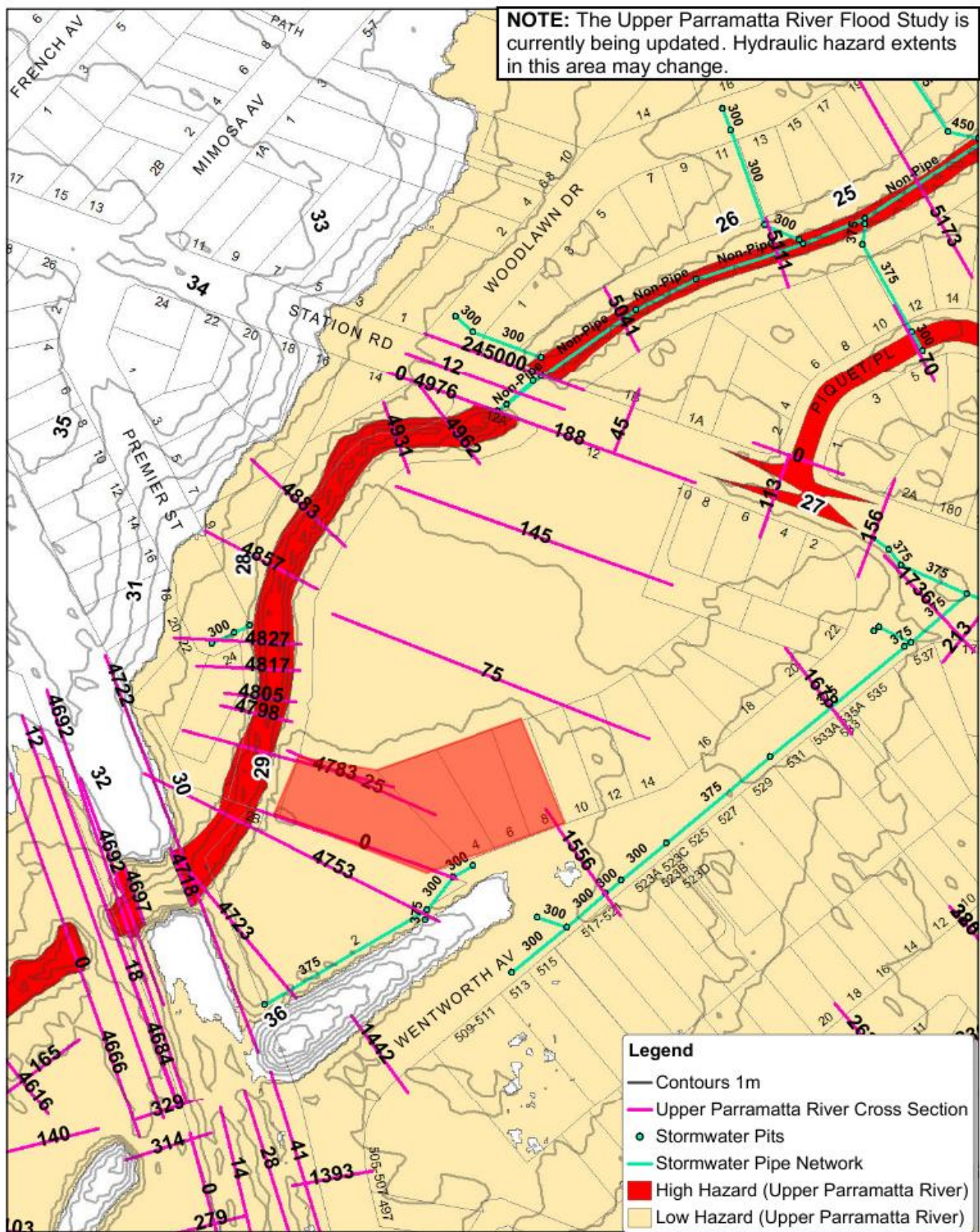


Figure 2: The Site superimposed on Council's Flood Hazard Map
(Source: Attachment A of Martens & Assoc letter dated 31 May 2018)

7. Consistent with the NSW Manual's usage of the term 'risk', within this review report 'flood risk' is the combination of both probability and consequence. Therefore the consequences of flooding must be considered together with the probability in order to assess flood risk. Referring to the consequences without an appreciation of the probability of those consequences will lead to bias in the assessment of flood risk.
8. The probability of occurrence of the PMF at the Site is quoted by Molino Stewart as being approximately a "*1 in 10 million chance of occurrence per year*". This is a very rare or remote possibility but nonetheless may be associated with severe flood consequences. It is necessary to combine these consequences with their probabilities, for the PMF as well as for more frequent events, in order to appreciate the flood risk to which the proposed development and its occupants will be exposed.

Standards of Acceptability of Flood Risks and Isolation Risks

9. Generally, all new greenfield development increases risk, e.g. increased traffic risks, increased fire risks, etc. Similarly for all new greenfield development within floodplains or development within the general vicinity of floodplains, there will be an increase in flood risk.
10. A key issue for consent authorities is not whether the development will increase risk, but whether the increase in risk is acceptable. This is particularly so when considering flood risks.
11. There are no prescriptive standards for flood risk acceptability. Acceptability of flood risks is determined by industry practice and the courts, and is guided to some extent by the NSW Floodplain Development Manual and Handbook 7.¹⁰ (These later documents list the factors to be considered but do not prescribe standards). Further the NSW Manual specifies a 'merit approach' which balances flood risk considerations with socio-economic benefits and environmental impacts.
12. The acceptability of flood risks is also influenced by community standards for other natural hazards. For example when designing tall buildings to withstand cyclonic winds or earthquakes, structural loadings associated with rare events having probabilities of occurrence of about 1 in 1000 years or 1 in 2000 years are used.¹¹
13. Such probabilities are about a thousand times or ten thousand times more likely to occur than a PMF. Nevertheless rainfalls with these probabilities of occurrence would be required for floodwaters to enter the grounds within the Site, and for access to and from the Site to become impassable (because roads external from the Site would be cut by floodwaters).¹²
14. There are also no prescriptive standards for the adverse impacts associated with a development becoming isolated from emergency services and requiring external assistance (e.g. in the case of fire or medical emergencies). The occupants of these developments have to deal with these emergencies on their own without the assistance that could, for example, be provided by fire appliances and personnel to help fight fires, or in the case of a medical emergency, ambulances to transport people to hospitals.

¹⁰ Australian Disaster Resilience Handbook 7 – Managing the Floodplain: A Guide to Best Practice in Flood Risk Management in Australia. Australian Institute for Disaster Resilience. 2017.

¹¹ Refer Tables B1.2a and B1.2b from the Building Code of Australia which are reproduced in **Attachment C**.

¹² Based on the hydrological and hydraulic assessments documented in Martens & Assoc's letter dated 31 May 2018. As detailed by Martens & Assoc, their assessments are consistent with Council's flood modelling for the 100 year and PMF events, which adds confidence to their assessments of behaviour for flood events between the 100 year and PMF. Nevertheless both Council and Martens & Assoc have not considered blockage of the Creek which would tend to increase flood levels and flood hazards on the Site. However as discussed in paragraphs 34 to 42, the reviewer does not consider that the inclusion of blockage effects in the flood modelling would have any significant impact on the flood levels and hazards that have been determined.

15. Severe widespread rainfall events in the Sydney area approaching 100 year intensity have historically brought traffic in affected areas to a standstill. These events are often associated with 'east coast lows' which can dominate Sydney's weather for two or more days as occurred in 1974, 1986 and 1988. For much more severe events ranging from 2000 year to PMF, there will be extensive isolation of communities in many suburbs because of roads being cut and traffic becoming 'grid-locked'. The reviewer anticipates that within the Parramatta LGA alone, there would be well over 1000 properties that could not be accessed by emergency services' vehicles. In addition, the limited resources of emergency services are stretched during these events and even if road access was available, the services may not be able to attend to all the priority calls that are made.
16. The reviewer notes however that for potentially isolated developments that are not located on flood prone land, Council (and other NSW consent authorities) do not normally take such isolation into consideration when assessing development applications. This could be the result of ignorance of the isolation risk, or more likely because of a tacit acceptance of the risk by the community and consent authorities.
17. The isolation risks described in the previous paragraph can be mitigated to some extent by maintaining supplies and providing facilities on-site for support of occupants during the isolation period. In the opinion of the reviewer, vulnerable residents within private properties that become isolated are likely to be at greater risk than if those same residents were housed within a larger facility that was specifically designed and resourced to be self-supporting during periods of isolation.

RESPONSE TO ITEM 5 OF THE BRIEF

Requirement 5(a): Comment on the proposal for residents to shelter in place for the duration of a flood event that affects the site and its aftermath, noting that the floor level of the facility would be set to the level of the PMF.

18. The reviewer considers that the flood risks associated with sheltering-in-place are acceptable, assuming the facility has the necessary resources for its operation to be self-supporting for the duration of any period of isolation that might occur.
19. Even if road egress was available, the risks associated with moving residents are such that remaining on site is the preferred option.¹³
20. Further to the comments in paragraphs 16 and 17 above, having vulnerable residents located within the facility is likely to be safer than having them housed within their own homes (if these homes were isolated).

Requirement 5(b): Provide comment on the State Emergency Service (SES) letter dated 28 February 2018 relevant to risks to occupants, shelter in place, evacuation/rescue strategy, displacement of floodwaters as a result of the proposed filling of the subject site.

21. There are a range of views amongst flood risk practitioners about the appropriateness of sheltering-in-place. The majority of NSW councils allow sheltering-in-place as the primary response strategy for floodplain development proposals where evacuation ahead of imminent flooding cannot be demonstrated. Council also allows sheltering-in-place in certain circumstances.

¹³ The reviewer makes these comments based on his experience in dealing with other RCFs with high care residents, and the advice provided by medical staff of those facilities. (The medical staff advised that the stress and trauma induced by relocating residents can be a significant consideration in its own right. This provides a strong preference for remaining on-site rather than evacuating the site).

22. The views expressed by the SES in relation to sheltering-in-place at this site are consistent with their stated policy across NSW that *"The NSW SES does not support shelter-in-place as a primary response strategy"*.¹⁴ This view is respected but is at odds with many in the flood risk management industry.
23. During the meeting with the reviewer, the SES stated that they would be opposed to such a development on any site that was isolated in a PMF, even if it was not flooded.
24. The reviewer acknowledges the SES' opposition to shelter-in-place and understands that as NSW's combat agency for floods, they prefer that there be no such developments in any areas that are flood prone, or in flood-free areas that can't be reached by vehicles during a flood.
25. Nevertheless the reviewer does not agree with the SES' opposition to sheltering-in-place in the circumstances of this development proposal.
26. In relation to the issue of *"displacement of floodwaters as a result of the proposed filling of the subject site"* the reviewer considers the potential flood impact is trivial and is unaware of any NSW council which would not allow filling in such a situation due to potential off-site flood impacts. This is because the land to be filled is well above the 100 year flood level and consequently could not influence water behaviour in a 100 year flood.

Requirement 5(c): Comment on the consistency of the development with the flooding provisions of the Parramatta DCP, the Floodplain Development Manual and Council's Floodplain Risk Management Policy with specific reference to the sensitive nature of the land use and dependency of occupants.

27. In regard to the first two of these documents, i.e. the DCP and the Manual, consistency with the provisions of these documents hinges primarily on whether the proposed use is compatible with the flood hazard, having regard to the nature of a residential care facility (RCF).¹⁵
28. In the opinion of the reviewer the use is compatible with the flood hazard given the proposed elevation of the building above the PMF and the low flood hazard of the external areas of the Site. The isolation of the facility during major floods is not inconsistent with the requirements of the DCP or the Manual provided it is designed and operated to be 'self-supporting' during periods of isolation.
29. The third document referred to above, i.e. Council's Policy, states that the Policy's objectives and principles will be achieved through, amongst other things, requiring that *"Developments with high sensitivity to flood risk (e.g. "critical" and "sensitive" land uses) are sited and designed to provide reliable access and minimise risk from flooding - in general this would not be anywhere within the extent of the Probable Maximum Flood (the largest flood that could ever occur)."*¹⁶
30. In the opinion of the reviewer this is a prescriptive control which shouldn't be interpreted to mean that these sensitive uses cannot be located within the floodplain, provided the use is compatible with the flood hazard. This view is consistent with the first and third objectives of the Policy which state *"Flood prone land is a valuable resource that should be managed and developed, subject to a*

¹⁴ Paragraph 3, Page 2, SES' letter to Council dated 28 February 2018.

¹⁵ Bewsher Consulting Pty Ltd together with its subconsultants, Don Fox Planning, authored the flood controls for the previous councils of Parramatta, Holroyd and Baulkham Hills, and the current Blacktown City Council, under a commission from the Upper Parramatta River Catchment Trust about 20 years ago. These DCPs including the accompanying flood planning matrices are largely consistent with Council's current DCP. The reviewer therefore is familiar with the objectives and controls of Council's DCP and its application to 'Sensitive Uses and Facilities'.

¹⁶ Refer 'Application' item 1b on the third page of the Policy which is in Attachment 8 of the Brief.

merit approach that provides due consideration to social, economic and environmental criteria, as well as any flooding criteria, as identified in flood studies, independent assessments or strategically developed floodplain risk management studies and plans. Flood prone land should not be sterilised by unnecessarily precluding development through the application of rigid and prescriptive criteria, however inappropriate proposals should not be accepted.”.

31. In the opinion of the reviewer, the proposed use is consistent with a proper application of the DCP, the Manual and the Policy.

Requirement 5(d): *Comment on the proposed fill and any implication for flood management.*

32. Refer to the reviewer’s comments in paragraph 26 above.
33. In the reviewer’s opinion having undertaken many hundreds of flood modelling assessments of fill on floodplains, the proposed fill will not adversely impact on flow conveyance or storage.

Requirement 5(e): *Comment on the potential or possibility of the 1 in 100-year flood event breaching the watercourse and entering the site, particularly as a result of blockage by debris.*

34. The reviewer has inspected the Creek adjacent to the Site including the various culverts and bridges within 500m upstream and downstream. The creek channel has in excess of a 100 year flood capacity which would be considerably greater than the capacity of the previous ‘natural’ watercourse in this location. The increased capacity appears to be the result of creek widening and rock stabilisation of the creek banks a few decades ago.
35. The existing Council flood study (and the Martens & Assoc modelling based on that study) has not made allowance for blockage of the creek channel or the upstream or downstream culverts.
36. Guidance for practitioners on the assessment of blockage for estimation of flood levels has emerged progressively over the last 5-10 years with the preparation of revisions to Australian Rainfall & Runoff (**ARR**) including ARR Revision Project 11.¹⁷
37. The ARR guidance is focussed almost entirely on the blockage of culverts and hydraulic structures as these locations have historically been the areas where blockages are more prevalent and have had potential to alter flood behaviour.
38. In the opinion of the reviewer, the upstream culverts across the Creek, and to a lesser extent the downstream culverts, would be the first locations where blockage might occur in a major flood. Nevertheless blockage of these structures would be unlikely to cause flood levels within the Creek to rise sufficiently to enter the Site in a 100 year event.
39. The downstream culvert and roadway at Station Street already overtops in a 100 year flood and floodwaters pass over a wide stretch of the roadway. Any blockage of that culvert would raise flood levels immediately upstream however due to the wide area of overtopping that already occurs, the additional overtopping flows are likely to be accommodated on the roadway without increasing the flood levels at the Site.

¹⁷ Australian Rainfall and Runoff: A guide to flood estimation. Commonwealth of Australia (Geoscience Australia) 2016.

40. Blockage of the upstream culverts at Portico Parade is unlikely to alter flood levels at the Site, and if a change did occur, it would serve to reduce flood levels on the Site, not increase them.
41. The only realistic mechanism by which floodwaters could breach the Creek channel would be through blockage of the channel immediately adjacent to the Site by flood debris including the existing trees which presently occupy the Creek banks. The reviewer's inspection reveals that some of these trees could potentially be destabilised and washed into the Creek in a major flood. In future years, should maintenance of the Creek channel not occur as frequently as it has in the past, it is also possible that dead trees could slowly accumulate in the Creek channel over time.
42. However given the capacity of the existing channel it is unlikely that sufficient blockage would occur to cause 100 year flood waters to come onto the Site. In the opinion of the reviewer, if the flood study was revised to properly account for blockage,¹⁸ the Site would remain flood-free in a 100 year event.

Requirement 5(f): Comment on Council's Floodplain Risk Management Policy.

43. Refer paragraphs 29 and 30 above.

Requirement 5(g): Provide a response to Council's Catchment Engineer's comments (provided April 2018). The applicant may provide comments in reply to these comments provided by Council's Catchment Engineer which will be provided subsequently.

44. The issues raised by Council's Engineer have all been addressed above.

REVIEW FINDING

45. Having regard only to flood risks, including the risks posed by isolation of the proposed development during floods, the reviewer supports the Application. This support is contingent upon conditions being provided (if required) to ensure the facility is self-sufficient for the period of any isolation.

Yours sincerely



Drew Bewsher
Director

cc. Dan Brindle, BBC Consulting Planners: Dan.brindle@bbcplanners.com.au
Shaylin Moodliar, Parramatta Council: SMoodliar@cityofparramatta.nsw.gov.au

¹⁸ Any design blockage levels provided in such a model need to ensure the outcome is 'neutral' in terms of the annual exceedance probability (AEP). For example if one combines a 0.1% AEP blockage scenario with a 1% AEP rainfall, the resultant design flood will not be 1% AEP but rarer.

ATTACHMENT A

**Additional Response Provided
by Paul Clark of Council
on 27 June 2018**

Drew Bewsher

To: drew@bewsher.com.au
Cc: Shaylin Moodliar; Wendy Wang; Mark Leotta
Subject: DA/1281/2016 - Regarding Steven Molino's response (31/05/2018) to SES. Opal Aged Care Toongabbie Sports and Recreation Club Wentworth Ave Toongabbie 28 06 2018
Attachments: image001.jpg; image003.jpg; DA 1281 2061 – Toongabbie Sports Club – Aged Care - Station St, Toongabbie.docx

Good Morning Drew,

I am sorry but I have not been able to add much to the comments we previously made, except to say that Council's assessment of this DA is holistic, merit and risk based and not reliant on a prescriptive interpretation of the DCP matrix. I hope this is evident throughout our documentation. I suggest the SES response is similar. (Note Council had no contact whatsoever with SES re their assessment and response.)

As regards levels and cutoff of access, Marten has sought to calibrate their model against Council predicted and adopted flood levels. I am not sure how valid this is and in any case, I doubt that it is valid to use events for which we do not have adopted flood levels for this assessment. We do know that much of the site is flood affected during the 1% AEP event, even without allowing for creek blockage - and despite the proposed filling. 100 year floodwaters come very close to this proposed building. We also know this is a substantial catchment and overland flow in large storms will be severe and will have unpredictable consequences. Trying to model 1 in 1000 year events on a computer and prove that occupants will be safe is neither meaningful nor real.

Regarding Steven Molino's response (31/05/2018) to the SES:

I think this does not really address the fundamental issues of this site and these occupants, which has been well appreciated and described by the SES.

It appears as reinterpreting the information about risk for this site to make things look more favourable.

It also seeks to break risks into small fragments that in each case look less concerning, then try to minimise their individual consequences.

By contrast, Council's concern is that this development represents an aggregation of risks, one on top of the other, which together as a whole become unacceptable and unsustainable.

Molino Stewart describes flooding as being of short duration, that the site and surrounds are on a 'flood free island' even in the PMF, that this site is the same as any other in the locality, that evacuation is not needed, and that risks to life from this development are 'miniscule'. Council does not accept these points.

The SES carefully explains why those people likely to be present in such a facility will need emergency access and care, what such care consists of, why this site prevents this and therefore why this development may be dangerous for occupants and not in the public interest.

Thank you for enabling this response.

For your convenience I have attached the dot points that I gave to you at our meeting.

kind regards

Paul

30/06/2018



[Paul Clark](#) | Senior Catchment and Development Engineer
Development & Traffic Services | City of Parramatta Council
PO Box 32, Parramatta NSW 2124
126 Church Street, Parramatta



30/06/2018

DA/1281/2061 – Toongabbie Sports Club – Station St, Toongabbie

Key points

Although the building footprint is technically above the 1% flood level, much of this site is below.

The building is close to the creek. The creek is narrow. Any object that entered the creek could easily cause sufficient blockage to trigger flooding over the banks.

This is a substantial catchment with short/no warning times.

The flow in events greater than 1% is very significant such that a broad area of the surrounding suburb will be inundated – and devastated.

There is no escape route from this site or flood free emergency access.

Occupants are frail, aged, and/or demented. All are highly dependent on carers and very vulnerable.

Shelter in place might be appropriate elsewhere, and/or for some user groups, but in this location with these occupants it is not safe or even practical. (eg providing back up sewage disposal 24/7 in perpetuity).

The SES has independently identified these problems and does not support the application.

It is unacceptable to place substantial fill in the floodplain adjacent to a creek of this nature.

ATTACHMENT B

**Additional Information Provided
by Corey Taylor of PactPM and
Mark Lederer of Opal Aged Care
on 25 June 2018**

Drew Bewsher

From: Corey Taylor <coreyt@pactpm.com.au>
Sent: Monday, 25 June 2018 2:48 PM
To: Drew Bewsher
Cc: Dan.Brindle@bbcplanners.com.au
Subject: Fwd: Opal Toongabbie Flooding independent expert further information

Hi Drew,

Thank you for your time this morning.

The trailing email provides further commentary on the staffing, decanting and emergency response matters we discussed.

Let me know if you require any additional information.

Kind regards,

Corey Taylor

Director
Pact PM
m: +61 (0) 400 661 617
e: coreyt@pactpm.com.au

Begin forwarded message:

From: Mark Lederer <Mark.Lederer@opalagedcare.com.au>
Date: 25 June 2018 at 1:52:40 pm AEST
To: "Corey Taylor (coreyt@pactpm.com.au)" <coreyt@pactpm.com.au>
Cc: Dan Brindle <dan.brindle@bbcplanners.com.au>
Subject: Opal Toongabbie Flooding independent expert further information

Corey.

Further to our meeting this morning, please find attached further information as discussed with Drew this morning.

Staffing

Weekday Staffing

Between 10PM and 6am approx. 11 to 13 staff
Between 6am to 4.30PM staff ranges from 20 to 35 staff
Between 4.30Pm to approx. 10pm staffing ranges from 17 to 19 staff

Weekend Staffing

Between 10PM and 6am approx. 11 staff
Between 6am to 4.30PM staff ranges from 13 to 30 staff
Between 4.30pm to approx. 10pm staffing ranges from 17 to 19 staff

Decanting

In response to Drew's specific question, where would residents returning from an outing go if there was a flooding event, we advise should temporary relocation be required during a flood emergency

there are a number of Opal facilities with a reasonable distance to which a resident could be temporarily relocated to, refer below

Opal Facilities	Number of Beds	Status	Distance from subject site	Comments
Opal willows	95	To open 04/2019	6.2 klms or 11 mins	
Opal Blacktown	145	To open 11/2018	6.4 klms or 12 mins	240 beds within 10 klms or 12 mins
Opal Quakers Hill	127	Existing	11.37 klms or 18 mins	
Opal Bossley park	100	Existing	13.8 Klms or 23 mins	
Opal Glenn Lyn (auburn)	32	Existing	13.9 klms or 20 mins	789 beds within 14 klms or 23 mins
Opal Bankstown	155	Existing	24 Klms or 36 mins	
Opal Wallgrove (Lakemba)	52	Existing	24.1 klms or 29 mins	
Opal Canterbury	85	Existing	24.2 Klms or 31 mins	
Opal Cardinal Freeman (Ashfield)	133	Existing	25.6 klms or 33 mins	924 beds within 25.6 klms or 36 mins
Total beds	924			

Emergency Response

Opal's Warden Handbook for the Emergency response procedures for Health and Aged Care facilities has a flip chart which considers the full or partial evacuation of the facility may be instigated as a result of any of the following:

- Fire or explosion in the building
- Gas leak
- Ventilation System Contamination
- Structural Damage sustained to the building
- Bomb or hazardous substances threat
- Armed intruder incidents
- Civil Disorder
- Structural Fault
- Natural Disaster
- Chemical Spill
- Missing / wandering persons or residents
- Or by direction of the Emergency Services.

Please advise if further information of clarity is required.

Best

Mark

Mark Lederer
Senior Project Manager

P 02 9324 8723 | **F** 02 8241 1690 | **M** 0400 485 377

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ATTACHMENT C

Extract of NCC 2016
Building Code of Australia – Volume One

STRUCTURE

Deemed-to-Satisfy Provisions

- (v) for the purposes of (iv), cyclonic areas are those determined as being located in wind regions C and D in accordance with AS/NZS 1170.2.
- (d) Actions not covered in (a), (b) and (c) above:
 - (i) the nature of the action; and
 - (ii) the nature of the building or structure; and
 - (iii) the Importance Level of the building or structure determined in accordance with Table B1.2a; and
 - (iv) AS/NZS 1170.1.
- (e) For the purposes of (d) the actions include but are not limited to—
 - (i) liquid pressure action; and
 - (ii) ground water action; and
 - (iii) rainwater action (including ponding action); and
 - (iv) earth pressure action; and
 - (v) differential movement; and
 - (vi) time dependent effects (including creep and shrinkage); and
 - (vii) thermal effects; and
 - (viii) ground movement caused by—
 - (A) swelling, shrinkage or freezing of the subsoil; and
 - (B) landslip or subsidence; and
 - (C) *siteworks* associated with the building or structure; and
 - (ix) *construction activity actions*.

Table B1.2a IMPORTANCE LEVELS OF BUILDINGS AND STRUCTURES

Importance Level	Building Types
1	Buildings or structures presenting a low degree of hazard to life and <i>other property</i> in the case of failure.
2	Buildings or structures not included in Importance Levels 1, 3 and 4.
3	Buildings or structures that are designed to contain a large number of people.
4	Buildings or structures that are essential to post-disaster recovery or associated with hazardous facilities.

Table B1.2b DESIGN EVENTS FOR SAFETY

Importance Level	Annual probability of exceedance			
	Wind		Snow	Earthquake
	Non-cyclonic	Cyclonic		
1	1:100	1:200	1:100	1:250
2	1:500	1:500	1:150	1:500

STRUCTURE

Deemed-to-Satisfy Provisions

Table B1.2b DESIGN EVENTS FOR SAFETY — continued

Importance Level	Annual probability of exceedance			
	Wind		Snow	Earthquake
	Non-cyclonic	Cyclonic		
3	1:1000	1:1000	1:200	1:1000
4	1:2000	1:2000	1:250	1:1500

B1.3 * * * * *

This clause has deliberately been left blank

B1.4 Determination of structural resistance of materials and forms of construction

The structural resistance of materials and forms of construction must be determined in accordance with the following, as appropriate:

- (a) Masonry (including masonry-veneer, unreinforced masonry and reinforced masonry): AS 3700.
- (b) Concrete:
 - (i) Concrete construction (including reinforced and prestressed concrete): AS 3600.
 - (ii) Autoclaved aerated concrete: AS 5146.1.
 - (iii) Post-installed and cast-in fastenings: SA TS 101.
- (c) Steel construction—
 - (i) Steel structures: AS 4100.
 - (ii) Cold-formed steel structures: AS/NZS 4600.
 - (iii) Residential and low-rise steel framing: NASH Standard – Residential and Low-Rise Steel Framing Part 1 or Part 2.
- (d) Composite steel and concrete: AS 2327.1.
- (e) Aluminium construction: AS/NZS 1664.1 or AS/NZS 1664.2.
- (f) Timber construction:
 - (i) Design of timber structures: AS 1720.1.
 - (ii) * * * * *
 - (iii) Timber structures: AS 1684 Part 2, Part 3 or Part 4.
 - (iv) Nailplated timber roof trusses: AS 1720.5.
- Qld B1.4(f)(v)*
- (g) Piling: AS 2159.
- (h) Glazed assemblies:
 - (i) The following glazed assemblies in an *external wall* must comply with AS 2047:



5 July 2018

Our ref: DB/16-090

General Manager
Parramatta City Council
PO Box 32
PARRAMATTA NSW 2124

Attention: Shaylin Moodliar

Dear Sir,

Re: DA/1281/2016 for a residential care facility at 12 Station Street Toongabbie

We write on behalf of Opal Aged Care in repose to the above development application currently before the Sydney City East Planning Panel.

As you will recall, the Panel resolved as follows at its meeting on 7 March 2018:

- The Panel asks the Council to respond in writing to the additional material provided by the applicant; and
- asks the applicant to respond to the SES letter; and
- seeks a report from an independent flooding expert in relation to the impacts of flooding on the development. The Panel requests the Council to obtain the report at the expense of the applicant.

We understand that the Council has not responded to the Panel in writing to the additional material provided by the applicant. However, your email dated 17 April 2018 contained Council's response to the additional information provided on 23 February 2018 and the applicant's response to this is presented in the table below.

The applicant provided its response to the SES letter to Council on 4 June 2018.

Bewsher Consulting provided a report in draft form to the applicant and to Council on 2 July 2018.

In relation to Council's response to the additional material provided by the applicant, we provide the following additional information addressing the outstanding concerns.

Council Issue	<p>Firstly, note the proposed amendments seek a reduction of 4 beds (from 128 to 124 bed RCF) by increasing the southern setback of the south-western portion of the building to 7.9m setback to the southern boundary (from 3.8m). This creates greater opportunity for landscaping along the southern boundary.</p>
Response:	<p>Noted</p>
Council Issue	<p><i>DPI (Water) have issued GTA however have given direction into riparian setbacks from the creek. The applicant is to provide cross-sections taken through the creek to ascertain the top of the bank. Once this is provided all buildings and structures (including stormwater) must be a minimum 10m from the top of the creek bank. Cumberland Ecology have provided a response, dated 7 February 2018 (D05998081) and note "...the proposed development will have an average corridor width of approximately 15m..."</i></p> <p><i>This is not in accordance with GTA issued by DPI (Water) nor the 'Guidelines for riparian corridors on waterfront land' issued by DPI (Water). Further, the proposal seeks to create easements by way of seeking new stormwater pipes/services through the EEC land within the creek. This is not supported.</i></p> <p><i>The architectural and stormwater plans are to be amended in accordance with the DPI (Water) comments which require a minimum 10m riparian setback and an average setback of 20m across the site.</i></p> <p><i>Biodiversity reasons for refusal No.6, 7 & 8 remains unresolved.</i></p>
Response:	<p>The General Terms of Approval (GTA) issued by the DPI (Water) are noted. The DPI would have taken their own guidelines into account in issuing the GTAs. The Guidelines are not mandatory with GTAs often issued that are inconsistent with the riparian zone dimensions in the Guidelines where circumstances justify. The Guidelines were issued to provide more flexibility in how riparian corridors can be used and making it easier for applicants to determine the Office of Water controlled activity approval requirements.</p> <p>Notwithstanding this, changes have been made to the application that improves conditions within the riparian area. These include:</p> <ul style="list-style-type: none"> the site drainage proposal has been changed so that the development now drains to the street and not to the creek. This no works are required for drainage infrastructure to the creek; there is no impact to the existing vegetation in the creek and no works with 10 metres of the creek and the northern and southern setbacks provide more than adequate offsets in the circumstances with the provision for significant additional planting in accordance with the vegetation management plan required under the GTAs; the proposed landscaping is an improvement on the existing situation and has no adverse biodiversity impacts. <p>Refer to amended drainage drawings and landscape drawings submitted with this letter.</p>

Council Issue	<p><i>The height of the building and therefore the Clause 4.6 variation request is not supported due to the site failing to respond to the (natural) topography of the site.</i></p> <p><i>Height reasons for refusal No.1-3 remains unresolved.</i></p>
Response:	<p>The applicant provided a detailed justification for the height of the development in its response to Council dated 23 February 2018. This supplemented the justification submitted with the DA.</p> <p>The existing topography of the site is very gently graded. This will not change. The building platform and immediate surround at the entry area are being raised to enable the floor level to be above the PMF. The remainder of the site, particularly to the west remains the same.</p>
Council Issue	<p><i>BBC Consulting Planners response to the reasons of refusal notes that the proposal provides “approximately 19 square metres per resident”. This is less than required 25m² of landscaped area per bed.</i></p> <p><i>This does not achieve high residential amenity. Reason No.13 remains unresolved.</i></p>
Response:	<p>This matter has been fully addressed in the development application and in the additional information submitted to Council on 23 February 2018 as follows:</p> <p>Clause 48(c) of the Seniors SEPP 48 says that a consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds:</p> <p><i>(c) landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,</i></p> <p><i>Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.</i></p> <p>The Seniors SEPP does not prescribe a minimum standard.</p> <p>The provision of landscaped area is less than 25m² per bed. In total 2,380 square metres or outdoor space is provided for the use of residents amounting to approximately 19 square metres per resident.</p> <p>The requirement of the SEPP applies in all situations and locations. It can be expected that opportunities for providing this amount of landscaped area would be more achievable in lower density situations than medium density situations such as the subject site and locality.</p> <p>The guidelines issued to accompany the SEPP “A guide for councils and applicants Housing for seniors or people with a disability” by the Department of Infrastructure and Planning, May 2004 provides the following advice on the interpretation of this requirement (emphasis added):</p> <p><i>“A potential conflict arises in relation to landscaping. The re-development of many existing residential care facilities or even new residential care facilities in established areas will be on sites that would not allow much land to be set aside for landscaping while achieving a 1:1 FSR. The most important external issues for these sites are the impacts on streetscape and neighbours. High amenity for residents can be achieved within the building without meeting a high landscape area standard. The clause 70 landscape</i></p>

	<p><i>standard of 25m² per bed, i.e. a standard that cannot be used to refuse consent, is not a minimum standard per se, that must be met. It is possible and reasonable for consent to be given to facilities that have less than 25m² per bed landscaped area if they take other issue such as streetscape and impact on neighbours into account.</i></p> <p>The landscaping and outdoor and indoor spaces have been developed specifically for the client group that will be using this facility. In comparable facilities operated by Opal Aged Care the average age of occupants is 85 years and over and the majority of the occupants will have some form of disability and impairment (such as dementia).</p> <p>The outdoor areas provided has focussed on quality and appropriateness including:</p> <ul style="list-style-type: none"> • purpose-built courtyard gardens are provided within the north-west corner of the site. This space will be a specially landscaped for residents affected by dementia. • additional landscaped area is provided around the site. • the upper levels of the building will incorporate substantial communal terrace areas and smaller balconies accessible from internal living areas. The less mobile residents will likely use these facilities more than the ground level landscaping. <p>In additional Opal will provide recreational activities within the facility tailored to the specific interests of residents.</p> <p>The building is considered to have an appropriate bulk and scale. Façade modelling and generous setbacks from boundaries and at upper levels results in a development with an appropriate relationship to the streetscape.</p> <p>It is considered that the provision of landscaped area is appropriate for the development and the location.</p>
Council Issue	<i>The amendments does not change the proposed alteration of the natural landform of the site (Reason No.14 remains unresolved).</i>
Response:	<p>Reason No 14 states: <i>The elevation of the building does not satisfactorily maintain reasonable neighbourhood amenity and appropriate residential character as the proposal does not provide building setbacks to reduce bulk, use siting to relate to the site's landform, and does not consider the impact of the location of the building on the boundary in accordance with Clause 33(c), 33(f) and 33(g) of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.</i></p> <p>The application has been amended to increase the setback from the southern boundary as requested by the Panel. The building height is justified in the report submitted on 23 February 2018. The height is totally appropriate on this site and in this context.</p>
Council Issue	<i>Reason No.15 remains unresolved as they relate to building height.</i>
Response:	<p>Reason No 15 states: <i>Pursuant to Section 79C (1) (a) (i) of the Environmental Planning and Assessment Act, 1979 and the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the proposed development is inconsistent with the following clauses of this SEPP:</i></p>

	<p>a) Clause 40 Development Standards – minimum sizes and building height,</p> <p>b) Clause 48 Standards that cannot be used to refuse development consent for residential care facilities.</p> <p>The building height is justified in the report submitted on 23 February 2018. The height is totally appropriate on this site and in this context.</p>
Council Issue	<i>Reasons No.16-18 (Amenity) may be omitted as a reason of refusal due largely to the increased southern setback, other reasons for refusal around the building height. The general impression of the SCCPP that streetscape was not a major planning concern. The urban design is generally ok, the siting of the building is not.</i>
Response:	Noted
Council Issue	<i>Reason No. 19 remains unresolved as the proposed stormwater pipes within the creek does not enhance or preserve Girraween Creek.</i>
Response:	This is now resolved as there are now no stormwater pipes to Girraween Creek.
Council Issue	<i>The proposed DA has been amended to remove any works on the adjoining site. Public domain works for the roundabout may be conditioned. (reason no. 21 & 25 may be omitted). Blacktown and Cumberland Council's traffic sections are yet to respond to the proposed roundabout change.</i>
Response:	Noted
Council Issue	<i>Waste management plan has been provided and can be conditioned. (reason no. 30 may be omitted)</i>
Response:	Noted
Council Issue	<i>Public interest reasons for refusal remain as they relate to the flooding and not essentially relate to planning other than the built form environment</i>
Response:	This has been addressed by independent flood consultant who recommends

The applicant submits the following for determination:

1. Amended architectural drawings – these are the same drawings lodged with Council on the 23 February 2018 with an amended revision number to distinguish these drawings from those lodged with the DA.
2. Amended landscape plans to reflect the increased setback from the southern boundary as requested by the Panel, the changes to the stormwater management system and the removal of works from the western part of the site. Trees along the southern boundary are retained. A large vegetated area is proposed in the western part of the site which would be vegetated in accordance with the VMP to be prepared to meet the General Terms of Approval from DPI (Water).
3. Amended stormwater management drawings development following discussions with Councils catchment engineers and addressing concerns expressed by Council's property officer and open space and natural area planner.

These amendments respond to the matters raised by Council and the Panel.

Council is requested to present these drawings together with the applicant's response to the SES letter to the Panel for its September meeting. Council is also requested to prepare a set of conditions of consent for consideration by the Panel in the event that the panel is of a mind to approve the application.

Yours sincerely
BBC Consulting Planners

A handwritten signature in blue ink, appearing to read 'Dan Brindle', with a long horizontal stroke extending to the right.

Dan Brindle
Director

Encl:

Amended architectural drawings

Amended landscape drawings

Amended civil drawings

