

Report to the Sydney Central City Planning Panel on an application for a site compatibility certificate.

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

SITE: The land subject to the proposed seniors housing development is at 170 Reservoir Road, Arndell Park (Lot 201 DP 880404) and has an area of approximately 51,000m² (5.1ha). The site is part of the broader Blacktown Workers Sports Club site and is adjacent to the clubhouse. Officers from the Department's Sydney Region West team inspected the site on 24 May 2018.



Figure 1: Locality map.

Blacktown Workers Sports Club contains a large club building, a car park and four large sporting fields. The entire club site has an area of 129,981m² (12.9ha) and is bounded by Reservoir Road and low-density housing to the east, the Great Western Highway and industrial land to the south, industrial land to the west and environmental conservation land to the north (Figure 1).

APPLICANT: Urbis Pty Ltd, on behalf of Paynter Dixon Constructions.

PROPOSAL: The proposed development is for 800 self-contained dwellings and 160 residential aged care beds (as prescribed by State Environmental Planning Policy –

Seniors Housing SEPP). Basement car parking for 880 vehicles is also proposed. The concept design of the proposal is illustrated in Figure 2.



Figure 2: Aerial oblique 3D concept of seniors' development (source: architectural concept plans).

LGA: Blacktown

PERMISSIBILITY STATEMENT

The site is used as sporting fields for the Blacktown Workers Sports Club (licence number LIQC324008542).

The provisions under clause 4 of the Seniors Housing SEPP provide that a site compatibility certificate (SCC) can be issued for the site as it satisfies the following:

- clause 4(1)(b) – the land is being used for the purposes of an existing registered club; and
- clause 4(6) – the land to which the SCC applies is not covered by any of the exclusions listed in schedule 1 of the Seniors Housing SEPP.

Clause 13 of the Seniors Housing SEPP defines both in-fill self-care housing and serviced self-care housing, as part of defining self-contained dwellings depending on the type of services available on site.

The application proposes 800 self-contained dwellings and 160 residential aged care beds. However, the application does not stipulate whether the self-contained dwellings will be for the purposes of in-fill self-care housing or serviced self-care housing.

Clause 13(1) of the Seniors Housing SEPP defines in-fill self-care housing as:

seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.

Clause 13(2) of the of the Seniors Housing SEPP defines serviced self-care housing as:

seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.

While both in-fill self-care housing and serviced self-care housing, are considered self-contained dwellings, serviced self-care housing requires the provision of certain services, being meals, cleaning services, personal care and nursing care, whereas in-fill self-care housing is characterised by the fact that it does not provide these services. As a further point of distinction, Clause 13(1) provides that in-fill self-care housing is seniors housing on land zoned primarily for urban purposes.

In order to determine whether the land is zoned primarily for urban purposes, an analysis of the objectives of the LEP, the objectives of the zone and the purposes permitted in the zone must be undertaken. In this case, the subject site is zoned RE2 (figure 3). The objectives and permitted uses in the zone (i.e. a fairly restrictive zone intended to protect and enhance the natural environment for recreational purposes) suggests that the zone should not be characterised as primarily for urban purposes.

Given the above, development for the purposes of self-contained dwellings comprising of in-fill self-care housing is not permissible, as the site is not zoned primarily for urban purposes.

Clause 17 of the of the Seniors Housing SEPP states that:

- (1) Subject to subclause (2), a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of any of the following:*
- (a) a hostel,*
 - (b) a residential care facility,*
 - (c) serviced self-care housing*

As shown in Figure 3 below, the site is adjoined by R2 – Low Density Residential Land to the immediate east. This land is zoned primarily for urban purposes. As such, development comprising of a hostel, residential facility and/or serviced self-care housing is permitted on the site as it adjoins land zoned primarily for urban purposes.

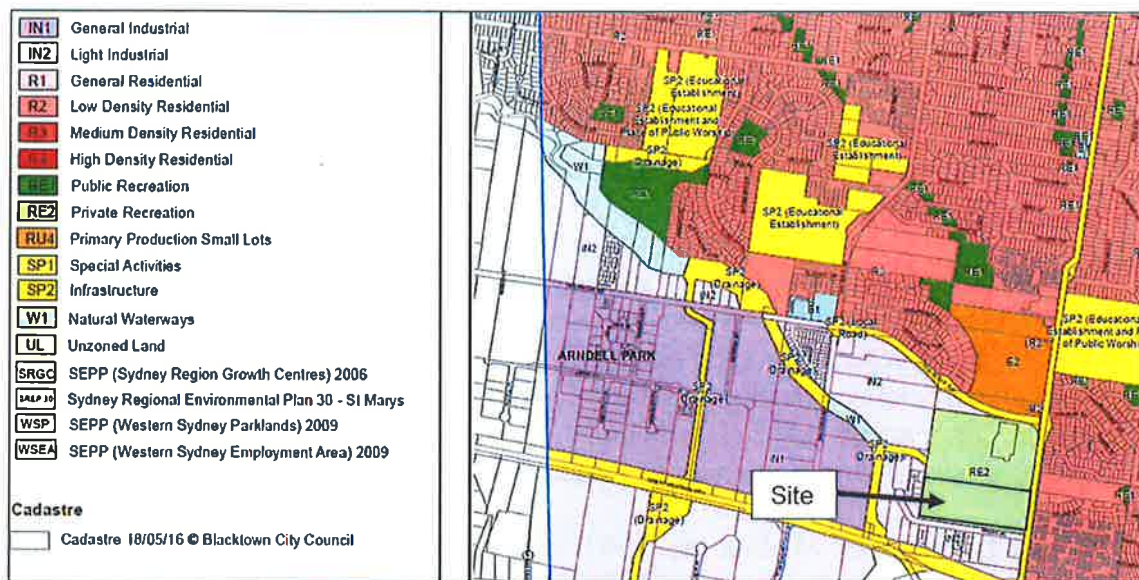


Figure 3: Land zoning map.

It is therefore recommended that the SCC is issued only for the purposes for a seniors housing development comprising of a hostel, residential care facility and/or serviced self-care housing. In-fill self-care housing is not a permissible use on the land.

PREVIOUSLY ISSUED SITE COMPATIBILITY CERTIFICATE ON THE LAND

An SCC was previously issued for the land on 27 July 2016. The certificate lapsed on 27 July 2018.

PROXIMITY OF SITE TO WHICH THERE IS A CURRENT SITE COMPATIBILITY CERTIFICATE, OR AN APPLICATION HAS BEEN MADE BUT NOT YET DETERMINED

The site is not within a 1km radius of land for which there is a current SCC or an application for an SCC has been made but not yet determined.

CLAUSES 24(2) AND 25(5)

The panel must not issue a certificate unless the panel:

- (a) has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the general manager of the council within 21 days after the application for the certificate was made;
- (b) is of the opinion that:
 - (i) the site of the proposed development is suitable for more intensive development; and
 - (ii) the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

COUNCIL COMMENTS

Comments from Blacktown City Council neither supported nor objected to the issuing of a certificate but raised matters to be considered by the Department (Attachment C1 and C2).

Council has indicated that public transport connectivity is not suitable as:

- the bus stop on the eastern side of Reservoir Road for the returning bus service from Blacktown CBD is not within 400 walking metres of the site; and
- the access to the bus stop on Holbeche Road is not satisfactory as there are no suitable pathways to the stop from the site.

Council has noted that the traffic impact report proposes signalisation of Reservoir Road at the Blacktown Workers Sports Club to provide a pedestrian crossing, which would make the bus stop when returning from Blacktown CBD accessible and within 400m of the site (currently, only the bus stop heading towards the Blacktown CBD is within 400m of the site).

Regarding the height, bulk and scale, Council:

- has expressed concerns over the four-storey building heights adjoining the R2 zone; Council favours two-storey heights. However, Council notes that this matter will be addressed at the development application stage considering community submissions; and
- is not concerned over building heights adjacent to the industrial land.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The panel must not issue a certificate unless the panel is of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)):

1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

The site is to the immediate south of the Blacktown Workers Sports Club. It covers an approximate area of 5.1ha and is used for four full-sized sporting fields for the club (Figure 4, next page).

There are no dwellings on the site. There is no significant vegetation on the site as it was cleared to accommodate the sporting fields. The application report notes eucalyptus and casuarina species on the site; however, these are of low ecological value. Access to the site is via an access road off Reservoir Road, which separates the workers club site into two halves. The northern half is the clubhouse building section and the southern half is the proposed site.



Figure 4: Aerial oblique of site (source: Nearmap).

The Department considers that the site of the proposed development is suitable for more intensive development as the proposal aims to contribute to seniors housing needs in the locality and there are no significant constraints to more intensive development as:

- the site is suitable to accommodate additional seniors housing development within the area;
- the use of the site for seniors housing would not adversely impact on future uses of the land;
- Council officers have not objected to the proposal but raised concerns about the height of the proposed development, which can be managed by requirements imposed on the certificate;
- adequate and suitable services are available to support the proposal; and
- there are no environmental constraints to the proposed development, such as drainage and flooding, bushfire, ecological, or heritage matters.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

The panel must not issue a certificate unless the panel is of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the following criteria (clause 25(5)(b)) and clause 24(2)(b)):

- 1. The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))**

Bushfire management

The northern boundary of the Blacktown Workers Sports Club is adjacent to an environmental conservation area, which is bushfire prone. A road divides the bushland from the club site and the club provides a physical buffer between the bushfire-prone bushland and the proposed site (Figure 5, next page). It is considered that the potential threat from bushfire is low and could be considered as part of any future development application.

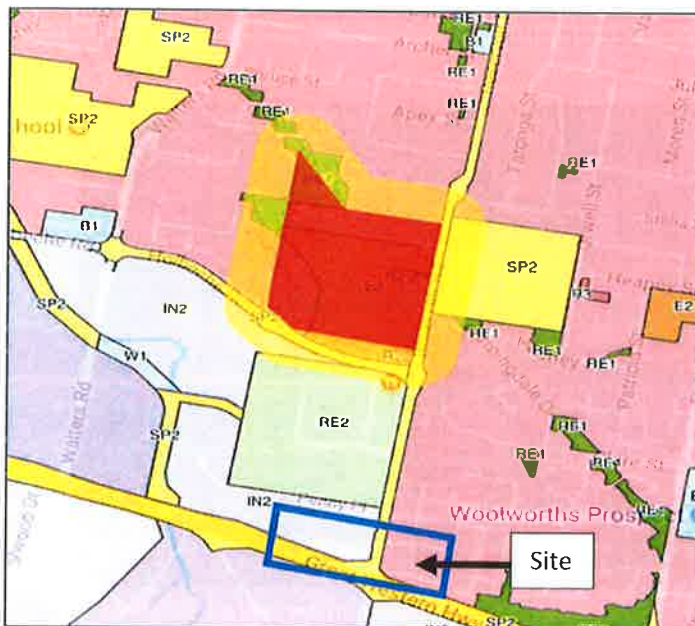


Figure 5: Bushfire map (source: NSW Planning Portal).

Vegetation constraints

The sporting fields contain minimal vegetation, except for 62 trees along the site boundaries with varying levels of significance and retention value. The table below summarises the arborist study findings:

Table 1: Retention value of trees on-site.

Retention Value	Significance		
	Low	Medium	High
Low	6	21	0
Medium	0	9	17
High	0	1	8

The Department recommends that a requirement be imposed on the SCC for clearing and management of vegetation to be addressed at the development application stage.

Flooding

Although the LEP maps do not identify the site as flood prone, the flooding assessment submitted in support of the SCC application details the site's vulnerability to flooding. The report notes that flood risk is low, with only up to 0.05m flood risk in the event of a one-in-10-year flood event (Figure 6, next page). The site remains accessible during such a flood event and can therefore be evacuated, with the development's lowest floors being above the flood level.

It is considered that flooding risk should not preclude the issuing of an SCC and that this matter can be investigated in more detail during the assessment of any future development application for the site.

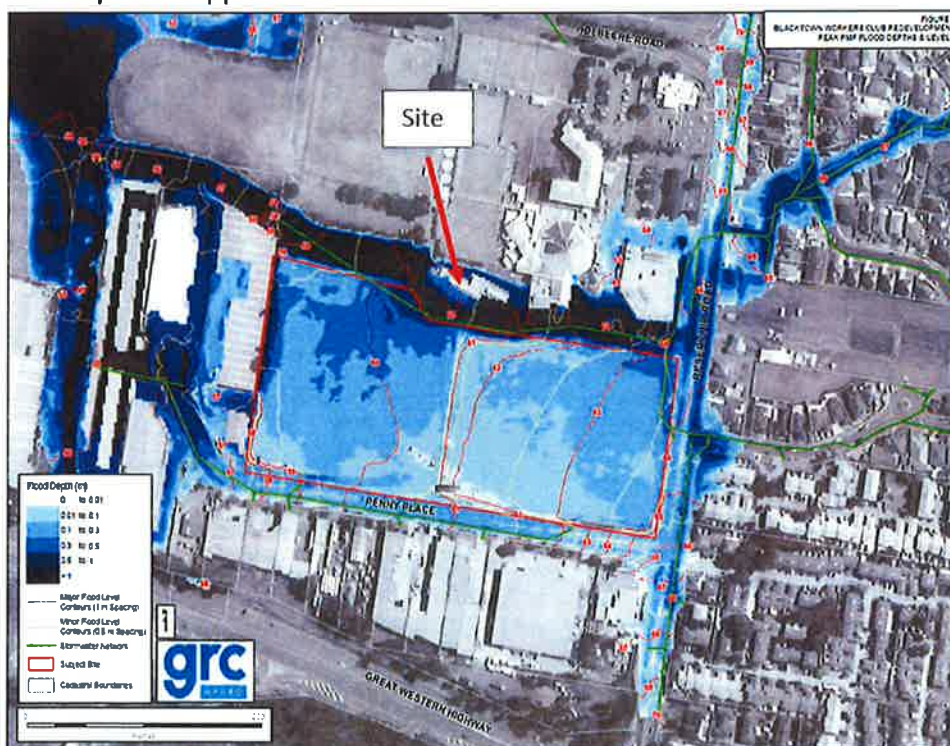


Figure 6: Flood levels (source: flooding assessment).

Stormwater management

Stormwater attenuation has been considered in the application and two underwater concrete tanks are proposed to hold excess stormwater and irrigate the sporting fields, which are proposed to be relocated. Stormwater management can be investigated in more detail at the development application stage.

Land-use conflicts

As previously discussed, the site adjoins industrial land. To ensure the proposal does not impact on the ability of the industrial land to be used for employment uses, it is considered that setbacks and building design (for example, building orientation and the use of building materials to minimise noise from the industrial lands) should be investigated during the development application stage.

The Department recommends a requirement be imposed on the SCC for setbacks and building design to be investigated during the development application stage.

2. The impact that the proposed development is likely to have on the uses that, in the opinion of the panel, are likely to be the future uses of that land (clause 25(5)(b)(ii))

Permissible and future land uses

The site is zoned RE2 Private Recreation and the key objectives of this zone are to provide public open space or recreational purposes. The zone provides for uses such as community facilities, function centres, kiosks, recreation areas and facilities, registered clubs and restaurants and cafes.

The proposal will not have an adverse impact on the private recreation uses provided by the site as the sporting fields will be relocated nearby to the western portion of the site (identified as Site A in Figure 7). Construction of new sporting fields is underway.

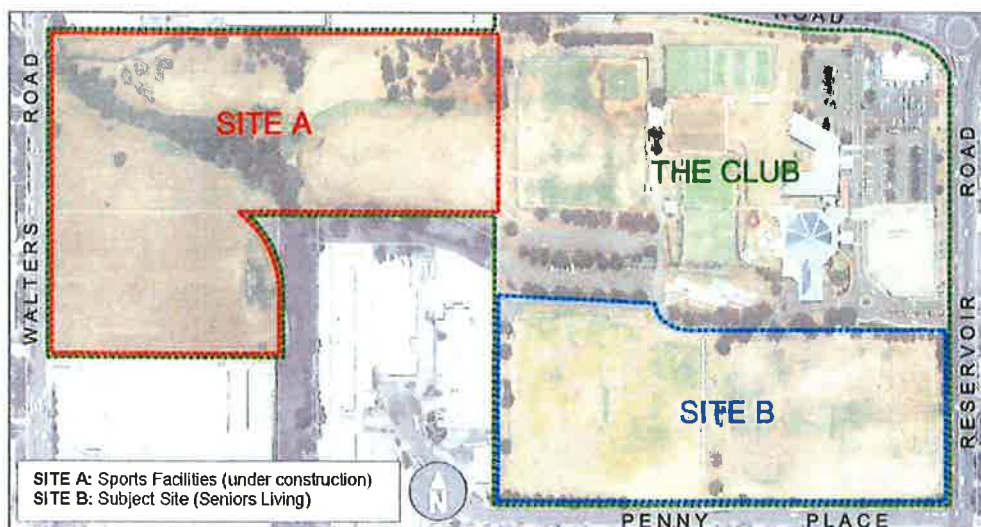


Figure 7: Location of relocated sports fields

3. The services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision (clause 25(5)(b)(iii))

Transport

The site is within 400m of two bus stops on Reservoir Road and a bus stop on Holbeche Road (Figure 8, next page). The bus routes servicing these stops are the 723 and 724, which give residents access to Westpoint Shopping Centre (a major shopping centre in the Blacktown LGA), Blacktown CBD, Blacktown CBD bus interchange and Blacktown train station. Route 723 along its westbound route connects residents to Mount Druitt, which gives residents access to Mount Druitt Hospital. From Blacktown train station, residents will have access to Parramatta and the Sydney CBD to the east, and Penrith and the Blue Mountains to the west.

In its submission, Council raised the importance of providing easy access to services and infrastructure and the provision of services and infrastructure. Currently, access to the bus stop on the eastern side of Reservoir Road for southbound trips is not satisfactory as it does not meet the 400m walking distance criteria.

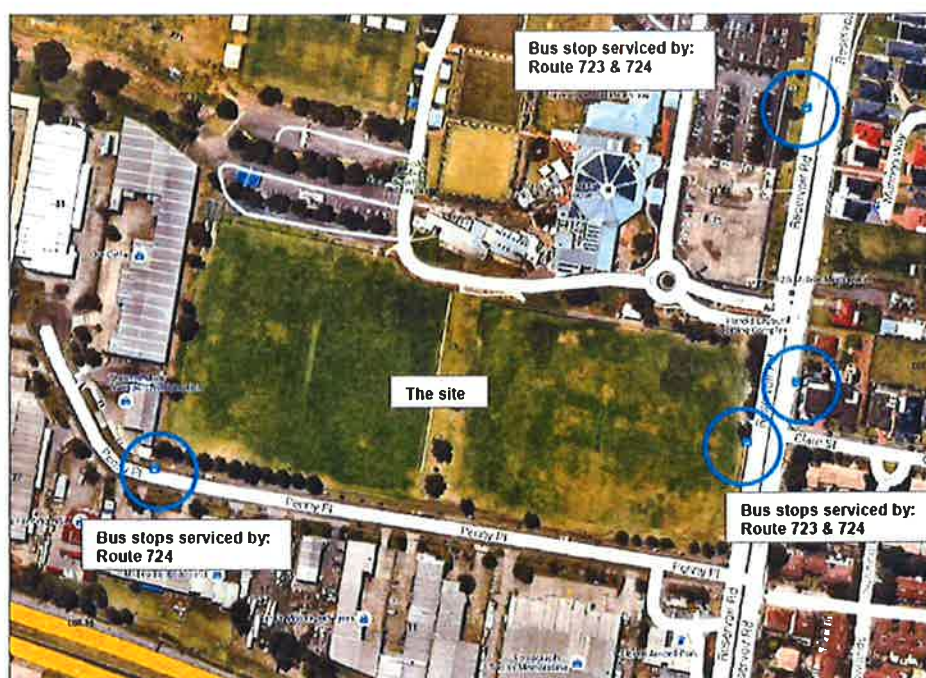


Figure 8: Bus stops near the site (source: application report).

As suggested in the applicant's Traffic Report, this can be satisfactorily addressed through a signalised intersection at Reservoir Road and the Blacktown Workers Sports Club which would provide a direct pedestrian crossing, linking the site to the bus stop and can be resolved at development application stage.

The frequency of buses also satisfies clause 26(2)(b)(iii) of the Seniors Housing SEPP that requires "public transport service is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive)." As shown in Table 2 (below), bus services are frequent, and residents will be well connected to the Blacktown CBD.

Table 2: Bus timetable for routes 723 and 724 (source: application report).

Bus Route	Schedule (Mon-Fri)	Timing
723 Mt Druitt to Blacktown via Eastern Creek Business Park	AM: 5:26, 6:31, 6:52, 7:12, 7:33, 7:51, 8:09, 8:29, 8:49, 9:16, 9:34, 10:34, 11:34 PM: 12:34, 1:34, 2:34, 3:04, 3:36, 4:06, 4:26, 4:56, 5:16, 5:36, 6:16, 6:33, 7:05, 8:05	20 minutes in peak periods, hourly during midday periods
723 Blacktown to Mt Druitt	AM: 5:15, 5:45, 6:15, 6:32, 6:52, 7:12, 7:31, 7:50, 8:10, 8:35, 8:53, 9:23, 9:45, 10:45, 11:45 PM: 12:45, 1:45, 2:23, 2:49, 3:31, 3:59, 4:19, 4:39, 4:59, 5:19, 5:39, 5:58, 6:28, 6:59, 7:58, 8:58	Arriving BWSC approximately 10-15 minutes.
724 Blacktown and Arndell Park Loop	AM: 5:06, 5:36, 6:06, 6:23, 6:43, 7:03, 7:22, 7:41, 8:01, 8:23, 8:43, 9:13, 9:43, 10:43, 11:43 PM: 12:43, 1:43, 2:13, 2:43, 3:20, 3:48, 4:08, 4:28, 4:48, 5:08, 5:28, 5:48, 6:18, 6:48, 7:48, 8:48.	Arriving Blacktown Interchange approximately 15 minutes.
724 Blacktown and Arndell Park Loop	AM: 9:42, 10:04, 11:04 PM: 12:04, 1:04, 2:35, 2:59, 6:47, 7:47, 8:17, 8:47, 9:27, 10:27, 11:27	Arriving BWSC approximately 60 minutes.

Medical

As the application report notes, Blacktown Hospital and other medical services are located in the Blacktown CBD, which is easily accessible via bus. Mount Druitt and Westmead Hospitals are directly accessible via public transport.

General practitioners can be reached at Blacktown General Practice (MedWest) within Westpoint Shopping Centre and Kildare Medical Centre within the Blacktown CBD. They are connected to the seniors site by bus.

Other medical services located in Westpoint Shopping Centre include dental, optometry, hearing and cardiovascular specialists.

Retail

Westpoint Shopping Centre is the main retail hub of Blacktown, which is accessible via the local bus services, and provides residents with a range of retail services including a post office, a library, restaurants, supermarkets, clothing retailers and other general goods.

4. In the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development (clause 25(5)(b)(iv))

The development of the site will not reduce the provision of private open space within the club as the sporting fields will be relocated.

5. Without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development (clause 25(5)(b)(v))

Current planning controls

The current planning controls for the site and surrounding land under the Blacktown Local Environmental Plan (LEP) 2015 are shown in Tables 3 and 4 below.

Table 3: Surrounding land zones and controls (Blacktown LEP 2015).

	Land zones	Maximum height of buildings	Minimum lot size
The site	RE2	N/A	2500m ²
Land adjoining the site (north)	RE2	N/A	2500m ²
Land adjoining the site (east)	R2	9m	450m ²
Land adjoining the site (south & west)	IN2	N/A	2500m ²

Table 4: Existing land uses near the seniors housing site.

North	The Blacktown Workers Sports Club is to the immediate north of the site and is zoned RE2.
South	IN2 Light Industrial land is located along the southern boundary in the form of warehouses and storage facilities.
East	R2 Low Density Residential zoning dominates the eastern boundary of the site. SP2 (Reservoir Road) separates R2 from the site and provides north-south connection within the local area.
West	IN2 land uses dominate the western boundary of the site in the form of warehouses, with open space surrounding the small W1 zone within the IN2 zone.

IN2 industrial lands to the south and west are mostly used for bulk goods and warehousing and therefore produce little pollution and will have minimal impact on the proposed seniors housing development.

Reservoir Road to the east is a sub-arterial road which linking to the Prospect Highway, Great Western Highway, Bungaribee Road and into the Blacktown CBD.

Existing and approved uses

The character of the surrounding area is predominantly low-density residential and light industrial, with significant undeveloped land to the west also zoned for industrial purposes. It is considered that the bulk and scale of the proposed residential aged care facility, with the largest concept building being 14 storeys and subsequent buildings ranging down to four storeys, is inconsistent with the character or the existing and approved uses.

In its submission, Council did not raise the height, bulk or scale of the proposed development as an issue. There are few surrounding height controls adjacent to the site (see Table 3, page 11), with only the residential zone to the east having a height of building control of 9m.

There is no urban design study or guidelines for the area.

While the development concept has been prepared to minimise the impact on neighbouring land uses, with the largest buildings occupying the western portion of the site next to the IN2 zone and scaling down to the east towards the adjacent residential zone, the bulk and scale of the proposal should be further reviewed during the development application stage.

Landscaping and visual amenity should also be addressed at the development application stage, and a requirement is recommended to be included in the SCC.

To ensure the proximity of high-density residential does not impact on the current or future operation of the adjoining industrial lands, setbacks and building design should be further investigated during the development application stage.

Future land use in the vicinity

The zoning controls in the area have not undergone any recent change, and so it is considered that the character of the locality is not expected to undergo any significant change in the future such as redevelopment, increased density or overall land-use change.

6. If the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act 2003*—the impact that the proposed development is likely to have on the conservation and management of native vegetation (clause 25(5)(b)(vi))

The *Native Vegetation Act 2003* was repealed on 25 August 2017. Current legislation governing the clearing of native vegetation is the *Local Land Services Act 2013* and the *Biodiversity Conservation Act 2016*.

The proposed seniors living development will not involve clearing native vegetation from the site, therefore the legislation governing the management of native vegetation does not apply. As per the application documentation, the arborist report has identified 38 trees with retention value, with tree protection zones to be established. To offset the removal of trees on the site to make way for the development, deep soil zones will be constructed to promote the health and growth of the large trees that are retained.

It is recommended that the clearing and management of vegetation on-site be investigated during the development application stage and a requirement is recommended to be imposed on the SCC accordingly.

7. The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(5)(b)(vii))

This clause is not applicable as a cumulative impact study was not deemed necessary as the site is not near any other seniors housing developments.

CONCLUSION

The site demonstrates that it is suited for the purposes of a seniors housing development due to its compliance with the relevant criteria of the Seniors Housing SEPP, primarily that it adjoins land for urban purposes and has access to public transport and services for future residents.

The proposed development will provide Council with housing diversity and care facilities for seniors. This provides a positive social outcome and is possible to be achieved as there are no significant constraints to more intensive development on or surrounding the site.

The application for an SCC is consistent with clause 25 of the Seniors Housing SEPP and it is considered that housing for seniors or people with a disability is a suitable use of the site and compatible with the surrounding land use as:

- it will contribute to meeting the growing needs for seniors housing in the Central City District of Sydney;
- there are adequate and suitable:
 - services and utilities; and
 - public transport and pedestrian access routes;
- environmental constraints do not inhibit the site's development potential as there are no critically endangered communities on the site;
- the concept layout has considered the retention of a significant number of trees on the site; and
- the site is at little risk of natural disaster and hazard.

However, the Department recommends that several requirements be attached to the SCC, including:

- confirmation that any development application needs to demonstrate consistency with clause 17 of the Seniors Housing SEPP;
- review of bulk, scale and building design;
- consideration of setbacks, landscaping and visual amenity; and
- consideration of clearing and management of vegetation.

Contact officer: Ann-Maree Carruthers
Director, Sydney Region West
Contact: 9274 6270

