

Sydney Western City Planning Panel

Panel Reference	PPS-2019WCI038
DA Number	130/2019/DA-SL
LGA	Campbelltown
Proposed Development	Construction of a 144 bed residential aged care facility, 52 parking spaces, loading dock, associated site and landscaping works
Street Address	247 Jamboree Avenue, Denham Court
Applicant	Bolton Clarke
Owner	RSL CARE RDNS LIMITED
Date of DA lodgement	16 January 2019
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria	Development that has a capital investment value of more than \$30 million (\$39,051,242)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • Campbelltown Growth Centre Precincts Development Control Plan
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Recommended Conditions of Consent 2. Architectural Plans 3. Landscape Plans 4. Acoustic Report 5. Traffic Impact Assessment and Addendum 6. Access Compliance Report 7. Operational Waste Management Plan 8. Design Statement 9. Applicant's Response 10. Quantity Surveyors Report 11. Bushfire Safety Authority
Report prepared by	Mr D. Timmins – Senior Town Planner Campbelltown City Council
Report date	February 2020

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
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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?	N/A
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?	No
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Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Executive Summary

- The land is situated within the Southwest Growth Centre and is located on the corner of Jamboree Avenue and Denham Court Road, Denham Court. The site has a total land area of 11,323sqm and is a vacant allotment.
- The application proposes the construction of a 144 bed residential aged care facility, 52 parking spaces, loading dock, associated site and landscaping works.
- The proposed development is consistent with the staged development consent and concept plan involving the neighbouring seniors housing development which identifies the future use of the subject site as a residential aged care facility.
- The land contains two land use zones under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Seniors housing and is permitted with consent within the R2 zone, but is prohibited within the SP2 zone. Notwithstanding, the proposal satisfies the provisions for development near zone boundaries and the development may be carried out in the adjoining SP2 zone.
- The proposed development is consistent with the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The proposal would increase the supply and choice of aged care residences in a location with access to transport services and nearby commercial services.
- The application proposes a variation to the Campbelltown Growth Centre Precincts Development Control Plan with regard to car parking spaces.
- The application was referred to Jemena under the provisions of State Environmental Planning Policy (Infrastructure) 2007 due to proximity of the site to a high pressure gas pipeline. The applicant has satisfied Jemena's requirements.
- The NSW Rural Fires Service has issued a bushfire safety authority for the development of bushfire prone land for the purpose of seniors housing.
- The application was publicly notified and exhibited from 29 March 2019 to 10 May 2019, and no submissions objecting to the proposed development were received.
- Development contributions are not applicable in accordance with the Ministerial Direction of 14 September 2007 as the development application is made by a social housing provider as defined by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- The application is recommended for approval in accordance with the recommended conditions in Attachment 1 to this report.

Application History

- The application was lodged on 16 January 2019
- Public exhibition concluded on 10 May 2019
- Additional information was requested from the applicant on 22 May 2019 and 28 June 2019
- The Planning Panel was briefed of the proposal on 13 August 2019
- Revised plans were received from the application on 13 September 2019
- Jemena withdrew its objection on 20 December 2019
- Concurrence was issued from the NSW Rural Fire Service on 20 February 2020.

Panel Briefing

At the panel briefing held on 13 August 2019, the following matters were raised:

- Compatibility with character of area
- Location of vehicle manoeuvring, garbage collection and plant equipment
- Concept plan with adjoining retirement village
- Acoustic wall adjoining southern property boundary
- Location of visitor parking spaces and function of vehicle circulation areas
- Demolition of existing bus stop
- Impact on Jemena pipeline
- Three storey building element exceeding height control
- Presentation to Denham Court Road
- Consideration of solar panels and storage batteries

The Site

The subject site is located on a corner allotment and adjoins the signalised intersection of Jamboree Avenue and Denham Court Road, Denham Court.

The site is irregular in shape and has an area of 11,323sqm. Site levels vary from RL 89.64 to RL 94.11 generally from north-west to north-east.

Denham Court Road provides two traffic lanes in each direction and is an Unclassified Regional Road pursuant to the Roads Act 1993.

A sealed footpath/cycleway adjoins both street frontages, and a bus stop fronts the site on Jamboree Avenue.

The site is mapped as being located within bushfire prone land, and a high pressure gas pipeline is situated within a riparian corridor opposite the site.

The site adjoins Willowdale Retirement Village to the south and west, comprising 268 self-contained single storey dwellings.

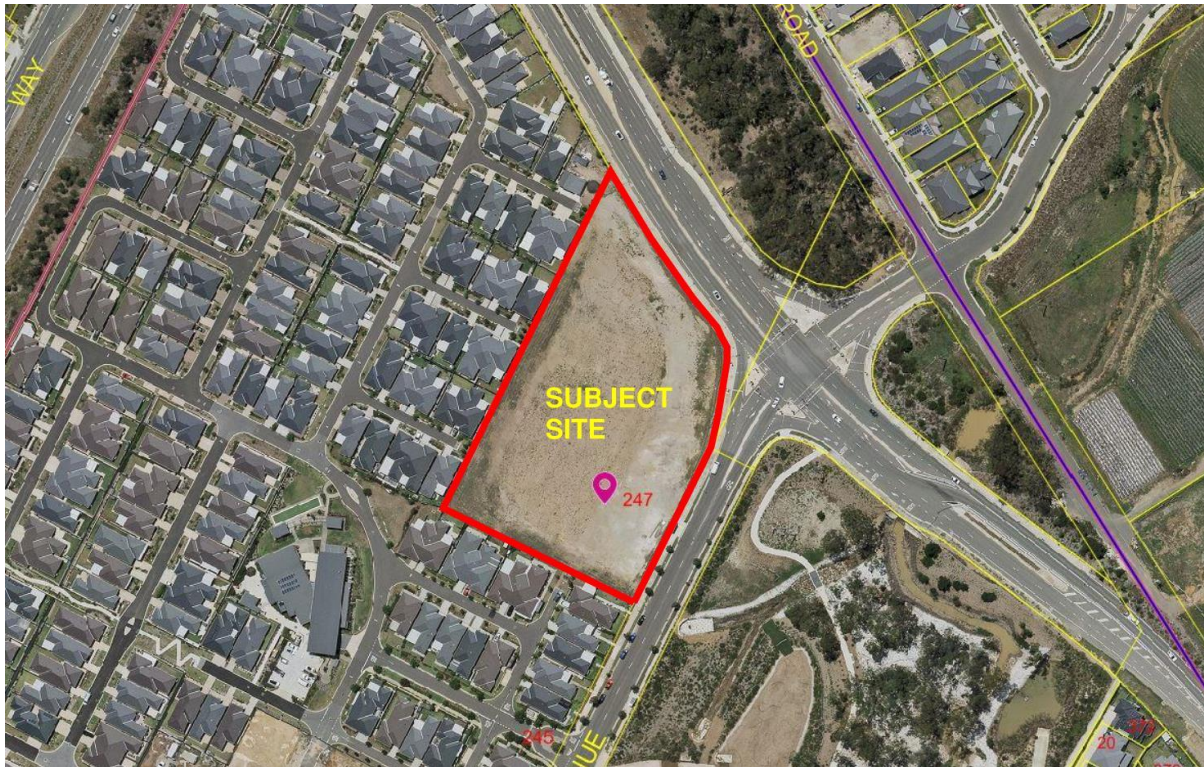


Figure 1: Aerial photo showing subject site outlined in red and surrounding development

Willowdale Retirement Village - staged development consent and concept plan

- The Sydney West Joint Regional Planning Panel approved application No. 2014SYW132 on 23 July 2015 for the “staged development application for a retirement village, including Stage 1, being the construction of roads, an entry feature and an acoustic wall”.

The staged development sets out a concept plan for the development of the site, parts of the site to be the subject of subsequent development applications, and details of the first stage of the development.

The concept plan identifies the future use of the subject site as a residential aged care facility. As the application seeks consent to use the site as a residential aged care facility, the proposal is consistent with the staged development consent and concept plan.

- The Sydney West Joint Regional Planning Panel approved application No. 2015SYW080 on 23 July 2015 for the “construction and occupation of 268 seniors housing dwellings, associated site works and landscaping”.
- Council approved application No. 1659/2015/DA-C on 10 November 2015 for the “construction of a clubhouse to be used in association with an existing retirement village, car parking, recreation and landscaped areas and associated site works”.

The club house includes a lounge room, multi-purpose room, kitchen and servery, library, gymnasium, games room, hairdresser, swimming pool, barbecue area and workshop.



Figure 2: Concept plan identifying future use of subject site as a residential aged care facility

The Proposal

The development application proposes the construction residential aged care facility. The building is two storeys high and contains 144 bedrooms.

A total of 52 on-site parking spaces would be provided, comprising 47 basement spaces, 4 ground level spaces and 1 ambulance space. Two accessible parking spaces are located within the basement.

A lift would be provided in the basement to convey pedestrians to the main lobby area. Two lifts would be provided between the ground and upper floor level.

Vehicle access would be obtained from Jamboree Avenue. The proposed location of the driveway requires the relocation of an existing bus stop.

A turning head is proposed adjacent to the main building entrance to facilitate the drop off and pickup of residents.

An accessible ramp would provide pedestrians with direct access to/from the footpath of Jamboree Avenue.

Each floor of the building comprises the following components:

Ground floor

- 71 bedrooms
- Two internal communal courtyards (approx. 610sqm & 570sqm)
- One external communal open space area (approx. 680sqm)
- Kitchen, dining area, lounge rooms, servery
- Laundry, linen, clinical, medication, cleaner, communications, utility rooms

- Loading dock, vehicle turn table, substation, bin storage and pump room
- Reception, offices, hairdresser and café

First floor level

- 73 bedrooms
- Four outdoors terraces (23 - 30sqm)
- Staff training and staff rooms
- Furniture and equipment storage rooms
- Linen, clinical, medication, cleaner, communications, utility rooms
- Function area, cinema and quiet room
- Dining area, lounge rooms, servery

A masonry and palisade fence would be erected on the corner of Denham Court Road and Jamboree Avenue. The corner would be embellished with planting and retained garden beds.

All waste is proposed to be collected on-site within the loading dock area by a private contractor. The loading dock contains a vehicle turn table.

Stormwater is proposed to be drained into an existing kerb inlet within Jamboree Avenue.



Figure 3: View of primary façade from Jamboree Avenue



Figure 4: View of development from vehicle entry of Jamboree Avenue



Figure 5: View of development from corner of Jamboree Avenue and Denham Court Road

1. Planning Provisions

The proposed development has been assessed against the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

1.1 Rural Fires Act 1997

Section 100B of the Rural Fires Act 1997 requires a bushfire safety authority for development of bush fire prone land for a special fire protection purpose.

A special fire protection purpose includes seniors housing within the meaning of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD).

The proposed development involves seniors housing within the meaning of SEPP HSPD, and the application has been lodged as integrated development in accordance with section 4.46 of the EP&A Act.

The NSW Rural Fire Service issued general terms of approval on 20 February 2020 which have been included within the recommended conditions of consent.

1.2 State Environmental Planning Policy No 55 – Remediation of Land

Pursuant to clause 7(1) of State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55), the consent authority must not consent to the carrying out of any development on land unless:

- (a) *It has considered whether the land is contaminated, and*
- (b) *If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

- (c) *If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The application was accompanied a Detailed Site Investigation (DSI) prepared by Douglas Partners.

The findings of the DSI indicate that based on the field observations and laboratory results, no signs of unacceptable, broad scale contamination impacts were found, and no remediation works are warranted.

While there remains potential for isolated pockets of contamination to be present on the site, this could be readily managed through the implementation of an Unexpected Finds Protocol.

Based on the findings of the DSI, it is considered the land is suitable for the purposes of a residential aged care facility.

1.3 State Environmental Planning Policy (Infrastructure) 2007

Pursuant to clause 66C(1) of State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure), before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must:

- (a) *be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and*
- (b) *take those risks into consideration, and*
- (c) *give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and*
- (d) *take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given.*

The land is located within 20m of land subject of an easement for a high pressure gas pipeline. The application was referred to Jemena for comment and a letter of objection was received.

In response to Jemena's objection, the applicant completed a Safety Management Study having regard to AS 2885.6:2018 *Pipelines – Gas and Liquid Petroleum – Pipeline Safety Management*.

A Pipeline Safety Management workshop was held between the applicant and Jemena in October 2019 and potential threats from activities to the pipeline were identified.

Jemena is satisfied the proposal would not result in credible threats from excavation and loading over the pipeline easement. Accordingly, Jemena withdrew the original letter of objection on 20 December 2019.

Notwithstanding, Jemena has requested a condition to be included within the recommended consent requiring the applicant to contact Jemena prior to the commencement of any drainage works within Jamboree Avenue.

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

The proposed development has been assessed against the relevant provisions of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP Growth Centres). This assessment is discussed below:

Permissibility

The development site is zoned 'R2 Low Density Residential' and 'SP2 Infrastructure (Local Road)' under the zoning maps of SEPP Growth Centres.

The proposed development is defined as 'seniors housing' and is permitted with consent in the R2 zone.

Seniors housing means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these,

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation,

but does not include a hospital.

The proposed development is consistent with the definition of seniors housing as the proposal comprises a residential care facility that would be used permanently for seniors of people who have a disability.

Zone objectives

The objectives of the R2 zone under SEPP Growth Centres are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.
- To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

The proposed seniors housing would provide for the housing needs of seniors and people with a disability and includes facilities and services to meet the day to day needs of its residents, such as furniture, equipment, cleaning services and personal/nursing care. The

two storey built form has been designed to be compatible with the amenity of the low density environment, taking into account neighbouring solar access, visual and acoustic privacy. The proposal would increase the supply and diversity of accommodation within the locality for residents requiring a higher level of care.

The objectives of the SP2 zone under SEPP Growth Centres are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposed development would not provide for infrastructure and related uses. Notwithstanding, the proposal is considered to be compatible with, and not detract from, the provision of infrastructure associated with Denham Court Road, discussed further below.

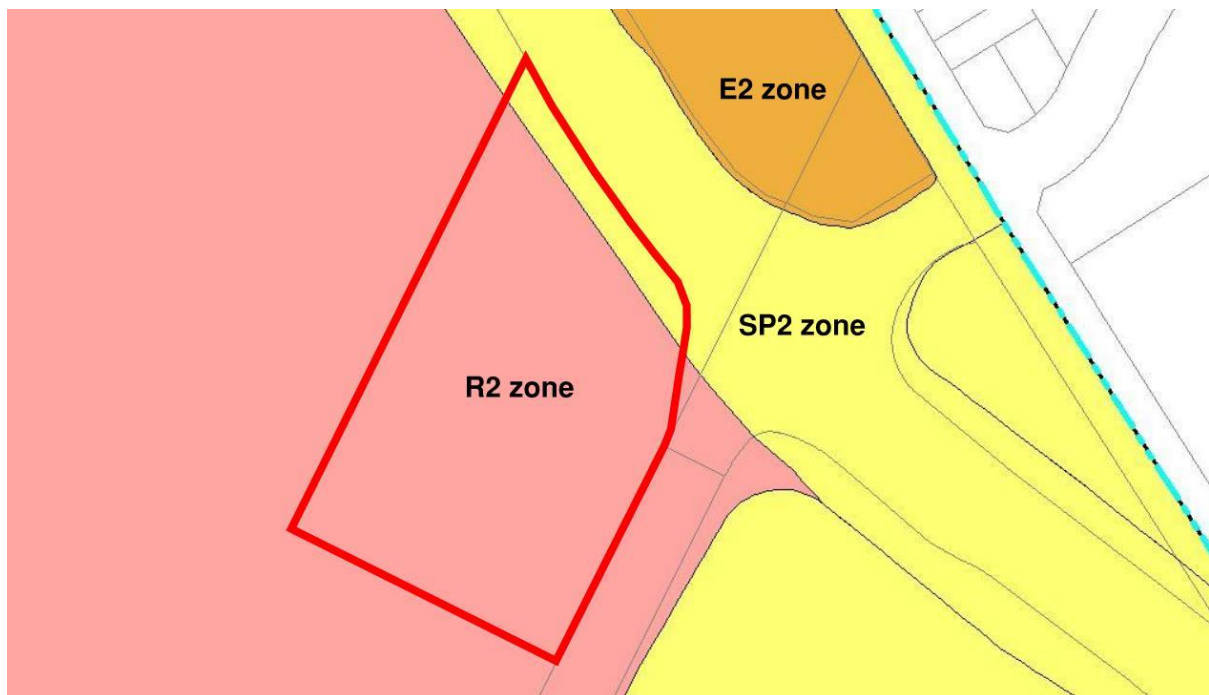


Figure 5: Extract of zoning map showing zoning of site and locality

Development near zone boundaries – SP2 infrastructure

Clause 5.3 of SEPP Growth Centres contains provisions for development near zone boundaries. The development site involves two zones under the SEPP Growth Centres. The majority of the site is zoned R2 Low Density Residential. The balance adjoining the northern boundary is zoned SP2 Infrastructure. Seniors housing is permissible in the R2 zone but not in the SP2 zone.

Approximately 890sqm of the site adjoining Denham Court Road is zoned SP2 Infrastructure. The proposal seeks to utilise this 'transition land' for the purposes of seniors housing.

Clause 5.3 Development near zone boundaries applies to the transition land. The applicable provisions of clause 5.3 are read as follows:

- (1) *The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*

Comment: The site is situated within the Southwest Growth Centre where the land use zoning was mapped prior to the subdivision of land and creation of the sites lot boundaries.

Denham Court Road was under construction in 2015, during which the SP2 zoned land situated within the site was not required to be utilised or acquired for the purposes of providing the Unclassified Regional Road.

In this regard, the SP2 zoned land within the site is deemed to be surplus to the recently completed road. Therefore it is considered to be more logical and appropriate for the surplus SP2 zoned land to be used for the purposes of seniors housing to provide for the housing needs of the community.

- (2) *This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.*

Comment: All SP2 zoned land situated within the site is located within 50m of the R2 zoned land.

- (4) *Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:*

- (a) *the development is not inconsistent with the objectives for development in both zones, and*

Comment: The development is not inconsistent with the objectives for development in both zones as the proposal would provide for the housing needs of the community and would not detract from the provision of infrastructure that has recently been completed.

- (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

Comment: The carrying out of the development is desirable due to compatible land use planning. The proposal would not inhibit the function of Denham Court Road and would incorporate acoustic treatments into its design to ensure residential compatibility. The proposal is compatible with the adjoining seniors housing development to the north-west that provides dwellings within the SP2 zone fronting Denham Court Road.

The proposal is compatible with the infrastructure capacity of Denham Court Road which has recently been formalised, including the provision of a signalised intersection, traffic/slip lanes, footpath/cycleway, drainage works, sign posting and line marking. Vehicle access to the site is not proposed to be obtained from Denham Court Road.

The development of the land is considered to be efficient as it would enable the land to be utilised for the purpose of providing seniors housing instead of remaining surplus land to a road corridor. The development of the land is considered to be timely as the infrastructure required to serve Denham Court Road was provided prior to the development of the subject site.

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

The proposed development has been applied for under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD).

The proposal is defined under SEPP HSPD as a “**residential care facility**” meaning:

residential accommodation for seniors or people with a disability that includes:

- (a) *meals and cleaning services, and*
- (b) *personal care or nursing care, or both, and*
- (c) *appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,*

not being a dwelling, hostel, hospital or psychiatric facility.

Comment: The proposed development is consistent with the definition of residential aged care facility as the proposal comprises accommodation for seniors or people with a disability that includes meals and cleaning services, personal care or nursing care and appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care. The facility is not a dwelling, hostel, hospital or psychiatric facility.

Restrictions of occupation of seniors housing allowed under the Chapter

Pursuant to clause 18(1) of SEPP HSPD, development allowed by this Chapter may be carried out for the accommodation of the following only:

- (a) *seniors or people who have a disability,*
- (b) *people who live within the same household with seniors or people who have a disability,*
- (c) *staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

Comment: The proposed development seeks consent for the accommodation of seniors or people who have a disability.

Pursuant to clause 18(2) of SEPP HSPD, a consent authority must not consent to a development application made pursuant to this Chapter unless:

- (a) *a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and*

- (b) *the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).*

Comment: A condition has been imposed within the recommended consent to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates. An additional condition has been included within the recommended consent requiring a restriction as to user to be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).

Location and access to facilities

Pursuant to clause 26(1) of SEPP HSPD, a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:

- (a) *shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
- (b) *community services and recreation facilities, and*
- (c) *the practice of a general medical practitioner.*

Comment: The submitted Statement of Environmental Effects states the site lies within 100m of a bus stop at Jamboree Avenue serviced by Route 841 (Narellan to Leppington Station). The bus route and bus stops indicate that residents of the proposed development will have access to services and facilities that complies with subclause (2).

- (2) *Access complies with this clause if:*
- (b) *in the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development:*
- (i) *that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*

Comment: A bus stop fronts the site in Jamboree Avenue. The bus stop is located less than 400m from the site of the proposed development and the distance is accessible by means of a suitable access pathway, comprising of a sealed footpath that is suitable for access by means of an electric wheelchair, motorised cart or the like.

- (ii) *that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*

Comment: The bus service can take residents to a place that is located at a distance of not more than 400m from the facilities and services referred to in

subclause (1) including the Willowdale Shopping Plaza and Narellan Town Centre.

- (iii) *that 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),*

Comment: The bus 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.

and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3).

Comment: The gradient along the pathway from the site to the bus stop, and from the bus stops to the facilities and services, does not exceed 1:14 and complies with the maximum gradient specified in subclause (3).

- (3) *For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable—*

- (i) *a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
- (ii) *a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
- (iii) *a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.*

Comment: The overall gradient along the pathways are within the maximum gradients specified in subclause (3).

Bushfire prone land

Pursuant to clause 27(1) of SEPP HSPD, a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 10.3 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.

Comment: The application was accompanied by a Bushfire Assessment Report prepared by MJD Environmental. The report was undertaken by a Bushfire Planning and Design (BPAD) Accredited Practitioner and provides an assessment of the proposal against the requirements of Planning for Bush Fire Protection.

Pursuant to clause 27(3) of SEPP HSPD, in exercising its functions under subclause (1), a consent authority must consult with the NSW Rural Fire Service and have regard to its comments.

Comment: The NSW Rural Fire Service was consulted on the proposed development. The NSW Rural Fire Service issued general terms of approval on 20 February 2020 which have been included within the recommended conditions of consent.

Water and sewer

Pursuant to clause 28(1) of SEPP HSPD, a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.

Comment: The application was accompanied by an Engineering Infrastructure Report prepared by Wood and Grieve Engineers. The report investigates existing water and sewer infrastructure within the vicinity of the site and assesses its capacity to service the proposed development. The report confirms that existing water and sewer infrastructure are located adjacent to the site, and the existing infrastructure is more than adequate to service the proposed development. A recommended condition has included requiring the applicant to obtain a Section 73 Certificate from Sydney Water to ensure the provision of potable and wastewater services to the development.

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

Pursuant to clause 29(2) of SEPP HSPD, a consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).

- (i) *the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*

Comment: The proposed development is considered to be compatible with the natural environment with respect to bushfire protection, flood affectation, and relationship with nearby native vegetation. The proposal is considered to be compatible with the existing and approved uses of land within the vicinity of the proposed development, comprising a seniors housing development, riparian corridors, signalised intersection and roads.

- (iii) *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,*

Comment: The proposed development is located within an accessible area that complies with the requirements set out in clause 26. The site would be adequately serviced with nearby retail, community, medical and transport services. The proposal would provide some onsite services for residents including a café, hairdresser and cinema.

The Minister for Planning issued a Direction on 14 September 2007 prohibiting the levying of development contributions for applications made by a social housing provider to carry out development for the purpose of any form of seniors housing defined in SEPP HSPD.

Under SEPP HSPD a social housing provider includes a “not-for-profit organisation that is a direct provider of rental housing to tenants”.

The applicant and land owner are registered with the Australian Charities and Not for Profits Commission, and the proposal would provide a form of rental accommodation to tenants.

Accordingly, financial arrangements for infrastructure provision are not considered to be applicable to this application, and this has been confirmed by Council’s development contributions officer.

- (v) *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.*

Comment: The visual bulk and scale of the development facing the western boundary has been broken up through the use of articulated facades and by providing a built form that angles away from the boundary.

The visual bulk and scale of the development facing the southern boundary has been reduced by setting back the first floor level behind the ground floor level. The built form of the first floor incorporates recessed walls to mitigate the visual impact of a long unrelieved wall to neighbouring dwellings.

The impacts of bulk, scale and built form on neighbouring dwellings is considered to be acceptable with regard to visual and acoustic privacy, overshadowing and solar access.

The character of the proposed development is considered to be compatible with its surroundings with respect to landscaped areas forward of the building line and façade treatments that address both street frontages.

Site analysis

Pursuant to clause 30(1) of SEPP HSPD a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant.

Comment: The application was accompanied by a Site Analysis Plan and Design Statement prepared by Conrad Gargett. The Design Statement explains how the proposal is sympathetic to its surrounding context and satisfies the design principles.

Neighbourhood amenity and streetscape

Pursuant to clause 33 of SEPP HSPD, the proposed development should:

- (a) *recognise the desirable elements of the location’s current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*

Comment: The proposed development is considered to respond to the desirable elements of the location’s current character and contribute to the quality and identity of the area. The proposal has been articulated to address both street frontages, and

the amount of landscaped areas forward of the building line relates to the riparian corridors opposite the site.

- (b) *retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*

Comment: There are no heritage items on the site or in the local vicinity.

- (c) *maintain reasonable neighbourhood amenity and appropriate residential character by:*

- (i) *providing building setbacks to reduce bulk and overshadowing, and*

Comment: The first floor level located adjacent to the southern property boundary has been setback further than the ground floor level so as to reduce the impacts of bulk and overshadowing on neighbouring dwellings.

- (ii) *using building form and siting that relates to the site's land form, and*

Comment: The building form has been appropriately setback from the raised landform adjoining the western property boundary. The raised landform would be provided with retaining walls and landscape planting.

- (iii) *adopting building heights at the street frontage that are compatible in scale with adjacent development, and*

Comment: The proposed two storey built form is compatible in scale with adjacent single storey seniors housing development. The majority of built form is setback substantially from Jamboree Avenue which mitigates the height and scale of the development at the street front with the adjacent seniors housing development.

- (iv) *considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*

Comment: A 2.7m high acoustic wall is proposed adjacent to the southern boundary to screen the loading dock area from the neighbouring dwelling. The submitted Sun Diagrams show the adjoining dwelling would receive 5 hours of continuous solar access to at least 64sqm of private open space.

- (d) *be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*

Comment: The front reception, loading dock and built form are setback 6.5m - 28m from Jamboree Avenue. The built form is setback 5m from Denham Court Road. The proposed setbacks and building lines are sympathetic to other dwellings within the streetscape.

- (e) *embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*

Comment: The proposed landscape planting is appropriate and suitable for the streetscape. The landscaping of the corner is considered to harmonise with the

adjacent riparian corridor, and the extent of planting forward of the building lines is sympathetic to other planting in the streetscape.

- (f) *retain, wherever reasonable, major existing trees, and*

Comment: There are no existing trees on the site.

- (g) *be designed so that no building is constructed in a riparian zone.*

Comment: There are no riparian zones on the site.

Visual and acoustic privacy

Pursuant to clause 34 of SEPP HSPD, the proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- (a) *appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and*

Comment: The development has been designed to minimise overlooking between bedrooms and there would be negligible overlooking opportunities to adjoining development.

All habitable room windows, patios and balconies to the west have been setback 5.8m – 13m from the neighbouring property boundary. The balconies have been designed to oppose the neighbouring roof form and minimise potential overlooking of neighbouring private open space.

All windows to the south have been setback 4m – 7m from the neighbouring property boundary and do not comprise of bedroom windows. The ground floor windows are associated with a kitchen, laundry and a reflection space. The upper level windows are associated with amenities, staff, storage and a lounge room.

With the exception of the ground floor reflection space and upper level lounge room, all windows have been provided with raised sill heights.

The window of the upper level lounge room is not considered to result in significant or detrimental privacy concerns to neighbouring dwellings. The window would be setback 7m from the neighbouring property boundary and positioned to the side of the lounge room containing one table and four seats. The window would provide natural light to the hallway and increase the amenity to the adjacent lounge room.

All windows and balconies are considered to be appropriately located and adequately distanced from the private open space of neighbouring dwellings.

Mature landscaping within building setbacks and fencing adjacent to Denham Court Road would provide a visual screen to and from the development. The use of planting within the development would enhance privacy between bedrooms and adjacent pathways.

- (b) *ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.*

Comment: Bedroom windows are suitably located to avoid impacts from the use of driveways, parking areas and paths. While two bedrooms are situated above the

basement entry, the depth of the balconies would increase the separation of the bedrooms from vehicles utilising the basement. Further, the bedroom windows would be acoustically treated with thickened glass in accordance with the Acoustic Report to ensure acceptable internal noise levels and residential amenity.

Solar access and design for climate

Pursuant to clause 35 of SEPP HSPD, the proposed development should:

- (a) *ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and*

Comment: The submitted sun diagrams indicate that neighbouring properties would receive adequate daylight living areas and private open space. The six neighbouring dwellings to the south would continue receive at least 3 hours of solar access to 22.7sqm – 64sqm of private open space which exceeds the minimum requirement of 3 hours to 10sqm under the Growth Centre DCP for dwellings houses with a frontage width of 9 – 15m.

- (b) *involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

Comment: The windows of bedrooms and dining areas are orientated in a northerly direction to maintain heat and light during the day. The roof openings of the internal courtyards facilitate the receipt of natural light and ventilation to spaces within the development.

Stormwater

Pursuant to clause 36 of SEPP HSPD, the proposed development should:

- (a) *control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and*

Comment: Landscaped areas are provided adjacent to imperious areas to facilitate the infiltration of runoff.

- (b) *include, where practical, on-site stormwater detention or re-use for second quality water uses.*

Comment: The application does not propose on-site detention or re-use for second quality water uses. All stormwater would be conveyed to a kerb inlet pit. While Council's stormwater engineers did not require on-site stormwater detention for the proposed development, a recommended condition has been included requiring the development to incorporate a rainwater tank into the stormwater design of the development to encourage water reuse and minimise the use of potable water.

Crime prevention

Pursuant to clause 37 of SEPP HSPD, the proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

- (a) *site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and*

Comment: The front reception allows observation of approaches to bedrooms fronting Jamboree Avenue and provides general observation to the driveway, street, pathways and communal open space. All ground floor bedrooms are provided with a glass sliding door that would allow the observation of external approaches to entries from within bedrooms. General observation of communal and public areas would be provided from patios, balconies and habitable room windows.

- (b) *where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and*

Comment: Shared entries are provided that serve a small number of bedrooms and are capable of being locked.

- (c) *providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

Comment: All ground floor bedrooms are provided with a glass sliding door to a patio that would allow residents to see who is approaching from the outside without the need to open the door.

Accessibility

Pursuant to clause 38 of SEPP HSPD, the proposed development should:

- (a) *have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*

Comment: Obvious and safe pedestrian paths would be provided from the site to the bus stop located on Jamboree Avenue. All paths would be sealed and delineated with landscape planting. An accessible ramp would provide pedestrians with direct access to/from the footpath of Jamboree Avenue.

- (b) *provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

Comment: The majority of car parking would be provided within the basement which reduces the visual prominence of parking areas on the street. The basement would be provided with an elevator to convey pedestrians to the main lobby area. The ground level driveway, car park and pathways would be provided with adjacent landscape planting which softens the edges of hardstand areas. All ground floor bedrooms would be situated within close proximity to a building entry that is serviced by an external footpath that would offer convenient and safe access for residents and visitors.

Waste management

Pursuant to clause 39 of SEPP HSPD, the proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.

Comment: An Operational Waste Management Plan accompanied the application prepared by Elephants Foot Recycling Solutions. Recycling bins would be placed alongside general waste bins within each resident's room, kitchens, common areas and staff rooms. A bin storage room is provided adjacent to the loading dock.

Development standards – minimum sizes and building height

Pursuant to clause 40 of SEPP HSPD, a consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified:

Control	Required	Proposed	Compliance
Site size	1,000sqm	11,373sqm.	Yes – Although not applicable to a “social housing provider” under clause 40(5)(b) of SEPP HSPD.
Site frontage	20m at building line.	Approx. 99m to Jamboree Avenue and 84m to Denham Court Road.	Yes – Although not applicable to a “social housing provider” under clause 40(5)(b) of SEPP HSPD.
Height <i>“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.</i> <i>“Storey” means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:</i> <i>(a) a space that contains only a lift shaft, stairway or meter room, or</i> <i>(b) a mezzanine, or</i> <i>(c) an attic.</i>	Zones where residential flat buildings are not permitted: 8 metres or less in height Not more than 2 storeys in height. A building located in the rear 25% area of the site must not exceed 1 storey in height.	The building is less than 8m in height. 2 storeys. 2 storeys.	Yes Yes Complies – not applicable to a “social housing provider” under clause 40(5)(b) of SEPP HSPD.

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

Pursuant to clause 48 of SEPP HSPD, 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:

Control	Required	Proposed	Compliance
Building height	Buildings are 8 metres or less in height	Building is less than 8 metres in height	Yes
Density and scale	Floor space ratio is 1:1 or less	FSR: 0.92:1	Yes
Landscaped area	A minimum of 25 square metres of landscaped area per residential care facility bed is provided 25sqm x 144 = 3,600sqm	Approx. 4,844sqm (excluding driveway parking and substation)	Yes
Parking for residents and visitors	1 parking space for each 10 beds 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time 1 parking space suitable for an ambulance	144 beds = 14.4 spaces 50 staff onsite at any one time = 25 spaces 1 ambulance parking space provided. Spaces required: 40.4 Spaces provided: 52	Yes Yes Yes Yes

Residential care facilities for seniors required to have fire sprinkler systems

Pursuant to clause 55 of SEPP HSPD, a consent authority must not grant consent to carry out development for the purpose of a residential care facility for seniors unless the proposed development includes a fire sprinkler system.

Comment: The application was accompanied by Servicing Plans prepared by Wood and Grieve Engineers. The proposal includes a fire sprinkler system, comprising a fire sprinkler booster cupboard, pumps, valves and incoming sprinkler water supplies.

1.6 Campbelltown Growth Centre Precincts Development Control Plan

The Campbelltown Growth Centre Precincts Development Control Plan (Growth Centre DCP) applies to the proposed development. Compliance with the relevant controls is outlined in the table below:

Campbelltown Growth Centre Precincts Development Control Plan			
Control	Requirement	Proposed	Compliance
Seniors housing 4.4.6 (1)	Applications for seniors housing are to comply with the controls in Section 4.3.4 of this DCP for multi-dwelling housing, or controls for residential flat buildings in Section 4.3.5, as appropriate to the proposed development.	Compliance with the controls for multi-dwelling housing is outlined below.	Satisfactory
4.3.4 (1) Multi dwelling housing	Multi-dwelling housing sites are to have direct frontage to a public road (i.e. not on battle-axe lots).	The development has direct frontage to Jamboree Avenue and Denham Court Road.	Yes
4.3.4 (2) Multi dwelling housing	Multi-dwelling housing is to comply with the controls in Table 4-9.	Compliance with the controls of Table 4-9 is outlined below.	Satisfactory
4.3.4 (3) Multi dwelling housing	Adaptable dwellings are preferably to be single level accommodation at ground level and be located on the street frontage.	All bedrooms and common spaces are designed to be accessible for seniors or people with a disability.	Yes
4.3.4 (4) Multi dwelling housing	A landscape plan is to be submitted with every application for multi-dwelling housing.	Landscape plan submitted.	Yes
4.3.4 (5) Multi dwelling housing	Where a multi dwelling housing development includes a studio dwelling with rear lane vehicle access, the controls for a studio dwelling shall apply.	Studio dwellings not proposed.	N/A
Table 4-9 Site coverage	50%	50%	Yes
Table 4-9 Landscaped area	30% of site area	43% of site area.	Yes
Table 4-9 Principal private open space	Min 16m ² with minimum dimension of 3m.	Communal open space proposed. The residential aged care facility provides	N/A

Campbelltown Growth Centre Precincts Development Control Plan			
Control	Requirement	Proposed	Compliance
<i>“Principal private open space” means the portion of private open space which is conveniently accessible from a living zone of the dwelling, and which receives the required amount of solar access.</i>	10m ² per dwelling if provided as balcony or rooftop with a minimum dimension of 2.5m.	‘bedrooms’ that are not classified as ‘dwellings’ or ‘self-contained dwellings’. Notwithstanding, all ground floor bedrooms adjoin an open space with a minimum area of 16sqm and dimension of 3m. The upper level bedrooms, with and without balconies, offer some diversity in accommodation and would cater for residents with less demand for outdoor relaxation, dining, entertainment and recreation.	
Table 4-9 Front setback	4.5m to building façade line	5m to Denham Court Road.	Yes
Table 4-9 Corner lots secondary street setback	2m	6.5m to Jamboree Avenue.	Yes
Table 4-9 Side setback	Ground floor 0.9m Upper floor 0.9m	5.8m – 13m to western boundary.	Yes
Table 4-9 Rear setback	4m	4m – 7.5m to southern boundary.	Yes
Table 4-9 Zero lot line	Not permitted on adjacent lot boundaries (except rear lane garages and studio dwellings)	Building not proposed adjacent to neighbouring lot boundaries.	Yes
Table 4-9 Internal building separation distance	5m (unless dwellings are attached by a common wall)	Bedrooms attached by a common wall.	Yes
Table 4-9 Car parking spaces	1 car parking space per dwelling, plus 0.5 spaces per 3 or more bedroom dwelling, plus 1 visitor space per 5 dwellings. Car parking spaces to	Car parking spaces provided in accordance with SEPP HSPD. Five parking spaces	N/A – Under clause 48(d) of the SEPP HSPD the application must not be refused if the proposal satisfies the parking requirements of SEPP. No – see discussion

Campbelltown Growth Centre Precincts Development Control Plan			
Control	Requirement	Proposed	Compliance
	be behind building line or garages fronting the street to be set back a minimum of 1m from the building setback	located forward of the building line (including ambulance bay).	below.
	Where garages front the street, the maximum width of a garage door is 6m and each garage is to be separated by a dwelling façade or landscaped area.	Garages not proposed.	N/A
Table 4-9 Garages and car parking dimensions	Covered: 3m x 5.5m	Basement parking to comply with AS2890. No garage spaces.	N/A
	Uncovered: 2.5m x 5.2m	Uncovered spaces: 2.5m x 5.4m	Yes
	Aisle widths must comply with AS 2890.1	Basement aisles are 6.2m wide and comply with AS2890.	Yes
	1-2 bedroom dwellings will provide at least 1 car space.	Car parking spaces provided in accordance with the SEPP HSPD.	N/A
	3 bedroom or more dwellings will provide at least 2 car spaces.	Each room contains 1 bedroom.	N/A

Car parking spaces (table 4-9 non-compliance)

Table 4-9 of the Growth Centre DCP requires car parking spaces to be behind building line.

The proposed development provides five parking spaces located forward of the building line, including an ambulance bay.

The proposed car parking spaces are not considered to be visually dominant or detract from the appearance of the development within the streetscape. Adjacent landscape planting would reduce the visibility of the parking spaces when viewed from the street. The parking spaces would be located away from bedrooms and would ensure acceptable noise levels within bedrooms.

In this regard, and although the location of the parking spaces fail to satisfy the Growth Centre DCP, when considering the large frontage and lot size, the proposed setback of the building line, the non-compliance with the control is not considered to result in a negative impact on the existing or desired visual character of the streetscape or the overall amenity of the area, and as such the proposed variation is considered capable of being supported in this circumstance.

2. Impacts on the Natural and Built Environment

Section 4.15(1)(b) of the EP&A Act requires the Panel to consider the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Traffic

The application was accompanied by a Traffic Impact Assessment and addendum prepared by SECA Solution.

Vehicle access to the site is proposed from Jamboree Avenue via a combined entry/exit driveway located approximately 70 metres south of the intersection with Denham Court Road. The applicant proposes to relocate the existing bus stop approximately 25m to the south to enable the construction of the proposed driveway.

The report advises for the speed environment of Jamboree Avenue, a minimum sight stopping distance of 45 metres is required, whereas 69 metres desirable. The assessment indicates that when exiting the driveway, visibility extends approximately 70 metres to the left and at least 150 metres to the right, thereby satisfying the requirements of AS2890.

The assessment was accompanied by vehicle swept paths showing how an 8.8m long service vehicle and 7.4m long ambulance would enter and exit the site in a forward direction. The loading dock contains a vehicle turntable to enable the service vehicle to rotate 180 degrees and exit the site in a forward direction.

The assessment was accompanied by vehicle swept paths showing a B85 vehicle passing a B99 vehicle between the driveway and basement. In order to allow the simultaneous passing of vehicles without the need to give way, the applicant has agreed to reshape the driveway kerb or shift the driveway slightly to the south. To enhance the safety and efficiency of the development, a recommended condition has been included requiring the design to be amended to allow for the simultaneous passing of vehicles.

In accordance with the Building Code of Australia, a Class 9c building is required to be provided with 1 accessible space for every 100 car parking spaces of part thereof. While only one accessibly parking space is required, two have provided within the basement.

The report estimates the traffic generation of the development utilising the 'housing for seniors' rates specified in the RMS Guide to Traffic Generating Developments (RMS Guide). The proposal is calculated as generating up to 58 vehicle trips in the evening peak, and 303 vehicle trips per day.

The report advises the traffic generation was previously assessed as part of the Willowdale Retirement Village, under which 65 peak hour trips were accounted to the subject site, and approximately 180 vehicles per hour were estimated in peak hour along Jamboree Avenue, including background traffic growth.

The RTA Guide to Traffic Generating Developments (2002) provides advice on the environmental capacity of residential collector roads, based upon a maximum hourly capacity of 500 vehicles per hour, with 300 vehicles per hour being desirable.

Taking into account the traffic generated by the proposed development (58 trips) and the traffic associated with the Willowdale Retirement Village (180 trips), Jamboree Avenue remains within the environmental capacity at 238 vehicles per hour.

It is considered the proposed development would have an acceptable traffic impact on Jamboree Avenue as the trip generation would be less than previously modelled whilst also being within the environmental capacity of the road network.

Noise

The application was accompanied by an Acoustic Report prepared by Wood & Grieve Engineers.

The report identifies potential noise impacts of the proposed development on adjoining residential receivers, and provides recommended acoustic treatments to be incorporated into the design of the development to achieve acceptable levels of internal and external residential acoustic amenity.

The potential noise impacts include:

- Vehicles travelling along Jamboree Avenue and Denham Court Road intruding into residential spaces
- Emissions from mechanical plant equipment from the proposed development to surrounding residential receivers
- Increased traffic associated with the proposed development affecting surrounding residential receivers
- Operation of the loading dock to surrounding sensitive receivers

The report addresses the acoustic performance criteria of the NSW Noise Policy for Industry and Campbelltown Growth Centre Precincts Development Control Plan. The results of the acoustic assessment indicate the proposed development subject to the incorporation of acoustic treatments, will comply the applicable acoustic regulations.

The proposed acoustic treatments include:

- Increased glazing thickness to building facades
- Screening to plant equipment
- Fitting attenuators and insulation to duct work
- Construction of an acoustic wall adjacent to the loading dock

A recommended condition has been included within the consent requiring the acoustic recommendations to be incorporated into the design and construction of the proposed development.

Accessibility

The application was accompanied by an Access Compliance Report prepared by Formiga1.

The report has regard to the requirements of people with a disability under the Building Code of Australia and Access (BCA) and Disability (Access to Premises) Standard 2010.

The report indicates the proposed development is compliant or capable of complying with the access requirements of the BCA.

The report identifies the proposed development is required to provide a minimum of seven 'accessible' Sole Occupancy Units, and the current design does not provide sufficient clearance space for the required units.

The consultant acknowledges the applicant may seek a Performance Solution to remove the Deemed to Satisfy provision requiring the Sole Occupancy Units.

The report concludes that notwithstanding the above, it is considered that compliance with the provisions of the BCA is achievable.

3. Social and Economic Impacts

The proposed development would increase the supply and diversity of residences to meet the needs of seniors or people with a disability. Future residents would be supported with meals and cleaning services, personal care or nursing care, staffing, furniture, furnishings and equipment, which would provide tangible social and economic benefits. The facility has access to public transport and would allow residents and families to access nearby goods and services.

4. Site Suitability

Section 4.15(1)(c) of the EP&A Act requires the Panel to consider the suitability of the site for the development.

The site is considered suitable for the proposed residential aged care facility. The site forms part of a staged development consent and concept plan and is identified as being used for the purposes of a residential aged care facility.

The site is not inappropriate for the proposed development with respect to the development bushfire prone land for residential purposes and the location of the high pressure gas pipeline. The site is not constrained by flooding, contamination or significant vegetation.

5. Submissions

Section 4.15(1)(d) of the EP&A Act requires the Panel to consider any submissions made in accordance with this Act or the regulations.

The application was publicly notified and exhibited between 29 March 2019 and 10 May 2019. During this period, no public submissions objecting to the proposed development were received.

6. The Public Interest

Section 4.15(1)(e) of the EP&A Act requires the Panel to consider the public interest.

The application is considered to have satisfactorily responded to the future desired outcomes expressed in the environmental planning instruments and development control plan, and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

Conclusion

The proposed residential aged care facility will increase the supply and diversity of residences to meet the needs of seniors or people with a disability within the City of Campbelltown and Southwest Growth Centre in a location that makes use of existing infrastructure and nearby services.

The proposed development, subject to the recommended conditions, adequately satisfies the relevant State Environmental Planning Policies, including:

- State Environmental Planning Policy No. 55 Remediation of Land,
- State Environmental Planning Policy (Infrastructure) 2007,
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006, and
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The proposed development subject to the recommended conditions complies with the requirements of the Rural Fires Act 1997.

The proposed variation to the Campbelltown Growth Centre Precincts Development Control Plan with respect to car parking spaces is considered to be of minimal environmental impact and capable of being supported in this instance.

The proposed bulk, scale, built form and landscape treatment of the development is considered to be compatible the character of the area and contribute to the quality and identity of the locality.

The site is considered to be suitable for the proposed development with respect to the staged development consent, concept plan and adjoining seniors housing development.

Accordingly, the application is recommended for approval.

Recommendation

That development application 130/2019/DA-SL for the proposed construction of a 144 bed residential aged care facility, 52 parking spaces, loading dock, associated site and landscaping works at 247 Jamboree Avenue, Denham Court be approved subject to the conditions in Attachment 1.