

**CM13.5. Development Application 10.2020.37908.1 - Seniors Living & Specialist Disability Accommodation - 14 Kambora Court, Lavington**

<b>DATE</b>	26 November 2020	<b>FIL REFERENCE</b>	AF20/04269
<b>CONFIDENTIAL</b>	No		
<b>FURTHER ENQUIRIES</b>	David Christy City Development	<b>PHONE</b>	6023 8111
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**Summary**

This report is presented for Council's determination of Development Application 10.2020.37908.1 regarding land situated at 11, 12 and 14 Kambora Court, Lavington and described as Lots 7 and 8 in DP264529 and Lot 56 in DP 874877.

This report is presented for Council's determination as the Development Application has a value in excess of \$1,000,000.00 (\$2,567,000.00). The Development Application is lodged on behalf of Mercy Connect, who provide services across the Riverina/Murray, and Central West Regions supporting people with a range of intellectual and physical disabilities and offers support in rented accommodation and group homes. Mercy Connect provides a range of services to support adults, children and older people with a disability to live independently and get actively involved in their community. Sponsored by the Institute of the Sisters of Mercy, the not-for-profit Catholic organisation delivers programs registered under the National Disability Insurance Scheme (NDIS) to support people with disability.

The development proposes the construction of Specialist Disability Accommodation comprising Seniors Housing with supported living accommodation in a combination of residential care units and self-contained dwellings for persons with a disability. The proposal also includes a detached communal hub building, a moveable shed, car parking and landscaping.

The site is zoned R3 Medium Density Residential under Albury Local Environmental Plan (ALEP) 2010 and the proposed development is permitted in the zone with consent.

The Development Application was publicly exhibited from 28 October 2020 to 17 November 2020. No submissions were received during that period.

Following an initial assessment, Council officers requested further information from the applicant on 3 November 2020. The request concerned the following issues:

- stormwater management;
- driveway and concrete path in the road reserve;
- water; and
- waste management.

The applicant provided further information and amended plans on 12 November 2020, now forming part of the application and attached to this report.

Having regard to the site context setting and the ultimate design outcomes achieved, the application is recommended for approval subject to conditions as contained in the Draft Determination, included as attachment 4.

### **People**

Habitat Planning on behalf of Mercy Connect Limited.

### **Cost**

\$2,567,000.00.

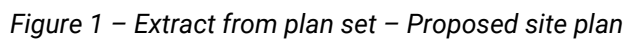
### **Development Description**

The development application proposes the construction of Specialist Disability Accommodation comprising Seniors Housing with supported living accommodation in a combination of residential care units and self-contained dwellings for persons with a disability. The development adjoins, and functionally integrates with the adjoining 12 Kambora Court, Lavington and is used for similar accommodation purposes provided by Mercy Connect in a Medium Density Residential zone and setting.

The development includes:

- construction of a detached 'Social Hub' building comprising:
  - communal lounge, dining, and kitchen facilities;
  - office;
  - overnight accommodation; and
  - outdoor patio and open space.
- accommodation facilities (three buildings) comprising:
  - two attached 2-bedroom Specialist Disability Accommodation units with attached carer's quarters;
  - two attached 1-bedroom Specialist Disability Accommodation units; and
  - three attached 1-bedroom Specialist Disability Accommodation units.
- construction of new crossover, access, circulation areas and car parking spaces for five vehicles including one space for persons with a disability;
- a moveable garden shed;
- creation of a Right of Carriageway; and
- internal landscaping, pedestrian pathways and fencing.

Development Plans of the proposed development is included in attachment 1. An extract from the plan set is provided in Figure 1 below.





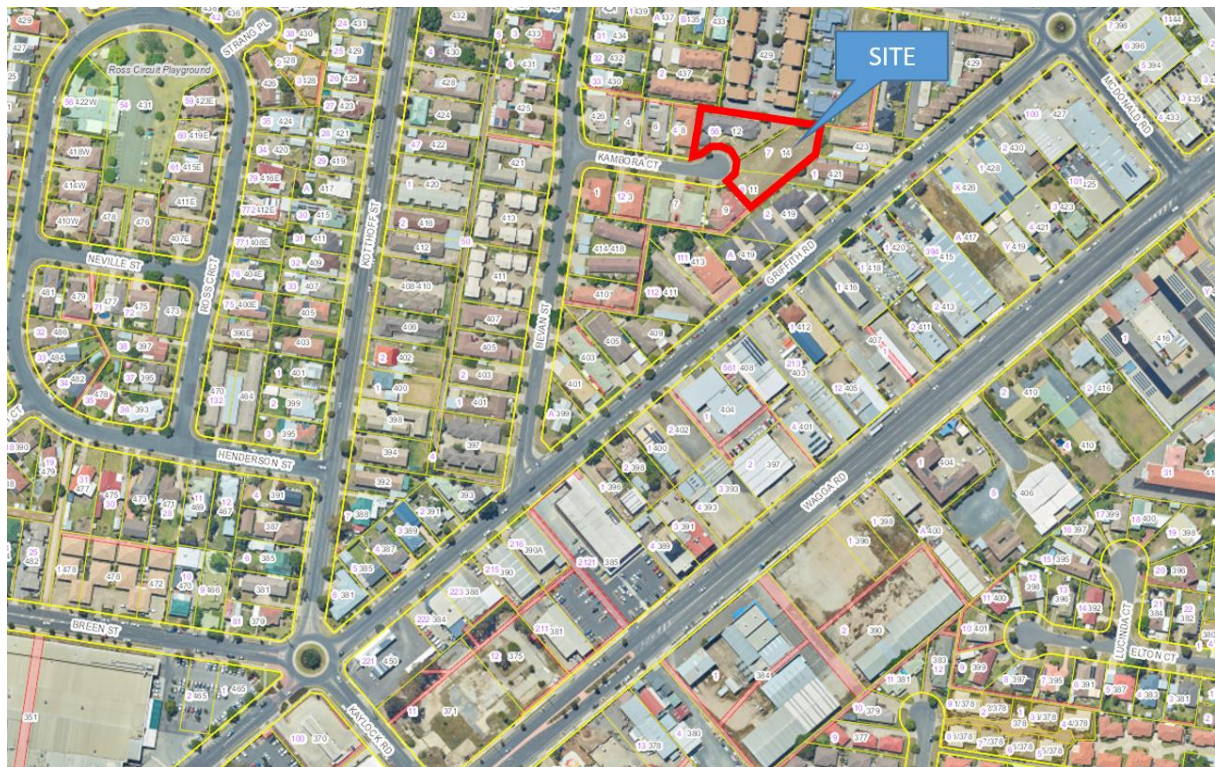


Figure 2 – Locality



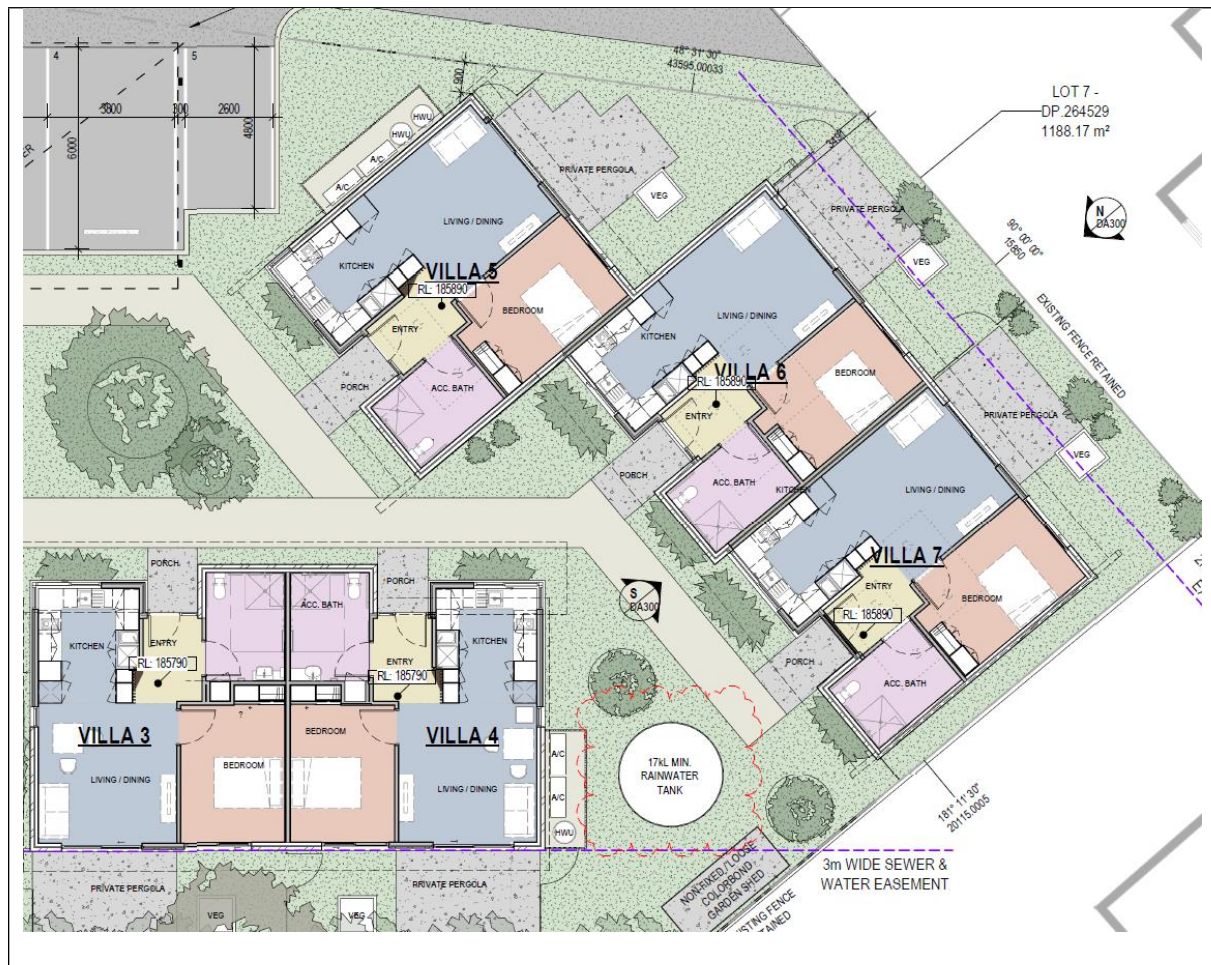
Figure 3 – Existing site conditions and local context

## Development Plans

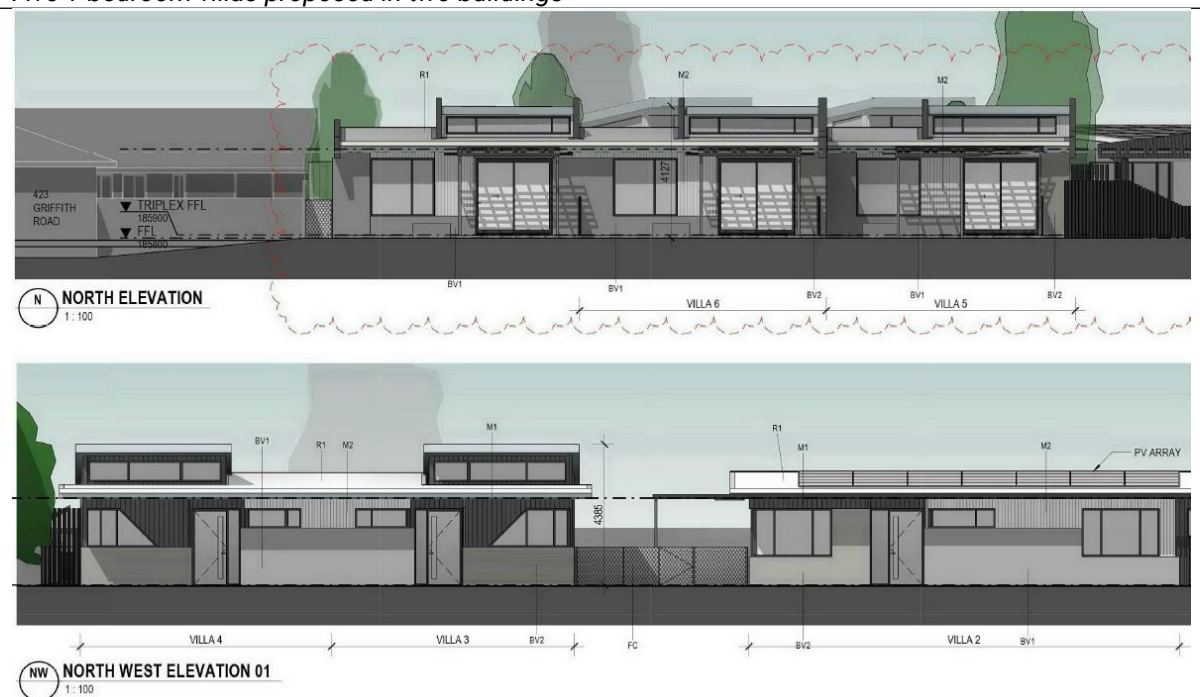
The proposal is shown in the Development Plans (included as attachment 1) and as described in the Statement of Environmental Effects (included as attachment 2).







Five 1-bedroom villas proposed in two buildings



Typical elevations of the development





*Proposed model of the development*

## **Key Issues**

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

This SEPP seeks to increase the supply and diversity of residences that meet the needs of seniors or people with a disability. It does this by setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in the Policy. The SEPP sets out the design principles that should be followed to achieve built form that responds to the characteristics of its site and make efficient use of existing infrastructure and services in an urban area. The SEPP applies to land that is zoned primarily for urban purposes and on which development of any of the following is permitted:

- *dwelling houses;*
- *residential flat buildings;*
- *hospitals; and*
- *development of a kind identified in respect of land zoned special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries.*

Under the SEPP the following definitions are applicable:

**Seniors housing:** *is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of: a) a residential care facility, or b) a hostel, or c) a group of self-contained dwellings, or d) a combination of these, but does not include a hospital.*

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

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

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

However, a consent authority **must not** consent to a development application made pursuant to this Chapter unless:

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

The proposal involves development which will be occupied by 'seniors' and/or people with a disability, as defined by the SEPP. Application was made pursuant to the provisions of the SEPP and Development Consent in accordance with and pursuant to the SEPP is sought.

**Comment:**

The proposal has been assessed against the relevant provisions of SEPP within the Development Assessment Report included in attachment 3. It is noted that the provisions of the SEPP prevail over the provisions of ADCP 2010 in the event of any inconsistency. In summary, the assessment covered, as a minimum, the following criteria:

- site compatibility;
- site requirements;
- the natural environment;
- impact on adjacent land;
- impact on open space or special use zones;
- services and infrastructure;
- bulk, scale, built form and character;
- site analysis;
- design principles;
- privacy;
- private open space and landscaping;
- solar access;
- stormwater;
- crime prevention;



- accessibility;
- car parking;
- waste management;
- building sizes and height;
- topography;
- security;
- internal room configurations; and
- fire safety.

The development is considered compliant with the controls of the SEPP and appropriate within the context and setting of the site. The assessment has concluded that the proposed development provides a suitable and satisfactory planning outcome. Condition A2 has been imposed to ensure consistency with the requirements of the SEPP, regarding the use of the site being restricted consistent with the SEPP.

#### Proposed office use

The proposed development includes an administrative office component. Office premises are prohibited in the “R3 Medium Density Residential” zone.

#### **Comment:**

Given this office is limited in size (approximately 15m<sup>2</sup>) and only serves to provide administration functions for the seniors housing development, it is considered an ancillary use, and not an **office premises** as defined in ALEP 2010.

The office will have no other commercial function nor will it accommodate any additional tenants. As such, the proposed office component is subservient to the dominant “Seniors Housing” use of the land and therefore permissible.

#### Stormwater management

Initial information and plans submitted were unclear regarding stormwater management. The development initially proposed to connect into the existing stormwater main located in the south west corner of Lot 8, which is undersized with no available capacity to service this development. Furthermore, this location is also the lowest point of the development which overland flows will fall towards.

Council requested that the applicant provide further information regarding overland flow pathways and evidence of the ability to discharge stormwater to a legal point of adequate capacity. The applicant was encouraged to conduct their own site investigation prior to commencing discussions with Council’s engineers.

**Comment:**

The applicant submitted additional information and amended plans addressing this issue. Refer to the General Arrangement Plan 500643-C01 Rev. B (SJE Consulting) included in attachment 1.

The General Arrangement Plan includes a drainage design that ensures directional overland flow paths to a point to be constructed of adequate capacity. The development includes a 17kL rainwater tank with 10,000L water retention in permanent storage, with overflow connection to proposed pipe network connecting to the existing drainage infrastructure in Kambora Court.

Retention in the rainwater tank is suitable for a 1 in 20 year storm, which is to be released at pre-developed flows via a 100mm diameter pipe to a new pit at the front boundary. The applicant has revised the tank to increase it in size to be a 17kL tank to hold 10,000L permanently.

The applicant further advised that their civil design engineers undertook a site inspection and have had preliminary discussions with Council's engineers regarding a design approach for stormwater drainage. The proposed drainage design is considered to be consistent with the agreed design approach, whereby the stormwater drainage is directed to the existing pit in Kambora Court via a new 225mm diameter pipe and as provided by the civil plan concept, which address the issue of capacity of the stormwater system.

Conditions of Consent will be imposed regarding stormwater management to ensure compliance with Council's Engineering Design Guidelines, should Council approve the development.

Driveway and concrete path in the road reserve

The initial plans submitted did not clearly indicate dimensions. However, the proposed double crossover appeared to significantly exceed Council's standards for a light industrial crossover (maximum width 7300mm and applicable to developments such as this). The applicant was requested to amend the drawings to show maximum crossover width of 7300mm, pursuant to standard drawing STD-R38.

Furthermore, the plans showed three proposed pedestrian crossings within the Kambora Court road reserve which required owner's consent, which was not obtained prior to lodgement of the application.

**Comment:**

The applicant submitted amended plans that reduces the widening of the driveway to a maximum width of 7300mm in accordance with Council's standard drawing for Standard Light Industrial Crossing (STD-R38). All pedestrian crossovers have been removed and no longer form part of the proposal.

### Water

The section of watermain fronting the site is 63mm in diameter, which is considered inadequate to service the proposed development in relation to pressure, flow and capacity, particularly in consideration of firefighting.

#### **Comment:**

In order to achieve the requisite flows to service the development including the sprinkler system, the water service will be upgraded to a 100mm tapping off of the nearest 100mm street main, at the boundary of Lot 56.

### Waste Management

It is unclear from the plans whether external waste bin allocation (three-bin system including general waste, green waste and recycling) will be accommodated at each villa or at the 'Social Hub' building. Whilst it can be assumed that waste pick-up will be at the kerb, no details were given regarding the location of bins and whether enough space is available for effective kerb side pick-up of all bins. The applicant was requested to provide further information with regard to these issues.

#### **Comment:**

The development, inclusive of each individual villa and the 'Social Hub' building, proposes standard domestic waste collection service comprising of the three-bin system. Each individual villa contains private open space areas behind their respective street front building alignments, suitable for bin storage, and with access to sealed pathways to the street via the driveway.

The 'Social Hub' building operates directly in conjunction with the Mercy Connect facility and subsequently only services those associated with these buildings. The waste generated by the 'Social Hub' will therefore be generally consistent with that generated by a standard single dwelling and therefore the standard domestic three-bin system is adequate and appropriate. Storage of the three bins is proposed in the external plant area at the rear of the 'Social Hub' building.

The development is owned and operated by Mercy Connect, who also own and operate the facility at 12 Kambora Court. Combined. The two sites will co-ordinate the siting of waste receptacles and their kerb side collection with both frontages utilised to facilitate appropriate truck movements. No onsite collection is proposed, and a waste truck will not be required to enter the development.

### **Options**

The Council has the following options in relation to this report:

1. Approve the application; or
2. Approve the application, subject to conditions; or
3. Defer the application for further information or redesign; or



4. Refuse the application.

Based on the assessment of the application and the manageable impacts arising from the proposed development, this report recommends that Council resolve to approve the application subject to the conditions contained in Draft Determination, included as attachment 4 to this report, as per Option 2.

**Conclusion**

Council staff have assessed the proposed development with regard to the submitted information, additional information and planning controls and requirements contained within the ALEP 2010, ADCP 2010, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and other relevant State legislation. It is the role of Council staff to objectively weigh and consider the submitted information as well as any issues raised during public notification. This involves balancing the issues identified by all parties and will not always result in agreement with the noted opinion of any of these parties.

The development is considered appropriate to the context and setting of the site. The proposed development is considered consistent with the objectives of the R3 Zone and the assessment has concluded that the proposed development provides a suitable and satisfactory planning outcome.

**Recommendation**

That Council:

- a. Receives and notes the contents of this report; and
- b. Grants Development Consent to Development Application 10.2020.37908.1 proposing the construction of Specialist Disability Accommodation comprising Seniors Housing with supported living accommodation in a combination of residential care units and self-contained dwellings for persons with a disability, including a detached communal hub building, a moveable shed, car parking and landscaping on Lot 7 and 8 in DP264529 addressed as 11 and 14 Kambora Court, and Lot 56 in DP874877 addressed as 12 Kambora Court, Lavington, subject to the conditions contained in the Draft Determination, included as attachment 4 to this report.

**Attachments**

1. Development Plans including superseded plans (DOC20/250664).
2. Statement of Environmental Effects (SEE) (DOC20/250674).
3. Development Assessment Report (DOC20/242498).
4. Draft Determination (DOC20/247285).