

<b>JRPP No</b>	2011HCC037
<b>DA Number</b>	DA 149/2011
<b>Local Government Area</b>	Upper Hunter Shire
<b>Proposed Development</b>	Two (2) Storey Residential Aged Care Facility Class 9C
<b>Street Address</b>	Gundy Road Scone
<b>Current Owner</b>	Strathearn
<b>Applicant</b>	Paynter Dixon Constructions
<b>Number of Submissions</b>	Two (2)
<b>Recommendation</b>	Approval with Conditions
<b>Report by</b>	Paul Smith, Planning Officer

### **Assessment Report and Recommendation**

#### **Executive Summary**

##### Proposed Development

The proposed development involves the erection of a two storey residential aged care facility and combined administration centre, which will comprise 136 beds providing residential aged care and dementia care for the elderly. The development will be undertaken by Strathearn which is a local community aged care provider based in the Upper Hunter Valley. Construction is proposed to occur in two stages, each to be occupied upon completion.

- Construction stage 1 - 68 residential beds facility including administration, kitchen, landscaping, parking and deliveries area.
- Construction stage 2 - 68 residential beds facility including laundry, landscaping and parking.

##### Referral to Joint Regional Planning Panel (JRPP)

In accordance with section 23G and Schedule 4A of the Environmental Planning and Assessment Act 1979, the proposal is referred to the Joint Regional Planning Panel for determination, as the development has a Capital Investment Value over \$10 million.

##### Permissibility

The site is zoned 2(a) Residential A pursuant to the Scone Local Environmental Plan 1986. A Residential Aged Care Facility is not a land use defined in the Scone LEP.

State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 is the principle planning instrument applying to aged care housing and the application has been submitted and assessed under the provisions of the SEPP.

### Consultation

The application was publicly exhibited and notified to adjoining landowners and two (2) submissions were received in response to the notification of the development. Public information forums were hosted by Strathearn and the applicant prior to the Development Application submission, including neighbours, business professionals, clubs and interest groups and the general public.

### Key Issues

The main issues identified in the assessment and/or raised in the submissions are summarised as follows:

- Traffic and pedestrian safety.
- Extension and augmentation of essential services.
- Proposed infrastructure provision including stormwater and traffic management.
- The development and master planning of the site in relation to the overall site and interrelationship with adjoining development proposals for Seniors Independent Living Units, Child Care Centre and Site infrastructure works.
- Future stages of the RACF, subject to separate applications being made.
- Increase stormwater runoff and management of stormwater.
- Cumulative impacts of salinity in relation to landform disturbance and building works.

### Recommendation

The Joint Regional Planning Panel in its function of determining the development application, grant conditional consent to Development Application No. 149/2011 for the Residential Aged Care Facility associated structures and infrastructure at Lot 1 DP 1169320, Gundy Road Scone.

## 1. Background

The land is identified as Lot 1 in DP 1169320 and is presently vacant grassland with a history of agricultural use predominantly associated with livestock grazing. The site was rezoned by way of Amendment No. 66 to Scone LEP1986 and a Development Control Plan (St Aubins DCP) was subsequently adopted by Council over the release area. The DCP included a Preferred Land Use Plan which identified Residential, Seniors Living and Education precincts. The land on which the development is proposed is identified for Seniors Living.

## 2. Site and Locality Description

The subject site comprises a large area of undeveloped, residential zoned land on the south-eastern urban fringe of Scone, with a site area of 8ha. The immediate locality to the north and west is characterised by a mix of existing and new residential subdivisions and housing.

The site is generally unconstrained by environmental hazards, with moderate slopes and open grasslands and several isolated trees on the southern boundary. The land has frontage to Gundy Road which is classified road that connects with the New England Highway approximately 1 km to the west.

Water and sewerage services are located nearby and will be extended to the development site.



Site of Proposed  
RACF Development

### 3. Project Description

The development application is for a Residential Aged Care Facility (RACF) with a floor area of 10,097 sq metres, accommodating 136 beds, providing residential aged care and dementia care for the elderly. Resident services will include; lounges, kitchenettes, communal and private dining areas, activity rooms, libraries, outdoor terraces and courtyards. Onsite services will also be provided including a doctor, a dentist, physiotherapist and hair dresser.

The built form of the proposal is a modern and architecturally designed 2 storey building with raised ceiling skylights to a maximum of 12.3m in height, linking walkways and a centrally located administration area. The design of the building responds to the rural residential character of the area and proposes lightweight material finishes including timber cladding, face brickwork and corrugated roof sheeting.

The building is designed in several distinct parts to facilitate a staged construction dependent on marketing and finance. At this stage the applicant has advised that the western part of the RACF building and central administration area will form the initial construction stage and the eastern part of the building would comprise a later stage. A future southern stage is indicated conceptually on the site plan and would be subject to a separate development application.

Vehicular access to the facility for service vehicles and the staff and visitor parking areas is proposed from two new driveway connections to Gundy Road. The main access will intersect with Gundy Road opposite Kilgallin Close forming a four way junction, providing access to the main building entry and visitor parking. The secondary vehicular access off Gundy Road is proposed at the eastern end of the site and will provide access for service vehicles and staff parking spaces.

The development will be undertaken by Strathearn, a local Community Aged Care Service Provider for accommodation for the elderly in the Upper Hunter. Strathearn have prepared a Masterplan for the entire 8ha Seniors Living Precinct which responds to four (4) essential aged care and community uses and development applications have been submitted for each use as follows:

1. **DA149/2011**- Residential Aged Care Facility  
(the subject development application - to be determined by the JRPP)
2. **DA254/2011** - Independent Living Units for Seniors  
(undetermined development application - to be determined by UHS Council)
3. **DA266/2011** - Childcare Facility accommodating up to 88 places  
(undetermined development application - to be determined by UHS Council)
4. **DA255/2011** – Site Infrastructure  
(undetermined development application - to be determined by UHS Council)

The Site Plan and Elevations for the Residential Aged Care Facility are attached as Appendix B. The Masterplan for the complete site is attached as Appendix E.

### 4. Consultation

In accordance with Council's Notification Development Control Plan the application was publicly exhibited from 15.09.2011 to 29.09.2011 and 2 submissions were received.

<b>Submission</b>	<b>Basis of Submissions</b>
Submission 1	Concerns raised in relation to traffic volumes generated by the proposed development and associated impacts on the local road network.
Submission 2	Concerns raised in relation to stormwater management and impacts on adjoining properties

## **5. Referrals**

### External

#### **NSW Rural Fire Service**

The development site is bushfire prone land and was referred to the Rural Fire Service for approval in accordance with Section 100B of the Rural Fires Act 1997. A Bushfire Safety Authority was issued following discussions between the applicant and the Rural Fire Service. In addition to standard construction, servicing and landscaping requirements, the approval issued by the RFS includes a requirement for a 50m APZ measured from the western extremity of the building. The creation of the APZ will require an easement to be created over adjoining land in stage 2 construction of the western side of the building. This requirement has been agreed to in discussions with the applicant and affected landowners and is included in the recommended conditions of consent.

#### **NSW Department of Primary Industries (Office of Water)**

The development is located within proximity to a natural drainage watercourse or riparian zone, located on the southern boundary of the site. The stormwater management plan includes a system of underground detention within the road layout, with controlled discharge outlets to the natural drainage system. The system will be designed to control flows from the site to pre-development levels. The development was referred to the NSW Office of Water on the 4 January 2012 for concurrence in relation to the Water Management Act 2000. The NSW Office of Water responded by issuing a Controlled Activity Approval and their requirements have been included in the recommended conditions of consent.

#### **NSW Department of Primary Industries (Catchments Unit)**

The supporting documentation for the development application included a Salinity Report which was referred to the NSW State Salinity Coordinator for consideration of salinity issues. The State Salinity Coordinator advised that the report adequately addressed their concerns and a condition of consent has been included that requires the submission of a Salinity Management Plan to be submitted and approved by the consent authority prior to the issue of a construction certificate. The Plan will include a program of groundwater monitoring to ensure that any issues arising from salinity levels are addressed in the implementation of the management plan

#### **Hunter Regional Development Committee**

The development application was referred to the Hunter Regional Development Committee through NSW Roads and Maritime Services (RMS).

The recommendations from the Committee in relation to vehicular and pedestrian access have been substantially addressed through revisions to the initial plans and submission of

additional information and further discussions with the RMS. Where necessary, conditions of development consent have been recommended to address the issues raised.

### **NSW Roads and Maritime Services**

The development application was considered by the RMS in relation to their concurrence requirements for access on a regional classified road. The RMS confirmed that it would be difficult to justify a roundabout treatment at the intersection of Gundy Road and Kilgallin Close on traffic volume and capacity grounds associated with the RACF, but further development of the St Aubins residential estate would require additional traffic impact assessment.

The RMS noted that issues relating to kerb and guttering, paved footways, drainage, pedestrian facilities, parking restrictions and cycle lanes are matters for Council's consideration and these matters have been addressed by conditions of consent.

Detailed access and intersection design plans for Gundy Road, fronting the development site were prepared by the applicant and approved by the RMS and conditions have been incorporated to ensure the works are completed in accordance with the approved plans.

### **NSW Police Service**

The development application was referred to the NSW Police Service who advised that the development would not impact on Policing in the local area command.

### **Hunter-Central Rivers Catchment Management Authority**

The development application was referred to the Hunter-Central Rivers Catchment Management Authority (CMA) and comments were received in relation to the Flora and Fauna, Stormwater and Salinity Issues.

#### Flora and Fauna

The CMA noted that the land was zoned 2(a) Residential and therefore excluded from the Native Vegetation Act 2003. Notwithstanding the recommendations contained within the flora and fauna assessment relating to mitigation of environmental impacts and retention and replacement of trees were supported.

#### Salinity

The CMA raised the issue of saline soils and recommended a management plan to address the issue. These concerns were subsequently addressed by the Salinity Report and workshop held between the applicant, DPI and CMA on the 23 March 2012.

#### Stormwater Management

The CMA noted the large area of impervious surfaces and recommended that a Stormwater Management Plan be provided to address on site detention and reuse. A conceptual stormwater management plan has been submitted which has the support of Councils Engineers subject to further design requirements prior to the issue of the construction certificate.

A summary of the external referrals is attached as APPENDIX C.

#### Internal

### **Health and Building**

The development proposal was reviewed by Council's Senior Health and Building Surveyor and standard conditions regarding compliance with the National Construction Code of Australia were recommended.

### **Water and Waste**

The development proposal was reviewed by Council's Manager of Water and Waste and conditions requiring water and sewer servicing and Section 64 augmentation charges in accordance with the Water Directorate Guidelines for Nursing Home/Special Care Home were recommended.

### **Engineering/Stormwater**

The development proposal was reviewed by Council's Manager of Civil Assets and standard conditions regarding stormwater, pedestrian pathways and road infrastructure were recommended.

The development proposal was referred to the Council Traffic Committee which raised no objection, provided it was carried out in accordance with the recommendations of the Hunter Regional Development Committee and the NSW Roads and Maritime Services.

## **6. Section 79C Considerations**

### **(a)(i) the provisions of any environmental planning instrument**

### **Scone Local Environment Plan 1986**

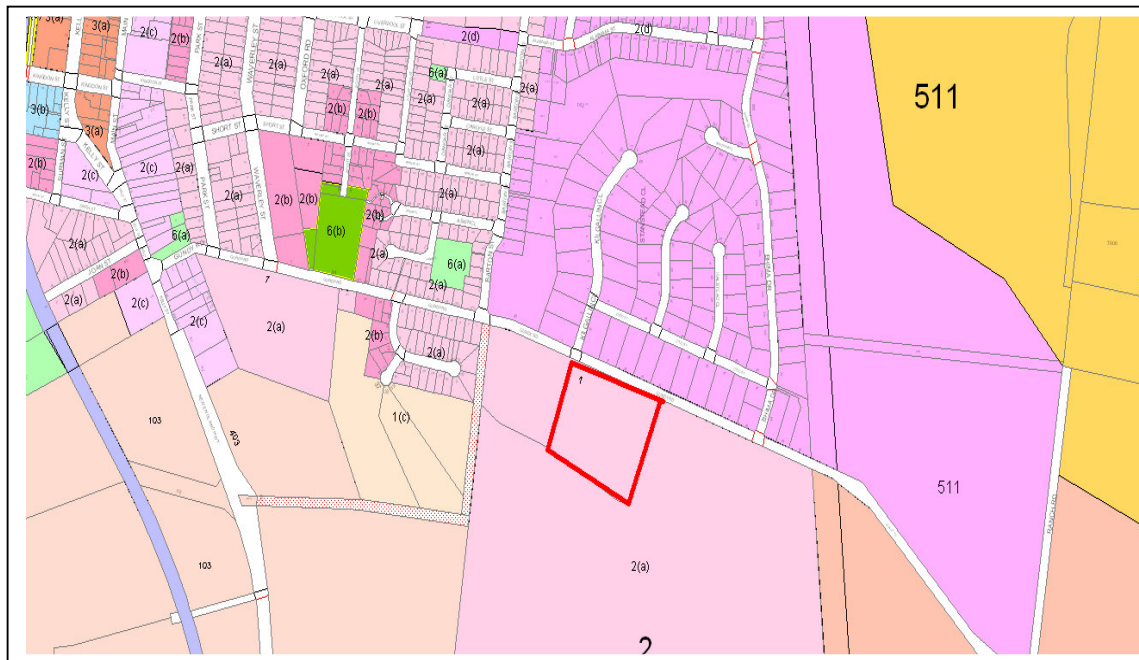
The land is zoned 2(a) Residential A Zone under the Scone Local Environment Plan (Amendment No 66) 1986. The development proposes a Residential Aged Care Facility which is not defined in the Scone LEP, however the proposal is permissible as a Residential Age Care Facility in the 2(a) zone with consent, in accordance with Statement Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

<b>Development Standard</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
Clause 18 – Height	A person shall not erect a building containing more than 2 storeys above ground level without the consent of the Council.	Limited to 2 Storeys with a maximum height of 12.3m height	Yes
Clause XX – FSR	Maximum FSR permitted in the 2(a) zone is 0.5:1.	FSR 0.42:1	Yes

Clause 46 of the Scone LEP requires that development consent must not be granted for development on the land to which this clause applies unless a development control plan that provides for the matters specified in subclause (4) has been prepared for the land. A development control plan has been prepared in accordance with the requirements of this clause and has been adopted by Council. The Plan provides a general guide to allocating land uses to encourage certain activities within the St Aubins release area. The DCP Figure 3. Preferred Land Use Plan designates the subject site as "Seniors Living" and the proposal

is therefore consistent with the intention of the Plan. Consideration of the DCP has been given in Section 6(a)(iii) of the assessment report.

#### Extract from Scone LEP 1986



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

The proposed development is subject to the provisions of SEPP (Housing for Seniors and People with a Disability) 2004. Appendix D provides a compliance table summary of the development against the SEPP clauses. Clause 40 Development Standards is assessed separately below:

#### Development Standards (Clause 40)

This clause states that a *consent authority must not consent to a development application made pursuant to this Chapter unless the development complies with the standards specified in this clause.*

Development Standard	Requirement	Proposal	Compliance
Site size	The size of the site must be at least 1,000 square metres.	80,000 sq metres	Yes
Site frontage	The site frontage must be at least 20 metres wide measured at the building line.	440 metres	Yes
Height in residential flat buildings are not	The height of all buildings in the proposed development must be 8	12.3m	Yes – the additional height



permitted,	metres or less	Notwithstanding the Scone LEP permits buildings of 2 storeys in the zone, including RFB's of 2 storeys for aged persons, a SEPP 1 Application was submitted, providing justification for the height of the building above the 8 metre height limit specified by the SEPP. The justification provided in the SEPP 1 application is acceptable in the event that a variation under SEPP 1 is required.	above 8m is permissible under Clause 40, noting the height limit does not apply to a residential zone where residential flat buildings are permitted.
	A building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and	The RACF is two (2) storeys	Yes
	A building located in the rear 25% area of the site must not exceed 1 storey in height	No buildings are located at the rear 25% of the site.	Yes
<b>Division 2 Residential care facilities—standards concerning accessibility and useability</b>	Development standards concerning accessibility and useability for residential care facilities are not specified in this Policy. For relevant standards, see the Commonwealth aged care accreditation standards and the <i>Building Code of Australia</i> .	The applicant submitted an access report.	The development will be required to comply with all relevant aspects of the Building Code of Australia

Scone LEP1986 permits Residential Flat Buildings in the 2(a) residential zone and buildings to a maximum of 2 storeys. In accordance with Clause 40, the 8m height limit does not apply, where the zone permits residential flat buildings. The height of the building is also considered appropriate from a merits based assessment having regard to the following factors:

- Bulk earthworks to level the site, will reduce the overall height of the development when viewed from Gundy Road.
- Surrounding residential development overlooks the site and there will be no overshadowing or loss of privacy.
- The design of the building is rural residential in character with lightweight materials which reduce the height bulk and scale of the development.
- The roof design and use of protruding ceiling skylights provides an impressive design element that also achieves good solar access and amenity for the residents of the building.

#### **SEPP 44 – Koala Habitat Protection**

The vegetation on the site comprises native and introduced grassland with several isolated trees. The trees do not constitute preferred feed trees and there is no recorded history of koala populations in the immediate vicinity. The site therefore is not core or potential habitat and in the circumstances it is considered that no further assessment under SEPP 44 is warranted.

### **SEPP 55 – Remediation of Land**

The site is not identified on Councils contaminated lands register as “contaminated” or “potentially contaminated” from previous land uses. A search of Council’s records and preliminary assessment indicates that the site has not been developed or used in any capacity that would result in any potential for contamination. In the circumstances it is considered that no further assessment under SEPP 55 is warranted.

#### **(a)(ii) the provisions of any draft environmental planning instrument**

There is no draft environmental planning instrument applicable.

#### **(a)(iii) any development control plans**

### **Upper Hunter Development Control Plan (Public Notification and Advertising) 2008**

The application has been notified for a period of 14 days in accordance with the provisions of the Upper Hunter DCP (Public Notification and Advertising) 2008.

### **Upper Hunter Development Control Plan (St Aubins Estate)**

The proposed aged care facility is consistent with the key development objectives outlined in the St Aubins Development Control Plan 2012 in that it will contribute positively to Scone and the Upper Hunter’s image, will achieve reasonable environmental sustainability objectives, is of a high standard of architectural design quality, will maximise opportunities for aged and dementia care, will protect the environmental qualities of the site and will stimulate investment in the local area.

The development is proposed within the Seniors Living development site which identifies the provision of aged care, childcare, community and other ancillary facilities within the site. In accordance with the design principles of the seniors living site, the proposal allows for passive surveillance, provides appropriate pedestrian linkages, provides quality landscaping, is in keeping with the proposed building line along Gundy Road, incorporates architectural features and landscaping that minimises visual impact on the public domain and provides a material and colour palette that responds to the rural residential nature of the area.

Clause 3.9 of the development control plan applies to “Significant Development Sites – Seniors Living”.

The objectives of the clause are as follows:

*(a) Provide a building form that addresses the functional and operational needs of the facility while responding to the rural residential nature of the area.*

The development proposes a modern and architecturally designed building that will meet the high and low care needs of residents including those with dementia. The building will also integrate with the landscape by the use of lightweight materials and natural colour finishes which minimises the perceived height, bulk and scale of the development.

*(b) To provide adequate on-site parking for residents, visitors and staff having regard to the locality and transport provisions on site.*

The application proposes adequate on-site parking for staff and visitors and will operate a regular bus service for residents. This is in accordance with the development standards in Clause 48 of the SEPP.

*(c) Provide 1 parking space suitable for an ambulance.*

The site has appropriate access and parking areas to accommodate emergency vehicles including ambulances. A designated space will be clearly delineated in the final design plans as required by a condition of consent.

*(d) To provide residents with safe, secure and usable communal open spaces appropriate for the specific user.*

The facility includes a number of passive open space areas both grass and paved for the use of residents. The building design is intended to minimise the bulk and scale of the development and provide formal and informal landscaped open space areas.

*(e) To provide quality landscaped areas and deep soils zones to support mature tree plantings, water percolation and to enhance residential amenity and outlook.*

The applicant has submitted a landscape design plan and statement which is acceptable to Council. This shows a combination of paving, lawns, trees and shrubs to be planted within the site.

#### **Upper Hunter Shire Section 94A Levy Contributions Plan 2008**

The Upper Hunter Shire Section 94A Levy Contributions Plan 2008 applies to the development and permits Council to impose a 1% levy based on the cost of the development. In accordance with the plan a development contribution of \$210,000 is payable.

However at its ordinary meeting in April 2012, Council considered a request from the applicant to waive the S94A levy, on the basis that the facility is a community based organisation, providing an essential service without generating a significant demand on existing services. Council subsequently determined that the development satisfied the exemption criteria and resolved that the development be exempt from the levy.

#### **Scone Contributions Plan No 1**

This plan enables Council to impose a condition that requires the payment of contributions for water and sewerage head works and augmentation. The developer will be required to extend services and be levied for the following Section 64 charges:

<b>Contribution (based on 136 beds)</b>	<b>ET</b>	<b>Contribution Amount</b>
Water (\$6,302)	<b>0.5/bed</b> Water directorate guidelines	\$428,536 (based on 136 beds)
Sewer (\$1,413)	<b>0.75</b> Water directorate guidelines	\$144,126 (based on 136 beds)
	Total	\$572,662

**(a)(iiia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into**

There are no planning agreements.

**(a)(iv) any matters prescribed by the regulations**

The Environmental Planning and Assessment Regulation 2000 calls up the National Construction Code (Building Code of Australia). The BCA Assessment Report advises that the development can readily achieve compliance with the Building Code of Australia (BCA) Deemed-to-Satisfy provisions or Alternative Solutions.

**(b) the likely impacts of the development**

**Access, Transport and Traffic**

The application has been accompanied by a "Traffic and Parking Assessment Report" prepared by Varga Traffic Planning Pty Ltd and dated 8 Dec 2011. The document concludes that the proposal:

*"will not have any unacceptable traffic implications in terms of road network capacity, and will not require any intersection improvements or upgrades other than the improvements proposed in Gundy Road to provide vehicular access to the site (p13), and*

*"the proposed development satisfies the parking requirements specified by Councils' Parking Code and the RTA Guidelines, as well as AS2890.1. In the circumstances, it is reasonable to conclude that the proposed development will not have any unacceptable vehicular access or parking implications, and is therefore recommended for approval" (p16)*

Council's Traffic Committee, the Hunter Regional Development Committee and NSW Roads and Maritime Services have all assessed the proposal as satisfactory subject to conditions of consent.

The development will result in increased traffic generation in the locality, however the residents of the facility will not have access to private vehicles. Strathearn proposes that the residents will be serviced by two small buses both with wheel chair access, providing a daily service to the town of Scone and beyond. Strathearn will also operate an individual car transport service on request, as well as using the services of Transcare who specialise in transport services for the elderly.

The development will provide 68 on site car parking spaces, 54 for staff at the rate of 1 per staff member and 14 spaces for visitors at a rate of 1 per 10 beds. A covered service and delivery bay is provided and will allow large service vehicles to enter and exit in a forward direction.

**Utilities**

The development will create additional demand on water, sewerage and electricity infrastructure, however there is existing capacity to service the development and the developer will be required to extend and augment services as required.

**Soils**

The construction stage of the development will involve the disturbance of a large area of land and erosion and sedimentation control measures will be implemented prior to the commencement of site works. This will include sediment control devices, stockpile storage areas contained within the site and measures to prevent the tracking of debris onto Council roads. These measures will need to remain in place until the site is fully landscaped in accordance with the approved plans.

The development site is within an area that is known to have saline soils. Development can change the movement of surface and ground water and thereby carry salt to other areas. Concentrations of certain kinds of salt can affect plant growth, soil chemistry and structure as well as the lifespan of materials such as bitumen, masonry, concrete and metal.

The applicant has provided a Salinity Report which identifies how salinity will be managed during the construction stage, including the development of a saline soil management plan, to contain saline soils and prevent runoff from the site. A salinity monitoring program will involve the installation of a number of piezometers on the site to provide ongoing monitoring of groundwater and salinity levels.

### **Heritage Assessment**

The subject site is not located within a heritage conservation area and does not contain, nor is it in the vicinity of, any items of heritage significance listed under the Scone LEP 1986.

A Cultural Heritage Due Diligence Assessment has been undertaken which found one potential scarred tree. As a result of the assessment, a number of recommendations have been made including a requirement for a representative of the Wanaruah LALC or Aboriginal stakeholder group to be present during the initial ground disturbance excavation; fencing off the scarred tree during construction to ensure its protection, whilst positive authentication can be established and documented prior to removal, and ensuring that the LALC and Office of Environment and Heritage is informed immediately in the event that any stone artefacts or objects are unearthed. A condition of consent is recommended requiring compliance with the recommendations of the due diligence assessment.

### **Air/Microclimate**

The construction stage of the development is likely to generate dust and it is therefore recommended that appropriate dust suppression measures are implemented during the construction phase.

### **Flora and Fauna**

The site is predominantly modified native grassland but also containing non-native species with scattered remnant trees. The development will involve the removal of vegetation and the applicant submitted a Flora and Fauna Assessment and seven part test under Section 5A of the EPA Act 1979.

The assessment concludes that the overall development will result in the loss of a small area of potentially suitable habitat for more mobile threatened fauna species. At a landscape level the impact risk for each of these species has been assessed as negligible to low and the removal of trees as proposed is not a risk.

The assessment indicates that the proposal is unlikely to have a significant impact on threatened biota on the basis of the following considerations:

- No evidence of any threatened species being present on the site.
- The site is of a disturbed nature with contained biodiversity values largely disconnected from natural ecological processes and function.
- The site is isolated from other areas of natural habitat and does not provide key movement corridors for threatened biota.

It is concluded that there will be no significant impact on threatened biota as a consequence of the proposal. Accordingly a Species Impact Statement is not considered necessary.

With respect to Matters of National Environmental Significance (MNES), the assessment concludes that the proposal is unlikely to result in a significant effect on any MNES and is consequently unlikely to constitute a controlled action. On this basis it is considered that a referral prepared in accordance with the EPBC Act is not required for the development.

There are a number of mature hollow bearing Yellow Box and Forest Red Gum specimens outside of the building envelope at the southern extremity of the site. The plan indicates that these trees are to be removed to ensure the safety of the construction workers and future elderly residents, staff and visitors of the facility. The trees have been assessed by an Arboriculturalist and failed the Visual Tree Assessment (VTA).

All of the surveyed trees within the development site are not suitable for retention as they are over mature and have extensive decay and structural issues.

### **Waste**

The construction stage of the development has the potential to generate large quantities of building waste from earthworks and removal of vegetation and the clearing of trees. The applicant has submitted a Waste Management Plan which identifies that there will be an estimated 20m<sup>3</sup> of garden waste and 8,000m<sup>3</sup> of excavated material. The plan suggests that all waste material will be reused on the site.

The waste generated from the operation of the facility will be sorted and recycled in an enclosed facility located within the central administration wing at ground floor level. The on site facility manager will ensure that waste is sorted and removed to the storage and recycling area. Strathearn's existing private waste contractor will collect and dispose of the waste in accordance with a Waste Management Plan submitted with the application.

### **Social Impact on the Locality**

The proposed development will create numerous social and economic benefits for Scone and the broader locality. Research indicates that there will be a significant growth in demand for aged care services and Strathearn's Services are targeting a key area of need, including Dementia Specific Care. Strathearn have provided the following comments on their proposal:

*"Dementia is one of the nations quickest growing diseases in terms of its prevalence within our society. Being able to provide appropriate care and support and accommodation option for those people in our community suffering from Dementia and their families is an ongoing challenge.*

*The proposed development will provide residential accommodation and care for the aging population within the region and provide dementia secure facilities. This is particularly important as the existing aged care facility is not in good condition and cannot accommodate the growing aged population of the district.*

*The new site will not only be designed to respond to community's needs, but will also be designed to facilitate engagement with the community, including the local neighbourhood".*

Strathearn have also established a Nurse Graduate program that will provide opportunities for work experience and future employment opportunities.

### **Economic Impact on the Locality**

There will be positive economic impacts resulting from the proposal by the creation of both short term and permanent employment in the construction and operation of the facility. A total of 54 staff will be employed in the operation of the facility. The development will also provide a solid base for established local commerce and services in the township of Scone.

### **Site Design and Internal Design**

The site is generally unconstrained and has suitable topography and size to accommodate the proposed facility, including future expansion. The design of the buildings and provision of services and open space is also considered appropriate for the locality.

The orientation of the building, large building setback (10.4m) and landscape buffer (3m) to Gundy Road Road will all assist in minimising the bulk of the building and providing a visually attractive development.

### **Construction**

The construction phase of the development and associated impacts will be managed by appropriate conditions of consent.

#### **(c) the suitability of the site for development**

The site is appropriately zoned and located for residential development including an aged care facility and services can be extended in a logical and cost effective manner.

#### **(d) any submissions made in accordance with this Act or the Regulations**

During the exhibition period, Council received two (2) submissions. The issues raised in the submissions are summarised and responded to as follows:

- *Traffic safety in relation to the Kilgallin Close-Gundy Road-Main Entrance Intersection*

#### Planning Comment:

The issue of traffic and pedestrian safety has been considered by the Regional Traffic Committee, the RMS, Council's Engineers and a Traffic Consultant employed by the applicant. While it is accepted that the development will result in significant traffic generation, conditions of consent are recommended which will ensure that potential conflicts are managed and the road network continues to operate efficiently.

- *The development will result in excessive amounts of stormwater flow which will impact on (the submitter's) property and result in increased costs to repairing the access road.*

#### Planning Comment:

The development application is supported by a detailed stormwater engineering concept plan, which proposes an integrated stormwater design for the whole of the site and includes on-site detention and reuse to limit the impacts of stormwater offsite. The development proposal has been assessed by the Council's Engineers and the Office of Water and it is considered that the proposed management of stormwater is acceptable.

#### **(e) the public interest**

The St Aubins site was rezoned to Residential 2(a) by Council. The potential development for residential or other purposes which comply with the zone objectives has been envisaged for a number of years. The rezoning was the subject of public consultation as is the current development application. There were only a limited number of public submissions received

during the notification process raising concerns that have subsequently been addressed by the applicant and/or by appropriate conditions of consent.

The development of the Strathearn proposals is in the public interest. The provision of additional and updated aged care facilities will have significant positive social and economic benefits by addressing the shortage of aged care and dementia care housing for the elderly.

Strathearn has taken the initiative to progress the project on behalf of the community and has committed itself to the project, which is targeted and will deliver clear community benefits. It is considered that the development is therefore in the public interest.

## **7. Conclusion**

The application has been assessed as satisfactory against Section 79C of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, Scone Local Environmental Plan 1986, Upper Hunter Shire Development Control Plan 2008 and Upper Hunter Shire Development Control Plan (St Aubins Estate).

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

Accordingly, it is recommended that the application be approved subject to appropriate conditions of consent.

## **8. Recommendation**

That the Joint Regional Planning Panel in its function of determining the development application No 149/2011 for Residential Aged Care Facility associated structures and infrastructure at Lot 1 DP 1169320, Gundy Road Scone grant consent to the development application subject to conditions attached as Appendix A to the report.



## APPENDIX A - Conditions of Consent

### IDENTIFICATION OF APPROVED PLANS

1. The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions.

JOB REFERENCE NO	SHEET No	REVISION No	DRAWN BY	DATE
2010104	DA000	A	Jackson Teece	26.08.2011
2010104	DA001	B	Jackson Teece	15.03.2012
2010104	DA002	C	Jackson Teece	13.04.2012
2010104	DA004	J	Jackson Teece	13.04.2012
2010104	DA110	B	Jackson Teece	13.04.2012
2010104	DA111	B	Jackson Teece	13.04.2012
2010104	DA112	B	Jackson Teece	13.04.2012
2010104	DA300	B	Jackson Teece	13.04.2012
2010104	DA301	B	Jackson Teece	13.04.2012
2010104	DA400	B	Jackson Teece	13.04.2012
SS11-2357 (A3 Report)	001-026	C	Site Image Landscape Architects	06.09.2011
SS11-2357 (A0 Master Plan Drawing)	101	C	Site Image Landscape Architects	05.09.2011
10/2062.11	01	B	K F Murphy & Associates Surveyors	13.07.2011
22-15845	G300	D	GHD	21/05/2012
22-15845	C301	E	GHD	21/05/2012
22-15845	C302	E	GHD	21/05/2012
22-15845	C303	E	GHD	21/05/2012
22-15845	C304	E	GHD	21/05/2012
22-15845	C305	E	GHD	21/05/2012
22-15845	C306	E	GHD	21/05/2012
22-15845	C307	E	GHD	21/05/2012
22-15845	C308	D	GHD	21/05/2012

22-15845	C309	E	GHD	21/05/2012
22-15845	C310	E	GHD	21/05/2012
22-15845	C311	E	GHD	21/05/2012
22-15845	C312	E	GHD	21/05/2012
22-15845	C313	D	GHD	21/05/2012
22-15845	E100	B	GHD	06/09/2011
22-15845	E200	A	GHD	05/09/2011
22-15845	H100	A	GHD	05/09/2011
22-15845	H103	A	GHD	05/09/2011
22-15845	H104	A	GHD	05/09/2011

**OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION**

**Building and construction**

2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

**ANCILLARY MATTERS TO BE ADDRESSED TO THE SATISFACTION OF COUNCIL PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

**Construction Management**

3. A Construction Management Program must be submitted to, and approved by the Council prior to the issue of any Construction Certificate. The program shall include such matters as:
- a) a Safe Work Method Statement;
  - b) the proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
  - c) the proposed phases of construction works on the site, and the expected duration of each construction phase;
  - d) the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
  - e) the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
  - f) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;

- g) the proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- h) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
- j) proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings and fans over footpaths and laneways;
- k) proposed protection for Council and adjoining properties;
- l) the location and operation of any on site crane;
- m) the location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval; and
- n) location, identification, treatment and disposal of all hazardous materials on site.

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

#### **Traffic Management**

4. A Traffic Management Plan prepared by an appropriately qualified civil engineer shall be prepared and submitted to Council for written approval prior to the issue of any Construction Certificate. The Traffic Management Plan shall include certification and details addressing the following:-
  - (a) Details demonstrating compliance with relevant provisions in AS2890.1 – Off Street Car Parking Facilities, including, but not limited to, aisle widths, and parking space dimensions;
  - (b) Allocation of parking spaces for specific purposes including disabled access, loading and service areas and emergency ambulance vehicles;
  - (c) Details of the proposed circulation routes within the car park;
  - (d) Details of proposed pedestrian routes, kerb construction methods and other protective measures such as bollards or the like to ensure safety of users;
  - (e) Details of proposed traffic control signage to be installed and references to relevant RTA Guidelines and Australian Standards; and
  - (f) Details of speed limit restrictions within the car park.
  - (g) Details of internal lighting of car park areas and external street lighting along the frontage of Gundy Road.

### **Stormwater Management**

5. The stormwater system shall be constructed to an appropriate standard in compliance with the Council's *Engineering Guidelines for Subdivisions and Developments*. This shall ensure drainage facilities are provided to intercept stormwater runoff and collect gross pollutant from the car park and sealed areas that would otherwise be discharged across the natural surface.

Prior to the issue of a construction certificate full engineering details are to be submitted for stormwater infrastructure and for stormwater calculations in regard to the detention capacity of proposed car parks, pit types, pipe sizing and collection of gross pollutants. All roof areas shall be drained directly to drainage outlets to ensure adequate provision is made for the disposal of stormwater.

All design details are to be certified in accordance with the above requirements by an appropriately qualified and practising Civil Engineer, and written concurrence obtained from Upper Hunter Shire Council, prior to the commencement of work.

### **Water and Sewer**

6. The water main(s) and related infrastructure shall be extended to service the development and constructed in accordance with the requirements of the Upper Hunter Shire Council's Technical Services Department. The applicant shall liaise with Council's Water and Waste Division regarding the submission of design and construction details for all works associated with the sewer main construction. The work shall comply with AS/NZS 3500, *Plumbing and Drainage Standards*, and Council's Engineering Guidelines for Subdivision and Development.

Plans and design details demonstrating compliance with the requirements of the Water and Waste Division shall be submitted to, and approved by the Certifying Authority prior to the issue of a Construction Certificate.

7. A fire hydrant shall be provided to service the development at full cost to the applicant. The fire hydrant installation shall meet the requirements of AS 2419 'Hydrant Code'.

The applicant shall liaise with Council's Technical Services Department regarding submission of design and construction details any works associated with the fire hydrant installation. All work shall comply with AS/NZS 3500 *Plumbing and Drainage Standards*, and Council's Engineering Guidelines for Subdivision and Development.

Plans and design details demonstrating compliance with any requirements of the Technical Services Department and AS 2419 'Hydrant Code' shall be submitted to, and approved by the Certifying Authority prior to the issue of a Construction Certificate.

8. The sewer main(s) and related infrastructure shall be extended to service the development and constructed in accordance with the requirements of the Upper Hunter Shire Council's Technical Services Department. The applicant shall liaise with Council's Water and Waste Division regarding the submission of design and construction details for all works associated with the sewer main construction. The work shall comply with AS/NZS 3500, *Plumbing and Drainage Standards*, and Council's Engineering Guidelines for Subdivision and Development. All required works shall be undertaken at full cost to the applicant.

Plans and design details demonstrating compliance with the requirements of the Water and Waste Division shall be submitted to, and approved by the Certifying Authority prior to the issue of a Construction Certificate.

#### **Access and car parking**

9. A minimum width 2.0m reinforced concrete shared pedestrian/cycleway shall be provided for the full frontage of the southern side of Gundy Road adjacent to the subject land (Lot 1 DP 1169320) to connect with the existing pedestrian/cycleway network on the corner of Gundy Road and Barton Street, in accordance with *Council Engineering Guidelines for Subdivisions and Development*.

Details demonstrating compliance with this requirement shall be submitted to, and approved by, the Certifying Authority prior to the release of the Construction Certificate.

The pedestrian/cycleway is to be aligned 1 metre from the back of kerb, and constructed in accordance with Councils design guidelines. Detailed constructional drawings prepared by an appropriately qualified and practising Civil Engineer, shall be submitted to, and approved by the Certifying Authority prior to the release of the Construction Certificate. Footpath sections are to be made available for inspection by the Principal Certifying Authority immediately prior to concrete pours.

10. The person acting on this consent shall construct the Gundy Road-Kilgallin Close-main vehicular access and the service entry intersection in accordance with the requirements of the NSW Roads and Maritime Services Plan No's 22-15845-C305 Rev E and 22-15845-C306 Rev E.
11. A total of 68 off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate.

A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted to Council prior to the issue of any Construction Certificate.

#### **Road works and stormwater**

12. The person acting on this consent shall provide kerb and gutter to the full frontage of the southern side of Gundy Road adjacent to the subject land (Lot 1 DP 1126291) and extend the road pavement to connect with the kerb and gutter.

The existing stormwater line located along the frontage of the site from Barton Street to Kilgallin Close, shall be replaced by the developer in conjunction with the road works. All work as a minimum shall be designed in accordance with *Council Engineering Guidelines for Subdivisions and Development*. Detailed constructional drawings prepared by an appropriately qualified and practising Civil Engineer, shall be submitted to, and approved by the Certifying Authority prior to the release of the Construction Certificate.

#### **Erosion and Sediment Control**

13. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to

be in accordance with The Blue Book published by Landcom provisions on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- a. all details to protect and drain the site during the construction processes;
- b. all sediment control devices, barriers and the like;
- c. sedimentation tanks, ponds or the like;
- d. identification of temporary site access from the road to the construction site;
- e. covering materials and methods;
- f. a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Detailed plans demonstrating that these design requirements have been met shall be submitted to, and approved by the Certifying Authority prior to the release of the Construction Certificate.

#### **Salinity Management Plan**

14. Prior to the issue of a construction certificate a salinity management plan developed in accordance with Section 6.2 of the Salinity Report (GHD, April 2012) shall be prepared and submitted to the Consent Authority for approval.

The Salinity Management Plan must address the following matters (as a minimum):

- Introduction
- Catchment Profile
- Site profile
- Groundwater levels and salinity levels
- Zone specific measures
- Stormwater runoff treatment facilities
- Water management and vegetation
- Building materials
- Subsoil drain types
- Filter requirements
- Cuts in dispersive clay
- Road embankment fill
- Building platform fill
- Monitoring
- Reporting

The Plan shall stipulate the requirement for a salinity monitoring program to be implemented comprising the installation of a minimum of five (5) piezometers at locations identified in Figure 1 of the Salinity Report. In addition the monitoring component shall measure groundwater levels and groundwater electrical conductivity.

#### **Health and Hygiene**

15. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried

out in accordance with the requirements of:-

- (a) The Food Act (as amended)
- (b) The Food Regulation (as in force);
- (c) AS4674 (Design, Construction and Fit-Out of Food Premises);
- (d) The Clean Air (Plant and Equipment) Regulation;
- (e) AS 1668 Part 2;
- (f) The Protection of the Environment Operations Act; and
- (g) The National Construction Code Series;

The relevant matters to be taken into account under this approval relate to:-

- i. construction, materials and finishes;
- ii. installation of fixtures, fittings and equipment;
- iii. washing facilities, other facilities and special requirements;
- iv. mechanical ventilation and exhaust discharges; and
- v. temperature control

Detailed plans and specification of work demonstrating that these design requirements have been met shall be submitted to, and approved by the Certifying Authority prior to the release of the Construction Certificate.

#### **Trade Waste Agreement**

16. The Owner of the property shall enter into a trade waste agreement with Upper Hunter Shire for the disposal of all trade waste generated by the development. Documentary evidence demonstrating compliance with this condition shall be submitted to, and approved by the Certifying Authority prior to the release of the Construction Certificate.

Note: This includes food premises which will require a grease trap or a grease arrestor.

#### **CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT**

#### **Erosion and Sediment control**

17. All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

#### **Insurance**

18. Prior to any commencement any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or

public land, as approved in this consent. The Policy is to note, and provide protection for Upper Hunter Shire Council, as an interested party and a copy of the Policy must be submitted to Council and the Principal Certifying Authority prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

### **Aboriginal Cultural Heritage**

19. Prior to excavation/ground disturbance work commencing the person acting on this consent shall notify the Wanaruah Local Aboriginal Land Council (Contact Noel Downs, CEO, Telephone: 02 6543 1288).
20. A representative of the Wanaruah Local Aboriginal Land Council or Aboriginal stakeholder group should be invited to be present during *“the initial ground disturbance and excavation of each staged construction area”*. The presence of this representative when work is undertaken in the study area will ensure that decisive actions can be taken to protect these Aboriginal objects from unintentional harm.
21. Prior to the commencement of work the potential scarred tree (‘SAC-ST1’) identified in the Due Diligence Aboriginal Cultural Heritage Assessment is to be temporarily fenced in a suitable manner (eg. star-pickets and barbed wire) to protect it while construction is being carried out in Lot 1. Should the potential scarred tree (SAC-ST1) need to be removed, positive determination of the authenticity of the scar will need to be undertaken.
22. A representative of the Wanaruah Local Aboriginal Land Council or Aboriginal stakeholder group is to be notified and invited to be present during the extraction of mature tree roots bowls.

### **Building and construction requirements**

23. Unless an existing stabilised site access is utilised, stabilised site access consisting of at least 200mm of aggregate at 30–60mm in size be a minimum of 3m in width and must be provided from the road edge to the front of the building being constructed. The stabilised access must be fully maintained and removed from the site when a permanent driveway has been constructed.

The installation must be approved by the principal certifying authority prior to the commencement of site works.

24. Site facilities
  - (a) If the development involves building work or demolition work it is recommended that the work site be fully enclosed by a temporary security fence (or hoarding) before work commences. Any such hoarding or fence is to be removed when the work has been completed.
  - (b) Adequate toilet facilities must be provided on the work site. Each toilet provided must be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or an approved temporary chemical closet.

The provision of toilet facilities must be completed before any other work is commenced.

The installation of the site facilities shall be approved by the Principal Certifying Authority prior to further commencement of site works and prior to the first inspection.



25. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited;
  - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

The installation is to be approved by the Principal Certifying Authority prior to further commencement of site works.

26. No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

#### **Waste Management**

27. A Waste Management Plan is to be submitted to Council prior to the commencement of works. The plans should include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, all landfill removed from the site, haulage routes, design of on-site wind proof waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

### **CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

#### **Building and construction requirements**

28. (a) Subject to this clause, building and construction is to be carried out during the following hours:
- i. between Monday to Friday (inclusive)—7.00am to 5.00pm
  - ii. on a Saturday—7.00am to 4.00pm
- (b) Building and construction must not be carried out on a Sunday or a public holiday.
- (c) The builder and excavator must display, on-site, their 24 hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.
29. At the following stages of construction, an inspection is required by Council:
- (a) Sewer drains – all pipes are to be correctly laid, suitably bedded and ready for backfilling. Suitable backfill material is to be available on site at the time of inspection
  - (b) Connection of stormwater drainage to Council infrastructure

- (c) Driveway crossover of the footpath or nature strip
  - (d) Council infrastructure
30. The applicant shall bear the cost of all works associated with the development that occurs on Council's property, unless otherwise agreed with Council.

#### **Aboriginal Cultural Heritage**

31. In the event that any stone artefacts are unearthed outside or within the immediate impact areas during construction, the NSW Office of Environment and Heritage (OEH) EnviroLine (phone 131 555), Wanaruah LALC (Noel Downs, CEO on phone (02) 6543 1288) and OEH Newcastle (Archaeologist on phone (02) 4908 6837) must be informed immediately. The site is to be recorded and management strategies (which may include the OEH *Aboriginal cultural heritage consultation requirements for proponents 2010*) put in place for its/their protection before any further work can commence in the area

<b>CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE</b>
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#### **Restriction as to user**

32. The applicant shall place a Restriction as to user on the title of the property in accordance with Section 88E of the Conveyancing Act 1919 that limits the use of the dwelling to accommodation for the following persons:
- (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 the existing housing provided on the allotment.

A certified copy of the 88E instrument shall be submitted to the Certifying Authority prior to the issue of any Occupation Certificate.

#### **Certification of Engineering works**

33. Certification of Civil works
- (a) An appropriately qualified and practising Civil Engineer shall certify to the Principal Certifying Authority that the stormwater drainage system has been constructed in accordance with this consent and the provisions of AS3500. The applicant shall, upon completion of the development works and prior to the issue of an Occupation Certificate, submit to Council a copy of the aforementioned letter of certification.
  - (b) An appropriately qualified and practicing Civil Engineer shall certify to the Principal Certifying Authority that the vehicular intersections, associated works and road works, have been constructed in accordance with the approved plans. The applicant shall, upon completion of the development works and prior to the issue of an Occupation Certificate, submit to Council a copy of the

aforementioned letter of certification.

34. The applicant shall, upon completion of the development works, submit to the Principal Certifying Authority the works-as-executed drawing (W.A.E.) and certification from a practicing Civil Engineer that the works have been executed in accordance with AS3500, prior to the release of an Occupation Certificate.

The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures.

35. The fire hydrant shall be installed in accordance with the approved plans and relevant standards. Written confirmation from the Council's Technical Services Department confirming that this work has been completed shall be submitted to, and approved by the Certifying Authority prior to the issue of any Occupation Certificate.

36. The developer shall submit to the Principal Certifying Authority a letter from telecommunications provider confirming that satisfactory arrangements have been made for the provision of underground telephone and cable television services, prior to the release of the Subdivision Certificate or issuing of any Occupation Certificate.

37. The mechanical exhaust system shall be installed in accordance with AS1668, and be operated in such a way so as to minimise/prevent the creation of odours, fumes and excessive noise which may adversely affect the amenity, or interfere unreasonably with the comfort or repose of occupants of the building and adjoining premises.

Certification, from an appropriately qualified and practising Mechanical Engineer, is to be submitted to the Principal Certifying Authority, detailing that the exhaust ventilation system has been installed in accordance with AS1668, prior to completion and the issuing of any Occupation Certificate.

38. All required parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall be fully constructed, sealed, line marked, sign posted, numbered and in accordance with the consent prior to the issue of any Occupation Certificate.

39. The building is not to be used or occupied until a final inspection has been carried out and any Occupation Certificate has been obtained from the Principal Certifying Authority.

40. The person acting on this consent shall provide kerb and gutter to the full frontage of the development site on the southern side of Gundy Road between the Kilgallin Close intersection and the site of the Residential Aged care Facility, including extending road pavement and shoulder sealing to connect the road pavement to the kerb an associated stormwater infrastructure. All work shall be completed prior to the issue of an Occupation Certificate.

Parking restrictions should be implemented on both sides of Gundy Road in the vicinity of the central vehicular access to ensure appropriate access/ intersection sight distance. Installation of signage shall be in accordance with a Signage Plan submitted to and approved by Council.

41. The person acting on this consent shall construct the Gundy Road-Kilgalllin Close-main vehicular access intersection in accordance with the requirements of Council and the NSW Roads and Maritime Services. All work shall be completed prior to the issue of an Occupation Certificate.

#### **Water and Sewer**

42. Signage in accordance with AS3500.1 shall be installed to all taps that supplied by the rainwater tank where mains reticulated water supply is provided to the site.
43. The premises shall be connected to the sewer system in accordance with the Australian Standard 3500. A works as executed plan on Council's approved form is to be submitted to Council within seven (7) days following the final drainage inspection and prior to the issue of any Occupation Certificate.

#### **Developer Contributions**

44. A contribution pursuant to Section 64 of the Local Government Act, 1993 for the services detailed in column A and, for the amount detailed in column B shall be made to Council, unless alternative arrangements are made by the proponent and agreed to by Council.

Contribution type (a)	Amount per bed (B) (\$)	Total (C)
Water	\$3,151 (136 beds)	\$ 428,536
Sewer	\$1,059 (136 beds)	\$ 144,126
total contribution		\$ 572,662

Documentary evidence shall be submitted to the Certifying Authority confirming that the contribution has been paid prior to determination of the application for an Occupation Certificate. Council will consider requests for part payment of contributions, depending on construction stages and subsequent occupation of the facility.

The above amount shall be maintained for a period of two (2) years from the date of consent. After that time, the level of contributions shall be in accordance with Council's Fees and Charges at the time of payment.

#### **CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

#### **Landscaping**

45. Landscaping of the site shall be completed in accordance with the approved landscape plan and maintained for the life of the development.

#### **Amenity**

46. The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external), solar glare arising from the building materials utilised in any construction processes or fit-out, the emission of noises, noxious fumes, odours and waste.
47. All lighting to be erected on site is to be LED light source, directed to the ground and hooded to reduce off site light spillage. Shielding shall be provided to all lights to ensure no light spillage to adjoining properties.

**Trade Waste**

48. At all times the trade waste water shall be disposed of in accordance with the requirements of the trade waste agreement between the Owner/operator and Upper Hunter Shire Council.

**Stormwater**

49. At all times all stormwater from the development including all hardstandings and overflows from rainwater tanks is to be collected and disposed of by way of properly constructed stormwater lines to:-
- (a) Council approved drainage system in Gundy Road.
  - (b) Natural watercourse with appropriate erosion and sediment control measures.

**General terms of approval pursuant to section 91a of the environmental planning and assessment act 1979 (as amended):****Requirements of the NSW Office of Water**

50. A Construction Certificate is not to be issued over any part of the site requiring a controlled activity approval (CAA) until a copy of the CAA in accordance with the General Terms of Approval (Ref: 20ERM2012/008) issued on the 23 February 2012, has been submitted to the certifying authority.

**Requirements of the NSW Rural Fire Service**

51. Prior to the issue of any Occupation Certificate the following bushfire prevention measure shall be provided to the development:-
- (a) Water, electricity and gas shall comply with sections 4.1.3 and 4.2.7 of 'Planning for Bushfire Protection 2006';
  - (b) At the commencement of building works a 50 metre Asset Protection Zone shall be maintained around the building. Where APZ's are proposed on adjoining land they shall be covered by an easement with the adjoining land owners consent. The easement may be extinguished when the adjoining land is developed and the bushfire hazard removed ;
  - (c) Internal roads shall comply with section 4.2.7 of 'Planning for Bushfire Protection 2006';
  - (d) An Emergency and Evacuation Plan shall be prepared in accordance with the NSW Rural Fire Service document 'Guidelines for the Preparation of Emergency / Evacuation Plan'; and
  - (e) Landscaping to the site shall comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006'.

Certification from an accredited bushfire planning specialist confirming that the identified bushfire prevention measures have been implemented shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate.

52. All identified matters relating to bushfire damage prevention shall be addressed and implemented prior to the issue of an Occupation Certificate.

## APPENDIX C – Referral Comments

### Comments from External Agencies

Department/Agency	Reason for Referral	Response Received	Comments
NSW Rural Fire Service	Integrated Development under Section 100B of the Rural Fires Act 1997	Bushfire Safety Authority issued with General Terms of Approval.	<p>50m APZ around the perimeter of the building. Easement required over adjoining land for Stage 2 (western side of building) if land is not developed and risk removed.</p> <p>Applicant has provided letter from owner of allotment to east to create asset protection zone and easement for grassland management.</p> <p>Other GTAs requiring provision of water and utilities, access, evacuation and emergency management plan and landscaping.</p>
Department of Primary Industries (State Salinity Coordinator)	Advisory referral in relation to salinity issue.	The DPI accepted the Salinity Report.	Conditions of consent will be placed in the development in relation to a Salinity Management Plan and monitoring.
Department of Primary Industries (NSW Office of Water)	<p>Integrated Development under the Water Management Act 2000</p> <p>The development proposes to construct a storm water outlet structure into the adjacent intermittent watercourse.</p>	General Terms of Approval issued.	The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval (CAA) until a copy of the CAA has been submit to the certifying authority.
NSW Roads and Maritime Services	Approval under Section 138 Roads Act 1993 for connection to a classified road.		<p>The development application was considered by the RMS in relation to their concurrence requirements for access on a regional classified road.</p> <p>The RMS noted that issues relating to kerb and guttering, paved footways, drainage, pedestrian facilities, parking restrictions and cycle lanes are matters for Council's consideration and these matters have been addressed by conditions of consent.</p>

			A detailed access and intersection design plan for Gundy Road, fronting the development site was prepared by the applicant and approved by the RMS and conditions have been incorporated to ensure the works are completed in accordance with the approved plan.
Hunter Regional Development Committee	Advisory referral in relation to impacts on the operation of classified road and traffic safety matters.		The recommendations from the Committee in relation to vehicular and pedestrian access have been substantially addressed through revisions to the initial plans and submission of additional information and further discussions with the RMS. Where necessary, conditions of development consent have been recommended to address the issues raised.
NSW Police Service	Advisory referral in relation to impact on policing in the area.	Responded advising the development is unlikely to impact on Policing in the local command.	No further action required.
Hunter-Central Rivers Catchment Management Authority	Advisory referral in relation to salinity issues, flora and fauna and storm water.	Responded raising concerns with the: <ul style="list-style-type: none"> <li>• Flora and Fauna Assessment</li> <li>• Salinity issues</li> </ul>	These issues have been addressed by conditions of consent.

## APPENDIX D – Compliance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Applicable Clauses)

Clause	Clause title	Complies (Yes/No)	Issues/Conditions
4	Land to which this Policy applies	Yes	The subject land is zoned 2(a) Residential A under the Scone Local Environment Plan 1986. In this regard the development is permissible under the SEPP
5	Relationship to other EPLs		
11	Residential care facility	Yes	<p>The development satisfies the requirements of the clause for points (a), (b) and (c).</p> <p><b>a residential care facility is residential accommodation for seniors or people with a disability that includes:</b></p> <p style="padding-left: 40px;">(a) meals and cleaning services, and</p> <p style="padding-left: 40px;">(b) personal care or nursing care, or both, and</p> <p style="padding-left: 40px;">(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,</p> <p><i>not being a dwelling, hostel, hospital or psychiatric facility</i></p>
17	Development on land adjoining land zoned primarily for urban purposes		Land is zoned 2(a) Residential A.
18	Restrictions on occupation of seniors housing allowed under this Chapter	Yes	Conditions of consent have been recommended.
26	Location and access to facilities	Yes	The site is located approximately 2km from the commercial centre of Scone, which has a medical practice, shops, banks and other commercial services. The applicant advises that the RACF will be serviced by two small private buses which will have a wheelchair lifter. There will also be a car transport service for residents with special appointments.
27	Bush fire prone land	Yes	General Terms of Approval provided by RFS. Requirements of NSW Fire Brigades addressed in BCA Report.
28	Water and Sewer	Yes	<p>Water and sewer mains will need to be extended to the site.</p> <p>The applicant has submitted an Infrastructure Capacity Statement that outlines the issues in relation to the provision of water and sewer to the site and acknowledges that works will need to be undertaken to augment/extend the services to the site. A condition of consent to be included in this regard.</p>
29	Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply	Yes	<p>The development is on a Greenfield site on the residential fringe of Scone. The catchment is drained by an intermittent watercourse which runs to the west. It currently consists of grasslands and scattered native tree vegetation.</p> <p>The RACF will have two storeys – with a height of 12.3m and will be a significantly large building in comparison to the nearby residential developments. The future uses of the surrounding adjacent land will be for residential uses. However setbacks and landscaping have been included to soften the overall impact of the bulk and scale of the RACF.</p>
30	Site analysis plan and statement	Yes	A site plan and statement were submitted and the information provided was considered satisfactory.
33	Neighbourhood Amenity and Streetscape	Yes	<p>The proposed RACF has been designed sympathetic to a rural setting. The proposed setback of 10 metres from the Gundy Road frontage and the excavation and levelling of the site should reduce the overall bulk of the building as seen from the road and adjacent residential properties.</p> <p>The clause requires that the front building of the development setback must be in <i>sympathy with the (but not</i></p>



			<p><i>necessarily the same as) the existing building line.</i> At present this will be the first building fronting Gundy Road for a distance of approximately 450 metres. The development must also <i>embody planting that is in sympathy with the (but not necessarily the same as) other planting in the streetscape.</i> The development is not proposing any street tree plantings, however trees and landscaping will be established along the Gundy Road frontage within the allotment. The development <i>must also retain, where possible existing major trees.</i> There are currently no trees along the Gundy Road frontage. The development must be designed so that <i>no building is constructed in a riparian zone.</i> The building is not constructed in a riparian zone, but adjacent to such a zone.</p>
34	Visual and acoustic privacy	Yes	<p>The nearest residences are approximately 100 metres to the north and 400 metres to the west which minimises any potential visual and acoustic privacy issues.</p> <p>The internal design of the building incorporates principles and construction standards for maintaining visual and acoustic privacy.</p>
35	Solar Access and Design for Climate	Yes	<p>The ESD Statement identifies a number of architectural initiatives such as the use of horizontal overhangs and awnings, glazing materials, fixed external vertical shade devices on East and West facades, skylights and use of thermal insulation in external walls and roofs.</p>
36	Stormwater	Yes	<p>The development will result in an increase in the hard surfaces (buildings, car parks, roads and paved areas). This has the potential to result in increased stormwater runoff that could impact on adjoining properties and receiving waters. The Stormwater Management Plan identified that the RACF and the associated roads and car parking will occur within five catchments (Catchment 1 – 1.3303ha; Catchment 2 – 0.6966 ha, Catchment 3 – 1.8102ha; Catchment 7 - 0.5853 ha and Catchment 8 – 0.3506ha).</p> <p><i>The development should include, where practical, on-site stormwater detention or re-use for second quality water uses</i> For each catchment it is proposed to install detention devices with capacities of 433m<sup>3</sup>, 244m<sup>3</sup>, 634m<sup>3</sup>, 205m<sup>3</sup> and 123m<sup>3</sup> respectively. These measures are taken to minimise the disturbance and impact of stormwater on adjoining properties and receiving waters, and provide on-site stormwater detention. The applicant has submitted a stormwater management plan (GHD, 2011) and plans (Drawing 22-15845-C106 and Drawing 22-15845-C107). Stormwater will be eventually discharged into the adjacent watercourse (this will be subject to the General Terms of Approval issued by the NSW Office of Water).</p> <p>The site plan shows that three rainwater tanks will be installed to the front of the northern elevation of the building For reuse in gardens and toilet facilities.</p>
37	Crime prevention	Yes	<p>The design elements of the proposal have responded to CPTED principles through the use of plantings that promote clear sightlines across open space areas. Secondly, <i>where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked.</i> The applicant advises that security access to the building will be provided.</p> <p>Ground floor opening to bedrooms are windows not sliding doors – glazed doors to lounge and dining areas open onto secured courtyards</p>
38	Accessibility	Yes	<p>The development of the RACF will require pedestrian linkages in accordance with the St Aubins DCP. The applicant is proposing that a resident bus service will be provided to the Scone commercial area.</p>

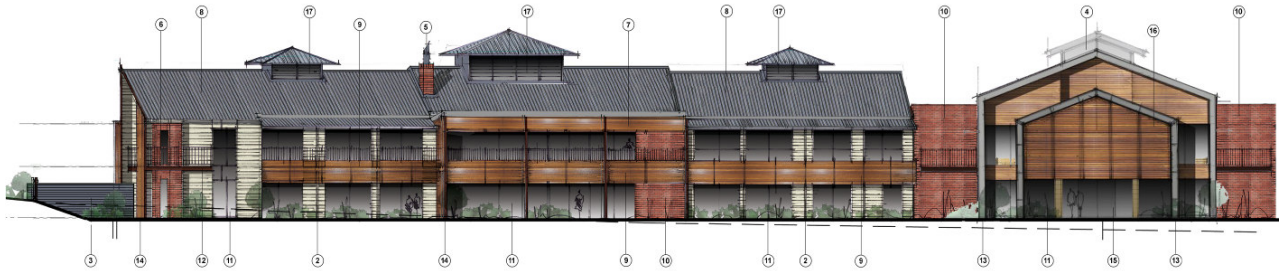
			The development should also <i>provide attractive, yet safe environments for pedestrians and motorists with convenient access and parking for visitors and residents</i> . Within the site a network of pathways and walkways are provided that link the car park, building and landscaped areas. The entire 8ha development site will be built with flush kerbs to remove trip hazards.
39	Waste Management	Yes	The applicant advises that waste storage and recycling rooms are provided within the central administration wing at the ground floor level where waste will be sorted into: food and general waste, recycling (glass, paper, plastics and metals) and secure medical waste.
40	Development Standards	Yes (Except building height)	The RACF will have a height of 12.3 m in total due to the protruding skylights and raked ceilings.
48	Standards that cannot be used to refuse development consent for residential care facilities	Yes	The application is recommended for approval The height is considered acceptable in the circumstances.

## APPENDIX B – Plans and Elevations

### Site Plan



## Elevations



SCALE 1:50



0 0.5 1.0 1.5

AMENDMENTS			APPROVED	ISSUED	DATE
ISSUE INFORMATION					
P1	325898 CO-ORDINATION		P2		11-05-2011

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**PAYNTER DIXON**  
HEALTH & AGEING PLAN TO BUILD  
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**CONSULTANTS**

**PROJECT MANAGER**  
**Payson Dean Construction Pty Ltd**  
10/11 ALEXANDER ROAD, WILLOWBROOK NSW 2157  
P: (02) 9176 5428 F: (02) 9768 0319 E: [Payson@paysonconstruction.com.au](mailto:Payson@paysonconstruction.com.au)

**QUALIFIER**  
**K F Murphy & Associates**  
104 KELLY STREET, SCOTCH MOUNT NSW 2107  
P: (02) 9540 3202 F: (02) 9550 2356 E: [info@kfma.com.au](mailto:info@kfma.com.au)

**TOPIC LEADERS**  
**Urbis**  
100/100 SYDNEY HWY NEWCASTLE NSW 2300  
P: (02) 9371 9500 F: (02) 9371 9501 E: [enquiries@urbis.com.au](mailto:enquiries@urbis.com.au)

**ENVIRONMENTAL & GEOTECHNICAL ENGINEERING**  
**GHD Newcastle**  
LEVEL 1 & 2, FORD TOWER, 100 HENRIKSSON DRIVE, NEWCASTLE NSW 2300  
P: (02) 4975 4011 F: (02) 4975 4000 E: [claire.soper@ghd.com](mailto:claire.soper@ghd.com)

**CONVINCING ELECTRICAL ENGINEERING**  
**GHD Newcastle**  
LEVEL 5 & 6 210 TORREY DRIVE, NEWCASTLE NSW 2060  
T: (02) 4979 8000 P: (02) 4979 8000 [info@newcastleghd.com.au](mailto:info@newcastleghd.com.au)

**ATMOSPHERIC & AIR SERVICES**  
**GHD Newcastle**  
LEVEL 5 & 6 210 TORREY DRIVE, NEWCASTLE NSW 2060  
T: (02) 4979 8000 P: (02) 4979 8000 [info@newcastleghd.com.au](mailto:info@newcastleghd.com.au)

**PEDESTALIAN & PT SPACES**  
**GHD Newcastle**  
LEVEL 5 & 6 210 TORREY DRIVE, NEWCASTLE NSW 2060  
T: (02) 4979 8000 P: (02) 4979 8000 [info@newcastleghd.com.au](mailto:info@newcastleghd.com.au)

**ATMOSPHERIC ENGINEERING**  
**Engineered Environmental**  
SUITE 1, 87 BAYVIEW DRIVE, NEWCASTLE NSW 2060  
T: (02) 4979 8000 P: (02) 4979 8000 [info@engineeredenvironmental.com.au](mailto:info@engineeredenvironmental.com.au)

**LANDSCAPE ARCHITECT**  
**Site Inco**  
LEVEL 1, 128471ST STREET, SUITE 100, NEWARK, NJ 07102  
P: (201) 960-3800 F: (201) 960-2077 E: [info@siteinco.com](mailto:info@siteinco.com)

**LANDSCAPE ARCHITECT**  
**Varga Traffic Planning Pny Ltd**  
PO BOX 1000, NEWTON, MA 02459  
P: (617) 552-3324 F: (617) 552-3328 E: [info@vplny.com](mailto:info@vplny.com)

**ARCHITECT & LANDSCAPE DESIGNER**  
**Quantum Design International**  
1000 N. 10TH ST, CHICAGO, IL 60610  
P: (312) 993-8300 F: (312) 993-8305 E: [quantum@qdiinc.com](mailto:quantum@qdiinc.com)

**SEA CONSULTANT**  
**Blackett Mayhew & Goldsmith**  
PO BOX 161, BEDFORD NEW YORK  
P: (603) 431-7177 F: (603) 431-7775 E: [info@blackettmayhew.com](mailto:info@blackettmayhew.com)

**ADVANCED**  
**Advanced Teescope Consulting**  
PO BOX 78 NATIONAL RD NEW  
JERSEY 07033-0078 P: (201) 683-0888 E: [info@telescope.com](mailto:info@telescope.com)

**ADVANCED ACCESS CONSULTING**  
**Access America**  
PO BOX 897000 FARMER NEW ZEAL  
P: (202) 682-9000 F: (202) 683-0884 E: [info@accessall.com](mailto:info@accessall.com)

**ADVANCED INFRA CONSULTING**  
**Bruce Easlee Consulting**  
30 CENTRAL PARKWAY CROFTSVILLE NEW JERSEY  
P: (202) 688-7866 F: (201) 951-1748 E: [b.easlee@bruceeaslee.com](mailto:b.easlee@bruceeaslee.com)



CLIENT  
STRATHEARN

DATE	SCALE @ B1	DRAWN
MARCH 2011	1:50	PD
PROJECT NUMBER	DRAWING No.	ISSUE
<b>2010104</b>	<b>DA301</b>	

**PROJECT**  
**STRATHEARN VILLAGE**  
**GUNDY ROAD**  
**SCONE NSW**

Jackson Teece Architecture  
788 Hunter Street  
Newcastle West NSW, South Wales 2302 Australia  
T 61 2 4955 5105 F 61 2 4955 6177  
E [info@jacksonteece.com.au](mailto:info@jacksonteece.com.au)  
Website [www.jacksonteece.com.au](http://www.jacksonteece.com.au)  
Twitter @jacksonteece  
LinkedIn Jackson Teece Architects Pty Ltd  
Instagram @jacksonteece  
0800-110000 671 200  
Construction Services on Beatty (2017)

**JACKSON TEECE**



1. NORTH-WEST ELEVATION (BUILDING ENTRY)



2. NORTH-EAST ELEVATION (VIEW FROM GUNDY ROAD)



3. SOUTH-EAST ELEVATION



4. SOUTH-WEST (FACING RIPARIAN CORRIDOR)

SCALE 1:200

REVISIONS	DATE	BY	REASON
1	2010/04	JT	ISSUED FOR TENDERS

REVISIONS	DATE	BY	REASON
1	2010/04	JT	ISSUED FOR TENDERS



**PAYNTER DIXON**  
ARCHITECTS  
100/102 GUNDY ROAD  
SYDNEY NSW 2015  
TEL: 02 9550 1234  
WWW.PAYNTERDIXON.COM.AU

**CONSULTANTS**  
STRUCTURAL: HKS  
MECHANICAL: HKS  
ELECTRICAL: HKS  
PLUMBING: HKS  
FIRE: HKS  
LANDSCAPE: HKS  
ENVIRONMENTAL: HKS  
ACoustic: HKS  
LIGHTING: HKS  
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SOUND: HKS  
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COOLING: HKS  
VENTILATION: HKS  
EXHAUST: HKS  
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WATER: HKS  
SEWER: HKS  
GAS: HKS  
TELEPHONE: HKS  
CABLE: HKS  
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SOUND: HKS  
HEATING: HKS  
COOLING: HKS  
VENTILATION: HKS  
EXHAUST: HKS  
FRESH AIR: HKS

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## APPENDIX E – Master Plan

