

STATEMENT OF ENVIRONMENTAL EFFECTS

SummitCare Casula **18 Randwick Close, Casula**

Proposed seniors housing development involving
142 room residential care facility and 93
independent living units in 3 buildings over
basement car parking under *State Environmental
Planning Policy (Housing for Seniors or People
with a Disability) 2004* and neighbourhood shops

For:

Besol Pty Ltd c/- Centurion Group

Submitted to:

Liverpool City Council

Date:

March 2020

2019.0015

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1. INTRODUCTION

This report constitutes a Statement of Environmental Effects (SEE) accompanying a Development Application (DA) for the proposed construction and operation of a “seniors housing” development by SummitCare involving a 142-room residential care facility and 93 Independent Living Units (ILUs) in 3 buildings over basement level under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* and neighbourhood shops, inclusive of:

- Site preparation and bulk earth-works;
- Construction of 2 electrical sub-stations;
- Construction and operation of 3 buildings over basement level for a seniors housing development in a “vertical village” format including a 142-room residential care facility with on-site support services, rooms and facilities, 93 independent living units and 4 x 80 square metres ground floor neighbourhood shops;
- Ambulance bay, minibus parking, car parking, waste management handling rooms, associated service rooms, loading docks with manoeuvring areas; and
- A landscaped garden settings at ground level and private communal courtyards on ground floor level with landscaped open space to accommodate formal settings, roof top terraces, outdoor seating, gardens which surround the built form extending towards the site boundaries while at the same time fencing to provide a secure environment for occupants.

This SEE report is submitted to:

Liverpool City Council

Address of land affected:

18 Randwick Close, Casula NSW 2170 - Lot 104 DP 863214

This SEE has been prepared on behalf of the applicant Besol Pty Ltd c/- Centurion Group by Higgins Planning (HP) in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg.).

This SEE provides:

- A description of the site and locality;
- A description of the proposed development;
- An assessment of relevant environmental planning considerations under Section 4.15 of the EP&A Act including compliance with relevant planning instruments and controls, environmental impacts, site suitability and the public interest; and

- Conclusions on the environmental planning assessment and merits of the proposed development on which the application can be supported by Council and granted consent.

1.1 BACKGROUND

1.1.1 Pre-lodgement meeting

On 6 March 2019, the applicant met with Council staff to discuss a preliminary design for the proposed development in a pre-lodgement meeting – PL-4/2019. A copy of the pre-lodgement meeting notes from this meeting as issued are included in **Appendix R**.

Higgins Planning wrote to Council via email dated 17 June 2019 seeking clarification in relation to some items in the meeting notes issued by Council as follows:

1. *The attached meeting notes indicate Council seeks a bushfire report. However, the RFS mapping does not indicate that the subject site is impacted by any bushfire prone mapping. As the site is not shown on the RFS bushfire prone land map, can this now be removed from the meeting notes?*
2. *The meeting notes indicate that a “Conservation Management Strategy, Statement of Heritage Impact and Interpretation Strategy” are required by Council. The site is not listed as a heritage item or within a heritage conservation area or in the vicinity of a heritage item. As such we are wondering why these documents are listed as being required for this site? Can this also be removed from the meeting notes if these are not applicable?*
3. *Can Council be more specific with respect to which “downstream properties” the site is likely to drain over?*

Council advised in reply email dated 18 June 2019:

Thankyou for your email.

Council concurs with points 1 and 2 regarding the site is not located in bushfire prone land and is not listed as a heritage item.

I have cc'd in the email Waliminipeli Siripala (Flood engineer) that provided comments with regards overland flooding and stormwater who is able to assist further with your enquiry.

In addition to the above and pre da minutes, please be advised that the site is located within an ‘asset protection zone’ an requires an external referral to Jemena pursuant to Section 66C of SEPP (Infrastructure) 2007.

A copy of this email exchange is also included in **Appendix R**. The applicant’s consultants from ADP Consulting have prepared an Infrastructure Report to consider “Jemena” assets and this includes Jemena mapping in Figure 3 in **Appendix N**. The relevant pipeline is located on the western side of the M5 Motorway Corridor which is over 100m from the western boundary of the site and does not trigger a referral as the proposal is not within 20m.

As a result of the feedback from this meeting the applicant prepared more preliminary drawings and made application to Council for a Design Excellence Panel Meeting.

1.1.2 Design Excellence Panel Meeting

On 13 June 2019, the applicant's architects from Jackson Teece presented a preliminary design for the proposal to Council's Design Excellence Panel. A copy of the meeting notes from this meeting as issued are included in **Appendix S**.

As per the request of the Design Excellence Panel in June 2019, the applicant wishes to present the current proposal in a 2nd follow-up meeting.

1.2 REPORT STRUCTURE

This SEE report has a number of Parts including:

- Part 1 – Introduction and Background;
- Part 2 – Regional and Local Context;
- Part 3 – Detailed Description of the Proposed Development including relevant operational considerations;
- Part 4 – Assessment against the applicable Commonwealth, State and local planning controls; and
- Part 5 – Conclusion.

1.3 APPLICANT'S CONSULTING REPORTS AND DRAWINGS

This Development Application is supported by a number of investigations, concept drawings and assessments undertaken by the applicant's team of consulting specialists who have prepared information which forms the appendices to this SEE report. Table 1 summarises the documents referenced in each appendix and the associated responsible author:

Table 1: Specialists Documents and Appendices References

Appendix Reference	Document	Responsible Author
Appendix A	Site Survey and Survey of distance and gradients	Pinnacle Land Surveyors
Appendix B	Architectural Drawings, Design Statement and SEPP 65 Verification Statement	Jackson Teece
Appendix C	Traffic and Parking Assessment Report	Colston Budd Hunt and Kafes
Appendix D	Waste Management Plans	Elephants Foot
Appendix E	Landscape Report and Concept Plans	Arcadia
Appendix F	BCA Report	McKenzie Group
Appendix G	Accessibility Assessment Report	Morris Goding Access Consulting
Appendix H	QS Cost Report	Centurion Quantity Surveying
Appendix I	Civil Engineering Drawing: Bulk Earthworks, Stormwater Management Drawings and Sedimentation and Erosion Control Plan, Stormwater and Water Quality Report	TTW

Appendix Reference	Document	Responsible Author
Appendix J	Stage 1 Preliminary Site Investigation Report	Consulting Earth Sciences
Appendix K	Geotechnical Report and Acid Sulphate Soils Assessment	Consulting Earth Sciences
Appendix L	BASIX Certificate, BASIX Report and stamped plans	ADP Consulting Engineering
Appendix M	Flood Assessment	TTW
Appendix N	Infrastructure Report	ADP Consulting Engineering
Appendix O	Social Impact Comment	Judith Stubbs and Associates
Appendix P	Acoustic Report	ADP Consulting Engineers
Appendix Q	Compliance Tables	Higgins Planning
Appendix R	Council Pre-lodgement Advice and email	Liverpool City Council
Appendix S	Council Design Excellence Panel Meeting Notes	Liverpool City Council
Appendix T	Clause 4.6 Variations	Higgins Planning
Appendix U	Social Housing Provider Letter	Home Ground Real Estate Sydney
Appendix V	SummitCare Plan of Management	Centurion Project Management on behalf of SummitCare
Appendix W	Arborist Report	Naturally Trees
Appendix X	Lighting Statement	ADP consulting Engineering
Appendix Y	Crime Prevention Through Environmental Design Report	Harris Crime Prevention Services

2. THE SITE

2.1 LOCATION AND CONTEXT

The site of the proposed development will be known as 18 Randwick Close, Casula. The land is legally described as Lot 104 DP 863214. The site has an overall area of 13,194 square metres (or just over 1.3 hectares).

The site has a frontage to Randwick Close at its southern boundary of approximately 20 metres and 107.33 metres to Kurrajong Road along its northern boundary. The current vehicular access to the site is via Kurrajong Road to the north and Randwick Close to the south.

The south-western and southern boundaries of the site are shared with several residential properties fronting both Randwick Close and Sandown Close. The site's eastern boundary is adjacent to Daruk Park is 116 metres long. The site's western boundary is adjacent to the M5 Motorway is 55.375 metres long.

Please see **Figure 1** below for site aerial context.



Figure 1: Site Aerial (highlighted by yellow shading and solid red outline)

Source: SiX

The site is located approximately 300 metres to the west along Kurrajong Road from Casula Mall which is a subregional shopping centre with over 20,000 square metres of GLA which supports anchor tenants Coles supermarket, Aldi supermarket and Kmart, 2 mini-majors and over 60 specialty shops.

The site is immediately adjacent to the Casula residential area to the north, east and south of the site.

Casula is a well-established suburb within the Liverpool Local Government Area (LGA).

Casula is located some 3.5 kilometres to the south of the Liverpool City Centre, and 27 kilometres to the south-west of the Parramatta City Centre.

See **Figure 2** for site contextual relationship to Liverpool City Centre.



Figure 2: Site Aerial Context (site depicted by red flag)
Source: SiX

2.2 LEGAL DESCRIPTION

As detailed previously, the site is legally known as Lot 104 in Deposited Plan No. 863214 at 18 Randwick Close, Casula. Refer to the detailed site survey at **Appendix A**. The total site area is 13,194 square metres.

2.3 SITE TOPOGRAPHY

The survey included at **Appendix A** indicates the lowest point of the site is RL 37.25 being the south-east corner with Daruk Park. The highest point of the site is RL42.16 which is adjacent to the rear boundary with the property at 13 Sandown Close.

2.4 SURROUNDING SITE DEVELOPMENT

The subject site is bounded by Kurrajong Road to the north, Daruk Park to the east, Western Motorway to the west and low scale residential area to the south.

While the existing residential developments to the north and south of the site are single storey detached dwellings, the applicable controls recommend higher density developments to the north given the land is zoned R4 High Density Residential under the Liverpool Local Environmental Plan 2008 (Liverpool LEP 2008) and medium density developments to the south given the land is zoned R3 Medium Density Residential.

On the northern side of Kurrajong Road, while there is a low-density context similar to the south with approximate 7-9m front setbacks to the road boundary. However, as per the Liverpool LEP 2008, this area will be transformed to R4- High density development along the road (similar to the subject site) with a maximum height of 18m (approximately 5-6 storeys).

The area to the south of the site is mainly characterised by single storey dwellings with pitched roofs and landscaped front setbacks. Adjacent to the south-western and southern common boundaries, there is a row of single storey fine grain dwellings with private open spaces facing the common boundaries.

The land to the immediate east is Daruk Park which contains the Casula community centre, and further east again is Casula Mall shopping centre which is a local centre and bus stops along Kurrajong Road.

The site is adjacent to a wide strip of land that act as a landscape buffer (approximately 26m) to the west due to the presence of the M5 Western Motorway and a continuous row of mature trees to the east adjacent to Daruk Park. An existing pedestrian pathway provides a connection from Kurrajong Road to the south into the neighbourhood along the eastern boundary of the subject site adjacent to the park.

The site is located within a local context with a potential future transformation in density due to the current applicable controls and the strategic direction of its surrounding larger context. Therefore, a new development on the site may have the opportunity to respond to the existing and the evolving future desired character of the surrounding context.

The site has easy accessibility to a range of public services and facilities, which include:

- Daruk Park, local library, community facility and Casula Mall Shopping Centre with a range of community/social and commercial facilities (within 400m walking distance).
- Bellbird Walking Track, Glenfield Creek and Georges River Reserves (within 15 minutes' walk to the east of the subject site).
- Liverpool Health and Education Centre (within 20 minutes via local bus network).

The property at 30 - 38 Ironbark Avenue, Casula to the north of the site, also shares its rear boundary with Kurrajong Road immediately opposite the site.

This site gained approval on 9 September 2019 from the Sydney Western City Planning Panel for “Demolition of all existing structures and construction of a five (5) storey residential flat building comprising 63 units (15 x 1 bedroom units and 48 x 2 bedroom units) to be used wholly for the purposes of affordable rental housing under the *State Environmental Planning Policy (Affordable Rental Housing)* 2009 and included a variation of Clause 4.3 Height of Building mapping control under the Liverpool Local Environmental Plan 2008.

Photos 1 – 8 below demonstrate the existing development on the subject site.



Photo 1: View of site existing driveway access from Kurrajong Road.



Photo 2: View of Kurrajong Road site frontage.



Photo 3: View of western boundary of site to M5 Motorway



Photo 4: View of land between Kurrajong Road and site frontage – note these trees will not be impacted by the proposal as these are not located within the site.



Photo 5: View of site facing south-east towards Daruk Park.



Photo 6: View of Kurrajong Road frontage where existing driveway into site is located.



Photo 7: View of residence adjacent to south-western boundary of the site.



Photo 8: View of site towards Kurrajong Road frontage from south-western boundary.

The following photographs demonstrate buildings and development on nearby land.



Photo 9: View of rear of dwelling houses at 30 and 32 Ironbark Avenue which back onto Kurrajong Road opposite the site.



Photo 10: View of rear boundary to properties along Kurrajong Road opposite the site (these properties front Ironbark Avenue).



Photo 11: View of entry to Casula Mall car park from Ingham Drive



Photo 12: View of access pathway between Randwick Close and site to Daruk Park.

2.5 STRATEGIC PLANNING CONTEXT

This section analyses the locality's broader strategic framework to understand the role that the State Government intends for the centre and its larger surrounding area and provides a comprehensive analysis of the potential future role of Casula, given its location within close proximity to the Liverpool Metropolitan Cluster, Health and Education Precinct and the Western Sydney Airport.

2.5.1 Greater Sydney Region Plan – A Metropolis of Three Cities, March 2018

In March 2018, the Greater Sydney Commission (GSC) released the *Greater Sydney Region Plan (GSRP) – A Metropolis of Three Cities*. The GSRP sets the 40-year vision and 20-year plan for all Greater Sydney. The GSRP outlines how Greater Sydney will manage growth and change and guide infrastructure delivery and is to be implemented at a local level by District Plans.

It identifies key challenges facing Greater Sydney, which is forecast to grow from 4.7 million people to 8 million people by 2056. Greater Sydney must provide for an additional 817,000 jobs by 2036 and will need to provide 725,000 more homes over the next 20 years.

The GSRP includes objectives associated with overarching goals associated with "Infrastructure and collaboration", "Liveability", "Productivity", and "Sustainability". The GSRP advises in part:

There are major opportunities to respond to the challenges and adapt to the changes. Targeted growth and investment can rebalance and improve opportunities for all who live in Greater Sydney. In this context, A Metropolis of Three Cities aims to align infrastructure and growth to restructure economic activity and access across the three cities:

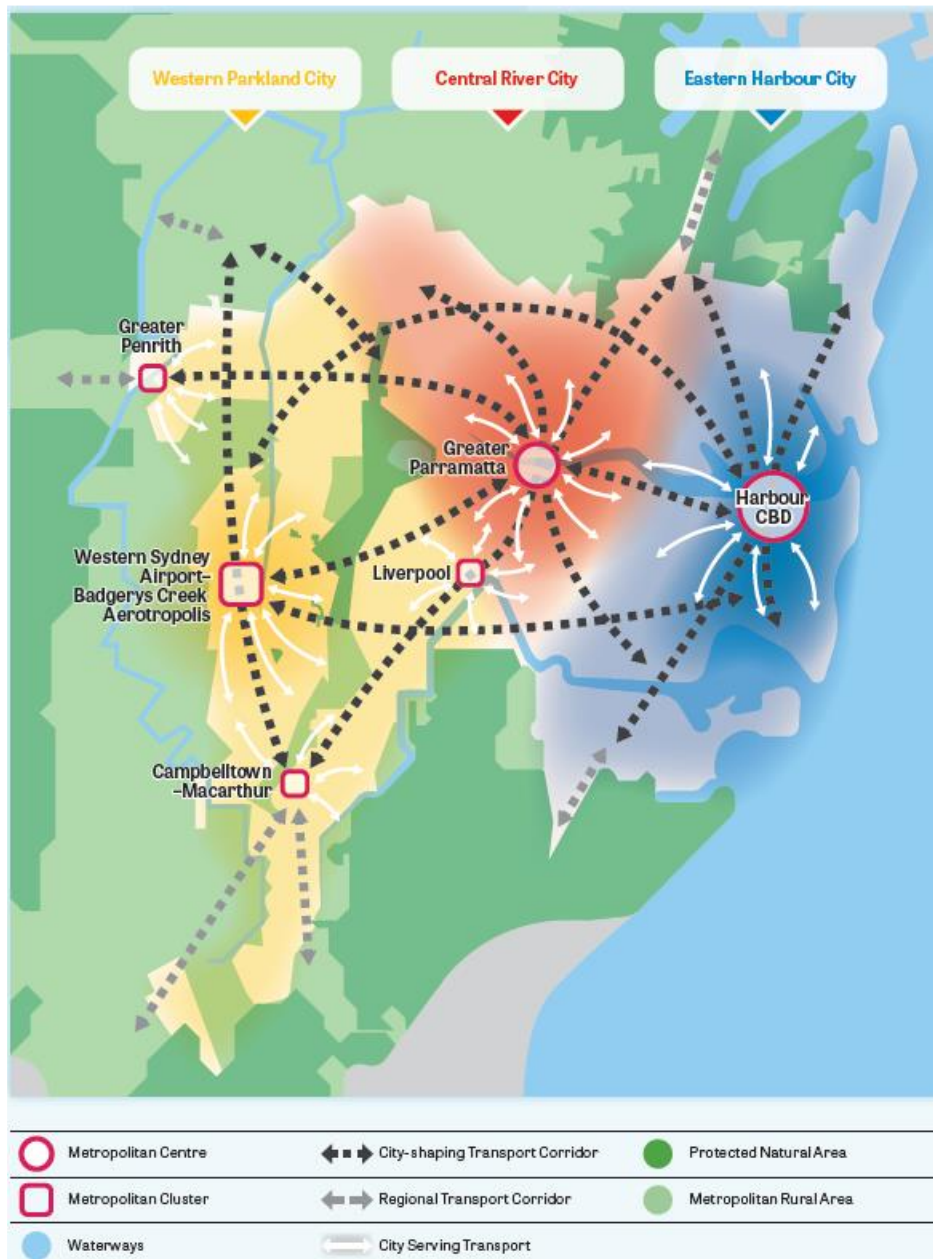


Figure 3: Extract from the GSRP p.7 “A Metropolis of 3 Cities”

Source: GSRP - GSC

In particular, the Western Parkland City will be centred around the new Western City Airport and the existing areas of Camden, Campbelltown, Liverpool and Penrith. The growth of the Western Parkland City will be driven by the Western Sydney City Deal, which is a 20 year agreement between all three levels of government to deliver a once-in-a-generation transformation of Sydney’s outer west – creating the ‘Western Parkland City’.

The City Deal builds on the Australian Government's \$5.3 billion investment in the Western Sydney Airport to catalyse investment, development and job opportunities.

The Western Sydney City Deal includes commitments across 6 priority domains:

1. Connectivity
2. Jobs for the future
3. Skills and education
4. Planning and housing
5. Liveability and environment
6. Governance

In particular, the City Deal commits to smart planning for future housing and streamlined processes for delivering new homes that meet community expectations of local character, good design and access to services and transport. It aims to deliver a package of planning reforms to support new housing, improve affordability and deliver housing choice for residents. The state Government has 5- and 20-year housing targets for each local government area to deliver the 184,500 new homes needed in the next 20 years. The site is located within the "Liverpool Metropolitan Cluster" of the "Western Parkland City".



Figure 4: Extract from the GSRP p.15 "A Metropolis of 3 Cities – Western Parkland City"
Source: GSRP - GSC

The GSRP states at p. 16:

The population of the Western Parkland City is projected to grow from 740,000 in 2016 to 1.1 million by 2036, and to well over 1.5 million by 2056.

The city will be established on the strength of the new international Western Sydney Airport and Badgerys Creek Aerotropolis. It will be a polycentric city capitalising on the established centres of Liverpool, Greater Penrith and Campbelltown-Macathur.

New city-shaping transport and the airport will make the city the most connected place in Australia. The Australian and NSW Governments will deliver the first stage of the North South Rail Link from St Marys to the Western Sydney Airport and Badgerys Creek Aerotropolis. A potential new east-west mass transit corridor will connect the Western Parkland City to the Central River City.

In the long term a potential Outer Sydney Orbital will provide the city with direct connections to Greater Newcastle, Wollongong and Canberra.

A Western Economic Corridor will attract globally significant defence and aerospace activities and contribute to a strong trade, freight, logistics, advanced manufacturing, health, education and science economy. This will produce knowledge-intensive jobs close to areas of high population growth and drive the development of the corridor and the metropolitan cluster.

The city will include housing diversity around centres and transit nodes. A future investigation area from Greater Penrith to Eastern Creek will link existing areas and major infrastructure. The Greater Sydney Green Grid will be a core element of the amenity of the Western Parkland City.

There is no specific reference within the GSRP to “Casula” as a targeted location for increasing dwelling densities and jobs growth, however the vision for the Western Parkland City does include land within Casula as the suburb is within 20 kilometres of Badgerys Creek (see Figure 5), and the District Plan provides more details:

- 100% population growth is projected between 2016-2056.
- Capitalising on the established centres of Liverpool, Greater Penrith and Campbelltown-Macathur as well as the new Western Sydney Airport and Badgerys Creek Aerotropolis.
- High-level connection across NSW through major upgrades in transport infrastructure including a new east-west mass transit corridor that will connect the Western Parkland City to the Central River City.
- Knowledge-intensive jobs at the Western Economic Corridor close to areas of high population growth to enhance the development of the corridor and the metropolitan cluster.
- Housing diversity around centres and transit nodes.
- Greater Sydney Green Grid as a core element of the amenity of the Western Parkland City.

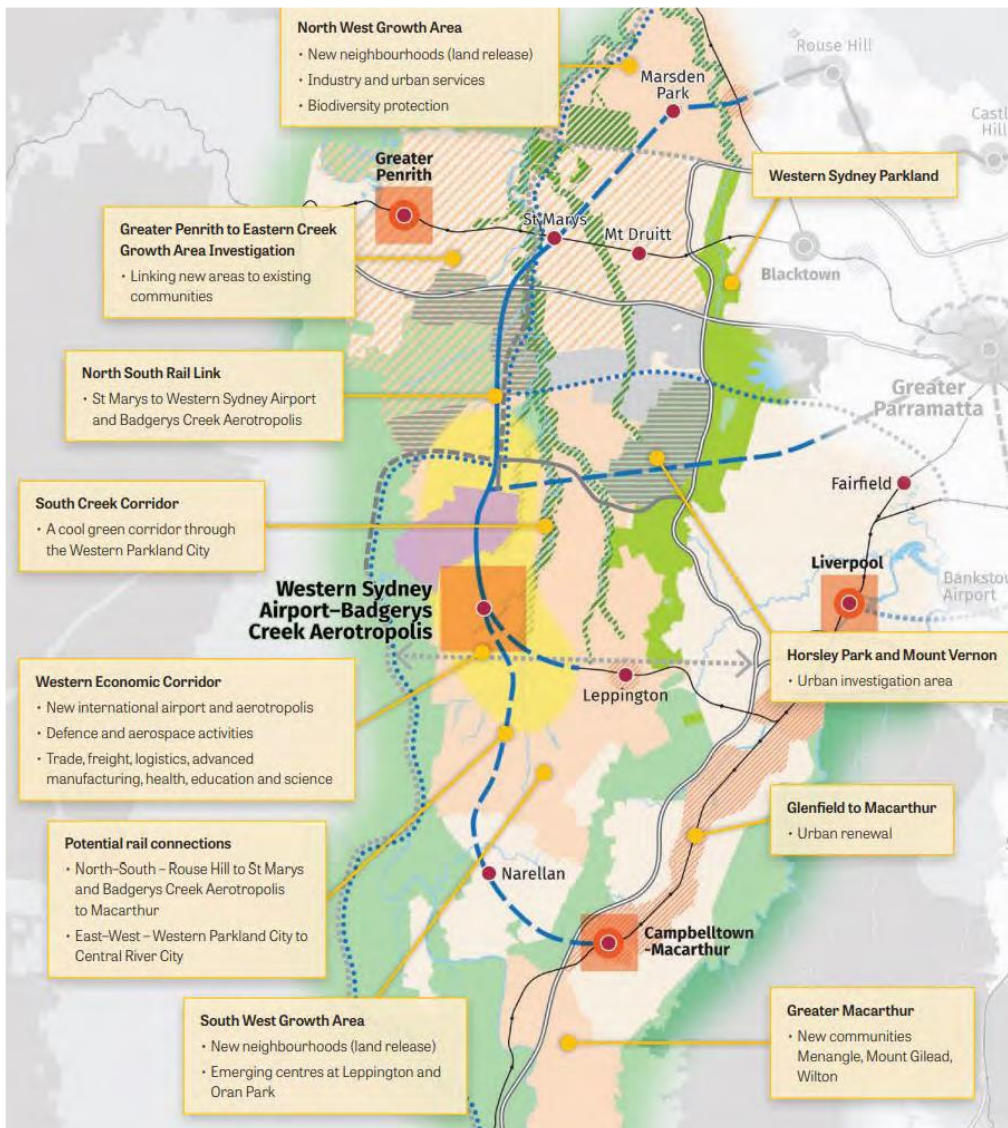


Figure 5: Extract from the GSRP p.17 “A Metropolis of 3 Cities – Western Parkland City”

Source: GSRP - GSC

According to the plan, there is an emerging requirement from the state and local governments to optimise infrastructure and business investment, employment and liveability outcomes of the Western Parkland City which aims to:

- Align with the development of new neighbourhoods and centres.
- Provide urban renewal close to existing centres.
- Create place-making to help design neighbourhoods with fine grain fabric and human scale.
- Support healthy lifestyles and connected communities.

This leads to a significant level of growth and transformation in the city specially within its established centres including the Liverpool Metropolitan Cluster.

The GSRP advises in relation to “Local Centres”:

Local centres

Local centres are important for access to day-to-day goods and services. These centres create a strong sense of place within the local community. Local centres are collections of shops and health, civic or commercial services. Larger local centres, such as those anchored by a supermarket, can form the focus of a neighbourhood. Supermarket-based centres also provide local employment, accounting for close to 18 per cent of all Greater Sydney's jobs. While local centres are diverse and vary in size (as measured by floor space), they play an important role in providing access to goods and services close to where people live. Increasing the level of residential development within walking distance of centres with a supermarket is a desirable liveability outcome.

The GSRP does not list all the 1,300 local centres and advises reference should be made to the relevant District Plan.

2.5.2 Western City District Plan

Casula is located approximately 3km south-west of Liverpool Metropolitan Cluster, 15km north of Campbelltown Health and Education Precinct and 15km east of Western Sydney Airport, Badgerys Creek Aerotropolis.

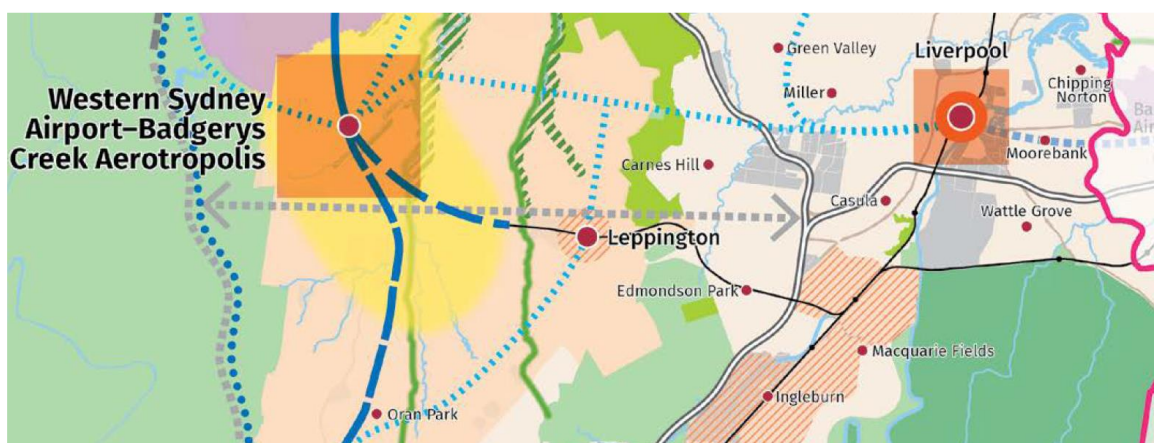


Figure 6: Extract from the District Plan p 13 which includes Casula – “Structure Plan for the Western City District – urban area south”

Source: GSC

As identified in the Western City District Plan (see extract from the District Plan at Figure 8), Casula is a ‘local centre’ within approximately 1km from Casula Train Station connecting Liverpool to Campbelltown, Leppington and Western Sydney Airport.

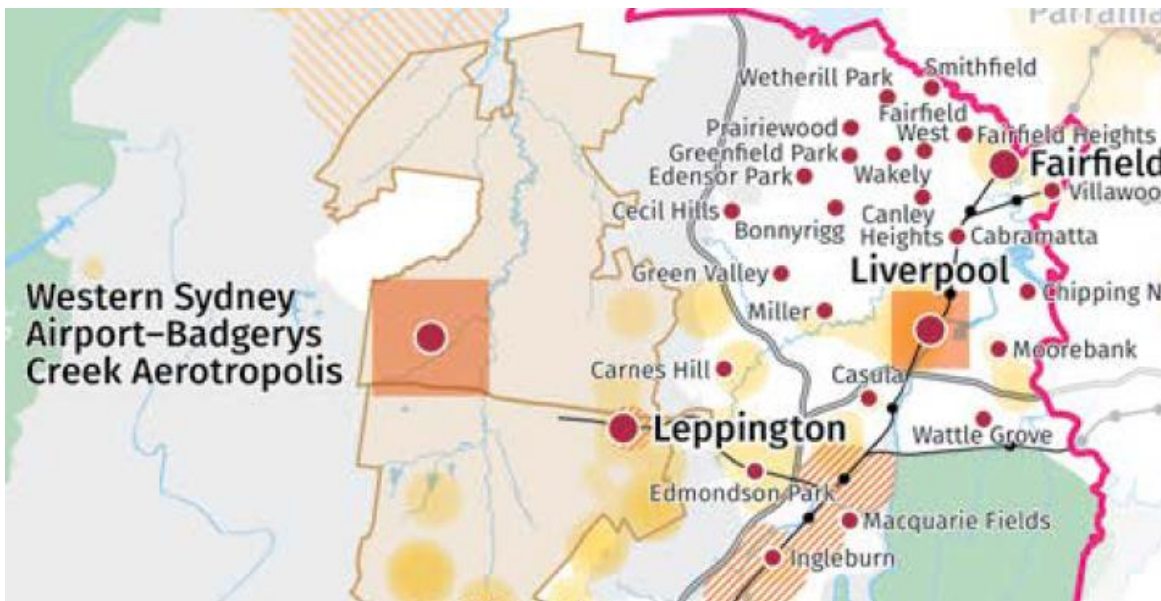


Figure 7: Extract from the District Plan p 43 which includes Casula – “Figure 11 – Western City District future housing supply”

Source: GSC

The plan recommends providing additional residential developments within a five-minute walk of a centre focused on local transport (including Casula), or within a 10-minute walk of a centre with city-shaping or city-serving public transport, to create walkable local centres. According to the plan, specific attributes include proximity to transport interchanges and strategic and local centres (especially those with a supermarket) that can support walkable neighbourhoods with access to jobs, schools and open space and opportunities to optimise existing infrastructure. These factors make local areas suitable for housing supply beyond 10 years (Figure 4).

As per the plan ‘Local centres are a focal point of neighbourhoods and where they include public transport and transport interchanges, they are an important part of a 30-minute city’.

Casula is located within 30 minutes from 3 Metropolitan clusters with a concentration of jobs, health/education facilities and community activities. The centre is well served by local transport (bus services) and is located within approx. 20 minutes walking catchment of Casula Train Station. Casula Mall is a comprehensive shopping centre providing access to the necessary day-to-day goods and services, community and/or social facilities for the surrounding neighbourhood.

The plan has also identified approximately 5-10-minute walking catchment around the centres (Figure 8) to be determined for a place-based approach with housing, retail and commercial growth opportunities including Casula Local Centre.



Figure 8: Extract from the District Plan p 53 which indicates Casula – Figure 14 – Western City District (south) - centres
Source: GSC

2.5.3 Strategic Planning Context and the Proposed Seniors Housing Development

The property is a long-term vacant site having been intended for infill residential apartment buildings, as reflected in the current and historical land zoning.

The site holds a prominent position within the locality, constituting a gateway into the suburb when travelling towards the site from the west over the M5 Motorway bridge. The site benefits from existing public transport connections, which provides for regular and direct access bus services to Casula and the Liverpool City centre.

This DA is well justified on the following basis:

1. Connectivity via Existing Pedestrian pathways, Cycling and Transport Networks

The site is within easy accessible walking distance (330m refer to site survey and gradient analysis at Appendix A) of existing bus stops which are serviced by bus networks. Main bus routes include 851, 852, 865 and 866 as direct connections to Liverpool Station with high frequency. Casula Train Station within 20 walking distance of the subject site. The subject site is located within a 200m walking catchment of Casula Mall and the local bus station and can be accessed from the north via Kurrajong Road and from the south via Randwick Close Local Access. A number of bus stops are between 400-800m walking catchment of the site. The estimated time from the subject site to Liverpool Station is 15-18 minutes which provides an opportunity for the subject site to support Liverpool Metropolitan Centre as a 30-minute city as per the strategic aims and objectives.

2. Open Space Networks

The subject site is located within close proximity to high quality local and regional open spaces and green infrastructure including local park Daruk Park adjoining the eastern boundary of the site. Regional open spaces including the Georges River, Heathcote and Royal National Parks within a 30-minute distance.

3. Local Community Facilities

The subject site is located adjacent to Casula Mall as the main destination for services and social infrastructure in the area. Within 400-800m walking catchment of the subject site, there are various educational, health and community facilities which support the existing residents in Casula as well as the potential future growth in the area.

A range of social infrastructure including local library, community and medical centres are located within 400m walking catchment of the subject site which enhances social and networks in the neighbourhood.

4. Housing Diversity and Accommodating Needs

The site is capable of accommodating a well-designed, vertical village, which can accommodate non-residential uses that provide for the daily needs of both future and current residents of the site.

Given the high quality network of open spaces, community hubs and facilities in the local area, there is an opportunity for the local context including the subject site to provide a better living experience and encourage a greater level of recreational activities and social connections through capitalising on the existing infrastructure.

The aim of the future development on the subject site is to utilise the potential and opportunities present in the local area to increase housing choice and supply particularly for aging population.

The site location affords convenient access to day to day facilities, local transport and high quality green open space environment, along with the proposed design will support aging in place close to major centres, family and social networks, which aligns with the strategic principles for the future growth of Liverpool LGA.

Due to the current and future strategic transformation happening in Western Parkland City and its centres to deliver a 30-minute city for the greater Sydney, there is an opportunity for local centres including Casula to accommodate the future potential growth. Good connectivity to strategic centres, local public transport nodes and appropriate level of local facilities are the major strength of Casula to accommodate a greater level of development to achieve the objectives of transit-oriented centres (30-minute city) and enhance walkability.

5. The site is large, unencumbered and well situated, with the ability to efficiently accommodate additional density without impacting upon adjacent properties.

As presented by Jackson Teece at the Design Excellence Panel meeting held on 13 June 2019 which was assisted by the work undertaken collaboratively with GMU Urban Design and Architecture, the site has several attributes which make its suitable for the proposed seniors housing development.

The current Liverpool Local Environmental Plan 2008 controls predicate higher density residential development within and around the B2 Local Centre zoning given this zoning is assigned to Casula Mall under the Liverpool Local Environmental Plan 2008. The Liverpool Local Environmental Plan 2008 has already introduced the R4 High density residential zones within the 400m walking catchment of Casula Mall and this includes the subject site. The height of building controls within the 400m walking catchment provides a range of heights from 12m to 18m for the R4 High-density residential zone compared to the maximum height of 21m of the B2 Local Centre zone.

In particular, the design team recognise that while the 15m height of building control available across the site is generous, however if designing strictly within this constraint would result in built form which was uniform and lacking in variation to the scale of buildings given the large size of the site. The applicable height distribution on the subject site results in a built form envelope with a blanket 4 storey envelope up to 15m adjacent to the low scale 'fine grain' developments to the south of the subject site.

While the location of the site adjacent to main local destinations and facilities provides an opportunity to support the local context with higher density development, any future built form of the subject site needs to provide a sympathetic response to the existing 'fine grain' development to the south, enhance the connectivity of the green and pedestrian network of the locality and enhance the existing landscaped edges.

Alternatively, the design team analysis demonstrates that the orientation of the site and the scale of perimeter development should consider redistribution of taller building elements away from the southern edges towards the northern frontage of the site along Kurrajong Road so as to match future built form to the north of the site and mitigate impacts on existing and future building to the south. This is demonstrated in the extract from the Urban Design analysis undertaken by GMU Urban Design and Architecture below in Figure 9. (It should be noted the view is along Kurrajong Road from west to east with north on the left hand side and south on the right hand side of the diagram prepared using the existing site survey and current height controls under the Liverpool Local Environmental Plan 2008 displayed as "block modelling" in "Sketchup"):

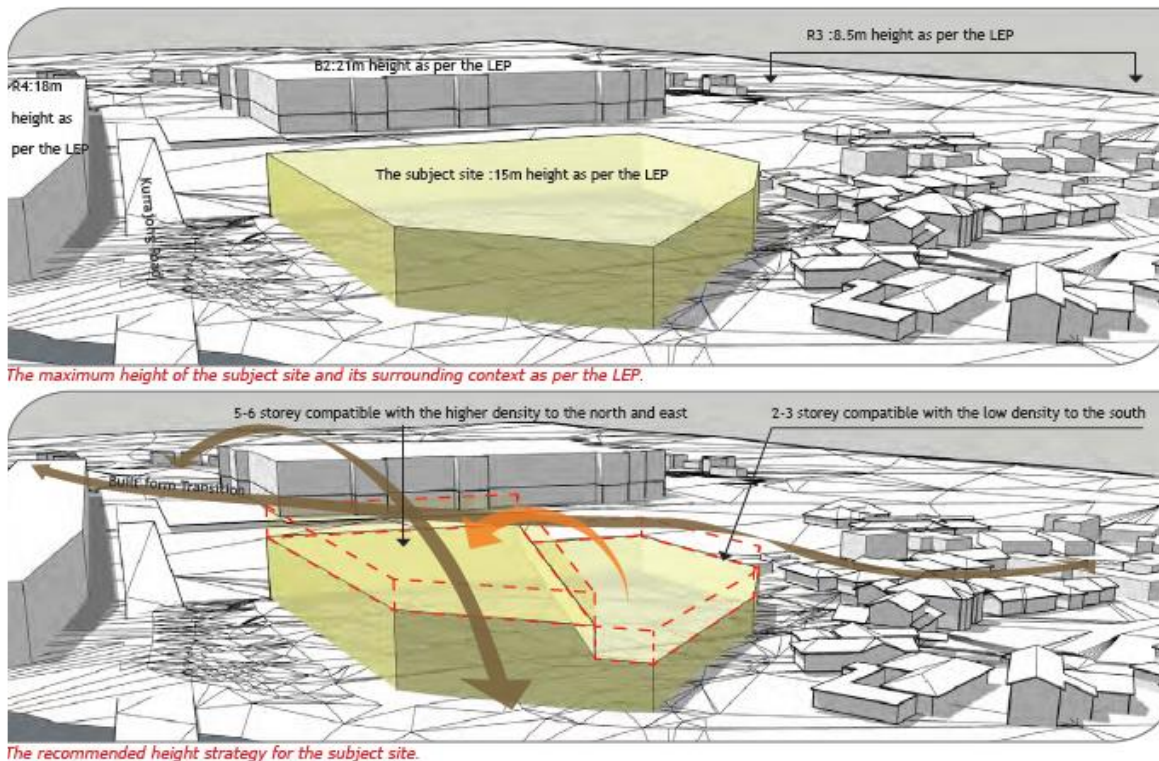


Figure 9: Extract from GMU height envelope analysis p 16

Source: GMU

GMU Urban Design and Architecture have advised that the alternate height strategy should consider:

- Locating a greater density to the north adjacent to Kurrajong Road compatible with the future higher density context on the opposite side of the road and the local centre to the east.
- Minimise the overshadowing impacts to the southern neighbourhood.
- Emphasise the site entrance from Kurrajong Road as well as the existing pedestrian link adjacent to the eastern boundary of the subject site with a higher built form marker.

Therefore, the proposal attempts to relocate the applicable height distribution on the subject site to concentrate smaller 2-3 storey built form elements to the southern part of the site whilst transferring the bulk up to 5-6 storeys to the north which is compatible with the higher density developments to the north of the road and the 6-7 storey development allowed in the B2 local centre to the east of the subject site. To the eastern boundary, the future built form will respond to the maximum height of the trees to maintain the dominant green character of the views looking to the site from the east.

Given this block modelling analysis the architects at Jackson Teece have prepared a design which responds to this alternate height strategy.

This DA responds to the metropolitan, subregional and local strategic targets to increase the supply of housing choice within proximity to existing transport infrastructure and accompanying neighbourhood shop facilities. The accompanying Design Report in **Appendix B** demonstrates how the development responds to its strategic context and neighbouring character.

Given the strategic planning undertaken by the State Government, the site is ideally located for urban renewal with an increase in affordable and diverse housing via the proposed seniors housing development.

3. DESCRIPTION OF THE PROPOSED DEVELOPMENT

3.1 OVERVIEW OF THE PROPOSAL

The proposal seeks approval for the construction and operation of a “seniors housing” development involving a 142 room residential care facility (RCF), 93 independent living units (ILUs) in 3 buildings over a basement level under Clause 45 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* and neighbourhood shops on the ground floor level of Building B.

3.2 PROPOSED SENIORS HOUSING DEVELOPMENT IN DETAIL

In detail, the proposal seeks approval for:

- Site preparation and bulk earthworks;
- Construction of 2 electrical substations;
- Construction and operation of 3 buildings over basement level, which will contain:
 - Basement Level with access from Kurrajong Road and parking for a total of 138 car spaces, allocated:
 - Building A: 45 car spaces associated with the Residential Care Facility for Building A, and 19 car spaces associated with the Independent Living Units,
 - truck loading dock, bus parking bay, disabled parking and visitor parking and ancillary functions of the Residential Care Facility,
 - Building B: 33 car spaces associated with the Independent Living Units,
 - Building C: 26 car spaces associated with Independent Living Units,
 - Building A - 6 level building which will contain:
 - 142-room residential care facility for high and dementia care residents, suitable to accommodate 142 residents over ground floor level, level 1 and level 2. The residential care facility has been designed to include:
 - Ground level in-house café with indoor and outdoor seating for residents and their visitors;
 - In-house nursing stations for care amenities and facilities on each level;
 - Communal dining and living areas on each level;
 - Multi-function meeting space;
 - Administration rooms;
 - Physiotherapy room;
 - Consulting rooms;
 - Hairdressing salon;
 - Reception and lobby area;

- Administration, manager and staff rooms;
- Strategically located lounge and dining areas for residents to enjoy outlooks to the landscaped gardens and terraces;
- Nurse stations at each level;
- On-site facilities for provision of catering with full commercial kitchen and refrigeration/storerooms;
- On-site linen services;
- Plant areas;
- Storage areas;
- Staff amenities;
- 2 x Lift access to each level of the building for all occupants and users;
- 24 independent living units with 13 x 1 bedroom, 9 x 2 bedroom and 2 x 3-bedroom units:
 - 4 x Independent Living Units on Level 1;
 - 5 x Independent Living Units on Level 2;
 - 5 x Independent Living Units on Level 3;
 - 10 x Independent Living Units on Level 4 with outdoor roof terrace with pergola over accessible to all occupants and residents; and
 - Communal dining area on Level 5 with outdoor roof terrace with pergola over accessible to all occupants and residents, and plant rooms; and
 - Roof level with Photovoltaic Panels.
- Building B - 5-level building containing 4 “neighbourhood shops” and 39 independent living units with 14 x 1 bedroom, 23 x 2 bedroom and 2 x 3-bedroom units:
 - 4 x 80 square metre ground floor “neighbourhood shops”;
 - 4 x independent living units on ground floor level;
 - 10 x independent living units on Level 1;
 - 10 x independent living units on Level 2;
 - 10 x independent living units on level 3;
 - 5 x independent living units on level 4 with outdoor roof terrace with pergola over accessible to all occupants and residents; and
 - Plant room access to roof level with Photovoltaic Panels
- Building C - 3-level building containing 30 independent living units with 12 x 1 bedroom, 15 x 2 bedroom and 3 x 3-bedroom units:
 - 10 x independent living units on ground floor level;
 - 10 x independent living units on Level 1; and

- 10 x independent living units on Level 2;
- Ambulance bay;
- Loading dock with manoeuvring area;
- A landscaped garden settings at ground level and private communal courtyards on ground floor level with landscaped open space to accommodate formal settings, outdoor seating, gardens which surround the built form extending towards the site boundaries while at the same time fencing to provide a secure environment for occupants.

Details of the proposed development are demonstrated in the architectural drawings found in **Appendix B**. In addition, landscape concept plans have been prepared and can be found at **Appendix E**.

3.3 ABOUT SUMMITCARE

SummitCare currently operates 10 residential care facilities (sometimes referred to as nursing homes), which provide services to more than 1,100 people in the community of New South Wales.

SummitCare was established in 1966 and their team have been operating in the aged care industry for over 50 years. These existing facilities offer a full range of services from high care, dementia care, extras services such as disabled services, palliative care, respite care and day respite care facilities.

Details about SummitCare and their existing facilities can be found at the following link:

<https://www.summitcare.com.au/residential-aged-care>

SummitCare seek to provide a superior designed seniors housing development in a “vertical village” format in Casula to provide increased opportunities for older members of the community who seek access to the high standards of care and allowing residents to age in place. Up to 40% of places will be made available for concessional residents as assisted beds with the residential care facility component of Building A.

An example of the standard of living sought to be achieved at Casula by SummitCare is that which can be found at the existing aged care facility constructed and operated by SummitCare at Baulkham Hills which opened as a new residential care facility designed and developed by SummitCare in 2018.

<https://www.summitcare.com.au/residential-care/baulkham-hills>

3.4 NEEDS ASSESSMENT

SummitCare's own "Needs Assessment" indicates new and renewed "residential care facility" within the Liverpool city Local Government Area (LGA) has identified. This project is required in this location to assist with the ageing population's needs and provision of renewed bed places. Currently SummitCare operate on Elizabeth Drive (which currently supports 40% concessional beds) and have identified based on residential and family feedback that future residents and occupants seek access to single bedrooms with en-suite facilities which the existing RFCs on Elizabeth Drive do not provide and would take time to adapt. As such, not only to support existing residents preferences (in a decanting process) and future needs in the LGA, SummitCare now propose an integrated model for the community of Casula and the wider LGA with the combination of a residential care facility (RCF) and independent living units (ILUs) in a vertical village format as permitted under the current legislation.

SummitCare's proposal seeks the inclusion of 40% of beds as concessional beds to support the social housing needs of all persons in the local community.

The Social Impact Comment at **Appendix O** includes information to assist with the evaluation of the need for the proposed seniors housing development as well.

3.5 VEGETATION AND LANDSCAPING

All trees, both within the subject site and those which may be impacted outside of the subject site, have been assessed, as contained within the report included at **Appendix W**.

The design of the proposed development includes setbacks to accommodate new landscape tree plantings, the application is accompanied by Landscape Concept Drawings, refer to **Appendix E**.

3.6 FLOOD ASSESSMENT AND STORMWATER MANAGEMENT

The DA is accompanied by a Flood Assessment which has included site specific flood modelling which classified the site within the Medium risk category under the Liverpool Development Control Plan. In response the proposed design demonstrates that the proposal is consistent with Council's flood related development controls in that the basement level is protected from inundation, and will include warning systems / signage and finished ground floor levels and associated entries are above the required PMF, refer to **Appendix M**.

The proposed development includes a concept drainage design to connect to Council's system along with improvements to the current site to include WSUD measures and associated modelling the proposed development, in accordance with Council's requirements. As such, the proposed development can manage its stormwater discharge appropriately. Refer to the stormwater management design concept drawings at **Appendix I**.

3.7 TRAFFIC, ACCESS AND PARKING

3.7.1 Pedestrian and disabled access

The proposed development includes pedestrian and disabled access along the Kurrajong Road frontage into and throughout the site and throughout each level of the “vertical village” buildings via lifts. Disabled access requirements of the Australian Standard required under the BCA have been considered for the “vertical village”, as detailed in the BCA report and Access Report included respectively in **Appendices F and G** in this SEE report.

3.7.2 Vehicle access and parking

One driveway is proposed off Kurrajong Road to basement level car parking and servicing in the proposed development as shown in the appended architectural drawings.

The proposed development includes a total of 140 car parking spaces (inclusive of disabled spaces) in a basement parking area, of which: 78 spaces are allocated to the independent living units, 45 spaces allocated to the residential care facility of which 16 spaces will be available for visitors, and 15 spaces are proposed for the neighbourhood shops. The parking spaces have also been further allocated to each building and usage as designated on the drawings in **Appendix B**. A separate minibus / loading bay and a separate waste management dock which is also allocated for the proposed neighbourhood shops to use for loading / unloading in the basement for the site, and an ambulance bay can be accommodated adjacent to the entry to building A. The required number of disabled car parking spaces are also allocated with the basement level.

The application includes a Traffic and Parking Assessment at **Appendix C**. This report advises:

- 3.22 *In summary, the main points relating to the traffic implications of the proposed development are as follows:*
- i. the proposed development would be accessible by public transport;*
 - ii. the proposed parking provision is considered appropriate and complies with the requirements of SEPP;*
 - iii. access, internal circulation and layout will be provided in accordance with AS 2890.1:2004 and AS 2890.6 – 2009;*
 - iv. the proposed development will have a low traffic generation of some 15 to 30 vehicles per hour during peak hours; and*
 - v. such a low additional traffic generation would not have noticeable effects on the operation of the surrounding road network.*

3.8 SITE MANAGEMENT

The proposed residential care facility and independent living units in the overall vertical village will be owned, operated and managed by the applicant SummitCare with assistance from HomeGround for the affordable housing ILUs. No subdivision is proposed for the land or the proposed ILUs. As residents will be located within the residential care facility on a permanent basis as their home in the later stages of ageing, this will operate 24 hours a day, 7 days a week.

No specific tenants are currently proposed for the neighbourhood shops, and these tenancies cannot be offered for lease until the certainty of an approval is granted. Therefore, these proposed neighbourhood shops can be subject to future approval which may include either future DAs or CDCs.

3.8.1 Staffing and Site Management

The residential care facility will employ a total of 48 staff in full-time, part-time and casual roles. Shift rotations will be staggered to ensure that change over periods minimise the movement of cars in the basement, ensure availability for staff to park and any associated impacts. This arrangement for staggered shift changes over periods is in operation at existing SummitCare facilities and management practices work to ensure that no unacceptable impacts occur to adjoining properties.

To assist with site management a preliminary Plan of Management has been prepared by SummitCare to assist with building management processes along with components such as how SummitCare staff will be responsible for moving waste from ground level of each building to the collection point in the basement level. Refer to **Appendix V**.

3.8.2 Waste Management

A construction waste management plan and an operational waste management plan are included in **Appendix D**. A waste management room is proposed in the ground floor level and basement level under each building, and waste collection is proposed with private contractors using the designated dock off in the basement level via the driveway from Kurrajong Road. Staff will be responsible for transferring waste from the “nursing home” operational levels of the building to the storage room and waste collection area. A detailed construction management plan can be supplied once the formal tendering process has been undertaken post development consent by the appointed builder and prior to the issue of a Construction Certificate.

3.8.3 Security and Access Control

The proposed development will be fitted with access controls including secure doors with electronic key access at all access points including both the pedestrian and disabled access points and vehicle access point. CCTV and site security services will be implemented. Refer to the Crime Prevention through Environmental Design (CPTED) measures discussed in the CPTED Report at **Appendix Y**. In addition, a Lighting Statement indicates the Australian Standards will be implemented as included at **Appendix X**.

3.9 CIVIL WORKS TO ROADS

This DA seeks approval for the civil design details associated with maintaining the existing access from Kurrajong Road and stormwater management including WSUD. The engineering design concept drawings for the civil works are contained within **Appendix I**.

3.10 UTILITY INFRASTRUCTURE INSTALLATIONS AND UPGRADES

The site has access to connections to existing utility service infrastructure including water, sewer, gas, electricity and telecommunications which will be installed, upgraded and augmented, as required. An Infrastructure Report has been prepared which is included at **Appendix N**.

3.11 MULTIPLE CONSTRUCTION CERTIFICATES AND OCCUPATION CERTIFICATES

Given the proposed development involves 3 buildings over a shared basement, the applicant intends to stage construction works due to the scale of the development and to enable each component of the proposed seniors housing development buildings to be constructed so as each resident can occupy at a safe time during construction, for example to enable internal fit outs to occur within the residential care facility while other components of the construction phase such as line marking, external landscaping and so on are being completed concurrently, this process requires practical completion for the residential care facility while building works external of Building A continues. The same is true associated with tenant fit out for the neighbourhood shops in Building B. Therefore, the applicant requests Council not impose conditions which restrict the issue of separate construction certificate and associated occupation certificate for each proposed building.

4. ENVIRONMENTAL ASSESSMENT

4.1 COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT

The application does not trigger a controlled action under the Commonwealth *Environment Protection and Biodiversity Conservation Act* (EPBC Act).

4.2 NSW ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT)

The following sections of this SEE report provides an assessment against the relevant provisions of the EP&A Act:

4.2.1 Section 2.12 of the EP&A Act – District and Regional Planning Panels

Pursuant to Section 2.12 of the EP&A Act, the Minister by Order as published, constituted the District Panel to determine a DA which is regional development as outlined in Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, where:

- *Regional development, as outlined in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011*
 - *development with a capital investment value (CIV)* over \$30 million*
 - *development with a CIV* over \$5 million which is:*
 - *council related*
 - *lodged by or on behalf of the Crown (State of NSW)*
 - *private infrastructure and community facilities*
 - *eco-tourist facilities*
 - *extractive industries, waste facilities and marinas that are designated development,*
 - *certain coastal subdivisions*
 - *development with a CIV* greater than \$30 million which is referred to the Planning Panel by the applicant after 120 days*

* *Capital investment value (CIV) is calculated at the time of lodgement of the DA for the purpose of determining whether an application should go to a Planning Panel - refer to Planning Circular PS 10-008.*

The proposed development involves a CIV with a value of greater than \$30 million for a council related project (refer to QS CIV at **Appendix H** which indicates \$44,893,131). Therefore, this any DA submitted will trigger the determining authority as the District Panel.

4.2.2 Section 2.17 of the EP&A Act – Local Planning Panels

Pursuant to Section 2.17 of the EP&A Act, the Minister by Order as published, constituted the Local Planning Panels (IHAPs) to determine a DA which meets certain “Referral criteria”. As the District Panel is the determining authority, the local planning panel will not be involved with this process. For completeness the referral criteria include:

Table 2: Summary of IHAP criteria

Summary of IHAP Development Application Criteria	
Conflict of interest	Development for which the applicant or landowner is: <ul style="list-style-type: none"> • the council • a councillor • a member of staff who is principally involved in the exercise of council's functions under the EP&A Act • a member of Parliament or • a relative of one of the above.
Contentious development	<ul style="list-style-type: none"> • council's approved submission policy triggers a referral or • for schedules 1 and 2 only — DA that receives 10 or more unique objections or • for schedule 3 only — DA that receives 25 or more unique objections.
Departure from development standards	Development that contravenes a development standard imposed by a planning instrument by: <ul style="list-style-type: none"> • more than 10% or • non-numerical development standards or • for schedule 3 only — more than 25% for dwelling houses, dual occupancies and attached dwellings.
Sensitive development	<ul style="list-style-type: none"> • designated development • for schedule 1 only — Residential Flat Building, 3 or more storeys in height • for schedules 2 and 3 only — Residential Flat Building, 4 or more storeys in height • demolition of a heritage item • development for the purposes of new premises that will require: <ul style="list-style-type: none"> ○ a club licence or ○ a hotel (general bar) licence or ○ an on-premises licence for public entertainment venues • development for the purpose of sex services premises and restricted premises DAs for which the developer has offered to enter into a planning agreement.

4.2.3 Section 3.28 of the EP&A Act – Inconsistency between instruments

This DA is submitted to Council seeking approval for a form of “seniors housing” as described in Clause 10 under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP). Pursuant to Section 3.28 of the EP&A Act, the provisions of the Seniors Housing SEPP prevail over any requirement in any local environmental plan.

4.2.4 Section 4.13 of the EP&A Act – Consultation and Concurrence

Pursuant to Section 4.13 of the EP&A Act, several consultations and concurrences can be triggered under *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). The proposed development does not involve works which require a concurrence under the provisions of the Infrastructure SEPP.

4.2.5 Section 4.13B of the EP&A Act - Concurrence

Pursuant to Section 4.13B of the EP&A Act, a number of concurrences may be triggered under *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). The proposed development will require a referral under the provisions of the Infrastructure SEPP to the energy provider, but this is not a concurrence.

Pursuant to Section 4.13B of the EP&A Act, no concurrence is required for the proposed development.

4.2.6 Section 4.15 of the EP&A Act - Evaluation

This section provides a preliminary assessment of the relevant environmental planning issues associated with the proposed redevelopment in accordance with Section 4.15(1) of the EP&A Act, which states:

4.15 Evaluation *(cf previous s 79C)*

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) 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), and*
- (iii) any development control plan, and*
- (iiia) 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, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

4.2.7 Section 4.15(1)(a)(i) – Environmental Planning Instruments

The following environmental planning instruments have been considered in the assessment and preparation of this application:

- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);*
- *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);*
- *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX);*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment; and*
- *Liverpool Local Environmental Plan 2008.*

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

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) was developed to encourage the development of high-quality accommodation which is in keeping with the local neighbourhood for our ageing population and for people who have disabilities. The name of this policy was changed from SEPP (Seniors Living) 2004 to SEPP (Housing for Seniors or People with a Disability) 2004 effective on 12 October 2007.

This DA is submitted under the Seniors Housing SEPP for a proposed “senior housing” development as defined under Clause 3, particularly given the provisions of Clauses 10, 13 and Clause 45, detailed as follows.

4.2.8.1 Type of Seniors Housing Proposed under the SEPP

The proposed form of development is considered to include “seniors housing” under the terms of the Senior Housing SEPP which states under Clause 3 “Interpretation”:

seniors housing—see clause 10.

Clause 10 of the Seniors Housing SEPP states:

10 Seniors housing

*In this Policy, **seniors housing** is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of—*

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

but does not include a hospital.

Note.

The concept of seniors housing is intended to be a shorthand phrase encompassing both housing for seniors and for people with a disability. This Policy deals with both kinds of housing.

Accommodation provided by seniors housing does not have to be limited to seniors or people with a disability. Clause 18 provides that seniors housing may be used for the accommodation of the following—

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

Relevant classifications in the Building Code of Australia for the different types of residential accommodation are as follows—

- (a) Class 3, 9a or 9c in relation to residential care facilities,*
- (b) Class 1b or 3 in relation to hostels,*
- (c) Class 1a or 2 in relation to self-contained dwellings.*

The proposal includes a component in the form of (a) a residential care facility and (c) a group of self-contained dwellings.

The proposal includes a component within Building A as a “residential care facility”, where the Senior Housing SEPP interpretation at Clause 3 states:

residential care facility—see clause 11.

The provisions of Clause 11 under the Seniors Housing SEPP state:

11 Residential care facilities

In this Policy, a residential care facility is residential accommodation for seniors or people with a disability that includes:

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

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

Note. *The Aged Care Act 1997 of the Commonwealth requires residential care facilities to which that Act applies to meet certain requirements.*

The proposed development involves a “residential care facility”, will include all of the items at (a) to (c), and will be licensed in accordance with the Aged Care Act 1997 (Cth) as administered by the Commonwealth when operational.

In addition, the proposal includes “self-contained dwellings” within Buildings A, B and C in the form of independent living units (ILUs) which are consistent with the provisions of Clause 13 of the Seniors Housing SEPP, as follows:

13 Self-contained dwellings

(1) General term: “self-contained dwelling” In this Policy, a **self-contained dwelling** is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

(2) Example: “in-fill self-care housing” In this Policy, **in-fill self-care housing** is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care.

(3) Example: “serviced self-care housing” In this Policy, **serviced self-care housing** is seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.

4.2.8.2 Permissibility under the Seniors Housing SEPP

The provisions of the Senior Housing SEPP outline when “seniors housing” is permitted, despite the list of permitted uses listed under the R4 High Density Residential zone of the Liverpool Local Environmental Plan 2008 based on the following assessment. It should be noted in Section 4.2.14.2 of this SEE report that the “land use table” for the R4 High Density Residential zone under the Liverpool Local Environmental Plan 2008 does not list “seniors housing” as a permissible use, this DA is submitted under the Seniors Housing SEPP and therefore having consideration to the provisions of Section 3.28 of the EP& Act as discussed previously, the Seniors Housing SEPP prevails over any local environmental plan.

The provisions of Clause 4(1) under the Seniors Housing SEPP are triggered, as “dwelling houses” are permitted in the “R4 High Density Residential” under the Liverpool Local Environmental Plan 2008 applicable to the land, see below.

4 Land to which Policy applies

(1) General

This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

(a) development for the purpose of any of the following is permitted on the land:

(i) dwelling-houses,

(ii) residential flat buildings,

(iii) hospitals,

(iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or

(b) the land is being used for the purposes of an existing registered club.

The proposed development is to be located on land which has been developed for and permits development for the purposes of “dwelling-houses”, as detailed previously. Therefore as, “dwelling houses” are permitted in the zone, the subject site can be described as “land zoned primarily for urban purposes” which is consistent with the provisions of Clause 4 of the Senior Housing SEPP.

The intention of the Seniors Housing SEPP is to apply to land which is zoned for urban purposes which the subject site triggers. It is noted that the provisions of Clause 4(1) use a distinction between “*land zoned for urban purposes or land that adjoins land zoned for urban purposes*”. Notwithstanding that the land adjoins land zoned for urban purposes, the subject site is zoned **for urban purposes** and therefore, the provisions that apply to the category of seniors housing on “land zoned for purposes” will apply. Any provisions applying to seniors housing on “land that adjoins land zoned for urban purposes” will not apply.

The provisions of Clause 4(2) to (11) have also been considered as follows:

(2) Land that is not zoned primarily for urban purposes

For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land that is within any of the following zones under another environmental planning instrument:

- (a) a zone that is identified as principally for rural uses,*
- (b) a zone that is identified as principally for urban investigation,*
- (c) a zone that is identified as principally for residential uses on large residential allotments (for example, Zones R5 Large Lot Residential and RU6 Transition referred to in the standard instrument for principal local environmental planning instruments prescribed by the Standard Instrument (Local Environmental Plans) Order 2006).*

The subject site does not trigger the provisions of Clause 4(2) as detailed above.

(2A) For the avoidance of doubt, land that is not zoned primarily for urban purposes includes (but is not limited to) land to which Warringah Local Environmental Plan 2000 applies that is located within locality B2 (Oxford Falls Valley) or C8 (Belrose North) under that plan.

The subject site is not located within the Local Government Area of Warringah Shire Council for which this clause applies to certain lands.

- (1) Nothing in subclause (2) or (2A) operates to make any land not referred to in those subclauses land that is zoned primarily for urban purposes.*

The provisions of this subclause are noted.

(4) Land that adjoins land zoned primarily for urban purposes

For the purposes of this Policy, land that adjoins land that is zoned primarily for urban purposes includes (but is not limited to) land that would directly adjoin land that is zoned primarily for urban purposes but for the presence of a public road to which there is direct vehicular and pedestrian access from the adjoining land.

The above provisions do not apply, see commentary above.

- (5) Application of Policy to land zoned for special uses and existing registered clubs**
For the purposes of this Policy (and for the avoidance of doubt), a consent authority must not treat:

- (a) land on which development for the purposes of special uses is permitted, or*
- (b) land that is being used for the purposes of an existing registered club,*
as being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes.

The subject site is not zoned for special uses or an existing registered club.

(6) Land to which Policy does not apply

This Policy does not apply to:

- (a) land described in Schedule 1 (Environmentally sensitive land), or*
- (b) land (other than land to which Warringah Local Environmental Plan 2000 applies) that is zoned for industrial purposes, or*
- (c) (Repealed)*
- (d) the land to which Sydney Regional Environmental Plan No 17—Kurnell Peninsula (1989) applies, or*
- (e) the land to which State Environmental Planning Policy (Western Sydney Parklands) 2009 applies.*

The subject site does not trigger any of the above matters.

- (7) Nothing in subclause (6) (a) or Schedule 1 operates to preclude the application of this Policy to land only because:*
 - (a) the land is identified under State Environmental Planning Policy No 71—Coastal Protection, or*
 - (b) in the case of land that is used for the purposes of an existing registered club—the land is described in another environmental planning instrument as:*
 - (i) private open space, or*
 - (ii) open space where dwellings or dwelling-houses are permitted.*

The subject site is not considered to trigger any of the matters under subclause 7.

(8) (Repealed)

(9) Application of Policy to certain land in Sutherland Shire

For the purposes of this Policy (and despite anything to the contrary in subclause (1), (2) or (5)), the land that is shown with heavy edging on the map marked “Map 32 Cronulla Sutherland Leagues Club, Captain Cook Drive” in Schedule 7 to Sutherland Shire Local Environmental Plan 2000 is taken to be land that is zoned primarily for urban purposes.

Note. *Clause 7 (2) (a) of Sutherland Shire Local Environmental Plan 2006 continues the application of Sutherland Shire Local Environmental Plan 2000 to the land referred to in this subclause.*

The site is not located within the Sutherland Shire; therefore, the subclause does not apply.

- (10) For the purposes of this Policy (and despite anything to the contrary in subclause (1) or (4)), any land that adjoins the land referred to in subclause (9) is not to be treated as being land that adjoins land zoned primarily for urban purposes.*

The site is not located within the Sutherland Shire; therefore, the subclause does not apply.

(11) Subclause (6) does not apply in relation to:

- (a) the land referred to in subclause (9), or
- (b) land in Alexander Avenue, Taren Point, being Lot 2, DP 1026203, or
- (c) an application to carry out development for the purposes of a residential care facility on land in any of the following zones under Sutherland Shire Local Environmental Plan 2006:
 - (i) Zone 4—Local Housing,
 - (ii) Zone 5—Multiple Dwelling A,
 - (iii) Zone 6—Multiple Dwelling B,
 - (iv) Zone 7—Mixed Use—Kirrawee,
 - (v) Zone 8—Urban Centre,
 - (vi) Zone 9—Local Centre,
 - (vii) Zone 10—Neighbourhood Centre.

(12), (13) (Repealed)

The site is not located within the Sutherland Shire; therefore, the subclause does not apply.

4.2.8.3 Vertical Village form of Development under the Seniors Housing SEPP

This application proposes a “vertical village” under the provisions of Clause 45 of the Seniors Housing SEPP. Clause 45 of the Seniors Housing SEPP states:

45 Vertical villages

(1) Application of clause *This clause applies to land to which this Policy applies (other than the land referred to in clause 4 (9)) on which development for the purposes of residential flat buildings is permitted.*

It should be noted that the R4 High Density Residential zone under the Liverpool Local Environmental Plan 2008 enables the land to be developed for “residential flat buildings” as a specifically listed permitted form of development as detailed in Section 4.2.14.2 of this SEE report. Also as discussed above, the provisions of the Seniors Housing SEPP apply to the land. Therefore, Clause 45 of the Seniors Housing SEPP applies to the land.

(2) Granting of consent with bonus floor space *Subject to subclause (6), a consent authority may consent to a development application made pursuant to this Chapter to carry out development on land to which this clause applies for the purpose of seniors housing involving buildings having a density and scale (when expressed as a floor space ratio) that exceeds the floor space ratio (however expressed) permitted under another environmental planning instrument (other than [State Environmental Planning Policy No 1—Development Standards](#)) by a bonus of 0.5 added to the gross floor area component of that floor space ratio.*

Note.

For example, if the floor space ratio permitted under another environmental planning instrument is 1:1, a consent authority may consent to a development application for the purposes of a building having a density and scale of 1.5:1.

This application seeks a bonus of 0.5:1 Floor Space Ratio added to the gross floor area component of the floor space ratio permitted 1.0:1 Floor Space Ratio (FSR) shown for the site in the FSR mapping of the Liverpool Environmental Plan 2008. Refer to the extract of the Liverpool Local Environmental Plan 2008 FSR mapping which is shown in Figure 12 in Section 4.2.14.4 of this SEE report.

(3) Subsection (2) applies even if the floor space ratio permitted under another environmental planning instrument is expressed in a development control plan.

The provisions of Seniors Housing SEPP prevail over the Liverpool Local Environmental Plan 2008. To assist Council in consideration of this matter associated with FSR, a Clause 4.6 variation request is included at **Appendix T**.

(4) In calculating the gross floor area for the purposes of subclause (2), the floor space used to deliver on-site support services (other than any floor space used to deliver communal or residents' living areas) is to be excluded.

The gross floor area (GFA) calculations shown in the architectural drawings included in **Appendix B**, demonstrate the floor space used to deliver on-site support services have been excluded.

(5) However, if the area of the floor space referred to in subclause (4) is greater than 50% of the gross floor area, then the area that may be excluded under subclause (4) is limited to an area that does not exceed 50% of the gross floor area.

The GFA used in subclause (4) above is not greater than 50% of the overall GFA and complies with this subclause.

(6) Requirements relating to affordable places and on-site support services A consent authority may only grant consent to a development application as referred to in subclause (2) if—

(a) the consent authority is satisfied, on written evidence, that—

(i) the proposed development will deliver on-site support services for its residents, and

The proposed development includes a design which enables via the commercial kitchen on-site support services as defined in Clause 45 below, with on-site support services for residents of the entire site including: 3 meals a day provided on a communal basis (please note the roof terrace of Building A has been designed to accommodate communal eating and gathering for the entire site development) or to a resident's dwelling; a number of the floor spaces have been designed on the ground floor level of Building A for personal care related services including physiotherapy room, consultation rooms and hairdresser; the Plan of Management details SummitCare's commitment to the provision of home nursing visits for those who request this service; and the Plan of Management details SummitCare's commitment to provide assistance with housework for those who request this service. As such, the proposal includes the provision of on-site support services consistent with Clause 45(6)(a)(i) above.

(ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and

The architectural design included in **Appendix B** demonstrates with the annotation "AH" the designation of at least 10% of the dwellings in the form of the ILUs for accommodation of residents allocated for affordable housing places.

(b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.

The architectural design included in **Appendix B** demonstrates with the annotation “AH” the designation of at least 10% of the dwellings in the form of the ILUs for accommodation of residents allocated for affordable housing places.

*(7) **Grounds on which consent cannot be refused** A consent authority must not refuse consent as referred to in subclause (2) only because the proposed development does not comply with a standard referred to in clause 40 (4) (a), 48 (a), 49 (a) or 50 (a).*

This SEE report includes information to assess the proposal against the provisions of Clauses 40(4)(a), 48(a) and 50(a) in the following sections. The provisions of Clause 49(a) are not relevant as the proposal does not involve a “hostel”.

*(8) **Conditions on grants of development consent** A development consent may be granted as referred to in subclause (2) subject to a condition that requires the creation of a restrictive or positive covenant on land to which a development application relates concerning the continued provision of the affordable places identified in the application.*

The applicant has noted the provisions of Clause 45(8) of the Seniors Housing SEPP. It should be noted this application does seek any form of subdivision.

(9) A development consent may be granted as referred to in subclause (2) subject to a condition that requires the affordable places identified in a development application to be owned and managed by an organisation providing community housing that is registered for the time being with the Office of Community Housing.

Please refer to the in-principal preliminary offer issued by Home Ground Real Estate Sydney (Home Ground) contained in **Appendix U**, which advise they are a “not for profit real estate agency providing property management services to landlords and tenants.” Home Ground are a “social enterprise of Bridge Housing Limited, a registered Tier 1 community housing provider”.

(10) Subclauses (8) and (9) do not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.

The applicant has noted the provisions of Clause 45(10) of the Seniors Housing SEPP.

*(11) **Clause does not apply to certain heritage affected land** Nothing in this clause applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the [Heritage Act 1977](#) applies.*

The land is not identified as being affected by any local or State heritage item, is not in the vicinity of any local or State heritage item and is not located within a heritage conservation area.

*(12) **Definitions** In this clause—*

***affordable place**, in relation to seniors housing, means a dwelling for the accommodation of a resident—*

(a) whose gross household income falls within the following ranges of percentages of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) according to the Australian Bureau of Statistics—

<i>Very low income household</i>	<i>less than 50%</i>
<i>Low income household</i>	<i>50% or more but less than 80%</i>
<i>Moderate income household</i>	<i>80–120%</i>
<i>(b) who is to pay rent that does not exceed a benchmark of 30% of the resident’s actual household income.</i>	
<i>on-site support services</i> , in relation to residents of seniors housing, means—	
<i>(a) 3 meals a day provided on a communal basis or to a resident’s dwelling, and</i>	
<i>(b) personal care, and</i>	
<i>(c) home nursing visits, and</i>	
<i>(d) assistance with housework.</i>	

The above definitions in Clause 45(12) are noted by the applicant.

4.2.8.4 Chapter 3 Development for Seniors Housing

The following provisions of “Chapter 3 Development for seniors housing” under the Seniors Housing SEPP have also been considered as follows.

Part 1 General

14 Objective of Chapter

The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.

Noted. The proposed seniors housing including the residential care facility development component along with the Independent Living Units represents an opportunity for seniors that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.

15 What Chapter does

This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy:

- (a) development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and*
- (b) development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.*

Due to the trigger under the provisions of Clause 4(1) making the subject site “land zoned primarily for urban purposes”, the proposed development seeks to rely upon the provisions of Clause 15(a) as the land is zoned primarily for urban purposes and the proposed development being a “residential care facility” and “a group of self-contained dwellings”.

16 Development consent required

Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent.

This DA has been prepared to seek a determination by the District Panel, as the consent authority, due to the Capital Investment Value (CIV) exceeding \$30 million. Refer to **Appendix H** for a CIV prepared by a QS.

17 Development on land adjoining land zoned primarily for urban purposes

(1) Subject to subclause (2), a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of any of the following:

- (a) a hostel,*
- (b) a residential care facility,*
- (c) serviced self-care housing.*

As detailed above, the subject site is land primarily zoned for urban purposes and therefore Clause 17 does not apply to this DA.

(2) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purposes of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that the housing will be provided:

- (a) for people with a disability, or*
- (b) in combination with a residential care facility, or*
- (c) as a retirement village (within the meaning of the Retirement Villages Act 1999).*

Note. Clause 13 (3) defines **serviced self-care housing** as seniors housing that consists of self-contained dwellings where meals, cleaning services, personal care and nursing care are available on site. Clause 42 requires the consent authority to be satisfied that residents of such housing have reasonable access to services. Clause 42 also provides that if services are limited to those provided under Government provided or funded community based care packages, this does not constitute reasonable access to services.

The proposal does involve “self-care housing” and therefore the provisions do apply. The proposal has been designed “in combination with a residential care facility” as demonstrated in Building A. The proposed development seeks the inclusion of on-site services and facilities for “serviced self-care housing” consistent with Clause 42 (which will be specifically addressed later in this assessment).

18 Restrictions on occupation of seniors housing allowed under this Chapter

(1) Development allowed by this Chapter may be carried out for the accommodation of the following only:

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

The applicant understands this requirement and the proposed development is considered to comply.

(2) A consent authority must not consent to a development application made pursuant to this Chapter unless:

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

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

(3) Subclause (2) does not limit the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.

The applicant understands that conditions to implement the provisions of Clause 18 of the Seniors Housing SEPP will be imposed on any consent granted.

19 Use of seniors housing in commercial zones

Development allowed by this Chapter for the purposes of seniors housing does not include the use for residential purposes of any part of the ground floor of a building that fronts a street if the building is located on land that is zoned primarily for commercial purposes unless another environmental planning instrument permits the use of all of the building for residential purposes.

The ground floor level fronting Kurrajong Road of Building A has been designed to provide for on-site support services. The ground floor level of Building B has been designed to support future “neighbourhood shops” which are permitted within the R4 High Density Residential zone of the Liverpool Local Environmental Plan 2008. The proposed development is not on land located in a commercial zone and is consistent with the provisions of Clause 19 of the Seniors Housing SEPP.

20 (Repealed)

21 Subdivision

Land on which development has been carried out under this Chapter may be subdivided with the consent of the consent authority.

Note. *Clause 5 (3) of this Policy ensures that subdivision on the land referred to in clause 4 (9) (b) is permitted by this clause with the consent of the consent authority despite the provisions of clause 65A of the former Sutherland Shire Local Environmental Plan 2000 (which continues to apply to the land by virtue of clause 7 (2) (a) of Sutherland Shire Local Environmental Plan 2006).*

Noted. This application does not propose any form of subdivision.

22 Fire sprinkler systems in residential care facilities for seniors

Development for the purpose of the installation of a fire sprinkler system in a residential care facility for seniors may be carried out with development consent.

Please refer to **Appendix F** for a BCA report assessment of the development with respect to the National Construction Code.

23 Development on land used for the purposes of an existing registered club

(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that is used for the purposes of an existing registered club unless the consent authority is satisfied that:

- (a) the proposed development provides for appropriate measures to separate the club from the residential areas of the proposed development in order to avoid land use conflicts, and
- (b) an appropriate protocol will be in place for managing the relationship between the proposed development and the gambling facilities on the site of the club in order to minimise harm associated with the misuse and abuse of gambling activities by residents of the proposed development.

Note. The Gaming Machines Act 2001 and the regulations made under that Act provide for gambling harm minimisation measures.

(2) For the purposes of subclause (1) (a), some of the measures to which a consent authority may have regard include (but are not limited to) the following:

- (a) any separate pedestrian access points for the club and the residential areas of the proposed development,
- (b) any design principles underlying the proposed development aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the proposed development.

Note. See also clause 34 in relation to noise minimisation design principles.

The proposed development does not trigger the provisions of Clause 23 of the Seniors Housing SEPP as it is not proposed on land used by an existing registered club.

Part 1A Site compatibility certificates

24 Site compatibility certificates required for certain development applications

(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if:

(a) the development is proposed to be carried out on any of the following land to which this Policy applies:

- (i) land that adjoins land zoned primarily for urban purposes,
- (ii) land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),
- (iii) land that is used for the purposes of an existing registered club, or

(b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.

(1A) Despite subclause (1), this clause does not apply to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if the proposed development is permissible with consent on the land concerned under the zoning of another environmental planning instrument.

(2) A consent authority must not consent to a development application to which this clause applies unless the consent authority is satisfied that the Director-General has certified in a current site compatibility certificate that, in the Director-General’s opinion:

- (a) the site of the proposed development is suitable for more intensive development, and

(b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).

Note. Clause 50 (2A) of the Environmental Planning and Assessment Regulation 2000 requires a development application to which this clause applies to be accompanied by a site compatibility certificate.

(3) Nothing in this clause:

(a) prevents a consent authority from:

(i) granting consent to a development application to which this clause applies to carry out development that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate was issued, or

(ii) refusing to grant consent to a development application to which this clause applies by reference to the consent authority's own assessment of the compatibility of the proposed development with the surrounding environment, or

(b) otherwise limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.

Note. Nothing in this clause affects a consent authority's duty to give effect to non-discretionary standards set out in this Policy. See, for example, clauses 48, 49 and 50.

(4) (Repealed)

Given the proposal seeks a bonus FSR under Clause 45 of the Seniors Housing SEPP, so too the provisions of Clause 24(1)(b) above are triggered.

The applicant is in the process of completing its application to the Department of Planning Infrastructure and Environment (DPIE) for a Site Compatibility Certificate (SCC), however prior to finalising that application and in order to be open and transparent the applicant has prepared its Development Application, so as to afford a more comprehensive consultation process with Council and to obtain more considered feedback both from Council and Council's Design Excellence Panel, which may lead to refinements in the proposed design of the vertical village.

The applicant requests Council's feedback on the design as submitted with the DA so as to afford the applicant the opportunity to consider any refinements to the seniors housing development which would then form part of the SCC application.

25 Application for site compatibility certificate

(1) An application for a site compatibility certificate for the purposes of clause 24 may be made to the Director-General:

(a) by the owner of the land on which the development is proposed to be carried out, or

(b) by any other person, with the consent of the owner of that land.

(2) An application must be:

(a) in writing, and

(b) in the form (if any) approved by the Director-General from time to time, and

(c) accompanied by such documents and information as the Director-General may require.

Note. Clause 262A of the Environmental Planning and Assessment Regulation 2000 provides for the maximum fee for an application for a site compatibility certificate.

- (3) Subject to subclause (4) (b), the Director-General must provide a copy of the application to the General Manager of the council for the area in which the development concerned is proposed to be carried out (the **relevant General Manager**) within the period of 7 days after the application is made.
- (4) Subject to subclause (5), the Director-General:
 - (a) may determine the application by issuing a certificate or refusing to do so, and
 - (b) if the Director-General refuses to issue a certificate at any time within the period of 7 days after the application is made—is not required to comply with subclause (3).
- (5) The Director-General must not issue a site compatibility certificate unless the Director-General:
 - (a) has taken into account the written comments (if any) concerning the consistency of the proposed development with the criteria referred to in paragraph (b) that are received from the relevant General Manager within 21 days after the application for the certificate was made, and
 - (b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:
 - (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,
 - (ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,
 - (iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,
 - (iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,
 - (v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,
 - (vi) if the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the Native Vegetation Act 2003—the impact that the proposed development is likely to have on the conservation and management of native vegetation.
- (6) Without limiting subclause (4) (a), the Director-General may refuse to issue a certificate if the Director-General considers that the development is likely to have an adverse effect on the environment.
- (7) A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate.
- (8) The Director-General must, if it is reasonably practicable to do so, determine an application within 35 days after it is lodged.
- (9) A certificate remains current for a period of 24 months after the date on which it is issued by the Director-General.

(10) The provisions of subclauses (3) and (5) (a) do not apply in relation to the determination of an application for a site compatibility certificate if the Director-General has delegated the function of determining the application to the council for the area in which the development concerned is proposed to be carried out.

Note. Section 23 of the Act enables the Director-General to delegate to a council any of the functions of the Director-General imposed or conferred by or under the Act or any other Act.

The applicant is in the process of preparing its application for a SCC which will include reporting similar to that attached with this DA which already responds to the criteria.

The applicant operates two existing residential aged care facilities on Elizabeth Drive which may be renovated or rebuilt to provide single room accommodation with private en-suites rather than the current multi resident rooms. To undertake this process, SummitCare requires a new RCF which creates an opportunity for SummitCare Casula to provide “decanting” of some residents from Elizabeth Drive while the renovations are completed, and this minimises disruption to residents. As such, SummitCare’s proposal will provide improved aged care facilities within the local government area without adversely impacting on existing aged care services currently available.

This DA is accompanied by an assessment in **Appendix O** which demonstrates the need for the proposal along with that the site is a suitable location with access to existing services and will provide new and improved on-site support services for its future residents consistent with the criteria for a SCC.

In addition to the information in this SEE report and the various Appendices, the mapping under the Biodiversity Values Map and Threshold Tool has been accessed and an extract of the relevant mapping is included in Figure 10 below.

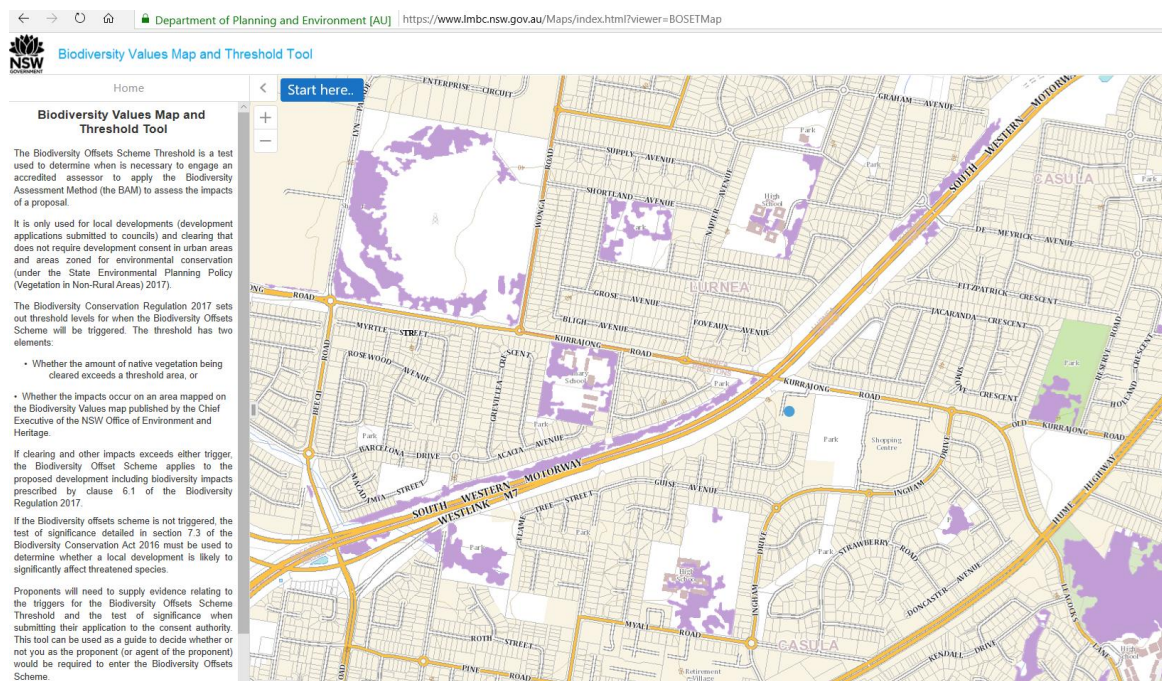


Figure 10: Extract from Biodiversity Values Map and Threshold Tool – site shown with “blue dot”

Source: DPIE webpage

The provisions of Clause 25 of the Seniors Housing SEPP will be assessed in detail with the applicant's SCC application.

Part 2 Site-related requirements

Note. Information and assessment guidelines may be issued by the Department of Planning from time to time to provide assistance to councils in assessing locations and the provision of services.

26 Location and access to facilities

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

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

(2) Access complies with this clause if:

(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:

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

(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:

- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
- (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and
- (iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),

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

(c) in the case of a proposed development on land in a local government area that is not within the Sydney Statistical Division—there is a transport service available to the residents who will occupy the proposed development:

- (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
- (ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and
- (iii) that is available both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive),

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

Note. Part 5 contains special provisions concerning the granting of consent to development applications made pursuant to this Chapter to carry out development for the purpose of certain seniors housing on land adjoining land zoned primarily for urban purposes. These provisions include provisions relating to transport services.

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

(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,

(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,

(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.

(4) *For the purposes of subclause (2):*

*(a) a **suitable access pathway** is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and*

(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.

(5) *In this clause:*

bank service provider *means any bank, credit union or building society or any post office that provides banking services.*

The provisions of Clause 26 have been considered in detail as demonstrated in the report at **Appendix O**. The applicant is prepared to implement the recommendations of this report to the footpath infrastructure improvements in the vicinity of the site which are direct public benefits that will be delivered by the proposed development.

In addition, the Social Impact Comment at **Appendix O** includes information to assist with the evaluation with respect to the criteria detailed at Clause 26. The site is located within 330 metres of local bus stops which are services by public transport buses to Liverpool City Centre and Railway Station, and 250 metres of Casula Mall which includes services and facilities as detailed in Clause 26(1).

The proposed development is located on land which is less than 400m away from the facilities specified in Clause 26(1)(a) to (c) for the forward and return journeys to all of the range of the facilities and services in Liverpool and includes access to the bus stop on Kurrajong Road on the opposite side of Kurrajong Road to the site.

The proposed development complies with the objectives of this clause and provides access to facilities by a superior means to those identified in clause 26(2).

For example, Summitcare as the managers and operators of the proposed residential care facility and ILUs seeks to provide superior services on-site which will include:

- Physiotherapy,
- Hairdressing salon;
- Cafe;
- Strategically located lounge and dining areas for residents to enjoy outlooks to the landscaped gardens;
- Nurse stations at each residential level;
- On-site facilities for provision of catering with full commercial kitchen and refrigeration/storerooms;
- On-site linen services;
- Plant areas;
- Storage areas;
- Staff amenities; and
- Lift access to each level of the building for residents with a separate service lift access for “back-of-house” functions;

With respect to the provisions of Clause 26, SummitCare already provides Residential Care Facility places in nearby facilities on Elizabeth Drive, and it is anticipated that future residents of the proposed ILUs will generally be from the surrounding localities and local government area. Given this, residents will be able to continue to access their existing local treating doctor and therefore will not place any greater burden on existing medical services in the area.

27 Bush fire prone land

(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled Planning for Bush Fire Protection, ISBN 0 9751033 2 6, prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2006.

(2) A consent authority, in determining a development application made pursuant to this Chapter to carry out development on land in the vicinity of land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer”, must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters, including the following:

- (a) the size of the existing population within the locality,*
- (b) age groups within that population and the number of persons within those age groups,*
- (c) the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,*
- (d) the number of schools within the locality and the number of students at those schools,*
- (e) existing development within the locality that has been carried out under this Policy or State Environmental Planning Policy No 5—Housing for Older People or People with a Disability,*

- (f) the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bush fire,*
 - (g) the adequacy of access to and from the site of the proposed development for emergency response vehicles,*
 - (h) the nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed development and its site,*
 - (i) the requirements of New South Wales Fire Brigades.*
- (3) In exercising its functions under subclause (1) or (2), a consent authority must consult with the NSW Rural Fire Service and have regard to its comments.*

The provisions of Clause 27 of the Seniors Housing SEPP are not triggered by the proposed development of the subject site is not located in an area affected by the bushfire mapping. Refer to the email exchange in **Appendix R** for confirmation from Council.

28 Water and sewer

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.*
- (2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.*

The provisions of Clause 28 of the Seniors Housing SEPP have been considered as part of this DA and the land currently has available sewer and water services for the site and its development for a “nursing home” will require these services to be augmented. Refer to the Infrastructure Report at **Appendix N**.

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

- (1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) to which clause 24 does not apply.*

Note. *Clause 24 (1) sets out the development applications to which that clause applies.*

- (2) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).*
- (3) Nothing in this clause limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.*

The provisions of Clause 29 of the Seniors Housing SEPP have been considered as part of the design development for this DA and a report on the site analysis, its context and the design evolution has been undertaken by Jackson Teece as the lead designers for the development and this can be found in the Design Report included at **Appendix B**.

Part 3 Design requirements

Division 1 General

30 Site analysis

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.
- (2) A site analysis must:
- (a) contain information about the site and its surrounds as described in subclauses (3) and (4), and
 - (b) be accompanied by a written statement (supported by plans including drawings of sections and elevations and, in the case of proposed development on land adjoining land zoned primarily for urban purposes, an aerial photograph of the site):
 - (i) explaining how the design of the proposed development has regard to the site analysis, and
 - (ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.

The documentation for this DA includes a site survey (refer to **Appendix A**) and an assessment of existing services and facilities in the locality (refer to **Appendix O**) which addresses the items listed under subclause 3, including:

(a) Site dimensions:

length

width

(b) Topography:

spot levels and/or contour

north point

natural drainage

any contaminated soils or filled areas

(c) Services:

easements

connections for drainage and utility services

(d) Existing vegetation:

location

height

spread of established trees

species

...

(f) Location of:

buildings and other structures

heritage features and items including archaeology

fences

property boundaries

pedestrian and vehicle access

(g) **Views** to and from the site

(h) **Overshadowing** by neighbouring structures

The provisions of Clause 30(3) as follows:

(e) **Micro climates:**

orientation

prevailing winds

The micro-climates of the site have been shown in the architectural drawing included at **Appendix B**, which is a Site Analysis Plan which includes prevailing winds, site's orientation in relation to solar access and the outlook. In addition, the site context and design principles which have been analysed to form the basis of the design as submitted, have been summarised in the Architectural Design Statement prepared by Jackson Teece (refer to **Appendix B**) which also suitably addresses the items listed in subclause 3, above.

The provisions of Clause 30(4) have been considered, which state:

(4) *The following information about the surrounds of a site is to be identified in a site analysis:*

(a) **Neighbouring buildings:**

location

height

use

balconies on adjacent properties

pedestrian and vehicle access to adjacent properties

(b) **Privacy:**

adjoining private open spaces

living room windows overlooking site

location of any facing doors and/or windows

(c) **Walls built to the site's boundary:**

location

height

materials

(d) **Difference in levels** between the site and adjacent properties at their boundaries

(e) **Views** and **solar** access enjoyed by neighbouring properties

(f) **Major trees** on adjacent properties

(g) **Street frontage features:**

poles

trees

kerb crossovers

bus stops

other services

(h) The **built form and character** of adjacent development (including buildings opposite on both sides of the street(s) fronted):

architectural character

front fencing

garden styles

(i) **Heritage features** of surrounding locality and landscape

(j) **Direction and distance to local facilities:**

local shops

schools

public transport

recreation and community facilities

(k) **Public open space:**

location

use

(l) Adjoining **bushland** or **environmentally sensitive land**

(m) **Sources of nuisance:**

flight paths

noisy roads or significant noise sources

polluting operations

(n) Adjoining **land uses and activities** (such as agricultural activities)

Section 2 of this SEE report includes information about neighbouring buildings, privacy, location of public open space, the existing built form and character of the area, adjoining land uses have been identified and discussed, street frontage features identified, differences in levels including site topography and drainage, direction to local services, location of major trees and the height of buildings in the immediate area surrounding the subject site. The site does not contain any heritage items, is not located in the vicinity of any heritage items and is not located in a heritage conservation area. The land is not located near any adjoining bushland or land identified as environmental sensitive. The subject site is not identified under any contour of the ANEF map for Sydney Airport as published to December 2016 and does not have frontage to a noise source. An acoustic assessment accompanies this DA and can be found at **Appendix P**.

The architectural design report by Jackson Teece at **Appendix B** explains how the design has had regard to the site analysis, established design principles and how the design has had regard to the design principles established. As such, the provisions of Clause 30 have been suitably addressed.

31 Design of in-fill self-care housing

In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004.

The provisions of Clause 31 of the Seniors Housing SEPP are triggered as the proposal includes in-fill self-care housing development, so too the provisions of the “Seniors Living Policy: Urban Design Guideline for Infill Development” have been considered by the lead architects in the Design Report included at **Appendix B**.

32 Design of residential development

A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.

Noted.

Division 2 Design principles

33 Neighbourhood amenity and streetscape

The proposed development should:

- (a) recognise the desirable elements of the location’s current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*
- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:*
 - (i) providing building setbacks to reduce bulk and overshadowing, and*
 - (ii) using building form and siting that relates to the site’s land form, and*
 - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
 - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*
- (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*
- (f) retain, wherever reasonable, major existing trees, and*
- (g) be designed so that no building is constructed in a riparian zone.*

The site, context analysis and design report at **Appendix B** have recognised the desirable elements of the location and demonstrate that the design (refer to reduced drawing set at **Appendix B**) will maintain a reasonable neighbourhood amenity and provide for an appropriate character when complete, in that the design includes:

- setbacks to reduce bulk and minimise overshadowing, refer to the shadow diagrams at **Appendix B**,
- the urban form and siting relate well to the landform and site topography in that 5 storeys will be viewed from Kurrajong Road which is consistent with building scale permitted for nearby unit development,
- the building heights at the street frontages are compatible with the scale of building heights on adjoining properties in the Kurrajong Road streetscape,
- the front setback to each street frontage, are setback in sympathy with the setbacks detailed in the Liverpool Development Control Plan 2014 for residential flat buildings, along with articulation to Kurrajong Road and Daruk Park,
- where possible retain existing trees around the perimeter of the built form and provide for new street/public domain trees (refer to the Landscape report at **Appendix E** and Arborist Report at **Appendix W**),
- will provide for additional plantings in the streetscapes and courtyard areas inclusive of formal and informal landscaping (refer to the landscape concept drawing and report at **Appendix E**), and
- given the proposed setbacks, height and siting will minimise adverse impacts on adjoining properties.

34 Visual and acoustic privacy

The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and*
- (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.*

Note. *The Australian and New Zealand Standard entitled AS/NZS 2107–2000, Acoustics—Recommended design sound levels and reverberation times for building interiors and the Australian Standard entitled AS 3671—1989, Acoustics—Road traffic noise intrusion—Building siting and construction, published by Standards Australia, should be referred to in establishing acceptable noise levels.*

An acoustic assessment has been undertaken and submitted as part of this DA which can be found at **Appendix P**. The design seeks to ensure the acoustic privacy within the development, and for adjoining properties by not locating plant in areas which would impact adjoining properties.

35 Solar access and design for climate

The proposed development should:

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

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

Note. *AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.*

The design and height of each building has been sited so as to minimise its shadow impact on adjoining properties and ensure adequate solar access and daylight to the main living areas and private open spaces of neighbours in the vicinity of the development. The shadow diagrams contained with **Appendix B** demonstrates the shadow impact at 9am, 12pm and 3pm of the shortest day of the year being 21 June and the impact on the properties. In addition, the solar access has been demonstrated in “sun diagrams” which enable consideration of elevational shadows which indicate adjoining properties to the south will not be unreasonable adversely impacted.

36 Stormwater

The proposed development should:

- (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and*
- (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.*

The design will control and direct stormwater runoff so as it does not impact on adjoining properties and will implement measures for stormwater management as identified under the Liverpool Development Control Plan. Refer to the stormwater management report and concept plans at **Appendix I**.

37 Crime prevention

The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

- (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and*
- (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and*
- (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

SummitCare intends to implement a management regime similar to their existing facilities so as to provide appropriate personal property security for their residents and visitors. In addition, the design has implemented Safety by Design with an awareness of Crime Prevention Through Environmental Design (CPTED) principles which are discussed in more details in the CPTED Report included at **Appendix Y** (the recommendations of this report will be implemented by SummitCare in its operations) and Section 4 of this report.

38 Accessibility

The proposed development should:

- (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*

The design seeks to ensure the development provides for accessible outcomes. The Australian Standard for accessibility is a requirement under the BCA, refer to the BCA and Access report at **Appendix F**, and accordingly, the provisions of Clause 38 have been satisfied.

39 Waste management

The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.

Waste management plans can be found at **Appendix D**.

Part 4 Development standards to be complied with

Division 1 General

40 Development standards—minimum sizes and building height

Based on the provisions of Clause 40(1), *it is important to have regard to:*

*A consent authority must not consent to a development application **made pursuant to this Chapter** unless the proposed development complies with the standards specified in this clause. [our emphasis]*

The relevant Chapter is Chapter 3 of the Seniors Housing SEPP, which relevantly allows certain development 'despite the provisions of any other environmental planning instrument if the development is carried out in accordance with' the SEPP.

Therefore, the following is provided for information purposes only, as this DA is not made pursuant to this chapter of the Seniors Housing SEPP.

(1) General

A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.

(2) Site size

The size of the site must be at least 1,000 square metres.

(3) Site frontage

The site frontage must be at least 20 metres wide measured at the building line.

(4) Height in zones where residential flat buildings are not permitted

If the development is proposed in a residential zone where residential flat buildings are not permitted:

- (a) the height of all buildings in the proposed development must be 8 metres or less, and*

Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).

(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and

Note. *The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.*

(c) a building located in the rear 25% area of the site must not exceed 1 storey in height.

The subject site on which the proposed “seniors housing” is to be located has a total site area of approximately 13,194 square metres and therefore complies with Clause 40(2) above.

The subject site has a frontage of more than 107 metres to Kurrajong Road and approximately 20 metres to Randwick Close, and therefore complies with Clause 40(3) above.

The height of the proposed development exceeds 8m, however the R4 High Density Residential zone under the Liverpool Local Environmental Plan 2008 is a zone where residential flat buildings are permitted, therefore Clause 40(4)(a), (b) and (c) are not applicable.

Further, this DA is not submitted pursuant to this chapter of the Seniors Housing SEPP and based on the provisions of Clause 45(7), the proposal does not have to strictly comply with provisions of Clause 40(4)(a).

(5) Development applications to which clause does not apply
Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following:

(a) the Department of Housing,

(b) any other social housing provider.

The development is not proposed by the NSW Department of Housing.

SummitCare is not a registered not-for-profit organisation that provides beds to tenants or housing for tenant but does provide “concessional places” within its “residential care facilities” as is intended here up to 40%. It should be noted that SummitCare has partnered with Home Ground as detailed in the letter contained at **Appendix U** to support the affordable housing ILUs. As such, Clause 40(2), (3) and 4(c) have been considered and assessed as detailed above.

Division 2 Residential care facilities—standards concerning accessibility and useability

Note. *Development standards concerning accessibility and useability for residential care facilities are not specified in this Policy. For relevant standards, see the Commonwealth aged care accreditation standards and the Building Code of Australia.*

Noted. The proposed development has been designed with the accessibility requirements under the Commonwealth licensing provisions and the BCA (now known as the National Construction Code (NCC)) refer to the report contained at **Appendix F**.

Part 7 Development standards that cannot be used as grounds to refuse consent

Division 1 General

46 Inter-relationship of Part with design principles in Part 3

(1) Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.

Note. It is considered possible to achieve good design and achieve density ratios set out in Division 2. Good design is critical to meriting these density ratios.

(2) For the avoidance of doubt, nothing in this Part limits the matters to which the Director-General may have regard in refusing to issue a site compatibility certificate.

The site context analysis and design report prepared by the lead architects from Jackson Teece can be found at **Appendix B** adequately demonstrates that the proposed development has been designed to have adequate regard to the principles set out in Division 2 of Part 3 of the Seniors Housing SEPP.

47 Part does not apply to certain development applications relating to heritage affected land

Nothing in this Part applies in relation to the granting of consent to a development application made pursuant to this Chapter for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the Heritage Act 1977 applies.

No heritage items are located on the site or adjoining the site in the immediate vicinity and therefore Clause 47 is not relevant.

Division 2 Residential care facilities

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

A consent authority must not refuse consent to a development application **made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility** on any of the following grounds:

- (a) **building height:** if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or
- (b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,
- (c) **landscaped area:** if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,
- (d) **parking for residents and visitors:** if at least the following is provided:
 - (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and
 - (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and
 - (iii) 1 parking space suitable for an ambulance.

Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.

This DA is not submitted pursuant to this chapter of the Seniors Housing SEPP and based on the provisions of Clause 45 therefore, the proposal does not have to strictly comply with provisions of Clause 48.

The proposal does not involve a hostel as defined under Clause 12 of the Seniors Housing SEPP, therefore the provisions of Clause 49 are not triggered.

The provisions of Clause 50 have been considered as the proposal involves self-contained dwellings:

50 Standards that cannot be used to refuse development consent for self-contained dwellings

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds—

*(a) **building height:** if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),*

Based on the provisions of Clause 45(7), the provisions of Clause 50(a) cannot be used to refuse this application.

*(b) **density and scale:** if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,*

The FSR of the proposed development exceeds 0.5:1. This is assessed in detail with respect to the considerations of Clause 45 in Section 4.2.8.1 of this SEE report.

*(c) **landscaped area:** if—*

(i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or

(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,

The minimum landscaped area required for a residential care facility in combination with the above is 7,508.2 square metres under the Seniors Housing SEPP (being 142 x 25 square metres = 3,550 square metres plus 30% of 13,194 square metres = 3,958.2 square metres). The proposed development has been calculated as having 8,286 square metres of landscaped area available which well exceeds this minimum.

*(d) **Deep soil zones:** if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the **deep soil zone**). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,*

Of the available landscaped area, a total of 18% is deep soil which is not less than 15%, with this being located centrally within the site and around the perimeter of the site. The landscaped deep soil zones around the perimeter of the site are all greater than 3 metres in width.

*(e) **solar access:** if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,*

Building A provides 83% solar access to the proposed ILUs, Building B provides 31% solar access to the proposed ILUs and Building C provides 67% solar access to the proposed ILUs between 9am and 3pm, which in total is 56%. To address this shortfall, the proposal includes a rooftop terrace on Building A with communal on-site support services area which achieves 100% solar access.

(f) private open space for in-fill self-care housing: if—

(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and

(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,

Note.

The open space needs to be accessible only by a continuous accessible path of travel (within the meaning of AS 1428.1) if the dwelling itself is an accessible one. See Division 4 of Part 4.

Each of the private courtyard areas are all greater than or equal to 15 square metres with dimensions equal to or greater than 3 metres, and balconies of all ILUs are equal to or greater than 10 square metres, except for Units B2.04, B2.05, B3.04 and B3.05 in Building B which are 8 square metres in area for 1 bedroom dwellings, which comply with the requirements.

(g) (Repealed)

(h) parking: if at least the following is provided—

(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or

(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.

Note.

The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent.

Car parking for the proposed ILUs in each Building are labelled in the basement as follows: Building A - 37 bedrooms = 19 spaces; Building B - 65 bedrooms = 33 spaces; and Building C – 51 bedroom = 26 spaces, as such the proposed development complies.

4.2.8.1 Seniors Housing SEPP Prevails

The provisions of Clause 5 of the Seniors Housing SEPP state:

5 Relationship to other environmental planning instruments

(1) This Policy repeals [State Environmental Planning Policy No 5—Housing for Older People or People with a Disability](#).

(2) Despite anything to the contrary in this Policy—

- (a) a consent authority may not grant consent to a development application made pursuant to Chapter 3 in relation to the land referred to in clause 4 (9) if the proposed development does not comply with the requirements of clause 65 (5) of [Sutherland Shire Local Environmental Plan 2000](#) relating to development for the purposes of seniors housing, and*
- (b) the provisions of clause 65 (5) of [Sutherland Shire Local Environmental Plan 2000](#) relating to development for the purposes of seniors housing prevail over the provisions of this Policy to the extent of any inconsistency.*

Note.

Clause 7 (2) (a) of [Sutherland Shire Local Environmental Plan 2006](#) continues the application of [Sutherland Shire Local Environmental Plan 2000](#) to the land referred to in clause 4 (9).

Clause 65 (5) of [Sutherland Shire Local Environmental Plan 2000](#) (when read with clause 4 in Part 1 of Schedule 8 to that Plan)—

- (a) applies the development standards in Parts 4 and 7 of Chapter 3 of this Policy to development for the purposes of seniors housing on the land referred to in clause 4 (9), and*
- (b) provides for those development standards to prevail to the extent of any inconsistency with development standards set out in Part 1 of Schedule 8 to the Plan for such development on that land.*
- (3) If this Policy is inconsistent with any other environmental planning instrument, made before or after this Policy, this Policy prevails to the extent of the inconsistency.*
- (4) This Policy does not affect a provision in another environmental planning instrument that relates to the demolition of a heritage item.*

Based on this application being submitted under the Seniors Housing SEPP and that the provisions of Clause 5(3) of the Seniors Housing SEPP above and Section 3.28 of the EP&A Act as discussed previously. As this DA is submitted for a form of seniors housing development under the Seniors Housing SEPP, so too the Seniors Housing SEPP prevails where there is an inconsistency in relation to any other State Environmental Planning Policy.

2 Aims of Policy

- (1) This Policy aims to encourage the provision of housing (including residential care facilities) that will:*
 - (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
 - (b) make efficient use of existing infrastructure and services, and*
 - (c) be of good design.*
- (2) These aims will be achieved by:*
 - (a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*
 - (b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
 - (c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

Based on the assessment of the relevant provision of the Senior Housing SEPP as undertaken within this SEE report, it is considered that the proposed seniors housing development is suitable for the site and has been designed so as to ensure the correct fit for the land and locality. As such, it is considered that the proposed development is consistent with the aims of the Senior Housing SEPP.

4.2.9 State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 applies to the project.

The Planning Panels determine the following types of development applications (DAs) and modification applications:

- *Regional development, as outlined in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011*
 - *development with a capital investment value (CIV)* over \$30 million*
 - *development with a CIV* over \$5 million which is:*
 - *council related*
 - *lodged by or on behalf of the Crown (State of NSW)*
 - *private infrastructure and community facilities*
 - *eco-tourist facilities*
 - *extractive industries, waste facilities and marinas that are designated development,*
 - *certain coastal subdivisions*
 - *development with a CIV* between \$10 million and \$30 million which is referred to the Planning Panel by the applicant after 120 days*

** Capital investment value (CIV) is calculated at the time of lodgement of the DA for the purpose of determining whether an application should go to a Planning Panel - refer to Planning Circular PS 10-008.*

Clause 20 of the State Environmental Planning Policy (State and Regional Development) 2011 and Cl4.5(b) of the *Environmental Planning and Assessment Act 1979*. In this regard, the Capital Investment Value (CIV) refer to **Appendix H**, is greater than \$30 mil (ex GST) being \$49,382,444 and therefore does trigger State Environmental Planning Policy (State and Regional Development) 2011, the district panel is the determination authority under this SEPP.

4.2.10 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 ("Infrastructure SEPP") aims to provide for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing. It assists the NSW Government, local councils and the communities they support by simplifying the process for providing infrastructure in areas such as education, hospitals, roads, railways, water and electricity.

4.2.10.1 Clause 45 Electricity Transmission Considerations

Clause 45 has been considered by the applicant in the preparation of this DA, which states:

45 Determination of development applications—other development

(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:

(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,

(b) development carried out:

(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

(ii) immediately adjacent to an electricity substation, or

(iii) within 5m of an exposed overhead electricity power line,

(c) installation of a swimming pool any part of which is:

(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or

(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,

(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

The applicant has engaged infrastructure engineers to investigate the future electrical needs of the proposed development. An Infrastructure Services Report is included at **Appendix N**. This Infrastructure Report acknowledges under Section 4 a future application to Endeavour Energy will be necessary.

As a result, two substations are proposed and the architectural team in consultation with the engineers have located these so as to enable connection to the existing infrastructure but also so as to not be directly visible from Kurrajong Road. The design and specifications shown in the architectural drawings contained at **Appendix B** include two new substations to meet the demand of the proposed development.

4.2.10.1 Consideration of Clause 66C Development adjacent to Pipeline Corridor

Council via email dated 18 June 2019 advised the applicant to also consider the provisions of Clause 66C of the Infrastructure SEPP. The provisions of Clause 66C state:

66C Determination of development applications

(1) Before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must—

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

(2) Land is in a **pipeline corridor** for the purposes of this clause if the land is located—

- (a) within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the [Pipelines Act 1967](#), or
- (b) within 20m of the centreline (measured radially) of a relevant pipeline, or
- (c) within 20m of land the subject of an easement for a relevant pipeline.

(3) The following pipelines for gas, or for petroleum or other liquid fuels, are **relevant pipelines** for the purposes of this clause—

- (a) the pipelines with licence numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35 and 42 licensed under the [Pipelines Act 1967](#),
- (b) the Clyde to Gore Bay pipeline.

The applicant's consultants from ADP Consulting have prepared an Infrastructure Report to consider "Jemena" assets and this includes Jemena mapping in Figure 3 in **Appendix N**. The relevant pipeline is located on the western side of the M5 Motorway Corridor which is over 100m from the western boundary of the site and does not trigger a referral as the proposal is not within 20m of the centre line. The site is not within a licensed area and the proposal is not located within 20m of an easement relevant to any pipeline as the site survey in **Appendix A** has not identified any easements on the site. Therefore, there is no trigger under Clause 66C for a referral to Jemena.

4.2.10.2 Clause 101 – Development with frontage to classified road

Clause 101 of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) specifies the following requirements for development with a frontage to a classified road as identified in the Roads and Maritime Services (RMS) *Schedule of Classified Roads and State & Regional Roads* ('the Schedule').

Clause 101 of the ISEPP states as follows:

101 Development with frontage to classified road

(1) The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site does not have frontage to an identified classified road. Kurrajong Road is not listed as a classified road but rather a regional road by the RMS. As the proposed development does not proposed any vehicular access from a classified road (or within 90m of a road which connects to a classified road), therefore the proposed development satisfies subclause 2(a) above. As such, the proposed development is compliant with **Clause 101** of the ISEPP.

4.2.10.3 Clause 104 Traffic-generating development

Clause 104 of the ISEPP specifies the following requirements for development that falls within the criteria in Schedule 3 Column 3, including parking with a size or capacity, where Clause 104 states:

104 Traffic-generating development

- (1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*
 - (a) new premises of the relevant size or capacity, or*
 - (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*
- (2) In this clause, "relevant size or capacity" means:*
 - (a) in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
 - (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection-the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*
- (3) Before determining a development application for development to which this clause applies, the consent authority must:*
 - (a) give written notice of the application to the RTA within 7 days after the application is made, and*
 - (b) take into consideration:*

- (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) *any potential traffic safety, road congestion or parking implications of the development.*
- (4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

Clause 104 of the ISEPP 2007 specifies the following requirements for development that falls within the criteria in Schedule 3 Column 3 of the SEPP including “car parks (whether or not ancillary to other development)” where there are 50 or more car parking spaces”:

- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
 - (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
 - (b) *take into consideration:*
 - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) *any potential traffic safety, road congestion or parking implications of the development.*

Council may decide to notify and take into account any submission by the RMS on the DA in accordance with **Clause 104(3)** of the ISEPP.

A Traffic and Parking Impact Assessment prepared by CBRK is included at **Appendix C**.

The proposed development will not result in an adverse impact to the efficiency of any classified road, will not result in unsafe ingress or egress movements, and will not result in unacceptable traffic and parking implications under the Infrastructure SEPP. The number of car parking spaces on the site is sufficient for the proposed development in accordance with the car parking rates required by the Seniors Housing SEPP for the seniors housing components and Council’s DCP for neighbourhood shops.

The District Panel as the consent authority does not need to notify and take into account any submission by the RMS in accordance with clause 104(3) of the ISEPP 2007. The accessibility of the site and potential traffic and parking implications of the proposed development are addressed below in **Section 4.8.6** of this SEE and in a Traffic impact assessment report at **Appendix C** in satisfaction of clause 104(3)(b) of SEPP (Infrastructure) 2007.

4.2.11 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) relates to the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected and requires councils to be notified of all remediation proposals. The *Managing Land Contamination: Planning Guidelines* were prepared to assist councils and developers. Clause 7 of SEPP 55 states as follows:

7 Contamination and remediation to be considered in determining development application

(1) *A consent authority must not consent to the carrying out of any development on land unless:*

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

(2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

(3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

(4) *The land concerned is:*

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

To address the provision of Clause 7 of SEPP 55 a site contamination report is included in **Appendix J** which indicates the site is suitable for the project under SEPP 55.

4.2.12 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve the design quality of residential flat development in New South Wales and to provide sustainable housing in social and environmental terms that is a long-term asset to the community and presents a better built form within the streetscape.

It also aims to better provide for a range of residents, provide safety, amenity and satisfy ecologically sustainable development principles. In order to satisfy these aims the plan sets design principles in relation to context, built form and scale, density, sustainability, landscaping, amenity, safety, housing diversity and social interaction and aesthetics to improve the design quality of residential flat building in the State.

SEPP 65 applies to new residential flat buildings, the substantial redevelopment/refurbishment of existing residential flat buildings and conversion of an existing building to a residential flat building.

Clause 3 of SEPP 65 defines a residential flat building as follows:

“Residential flat building means a building that comprises or includes:

- a) 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and*
- b) 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.”*

The provisions of SEPP 65 may apply when Clause 4 is triggered by a development, when:

4 Application of Policy

(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

- (a) the development consists of any of the following:*
 - (i) the erection of a new building,*
 - (ii) the substantial redevelopment or the substantial refurbishment of an existing building,*
 - (iii) the conversion of an existing building, and*
- (b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and*
- (c) the building concerned contains at least 4 or more dwellings.*

(2) If particular development comprises development to which subclause (1) applies and other development, this Policy applies to the part of the development that is development to which subclause (1) applies and does not apply to the other part.

(3) To remove doubt, this Policy does not apply to a building that is a class 1a or 1b building within the meaning of the Building Code of Australia.

(4) Unless a local environmental plan states otherwise, this Policy does not apply to a boarding house or a serviced apartment to which that plan applies.

It should be noted that this DA has been submitted as a “seniors housing development” under the Seniors Housing SEPP, and therefore the provisions of the Seniors Housing SEPP prevail where there is an inconsistency as discussed previously in this report.

While the proposed development involves 4 or more dwellings in three buildings with 3 or more storeys, and could be considered by Council to trigger the provisions of Clause 4 and SEPP 65, however for the purposes of this DA the proposed development is submitted as a “seniors housing development” under the Seniors Housing SEPP. The following includes information which has been considered by the applicant in order to demonstrate the amenity of each proposed ILU dwellings is comparable with SEPP 65 and the associated ADG.

The proposed development includes 93 ILU dwellings within 3 buildings. SEPP 65 requires any development application for residential flat development to be assessed against the 9 principles contained in clauses 9-18 of SEPP 65 and the matters contained in the Apartment Design Guide (ADG).

As a result of Amendment No. 3 of SEPP 65, the provisions of Clause 30 were amended to the following:

30 Standards that cannot be used as grounds to refuse development consent or modification of development consent

(1) If an application for the modification of a development consent or a development application for the carrying out of development to which this Policy applies satisfies the following design criteria, the consent authority must not refuse the application because of those matters:

(a) if the car parking for the building will be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,

(b) if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide,

(c) if the ceiling heights for the building will be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide.

Note. The Building Code of Australia specifies minimum ceiling heights for residential flat buildings.

(2) Development consent must not be granted if, in the opinion of the consent authority, the development or modification does not demonstrate that adequate regard has been given to:

(a) the design quality principles, and

(b) the objectives specified in the Apartment Design Guide for the relevant design criteria.

(3) To remove doubt:

(a) subclause (1) does not prevent a consent authority from refusing an application in relation to a matter not specified in subclause (1), including on the basis of subclause (2), and

(b) the design criteria specified in subclause (1) are standards to which clause 79C (2) of the Act applies.

Note. The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant or modify development consent.

In response to Clause 30(1):

(a) if the **car parking for the building will be equal to, or greater than**, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide,

The proposed design includes car parking for the residential component in accordance with Part 3J of the Apartment Design Guide (ADG), which states in part:

<p>Objective 3J-1</p> <p>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p>
<p>Design criteria</p> <p>1. For development in the following locations:</p> <ul style="list-style-type: none"> • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>The car parking needs for a development must be provided off street</p>
<p>Design guidance</p> <p>Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site</p> <p>Where less car parking is provided in a development, council should not provide on street resident parking permits</p>

The proposed development for the Seniors Housing development has applied the car parking rates applicable to each component as detailed previously in this report, along with the car parking rates set out in the Liverpool Development Control Plan (LDGP) for the neighbourhood shops. Please refer to the Traffic and Parking Impact Assessment at **Appendix C** for a detailed discussion on the calculation of car parking using the above methodology along with an assessment of the impact of the proposal on the local road network which will be minimal.

The proposed design include ILU dwellings sizes equal to and greater than the minimum internal areas referred to in Part 4D of the ADG, which states in part:

Objective 4D-1

The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity

Design criteria

1. Apartments are required to have the following minimum internal areas:

Apartment type	Minimum internal area
Studio	35m ²
1 bedroom	50m ²
2 bedroom	70m ²
3 bedroom	90m ²

The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each

2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms

Design guidance

Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space)

A window should be visible from any point in a habitable room

Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits

The proposed design includes ceiling heights in accordance with the minimum specified in Part 4C of the ADG, of not less than 2700mm.

An Apartment Design Guide Compliance Report has been prepared by Jackson Teece Architects to analysis the site locality, the proposed design massing and scale including the future character of the completed development. The proposed development is consistent with the desired future character of the locality. Refer to the Report which can be found at **Appendix B**. This Report also assesses this DA against the 9 design quality principles (Schedule 1) of the *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP65).

The objectives and design criteria of Part 3 & 4 of *Apartment Design Guide* (ADG), have been assessed and considered in the design prepared by Jackson Teece for the ILUs component of the DA design as detailed in the Design report included in **Appendix B**.

An architectural design verification statement and assessment report under SEPP 65 principles and which also addresses the ADG has been prepared by Damian Barker who is a NSW Registered Architect and principle at Jackson Teece which is included in **Appendix B**.

4.2.13 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX assessment is required for all new dwellings proposed throughout NSW and is a tool to measure proposed development for sustainability against the BASIX targets that are based on the NSW home benchmark average. BASIX certificates and stamped plans for the proposed dwellings as part of the residential apartments can be found with the amended architectural drawings at **Appendix L**.

4.2.14 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (GMREP) applies to certain land in the Greater Metropolitan Region including the Liverpool City local government area.

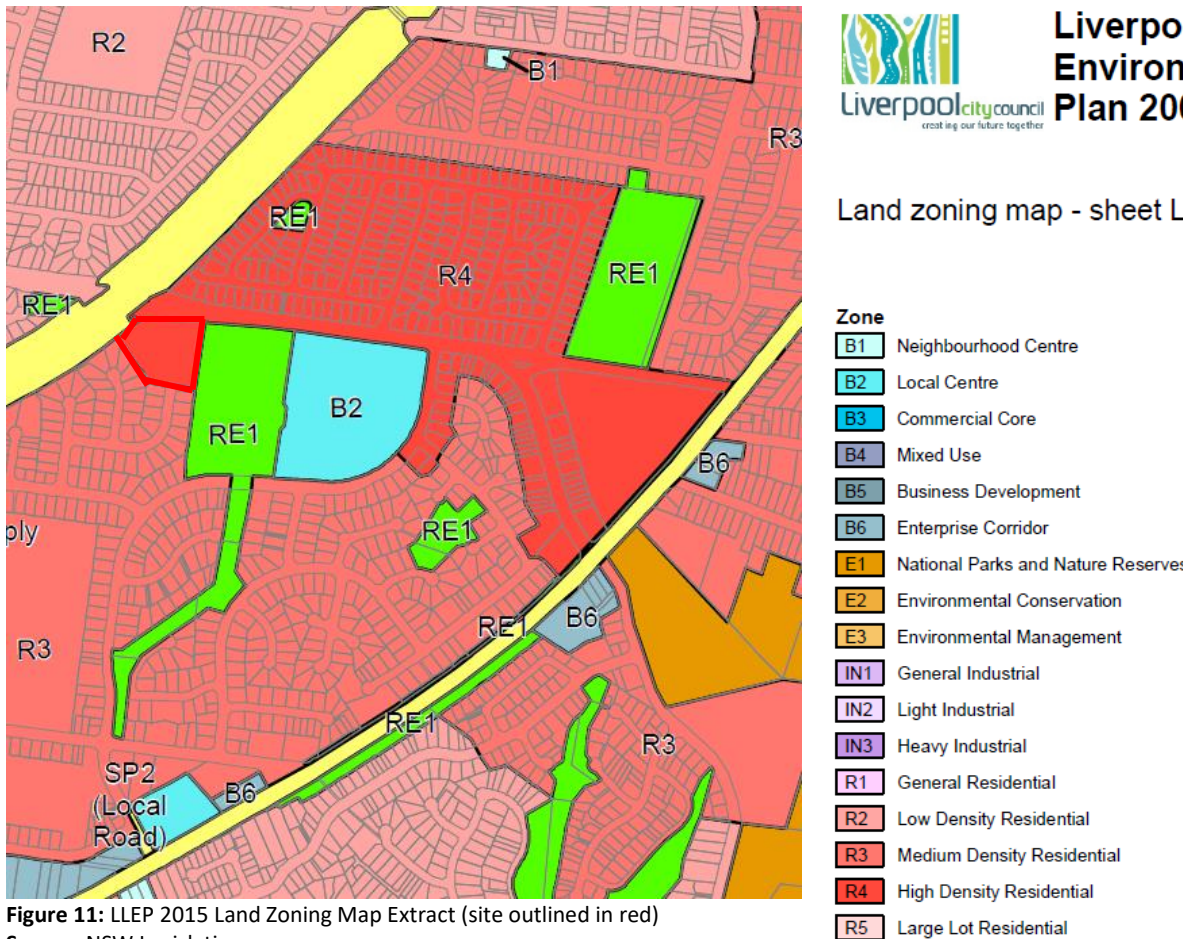
The aim of this plan is to protect the environment of the Georges River system by ensuring that the impacts of future land uses are considered in a regional context. It is considered that Council would have had regard to the planning strategies detailed under the GMREP at the time of preparation of LLEP 2008. The proposed development is considered to be consistent with the aims and controls of the GMREP, the DA includes environmental measures to mitigate the impacts of the proposed development in terms of its stormwater runoff and water quality as detailed in the report included at **Appendix I**.

4.2.15 Liverpool Local Environmental Plan 2008

The Liverpool Local Environmental Plan 2008 (LLEP) applies to the land. The following sections include an assessment of the proposal against the relevant provisions of the LLEP bearing in mind the provisions of the Seniors Housing SEPP prevail over the LLEP as detailed previously in this report.

4.2.15.1 Land use zone

The land is zoned R4 High Density Residential under the LLEP, as shown in the extract from the LLEP Zoning Map as follows:



4.2.15.2 Land use table

The **Land use table** of the LLEP states as follows in relation to the R4 High Density Residential zone:

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a high concentration of housing with good access to transport, services and facilities.
- To minimise the fragmentation of land that would prevent the achievement of high density residential development.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Home businesses; Home industries; Hostels; Hotel or motel accommodation; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Serviced apartments; Shop top housing

4 Prohibited

Pond-based aquaculture; Tank-based aquaculture; Any other development not specified in item 2 or 3

Under the dictionary of the LLEP 2008, the term “neighbourhood shops” is defined as follows:

***neighbourhood shop** means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include neighbourhood supermarkets or restricted premises.*

Note.

See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

*Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.*

Clause 5.4 of the LLEP states:

5.4 Controls relating to miscellaneous permissible uses

...

*(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.*

Each of the proposed “neighbourhood shop” tenancies do not exceed 100 square metres.

Under the dictionary for the LLEP 2008, the term “seniors housing” is defined as follows:

***seniors housing** means a building or place that is:*

- (a) a residential care facility, or*
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),*
and that is, or is intended to be, used permanently for:
 - (e) seniors or people who have a disability, or*
 - (f) people who live in the same household with seniors or people who have a disability, or*
 - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,*
- but does not include a hospital.*

*Note. Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary*

It is considered that the proposed form of development could be defined as “seniors housing” based on the LLEP Dictionary, however the R4 High Density Residential zoning does not permit “seniors housing”. The proposed “seniors housing” development has been designed with the residential care facility and the ILUs (“vertical village”) has been submitted to Council under and relies on the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)* for permissibility and consequently the development standards under the Seniors Housing SEPP.

The proposed development is consistent with the objectives of the R4 High Density Residential zone, as demonstrated in **Table 3** below.

Table 3: Assessment of the proposed development against the zone objectives – R4 High Density Residential zone under the LLEP

R3 Medium Density Residential zone - Comment objectives	
<ul style="list-style-type: none"> <i>To provide for the housing needs of the community within a high density residential environment.</i> 	The research undertaken for SummitCare has identified as discussed previously the need for diversity in aged care in the form of a “vertical village” development as proposed by the applicant, being a high-density form of housing consistent with the objective.
<ul style="list-style-type: none"> <i>To provide a variety of housing types within a medium density residential environment.</i> 	The form of development is a type of “seniors housing” which is listed similar to the types of residential housing permitted within the R4 zone and is therefore consistent with the objective.
<ul style="list-style-type: none"> <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> 	The building includes ancillary uses as part of the overall support for the “seniors housing development” and “neighbourhood shops” to meet the day to day needs of future residents and their visitors being consistent with the objective.
<ul style="list-style-type: none"> <i>To provide for a high concentration of housing with access to services and facilities.</i> 	The proposed building has access to services and facilities.
<ul style="list-style-type: none"> <i>To minimise the fragmentation of land that would prevent the achievement of high density residential development.</i> 	The site is a large vacant property over 1.3 hectares in area suitable for transition to the proposed form of high density development.

As such, it is considered that Council can support the proposed development as a form of development within the R4 High Density Residential zone subject to consent.

4.2.15.3 Clause 4.3 Height of buildings

The subject site is granted a maximum permissible building height of 15m under the LLEP Height of Buildings mapping where the designation O = 15m, as shown in extract from the Height of Building Mapping in **Figure 12**.

Height of buildings map -



Figure 12: LLEP 2015 HOB Map Extract (site outlined in red)

Source: NSW Legislation

Maximum Building Height (m)

I	8.5
M	12
O	15
P	18
R	21
S	24
T	28
U	30
V	35
X	45
AB	80
AC	100

Clause 4.3 states as follows:

4.3 Height of buildings

(1) The objectives of this clause are as follows—

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,
- (b) to permit building heights that encourage high quality urban form,
- (c) to ensure buildings and public areas continue to receive satisfactory exposure to the sky and sunlight,
- (d) to nominate heights that will provide an appropriate transition in built form and land use intensity.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).

Note.

Clauses 5.6, 7.2 and 7.5 provide for circumstances under which a building in the Liverpool city centre may exceed the maximum height shown for the land on the [Height of Buildings Map](#).

The design of the proposed development involves Building A with a height at its highest roof point, being RL60.6 to natural ground level RL39.5. The maximum height of the building overall is 21.1m. The roof level does not include any beds or ILUs associated with the residents rather the roof level includes communal areas and plant rooms. The lift overrun of Building A has a proposed RL 62.05, while being a little under 2m taller is located in the centre of the building which does not add to the bulk or scale of the building.

It is considered that as the proposal involves a “seniors housing development” in a “vertical village” format under the provisions of the Seniors Housing SEPP, which includes design controls for the height of buildings, which the provisions of the Seniors Housing SEPP prevail over the height control under the LLEP 2008. Despite this, a variation to the LLEP Height of Buildings control has been prepared under the provisions of Clause 4.6 of the LLEP 2008, is requested to vary the height control. Refer to **Appendix T**.

This has been discussed in detail with respect to the controls associated with the Seniors Housing SEPP in the previous sections of this report.

4.2.15.4 Clause 4.4 Floor Space Ratio

The land is designated N = 1.0:1 Floor Space Ratio (FSR) control under the LLEP, as shown in the extract from the LLEP FSR Map as follows:

Floor space ratio map -



Figure 13: LLEP 2015 FSR Map Extract (site outlined in red)
Source: NSW Legislation

Maximum Floor Space Ratio (n:1)

A1	0.01
A2	0.1
A3	0.15
A4	0.25
D	0.5
F	0.6
G	0.65
I	0.75
N	1.0
P	1.2
S1	1.5
S2	1.7

The design of the proposed development has had consideration of this control, and the proposal exceeds the 1:1 provision under the LLEP 2008.

The proposed seniors housing development involves a “vertical village” format under the provisions of the Seniors Housing SEPP, which includes design controls for the FSR of a building, the provisions of the Seniors Housing SEPP prevail over the FSR control under the LLEP 2008.

The FSR of the proposed development has been calculated using the definition in the Seniors Housing SEPP at 1.49:1. Despite this, a variation to the LLEP FSR control has been prepared under the provisions of Clause 4.6 of the LLEP 2008, is requested to vary the FSR control. Refer to **Appendix T**.

4.2.15.5 Clause 4.6 Exceptions to Development Standards

The includes a request to vary the provisions of Clause 4.3 and 4.4 of the LLEP as included at **Appendix T**.

The Clause 4.6 variation requests are well founded and demonstrate:

- a) Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development;
- b) There are sufficient environmental planning grounds to justify the contravention, which results in a better planning outcome than a strictly compliant development in the circumstances of this case;
- c) The development meets the objectives of the development standard and where relevant, the objectives of the R4 zone, notwithstanding the variation;
- d) The DA is in the public interest and there is no public benefit in maintaining the standard;
- e) The proposal results in a better planning outcome in that a compliant scheme would result where the portion of the building which breaches the controls does not result in unreasonable adverse impacts on adjoining properties or the portions of the buildings which exceeds the control do not result in an unacceptable loss of amenity to adjoining properties;
- f) The non-compliances with the HOB and the FSR controls under the LLEP do not result in any unreasonable environmental impact or adverse impacts on adjoining owners/occupiers;
- g) It is considered the proposed height and FSR are appropriate for the orderly and economic use of the land and is consistent with character of this location; and
- h) The contravention does not raise any matter of State or Regional significance.

Therefore, a variation of the control in this instance can be supported.

4.2.15.6 Clause 5.9 Preservation of Trees or Vegetation

The provisions of Clause 5.9 and 5.9AA of the LLEP have been repealed. Clauses 5.9 & 5.9AA have been repealed and replaced with the State Environmental Planning Policy (Vegetation in Non–Rural Areas) 2017 or Vegetation SEPP.

The applicant has obtained an arborist report. The arborist has assessed all of the trees within the site and relevant trees adjoining the eastern boundary of the site with Daruk Park, refer to **Appendix W**. The assessment has had consideration of the provisions of the Vegetation SEPP and advises in part:

The proposed development includes the construction of a new aged care facility on the existing vacant site. I have inspected all of the trees that could be affected and list their details in Appendix 2. Based on this information I provided guidance to the project architect on the constraints these trees impose on the use of the site.

Twenty-five high category trees and forty-six low category trees will be lost because of this proposal. However, a comprehensive landscaping scheme to mitigate these losses is proposed that will include the planting of new trees. The proposed changes may adversely affect a further forty-four high category trees and one low category tree if appropriate protective measures are not taken. However, if adequate precautions to protect the retained trees are specified and implemented through the arboricultural method statement included in this report, the development proposal is expected to have a moderate to high impact on the contribution of trees to local amenity or character.

Given this assessment from the arborist, the applicant has prepared Landscape Concept Drawings and a Landscape Design Report (refer to **Appendix D**) for the site which includes replacement trees and vegetation in a coordinated renewal of the site, as recommended in the arborist report.

Those trees located within the footprint of the development are proposed to be removed. A number of trees are also proposed to be retained. The arborist report has provided guidance to the architects within respect to the building setbacks to trees proposed to be retained. All trees within the Council road reserve will be retained. As such, the proposed development is considered to be consistent with the provisions of the Vegetation SEPP.

The application is willing to accept conditions associated with tree protection measures as detailed in the Arborist report.

4.2.15.7 Clause 5.10 Heritage conservation

The subject site is not identified as a heritage item under the LLEP and is not identified as falling within a Heritage Conservation Area or adjoining a heritage item. The site is not in the vicinity of any heritage items.

4.2.15.8 Clause 7.7 Acid Sulphate Soils

The subject site is not identified on the Acid Sulphate Soils Map. As such, **Clause 7.7** of the LLEP 2008 does not apply. The applicant has also addressed this within the Geotechnical Report included in **Appendix K**.

4.2.15.9 Clause 7.31 Earthworks

Clause 7.31 of the LLEP 2008 states as follows:

7.31 Earthworks

(1) *The objectives of this clause are as follows:*

(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,

(b) to allow earthworks of a minor nature without requiring a separate development consent.

(2) *Development consent is required for earthworks unless:*

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to other development for which development consent has been given.

(3) *Before granting development consent for earthworks, the consent authority must consider the following matters:*

- (a) the likely disruption of, or any detrimental effect on, flooding or drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

Note. The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.

The proposed development involves earthworks to allow for the construction of the basement level. Bulk earthworks drawings are included in **Appendix I**.

The proposed development will not adversely impact on the existing overland flow of water or the existing drainage pattern (refer to the Stormwater Management Report at **Appendix I**).

The proposed development will test excavated material prior to its disposal as outlined in the Construction Waste Management Plan at **Appendix D**.

Dilapidation surveys of immediately adjoining properties is recommended in the geotechnical report prior to work commencing. The site has been modified over the years with the construction of the existing dwellings and their access driveways, and as a result the land has already been disturbed. No known relics are located on the land. The proposed earthworks can be well managed during the preliminary stage of construction and not result in an adverse impact on adjoining properties via the imposition of standard conditions, and the applicant is willing to accept conditions associated with the construction stage. As such, it is considered that the proposal is consistent with the provisions of Clause 7.31.

4.2.15.10 Clause 7.8 Flood Planning

The subject site is not indicated as being affected by the Flood Planning mapping, and therefore the provisions of **Clause 7.8** are not triggered.

However, Council raised concerns regarding potential flood waters from an overland flow path impacting the site. As a result, the applicant engaged a flood engineer to evaluate any impacts from flooding on the site and propose mitigation measures to address flood impacts. Refer to the Flood Assessment included at **Appendix M**. The proposal can manage flood impacts without adversely impacting on adjoining properties.

4.2.15.11 Clause 7.6 Environmentally Significant Land

The subject site is not indicated as being affected by any biodiversity mapping, and therefore the provisions of **Clause 7.6** are not triggered.

4.3 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

There are no draft environmental planning instruments affecting the proposed development.

4.4 SECTION 4.15(1) (A) (III) DEVELOPMENT CONTROL PLANS

In 2013 the NSW Government made legislative amendments aimed at restating the strength of DCPs. The amendments have returned the DCP status to what was initially intended, being a ‘flexible guideline’ that would complement the development controls provided by the legally binding LEP. The amendments also provide that during the decision-making process, the Council is required to as a result of Section 4.15(3A)):

- Use a flexible approach in applying DCP standards,
- Not to enforce more onerous standards than those contained in the standards of the LEP.

Where Section 4.15(3A) states:

(3A) Development control plans If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
- (c) may consider those provisions only in connection with the assessment of that development application.*

In this subsection, standards include performance criteria.

Therefore, *Environmental Planning and Assessment Amendment Act 2012 (and as amended on 1 March 2018)*, clarified the purpose and status of development control plans, being to ‘**provide guidance**’ to proponents and Councils in achieving land use zone objectives and facilitating permissible development under an environmental planning instrument. Furthermore, to assist in the assessment of DAs, the amended legislation states that where a proposal does not comply with DCP controls, the consent authority is to be ‘**flexible in applying those provisions**’ and allow for ‘**reasonable alternative solutions**’ that achieve the objectives of those standards for dealing with that aspect of the development. It is important to recall these revisions to the status and application of DCPs in development assessment.

4.4.1 Liverpool Development Control Plan 2014

The *Liverpool Development Control Plan 2014* (LDCP) applies to land in the Liverpool LGA. The LDCP provides a comprehensive set of development principles. However, the DCP does not include specific provision to assist with designing a “residential aged care” facility as part of a “seniors housing” form of development as proposed under the Seniors Housing SEPP.

A detailed assessment of the proposal against the relevant DCP controls has been undertaken with the preparation of the following documents/reports/drawings:

1. Concept Stormwater Management Drawings and Report, WSUD and model, civil engineering drawings and Sedimentation and Erosion Control Plan at **Appendix I** to respond to the DCP;
2. A Landscape Concept Drawings and Report at **Appendix E** to respond to the DCP;
3. An arborist report at **Appendix W**;
4. A Lighting Statement at **Appendix X**;
5. A Crime Prevention Report at **Appendix Y**;
6. Waste Management Plans at **Appendix D**;
7. Acoustic Report at **Appendix P** to respond to the DCP;
8. A BCA is included at **Appendix F**;
9. An Access Report at **Appendix G**;
10. A BASIX Certificate and Report at **Appendix L**;
11. Bushfire Assessment Report at **Appendix K**;
12. Traffic and Parking Assessment Report at **Appendix C**;
13. Social Impact Comment at **Appendix O**;
14. Geotechnical Report at **Appendix K**;
15. Flood Assessment at **Appendix M** to respond to the DCP; and
16. Contamination Report and Site Audit Statement at **Appendix I**.

In summary, the proposed development demonstrates a high level of compliance with the relevant parts of the PDCP relating to the proposed nursing home building.

4.5 SECTION 4.15 (1) (A) (IIIA) PLANNING AGREEMENTS

There is no Planning Agreement in force relevant to this DA.

4.6 SECTION 4.15 (1) (A) (IV) ANY MATTER PRESCRIBED BY THE REGULATION

Should the district panel wish to grant approval, Council will need to include in the draft condition set conditions to address the mandatory clauses under the *Environmental Planning and Assessment Regulation 2000*.

4.7 SECTION 4.15 (1) (A) (V) REPEALED

Not applicable.

4.8 SECTION 4.15 (1) (B) IMPACTS OF DEVELOPMENT

Pursuant to Section 79C (B) of the Act, *'the likely impacts of that development'* have been considered as follows:

4.8.1 Proposed Height, Bulk and Scale

The proposed height and FSR of the proposed seniors housing development buildings are considered to be consistent with the desired character and underlying and stated objectives of the height and FSR controls under the Seniors Housing SEPP and LLEP.

Therefore, it is considered that the height, bulk and scale of the proposed buildings are suitable for the site and will not result in any unacceptable adverse impacts to adjoining properties.

4.8.2 Shadow Impacts

Shadow diagrams have been prepared for the proposed building which indicates that the proposed development will not adversely impact on the available solar access to adjoining properties.

4.8.3 Context and setting

The proposed development constitutes an appropriate and compatible land use in the locality.

The existing setting is characterised by a mix of high- and low-density development. The proposed development has been designed having regard to the characteristics, topography, and orientation of the site and its relationship to neighbouring land as well as the wider Casula setting. As such, the subject site is considered an appropriate context and setting for the proposed development within Casula being consistent with the existing desired future character of the locality.

The proposed Seniors Housing development can make a positive contribute to the amenity of the public domain by significantly improving streetscape presentations to each of the street frontages and the nearby civic infrastructure, refer to the Architectural Design Statement at **Appendix B** and Clause 26 Report at **Appendix O**.

The proposed development will also contribute to the safety of the public domain through passive surveillance from the development and into the development.

4.8.4 Heritage

The subject site is not identified as a heritage item, and does not immediately abut an item of heritage significance. There are no heritage items on or adjoining the subject site has identified in the LLEP heritage mapping and the site is not located within a heritage conservation area.

4.8.5 Access, traffic and parking

Vehicular access to the site is proposed from Kurrajong Road. Refer to the Traffic and Parking Assessment report at **Appendix C** for the reasons for the access arrangements, which is comply with the required sight distances of the relevant Australian Standard.

Pedestrian access to the site has been designed into the site from Kurrajong Road, Randwick Close, and a recommended (refer to **Appendix O** Clause 26 Report) alternate access pathway via a pathway in Daruk Park to the nearby community centre to the south-east of the site. Pedestrian access within the site development and through the site will provide universal access, refer to the BCA at **Appendix F** and Access report at **Appendix G**.

4.8.6 Utility service infrastructure

The subject site has access to essential services including water, sewerage, electricity, telecommunications and gas available to it with capacity to accommodate the proposed development. Refer to the Infrastructure Report at **Appendix N**.

4.8.7 Air and microclimate

The proposed development is not considered likely to give rise to a change in the existing microclimate and can be managed via the imposition of reasonable conditions.

4.8.8 Social Impact Assessment

The applicant's consultants have prepared a Social Impact Comment in accordance with Council's requirements for a "Seniors Housing Development", which can be found at **Appendix O**.

As indicated in Section 3.3, SummitCare has undertaken their own research which demonstrates there is a need to commence "planning" now for the significant shift in the ageing population cohort which this nursing home will make a significant contribution including the provision of 40% concessional places.

Overall, the proposal will result in a positive social impact in that the development will provide for new seniors housing facilities in the Casula locality and will result in activation and overall improvements to the public domain.

4.8.9 Lighting

All external Lighting can be designed to comply with the requirements of the Australian Standard, so as light spill does not become problematic and contained to the site while at the same time assist with Crime Prevention measures.

4.8.10 Acoustics/Noise

An assessment of the existing acoustic environment and the proposed development has been undertaken as detailed in the Acoustic Report included at **Appendix P**, which includes a number of recommendations which the applicant can implement as part of the construction phase of the project. The report advises:

A site investigation of the proposed site and surrounds at 18 Randwick Close, Casula has been completed to determine existing noise levels for the environment and surrounds for a proposed development of the site.

Mechanical plant used on the site will need to be designed to comply with the noise emission and noise intrusion criteria in the design development stage of the project. Controlling noise from plant and equipment would include a combination of enclosed plant rooms, silencers, lined ductwork, acoustic barriers, acoustic louvers and the selection of quiet plant where required.

The preliminary road traffic noise intrusion assessment indicates upgraded glazing will be required for affected residential spaces, with locations included in Appendix B, in order to meet the internal acoustic requirements presented in this report. The indicative glazing recommendations have been provided in Section 5.1 of this report which will be refined during the detailed design phase of the project.

Current standards associated with the development have been reviewed and assessed in accordance with existing site constraints. Preliminary construction standards have been reviewed to ensure that Liverpool City Council's and other guidelines are satisfied.

ADP Consulting believes that there are no site conditions that would preclude this development from complying with the criteria defined in this report.

As such, the proposed development will be acceptable in terms of its acoustic impact considerations and can be supported as submitted subject to the above.

4.8.11 ESD performance of proposed building

The proposed building will be constructed in accordance with the Building Code of Australia under the National Construction Code which requires buildings of this classification to comply with the required energy efficiency requirements. Please refer to the BCA Section J Report at **Appendix F** and the BASIX Report at **Appendix L**.

4.8.12 Natural and Technological Hazards

The site is not subject to any known natural or technological hazards which would preclude the DA.

4.8.13 Soils

It is unlikely that the works will have adverse impacts on the soil quality of the site subject to the appropriate management regimes being met at these phases to manage geotechnical considerations – refer to **Appendix K** for Geotechnical report.

4.8.14 Waste Management

Waste Management Plans (Construction and Operational) form part of this DA included at **Appendix D**. These include the measures proposed for managing waste in the construction and operational phases according to waste management principles and priorities of:

- Reduce wastes at the source;
- Reuse materials, where possible;
- Recycle wastes, where practical;
- Removal of all waste from the site; and
- Dispose of wastes appropriately and responsibly.

4.8.15 Flora and Fauna

No threatened species or significant flora and fauna are located on the site or will be impacted by the proposed development for the seniors housing. The proposed development includes concept landscape drawings at **Appendix E** which include street tree plan tings.

4.8.16 Erosion and Sedimentation

An erosion and sedimentation assessment and management plan prepared for the subject site is included at **Appendix I**.

4.8.17 Contamination

A Contamination Report is included at **Appendix J** which concludes that the site is suitable for the development.

4.8.18 Safety, Security and Crime Prevention

The proposed seniors housing development will employ a number of passive and active crime prevention measures as part of Crime Prevention through Environmental Design (CPTED), refer to the CPTED Report prepared for the proposal at **Appendix Y**. The proposed development has been designed for safety and security of site users and to accord with the principles of CPTED including the following:

- natural surveillance with clear sight lines and avoidance of blind corners and sightline obstructions across trafficable parts of the site and between activity areas;
- active CCTV surveillance and security services;
- access control for basement level, back-of-house and loading dock areas;

- durable building design and materials, and proposed Chatswood East Woolworths site management will contribute to territorial reinforcement.

4.8.19 Economic Impact

The proposed development will ensure that the new development is complementary to the existing nearby context and setting in Casula.

The proposed Seniors Housing development will employ 48 people.

The potential for additional jobs being generated as a result of support services such as kitchen functions and linen services beyond the boundaries of the site as a multiplier effect will also occur.

The proposed development will have a number of positive social and economic effects in the locality, which are considered to mitigate any adverse economic impacts, including:

- Meet the needs from the growing aged community of Casula and the wider LGA;
- provide aged care facilities with a wide range of services to support on-site care functions provided by SummitCare along with affordable housing;
- generates permanent employment with direct jobs on-site in the development and indirect flow-on jobs;
- generates construction employment with direct and indirect jobs; and
- provides for a new public domains and streetscapes as a location for social activity that contributes to building a sense of place, identity, community and social cohesion.

4.8.20 Construction Impacts

A Construction Management Plan can be prepared as part of the relevant Construction Certificate once a builder has been appointed and prior to the commencement of works to manage potential impacts of construction activities including site safety, security and access control, construction vehicles, soil and water management, waste management, noise and construction hours.

4.9 SECTION 4.15(1)(C) SITE SUITABILITY

Section 4.15(1)(C) of the act requires consideration of the suitability of the site for the development. The primary matters under Section 4.15 (1)(C) are whether the proposal fits into the locality and if the site attributes are conducive to the proposed development.

The site and surrounding locality do not present any significant physical, ecological, technological or social constraints on the site for the proposed development. In summary, there are limited constraints on the proposed development of the site and minimal conflicts will occur with surrounding land uses.

4.10 SECTION 4.15(1)(E) THE PUBLIC INTEREST

Section 4.15(D) and (E) of the EP&A Act require that any public submissions made in accordance with the Act or the public interest be considered in the development assessment process.

Council will notify and advertise the application as required by the LDCP. Any submission received will be taken into consideration during the assessment and determination process.

The proposed “seniors housing” development will not significantly impact on the environment, will improve consumer choice for aged care in the locality including provision of 40% concessional places within the residential care facility and 10% of ILUs as affordable housing dwellings, will result in a good design outcome and is generally consistent with the applicable planning controls and strategic documents for the site. It is therefore considered to be in the public interest.

4.11 SECTION 4.46 OF THE EP&A ACT - INTEGRATED DEVELOPMENT

The provisions of Section 4.46 of the EP&A Act states:

4.46 What is “integrated development”?

(1) Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals:

Under the provisions of Section 4.46 of the EP&A Act, where a proposed development triggers the requirements for an approval from a State Government department, agency or authority a proposal is integrated.

There are no triggers for an “integrated referral”.

5. CONCLUSION

This SEE report has been prepared to assess a proposed development which seeks approval for the proposed construction and operation of a “seniors housing” development by SummitCare involving a 142-room residential care facility and 93 Independent Living Units (ILUs) in 3 buildings over basement level under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* and neighbourhood shops at 18 Randwick Close, Casula, which has been identified as suitable for such a development.

The aim of this report has been to provide the following:

- Description of the site and locality;
- Description of the proposed development;
- Assessment of relevant environmental planning matters for consideration under Section 4.15 of the EP&A Act including compliance with planning instruments and controls, environmental impacts, site suitability and the public interest; and
- A conclusion with respect to the proposal.

This environmental planning assessment makes the following conclusions about the proposed development:

- it complies with the Seniors Housing SEPP being the main planning instrument affecting the land and the proposal;
- it is consistent with the existing and desired future character of the locality in the Casula area;
- the proposal has an acceptable traffic impact to the surrounding road network;
- the proposal will provide for a greater mix of housing types, including affordable housing;
- it will not have any unreasonable impact on adjacent properties or unacceptable socio-economic impacts which cannot be mitigated by the imposition of conditions; and
- there are no environmental constraints of such significance as to preclude the proposed development.

In summary, the proposed development is appropriate within the context of the subject site and is generally consistent with the statutory and policy requirements of both Council and the State government. The development is in accordance with the planning instruments relevant to the site. No significant impacts are envisaged to occur upon the amenity of surrounding properties. The proposal will result in a development which exhibits a high level of amenity for future residents and is expected to have a positive economic and social impact on the locality.

Given the above assessment, the proposed development has environmental planning merit and is considered to be in the public interest, and therefore we request the DA be supported by Council in its assessment report to the district panel.



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APPENDIX A

Site Survey and Distance (reduced)



APPENDIX B

**Architectural Drawings, Site Analysis, Materials and Finishes (reduced),
Design Statement and SEPP 65 Verification Statement**



APPENDIX C

Traffic and Parking Assessment Report



APPENDIX D

Waste Management Plans



APPENDIX E

Landscape Report and Concept Plans



APPENDIX F

BCA Report



APPENDIX G

Accessibility Assessment Report



APPENDIX H

QS Cost Report



APPENDIX I

**Engineering Drawings, Bulk Earthworks, Stormwater management drawings
(reduced), Stormwater Management and Quality report**



APPENDIX J

Stage 1 Preliminary Site Investigation Report



APPENDIX K

Geotechnical Report and Acid Sulphate Soils Assessment



APPENDIX L

BASIX Certificate, BASIX Report and stamped plans



APPENDIX M

Flood Assessment



APPENDIX N

Infrastructure Report



APPENDIX O

Social Impact Comment



APPENDIX P

Acoustic Report



APPENDIX Q

Compliance Tables



APPENDIX R

Council Pre-lodgement Meeting Advice and email



APPENDIX S

Council Design Excellence Panel Meeting Notes



APPENDIX T

Clause 4.6 Variations



APPENDIX U

Social Housing Provider letter



APPENDIX V

SummitCare Plan of Management



APPENDIX W

Arborist Report



APPENDIX X

Lighting Statement



APPENDIX Y

Crime Prevention Through Environmental Design Report

