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Director-General

The Director-General  
NSW Department of Planning & Infrastructure  
DX 85  
SYDNEY NSW



Dear Sir

**Site Compatibility Certificate Application  
SEPP (Housing for Seniors or People with a Disability) 2004  
50-52 Manning Street and 73-105 Caddens Road, Kingswood**

Don Fox Planning (DFP) has been commissioned by Anglican Retirement Villages to prepare a Site Compatibility Certificate (SCC) application for the proposed seniors living development at the abovementioned site.

On behalf of ARV, please find enclosed the SCC application and accompanying material to enable the Department to undertake its assessment and issue a SCC in respect of the proposed development and subject site. Specifically, the following is enclosed with this letter:

- Three (3) copies of the SCC application including Owners Consent;
- A cheque to the value of \$4,465 being the SCC application fee as confirmed with Gilead Chen on 17 August 2011.
- Three (3) copies of DFP's SCC report which outlines the site context, background to the proposal, proposed development, strategic justification and details of pre-lodgement consultation with Penrith City Council.
- Three (3) copies of relevant survey, plans and previously issued SCC for the land as appendices to DFP's cover report.
- One (1) CD Rom containing electronic copies of all submitted material.

We trust that the enclosed satisfactorily meets the Department's requirements and look forward to your earliest assessment and determination of the application.



Should you have any queries or require any further information, please do not hesitate to contact Kendal Mackay or Rob Player from our office.

Yours faithfully  
**DON FOX PLANNING PTY LIMITED**

A handwritten signature in black ink, appearing to read 'K. Mackay', with a stylized flourish at the end.

**KENDAL MACKAY**  
**PARTNER**

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Encl.

## Site Compatibility Certificate Report

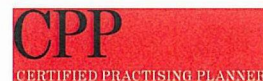
Kingswood Retirement Village

50-52 Manning Street and 73-105 Caddens Road, Kingswood

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## Site Compatibility Certificate Report

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### Abbreviations

AADT	annual average daily vehicle trips
AHD	Australian Height Datum
ARV	Anglican Retirement Villages
AS	Australian Standard
ASS	acid sulfate soils
BCA	Building Code of Australia
DA	development application
DCP	development control plan
DFP	Don Fox Planning P/L
DoPI	NSW Department of Planning and Infrastructure
DVT	daily vehicle trip
EP&A Act	<i>Environmental Planning and Assessment Act, 1979</i>
FSR	floor space ratio
GFA	gross floor area
HKA	HKA Project Management
HRV	heavy rigid vehicle
ILU	independent living unit
LEP	local environmental plan
MRV	medium rigid vehicle
NGL	natural ground level
OSD	on-site stormwater detention
PCC	Penrith City Council
PVT	peak hour vehicle trip
RACF	residential aged care facility
RL	reduced level
RTA	Roads and Traffic Authority of NSW
SCC	Site Compatibility Certificate
SEE	Statement of Environmental Effects
SEPP	state environmental planning policy
vph	vehicles per hour

## **1 Introduction**

### **1.1 Commission**

Don Fox Planning (DFP) has been commissioned by Anglican Retirement Villages (ARV) to prepare a Site Compatibility Certificate (SCC) Application for the proposed seniors living development at 50-52 Manning Street and 73-105 Caddens Road, Kingswood.

This proposed development comprises use of existing buildings for a 102-bed Residential Aged Care Facility (RACF) and the staged construction of 168 Independent Living Units (ILUs) including 93 ILUs (or part thereof) on the land zoned Special uses 5(a) which is subject to the SCC Application.

ARV is a not-for-profit organisation which provides a diverse range of accommodation and service options to approximately 3,500 residents and 2,100 community-care clients including approximately 1,800 residents (with an average age of 81 years) in ILUs and 1,700 residents (with an average age of 86 years) in RACFs.

ARV owns and manages 34 aged care facilities across the Sydney Metropolitan Area including retirement villages at Penrith, Castle Hill, Glenhaven, Winston Hills, Kirrawee, Taren Point, Dapto and Warriewood.

### **1.2 Purpose of this Statement**

This report has been prepared to supplement a SCC Application being made pursuant to clause 25 of *State Environmental Planning Policy (SEPP) (Housing for Seniors or People with a Disability) 2004* (SEPP Seniors) as part of the site (50-52 Manning Street) is zoned 5(a) Special Uses – Tertiary Education which does not permit seniors housing.

This report provides the NSW Department of Planning and Infrastructure (DoPI) with all relevant information to assess whether the part of the site zoned 5(a) Special Uses is suitable for the intensity of development proposed and whether the form of the proposed development is compatible with the surrounding environment as required by clause 25 of the SEPP.

An SCC was previously issued by the DoPI in 2008 and development consents in accordance with that SCC have been granted by Penrith City Council (PCC). A further SCC for an enlarged development site was issued by the DoPI in 2010 however, the current proposal seeks to deviate from the proposal as described in the 2010 SCC and accordingly, the proponent's legal advice is that a new SCC is now required. This history is further discussed in Section 2 of this report.

### **1.3 Material Relied Upon**

For the purposes of preparing this report, we have reviewed documents and undertaken the following investigations:

1. Site inspection undertaken in August 2011;
2. Previous SCCs issued by the DoPI dated 17 July 2008 and 20 December 2010;
3. Site Survey prepared by Vince Morgan Surveyors dated 18 August 2011;
4. Concept Master Plan prepared by A&N Design dated August 2011;
5. Documents and reports relating to previous development applications and development consents for the site.

## **1.4 Report Structure**

This SEE is structured in the following manner:

**Section 2** provides a brief **Background** to the development proposal.

**Section 3** is a **Site Context** and provides a detailed description of the site and the nature of surrounding development.

**Section 4** details the **Proposed Development**.

**Section 5** provides the **Strategic Justification** for the proposed development.

**Section 6** is a **Conclusion**.

## **1.5 Summary of Conclusions**

This report concludes that the proposal for use of the existing building and ancillary development as a 102-bed RACF and the staged construction of 168 ILUs is compatible with the existing surrounding land uses and the proposed future urban land uses, is capable of compliance with SEPP Seniors and can be readily provided with essential services and infrastructure.

Accordingly, it is recommended that the Director-General of the DoPI (the Director-General) issue a SCC pursuant to clause 25 of SEPP Seniors.



## **2 Background**

### **2.1 Site Compatibility Certificates**

On 17 July 2008, the Director-General of the DoPI issued a SCC pursuant to clause 25 of SEPP Seniors for the Kingswood Retirement Village as envisaged by the 2007 concept plan development consent (see Section 2.2.1 below). This SCC expired on 17 July 2010.

On 20 December 2010, the Director-General of the DoPI issued a SCC pursuant to clause 25 of SEPP Seniors for the site comprising Lot 1 DP 1130750 (50-52 Manning Street) and Lot 1 DP 1145043 (part of 73-105 Caddens Road), the latter parcel having been included in the development site since the issuance of the original SCC. The proposal specified in that application for SCC included approximately 70 ILUs with access to all dwellings via a southern connecting road to Caddens Road (see **Appendix A**).

The proponent has received legal advice that the current proposal detailed in Section 4 of this report does not reflect the 2010 proposal for which the SCC was issued by the Director-General and accordingly, a further SCC should be obtained.

### **2.2 Development Consents**

#### **2.2.1 2007 Retirement Village Concept Plan Approval**

On 21 December 2007 PCC granted development consent to DA 07/1281 being a concept master plan for a retirement village comprising a 136-bed RACF (Stage 1) and 95 ILUs (Stage 2) on Lot 1 DP 1130750 (50-52 Manning Street).

The consent required that 65 of the ILUs and the RACF staff were to gain vehicular access to the site via the adjoining University of Western Sydney (UWS) internal road with vehicular access then onto O'Connell Street (subject to demonstration of an agreement with UWS). Vehicular access to Manning Street was restricted to a maximum of 30 ILUs and visitors to the RACF. However, UWS was not agreeable to access via their internal road for the ILUs.

On 20 March 2008, consent to a Section 96 application (DA07/1281.01) was granted to modify the consent to allow access to/from the ILUs from Caddens Road to the south, over Lot 23 DP 602607 instead of through the UWS site.

On 26 August 2008, consent to a Section 96 application (DA07/1281.02) was granted to modify the date of lapsing of the consent from 2 years from the date of consent to 5 years.

On 24 December 2008, consent to a further Section 96 application (DA07/1281.03) was granted for modifications to the internal road layout in order to link the site to the southern adjoining land as well as other minor amendments to the concept layout and staging.

#### **2.2.2 2008 Stage 1 RACF Approval**

On 2 December 2008 PCC granted development consent to DA 08/0656 being the Stage 1 RACF with 102 beds comprising 68 low care beds and 34 dementia care beds on Lot 1 DP 1130750 (50-52 Manning Street). A Construction Certificate has been obtained for these works and they are nearing completion.

#### **2.2.3 2009 Stage 2 ILU Approval**

On 15 September 2009 PCC granted development consent to DA 08/1340 being 78 ILUs, a community facility and studio workshop in Stage 2 on Lot 1 DP 1130750 (50-52 Manning Street).

Condition No. 5 of the consent required a controlled access point to restrict any more than 30 ILUs from obtaining access to Manning Street.

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### **2.3 Pre-DA Consultation**

On 9 June 2011, representatives from ARV and the Project team met with Council Officers to outline the rationale for submission of a new DA.

On 16 August 2011, a formal Pre-DA meeting was held at Council's Administration Offices to discuss the proposed development. Council Officers highlighted the need to include, amongst other things, a detailed traffic impact assessment with the Development Application.



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### 3 Site Context

#### 3.1 Location

The site is partially located within land which was formerly part of the University of Western Sydney (UWS) Penrith Campus and partially within the Caddens Release Area, in the local government area (LGA) of Penrith City Council (see **Figure 1**).

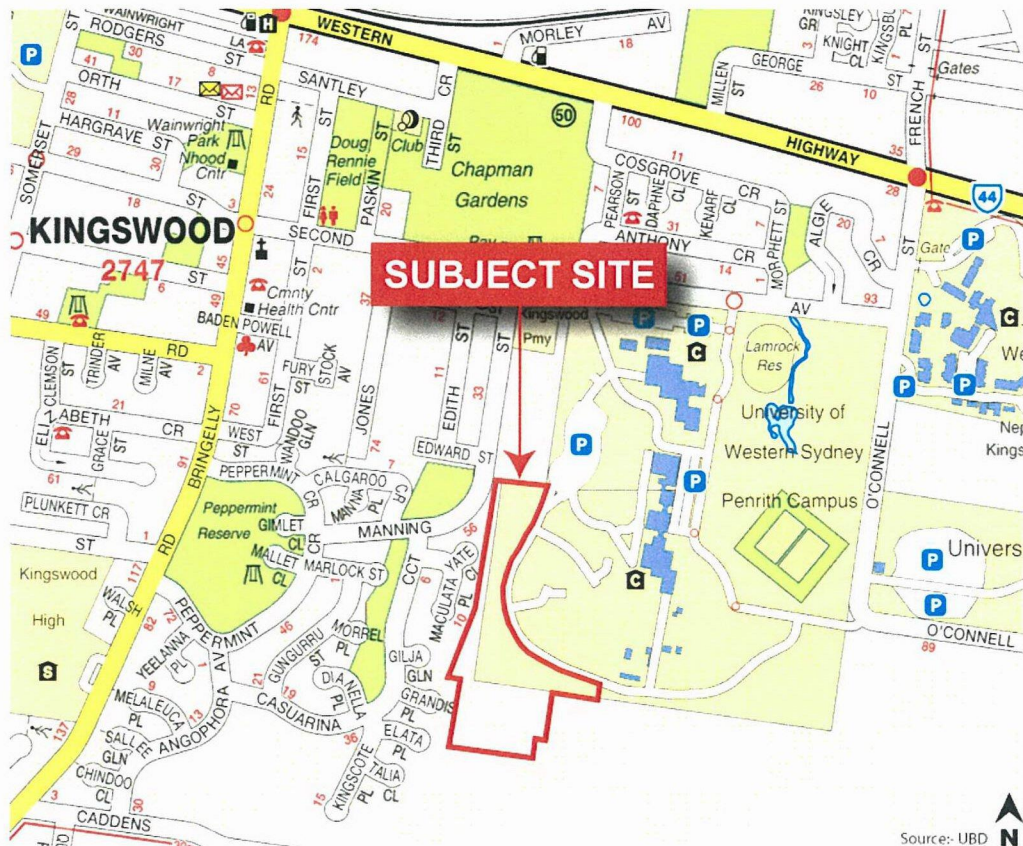


Figure 1: The site location.

The site is approximately 2.5 kilometres south-east of the Penrith Central Business District (CBD) and 1.2 kilometres south of Kingswood Railway Station. The site is also within 400 metres of the Kingswood local shops which are located on the corner of Manning Street and Second Avenue.

#### 3.2 Site Description

The site consists of two parcels of land located between Manning Street and Caddens Road, Kingswood 2747, legally described as:

- Lot 1 DP 1130750, known as 50-52 Manning Street (the '**Northern Parcel**' – located within the former UWS Campus); and
- Lot 1 DP 1145043, known as 73-105 Caddens Road (the '**Southern Parcel**' – located within the Caddens Release Area).

These lots are shown in **Figure 2** and on the survey at **Appendix B**.



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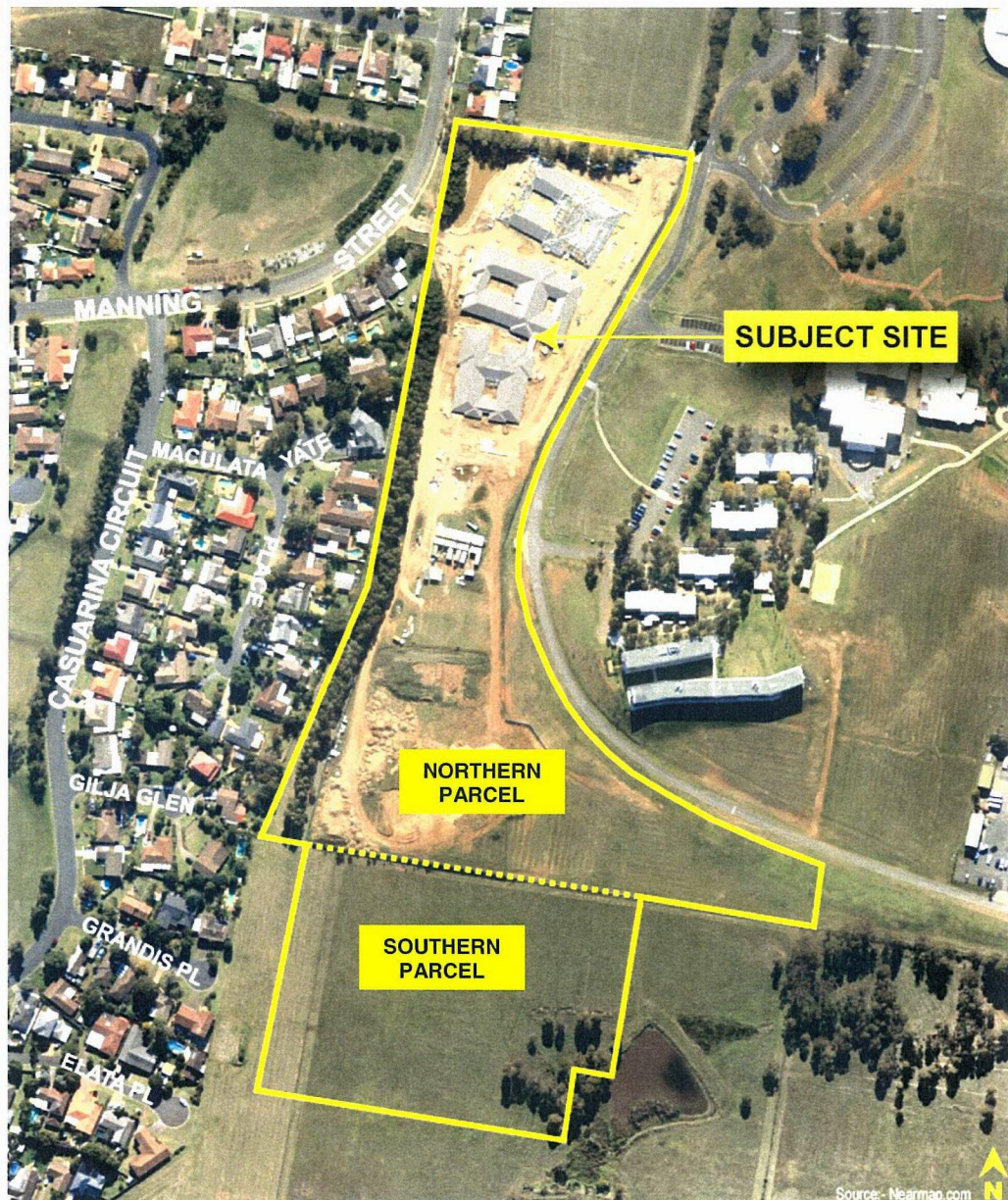


Figure 2: Aerial photograph of the site.

The site is irregular in shape with a northern boundary of approximately 136 metres, an eastern boundary of approximately 692 metres, a combined southern boundary of approximately 297 metres and a western boundary of approximately 667 metres. This constitutes a total site area of 8.485 hectares (comprising 5.815 hectares on the Northern Parcel and 2.67 hectares on the Southern Parcel).

Approximately 2.5 hectares of the Northern Parcel adjacent to Manning Street is currently being developed in accordance with development consent DA 08/0656 for a 102-bed RACF (see **Figure 2**).



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The RACF comprises three single storey buildings, each containing 34 beds (102 beds total) with 44 at-grade car parking spaces and 1 ambulance bay. Construction is expected to be completed in September/October 2011 (see **Figure 3**).



*Figure 3: The RACF currently under construction over the northern part of the site.*

The remainder of the Northern Parcel (subject to the Stage 2 development consent) and the entirety of the Southern Parcel is vacant land (see **Figure 4**).



*Figure 4: The southern parts of the site.*



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The land can be described as undulating with a key feature being a small ridge located in the south-western corner of the Northern Parcel at approximately RL 71.5 metres. To the north of this ridge the land slopes general down to the north and from east (RL 60 metres near the University internal road) to west (RL 50 metres at Manning Street). To the south of the ridge the land slopes generally downwards to the south-east to approximately RL 56.5 metres in the south-eastern corner of the Southern Parcel.

Notable vegetation on-site comprises elongated stands of Tallow-wood, Spotted Gum and Grey Box trees along the northern and western boundaries of the Northern Parcel. These have been retained as part of the RACF. With the exception of lesser landscaping being provided as part of the RACF and a small stand of trees in the south-eastern corner of the Southern Parcel, the remainder of the site is generally devoid of vegetation.

### 3.3 Surrounds

Development in the surrounding area is a mixture of educational, low density residential development and vacant land zoned for future residential development (see **Figure 5**).



Figure 5: Aerial photograph of the wider locality.



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To the north is No. 48 Manning Street, a single storey dwelling on an east-west oriented lot and No. 46-54 Second Avenue which is a long north-south oriented lot in the ownership of UWS which runs along the rear of existing houses fronting Manning Street (see **Figure 6**).



Figure 6: Development to the north of the site.

To the east, the site is bounded by a private road within the UWS campus (see **Figure 7**). This road links Second Avenue in the north to O'Connell Street in the east. Under the terms of the development consent for the RACF and the agreement with UWS, vehicular access from the site to this road is denied except for staff of the RACF.



Figure 7: Development to the east within the UWS campus.

On the opposite side of this internal road, there are a number of two and three storey buildings which are used for student accommodation (see **Figure 7**). Further east are other buildings within the UWS campus and large open expanses of mainly open grassland.



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To the south and south-east is land within the Caddens Release Area which is the subject of a current DA by Landcom for low/medium density residential subdivision (see **Figure 8**).



*Figure 8: To the south, vacant land within the Caddens Release Area.*

To the west of the Southern Parcel is a strip of land approximately 27 metres wide which is part of the Landcom site and is zoned as open space and designated for acquisition under Penrith LEP (Caddens) 2009. The Penrith DCP 2006 – Caddens Amendment also designates a similar strip of land extending northward through the Northern Parcel (comprising the row of trees) for this purpose although this land within the subject site is not zoned for open space or designated for acquisition under Penrith LEP 1998.

Further west of this strip of land and west of the Northern Parcel are the rear elevations of predominantly one and two storey dwelling houses fronting Manning Street and other local streets within the established residential suburb of Kingswood (see **Figure 9**).



*Figure 9: West, the rear elevations of housing fronting residential streets in the suburb of Kingswood.*



### **3.4 Surrounding Road Network**

The Northern Parcel has a partial frontage to Manning Street which is a four-lane minor collector road. Manning Street carries two-way traffic generally in a north-south direction to the north of the site and in an east-west direction to the south-west.

Surveys undertaken in 2008 as part of the previously approved development indicated that Manning Street carries approximately 100-120 vehicles per hour (vph) in the AM and PM peak hours.

Bus stops are located in Manning Street adjacent to the site frontage which are serviced by the Route #770 bus service operated by Westbus. This bus route connects Penrith Regional Centre in the west to St Marys and Mt Druitt to the east, via the Nepean Hospital and the site.

Caddens Road is a collector road approximately 270 metres to the south of the site although the site does not presently have a constructed vehicular access to this roadway.

As indicated, there is also an internal private road within the UWS campus to the east which will provide limited access for staff of the RACF to O'Connell Street.

### **3.5 Site Analysis**

The Master Plan prepared by A&N Design (see **Figure 10** in Section 4.3 and **Appendix C**) includes a site analysis identifying key natural and built environment features, opportunities and constraints of the site including:

- Solar orientation and prevailing winds;
- Views from, to and across the site;
- Notable vegetation;
- Watercourses;
- Existing vehicular access;
- Potential future vehicular access; and
- Surrounding land uses.

## 4 Proposed Development

### 4.1 Introduction

This proposed development comprises use of the building currently being constructed over the northern part of the site as a 102-bed Residential Aged Care Facility (RACF) and the staged construction of approximately 168 Independent Living Units (ILUs) over the remainder of the site (see Master Plan prepared by A&E Design at **Appendix C**). The following subsections briefly outline key aspects of the proposal.

### 4.2 RACF Use

The proposed development varies from that previously approved and in order to assess and manage the impacts of the development as a whole, it is proposed to lodge the development application for the entire site and to surrender (subject to approval of the DA) the previous development consents.

The RACF has been approved, is currently under construction and it is anticipated that by the time an SCC has been issued and a development application lodged with Council, the facility will be complete with Occupation Certificate issued. The development application cannot seek retrospective approval for works already completed and accordingly, the development application will be for the use of the RACF only. It is not anticipated that there will be any change to the form or function of the approved RACF.

### 4.3 Independent Living Units

The proposal incorporates 168 ILUs and the proposed layout is shown in **Figure 11** with 93 ILUs (or part thereof) being on the Northern Parcel which is zoned 5(a) Special Uses. This layout generally involves pairs of single storey semi-detached dwellings fronting internal roads which have been located to best utilise the topography of the site to provide appropriately graded paths of travel for future occupants. Two two-storey buildings containing ILUs 'over-and-under' each other are to be located toward the centre of the site on the Northern Parcel, utilising the sloping land to minimise perceived building height.



Figure 11: Master Plan and Site Analysis (prepared by A&N Design).



#### **4.4 Community Facilities**

The proposal will include a community centre/club house located to the eastern side of the ILU component of the site, strategically located to provide ease of access for all future occupants of the ILUs.

This facility will incorporate a café, kitchen, chapel, lounge, meeting and consultation rooms, computer room, hairdresser, library, gymnasium, resident workshop, toilets, storage, lift and a garage space for the village mini-bus/service vehicle. Visitor car parking will be provided in close proximity to this facility.

In addition, a "Men's Shed" will be provided near the western boundary on the Southern Parcel. This will be a single storey structure providing a workshop for hobby woodwork, metalwork and the like. Visitor car parking will be provided nearby.

Several barbeque and picnic table areas are also to be provided throughout the site, providing communal outdoor eating areas.

#### **4.5 Vehicular Access, Parking and Loading**

All vehicular access to the site is proposed to be via Manning Street. Whilst there may ultimately be a connection through to Caddens Road, this is dependent upon redevelopment of the Landcom site to the south and cannot be relied upon at this stage. The proposed design will however, allow for a southern access point when available.

The RACF has been provided with 44 at-grade car parking spaces and 1 ambulance bay. The proposed ILUs will each be provided with 1-2 car parking spaces (depending on the number of bedrooms) in accordance with the requirements of SEPP Seniors.

Approximately 326 car parking spaces will be provided comprising approximately 124 car spaces within garages of ILUs with 124 spaces within corresponding driveways, 48 external car parking spaces (including nine disabled car parking spaces) and 30 visitor car parking spaces.

#### **4.6 Open Space and Landscaping**

Private open space in the form of paved terraces and soft-landscaped spaces will be provided for each ILU. In addition, approximately 36,444m<sup>2</sup> of landscaped communal open space (43% of the site area) will be provided throughout the site of which approximately 24,697m<sup>2</sup> will be soft landscaping (29% of the site area).

#### **4.7 Accessibility and Adaptability**

The proposed development has been designed to comply with all key requirements of SEPP Seniors, the BCA and relevant Australian Standards and a detailed access report will accompany the development application outlining this compliance and the ability for ILUs to be adaptable to cater for the needs of mobility impaired persons.

#### **4.8 Construction Staging**

The proposal is to be constructed in five (5) stages with Stage 1 being the three RACF buildings to be completed in September 2011. Stage 3 will replace the former Stage 2 and will comprise the following sub-stages:

- Stage 3A - 46 ILUs;
- Stage 3B - 50 ILUs and Community Centre;
- Stage 3C - 41 ILUs and Men's Shed; and
- Stage 3D - 31 ILUs.

## **5 Strategic Justification**

In accordance with the requirements of *SEPP (Housing for Seniors or People with a Disability) 2004*, the following subsections outline the strategic justification for the proposal inclusive of the following:

- The Statutory and Policy Context; and
- A Preliminary Environmental Impact Assessment.

### **5.1 Statutory and Policy Context**

#### **5.1.1 Sydney North West Subregional Strategy**

The Sydney North West Subregional Strategy was released for public comment between December 2007 and March 2008 and is currently being finalised by the DoPI.

The Strategy sets out the directions for development in the subregion over the next 25 years including housing and employment targets.

The Strategy identifies Penrith, within 2.5 kilometres of the site, as the Regional City for the subregion and the UWS Penrith campus as an important asset. Kingswood is also identified as a small village.

In relation to housing and of relevance to this SCC Application, the Strategy states the following:

*"An ageing population requires a change in housing and service demands and must be included in local planning. Across the North West Subregion there is expected to be significant growth in the proportion of residents 65 years and older by 2031.*

*Housing for seniors and people with a disability should be provided for in areas which are accessible to key public transport nodes and local services. The development of major transport infrastructure in the North West Subregion presents an opportunity to develop housing for seniors and people with a disability with good access to services and facilities."*

Accordingly, the Strategy recognises the need for seniors housing in appropriate locations and the subject proposal is considered to assist the attainment of this objective.

#### **5.1.2 SEPP (Housing for Seniors or People with a Disability) 2004**

This SEPP originally came into force on 31 March 2004 as *SEPP (Seniors Living) 2004* and has since been amended to incorporate various additional requirements for the assessment of 'seniors housing'.

Specifically, Chapter 3 Part 1A of the SEPP contains provisions requiring a SCC to be obtained from the Director-General for seniors housing, where such development is proposed on land which is not zoned primarily for urban purposes but which is adjoining such land or on land that is zoned as 'special uses'. The purpose of the SCC is to certify that the site is suitable for more intensive development and that the proposed development is compatible with the surrounding environment.

As indicated within this SEE, the Northern Parcel of the site is zoned 5(a) Special Uses – Tertiary Education and accordingly, a SCC is required. The DoPI has previously issued SCCs which certified that the site is suitable for a RACF and ILUs. A copy of the most recent SCC is provided at **Appendix A**.

The Southern Parcel of the site is zoned R1 General Residential which permits seniors housing and in any event, SEPP Seniors permits seniors housing on any urban zoned land irrespective of the provisions of any other EPI. Therefore the proposal is permissible with consent under SEPP Seniors.



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As the current proposal is for an increase in the number of ILUs and changes to the vehicular access arrangements, the proponent has received legal advice that the 2010 SCC does not reflect the current proposal and that a new SCC should be issued prior to lodging a new development application. Accordingly, the following paragraphs reassess the proposal and the site against the criteria specified by the SEPP.

Clause 25(5)(b) sets out that the specific criteria to be used by the Director-General to determine if the proposed development is compatible with the surrounding land uses.

**Table 1** provides an assessment of the proposed development against these criteria:

TABLE 1: ASSESSMENT OF THE PROPOSAL AGAINST CLAUSE 25(5)(B) OF SEPP (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004.		
Assessment Criteria	Assessment	Consistency
(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,	The Northern parcel is not bushfire or flood prone, is not identified as being subject to contamination and whilst it does contain several stands of trees, no 'significant' vegetation is to be removed. In addition, development consent has previously been granted by Council for a 102-bed RACF and 78 ILUs. A detailed discussion in relation to this matter is provided in Section 5.2.3 of this report.	Consistent
(ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,	Part of the site (the Southern Parcel) is zoned for residential uses and permits seniors housing with consent and the remainder (the Northern Parcel) has previously been assessed and determined by the DoPI and Council as being fit for purpose for seniors housing by virtue of the WELL Precinct Strategy which identified the land for future residential uses and subsequent SCCs and DAs approved. A detailed discussion in relation to this matter is provided in Section 5.2.1 of this report.	Consistent
(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,	The specialist reports which accompanied the approved DAs for the site verified that adequate servicing is available. The site is within 400m of a local shopping centre and has ready access to other retail, service, medical and community services via public transport which traverses Manning Street with bus stops immediately adjacent to the site. Further discussion in relation to this matter is provided in Section 5.2.2 of this report.	Consistent
(iv) in the case of applications in relation to land that is zoned open space or special uses - the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,	The land is not zoned for open space although the Northern Parcel is zoned for special uses tertiary education. UWS Penrith has sold the land to ARV as it is surplus to the university's requirements and accordingly, the proposal does not unnecessarily detract from the supply of special uses land in the locality. A detailed discussion in relation to this matter is provided in Section 5.2.1 of this report.	Consistent
(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.	The Northern Parcel which is zoned 5(a) Special Uses, is bounded to the north and west by an existing residential suburb comprising one and two storey dwellings, to the south by land zoned for low density residential development which permits two storey dwellings and seniors housing with consent and to the east by the university campus. Accordingly, one and two storey seniors housing is considered to be compatible with these surrounding land uses. A detailed discussion in relation to this matter is provided in Section 5.2.1 of this report.	Consistent



Accordingly, it is considered that the Northern Parcel of the subject site which is zoned 5(a) Special uses and which is land adjoining land zoned primarily for urban purposes, is suitable for more intensive development and that proposal is consistent with the criteria under clause 25(5)(b) of the SEPP and hence is compatible with the surrounding existing and future urban environment.

### 5.1.3 Penrith Local Environmental Plan 1998

The *Penrith Local Environmental Plan (LEP) 1998 – Urban Lands* (LEP 1998) applies to the Northern Parcel and zones this part of the site as 5(a) Special Uses – Tertiary Education (see **Figure 12**).

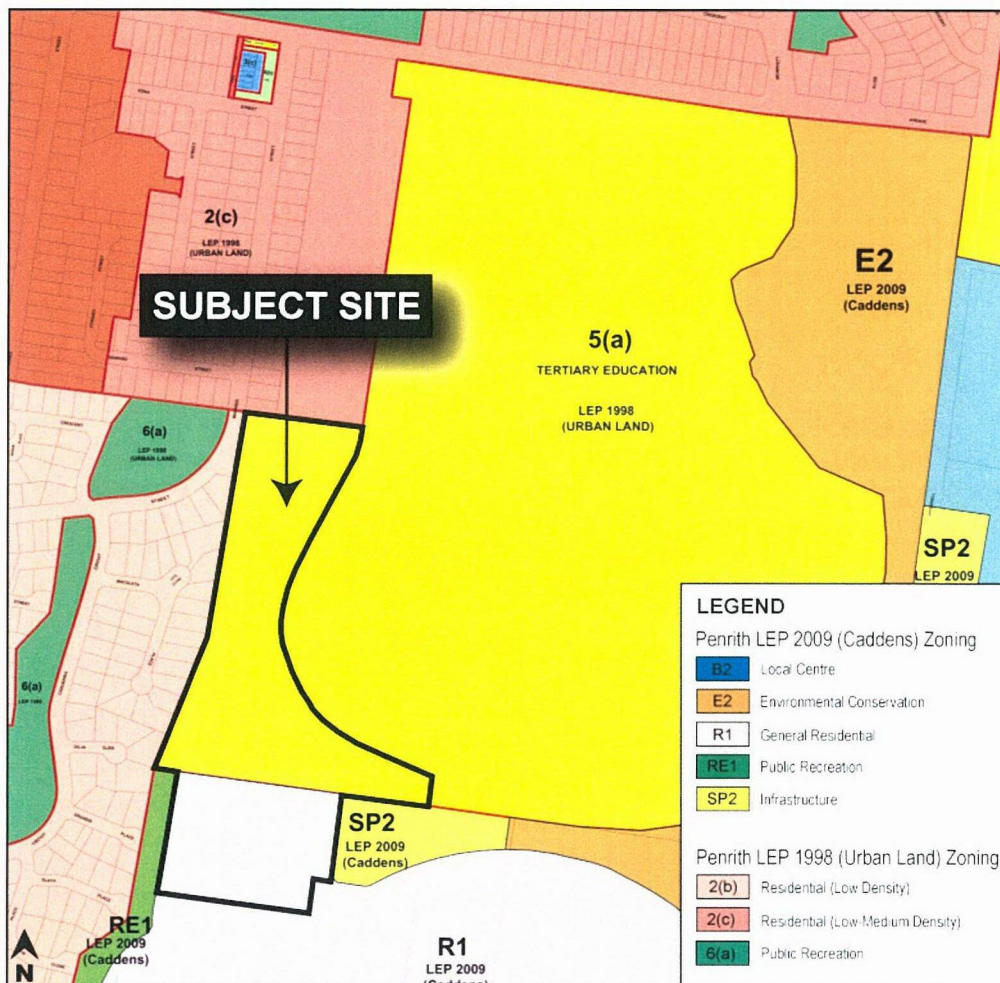


Figure 12: Penrith LEP 1998 and Penrith LEP (Caddens) 2009 Zoning Plan Extracts.

The provisions of the LEP relating to the 5(a) Special Uses – Tertiary Education zone are stated as follows:

#### **“(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*
- *drains*



## Kingswood Retirement Village

- landscaping
- public parks and gardens
- roads
- utility installations
- utility undertakings

*Any land use other than those included in item (b) (ii)."*

The following table provides an assessment of the proposed development against other relevant provisions of the LEP (see **Table 2**).

### LEP Provision

The council must not consent to development unless the council is of the opinion that the proposed development has taken into account the following:

(b) reflection of the forms, features or qualities of traditional residential neighbourhoods across Penrith local government area,

(d) contribution to attractive streetscapes through the diversity of building forms and landscaped areas that can be seen from any public place nearby

(f) preservation and enhancement of any significant vista that currently might be available from a public place nearby

(1) A person must not ringbark, cut down, poison, dig up, top, lop, remove, injure, or wilfully destroy any tree or vegetation by any action (including the addition of soil or drainage works around the base of a tree), except with the consent of the council

The proposed buildings will primarily be single storey other than several ILUs which will utilise the sloping landform to provide two storey structures. This reflects the predominant scale of dwellings in the locality and as permitted on adjoining land.

The proposed site layout utilises a road pattern which relates to the topography providing various building orientations and siting in a landscaped setting.

There are no significant views across the site that may be impacted upon by the proposed development.

Consistent

Consistent

Consistent

Consistent

Consistent

Consistent

Don Fox Planning | 23 August 2011  
P:\PROJECTS\7891A 50-52 Manning St & Caddens Lot\Reports\7891A.SCC.doc



## Site Compatibility Certificate Report

Kingswood Retirement Village

50-52 Manning Street and 73-105 Caddens Road, Kingswood

### 5.1.4 Penrith LEP (Caddens) 2009

Penrith LEP (Caddens) 2009 (the 'Caddens LEP') came into force on 25 September 2009 and applies to the land known as the Caddens Release Area which is formerly rural land along the northern side of Caddens Road and in the vicinity of O'Connell Street.

Pursuant to clause 2.2 this LEP, the Southern Parcel of the site is zoned R1 General Residential (see **Figure 12**).

Whilst seniors housing is permissible with development consent on this part of the site (see below), the LEP provisions relating to the Southern Parcel are included here for completeness as ultimately, the proposal involves development of the Northern and Southern Parcels in conjunction with one another.

The provisions of the LEP relating to the R1 General Residential zone are stated as follows:

#### **"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*

Accordingly, the proposed ILUs which are a form of seniors housing are permissible with development consent in the R1 General Residential zone on the Southern Parcel.

Furthermore, the proposed ILUs are consistent with the objectives of the zone as they provide a variety of housing types to meet the needs of the community whilst respecting the desired future character of the locality and providing a high level of amenity.

The following table provides an assessment of the proposed development against the other relevant provisions of the LEP (see **Table 3**).

TABLE 3: PROPOSAL'S CONSISTENCY WITH PENRITH LEP (CADDENS) 2009		
LEP Provision	Assessment	Consistency
<b>4.1 Minimum Subdivision Lot Size</b> There is no minimum lot size applicable to the Southern Parcel	N/A	N/A
<b>4.3 Height of Buildings</b> 9 metres for the Southern Parcel	The maximum height of any building on the Southern Parcel will be approximately 6.5-7.0 metres to roof ridge.	Complies



## Site Compatibility Certificate Report

Kingswood Retirement Village

50-52 Manning Street and 73-105 Caddens Road, Kingswood

**TABLE 3: PROPOSAL'S CONSISTENCY WITH PENRITH LEP (CADDENS) 2009**

LEP Provision	Assessment	Consistency
<b>5.9 Preservation of Trees</b> Prohibits the damage or destruction of trees prescribed in a DCP with consent	Several trees are to be removed from the Southern Parcel although these are not of high significance and will be replaced with other landscaping – further assessment will be provided at the DA Stage.	Consistent
<b>6.1 Arrangements for designated State public infrastructure</b> Provides that consent must not be granted for subdivision of land unless the Director-general has certified in writing that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot	The proposal does not involve any further subdivision of the Southern Parcel and accordingly, this clause is not applicable to the proposal.	N/A
<b>6.3 Development Control Plan</b> Provides that consent must not be granted for development on land in an urban release area unless a DCP has been prepared for the land in accordance with this clause.	Council has prepared and adopted Part 6.21 of the Penrith DCP 2006 which satisfies this clause (see Section 5.1.5 below).	Consistent

Accordingly, the proposal is considered to be consistent with the relevant requirements of Council's Caddens LEP 2009.

### 5.1.5 Penrith Development Control Plan 2006

Penrith Development Control Plan (DCP) 2006 contains more detailed planning controls for land to which LEP 1998 and the Caddens LEP applies. This includes precinct specific controls for the Caddens Release Area which were adopted by Council on 9 March 2009.

The following table provides a preliminary assessment of the proposed development against the key provisions of the DCP and a more detailed assessment will be undertaken as part of the development application submission (see **Table 4**).

**TABLE 4: PROPOSAL'S CONSISTENCY WITH DCP 2006**

DCP Provision	Preliminary Assessment	Consistency
<b>Part 2.1 Contaminated Land</b>	The site has previously been assessed to be fit for residential development and this is reflected in the development approvals granted by Council to date.	Consistent
<b>Part 2.2 Crime Prevention Through Environmental Design (CPTED)</b>	The proposal will give due regard to CPTED in the detailed design and an assessment will be undertaken as part of the DA.	Consistent
<b>Part 2.4 Erosion and Sediment Control</b>	Details regarding erosion and sedimentation control will be submitted with the DA.	Consistent
<b>Part 2.6 Landscape</b>	The proposal provides for significant landscaping within the site including deep soil areas and further details will be submitted with the DA.	Consistent
<b>Part 2.8 Significant Trees</b>	There are no 'Significant' trees on-site. Trees along the site's western boundary will be retained as part of the proposal and whilst several trees will be removed from the Southern Parcel, these will be compensated for in future landscaping.	Consistent



## Site Compatibility Certificate Report

Kingswood Retirement Village

50-52 Manning Street and 73-105 Caddens Road, Kingswood

**TABLE 4: PROPOSAL'S CONSISTENCY WITH DCP 2006**

DCP Provision	Preliminary Assessment	Consistency
<b>Part 2.9 Waste Planning</b>	Details regarding waste management will be submitted with the DA.	Consistent
<b>Part 2.11 Car Parking Requirements</b>	The proposal complies with the requirements of SEPP Seniors.	Consistent
<b>Part 2.13 Tree Preservation</b>	The DA will seek approval for removal of several trees and demonstrate satisfactory replacement landscaping.	Consistent
<b>Part 6.21 Caddens (Amendment No. 4)</b>	The proposal is capable of complying with relevant provisions of the DCP relating to the Caddens Release Area and detailed assessment will be undertaken as part of the DA.	Consistent

## 5.2 Preliminary Environmental Impact Assessment

### 5.2.1 Built Environment

The site is bounded to the north and west by an existing residential suburb comprising one and two storey dwellings, to the south by land zoned for low density residential development which permits two storey dwellings and to the east by the large open expanses of the university campus which contains a number of dispersed buildings of one and two storeys in height.

The proposal is for predominantly single storey ILUs with two two-storey buildings and this is considered to be compatible with these existing and future surrounding land uses.

### 5.2.2 Infrastructure and Services

#### 5.2.2.1 Utilities

Previous specialist reports prepared as part of the approved DAs for the site have confirmed that all essential services and utilities are supplied or capable of being supplied to the site.

- **Water** – An existing Sydney Water 100mm DICL water main is located in Manning Street and a feasibility report has been submitted to Sydney Water to confirm requirements for water services.
- **Sewer** - There is an existing 300mm VC sewer in Manning Street that is likely to have sufficient capacity to serve the development.
- **Power** - Substation requirements include a load of approximately 1000KVA with the preferred solution being a kiosk type substation in the vicinity of the new RACF.
- **Telephone/Internet** - Telstra infrastructure is readily available in Manning Street.
- **Gas** - Gas (natural) is available from the gas main in Manning Street.

Accordingly, the subject site is considered to be adequately serviced or serviceable with essential utility infrastructure.

#### 5.2.2.2 Vehicular Access

The site has direct vehicular access from Manning Street and subject to development of the land to the south (owned by Landcom), it would also be possible to provide access to/from Caddens Road. However, development on land to the south has been delayed and for the foreseeable future there is no certainty as to the timing of this southern connection.



Accordingly, the current proposal is for all vehicular access to be via Manning Street. A preliminary assessment of this proposal has been undertaken by Colston Budd Hunt & Kafes (CBHK) which concludes that the proposal is likely to generate in the order of 57-73 peak hour vehicle trips (PVTs) comprising 23 PVTs relating to the RACF (based on 0.22 PVTs per bed) and 34-50 PVTs relating to the ILUs (based on 0.2-0.3 PVTs per dwelling).

The traffic generated by the approved and constructed RACF will be distributed between Manning Street and the UWS access road, as staff of the RACF will be able to utilise this access road under an agreement with the University. Approximately four vehicles in the peak hour will be visitors and use Manning Street and staff trips will account for approximately 15-20 PVTs which will use the UWS access Road.

Accordingly, the additional two-way traffic using Manning Street is likely to be 38-54 PVTs which will be split in both northbound and southbound directions. This equates to approximately one vehicle trip every two to three minutes in the peak hour in either direction. If this is added to the current traffic flows in Manning Street of approximately 100-130 PVTs, the total traffic in the peak hour on Manning Street in either direction is likely to be in the order of 119-157 PVTs.

The Roads and Traffic Authority of NSW specifies an environmental capacity for collector roads of 500 PVTs and an environmental capacity for local streets of 300 PVTs. The level of traffic resulting from the proposal is considerably lower than both of these limits.

CBHK have concluded that the local road network and its intersections in the vicinity of the site will continue to operate at a Good to Satisfactory level of operation at peak times and that the proposed development is unlikely to result in adverse traffic or safety impacts.

Notwithstanding the conclusions of the preliminary traffic assessment that a singular access is acceptable in regard to traffic impacts, the proposed site layout allows for an access through to Caddens Road to be provided at a later date.

The internal, private road system will also be traffic calmed and signposted to deter non-resident traffic movements. A detailed assessment in regard to traffic impacts will be completed by CBHK traffic consultants as part of the DA.

#### **5.2.2.3 Shopping, Medical and Public Transport**

The site is within 400 metres of a local shopping centre located to the north on the corner of Manning Street and Second Avenue which comprises a convenience store with ATM, several restaurants/take-away food outlets and an art store. Access to higher order retail, commercial and medical services and community facilities is also available via a public bus service, operated by Westbus. These services include the Nepean Hospital which is approximately 1.2 kilometres to the north-west (less than 15 minutes by bus plus a short walk) and the Penrith CBD which is approximately 2.5 kilometres to the north-west (less than 25 minutes by bus).

The #770 bus route traverses Manning Street providing access to the Penrith Regional Centre in the west and St Marys and Mt Druitt to the east. Eastbound and westbound bus stops are located immediately adjacent to the site in Manning Street, which will be accessible via pathways being constructed as part of the RACF. Buses on Mondays to Fridays comprise thirteen (13) AM and twenty-two (22) PM westbound services and thirteen (13) AM and twenty-one (21) PM eastbound services.

The proponent also proposes to provide a mini-bus to assist residents to access local services and for a more direct access to the railway station at Kingswood. Accordingly, the site currently has suitable access to shopping, medical and public transport services.

#### **5.2.2.4 Open Space and Recreation Facilities**

The proposed design provides for a significant quantum of private open space for each dwelling and communal active and passive open spaces within the site for the enjoyment of residents. In addition, the site is in close proximity to local and district open space and recreation facilities in the existing suburb of Kingswood including:

- A reserve directly opposite the site in Manning Street;
- Peppermint Reserve located 400 metres to the west; and
- Chapman Gardens and Doug Rennie Field located approximately 500 metres to the north which includes the Kingswood Sports Club and bowling greens.

In addition, the site is immediately adjacent to a proposed future linear park and within 400 metres of a proposed local pocket park within the Caddens Release Area.

Accordingly, the site is within close proximity of numerous open space and recreation facilities either on-site or off-site being easily accessible either by walking, cycling, motorised cart, public transport or the private mini-bus to be provided by the proponent.

#### **5.2.3 Natural Environment**

The site is not designated as being flood prone and the previous reports relating to services which were submitted and assessed as part of the approved DAs set out the concept proposals relating to overland flow paths and on-site stormwater detention to meet Council's requirements.

The design of the proposed development will ensure that suitable water quantity and quality arrangements are provided on-site or in conjunction with adjoining development.

The site is not designated as Bushfire Prone Land on Council's Map and accordingly, no specific design requirements in this regard are applicable to the proposed development.

The previous geotechnical investigations did not identify any particular impediments to the proposed development, subject to suitable excavation, site preparation and footings.

In regard to potential contamination, the site has had a long-term history of benign uses and is not identified by Council or other authority as being specifically subject to or potentially subject to contamination.

In regard to the landscaping, the proposal will require the removal of several trees in the south-eastern corner of the site. A detailed assessment of this vegetation will be provided with the DA although the masterplan submitted with this application demonstrates significant areas of landscaped gardens and open spaces with capability of accommodating mature trees.

#### **5.2.4 Social and Economic Impacts**

The proposed development will provide for 102 aged care beds and approximately 168 ILUs to cater for the increasing demand for this type of seniors living accommodation, which is linked to Australia's ageing population. Accordingly, the proposal is likely to have positive social impacts in this regard.

The proposal also incorporates community facilities for use by residents which is likely to add to the social capital of the suburb of Kingswood.

Furthermore, the proposal will generate in the order of 20-30 employment positions and accordingly, the proposal is likely to generate considerable local employment opportunities. Accordingly, the proposed development is considered to have positive social and economic impacts.



## **6 Conclusion**

This report supplements the Site Compatibility Certificate Application being made pursuant to clause 25 of *SEPP (Housing for Seniors or People with a Disability) 2004* to develop the property at 50-52 Manning Street and 73-105 Caddens Road, Kingswood for Seniors Housing.

The proposal is for use of the existing building as a residential aged care facility comprising 102 beds and construction of 168 independent living units.

The SCC Application is required as part of the site (50-52 Manning Street) is zoned 5(a) Special Uses which does not permit seniors housing but is land which is capable of accommodating such development. This land also adjoins land zoned primarily for urban purposes, being land to the north, south and west, where low density residential development is permitted with consent.

The site has existing and proposed future access to transport, retail, medical and community facilities as well as essential services and infrastructure. In addition, the site and the form of the proposed development are considered to be compatible with the existing surrounding land uses and the proposed future urban land uses.

Accordingly, it is recommended that the Director-General issue a Site Compatibility Certificate pursuant to clause 25 of *SEPP (Housing for Seniors or People with a Disability) 2004* for the subject site and the proposal.





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# APPENDIX A





## Planning

Office of the Director General

Mr James Chong  
PO Box 284  
Castle Hill NSW 1765

10/22015

21 DEC 2010

Dear Mr Chong

**Determination of Application for a Site Compatibility Certificate, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 – land at 50-52 Manning Street, Kingswood**

I am writing in regards to your application for a Site Compatibility Certificate received at the Department of Planning on 27 October 2010, in relation to the SEPP (Housing for Seniors or People with Disability) 2004 (the SEPP) for land at 50-52 Manning Street, Kingswood.

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 more intensive development. It is considered that development for the purposes of seniors housing of the kind proposed in the application is compatible with the surrounding environment, having had regard to the criteria specified in clause 25(5)(b). Please note the issuing of this certificate is not an endorsement of the detailed development proposals, but rather an indication that development of the nature proposed is, in principle, acceptable on this site.

Should you have any further enquiries about this matter, I have arranged for Ms Linda Ren, to assist you. Ms Ren can be contacted on telephone number (02) 9873 8597.

Yours sincerely

*SHaddad*  
Sam Haddad  
Director General

20/12/2010

## **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 Mr James Chong of Anglican Retirement Villages on 27 October 2010 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.

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

Date certificate issued: *20<sup>th</sup> December 2010*.

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

---

### **SCHEDULE 1**

**Site Description:** Land zoned as Special Uses within the boundaries of 50 to 52 Manning Street, Kingswood (Lot 1 DP 1130750).

### **SCHEDULE 2**

**Application made by:** Mr James Chong of Anglican Retirement Villages

**Project description:** the proposal is to enable the construction of serviced self care dwellings and associated community facilities for seniors housing.

**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 developments.
- b) During the assessment of future development applications, Penrith City Council is to discuss the proposal with relevant State Emergency Service agencies.

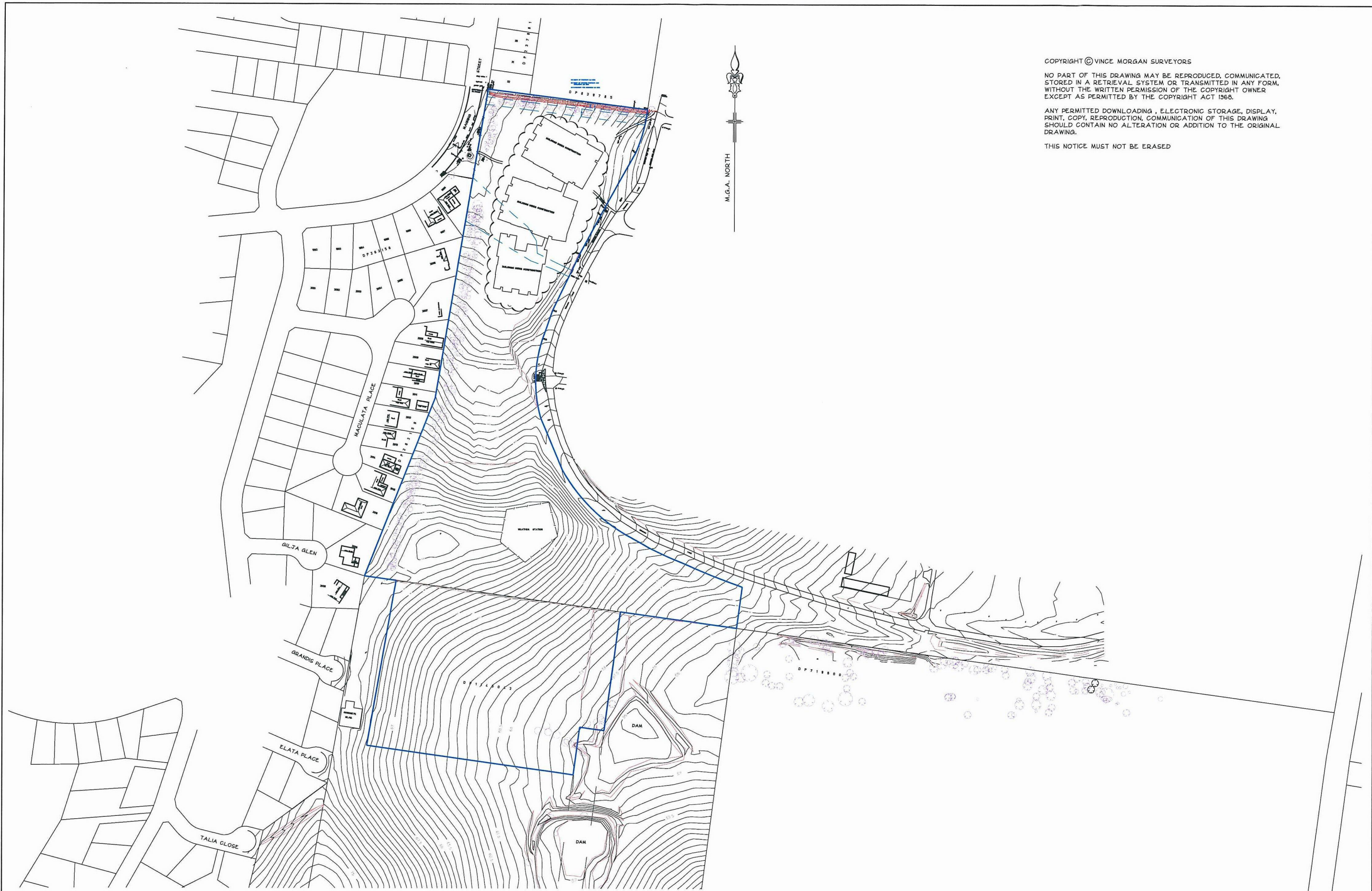




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# APPENDIX B






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		<div><div>vince morgan</div><div>SURVEYORS</div></div>	77 UNION ROAD PENRITH PO BOX 227 PENRITH 2751 DX8032 PENRITH Ph 47215293 Fax 47312821 email mail@vmsurvey.com.au www.vincemorgansurveyors.com.au ABN 52 065 060 808	DATUM: A.H.D.	DATE: 18.08.11	CLIENT: ANGLICAN RETIREMENT VILLAGES	PLAN SHOWING CONTOURS & DETAIL OVER LOT 1 D.P.1130750 and LOT 1 D.P.1145043 AT KINGSWOOD	PLAN No.
				ORIGIN:	SCALE 1:1500 @A1			16011T6
				DRAWN: IVM	CHECKED:			
No.	AMENDMENT			DATE				





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





# APPENDIX C



# LEGEND

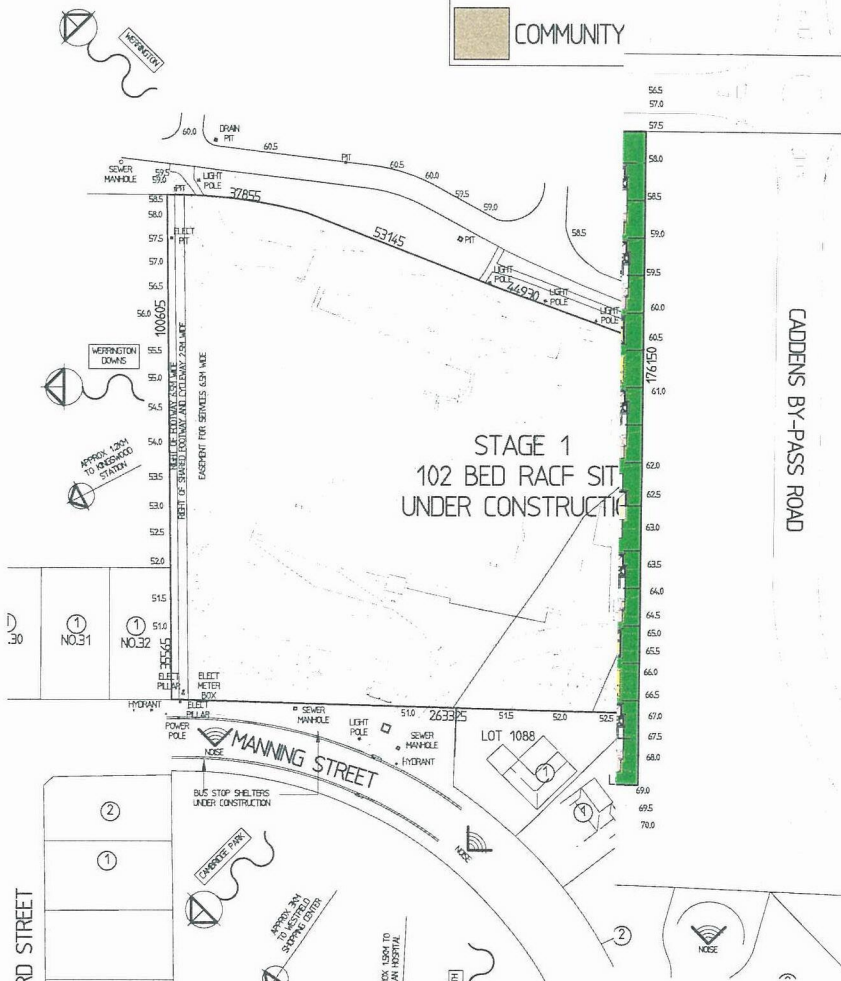
-  RIGHT OF WA
-  FUTURE PUI
-  6M ROAD
-  4.5M ROADS

## FLOOR PLATES

-  RV5-B = 2
-  RV11-B= 8
-  RV15 = 14
-  RV16 = 12
-  RV17 = 30
-  RV18 = 17
-  RV19 = 24
-  RV20 = 21
-  RV21 = 40

TOTAL ILLUS

COMMUNITY



H	ISSUED FOR REVIEW CONCEPT 1	29-7-2011
G	ISSUED FOR REVIEW CONCEPT 1	15-7-2011
F	ISSUED FOR REVIEW CONCEPT 1	11-7-2011
E	ISSUED FOR REVIEW CONCEPT 2	4-7-2011
D	ISSUED FOR REVIEW CONCEPT 3	24-6-2011
C	ISSUED FOR REVIEW CONCEPT 2	20-6-2011
B	ISSUED FOR REVIEW	17-6-2011
A	ISSUED FOR REVIEW	9-6-2011
REV	DESCRIPTION	DATE

PROJECT: KINGSWOOD

AT: LOT 1 DP1130750 & LOT 1 DP1145043 KINGSWOOD

DRAWING N°: A16800-DA SHEET: 1 REVISION: H

FOR:  **ANGLICAN RETIREMENT VILLAGES**  
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