

Supplementary 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	<ul style="list-style-type: none"> • 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 • Central City District Plan 2017 • Blacktown Local Environmental Plan 2015 • Blacktown Development Control Plan 2015
Report prepared by	Blacktown City Council
Original report date	23 January 2018
Panel meeting date and deferral	<p>Panel meeting held on 22 February 2018.</p> <p>The Panel agreed to defer the determination of the matter until the applicant presents to Council amended plans which will retain important trees such as trees numbered 60, 68, 69, 104, 105 and 106. The Panel found the removal of so many trees identified by the arborist to be of good SULE to be an unsatisfactory outcome.</p>
Supplementary report date	4 April 2018
Recommendation	Approval subject to conditions

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 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 (s7.24)? Not applicable

Conditions

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

CONTENTS

1	Executive summary	2
2	Key planning issues assessment.....	3
3	The amended proposal	6
4	Conclusion	6
5	Recommendation	7

ATTACHMENTS

- Attachment 1 – Supplementary Arboricultural Impact Assessment Report
 - Attachment 2 – Amended Tree Removal and Protection Plan
 - Attachment 3 – Approved Tree Removal Application for Trees 68 and 69
 - Attachment 4 – Amended Site Plans
 - Attachment 5 – Amended Landscape Plans
 - Attachment 6 – Amended Civil Plans
 - Attachment 7 – Amended draft conditions of consent
 - Attachment 8 – Copy of original report to Panel
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1 Executive summary

- 1.1 This supplementary report considers amended plans and additional information submitted by the Applicant in response to the Panel's Record of Deferral dated 22 February 2018 for 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 The Applicant now proposes to retain 4 of the 6 trees required by the Panel and has added more mature planting in their Landscape Plans.
- 1.3 We have undertaken an assessment of the additional information and consider that the Applicant has satisfactorily demonstrated that where existing significant trees on the site are worthy of retention, with good health and lifespan, they will be retained and integrated into the overall development. The amended proposal also provides additional open green space by deleting 6 Independent Living Units (ILUs).
- 1.4 We have prepared amended conditions of consent to reflect the amended plans, supporting Arborist report and amendments to the civil engineering plans.
- 1.5 The amended application is satisfactory to us when evaluated against section 4.15C of the *Environmental Planning and Assessment Act 1979* (the Act).
- 1.6 This report recommends that the Panel approve the application subject to the amended recommended conditions.

2 Key planning issues assessment

2.1 Consideration of the retention of trees

- a. As a result of the recent Panel meeting, the Applicant was requested to demonstrate that, where existing significant trees on the site are worthy of retention with good health and lifespan, they are retained and integrated into the overall development. The Panel made specific reference to 6 trees, being trees T60, T68, T69, T104, T105 and T106.
- b. This issue was also raised by submitters who addressed the Panel and requested that further trees be retained so as to reduce the impact on fauna as a result of the removal of trees and loss of green space.
- c. In response to these concerns, the Applicant's project arborist, Arterra, has revisited the site and undertaken additional investigation of the existing trees within the site. This report is at **attachment 1**. This investigation concludes that, with the deletion of 6 Independent Living Units (ILUs), 4 of the 6 trees nominated by the Panel are suitable for retention, being trees T60, T104, T105 and T106.
- d. Trees T68 and T69 are recommended for removal by Arterra for the following reasons:

T68 is a relatively poor quality tree immediately adjacent to T69. It has a very asymmetrical canopy to the east and extensive wounding via borer damage to its base. This wounding is on the side of the tree under the most structural stress as the tree has a slight lean towards the east. The basal area affected is in excess of 50 % of the trunk circumference at its base. This tree should not be retained as part of the development. Its condition is unlikely to improve as the area around it has been extensively compacted due to frequent trafficking and use.



Figure 8 –T68 showing extensive borer wounding and soil compaction at the base.

T69, although currently displaying good vitality, is a large Sydney Blue Gum with significant cavities and defects at 8.5 m, 11 m and 12 m height. There is also a history of previous significant branch failures throughout the tree canopy. It has significant structural weakness within the major body of the trunk due to the extensive cockatoo damage and subsequent decay at most of the major branch junctions. Although the tree has compensated, to various degrees, for these weaknesses, by putting on additional wood around the cavities there are still very major structural deficiencies within this tree that cannot be realistically rectified or catered for in site planning. In our opinion this tree would represent too great a risk if left in close proximity to underlying residences or within actively used roadways or car parking areas. In its current condition it is also unlikely to tolerate any significant disturbance around its base. It is extremely likely to continue to periodically shed very sizeable branches from its canopy. In the author's opinion, there is a very significant risk that major parts of the upper canopy of this tree could fail in a moderate storm or wind event.



Figure 7 –T69 showing structural issues including decay and historic limb failures.

Both T68 and T69 are, in the author's opinion, unsuitable to be retained within the context of an aged care development and are recommended for removal.

- e. With respect to tree T60, Arterra found that, although T60 has some defects, these can be rectified with some pruning. Arterra recommends that care be exercised during the demolition and construction phases in the vicinity of this tree and recommend that any services be provided outside the tree protection zone (TPZ) if possible. If this was not possible, Arterra recommend underboring within the TPZ to minimise root damage.
- f. With respect to trees T104, T105 and T106, Arterra note that the incursion into the TPZs of these trees is relatively minor (<10%) and that these trees can be successfully retained.

- g. The Applicant has also submitted a copy of a Tree Removal Approval issued by Council on 23 January 2015 which approved the removal of trees T68 and T69 due to their condition being hazardous and at risk of limb drop (see **attachment 3**). The Applicant states that they:

“did not act on that permit as trees T68 and T69 were not proximate to the existing seniors housing on the site and the Applicant was undertaking master planning of the site which may have allowed these trees to be retained. However, the master planning for the site, as shown in the plans submitted with this Development Application, proposes seniors housing in the vicinity of these trees and therefore their removal will be required. Notwithstanding that AAC did not act on that previous permit, the issue of that permit provides further justification that these trees are not suitable for retention within a seniors housing development.”
- h. Therefore trees T68 and T69 are considered not worthy of retention and should be removed regardless of this development.
- i. The retention of trees T60, T104, T105 and T106 achieves the retention of 4 mature trees and retains existing open green space for the use of residents and their guests through the deletion of 6 ILUs (Units 9, 10, 24, 25, 26 and 27).
- j. The Applicant has also explained that:

“The indicative planting schedule (L-SD 04) at **attachment 5** has been updated to include the number of trees and shrubs that are proposed to be used as part of the landscaped response to the proposed works. A total of 220 trees are proposed to be planted throughout the site. These trees will have a mature height ranging from 4 – 6 m to 15 – 25 m. The majority of these trees will have container sizes of 100 litres and 200 litres and therefore will be large trees at the time of planting. Upon maturity, it is considered that these trees will more than compensate for the loss of trees that will occur in order to provide this much needed accommodation.”
- k. The arboriculturalist in our Open Space Maintenance section has reviewed the submissions from the applicant’s arborist and concurs with the findings of the report. Trees T68 and T69 are justified for removal as per the submissions and Trees T60, T104, T105 and T106 should be retained and protected.
- l. Therefore the concerns raised by the submitters regarding removal of trees and loss of green space are considered to be satisfactorily resolved by the Applicant’s amendments to the proposal.
- m. We also consider the proposal as now submitted to be satisfactory when evaluated against section 4.15 of the Act.

2.2 Amendments to the conditions of consent relating to engineering

- a. As detailed in our correspondence to the Panel dated 20 February 2018, in response to a request from the Applicant, we agree to amend the conditions of consent, including the deletion of the deferred commencement conditions, to allow the applicant to enable some development works to commence while concurrent works are being undertaken to replace the downstream stormwater pipes through the adjoining Reserve to Hawkesworth Parade.
- b. These amended engineering conditions are provided at **attachment 7**.

2.3 Amendments to the conditions of consent to reflect the above amendments

- a. In response to the amendments made by the Applicant, we have updated the draft conditions of consent to reflect the correct plans and references to trees to be retained. These amended conditions are provided at **attachment 7**.

3 The amended proposal

- 3.1 This amended 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
 - d. The retention of trees T60, T104, T105 and T106
 - e. Replacement of the northern wing of the existing RACF with a new 2 storey dementia specific wing providing in total 123 beds (existing and proposed) and associated communal areas, landscaping and below ground car parking
 - f. Construction of 21 new single storey independent living (self-contained) seniors dwellings and new common areas, landscaping and at-grade car parking
 - g. Provision of a link between the existing RACF building and existing Chapel, including internal refurbishment of parts of the RACF building
 - h. Construction of a 4 m high new maintenance shed.
- 3.2 Since lodgement, the applicant has submitted amended plans and further information in response to the concerns raised by submitters and the Panel, which are at **attachments 1 to 6**.

4 Conclusion

- 4.1 The proposed amended 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.

5 Recommendation

- 5.1 The development application be approved by the Sydney Central City Planning Panel subject to the conditions held at **attachment 7**.
- 5.2 The submitters be notified of the Planning Panel's decision.



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