

Report to Sydney Central City Planning Panel

Panel reference	2017SWC050
DA number	SPP-17-00005
Proposed development	Demolition and alterations and additions to an existing residential aged care facility
Street address	56 Elsom Street, Kings Langley
Applicant/owner	Adventist Aged Care
Date of DA lodgement	23 March 2017
Number of submissions	6 (including 1 confidential submission)
Regional development criteria (Schedule 4A of the EP&A Act)	Capital investment value (CIV) over \$20 million (DA has CIV of \$23.5 million)
All relevant s79C(1)(a) matters	• State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • Draft Central City District Plan 2017 • Blacktown Local Environmental Plan 2015 • Blacktown Development Control Plan 2015
Report prepared by	Blacktown City Council
Report date	23 January 2018
Recommendation	Approval subject to conditions, including deferred commencement conditions

Summary of s79C matters

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

Legislative clauses requiring consent authority satisfaction

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

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? Not applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s94EF)? Not applicable

Conditions

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

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ATTACHMENTS

- Attachment 1 – Location map
 - Attachment 2 – Aerial image
 - Attachment 3 – Zoning extract
 - Attachment 4 – Detailed information about proposal and DA submission material
 - Attachment 5 – Development application plans
 - Attachment 6 – Assessment against planning controls
 - Attachment 7 – Concerns raised in public submissions
 - Attachment 8 – Draft conditions of consent
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1 Executive summary

- 1.1 This report considers a proposal for staged alterations and additions to the existing Adventist Aged Care Seniors Housing development under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 at 56 Elsom Street, Kings Langley.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The application is satisfactory when evaluated against Section 79C of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel approve the application subject to the recommended conditions, including deferred commencement conditions.

2 Key issues list

- 2.1 The key issues that need to be considered by the Panel in respect of this application are:
- The proposed extension to the Residential Aged Care Facility (RACF) is 2 storeys and up to 8.8 m in height, which is inconsistent with the BDCP 2015 which states that, depending on the level of disability involved, buildings for aged or disabled persons should be 1 storey in height. The proposal provides suitable access throughout and between each level of the RACF and is considered appropriate given that the site is in a 9 m height limit under BLEP 2015 and the Seniors Living SEPP allows 8 m (see Section 8.1).
 - The proposal seeks to replace an existing stormwater pipe that traverses Council's Reserve to Hawkesworth Parade. Our engineers require this existing stormwater pipe in Council's Reserve to be removed and a new greater capacity stormwater drainage pipe is to be installed in generally the same alignment. An easement for stormwater drainage is also to be created and registered by the Applicant with NSW Land Registry Services for this new pipe in Council's Reserve, being the downstream property. These matters are addressed by deferred commencement conditions and are required to be satisfied prior to the activation of this consent (see Section 8.2).
 - Matters raised by the submitters (see Section 9) include dust and noise impacts from construction works, loss of street parking, impact on fauna as a result of the removal of trees, loss of green space and impacts from the maintenance shed. Issues raised in the submissions do not warrant the refusal of this DA.

3 Location

- 3.1 The site is located within the suburb of Kings Langley as shown in **Attachment 1**. The surrounding land consists of single dwelling houses and is zoned R2 Low Density Residential, with a building height limit of 9 m. The land that adjoins the site to the south-east and fronts Hawkesworth Parade is zoned RE1 Public Recreation and is a Council owned public reserve.
- 3.2 The Westlink M7 is approximately 230 m to the north of the site. The Kings Langley Shopping Centre is approximately 270 m to the east of the site.

4 Site description

- 4.1 The site is bound by James Cook Drive to the north, Hawkesworth Parade and a Council Reserve to the east, Sunnyholt Road and Elsom Street to the west and residential development to the south. The site contains an existing development known as 'Adventist Aged Care' consisting of a 78 bed 3 storey residential care facility at the north-western portion of the site and 66 single storey self-contained seniors dwelling units throughout the remainder of the site. There is also an existing Chapel building located in the western part of the site.
- 4.2 The site has a total area of 2.651 hectares and is known as Lot 33 DP 1089417 or 56 Elsom Street, Kings Langley.
- 4.3 The majority of the site has vehicular access via Elsom Street, and 12 dwellings have vehicular access via a shared private driveway from Hawkesworth Parade. A private driveway within the site provides vehicular access throughout.
- 4.4 Pedestrian access is available from James Cook Drive. An emergency vehicle only access driveway is also available from James Cook Drive.

- 4.5 The site slopes up to 11.5 m downwards towards Hawkesworth Parade and the public reserve to the east. This reserve has an existing stormwater pipe which services the subject site and connects to Hawkesworth Parade.
- 4.6 The site is landscaped throughout, including trees and shrubs and open grassed areas. The streetscape area to James Cook Drive consists of landscape screening. All boundaries are fenced. Acoustic fencing is provided at the north-western corner of the site, for a length of approximately 18 m along the James Cook Drive frontage and the entirety of the Sunnyholt Road frontage.
- 4.7 An aerial image of the site and surrounding area is at **Attachment 2**.

5 Background

- 5.1 On 28 December 2016, DA-16-05154 was approved for the demolition of 3 buildings on the site, including the nursing home at the north-western portion of the site and 2 rows of self-contained dwellings located at the western portion of the site. The Applicant has indicated the self-contained dwellings are currently being demolished.

6 The proposal

- 6.1 The Development Application (DA) has been lodged by Adventist Aged Care for staged alterations and additions to the existing Adventist Aged Care Seniors Housing development under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and includes the following:
 - a. Demolition of 3 existing buildings, including the northern wing of the existing RACF and 12 independent living units
 - b. Demolition of ancillary buildings
 - c. Site preparation works including tree removal
 - d. Replacement of the northern wing of the existing RACF with a new 2 storey or 8.8 m high dementia specific wing providing in total 123 beds (existing and proposed) and associated communal areas, landscaping and below ground car parking
 - e. Construction of 27 new single storey independent living (self-contained) seniors dwellings and new common areas, landscaping and at-grade car parking
 - f. Provision of a link between the existing RACF building and existing Chapel, including internal refurbishment of parts of the RACF building
 - g. Construction of a 4 m high new maintenance shed.
- 6.2 Since lodgement, the applicant has submitted amended plans and further information in response to the concerns raised by submitters.
- 6.3 Other details about the proposal are at **Attachment 4**, including traffic, parking, acoustic and stormwater drainage matters, and a copy of the development plans is included at **Attachment 5**.

7 Assessment against planning controls

- 7.1 A full assessment of the DA against relevant planning controls is provided in Attachment 6, including:
 - a. Environmental Planning and Assessment Act 1979

- b. State Environmental Planning Policy (State and Regional Development) 2011
- c. State Environmental Planning Policy (Infrastructure) 2007
- d. Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River
- e. State Environmental Planning Policy No. 55 – Remediation of Land
- f. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- g. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- h. Draft Central City District Plan 2017
- i. Blacktown Local Environmental Plan 2015
- j. Blacktown Development Control Plan 2015

8 Key planning issues assessment

8.1 The number of storeys of the RACF exceeds 1 storey

- a. Clause 7.2.2 Height of Buildings of BDCP 2015 states that, depending on the level of disability involved, buildings for aged or disabled persons should be 1 storey in height.
- b. The existing portion of the RACF is 3 storeys in height and the proposed extension is 2 storeys in height. The overall RACF (which is part 2 and part 3 storeys in height) is anticipated to accommodate residents with a high level of disability. However, these multiple levels do not restrict the movement of residents given a high level of access is provided by the floor plan layout and suitably placed lifts. Each wing or component of the building also has direct access to dining rooms and living rooms for the use of residents. The provision of 3 storeys is considered satisfactory in this instance, in particular as this height is permitted under the Seniors Housing SEPP.
- c. The majority of the proposed new development will be buffered by the existing parts of the fencing which will be retained. There will be no impact on the streetscape as only the top two levels will be visible from the surrounding properties to the north and the James Cook Drive frontage.

8.2 The proposal seeks to replace the stormwater pipe through the adjoining Council Reserve

- a. The proposal consists of drainage management measures which direct stormwater off the site via a new 600 mm stormwater pipe through Council's Reserve (to the east of the site) and enter the Council drainage network located in Hawkesworth Parade. The existing stormwater pipe in Council's Reserve is to be made redundant given it has insufficient capacity for the volume of stormwater.
- b. Compared to the location of the existing pipe in Council's Reserve, the Applicant has proposed to provide this new 600 mm stormwater pipe in a new alignment to avoid the existing playground. We do not support the abandonment of unmaintained stormwater pipes as they are likely to fail in the future, which is an unacceptable risk.
- c. Our Engineers require the existing pipe to be removed and the new pipe with suitable capacity to be installed in generally the same alignment. An easement for stormwater drainage is also to be created and registered by the Applicant with NSW

Land Registry Services for this new pipe in Council's Reserve, being the downstream property. These matters are addressed by deferred commencement conditions and are required to be satisfied prior to the activation of this consent. Subject to these matters being satisfied, we support the proposed stormwater drainage design.

9 Issues raised by the public

- 9.1 The proposed development was notified to property owners and occupiers within the locality between 18 April and 2 May 2017. The DA was also advertised in the local newspapers, including the Blacktown City Sun, and a sign was erected on the site.
- 9.2 During the notification period, 6 submissions were received raising concern with regard to dust and noise as a result on construction works, loss of street parking, impact on fauna as a result of the removal of trees, loss of green space and impacts from the maintenance shed.
- 9.3 In response, the Applicant submitted additional information and further detailed plans to assist with ameliorating these concerns. This information included methods for encouraging staff and visitors to park on-site and clarification of the floor level, height, setback and shadow impacts of the maintenance shed. Our consideration of the public submissions is provided at **Attachment 7**.
- 9.4 We consider the concerns raised in the public submissions to be resolved through the Applicant's amendments to the proposal and to be capable of being managed by conditions of consent. Therefore the concerns raised in the public submissions are not considered sufficient to warrant the refusal of this application.

10 External referrals

- 10.1 The DA was referred to the following external authorities for comment:

Section	Comments
Roads & Maritime Services	Acceptable, subject to conditions
NSW Local Police	Acceptable

11 Internal referrals

- 11.1 The DA was referred to the internal sections of Council and was acceptable subject to conditions.

12 Conclusion

- 12.1 The proposed development has been assessed against all matters for consideration and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions, including deferred commencement conditions.

13 Recommendation

13.1 The development application be approved by the Sydney Central City Planning Panel subject to the conditions, including deferred commencement conditions, held at **Attachment 8**.

13.2 The submitters be notified of the Planning Panel's decision.



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