

2024/
REPORT TO

CHIEF EXECUTIVE OFFICER
WESTERN REGION PLANNING PANEL MEETING
15 OCTOBER 2024

FROM
DATE

Town Planner – Dhawala Ananda
13 SEPTEMBER 2024

ON

DEVELOPMENT APPLICATION
60 Witton Place ORANGE
Demolition (rear shed, swimming pool, removal of 37 trees and 2 hedgerows); Seniors Housing (construction of four buildings: 1 single storey building and 3 two storey buildings, providing 99 rooms); Existing Dwelling Conversion (to a residential clubhouse); Communal Outdoor Facilities (outdoor dining and activity area and open landscaped areas); Carparking (43 onsite carparking spaces, including 10 accessible spaces); Subdivision (4 lot Torrens title) and Proposed Public Road Reserve

PAN-418096 - XXXX

Application Lodged

14/03/2024

Development Application No

DA 480/2024(1)

Plan and Documents No/s

1. Drawings by Calder Flower Architects; Drawing Nos. A000, A001, A003, A004, A005, A006, A100, A101, A102, A103, A104, A105, A106, A107, A108, A109, A110, A111, A112, A113, A114, A200, A201, A210, A310, A311, A312, A313, A410, A411, A412, A700, A800, A900, A901, A902 (37 sheets); Dated – September 2024.
2. Landscape Plan by sala4D Drawings Nos. L-000, L-001, L-002, L-003, L-004, L-005, L-006 Revision C, L-100 Revision B dated 26 September 2024 (2 sheets)
3. Clause 4.6 Variation to Development Standard – Site Frontage prepared by Planning & Co., report no 240046 dated 8 July 2024.
4. Bush Fire Hazard Assessment by Blackash Bush Fire Consulting Version 1.1 dated 25 September 2024.
5. Bush Fire Hazard Assessment to be viewed with figure (1-7), reference 24114 by Integrated Consulting dated 27 September 2024.
6. Traffic Assessment by Ason group, project no P2543, revision 04 dated 27 September 2024.
7. Operational Waste Management Plan by Elephants Foot, Report No 5714, Revision F dated 26 September 2024.
8. Noise and Vibration Impact Assessment by SoundIn, report no 17248, version 2.0 dated July 2024.
9. Arboricultural Impact Assessment Report by

Applicant	BZ Capital Pty Ltd C/- Andrew Crump* PO Box 5069 ORANGE NSW 2800
Owner/s	BZ Capital Pty Ltd 9 Pittman Place BELLA VISTA NSW 2153
Land Description	LOT: 10 DP: 1045677 CA: 4183 - 60 Witton Place ORANGE
Proposed Land Use	Demolition (rear shed, swimming pool, removal of 37 trees and 2 hedgerows); Seniors Housing (construction of four buildings: 1 single storey building and 3 two storey buildings, providing 99 rooms); Existing Dwelling Conversion (to a residential clubhouse); Communal Outdoor Facilities (outdoor dining and activity area and open landscaped areas); Carparking (43 onsite carparking spaces, including 10 accessible spaces); Subdivision (4 lot Torrens title) and Proposed Public Road Reserve
Value of Proposed Development	\$34,780,973.00
Provisions of LEP 2011 (amended)	R2 Low Density Residential
Details of Advertisement of Project	First advertised in the Central Western Daily on Friday, 19 April 2024 and neighbouring properties notified. Exhibition closed on Friday, 03 May 2024. Second advertised in the Central Western Daily on Wednesday, 31 July 2024 and neighbouring properties notified. Exhibition closed on Thursday, 15 August 2024.
Recommendation	Approval

EXECUTIVE SUMMARY

Application lodged	14/03/2024
Applicant/s	BZ Capital Pty Ltd
Owner/s	BZ Capital Pty Ltd
Land description	LOT 10 DP 1045677 - 60 Witton Place Orange
Proposed land use	Demolition (rear shed, swimming pool, removal of 37 trees and 2 hedgerows); Seniors Housing (construction of four buildings: 1 single storey building and 3 two storey buildings, providing 99 rooms); Existing Dwelling Conversion (to a residential clubhouse); Communal Outdoor Facilities (outdoor dining and activity area and open landscaped areas); Carparking (43 onsite carparking spaces, including 10 accessible spaces); Subdivision (4 lot Torrens title) and Proposed Public Road Reserve
Value of proposed development	\$34,780,973.00

Development consent is sought for four lot residential subdivision including the provision of a new public road, seniors' housing and business identification signage at 60 Witton Place, Orange. The land is described as Lot 10 DP 1045677 and is located at the southern end of Witton Place and at the western end of Bowman Avenue but is currently accessed via an access handle off Witton Place.

The development comprises of the extension of Bowman Avenue to be adopted as a public road, and the land to the south of the road will be subdivided into three (3) lots for future residential development. The remainder of the subdivided land is proposed to contain the proposed seniors' hostel.

The seniors' hostel will consist of four buildings (1 x single storey and 3 x two storey) providing 99 rooms. Each building will also contain communal internal access corridors, laundries and lounge areas. Resident clubhouse and car parking area for residents, staff, servicing, waste collection and ambulance bay is also proposed. Provision is now also made for a resident bus that may be used to transport residents to the CBD and the like.

Seniors housing is rendered permissible in the R2 zone via the statewide enabling Housing SEPP (pursuant to Section 82). It is noted that while seniors housing is not permitted in the R2 Zone under the LEP, 'hostels' as a separate land-use, are permitted in the R2 with consent. Signage is permissible pursuant to Chapter 3 of Advertising and Signage of State Environmental Planning Policy (Industry and Employment) 2021. Subdivision and roads are permissible in the R2 Zone with consent. This application is seeking consent under the Housing SEPP for the seniors housing component, State Environmental Planning Policy (Industry and Employment) 2021 for signage, and Orange LEP relating to the subdivision and road.

A detailed assessment of matters pertaining to Bush Fire planning has been provided in the body of this report. The Planning Panel will need to make certain decisions in determining this matter given the pending nature of revised Bush Fire mapping and the various requirements of each piece of legislation. Council staff will advise Panel members of the current status of the revised Bush Fire mapping for the LGA at the panel hearing.

The application was publicly advertised two times for 14 days as per Council's Community Participation Plan. During first notification, (10) submission was received. During the second exhibition period, 22 submissions were received. The applicants were afforded the opportunity to consider what if any design changes that would like to make to address concerns raised. The matters raised in the submissions have been considered during the assessment process.

Extensive consultation has been undertaken between the proponent and Orange City Council (OCC) regarding the density and layout of proposed development, orientation of the proposed buildings, car parking, waste management arrangements and Bush Fire planning. The outcome of these discussions has resulted in several iterations of the plans being submitted with a revised layout plan being adopted that results in increased setback of buildings from boundaries, a reduced number of hostel units, differing building designs, an increased number of car parking being provided onsite and revised waste management arrangements.

Pursuant to Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* the proposed development is declared to be regionally significant development for the purposes of the Act. The Western Region Planning Panel, on behalf of the Minister for Planning, is the consent authority.

The proposal has been evaluated pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* and is considered to be suitable subject to the attached Notice of Approval. It is recommended that the Western Region Planning Panel supports the subject proposal, subject to the attached conditions.

DECISION FRAMEWORK

Development in Orange is governed by two key documents Orange Local Environment Plan 2011 and Orange Development Control Plan 2004.

Orange Local Environment Plan 2011 – The provisions of the LEP must be considered by the Council in determining the application. LEPs govern the types of development that are permissible or prohibited in different parts of the City and also provide some assessment criteria in specific circumstances. Uses are either permissible or not. The objectives of each zoning and indeed the aims of the LEP itself are also to be considered and can be used to guide decision making around appropriateness of development.

Orange Development Control Plan 2004 – the DCP provides guidelines for development. In general it is a performance based document rather than prescriptive in nature. For each planning element there are often guidelines used. These guidelines indicate ways of achieving the planning outcomes. It is thus recognised that there may also be other solutions of merit. All design solutions are considered on merit by planning and building staff. Applications should clearly demonstrate how the planning outcomes are being met where alternative design solutions are proposed. The DCP enables developers and architects to use design to achieve the planning outcomes in alternative ways.

RECOMMENDATION

That WRPP consents to development application DA 480/2024(1) for Demolition (rear shed, swimming pool, removal of 37 trees and 2 hedgerows); Seniors Housing (construction of four buildings: 1 single storey building and 3 two storey buildings, providing 99 rooms); Existing Dwelling Conversion (to a residential clubhouse); Communal Outdoor Facilities (outdoor dining and activity area and open landscaped areas); Carparking (32 onsite carparking spaces, including 10 accessible spaces); Subdivision (4 lot

Torrens title) and Proposed Public Road Reserve at Lot 10 DP 1045677 - 60 Witton Place Orange pursuant to the conditions of consent in the attached Notice of Approval.

THE SITE AND LOCALITY

The Site

The site is described as Lot 10 DP 1045677 and known as 60 Witton Place, Orange. The land is situated in west Orange and within a residential area known as 'Ploughmans Valley'.

The land is located at the southern end of Witton Place and at the western end of Bowman Avenue but is currently accessed via an access handle off Witton Place.

The site comprises an irregular shaped parcel with an area of some 2.175ha. There is an existing dwelling with attached garage located towards the northern part of the site, and an existing shed and swimming pool to the west of the dwelling. A looped driveway is located to the east of the dwelling.

There is existing vegetation along the northern boundary and part of the western and eastern boundaries, surrounding the immediate curtilage of the dwelling. Most of the mature trees are introduced species originally planted as a wind break and for privacy. The remainder of the site is covered in exotic grasses.

The Locality

The development site is located some 5km to the south-west of the Orange CBD. The site is located within an existing low density residential precinct and predominantly comprises moderate to large residential dwellings to the east and north. There is rural land to the west and south comprising rural-residential dwellings, orchards and grazing land.

The Orange - Broken Hill Rail line is located to the south of the site, which is separated by a narrow (unidentified portion of residentially zoned land) and mature vegetation. There are a series of dams on the southern side of the rail corridor on rural land. The Orange Bus lines depot is located nearby to the south-east over the railway line.

Wentworth Golf Course is located nearby to the east. Ploughmans Wetland is located nearby to the north-east. Towac Park Racecourse is located nearby to the south-east. Oak Tree Retirement Village is located nearby to the east, as is Melview Greens Garden Apartments (tourist accommodation).

The area is serviced by a regular bus route into the CBD (Orange Buslines route 537).

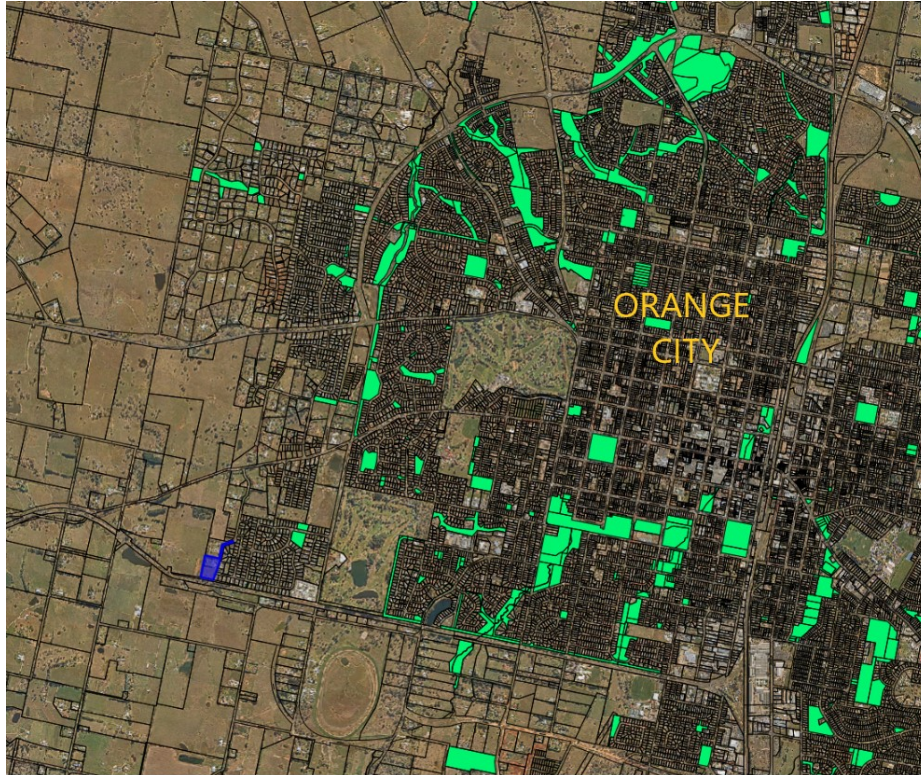


Figure 1 – location map



Figure 2 – development site

Site visit –

Council conducted site visit multiple times. Below are the photos taken during each visit.



Figure 3 – development site (looking east)



Figure 4 – development site (looking south-east)



Figure 5 – development site (looking south-west)



Figure 6 – development site (looking north-west)



Figure 7 – development site with existing fence between existing residence and the remaining lot (looking east)



Figure 8 – development site with existing fence and vegetation between existing residence and the remaining lot (looking west)



Figure 9 – existing residence (front view)



Figure 10 – existing residence (northern side and rear view)



Figure 11 – existing residence (rear view) where outdoor dining is proposed for the communal building



Figure 12 – existing shed

THE PROPOSAL

The proposal seeks consent for seniors housing 'hostel' including subdivision of land and business identification signage for seniors housing. A new public road is proposed to provide access to the subdivided lots.

The application experienced three rounds of amendments throughout its review process, prompted by multiple submissions received at various notification stages. A summary of background information on design changes throughout the consideration of this plan is provided elsewhere in this report. During the first notification period from April to May 2024, a total of 10 submissions were received. These initial submissions led to significant revisions to the application, which aimed to address the feedback and suggestions provided by submitters.

The process continued with a second notification period from July to August 2024, during which 22 additional submissions were received. This influx of submissions prompted further amendments to the application, incorporating the new insights and recommendations to refine and improve the proposal.

The final version of the proposal is summarised below. It has been assessed that renotification of the application for a third time will not be required, given that the changes contemplated in the most recent iteration of the plans have sought to further lessen the impacts identified in the submissions received.

The most recent iteration of the plan seeks consent for seniors housing, 4-lot residential Torrens title subdivision of the land, provision of a public road and signage.

Specifically, the proposed development is proposed to be implemented in stages as follows:

Stage 1:

- Four-lot residential Torrens title subdivision to create three (3) vacant lots for future residential dwelling houses, and one (1) lot for the proposed seniors housing development. A public road is proposed to provide a connection through to land west of the subject site that has been identified in Council's housing strategy as a candidate area for possible future residential development.

Stage 2:

- The existing swimming pool and rear shed is proposed to be demolished (shed intended to be dismantled for reuse on another site).
- It is proposed to remove 37 trees and two (2) rows of wind break hedging. Amongst all the vegetation, one (1) native Banksia tree is proposed to be removed.
- Construction of seniors housing (hostel), comprising of 99 rooms across 1 x single storey building and 3 x two storey buildings.
- The existing dwelling is proposed to be altered and converted into the Resident Clubhouse with communal resident and staff facilities.

- A car parking area for residents, staff, servicing, waste collection and ambulance bay will also be constructed, as well as communal outdoor areas including accessible paths and landscaping throughout the site.
- New illuminated 'Bingara Gardens' business identification sign at the site frontage (adjacent to main entry gate), measuring 2.46m wide by 1.23m high, set within a sandstone plinth which measures 3.0m in width and 1.6m in height. The Bingara Gardens sign and plinth, including colour palette, is depicted in the figure below.

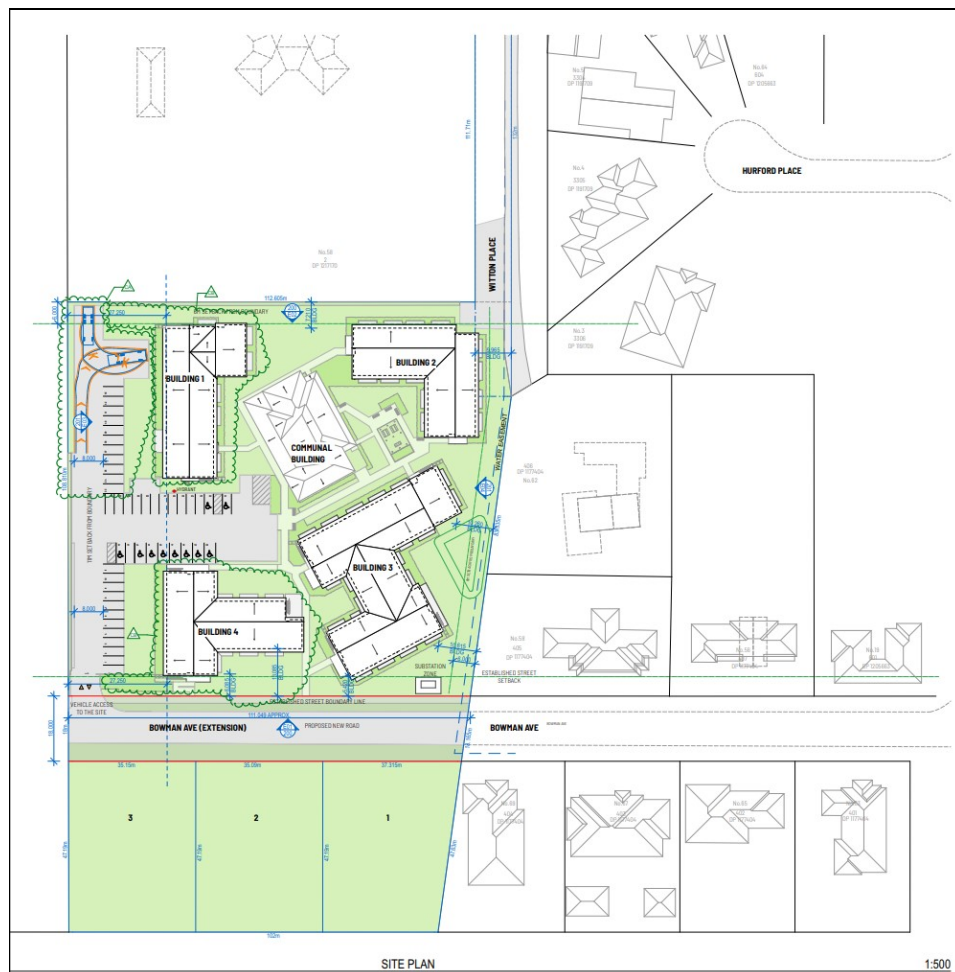
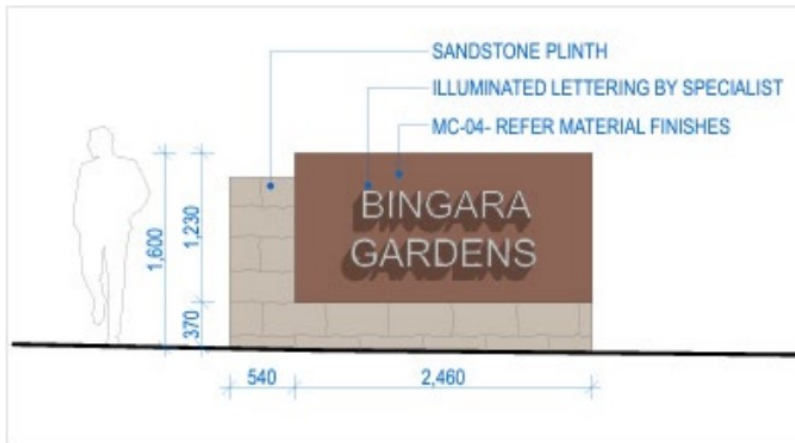


Figure 13 - site plan

The key development data is provided in **Table 1**.

Table 1: Key Development Data

Control	Proposal
Site area	21,747 m ²
GFA	5,662.54 m ²
FSR (retail/residential)	0.38:1
Clause 4.6 Requests	Yes - The proposal seeks to vary the site frontage development standard set out in the Housing SEPP.
No of units	99
Max Height	Maximum height of the buildings is 8.4m
Landscaped area	7,654 m ² – 51% of the site, 77m ² per bed.
Car Parking spaces	43 car spaces provided
Setbacks	5.4m setback from the southern boundary (proposed Bowman Avenue extension) 10m setback from the eastern boundary 6m setback from the northern boundary 27.25m setback from the western boundary
Bush Fire hazard risk	A 27.25m APZ is provided along the western boundary.

Site Clearing

The existing dwelling on the subject site will be retained and repurposed as a Resident Clubhouse with communal resident and staff facilities, however, the existing swimming pool and rear shed will be demolished (shed intended to be dismantled for reuse on another site).

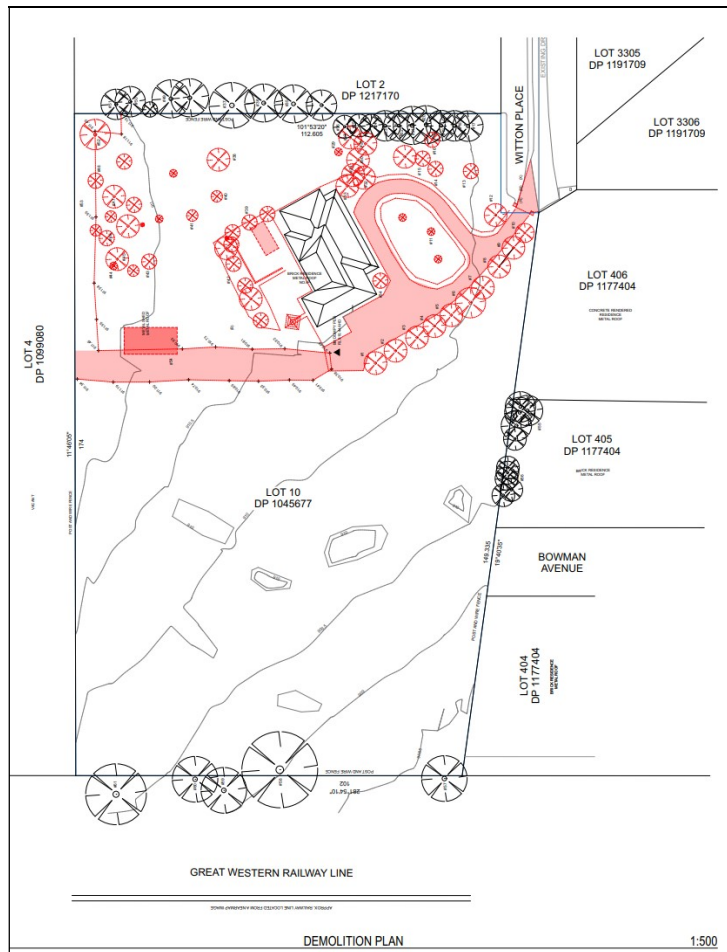


Figure 14 - demolition plan



Figure 15 - demolition plan

Most of the existing vegetation will also need to be cleared to facilitate the development. It is proposed to remove 37 trees and two (2) rows of wind break hedging. Almost all of the vegetation to be removed are introduced species, however there is one (1) native Banksia tree to be removed.

The trees to be removed are listed in the *Appendix 1 – Tree Schedule* of the *Arboricultural Impact Assessment Report* prepared by Douglas Arbor.

It is noted that Council approval was granted to remove all vegetation and demolish buildings on the site under the DA 448/2021(1) – 11 Lot Residential Subdivision, on 20 September 2023. However, the approved clearing and demolition has not been carried out, and it is proposed to retain the existing dwelling and some existing vegetation within the site.

The application was referred to Council's Manager City Presentation for comments regarding the trees and vegetation removal. The following comments were received –

I would stick to the Tree Protection Measures outlined in the Arborist's report page 8 and any diagrams applicable. The report is concise and looks to retain trees on the subject lands where possible and with the outcome being continued good health. Of considerable importance is the requirements to ensure trees on adjacent lands have their Tree Protection Zones suitably protected – i.e. TPZ extending into the development site.

Tree Protection Measures

- *Unless otherwise specified, all retained on-site trees must be protected from development impact by tree protection fencing installed at the extent of their TPZs in accordance with AS4970. Refer to Appendix 1 for TPZ measurements.*
- *Unless otherwise specified, all off-site trees with TPZs extending within the site must have tree protection fencing installed to encompass the TPZ area within the site.*
- *Tree protection fencing shall be installed at the beginning of the job before any groundwork or construction is started.*
- *Where the design has an approved TPZ incursion (e.g. Trees 55, 56), the tree protection fencing shall be located at the immediate edge of the construction excavation line.*
- *Refer to Appendix 6 for the Tree Protection Fencing Plan, showing the approximate fencing location.*
- *Refer to Appendix 7 for Standard Tree Protection Zone Measures.*
- *No significant landscaping is to occur within the TPZs that will cause substantial root loss or impact the tree. Any landscaping plan within the TPZ shall be undertaken with the consultation of the Project Arborist.*
- *No underground services will be routed through the TPZs without consulting the Project Arborist.*

Seniors Housing (Seniors Hostel)

The proposed hostel is for the purposes of seniors housing and effectively comprises five (5) independent buildings within a landscaped setting and communal facilities as follows:

- Resident Clubhouse building within the existing and altered dwelling house
- 4 new buildings arranged around the Clubhouse – 3 buildings are two storey and 1 building is single storey; and
- 99 rooms distributed over the 4 new buildings.

The facility will be limited to residents over the age of 60 only (i.e. 'seniors housing').

The Resident Clubhouse Building

The Resident Clubhouse will be contained within the re-purposed and altered existing dwelling towards the northern part of the site. This building will be accessed from the

proposed car parking area, as well as via pedestrian paths from each of the resident's buildings. This building will comprise the following elements:

- Living, dining and kitchen room
- Library / lounge room
- Reading room
- Amenities
- Administration office
- Resident Mailboxes
- Gym (converted from attached garage)
- External storeroom and bin bay
- Outdoor dining area to the west

A daily meal to service will be provided residents. Daily resident activities will be coordinated from the Resident Clubhouse including games, classes, etc. Resident services such as a welfare officer, visiting health consultants, etc. will also be provided within this building.



Figure 16 – floor plan of club house (communal building)

Hostel Buildings & Rooms

It is proposed to construct 99 seniors housing hostel rooms across four (4) new buildings.

Each building will comprise resident rooms accessed off communal corridors, communal laundries (2 per floor), and communal seating areas (1 per floor). External stairs and two internal lifts are provided for each of the two storey buildings.

One building will be single storey in height, and three buildings will be two-storey.

Each room will comprise:

- Living room
- Bathroom
- Bedroom

Ground floor rooms have small external patio areas which connect to and overlook the communal open space areas.



Figure 17 – unit layout

MATERIALITY

Materials and colours are depicted in the figure below as follows:

- FC Painted cladding (ground floor)
- Painted weatherboard cladding (first floor)
- Metal roof sheeting
- Screens for external stairs, bin bays, air conditioning units, etc.
- Repainting of Clubhouse (to match existing)

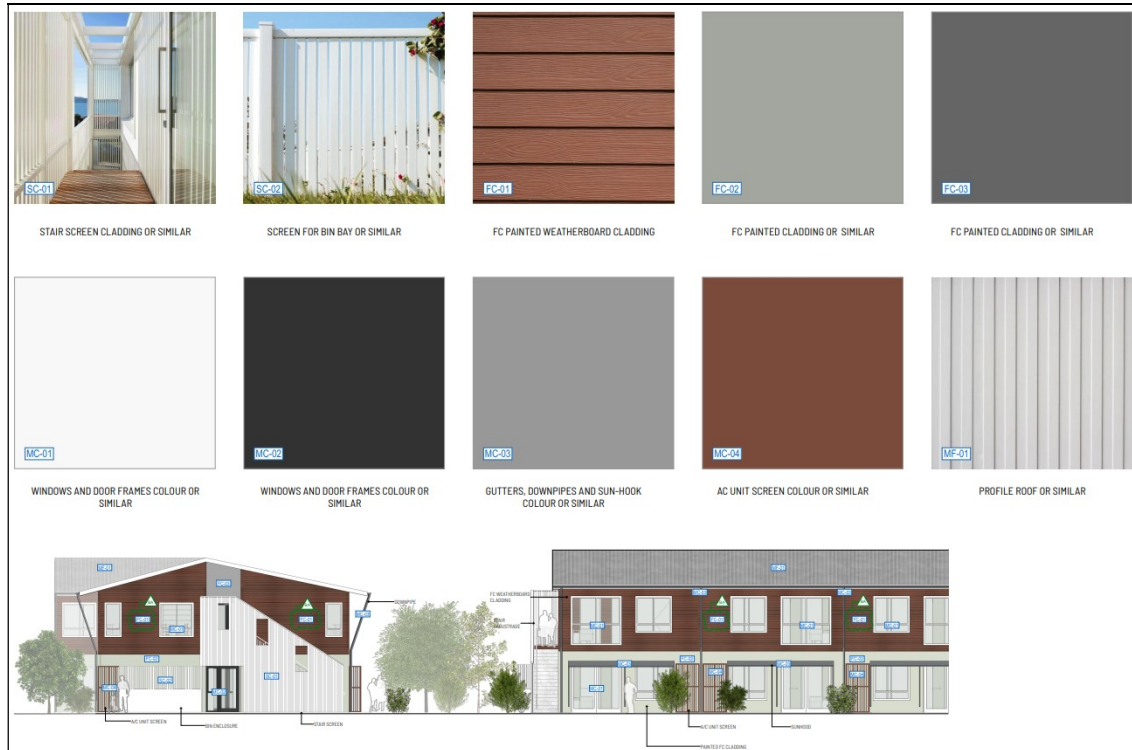


Figure 18 - proposed materials and colours palette

OUTDOOR COMMUNAL SPACES

Bingara Gardens will provide 4,206.47m² of communal outdoor areas. All buildings and outdoor areas will be interconnected by internal accessible paths.

Outdoor communal areas and facilities are as follows:

- Outdoor dining area
- Outdoor open space areas
- Open car park area
- Landscaping and accessible paths across the site.

ACCESS, TRAFFIC AND PARKING

Bowman Avenue will be extended from the eastern boundary to the western boundary as a full 18m wide public road (including road reserve).

A shared car parking area will be constructed off Bowman Avenue for use by residents and staff. It will also include accessible spaces, an ambulance bay, and a bay for service vehicles (deliveries, etc) and provision for a community bus.

As discussed with Council's engineers, a formal cul-de-sac type of turning head is not desirable at the end of the road if there was a further extension to be carried out in the future (i.e. to the land to the west). As such, no turn head is proposed. Notwithstanding, the development has been designed to ensure a waste truck is able to complete a turnaround using the road and layback of the internal driveway for the hostel.

The proposal includes the provision of on-site car parking spaces as follows:

- One parking area off the shared accessway with 43 spaces (including 10 accessible spaces);
- One service bay; and
- One ambulance bay.



Figure 19 - proposed vehicle movement map

DAY TO DAY OPERATIONS

It is proposed that the residents of Bingara Gardens (seniors' hostel) will occupy rooms under a rooming agreement, similar to co-living arrangements. Payments under the rooming agreement will be pegged to the aged pension and will be supplemented by the federal government's commonwealth rental assistance program.

The rooming agreement will be inclusive of the following:

- All utilities (power, water, etc)
- Daily meal service
- Unrestricted access to all communal facilities
- Pre-arranged daily activities on-site such as yoga, knitting classes, chess competitions, painting classes, etc
- Occasional excursions such as trips to cafés in town, to the Botanic Gardens, etc
- Weekly social hours (on premises) to encourage social interaction and inclusion.

- A reduction in the number of apartments (145)
- Extension of Bowman Avenue as a public road
- 4 lot residential subdivision of the land.
- Contraction of the seniors housing development to the northern side of Bowman Avenue
- Centralised car parking and vehicle access via Bowman Avenue
- Construction of four buildings (1 x single storey and 3 x two storey).
- Each building will also contain communal internal access.

Refer to figure 21 below for details.

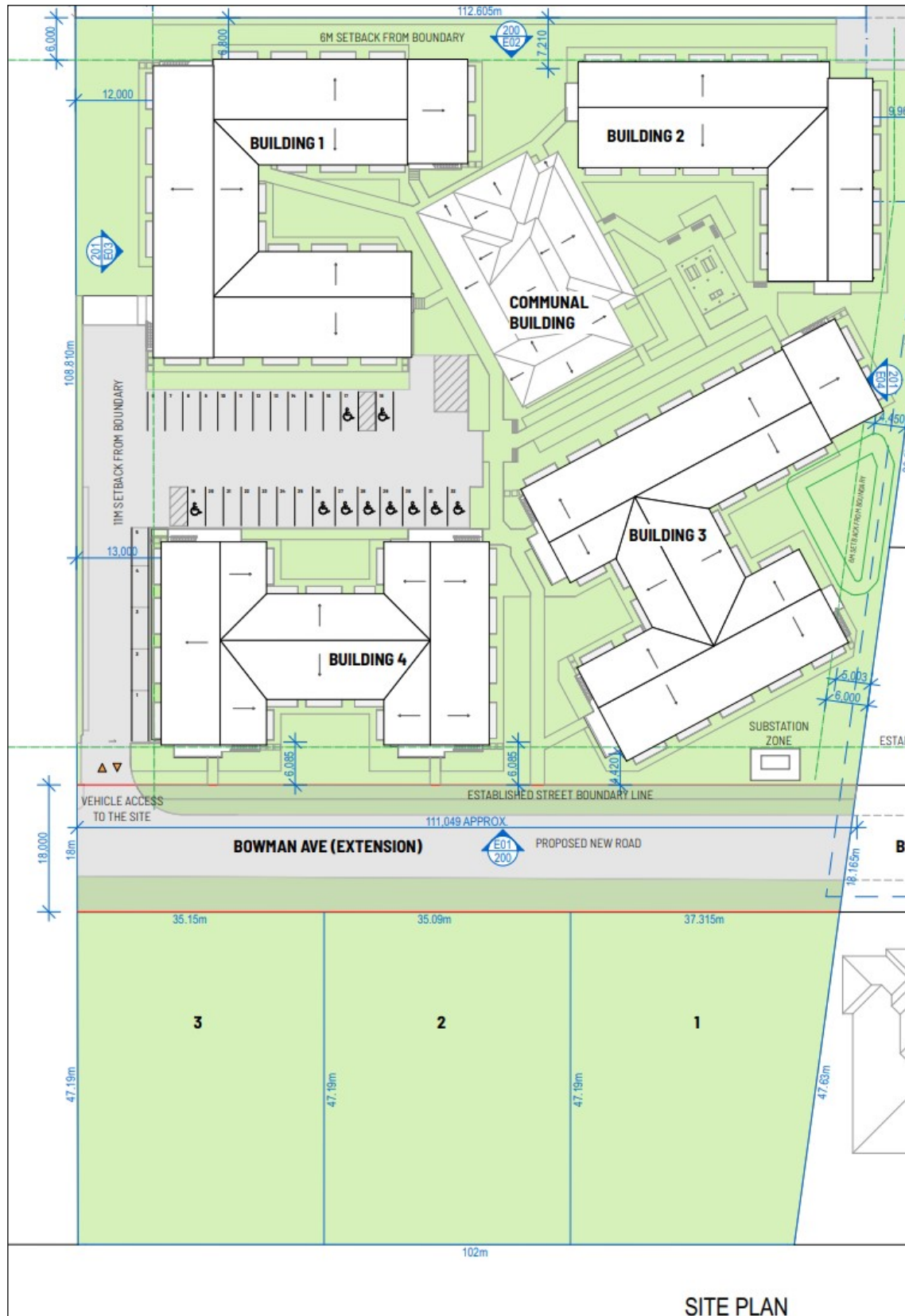


Figure 21 – amended site plan after first notification period

The amended proposal was renotified from 31 July to 15 August 2024, resulting in an additional 22 submissions being received. These later submissions again focused on provision of inadequate parking, traffic impacts and safety concerns, noise pollution, deviations of the development from the Development Control Plan (DCP) adopted for the site, and concerns about the overall density of the proposed development. The applicant was provided with an opportunity to respond to the submissions received to determine what if any amendments to the design would be further contemplated. The applicant initially submitted an amended version of the proposal in an attempt to further address concerns raised by the community which may be viewed at Figure 22- revised plan below.

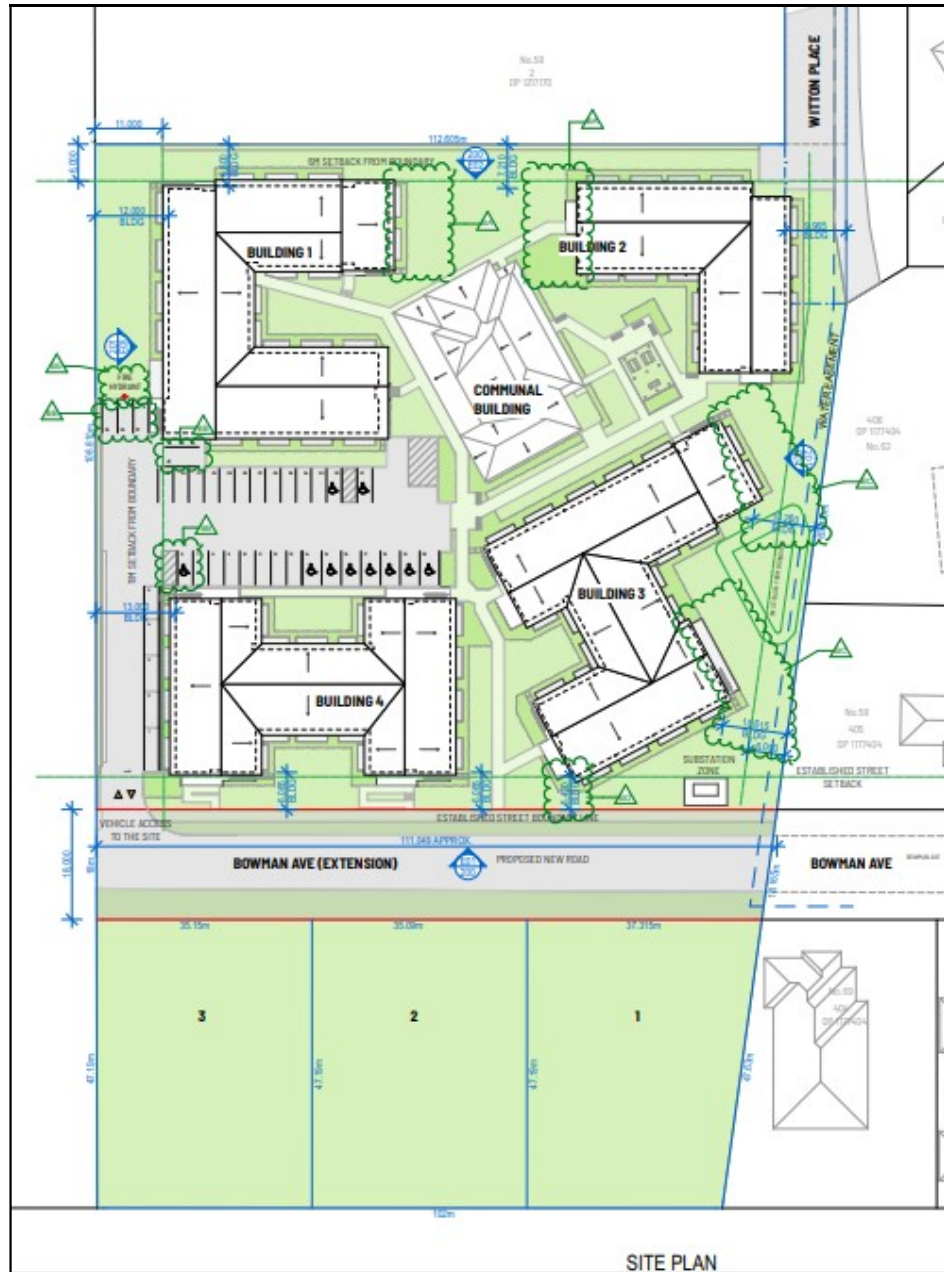


Figure 22 – revised site plan after second notification period

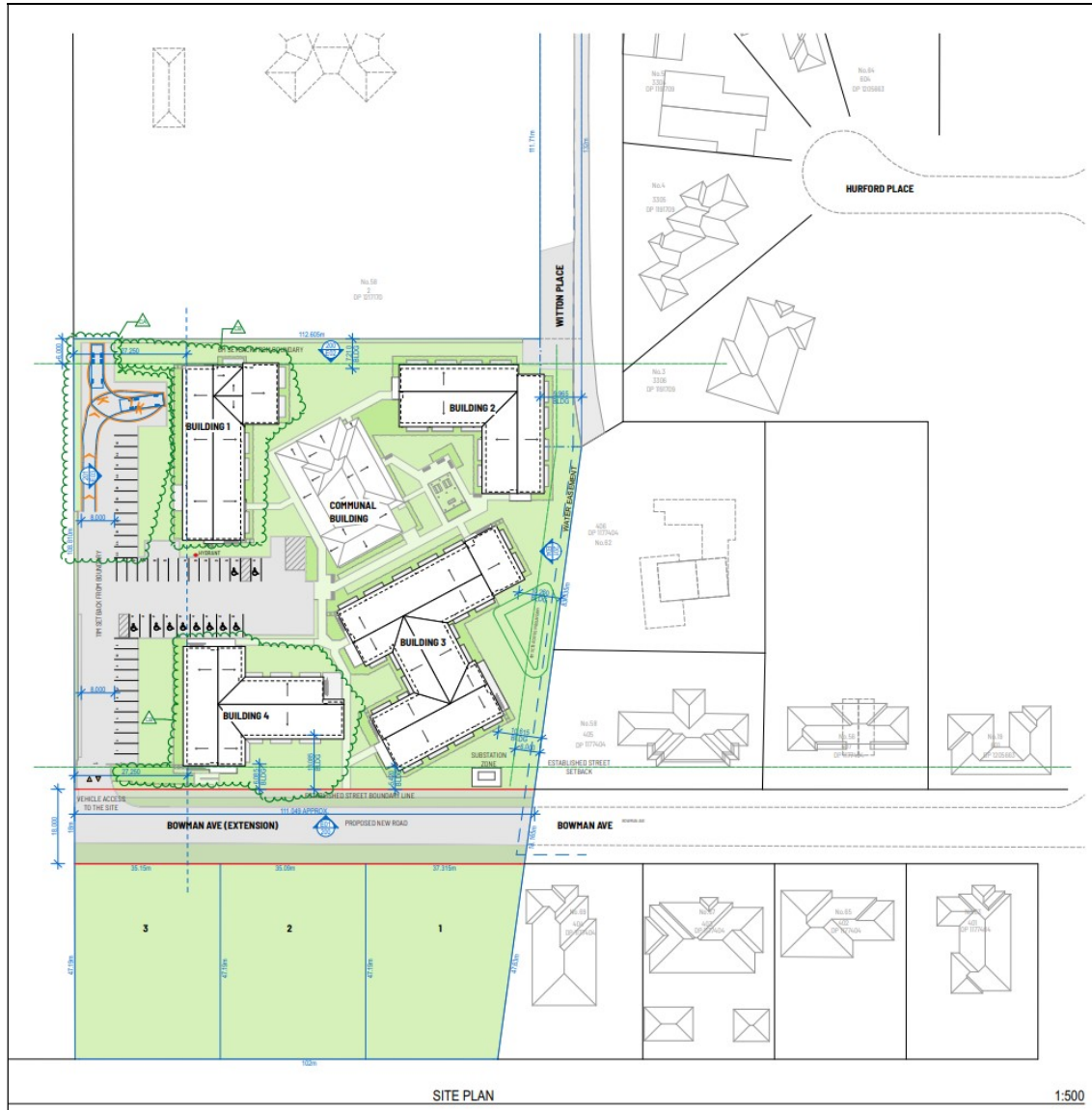
The changes from the 2nd iteration of the plans are summarised as follows:

- Further increase in on-site parking from 32 carparks to 37 car parking spaces

- Further reduction in the total number of rooms from 145 to 130 rooms resulting in increased setback of development to the eastern boundary (Changes shown in the marked areas of the plan above)
- Additional community bus parking space to provide for a 14-seater commuter bus to convey residents to and from other parts of the city
- Provision of additional hard and soft landscaping
- Confirmation that the paths within the site meet the SEPP requirements.

The plans have since undergone a further iteration in response partly to draft Bush Fire Prone Land mapping that is currently with the Commissioner of Rural Fire Service for authorisation and further consideration of the matters raised in the submissions received. The latest and final revised plans include the following changes:

- Further reduction in the total number of rooms from 130 to 99.
- Increase in total on-site parking from 37 to 43 carparks.
- Addition of community bus parking to accommodate a 14-seater commuter bus for resident transport.
- Creation of a 27.2m APZ on the western boundary of the seniors housing development and an 11m APZ on the western and southern boundaries of the residential subdivision, with the APZ contained within the development.
- Addition of a perimeter road along the western boundary of the proposed seniors hostel and other access provisions.



SITE HISTORY

The land is situated in west Orange and within a residential area known as 'Ploughmans Valley'. The land is located at the southern end of Witton Place and at the western end of Bowman Avenue but is currently accessed via an access handle off Witton Place.

The site comprises an irregular shaped parcel with an area of some 2.175ha. There is an existing dwelling with attached garage located towards the northern part of the site, and an existing shed and swimming pool to the west of the dwelling. A looped driveway is located to the east of the dwelling.

There is existing vegetation along the northern boundary and part of the western and eastern boundaries, surrounding the immediate curtilage of the dwelling. Most of the mature trees are introduced species originally planted as a wind break and for privacy. The remainder of the site is covered in exotic grasses.

The following matters are applicable to the proposed development:

- The subject land has longstanding residential use

- The site has been the subject of 4 DA's relating to the residential use, dating between 2003 and 2007.
- Consent was recently granted for eleven (11) lot residential subdivision, pursuant to DA 448/2021(1) - approved 20 September 2023.
- The above-mentioned DA provided consent to create eleven (11) residential lots, an extension to Bowman Avenue and one (1) new road (cul-de-sac) and demolish the existing dwelling, swimming pool and shed and to remove all trees from the land. Figure 23 shows the approved subdivision plan, however, it was never acted upon.
- The Orange Development Control Plan 2004 indicates the below (figure 24) as a concept plan for the proposed area. The DCP road layout offers no ability to provide the strategic connectivity to the land to the west.
- In the recently adopted Orange Housing Strategy, it is transcribed that the internal road network will be extended off Witton Place to the east and Bowmans Avenue to the southeast (figure 25).



Figure 23 – approved subdivision plan

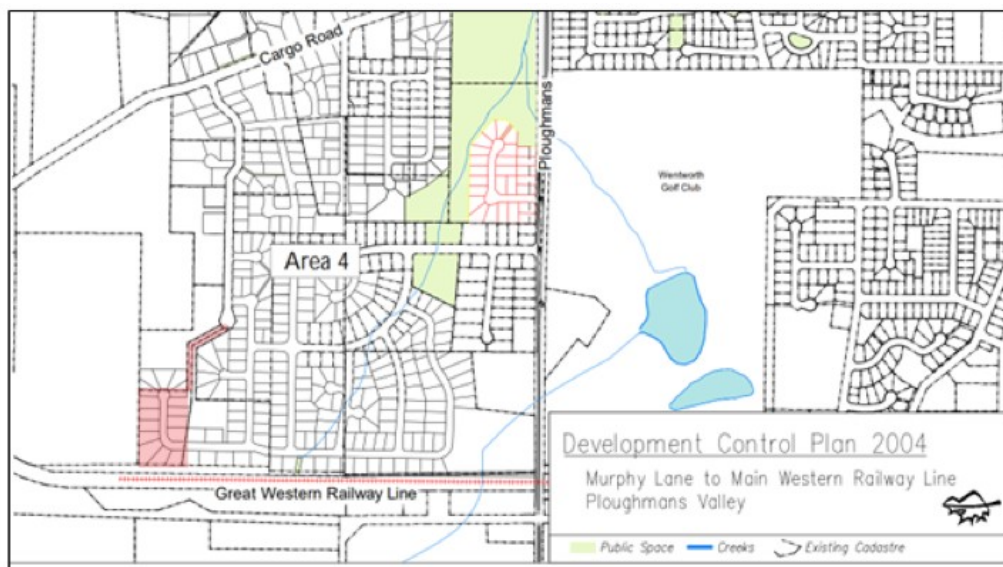


Figure 24 – concept plan

- The amended application proposes a new road providing connection to the land on the western side, is therefore consistent with the future strategic planning position for this area.
- Please note that the current DCP concept provided additional subdivision opportunities for the property to the immediate north of the subject land. Given the changed strategic planning direction for land to the west as described above it is considered that further opportunities can be facilitated in any master planning exercise on the adjoining land to accommodate further development of that particular site in the future. What is important at this stage is the facilitation of an access road to the west via an extension of Bowman Avenue.

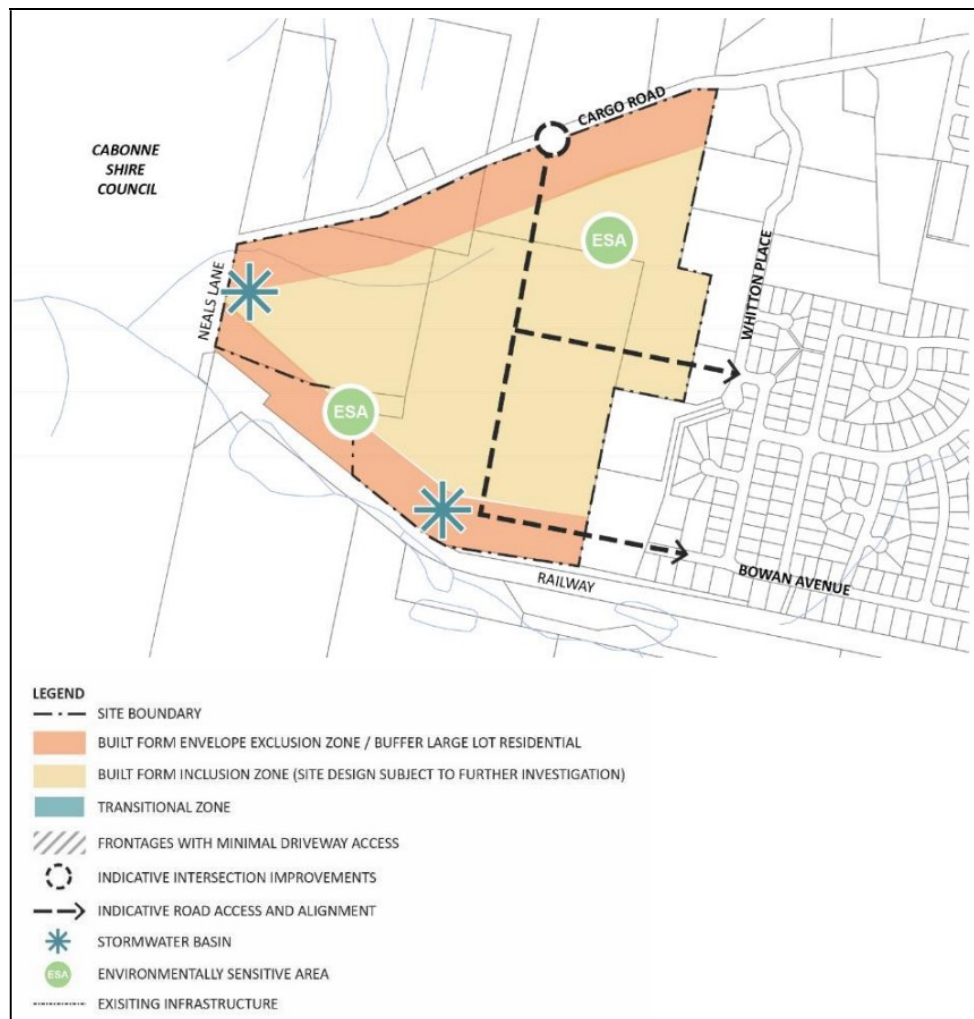


Figure 25 – Housing Strategy concept plan

MATTERS FOR CONSIDERATION

Section 1.7 - Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994*

Section 1.7 of the EP&A Act identifies that Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 have effect in connection with terrestrial and aquatic environments.

In consideration of this section, the proposed development is not likely to significantly affect threatened species:

- The subject and adjoining lands are not identified as biodiversity sensitive on the Orange LEP 2011.
- The land is a highly disturbed peri-urban site. One native tree is proposed to be removed, being a *Banksia integriflora*, which has a canopy of 50m². Clearing thresholds prescribed by regulation will not be exceeded (0.25ha).
- The land is not located in an area of high biodiversity value. The land is a highly disturbed urban environment and trees to be removed do not form part of an endangered ecological community. The development is not likely to give rise to any significant impact upon any endangered ecological communities, threatened species or their habitat.

Based on the foregoing consideration, a Biodiversity Assessment Report is not required, and the proposal suitably satisfies the relevant matters at Clause 1.7.

Section 4.15

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)

Orange Local Environmental Plan 2011

Part 1 - Preliminary

Clause 1.2 - Aims of Plan

The broad aims of the LEP are set out under subclause 2. Those relevant to the application are as follows:

- (a) *to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,*
- (b) *to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,*
- (e) *to provide a range of housing choices in planned urban and rural locations to meet population growth,*

The development is considered to be consistent with the aims of the plan. In particular, the proposal seeks to provide a more affordable housing choice for seniors to help meet expected population growth of people in this age group. The proposal will allow existing and future single seniors to remain in Orange and may also attract other seniors to relocate to Orange for the unique regional lifestyle. The application is considered to be consistent with aims (a), (b) and (e) listed above.

Clause 1.6 - Consent Authority

State Environmental Planning Policy (Planning Systems) 2021 is applicable to the development application, with reference to the submitted Cost Report, WT have calculated

the estimated development costs (EDC) to exceed \$30 million. The proposal has been the subject of several design iterations. The applicant has confirmed that despite the reduction in the number of units onsite the estimated cost of development remains above \$30 million dollars.

Pursuant to Schedule 6, Section 2, the development is categorised as 'Regionally Significant Development' and accordingly the consent authority is the Western Regional Planning Panel.

Clause 1.7 - Mapping

The subject site is identified on the LEP maps in the following manner:

Land Zoning Map:	R2 Low Density Residential
Lot Size Map:	Minimum Lot Size 1500m²
Heritage Map:	Not a heritage item or conservation area
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
Terrestrial Biodiversity Map:	No biodiversity sensitivity on the site
Groundwater Vulnerability Map:	Groundwater vulnerable
Drinking Water Catchment Map:	Adjoining land to west is within the drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Flood Planning Map:	Parts of the subject site is within overland flow map.

Those matters that are of relevance are addressed in detail in the body of this report.

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions.

- (a) *to a covenant imposed by the Council or that the Council requires to be imposed, or*
- (b) *to any relevant instrument under Section 13.4 of the Crown Land Management Act 2016, or*
- (c) *to any conservation agreement under the National Parks and Wildlife Act 1974, or*
- (d) *to any Trust agreement under the Nature Conservation Trust Act 2001, or*
- (e) *to any property vegetation plan under the Native Vegetation Act 2003, or*
- (f) *to any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995, or*
- (g) *to any planning agreement under Subdivision 2 of Division 7.1 of the Environmental Planning and Assessment Act 1979.*

Council staff are not aware of the title of the subject property being affected by any of the above.

Part 2 - Permitted or Prohibited Development

Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table

The subject site is located within the R2 Low Density Residential zone. The proposed development is characterised as a seniors housing - hostel, signage and subdivision of land, including new road.

The definitions of the development proposed are as follows:

seniors housing means a building or place that is—

- (a) a residential care facility, or
- (b) a hostel within the meaning of [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5, or
- (c) a group of independent living units, 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.

hostel means residential accommodation for seniors or people with a disability where—

- (a) meals, laundering, cleaning and other facilities are provided on a shared basis, and
- (b) at least 1 staff member is available on site 24 hours a day to provide management services.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

subdivision of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected—

- (a) by conveyance, transfer or partition, or
- (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.

road means a public road or a private road within the meaning of the [Roads Act 1993](#), and includes a classified road.

public road means—

- (a) any road that is opened or dedicated as a public road, whether under this or any other Act or law, and

(b) any road that is declared to be a public road for the purposes of this Act.

Seniors housing is rendered permissible in the R2 zone via the statewide enabling Housing SEPP (pursuant to Section 82). It is noted that while seniors housing is not permitted in the R2 Zone under the LEP, 'hostels' as a separate land-use, are permitted in the R2 with consent. Signage is permissible pursuant to Chapter 3 of Advertising and Signage of State Environmental Planning Policy (Industry and Employment) 2021. Subdivision and roads are permissible in the R2 Zone with consent. This application is seeking consent under the Housing SEPP for the seniors housing component, State Environmental Planning Policy (Industry and Employment) 2021 for signage, and Orange LEP relating to the subdivision and road.

Clause 2.3 of LEP 2011 references the Land Use Table and Objectives for each zone in LEP 2011. These objectives for land zoned R2 – low density residential zone are as follows:

Objectives of zone R2 Low Density Residential

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure development is ordered in such a way as to maximise public transport patronage and encourage walking and cycling in close proximity to settlement.*
- *To ensure that development along the Southern Link Road has an alternative access.*

The proposed development is not inconsistent with the zone objectives as follows:

- In regard to the first objective, the proposal provides for a four-lot residential subdivision and housing needs of Seniors in Orange. Senior's housing – hostels are suitable and permissible land-uses within R2 Low Density Residential Zone having recourse to the SEPP.
- Regarding the second objective, the proposed development (Bingara Gardens) will provide facilities and amenities on-site for residents, such as physical and passive recreation, activities, and visiting health consultants.
- In regard to the third objective, the site is within close proximity to an existing bus service (Orange Buslines route 537). Level paths will connect all buildings and the site to Bowman Avenue. Public and private recreation areas are in close walking and cycling distance from the site, such as Ploughmans Wetlands and Wentworth Golf Club.
- The last objective is not applicable to the application, as the site is not directly accessed from the future Southern Link / Distributor Road.

Clause 2.6 - Subdivision - Consent Requirements

This clause triggers the need for development consent for the subdivision of land. Additionally, the clause prohibits subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal and secondary dwellings being located on separate lots if either of those lots are below the minimum lot size applying to the land.

The development involves subdivision of land and clause 2.6 and 4.1 of Orange LEP 2011 applies to the site.

This application is seeking consent for subdivision, including a new public road (extension of Bowman Avenue).

LEP clause 4.1 sets out a minimum lot size of 1,500m². The proposal involves a four (4) lot subdivision as set out previously. The smallest lot size proposed is 1,656m², which is above the LEP minimum lot size.

The proposed subdivision reflects the existing lot sizes and patterns in the surrounding locality and will have a practical and efficient layout to meet intended and future land uses. The proposal therefore meets the relevant objects of the clause.

Clause 2.7 - Demolition Requires Development Consent

This clause triggers the need for development consent in relation to a building or work. This requirement does not apply to any demolition that is defined as exempt development.

The proposal involves demolition, and the applicant is seeking the consent of council. The demolition works proposed will have no significant impact on adjoining lands, streetscape or public realm. Conditions may be imposed in respect of hours of operation, dust suppression and the need to investigate for, and appropriately manage the presence of, any materials containing asbestos.

The details of demolition are penned in the site clearing section above in this report.

Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards

Clause 4.1 - Minimum Subdivision Lot Size

This clause requires the subdivision of land to be equal to or greater than the size nominated for the land under the Minimum Lot Size Map.

In relation to this site, the map nominates a minimum lot size of 1500m². The smallest lot proposed by the application is 1656m².

Clause 4.6 - Exceptions to Development Standards

Clause 4.6 of the Orange LEP enables consideration of a variation of a development standard under either the LEP or any other Environmental Planning Instrument. Therefore, while there is a non-compliance with a standard under the Housing SEPP clause 4.6 of the LEP does enable consideration of a variation to that standard.

The Clause 4.6 Variation Request submitted for the development at 60 Witton Place, Orange, seeks to vary the minimum site frontage requirement of 20 meters under the Housing SEPP. The site currently has a frontage of 18 meters to Bowman Avenue, which is 10% less than the required standard. The variation request can be summarised under 4 main aspects:

- Reasonableness or Necessity of Compliance
 - The site will eventually have a frontage of approximately 110 meters due to the proposed extension of Bowman Avenue, which will more than satisfy the intent of the development standard. Therefore, strict compliance with the 20-meter frontage requirement is seen as unnecessary.

- The underlying purpose of the frontage requirement is to ensure that sites are suitable for the intended development. The variation request argues that the creation of a large, functional frontage through the development process addresses the intent of the standard, making strict compliance unnecessary.
- Environmental Planning Grounds:
 - The variation request highlights that the proposed development meets the broader objectives of the Environmental Planning and Assessment Act 1979, particularly in terms of promoting social and economic welfare, orderly development, and the provision of affordable housing.
 - The development aligns with the objectives of the R2 Low-Density Residential zone by providing necessary housing for seniors in a residential environment and enhancing accessibility to public transport.
- Public Interest
 - The request argues that the development is in the public interest as it meets the objectives of both the development standard and the zoning, providing much-needed seniors housing in Orange. The variation will not adversely impact state or regional planning objectives and offers no significant public benefit in adhering strictly to the 20-meter frontage requirement.
- Concurrence and Conclusion
 - The variation request concludes that there are no significant matters that would prevent the Secretary's concurrence, and the development aligns with the overall intent of the planning framework.

Comment:

The request for a Clause 4.6 variation appears to be reasonable in the context of this specific development for the following reasons:

- Marginal Deviation: The shortfall in frontage is minor (only 10%), and the development will ultimately create a substantial frontage (approximately 110 meters), which far exceeds the minimum standard. It should be noted that the proposed 4 lot subdivision will be undertaken in Stage 1. A Construction Certificate will only be permitted to allow any Seniors housing development following the construction of the public road meaning that the development would be compliant with this control at that time.
- Alignment with Objectives: The proposal aligns well with the broader objectives of the Housing SEPP, the R2 zone, and the Environmental Planning and Assessment Act. It supports the provision of appropriate housing for seniors and does so in a way that integrates well with the surrounding area.
- Public Benefit: There is a clear public benefit in approving the variation, as it facilitates the delivery of a much-needed form of housing without compromising the integrity of the planning controls.

Part 5 - Miscellaneous Provisions

5.21 - Flood Planning

The site is not located within the mapped flood planning area (i.e. Blackmans Swap Creek and Ploughman Creek Flood Study 'Flood Planning Area and Levels' maps as published in Chapter 4A of the DCP). As such, this clause does not apply.

5.22 – Special Flood Considerations

Senior's housing is considered to be sensitive uses pursuant to LEP clause 5.22(5). The Blackmans Swap Creek and Ploughman Creek Flood Study 'Indicative Extent and Depths of Inundation PMF' maps show a small portion of the subject site to be affected by the PMF, being at the top of the existing driveway, and in the bottom south-eastern corner of the site, as depicted in the figure below.

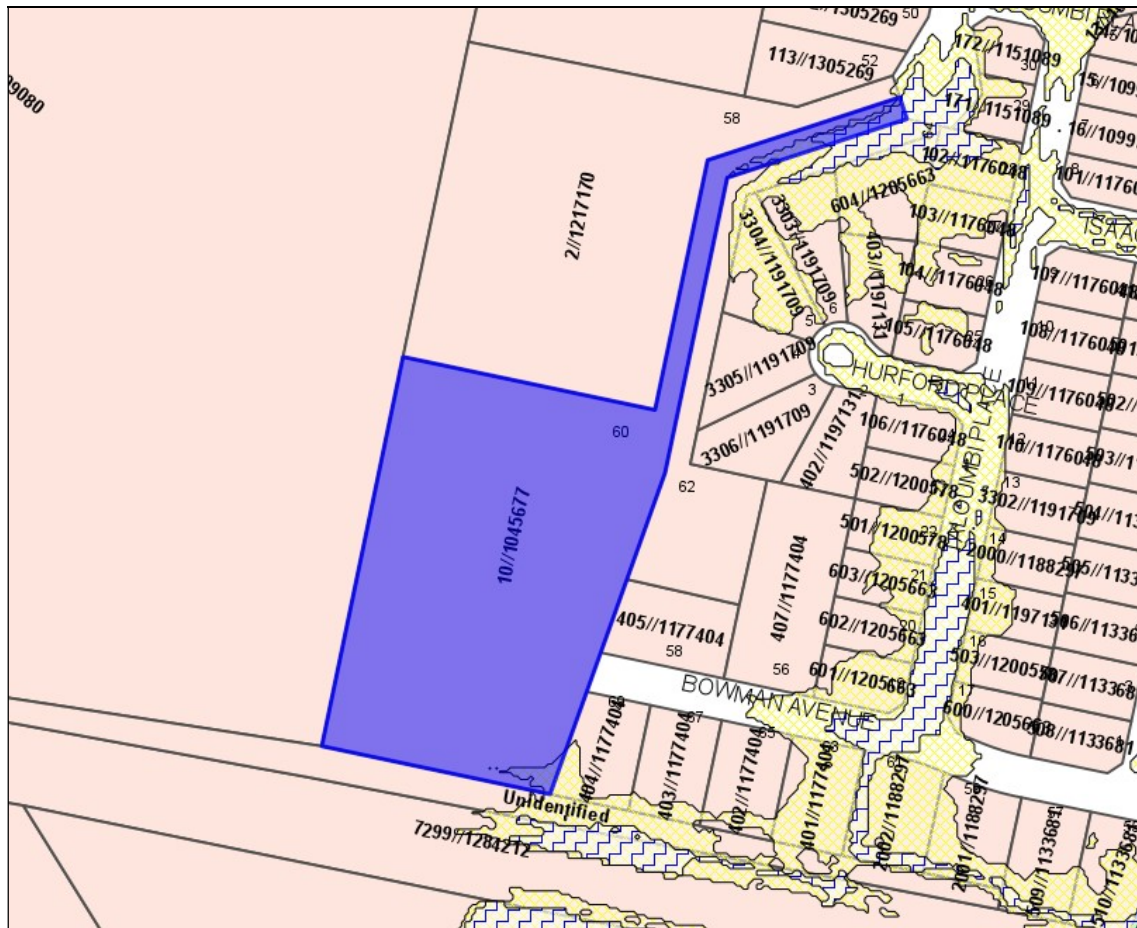


Figure 26 – parts of the development site within Ploughmans Creek PMF 2021 and Overland flow

The proposed development has been designed to ensure all buildings are located outside of the mapped PMF. The preliminary engineering design includes suitable stormwater detention and drainage measures for the development. Council's Technical Services Department have indicated no objections to the proposed development in this regard.

Part 6 - Urban Release Area

Not relevant to the application. The subject site is not located in an Urban Release Area.

Part 7 - Additional Local Provisions

7.1 - Earthworks

This clause establishes a range of matters that must be considered prior to granting development consent for any application involving earthworks, such as:

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development*
- (b) the effect of the 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 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 waterway, drinking water catchment or environmentally sensitive area*
- (h) any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).*

The earthworks proposed in the application are limited to the extent of cutting and filling. The earthworks associated with the development relate primarily to creating level pads for the buildings, carparking areas, pathways, road, and services.

The extent of the earthworks will not materially affect the potential future use or redevelopment of the site that may occur at the end of the proposed development's lifespan.

The site is not known to be contaminated and conditions may be imposed requiring the use of verified clean fill only. Excavated materials will be reused onsite as far as possible and conditions may be imposed to require that surplus materials will be disposed of to an appropriate destination.

The earthworks will be appropriately supported onsite and the change in ground level is not substantial. Therefore, the effect on the amenity of adjoining properties is considered to be minor.

The site is not known to contain any Aboriginal, European or Archaeological relics. Previous known uses of the site do not suggest that any relics are likely to be uncovered. However, conditions may be imposed to ensure that should site works uncover a potential relic or artefact, works will be halted to enable proper investigation by relevant authorities and the proponent required to seek relevant permits to either destroy or relocate the findings.

The site is not in proximity to any waterway, drinking water catchment or sensitive area. Conditions may be imposed to require a sediment control plan, including silt traps and other protective measures, to ensure that loose dirt and sediment does not escape the site boundaries.

7.3 - Stormwater Management

This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied that the proposal:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water*
- (b) includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water; and*

- (c) *avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The proposal has been designed to include permeable surfaces and includes onsite retention of stormwater through the use of detention basins. It is therefore considered that the post development runoff levels will not exceed the predevelopment levels.

The development proposes to include

- Areas of deep soil landscaping which provides permeable surfaces within the development site that will allow water infiltration; and
- A stormwater detention basin with design being appropriate in terms of impacts to adjoining downstream properties. Consequently, post development run-off will not exceed pre-development levels.

The application was referred to Council's Assistant Development Engineer (ADE), the following comment regarding stormwater management was made:

The development will be required to provide sufficient on-site stormwater detention to ensure post-development flows are no more than pre-development flow for storms up to and including a 1% AEP event. Preliminary engineering design is required to ensure that this is possible within the footprint of the proposed development (ie between buildings in areas of open space, within the carpark area). The design should be supported by preliminary OSD engineering design volumes calculations.

7.6 - Groundwater Vulnerability

This clause seeks to protect hydrological functions of groundwater systems and protect resources from both depletion and contamination. Orange has a high water table and large areas of the LGA, including the subject site, are identified with "Groundwater Vulnerability" on the Groundwater Vulnerability Map. This requires that Council consider:

- (a) *whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and*
- (b) *the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.*

Furthermore consent may not be granted unless Council is satisfied that:

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact,*
- (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The proposal is not anticipated to involve the discharge of toxic or noxious substances and is therefore unlikely to contaminate the groundwater or related ecosystems. The proposal does not involve extraction of groundwater and will therefore not contribute to groundwater depletion. The design and siting of the proposal avoids impacts on groundwater and is therefore considered acceptable.

7.7 - Drinking Water Catchments

- (1) *The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.*
- (2) *This clause applies to land identified as “Drinking water” on the Drinking Water Catchment Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to:*
 - (a) *the distance between the development and any waterway that feeds into the drinking water storage, and*
 - (b) *the onsite use, storage and disposal of any chemicals on the land, and*
 - (c) *the treatment, storage and disposal of waste water and solid waste generated or used by the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) *the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or*
 - (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

A very small portion of the site (along western boundary) is mapped as being within the LEP Drinking Water Catchment (refer figure 27 below). The proposed development will be required to drain to Council’s stormwater drainage network in the SE section of the subject land.

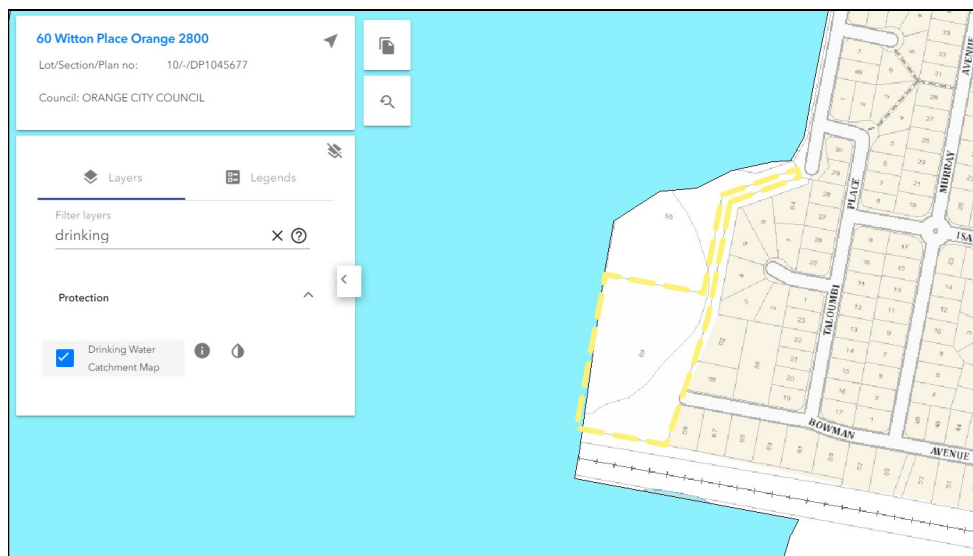


Figure 27 – LEP Drinking Water Catchment Map

Clause 7.11 - Essential Services

Clause 7.11 applies and states:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) storm water drainage or on-site conservation,*
- (e) suitable road access.*

In consideration of this clause please note the following from Council's Technical Services Department:

- *Bowman Avenue is to be extended to western boundary of the property at 18.0m wide (9.0m kerb to kerb)*
- *Electricity substation to be located within property, outside 18m wide road reserve (as per current assessed plans).*
- *The development will be required to provide sufficient on-site stormwater detention to ensure post-development flows are no more than pre-development flow for storms up to and including a 1% AEP event. Preliminary engineering design is required to ensure that this is possible within the footprint of the proposed development (ie between buildings in areas of open space, within the carpark and driveway areas). The final design will need to supported by OSD engineering design volumes calculations.*
- *Existing water, sewer and stormwater mains in Bowman Ave to extend to the western property boundary.*
- *Proposed Torrens title residential lots on the south side of Bowman Ave to be fully serviced (water, sewer, stormwater). All necessary services are nearby and capable of being extended.*
- *All servicing of the development (linen / food deliveries / waste disposal / minibus etc) is to be from Bowman Avenue. The existing property access from Witton Place is only to be used for emergency vehicle access. No other vehicles are to use this access (including during construction).*
- *Garbage servicing of development will need to occur entirely from Bowman Ave entrance. Garbage bin enclosure to be located within the site and accessed by garbage truck.*
- *Garbage bin enclosure floor wastes to be connected to sewer, enclosure will require roof over to limit stormwater into bin enclosure area.*
- *Water and sewer headworks will apply. Council's Technical Services Department advise that there are anticipated problems with the capacity of the local water and sewer network to service the proposed Seniors living development. The area is currently zoned R2 low density residential which the existing water and sewer network capacity was initially based upon. Multiple revisions of total room numbers have occurred during assessment of this DA. The final assessment has been based on a maximum of 99 apartments.*

- Council's Technical Services Department advise that due to the additional loading from the proposed development approximately 500m of DN150 of sewer main in the Stirling Ave / Isaac Drive area will require upgrading to DN225.
- Council's Technical Services Department advise that construction of a DN150 water main link from Witton Place to Bowman Ave through the property on eastern boundary (within an easement) will be required. Water meter / fire service to be located near primary access in Bowman Ave. Water pressure may still need to be boosted internally within the development and will need to be assessed by a hydraulic consultant.
- Council's Technical Services Department advise that additional loading of stormwater network is limited through the provision of on-site stormwater detention within the development.
- Council's Technical Services Department advise that the existing street network is satisfactory for additional traffic loading (vehicle movements only) generated by the development. Bowman Ave (18m wide – capacity for 50 allotments) connects to Taloumbi Pl (20m wide – capacity for 200 lots) and Stirling Ave (22m wide – capacity for >200 lots).

Conditions of consent have been recommended to address all servicing related matters.

STATE ENVIRONMENTAL PLANNING POLICIES

The following SEPPs applicable to the proposed development:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2017*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to the development as it is proposed to remove vegetation in a non-rural area that is subject to a 'Tree Preservation Order' (TPO) under a Development Control Plan (DCP). The Orange DCP requires development consent for the removal of trees with a trunk diameter 300mm or greater in size at breast height (with some exceptions).

An amended Arboricultural Impact Assessment Report (by Douglas Arbor, version 5) has been prepared in support of this application, which considers on-site trees subject to TPOs as well as trees which are not. It also considers protection of trees to be retained during construction works, the impact the development will have on trees to be retained (i.e. encroachment on driplines), and the impact trees will have on the proposal (i.e. restriction of solar access, etc).

In summary, 37 trees are to be removed, plus two (2) rows of hedging. Of these trees, only one (1) is a native species as previously discussed, and four (4) trees are subject to a DCP TPO. The hedge rows are Leyland cypresses which were planted in a group as a wind break and comprises approximately 60 trees. Due to their size only a few of these are subject to a TPO.

The proposed removal of trees subject to TPOs is considered suitable as follows:

- The development site has been subject to historical clearing and modification.
- Minimal native flora exists on the site with the dominant vegetation being introduced plantings. As such the site does not support a native system.
- The trees to be removed are of low landscape significance.
- Trees will be retained on site where possible.
- The proposed landscaping plan includes new plantings on the site, including trees, ground covers, climbers, feature plants, and shrubs.
- Proposed clearing of native vegetation will not exceed the biodiversity offsets scheme clearing thresholds as previously discussed.

It is also noted that the proposed detention basin is in close proximity to a few neighbouring trees, and the Arboricultural Report recommends that the basin is located no closer than 1.1m from the eastern boundary fence to avoid major encroachments and ensure these trees will not be adversely impacted.

Further, trees to be retained on site, as well as off-site perimeter trees which are predominately eucalypts on the adjacent land to the south, will be protected during construction works as set out in the Arboricultural Report.

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

Chapter 3 Part 5 of State Environmental Planning Policy (Housing) 2021 (Housing SEPP) applies to the site by virtue of Section 79, being the site is in a R2 Low Density Residential zone.

The proposed development is characterised as a *seniors housing hostel*. In terms of the definition set out in Section 82 of the Housing SEPP, the proposed development meets the requirements as discussed below.

Housing SEPP Definition - *residential accommodation for seniors or people with a disability where –*

- (a) meals, laundering, cleaning and other facilities are provided on a shared basis, and*
- (b) at least 1 staff member is available on site 24 hours a day to provide management services*

In this regard, the proposed development proposes to house residents 60 years of age or older. Attached to the draft Notice is a condition that addresses this matter.

With regards to meals, laundering, cleaning and other facilities that are required to be provided on a shared basis please note the following facilities will be supplied to the residents by the care provider / operator.

Meals:

- Meals will be available to all residents in the communal areas and Clubhouse.
- It is noted that the Housing SEPP does not preclude the ability for each resident to have their own kitchenette for the preparation of meals, or reheating provided meals to eat in their own residence.
- The difference between the proposed hostel and 'serviced self-care housing' as defined in the Housing SEPP is that these are not defined as 'independent living units' which are 'apartment or villas for seniors'.

Laundry: Communal laundry facilities will be provided on each floor of each resident building.

Other facilities: Residents will have access to indoor and outdoor communal facilities. Within the clubhouse there is a gym, resident communal kitchen and dining room, library and reading room.

A centralised management process with full time, on-site management for the co-ordination of key services including resident experiences (health, activities, tours etc), waste collection, mail distribution, etc is proposed. Attached to the draft Notice is a condition that addresses this matter.

It is also proposed that the senior's accommodation will be provided under a "Rooming Agreement" in line with Hostel/co-living arrangements and not via the Residential Tenancy Act.

Housing SEPP Division 3 – Development Standards

Section 84: Development Standards - General

The general development standards set out in Section 84 of the Housing SEPP are discussed in the table below.

Housing SEPP Criteria	Assessment
Site Area: <u>Requirement:</u> minimum of 1,000m ²	Compliant: The site is 2.18ha An area of 14,808m ² will be used for the seniors housing element of the proposal.
Site Frontage: <u>Requirement:</u> minimum of 20m frontage	Non-compliant: The current frontage is less than 20m. However, a Clause 4.6 Variation has been submitted, justifying the shortfall by noting the future frontage of over 110m due to the extension of Bowman Avenue. See separate assessment of this issue.
Building Height: <u>Requirement:</u> Maximum of 9.5m Any servicing equipment on roof with height of more than 9.5m, if more than 2 storeys— additional storeys set back within 45-degree planes from side and rear boundaries	Compliant: The maximum height of buildings is 8.4m There is no servicing equipment proposed on top of buildings. None of the buildings will be higher than 2 storeys.

Section 85: Development Standards for hostels and independent living units

Section 85 of the housing SEPP calls up the relevant standards for hostels specified within Schedule 4 of the policy. Relevant standards have been analysed in the table below:

Development Standards	Assessment
------------------------------	-------------------

2 Siting standards	<u>Compliant:</u> The site has a gentle gradient that is less than 1:10, hence wheelchair access by a continuous accessible path of travel is provided throughout the site. Plans have been submitted in support of this control demonstrating compliance.
3 Letterboxes	<p><u>Compliant:</u> It is proposed that letterboxes for residents will be provided at the Resident Clubhouse on a hard standing area and are accessible and lockable.</p> <p>Wheelchair accessible paths are proposed to connect all buildings with the clubhouse.</p> <p>In the event that this arrangement is not acceptable to Australia Post it is considered that there is sufficient spare room within the overall complex to later consider alternative arrangements for letter box positioning.</p>
4 Car parking <u>Requirement:</u> <i>(2)(c) - Class 3 buildings with parking spaces in common area (groups of 8 or more spaces)</i> <i>(6) Multiple spaces accessed by a common access point</i>	<p>10 accessible parking spaces are proposed on-site.</p> <p><u>Compliant:</u> The car parking spaces provided is proposed in way that it is compliant of (2)(c) The proposed carpark will be accessed via a common access point.</p>
5 Accessible entry	<u>Compliant:</u> The proposed rooms/units comply with AS1428.1
6 Interiors	<p><u>Compliant:</u> The proposed rooms/units comply with AS1428.1</p> <p>Each room have internal corridors of at least 1.0m.</p>
7 Bedroom	<u>Compliant:</u> The proposed rooms comply with relevant circulation standards to allow a wardrobe and a single-size bed, and
8 Bathroom	<u>Compliant:</u> The proposed rooms have bathroom located at the same level as the entry to the dwellings
9 Toilet	<u>Compliant:</u> The proposed rooms have toilet located at the same level as the entry to the dwellings
10 Surfaces of balconies and external paved areas	All external surfaces are proposed to be slip resistant and must comply with the BCA.
11 Door hardware	All door hardware must comply with relevant Australian standards

12 Switches and power points	All switches and power boards must comply with relevant Australian standards
13 Private passenger lifts	No private passenger lifts are proposed for the development. It is noted that communal lifts will be provided to two-storey buildings, and must comply with all relevant Australian Standards.

Section 88: Restrictions on occupation of seniors housing

Section 88 of the Housing SEPP requires a restriction on occupation of seniors housing for 'seniors or people who have a disability', and staff employed to assist in the administration and provision of services to housing provided under this Part.

The development proposed is specifically constructed for seniors as defined by the SEPP (Housing) 2021, thereby complying with this section. A condition addressing this criteria has been included in the attached Notice.

Section 90: Subdivision

The proposed development involves subdivision of the site to create four residential lots in stage 1. The submitted plans show three lots greater than 1500m² being proposed adjacent to the railway and 1 larger allotment which is proposed to be developed for the purposes of a seniors housing development to the north of the proposed new road.

Housing SEPP Division 4 – Site-related requirements

Section 95: Water and sewer

The development proposes to be connected to Council's reticulated water and existing sewer facilities. The proposal was referred to Council's Assistant Development Engineer, and the following comments were made regarding water and sewer –

- *Existing water, sewer and stormwater mains in Bowman Ave are to extend to the western property boundary*
- *Proposed Torrens title residential lots on the south side of Bowman Ave to be fully serviced (water, sewer, stormwater). All necessary services are nearby and capable of being extended.*
- *Water and sewer headworks are estimated at 3 ETs for water supply headworks and 4 ETs for sewerage for stage 1 Subdivision and an additional 32.7 ETs (water) and 49.5 ETs (sewer) for the proposed Seniors Housing Development. There are anticipated problems with the capacity of the local water and sewer network to service the proposed development (see additional comments below). The area is currently zoned R2 low density residential which the existing water and sewer network capacity is based upon.*
- *Sewer network – due to the additional loading from the proposed development approximately 500m of DN150 sewer main in the Stirling Ave / Isaac Drive area will require upgrading to DN225.*
- *Water network - construction of a DN150 water main link from Witton Place to Bowman Ave through the property on eastern boundary (within an easement). Water meter / fire service to be located near primary access in Bowman Ave. Water pressure may still*

need to be boosted internally within the development and will need to be assessed by a hydraulic consultant.

These requirements have been addressed through recommended Condition of consent.

Section 96: Bush fire prone land

At the time that this planning assessment was finalised the subject land was not defined as Bush Fire Prone Land (BFPL). Where a DA is for seniors housing on land, which is not mapped as BFPL, but it is considered “near relevant bush fire prone land” the SEPP requires a number of things to be addressed when determining the DA including the following:

- a. Consideration of the risk of bush fire; and
- b. consultation with the NSW Rural Fire Service and consider its comments, and to consider specific matters [SEPP (Housing) clause 96(2)]

There is no definition of what is considered “near relevant Bush Fire prone land”. However, the NSW Department of Planning publicly exhibited a draft Bush Fire Prone Land Package (July 2024), in which it nominated a distance of 700m from mapped BFPL in which Bush Fire should be considered as part of any Planning Proposal. No known specific guideline has been provided in relation to the consideration of a development application. It is therefore open for the Planning Panel to determine what might be considered “near” for the purposes of this assessment. The subject site is located approximately 688m from the nearest mapped BFPL (i.e. the Buffer) in this case. The matters that the consent authority must address pursuant to section 96(2) if they are of the view that the land is located near mapped BFPL are as follows:

- (a) consult with the NSW Rural Fire Service and consider its comments, and
- (b) consider the following including—
 - (i) the location of the development,
 - (ii) the means of access to and egress from the location
 - (iii) the size of the existing population within the area
 - (iv) age groups within the population and the number of persons within the age groups,
 - (v) the number of hospitals and other facilities providing care to the residents of the facilities within the area, and the number of beds within the hospitals and facilities,
 - (vi) the number of schools within the area and the number of students at the schools,
 - (vii) existing seniors housing within the area,
 - (viii) the road network within the area 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 area in the event of a bush fire,
 - (ix) the adequacy of access to and from the site of the development for emergency response vehicles,
 - (x) the nature, extent and adequacy of bush fire emergency procedures that can be applied to the development and its site,
 - (xi) the requirements of Fire and Rescue NSW

Whilst the majority of the matters raised above can be addressed through conditions of consent, it should be noted Council has not formally obtained advice from NSW Rural Fire Service or Fire and Rescue NSW at this time for which the provision requires. The applicant in the SOEE has indicated that the land is not currently defined as BFPL and ought not be considered as being land defined as being land near a defined/mapped Bush Fire Prone Area.

It should be noted that Council has recently embarked on a process of updating the BFPL mapping for the City. Notwithstanding the existing provisions, BFPL mapping will shortly identify the site as being BFPL (Category 3 Grasslands). The mapping is currently with the Commissioner for certification. If the land was mapped as BFPL at the time in which the application was determined Clause 96(2) would not apply. The consent authority under those circumstances would be pursuant to section 96(1) of State Environmental Planning Policy (Housing) 2021 be prohibited from granting consent unless it was satisfied that the development can comply with Planning for Bush Fire Protection 2019 (PBP).

Where a DA is for seniors housing on land which is not mapped as BFPL and not “near defined bush fire prone land” the consideration of the risk of bush fire is required to be addressed as a part of the assessment under the **suitability of the site for the development** [EPA Act s4.15(1)(c)].

Should the panel be of the view that Clause 96(2) of the legislation applies in this case (i.e. the land is considered to be near land identified as being mapped BFPL) then it would be necessary for the Panel to defer consideration of the application and request that the formal advice from NSW Fire and Rescue and NSW Rural Fire Service be obtained in order to inform that part of the assessment.

A decision to do so will likely result in the application being deferred with new bush fire mapping being adopted by the Commissioner in the intervening period meaning that if that were to be the case Clause 96(2) would no longer apply and the matter would revert to being integrated development as defined under the legislation for which a separate process applies requiring a Section 100B approval under the Rural Fires Act 1979. The applicant under these circumstances has foreshadowed that if that were to be the case then they would opt out of nominating the application as being integrated development. It is open for an applicant to opt out of such if so desired. The Panel under those circumstances would need to be satisfied before determining the matter that:

- a. the development can comply with the requirements of PBP [clause 96(1) SEPP (Housing)]; and,
- b. if satisfied include a condition requiring the applicant to obtain a Bush Fire Safety Authority [Rural Fires Act 1997 s100B(3)] prior to any works commencing.

Given the subjective nature of what constitutes development near a mapped area of Bush Fire prone land and the pending adoption of revised Bush Fire hazard mapping matters in relation to Bush Fire planning have also been addressed under the heading “The suitability of the site s4.15(1)(c)” as per S4.15(c) of the Environmental Planning and Assessment Act 1979. The consent authority is to take into consideration the draft BFPL mapping for the LGA which currently identifies the land as Category 3 Bush Fire and include several conditions that would be specifically designed to ensure compliance with PBP. Council has engaged the

services of Integrated Consulting (Bush Fire consultant) to assess the suitability of the site and provide an analysis of whether or not the proposal may satisfy planning for Bush Fire protection. A detailed assessment of the legalities around this issue has been provided on page 71 in this report under the heading “The suitability of the site s4.15(1)(c)”.

Housing SEPP Division 5 – Design requirements

Section 97 (1) requires the consent authority to consider the *Seniors Housing Design Guide*, published by the Department in December 2023. On the surface the guide appears specifically apply to two types of seniors housing, being *independent living units* and *residential care facilities*. With regard to the question of the applicability of the Guide, it should be noted that neither the SEPP nor the Guide itself contain any statement to the effect that it does not apply to hostels. The Guide consistently uses the group term “**seniors housing**” in defining its overall scope and application. While the text on page 12 of the Guide highlights the Guide’s application to “residential care facilities” and “independent living units”, it does not specify that hostels are to be excluded from this application. On this matter – and except as particular chapters (ie, Chapters 12-16) are positively nominated as referring to either “residential care facilities” or “independent living units” to the exclusion of other forms of seniors housing – the Guide is silent. In the absence of any positive statement to the contrary, it should be assumed that the provisions of Part 2 of the Guide are intended to also apply to hostels in the same way that they apply to other types of seniors housing. Any other approach to the matter is to speculate on the (presumed) hidden intentions of the SEPP’s and Guide’s authors rather than respond to the written substance of the adopted documents.

Council requested the applicant address this requirement in the SOEE. The application has now considered the guide in designing the proposed development. A detailed analysis has been carried out by Calderflower Architects, dated 8th July 2024. Council has reviewed and now accepts the current proposal as designed is line with the guidelines.

Section 97(2) requires the consent authority to consider the design principles set out in Schedule 8 of the Housing SEPP. These principles have been analysed in the table below.

Schedule 8 - Design Principles for Seniors Housing	
Neighbourhood Amenity and Streetscape: <u>Requirement:</u> to recognise the desirable elements of the locations character and maintain reasonable neighbourhood amenity and character.	<p>The proposal considers the desirable elements of the neighbourhood character and incorporates the design accordingly.</p> <p>It proposes to maintain character of the location through the sustainable retention of the existing building on site, high levels of existing vegetation and provision of a new road to future residential lots to the south of the extension of Bowman Avenue.</p> <p>Whilst the buildings are relatively large in dimension it was a deliberate design response to not provide many and varied individual buildings onsite but rather emulate the larger scale of homes that are constructed in the surrounding precinct. Front setbacks are consistent with the</p>

	existing buildings on the street and the design has considered overlooking of the neighbouring properties by orienting first floor windows away from sensitive locations as well as overshadowing. The building bulk is kept to a maximum two storeys per the non-refusable standards of the SEPP and the setback of development from adjoining properties has been increased from earlier iterations of the plan to provide for adequate separation of buildings.
Visual and Acoustic Privacy: <u>Requirement:</u> consider the visual and acoustic privacy of adjacent neighbours and all residents of the seniors housing	The proposal includes design measures to minimize overlooking and maintain acoustic privacy, including window orientation and additional vegetation.
Solar Access and Design for Climate: <u>Requirement:</u> provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings,	The design ensures adequate daylight for residents and does not significantly overshadow adjacent properties.
Stormwater: <u>Requirement:</u> minimise disturbance and impacts of runoff on adjoining properties and receiving waters and where practical include on-site stormwater detention for re-use for second quality water uses.	To minimize disturbance and mitigate the impacts of runoff on adjoining properties and receiving waters, the proposed development will be required to provide sufficient on-site stormwater detention. Recommended conditions of consent have been included to address stormwater related matters.
Crime Prevention Requirement: design in accordance with principles relating to crime prevention, provide personal property security for residents and visitors.	<p>The proposed development is designed in accordance with Crime Prevention Through Environmental Design (CPTED) principles, prioritizing personal property security for both residents and visitors.</p> <p>By incorporating strategies such as natural surveillance, access control, territorial reinforcement, and effective space management, the design fosters a safe and secure environment that enhances community well-being.</p>
Accessibility	The site provides level access to a bus route and includes safe pedestrian and motorist environments. The car parking area is located along western boundary and centrally within the development.
Waste Management	Waste management will be controlled by the operator on-site with a focus on maximizing

	recycling. Shared bin clusters are incorporated at various locations around the buildings. The development will be required to be managed in accordance with the amended operational waste management plan prepared by Elephants Foot. Conditions of consent have been recommended to ensure that waste is suitably managed onsite.
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Housing SEPP Division 7 – Non-Discretionary Development Standards

Non-discretionary development standards for hostels are set out in Section 107 of the Housing SEPP, the standards which apply to the proposal are addressed in the table below.

Building Height: <u>Requirement:</u> Maximum of 9.5m Any servicing equipment on roof with height of more than 9.5m, if more than 2 storeys— additional storeys set back within 45-degree planes from side and rear boundaries	Compliant: The maximum height of buildings is 8.4m There is no servicing equipment proposed on top of buildings. None of the buildings will be higher than 2 storeys.
Density and Scale (FSR): <u>Requirement:</u> maximum FSR of 1:1	Compliant: The proposal has a floor space ratio (FSR) of 0.38:1
Communal Open Space: <u>Requirement:</u> 8m ² per bed 99 beds = total of 792m ² required	Compliant: Communal internal and external open spaces total approximately 5,125.71m ² , equating to 52m ² per bed
Landscaped Area: <u>Requirement:</u> 15m ² per bed 99 beds = total of 1,485m ² required	Compliant: The proposal provides 7,654m ² of landscaped area, equating to 77m ² per bed
Deep Soil Zones: <u>Requirement:</u> 15% of site area i.e., 2221m ²	Compliant: Deep soil areas total approximately 6,999.3m ² , covering 47.2% of the site representing 70m ² per bed
Car Parking: <u>Requirement:</u> 1 space per 10 beds 99 beds = total of 9.9 ~ 10 spaces 1 space for every 2 employees on duty At least 1 parking space for the	Compliant: 43 car parking spaces are provided with additional parking bay for an ambulance and minibus. Out of 43 spaces, 10 parking spaces are provided for disability parking. Staffing will generally comprise 3-4 staff members at any one time, which includes the occasional visiting consultant. On-site car parking exceeds the required standard by 33 spaces. 1 dedicated ambulance space is proposed in accordance with this standard.

purpose of ambulance parking	<p>The plans also allow for emergency access for an ambulance from Witton Place.</p> <p>The proposed car parking arrangements comply with the required standard.</p>
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STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

The proposal involves new signage, and as such, Chapter 3 of Advertising and Signage of State Environmental Planning Policy (Industry and Employment) 2021 is applicable to the development application. Details of the new signage were set out previously in this planning report. The relevant provisions are assessed below:

3.1 Aims, Objectives etc

(1) *This Chapter aims:*

- (a) *to ensure that signage (including advertising):*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*
- (b) *to regulate signage (but not content) under Part 4 of the Act, and*
- (c) *to provide time-limited consents for the display of certain advertisements, and*
- (d) *to regulate the display of advertisements in transport corridors, and*
- (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

(2) *This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.*

3.6 Granting of Consent to Signage

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) *that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*
- (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

The proposed signage is considered to be provisions outlined above. An assessment of the Schedule 5 assessment criteria is provided below for the panel's consideration.

Schedule 5 Assessment Criteria

1 - Character of the Area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

The proposed signage is acknowledged to be conservative and only for the purposes of identifying the site and each of the buildings. As such the proposed signage is considered to be of a personable scale and compatible with the existing and desired future character of the area.

2 - Special Areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The site is located within a residential area, and adjacent to a semi-rural landscape. The proposed signage does not detract from the amenity or visual quality of the surrounding areas.

3 - Views and Vistas

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

The proposed signage has been designed as an integral part of the overall development, and thus its scale and siting will not dominate the skyline or reduce the quality of vistas. There are no other signs in the area, thus the proposal will not affect viewing rights of other advertisers.

4 - Streetscape, Setting or Landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

As stated above, the proposed signage is conservative and designed to be integral to the site and buildings, as such their scale, proportion and form is appropriate for the streetscape and setting.

Further, the identification sign at the street frontage will contribute to the visual interest of the streetscape.

The proposed signage is of a scale that will not protrude above buildings, structures or tree canopies on site or within the area.

The proposed signage has been designed and sited to ensure it does not adversely impact on site or vegetation management.

5 - Site and Building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The proposed signage has been designed to be integral to the site and buildings, as such are compatible with the scale, proportion and other characteristics of the site and buildings.

6 - Associated Devices and Logos With Advertisements and Advertising Structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

No safety devices, platforms, lighting devices or logos are proposed.

7 - Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

Illumination is considered necessary to ensure effective wayfinding at night and during times of low light. Illumination levels will be low and will not result in unacceptable glare; will not adversely affect pedestrian, vehicle or aircraft safety; and will not detract from the amenity of on-site rooms or neighbouring dwellings. For these reasons, an illumination curfew is not considered warranted in this case.

8 - Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The proposed signage has been sighted in a manner to aid wayfinding while not impacting on road, pedestrian or bicycle safety.

The proposed signage has been sighted in a manner to ensure driver and pedestrian sightlines from public or private areas are not obscured.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable to the development application. Clause 4.6 requires that a consent authority must not consent to the carrying out of development of land unless it has firstly considered whether or not the land is contaminated. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state for the development that is proposed; or, if the land requires remediation to be made suitable for the proposed development, it is satisfied that the land will be remediated before the land is used for that purpose.

The relevant parts of the SEPP are outlined for the Panel's consideration:

4.6 - 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 subsection (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 subsection (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).*

This matter of contamination was dealt with as part of the previous development consent (DA 448/2021(1)) relating to subdivision of the subject land. A Preliminary Site Investigation was submitted in support of that particular proposal, which demonstrated that the land was suitable for residential use. Site circumstances remain unchanged since that time.

It is noted that the investigation under the previous DA recommended further sampling following the demolition of the existing dwelling and shed.

As it is proposed to retain the dwelling as part of this application but to demolish the shed, a contamination investigation is to be undertaken within the footprint of the existing shed after demolition to confirm the absence of contamination hotspots, and that the site remains suitable for the proposed use.

STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2022

State Environmental Planning Policy (Planning Systems) 2022 is applicable to the development application, with reference to the submitted Cost Report, WT have calculated the estimated development costs (EDC) to exceed \$30 million. The proposal has been the subject of several design iterations. The applicant has confirmed that despite the reduction in the number of units onsite being proposed that the estimated cost development remains above \$30 million dollars.

Pursuant to Schedule 6, Section 2, the development is categorised as 'Regionally Significant Development' and accordingly the consent authority is the Western Regional Planning Panel.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 is not applicable to the development application because the proposal does not involve a 'BASIX building' as defined by the Environmental Planning and Assessment Regulation 2021 (i.e. it explicitly excludes hostels which accommodate more than 12 residents or has a gross floor area exceeding 300m²). The National Construction Code (NCC) also confirms that Class 3 buildings are not subject to BASIX. A Section J report will be submitted at Construction Certificate stage.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

The subject site is located adjacent to an unidentified parcel of land which separates the land from the rail corridor. As such, the site is not directly adjacent to the rail corridor.

With regards to Division 15 Railways, section 2.98 Development adjacent to rail corridors, the proposed development –

- (a) Is not likely to adversely impact the rail safety
- (b) The rail corridor is not used by electric trains
- (c) Does not involve the use of a crane in air space above the corridor
- (d) Is not located within 5m of an exposed overhead electricity powerline used for rail infrastructure.

The proposal does not involve excavation (penetration of ground to a depth of 2m or more) in, above, below or adjacent to the nearby rail corridor. As such, referral to the rail authority is not necessary in this case.

Section 2.100 impact of rail noise or vibration on non-rail development applies to the proposal as residential accommodation.

A detailed assessment is required when the residential dwelling is proposed within 25m of an operational rail track, as the nearest hostel room would be approximately 100m from the rail track, therefore no detailed assessment of rail noise and vibration is warranted.

However, in support of the section 2.100, the applicant submits a noise and vibration impact assessment prepared by SOUNDIN, dated July 2024.

Council acknowledges that based on the foregoing, recommended mitigation measures are needed to ensure impacts of the construction phase of the development are within reasonable limit. The ongoing operations of the development are acceptable in terms of noise impacts.

Section 2.122 Traffic-generating Development – the development is not traffic generating pursuant to Schedule 3. Referral to TfNSW is not required.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION 4.15(1)(a)(ii)

There are no draft Environmental Planning Instruments currently on exhibition that relate to the subject land or proposed development.

DESIGNATED DEVELOPMENT

The proposed development is not designated development.

INTEGRATED DEVELOPMENT

At the time of finalisation of this planning report the proposed development was not defined as integrated development. However, if at the date of determination of the DA the land is bush fire prone land as identified on the bush fire prone land map then the requirements of the Rural Fires Act apply. The development at that time would revert to being integrated development where a Section 100B approval under the Rural Fires Act would be required.

Amendment of the DA to the integrated development pathway is at the election of the developer. The applicant has requested in the event that Bush Fire mapping is gazetted prior to determination of this application that the matter not be treated as integrated development. The consent Authority under those circumstances would need to be satisfied that the development can comply with the requirements of Planning for Bush Fire Protection prior to issuing consent acknowledging that the applicant would need to later separately obtain a Section 100B approval from Rural Fire Service before carrying out the proposed development. This would be at the risk of the developer in the event that RFS required design changes to the proposal which could result in the need for the applicant to seek modification to any approval that may issued.

A detailed assessment of matters pertaining to Bush Fire assessment has been provided below under the heading “Likely impacts of the Development”. Council will advise the panel of the status of pending Bush Fire planning mapping at the panel hearing so that they may properly navigate an assessment path on this issue.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)

Orange Development Control Plan 2004

Orange Development Control Plan 2004 (“the DCP”) applies to the subject land. An assessment of the proposed development against the relevant Planning Outcomes will be undertaken below.

Pursuant to Planning Outcome 0.2-1 Interim Planning Outcomes - Conversion of Zones:

- *Throughout this Plan, any reference to a zone in Orange LEP 2000 is to be taken to be a reference to the corresponding zone(s) in the zone conversion table.*

The corresponding zone to zone 2a Urban Residential & 2d Urban Transition Zone (Orange LEP 2000) is zone R2 Low Density Residential (Orange LEP 2011). As such, *Orange DCP 2004 – Chapter 00, chapter 7, chapter 14 and chapter 15* is relevant to this proposal. The provisions of chapters are considered below.

Chapter 00 – TRANSITIONAL PROVISIONS

PO-0.4-2 INTERIM PLANNING OUTCOMES - TREE PRESERVATION

As discussed earlier in this report (section – site clearing), the proposal is seeking consent for the removal of trees pursuant to DCP PO-0.4-2.

Most of the existing vegetation will also need to be cleared to facilitate the development. It is proposed to remove 37 trees and two (2) rows of wind break hedging. Almost all of the vegetation to be removed are introduced species, however there is one (1) native Banksia tree to be removed.

The trees to be removed are listed in the *Appendix 1 – Tree Schedule* of the *Arboricultural Impact Assessment Report* prepared by Douglas Arbor.

The application was referred to Council’s Manager City Presentation for comments regarding the trees and vegetation removal and they are included in the section – *site clearing* of this report.

Chapter 07 – DEVELOPMENT IN RESIDENTIAL AREAS

Subdivision in Ploughmans Valley

The development is assessed against the planning outcomes for residential subdivision in Ploughmans valley of ODCP 2004.

The Orange Development Control Plan 2004 indicates the below (figure 28) as a concept plan for the proposed area. The DCP road layout offers no ability to provide the strategic connectivity to the land to the west.

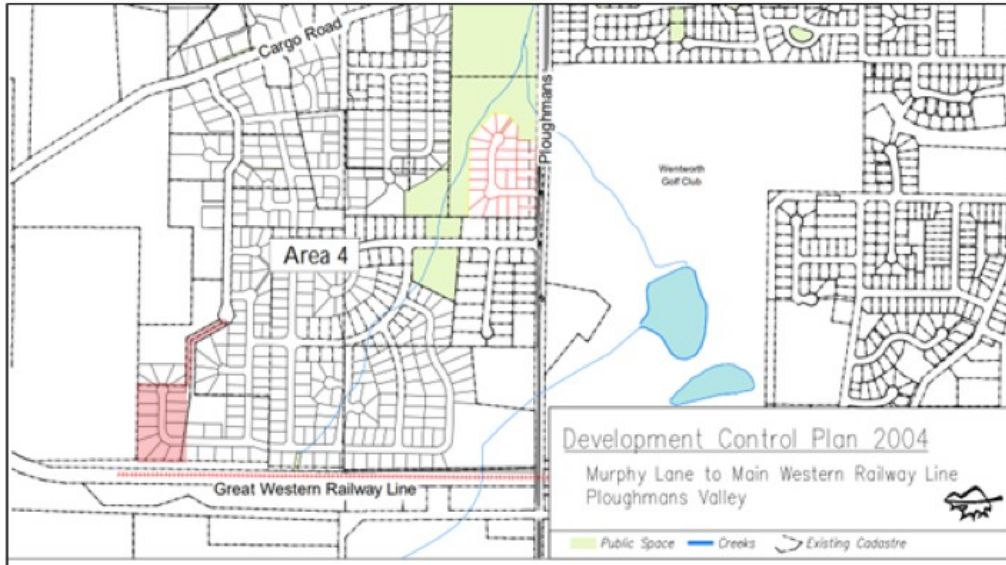


Figure 28 – Concept plan

In the recently adopted Orange Housing Strategy, it is transcribed that the internal road network will be extended off Witton Place to the east and Bowmans Avenue to the southeast (figure 29).

The amended application proposes a new road providing connection to the land on the western side, is therefore consistent with the future strategic planning position for this area.

Please note that the current DCP concept provided additional subdivision opportunities for the property to the immediate north of the subject land. Given the changed strategic planning direction for land to the west as described above, it is considered that further opportunities can be facilitated in any master planning exercise on the adjoining land to accommodate further development of that particular site in the future. What is important at this stage is the facilitation of an access road to the west via an extension of Bowman Avenue.

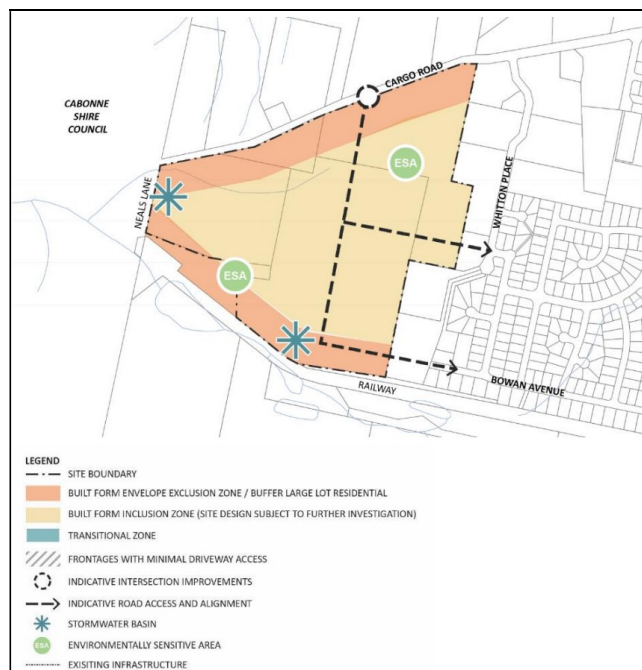


Figure 29 – Concept plan

The allotment layout for area 4 – land zoned 7 water Supply catchment and land adjoining railway line have a minimum area of 1500m². The subdivision layout is proposed in a way that each lot size is over 1500m².

The remaining planning outcomes have been discussed below in the table –


<i>Subdivision design retains significant landscape features and minimises disturbance to natural vegetation, landform and overland-flow paths.</i>	As discussed previously in this report, significant vegetation will be retained and protected, earthworks and land shaping will be kept to a minimum, and stormwater management is incorporated in the layout and design
<i>Subdivision design and construction complies with the Orange City Development and Subdivision Code.</i>	The proposed subdivision must be in accordance with Council's current code.
<i>The allotment layout maximises energy-efficiency principles.</i>	<p>Siting and orientation of the proposed seniors housing lot ensures adequate solar access, ventilation, etc. for future residents and neighbouring properties.</p> <p>Siting and orientation of the three new residential lots ensure that future dwellings and neighbours can achieve adequate levels of solar access and amenity.</p> <p>Development of the three new residential lots is subject to a separate application. BASIX Certificates will be required to support.</p>
<i>Lots have direct frontage or access to a public road.</i>	All lots proposed to have direct frontage and access to Bowman Avenue (via road extension).
<i>Stormwater runoff from the site is consistent with pre-development stormwater patterns.</i> <i>Drainage systems are designed to consider catchment and downstream capacities, on-site retention and reuse and overland-flow paths.</i>	Stormwater management is proposed to be incorporated in the layout and design. It has been discussed previously in this report.
<i>All utility services are provided to the proposed lots.</i>	As previously discussed, all lots proposed to be connected to reticulated mains services. Easements are proposed where required.

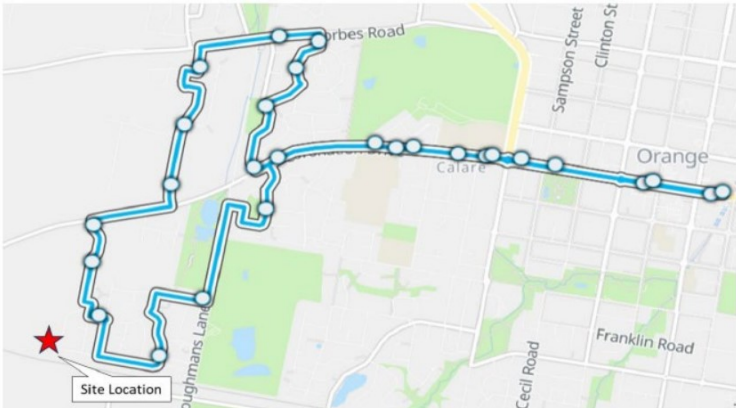
<p><i>The road layout comprises a modified grid layout with restrained use of cul-de-sacs, generally in accordance with the Conceptual Subdivision Layout</i></p> <p><i>Future road connections to adjoining land are provided and located generally in accordance with the Conceptual Subdivision Layout.</i></p>	<p>The proposed road extension avoids a cul-de-sac arrangement as recommended by the DCP and requested by Council's Development Engineers.</p> <p>The extension of Bowman Avenue to the west will ensure future connectivity to land to the west in accordance with Council's recent Housing Strategy.</p> <p>It is noted that sufficient space has been designed into the proposed subdivision, road extension and access arrangements to provide suitable turn paths for waste collection vehicles (i.e. to turn around at the end of Bowman Avenue)</p>
<p><i>Development proposals shall demonstrate the appropriate retention of existing trees in order to protect the visual backdrop of the City</i></p>	<p>As previously discussed, vegetation is to be retained where possible.</p> <p>Of particular note, all significant vegetation will be retained and protected during works.</p> <p>Future dwellings on the three new lots in the southern portion of the site to be assessed as a future development subject to separate DA.</p>

7.7 DESIGN ELEMENTS FOR RESIDENTIAL DEVELOPMENT STREETScape

The development proposed is assessed with the following planning outcomes –

Planning Provision	Assessment
Neighbourhood character and Building appearance	<p>The proposed development aligns with the desired outcomes by complementing the established built form and residential scale of the surrounding neighbourhood, creating an attractive and visually engaging residential environment.</p> <p>It incorporates a distinct character and identity while making effective use of site features, such as natural aspects and existing vegetation.</p> <p>The development promotes pedestrian access through the inclusion of internal pathways and strategically locates the car parking area to ensure it does not dominate the street frontage.</p> <p>Furthermore, the design includes extensive landscaping to soften the visual impact of the development, addressing the</p>

	current lack of large mature trees in the area due to the recency of surrounding developments.
Setbacks	<p>The amended plans propose setbacks that positively contribute to the neighbourhood character, facilitating the integration of the new development while ensuring efficient use of the site.</p> <p>They also establish an appropriate scale that complements the street.</p>
Visual bulk	<p>The bulk and scale of the amended development proposal is in compliment to the existing amenity of neighbouring properties and character.</p> <p>The two-storey buildings are set back appropriately from adjacent dwellings, and neighbouring properties are also well set back from their respective boundaries.</p> <p>The siting and design allow for adequate daylight, sunlight, and ventilation for both the development and its neighbours.</p> <p>The building orientation and setbacks proposed provide a good outlook, and the site coverage, including floor space ratio and landscaped areas, meets all development standards set out in the Housing SEPP, maintaining the low-density and landscaped character of the surrounding area.</p> <p>The new buildings proposed are well-separated from adjacent residential dwellings, ensuring there are no adverse impacts.</p> <p>Additionally, the Housing SEPP's VBE standards, which apply to seniors housing three storeys or higher, do not apply to this development.</p> <p>A 3D image of the development within the context of neighbouring properties on Bowman Avenue is shown below.</p> 
Daylight and sunlight	<p>Council is satisfied that the buildings have been sited and designed to ensure daylight to habitable rooms in adjacent dwellings is not significantly diminished, and overshadowing of neighbouring open spaces is minimized. Shadow diagrams</p>

	<p>included with the architectural drawings support this assessment.</p> <p>Furthermore, Council notes that residents within the development will receive adequate solar access, as detailed in the Design Statement – Seniors Housing Design Guide 2023 by Calderflower Architecture, dated 8 July 2024.</p>
Visual privacy	<p>It is acknowledged that the design effectively minimizes direct overlooking of the principal living areas and private open spaces of neighbouring dwellings, as well as between rooms within the development.</p> <p>Specifically, second-storey rooms closest to neighbouring residential dwellings along the eastern boundary have been set back and oriented at a 45-degree angle to prevent direct overlooking.</p> <p>Proposed landscaping throughout the site will further mitigate visual and acoustic privacy impacts.</p>
Public transport	<p>Council notes that the site is well-served by two bus stops located on Witton Place and Isaac Drive, both within 400 meters of the development. In addition, the proponent has also offered a separate private transport service to further enhance accessibility.</p> 
Car parking	<p>As outlined in the SEPP section, the proposal provides a surplus of car parking spaces, adequately accommodating the needs of residents, staff, and visitors.</p>


	
<p>Open space and landscaping</p>	<p>The proposal provides communal open spaces for both passive and active recreation throughout the site.</p> <p>The design proposes to retain and protect existing trees wherever feasible, ensuring their preservation through appropriate site planning.</p> <p>The open space provisions are considered to meet the development standards set out in the Housing SEPP, as previously discussed.</p>



Figure 30 – Birds eye view from the North

Chapter 14 – ADVERTISING

This part of the DCP provides planning outcomes and objectives for signage. This matter has already been discussed in Section under SEPP (industry and employment) 2021 Chapter 3 of this report.

This application is seeking consent for new signage pursuant to DCP PO-14.2-1.

Chapter 15 – CAR PARKING

This part of the DCP provides the minimum requirements for off-street parking for specific land uses. The DCP's car parking rates table notes that parking for aged or disabled persons (i.e. seniors housing) is "as per SEPP 5". SEPP 5 has since been repealed and the Housing SEPP applies.

Parking standards set out in the Housing SEPP have already been discussed under the section Housing SEPP Division 7 of this report. The Housing SEPP requires 9.9 ~ 10 car parking spaces, and the proposal provides 43 spaces. A separate servicing bay and ambulance bay are also proposed. As such, the proposed development well exceeds the minimum requirements for on-site parking.

DEVELOPMENT CONTRIBUTIONS PLAN 2024 - Section 7.11 Development contributions

The application acknowledges that the *Orange Development Contributions Plan 2017* applies to the site, and that the proposal is considered to be 'residential accommodation' to which the plan applies. Section 6.11 of the Statement of Environmental Effects sets out a request for a reduction in the contributions payable under the contributions plan, arguing a lack of nexus between the proposed development and the LGA wide delivery of recreation facilities, community facilities, open space and cycleways.

The proponent argues that the contributions plan is oriented toward a growing youth demographic, suggests that residents of the development will not utilise youth oriented facilities, and that the development incorporates its own open space and recreation facilities such that there is no demand generated in the broader LGA.

Council does not support this perspective for a number of reasons.

Residents are not confined to the development site and are free to engage with the broader community, including usage of all public facilities.

- The development is not limited to high-care or mobility challenged residents. While a number of facilities and services are to be provided on site this should be regarded more as a convenience than a substitution for facilities and services available off-site.
- Through the provision of parking and a minibus the development seeks to facilitate participation of residents with the broader community.
- Cycling is not limited to the under 65's, as may be inferred by the proponent's argument, and has valuable health and mobility benefits for a wide range of ages. Provision of cycleways, which may also be used for walking, encourages physical activity and should therefore be regarded as even more important for older residents seeking to prolong their independence and mobility.
- Many community and cultural facilities are both popular and well suited to older residents, such as the library, theatre, gallery, aquatic centre and the (in development) conservatorium. Many parks and gardens are ideally suited to passive recreation and day trips, such as the botanic gardens, cook park and elephant park.

While the contributions plan makes some discussion about the needs of the youth this is not intended to be at the exclusion of any other demographic cohort. Accordingly, Council believes that contributions should be levied on the proposal at the full per resident rate for all components of the section 7.11 plan.

The payment of **\$ 892,182.04** must be made to Council in accordance with Section 7.11 of the Act and Orange Development Contributions Plan 2024 (Greater Ploughmans urban release area) toward the provision of the public facilities.

The development is proposed to be carried out in stages:

Stage 1 – 4 lot subdivision of land

The proposal involves a 4 lot subdivision of the land. The following contributions are based on the net residential increase of three additional lots, as follows:

Facility	Monetary Contribution	
Open Space and Recreation	three additional lots @ \$2,166.03 per subdivided lot	6498.09
Community and Cultural	three additional lots @ \$284.10 per subdivided lot	852.30
Roads and Traffic Management	three additional lots @ \$4779.07 per subdivided lot	14,337.21
Stormwater Drainage	three additional lots @ \$0.00 per subdivided lot	-
Local Area Facilities	three additional lots @ \$12,188.28 per subdivided lot	36,564.84
Plan Preparation & Administration	three additional lots @ \$582.52 per subdivided lot	1747.56
TOTAL:		\$60,000

The contribution will be indexed quarterly in accordance with Orange Development Contributions Plan 2024 – 01 September 2024 to 30 November 2024 (Greater Ploughmans urban release area), which may be inspected at the Orange Civic Centre, Byng Street, Orange. These contributions will be payable prior to the issue of a Subdivision certificate.

Stage 2 – development of the seniors housing

The following contributions are based on the net increase of development based on 99 hostel apartments. Given that each apartment is designed as a single person occupancy arrangement the per resident rate under the contribution plan will apply in this case. A credit for the creation of the allotment itself created in Stage 1 will also apply. The following rates are as follows:

Facility	Monetary Contribution	
Open Space and Recreation	99 residents @ \$997.88 per resident	\$98,790.12

Community and Cultural	99 residents @ \$130.89 per resident	\$12,958.11
Roads and Traffic Management	99 residents @ \$2201.71 per resident	\$217,969.29
Stormwater Drainage	99 residents @ \$0.00 per resident	-
Local Area Facilities	99 residents @ \$5,615.11 per resident	\$555,895.89
Plan Preparation & Administration	99 residents @ \$268.37 per resident	\$26,568.63
LESS 1 Standard Lot credit	1 Standard lot credit	-\$20,000
TOTAL:		\$892,182.04

The contribution will be indexed quarterly in accordance with Orange Development Contributions Plan 2024 – 01 September 2024 to 30 November 2024 (Greater Ploughmans urban release area), which may be inspected at the Orange Civic Centre, Byng Street, Orange. These contributions will be payable prior to the issue of a Construction Certificate.

Section Water and Sewer Headworks Charges

The headworks charges for water, sewer apply to the proposal. The contributions for *Water and sewer headworks are estimated* at 3 ETs for water supply headworks and 4 ETs for sewerage for stage 1 Subdivision and an additional *32.7 ETs (water) and 49.5 ETs (sewer) for the proposed Seniors Housing Development*. Conditions are included requiring payment of contributions prior to subdivision certificate for Stage 1 (Subdivision) and prior to the issue of a Construction Certificate for Stage 2 (Seniors Housing).

PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15(1)(a)(iv)

Demolition of a Building (clause 61)

The proposal involves the demolition of parts of the existing building and removal trees and vegetation. A condition is attached requiring the demolition to be carried out in accordance with *Australian Standard AS2601 - 2001: The Demolition of Structures* and the requirements of Safe Work NSW.

Fire Safety Considerations (clause 62)

The proposal involves a change of building use for an existing building. Council is satisfied that the fire protection and structural capacity of the building are appropriate for the proposed new building use. Relevant conditions are attached.

Buildings to be Upgraded (clause 64)

The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building.

BASIX Commitments (clause 75)

BASIX is not applicable to the proposed development. A Section J energy efficiency statement will be required with the Construction Certificate application.

THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)

Visual and Acoustic Impact Assessment

Visual Impact:

The proposed seniors housing development is thoughtfully designed to harmonize with the existing residential character of the area. Its height, bulk, and scale are carefully calibrated to align with the prevailing development patterns, adhering to Housing SEPP standards for floor space ratio and height.

The buildings are strategically sited with well-considered setbacks and orientations, enhancing streetscape compatibility and ensuring a seamless integration into the neighbourhood. Pathways and car parking areas are discreetly positioned to minimize their visual impact, allowing the architecture to take centre stage.

Extensive landscaping and open spaces will not only soften the development's appearance but also enrich the streetscape, providing residents with serene outlooks and enhanced privacy. The choice of materials, colours, and finishes reflects a thoughtful response to the surrounding context, fostering a cohesive character that complements the locality while promoting a welcoming environment for seniors.

In light of these considerations, the development is designed to avoid any adverse visual impacts within the locality.

Acoustic Impact:

The proposed seniors housing development has been meticulously evaluated through a comprehensive noise and vibration impact assessment conducted by SoundIn, addressing various potential acoustic impacts throughout the project's lifecycle. This assessment includes a detailed construction noise evaluation, which identifies strategies to minimize noise during site preparation and building phases, ensuring that operations remain within acceptable limits to protect the surrounding community. The construction vibration assessment further examines the effects of heavy machinery and activities, implementing measures to mitigate any disturbances to adjacent properties.

Operational noise has also been rigorously analysed, focusing on potential sources such as heating, ventilation, and air conditioning systems, as well as the activity levels within the residential units. The findings indicate that operational noise will be managed effectively to maintain a serene environment for residents. Additionally, the assessment includes a thorough evaluation of rail noise and vibration, considering the proximity of rail infrastructure and identifying any necessary design elements to reduce sound transmission.

Importantly, the project complies with the National Construction Code (NCC), which sets forth standards for acoustic performance in residential developments. This compliance ensures that sound insulation measures are in place, providing additional protection against external noise sources.

Overall, the assessment concludes that the development will not engender significant adverse acoustic impacts, allowing future residents to enjoy a peaceful and comfortable living environment while preserving the tranquillity of the surrounding locality.

Social and Economic Impacts

Social Impact:

The proposed development is likely to have a positive social impact on the local community. By providing 99 co-living hostel rooms designed for seniors, the development addresses a need for age-appropriate housing in the area. As the population in Orange continues to age, demand for housing that supports the needs of seniors will only increase. This development responds to this demand, offering a secure and supportive environment where residents can maintain their independence.

The inclusion of communal facilities such as a dedicated resident clubhouse will enable a sense of community and reduce the risk of social isolation among residents. Social isolation is a significant concern for older adults, particularly those living alone, and can lead to various adverse health outcomes. Creating spaces where residents can engage in social activities, interact with peers, and participate in community events, the development may enhance quality of life and social cohesion. The broader community gains by ensuring that seniors remain active, engaged, and integrated into the social fabric of Orange.

Economic Impact:

The development is expected to have several positive economic impacts on the local community. During the construction phase, the project will generate direct employment opportunities, including jobs for builders, contractors, and suppliers. This activity will benefit local businesses. Demand for construction materials and services will provide a boost to local suppliers and subcontractors.

In the longer term, the development will generate economic benefits by creating permanent jobs associated with the operation and management of the facility. These jobs might include roles in healthcare, facility management and administration, contributing to ongoing employment in Orange.

Traffic and Transport Impact Analysis

The Traffic Impact Assessment (TIA) for the proposed development provides analysis of the potential transport and traffic-related impacts. Here are the key findings:

- Existing Conditions:
 - Site Location and Road Network: The site is located within a low-density residential area with existing access from Witton Place and Bowman Avenue. The surrounding roads are classified as local roads, with Ploughmans Lane and Cargo Road being the primary routes connecting the site to the broader network.
 - Public Transport: The site is serviced by Route 537, a bus route with stops within 400m of the site, providing seven services per day at 1-2 hour intervals. Although limited, this service is available for the residents.
- Proposed Development:
 - The development includes 99 co-living hostel rooms for seniors, spread across four buildings. Vehicle access will be via an extension of Bowman Avenue, with parking and servicing accommodated on-site.
- Parking Requirements:

- Compliance with SEPP (Housing) 2021: The TIA notes that the proposal exceeds the minimum parking requirements under SEPP (Housing) 2021. The development provides 43 parking spaces (including one emergency vehicle bay), compared to the SEPP requirement (stated as 10 spaces).
- Bicycle Parking: While not explicitly required under SEPP 2021, the report suggests considering bicycle parking to accommodate future staff needs.
- Traffic Generation and Impact:
 - Estimated Traffic Generation: The development is expected to generate between 10 and 16 vehicle trips during peak hours, based on the estimated turnover of parking spaces. The report also references a similar facility in Orange, which generated 23 vehicle trips in its peak hour.
 - Impact on Road Network: The low traffic volumes generated by the development are not expected to materially impact the operation of surrounding intersections or the local road network. The surrounding roads and intersections have sufficient capacity to accommodate the additional traffic.
- Conclusion:
 - The TIA concludes that the proposed development is unlikely to have a significant impact on the surrounding transport network. The on-site parking exceeds minimum requirements, and the traffic generation is low, ensuring that the development will not adversely affect the existing traffic conditions.

Comment:

The Traffic Impact Assessment supports a view that the proposed development at 60 Witton Place, Orange, will not result in adverse traffic impacts. The provision of on-site parking exceeds the regulatory requirements, and the anticipated traffic generation is minimal, ensuring that the local road network can comfortably accommodate the additional vehicles. The site's proximity to public transport, although limited, will contribute to the transport needs of the residents.

The suggested provision of bicycle parking for staff, while welcome, is unlikely to be used on more than an incidental basis.

It must be noted that the location is on the fringe of the urban area and not within walking distance of any significant destinations. While parking is compliant with SEPP requirements it is anticipated that this parking will be in high demand by residents. With the low frequency of bus services in the area consideration should be given to inclusion of one or more shared vehicles to reduce overflow parking onto Bowman Avenue. This would also improve the ability of residents to participate in the broader community and reduce social isolation.

Environmental Sustainability Assessment

Arboriculture impact –

An amended arboricultural impact assessment has been conducted for the proposed seniors housing development, providing a thorough evaluation of the potential effects on existing trees and vegetation within the site and surrounding areas.

This assessment includes detailed recommendations for tree protection, management, and replacement strategies to ensure the preservation of significant vegetation throughout the construction and operational phases. These recommendations have been carefully reviewed and deemed acceptable by the Council's Manager of City Presentation, affirming the commitment to maintaining the ecological integrity of the area.

By implementing these measures, the development aims to enhance the landscape while safeguarding valuable tree assets, contributing positively to the local environment and ensuring the sustainable integration of the housing project within its natural context.

Environmental impact –

The proposed seniors housing development is located on a highly disturbed and developed residential parcel, with no significant vegetation or habitat present. The project will involve the removal of only one native tree, while all other native species will be retained and protected throughout construction.

To mitigate potential impacts, relevant measures will be implemented during earthworks and construction, including soil and erosion control practices designed to safeguard downstream properties and the adjacent water catchment from adverse effects. Importantly, the proposal does not include any activities that could lead to contamination or pollution, ensuring that air and water quality are preserved.

Overall, the development is designed to avoid any adverse environmental impacts, promoting a sustainable approach to community integration.

Safety, Security and Crime Prevention

The proposed seniors housing development prioritizes safety, security, and crime prevention by integrating principles of Crime Prevention Through Environmental Design (CPTED).

Natural Surveillance

The proposed seniors housing development incorporates the principle of natural surveillance to enhance safety and security for residents. The design features strategically placed windows, balconies, and communal areas that maximize visibility across the site, allowing residents and passersby to easily observe activities within the vicinity. Well-lit pathways and outdoor spaces will further encourage informal monitoring, deterring potential criminal behaviour by fostering a sense of community oversight. By ensuring that residents can naturally observe their surroundings, the development promotes a safer environment where suspicious activities are more likely to be noticed and reported.

Access Control

Access control is a key element of the development's security strategy, designed to limit unauthorized entry and enhance the safety of residents. The layout includes well-defined entry points that are monitored and accessible only to residents and authorized visitors. Secure entry systems are to be implemented to ensure that only individuals with legitimate reasons can access the premises. Additionally, the use of fencing and landscaping will help delineate private areas from public spaces, further reinforcing the boundaries and creating a sense of security for residents.

Territorial Reinforcement

Territorial reinforcement is embedded in the design of the development to foster a sense of ownership and community among residents. The incorporation of personal touches, such as gardens, signage, and well-maintained communal areas, encourages residents to take pride in their environment. By clearly marking communal spaces and private units, the development helps establish a sense of territory, making it clear which areas are under the stewardship of the residents. This sense of ownership not only enhances community engagement but also discourages potential criminal activity, as residents feel more empowered to monitor and protect their shared environment.

Space Management

Effective space management is crucial for optimizing safety and security within the development. Thoughtful planning of common areas, such as walkways, parking spaces, and recreational zones, ensures that these areas are not only functional but also conducive to social interaction. By designing spaces that promote visibility and ease of movement, the development reduces opportunities for concealment and discourages undesirable behaviour. Regular maintenance and clear sightlines will be prioritized to create inviting and well-utilized spaces, which, in turn, enhance the overall safety of the community by fostering active engagement among residents.

Cumulative Impact

The proposed seniors housing development has been assessed for its cumulative impact, taking into consideration both the direct and indirect effects on the surrounding environment and community. While the site itself is a highly disturbed residential parcel with minimal existing vegetation, the cumulative impact analysis evaluates how the development will interact with other existing and planned developments in the area. Factors such as increased traffic, demand for local services, and potential changes to community dynamics are considered to ensure that the overall impact remains positive.

By implementing effective mitigation measures, such as traffic management strategies and community engagement initiatives, the development aims to minimize any negative cumulative effects while enhancing local infrastructure and services. The project also seeks to provide additional benefits, such as increased community interaction, which can contribute to the overall well-being of the locality. Ultimately, the cumulative impact assessment indicates that the development will integrate smoothly into the existing urban fabric, promoting a balanced and sustainable growth trajectory for the area.

Waste management

The waste generated at the proposed development is categorised to two types: Residential Waste and Communal Waste. All residential waste is directly disposed by residents to the bins placed in respective building storage rooms. Communal waste produced at the communal facilities, nominated staff or contracted cleaners are responsible to transport all general waste, recyclables and food/green waste to the communal facilities bin room and place into the appropriate collection bins.

The waste management for the seniors housing development is proposed to be handled by the site/development manager, who will be responsible for transporting bins from their respective storage rooms to the designated collection point along the western boundary of the site. The manager is also responsible for returning the bins to their operational location to resume use and to maintain those areas in a clean and tidy manner at all times. The

waste collection procedure is clearly outlined in the operational waste management plan prepared by Elephants Foot, ensuring efficient and organized waste handling. A condition of consent is included to address matters in relation to waste management on this site.

THE SUITABILITY OF THE SITE s4.15(1)(c)

The proposed seniors housing development is compatible for the site, as it aligns with the provisions outlined in the R2 Low Density Residential zone, where such housing is permitted under the State Environmental Planning Policy (Housing) 2021. The development adheres to all relevant Housing SEPP requirements and guidelines, including a request to vary the site frontage development standard under Clause 4.6, which has been carefully justified to ensure the design remains compatible with the surrounding area. This variance is necessary to optimize the site's layout and enhance the overall functionality of the development.

In addition to regulatory compliance, the proposal aligns with the objectives of the Local Environmental Plan (LEP) for the R2 zone, which emphasizes creating low-density residential areas that promote community well-being. It has been determined that the development will not lead to any adverse environmental impacts in the locality.

The subject land is confirmed to be free from contamination, making it suitable for residential use including seniors housing. The project is expected to provide positive social and economic benefits to the community by addressing the critical need for senior housing infrastructure in Orange, while potentially creating job opportunities during construction and ongoing operations.

It has been identified that it will be necessary for water and sewer infrastructure to be augmented to accommodate the planned development. Conditions of consent have been included to address such.

Bush Fire Planning Considerations

Reference is made to the aforementioned assessment in relation to Bush Fire Planning. Given the subjective nature of what constitutes development near a mapped area of BFPL and the pending adoption of revised Bush Fire hazard mapping further consideration is to be given to bushfire related matters under the heading "the suitability of the site for development" as per S4.15(c) of the Environmental Planning and Assessment Act 1979 (EPA Act) where the consent authority is to take into consideration the draft BFPL mapping for the LGA which currently identifies the land as Category 3 Grasslands and includes several conditions that would be specifically designed to ensure compliance with PBP.

Please note that Council has engaged the services of Integrated Consulting (a Level 3 Accredited Bush Fire consultant) to assess the suitability of the site and provide an analysis of whether or not the proposal may satisfy PBP. A detailed dot point assessment of the legalities around this issue below to assist the panel in determining this aspect of the development.

- Seniors housing is a Special Fire Protection Purpose (SFPP) under s100B Rural Fires Act 1997.
- The site is not identified as bush fire prone land on the current version of the BFPL map.

- Council is completing the recertification of its BFPL mapping under the EPA Act, Section 10.3.
- When the BFPL map is certified, the site will be identified as BFPL – Vegetation Category 3 - Grasslands. The recertification may occur before the determination of the DA. Council staff will advise panel members of the status of Bush Fire mapping at the panel hearing.
- The pathway for assessment of the DA for BFPL is different from the pathway for assessment of land which is not mapped as BFPL.

Applicable Legislation – Bush Fire

- The Rural Fires Commissioner has the power to review the designation of land on a BFPL map at any time and revise the map accordingly. [EPA Act s10.3]
- The Guide for BFPL (November 2015) issued by the NSW RFS required Councils to recertify their bush fire prone land maps and incorporate the new Category 3 layer.
- The revised map becomes the BFPL map for the area on being certified by the Commissioner and the map is to be provided to the Council by the Commissioner. [EPA Act s10.3(2A)]
- Land recorded as being bush fire prone land on a BFPL map is “bush fire prone land” for the purposes of the EPA Act and any other Act. [EPA Act s10.3(3)]
- A consent authority must not consent to seniors housing development on BFPL unless the consent authority is satisfied the development complies with the requirements of Planning for Bush Fire Protection. [SEPP (Housing)¹ clause 96]
- The BFPL map is the trigger for the consideration of bush fire protection measures for new development for the purposes of PBP and Australian Standard 3959-2009 – Construction of buildings in bush fire prone areas.
- Section 100B Rural Fires Act enables the Commissioner to issue a Bush Fire Safety Authority (BSFA) for development of BFPL for a SFPP.
- A BFSA authorises development to the extent that it complies with standards regarding setbacks, provision of water supply and other matters considered by the Commissioner to be necessary to protect persons, property or the environment from danger that may arise from a bush fire [Rural Fires Act s100B(2)].
- A person must obtain a BFSA before developing BFPL for seniors housing [Rural Fires Act s100B(3)].

Analysis of this matter

¹ State Environmental Planning Policy (Housing) 2021

- Where the DA is for seniors housing on land which is not mapped as BFPL and not “near relevant bush fire prone land” the consideration of the risk of bush fire is required to be part of the assessment under the **suitability of the site for the development** [EPA Act s4.15(1)(c)].
- Where the DA is for seniors housing on land, which is not mapped as BFPL but it is “near relevant bush fire prone land” requires:
 - c. the consideration of the risk of bush fire is part of the assessment under the suitability of the site for the development [EPA Act s4.15(1)(c)] and
 - d. consultation with the NSW Rural Fire Service and consider its comments, and to consider specific matters [SEPP (Housing) clause 96(2)]
- The proposed development is on land which is not at present identified as BFPL. Subject to assessment as to the site being near relevant BFPL, the assessment process is as to the suitability of the site for the development under s4.15(1)(c) EPA Act.
- BFPL mapping will shortly identify the site as BFPL. Council’s ELT team has considered the mapping and have authorised such to be sent to the commissioner for certification.
- In addition to the suitability of the site for the proposed development (EPA Act s4.15(1)(c)), as a seniors housing development on bush fire prone land the following apply:
 - c. Council must not consent to the development unless it is satisfied that the development complies with the requirements of Planning for Bush Fire protection [clause 96(1) SEPP (Housing)]; and
 - d. a person must obtain a Bush Fire Safety Authority [Rural Fires Act s100B(3)].
- The revised map becomes the BFPL map for the area “*on being certified by the Commissioner*” [EPA Act s10.3(2A)]. Therefore, unless a savings provision causes some other consideration, the site is designated as bush fire prone land immediately upon certification of the revision of the bush fire prone land map.
- The savings and transitional provisions of the EPA Act allow for the Regulations to make savings or transitional provisions consequent on the enactment of any Act or instrument that amends the EPA Act. Savings and transitional provisions are to be found in Local Environmental Plans, see for example clause 1A of the Standard Instrument LEP also clause 1.8A Orange Local Environmental Plan 2011.
- We have been unable to locate any savings or transitional provision which alters the date for the identification of land as bush fire prone land on a bush fire prone land map from the times specified in section 10.3(2A).

- It is Council staff view that land becomes designated as BFPL upon the certification of the revised mapping by the Commissioner.
- If at the date of determination of the DA the land is BFPL as identified on the BFPL map then the requirements of the Act, the Rural Fires Act and SEPP (Housing) apply. The consent Authority under those circumstances must be satisfied that the development complies with the requirements of PBP. Further the person must obtain a bush fire safety authority before developing the land for seniors housing.
- Upon designation of the site as BFPL the development is integrated development. Amendment of the DA to the integrated development pathway is at the election of the developer, however, it would be a logical and sensible approach for the developer to take as:
 - a. Compliance with Planning for Bush Fire Protection is required by SEPP (Housing) clause 96; and
 - b. The development cannot be undertaken without a BFSa issued by NSW RFS
- The DA is to be determined according to the laws at the time of determination, that is, according to the then current bush fire prone land mapping.
- The soon to be certified BFPL mapping identifies the site is as BFPL. Such certification may occur before determination of the DA by WRPP.
- In reporting to the WRPP on the DA, Council will report the status of the revision of the bush fire prone land mapping.
- Such full disclosure by Council informs the applicant and the WRPP of the legal status of the revision of the BFPL mapping and affords the opportunity for the applicant to choose how it will proceed with the DA in the circumstances.

Conclusions on matters pertaining to Bush Fire planning.

Council engaged the services of Bush Fire Planning consultant - Ms Erica Dawson - BPAD Level 3 Accredited Practitioner (NSW & WA) from Integrated Consulting to carry out an independent assessment of the application to determine whether or not the proposal can satisfy Planning for Bush Fire Protection. Please see summary below.

Subdivision

The proposed four (4) lot subdivision is largely compliant with the acceptable solutions of Planning for Bush Fire Protection except for access, which does not provide for:

- perimeter roads,
- more than one way in and out of the development, and
- provision of through roads.

Once the land to the west of the site is developed it is expected that the development will be provided with more than one way in and out of the development and will have through roads. It is however not known in what timeframe the land to the west will be developed.

It has been demonstrated that a suitable developable area can be provided on each of the proposed lots in terms of radiant heat exposure.

If the subdivision has not been carried out before the BFPL mapping comes into effect for the site, the subdivision will require a BFSa from the RFS. As the access proposed to be provided for the subdivision does not comply with the Acceptable Solutions of Planning for Bush Fire Protection (PBP), any BFSa application will require the RFS to consider a Performance Solution in this case. If the RFS does not support a Performance Solution, this DA will be required to be modified to respond to any change in the layout required to comply with the BFSa.

Seniors Housing - Special Fire Protection Purpose Development

Special Fire Protection Purpose Developments (SFPP) (i.e. the Seniors Housing) are considered vulnerable land uses due to occupants being more susceptible to the impacts of Bush Fire and being more reliant on others in their functioning. The nature of the seniors housing use also makes the occupants reliant on others for transportation. Recognising this increased risk, SFPP developments are provided with enhanced bush fire protection measures compared to “standard” residential developments.

Council’s consultant has advised that the application has not demonstrated that Buildings 1, 3 or 4 have been sited to provide adequate separation to the bush fire hazard (i.e. inadequately sized APZ), either using the Acceptable Solution in PBP or via a Performance Solution using Method 2 calculations.

It is acknowledged that at some point in time it is likely that the land to the west of the site will become managed land. This land has been identified in Council’s housing Strategy for future residential development. There is, however, no certainty at this point in time as to when this will occur. In this regard it would be inappropriate to discount the bush fire hazard on the land to the west of the site on the basis of future potential development.

The access to the SFPP development can generally comply with the Acceptable Solution requirements of PBP, apart from the provision of through roads. The application could be altered to incorporate an amended performance solution to demonstrate compliance with the Performance Criteria.

Water supply, electricity and gas services and Emergency Management Planning can conditionally comply with PBP.

If the consent authority is of the mind to grant consent for the development, it is recommended that the following conditions as recommended by Council’s Bushfire Planning consultant be applied:

(4 lot subdivision)

Before the Issue of a Subdivision Works Certificate

1. Prior to the issue of a Subdivision Works Certificate, if the land has been mapped as bush fire prone pursuant to Section 10.3 of the *Environmental Planning & Assessment Act 1979*, evidence is to be provided to the certifying authority that a Bush Fire Safety

Authority (BFSA) has been obtained from the NSW Rural Fire Service in accordance with section 100B of the *Rural Fires Act 1997*. All subdivision works are to be designed and constructed in accordance with any conditions of the BFSA.

Note: If the BFSA requires a change in subdivision design/layout a modification will be required to this Development Application.

2. Prior to the issue of a Subdivision Works Certificate, evidence is to be provided to the certifier that the public road has been designed in accordance with the following:
 - a. A minimum sealed trafficable width of 8m kerb to kerb,
 - b. Parking is provided outside of the carriageway width,
 - c. Curves of roads have a minimum inner radius of 6m,
 - d. A minimum clearance height of 4m above the road,
 - e. Crossfall not to exceed 3 degrees,
 - f. Maximum gradient 15 degrees for sealed roads,
 - g. Roll top kerbing is used on the hazard side of the perimeter road where required,
 - h. Hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression,
 - i. Capacity is sufficient to carry a fully loaded fire fighting vehicle (23 tonnes), and
 - j. Traffic management devices are to be designed and constructed to facilitate access by emergency service vehicles.
3. Prior to the issue of a Subdivision Works Certificate, evidence is to be provided to the certifier that the driveway to the existing dwelling from Witton Place has been designed in accordance with the following:
 - a. two-wheel drive vehicles and for all weather access,
 - b. The capacity of road surfaces is to be sufficient to carry a fully loaded fire fighting vehicle (up to 32 tonnes),
 - c. Minimum 4m wide road carriageway width,
 - d. Vegetation above the road is clear to a height of 4m above the road carriageway,
 - e. A turning area is to be provided adjacent to the existing dwelling in accordance with the requirements of Appendix 3 of *Planning for Bush Fire Protection*.
 - f. Curves have a minimum inner radius of 6m,
 - g. The minimum distance between inner and outer curves is to be 6m,
 - h. The gradient of the access road is not to exceed 15 degrees (sealed road), and
 - i. The crossfall of the access road is not to exceed 10 degrees.
4. Prior to the issue of a Subdivision Works Certificate, evidence is to be provided to the certifier that the reticulated water supply system has been designed in accordance with the following:
 - a. Fire hydrant spacing, design and sizing must comply with the relevant clauses of *AS 2419.1: 2021 Fire hydrant installations – System design, installation and commissioning*,
 - b. Fire hydrant flows and pressures must comply with the relevant clauses of *AS 2419.1: 2021 Fire hydrant installations – System design, installation and commissioning*,
 - c. Hydrants are located outside of parking reserves and road carriageways,
 - d. Ring main systems are provided within the perimeter roads, and
 - e. All above-ground water service pipes are metal.

5. Prior to the issue of a Subdivision Works Certificate, evidence is to be provided to the certifier that the where practicable electrical transmission lines are underground. Where electrical transmission lines cannot be practicably provided underground, any above ground electrical transmission lines are provided with short pole spacings (i.e. less than 30m) and no part of a tree is closer to a power line than the distance set out in *ISSC3 Guideline for Managing Vegetation Near Power Lines*.
6. Prior to the issue of a Subdivision Works Certificate, evidence is to be provided to the certifier that any reticulated gas supply has been designed in accordance with *AS/NZS 1596:2014 - The storage and handling of LP Gas*, metal piping is used, and polymer-sheathed flexible gas supply lines to gas meters adjacent to buildings is not to be used.

Before the issue of a Subdivision Certificate

7. Prior to the issue of a Subdivision Certificate, the certifier is to be satisfied that the entire site the subject of this DA is managed in accordance with the following:
 - a. The APZ is provided in accordance with Appendix 4 of *Planning for Bush Fire Protection* (RFS 2019),
 - b. Any landscaping is provided in accordance with Appendix 4 of *Planning for Bush Fire Protection* (RFS 2019), and
 - c. Any fencing is constructed in accordance section 7.6 of *Planning for Bush Fire Protection* (RFS 2019).

The entire site is to be managed in accordance with these requirements in perpetuity.

8. Prior to the issue of a Subdivision Certificate, evidence is to be provided to the certifier that the existing dwelling has been upgraded to include ember protection measures including enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders. These measures are to be maintained in perpetuity for the existing dwelling.
9. Prior to the issue of a Subdivision Certificate, evidence is to be provided to the certifier that:
 - a. The public road extension of Bowman Avenue,
 - b. The driveway upgrade from Witton Place,
 - c. the water reticulation system,
 - d. the reticulated electricity system, and
 - e. any gas reticulation system
 have been constructed and are operational in accordance with the approved plans, documents and any relevant conditions of this consent.

Special Fire Protection Purpose Development – Seniors Housing

Before the issue of a Construction Certificate

1. Prior to the issue of a Construction Certificate, if the land has been mapped as bush fire prone pursuant to Section 10.3 of the *Environmental Planning & Assessment Act 1979*, evidence is to be provided to the certifying authority that a Bush Fire Safety Authority (BFSA) has been obtained from the NSW Rural Fire Service in accordance with section 100B of the *Rural Fires Act 1997*. The development is to be designed and constructed in accordance with any conditions of the BFSA.

Note: If the BFSa requires a change in development design/layout a modification will be required to this Development Application.

2. Prior to the issue of a Construction Certificate, evidence is to be provided to the certifier that Bush Fire construction requirements specified by the National Construction Code have been incorporated into the Construction Certificate plans for all buildings.
3. Prior to the issue of a Construction Certificate, evidence is to be provided to the certifier that the internal roads and parking areas on the western side of the development have been designed in accordance with the following requirements:
 - a. Two-way sealed road, designed with a capacity to carry fully loaded firefighting vehicles (up to 23 tonnes),
 - b. Minimum 8m wide carriageway (kerb to kerb), clear of any parking,
 - c. hydrants are located clear of parking reserves and road carriageways,
 - d. traffic management devices are constructed to not prohibit access by emergency services vehicles,
 - e. turning areas are provided at the termination of the roads in accordance with Appendix 3 of *Planning for Bush Fire Protection* (RFS 2019),
 - f. curves of roads have a minimum inner radius of 6m,
 - g. the maximum grade road is 15 degrees and average grade of not more than 10 degrees,
 - h. the road crossfall does not exceed 3 degrees, and
 - i. a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
4. Prior to the issue of a Construction Certificate, evidence is to be provided to the certifier that the driveway from the end of Witton Place to Building 2 has been designed to be upgraded in accordance with the following requirements:
 - a. Two-way sealed road, designed with a capacity to carry fully loaded firefighting vehicles (up to 23 tonnes),
 - b. Minimum 5.5m wide carriageway (kerb to kerb), clear of any parking,
 - c. hydrants are located clear of parking reserves and road carriageways,
 - d. traffic management devices are constructed to not prohibit access by emergency services vehicles,
 - e. turning areas are provided at the termination of the road in accordance with Appendix 3 of *Planning for Bush Fire Protection* (RFS 2019),
 - f. curves of roads have a minimum inner radius of 6m,
 - g. the maximum grade road is 15 degrees and average grade of not more than 10 degrees,
 - h. the road crossfall does not exceed 3 degrees, and
 - i. a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
5. Prior to the issue of a Construction Certificate, evidence is to be provided to the certifier that the reticulated water supply system has been designed in accordance with the following:
 - a. Fire hydrant spacing, design and sizing must comply with the relevant clauses of *AS 2419.1: 2021 Fire hydrant installations – System design, installation and commissioning*,

- b. Fire hydrant flows and pressures must comply with the relevant clauses of *AS 2419.1: 2021 Fire hydrant installations – System design, installation and commissioning*,
 - c. Hydrants are to be located outside of parking reserves and road carriageways,
 - d. Ring main systems are provided within the perimeter roads, and
 - e. All above-ground water service pipes external to the buildings are to be metal.
- 6. Prior to the issue of a Construction Certificate, evidence is to be provided to the certifier that the where practicable electrical transmission lines are underground. Where electrical transmission lines cannot be practicably provided underground, any above ground electrical transmission lines are provided with short pole spacings (i.e. less than 30m) and no part of a tree is closer to a power line than the distance set out in *ISSC3 Guideline for Managing Vegetation Near Power Lines*.
- 7. Prior to the issue of a Construction Certificate, evidence is to be provided to the certifier that any reticulated or bottled gas supply has been designed in accordance with the following requirements:
 - a. *AS/NZS 1596:2014 - The storage and handling of LP Gas*,
 - b. metal piping is used and connections to and from gas cylinders are metal,
 - c. all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side,
 - d. if gas cylinders need to be kept close to the building, safety valves are directed away from the building and at least 2m away from any combustible material, so they do not act as a catalyst to combustion,
 - e. polymer-sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used, and
 - f. above-ground gas service pipes external to the building are metal, including and up to any outlets.

Before the issue of an Occupation Certificate

- 8. Prior to the issue of an Occupation Certificate, the certifier is to be satisfied that the entire site is managed in accordance with the following:
 - a. The APZ is provided in accordance with Appendix 4 of *Planning for Bush Fire Protection* (RFS 2019),
 - b. Any landscaping is provided in accordance with Appendix 4 of *Planning for Bush Fire Protection* (RFS 2019), and
 - c. Any fencing is constructed in accordance section 7.6 of *Planning for Bush Fire Protection* (RFS 2019).

The entire site is to be managed in accordance with these requirements in perpetuity.
- 9. Prior to the issue of an Occupation Certificate, the certifier is to be satisfied that all the buildings have been constructed in accordance with the Bush Fire construction requirements specified by the National Construction Code.
- 10. Prior to the issue of an Occupation Certificate, a *Bush Fire Emergency Management and Evacuation Plan* is to be prepared for the development in accordance with:
 - a. The NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*, and
 - b. *Australian Standard AS 3745:2010 Planning for emergencies in facilities*,
 - c. *Australian Standard AS 4083:2010 Planning for emergencies – Health care facilities*,

and is to incorporate the following provisions:

- d. an Emergency Planning Committee is to be established and is to consult with residents and staff in developing and implementing an Emergency Procedures Manual,
 - e. detailed plans of all emergency assembly areas, including on site and off-site arrangements, as stated in AS 3745:2010 are clearly displayed, and an annually emergency evacuation is conducted.
 - f. A copy of the Bush Fire Emergency Management and Evacuation Plan is to be provided to the Local Emergency Management Committee for its information prior to occupation of the development.
11. Prior to the issue of an Occupation Certificate, evidence is to be provided to the certifier that:
- a. the internal driveways,
 - b. the water reticulation system,
 - c. the reticulated electricity system, and
 - d. any gas supplies,
- have been constructed and are operational in accordance with the approved plans, documents and any relevant conditions of this consent.

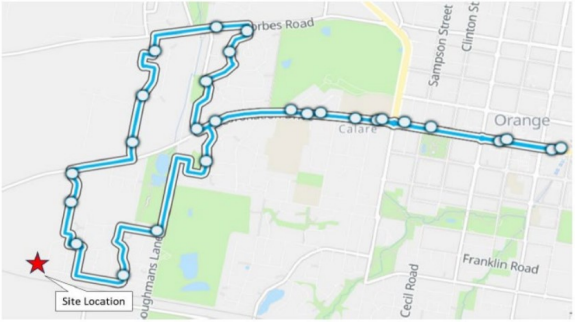
ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15(1)(d)

The proposed development is defined as "advertised development" under the provisions of the Council's Community Participation Plan. The proposal was notified on two separate occasions, initially from 19 April 2024 until 3 May 2024. A total of 10 submissions, were received. After amending the proposal, the second neighbour notification period was from 31 July 2024 until 15 August 2024. At the end of this period, a total of 22 submissions were collected.

The issues raised and a design response to the submissions are included the following tables.

Table 2: Consideration of Public Submissions

Issue raised	Design response
<p>Density, zoning and character</p> <p>R2 zone does not allow for high density uses, aged care not permitted in R2, proposed density is too high, weatherboard cladding at odds with existing houses, design inconsistent with surrounds, number of buildings / free-standing units should be increased, street setbacks</p>	<p>Although the proposed seniors hostel differs slightly from other development in the area (i.e. dwelling houses), it is still a form of residential accommodation and is a compatible and permissible use in the zone pursuant to the Housing SEPP.</p> <p>The density (floor space ratio) proposed meets all relevant requirements of the SEPP.</p> <p>The applicants have advised that it is not considered a desirable outcome to increase the number of buildings or provide for free-standing buildings, as this would not enable delivery of a seniors' hostel with communal facilities as proposed.</p> <p>Amendments have been made to the site layout, building designs, setbacks, and materiality. An assessment of neighbourhood character has been carried elsewhere in this report.</p>
<p>Car parking, access and traffic</p> <p>Not enough parking spaces, overflow parking impacts on street, private road narrow and will create conflicts/congestion, insufficient bicycle connectivity, inconsistent with public road, increased traffic flows</p>	<p>The proposed development complies with minimum parking requirements outlined within the SEPP, including one space for dedicated emergency vehicle use, in accordance with the requirements of SEPP (Housing) 2021.</p> <p>Car parking spaces proposed are in excess of parking rates required by the Housing SEPP – Division 7 Non-discretionary development standards which are as below:</p> <ul style="list-style-type: none"> 1 space per 10 hostel beds 1 space per 2 staff 1 space for emergency vehicle <p>An amended Transport Assessment was submitted in support of the application which demonstrates that the proposal is acceptable with regards to parking, access and traffic.</p> <p>Public transport – the site is serviced by two bus stops on Witton Place and Issac Drive</p>

	<p>(located within 400m). A separate private service has now also been offered by the proponent.</p> 
<p>Infrastructure, sewer, waste, stormwater</p> <p>current arrangements are not adequate, retention basins should not be required if current arrangements were sufficient</p>	<p>The proposed development will be fully serviced and connected to reticulated mains supply in accordance with Council's Development and Subdivision Code. (See commentary above regarding capacity issues).</p> <p>An electricity substation is proposed with easement arrangements for Essential Energy.</p> <p>Detailed preliminary servicing plans and stormwater modelling have been undertaken and accompanies the application. Consistent with requirements of Council's Subdivision and Development Code the proposed development of the land will need to incorporate stormwater detention and management arrangements into its design.</p> <p>It has been identified that possible upgrading of the water and sewer network servicing the locality may be required.</p> <p>Conditions of consent have been recommended to address servicing requirements of the development.</p>
<p>Landscaping and buffers</p> <p>Landscape Plan needed, eastern boundary should be landscaped, large trees can cause shading close to neighbours</p>	<p>An amending landscape plan accompanies this application. The amended design takes into account all site changes, and all recommendations made by consultant engineers, arborist and architects.</p> <p>It also considers the Bush Fire landscaping restrictions for the western APZ (i.e. to minimise Bush Fire fuel load and risk).</p>

<p>Characterisation of development</p> <p>the hostel as long-term accommodation should provide all aged care services in accordance with legislation</p>	<p>The proposal is specifically a seniors' hostel, which provides accommodation with shared facilities, and is managed by staff.</p> <p>It is predominately for seniors who are independent and can care for themselves. It is not proposed to provide the level of service that a 'residential care facility' does (i.e. nursing/ personal care, etc).</p> <p>There is no legislated requirement for a seniors housing development to provide for all aged care life stages.</p>
<p>Solar access</p> <p>buildings should be orientated to maximise living room access to solar radiation</p>	<p>The site layout has been amended.</p> <p>The buildings, rooms, communal areas, and open space areas have been designed and orientated to improve solar access.</p>
<p>Privacy</p> <p>setbacks need to be increased for visual and acoustic privacy (of neighbours)</p>	<p>Site layout and setbacks have been amended. Buildings have been sited and designed to ensure there are no adverse visual or acoustic impacts to neighbours. Further consideration of privacy impacts will need to be assessed.</p> <p>It is noted that there is a substantial vegetative buffer to the property to the north which negates the need for additional measures.</p> <p>SoundIN have completed an amended Noise and Vibration assessment in support of the design which demonstrates that the proposal complies with relevant guidelines.</p>
<p>Acoustic and vibration</p> <p>impacts from adjacent railway line</p>	<p>All buildings are located at a suitable distance from the railway.</p>
<p>Ploughmans Concept Plan (DCP 2004)</p> <p>inconsistent with Plan's cul-de-sac street layout or 1,500m² average lot size, and does not involve housing like the existing area</p>	<p>Matters in relation compliance with DCP related matters has been addressed in the body of this report. The proposed road extension avoids a cul-de-sac arrangement as set out in the DCP's planning outcomes. The amended design that now incorporates an link road through to land west of the site will ensure future connectivity to future residential development (i.e. should it be developed into residential lots) in accordance with Council's recently adopted Housing Strategy.</p> <p>The amended proposal now incorporates a 4 lot residential subdivision. The proposed</p>

	subdivision now meets the minimum 1,500m ² lot size requirement set out in the LEP and DCP. The proposed lots to the south of the road extension emulate neighbouring lots in this part of Bowman Avenue, and future dwellings can be sited and designed to be consistent with the existing and future desired character of the area.
Housing Strategy inconsistent with through road/ connection requirements, impacts on future development to the west	The proposal has been amended in this regard. The amended road layout now provides for a public road through to the west consistent with the desired outcomes envisaged under the Housing Strategy.
Land use conflict with adjacent to rural land (digging, ploughing, hay baling, running cattle, dust noise, vehicle headlights)	While the adjacent land to the west is zoned (C3 - Environmental Management) for rural purposes, it is only used for grazing activities, and is not approved for intensive agricultural purposes that are likely to impact on future occupants of the proposed hostel (e.g. feed lots, vineyard, cropping, etc). Further, this land has been identified for housing under the Housing strategy. As such, the highest and best use of the adjoining land is very much likely to be for residential purposes.

The revised exhibition period Council received a further 22 submissions. Whilst the majority of the submissions raised similar issues to the first round of consultations, an outline of the key issues raised and design responses to concerns are set out in the table below.

Issues	Response
On site carparking	<p>Minimum standard carparking requirement for a development of this nature is 1 space per 10 rooms. The latest iteration of the plans now incorporates additional car parking. The proposal has been amended from 145 units to 99 units whilst at the same time increasing the number of spaces provided on site to 43 car parking spaces. In addition a parking bay for an ambulance and minibus is also provided. Out of the 43 spaces, 10 parking spaces are provided for disability parking.</p> <p>Staffing will generally comprise 3-4 staff members at any one time, which includes the occasional visiting consultant.</p> <p>On-site car parking exceeds the required standard</p>

	<p>by 33 spaces.</p> <p>1 dedicated ambulance space is proposed in accordance with this standard.</p> <p>The plans also allow for emergency access for an ambulance from Witton Place.</p> <p>The proposed car parking arrangements comply with the required standard.</p>
Street carparking	The design has been altered from the second exhibition to improve the ratio of hostel units to car parking. The applicant has suitably demonstrated that the development exceeds the car parking requirements of the SEPP. Whilst not specifically counted for the purposes of this assessment it is acknowledged that reasonable opportunity for on-street parking would be available along the 110m long site frontage without impacting on street parking reserve in the locality.
Local Housing Strategy	The development is consistent with the key objectives of the local housing strategy including improved housing typology, purpose-built housing for seniors and extending Bowman Avenue to create a potential future road connection.
Density	Senior's housing developments are allowable in R2 zoning in accordance with the Housing SEPP. The development is well below the minimum FSR of 1:1
Security	Senior's housing development proposes safety, security and crime prevention through the crime prevention through environmental design (CPTED) principles.
Bin Collection on eastern boundary	Bin collection occurs on the western boundary and not on eastern boundary.
Hostels are for low-income population and increased risk of crime	<p>Mischaracterisation of the demographic as this is a "seniors housing" solution which allows residents to rent accommodation as opposed to being obligated to acquire their accommodation.</p> <p>The target demographic is a renter on the aged pension and as such is over 67 years of age. There are no crime statistics that suggest age pensioners have a higher propensity to commits crimes than other demographics.</p>
Building setbacks	Adjustments to the masterplan has resulted eastern setback being increased to 10m (from 5m) and adjustments to front setbacks to improved streetscape compatibility.

Following the second exhibition the applicant initially submitted an amended version of the proposal in an attempt to further address concerns raised by the community which may be viewed at Figure 31- revised plan below.

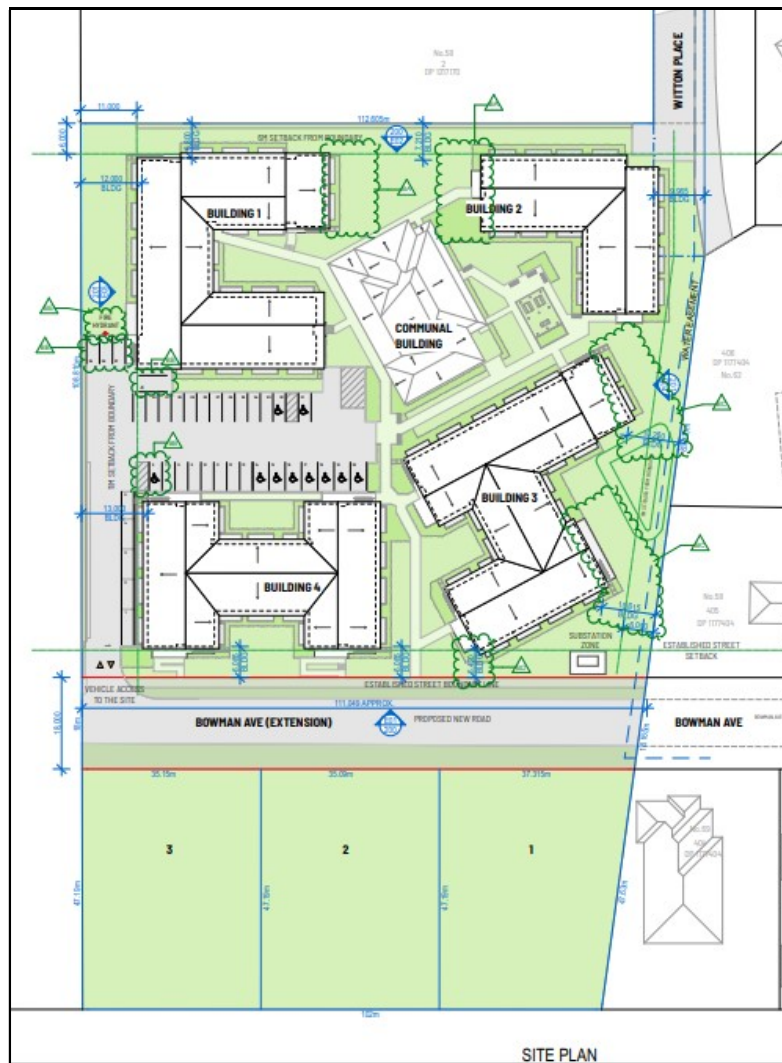


Figure 31 – revised site plan after second notification period

The changes from the 2nd iteration of the plans are summarised as follows:

- Further increase in on-site parking from 32 carparks to 37 car parking spaces
- Further reduction in the total number of rooms from 145 to 130 rooms resulting in increased setback of development to the eastern boundary (Changes shown in the marked areas of the plan above)
- Additional community bus parking space to provide for a 14-seater commuter bus to convey residents to and from other parts of the city
- Provision of additional hard and soft landscaping
- Confirmation that the paths within the site meet the SEPP requirements.

The plans have since undergone a further iteration in response partly to draft Bush Fire mapping that is currently with the Commissioner of Rural Fire Service for authorisation and

further consideration of the matters raised by the community in the submissions received. The latest and final revised plans include the following changes:

- Further reduction in the total number of rooms from 130 to 99.
- Increase in total on-site parking from 37 to 43 carparks.
- Addition of community bus parking to accommodate a 14-seater commuter bus for resident transport.
- Creation of a 27.2m APZ on the western boundary of the seniors housing development and an 11m APZ on the western and southern boundaries of the residential subdivision, with the APZ contained within the development.
- Addition of a perimeter road along the western boundary of the proposed seniors hostel and other access provisions.

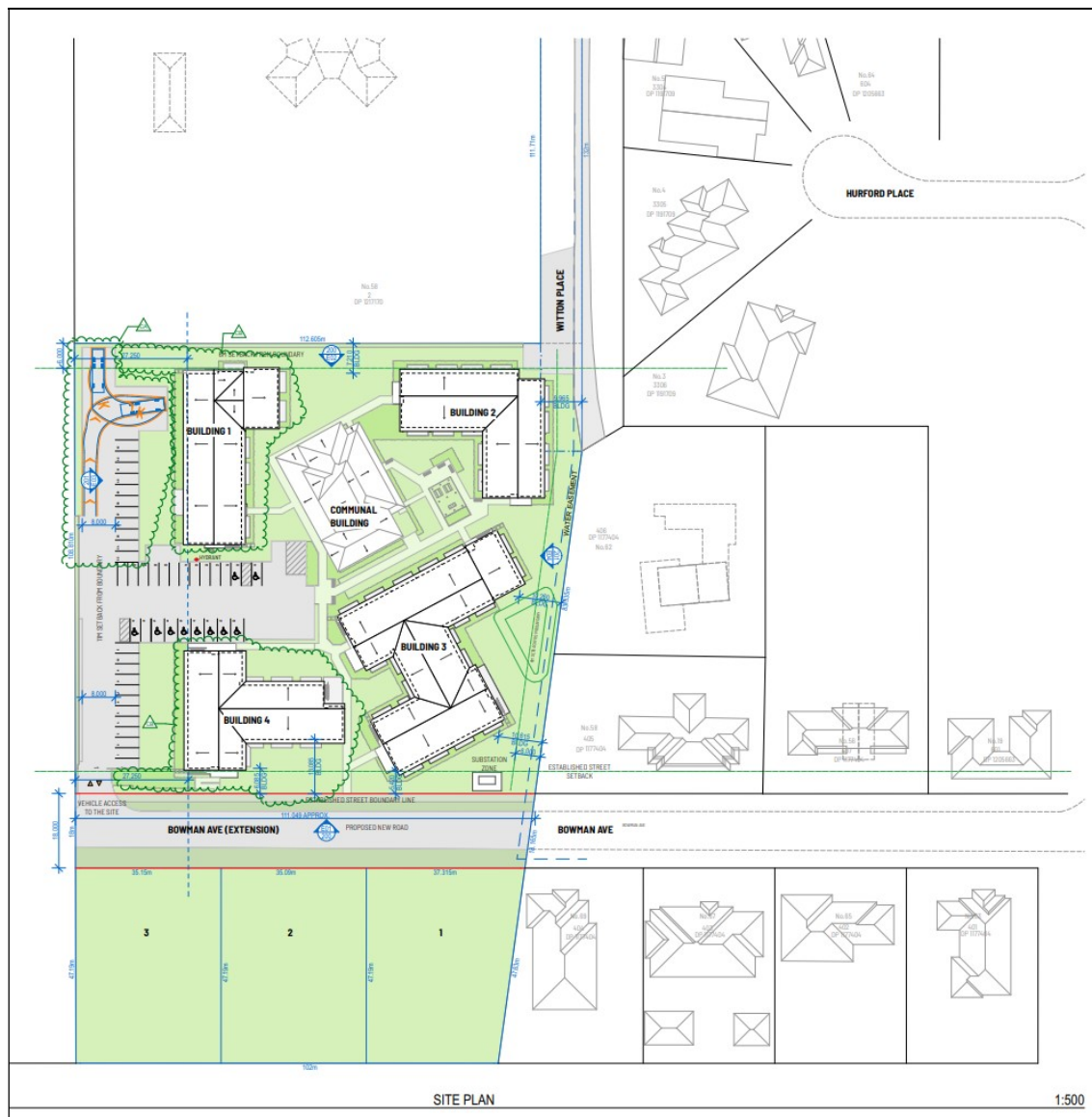


Figure 32 – final version of the development proposal

Following the two exhibition periods and consideration of the amendments to the plans that were formally exhibited it was assessed that the amended plans for the proposed development did not warrant further exhibition or re-notification because the modifications were specifically focused on addressing the concerns raised in the submissions received

during the two previous notification periods. Council's CPP specifies that further notification of an application that is amended post neighbour notification is at the discretion of the Manager Development Assessments or Manager Building and Environment.

These adjustments were carefully considered to ensure that they adequately responded to feedback without introducing any new elements that could adversely affect the surrounding area.

As a result, it is anticipated that the revised plans will not lead to any further diminishing impacts on the locality. This approach not only streamlines the review process but also reinforces Council's and applicant's commitment to engaging with the community and addressing their concerns while maintaining the integrity of the development proposal.

PUBLIC INTEREST s4.15(1)(e)

The proposal will not be inconsistent with any policy statement, planning study or guideline that has not been considered in this assessment. There are no aspects of the proposal that will be contrary to the welfare or well-being of the general public.

SUMMARY

In summary, the proposed development for a seniors' hostel is deemed acceptable based on several key factors. It provides essential social infrastructure to meet the current and future demands for attainable, high-quality seniors housing in response to an aging population. The development is permissible within the R2 zone under the Housing SEPP and aligns with the development standards and design principles set forth by the Orange LEP 2011 and the Housing SEPP.

Architecturally designed with the future resident experience in mind, the project prioritizes solar access, privacy, amenity, and the integration of open spaces and garden settings. It has been thoughtfully planned to avoid any adverse impacts on neighbouring residential properties and to respond appropriately to the surrounding context. The development will not generate negative traffic impacts in the locality and includes on-site parking. Additionally, it addresses potential impacts from the adjacent rail corridor effectively.

The panel will need to determine the assessment pathway to suitably address Bush Fire planning matters. These matters are discussed in detail within the planning report.

Operational management regarding waste, staffing, and deliveries has also been planned to ensure no adverse effects on the surrounding area. Considering these merits and the acceptable level of environmental impact it is recommended that the development be supported.

Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

COMMENTS

The requirements of the Environmental Health and Building Surveyor and the Engineering Development Section are included in the attached Notice of Approval.