

**JOINT REGIONAL PLANNING PANEL
(Northern Region)**

JRPP No	2012NTH023
DA Number	210/1012
Local Government Area	Guyra
Proposed Development	Construction of a 32 bed aged care facility
Street Address	44-48 Cnr Prisk and Ollera Street Guyra
Applicant/Owner	Guyra Shire Council
Number of Submissions	Nil
Recommendation	Approval with Conditions
Report by	
Report Date	11th January 2012

Assessment Report and Recommendation

Introduction:

Guyra Council has submitted a development application for the replacement of its existing 22 bed Kolora Aged Complex, located in Yarrawonda Street Guyra, with a new facility adjacent to the Guyra Multi Purpose Health Service. The new facility will have 32 beds and will include an eight bed Dementia Wing.

Council's architects have estimated the development cost as being \$5,700,000, and in accordance with the provisions of Clause 4 of Schedule 4A of the Environmental Planning and Assessment Act 1979, the application is referred to the NSW Joint Regional Planning Panel for consideration.

Report:

Guyra Council has submitted a development application for the construction of a new 32 bed aged care facility, including an eight bed Dementia Wing adjacent to the Guyra Multi Purpose Health Service (MPS). The proposed development will be constructed part of Lot 2 DP 573134 No 44 to 48 Cnr Sole and Prisk Streets outlined in red in the aerial photograph hereunder.



The subject site is known as Pt Lot 2 DP 573134 No 44 to 48 Sole Street is currently owned by Hunter New England Health, who has given written approval for Council to submit the application. Council and Hunter New England Health have agreed on the purchase price for the proposed lot which will have an area slightly in excess of 10,000 m2 and is in the NE corner of the allotment bounded by Sole and Prisk Streets as indicated on the aerial photo above.

Development Application Details-

Development Application No 210/212 was lodged by Guyra Council on the 15th November 2012, and was publicly exhibited from the 16th November until the 7th December 2012, in excess of the minimum required the Guyra development control Plan (DCP) No 2 Approval and Notification Plan. In addition Council held a public meeting on the 27th September, when the plans for the new facility were nearing completion, which was attended by 29 persons who were given an opportunity to provide comments and suggestions to Council and Council's Aged Care Management Committee on the draft plans. Whilst some minor matters were noted and addressed there was unanimous support for the proposed development.

The proposal has an estimated capital investment value of \$5.7 million and as the development is being carried out by Council is being referred to the to the Regional Panel in accordance with Clause 4 of Schedule 4A of the Environmental Planning and Assessment Act 1979.

General Comments-

The proposed development is located in an area zoned R1 General Residential Zone, under the Guyra Local Environmental Plan (LEP) 2012, which permits residential aged care facilities, with consent.

Local Environmental Plan

Zone R1 General Residential

Clause	Subject	Comments
2.8	1 Objectives of zone	<ul style="list-style-type: none"> • To provide for the housing needs of the community. • To provide for a variety of housing types and densities. • To enable other land uses that provide facilities or services to meet the day to day needs of residents.
2.8	2 Permitted without consent	Home-based child care; Home occupations; Home occupations (sex services); Roads
2.8	3 Permitted with consent	Attached dwellings; Boarding houses; Child care centres; Community facilities; Dwelling houses; Group homes; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Plant nurseries; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing; Water reticulation systems; Any other development not specified in item 2 or 4
2.8	4 Prohibited	Advertising structures; Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Backpackers' accommodation; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers'

SEPP 44- Koala habitat Protection-

A Kola Assessment has been undertaken for the site by Mr Stephen Debus Ecologist (see Appendix A) and it has been found that the site is not considered to be core koala habitat.

Regional Environmental Plans-

There are no such plans applying to Guyra Shire.

Contaminated Land-

The subject area was not identified as being potentially contaminated in Council's Development Control Plan No 7 Contaminated Land, as it has been used for grazing as far back as records exist.

The proposed development has been located adjacent to the Guyra MPS to provide greater efficiencies for both facilities and to facilitate aging in place for residents. A new medical centre is being constructed on the western side of the MPS and the Ambulance Station is located on the south western corner of the block, and the proposed development will bring all of the health services in the area together.

Comments by Council's Engineer.

File: DA 210 / 2012

Date: 9-1-2013

Subject: Aged Care Centre Proposal at 44-48 Sole Street

WATER

Water service is proposed for two 100mm diameter mains across Prisk Street from an existing main. These crossings need to be installed by Council staff at the developers cost as the cut in's and the road crossing impact on Council's current infrastructure.

- Water connections proposed to be installed across Prisk Street will be installed by Council at the developers costs including the installation of valves, water meters and/or backflow prevention devices.
- Water connection application form is to be completed together with payment of any fees in accordance with Council's fees and charges.

SEWER

Sewer connection will be located at Sole Street with an extension to the current system being designed which will enable a connection for the development.

- Sewerage connection application form is to be completed together with payment of any fees in accordance with Council's fees and charges.
- The final position of the Gas Cylinder Slab should be relocated so that it is not located over / closer than 1.0 metre from the sewer main or stormwater pipes.

DRAINAGE

Drainage for pipe systems should be designed to cater for the upper catchment area for 1 in 5 year storm events, with allowance made for overflow bypass flows to cater for 1 in 100 year storm events.

Drainage from the site to Sole Street should be restricted to meet the flow rate of the pre existing site conditions for the 1 in 100 years storm event.

TRAFFIC

A Load Limit of ten tonnes applies in Sole Street. As the official development address is Sole Street, so construction traffic should not be permitted, and actively discouraged, from travelling along Sole Street during the construction.

Parking for special events is nominated to be on the grass area to the south of the development given that the car-park is limited in such an occasions. Access to the grassed area should be directed from the internal car-park road system. Any additional access required off Prisk or Yarrawonda Street will required an application for and construction of an approved driveway crossing should be constructed in accordance with Council's standards.

- Clearing of vegetation and excavation of earth is to be undertaken along the footpath of Prisk Street to enable sight distance from a point on the access 5 metres from the edge of the traffic lane along Prisk Street to observe other vehicles 80 metres in either direction.
- The frontage along Prisk Street roadway should be widened for a distance of 100 metres (50 metres either side of the access intersection) with kerb and guttering (type SA upright) constructed with the kerb face located parallel to, and located 5.5 m from the centreline of Prisk Street.
- A No Stopping zone is to be installed along the western side of Prisk Street to prohibit parking of vehicles in the access intersection sight lines.
- No Stopping zone signs should be installed on both sides of the carpark access road to prohibit parking between Prisk Street and the car park areas.

ENGINEER'S RECOMMENDATIONS

- Water connections are to be installed across Prisk Street by Council at the developers costs including the installation of water meters and/or backflow prevention devices.
- Water connection application form is to be completed together with payment of any fees in accordance with Council's fees and charges.
- Sewerage connection application form is to be completed together with payment of any fees in accordance with Council's fees and charges.
- Construction traffic in excess of 10 tonnes are not permitted to use Sole Street to access the site.
- Clearing of vegetation and excavation of earth is to be undertaken along the footpath of Prisk Street to enable sight distance from a point on the access 5 metres from the edge of the traffic lane along Prisk St to observe other vehicles 80 metres in either direction.
- The frontage along Prisk Street roadway should be widened for a distance of 100 metres (50 metres either side of the access intersection) with kerb and guttering (type SA upright) constructed with the kerb face located parallel to, and located 5.5 m from the centreline of Prisk Street.
- A No Stopping zone is to be installed along the western side of Prisk Street to prohibit parking of vehicles in the access intersection sight lines.
- No Stopping zone signs should be installed on both sides of the car-park access road to prohibit parking between Prisk Street and the car park areas.

NAME: D COUNSELL.....POSITION: ENGINEERING OFFICER

Conclusion

The proposed development is permissible in the area, the site is ideally located and the building design will provide a long term solution for accommodation for the aged members of the Guyra community. The Architects Havenhand & Mather have complied with the deemed to satisfy provisions of the Building Code of Australia and have not used any alternate solutions.

Financial Implications:

With the one million seven hundred thousand dollar (\$1,700,00) grant provided by the Federal Government, Council has adequate funds to finance the proposed development without adverse impact on its reserves, although some borrowings will be required;

Environmental Implications:

The development will provide a positive impact on the environment as it includes provision for the extension of Council's sewerage reticulation system east along Sole Street thereby permitting several dwellings, currently with onsite waste disposal, to connect to the sewer.

There will be some minor impact on residents in the area due to increased traffic, particularly during construction, but this will be minimised as all traffic will approach the site along Prisk Street from Main Road 135.

See the Statement of Environmental Effects, prepared by BCA Logic, included in Appendix A.

See SEPP 44 Report prepared by Mr Stephen Debus, included in Appendix A.

Policy Issues:

There are no policy issues relating to this development.

Integrated Planning and Reporting Issues:

Not applicable.

Social Implications:

Apart from some minor inconvenience during construction there are no adverse social implications.

Risk Management Issues:

The only risk management issues will be addressed in the Tender Documents and the Contract with the builder and once completed, by the Aged care Facilities management Team.

Legal Issues:

The only legal issues relate to the purchase of that part of Lot 2 DP 573134 No 44 to 48 Cnr Sole and Prisk Streets as indicated on the aerial photograph above, which should be expedited by both parties having agreed to the purchase price.

(See the following documents associated with this development application attached)

- A copy of the Development Application, Plans and Specifications;
- SEPP 44 Report, RED BY Mr Stephen Debus;
- Statement of Environmental effects;
- BCA- JV3 Energy Assessment- Prepared by;
- Geotechnical Engineers Report- Prepared by REGIONAL Geotechnical Solutions.

The plans and specifications submitted with the application were deemed to be comprehensive and provided the development is completed in accordance with them will be fully compliant with the Building Code of Australia.

RECOMMENDATION:

That the Development Application No 210/2012, for the erection of a 32 bed aged care facility on Part Lot 2 DP

573134 No 44 to 48 Cnr Sole and Prisk Streets be approved subject to the following conditions-

1. A construction Certificate will not issue until the applicant has paid to Council a Section 94A Contribution amounting to 0.5% of the development cost where the estimated cost to carry out the proposed development is between \$100,001 and \$200,000 and 1% of the development cost where the estimated cost to carry out the development is in excess of \$200,000,. The development costs include all of the costs and expenses incurred by the developer, which will be applied to the provision or augmentation of existing public facilities.

In order to estimate the amount of the levy it will be necessary for a Cost Estimate Report to be prepared setting out an estimate of the cost of carrying out the proposed development. The proposed cost to carry out the works is calculated by –

- a. If the development involves the erection of a building, or the carrying out of engineering or construction work, the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of an incidental to demolition, excavation and site preparation, decontamination or remediation;
- b. If the development involves a change of use of land- the costs of or incidental to doing anything necessary to enable the use of the land to be made; and
- c. If the development involves the subdivision of land, the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.

Note- 1- The levy must be paid-

- In the case of development involving building work, before the release of the Construction Certificate, permitting commencement of work;
- In the case of a development involving subdivision, before the release of any Construction Certificate or the Linen Plan which ever occurs first;

Note 2- Who can prepare a Cost Estimate Report.

- a) Where the estimate of the proposed cost of carrying out the development is less than \$500,000, a cost summary must be prepared, by the builder or other person approved by Council, in accordance with Schedule 2 of Council's Section 94A Development Contributions Plan, 2006.
- b) Where the estimate of the proposed cost of carrying out the development is more than \$500,000, a cost summary must be prepared, by a registered

quantity surveyor, in accordance with Schedule 3 of Council's Section 94A Development Contributions Plan, 2006.

2. Activities which may result in a noise nuisance being created, shall be restricted to hours of operation between 7.am and 6 pm Monday to Friday and 8.am to 5 pm on weekends and public holidays.

Note - Noise levels, as a result of emissions from the subject premises, must not exceed 5 dB(A) above the background noise level at the window of any effected premises. It should also be noted that noise levels at the boundary of any affected property must not exceed 60 dB(A) in the daytime and 50 dB(A) at night.

Section 80 of the Environmental Planning and Assessment Act 1979.

Reason: To ensure the development does not adversely effect the environment and the residents in the area.

3. Other than staff employed on the site, only seniors or persons with a disability or careers of seniors or persons with a disability are permitted to occupy any accommodation to which this application applies.

Reason- To minimise potential conflict between persons of different ages and interests.

Clause 18 State Environmental Planning policy (Housing for Seniors or People with a disability) 2004.

4. Arrangements are to be made for Council to carry out inspections of the building during the following stages of its construction, as applicable. Applicants are required to notify Council's Building Services Department by telephone, 48 hours prior to:
 - when excavation for raft slab (slab on ground) is completed and prior to covering with damp proof membrane (i.e. plastic or "Fortecon")
 - when steel is in place and before concrete is poured (footings, slabs, beams, etc);
 - when all framework is completed prior to covering in (including flashing to wet areas and plumbing rough in);
 - when drainage lines are laid and before covering in;

Note: sub-floor drains under concrete slabs shall be inspected and under test prior to covering with filling.

- when stormwater drainage has been installed and before covering in; and
- when the building is completed and before occupation.

Section 80 A of the Environmental Planning and Assessment Act 1979.

Reason: To ensure the structural integrity of the building and the safety of its occupants and to protect the property and occupants of adjoining premises.

5. A temporary sanitary service shall be provided to all building sites before building operations are commenced. In sewerred areas a temporary connection shall be made to Council's sewer main.

Clause 78 I of the Environmental Planning and Assessment Regulation 1994.

Reason: To ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in building activity.

6. Water connections are to be installed across Prisk Street by Council at the developer's costs including the installation of water meters and/or backflow prevention devices.

Note- An application form for the connection of water and sewer to the premises is to be completed together with payment of requisite fees in accordance with Council's fees and charges.

Reason: To ensure that adequate provisions are made for water and sewer on the site and that Council's infrastructure is protected.

7. The building or part shall not be used or occupied until completed or until approval has been granted by Council to occupy an uncompleted building and an Occupation Certificate has been issued in respect of that building or part.

Section 109C of the Environmental Planning and Assessment Act 1979.

Reason: To ensure that the building does not adversely affect the health and safety of the occupants.

8. The street number shall be clearly and permanently displayed on or adjacent to the doorway or on the street frontage to identify the premises to the public and to

essential/emergency services. Numbers shall be 100mm high x 50mm wide (minimum) and of a colour contrasting with the surface to which they are affixed.

9. Please note that underground assets including water, sewage, stormwater, electricity and telecommunications may exist in the area that is subject to this application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW).

If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Note also- Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact : Telstra's Network Integrity Team on Phone Number 1800810443.

10. The premises are intended for use preparation of food for human consumption and accordingly must comply with requirements of The Australia & New Zealand Food Standards Code, and the Guide to Good Food Hygiene in Food Premises. Certification must be provided that an appropriate Hazard Analysis and Critical Control Point (HACCP) plan has been prepared, which identifies all critical control points (CCP) from a food handling and preparation point of view. Such certificate must be in a form approved by the NSW Food Authority and submitted to Council prior to the issue of an Occupation Certificate.

Reason: To prevent the creation of unhealthy or dangerous conditions and to maintain the health of residents and staff.

11. Provide conformation that a Food safety Supervisor has been appointed in accordance

with the requirements of the Food Amendment (Food Safety Supervisor) Bill. A food safety supervisor (FSS) must be appointed in each commercial premises preparing or selling potentially hazardous food. These requirements apply to restaurants, takeaway premises, bakery, caterers, hotels or any food premises, which sells or processes hazardous or ready to eat foods, except for those only selling pre-packaged food.

A copy of the Food Safety Supervisors Certificate must be kept on the premises to be sighted by any authorised Environmental Health Officer inspecting the premises.

12. Doors to sanitary compartments must open outwards, slide or be capable of removal from the outside the compartment, unless there is a clear space of 1.2 m between the closet pan and the nearest part of the door.

Reason: To permit access to the closet in an emergency.

13. An occupation certificate will not issue on the building until the statutory declaration, attached to the development consent by Council, has been completed signed and submitted to Council for inclusion in its records and as evidence of compliance. Such declaration must attest to the applicants absolute compliance with the commitments outlined in the BCA JV3 Verification Assessment Report submitted with the application.

Reason: To ensure that the building meets the NSW Governments requirements for sustainability.

14. The proposed advertising sign–
- Must be designed such that it can withstand all loads likely to be imposed upon it.
 - Must not be illuminated or flood lit without the specific consent of Council;
 - Must not project onto the road reserve;
 - Must conform with the design criteria outlined in of Australian Standard 1170 part 2.

Note- All signage must be aesthetically pleasing and be of a professional design and appearance.

Section 109C of the Environmental Planning and Assessment Act 1979.

Reason: To ensure that any advertising structure has the necessary consent is structurally adequate to withstand the loads likely to be imposed upon it and does not impact adversely on the amenity of the area.

15. All spillage or waste is to be collected on a daily basis and disposed of to the satisfaction of Council's Director of Development and Environmental Services;

Section 80 of the Environmental Planning and Assessment Act 1979.

Reason: To ensure the development does not adversely effect the environment and the residents in the area.

16. Occupation of the building/s shall not be approved by Council until such time as the building/s have been completed to Council's satisfaction and

The building owner or his/her agent submits to Council a certificate from a competent person, certifying that each of the undermentioned essential services have been installed and are operating to relevant minimum Australian Standard / BCA/Specification/Codes of Practice requirements.

Note: Such certificate shall state as to each essential service installed in the building:

- that the service has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such an inspection and test; and
- that the service was or was not (as at the date on which it was inspected and tested) found to have been designed and installed, and to be capable or operating, to a standard not less than that required by or under this Regulation or by the Council.
- A Certificate of Classification has been issued by Council.
- In this instance the following essential services must be certified:
 - ✓ Emergency Lighting;
 - ✓ Exit signs;
 - ✓ Fire and smoke alarms;
 - ✓ Fire Sprinklers;
 - ✓ Portable fire extinguishers; and
 - ✓ Fire Hydrants.

Required by Section 109C of the Environmental Planning & Assessment Act 1979.

Reason: To ensure each of the essential services is installed and capable of operating to the appropriate standard.

17. The building owner shall, in every 12 month period thereafter, have the building and services inspected by a competent person and submit to Council a further certificate certifying that the provision/performance of all essential services and such items listed above meet the minimum specified requirements. Certificate will be in triplicate, one (1) to be submitted to Council, one (1) to the NSW Fire Brigade and one (1) retained on the premises. Penalty of the owner's failure in the above - \$2,000 in the case of an individual or \$4,000 in the case of a corporation.

Required by Clause 175 of the Environmental Planning and Assessment Regulation 2000

Reason: To ensure each of the essential services installed in the building is maintained so that they operate in accordance with the appropriate standard.

18. Council's sewer main is to be protected where it passes under the slab for the gas tanks, and extending 1m each side of the slab, by encasing it in reinforced concrete (minimum of 15 mpa) for 150mm around the main with flexible joints at each end of the encasement. The slab may be relocated so that it does not extend to less than 1.0m from the sewer main and so that no superimposed loading is placed on Council's sewer main.

Reason: To ensure that the performance of the sewer main will not be impacted upon by the proposed building structure

19. An appropriate vehicular access must be installed to the property at the owners expense. Such access must be of a design approved by Council and be installed by either Council or a qualified construction firm approved by Council.

Reason: To achieve the objectives of the development Control Plan and to ensure safe access and egress from the property.

20. Construction traffic in excess of 10 tonnes are not permitted to use Sole Street to access the site. All access must be gained off Guyra Road and Prisk Street.

Reason: To minimise damage to Sole Street, which has load restrictions.

21. Clearing of vegetation and excavation of earth is to be undertaken along the footpath of Prisk Street to enable sight distance from a point on the access 5

metres from the edge of the traffic lane along Prisk St to observe other vehicles 80 metres in either direction.

Reason: To provide safe access and egress from the property.

22. The frontage along Prisk Street roadway should be widened for a distance of 100 metres (50 metres either side of the access intersection) with kerb and guttering (type SA upright) constructed with the kerb face located parallel to, and located 5.5 m from the centreline of Prisk Street.

Reason: To provide safe access and egress from the property.

23. A No Stopping zone is to be installed along the western side of Prisk Street to prohibit parking of vehicles in the access intersection sight lines.

Reason: To provide safe access and egress from the property.

24. No Stopping zone signs must be installed on both sides of the internal road from Prisk Street to the Parking Area, to prohibit parking between Prisk Street and the car-park areas.

Reason: To provide safe access and egress from the property.