**SYDNEY WESTERN CITY PLANNING PANEL**

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| Panel Number: | PPSSWC-19 |
| Application Number: | 2019/619/1. |
| Local Government Area: | Camden. |
| Development: | Concept staged development and associated subdivision for new buildings, including aged care, child care, seniors apartments and semi-detached dwellings.  Development Consent sought for Stage 1, proposing earthworks, new public access road, construction of a residential care facility containing 122 aged care beds with basement parking, construction of a centre based child care facility for 180 children with lower ground and at grade carparking and subdivision of one lot into four lots.  Concept Approval for Stage 2, proposing earthworks and new internal road, construction of a two storey building and a part two and three storey building containing 51 self-care seniors housing apartments with basement parking and subdivision of the residue lot into three lots, creating one residue lot for future development.  Concept Approval for Stage 3, proposing earthworks and completion of the remaining section of the internal road and subdivision of the residue lot into 30 lots to create 28 lots for future semi-detached dwellings, one lot containing the internal road for road dedication to Council and one lot containing the E2 zoned portion of land to be dedicated to Council. |
| Capital Investment Value: | $56,170,573 |
| Site Address(es): | 131 Springs Road, Spring Farm |
| Applicant: | Mark Dillon  BHI Architects |
| Owner(s): | Moran Australia (Spring Farm) Pty Limited |
| Date of Lodgement: | 6 August 2019 |
| Number of Submissions: | Nine. |
| Number of Unique Objections: | Nine. |
| Classification: | Regionally significant and integrated development. |
| Recommendation: | Approve with conditions. |
| Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011): | General development capital investment value >$30 million. |
| List of All Relevant Section 4.15(1)(a) Matters: | * State Environmental Planning Policy (State and Regional Development) 2011. * State Environmental Planning Policy No. 55 – Remediation of Land. * State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. * State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. * State Environmental Planning Policy (Infrastructure) 2007. * State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007 * Camden Local Environmental Plan 2010. * Sydney Regional Environmental Plan No 9 – Extractive Industry (No. 2 – 1995) * Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No. 2 – 1997) * Camden Development Control Plan 2011. |
| List all Documents Submitted with this Report for the Panel’s Consideration: | * Assessment report. * State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 Assessment Table. * State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Assessment Table * Camden Local Environmental Plan 2010 Assessment Table. * Camden Development Control Plan 2011 Assessment Table. * Child Care Planning Guideline Assessment Table. * Recommended conditions. * Proposed plans. * Submissions. |
| Development Standard Contravention Request(s): | Nil. |
| Summary of Key Submission Issues: | * Increased road traffic on Springs Road and Richardson Road. * Pedestrian safety. * Additional child care centre not beneficial to Spring Farm. * Proposed density. * Inappropriate location for the proposed development. * Facilities are not within walking distance. * Location cannot provide community features for their quality of life. * The only restaurants in the locality are fast food restaurants. * Apartments and more semi-detached dwellings would not be suitable in this location. * The zoning of land permitted 28 residential houses only. * Loss of privacy, including acoustic privacy. * The development has not considered the impact of road noise intrusion from Springs Road on the internal noise levels of the child care centre. * Overshadowing. * The development is out of keeping with the demographic of the area and is not in the community’s best interest. * Access to emergency services will be compromised. * Increased noise levels created by two large child care centres located opposite each other and other child care centres in the area. * Lack of parking for the child care centre or during events i.e. Christmas, book parade, Easter, Mother’s Day, Father’s Day, grandparent’s day etc. * Lack of parking for the aged care facility as the amount of visitors hasn’t been properly addressed. * Excessive height - Spring Farm currently does not have structures exceeding two storeys. * Proposed building design is out of character with existing landscape and residential area / context and setting. * Unreasonable concentration of child care centres in the area and too close to the existing child care centre at 134 Springs Road. * Not the right location for an aged care facility or another child care centre. * The design of the proposed child care centre does not appropriately respond to context and built form principles of the child care centre planning guideline. * It is unclear whether the calculation of the encumbered outdoor space includes dense planting zones in the northern portion of the ground level outdoor area. * Proposed landscaping (8m mature height) is not acceptable within the transmission easement. * It is unclear if proposed landscaping will satisfy the recommendations of the bushfire assessment report. * Parking and access arrangements of the child care centre. * Waste Management of the child care centre. * Loss of views. * Excessive height, bulk, scale and density. * Lack in design and aesthetics. * Social effects. |
| Report Prepared By: | Adam Sampson, Executive Planner. |
| Report Date: | **X September 2020.** |

**Summary of Section 4.15 Matters**

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| --- | --- |
|  | **Yes** |
| Have all recommendations in relation to relevant Section 4.15 matters been summarised in the Executive Summary of the assessment report? |  |

**Legislative Clauses Requiring Consent Authority Satisfaction**

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| --- | --- |
|  | **Yes** |
| 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? |  |

**Development Standard Contraventions**

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| --- | --- | --- |
|  | **Yes** | **N/A** |
| If a written request for a contravention to a development standard has been received, has it been attached to the assessment report? |  |  |

**Special Infrastructure Contributions**

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| --- | --- | --- |
|  | **Yes** | **No** |
| Does the application require Special Infrastructure Contributions? |  |  |

**Conditions**

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

**PURPOSE OF REPORT**

The purpose of this report is to seek the Sydney Western City Planning Panel’s (the Panel’s) determination of a development application (DA) for a concept staged development and associated subdivision for new buildings, including aged care, childcare, seniors apartments and semi-detached dwellings at 131 Springs Road, Spring Farm.

The Panel is the consent authority for this DA as the capital investment value (CIV) of the development is $56,170,573. This exceeds the CIV threshold of $30 million for Council to determine the DA pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.

**SUMMARY OF RECOMMENDATION**

That the Panel determine DA/2019/619/1 for a concept staged development and associated subdivision for new buildings, including aged care, childcare, seniors apartments and semi-detached dwellings pursuant to Section 4.16 of the *Environmental Planning and Assessment Act, 1979* by granting consent subject to the conditions attached to this report.

**EXECUTIVE SUMMARY**

Council is in receipt of a development application (DA) for a concept staged development and associated subdivision for new buildings, including aged care, childcare, seniors apartments and semi-detached dwellings at 131 Springs Road, Spring Farm.

Pursuant to Section 4.22 of the *Environmental Planning and Assessment Act, 1979,* the applicant has requested that Stage 2 and 3 of the development be treated as a concept approval and detailed proposals for those parts of the site will be subject to future / separate DAs. Assessment of Stage 2 has considered the general building form and Stage 3 has considered the general subdivision layout and building form. Stage 1 of the proposal seeks development consent.

Stage 1 proposes earthworks, a new public access road, construction of a residential care facility containing 122 aged care beds with basement parking, construction of a centre based childcare facility for 180 children with lower ground and at grade carparking and subdivision of one lot into four lots.

Stage 2 proposes earthworks and a new internal road, construction of a two storey building and a part two and three storey building containing 51 self-care seniors housing apartments with basement parking and subdivision of the residue lot into three lots, creating one residue lot for future development.

Stage 3 proposes earthworks and completion of the remaining section of the internal road and subdivision of the residue lot into 30 lots to create 28 lots for future semi-detached dwellings, one lot containing the internal road for road dedication to Council and one lot containing the E2 zoned portion of land to be dedicated to Council.

The applicant has nominated that the development application does not seek to avail itself of the beneficial provisions of State Environmental Planning Policy (Housing for seniors or people with a disability) 2004. As such, the development application is made for seniors housing (Stage 1 and concept approval for stage 2) under Camden Local Environmental Plan 2010 and Chapter 3 of the Seniors SEPP does not apply to the assessment of the application.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant environmental planning instruments, development control plans and policies.

A summary of the assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

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| State Environmental Planning Policy (State and Regional Development) 2011. | The Panel is the consent authority for this DA as the development has a CIV of $56,170,573 which exceeds the CIV threshold of $30 million for Council to determine the DA. |
| State Environmental Planning Policy No 55 - Remediation of Land. | Council staff have assessed a preliminary site investigation report, which has identified three previous reports undertaken on the site. The preliminary site investigation demonstrates that results of soil sampling undertaken are within the criteria for residential development. As such, Council staff are satisfied that the site is suitable for the development. |
| State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. | The proposed development is consistent with the matters for consideration prescribed by the *Child Care Planning Guideline* and satisfies each of the non-discretionary development standards pursuant to Clause 25 of the SEPP. |
| State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. | The applicant has nominated that the development application does not seek to avail itself of the beneficial provisions of State Environmental Planning Policy (Housing for seniors or people with a disability) 2004. As such, the development application is made for seniors housing (Stage 1 and concept approval for stage 2) under Camden Local Environmental Plan 2010 and Chapter 3 of the Seniors SEPP does not apply to the assessment of the application. |
| State Environmental Planning Policy (Infrastructure) 2007 (ISEPP). | The DA was referred to the RMS and to Endeavour Energy for comment pursuant to the ISEPP and comments and recommended conditions received have been considered. |
| State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 | Subject to Clause 13 considerations for compatibility of the proposed development with extractive industries, the development is a significant distance away from current extractive industries and will avoid land use conflict with such use. |
| Sydney Regional Environmental Plan No 9 – Extractive Industry (No.2 – 1995) | Subject to Clause 16 considerations, Council is satisfied that the development is a significant distance away from current extractive industries and will not be adversely affected by noise, dust, vibration or reduced visual amenity nor would the proposed development affect existing extractive industries from realizing their full economic potential. |
| Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No.2 – 1997) | The development is consistent with the aim of SREP 20 (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls. |
| Camden Local Environmental Plan 2010 | The development is permitted with consent in the applicable R1 – General Residential and E2 – Environmental Conservation zones and is consistent with the zones objectives and acceptable in terms of the LEP’s other matters for consideration. |

The DA was publicly exhibited for a period of 28 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 11 September to 8 October 2019. Nine submissions were received, objecting to the development.

The issues raised in the submissions relate to:

* Increased road traffic on Springs Road and Richardson Road.
* Cumulative traffic and parking impacts.
* Pedestrian safety.
* Additional child care centre not beneficial to Spring Farm.
* Excessive density.
* Inappropriate location for the proposed development.
* Facilities are not within walking distance.
* Location cannot provide community features for their quality of life.
* The only restaurants in the locality are fast food restaurants.
* Apartments and more semi-detached dwellings would not be suitable in this location.
* The zoning of land permitted 28 residential houses only.
* Loss of privacy, including acoustic privacy.
* The development has not considered the impact of road noise intrusion from Springs Road on the internal noise levels of the child care centre.
* Overshadowing.
* The development is out of keeping with the demographic of the area and is not in the community’s best interest.
* Access to emergency services will be compromised.
* Increased noise levels created by two large child care centres located opposite each other and other child care centres in the area.
* Lack of parking for the child care centre or during events i.e. Christmas, book parade, Easter, Mother’s Day, Father’s Day, grandparent’s day etc.
* Lack of parking for the aged care facility as the amount of visitors hasn’t been properly addressed.
* Excessive height - Spring Farm currently does not have structures exceeding two storeys.
* Proposed building design is out of character with existing landscape and residential area / context and setting.
* Unreasonable concentration of child care centres in the area and too close to the existing child care centre at 134 Springs Road.
* Not the right location for an aged care facility or another child care centre.
* The design of the proposed child care centre does not appropriately respond to context and built form principles of the child care centre planning guideline.
* It is unclear whether the calculation of the encumbered outdoor space includes dense planting zones in the northern portion of the ground level outdoor area.
* Proposed landscaping (8m mature height) is not acceptable within the transmission easement.
* It is unclear if proposed landscaping will satisfy the recommendations of the bushfire assessment report.
* Parking and access arrangements of the child care centre.
* Waste Management of the child care centre.
* Loss of views.
* Excessive height, bulk, scale and density.
* Lack in design and aesthetics.
* Social effects.

The DA has been assessed against the *Environmental Planning and Assessment Act, 1979,* the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies.

The applicant proposes variation to the residential density targets for Spring Farm and the storey height and basement carparking for childcare centres.These variations are assessed in further detail in this report and are supported by Council staff.

Based on the assessment, it is recommended that the DA be approved subject to the conditions attached to this report.

**KEY PLANNING CONTROL VARIATIONS**

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| **Control** | **Proposed** | **Variation** |
| Residential Density (71 dwellings identified) | 79 additional dwellings proposed with 27 existing dwellings. | 35 additional dwellings |
| Child care centre storey height | 3 storeys | One additional storey |
| At grade parking only (child care centre) | Basement Parking | Basement Parking |

**AERIAL PHOTO**



**THE SITE**

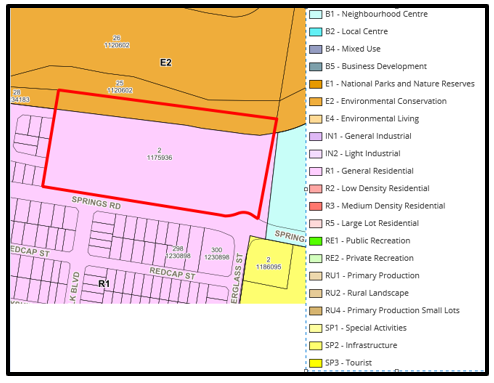
The site is commonly known as 131 Springs Road, Spring Farm, is legally described as Lot 2 DP 1175936 and has an overall area of 4.06 hectares. The site has a frontage of approximately 300 metres to Springs Road. The site is irregularly shaped, with a cross fall from the west to the east of approximately 7.72 metres. The north west portion of the site has a fall of approximately 1.99 metres towards the north west corner.

The site is currently vacant with the exception of two temporary turning heads to the west at the ends of Plumage Crescent and Oilseed Way. Along the northern boundary and continuing for the full width of the site, is a strip of vegetation that contains Elderslie Banksia Scrub Forest, which is a critically Endangered Ecological Community listed under the Biodiversity Conservation Act, 2016. Along the eastern property boundary an easement for a transmission line exists.

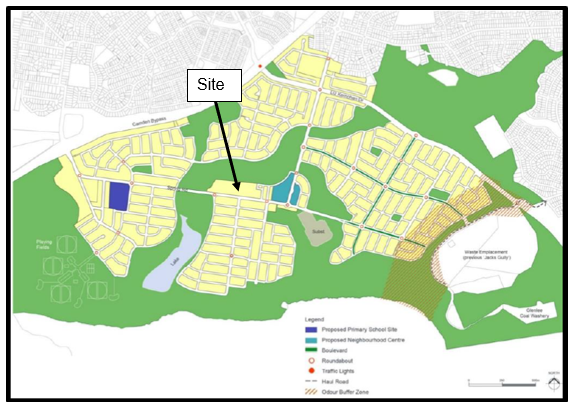
To the west and south of the site, single storey and two storey dwellings exist as part of a new residential subdivision and as part of an exhibition village, which form the Central and Southern Village of the Spring Farm urban release area. A 104 place child care centre is located opposite the site to the south at the corner of Springs Road and Waterglass Street.

To the north, a remnant bush corridor containing a small creek exists. To the east of the site, Spring Farm Town Centre exists, which contains a variety of retail and commercial land uses, including the Woolworths Supermarket.

**ZONING PLAN**



**SPRING FARM MASTER PLAN**



**HISTORY**

The relevant development history of the site is summarised in the following table:

|  |  |
| --- | --- |
| **Date** | **Development** |
| 26 October 2013 | Approval of DA/2013/175/1 for earthworks and environmental protection works. |
| 4 July 2017 | Approval of DA/2016/1161/1 for subdivision to create roads, drainage, 27 lots and 1 residue lot. |

**THE PROPOSAL**

DA/2019/619/1 seeks approval for a concept staged development and associated subdivision for new buildings, including aged care, childcare, seniors apartments and semi-detached dwellings at 131 Springs Road, Spring Farm.

Pursuant to Section 4.22 of the *Environmental Planning and Assessment Act, 1979,* the applicant has requested that Stage 2 and 3 of the development be treated as a concept approval and detailed proposals for those parts of the site will be subject to future / separate DA’s. Stage 1 of the development seeks development consent.

Stage 1 proposes earthworks, a new public access road, construction of a residential care facility containing 122 aged care beds with basement parking, construction of a centre based child care facility for 180 children with lower ground and at grade carparking and subdivision of one lot into four lots.

Stage 2 proposes earthworks and a new internal road, construction of a two storey building and a part two and three storey building containing 51 self-care seniors housing apartments with basement parking and subdivision of the residue lot into three lots, creating one residue lot for future development.

Stage 3 proposes earthworks and completion of the remaining section of the internal road and subdivision of the residue lot into 30 lots to create 28 lots for future semi-detached dwellings, one lot containing the internal road for road dedication to Council and one lot containing the E2 zoned portion of land to be dedicated to Council.

Specifically, Stage 1 of the development involves:

***Residential Aged Care Facility***

Basement Level

* 42 carparking spaces;
* Day respite centre;
* Ancillary hair/beauty salon, physiotherapy, gymnasium, clinic and consultation rooms;
* Back of house including kitchen, laundry, staff and ancillary rooms;
* Service, waste and ancillary storage rooms; and
* Service vehicles loading/unloading bay.

Ground Level

* Main entry from Springs Road including porte cochere and emergency vehicle parking space;
* Administration offices and ancillary rooms;
* 61 aged care beds including 30 dementia beds with nurses’ stations;
* Common lounges and dining areas and adjacent serveries;
* Two internal courtyards, two north facing outdoor terraces and a north facing dementia courtyard providing secure outdoor spaces for residents; and
* A secure pedestrian connection along the eastern setback providing direct access to the child care facility.

Level 1

* 61 aged care beds including 30 dementia beds with nurses’ stations;
* Common lounges and dining areas and adjacent serveries;
* Two north-facing outdoor terraces; and
* A multi-purpose room and ancillary operational rooms/spaces.

***Centre Based Childcare Facility***

Lower Ground Level

* 37 car parking spaces comprising 11 staff and 26 drop-off/pickup;
* Small vehicle loading bay and turning bay;
* Main entry lobby accessed from Springs Road and the carpark, ancillary café, service rooms and ancillary storage areas; and
* A secure pedestrian connection along the western setback for direct access to/from the RACF.

Ground Level

* Seven at-grade car parking spaces including two disabled car parking spaces;
* A bin bay adjacent to the northern boundary accessed by waste vehicles using the internal driveway, with access outside of peak child care drop-off/pickup hours; and
* Entry lobby, administration areas, kitchen, laundry, waste room, eight indoor activity spaces (for 0-2 years and 2-3 years), with shared facilities and cot rooms as required, and outdoor covered and uncovered play spaces.

Level 1

* Two indoor activity spaces (3-6 years) with shared amenities and outdoor covered and uncovered play spaces, staff room, laundry and ancillary storage.
* Operating hours of 7am – 7pm, five days a week.

**PANEL BRIEFING**

Council staff briefed the Panel on the DA on 30 September 2019. The following discussion provides an assessment of how the issues raised by the Panel at the briefing have been addressed:

1. *Access to the child care centre will require careful attention, taking into account the potential for queuing to affect the adjacent intersection.*

**Council Comment**

The separate vehicle entry and exit points connecting to the new eastern public road have now been consolidated into a combined entry / exit driveway adjacent to the northern property boundary. In consideration of potential queuing, the applicant has submitted a traffic impact assessment, which considered vehicle trips generated by the development and the increased volumes to nearby intersections. The assessment revealed that existing intersections on Springs Road in the vicinity of the proposed development will still maintain a level of service of A, which demonstrates that the proposal will have no detrimental impacts on the operation of the existing road network and will unlikely generate significant queuing within the new eastern public road (MC001).

1. *The management plan for the residential aged care facility should consider staggering shift times to avoid overlapping of parking demand between shifts.*

**Council Comment**

The applicant has provided a draft staffing roster for the proposed Spring Farm aged care facility, which reflects the full occupancy of the aged care facility of 122 beds. Shifts vary in length from 4hrs to 8.5hrs, but are typically 7.5hrs, and are staggered across the day and evening. There are a number of areas for which staff are required such as care / nursing, leisure and lifestyle, administration, kitchen, laundry, cleaning and maintenance. While care staff make up the majority of staffing numbers, the different departments frequently commence shifts at different times thereby spreading the demand for car parking facilities. The staff roster indicates a peak demand of 62 staff between 11am and 12 midday, which does not coincide with any shift change. Outside of this period, staffing numbers are reduced, with an average of 50 staff on site between 7am and 7pm. Due to the staggering of shifts, adequate carparking on-site exists to accommodate peak staffing in the middle of the day.

1. *The panel notes that the RFS response is still awaited, but would hope that asset protection will not impact on the adjacent E2 zoned bushland.*

**Council Comment**

A bushfire safety authority has been issued by the NSW Rural Fire Service requiring the development to provide an Inner Protection Area (IPA) Asset Protection Area around the aged care and child care facilities. As per the terms of the Bushfire Safety Authority, the northern distance of the (IPA) will extend to the edge of the E2 Environmental Conservation zone and thus not impact upon existing retained bushland.

**ASSESSMENT**

***Environmental Planning and Assessment Act 1979 - Section 4.15(1)***

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

***(a)(i) the provisions of any environmental planning instrument***

The environmental planning instruments that apply to the development are:

* State Environmental Planning Policy (State and Regional Development) 2011.
* State Environmental Planning Policy No. 55 – Remediation of Land.
* State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.
* State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
* State Environmental Planning Policy (Infrastructure) 2007.
* State Environmental Planning Policy (Mining, Petrol Production and Extractive Industries) 2007
* Sydney Regional Environmental Plan No.9 – Extractive Industry (No.2 – 1995)
* Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No. 2 – 1997).
* Camden Local Environmental Plan 2010.

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The SRD SEPP identifies development that is State significant or regionally significant development.

The Panel is the consent authority for this DA as the CIV of the development is $56,170,553. This exceeds the CIV threshold of $30 million for Council to determine the DA pursuant to Schedule 7 of the SRD SEPP.

State Environmental Planning Policy No. 55 – Remediation of Land.

The SEPP requires the consent authority to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

Clause 7 of SEPP 55 requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development. Furthermore, the consent authority must consider a preliminary contamination investigation in certain circumstances.

Council staff have assessed a preliminary site investigation report, which has identified three previous reports (2013 fill management protocol by Douglas Partners; 2017 soil classification report by Benviro Group; and 2018 soil contamination screening prepared by Environmental Investigation Services) undertaken on the site.The preliminary site investigation demonstrates that results of soil sampling undertaken from each of the three previous reports are within the criteria for residential development.In addition, the preliminary site investigation report documented the results of further test pits taken in 2019 as part of salinity testing, which revealed that no suspected contamination being observed. Council staff have reviewed the preliminary site investigation report, agree with its findings and are satisfied that the site is suitable for the proposed development.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

The educational establishments and child care facilities SEPP aims to facilitate the effective delivery of educational establishments and early education and care facilities across the state. The SEPP requires consideration of any Development Application for an early education and care facility to meet the applicable criteria of the Child Care Planning Guideline, including satisfying each of the non-discretionary development standards. A copy of the assessment of the proposed development against the Child Care Planning Guideline and the non-discretionary development standards of the SEPP is provided as an attachment to this report, with assessment of the application revealing that the development is largely consistent with the Child Care Planning Guideline and the non-discretionary development standards of the SEPP.

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

The applicant has nominated that the development application does not seek to avail itself of the beneficial provisions of State Environmental Planning Policy (Housing for seniors or people with a disability) 2004. As such, the development application is made for seniors housing (Stage 1 and concept approval for stage 2) under Camden Local Environmental Plan 2010 and Chapter 3 of the Seniors SEPP does not apply to the assessment of the application.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State.

*RMS*

The DA was referred to RMS for comment pursuant to Clause 104 of the ISEPP as, pursuant to Schedule 3 of the ISEPP, the development is classed as traffic generating development.

RMS reviewed the application and generally raised no objection to the development, however raised three matters for Council consideration.

1. *A strip of land has previously been dedicated as Public Road by private subdivision along the Springs Road frontage of the subject property, as shown by yellow colour on the attached Aerial. Roads and Maritime has no other approved proposal that requires any part of the subject property for road purposes.*



**Council Comment**

The RMS comment is noted. In respect to point 1 of the RMS advice, no further consideration is required to be made.

1. *The submitted traffic assessment provides an afternoon peak period for the childcare facility that does not comply with the Guide to Traffic Generation – 2-2. Council should be satisfied with the submitted traffic impact analysis for the local road network.*

**Council Comment**

This issue was raised with the applicant who provided the following response from their Traffic Consultant (Park Transit);

*“The evening peak period was used to assess the cumulative traffic impact of the proposal on the surrounding road network as the site is located adjacent to a shopping centre and therefore, the surrounding road network is highly likely to experience peak traffic demand in the evening period.*

*Given that the traffic assessment of the proposal demonstrates that the existing intersections in the surrounding road network that were modelled at the ‘peak’ period will continue to operate at Level of Service (LoS) A, it is highly unlikely that undertaking an assessment for the morning period would demonstrate a significant deterioration in LoS beyond the threshold that would warrant any additional, physical measures or changes to the network.”*

Council’s Traffic Engineers have reviewed the Traffic Impact Assessment and SIDRA files and believe that the traffic report satisfactorily adopts the traffic generating development rates in its calculations. Accordingly, it is considered that the proposed development will not have a detrimental impact on the operation of the existing road network and existing intersections on Spring Farm will still operate at a level of service A.

1. *The design of the vehicular access arrangement for the childcare facility is now consistent between the site plan drawing and the traffic report.*

**Council Comment**

The revised development plans and amended traffic plan are now consistent in representing the location of the vehicular access arrangement for the child care centre.

*Endeavour Energy (Endeavour)*

The DA was referred to Endeavour for comment pursuant to Clause 45 of the ISEPP as along the eastern property boundary line of the site an easement for transmission line exists.

Endeavour raised no objection to the development and recommended compliance with a number of technical guidelines and requirements. A condition requiring compliance with Endeavour’s technical guidelines and requirements is included in the recommendation.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Subject to Clause 13 considerations for compatibility of the proposed development with extractive industries, the development is located approximately 900m to the south west of a current sand extraction industry. Accordingly, the distance to the current extractive industry is considered significant and will avoid land use conflict with such a use.

Sydney Regional Environmental Plan No 9 – Extractive Industry (No. 2 - 1995)

Subject to Clause 8(1)(b), the site is mapped as containing Sand Extraction areas of regional significance (current and potential) (Elderslie sand/soil) and was referred to NSW Mining, Exploration and Geoscience.No referral response was received.

A previous referral response received from the Department on the development site subject to DA/2016/1161/1 for subdivision works advised that they did not have any mineral or energy resource sterilization, or access issues from the proposal.

Subject to Clause 16 considerations, Council is satisfied that the development is a significant distance away from current extractive industries and will not be adversely affected by noise, dust, vibration or reduced visual amenity nor would the proposed development affect existing extractive industries from realizing their full economic potential.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No. 2 - 1997)

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The development is consistent with the aim of SREP 20 and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the development. Appropriate erosion, sediment and water pollution control measures have been proposed as part of the development.

***(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)***

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

Camden Local Environmental Plan 2010

*Site Zoning*

The site is zoned R1 General Residential and E2 Environmental Conservation pursuant to Camden Local Environmental Plan 2010.

*Land Use Definitions*

The development is defined as a ‘mixed use development’ comprising of a ‘residential care facility’, ‘centre based child care facility’ and ‘residential accommodation’ (seniors housing and semi-detached dwellings).

*Permissibility*

All of the development is permitted with consent in the zones in which it is proposed pursuant to the land use table in CLEP 2010.

*Planning Controls*

An assessment table in which the development is considered against CLEP 2010 planning controls is provided as an attachment to this report.

***(a)(iii) the provisions of any development control plan***

Camden Development Control Plan 2011 (Camden DCP)

*Planning Controls*

An assessment table in which the development is considered against the Camden DCP is provided as an attachment to this report.

*Proposed Variation – Density Targets in Spring Farm*

The applicant proposes a variation to the residential density targets within Spring Farm. Figure C20 of Camden DCP 2011 identifies residential density targets for each village of Spring Farm to meet the overall objective of achieving a target density of 15 dwellings per hectare in new subdivisions.

The development site is located in the central village, with the specified density range for this site containing two ranges (40-50 & 17-21), with a maximum of 71 dwellings. Stage 2 of the development will provide for 51 senior housing dwellings and Stage 3 will provide for 28 dwelling lots, achieving a total of 79 dwellings. To the west of the subject site, an earlier approved residential subdivision subject to DA/2016/1161/1 granted consent for 27 dwellings. With consideration of the existing dwellings to the west, the combined dwelling yield with the proposed development will total 106 dwellings, which will exceed the maximum residential density target of 71 by an additional 35 dwellings.

*Applicants Justification*

The applicant has provided the following reasons in support of the proposed variation:

* *The proposal is consistent with the relevant Spring Farm Planning Principles as it will provide for the orderly and efficient development of land close to the town centre whilst protecting ecology within the site.*

*The proposal will provide for approximately 80 dwellings on the site which, together with existing dwellings to the west, will provide for approximately 100 dwellings in this precinct north of Springs Road. Whilst this is slightly more that the range anticipated by the DCP the proposal provides for an orderly and efficient use of the land close to the town centre, where a slightly higher density might be expected and is not inappropriate.*

*Furthermore, the proposal is consistent with the staging envisaged by the DCP and provides for internal staging to provide an orderly development of the site.*

*Variation Assessment*

It should be noted that under the Spring Farm master plan within the DCP the subject site was formerly envisaged to contain the location of the Spring Farm public school, which has been constructed to the south west of the site within Barley Road. Upon its relocation the Master Plan was amended with the site and the neighbouring western site given two density ranges of between 40-50 and 17-21, or a maximum total of 71 dwellings across the site. The western site has been developed for residential development, creating 27 lots, leaving a density balance of 44 residential dwellings across a 4.06ha site. To comply with such density on the site, only ten dwellings per hectare could be developed, with lots close to 1000m2 in area.

It is considered that the development site can support a higher density (35.9dw per Ha across the entire site) given that the site is within immediate proximity to the Town Centre with good access to public transport (bus services) and does not create significant amenity impacts in respect to traffic, visual and acoustic privacy and overshadowing. The R1 General Residential zoning envisages a variety of land uses, including residential flat buildings, which could be up to three storeys in height. The location of such development is preferred to be located with good access to Town Centres and public transport.

*Proposed Variation – Storey Height Limit for Child Care Centres*

The applicant proposes a variation to the storey height limit for child care centres, which is limited to a maximum of two storeys when located within a residential zone. The site is located within the R1 General Residential zone and proposes a storey height of three storeys, thus exceeding the maximum by one additional storey.

The proposed variation to height is linked to a further proposed variation sought by the applicant, who seek to provide the majority of car parking within a semi-basement level, which is contrary to the DCP, which prescribes that car parks located in residential areas must be at grade.

*Applicants Justification*

The applicant has provided the following reasons in support of the proposed variation:

* *The proposed child care building has been designed to relate to the slope of the land down from east to west with the ground floor being at RL 89.20, only slighter higher than the existing ground level over the eastern side of the site at about RL 88.5. This ground level relates favourably with the existing ground level and proposed street level of around RL 89 along the eastern side of the site.*

*The lower ground level car parking area is an undercroft rather than a ‘basement’ as this level is proposed to be at RL 86.2, which is only slightly less than the existing ground level on this part of the site, which is predominately around RL 87, extending to RL 88 towards the rear of the easternmost car parking spaces and RL 88.5 in the lobby. Accordingly, the majority of the lower ground carparking is only slightly lower than the existing surface level of the land and the external walls are not fully below the existing ground levels.*

*This is considered to be a logical and appropriate design solution for a site which varies in level from the proposed eastern frontage at approximately RL 89 to the western side of the child care lot at RL 86.5.*

*As indicated above, the cut for the lower level car parking is minimal when considered in light of the previous substantial landform modifications to this site and the Spring Farm Urban Release Area more generally, with this part of the site comprising fill materials in excess of 3m (refer to Preliminary Site Investigation by Douglas Partners, July 2019).*

*The proposal is consistent with the objectives of the Part D5 Control 11 of the DCP as it minimizes the visual impact of car parking areas and ensures they do not unreasonably detect from the streetscape character by locating the majority of car parking below the proposed building and generally screened from view from the street frontages and surrounding land.*

*Variation Assessment*

Notwithstanding the variation to height as a result of creating a lower level underneath the child care centre for parking, the development is compliant in respect to the maximum building height development standard prescribed under CLEP 2010. The lower level is predominately located below natural ground level and the proposed development is not obtrusive in design and is considered to create an interesting visual form with articulated facades, varying roof pitches and a quality mix of colours and finishes.

It is agreed that containing a level beneath the building mainly for the purpose of carparking eliminates the need for a larger / visually unattractive at grade carpark. Construction of the lower level also enables more of the subject site to be landscaped, including greater deep soil areas that would not occur if a at grade carpark were to be built.

The layout of the lower level carpark is adequate and has been designed to allow vehicles to enter and exit in a forward direction with a designated pedestrian access to lead to the lower level main lobby.

Furthermore, Council has supported basement carparks for child care centres in other locations, including a 120 place child care centre with 30 basement car parking spaces approved at 10 Springs Road, Spring Farm (DA/2018/1371/1).

Consequently, it is recommended that the Panel support the proposed variations to the Camden DCP.

***(a)(iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4***

No relevant planning agreement or draft planning agreement exists or has been proposed as part of this DA.

***(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)***

The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that are addressed in the conditions attached to this report.

***(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality***

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

Traffic Impacts

The applicant has submitted a traffic report and supporting information in support of the DA. The report and supporting information demonstrate that the development will not have a significant negative impact upon the surrounding road network and the operation of surrounding intersections. Council staff have reviewed the report and supporting information and agree with their conclusions.

***(c) the suitability of the site for the development***

As demonstrated by the above assessment, the site is considered to be suitable for the development.

***(d) any submissions made in accordance with this Act or the regulations***

The DA was publicly exhibited for a period of 28 days in accordance with Camden Development Control Plan 2011.The exhibition period was from11 September to 8 October 2019**.** Nine submissions were received objecting to the development.

The issues raised in the submissions relate to:

* Increased road traffic on Springs Road and Richardson Road and the cumulative traffic and parking impacts.
* Pedestrian safety.
* Additional child care centre not beneficial to Spring Farm.
* Excessive density.
* Inappropriate location for the proposed development.
* Facilities are not within walking distance.
* Location cannot provide community features for their quality of life.
* The only restaurants in the locality are fast food restaurants.
* Apartments and more semi-detached dwellings would not be suitable in this location.
* The zoning of land permitted 28 residential houses only.
* Loss of privacy, including acoustic privacy.
* The development has not considered the impact of road noise intrusion from Springs Road on the internal noise levels of the child care centre.
* Overshadowing.
* The development is out of keeping with the demographic of the area and is not in the community’s best interest.
* Access to emergency services will be compromised.
* Increased noise levels created by two large child care centres located opposite each other and other child care centres in the area.
* Lack of parking for the child care centre or during events i.e. Christmas, book parade, Easter, Mother’s Day, Father’s Day, grandparent’s day etc.
* Lack of parking for the aged care facility as the amount of visitors hasn’t been properly addressed.
* Excessive height - Spring Farm currently does not have structures exceeding two storeys.
* Proposed building design is out of character with existing landscape and residential area / Context and setting.
* Unreasonable concentration of child care centres in the area and too close to the existing child care centre at 134 Springs Road.
* Not the right location for an aged care facility or another child care centre.
* The design of the proposed child care centre does not appropriately respond to context and built form principles of the child care centre planning guideline.
* It is unclear whether the calculation of the encumbered outdoor space includes dense planting zones in the northern portion of the ground level outdoor area.
* Proposed landscaping (8m mature height) is not acceptable within the transmission easement.
* It is unclear if proposed landscaping will satisfy the recommendations of the bushfire assessment report.
* Parking and access arrangements of the child care centre.
* Waste management of the child care centre.
* Loss of views.
* Excessive height, bulk, scale and density.
* Lack in design and aesthetics.
* Social effects.

The following discussion addresses the issues raised in the submissions.

1. *Increased road traffic on Springs Road and Richardson Road and the cumulative traffic and parking impacts.*

Officer Comment

The applicant has submitted a traffic impact assessment which considered vehicle trips generated by the development and the increased volumes to nearby intersections. The assessment revealed that existing intersections on Springs Road in the vicinity of the proposed development will maintain a level of service (LoS) A, which demonstrates that the proposal will have no detrimental impacts on the operation of the existing road network.

It is noted that the traffic impact assessment and surveys undertaken for assessment were completed and traffic reporting finalised prior to the operation of the child care centre at 134 Springs Road. However, considering that the traffic impact assessment has concluded that the existing intersections on Springs Road will maintain a level of service (LoS) A, an additional child care centre in the vicinity of the proposed development is unlikely to result in significant delays at intersections or levels of service diminishing below acceptable levels.

1. *Pedestrian safety*

Officer Comment

Adequate sightlines to each vehicle access and exit point are achieved, with access and parking configurations considered to not generate any increase in safety risks to pedestrians or drivers. Designated pedestrian pathways are provided within both carpark areas of the child care centre to provide safe and direct access points to building entries in the child care centre.

1. *Additional child care centre not beneficial to Spring Farm.*

Officer Comment

The proposed child care centre will provide care for a further 180 children between the ages of 0-2, 2-3 and 3-6 and will provide stimulus to the local economy through the generation of employment during construction of the child care centre, as well as to future part time and full time carers of the child care centre. Accordingly, the proposed child care centre is considered to have positive benefits to Spring Farm.

1. *Proposed density.*

Officer Comment

The density issue has been discussed in greater detail in an earlier section of this assessment report. It is considered that the development site can support a higher density given that the property is within immediate proximity to the Town Centre with good access to public transport (bus services) and does not create significant amenity impacts in respect to traffic, visual and acoustic privacy and overshadowing. For these reasons, the proposed density is considered acceptable.

1. *Inappropriate location for the proposed development*.

Officer Comment

The site is zoned R1 General Residential pursuant to CLEP 2010, which permits with consent ‘child care centres’, ‘residential care facilities’, ‘seniors housing’ and ‘semi-detached dwellings’. Assessment of the application reveals that the proposed development does not generate significant amenity impacts in respect to loss of privacy and acoustic privacy and is compliant in respect to height, carparking and built form requirements. Accordingly, the site is considered suitable for the proposed development.

1. *Facilities are not within walking distance.*

Officer Comment

The applicant has nominated that the development application does not seek to avail itself of the beneficial provisions of State Environmental Planning Policy (Housing for seniors or people with a disability) 2004. As such, the development application is made for seniors housing (Stage 1 and concept approval for stage 2) under Camden Local Environmental Plan 2010 and Chapter 3 of the Seniors SEPP does not apply to the assessment of the application. As such, provisions of the Seniors SEPP pursuant to Clause 26 which specify that certain facilities are to be within 400m walking distance to the site or within 400m of public transport service are not applicable in this instance.

Nevertheless, the development site is located within 400m walking distance to Spring Farm Town Centre to the east of the development site, which provides access to a supermarket, specialty shops, an ATM, pharmacy, medical centre and gym. In addition, on the northern side of Springs Road within approximately 100m west of the site, a bus stop exists, which is serviced by the #893 bus service, which provides services twice in every hour between 6am and 7pm Monday to Friday between Narellan Town Centre and Campbelltown Town Centre via Elderslie and Spring Farm. Accordingly, access to facilities is available to future residents.

1. *Location cannot provide community features for their quality of life.*

Officer Comment

As per the above response, residents of the seniors housing development can access facilities beyond the site via the bus stop on Springs Road to obtain access to other facilities and to community and recreational destinations that are not provided on site.

1. *The only restaurants in the locality are fast food restaurants.*

Officer Comment

Fast food restaurants and other restaurants sell a diversity of foods to cater for the interest and demands of society. There are no planning or statutory requirements that prescribe limitations on the location of restaurants or what they must or must not sell to the public.

1. *Apartments and more semi-detached dwellings would not be suitable in this location.*

Officer Comment

The proposed uses are permissible with consent within the R1 General Residential zone with the proposed development satisfying the minimum lot size for future semi-detached dwellings. In addition, assessment of the application reveals that the proposed development does not generate significant amenity impacts.

1. *The zoning of land permitted 28 residential houses only.*

Officer Comment

The site is zoned R1 General Residential pursuant to Camden Local Environmental Plan (CLEP) 2010. CLEP 2010 does not prescribe or limit land use and zonings to maximum dwelling yields. As noted earlier in this report, the proposed development does provide a density greater than that permitted by Camden DCP 2011 but for reasons noted above, the proposed density is considered acceptable and is not reason to refuse the development application.

1. *Loss of privacy, including acoustic privacy.*

Officer Comment

Assessment of the application reveals that no loss of privacy, including acoustic privacy, is expected to occur. Stage 2 of the development for future seniors living units is proposed as a Concept DA and assessment has been made of the general building form, which is considered satisfactory for a concept approval. Any development application for the stage 2 development will need to demonstrate suitable privacy through details of window locations, sill heights and finished floor levels etc.

1. *The development has not considered the impact of road noise intrusion from Springs Road on the internal noise levels of the child care centre.*

Officer Comment

The development has considered the impact of road noise intrusion from Springs Road on the internal noise levels of the child care centre. The acoustic report assessed noise levels from Springs Road for the next ten years. Due to acoustic noise levels from Springs Road, the southern, eastern and western facades up to 35m from the southern boundary will require internal rooms to be mechanically ventilated to achieve noise level compliance and ventilation requirements when windows are closed. Attenuation measures such as specified glazing and seals and mechanical ventilation to meet specified acoustic criteria will be required.

1. *Overshadowing.*

Officer Comment

Due to the site’s northern orientation and proposed setbacks to the future stage 2 seniors housing development, shadow diagrams based on the indicative height and built form demonstrate that no overshadowing will occur to neighbouring dwellings to the west of the site.

1. *The development is out of keeping with the demographic of the area and is not in the community’s best interest.*

Officer Comment

Statistics quoted from the 2016 Census from the Australian Bureau of Statistics reveal that the median age for residents in Spring Farm is 30, with the highest age groups being 0 – 4 (558 residents), 25 – 29 (537 residents) and 30 – 34 (597 residents) from the total of 4307 residents in Spring Farm. In addition, 1239 families reside in the area with each family averaging 1.8 children.

The statistical data demonstrates that Spring Farm has a high proportion of young people and families that are likely to utilise child care centres both now and in the future. In time, as the population ages, access to seniors living housing will be in demand to enable those residents to remain in the suburb for which there is limited housing stock at present.

Accordingly, the proposed development is considered to have a positive community benefit.

1. *Access to emergency services will be compromised.*

Officer Comment

As earlier stated within this report, the applicant has submitted a traffic impact assessment, which considered vehicle trips generated by the development and the increased volumes to nearby intersections. The assessment revealed that existing intersections on Springs Road in the vicinity of the proposed development will still maintain LOS A, which demonstrates that the proposal will have no detrimental impacts on the operation of the existing road network. Accordingly, intersections will still operate at a high level of service, which will not compromise emergency vehicles servicing Spring Farm.

1. *Increased noise levels created by two large child care centres located opposite each other and other child care centres in the area.*

Officer Comment

The proposed development will not generate a cumulative impact of increased noise to heighten background noise levels. Each proposed child care in the area is required to attenuate acoustic noise from the centre, including outdoor play areas to achieve specified noise criteria. Each child care centre within Spring Farm achieves the noise criteria and is required to maintain attenuation measures to ensure that acoustic amenity to surrounding residents is preserved.

1. *Lack of parking for the child care centre or during events i.e. Christmas, book parade, Easter, Mother’s Day, Father’s Day, grandparent’s day etc.*

Officer Comment

The proposed development satisfies the carparking requirements for the development in accordance with the carparking rates as per part B5.1 of Camden DCP 2011.

1. *Lack of parking for the aged care facility as the amount of visitors hasn’t been properly addressed.*

Officer Comment

The development provides adequate parking for the development in accordance with the carparking rates as per Camden Development Control Plan 2011.

1. *Excessive height - Spring Farm currently does not have structures exceeding 2 storeys.*

Officer Comment

The proposed development is compliant in respect to the maximum height of buildings development standard prescribed under CLEP 2010. There are no storey limits prescribed under CLEP 2010.

1. *Proposed building design is out of character with existing landscape and residential area / inconsistent with context and setting.*

Officer Comment

It should be noted that all residential land within Spring Farm is zoned R1 General Residential, which permits several forms of development including residential care facilities and centre based child care facilities.

Spring Farm is an emerging suburb with residential subdivision to the immediate west of the site granted consent in July 2017 (DA/2016/1161/1) and to the immediate south opposite Springs Road, between Waterglass Street and Norfolk Boulevard, granted consent in April 2017 (DA/2016/1087/1). The streetscape has an urban character, but is not strictly residential noting the existence of the Spring Farm Town Centre just to the east of the development site and several child care centres in the locality, with the closest child care centre to the proposed development located at 134 Springs Road immediately opposite to the south.

Given the age of residential subdivision in the immediate areas and subsequent housing development, landscaping and street trees have yet to reach maturity along Springs Road or within front setback areas. As such, a defined landscape character is also yet to emerge.

The proposed development is not considered offensive or unsympathetic in respect to its design to this section of Springs Road, noting compliance with the maximum building height development standard, setbacks and built form controls of the DCP and other nearby non-residential forms of development at Spring Farm Town Centre and the adjacent child care centre at 134 Springs Road.

1. *Unreasonable concentration of child care centres in the area and too close to the existing child care centre at 134 Springs Road.*

Officer Comment

Subject to Clause 25(2)(a) of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, a child care centre development may be located at any distance from an existing or proposed early education and care facility.

1. *Not the right location for an aged care facility or another child care centre.*

Officer Comment

Assessment of the application reveals that the proposed development is permissible with consent in the R1 General Residential zone and does not generate significant amenity impacts and is compliant in respect to height, carparking and built form. Subject to Clause 25(2)(a) of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, a child care centre development may be located at any distance from an existing or proposed early education and care facility.

1. *The design of the proposed child care centre does not appropriately respond to context and built form principles of the child care centre planning guideline.*

Officer Comment

The Child Care Planning Guideline specifies seven design quality principles, including matters for consideration, which a consent authority must take into consideration pursuant to Clause 23 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, namely, Context and Built Form. These guidelines are reproduced below:

***Principle 1 – Context***

*Good design responds and contributes to its context, including the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.*

*Well-designed child care facilities respond to and enhance the qualities an identity of the area including adjacent sites, streetscapes and neighbourhood.*

*Well-designed child care facilities take advantage of its context by optimizing nearby transport, public facilities and centres, respecting local heritage, and being responsive to the demographic, cultural and socio-economic makeup of the facility users and surrounding communities.*

***Principe 2 – Built Form***

*Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the surrounding area.*

*Good design achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Good design also uses a variety of materials, colours and textures.*

*Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.*

*Contemporary facility design can be distinctive and unique to support innovative approaches to teaching and learning, while still achieving a visual appearance that is aesthetically pleasing, complements the surrounding areas, and contributes positively to the public realm.*

In respect to Principle 1, the proposed child care centre is located adjacent to the Spring Farm Town Centre and is within the catchment of Spring Farm Public School located at Barley Road. The site has been cleared from past activities conducted and as such, does not contain prominent natural or built elements, however extensive bushland exists to the north of the site.

This area of Spring Farm is currently emerging and being developed, with residential subdivisions to the immediate west and south of the site opposite Springs Road granted consent in 2017.

The site is considered ideally suited for the purpose of a child care centre, being located in walking distance to the Spring Farm Town Centre and in proximity to bus services connecting to Narellan and Campbelltown Town Centres. In addition, the new child care centre responds to the demographic of the area of young families by providing a new educational and learning centre to care for young children.

In respect to Principle 2, the proposed child care centre is compliant with the maximum building height development standard prescribed under CLEP 2010 and is generally consistent with the setback, built form and scale controls contained in Camden DCP 2011.

The development provides an interesting visual form with articulated facades, varying roof pitches and a quality mix of colours and finishes.

Accordingly, the proposed development is considered to satisfy both design quality principles.

1. *It is unclear whether the calculation of the encumbered outdoor space includes dense planting zones in the northern portion of the ground level outdoor area.*

Officer Comment

Calculations of outdoor play areas have not included hedge planting proposed within the northern portion of the ground floor outdoor play area. The outdoor play area will achieve an area of 7.2m2 per child as per the requirements of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.

1. *Proposed landscaping (8m mature height) is not acceptable within the transmission easement.*

Officer Comment

Pursuant to Clause 45(2)(a)of State Environmental Planning Policy (Infrastructure) 2007, the application was referred to Endeavour Energy as the proposed development is within and immediately adjacent to a transmission easement. Endeavour Energy have considered the proposal and provided safety comments regarding the proposal. No objections or prescribed conditions of consent were provided in respect to landscaping within the transmission easement.

1. *It is unclear if proposed landscaping will satisfy the recommendations of the bushfire assessment report.*

Officer Comment

The proposed development is Integrated Development and was referred to the NSW Rural Fire Service under the integrated provisions of the Act. The NSW Rural Fire Service have issued a bushfire safety authority subject to conditions, which the applicant must adhere to. One of those conditions requires the applicants landscaping of the site to comply with the principles of Appendix 5 of ‘Planning for Bush Fire Protection 2006’.

1. *Parking and access arrangements of the child care centre.*

Officer Comment

The child care centre requires 45 car spaces as per Part B5.1 of Camden DCP 2011. The development provides 45 car spaces in accordance with the DCP’s requirements. A combined entry and exit driveway will provide access to the child care centre from the new eastern public road. The location of the driveway is considered appropriate and will allow parents and carers to safely enter and exit the child care centre, park and manoeurve without impending other motorists and pedestrians.

1. *Waste Management of the child care centre.*

Officer Comment

Waste generated by the child care centre will be housed internally. On collection day, waste will be transported to the designated waste collection point adjacent to the northern property boundary for collection by private waste contractors. The size of the internal waste storage room and external waste collection area has been reviewed by Council’s Waste Officers and is considered sufficient to cater for a child care centre of this size and operation.

Conditions of consent have been recommended for the construction of internal garbage rooms, which require rooms to be constructed of solid material and finished as a smooth even surface, ventilated, pest proofed and provided with a hose tap. Floors are to be impervious, coved, graded and drained to an appropriate floor waste connection.

1. *Loss of views.*

Officer Comment

To the north of the site for the full width of the site is a bush land corridor. An objection has been received objecting to the loss of views to the bushland corridor claiming that it will result in a negative impact to the streetscape and neighbourhood. In the sites current state, unobstructed views to the bushland corridor exist as the site is free from structures and other vegetation. Any development of the site will obstruct direct sightlines to the bushland corridor. Sightlines to the bushland corridor will still exist between buildings and over buildings, noting that whilst three storeys are proposed for both the aged care facility and the child care centre, the lower ground level for the aged care facility is below natural ground levels and the lower ground level for the child care centre is partially below natural ground levels. The adjoining bushland corridor is considered to be a vista rather than a view in accordance with the NSW Land and Environment Court planning principle for views (Tenacity Consulting v Warringah Council [2004] NSWLEC 140).

1. *Excessive height, bulk, scale and density.*

Officer Comment

The development is not considered to have an excessive height, bulk and scale and density. It is noted that the development throughout is compliant in respect to the maximum height of buildings development standard prescribed under CLEP 2010 and that no number of storey limit applies within the LEP.

Whilst portions of the development are three storeys in height, the only development that will project as three storeys to Springs Road will be the seniors living apartments (Stage 2) and that is limited to the eastern narrower building. The seniors apartment building to the west will transition down to two storeys in height, with both developments providing deep recesses into the façades to create articulation, depth, and architectural interest.

The third storey element of the aged care facility is not readily visible from Springs Road and is predominately set below natural ground levels. The child care centre is threestoreysin height in sections, however, has been designed with significant articulation to all facades, with an upper floor setback of 12m from Springs Road.

All parts of the development comply with specified setbacks, with the child care centre generally consistent with the built form, scale and character controls of Camden DCP.

1. *Lack in design and aesthetics*

Officer Comment

Concern has been raised that the development provides a continuous wall of buildings, does not respond to human scale and does not include complementary building materials, finishes and details that relate to the context.

It is considered that the development does not provide a continuous wall of buildings to Springs Road, with varying setbacks and articulation to front facades, which includes a 12m upper floor setback from Springs Road to the child care centre. A variety of heights (2 and 3 storeys), including roof pitches are proposed, with the aged care facility having a traditional pitched roof, the child care centre having a contemporary roof design of flat and low pitched elements and the seniors living apartments (Stage 2) proposing a concept scheme of a combination of flat and low pitches.

A variety of good quality materials and finishes are proposed, consisting of masonry brick, painted render, fibre cement, alucobond and aluminium cladding, timber pattens, aluminum roof sheet and powdercoated coloured window frames for the child care centre.

The proposed materials and finishes are considered to be inclusive elements of the existing streetscape and will enhance the design features of the proposed development, which is considered to have architectural merit and will generate visual interest.

1. *Social Effects*

Officer Comment

Concern has been raised that the development will result in negative social effects as a result of the development being perceived to not complement the residential locality of one and two storey high dwellings, increased traffic and parking, road safety and overall safety of the area.

As discussed earlier in these submissions, the setting and context of the area is considered to be an urban setting that is not strictly residential due to the existence of the Spring Farm Town Centre to the immediate east of the development site and several child care centres within the locality, including a centre directly opposite the site at 134 Springs Road.

Traffic and parking assessment reveals that the proposed development will not have a significant adverse impact to local traffic with existing intersections to maintain a LoS A, with compliant carparking provided. Adequate sightlines to each vehicle access and exit point are achieved, with the configuration of access and parking configurations considered to not generate any increase in safety risks to pedestrians or drivers.

As demonstrated in the assessment of the application, the development is considered to have a positive social impact and is not considered to result in diminished road or overall safety of the area, noting the proposed uses of a residential aged care facility and child care centre.

***(e) the public interest***

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

**EXTERNAL REFERRALS**

The external referrals undertaken for this DA are summarised in the following table:

|  |  |
| --- | --- |
| **External Referral** | **Response** |
| NSW Rural Fire Service. | No objection and a Bush Fire Safety Authority granted. |
| Transport for NSW. | Generally, no objections. Matters of consideration raised. |
| Endeavour Energy. | No objection and conditions recommended. |
| Sydney Water. | No objection. |
| NSW Mining, Exploration and Geoscience. | No response received. |

Conditions that require compliance with the Bush Fire Safety Authority and external referral recommendations are included in the recommended conditions.

**FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

**CONCLUSION**

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

**RECOMMENDED**

**That the Panel approve DA/2019/619/1 for a concept staged development and associated subdivision for new buildings, including aged care, child care, seniors apartments and semi-detached dwellings subject to the conditions attached to this report.**