



## Planning

Mr Peter Paltoo  
General Manager - Property  
Anglican Retirement Villages  
PO Box 284  
CASTLE HILL NSW 1765

10/19552

Dear Mr Paltoo

I refer to your letter of 21 September 2010 requesting that the Director General waive the fee for re-issuing of a Site Compatibility Certificate for the Anglican Retirement Village's Aged Care Facility in Kingswood. The Director General has asked me to reply on his behalf.

As you are aware the site compatibility certificate in respect of the above mentioned proposal was issued under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, by the Director General on 17 July 2008. The certificate was valid for 24 months from the date of issue. The certificate must be valid at the date of determination of the development application by a consent authority. It is noted that your certificate expired on 17 July 2010.

Please be advised that a new application for a Site Compatibility Certificate will be required as there is no power for the Director General to grant an extension of time for a site compatibility certificate. The Department is prepared to assess the new application and waive the application fee if the proposed development is substantially the same as previously approved. However, it should be noted that if a new certificate is issued, it will have no bearing on the outcome of the consent authority's determination of the development application.

I hope this information is of assistance to you and should you have any further enquiries about this matter, I have arranged for Derryn John, Team Leader, Sydney Region West, of the Department of Planning to assist you. Derryn can be contacted on (02) 9873 8543.

Yours sincerely

15/10/10

Tom Gellibrand  
**Deputy Director General**  
**Plan Making & Urban Renewal**



ANGLICAN  
RETIREMENT  
VILLAGES  
DIOCESE OF SYDNEY

*Creating Communities of Christian Care*

**SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A  
DISABILITY) 2004**

**DIRECTOR – GENERAL'S  
SITE COMPATIBILITY CERTIFICATE APPLICATION  
FOR**

**RETIREMENT VILLAGE AT  
AT 50-52 MANNING STREET  
KINGSWOOD  
(Lot 1 DP 1130750)**

**Prepared by**

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&

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**October 2010**



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- Annexure 9** – Minister's Consent for UWS Land Sale Social Report

### **ACCOMPANYING DOCUMENTS ON CD**

- DA 07-1281 Stage Concept DA & Consent documents
- DA 08-656 Stage 1 RACF DA & Consent documents
- DA 08-1340 Stage 2 ILUs DA & Consent documents
- DA 09-0166 2-lot subdivision Caddens land (to create adjoining Lot 1 DP 1145043)
- Letter from Department of Planning regarding SCC fees

## 1) Introduction

- 1.1 This application for re-issue of a Site Compatibility Certificate (SCC) has been prepared by Smyth Planning on behalf of the applicants Anglican Retirement Villages (ARV). The previous SCC was valid for 2 years and lapsed on 17-7-2010.

Anglican Retirement Villages (ARV) is a not-for-profit organisation which provides a wide choice of accommodation and service options to some 3,500 residents and 2,100 community care clients. These are made up of 1,800 residents (av. age 81.1yrs) living in Independent Living Units (ILUs) and 1,700 residents (av. age 86.1yrs) living in Residential Aged Care Facilities (Hostels/Nursing Homes). ARV now owns and manages 34 aged care facilities across the greater Sydney region including retirement villages at Penrith ("Lemongrove", "St Stephens" & "Henry Fulton"), Castle Hill, Glenhaven, Winston Hills, Kirrawee, Taren Point and Dapto together with the most recent facility under construction at Warriewood.

- 1.2 In 2008 & 2009 ARV obtained development approval from Penrith Council for Stage 1 – Residential Aged Care Facility (102 beds) and then Stage 2 comprising 78 x Independent Living Units (ILUs) *also known as Serviced Self-Care Housing* together with a community facility.
- 1.3 ARV subsequently has purchased adjoining lands to the south within the Caddens Release Area (being Lot 1 DP 1145043 which is formerly part of 73-105 Caddens Road). They now seek to lodge a new Development Application with Penrith Council over both 50-52 Manning Street site and the Caddens property. While the Caddens lands have been rezoned R1 General Residential (gazetted 25-9-09) to permit seniors housing, the 50-52 Manning Street part of the site remains 5(a) Special Uses – Tertiary Education.

Accordingly ARV must also obtain a new (re-issued) SCC for the 50-52 Manning Street land component to facilitate the lodgement of a combined DA.

- 1.4 Nothing has changed since the original SCC was issued other than the commencement of the construction of the ARV Residential Aged Care Facility (RACF) on the northern part of the site fronting Manning Street and the rezoning of Caddens lands to the south for residential development.



## 2) Context

- 2.1 The land to which this SCC application applies is known as 50-52 Manning Street. The site abuts the south-west perimeter of the University of Western Sydney (UWS) Kingswood Campus. The site is situated approximately 3km to the east of Penrith, and approximately 4km to the west of St Marys. Kingswood Primary School is located to the north, Kingswood residential properties abut the western and northern boundary and ARV/Landcom owned lands lie to the south (Caddens Release Area).



Figure 1: Locality Map – 5-52 Manning Street, Kingswood

Manning St site denoted by the red star



Figure 2: Aerial Photo – 50-52 Manning Street, Kingswood (August 2010)

Manning St site denoted by the red star



2.2 No 50-52 Manning Street (being Lot 1 DP 113 0750) resulted from a 2-lot subdivision under DA 07/0121 which was approved by Council on 17-12-07. Refer **Figure 3** below.

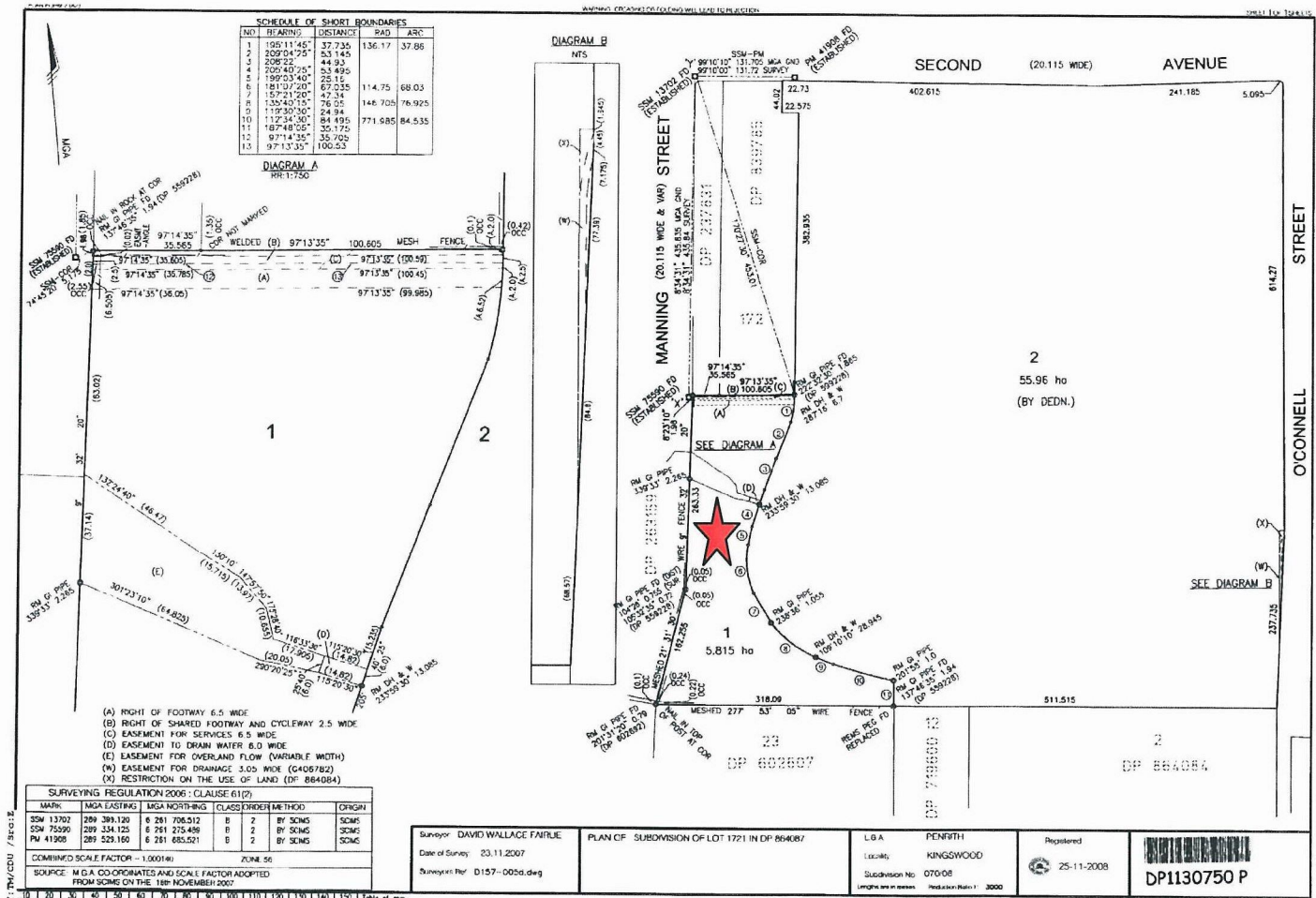


Figure 3: Registered Plan of Subdivision

ARV site denoted by the red star

2.3 The whole of Lot 1 DP 113 0750 is 5.8ha in size, and comprises open space, with a row of medium sized trees, largely eucalypts, parallel to its western & northern boundaries. (Refer **Figure 2 Aerial Photo** above and Site Analysis plan at **Annexure 2**). The land is undulating and rises to a small ridge at the SW corner. The land is currently vacant (September 2010) though excavation of the site to construct the approved RACF has commenced.

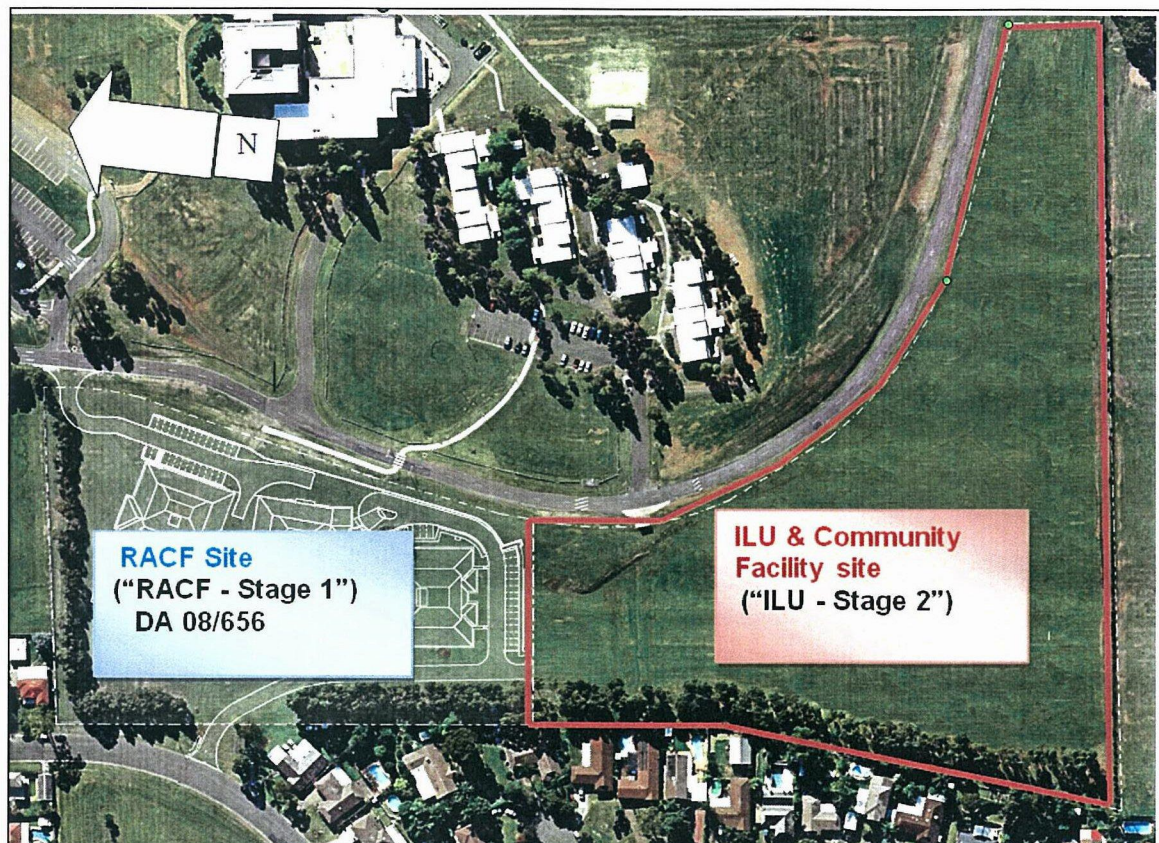
A pedestrian pathway along the northern boundary of the ARV site links the University road to Manning Street. Bus stops are located in Manning Street adjacent to the site frontage (refer Bus Route & Bus Stop maps at **Annexure 5**). Covered bus shelters are proposed to be built pursuant to a previous DA consent for the RACF.

The boundary of Lot 1 DP 113 0750 to the east is an internal university roadway which provides a two-way link road to O'Connell Street. The site has frontage to Manning Street to the west and also abuts the rear boundary of several Manning Street residential properties. Land to the south comprises residential zoned lands known as "Caddens Release Area" which is partly ARV owned (Lot 1 DP 1145043). Refer to **Figure 2 - Aerial Photo**.



- 2.4 The approved RACF (Stage 1) is located on the northern part of the site which comprises an area of 2.13 hectares. The approved ILU (Stage 2) application for construction of 78 x Independent Living Units (ILUs) and Community Facilities is located on the southern 3.68ha portion of Lot 1 DP 113 0750. Some excavation associated with the construction of the RACF has commenced on this part of the site. Refer Figure 4 Aerial Photo overleaf.

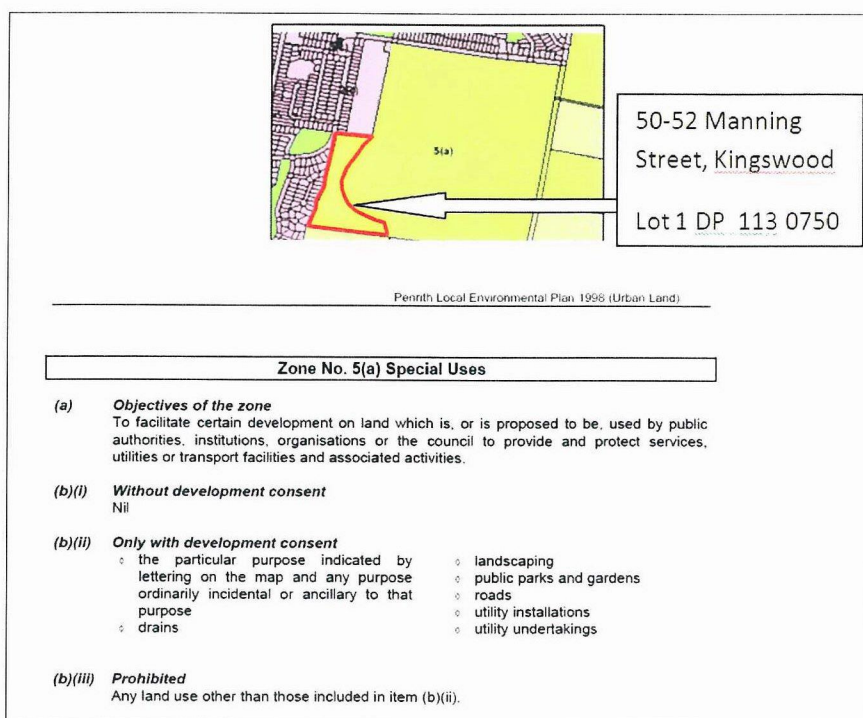
**NOTE:** This SCC application seeks to facilitate lodgement of fresh development application for ILUs on the southern portion of Lot 1 DP 113 0750 in conjunction with Lot 1 DP 1145043 residential zoned lands to the south within the Caddens Release Area. However, only Lot 1 DP 113 0750 being 50-52 Manning Street is zoned special uses and hence triggers the need for a Site Compatibility Certificate.



**Figure 4:** Lot 1 DP 1130750 with Stage 1 and previously approved Stage 2 denoted.

- 2.5 There are no known natural hazards affecting the site.
- 2.6 Under the Penrith Local Environmental Plan (PLEP) 1998 – Urban Lands, the whole of 50-52 Manning Street site (including the adjoining UWS site) is zoned as 5(a) Special Uses – Tertiary Education. Refer to Figure 5 LEP extract overleaf. Land to the west is a mixture of zone 2(a) and 2(b) Residential, whilst ARV owned land immediately to the south (being Lot 1 DP 1145 043) is zoned R1 General Residential under Penrith LEP (Caddens) 2009. Refer to Annexure 4 – PLEP (Caddens) 2009 extracts)





**Figure 5: LEP extract**

2.7 **Permissibility** - Under PLEP, development that is permissible on land zoned 5(a) – Tertiary Education, is that for the purpose of tertiary education or incidental to it. This would include developments such as institutional buildings and associated facilities. Therefore the proposal for serviced self-care housing (ILUs) relies upon SEPP (Housing for Seniors or People with a Disability) 2004 which overrides local planning controls.

2.8 **Penrith Age Structure** – Penrith has experienced accelerated growth with the largest change in the age profile being 50+ age group which is increasing as a percentage of the population. Refer Figure 7 below. Provision of increased seniors housing in Penrith is essential to meet growing demand for aged care in Penrith LGA .

Age group	1991	1996	2001	2006	Change 1991 to 2006 (number)	Change 1991 to 2006 (%)
0-4	14,638	14,613	13,916	12,933	-1,705	-11.6
5 to 11	20,044	20,047	19,938	18,431	-1,613	-8.0
12 to 17	15,432	16,466	16,828	16,354	922	6.0
18 to 24	17,265	18,686	18,915	18,614	1,349	7.8
25 to 34	26,905	26,759	27,385	25,646	-1,259	-4.7
35 to 49	33,588	38,645	38,958	37,396	3,808	11.3
50 to 59	9,762	13,422	18,800	21,654	11,892	121.8
60 to 69	7,065	7,383	8,780	10,949	3,884	55.0
70 to 84	4,675	6,084	7,363	8,135	3,460	74.0
85 and over	415	657	987	1,451	1,036	249.6
<b>Total</b>	<b>149,789</b>	<b>162,762</b>	<b>172,352</b>	<b>172,141</b>	<b>22,352</b>	<b>14.5</b>

Source: Australian Bureau of Statistics, 1991, 1996, 2001 and 2006 Census

Note: Enumerated data. Data for all years exclude "Overseas Visitors"

**Figure 7: Penrith City Local Area Profile Jan'10 extract**



### 3) Site compatibility certificate

- 3.1 A Site Compatibility Certificate is required under Clause 50(2A) of the Environmental Planning and Assessment Regulation 2000 to accompany development applications for certain proposed developments under the SEPP (Housing for Seniors or People with a Disability) 2004 (the SEPP).
- 3.2 The types of development application to which the Regulation applies are listed in clause 24 of the SEPP as follows:

**24 Site Compatibility certificates required for certain development applications**

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

- a) the development is proposed to be carried out on any of the following land to which this Policy applies:*
  - i) land that adjoins land zoned primarily for urban purposes,*
  - ii) land that is within a zone that is identified as "special uses" under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),*
  - iii) land that is used for the purposes of an existing registered club, or*
- b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.*

- 3.3 Under the Penrith Local Environmental Plan (PLEP) 1998 – Urban Lands, the whole of Lot 1 DP 1130750 is zoned as 5(a) Special Uses – Tertiary Education. The site also adjoins urban zoned lands to the north, west and south. The 5(a) zone permits tertiary education uses but does not permit development for the purposes of hospital. Accordingly, a "current" site Compatibility Certificate is required to accompany any Development Applications for Lot 1 DP 1130750. While a SCC was previously issued by the Director General for this site on 17 July 2008, the 24 month period has now expired and a new SCC must be obtained to accompany the amended Development Application.

Note: While the initial Concept Scheme development application for a retirement village was lodged under SEPP (Seniors Living) 2004 prior to 12 October 2007, the Development Application was approved by Council after this date; hence the requirement for a SCC.

#### 4) Access to Services and Facilities

- 4.1 The subject site is well served by public transport to ensure that the future occupants will have appropriate access to shops, banks and other commercial services, community services and the practice of a general medical practitioner. A regular bus service (operated by Westbus Route 770) runs between Penrith and St Marys which has stops in the immediate vicinity at the Manning Street frontage. Bus shelters and connecting pathways are to be constructed pursuant to Stage 1 DA 08-656. Further, ARV would provide a regular mini-bus (21 seat coaster mini-bus) service to supplement public transport.

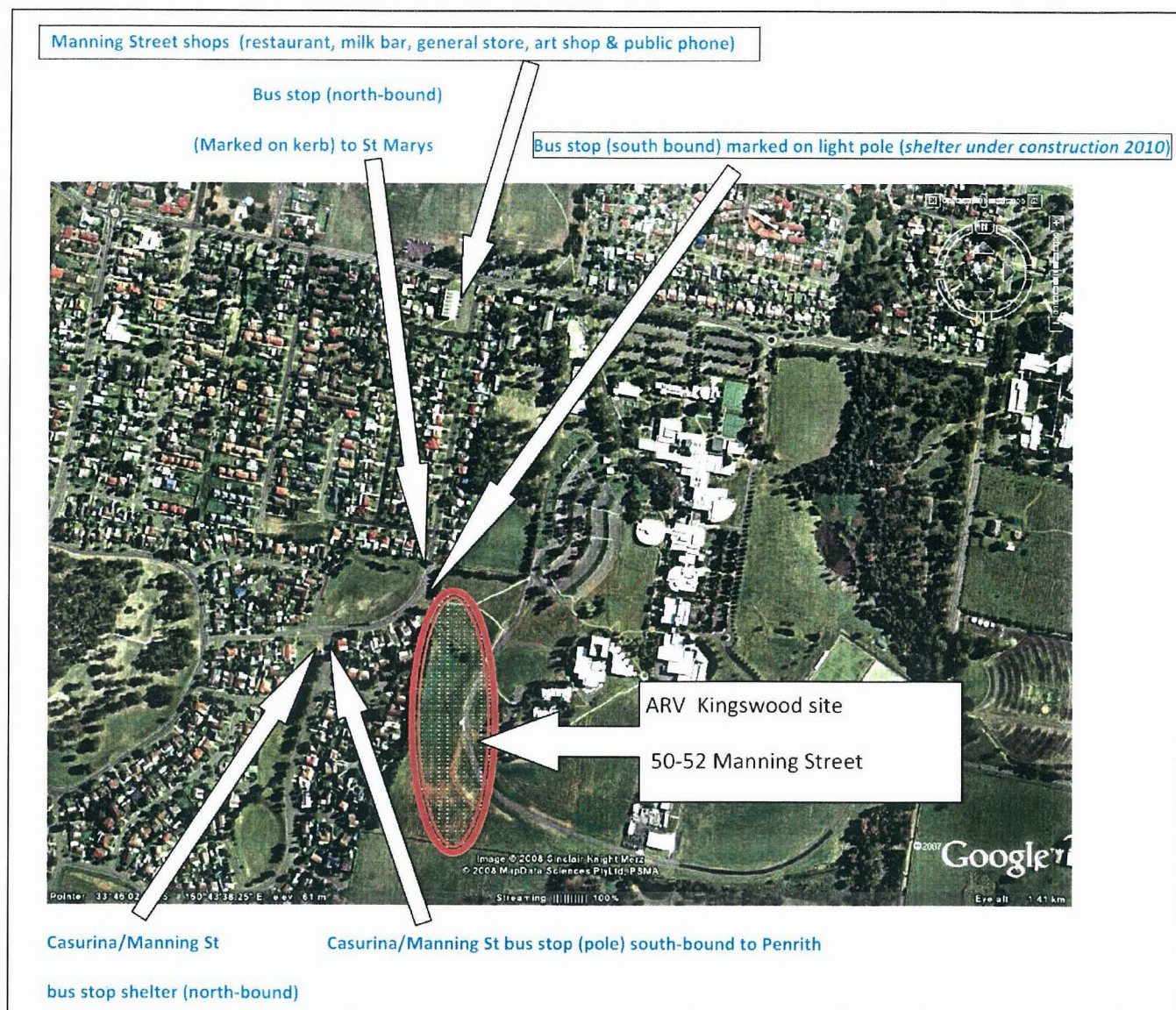


**Figure 8: Westbus Route Map extract**

Penrith and St Marys both offer a variety of services, to ensure that the future occupants of the Village have access to all the shops, services, facilities and entertainment that they will require. A small shopping complex is located at the corner of Manning Street and Second Avenue which has (limited) opportunity for convenience shopping and dining. Refer **Figure 9** aerial photo overleaf. While it is recognised that several of the shops are vacant at the present time, the size/employment generation associated with the ARV Kingswood village generated by ILU residents and visitors/staff associated with the 102 bed RACF, there may be some direct increase in demand for local shopping facilities which may trigger a rejuvenation of these local shops.

A future local shopping precinct is identified along O'Connell Street (to the east of the UWS) in the WELL Precinct study area which may provide more comprehensive services/facilities in the medium/longer term. Refer WELL Precinct Plan at **Annexure 4**





**Figure 9: Bus Stop & shops locality map**

4.2 In addition to those existing facilities in the area, it should also be recognised that as part of the Village operations, Anglican Retirement Villages typically provide a diverse and high standard of services/facilities and activities for village residents. These can be summarised as follows:

**Care support Services;-**

- 24 hour emergency call (radio transmitted or via telephone line)
- 24 hour security
- Fee paying home delivered services including home nursing, personal care and household assistance, home maintenance, gardening services, personal transport utilizing ARV coaster mini-bus.

**On-Site Amenities/Facilities/Activities;-**

- Christian Ministering – Chapel linked to community centre, variety of external spaces for sharing, reflection & prayer
- Community facilities comprising village green, café, hair and beauty therapies, specialist consulting suites for hire by therapists/clinicians.



- Social educational and activity programs comprising arts and craft activities, resident craft room, billiards and games room, library with combined computer club incorporating internet access, photocopiers, printers phone/fax machines, miscellaneous rooms to accommodate a range of social, recreational and educational activities, large multi-purpose room incorporating lounge / dining / activity theatre/educational functions.
- Sporting, recreational and outdoor leisure activities comprising landscaped walking/jogging/scooter paths, picnic grounds, resident community gardens and storage facilities, children's playground, access to multi-function village green.

## **5) Proposal**

### **Description of the Proposal**

- 5.1 The subject proposal is for the completion of an existing seniors housing development pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 on Lot 1 DP 1130750 being 50-52 Manning Street, Kingswood. The village would be owned and operated by Anglican Retirement Villages.
- 5.2 A Staged Concept Scheme and Site Compatibility Certificate were previously issued in 2008 for a 136 bed RACF and 95 ILUs and associated community facilities.
- 5.3 A 102-bed RACF (Stage 1) was subsequently approved by Penrith Council pursuant to DA 08-656 on 2-12-08 and is currently under construction on the northern portion of Lot 1 DP 1130750 (refer aerial photo at **Figure 2**). DA 08-1340 for 78 ILUs and community facility was approved by Penrith Council on 7-9-2009.
- 5.4 ARV subsequently has purchased adjoining lands to the south within the Caddens Release Area (being Lot 1 DP 1145043 which is formerly part of 73-105 Caddens Road). They now seek to lodge a new Development Application with Penrith Council for 143 dwellings and a community facility across the combined 50-52 Manning Street site and Lot 1 Caddens land properties. While the Caddens lands have been rezoned Residential R1 (gazettal 25-9-09), the 50-52 Manning Street part of the site remains 5(a) Special Uses – Tertiary Education.

**Accordingly ARV must also obtain a new (re-issued) SCC for the 50-52 Manning Street land component to facilitate the lodgement of a combined DA.**

- 5.4 The "Stage 2" portion of Lot 1 DP 1130750 (50-52 Manning Street) is now proposed to accommodate in the order of 70 x 1 storey serviced self-care dwellings and associated community facilities to complement the approved RACF. A notable departure from the 2009 approved scheme is the proposal to provide all ILU resident/visitor access from Caddens/Caddens Bypass Road to the south. Previous DA approvals permitted RACF visitor parking and a maximum of 30 ILUs with access to Manning Street with the remainder ILUs and RACF staff required to access the village via the internal UWS road. This restriction was imposed to ameliorate Manning Street resident traffic concerns. Under the current proposed scheme, ARV propose to remove ILU resident vehicle access from Manning Street. A right-of-carriageway pursuant to DP 1145043 facilitates the alternative legal access to the south (Refer accompanying documentation for DA 09-0166 – 2 lot subdivision)



- 5.5 The approved Staged Concept Plan DA 07-1281 documentation accompanies this application. An extract is reproduced at **Figure 10** below. The new scheme will most likely trigger the need for a s.96 application to modify the approved Staged Concept road layout.

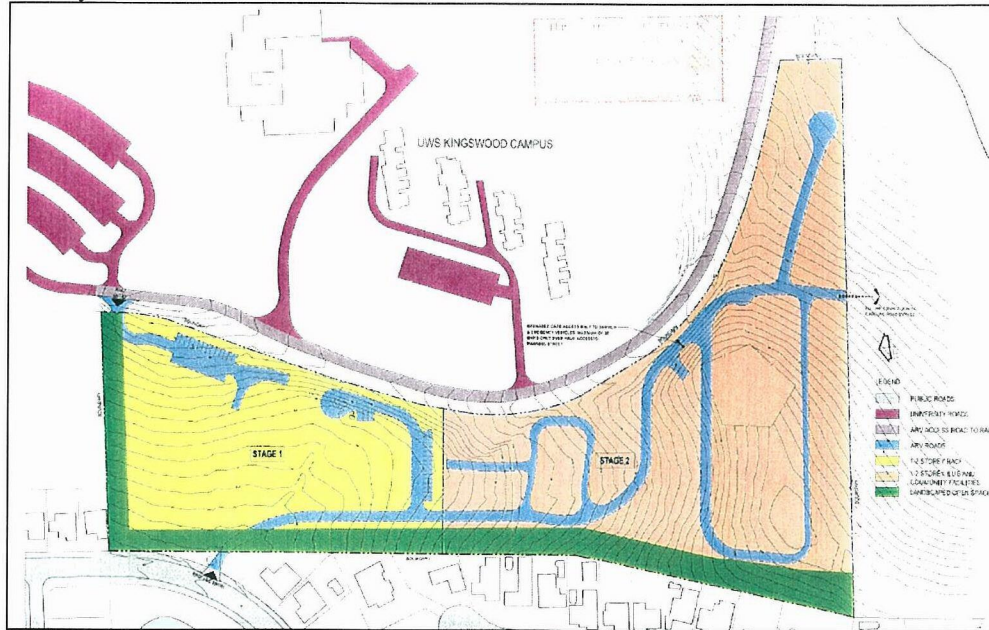


Figure 10: Concept Scheme (Approved under DA Consent 07/1281)

### Site Description

- 5.6 Lot 1 DP 1130750 is an irregular shape parcel, 5.815ha in size. The land is undulating and is currently vacant though site works associated with the construction of the approved RACF have commenced. Pathways across the northern boundary link UWS internal road to Manning Street. The Manning Street site is largely clear of vegetation except for row(s) of tree plantings planted along the northern and western boundaries (refer to Site Analysis Plan at **Annexure 2** and **Figure 11** extract below).

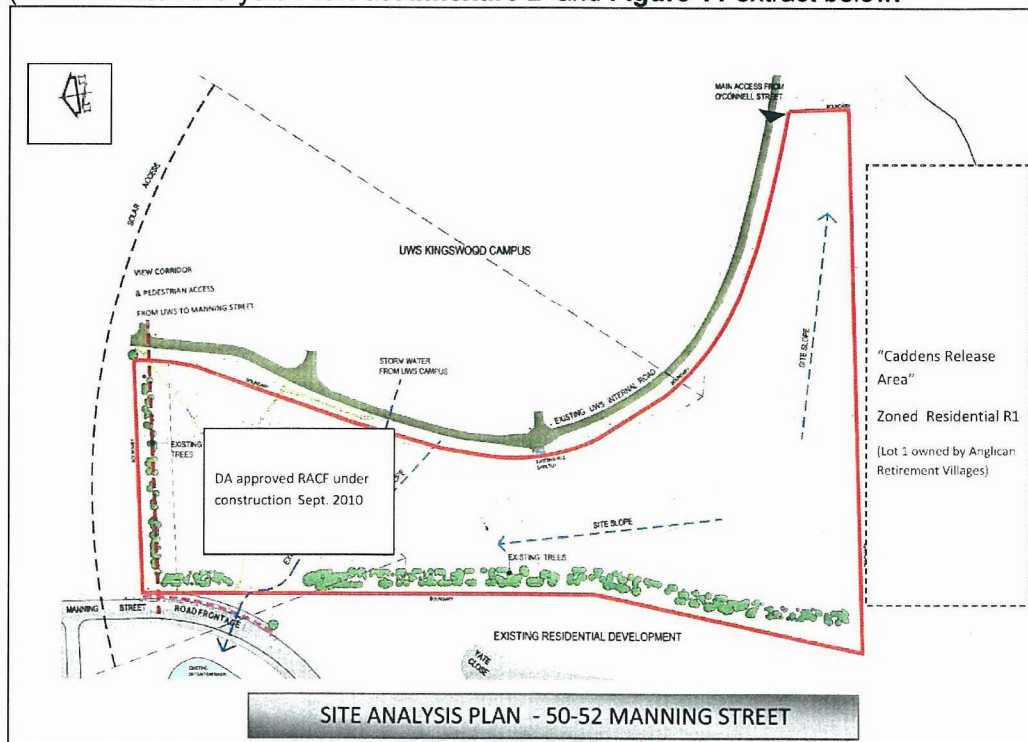


Figure 11: Site Analysis Plan of ARV subject site



- 5.7 The Manning Street site was formerly used as grassed open space by the University, so that it is not host to any endangered ecological communities, populations or threatened flora and fauna species on the site. The tree plantings along the western and northern boundaries are not Cumberland Woodland. The dominant species is *Eucalyptus microcorys* (*Tallow-wood*, about 80% ) a native tree introduced to the site, *Corymbia maculata* (*Spotted gum*) and *Eucalyptus molucanna* (*Grey box*) about 20% . The latter two species are indigenous to the locality and are found growing within a Cumberland Woodland Community. The majority of trees are in good condition, displaying well formed healthy crowns. Heights range between 8 and 12 metres with trunk diameters around 100 to 300mm. with 200 mm. diameter being typical.
- 5.8 The DA approved Staged Concept Land Use Plan incorporates landscape corridors along the northern and western boundaries which will largely contain and further embellish the existing trees to provide landscape screening between the ARV site and neighbouring residential/school properties.
- 5.9 There are no known natural hazards on the site.

#### Proposed Built Form

- 5.10 The Council approved Staged Concept Plan illustrates the intended built form which comprises a RACF development at the northern end of the site and ILUS across the remainder site. The DA approved RACF comprises a larger built form to accommodate the functional/operational requirements of a nursing home but is a low set single storey building set in landscaped surrounds . The 2009 approved ILUs comprised 1 & 2 storey villas, however it is intended that the proposed amended 2010 ILU scheme would comprise single storey villas only.
- 5.11 Residents services and facilities are provided within the RACF development which is intended to be occupied by older/more fragile residents requiring a high standard of care. Separate community facilities are to be provided for the ILUs on the southern portion of the site.
- 5.12 It is intended that the ILU proposal will comply with the relevant planning controls contained within the SEPP and provide a satisfactory inter-phase with the surrounding uses, whilst creating minimal social, environmental and traffic impacts on the adjoining residential properties.
- 5.13 The approved concept scheme incorporates sufficient landscape setbacks from the adjoining residential property boundaries to ensure that there are minimal impacts on neighbour amenity in terms of overshadowing and privacy.



## 6) Strategic Justification

- Consistency with regional and local strategies

### Penrith Local Environmental Plan (PLEP) 1998 – Urban Lands

- 6.1 As indicated above, development that is permissible on land zoned 5(a) – Tertiary Education, is that for the purpose of tertiary education or incidental to it. This would include developments such as institutional buildings and associated facilities. Therefore the proposal for seniors housing relies upon SEPP (Housing for Seniors or People with a Disability) 2004 which overrides local planning controls.

### WELL Precinct Strategy 2004 updated 2006

- 6.2 Penrith City Council and its partners created a strategic plan for the 670ha Werrington Enterprise, Living and Learning (WELL) Precinct. The aim being to help deliver a “*unique residential, educational and commercial project in one of the most important areas of Sydney*”. Following the release of the strategy in 2004, this strategy was then updated in 2006 with more detail. This concept was endorsed by Council at its meeting on the 26<sup>th</sup> October 2006. More recently Council has adopted a s.94 Plan for WELL Precinct and has commenced the rezoning process with the gazettal of the adjoining lands to the south - Penrith LEP (Caddens) 2009 .

The map extract at **Figure 12** indicates that within the WELL Concept Plan, the subject ARV site has been largely identified as future residential. Accordingly the retirement village incorporating a Residential Aged Care Facility and Independent Living Units is an appropriate use in this area and provides an ideal use/built form within the transition zone between UWS and low density residential housing to the west.

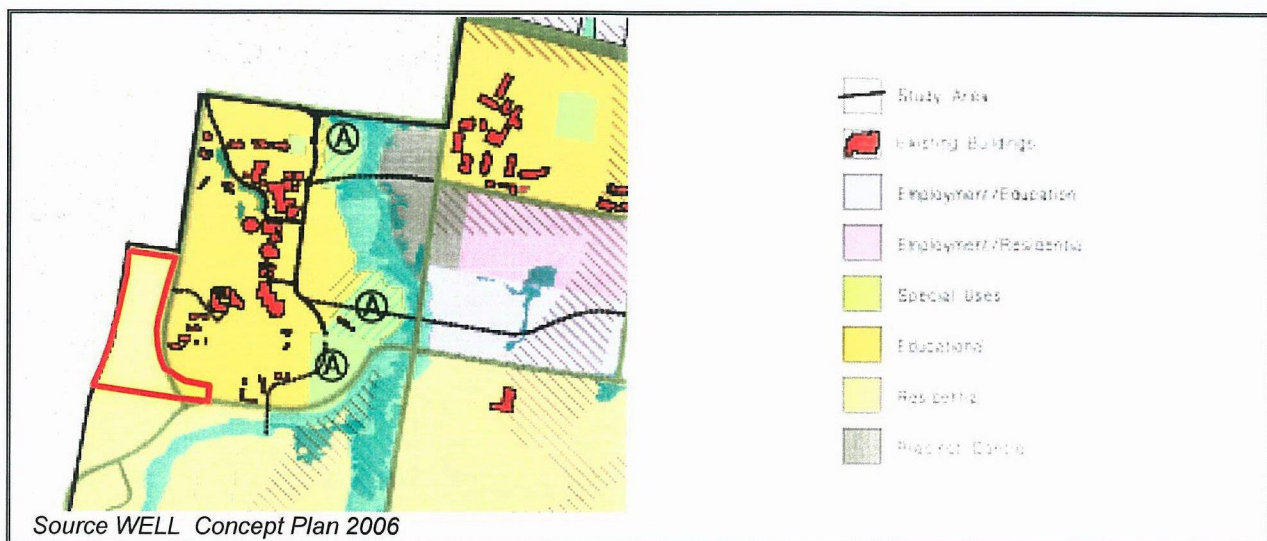
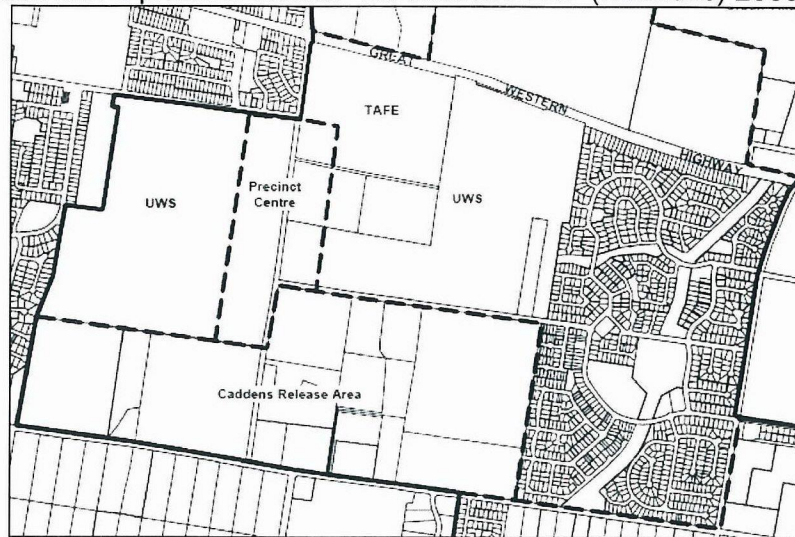


Figure 12: Extract WELL Concept Plan



### **Caddens Release Area**

- 6.3 The Caddens Release Area to the south of the subject site forms part of the WELL precinct (Refer **Figure 13** below and WELL Precinct Plan at **Annexure 4**). This is to include the provision of 1,300 dwellings accommodating approximately 3,900 residents, open space and a precinct centre. Gazettal of PLEP (Caddens) 2009 occurred 25-9-09.



**Figure 13:** Extract WELL Precinct Plan

- 6.4 Accordingly the retirement village incorporating a Residential Aged Care Facility, and in the order of 70 x Independent Living Units is an appropriate use when considering the future residential development of the adjoining lands to the south.

### **State Environmental Planning Policy (SEPP) Housing for Seniors or People with a Disability) 2004**

- 6.5 SEPP (Housing for Seniors or People with a Disability) 2004 (the "SEPP") relevant extracts follow;

#### **4 Land to which Policy applies**

##### **(1) General**

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

- a. *development for the purpose of any of the following is permitted on the land:*

- i. *dwelling houses*
- ii. *residential flat buildings*
- iii. *hospitals*

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

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

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

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

- (3) *Nothing in subclause (2) operates to make any land that is not within a zone referred to in that subclause land that is zoned primarily for urban purposes.*



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

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

**(5) Application of Policy to land zoned for special uses and existing registered clubs**

*For the purposes of this Policy (and for the avoidance of doubt), a consent authority must not treat:*

*(a) land on which development for the purposes of special uses is permitted, or*

*(b) land that is being used for the purposes of an existing registered club,*

*as being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes.*

- 6.6 As the subject site is zoned 5(a) Special uses within the 1998 Penrith LEP (PLEP) – Urban Lands and immediately adjoins the residential neighbourhood of Kingswood (west) and residential zoned Caddens Release Area (south), the land is deemed to meet the permissibility requirements of the SEPP. The subject Village comprises both serviced self-care housing and residential aged care facility which are permitted on the subject site.
- 6.7 The SEPP overrides the Penrith LEP and therefore can be relied upon to develop the site as an alternative to the council's planning controls which permit institutional/educational built forms. Primary controls contained within the SEPP relevant to the site, can be met.

**State Environmental Planning Policy (SEPP) BASIX**

- 6.8 SEPP Basix provides minimum energy and water reduction targets. SEPP1 (variation) does not apply, and therefore these targets are mandatory for the residential housing component. Future DAs for the construction of the dwellings will be consistent with the SEPP objectives and provide appropriate supporting BASIX Certificate.

• **Public interest reasons for applying for seniors housing in this locality**

- 6.9 Age in place: ARV villages provide a high standard of care for older persons in the community (over 75yrs). The combination of serviced self-care housing and residential nursing home (high care and low care) allows residents to age in place because services can be provided on a needs basis. Typically ARV residents average 12 year periods of occupation which avoids the need for residents to relocate as their service/care needs change.
- 6.10 Employment: - The retirement village will have a significant positive impact on the locality both during both construction phase and operation phase given the high provision of on-site services/facilities to residents which will generate employment. Anglican Retirement Villages currently has over 1600 employees. Inclusion of a RACF (nursing home) in conjunction with the ILUs (serviced self-contained dwellings) typically generates in the order of 120 jobs comprising both nursing and support/maintenance staff. Provision of jobs & staff training is consistent with WELL Precinct strategy to promote jobs in this locality.
- 6.11 Local Business: Further spin-off benefits in terms of local employment come from provision of the community facility(s) which incorporates consultation rooms, hairdressers etc which may be utilised by local small business operators to provide on-site services to frail residents as required.



- 6.12 Housing Diversity/Affordability: The proposal is consistent with State Government objectives to provide a variety of housing for older persons and persons with a disability. The SEPP nominates land zoned “special uses” for this particular type of development. ARV would seek to provide a variety of housing options/prices throughout future building stages including varying standards of fit-out to suit a wide range of affordability.
- 6.13 Proximity to Medical Services: The site is well located with respect to medical services being within 2km of Nepean Public & Private hospitals and related support services.

- **Adequacy of services and infrastructure to meet demand.**

- 6.14 Roads: The site is well provided for in terms of vehicle access having a wide road frontage to Manning Street, UWS internal road for RACF personnel plus legal access to Caddens Road to the south for the proposed ILUs.
- 6.15 Water/Sewer/Drainage: With regards to the adequacy civil infrastructure, a preliminary Civil Engineers report has been prepared by Hughes Trueman (Refer **Annexure 6**) . Existing sewer, water & drainage services are present in Manning Street.
- 6.16 Community facilities/services: The subject site is well located with respect to St Marys and Penrith commercial centres and is within 400m distance to local shops/bus stop. The site is considered to be adequately served by public transport and will be further supplemented by ARV mini-bus in order to ensure that future occupants have appropriate access to shops, banks and other commercial services, community services and the practice of a general medical practitioner.

In addition to those existing facilities in the area, it should also be recognised that as part of the application, the Anglican Retirement Villages typically provide a diverse and high standard of on-site services/facilities and activities for residents.



## **7) Compatibility Criteria**

- 7.1 In order to apply for a Site Compatibility Certificate, applicants are required to provide a statement demonstrating whether the site is suitable for more intensive development and is development for the purposes of seniors housing of the kind proposed in the application compatible with the surrounding environment (having regard to the following criteria):

***Criteria 1: the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,***

- 7.2 There are no known natural hazards affecting the site, and its natural constraints are limited to the existing tree plantings along the western and northern boundaries. An approved RACF is currently under construction on the northern part of the site which will be complemented by the proposed ILUs.

The site adjoins an established residential precinct (Kingswood) and is located at the south-western portion of the University of Western Sydney. The site falls within the 670 hectare Werrington Enterprise, Living and Learning (WELL) Precinct. The aim of the precinct being to help deliver a “*unique residential, educational and commercial project in one of the most important areas of Sydney*”. Lands to the south within the Caddens Release Area have been rezoned to R1 General Residential pursuant to Penrith LEP (Caddens) 2009. Accordingly the proposed retirement village incorporating a Residential Aged Care Facility and Independent Living Units with associated 120+ jobs is an appropriate use in this area.

- 7.3 The provision of a retirement village on the perimeter of the University provides an opportunity to locate a use which has residential characteristics and built form whilst also fitting comfortably into the curtilage of more institutional style developments associated with the educational facility uses to the north and east.
- 7.4 The subject ARV site enjoys a development consent for Retirement Village Concept Scheme pursuant to DA 07/1281 and subsequent DA approval for Stage 1 RACF (DA 08-656) which is currently under construction and Stage 2 ILUs (DA 08-1340) which is proposed to be replaced with an alternative single storey design.

***Criteria 2: the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,***

- 7.5 The Manning Street land was deemed surplus to the university requirements and subsequently sold to Anglican Retirement Villages. Refer Minsters letter at **Annexure 9**.
- 7.6 A Site Compatibility Certificate was previously obtained from the Director General (refer **Annexure 7**) and development consents for a retirement village comprising a RACF & ILUs were granted by Penrith Council. Accordingly, the future uses of the land has been established for the purposes of aged care accommodation.
- 7.7 The land to the east of the subject site is to retain its educational function, whilst the land to the south is zoned for residential purposes. The retirement village use provides an ideal transitional use/link between university to the east and the residential precincts to the west and south.



- 7.8 Accordingly, the proposed seniors living development is considered an appropriate land use when considering the future strategic direction of the area, and will therefore not have a negative impact on the future uses of the land in the area.

***Criteria 3: the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision***

- 7.9 The proposed seniors development incorporates a number of services that the future occupants will need as part of the daily routine, including all the care support services, a chapel, community centre, café, hair and beauty therapy, social/educational activity programmes and sporting facilities.
- 7.10 The subject site is also adequately served by public bus transport which services Penrith and St Marys town centres. Bus stops are located immediately adjacent to the site in Manning Street (Refer **Annexure 5**). ARV also operates a regular mini-bus service to supplement this public transport.
- 7.11 Water, sewer, drainage, electricity services exist in Manning Street (Refer Engineering Report at **Annexure 6**).
- 7.12 While the ARV site has frontage to Manning Street, the site also benefits from a licence agreement for access over the UWS internal road to O'Connell Street pursuant to conditions imposed by Council for the subdivision to create the ARV site (Lot 1). Further, there is a Right of Way benefiting Lot 1 DP 1145043 to the south of 50-52 Manning Street which is also owned by ARV.
- 7.13 Accordingly, the services and infrastructure in the area will meet the demands arising from the proposed development, particularly in ensuring that the access to retail, community and medical services are all provided, via transport services which can be accessed from a level pathway, within 400m of the subject site.

***Criteria 4: In the case of applications in relation to land that is zoned open space or special uses – the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development***

- 7.14 Under the Penrith LEP, the subject site is zoned 5(a) Special Uses – Tertiary Education. However under the WELL Precinct Strategy, the subject site is recognised as being appropriate for future residential use, whilst the remainder of the UWS site immediately to the east of the subject site is to remain zoned 5(a) Special Uses.
- 7.15 In light of the detailed research that went into the review of these zonings, which incorporated an investigation into the amount of land available for Tertiary education, the proposed development is not considered to determinately affect the appropriate supply of educationally zoned land in the vicinity. A copy of the Ministers consent to the University for the land sale is at **Annexure 9**.



***Criteria 5: Without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.***

- 7.16 The proposal for an amended Stage 2 ILUs is to be made under the controls contained within the SEPP. It is proposed to comply with the guidelines within this control, whilst also taking into account the existing land use, and built form in the area to ensure that the proposal will have no negative impacts on the adjoining land uses. The RACF building is a single storey built form and is currently under construction. The previously approved ILUs were 1-2 storey built form, however the subject alternate proposal will be for single storey ILUs which is compatible in scale/materials with the established residential housing stock to the west. Though, in reality, the majority of the development will not be visible from residences to the west as the expanse of screen vegetation along the western boundary will be retained and embellished.

## **8) Conclusion**

- 8.1 In light of the natural environment, the existing uses and approved uses of land in the vicinity, the future land uses, and the supply of land for educational purposes, the proposed use of the subject site for approximately 70 x ILUs in conjunction with the approved RACF under construction is considered appropriate to the site and is compatible with surrounding uses. The provision of services and infrastructure is deemed sufficient for the proposal as per the SEPP.
- 8.2 Accordingly, the subject site well suited to the proposed development and infact the resulting development provides an ideal transitional use & built form between the university and low density residential development to the west. The use accords with Council's desire to promote an active link between residential and university uses ("town and gown").
- 8.3 The site is well located within close proximity to local shops, hospital and service centres at Penrith / St Marys. The site is identified for future residential use under the WELL Precinct Strategy. The site adjoins Caddens Release Area to the south which was rezoned for residential development in September 2009. Accordingly the seniors housing proposal on 50-52 Manning Street site is consistent with future intended residential use of both the subject land and directly adjoining lands to the south.
- 8.4 A Site Compatibility Certificate was issued by the Director General on 17-7-2008. Further the site benefits from four existing Development Consents issued by Penrith Council;
- DA 07-0121 to create the subject site (subdivision)
  - DA07-1281 for a Retirement Village Concept Scheme
  - DA 08-656 for RACF (Stage 1) - under construction
  - DA 08-1340 for ILUs (Stage 2) – consent valid till 7/9/2014
- This application seeks to amend the ILU scheme which triggers the need for the re-issue of a SCC.
- 8.5 Accordingly the subject application has considerable merit and is worthy of approval.



<b>ANNEXURES</b>
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**Annexure 1 – Site Survey Plan**

**Annexure 2 – Site Analysis Plan**

**Annexure 3 – Deposit Plan**

**Annexure 4 – Planning Documents**

**Annexure 5 – Bus Route/Stop Maps**

**Annexure 6 – Engineering Report**

**Annexure 7 – Site Compatibility Certificate (issued 17-7-2008)**

**Annexure 8 – ARV Retirement Village Concept Plans**

**Annexure 9 – Minister's Consent for UWS Land Sale Social Report**



# **Annexure “1”**

## **Survey**





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No.	AMENDMENT				ORIGIN:	SCALE 1:1250 @A1		
					DRAWN: IVM	CHECKED:		SHEET 1 OF 1 SHEETS





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**vince morgan**  
SURVEYORS

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Ph 47215293 Fax 47312821  
email vmsurvey@telpacific.com.au  
www.vincemorgansurveyors.com.au ABN 52 065 060 808

DATUM: A.H.D.  
ORIGIN:  
DRAWN: IVM  
DATE: 28.09.075  
SCALE 1:500  
@A1  
CHECKED:

CLIENT:  
ANGELICAN RETIREMENT  
VILLAGES

PLAN SHOWING CONTOURS & DETAIL  
OVER PART OF LOT 1721 IN D.P.864087  
UNIVERSITY OF WESTERN SYDNEY  
AT KINGSWOOD

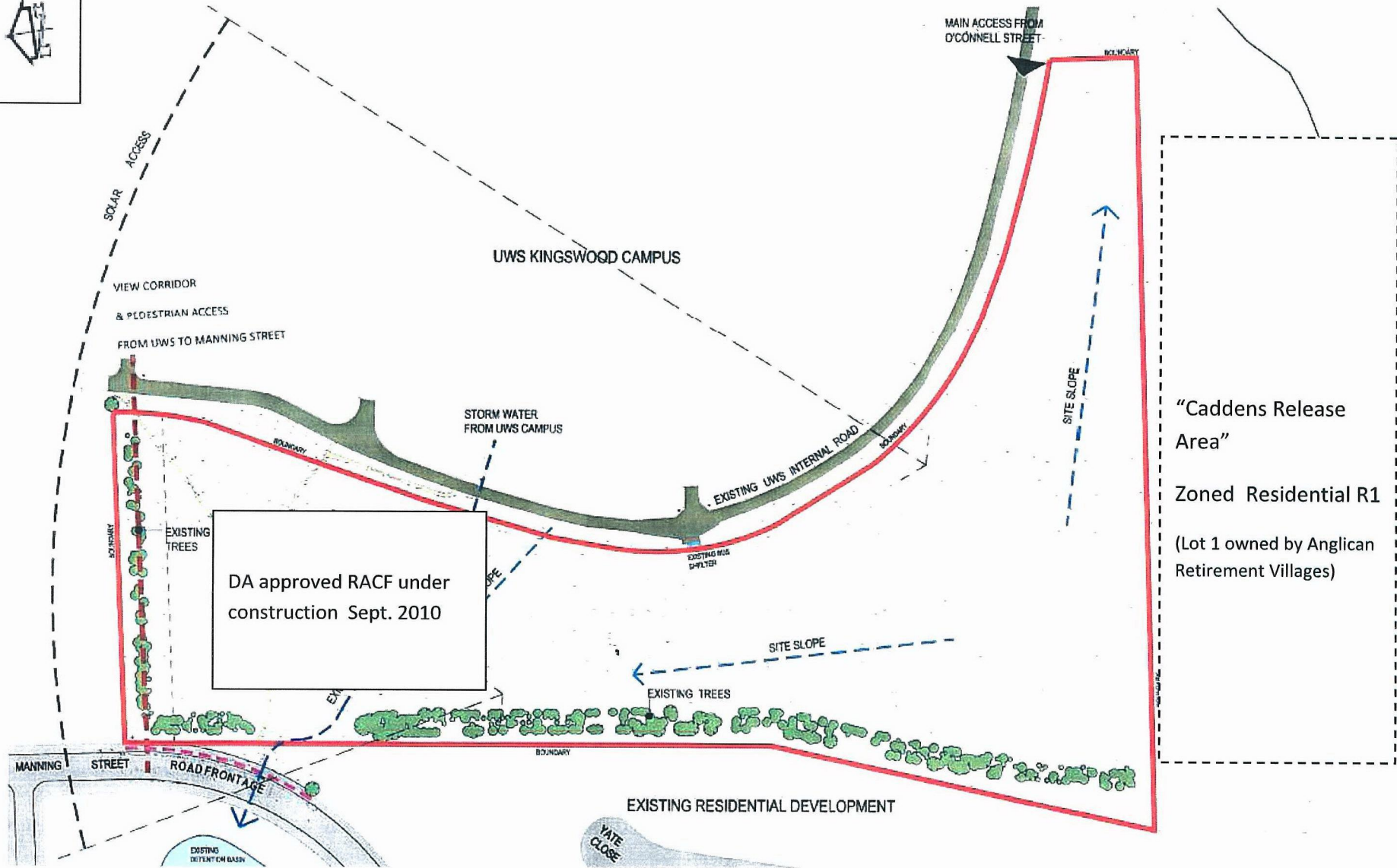
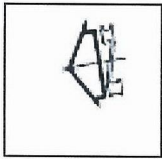
PLAN No.  
16011T2  
SHEET 2 OF 2 SHEETS



# **Annexure “2”**

## **Site Analysis Plan**





**SITE ANALYSIS PLAN - 50-52 MANNING STREET**



**INSTRUMENT SETTING OUT TERMS OF EASEMENTS OR PROFITS A PRENDRE TO  
BE CREATED OR RELEASED AND OF RESTRICTIONS ON THE USE OF LAND  
OR POSITIVE COVENANTS INTENDED TO BE CREATED PURSUANT TO  
SECTION 88B OF THE CONVEYANCING ACT, 1919.**

(Sheet 1 of 3 sheets)

Plan:

  
**DP1145043 B**

Plan of Subdivision of Lot 23 in DP 602607  
covered by Subdivision Certificate No.

**Full name and address of  
proprietors of the land**

Landcom  
Level 2, 330 Church Street  
PARRAMATTA NSW 2150

**PART 1 (Creation)**

Number of item shown in the intention panel on the plan	Identity of easement, profit a prendre, restriction or positive covenant to be created and referred to in the plan.	Burdened lots or parcels:	Benefited lots, roads, bodies or Prescribed Authorities:
1	Right of Carriageway 21 wide	2	1
2	Easement for Services 21 wide	2	1
3	Restriction on the Use of Land	1	2

**PART 2 (Terms)**

**Terms of easement, profit a prendre, restriction or positive covenant numbered 1 in the plan:**

As set out in Part 1 of Schedule 8 of the Conveyancing Act 1919, as amended. Such easement shall be extinguished upon dedication of a public road coincident with the site of the said easement.

**Terms of easement, profit a prendre, restriction or positive covenant numbered 2 in the plan:**

As set out in Part 11 of Schedule 8 of the Conveyancing Act 1919, as amended. Such easement shall be extinguished upon dedication of a public road coincident with the site of the said easement.

Approved by Penrith City Council



(Authorised Officer)





(Sheet 2 of 3 sheets)

Plan:

**DP1145043**

Plan of Subdivision of Lot 23 in DP 602607  
covered by Subdivision Certificate No.

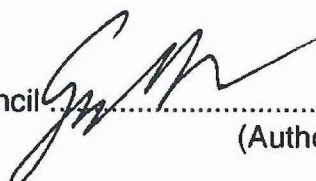
**Terms of easement, profit a prendre, restriction or positive covenant numbered 3 in the plan:**

No fence shall be erected on the lot burdened to divide it from any adjoining land owned by Landcom or its successors without the consent of Landcom or its successors other than purchasers on sale but such consent shall not be withheld if such fencing is erected without expense to Landcom or its successors and in favor of any person dealing with the purchaser or his assigns such consent shall be deemed to have given in respect of every such fence for the time being erected PROVIDED HOWEVER that this covenant in regard to fencing shall be binding on a purchaser his executors and administrators and assigns only during the ownership of the said adjoining lands by Landcom or its successors other than purchasers on sale.

The authority empowered to release, vary or modify the easements and restrictions on the use of land numbered 1 and 2 in the plan is Penrith City Council. The cost and expense of any release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

The authority empowered to release, vary or modify the easements and restrictions on the use of land numbered 3 in the plan is Landcom. The cost and expense of any release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

Approved by Penrith City Council



(Authorised Officer)



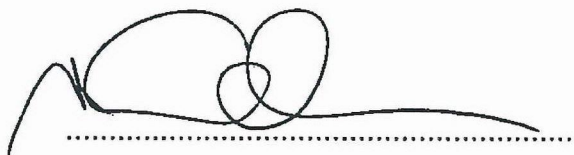


(Sheet 3 of 3 sheets)

Plan: **DP1145043**

Plan of Subdivision of Lot 23 in DP 602607  
covered by Subdivision Certificate No.

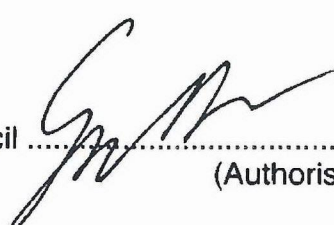
Signed by me **CAMILLE ABBOTT** as  
Delegate of Landcom who hereby  
Declares that he has no notice of the  
Revocation of the delegation in the  
Presence of:



NICK CONDITSIS  
SENIOR DEVELOPMENT  
MANAGER  
LANDCOM  
LEVEL 2, 330 CHURCH ST,  
PARRAMATTA NSW 2150



Approved by Penrith City Council .....



(Authorised Officer)



27.11.2009

REGISTERED



# **Annexure “4”**

## **Planning Documents**



50-52 Manning  
Street, Kingswood

Lot 1 DP 113 0750

Penrith Local Environmental Plan 1998 (Urban Land)

#### Zone No. 5(a) Special Uses

- (a) **Objectives of the zone**  
To facilitate certain development on land which is, or is proposed to be, used by public authorities, institutions, organisations or the council to provide and protect services, utilities or transport facilities and associated activities.
- (b)(i) **Without development consent**  
Nil
- (b)(ii) **Only with development consent**
- |   |                            |
|---|----------------------------|
| ◊ the particular purpose indicated by lettering on the map and any purpose ordinarily incidental or ancillary to that purpose | ◊ landscaping              |
| ◊ drains  | ◊ public parks and gardens |
|   | ◊ roads                    |
|   | ◊ utility installations    |
|   | ◊ utility undertakings     |
- (b)(iii) **Prohibited**  
Any land use other than those included in item (b)(ii).



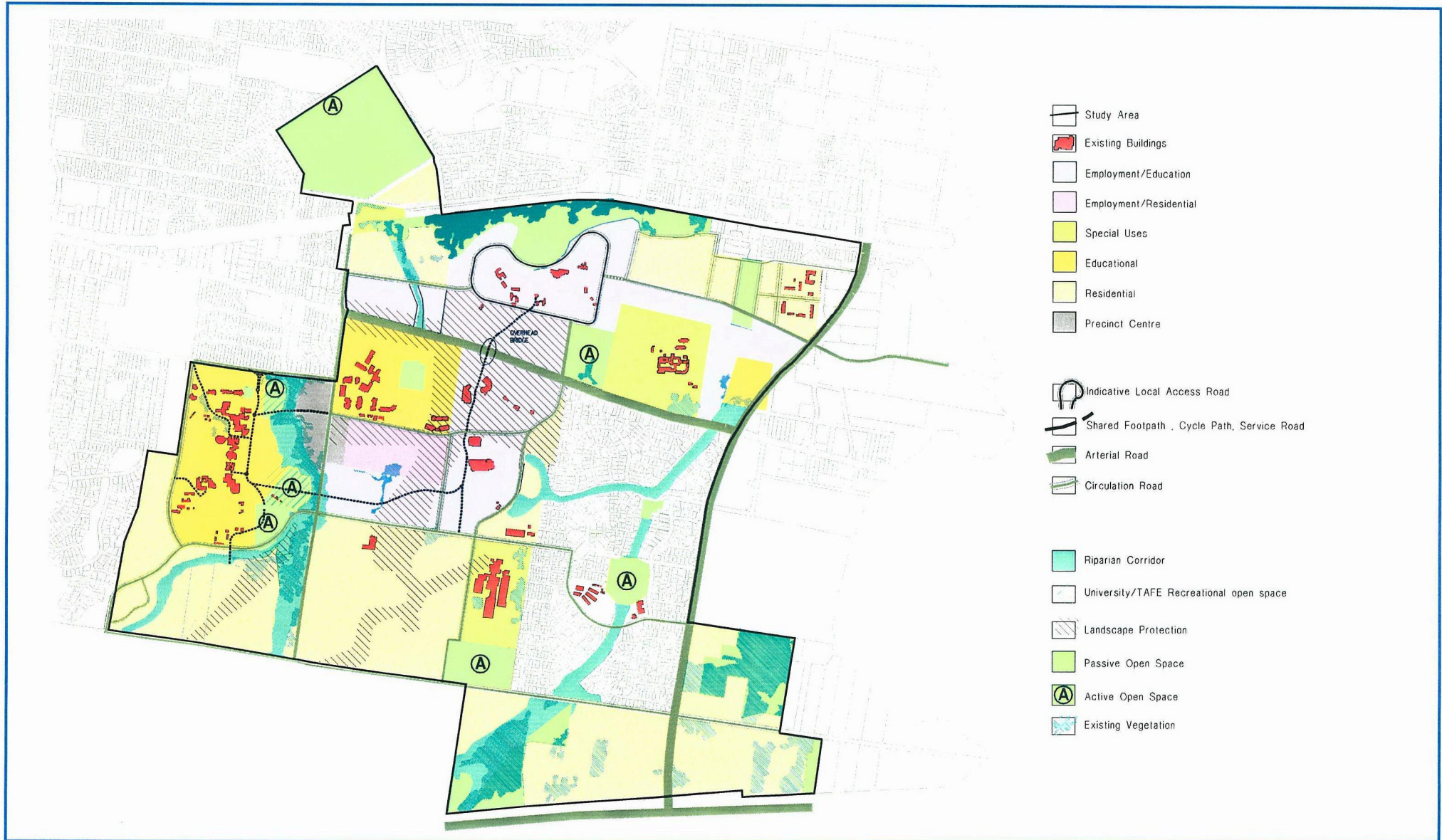




# 4 WELL Concept Plan



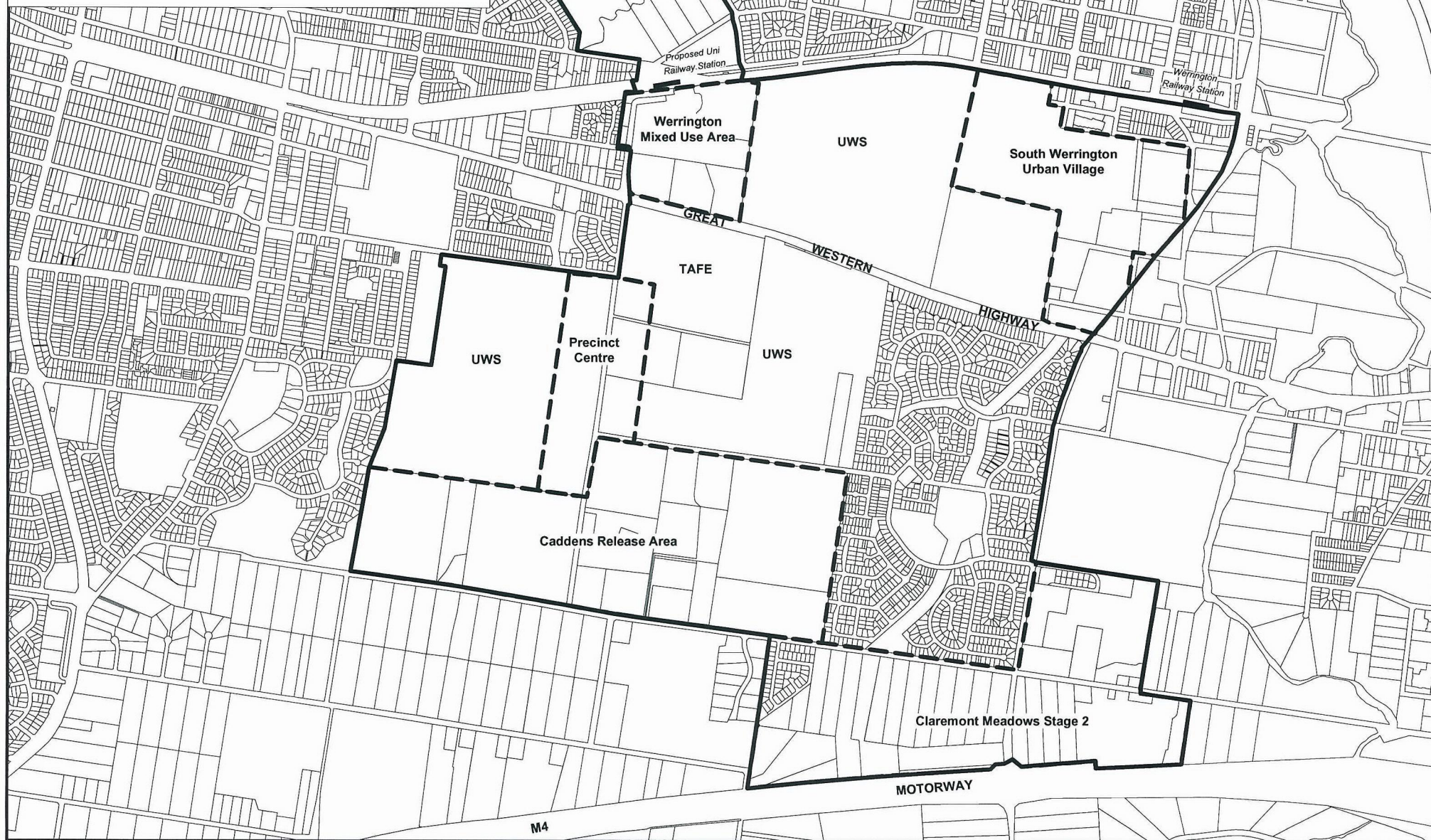
**PENRITH  
CITY COUNCIL**  
Serving Our Community





## WELL PRECINCT AND SUB PRECINCTS

Every care has been taken to ensure the information contained on this map is correct, however Council accepts no liability for error or misinterpretation of information shown on this map.

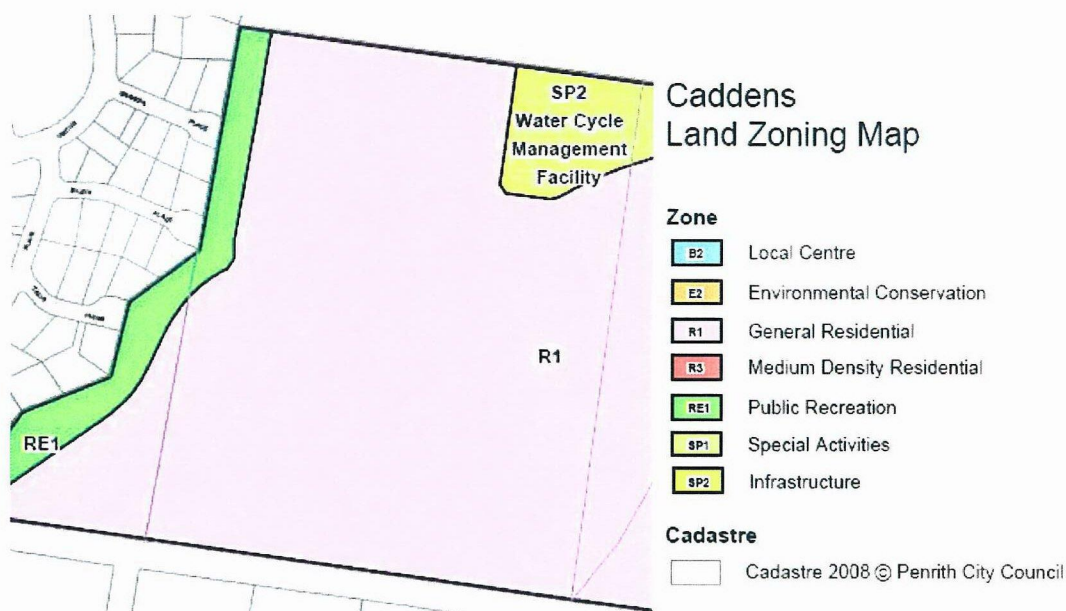






**CADDENS STRUCTURE PLAN – EXTRACT DCP 2006 CADDENS  
AMENDMENT (ADOPTED 9-3-09)**





## Zone R1 General Residential

### 1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that a reasonable high level of residential amenity is achieved and maintained.
- To ensure new development reflects the desired future character described in the *Penrith Development Control Plan*.

### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Residential care facilities; Residential flat buildings; Roads; Schools; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing

### 4 Prohibited

Any development not specified in item 2 or 3



# **Annexure “5”**

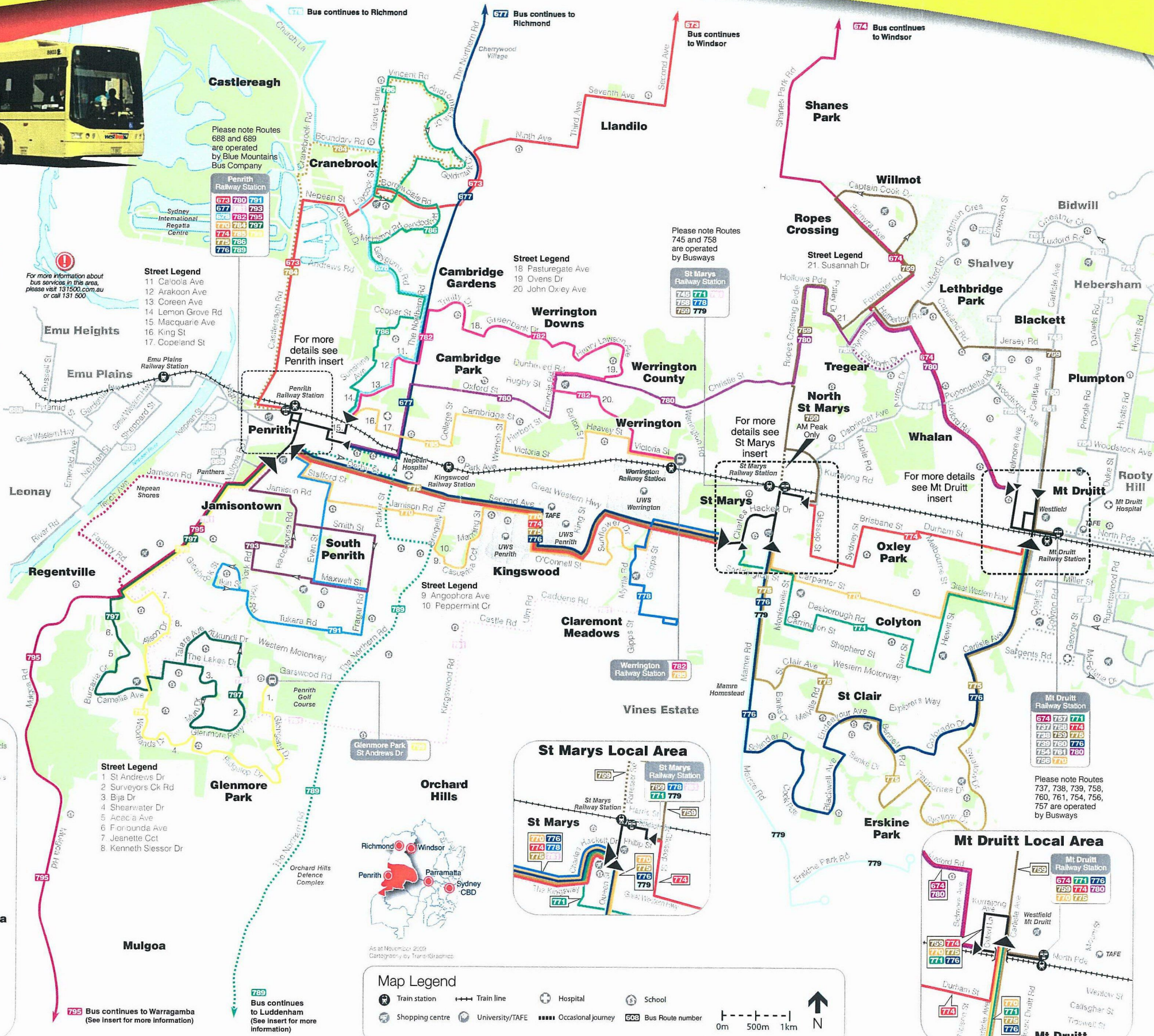
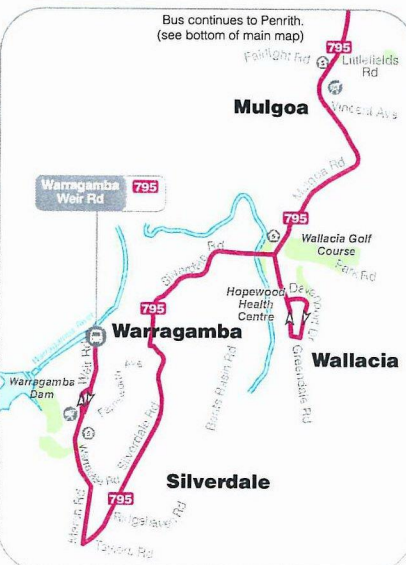
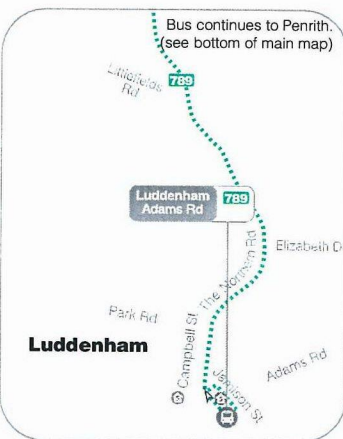
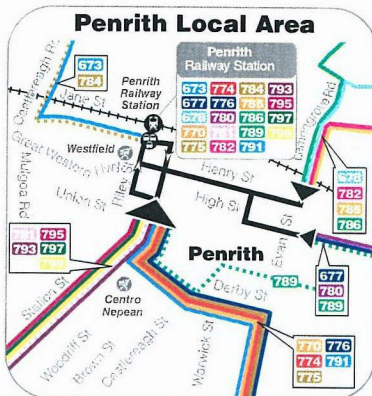
## **Bus Stop maps**



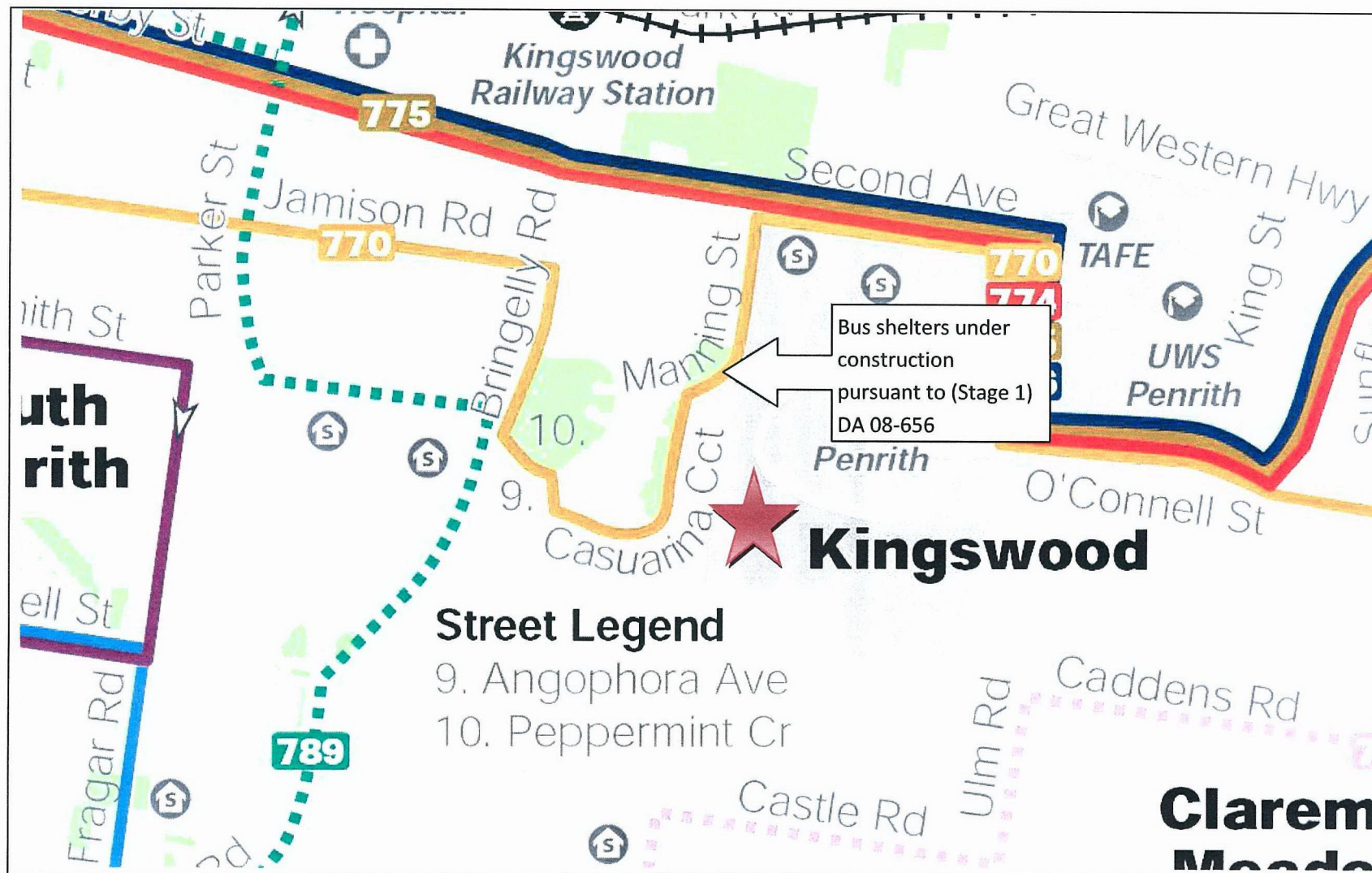


# Penrith & St Marys Bus Guide

Effective from:  
October 2009







## PENRITH & ST MARYS BUS GUIDE – WESTBUS ROUTE MAP EXTRACT



Denotes ARV site at 50-52  
Manning Street, Kingswood

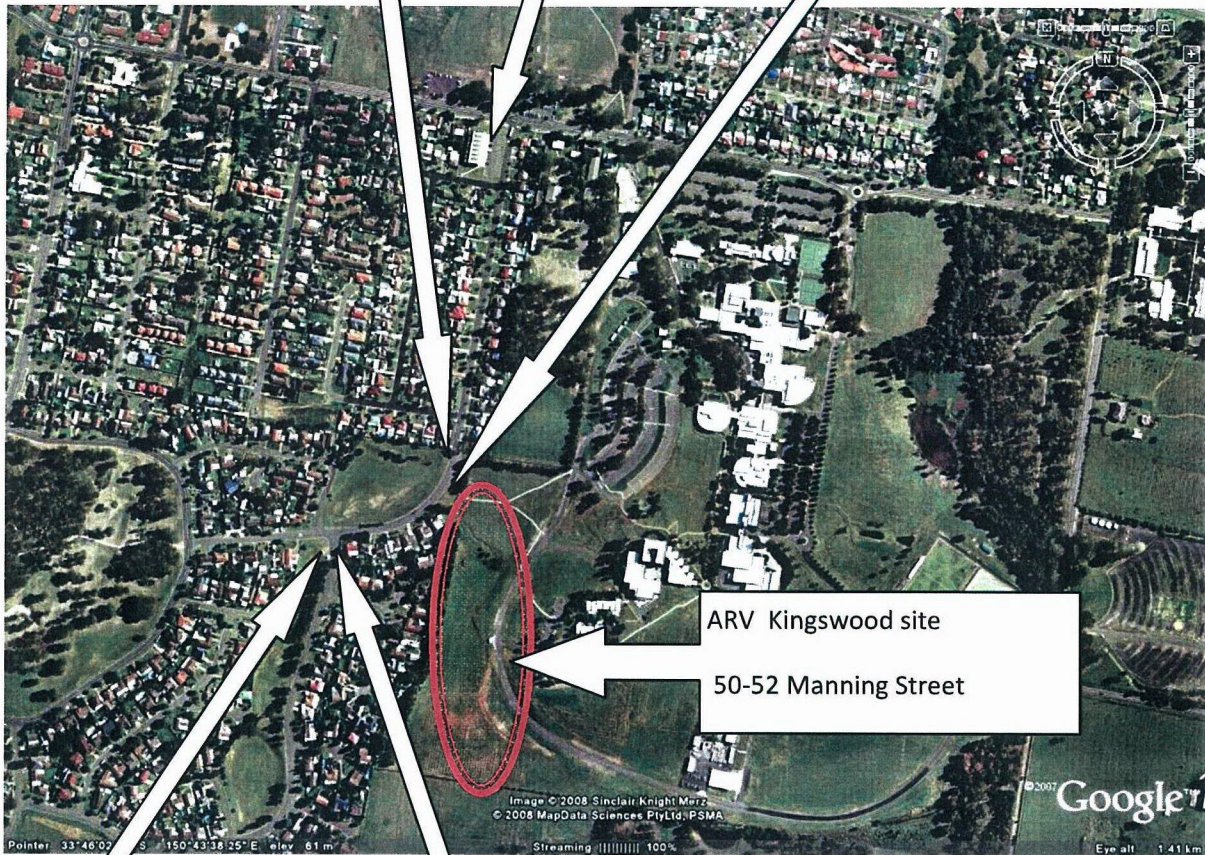


Manning Street shops (restaurant, milk bar, general store, art shop & public phone)

Bus stop (north-bound)

(Marked on kerb) to St Marys

Bus stop (south bound) marked on light pole (shelter under construction 2010)



ARV Kingswood site

50-52 Manning Street

Casurina/Manning St

Casurina/Manning St bus stop (pole) south-bound to Penrith

bus stop shelter (north-bound)

## MANNING STREET BUS STOP & LOCAL SHOPS LOCATION PLAN



# **Annexure “6”**

## **Engineering Report**



**ANGLICAN RETIREMENT VILLAGES**

**KINGSWOOD RETIREMENT  
VILLAGE**

**Civil Engineering Report**

October 2007

<b>REVISION</b>	<b>STATUS</b>	<b>AUTHOR</b>	<b>CHECKED</b>	<b>APPROVED FOR ISSUE:</b>	<b>ISSUE DATE:</b>
1	Final	C Avis			9.10.07



## 1 INTRODUCTION

This report prepared by Hughes Trueman is a summary of the civil engineering aspects of the development of a retirement village on the proposed Lot 1 subdivision of Lot 721 (D.P 864087) Second Avenue, Kingswood on behalf of Anglican Retirement Villages (ARV) – DA 07/0121. It is intended to provide a broad overview of the civil engineering design considerations that will be addressed during the development of a site master plan.

The land is situated within the Penrith City Council local government area. Compliance is therefore required with the following standards, policies and guidelines:

- NSW Department of Housing's *Managing Urban Stormwater Soils and Construction* 2004;
- NSW Department of Planning *Building and Sustainability Index (BASIX)*; and
- Penrith City Council's *Penrith Development Control Plan (DCP)* 2006.

Under the proposed development, a residential aged care facility (RACF) along with a number of independent living units (ILUs) would be constructed on the land. The development may be staged, pending further investigations and analyses.

## 2 EXISTING CONDITIONS

The existing site is approximately 5.82 hectares situated in the south western corner of the existing University of Western Sydney (UWS) Kingswood campus site. The site is bound by existing residential properties to the west, the proposed 'Caddens Road' subdivision to the south and the UWS campus to the east and north.

The site currently contains no dwellings or structures, except for a weather station near the south western corner of the site. A ridge line near the southern end of the site divides the land into two distinct catchments, one falling towards Manning Street to the north-west and the other falling to the proposed 'Caddens Road' residential subdivision to the south-east. The site falls are generally moderate to steep in the southern portion of the site, reducing in magnitude to the north.

An existing drainage swale from the UWS campus to the east bisects the site and drains to the existing basin across Manning Street via a Ø750mm reinforced concrete pipe. A private access road, originating from O'Connell Street to the east runs along the eastern boundary of the subject site. This road is sealed, contains no formal kerbing or drainage and varies in width generally from 5-6m.

## 3 CONCEPT DESIGN CONSIDERATIONS

### Stormwater Quantity

Consultation with Penrith City Council officers has revealed that on-site detention (OSD) for this parcel of land has not been allowed for in the WELL precinct documentation to date. As such OSD facilities will need to be constructed as part of this development.

Council's design criteria includes the following key design principles:

- Limit the post-development discharges to the pre-developed for storm events ranging from the 5 – 100 year average recurrence interval (ARI);
- upstream catchments will be diverted through the site and around the OSD system;
- sufficient freeboard will be provided for all dwellings adjacent to OSD facilities.

It is expected that the stormwater drainage of roads and buildings will consist of a major/minor system, with pits and below ground pipes designed for the 10 year ARI storm and overland flow provisions for all other flows up to the 100 year ARI event.

### **Stormwater Quality**

Water quality treatment facilities will be provided on site to meet the required pollutant removal rates:

- Phosphorous – 40%
- Nitrogen – 40%
- Gross Pollutants – 90%
- Total Suspended Solids – 80%

In accordance with the principles of water sensitive urban design (WSUD) it is expected that a water quality treatment train may consist of a variety of measures including:

- Gross pollutant traps (GPTs);
- Bio-remediation devices (ie. raingardens, bio-swales, etc.); and
- Vegetated buffer zones.

These devices would be integrated with the urban, architectural and landscape design to ensure that a fully integrated approach to the water cycle management.

### **Water Re-use**

In accordance with ecologically sustainable development (ESD) principles and BASIX requirements, it is proposed that the site contain a re-use system. The source of the water and the extent and end uses of the recycled water (ie. toilet flushing, landscaping irrigation, laundry, etc.) will be determined after the required investigations and analyses have been undertaken.

### **Sewer & Water**

Existing sewer and water services are present in Manning Street (refer to the attached Sydney Water correspondence).





Case Number: 106636

20th April, 2007

Hughes Trueman Pty Ltd  
c/- Hughes Trueman Pty Ltd

### FEASIBILITY LETTER

**Developer:** Hughes Trueman Pty Ltd  
**Your reference:** 06P101  
**Development:** Lot 1 in plan of proposed subdivision of Lot 721 (D.P 864087)  
Second Avenue, Kingswood  
**Development Description:** Construction of a 135 bed nursing home and 50 independent living units.  
**Your application date:** 22nd February 2007

Dear Applicant

This Feasibility Letter (Letter) is a guide only. It provides general information about what Sydney Water's requirements could be if you applied to us for a Section 73 Certificate (Certificate) for your proposed development. **The information is accurate at today's date only.**

If you obtain development consent for that development from your consent authority (this is usually your local Council) they will require you to apply to us for a Section 73 Certificate. You will need to submit a new application (and pay another application fee) to us for that Certificate by using your current or another Water Servicing Coordinator (Coordinator).

Sydney Water will then send you either a:

- Notice of Requirements (Notice) and Works Agreement (Agreement); or
- Certificate.

These documents will be the definitive statement of Sydney Water's requirements.

There may be changes in Sydney Water's requirements between the issue dates of this Letter and the Notice or Certificate. The changes may be:

#### 1. Developer Charges

- (a) Adjustment of charges due to the Consumer Price Index (CPI);
- (b) Adjustment of charges because of a scheduled review by the Independent Pricing and Review Tribunal (IPART). After that review and registration of the new charges, Sydney Water has to apply those charges; or

- (c) If there is rezoning of any land within the development proposal then new charges will apply.

## **2. Reticulation Recovery Charges**

These charges recover part of the cost of works that have been paid for by Sydney Water or other developers and that benefit your development. This charge has been made before your points of connection have been determined. If your completed designs show that your development will be connected to other main/s, the charge may be changed and/or you may need to construct other works.

## **3. Changing the Proposed Development**

If you change your proposed development, e.g. the development description or the plan/site layout, after today, the requirements in this Letter could change when you submit your new application.

Also, if you decide to do your development in stages then you must submit a new application (and pay another application fee) for each stage.

**No warranties or assurances can be given about the suitability of this document or any of its provisions for any specific transaction. It does not constitute an approval from Sydney Water and to the extent that it is able, Sydney Water limits its liability to the reissue of this Letter or the return of your application fee. You should rely on your own independent professional advice.**



## What You Must Do To Get A Section 73 Certificate

To get a Section 73 Certificate you must do the following things. You can also find out about this process by visiting [www.sydneywater.com.au](http://www.sydneywater.com.au) ➤ Building Developing and Plumbing ➤ Developing Your Land.

1. **Obtain Development Consent from the consent authority for your development proposal.**
2. **Engage a Water Servicing Coordinator (Coordinator).**

**You must engage your current or another authorised Coordinator** to manage the design and construction of works that you must provide, at your cost, to service your development. Before you engage another Coordinator you must write and tell Sydney Water.

For a list of authorised Coordinators, either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) ➤ Building Developing and Plumbing ➤ Developing Your Land or call **13 20 92**.

The Coordinator will be your point of contact with Sydney Water. They can answer most questions that you might have about the process and developer charges and can give you a quote or information about costs for services/works (including Sydney Water costs).

### 3. **Works Agreement**

**After** the Coordinator has submitted your new application, they will receive the Sydney Water Notice and Works Agreement. You will need to sign and lodge **both originals** of that Agreement with your nominated Coordinator.

The agreement sets out for this development:

- your responsibilities;
- Sydney Water's responsibilities; and
- the Coordinator's responsibilities.

**You must do all the things that we ask you to do in that Agreement.** This is because your development do not have Sewer services and you must construct and pay for the following works extensions under this Agreement to provide these services.

After Sydney Water has signed the documents, one of them will be returned to your Coordinator.

**Note:** The Coordinator must be fully authorised by us for the whole time of the Agreement.

## 4. Water and Sewer Works

### 4.1 Water

Your development must have a frontage to a water main that is the right size and can be used for connection.

Sydney Water has assessed your application and found that:

**The existing 100 mm DICL water main in Manning Street is available to provide your development with a domestic supply. The size of your development means that you will need a connection larger than the standard domestic 20 mm size.**

To get approval for your connection, you will need to lodge an application with a Quick Check Agent or at a Sydney Water Customer Centre. You, or your hydraulic consultant, may need to supply the following:

- A plan of the hydraulic layout;
- A list of all the fixtures/fittings within the property;
- A copy of the fireflow pressure inquiry issued by Sydney Water;
- A pump application form (if a pump is required);
- All pump details (if a pump is required).

You will have to pay an application fee.

Sydney Water does not consider whether a water main is adequate for fire fighting purposes for your development. We cannot guarantee that this water supply will meet your Council's fire fighting requirements. The Council and your hydraulic consultant can help.

### 4.2 Sewer

Your development must have a sewer main that is the right size and can be used for connection. That sewer must also have a connection point within your development's boundaries.

Sydney Water has assessed your application and found that:

- **You must construct a sewer sideline extension from the existing 300 mm VC sewer main in Manning Street to serve your development. See below for details.**



### Minor Sewer main extension

Your Coordinator will work with the constructor of the works to determine the works scope and location. The works must adequately drain the property.

The Coordinator will organise the engagement of either a Sydney Water accredited *Constructor Minor Works (Sewer)* or *Constructor (Major Works)* (also known as a Constructor) to build the works. The Minor Works Agreement tells you which type of Constructor can be used.

Please note that a sewer extension on line and grade cannot be constructed under a Minor Works Agreement. It must be constructed under a Major Works Agreement. Your Coordinator will organise this.

**The Constructor MUST tell Sydney Water of the construction starting date at least TWO (2) working days before they start.** (Remember that the local Council must be contacted before working in, on or over a public road.)

When the works have been finished, your Coordinator must give Sydney Water all the "Work As Constructed" information that shows what was constructed.

### 4.3 Ancillary Matters

#### 4.3.1 Asset adjustments

After Sydney Water issues this Notice (and more detailed designs are available), Sydney Water may require that the water main/sewer main/stormwater located in the footway/your property needs to be adjusted/deviated. If this happens, you will need to do this work as well as the extension we have detailed above at your cost. The work must meet the conditions of this Notice and you will need to complete it **before we can issue the Certificate**. Sydney Water will need to see the completed designs for the work and we will require you to lodge a security. The security will be refunded once the work is completed.

#### 4.3.2 Entry onto neighbouring property

If you need to enter a neighbouring property, you must have the written permission of the relevant property owners and tenants. You must use Sydney Water's **Permission to Enter** form(s) for this. You can get copies of these forms from your Coordinator or the Sydney Water website. Your Coordinator can also negotiate on your behalf. Please make sure that you address all the items on the form(s) including payment of compensation and whether there are other ways of designing and constructing that could avoid or reduce their impacts. You will be responsible for all costs of mediation involved in resolving any disputes. Please allow enough time for entry issues to be resolved.

When you construct these works you will need to pay design and construction costs **directly to your suppliers**. Your Coordinator can tell you about other costs including their management fees and Sydney Water's application and inspection fees.

## 5. Developer Charges

Development Servicing Plan (DSP)	Basis of Calculation	Charge (\$) for Applicable period (20/04/07-30/06/07)	Charge (\$) for Applicable Period (01/07/07-19/04/08) (CPI adjusted)
Orchard Hills Water DSP Area	<b>Special Uses - Flow</b> Projected water usage of 38.2kl/d provided by your WSC. 38.2kl @ \$2,161 per ET= \$56,157 Based on flow rates in paragraph below <b>less Credit of \$0 for previous payment/ use</b>	\$56,157	\$TBA
St Marys Sewer DSP Area	<b>Special Uses - Flow</b> Projected 34 kl/d discharge (89%) provided by your WSC. 34kl @ \$3,115 per ET= \$ 176,506 Based on flow rates in paragraph below <b>less Credit of \$0 for previous payment/ use</b>	\$176,506	\$TBA
Reticulation Recovery	TBA	\$TBA <i>See Note Below</i>	\$TBA See Note below
<b>DEVELOPER CHARGES TOTAL:</b> [OFFICE USE- Invoice Charges total- Developer \$232,663 and Upsizing \$0]		<b>\$232,663</b>	<b>\$TBA</b>

### Notes:

- After your Coordinator submits the **Section 73 Subdivider/Developer Compliance Certificate** Application, the **Notice** will detail the Developer Charges for your development.

### New IPART Determination:

- Sydney Water is nearing completion of its five-yearly review of developer charges in line with the Independent Pricing and Regulatory Tribunal's (IPART) ruling that we do this. For the latest information on this review you can visit our website [www.sydneywater.com.au](http://www.sydneywater.com.au) ➤ Building Developing and Plumbing ➤ Developing Your Land ➤ Review of Developer Charges. The new developer charges will be applied after they are registered with IPART.



- **As a result of the review, some of the charges quoted above may decrease, others may increase and new charges may be introduced.**

After 1 July 2006:

- If the charges have **decreased** you will only have to pay the new lower rate. The lower charges will be applied automatically when you make the payment; or
- If the charges have **increased and/or new charges have been introduced** then Sydney Water will charge you at the old rate plus any inflation (or CPI) increase until 19th April, 2008. After that time, Sydney Water has to apply the higher and/or new charges.

#### **Payment of charges and annual CPI adjust from 1 July:**

- **You must pay your DSP charge before you will be given permission to connect your development to Sydney Water's water/sewer systems.**
- You have to pay these charges directly to Sydney Water and you must have an invoice. Your Coordinator can arrange the invoice. **Payment is by cash or bank cheque only and you can pay at a Sydney Water Customer Service Centre or by post with your invoice.** You must tell your Coordinator when you have made that payment.
- The charges from 1 July are only shown in column 4 if the CPI figure is known.

After 1 July, if they are NOT shown and the new DSP rates mentioned above have not been registered with IPART, and you want to pay the charges then the charges in column 3 will first need to be adjusted by the CPI figure. This will be done when you get the invoice from your Coordinator and you will need to pay the adjusted amount. (The CPI figure is based on the weighted average of the capital cities CPI for the 12 months to the end of the previous March.)

#### **Also:**

- **DSP charges** are a contribution towards the cost of systems (e.g. treatment plants) which serve your development. We have no power to change these costs because they are decided by IPART. If you want more information visit the IPART website [www.IPART.nsw.gov.au](http://www.IPART.nsw.gov.au). If there is a dispute, the cost of arbitration will be shared equally by you and Sydney Water (see *IPART Act 1992, Section 31*).
- *(Insert ONLY for Industrial or Commercial or Flow Based Charges)* The DSP charges in the table are based on your development needing *(insert EITHER of the following: for Commercial)* an average day water demand of *(insert amount)* kl. This is based on an allowance of up to 24kl per day per pure net hectare for suburban commercial developments. *(OR for Industrial)* an average day water demand of *(insert amount)* kl. This is based on an allowance of up to 49.4kl per day per pure net hectare for light industrial developments. *(OR for Flow Based)* an average day water demand of *(insert amount)* kl.

If the development generates a greater demand, you may have to pay more in charges. If you are going to sell the development, you have to explain the situation to prospective buyers as part of the requirements of Vendor Disclosure.

- **Reticulation Recovery Charges** recover part of the cost of works that have been paid for by Sydney Water or other developers and that benefit your development. This charge is calculated before your points of connection have been determined. If your completed

designs show that your development will be connected to other main/s, the Reticulation Recovery charge may be changed and/or you may need to construct other works.

## OTHER THINGS YOU NEED TO DO:

Shown below are other things you need to do that are NOT a requirement for the Certificate. They may well be a requirement of Sydney Water in the future because of the impact of your development on our assets. You must read them before you go any further.

### (1) Stamping and approval of your building plans

- Please note that your building plans must be stamped and approved. This can be done at either a:
- Quick Check agency (for an agency list visit [www.sydneywater.com.au](http://www.sydneywater.com.au) ➤ Building Developing and Plumbing ➤ Quick Check or call 13 20 92); or
- Sydney Water Customer Service Centre.

**This is not a requirement for the Certificate** but the approval is needed because construction/building works may impact on existing Sydney Water assets (e.g. water and sewer mains). **In any case, these works MUST NOT commence until Sydney Water has granted approval.**

Your Coordinator can tell you about the approval process including:

- Possible requirements;
- Costs; and
- Timeframes.

**Note: You must obtain our written approval before you do any work on Sydney Water's systems. Sydney Water will take action to have work stopped on the site if you do not have that approval. We will apply Section 44 of the Sydney Water Act 1994.**

### (2) Soffit requirements

Please be aware that floor levels must meet Sydney Water's soffit requirements for property connection and drainage.

### (3) Trade Waste Information

Should this development generate trade wastewater, this notice of requirements does not guarantee the applicant that Sydney Water will accept the trade wastewater to its sewerage system. A boundary trap will be required where arrestors and special units are installed for trade waste pre-treatment. For further information please visit the Sydney Water website at, <http://www.sydneywater.com.au/OurSystemsAndOperations/Tradewaste/> or contact a Trade Waste Customer Service Representative on (02) 9622 2244.



**Prospective Purchasers should be made aware of the above situation under the requirements of vendor disclosure.**

#### **(4) Backflow Prevention Information**

In accordance with Sydney Water's Backflow Prevention Policy, you may be required to install a backflow prevention containment device immediately downstream of each water meter service the property. The device must be installed as a condition of continued use of the water supply. Failure to install and maintain the device may result in disconnection of the water service. A copy of Sydney Water's Backflow Prevention Policy is available on the Sydney Water Website at, <http://www.sydneywater.com.au/BuildingDevelopingandPlumbing/BackflowPrevention>

#### **(3) Possible future costs**

The requirements in this Notice relate to your Certificate application only. Sydney Water may be involved with other aspects of your development and there may be other fees or requirements. These include:

- construction/building plan stamping fees;
- plumbing and drainage inspection costs;
- the installation of backflow prevention devices;
- trade waste requirements;
- large water connections; and
- council fire fighting requirements. (It will help you to know what the fire fighting requirements are for your development as soon as possible. Your hydraulic consultant can help you here.)

**No warranties or assurances can be given about the suitability of this document or any of its provisions for any specific transaction. It does not constitute an approval from Sydney Water and to the extent that it is able, Sydney Water limits its liability to the reissue of this Letter or the return of your application fee. You should rely on your own independent professional advice.**

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**END**

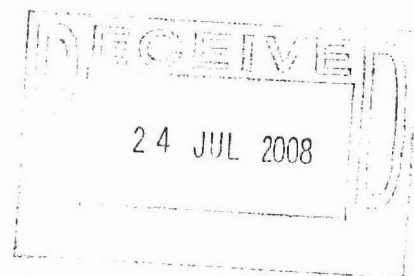
# **Annexure “7”**

**Site Compatibility  
Certificate  
(issued 17-7-2008)**





NSW GOVERNMENT  
**Department of Planning**



**Office of the Director General**

Michael McHugh  
Anglican Retirement Villages  
L2 / 62 Norwest Boulevard  
**NORWEST BUSINESS PARK NSW 2153**

Contact: Izlem Boylu  
Phone: (02) 9228 6369  
Fax: (02) 9228 6540  
Email: [izlem.boylu@planning.nsw.gov.au](mailto:izlem.boylu@planning.nsw.gov.au)

Our ref: SH2008\_0017  
File: S08/00934

Dear Mr McHugh

**Determination of application for a site compatibility certificate, State  
Environmental Planning Policy (Housing for Seniors or People with a Disability)**

I refer to your application for a site compatibility certificate under Clause 25 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ('the SEPP') in relation to the proposed seniors housing development at 56 Second Avenue, Kingswood (Part Lot 1721 DP 864087).

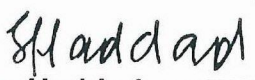
I have made the determination to issue the site compatibility certificate under Clause 25 (4)(a) of the SEPP on the basis that the site of the proposed development is suitable for the purposes of seniors housing.

The following requirement has been imposed on the Certificate:

- a) *The final layout and number of dwellings shall be determined by Penrith City Council during the assessment of any future Development Application for the development having regard to existing adjoining developments.*
- b) *During the assessment of future development applications, Penrith City Council is to discuss the proposal with relevant State Emergency Service agencies.*

Should you have any further enquiries about this matter, I have arranged for Mrs Izlem Boylu, Urban Assessments, to assist you. Izlem may be contacted at the Department's Bridge Street Office on telephone number (02) 9228 6369.

Yours sincerely

  
**Sam Haddad**  
Director General

17/7/2008.

## Seniors Housing Determination of Certificate of Site Compatibility

Part 1A of *State Environmental Planning Policy* (Housing for Seniors or People with a Disability) 2004

---

I, the Director-General of the Department of Planning, pursuant to clause 25(4)(a) of the *State Environmental Planning Policy* (Housing for Seniors or People with a Disability) 2004, determine the application made by Michael McHugh of Anglican Retirement Villages on 16 June 2008 by issuing this certificate.

I certify that in my opinion:

- the site described in Schedule 1 is suitable for more intensive development; and
- the development described in Schedule 2 is compatible with the surrounding environment, having had regard to the criteria specified in clause 25(5)(b).

Under clause 25(7), this certificate is only valid in relation to development that satisfies the requirements specified in Schedule 2 of this certificate.

  
**Sam Haddad**  
Director-General  
Department of Planning

**Date certificate issued:**

17<sup>th</sup> July 2008.

**Please note:** This certificate will remain current for 24 months from the date of issue.

---

### SCHEDULE 1

**Site description:** The subject site comprises land within 56 Second Avenue, Kingswood (Part Lot 1721 DP 864087). The extent of the site is shown within the Application for Site Compatibility Statement (Figure 3) submitted to the Department of Planning on the 16 June 2008. The site is currently zoned 5(a) - Special Uses under the *Penrith Local Environmental Plan 1998 - Urban Lands*.

### SCHEDULE 2

**Application made by:** Mr Michael McHugh, Anglican Retirement Villages

**Project description:** 102 bed single storey residential aged care facility and 95 x 1-2 storey serviced self care dwellings and associated community facilities.

**Requirements imposed on determination:**

- a) The final layout and number of dwellings shall be determined by Penrith City Council during the assessment of any future Development Application for the development having regard to existing adjoining developments.
- b) During the assessment of future development applications, Penrith City Council is to discuss the proposal with relevant State Emergency Service agencies.



# **Annexure “8”**

## **ARV Kingswood Stage 2 proposal**





dem



Note:  
Lot layout, levels and road alignments and widths  
generally in accordance with Revised Lot Layout Plan  
by Hughes Trueman dwg. no. 09S706-SKC06 rev C

## ARV Kingswood

Illustrative Urban Design Improvements

any reports, drawings, advice or information included or referenced that is prepared and/or provided by any other party, including the client/principal, is the sole representation of the party who prepared the report, drawings, advice or information and does not constitute a representation of dem (aust) Pty limited. dem (aust) Pty limited expressly takes no responsibility for any documents, advice or other material prepared by any other party.  
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date 05-10-10  
scale 1:2000@A3  
dwg no. ur-0101

proj no. 4154-00  
rev no. a03

planning, urban design, architecture,  
landscape architecture, interior design  
level 8 15 help street chatswood nsw 2067  
t: (02) 8966 6000 f: (02) 8966 6111  
e: sydney@dem.com.au



# **Annexure “9”**

## **Minister Consent for UWS Land Sale**

Carmel Tebbutt MP  
Minister for Education and Training



New South Wales  
Government

Professor Robert Coombes  
Acting Vice-Chancellor  
University of Western Sydney  
PO Box 1000  
ST MARYS NSW 1790

RML 07/432

Dear Professor <sup>Robert.</sup> Coombes

I refer to your letter dated 16 January 2007, regarding the proposed sale of surplus University land at Kingswood.

Approval is given pursuant to Section 24(2) of the *University of Western Sydney Act 1997* to sell 5.815 hectares of the Penrith Campus site at Kingswood, subject to the proceeds being used for the furthering of higher education.

Yours sincerely

Carmel Tebbutt MP  
Minister for Education and Training

24 FEB 2007

OFFICE OF THE VICE CHANCELLOR - UWS	
TO <i>VC</i>	C.C.
- 2 MAR 2007	
FOR	I.D. No. <i>12000</i>