

WILLOWTREE PLANNING

12 November 2021

Ref: WTJ18-283



STATEMENT OF ENVIRONMENTAL EFFECTS




Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road,
Carlingford
Lot 1 DP 2105512, Lot 16 DP 238519 and Lot 6 DP 259726

Prepared by Willowtree Planning Pty Ltd
on behalf of HB+B Property Pty Ltd

Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

DOCUMENT CONTROL TABLE			
Document Reference:	WTJ18-283		
Contact	Thomas Fernandez		
Version and Date	Prepared by	Checked by	Approved by
Version No. 1 – 09/11/2021	Thomas Fernandez Senior Planner	Andrew Cowan Director	Andrew Cowan Director
			

© 2021 Willowtree Planning Pty Ltd

This document contains material protected under copyright and intellectual property laws and is to be used only by and for the intended client. Any unauthorised reprint or use of this material beyond the purpose for which it was created is prohibited. No part of this work may be copied, reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system without express written permission from Willowtree Planning (NSW) Pty Ltd.



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

TABLE OF CONTENTS

PART A	PRELIMINARY.....	6
1.1	INTRODUCTION.....	6
1.2	DEVELOPMENT HISTORY.....	6
1.3	LAND AND ENVIRONMENT COURT CONCLUSIONS.....	7
1.4	SUMMARY OF CHANGES FOLLOWING LEC CONCLUSIONS.....	9
PART B	SITE ANALYSIS	10
2.1	SITE LOCATION, CHARACTERISTICS AND CONTEXT	10
PART C	PROPOSED DEVELOPMENT	15
3.1	OVERVIEW	15
3.2	DEVELOPMENT STATISTICS	15
PART D	LEGISLATIVE AND POLICY FRAMEWORK	21
4.1	PLANNING FRAMEWORK OVERVIEW.....	21
4.2	STATUTORY PLANNING FRAMEWORK	21
4.2.1	ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979.....	21
4.2.2	Section 4.46 of the EP&A Act - Integrated Development.....	22
4.2.3	ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000	22
4.3	STRATEGIC PLANNING FRAMEWORK	23
4.3.1	A METROPOLIS OF THREE CITIES - THE GREATER SYDNEY REGION PLAN	23
4.3.2	CENTRAL CITY DISTRICT PLAN	23
4.3.3	LOCAL STRATEGIC PLANNING STATEMENT CITY PLAN 2036.....	24
4.3.4	LOCAL HOUSING STRATEGY 2020.....	24
4.4	STATE PLANNING FRAMEWORK	25
4.4.1	STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004.....	25
4.4.2	STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011.....	37
4.4.3	STATE ENVIRONMENTAL PLANNING POLICY NO. 55 - REMEDIATION OF LAND.....	37
4.4.4	STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017.....	37
4.4.5	STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007	38
4.5	LOCAL PLANNING FRAMEWORK.....	38
4.5.1	PARRAMATTA (FORMER HILLS) LOCAL ENVIRONMENTAL PLAN 2012.....	38
4.5.2	CITY OF PARRAMATTA (OUTSIDE PARRAMATTA CBD) CONTRIBUTIONS PLAN 2021	41
4.6	DRAFT PLANNING FRAMEWORK	42
4.6.1	STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021	42
4.7.1	DRAFT PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2020	43



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

4.7	NON-STATUTORY PLANNING FRAMEWORK	44
4.7.1	THE HILLS DEVELOPMENT CONTROL PLAN 2012	44
PART E LIKELY IMPACTS OF THE DEVELOPMENT		45
5.1	CONTEXT AND SETTING	45
5.2	BUILT FORM	45
5.3	VISUAL PRIVACY	46
5.4	SOLAR ACCESS AND DESIGN FOR CLIMATE	49
5.5	FLOODING	51
5.6	CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)	52
5.7	TRAFFIC & TRANSPORT	53
5.8	STORMWATER & EROSION & SEDIMENT CONTROL	54
5.9	NOISE IMPACT ASSESSMENT	54
5.10	WASTE	55
5.11	CONTAMINATION	55
5.12	BIODIVERSITY AND VEGETATION	56
5.13	BUILDING CODE OF AUSTRALIA (BCA) AND ACCESSIBILITY	56
5.14	SUITABILITY OF SITE FOR DEVELOPMENT	57
5.15	SUBMISSIONS	57
5.16	THE PUBLIC INTEREST	57
PART F CONCLUSION		58

APPENDICES

Appendix	Document	Prepared by	Dated
1	Architectural Plans	Thomson Adsett	05.10.2021
2	Survey Plan	LTS Lockley	11.04.2021
3	Landscape Plans	TaylorBrammer	15.10.2021
4	Stormwater Civil Engineering Plans	Henry & Hymas	15.10.2021
5	Stormwater Engineering Report	Henry & Hymas	October 2021
6	Civil Public Domain Documentation	Henry & Hymas	20.10.2021
7	Landscape Public Domain Documentation	TaylorBrammer	20.10.2021
8	Urban Design Report	Architects Johannsen + Associates	October 2021
9	Geotechnical Investigation	Pells Sullivan Meynink	5.09.2021
10	Environmental Site Assessment	JBS&G	09.08.2021
11	Flora and Fauna Assessment	Ecoplanning	14.10.2021
12	Arboricultural Impact Assessment	Tree Wise Men Australia Pty Ltd	October 2021
13	Flood Risk Assessment	Umwelt	25.10.2021
14	Transport Impact Assessment	Asongroup	14.10.2021
15	Noise Impact Assessment	Acoustic Logic	19.10.2021
16	BCA Capability Statement	Group DLA	11.10.2021
17	Access Review Report	Morris Goding Access Consulting	22.10.2021
18	Review of SEPP Seniors Clause 26	Morris Goding Access Consulting	18.10.2021



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

19	Section J Statement of Compliance	JHA	6.10.2021
20	Fire Services Statement of Design Intent	JHA	8.10.2021
21	Hydraulic Services Design Intenet Certificate	JHA	8.10.2021
22	Confirmation of Power Supply	JHA	24.09.2021
23	ELF Magnetic Field Assessment	JHA	01.10.2021
24	Foodservice Operational Brief & Plans	Universal Food Designs	10.10.2021
25	Waste Management Plan Operational Brief	Universal Food Designs	11.11.2021
26	Waste Management Plan	HBB Property	30.09.2021
27	Crime Risk Assessment	NEAL Consulting Solutions	25.10.2021
28	Residential Aged Care Needs Analysis	James Underwood and Associates Pty Ltd	May 2021
29	HDGP 2012 Compliance Table	Willowtree Planning	10.11.2021
30	Architectural Design Report	Thomson Adsett	November 2021
31	QS Cost Plan Report	Slattery	7.10.2021

FIGURES

Figure 1. Cadastral Map (SIX Maps, August 2021)	12
Figure 2. Aerial Map (Nearmaps, August 2021)	12
Figure 3. Site Analysis Map (Thomson Adsett, 2021)	13
Figure 4. Existing view of Site frontage (see red outline for Site) (Thomson Adsett, 2021)	13
Figure 5. Elevated View of eastern boundary from north-east corner (Thomson Adsett, 2021)	13
Figure 6. Site Context Map (Nearmaps, 2021).....	14
Figure 7. Site Plan (Thomson Adsett, 2021)	16
Figure 8. Southern Frontage to Murray Farm Road Elevation Plan (Thomson Adsett, 2021)	17
Figure 9. Car-parking area and front lobby area (Thomson Adsett, 2021)	17
Figure 10. Ground floor Plan Layout (Thomson Adsett, 2021).....	18
Figure 11. Australian Bushland and Palm Courtyard (Taylor Brammer, 2021)	18
Figure 12. Northern Elevation Plan (Thomson Adsett, 2021)	19
Figure 13. Perspective View from Murray Farm Road (Thomson Adsett, 2021).....	19
Figure 14. Perspective View from Murray Farm Road (Thomson Adsett, 2021)	20
Figure 15. Perspective view from Watton Road (Thomson Adsett, 2021).....	20
Figure 16. PFHLEP 2012 Zoning Map (NSW Legislation, 2021).....	39
Figure 17. Visual Privacy Analysis (Source: Thomson Adsett, 2021)	46
Figure 18. Visual Privacy Analysis to 41A Murray Farm Road (Source: Thomson Adsett, 2021).....	47
Figure 19. Visual Privacy Analysis to 63 Oakes Road (Source: Thomson Adsett, 2021)	47
Figure 20. Visual Privacy Analysis 49 Murray Farm Road (Source: Thomson Adsett, 2021).....	48
Figure 21. Visual Privacy Analysis to 49 Murray Farm Road (Source: Thomson Adsett, 2021)	49
Figure 22. Solar Access – 9am Winter Solstice (Source: Thomson Adsett, 2021)	50
Figure 23. Solar Access – 12pm Winter Solstice (Source: Thomson Adsett, 2021)	51
Figure 24. Solar Access – 3pm Winter Solstice (Source: Thomson Adsett, 2021).....	51

TABLES

Table 1. Development History	6
Table 2. Land and Environment Court Conclusions.....	7
Table 3. Development Statistics.....	15



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

Table 4. Section 4.15(1)(A) Considerations.....	22
Table 5. Proposed Use And Statutory Definitions.....	26
Table 6. Site Related Requirements.....	28
Table 7. Part 3 Design Requirements	31
Table 8. Clause 40 - Development Standards for Seniors Housing.....	35
Table 9. Clause 48 – Standards that cannot be used to refuse development consent	36
Table 10. R2 Zone Objectives	39
Table 11. PFHLEP 2012.....	40
Table 12. Housing SEPP - Residential Care Facilities.....	42
Table 13. Solar Access Diagram Analysis.....	49
Table 14 Recommended Internal Noise Level Criteria.....	54



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

PART A PRELIMINARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning on behalf of HB+B Property and is submitted to City of Parramatta Council (Council) to support a Development Application (DA) for the Site at 43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726).

This SEE considers the following development:

- **Demolition, tree removal and construction of a part two (2) and part three (3) storey residential care facility (RCF) comprising 110 beds, with one (1) level of basement parking and associated civil engineering and earthworks.**

The Site is zoned R2 Low Density Residential in accordance with the *Parramatta (Former Hills) Local Environmental Plan 2012* (PFHLEP 2012), and RCF's, a type of residential accommodation, is prohibited within the zone. Notwithstanding, the DA is submitted to Council via the provisions of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP Seniors).

The following report provides a detailed assessment of the proposed development against the relevant planning framework, specifically SEPP Seniors as well as the local planning framework. A historic development application, **DA/85/2019**, was considered and refused by Sydney Central City Planning Panel (SCCPP) for RCF development in 2020. Subsequently, the determination was challenged within the Land and Environment Court (LEC) via a Class 1 appeal. The LEC dismissed the Appeal, and the application was refused. Accordingly, given the proposal under this Application retains its identity as a RCF development and the predominate built form previously considered, the assessment will have regard to the revised changes against **DA/85/2019**.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Clause 50 and Part 1 of Schedule 1 of the *Environmental Planning and Assessment Regulations 2000*. Assessment against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out.

The proposed development has a capital investment value (CIV) less than \$30 Million Dollars. Accordingly, the DA is to be determined by City of Parramatta.

As identified by the assessment provided within this SEE, the proposed development is considered, on balance, to satisfactorily address the relevant planning framework. Based on the assessment undertaken, it is considered that the proposed development is worthy of support.

1.2 DEVELOPMENT HISTORY

As outlined above it is noted whilst the proposed development is submitted by way of a DA. It should be highlighted that a prior DA was considered on the Site for RCF development. Given the development retains its primary identity as an RCF, **Table 1** below will provide a timeline of the development.

Table 1. Development History		
Application/Case	Description	Determination
DA85/2019	Demolition of existing structures, tree removal and construction of a part two (2) part three (3) and part four (4) storey residential care facility	Refused - 11 May 2020 - SCCP

Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

	(Seniors Housing) comprising of 120 beds with one level of basement car parking. The application will be determined by the Sydney Central City Planning Panel.	
HB & B Property Pty Ltd v City of Parramatta Council [2021] NSWLEC 1393 2020/68689	Class 1 Appeal to determination DA85/2019	Appeal dismissed – DA 85/2019 is refused – 8 July 2021

1.3 LAND AND ENVIRONMENT COURT CONCLUSIONS

It is considered, on balance, that conclusions reached by the LEC should be appropriately considered under the subject application, given the development retains its identity as RCF development. As such, **Table 2** below provides an overview of how the updated scheme is an appropriate response to matters raised by the LEC.

Table 2. Land and Environment Court Conclusions	
Court Conclusions	Response
Conclusions	
<p>52 SEPP Seniors seems to have two principal concerns of relevance here. First is in regard to increasing the supply of housing for seniors and people with a disability in well located areas, including the frail and those needing special care, a group particularly targeted with this proposal. Second is that of encouraging good design, including that built form responds to its setting. The interrelationship seems to me to be important. That is, that this increase to supply, which includes the overriding of local planning controls (in this instance a prohibition to the use in the R2 Low Density Residential zone), goes hand in hand with a requirement for design responsiveness.</p>	<p>Whilst the application is submitted pursuant to the provisions of SEPP Seniors. The updated scheme provides suitable consideration of the design provisions of the PFHLEP 2012.</p> <p>The updated scheme is consistent with the maximum height of building development standard pursuant to the PFHLEP 2012. Additionally, it is noted that the updated scheme has been significantly reduced from the originally proposed 132 beds to 110 beds which results in an overall significant reduction in building bulk.</p> <p>The importance of delivery of the development for the wider community is discussed with the Strategic Framework at Section 4.3 below.</p> <p>The application is also accompanied by a Residential Aged Care Needs Analysis at Appendix 28, which evaluates the need for aged care living within the LGA.</p>
<p>53 The proposal proffers a significant level of additional supply of seniors housing and, in particular, that relating to residential care. This is of public interest. An excerpt from the Central City District Plan, prepared by the Greater Sydney Commission, was tendered into evidence as Ex H. Exhibit H indicates significant growth in seniors population, including in the general environs of the site:</p> <p>“A 183 per cent proportional increase in people aged 85 and over, and a 95 per cent increase in the 65-84 age group, is expected by 2036. This means 16 per cent</p>	<p>As above the importance of delivery of the development, should be duly noted for the wider community. Refer to discussion within the Strategic Framework at Section 4.3 below and Appendix 28.</p>



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

<p><i>of the District's population will be aged 65 or over in 2036, up from 11 per cent in 2016. Parramatta and The Hills local government areas have the largest projected growth in the 65 to 84 age groups."</i></p>	
<p><i>54 Exhibit H also references an expected increased demand for local aged care facilities, including for people with dementia and "the frail aged", groups which might benefit from the services of facilities such as proposed here</i></p>	
<p><i>55 There is considerable attention to the question of compatibility with neighbouring development in the matters warranting consideration under SEPP Seniors. While points of attention are cll 33 and 34 (see [18]), and whether "adequate regard" has been given to neighbourhood amenity and streetscape and "visual and acoustic privacy", as itemised; there is also a need, mindful of cl 29 and as detailed at [15] to take into consideration the "impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing (land) uses". There are many intricacies to the design of the proposal, and some successes in relation to architectural and landscape details when ambitions to supply residential care accommodation are concerned. But as foreshadowed in Project Venture (at [25]), the impact of the proposal on the amenity of 49 Murray Farm Road can be relatively objectively assessed. In this instance, it seems to me there would be a severe impact on the amenity enjoyed at 49 Murray Farm Road as a consequence of the more or less complete enclosure of the rear and eastern side of the property by the proposed development. The sense of openness in the rear yard would be almost entirely lost.</i></p>	<p>Significant design changes have occurred following LEC judgement as detailed at Section 1.4 below.</p> <p>The developments relationship under the updated scheme to 49 Murray Farm Road was a critical matter which is considered to be adequately addressed within the updated design.</p> <p>The level 1 north-western corner of the development is significantly reduced allowing improved views from 49 Murray Farm Road. Additionally, an increased setback is provided to the rear boundary of 49 Murray Farm Road, to ensure the sense of openness in the rear yard is retained and to reduce the overall amenity impact to the adjoining private open space.</p> <p>Refer to Table 3 for detailed assessment against the provisions of SEPP Seniors.</p>
<p><i>57 Of particular importance here, I am not convinced that design changes which give more sympathetic regard to the amenity of 49 Murray Farm Road are not available without unduly prejudicing the supply of residential care accommodation. In turn, it seems to me that adequate regard has not been given to neighbour amenity and the proposal is not consistent with the ambitions of SEPP Seniors in its current form.</i></p>	<p>The updated design has appropriately considered its relationship with adjoining property at 49 Murray Farm Road. The proposed development provides increased setbacks and an overall reduced north-western level 1 wing ensuring that overshadowing impacts and openness to adjoining private open space is maintained.</p>
<p><i>58 In closing submissions, the Applicant offered me the opportunity of lowering, or otherwise controlling, the landscape if I was concerned about its density. Unfortunately, it is not as easy as this, as the proposed landscaping is essential as a mitigation treatment for the proposed unbroken building presentation which would otherwise be apparent from the rear of 49 Murray Farm Road.</i></p>	<p>In addition to the revised design, the proposal continues to provide landscaping significant vegetation as a mitigation measure to ensure the overall visual bulk of the development is reduced. The landscape design along the rear boundary of 49 Murray Farm Rd has been revised to allow an open view corridor to the north.</p>



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

1.4 SUMMARY OF CHANGES FOLLOWING LEC CONCLUSIONS

Whilst the proposed development is pursued by way of a DA and requires its own merit assessment under Section 4.15 of the EP&A Act, the following key changes are noted subsequent to the LEC judgement as provided in **Table 2** above.

- The new facility will cater for 110 RCF beds (previously 118 and originally 132);
- Level 1 of the north-western wing has been significantly scaled back to open up a northern view corridor for 49 Murray Farm Road;
 - The single storey western wing will allow the residents of 49 Murray Farm Road to retain views to the north from rear private open space;
 - The proposed landscaping along the rear boundary of 49 Murray Farm Road has been designed to allow for an open view corridor to the north;
- The ground floor western wing comprising of rooms 14-17 have increased further north to improve their amenity and increase the setback to the rear boundary of 49 Murray Farm Road;
- The western elevation (adjoining the side boundary of 49 Murray Farm Road) has been articulated further and rooms reduced to five (5) in total (previously seven (7)). The setback along the western boundary now ranges from 12-14.4m adjacent to the private open space area;
- Greater separation in the form of the building has been provided along Murray Farm Road with further separation in the roof to appear as two (2) distinct residential buildings;
- The northern portion of the roof has been lowered, this ensures the entire building complies with the 9m height requirement under Clause 74 of the *Draft State Environmental Planning Policy (Housing) 2021* and PFHLEP 2012;
- The building also remains compliant with the 8m ceiling height requirement under Clause 40(4)(a) of SEPP Seniors;
- The revised FSR of the building is 0.88:1 and is consistent with the maximum required under Clause 40 of SEPP Seniors.

The following report has been prepared having regard to the above changes and conclusions reached by the LEC, notwithstanding submission via way of a new DA.



PART B SITE ANALYSIS

2.1 SITE LOCATION, CHARACTERISTICS AND CONTEXT

The Site is located at 43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726). The Site is an irregularly shaped allotment and has a total area of 7,063.94m² with a significant cross-fall in both directions.

The Site is zoned R2 Low Density Residential under the PFHLEP 2012. The surrounding properties are also zoned R2 Low Density Residential comprising a mixture of low-density one (1) to (2) storey residential typologies.

Development adjoining the Site in each general direction is as follows:

North – 21 Watton Road, Carlingford comprising of a one (1) storey residential dwelling – further north land comprising of one (1) to two (2) storey residential dwellings.

East – 63 Oakes Road and 39 to 40 Murray Farm Road comprising of two to three storey residential dwellings;

South – frontage to Murray Farm Road – further south, land comprising of one to two storey residential dwellings;

West – Land comprising of one (1) to two (2) storey residential dwellings.

In its existing state comprises of various dilapidated depot structures and a one (1) storey dwelling house located on 13 Watton Road.

The Site has two (2) street frontages which both facilitate vehicular and pedestrian access, with the primary frontage from Murray Farm Road to the south and Watton Road to the North via 13 Watton Road. Significant vegetation traverses the Site. The Site comprises of a high voltage power corridor located at the south-east corner towards Murray Farm Road frontage. Part of the Site is subject to flooding 1% AEP and PMF floods. It is noted this flood affection is predominantly located within the Site identified as 19 Watton Road to the rear.

Within the wider context of the Carlingford locality, the Site is in proximity to pockets of RE1 Public Recreation zoned land, as well as the SP2 Infrastructure zoned land comprising of M2 Motorway and Cumberland Highway. Additionally, the Site is located in proximity to B1 Neighbourhood Centre zoned Carmen Drive shopping village which is located around 155m north of the Site comprising of the following facilities:

- Harcourts Carlingford;
- Carmen Drive Community Pharmacy;
- Jenny's Bakery Café;
- Steve's Fine Meats Gourmet Butcher;
- Carlingford Chinese Butcher;
- Carmen Drive Supermarket;
- Hair By PHD;
- Red Heart Café;
- Carmen Drive Takeaway Food; and
- The Bottler cellar door premises.



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

The Lejeune Medical Practice is located around 20m south of the Site on the opposite side of Murray Farm Road. Coral Tree Drive Medical Practice is also located around 240m north-east of the Site.

The Site is well serviced by public transport networks via Oakes Road and Murray Farm Road. Local public bus routes are located along Oakes Road, and there is a bus interchange on the M2 within 400m that connects with Parramatta and Sydney CBD.

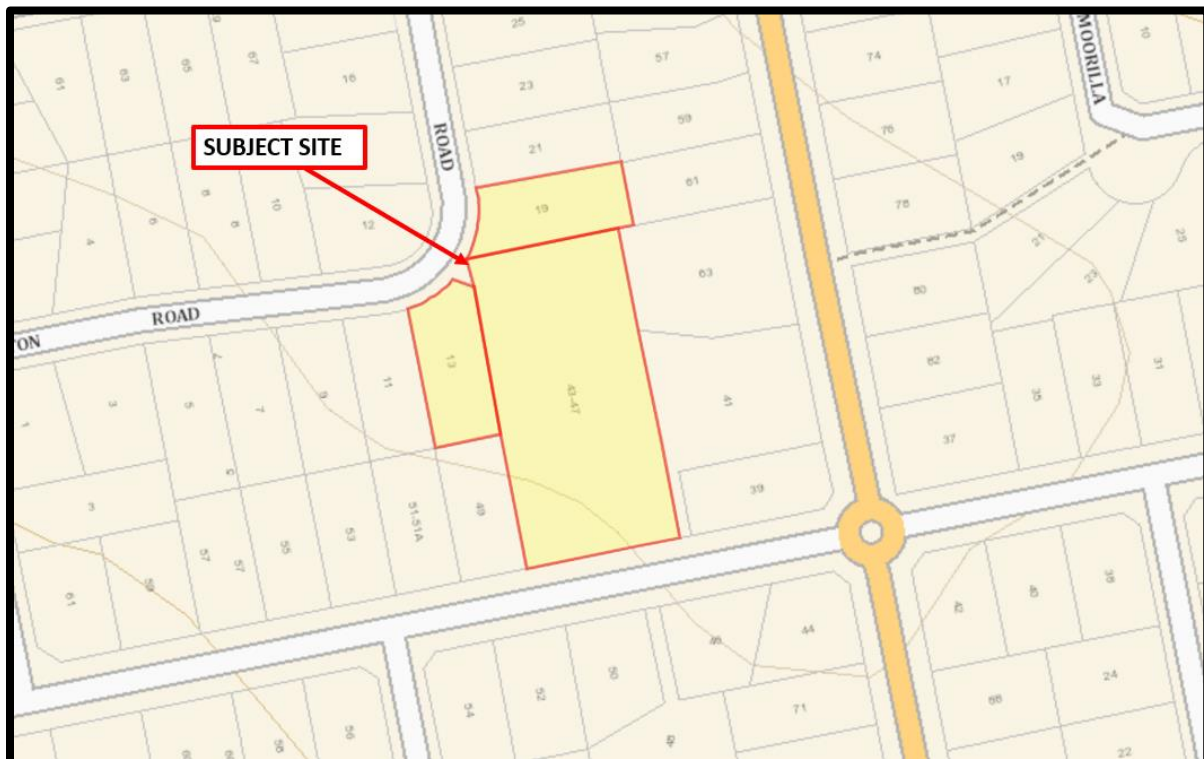
Additionally, the Site is serviced by the Busways 553 service which travels in both directions along Oakes Road to the immediate east of the Site (refer to **Figure 6** below). Route 553 travels between Beecroft Station and North Rocks Shopping Centre, which are located around 3.5km and 2.2km south-west of the Site. The Site is located approximately 1.5km from Beecroft Railway Station and is in proximity to the following Railway Stations:

- Carlingford Station, located around 3.9km south of the Site;
- Epping Station, located around 5.9km south-east of the Site;
- Cheltenham Station, located around 4.5km east of the Site; and
- Pennant Hills Station, located around 6km north-east of the Site.

It is noted that there are numerous hospitals within the LGA in proximity to the Site including:

- Sydney Adventist Hospital, around 8.5km north-east of the Site;
- The Hills Private Hospital, around 8.7km north-west of the Site;
- Macquarie University Hospital, around 9.8km south-east of the Site; and
- Cumberland Hospital, located around 7.1km south-west of the Site.

The location of the Site and context are depicted in **Figures 1 to 6** below.



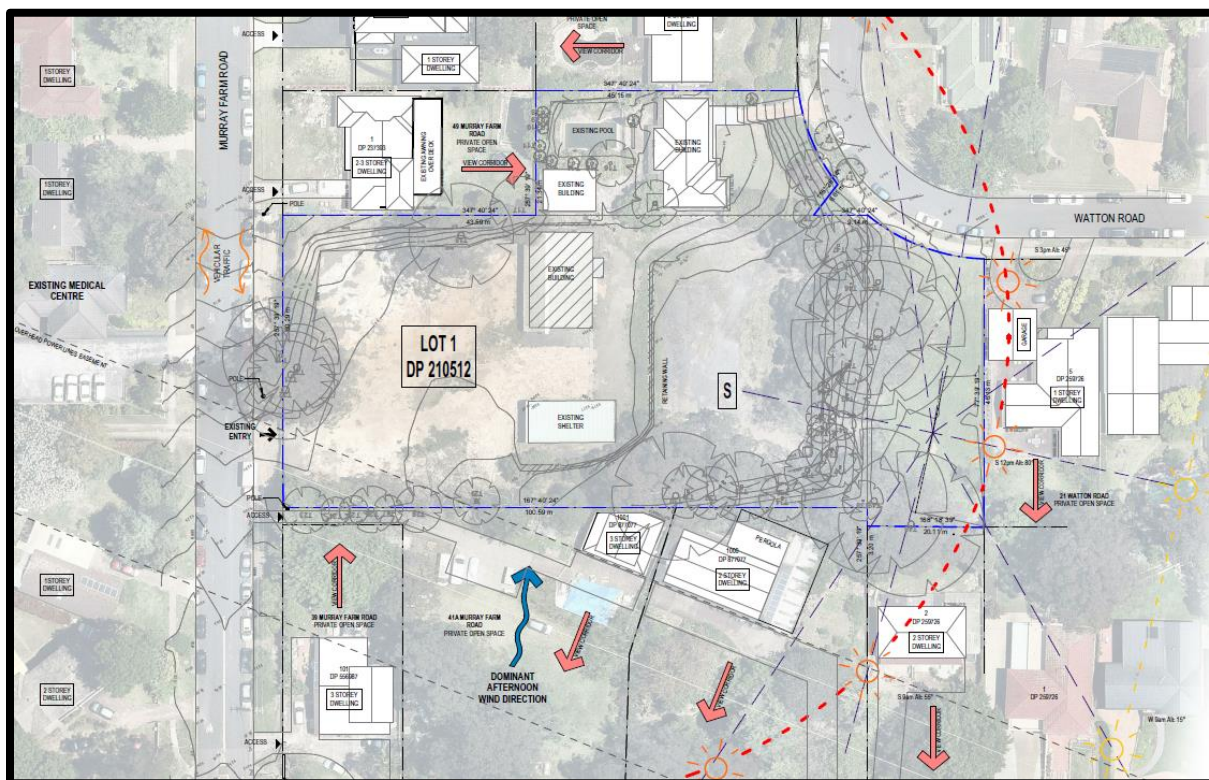
Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

Figure 1. Cadastral Map (SIX Maps, August 2021)



Figure 2. Aerial Map (Nearmaps, August 2021)



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

Figure 3. Site Analysis Map (Thomson Adsett, 2021)



Figure 4. Existing view of Site frontage (see red outline for Site) (Thomson Adsett, 2021)



Figure 5. Elevated View of eastern boundary from north-east corner (Thomson Adsett, 2021)



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)



Figure 6. Site Context Map (Nearmaps, 2021)



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

PART C PROPOSED DEVELOPMENT

3.1 OVERVIEW

Development Consent is sought for the following:

- Demolition of all existing structures on site including single storey brick dwelling house, in-ground swimming pool, metal shed and existing depot structures;
- Removal of 23 trees of low to moderate significance value;
- **Construction of a part 2 and part 3 storey RCF comprising a total of 110 beds as follows** (refer to **Figure 8**):
 - **Lower ground floor level** comprising of **26 beds** including:
 - 26 single resident bedrooms;
 - Various communal dining and living areas;
 - Two (2) courtyards with at grade access;
 - At grade access to proposed garden pavilion to the north of the Site;
 - Laundry and kitchen facilities;
 - Staff amenities and locker facilities;
 - **Ground floor level** comprising of **46 beds** including:
 - 46 single resident bedrooms;
 - Various communal dining and living areas;
 - Staff reception and lobby area;
 - Associated café, activity and wellness centre, hair salon for residents;
 - Various communal courtyards including western courtyard 4 (refer to landscape plan **Figure 10**).
 - **Level 1** comprising of **38 beds** including:
 - 38 single resident bedrooms;
 - Associated lounge and dining areas including communal balcony.
- **Associated Parking and Vehicular Access;**
 - Porte-cochere with at grade access from Murray Farm Road (refer to **Figure 9**) providing access to 24 lower ground level car parking spaces including one (1) disabled parking space;
 - Emergency and waste vehicular access from Watton Road located within the north-west corner of the Site providing access to an ambulance bay and to facilitate waste collection services;
- **Communal Open Space Garden Pavilion**
 - Located at the rear 25% setback of the Site will be a significant communal open space area for residents with access from ground floor level comprising of various pathway links and sitting areas and a community vegetable garden;
 - The area will not be accessible via Watton Road.
- Associated civil engineering and earthworks comprising of cut and fill and pedestrian public domain works to the frontage of Murray Farm Road and Watton Road.

3.2 DEVELOPMENT STATISTICS

The proposed RCF includes those works as identified in **Table 2** below.

Table 3. Development Statistics	
Component	Proposed
Site Area	7,063.94m ²



Statement of Environmental Effects

Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

Building Typology	Residential Care Facility as defined within SEPP Seniors. See Section 4.5 below.
Gross Floor Area (GFA)	Total GFA = 6,229m ² Lower Ground Floor = 1,428m ² Ground Floor = 2,706m ² Level 1 = 2,095m ²
Floor Space Ratio (FSR)	0.88:1
Building Height	7.87m (SEPP Seniors definition to ceiling)
Number of RCF Beds	110 (comprising of single resident rooms)
Car Parking	24 spaces <ul style="list-style-type: none"> Including one (1) accessible space and one (1) ambulance bay
Landscape Area (SEPP definition)	3,735m ² (52.89% of Site Area)
Deep Soil	2,362m ² (33.4% of Site Area)
Capital Investment Value (CIV)	\$27,160,000

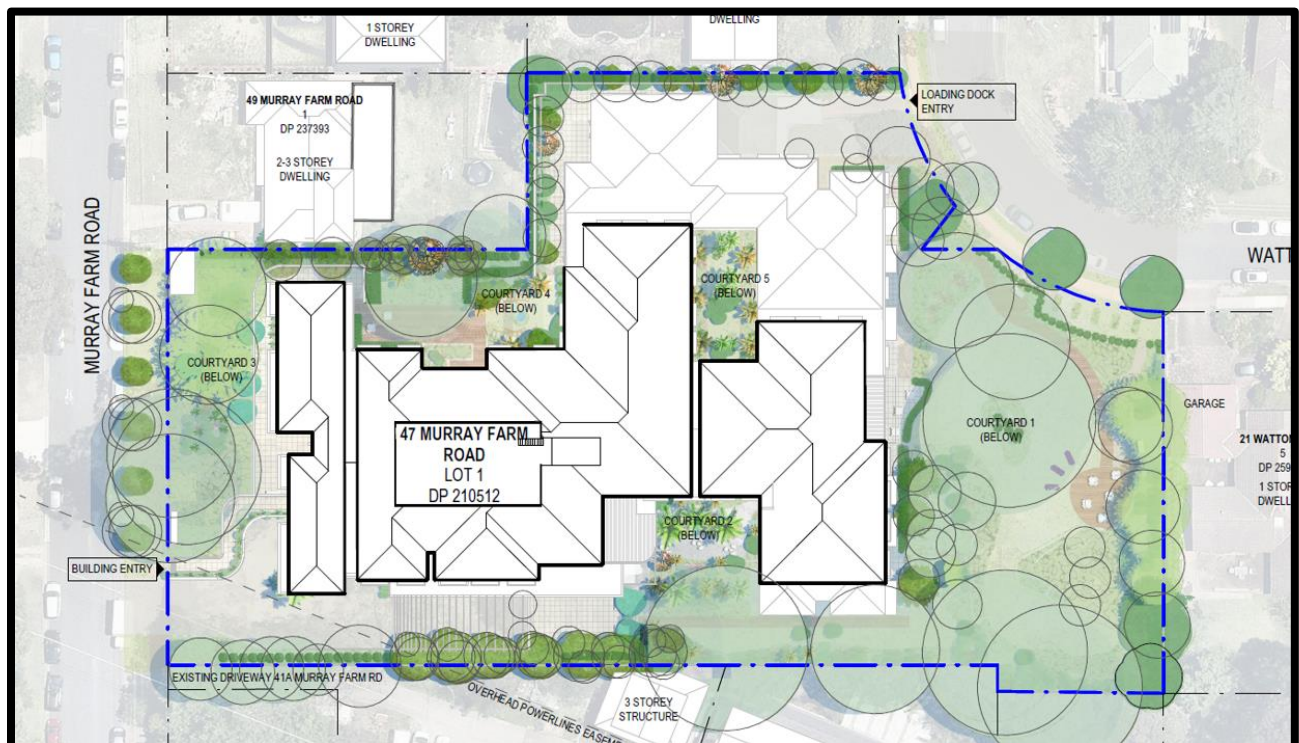


Figure 7. Site Plan (Thomson Adsett, 2021)



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

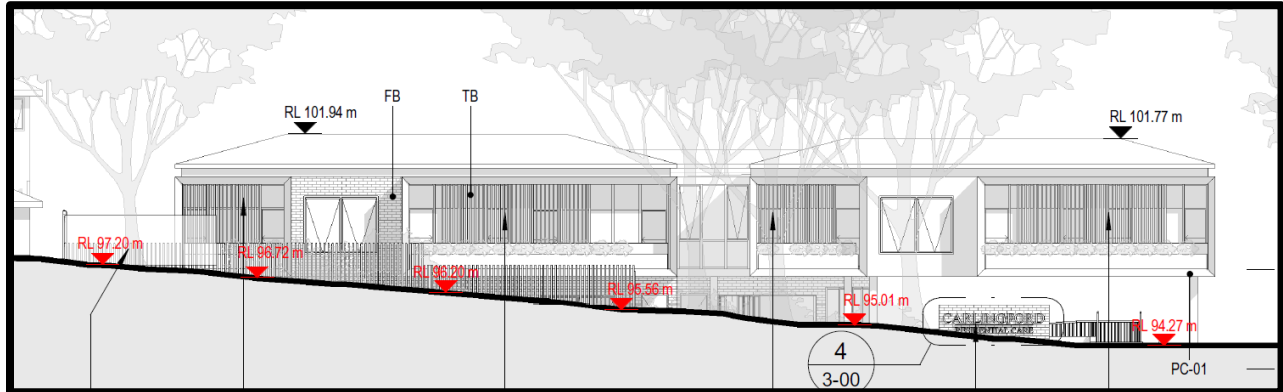


Figure 8. Southern Frontage to Murray Farm Road Elevation Plan (Thomson Adsett, 2021)



Figure 9. Car-parking area and front lobby area (Thomson Adsett, 2021)



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)



Figure 10. Ground floor Plan Layout (Thomson Adsett, 2021)

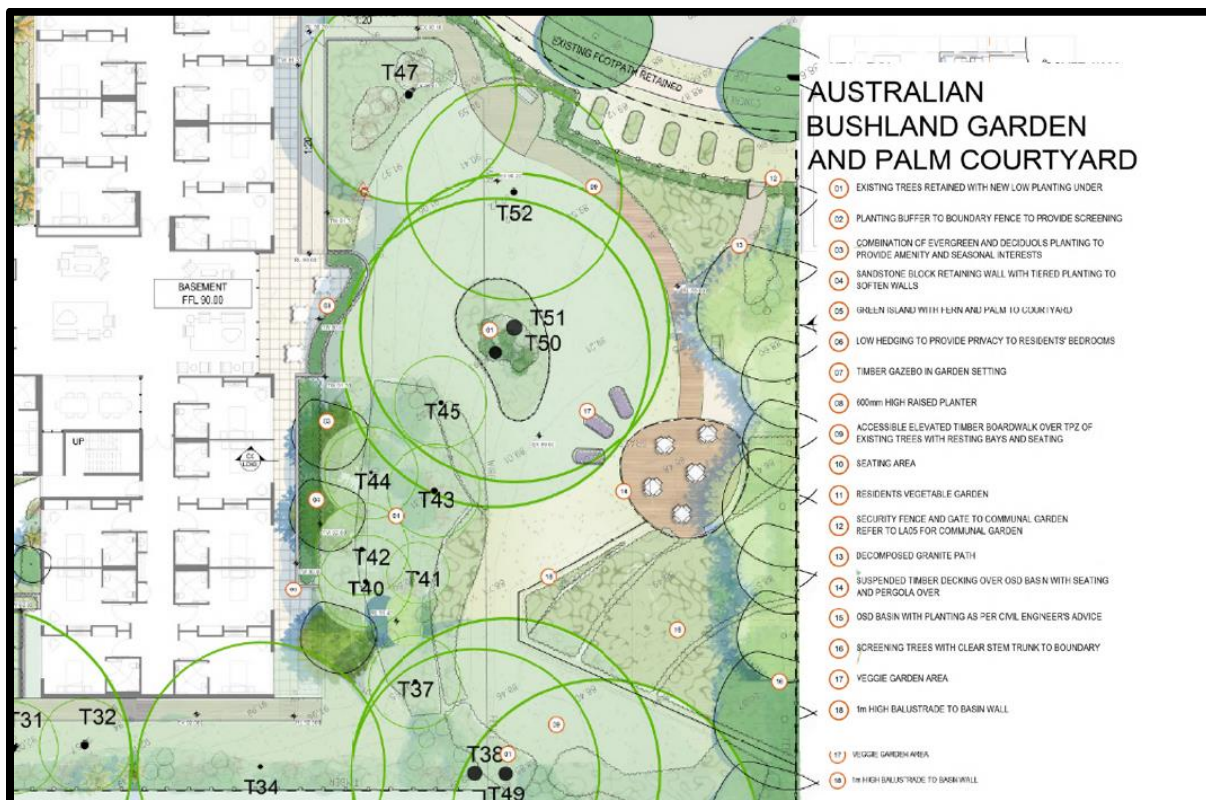


Figure 11. Australian Bushland and Palm Courtyard (Taylor Brammer, 2021)



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)



Figure 12. Northern Elevation Plan (Thomson Adsett, 2021)



Figure 13. Perspective View from Murray Farm Road (Thomson Adsett, 2021)



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)



Figure 14. Perspective View from Murray Farm Road (Thomson Adsett, 2021)



Figure 15. Perspective view from Watton Road (Thomson Adsett, 2021)



PART D LEGISLATIVE AND POLICY FRAMEWORK

4.1 PLANNING FRAMEWORK OVERVIEW

This Part of the SEE addresses and responds to the legislative and policy requirements relevant to the proposed development at the Site in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act). The statutory planning framework relevant to the proposed development at the Site includes:

- **4.2 Statutory Planning Framework**
 - *Environmental Planning and Assessment Act 1979;*
 - *Environmental Planning and Assessment Regulation 2000;*
- **4.3 Strategic Planning Framework**
 - *A Metropolis of Three Cities – The Greater Sydney Region Plan;*
 - *Central City District Plan;*
 - *Local Strategic Planning Statement City Plan 2036;*
 - *Local Housing Strategy 2020.*
- **4.4 State Planning Framework**
 - *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;*
 - *State Environmental Planning Policy (State and Regional Development) 2011;*
 - *State Environmental Planning Policy No. 55 – Remediation of Land;*
 - *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;*
 - *State Environmental Planning Policy (Infrastructure) 2007;*
- **4.5 Local Planning Framework**
 - *Parramatta (Former the Hills) Local Environmental Plan 2012;*
 - *City of Parramatta (Outside Parramatta CBD) Contributions Plan 2021;*
- **4.6 Draft Planning Framework**
 - *Draft State Environmental Planning Policy (Housing) 2021;*
 - *Draft Parramatta Local Environmental Plan 2021;*
- **4.7 Non-statutory Planning Framework**
 - *The Hills Development Control Plan 2012.*

4.2 STATUTORY PLANNING FRAMEWORK

4.2.1 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

The EP&A Act is the principle planning and development legislation in New South Wales. Pursuant to Part 4, the proposal is considered local development.



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **Table 3** below.

Table 4. Section 4.15(1)(A) Considerations	
Section	Response
Section 4.15(1)(a)(i) any environmental planning instrument, and	An assessment against the relevant planning instruments have been carried out in Part D of this SEE.
Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Refer to Section 4.6 of this SEE.
Section 4.15(1)(a)(iii) any development control plan, and	The Site is subject of the Hills Development Control Plan 2012 (HDCCP 2012). Refer to Section 4.7 .
Section 4.15(1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	No planning agreement or draft planning agreement has been entered into under Section 7.4 of the EP&A Act.
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	Refer to Section 4.2.3 of this SEE.
Section 4.15(1)(b)-(c)	Refer to Part E of this SEE which assess the impacts of the proposed development.

4.2.2 Section 4.46 of the EP&A Act – Integrated Development

Section 4.46 of the EP&A Act defines integrated development as matters which require consent from Council and one or more authorities under related legislation. In these circumstances, prior to granting consent, Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

The proposed development is not identified as integrated development per Section 4.46 of the EP&A Act.

4.2.3 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

The proposal has been prepared in accordance with the provisions of the *Environmental Planning and EP&A Regulation*. Clause 50 and Part 1 of Schedule 1 of the EP&A Regulation stipulates how a DA must be “made”. This DA satisfies the relevant criteria of the Regulation as follows:

- Clause 50(1)(a) – The required development application documentation is provided within Appendices of this SEE.



Further, the proposal is not identified as 'Designated Development' pursuant Schedule 3 of the EP&A Regulation.

4.3 STRATEGIC PLANNING FRAMEWORK

4.3.1 A METROPOLIS OF THREE CITIES - THE GREATER SYDNEY REGION PLAN

The Greater Sydney Region Plan (the Region Plan) outlines a vision for Sydney to 2056, defined by three (3) cities; the Western Parkland City, the Central River City, and the Eastern Harbour City. The Plan seeks to foster productivity, liveability and sustainability, to be achieved through the '30-minute city' model by which more than 60% of people live within 30 minutes of jobs, education, health facilities and services.

The Site is located within the Central River City which at its core is Greater Parramatta. The Central River City is anticipated to grow substantially capitalising on its location to the centre of Greater Sydney with significant investment in public transport infrastructure.

The Region Plan identifies *Objective 6 - Services and infrastructure meet communities changing needs*. The objective identifies that integrated planning for health services will make it easier for people to access a comprehensive health system including general practice, in-home and aged care, medical centres and allied health services.

Of particular note, the Region Plan identifies greater proportional increases of people aged over 65 years specifically within Western Parkland and Central River City. The Plan states that these cities would experience much greater demand from older people for health, social and aged care services than currently exists. Furthermore, the Region Plan recognises changing digital technologies which continually improve the capacity of health and social services being accessed from home, in turn enabling more people to age in their communities, resulting in greater demand for local aged care facilities.

Accordingly, the proposed RCF would support the intention of the Region Plan, providing a seniors housing development catering to accommodate the anticipated proportional increases for people aged over 65 years within the Central River City.

4.3.2 CENTRAL CITY DISTRICT PLAN

The Central City District Plan (District Plan) identifies Carlingford as being within the Central North of the Central City District, as well as within the Greater Parramatta Growth Area.

The District Plan recognises a significant 183% proportional increase in people aged 85 and over, and a 95 percent increase in the 65-84 age group by 2036. This means 16 percent of the district's population will be aged 65 or over in 2036, up from 11% in 2016, consistent with conclusions reached within the Region Plan. It is noted that the Parramatta LGA has the largest projected growth for the district in the 65 to 84 age groups.

More diverse housing types and medium density housing, as well as the design of walkable neighbourhoods, will create opportunities for older people to continue living in their community, where being close to family, friends and established health and support networks improves people's wellbeing.



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

Coordinated and additional health, social and aged care services and collaborative responses across government and industry are needed to meet the expected increase in demand for local aged care facilities and respite services, including home care options (with associated visitor parking). This approach will also need to address care for people with special needs such as those with dementia and seniors.

The District Plan also identifies how 48% of the District's housing is provided as either apartments or medium density housing, and recognises how multi-unit dwellings provide important housing for seniors and more affordable homes for young people. This needs to be balanced with medium density row, terrace and villa homes that provide increased housing options, especially for larger households. A diverse mix of housing can provide greater opportunities to cater for a range of changing needs.

The proposed development responds appropriately to this call for continued housing diversity within the District. Specifically, the proposed development would provide specialised housing stock to make provisions for seniors in order to meet the growing demand for seniors housing. The District Plan maps the five-year housing supply target for the Council between years 2016-2021, with the proposed target of 21,650 new dwellings for the Parramatta. The proposed development aligns to the housing strategy and target proposed in the District Plan, providing additional, specialised Residential Care housing stock within the Parramatta LGA.

4.3.3 LOCAL STRATEGIC PLANNING STATEMENT CITY PLAN 2036

The Local Strategic Planning Statement (the Planning Statement) reinforces the links between the NSW Government's strategic plans and the City's community strategic plan, Sustainable Sydney 2030 and the relevant planning controls across the LGA.

The Planning Statement identifies population growth to 2036 will be accommodated in 56,000 dwellings including 37,169 new market dwellings, 10,856 new affordable rental housing and potential for 6,000 non-private dwellings which comprise of seniors housing typologies.

Accordingly, the proposed RCF would contribute positively to the drive for 'non-private dwellings' such as seniors housing and is consistent with the Planning Statement.

4.3.4 LOCAL HOUSING STRATEGY 2020

The City of Parramatta Local Housing Strategy (the Strategy) provides direction at the local level about when and where future housing growth will occur and how it aligns with the broader strategic framework.

The Strategy provides an analysis of the existing and anticipated demographic population within the Parramatta LGA. In particular the Strategy anticipates additional growth to 2036 comprising of 34,317 seniors (70-84) and elderly 85+ groups to see 64% growth.

As part of the Plan, community members were informed that feedback would help Council shape the final versions of the Strategy and the LSPS. Outcomes of the Community Survey identified the need for more low-rise housing, detached housing and seniors housing to enable a mixture of housing diversity within the locality for the aging population.



Accordingly, the proposed RCF is considered to assist the Strategy in accommodating anticipated growth of seniors and the elderly.

4.4 STATE PLANNING FRAMEWORK

4.4.1 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

SEPP Seniors provides a framework within the state of NSW to carry out seniors housing development. Upon submitting a DA to Council for the purpose of seniors housing, the applicant may choose to invoke either the provisions of the relevant local EPI to achieve permissibility, being PFHLEP 2012, or SEPP Seniors.

In this instance the DA is submitted to Council pursuant to the provisions of SEPP Seniors.

Clause 4 - Land to which this Policy Applies

Clause 4 of SEPP Seniors identifies land to which this policy applies. Clause 4(2) of SEPP Seniors identifies the following as land that is not zoned primarily for urban purposes including:

- Land zoned for rural uses;
- Land identified for urban investigation; and
- Land zoned for residential uses on large residential allotments, such as *R5 Large Lot Residential* and *RU6 Transition zone*

Further, subclause (6)(a) specifies that SEPP Seniors does not apply to land described in Schedule 1 being environmentally sensitive land.

The Site is zoned R2 Low Density Residential pursuant to PHLEP 2020 which is identified primarily for urban purposes in accordance with Clause 4(1)(a).

As provided above the Site is subject to flood prone under a draft flood study report that was originally commissioned by The Hills Shire Council titled 'Urban Overland Flow Study', dated July 2015. Schedule 1 to SEPP Seniors stipulates land which is within a Floodway or High Hydraulic Hazard is identified as "environmentally sensitive" and may therefore not be pursued under the provisions of SEPP Seniors. The Draft Flood Study indicates that part of the land may be affected by a 100 year average recurrence interval flood.

Notwithstanding the above, the Land and Environment Court decision of *Radray Constructions Pty Ltd v Hornsby Shire Council* [2014] NSWLEC 1024 confirms that a flood affectation on similar terms to that which applies to the Site, does **not** constitute a Floodway or High Flood Hazard, therefore development can be pursued via the provisions of SEPP Seniors. It is noted that this is also consistent with suitable consideration of the proposed development via the prior LEC Hearing.

In light of the above, the provisions of SEPP Seniors can be applied to the land.

Chapter 2 - Key Concepts



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

The proposed development is suitably defined as a '*residential care facility*' in accordance with Clause 10 of SEPP Seniors as detailed in **Table 4** below.

Table 5. Proposed Use And Statutory Definitions	
Clause	Key Concept
Clause 10 Seniors Housing	<p>Seniors housing means a building or place that is—</p> <ul style="list-style-type: none"> (a) a residential care facility, or (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or (c) a group of self-contained dwellings, or (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), <p>and that is, or is intended to be, used permanently for—</p> <ul style="list-style-type: none"> (e) seniors or people who have a disability, or (f) people who live in the same household with seniors or people who have a disability, or (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, <p>but does not include a hospital.</p> <p>Note—Seniors housing is a type of residential accommodation.</p>
Clause 11 Residential Care Facility (RCF)	<p>residential care facility means accommodation for seniors or people with a disability that includes—</p> <ul style="list-style-type: none"> (a) meals and cleaning services, and (b) personal care or nursing care, or both, and (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, <p>but does not include a dwelling, hostel, hospital or psychiatric facility.</p>

The proposed development would provide aged care living accommodation that includes meals and cleaning services, and personal care or nursing care with the provision of appropriate staffing and facilities for seniors or people with a disability. Accordingly, the proposed RCF would meet the relevant definition under SEPP Seniors.

Chapter 3 Development for Seniors Housing

Clause 15 – What Chapter does



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

Pursuant to Clause 15 of SEPP Seniors, the following development may be carried out despite the provisions of any other EPI:

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

The Site is zoned primarily for urban purposes per the R2 zone, in turn, SEPP Seniors can be applied and seniors housing is permissible with consent on the Site pursuant to Clause 16 of the SEPP Seniors.

Clause 18- Restriction on occupation of seniors housing allow under this Chapter:

Pursuant to Clause 18, seniors housing must only accommodate the following types of people:

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

Consent may only be granted for seniors housing pursuant to SEPP Seniors if:

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

The proposed development would not contravene the requirements of the above. Therefore, in the instance that development consent is granted for the proposed RCF, it is anticipated that a condition of the consent would be imposed which would restrict the types of people who may be accommodated at the facility and a Restriction as to the User be registered on Title.

Part 1A - Site Compatibility Certificates required for certain development applications

Clause 24 - *Site compatibility certificates required for certain development applications* applies to development applications made for the purposes of seniors housing if the development is proposed to be carried out on land zoned for urban purposes, identified as special uses or for the purposes of a registered club.

Notwithstanding the above, a site compatibility certificate is not required in this instance per Clause 24(1A), as the proposed development is permissible with consent in the R2 zone applying to the site under the PFHLEP 2012. Refer to further PFHLEP 2012 discussion below.

Part 2 - Site Related Requirements



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

Clause 26-29 of SEPP Seniors provides site-related provisions that are required for seniors housing development.

Table 6. Site Related Requirements	
Clause	Response
<p>Clause 26 Location and access to facilities</p> <p><i>Clause 26(2) provides development submitted pursuant to SEPP Seniors must have access to the following:</i></p> <p><i>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</i></p> <p><i>(b) community services and recreation facilities, and</i></p> <p><i>(c) the practice of a general medical practitioner.</i></p> <p><i>(2) Access complies with this clause if:</i></p> <p><i>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:</i></p> <p><i>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</i></p> <p><i>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</i></p> <p><i>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</i></p> <p><i>(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:</i></p> <p><i>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</i></p>	<p>The major arterial road in proximity to the Site is Oakes Road (less than 100m from the primary Site frontage) and has incoming and outgoing bus stops near the roundabout of Murray Farm Road and Oakes Road. This road serves as a major and direction connection to Beecroft Railway Station, Carlingford Train Station, and the Carmen Drive shopping village. The nearest bus stop is around 150m of the Site.</p> <p>It is noted that during the previous LEC Hearing that there was a previous safety refuge across Oakes Road and between bus stops which was removed to allow for infrastructure works (electrical feeders) to be installed within the road reserve associated with the Northconnex works. Since this time it is understood that Northconnex has paid Council a monetary contribution/payment for Council to make good to incomplete works along Oakes Road including the reinstatement of this pedestrian refuge. It is unclear when these rectification works will be carried out and it should be highlighted that the proponent confirmed within the previous LEC Hearing that the reinstatement would of this element will be done at the cost of the applicant. This is consistent with Civil Public Domain Plans at Appendix 6.</p> <p>The primary vehicular and pedestrian connections to the Site will be along Murray Farm Road of which the existing infrastructure was explored as noted:</p> <ul style="list-style-type: none"> ▪ The Council verge fronting the Site along Murray Farm Road does not have a designated pedestrian footpath between Sylvia Avenue to Oakes Road. It appears there has been a recent upgrade to the pedestrian footpath and the installation of pedestrian zebra crossing from Sylvia Avenue all the way to Murray Farm Reserve and connecting other existing pedestrian footpaths; ▪ The opposite side of the road (Murray Farm Road) has a designated concrete pedestrian

Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

<p>(ii) <i>that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</i></p> <p>(iii) <i>that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or</i></p>	<p>footpath that connects to Oakes Road. The means of crossing to this side of the road is via the pram ramps at the intersection of Oakes Rd and Murray Farm Rd. Alternatively, pedestrians can safely cross the road at the newly installed zebra crossing in front of Murray Farm Reserve;</p> <ul style="list-style-type: none"> ▪ It is evident there is no pedestrian footpath directly fronting the proposed development main entry; ▪ Notwithstanding the above, based on Site assessment conducted, the lack of pedestrian footpath connection fronting the subject site may result in Council asking the applicant to upgrade council asset; in this case provide a pedestrian footpath connection from the Site to Oakes Road as a condition of consent; and ▪ As there is not a hardstand footpath in front of the Site, along Murray Farm Road to Oakes Road, it is possible that Council may require the applicant to provide a new footpath in order to satisfy the requirements of the SEPP. It is noted that should footpaths be installed that the gradient would be able to achieve the requirements of the SEPP. Refer to detailed Civil Public Domain documentation at Appendix 6. <p>There are numerous hospitals located within the locality, including:</p> <ul style="list-style-type: none"> ▪ Sydney Adventist Hospital, around 8.5km (by road) north-east of the Site; ▪ The Hills Private Hospital, around 8.7km (by road) north-west of the Site; ▪ Macquarie University Hospital, around 9.8km (by road) south-east of the Site; and ▪ Cumberland Hospital, located around 7.1km (by road) south-west of the site. <p>Overall, the Site is considered highly accessible in terms of services and facilities as well as public transport.</p> <p>Refer to detailed assessment of the development against the provisions of Clause 26 within Appendix 18.</p>
<p>Clause 27 Bush fire prone land</p>	<p>The Site is not identified as Bush Fire Prone Land.</p>
<p>Clause 28 Water and Sewer</p>	<p>The immediate surrounding locality comprises of an established residential setting which is well serviced by water and utilities.</p>



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

	Accordingly, the Site is well serviced by existing facilities and will be connected to an existing reticulated water system with adequate facilities for the removal and disposal of sewage. Refer to details of water, sewer and infrastructure services at Appendix 4 to 6.
Clause 29 Consent authority to consider certain compatibility criteria for development application to which Clause 24 does not apply	
<p><i>(2) A consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25 (5) (b) (i), (iii) and (v).</i></p> <p><i>25 Application for site compatibility certificate</i></p> <p><i>(5) The relevant panel must not issue a site compatibility certificate unless the relevant panel—</i></p> <p><i>(a) has taken into account the written comments (if any) concerning the consistency of the proposed development with the criteria referred to in paragraph (b) that are received from the relevant General Manager within 21 days after the application for the certificate was made, and</i></p>	See discussion below.
<p><i>(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria—</i></p> <p><i>(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,</i></p>	<p>The Site is not identified as environmentally sensitive land pursuant to Schedule 1 of SEPP Seniors or does not contain any environmental values as discussed above.</p> <p>The Site is surrounded by low density residential typologies predominantly comprising of one (1) to two (2) storey dwelling houses. There is a significant cross-fall in each direction at the Site. The proposed development, including the extent of excavation and finished floor levels responds appropriately to existing site conditions and will have minimal impact to adjoining land uses.</p> <p>The scale of the proposed development whilst larger than surrounding residential typologies is consistent with the surrounding locality as it maintains a two (2) storey appearance when viewed from Murray Farm Road (Refer to Figure 8 above). As</p>



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

	<p>demonstrated in the accompanying solar access diagrams the proposed development would not unduly impact on overshadowing or privacy issues to adjoining development and is within acceptable limits.</p> <p>Whilst significant vegetation is currently accommodated on the Site, the proposed development has sought to retain high retention and medium retention trees where possible to ensure impacts to flora and fauna are within acceptable limits. Refer to further detailed discussion within Appendix 11 & 12.</p> <p>The application is also supported by an Urban Design Report at Appendix 8 which provides the proposed development suitably integrates within the surrounding site context and is consistent with SEPP Seniors.</p>
<i>(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,</i>	<p>The locality is an established residential zone with supporting services and infrastructure which are available to meet the demands arising from the proposed development.</p> <p>As noted above per Clause 26 of SEPP Seniors, the Site is located in proximity to facilities and services identified by Clause 26 and suitably satisfies appropriate footpath gradients. Refer to detailed Clause 26 review within Appendix 18.</p>
<i>(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,</i>	<p>The application is supported by an Urban Design Report at Appendix 8 which demonstrates the proposed bulk, scale and built form of the development integrates appropriately to the surrounding site context and is of a scale that would not compromise the character of the area.</p> <p>Refer to detailed discussion of built form and context at Part E of this Report.</p>

Part 3 Design Requirements

Clauses 30-39 of SEPP Seniors outlines the design requirements to which seniors housing development should adhere, as provided within **Table 4**.

Table 7. Part 3 Design Requirements

Clause	Response
--------	----------



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

Division 1 General	
Clause 30 Site analysis	The DA is accompanied by a detailed site analysis at Appendix 1 and an Urban Design Report at Appendix 8 which demonstrate the Site's compliance with Clause 30 of SEPP Seniors.
Clause 32 Design of residential development	The proposed development considers the provisions of Division 2 Clause 33-39 of SEPP Seniors below.
Division 2 Design Principles	
<p>Clause 33 - Neighbourhood amenity and streetscape</p> <p><i>a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</i></p> <p><i>(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</i></p> <p><i>(c) maintain reasonable neighbourhood amenity and appropriate residential character by—</i></p> <p style="padding-left: 40px;"><i>(i) providing building setbacks to reduce bulk and overshadowing, and</i></p> <p style="padding-left: 40px;"><i>(ii) using building form and siting that relates to the site's land form, and</i></p> <p style="padding-left: 40px;"><i>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</i></p> <p style="padding-left: 40px;"><i>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i></p> <p><i>(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</i></p> <p><i>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</i></p> <p><i>(f) retain, wherever reasonable, major existing trees, and</i></p>	<p>The proposed development comprises the following setbacks:</p> <p style="padding-left: 40px;">North (rear): 33.7 to 34.7m East (63 Oakes Road and 41A Murray Farm): 6m to 8.2m South (frontage): 13.3m to 14.6m West (49 Murray Farm Road and 11 Watton Road): 2.4m to 14.4m</p> <p>No numerical values are provided under the provisions of the SEPP Seniors regarding setbacks. Notwithstanding, the Clause ensures that surrounding neighbourhood amenity and the streetscape is protected. The objective of this Clause was clearly provided within the previous LEC judgement.</p> <p>The proposed setbacks are considered within acceptable limits and consistent with the objectives of this Clause for the following reasons:</p> <ul style="list-style-type: none"> ▪ Adequate separation is provided to adjoining residential property at 49 Murray Farm Road to the western boundary; ▪ The front setback to Murray Farm Road is consistent with the prevailing streetscape. ▪ No built form is proposed in the rear 25% of the property; ▪ As demonstrated by the accompanying shadow diagrams there will be no undue overshadowing to private open space of 49 Murray Farm Road, Carlingford for surrounding properties given appropriate setbacks are proposed; ▪ Intervening vegetation at all boundaries is proposed to reduce overlooking impacts and ensure the visual bulk of the development is reduced to adjoining development. <p>The proposed built form responds appropriately to the natural topography of the land and would present to the street frontage of Murray Farm Road</p>



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

<p>(g) be designed so that no building is constructed in a riparian zone.</p>	<p>as two (2) storeys. The development is considered to be appropriately setback to neighbouring properties with no undue impact to surrounding properties.</p> <p>In addition to the above, refer to Part E for detailed visual privacy and built form impacts. It is considered, on balance, that the updated scheme following LEC proceedings ensures the built form of the development is of a suitable scale which is sympathetic to adjoining properties.</p>
<p>Clause 34 Visual and acoustic privacy</p> <p><i>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by–</i></p> <ul style="list-style-type: none"> (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths. <p>Note–</p> <p><i>The Australian and New Zealand Standard entitled AS/NZS 2107-2000, Acoustics–Recommended design sound levels and reverberation times for building interiors and the Australian Standard entitled AS 3671–1989, Acoustics–Road traffic noise intrusion–Building siting and construction, published by Standards Australia, should be referred to in establishing acceptable noise levels.</i></p>	<p>It is noted that Clause 34 Visual Acoustic Privacy was a key consideration of the prior LEC judgement. It was found that the prior development provided unacceptable visual and privacy impacts, particularly to the adjoining Site at 49 Murray Farm Road.</p> <p>In light of this it should be highlighted that the level 1 floor plan has been reduced in the south-west corner of the Site, allowing for improved visual privacy to 49 Murray Farm Road as well as an overall reduced visual impact when looking north. Additionally, the reduction in built form allows minimal amenity impact to the rear private open space of 49 Murray Farm Road. Detailed visual and acoustic privacy discussion is provided at Part E of this report.</p> <p>Furthermore, the proposed development has strategically considered landscaping and vegetation as screening to successfully mitigate any overlooking and privacy impact to adjoining residential properties.</p> <p>Additionally, the application is accompanied by an Urban Design Report at Appendix 8 which demonstrates the proposed development’s consistency with Clause 34 of SEPP Seniors.</p>
<p>Clause 35 - Solar access and design for climate</p> <p><i>The proposed development should–</i></p> <ul style="list-style-type: none"> (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by 	<p>It is noted that SEPP Seniors does not prescribe a numerical control in regard to minimum solar access requirements. Additionally, it is noted that under the previous LEC Judgement the commissioner accepted future residents would have access to common areas within the building, balcony spaces and courtyard spaces received adequate sunlight. The proposed changes under this application would not alter these previous conclusions.</p> <p>As demonstrated within the accompanying solar access diagrams at Appendix 1, the development</p>



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

<p><i>locating the windows of living and dining areas in a northerly direction.</i></p> <p>Note— AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.</p>	<p>achieves the intent of this clause and ensures that there is adequate daylight to the main living areas of neighbours in the vicinity including private open space areas at the rear of the development. Trees have been appropriately retained throughout the broader Site and the location of habitable rooms considers existing vegetation as a means of natural shading and cooling.</p> <p>Refer to Section 5.4 of this SEE for detailed analysis of solar access.</p>
<p>Clause 36 – Stormwater</p> <p><i>The proposed development should—</i></p> <ul style="list-style-type: none"> <i>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</i> <i>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</i> 	<p>Detailed Stormwater Plans have been prepared to ensure the suitable control of stormwater runoff and minimise the disturbance of stormwater run-off to adjoining properties. Consideration has been given to Council's Stormwater Design Requirements under the HDCP 2012. Refer to Appendix 4 to 6.</p>
<p>Clause 37 – Crime prevention</p> <p><i>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by—</i></p> <ul style="list-style-type: none"> <i>(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and</i> <i>(b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</i> <i>(c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</i> 	<p>The proposed development has a street frontage to Murray Farm Road. Site planning has considered natural surveillance to the street frontage of Murray Farm Road which provides an at-grade access to lobby and café areas.</p> <p>The location of the Sites main entry and address is central to the development and well defined providing equitable access for pedestrians at-grade from Murray Farm Road with appropriate separation to vehicular movements.</p> <p>Suitable observation areas to public areas, driveway and the street have been considered by the proposed development.</p> <p>The Application is accompanied by a detailed Crime Risk Assessment at Appendix 27. Additionally, refer to detailed Crime Prevention through Environmental Design (CPTED) discussion at Section 5.3 of this SEE.</p>
<p>Clause 38 - Accessibility</p>	<p>The application is accompanied by an Access Report at Appendix 15 which demonstrates the</p>



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

<p><i>The proposed development should—</i></p> <p>(a) <i>have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</i></p> <p>(b) <i>provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</i></p>	<p>development will achieve compliance with the relevant access standards and compliance with Clause 38 of SEPP Seniors.</p>
<p>Clause 39 - Waste Management</p> <p><i>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</i></p>	<p>A Waste Management Plan has been prepared at Appendix 25 which details the types and amounts of waste that will be generated by the development and methods of removal and disposal.</p> <p>Waste services for the proposed development will be enabled via the street frontage of Watton Road to the rear of the Site.</p>

Part 4 Development Standards to be complied with

Clause 40 – development standards for seniors housing are summarised in **Table 8**.

Table 8. Clause 40 - Development Standards for Seniors Housing		
Clause	Control	Assessment
Site Size	1,000m ² minimum	The Site exhibits an area exceeding 1,000m ² .
Site Frontage	20m minimum, measured at the building line	The Site exhibits a frontage width (measured at the building line) in excess of 20m.
Building Height (residential zones where residential flat buildings are not permitted)	8m or less (measured vertically from ceiling of topmost floors to ground level immediately below)	<p>The proposed development provides a maximum height of 7.87m. Accordingly, the proposed development is compliant with the maximum 8m building height limit as per the definition provided under the SEPP Seniors.</p> <p>The proposed development comprises a maximum of two (2) storeys to all boundaries of the Site.</p> <p>There are no buildings located within the rear 25% of the Site as illustrated within Appendix 1.</p>
	A building that is adjacent to a boundary of the site must not be more than two (2) storeys in height.	
	A building located in the rear 25% of the site must not exceed one (1) storey in height.	

Part 7 Development standards that cannot be used as grounds to refuse consent**Division 2 Residential care facilities**

Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

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

Clause 48 provides standards that cannot be used as grounds to refuse consent. These standards applicable to RCF are summarised **Table 5**.

Table 9. Clause 48 – Standards that cannot be used to refuse development consent		
Clause	Control	Assessment
Division 2 – Residential Care Facilities		
Height	8m	The proposed development will have a maximum height of 7.87m as defined by SEPP Seniors.
FSR	1:1	The proposed development has a maximum FSR of 0.88:1. Accordingly, the proposed development will not exceed a maximum FSR of 1:1.
Landscaped Area	Min. 25 sqm per bed	The proposed development will provide 3,735m ² of landscaped area for the proposed 110 bed development as detailed by the Landscape Plans Package prepared at Appendix 3 . The proposed RCF would therefore provide 33.9m ² of landscaped area per bed. Accordingly, the landscaped area would provide in excess of the minimum under the definition under SEPP Seniors. Refer to Appendix 1 for overview of landscaped areas across the Site.
Parking for residents and visitors	(i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and (iii) 1 parking space suitable for an ambulance.	The proposal comprises of 110 beds which would require the provision of 24 car parking spaces. The proposed development provides 24 car parking spaces in accordance with the requirements. Furthermore, the DA is accompanied by a Traffic and Parking Impact Assessment Report at Appendix 14 which concludes the impact of the proposed development on the surrounding road network would be within acceptable limits.

It is noted that the above standards are specified for the purposes of providing grounds on which consent cannot be refused.



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

4.4.2 STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

The *SRD SEPP* aims to identify development, which is State significant development, state significant infrastructure or regionally significant development. Proposed developments involving activities that are listed in Schedule 7 of *SRD SEPP* are identified as being Regionally Significant Development.

Pursuant to Clause 5 of Schedule 7 of *SRD SEPP*, any development proposal in excess of \$30 million is considered as regionally significant development and required to be determined by the *SCCP*.

The application is accompanied by a Quantity Surveyors (QS) Report which provides the total cost of development will be **\$27,160,000.00**. Accordingly, the application would not meet the regionally significant trigger pursuant to Clause 5 of Schedule 7 of *SRD SEPP* and can be determined by City of Parramatta Council.

4.4.3 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

State Environmental Planning Policy No. 55 – Remediation of Land provides a state-wide planning approach for the remediation of land and aims to promote the remediation of contaminated land to reduce the risk of harm.

Clause 7(1) of *SEPP 55* requires that a consent authority must not grant development consent on land unless:

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

The application is accompanied by an Environmental Site Assessment at **Appendix 10**. The report provided an assessment of existing Site conditions including contamination investigations and management of contaminants at the Site. The following contaminants were identified within the Site:

- Minor anthropogenic material was observed within the fill material on the northern portion of the Site and will require management throughout development;
- ACM was identified on the Site surface and there is also risk that further ACM may be present on the ground surface, beneath the existing vegetation cover that would require management, if identified. ACM was not reported in near-surface and deeper soil.

Recommendations and conclusions reached within the Environmental Site Assessment conclude that the Site is considered suitable for the proposed RCF and an Asbestos Management Plan (AMP) should be prepared for management of ACM. Additionally, it is recommended within the report that a construction management plan be prepared to ensure that smaller scale can be suitably managed by appointed contractors at Construction Certificate Stage of development.

In light of the above, the proposed development is consistent with *SEPP 55*.

4.4.4 STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

The *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (Vegetation SEPP) aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposed development will comprise of the removal of 23 trees of moderate to low retention value, accordingly the application is accompanied by an Arborist Report at **Appendix 12** detailing vegetation to be removed and appropriate mitigation measures to ensure protection of surrounding trees. Further, replacement planting is proposed to compensate the loss of vegetation as a result of the development.

4.4.5 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Among other functions, *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure) provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS), now under Transport for NSW (TfNSW) for concurrence.

Clause 104 Traffic-generating development

Schedule 3 lists the types of development that are defined as Traffic Generating Development. The existing use of the Site for the purpose of *residential accommodation* is identified by Schedule 3. The relevant threshold is outlined below:

- 300 or more dwelling (size or capacity-site with access to a road (generally)); or
- 75 or more dwellings (site with access to classified road or to road that connects to classified road (if access within 90m of connection))

Seniors housing is considered a type of residential accommodation within the PFHLEP 2012. The proposed development proposes 110 RCF beds. Accordingly, the DA is not required to be referred to TfNSW pursuant to Clause 104 of SEPP Infrastructure.

4.5 LOCAL PLANNING FRAMEWORK

4.5.1 PARRAMATTA (FORMER HILLS) LOCAL ENVIRONMENTAL PLAN 2012

The PFHLEP 2012 is the primary environmental planning instrument that applies to the Site.

The relevant provisions of PFHLEP 2012 as they relate to the subject Site are considered below:

Zoning and Permissibility

The Site is zoned R2 Low Density Residential pursuant to PFHLEP 2012 (**Figure 12**).



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

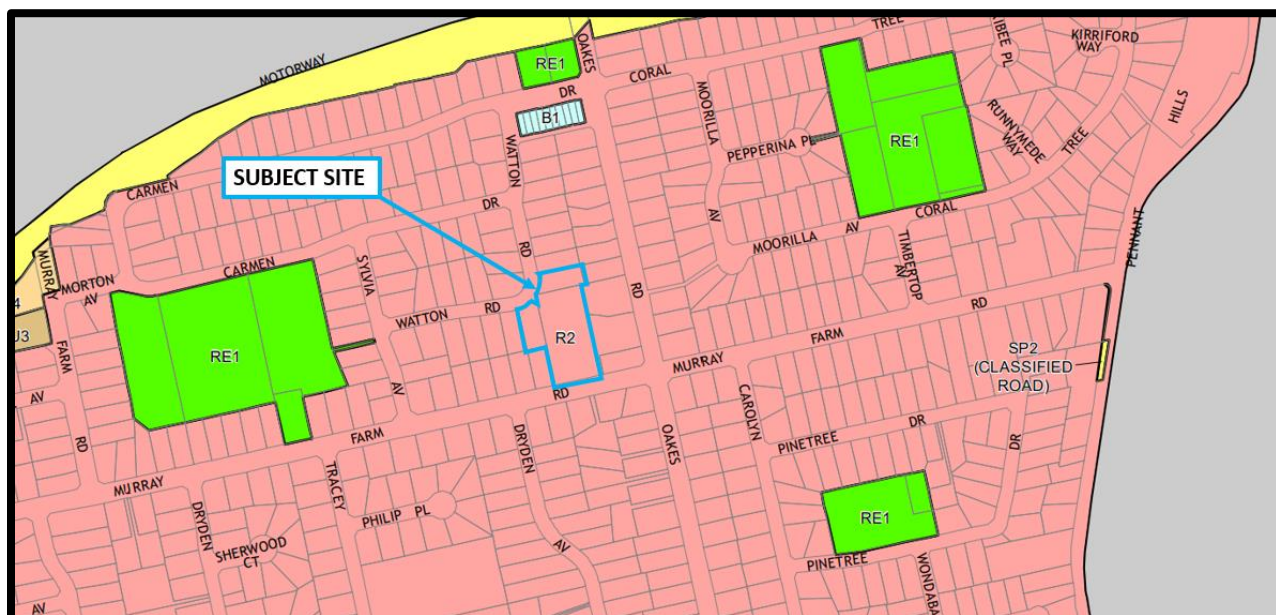


Figure 16. PFHLEP 2012 Zoning Map (NSW Legislation, 2021)

The objectives of the zone are provided within **Table 9** below.

Table 10. R2 Zone Objectives	
Objectives	Comment
<ul style="list-style-type: none"> To provide for the housing needs of the community within a low-density residential environment. 	As detailed within the relevant strategic framework provided above, the Parramatta LGA is anticipated to accommodate a growing population specifically characterised by seniors including 65 years and older. Accordingly, the proposed RCF under the provisions of SEPP Seniors is considered consistent with this objective.
<ul style="list-style-type: none"> To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	The proposed RCF will accommodate seniors or people with a disability, providing a specific land use which services to meet the day to day needs of residents.
<ul style="list-style-type: none"> To maintain the existing low density residential character of the area. 	The proposed development appropriately responds to the existing site topography and presents as two (2) storeys when viewed from Murray Farm Road. As demonstrated within this report and the accompanying Urban Design Report prepared at Appendix 8 the development would not provide any unreasonable amenity impact to the low-density residential environment and is within acceptable limits.

Accordingly, the proposed development would not contravene the objectives of the R2 Low Density Residential Zone.

Within the R2 zone the following are permissible without consent:



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

Home businesses; Home occupations

Within the R2 zone the following are permissible with consent:

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Dual occupancies; Dwelling houses; Group homes; Health consulting rooms; Home-based child care; Oyster aquaculture; Pond-based aquaculture; Respite day care centres; Roads; Tank-based aquaculture; Any other development not specified in item 2 or 4

Within the R2 zone the following are prohibited:

*Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; **Residential accommodation**; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies*

As provided further above, the proposed RCF, a type of residential accommodation, is submitted to Council pursuant to the provisions of SEPP Seniors which enables permissibility within the R2 Low Density Residential zoning applying to the Site notwithstanding the prohibition under PFHLEP 2012.

Table 10 outlines the developments consistency and compliance with the relevant development standards and controls under PFHLEP 2012.

Table 11. PFHLEP 2012	
Clause	Comment
Part 4 Principal Development Standards	
Clause 4.1 – Minimum Lot Size	<p>The Site is subject to a minimum lot size of 700m².</p> <p>The proposed development provides a total site area of 7,063.94m². Accordingly, the proposed development is consistent with this Clause.</p>



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

<p>Clause 4.3 – Height of Buildings</p> <p>Maximum = 9m</p> <p>Proposed (per LEP definition) = 9m</p>	<p>N/A - The proposed development will have a maximum height of 9m which complies with the maximum standard of the PFHLEP 2012.</p>
<p>Clause 4.4 – Floor Space Ratio</p> <p>Proposed = 0.88:1</p>	<p>N/A – The Site is not subject to a maximum FSR under the PFHLEP 2012.</p>
<p>Clause 4.6 – Exceptions to Development Standards</p>	<p>See discussion above.</p>
<p>Part 5 Miscellaneous Provisions</p>	
<p>Clause 5.10 – Heritage Conservation</p>	<p>The Site is not individually listed as a Heritage Item nor located within a Heritage Conservation Area.</p>
<p>Clause 5.21 – Flood Planning</p>	<p>Clause 7.2(3) sets out matters that a consent authority must consider before determining a development on land at or below the flood planning level. These matters are responded to as follows:</p> <ul style="list-style-type: none"> ▪ The proposed development is compatible with the flood hazard of the land in accordance with Flood Report provided at Appendix 13. Importantly, no built form is proposed within portions of land identified as flood prone. ▪ Additionally, the flood report provides that impacts to surrounding properties as a result of the development will be within acceptable limits; ▪ The proposed development would not have any significant impacts on the surrounding biophysical, hydrological and ecological environment; ▪ The proposed development would not result in unsustainable social and economic costs due to flooding. <p>In light of the above and conclusions reached within Appendix 13, the proposed development is consistent with the requirements of this Clause.</p> <p>Refer to further detailed discussion within Part E.</p>
<p>Part 7 Additional local provisions – generally</p>	
<p>Clause 7.2 Earthworks</p>	<p>The Site exhibits a significant cross-fall. As such, to facilitate the proposed development cut and fill is proposed across the Site as provided within Appendix 3 & 4 Stormwater Engineering Plans. The proposed earthworks are considered to be within acceptable limits and would not impinge on the amenity and an appropriate response to existing site conditions.</p>

4.5.2 CITY OF PARRAMATTA (OUTSIDE PARRAMATTA CBD) CONTRIBUTIONS PLAN 2021



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

Section 7.12 Development Contributions are levied on Development Applications in accordance with City of Parramatta (Outside Parramatta CBD) Contributions Plan 2021.

Accordingly, it is understood that a condition of consent will be imposed in any determination for a contributions levy to be paid.

4.6 DRAFT PLANNING FRAMEWORK

4.6.1 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The State Environmental Planning Policy (Housing) 2021 (Housing SEPP) was on public exhibition from Friday 31 July 2021 to 29 August 2021.

The intention of the Housing SEPP is to replace the following five (5) SEPPs with one consolidated housing diversity SEPP. The following SEPPs are subject to the proposed Housing SEPP:

- SEPP Seniors;
- *State Environmental Planning Policy (Affordable Rental Housing) 2009;*
- *State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)*
- *State Environmental Planning Policy No 21 – Caravan Parks; and*
- *State Environmental Planning Policy No 36 – Manufactured Home Estates.*

Given the Housing SEPP has been publicly exhibited and relates to SEPP Seniors, a fundamental instrument under this assessment, it establishes as a formal consideration per Clause 4.15(1)(a)(ii) of the EP&A Act 1979. Notwithstanding, it is noted that it is unclear when the Housing SEPP will be finalised, in turn it is considered suitable, on balance, that limited weight be placed on its assessment by Council.

Specifically, the following changes are noted which may impact the built form of RCF's through the Housing SEPP. It is noted that the proposed RCF would not contravene the provisions of the Draft Housing SEPP.

Table 12. Housing SEPP - Residential Care Facilities	
Clause	Response
Clause 74 Development standards - 9m (in zones where residential flat buildings are not permitted) - 2 storeys if adjacent boundary - 11.5m including pant (limited to 20% of roof area)	The proposed development does not exceed 11.5m in height and is two (2) storeys maximum at adjacent boundaries of the Site.
Clause 96 Nondiscretionary development standards - Building height 9.5m (excluding plant) - 11.5m (including plant), if integrated and not exceeding 20% of roof area - 1:1 FSR	The proposed development will have a maximum height of 9m per the definition under the Standard Instrument which is consistent with this standard. The proposed RCF provides a minimum of 15m ² per bed landscaping.

Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

<ul style="list-style-type: none"> - Internal and external communal open space area (10sqm per bed) - 15sqm per bed landscaping - Deep soil zone for 15% of the site area where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the Site. - At least 1 parking space for every 15 beds in the facility - At least 1 parking space for every 2 employees who are on duty at the same time - At least 1 parking space for the purpose of ambulance parking 	<p>The proposed development achieves deep soil zone of 15% of the site area.</p> <p>The proposed development provides and total of 24 car parking spaces and would not contravene the exhibited Draft Housing SEPP.</p>
<p>Clause 83 Location and access to facilities and services—residential care facilities</p> <p><i>(1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services—</i></p> <p><i>(a) directly, or</i></p> <p><i>(b) by a transport service other than a passenger service.</i></p> <p><i>(2) In this section—</i></p> <p>facilities and services has the same meaning as in section 82.</p> <p>passenger service has the same meaning as in the Point to Point Transport (Taxis and Hire Vehicles) Act 2016.</p> <p>Note— A passenger service is defined as the transport, by a motor vehicle other than a bus, of passengers within, or partly within, this State for a fare.</p>	<p>As demonstrated within Table 6, per the existing Clause 26 provisions regarding local and access to facilities, the Site is considered to be in a suitable location with access to facilities and services across the locality.</p>

4.7.1 DRAFT PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2020

The Draft Parramatta Local Environmental Plan 2020 (Draft PLEP 2020) was exhibited from 31 August 2020 to 12 October 2020 and is a formal consideration for assessment under Clause 4.15(1)(a)(ii) of the EP&A Act 1979.

The intention of the Draft PLEP 2020 is to consolidate the existing five (5) LEPs which the LGA is governed. The Draft PLEP 2020 will become the primary planning environmental planning instrument within the



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

Parramatta LGA.

An assessment of the Draft provisions reveals that there are no changes in regard to land use zoning, FSR or maximum height of buildings under the Draft Consolidated Plan, as applicable to the Site. Furthermore, it is noted that the Draft PLEP 2020 is neither imminent nor certain and therefore it is considered, on balance, that limited weight be placed on any assessment by Council.

Notwithstanding the above, the proposed development would not contravene the requirements of the Draft PLEP 2020.

4.7 NON-STATUTORY PLANNING FRAMEWORK

4.7.1 THE HILLS DEVELOPMENT CONTROL PLAN 2012

The HDCP 2012 applies to the Site which provides detailed design controls as relevant to the proposed development. A HDCP 2012 Compliance Table has been prepared by Willowtree Planning at **Appendix 29**.



PART E LIKELY IMPACTS OF THE DEVELOPMENT

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(1) of the EP&A Act.

5.1 CONTEXT AND SETTING

The DA is accompanied by an Urban Design Report at **Appendix 8** prepared by Architects Johannsen and Associates (AJA) which provides an assessment of the development against the key urban design matters and principles presented within SEPP Seniors and the HDCP 2012.

It should be duly noted that given the historic application at the Site for seniors housing undertook an LEC process, conclusions reached within that proceeding should form part of merit considerations under this application noting the key principles of the development are predominantly maintained. Within the proceedings, the LEC raised no contention regarding the permissibility of the use within the context and setting as well as zone objectives of the locality and were primarily concerned with the bulk and scale of such a development and its visual and privacy impacts to adjoining development including 49 Murray Farm Road.

The updated design has appropriately considered the conclusions reached within that judgement and the scheme as updated has been significantly reduced in scale to ensure that it is sympathetic to adjoining development. Refer to summary of changes at **Section 1.4** above.

In consideration of the adjoining properties at 49 Murray Farm Road and 11 Watton Road, the Level 1 plan has been reduced in the north-west corner of the development. This reduction in the building footprint allows views from 49 Murray Farm Road to the north to be appropriately maintained. Whilst the updates result in an overall reduction in the number of beds for the facility and offering of the development, this design change is considered to be an improved amenity outcome for adjoining properties and ensures minimal overlooking and privacy impacts. Furthermore, the ground floor north-western wing has been increased to allow an additional setback buffer to the property at 49 Murray Farm Road, which ensures there will be minimal private open space impacts in the rear yard.

Given the significant changes which have occurred since the LEC Hearing at the Site and numerically compliant scheme under the subject application, it is considered, on balance, that the proposed development is considered worthy of support and in keeping with the context and setting of the locality.

5.2 BUILT FORM

The DA is accompanied by an Urban Design Report at **Appendix 8** which concludes the proposed development is consistent with the provisions of SEPP Seniors. Furthermore, in consideration of the previous LEC Judgement applying to the Site for seniors housing, the application is considered to be an appropriate response given the significant reduction in overall massing and bulk of the development.,

Whilst no numerical setbacks are provided within the relevant planning framework including SEPP Seniors, as discussed in **Section 4.4.1** above, the development provides adequate separation to adjoining development with no unreasonable amenity impact including solar access or overlooking to adjoining development as discussed in **Section 5.3** below. Additionally, the updated scheme is numerically compliant with the provisions of SEPP Seniors.



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

The development presents to Murray Farm Road as a two (2) storey typology which is consistent with the existing streetscape. Further, the materials, design and colours proposed are consistent with the existing built form and would enhance the existing streetscape. It is noted that no variations to the relevant development standards are proposed under the provisions of SEPP Seniors.

In light of a consistency with the provisions of SEPP Seniors, the proposed developments-built form is considered to be worthy of support.

5.3 VISUAL PRIVACY

As provided within **Table 6** above, it is considered that the proposed development achieves compliance with Clause 34 of SEPP Seniors which seeks to ensure the proposed development will have minimal amenity impact on surrounding development in regard to visual and acoustic privacy. A detailed analysis of visual privacy to each Site boundary is provided below and within **Appendix 1**.

An analysis of the following views has been carried out in accordance with the views provided in **Figure 18** below from Level 1 of the development.

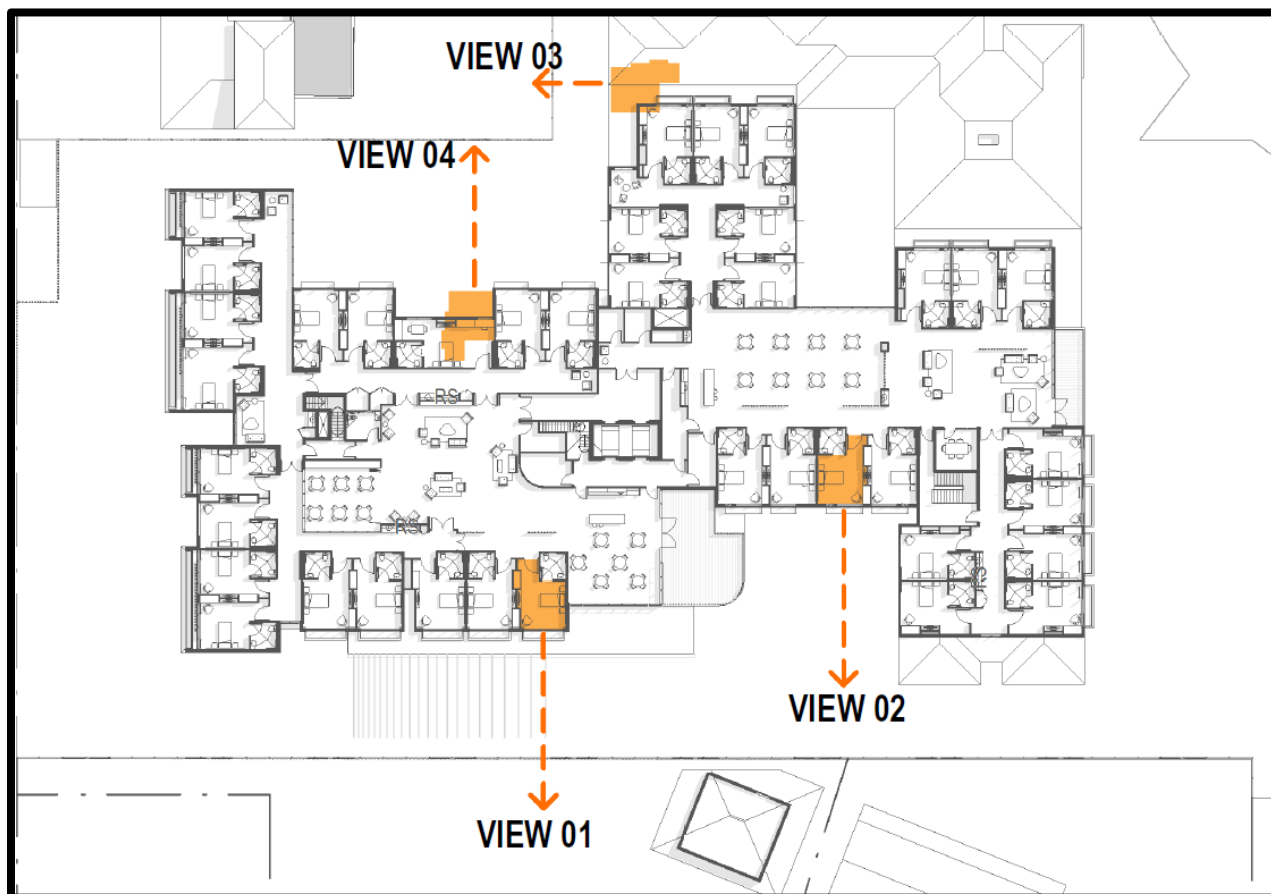


Figure 17. Visual Privacy Analysis (Source: Thomson Adsett, 2021)

Eastern boundary (View 01 and 02) – 63 Oakes Road and 41A Murray Farm Road, Carlingford



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

Overlooking opportunity to adjoining residential properties at 63 Oakes Road and 41A Murray Farm Road will be within acceptable limits given sufficient setbacks and intervening vegetation is proposed to the side boundary. A view perspective along the east facing bedrooms is provided in **Figure 19** below.



Figure 18. Visual Privacy Analysis to 41A Murray Farm Road (Source: Thomson Adsett, 2021)



Figure 19. Visual Privacy Analysis to 63 Oakes Road (Source: Thomson Adsett, 2021)



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

As demonstrated above, overlooking opportunities are minimal to residential properties along the eastern boundary given the setbacks proposed, extent of existing vegetation being retained, and with new vegetation proposed along the boundary.

Western Boundary (Views 03 and 04) – 49 Murray Farm Road, Carlingford

As discussed above, visual privacy impacts of the proposed development under the LEC judgement provided significant concern for privacy impacts to 49 Murray Farm Road. Particularly impacts on views from private open space of the rear yard and overlooking impacts. The development as proposed under this application has significantly reduced the scale at the north western section of the development allowing a development that suitably integrates with the adjoining properties.

A 6.8m setback from level 1 bedroom in the north-west corner of the development is provided. The setback is considered to be suitable as views from 49 Murray Farm Road, looking north are maintained as well as minimal opportunity for overlooking per **Figure 20** below. The south-western corner of the development provides a setback of 3.9m to 14.4m from the adjoining private open space of 49 Murray Farm Road. Anticipated views per **Figure 18** above, are provided with perspective below.

As demonstrated below, overlooking opportunities are minimal to the adjoining property of 49 Murray Farm Road.



Figure 20. Visual Privacy Analysis 49 Murray Farm Road (Source: Thomson Adsett, 2021)





Figure 21. Visual Privacy Analysis to 49 Murray Farm Road (Source: Thomson Adsett, 2021)

5.4 SOLAR ACCESS AND DESIGN FOR CLIMATE

The development has been designed to ensure maximum solar access for residents to main living areas and communal open spaces areas. Detailed solar access diagrams are provided within the accompanying architectural plans package at **Appendix 1**. It is noted that SEPP Seniors does not prescribe a required value for solar access.

Eastern facing resident rooms predominantly receive morning sun from 9am to 12pm with western facing properties to receive sunlight in the afternoon period of 12pm to 3pm. Communal open space areas will receive in excess of the minimum 3 hours of solar access as defined by the HDCP 2012 as detailed in **Table 14** below.

49 Murray Farm Road, Carlingford

The residential property adjoining the south west corner of the Site will be partially overshadowed in the morning period with no overshadowing impacts anticipated in the afternoon period from 12-3pm. Accordingly, the adjoining property will receive in excess of the minimum requirements of the HDCP 2012.

63 Oakes Road and 41A Murray Farm Road, Carlingford


The residential properties adjoining the eastern corner of the Site will not be further impacted given the orientation of the Site. Accordingly, the adjoining properties will receive in excess of the minimum solar access requirements of the HDCP 2012.

Table 13. Solar Access Diagram Analysis



Proposed Residential Care Facility


43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

Time of Day	Solar Access
9am Winter Solstice	 <p>Figure 22. Solar Access - 9am Winter Solstice (Source: Thomson Adsett, 2021)</p>
12pm Winter Solstice	



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

	Figure 23. Solar Access - 12pm Winter Solstice (Source: Thomson Adsett, 2021)
3pm Winter Solstice	<p>Refer to next page.</p>  <p>Figure 24. Solar Access - 3pm Winter Solstice (Source: Thomson Adsett, 2021)</p>

5.5 FLOODING

A Flooding Report has been prepared to accompany the application given the flood affection of the Site and is included in **Appendix 13**.

The report highlights that under consideration of **DA/85/2019**, local catchment TUFLOW hydraulic model was developed to determine additional flood risk information up to the PMF condition. The results of the modelling were presented in detailed mapping of peak PMF flood inundation extents and flood depth distribution (refer to **Appendix 13**).

The Council supplied flood information and PMF mapping by BMT indicate that only the Lot 19 Watton Road portion of the Site is affected by the simulated overland flow paths for the catchment. This nominal flood affected area is retained as open space in the proposed development design. The remainder of the proposed development incorporating the building infrastructure is outside of the PMF extent.

The Flooding Report found that all floors of the proposed development, including the residential basement areas, would provide for PMF immunity as a result of overland flooding. Given that the Site is not affected by the main catchment overland flow paths for the PMF event, there would be no requirement for any Site evacuation as a flood response. Nevertheless, some consideration has been given to flood access to the Site under the PMF condition. Access to the Site would not be overly restricted even during a PMF event. The



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

access to the east of the Site is mostly compromised given potential flooding around Oakes Road/Murray Farm Road. However, flood access would be generally available to the west of the Site along the potential routes of Murray Farm Road, Dryden Avenue, Tracey Avenue and North Rocks Road. North Rocks Road is located at the ridgeline at the top of the catchment and given the proximity of the Site can also be readily accessed even in PMF flood conditions.

As the proposed development would be located outside of the existing flood extents, there is no change in existing flood conditions or corresponding impact as a result of the updated development. Importantly, no built form continues to be provided within flood affected portion of the Site. Accordingly, the nature and configuration of the proposed development is considered compatible with the flood risk and meets flood planning requirements.

5.6 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

The application is accompanied by a CPTED Assessment at **Appendix 27**. The report was prepared in accordance with the principles of CPTED by a suitably qualified consultant. The Report provides that the crime risk opportunity for the Site is 'Medium' (based on a high rating level for the LGA and a low-risk rating for the suburb of Carlingford). Detailed measures and recommendations are outlined within the Report and based on the assessment undertaken against the architectural plans, the development has returned an overall CPTED rating of 'low'. Notwithstanding, it is anticipated that a condition of consent can be imposed to ensure that measures and recommendations provided within the report are undertaken. In light of this the development, on balance, is considered to be an appropriate response to CPTED principles as outlined below.

Principle 1 - Surveillance:

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical.

The legible configuration of circulation areas would provide clear sight lines to pedestrian and lift lobby entries, access to both natural daylight and ventilation, and would also allow good visual surveillance of the adjacent communal and public areas to enhance the means of addressing CPTED principles. Passive surveillance over the public domain would be afforded by residential apartment balconies, courtyards and windows over the streetscape. There would also be appropriate lighting to all exterior areas, both public and communal.

Principle 2 - Access Control

Access Control can be defined as physical and symbolic barriers that are used to 'attract, channel or restrict the movement of people.' Access to the non-communal areas of the Residential Care Facility would be controlled, with a security system employed at all entry points and within elevators. Residential car parking would be accessed by secure remote control, and existing mature trees coupled with new landscape plantings would reinforce the private nature of residential balcony/courtyard areas.

Principle 3 - Territorial Reinforcement

Territorial reinforcement prevents anti-social and criminal behaviour through informal means. The proposed development would include the following territorial reinforcement principles and methods:



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

- Signage (including security system signage where required) would be used to control activities and movements throughout the Site;
- Some target hardening techniques such as access control to certain areas of the site would be installed where appropriate to ensure a safe environment for users of the Site;
- Well maintained planters, gardens and pavers would continue to indicate the proposed development is well-used and cared for to reduce criminal activity at the Site;
- The residential entry lobby would be clearly defined as private space, to separate itself from the public domain; and
- Private areas would be separated by a landscape buffer from the public domain.

Overall, the territory of the Site would be reinforced as a site which does not tolerate anti-social or criminal behaviours.

Principle 4 - Space Management

Space management can reduce opportunities for anti-social and criminal behaviour. The proposed development would incorporate the following space management principles and methods:

- On the Ground Level, pathways and planters would continue to be well maintained by a landscape contractor. Continued repairs and maintenance would discourage anti-social behaviour, including vandalism, as well as ensuring that the Site retains its character;
- High quality materials used at the Site as well as boundary landscaping would assist in discouraging vandalism and graffiti;
- Vandalism or graffiti would be managed promptly; and
- Some target hardening techniques such as access control to certain areas of the Site would be installed where appropriate to ensure a safe environment for users of the Site.

Overall, the Site would provide little opportunity for anti-social behaviour or criminal activities to take place.

Overall, the development does not give rise for any significant opportunity for anti-social behaviour or criminal activities to occur and can achieve the objectives of CPTED subject to implementation of measures and recommendations per **Appendix 27**.

5.7 TRAFFIC & TRANSPORT

A Transport Impact Assessment (TIA) has been prepared in support of the proposed development and is included in **Appendix 4**.

Under SEPP Seniors, the proposed development would be required to provide at least 24 car parking spaces. The proposed development complies with this requirement and provides 24 car parking spaces. Of this provisions, one (1) accessible space will be provided satisfying the requirements of the BCA and the HDCP 2012.

The proposal is expected to generate approximately 35 vehicle trips during the morning and evening peak hours and is not anticipated to materially impact on the operation of the surrounding road network with key intersections remaining at the Level Service D or better during peak periods.

Site access, internal circulation and car parking arrangements have been designed with consideration of the requirements of the HDCP 2012 and relevant Australian Standards.



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

The analysis further demonstrates that the net traffic generation volumes are of a sufficiently low order that once distributed onto the surrounding road network, the impacts of these volumes at the key intersections would be negligible and that intersections would operate very close to their current performance. The forecast traffic generation corresponds to the addition of less than one vehicle to the local road network every minute under a worst-case scenario during peak periods, and the existing local intersections are expected to operate satisfactorily based on their existing performance.

In summary, the TIA concludes that the proposed development is supportable on traffic engineering and transport planning grounds and would not result in any adverse impacts on the surrounding road network or the availability of on-street parking.

5.8 STORMWATER & EROSION & SEDIMENT CONTROL

The DA is accompanied by Stormwater Management Plans and Report as provided at **Appendix 4** and **5**. The Plans have been prepared in consideration of Council's Stormwater Disposal and Development Engineering Guidelines.

In accordance with Clause 36 of SEPP Seniors the development achieves the stormwater design principle in ensuring the suitable control of stormwater runoff and minimise the disturbance of stormwater run-off to adjoining properties. Consideration has been given to Council's Stormwater Design Requirements under the HDCP 2012.

5.9 NOISE IMPACT ASSESSMENT

An Acoustic Assessment has been prepared in support of the proposed development and is included in **Appendix 15**.

Table 14 sets out the noise assessment criteria which would apply to the operation of the proposed development.

Table 14 Recommended Internal Noise Level Criteria	
Type of Occupancy/ Activity	Project Design Noise Objectives (most stringent criteria)
Ward Bedrooms	35 dB(A) _{Leq(9hr)} (10pm - 7am) and 40 dB(A) _{Leq(15hr)} (7am - 10pm) (SEPP)
Wellness	45 dB(A) _{Leq(15hr)} (7am - 10pm)
Admin	45 dB(A) _{Leq(15hr)} (7am - 10pm)
Staff	45dB(A) _{Leq(15h)} (7am - 10pm)
Kitchen	55 dB(A) _{Leq(15hr)} (7am - 10pm)
Café	50 dB(A) _{Leq(15hr)} (7am - 10pm)
Laundry, Bathrooms	50 dB(A) _{Leq(15hr)} (7am - 10pm)
Corridors and Lobby Spaces	50 dB(A) _{Leq(15hr)} (7am - 10pm)

The noise intrusion analysis was undertaken in accordance with the above criterion and was assessed having regard to traffic noise intrusion with elements concerning façade requirements and ventilation. Noise monitoring confirms that the traffic noise exposure of the Site is low to moderate and the proposed development does not need to have any specific measures incorporate to provide adequate levels of amenity under SEPP Seniors of the HDCP 2012.



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

Detailed review of noise emissions from the proposed Café and loading dock area were undertaken under the Acoustic Assessment having regard to adjoining residential receivers. Conclusions reached within the Acoustic Impact Statement provide that noise generated from the facilities operation including the café and loading dock use are within acceptable limits subject to the following recommendations being provided:

- A subsequent acoustic review be undertaken at CC Stage to determine acoustic treatments to control noise emission from any plant selection which will occur in detailed design stage;
- Truck delivery and garbage removal times should be limited to 7am to 6pm;
- The use of the loading dock area to store garbage, etc should not occur between 10pm and 7am except for emergency and safety reasons;
- The use of external spaces for recreation should be limited to 8am to 8pm
- External maintenance of the Site should be limited to 7am to 6pm Monday to Friday except where emergency or safety maintenance is required.
- The boundaries to other properties should have a 1.8m Colourbond (or other imperforate) fence.

In light of the above, the proposed development is considered to be within acceptable limits.

5.10 WASTE

The application is accompanied by a Waste Management Plan at **Appendix 13** which details the types and amounts of waste that will be generated by the development and methods of removal and disposal.

Access for waste collection vehicles would be off Watton Rd via a new designated service vehicle driveway. Waste vehicles would collect waste from the loading dock area which is wholly with the basement area. Additionally, waste vehicles would manoeuvre using the turning bay area at basement level and would exit from the Site using the same designated driveway. Waste collection vehicles would enter and leave the Site in a forward direction at all times. It is understood that suitable conditions of consent may be imposed regarding waste management for the proposed development.

5.11 CONTAMINATION

An Environmental Site Assessment was prepared in support of the proposed development and is included in **Appendix 6**.

Intrusive investigations were undertaken at the Site within areas of potential environmental concern as previously identified. The Environmental Site Assessment made the following findings:

- Soil concentrations of identified contaminants of concern were reported below the adopted health based and ecological site assessment criteria for the proposed residential land uses;
- Minor anthropogenic material was observed within the fill material in the northern portion of the Site and would require management during the proposed development;
- Asbestos containing materials were identified on the Site surface and there is also the risk that further asbestos containing materials may be present on the ground surface, beneath the existing vegetation cover that would require management, if identified. Asbestos containing materials were not reported in near-surface and deeper soil;
- Groundwater concentrations of identified contaminants of concern were reported below the adopted groundwater investigation levels, (ANZECC 2000 freshwater investigation levels for slightly to moderately disturbed systems);
- The risk of exposure to future users of the Site is low and not unacceptable. The risk to offsite



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

- receptors is also low and not unacceptable;
- An Asbestos Management Plan would be prepared for management of asbestos containing materials identified on the surface of the Site and for the management of asbestos that may be present in existing buildings at the Site. The asbestos management plan would consider regulatory requirements particularly for the proposed demolition of existing buildings; and
- Given the nature of the Site, it is recommended that a construction management plan including an unexpected finds protocol be implemented during the early works phase of future site development works such that any smaller scale issues associated with contamination may be suitably managed by the appointed contractors.

Overall, with these measures in place, it is considered that the Site is suitable for the proposed residential land use subject to the management of asbestos concerns via implementation of an Asbestos Management Plan to address regulatory requirements.

5.12 BIODIVERSITY AND VEGETATION

The application is accompanied by an Arboricultural Impact Assessment Statement at **Appendix 12**. It is noted that there is extensive existing vegetation across the Site. The proposed development has been designed to ensure the retention of trees where possible. Notwithstanding, to facilitate the promotion and orderly development of land the proposed development necessitates the removal of the following number of trees:

- 23 trees of low to moderate retention value.

The report also provides potential impacts to existing vegetation on Site and provides recommendations and methodology throughout construction to mitigate these impacts. Additionally, replacement tree planting is proposed within the landscape design as prepared at **Appendix 2** of the development to compensate for the loss of vegetation across the Site.

The application is also accompanied by a Flora and Fauna Assessment at **Appendix 11**. Whilst the Site is not identified as comprising Biodiversity Values within the Biodiversity Values Map under the *Biodiversity Conservation Act 2016* (BC Act) and *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act), the assessment provides Blue Gum High Forest is identified on the Site which is listed as a critically endangered ecological community. It is noted within the report that the Blue Gum High Forest is identified as in disturbed condition and as such does not meet classification as Matter of National Environmental Significance. It was also identified within the Flora and Fauna Assessment that no individual threatened flora and fauna species listed under the BC Act or EPBC Act were identified at the Site.

In light of the above, the Flora and Fauna Assessment concludes that the proposed development is unlikely to result in significant impacts to flora and fauna species in accordance with the BC Act and the EPBC Act and recommends appropriate mitigation measures to ensure the protection of ecological communities and species.

In addition, it is anticipated that appropriate conditions of consent pertaining to the protection of trees would be imposed by Council in any determination.

5.13 BUILDING CODE OF AUSTRALIA (BCA) AND ACCESSIBILITY



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

The application is accompanied by a BCA and an Accessibility Report at **Appendix 16** and **17** which demonstrates the development is capable of complying with the current standards.

5.14 SUITABILITY OF SITE FOR DEVELOPMENT

As detailed above and in the accompanying Appendices, the proposed development is considered to be in keeping with the objectives of the R2 zone applying to the Site. The proposed development's height, scale and bulk is commensurate to the existing building and responds appropriately to the surrounding context and setting.

The proposed development would not result in any unreasonable environmental or amenity impacts to surrounding properties. Accordingly, the Site is considered suitable for the development.

5.15 SUBMISSIONS

No submissions are apparent at the time of writing. However, the applicant is willing to address any submissions, should they be received by Council.

5.16 THE PUBLIC INTEREST

This SEE has demonstrated that the proposed development is consistent with the relevant planning framework and no matters of concern have been highlighted that would indicate the proposal is contrary to the public interest.



Proposed Residential Care Facility

43-47 Murray Farm Road, 13 Watton Road and 19 Watton Road, Carlingford (Lot 1 DP210512, Lot 16 DP238510 and Lot 6 DP259726)

PART F CONCLUSION

The purpose of this SEE has been to present the proposed RCF for 43-47 Murray Farm Road, 13 and 19 Watton Road, Carlingford (Lot 1 DP 210512, Lot 16 DP 238510 and Lot 6 DP 259726) and to assess its potential impacts having regards to Section 4.15(1) of the EP&A Act.

The proposal has been prepared after taking into consideration the following key issues:

- The context of the site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act;
- The aims, objectives and provisions of the relevant statutory and non-statutory planning instruments.

The proposal is considered to warrant a favourable determination for the following reasons:

- The proposed development is permissible within the R2 Medium Density Residential zoning applying to the land and under the provisions of SEPP Seniors;
- The proposed development achieves the objectives of the R2 Medium Density Residential zoning applying to the land;
- The proposed development is consistent with the objects of the EP&A Act including the orderly development of land and promotion of good design and amenity within the built environment; and
- The matters for consideration as outlined by Section 4.15(1) of the EP&A Act have been satisfactorily addressed.

In light of the above, the proposed development is considered to be worthy of support.

