

Assessment report to Sydney Central City Planning Panel

Panel reference: PPSSCC-201

Development application

DA number	SPP-20-02086	Date of lodgement	24 December 2020
Applicant	Paynter Dixon Constructions Pty Ltd		
Owner	Blacktown Workers Club Ltd		
Proposed development	Concept approval of a staged masterplan development for construction of 9 x 3 to 7 storey seniors housing buildings including a residential aged care facility comprising 480 self-contained dwellings, 160 residential aged care facility beds, 628 basement car parking spaces and 2 community centres. The development application also seeks approval to undertake Stage 1 and Stage 2 of the concept plan, which involves earthworks and tree removal to facilitate the development of 4 x 3 to 5 storey senior housing buildings over 1 shared basement level, new internal roads, pedestrian pathways and landscape embellishment works.		
Street address	170 Reservoir Road, Arndell Park		
Notification period	16 February to 2 March 2021	Number of submissions	74 71 in support 3 objections

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	Capital investment value (CIV) over \$30 million (This development application has a CIV of \$79 million)
Relevant section 4.15(1)(a) matters	- State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - State Environmental Planning Policy No. 55 – Remediation of Land - Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River - State Environmental Planning Policy (Vegetation in Non-rural Areas) 2017 - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 - State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development - Central City District Plan 2018 - Blacktown Local Strategic Planning Statement 2020 - Blacktown Local Environmental Plan 2015 - Blacktown Development Control Plan 2015
Report prepared by	Jared Spies
Report date	20 January 2022
Recommendation	Approve, subject to conditions listed in attachment 8.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material
- 5 Development application plans
- 6 Assessment against planning controls
- 7 Issues raised by the public
- 8 Draft conditions of consent

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 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 summarised in the Executive Summary of the Assessment report?	Yes
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Clause 4.6 Exceptions to development standards

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

Does the DA require Special Infrastructure Contributions conditions (section 7.24)?	Not applicable
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Conditions

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

- 1.1 The proposed development has been before the Panel previously. The Panel issued a Site Compatibility Certificate on 10 July 2020. A further briefing on 8 April 2021 addressed issues listed in that certificate, in particular:
- vehicular access to the site
 - access to public transport
 - potential for an ecological corridor
 - site contamination
 - interface between seniors housing and existing light industrial uses to the south and west
 - site topography
 - submission of an updated Social impact assessment and Waste management plan
- 1.2 The key issues that need to be considered by the Panel in respect of this application are:
- the matters raised by the Panel in the Site Compatibility Certificate, which have been addressed
 - the additional matters raised by this Panel at its 8 April 2021 briefing, which have also been addressed
 - the proposal is only subject to the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
 - the proposal is not State Significant Development under the transitional provisions of State Environmental Planning Policy (State and Regional Development) 2011
- 1.3 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.4 The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.5 This report recommends that the Panel approve the application subject to the recommended conditions listed at attachment 8.

2 Location

- 2.1 The development site is located at 170 Reservoir Road, Arndell Park on the corner of Reservoir Road and Penny Place.
- 2.2 The Great Western Highway is 160 m south of the site and Blacktown CBD is 2.7 km to the north of the site.
- 2.3 The character of the area surrounding the site comprises a range of industrial, residential, commercial, sport and car park uses; in particular:
- the existing Blacktown Workers Sports Club (the club) with ancillary car park and sport fields are immediately to the north
 - low density residential dwellings to the east on the opposite side of Reservoir Road
 - industrial warehouses and a filling station to the south and west along Penny Place.
- 2.4 The location of the site is shown at attachment 1.

3 Site description

- 3.1 The subject site is legally identified as Lot 2 DP 1257829 and has a registered area of 13 ha. It has frontage to Penny Place, Holbeche Road and Reservoir Road.
- 3.2 The development is proposed on 4.3705 ha of land previously used by the club as sports fields at the south-eastern portion of the property on the corner of Penny Place and Reservoir Road.
- 3.3 The portion of the site that is subject of the detailed development for Stages 1 and 2 has an area of 2.03 ha.
- 3.4 The site is zoned RE2 Private Recreation under the Blacktown Local Environmental Plan and no height limit applies.
- 3.5 An aerial image of the site and surrounding area is at attachment 2. The zoning plan for the site and surrounds is at attachment 3.

4 Background

- 4.1 The sports field that previously occupied this area of the subject site has been relocated towards the north-western portion of the site to facilitate the current proposal.
- 4.2 The club lodged a Planning Proposal in January 2016 with the objective of including an outdoor recreational facility (sports fields) in the north-western portion of the site as a permitted use. The Planning Proposal was supported by Council and was published by the Department of Planning Industry and Environment on the NSW Legislation website on 26 May 2017. A subsequent development application, lodged to relocate the sports fields was approved by Council in November 2017. The work to complete the relocation of the fields was completed in November 2019.
- 4.3 A Site Compatibility Certificate for the proposed development was issued by the Sydney Central City Planning Panel on 10 July 2020. This Certificate is valid for 2 years and will expire on 10 July 2022. When approving the Certificate, the Panel identified 7 matters to be addressed in any future assessment of an application for the site, namely:
 - vehicular access to the site
 - access to public transport
 - potential for an ecological corridor
 - site contamination
 - interface between seniors housing and existing light industrial uses to the south and west
 - site topography
 - submission of an updated Social impact assessment and Waste management plan
- 4.4 On 8 April 2021, the panel received a briefing on the application and its compliance with the 7 matters identified by the Panel at the time of issuing the Compatibility Certificate. In response, the Panel noted that issues relating to vehicular access, social impacts and waste management still required further consideration. The Panel also raised additional issues in relation to:
 - a senior living facility of this size is rare and that the quality and quantity of services requires careful attention.
 - the importance of ensuring onsite as well as off-site services meet resident needs

- the importance of ensuring that streets, courtyards, garden areas and the ground level of the buildings are designed to provide a wide range of spaces, places and activity areas commensurate with a seniors living facility
- the importance of bus transport access to surrounding local services
- the Panel requested the City Architect look at the quality of 'streets' within the proposal
- the Panel requested Council's Social Impact Officer also review the above comments
- the importance of most basements being fully underground
- consideration for basements to more closely align with building footprints to provide more opportunities for greater deep soil areas across the site.

4.5 In addition to the points raised by the Panel, Transport for NSW has requested additional information on several occasions, the details of which can be summarised as follows:

- 4.5.1 Additional traffic studies and modelling required to determine whether the installation of traffic signals would be necessary (at the intersection of Reservoir Road and the Blacktown Workers Club entry road), upfront, i.e. as part of stages 1 and 2 of the development.
- 4.5.2 The information provided has not demonstrated a need for traffic signalisation at the intersection as yet. However, the applicant will need to thoroughly assess this requirement again (to the satisfaction of Transport for NSW) as part of its application for Stage 3 of the development.
- 4.5.3 An interim solution for the treatment of this intersection for stages 1 and 2 (as discussed at 8.1 below) was agreed to by Transport for NSW at a meeting with Council on 17 November 2021.
- 4.5.4 Transport for NSW issued a letter containing deferred commencement conditions of consent relating to this solution on 14 December 2021, allowing us to finalise our assessment of the application while the applicant addressed the deferred commencement conditions. These deferred commencement conditions required the submission of concept plans of the solution to Transport for NSW for review and approval.
- 4.5.5 Satisfactory concept plans were provided to Transport for NSW on 9 February 2022 which provided conditions of consent on 15 February 2022.

5 The proposal

5.1 The development application has been lodged by Paynter Dixon Constructions Pty Ltd.

5.2 The applicant is seeking concept approval of a staged master plan of a 9 x 3 to 7-storey seniors housing development including a residential aged care facility comprising:

- 480 self-contained dwellings
- 160 residential aged care facility beds
- 686 car parking spaces within the basement level
- 2 community centres, 1 in the ground floor associated with buildings C and D and 1 in the associated pool facility in Building C
- indicative network of internal private roads
- public and private communal open space and through-site links
- earthworks
- removal of 24 trees and retention of 38 trees

- landscaping.

5.3 The concept plan is proposed to be delivered in 7 stages as follows:

5.3.1 Stage 1: Construction of buildings A, B and C (which will comprise a community centre on the ground floor) with subsequent communal open space area, landscape embellishment works and associated roads and internal pedestrian pathway.

Stage 1 will deliver:

- 94 units in 3 buildings with heights of between 3 to 5 storeys. The unit mix is comprised of 6 x 1-bedroom units and 88 x 2-bedroom units
- 126 car parking spaces within the basement level including 18 accessible parking spaces
- 12 at-grade visitor spaces including 1 accessible parking space
- 4,502 m² of deep soil zone
- 14,764 m² of communal open space.

5.3.2 Stage 2: Construction of Building H with subsequent communal open space area, landscape embellishment works and associated roads and internal pedestrian pathway.

Stage 2 will deliver:

- 72 units in 1 building with heights of between 3 to 5 storeys. The unit mix is comprised of 9 x 1-bedroom units, 60 x 2-bedroom units and 3 x 3-bedroom units
- 95 car parking spaces within the basement level including 6 accessible parking spaces
- 1,653 m² of deep soil zone
- 5,598m² of communal open space.

5.3.3 Stage 3: Construction of Building G with subsequent communal open space area, landscape embellishment works and associated roads and internal pedestrian pathway.

Stage 3 will deliver:

- 76 units in 1 building with heights of between 3 to 5 storeys
- 80 car parking spaces within the basement level
- 1,236 m² of deep soil zone
- 2,492 m² of communal open space.

5.3.4 Stage 4: Construction of Building D (which will comprise a community centre on the ground floor) with subsequent communal open space area, landscape embellishment works, and associated roads and internal pedestrian pathway.

Stage 4 will deliver:

- 40 units in 1 building with heights of 5 storeys
- 70 car parking spaces within the basement level
- 2,653 m² of deep soil zone
- 4,675 m² of communal open space.

- 5.3.5 Stage 5: Construction of Building F with subsequent communal open space area, landscape embellishment works and associated roads and internal pedestrian pathway.

Stage 5 will deliver:

- 76 units in 1 building with heights of between 3 to 5 storeys
- 132 car parking spaces within the basement level
- 2,082 m² deep soil zone
- 3,474 m² of communal open space.

- 5.3.6 Stage 6: Construction of Building E with subsequent communal open space area, landscape embellishment works and associated roads and internal pedestrian pathway.

Stage 6 will deliver:

- 122 units in 1 building with heights of between 3 to 7 storeys
- 132 car parking spaces within the basement level
- 2,913 m² of deep soil zone
- 5,476 m² of communal open space.

- 5.3.7 Stage 7: Construction of a residential aged care facility with subsequent communal open space area, landscape embellishment works and associated roads and internal pedestrian pathway.

Stage 7 will deliver:

- a residential aged care facility
- 160 residential aged care facility beds in 1 building with a height of 4 storeys
- 51 car parking spaces within the basement level
- 1,760 m² of deep soil zone
- 2,532 m² of communal open space.

- 5.4 The applicant is also concurrently seeking detailed development consent to undertake Stage 1 and Stage 2 of the concept plan. Stages 1 and 2 include earthworks and tree removal to facilitate the construction described at 5.3.1 and 5.3.2 above as well as landscape embellishment works.

- 5.5 Other details about the proposal are at attachment 4 and a copy of the development plans is at attachment 5.

6 Assessment against planning controls

- 6.1 A full assessment of the development application against relevant planning controls is provided at attachment 6, including:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River
- State Environmental Planning Policy (Vegetation in Non-rural Areas) 2017

- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- Central City District Plan 2018
- Blacktown Local Strategic Planning Statement 2020
- Blacktown Local Environmental Plan 2015
- Blacktown Development Control Plan 2015

7 Issues raised by the public

- 7.1 The proposed development was notified to 123 property owners and occupiers in the locality between 16 February and 2 March 2021. The development application was also made available for viewing on our website.
- 7.2 We received 74 submissions; 71 of the submissions are in support of the proposal while 3 are objections from occupiers of industrial zoned properties to the south and west of the site.
- 7.3 The issues raised by the objectors relate to:
 - 7.3.1 Flooding of neighbouring properties to the east
 - 7.3.2 Amenity impacts that would result during construction of the development including on-street parking impacts, noise impacts, dust and dirt emissions,
 - 7.3.3 Loss and damage to business.
- 7.4 A summary of each issue and our response is at attachment 7.
- 7.5 The objections are not sufficient to warrant refusal of the development application.

8 Key issues

8.1 The matters raised by the Panel when determining the Site Compatibility Certificate have been addressed

- 8.1.1 Vehicular access to the site: identify whether any signalised intersections are required in the vicinity of the site.
 - Both Transport for NSW and Council were liaising with the applicant prior to lodgement of the development application. Evidence of these interactions has been submitted with the application.
 - Transport for NSW has concluded that a signalised intersection will not be required at the intersection of Reservoir Road and the club entry road for stages 1 and 2 of the development. This requirement will be assessed further in consultations between the applicant and Transport for NSW for later stages of the development.
 - An interim solution has been agreed to by Transport for NSW and the Club for stages 1 and 2, subject to conditions. This solution was reached since Transport for NSW is aware of the time limit applicable to the Site Compatibility Certificate issued for this proposal.
 - The intersection of Reservoir Road and the existing club entry road will have to be modified by extending the median strip to prevent a right turn exit while ensuring that the largest vehicles travelling southbound are still able to turn right into the Club entry from Reservoir Road. The existing right turn lane at

the Club exit onto Reservoir Road will be removed and replaced with appropriate curb and paving. A pedestrian refuge will also be installed with associated fencing along the central median to the south of the Reservoir Road/Club access road intersection.

- Concept plans of the above intersection treatment have already been approved by Transport for NSW which has provided conditions of consent for the development.

8.1.2 Access to public transport: identify how the development will address Clause 26 of the Seniors Housing SEPP.

- Two bus routes (723 and 724) are located within a 400 m radius of the site. A dedicated pedestrian route is provided from within the site to the 723 bus stop on Holbeche Road. Both bus routes run services to Blacktown Train Station and Bus Interchange and to Westpoint Shopping Centre. Both routes take approximately 15 minutes to reach the Blacktown Central Business District. A wheelchair accessible bus (with space for wheelchairs) operates once an hour on both routes. Once within Blacktown Central Business District, future residents will have access to wider Sydney via bus and train. The development therefore demonstrates that the subject site is accessible to key retail, banking, medical, community and other services that are all available in the Blacktown Central Business District.
- The Blacktown Workers Sports Club also operates a coach shuttle service between the subject site and the main club (Blacktown Workers Club located at 55 Campbell Street, Blacktown). The coaches can accommodate up to 16 passengers and operate 15 to 20 times a day. This coach service will provide transport for residents to local destinations which are not accessed directly by the available 'on route' bus services. A condition of consent has been included requiring the submission of an operational Transport management plan that will describe how this shuttle service will operate and be expanded to better cater for the daily transport needs of the residents in the event that they want to travel to other destinations not currently accessible via the existing shuttle service routes or public transport.

8.1.3 Ecological corridor: consider whether trees planted on site can provide an ecological corridor to allow for the movement of native fauna as the site is near land zoned E2 Environmental Conservation.

- The landscape plans for this proposal show the applicant's intention to plant many deep-rooted trees, while retaining existing trees where appropriate. This is illustrated on the landscape plans prepared for the proposal by Turf Design Studio at attachment 5 to this report. The Planting character plan provided illustrates a specific dedication to establishing a native woodland landscape to the boundaries of the site.
- A Flora, fauna and aquatic assessment report has also been prepared for the proposal by Eco Logical Australia. The report found that the proposal is unlikely to have a significant effect on threatened species, populations, ecological communities or their habitats. The report notes that the planted Eucalypt and Casuarinas are of low ecological value and were originally planted as a landscape feature. They do not contain any tree hollows or understorey, and the ground cover is either mulched or consists of exotic lawn.
- This report and the overall proposal have been reviewed by our Natural Areas section. The Natural Areas section is of the view that while the habitat proposed for removal may provide some limited foraging opportunities for the

Grey-headed Flying Fox and occasionally the Little Lorikeet, the effect of the removal of the planted trees will not significantly threaten the local populations by placing them at increased risk of extinction.

- Notwithstanding the above:
 - many more locally native trees are proposed to be planted, increasing the overall number to beyond what currently exist on site. These additional native trees will serve to enhance the amount of available habitat for fauna in the long term. The additional trees will also encourage movement of bird species between the natural corridor of Bungarribee Creek to the west and Harpers Bush Reserve to the north.
 - conditions of consent have been included to further mitigate impacts. For example, 75 lineal metres of logs generated from clearing on the site being cut into lengths and placed within Council's Harpers Bush Reserve to the north of the site.

8.1.4 Contamination: the site should also be validated as suitable for residential use by an accredited site auditor with the associated Site Audit Statement to be submitted with the development application.

- A Stage 2 site contamination report prepared by Trace Environmental accompanies the application. The investigation found that the site can be made suitable for the proposed land uses in line with Clause 7(1)(c) of State Environmental Planning Policy No 55 following implementation of a Remediation action plan. This plan outlines the remedial requirements for the asbestos impacted fill material found at the site and validation of residual material at the site.
- Site validation is considered unnecessary prior to issue of a consent for this development application. Instead, conditions of consent have been imposed requiring a site audit statement prepared by a NSW Environment Protection Authority accredited Site Auditor to be submitted to Council prior to issue of any Construction Certificate. The site audit statement is to verify that remediation and validation was carried out in line with National Environment Protection (Assessment of Site Contamination Measure) 2013. This is the normal practice applied to all development in the city, provided evidence is received to confirm the site can be made suitable after remediation works have been completed. The site audit statement will also confirm that the site is suitable for the proposed use.

8.1.5 Interface between seniors housing and light industrial uses: review the interface of development on the subject site with the pre-existing adjoining IN2 land. Seek to mitigate potential amenity impacts on future residents (such as noise, light spill, traffic, parking and the like), emanating from the reasonable expected use of the IN2 land, to minimise potential future land use conflicts that could impact on the ongoing use and development of the IN2 zone consistent with the objectives of that zone. Consider building design, location and orientation, setbacks, landscape and other screening, acoustic and light-spill treatments and the like, in this regard.

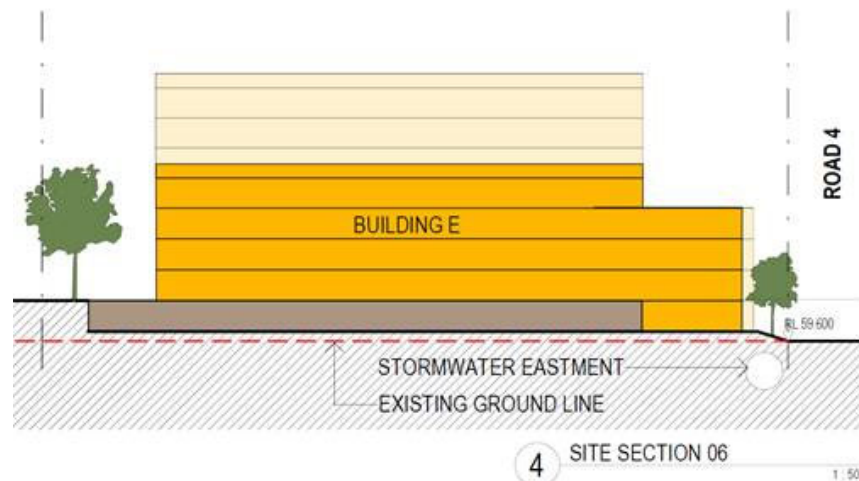
- The development is considered to have been designed to mitigate potential impacts of the adjoining industrial land on future residents.
- A Noise Impact Assessment prepared by Acoustic Logic accompanies the application. The report found that the development can meet the relevant noise level requirements of Council and the NSW Environmental Protection Authority guidelines, subject to recommended mitigation measures being

implemented. These recommendations have been included as conditions of consent.

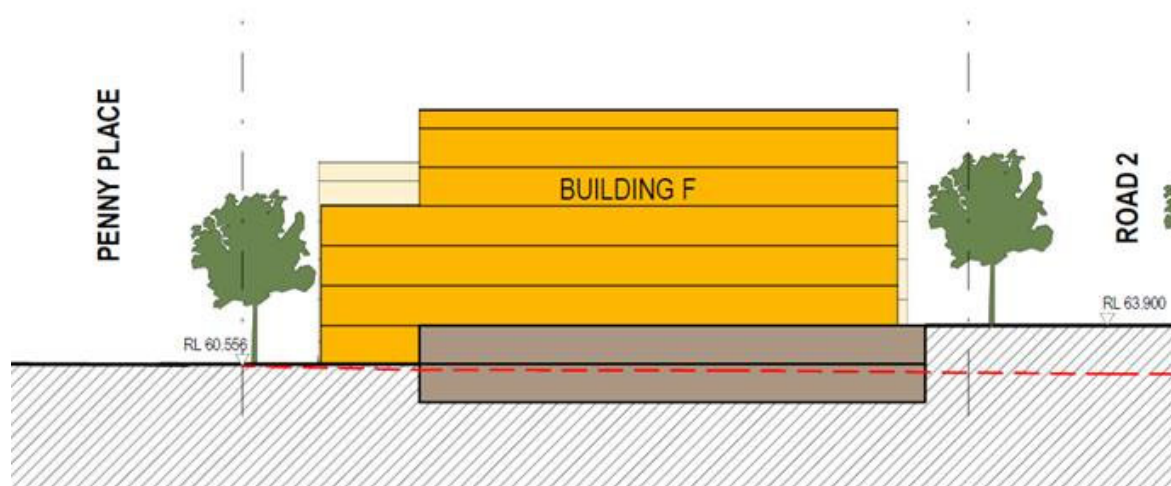
- Noise mitigation measures include locating sleeping areas away from industrial land uses, the incorporation of solid masonry external walls and noise attenuating internal walls, the incorporation of double glazing to windows and doors with aluminium framed/sliding glass doors and windows in line with the Noise Impact Assessment.
- The buildings will also be setback 15 m from Penny Place with significant dense landscaping in the setback areas to screen the industrial land.

8.1.6 Site topography: review the design response to the site topography to avoid subterranean units and aboveground parking, as well as excessive building bulk and height.

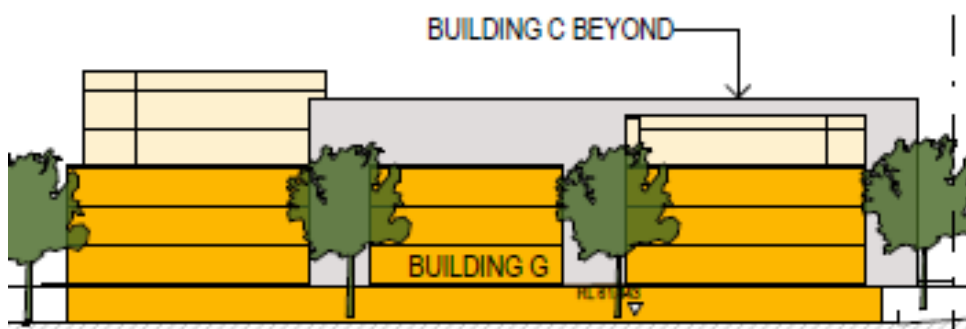
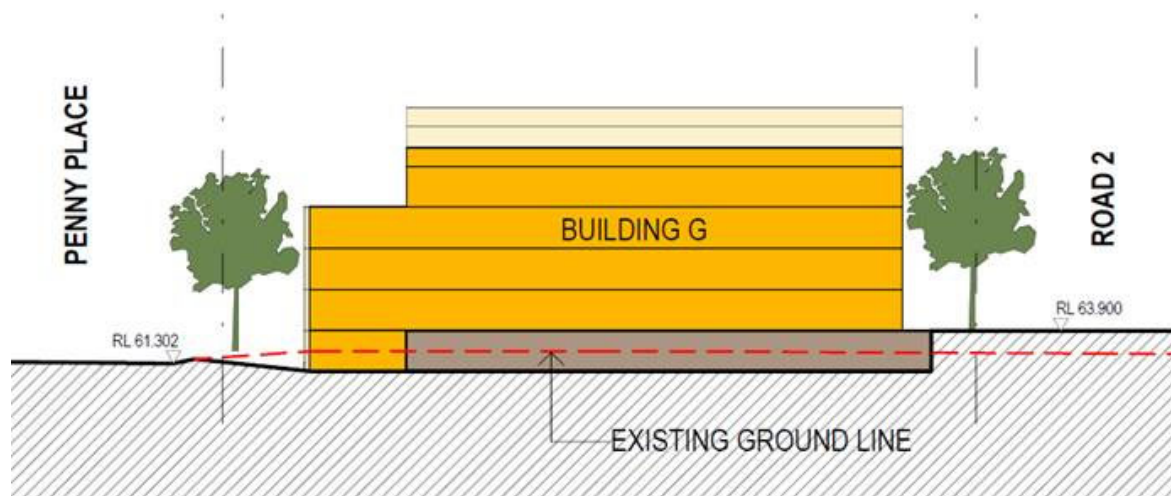
- The series of 9 buildings will be spread over the site area with heights ranging between 3 and 7 storeys. The development will transition in height from 3 storeys to the east (closest side to other residential properties) to a maximum of 7 storeys to the west to minimise excessive bulk and scale.
- Due to the site topography, 15 apartments in stages 3, 5 and 6 (3% of the total number of apartments proposed) will be the same level as their respective basement carparks. This allows these apartments to face the public roads and internal private roads instead of exposing the basements. This design also ensures that no apartments are located underground.
- In Building E, there are 7 apartments with this arrangement with levels that are all slightly elevated above the external ground levels and the internal private road as illustrated below:



- In Building F, there are 4 apartments with levels that are slightly elevated above the external ground levels and Penny Place as illustrated below:



- In Building G, the apartments have levels that are slightly elevated above the external ground levels but below the Penny Place levels by approximately 850 mm as illustrated below. This level difference is less than 1 m, as required by our City Architect. On balance of the site size and number of units, this represents a small number of units that are below the public street level. Further, if the level of building G was to be increased, it could be detrimental to the 'podium' internal street level which has been designed as a level platform with unencumbered access across this space without the need to navigate stairs or ramps. This is important in a facility of this nature.



8.1.7 Submission of an updated Social impact assessment and Waste management plan

- An updated Social impact assessment prepared by Think Planner dated 17 December 2020 accompanies the application. This assessment has been

assessed by our social planning officer who has found that it satisfactorily demonstrates that:

- there is a demand for seniors living within the Blacktown local government area and the surrounding local government areas
- the development will increase housing supply and choice for older people in Blacktown City and the surrounding areas
- the development will provide future opportunities for employment within the local area
- the proposed development is in keeping with the key aim of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. This is to allow older people within the local area to access seniors housing and maintain local and historical connections without having to move away from friends, family and the community
- any negative social impacts associated with the development can be mitigated by the strategies put forward
- A Waste management plan prepared by Dickens Solutions dated March 2021 and an Operational waste management plan prepared by Elephants Foot Recycling Solutions dated 13 July 2021 accompany the application. Our Waste section have assessed all the proposed waste management strategies and have approved the waste management plans, subject to conditions.

8.2 Additional issues raised by the current Panel at its 8 April 2021 briefing

8.2.1 At the briefing, the Panel noted that a senior living facility of this size is rare, and that the quality and quantity of services requires careful attention. The number of residents and dwellings is similar in size to a village and, as such, should provide quality public domain and enough on-site facilities and services as the site is not within easy walking distance of local services and facilities.

- The location of the site complies entirely with the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 that applied at the time of its lodgement. The Housing for Seniors or People with a Disability State Environmental Planning Policy's accessibility criteria included that the development should:
 - have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities
 - provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.
 - The site is within 400 m of 2 bus services which operate more frequently than required. The bus services also provide access to the required range services at Blacktown CBD.
- Conditions of consent have been included for additional on-site facilities that will fulfil the functions of a community hub by providing additional common areas and sessional professional offices. To allow these amenities to come online as the population and demand increases, they will need to be included in later stages of the development. The additional services include an additional common room in both Buildings E and G as well as the inclusions of 6 sessional offices (including 2 medical offices) in the community centre in Building D.
- When combined with the proximity to the bus services, these facilities will ensure access to a suitable range of options.

- 8.2.2 The Panel noted the importance of ensuring onsite as well as off-site services to meet resident needs. This will require an agreement via a plan of management for the site that includes an on-demand bus service designed to ensure residents are well connected to local services.
- This matter has been addressed in 8.1.2 and 8.2.1 above.
- 8.2.3 The Panel discussed the importance of ensuring that streets, courtyards, garden areas and the ground level of the buildings are designed to provide a wide range of spaces, places and activity areas commensurate with a seniors living facility, which enhances the quality of life of residents, visitors and staff. Consideration for some street-based retail may also be considered appropriate and activated frontages are important.
- The urban design report and masterplan prepared by Allen Jack + Cottier Architects underpins the design philosophy and demonstrates the proposal aims to deliver a high-quality residential and community environment for the residents. Council's City Architect's office has confirmed that the applicant has considered not only the design of the buildings, but the importance of good design for the communal spaces. This is evident in the design through the inclusion of 'edible courtyards', timber benches, barbeques, water features raised planters and a high-quality materials palette that will positively influence the liveability of the spaces.
 - The attractive design of the buildings and significant landscaping proposed along the street frontages is considered sufficient to activate these street frontages. Other services including shops (Aldi, 7-Eleven, Bunnings), parks, other retirement/aged care facilities and places of worship also exist within 800 m walking distance. Street-based retail is therefore not considered necessary for this proposal.
- 8.2.4 The importance of bus transport access to surrounding local services also requires further consideration.
- As discussed above, public bus services are immediately available to east of the development on Reservoir Road.
- 8.2.5 The Panel requests the City Architect look at the quality of 'streets' within the proposal to achieve appropriate transitions to surrounding land uses and to ensure internal 'streets' provide quality public domain areas commensurate with the distribution of seniors living uses at ground level.
- The Panel's comments were referred to the City Architect's office for comment which has confirmed that the strategy for treating the proposed streets as pedestrian prominent streets is supported. The pedestrian prominence and good design quality have been suitably achieved for the 'living street' through:
 - changes in pavement treatment at the threshold between road 3 (driveway) and the living street to signify a change in environment through the use of cobblestones
 - high quality granite unit pavements are proposed for the majority of the living street
 - suitably located deep soil zones to support large trees
 - planting on structures where deep soil is not available. It is recommended that planter boxes on structure are to be provided with soil depth and volumes in line with Objective 4P, table 5 in the Apartment Design Guide. This recommendation has been included as a Prior to Construction Certificate condition of consent.

8.2.6 The Panel requests Council's Social Impact Officer also review the above comments.

- The Panel's comments and the applicant's Social impact assessment were referred to Council's Social Planning Officer who believes the matters have been addressed subject to the recommendations outlined in 8.2.1 above
- To address the Panel's concerns, our Social Planning Officer recommended the inclusion in the design of onsite facilities which, together, will fulfil the functions of a community hub by providing additional common areas and sessional professional offices. These recommendations have been included as conditions of consent applicable to future stages of the development as the population increases.

8.2.7 The Panel discussed the importance of most basements being fully underground and that this could be more fully achieved; noting the desirability for some natural daylighting and ventilation and the potential for innovative solutions for achieving this.

- Revised drawings (elevations and sections) were provided by the applicant to show areas where basements are above existing ground level. This only occurs along the existing internal club road and will be appropriately finished and landscaped. The maximum height of the protrusion will be 4.5 m at the waste collection point to enable at-grade waste collection while keeping the waste room out of sight in the basement.
- The City Architect has confirmed that the portions of the basement that will protrude will not be apparent and will not have any adverse impact on the public domain given its position relative to Reservoir Road, subject to proposed additional treatments discussed below. The first and smallest point of protrusion is approximately 20 m from the Reservoir Road frontage and behind significant landscaping in the setback areas adjacent to Reservoir Road and the club entry road.
- The proposed basement arrangement allows for the most practical servicing and loading for the site. The location of the proposed servicing area adjoins the existing servicing area of the Blacktown Workers Club. Placement of apartments at this level would result in a negative relationship between the existing Club and the new development. The proposed basement arrangement also makes efficient use of the topography of the site.
- The City Architect recommends that the northern elevation of Stage 1 be improved through additional mounded landscaping to minimise the perceived height of the basement wall. The materiality of this wall is to be of a high quality such as sandstone and present as a continuation of the building façade including integration of the pergola structure to assist with the screening of the waste collection area.
- A Prior to Construction Certificate condition of consent has been imposed to provide amended landscape plans, elevations and schedule of finishes and materials to address this recommendation. The protrusion of a portion of the basement is therefore acceptable.

8.2.8 The panel discussed consideration for more basement levels (2 levels) to reduce the extent of planter boxes, particularly in the courtyard areas; basements to more closely align with building footprints and more opportunities for greater deep soil areas across the site. This is of particular note between buildings E and D which has no deep soil zone separation and buildings A, B and H which has minimal deep soil zone separation.

- The space between buildings E and D as well as buildings A, B and H is taken up by their respective basements and will result in minimal deep soil zone separation between them. Notwithstanding this, the average amount of deep soil across the entire site is 32%. Every stage of the development far exceeds the 7% minimum deep soil area prescribed by the Apartment Design Guide, which means the proposal provides 4.5 times the amount of deep soil that is required.
- Planter boxes between these buildings instead of deep soil planting is therefore considered acceptable in this instance. The landscape masterplan indicates a satisfactory level of landscaping that will be provided in these planting structures.

8.2.9 The panel notes the proximity of a potential green-grid connection to Bungarribee Creek along the naturalised drainage channel and encourages landscaping to reflect the native plant species of the creek.

- The proposed landscape plantings will enhance the green-grid connection and some local/endemic species are proposed within the overall scheme. The development site will make a significant contribution to the green grid and previous works by the club have completed rehabilitation work along Bungarribee Creek. The proposal enhances the green grid and overall achieves a high standard of integration with the local native ecology and natural environment.
- As discussed at 8.1.3 above, the Planting character plan provided illustrates a specific dedication to establishing a native woodland landscape to the boundaries of the site. This planting will contribute to a continuous native landscape connection to Bungarribee Creek.
- The landscape strategy and Planting character plan have been endorsed by Council's Natural Areas team as being able to provide a superior green-grid connection when the work is completed. Council will also have to sign off on the landscaping works as a Prior to Occupation Certificate condition of consent has been imposed to this effect.

8.3 The proposal is only subject to the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

8.3.1 Schedule 7 of State Environmental Planning Policy (Housing) 2021 contains savings and transitional provisions under clause 2 to the effect that the former provisions of a repealed instrument (in this case State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004) continue to apply to the following:

- a development application made, but not yet determined, on or before the commencement date
- a concept development application made, but not yet determined, on or before the commencement date

8.3.2 The proposal is, therefore, only subject to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 as it was lodged prior to the gazettal of the new State Environmental Planning Policy (Housing) 2021 on 26 November 2021.

8.4 The proposal is not State Significant Development

8.4.1 Under Schedule 9 of the State Environmental Planning Policy (Housing) 2021, an amendment was also made to State Environmental Planning Policy (State and Regional Development) 2011 which introduced provisions that make seniors

housing developments with a capital investment value of over \$30 million and seniors housing development that include a residential care facility into State Significant Developments. This provision has been included under Clause 28 Schedule 2 of the State Environmental Planning Policy (State and Regional Development) 2011.

8.4.2 Clause 23 of State Environmental Planning Policy (State and Regional Development) 2011 contains transitional provisions including that development identified by this Policy as State significant development is not State significant development if

- the development is the subject of a development application that was made, but not determined, before the development was so identified, and
- the consent authority for that development application was a council or a Sydney district or regional planning panel.

8.4.3 This provision came into effect with State Environmental Planning Policy (Housing) 2021 on 26 November 2021, well after the lodgement of this application. The proposal is, therefore, not identified as State Significant Development in this case and can still be determined by the Sydney Central City Planning Panel.

9 External referrals

9.1 The development application was referred to the following external authorities for comment:

Authority	Comments
Transport for NSW	Acceptable subject to conditions

10 Internal referrals

10.1 The development application was referred to the following internal sections of Council for comment:

Section	Comments
Building	Acceptable subject to conditions.
Biodiversity	Acceptable subject to conditions.
Open Space Maintenance	Acceptable subject to conditions.
City Architect	The City Architects Office has been party to several presentations and discussions on this DA with planning and the applicant. The City Architects concludes that he recognises the high design standards that the project aims to achieve. The applicant has considered not only the design of the buildings, but the importance of good design for the communal spaces and this is evident in the design through the inclusion of 'edible courtyards', timber benches, barbeques, water features raised planters and a high-quality materials palette which will positively influence the livelihood of the space. The proposed building articulation, composition and materiality is appropriate and is supported for approval.
Engineering	Acceptable subject to conditions.

Section	Comments
Environmental Health	Acceptable subject to conditions.
Waste	Acceptable subject to conditions.
Traffic	Acceptable subject to the conditions of Transport for NSW being satisfied.
Social Planning	Acceptable subject to conditions.
Property	No objections
S7.11 Contributions	S7.11 contributions condition provided

11 Conclusion

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

12 Recommendation

- 1 Approve SPP-20-02086 for the reasons listed below, and subject to the deferred commencement conditions listed at attachment 8.
 - a There is a high demand for seniors living within the Blacktown Local Government Area and surrounding local government areas, so it is in the public interest [Section 4.15(e) of the Environmental Planning and Assessment Act 1979].
 - b It is considered that there will be no adverse impacts on the natural or built environment in this area from this development [Section 4.15(b) of the Environmental Planning and Assessment Act 1979].
 - c The site is considered suitable for the proposed development [Section 4.15(c) of the Environmental Planning and Assessment Act 1979].
- 2 Council officers notify the applicant and submitters of the Panel's decision.



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