

JRPP Ref. No.:	2012SYW063
DA No.:	DA12/0462
PROPOSED DEVELOPMENT:	Alterations and Additions to Residential Aged Care Facility and Construction of 46 Self Contained Dwellings – Value: \$25 million
ADDRESS:	Lot 1 DP 213072 & Lot 2 DP 213072 (No. 64 Glebe Place, Penrith)
APPLICANT:	TSA Management
REPORT BY:	Jonathon Wood, Environmental Planner (Contractor)

Assessment Report

Executive Summary

A Development Application has been received from TSA Management, on behalf of RSL Lifecare, for alterations and additions to an existing residential aged care facility (RACF) and the construction of 46 self-contained independent living units (ILU's) at 64 Glebe Place, Penrith. RSL Lifecare is a not-for-profit organisation that has been providing care for over 100 years in NSW. RSL Lifecare have recently acquired the site and the current proposal will upgrade the existing facility to a contemporary standard and will provide 82 aged care places. The proposal also includes the construction of 46 self-contained dwellings on the western portion of the site that are aimed at providing independent living for people over the age of 55. The rationale is to provide opportunities for residents in the independent living units to then transition to increased levels of care on the same site.

The subject site is contained by three (3) street frontages; Glebe Place to the north, King Street to the west, and Gascoigne Street to the south. The subject site has recently been granted consent to excise off the eastern portion of the site that is currently leased to NSW Health, noting that the subdivision is yet to be registered with the NSW Land and Property Information.

The subject site is currently zoned 2(d) Residential (Medium Density) under the Penrith Local Environmental Plan 1998 and the proposal is permissible with consent pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The proposed development has a capital investment value in excess of \$20 million. As such, the Sydney West Region Joint Planning Panel (JRPP) has the function of determining the application in accordance with Section 23G of the Environmental Planning and Assessment Act 1979.

The proposed development was advertised in the local newspapers and notified to the owners and occupiers of adjoining and nearby properties. A total of 117 property owners and occupiers were notified in the surrounding area and invited to make a submission during the 14 day exhibition period. A total of 1 submission was received in response to the public exhibition.

An assessment of the proposed development under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the following issues - discussed in detail in this report - have emerged as a result of this assessment process:

- Urban design and heritage;
- Access, parking and traffic; and
- Land Contamination.

The proposed development is in accordance with the relevant provisions of the Environmental Planning Instruments and Development Control Plan applicable to the subject site and is unlikely to have a negative impact on the surrounding environment. The site is suitable for the proposed development and the proposal is in the public interest. This report recommends that the application be approved subject to recommended conditions of consent.

There are 8 appendices to this report, as detailed below.

- Appendix No. 1 – Location Plan
- Appendix No. 2 – Aerial Views of Site
- Appendix No. 3 – Site Plan and Elevations
- Appendix No. 4 – Landscape Plan
- Appendix No. 5 – Visual Impact Study (3D)
- Appendix No. 6 – Zoning Extract
- Appendix No. 7 – SEPP Seniors Living Development Control Table
- Appendix No. 8 – Penrith DCP 2006 Development Control Table
- Appendix No. 9- Section 94 Contribution Calculations

Background

The subject site originally operated as a hospital that was established in 1895 that has undergone incremental additions over the last century. In the late 1990's the Sydney West Area Health Service converted the site to an 80 bed nursing home. Since 1996 NSW Health has implemented a program to transfer State Government residential aged care facilities to the non-government sector. DA11/0177 was lodged with Council and subsequently granted consent for a 2 lot subdivision to excise off the aged care facility and residue land.

RSL LifeCare is in the process of transferring the RACF and residual land portion into its ownership from NSW Health. As part of the transfer, RSL LifeCare has committed to return the number of beds to the original number of 80 as a minimum. The current proposal will provide for 82 beds with substantial upgrade works proposed to the existing facility. The establishment of the 34 self-contained dwellings is part of a broader vision for the site to provide a continuum of care enabling seniors to age in place and have ready access to support services.

The original development proposal has undergone revision after concerns were raised regarding the urban design of the self-contained dwellings and the heritage impact of the proposed alterations to the existing residential aged care facility. The revisions have resolved the concerns regarding urban design and heritage.

Site and Surrounds

The subject site is legally described as Lots 1-2 in DP 213702, known as 64 Glebe Place, Penrith. The site is a 2.08Ha allotment with three (3) street frontages, including a 192m frontage to Glebe Place, a 93m frontage to Gascoigne Street and a 131.24m frontage to King Street. As shown at Appendix 2 the site is an 'L' shape with a common boundary to land owned by NSW Health. The site is currently affected by an easement for access that is to be extinguished as part of DA11/0177.

As indicated at Appendix 1, the site is located to the north-east of the Penrith CBD and is well located to existing services and facilities, noting there is a major bus route that runs along King Street. As addressed the subject site contains an existing residential aged care facility, known as the Governor Phillip Nursing Home, as well as a number of additional structures include 5 fibro residences on the western portion of the site.

The site contains the original Governor Phillip Hospital building that was constructed in 1895. The site, and particularly the 1895 building, contains significant heritage value. The 1895 building has been substantially obscured as part of the incremental additions over the past century. The site also contains remnants of the original Chapel on the site as well as the former isolation ward, with both of these structures built in the early 1900's.

The broader locality contains a variety of residential development, including a number of detached dwellings, townhouse development, and older residential flat buildings. The broader locality has been zoned R4 High Density with a maximum building height of 15m under the provisions of the Draft Penrith LEP 2010 and therefore the character of the locality is anticipated to undergo a transition towards higher density residential development in the medium term.

The Proposed Development

The development proposal consists of the following:

- Demolition of the 1960s Frederick Higgins wing and South wing as well as four fibro cottages and fibro community building;
- Staged construction of 46 two-bed plus study self-contained dwellings (ILU's);
- Alterations and additions to the Governor Phillip Nursing Home to accommodate a total of 82 aged care places within one and two bed bedroom with ensuites;
- Provision of new vehicular access;
- Site works including excavation;
- Associated site landscaping including planting and paving;

- Provision of utility services to new buildings; and
- Stormwater management works.

Modifications to the RACF are to provide a higher level of amenity and contemporary standards for frail aged accommodation and care for residents. The proposal has been designed to provide more appropriate spaces for residents with respect of accommodation and medical, rehabilitative and restorative care. The proposal will allow for RSL LifeCare to fulfill its commitment as part of the purchase terms with NSW Health to upgrade the facility and accommodate a minimum of 80 beds with a proposed additional 2 beds.

The modifications will be undertaken on a staged basis to ensure a continuum of care is maintained; existing residents, which currently number between 50 and 60, will be able to continue to reside at the nursing home and be progressively relocated to the new, renovated facility.

The alterations will provide substantial restoration to the original buildings on the site and also remove a number of the incremental additions that have eroded the visual prominence of the original buildings on the site.

Refer to Appendices No. 3-5 for copies of the site plans and elevations that show details of the proposed works.

The following plans/documents have accompanied the Development Application:

- Architectural Drawings and Solar Access Study prepared by Humel Architects;
- Landscape Drawings prepared by Taylor Brammer;
- Civil and Hydraulic Drawings and Report prepared by Warren Smith and Partners;
- Statement of Environmental Effects prepared by BBC Consulting Planners;
- Authorities Infrastructure Statement prepared by Warren Smith and Partners;
- Traffic Report prepared by GHD;
- Accessibility Report prepared by Morris Goding Access Consultants;
- Heritage Impact Assessment and Statement of Heritage Significance prepared by City Heritage Plan;
- BASIX Report prepared by Efficient Living;
- BCA Compliance Statement prepared by Blackett Maguire & Goldsmith;
- Arborist Report prepared by Naturally Trees;
- Acoustic Report prepared by Acoustic Logic;
- Stage 1 and Stage 2 Environmental Site Assessment prepared by Jeffery and Katauskas;

Planning Assessment

The proposed development has been assessed against Section 79C of the *Environmental Planning and Assessment Act* and based on this assessment, the following issues have been identified for further consideration.

1. Section 23G – Joint Regional Planning Panels

Under Section 23G of the Environmental Planning and Assessment Act 1979, a regional panel is taken to be the Council whose functions are conferred on a regional panel.

Development applications for private development with a CIV greater than \$20 million are to be determined by the relevant regional panel. The proposed development has a capital investment value of \$25 million and the Sydney West Region Joint Planning Panel therefore has the function of determining the subject Development Application in accordance with Section 23G of the Environmental Planning and Assessment Act 1979.

2. Section 79C(1)(a)(i) – Any Environmental Planning Instrument

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55)

This policy aims to provide a state-wide approach to remediation of contaminated land. Of particular relevance to the current proposal are the requirements of Clause 7, which provides:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The current application triggers the requirement for Council to consider whether the land is contaminated, and if so, whether Council is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is to be carried out (being residential development).

The Stage 2 Environmental Site Assessment submitted with the application concludes as follows:

Laboratory results indicate that potential contaminations on site are all at concentrations below adopted HIL criteria in all tested soil samples. 2 of the 3 fibrous cement sheeting fragments assessed contain asbestos and require remediation when and where identified. Fragments were beneath buildings or in inaccessible areas adjacent to buildings and pose low risk to residents under the current site use.

UST identified 8 November is thought to contain hydrocarbons based on odour. This tank is to be removed and surrounding soil validated prior to any site redevelopment.

Based on completed analysis the site is considered fit for continued use as a nursing home. Following demolition removal, removal of UST and remediation of any ACM, the site shall be made fit for redevelopment subject to validation.

The report recommends:

Prior to site redevelopment. but following demolition, it is recommended that additional testing be undertaken to confirm removal of all building product waste (especially potential ACM in 'fibro' fragments) and to verify that no contamination beneath former buildings is present.

Based on the above it can be seen that there is a need to remediate part of the site to facilitate redevelopment and accordingly it is recommended that a deferred commencement consent be issued requiring the submission of a separate development application for remediation works. Upon completion of remediation works and issuance of a Validation Certificate the deferred commencement condition would be satisfied. This aligns with Clause 7(1)(c) of the SEPP as the Stage 2 ESA outlines that upon remediation and issuance of a validation certificate that the site will be suitable for the development.

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

The Seniors Housing SEPP applies to land in New South Wales that is zoned primarily for urban purposes or that adjoins land zoned primarily for urban purposes, and on which development of any of the following is permitted:-

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

The site is zoned 2(d) and dwelling houses, hospitals, and residential flat buildings are permitted with consent. Therefore the SEPP applies to the development. The development has been assessed against the relevant provisions of the SEPP in relation to the RACF and the ILU's. This has revealed the proposal is consistent with the provisions of the SEPP, with a summary table provided at Appendix 7.

Sydney Regional Environmental Plan No. 9 – Extractive Industry (No. 2 – 1995)(SREP9)

SREP 9 identifies regionally significant extractive resources within the Sydney region to facilitate their utilisation. The plan ensures extraction is carried out in an environmentally acceptable manner and prohibits extraction from certain environmentally sensitive areas. It ensures that decisions on future urban expansion

take into account the ability to realise the full potential of important deposits. There are no provisions contained in *SREP9* which are of relevance to this proposal.

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)(SREP20)

SREP20 integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney region (15 local government areas), except for land covered by *Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme (SREP11)*. *SREP11* is supported by an Action Plan, which includes actions necessary to improve existing conditions.

The proposal is in accordance with the general planning considerations set out in the *SREP 20* as well as relevant specific planning policies and related recommended strategies contained in *SREP 20*.

Penrith Local Environmental Plan 1998 (Urban Land)

As shown at Annexure 6 the site is zoned 2(d) Residential (medium density) and the proposal is prohibited in the zone. The development is permitted by virtue of SEPP (Housing for Seniors or People with a Disability) 2004.

The LEP contains the following zone objectives:

- (i) to reinforce the importance of natural landscape settings and areas with heritage conservation value, and*
- (ii) to protect the character of traditional cottage development and streetscapes, and*
- (iii) to consolidate population and housing densities, and*
- (iv) to expand housing choices by allowing multi-unit housing up to a two storey appearance, and*
- (v) to promote a variety of housing types or forms upon each site, and*
- (vi) to allow a range of compatible non-residential uses.*

The proposal is consistent with the prescribed zone objectives in that it provides for the retention of the existing heritage item and a substantial improvement in terms of the item's visual dominance of the item that has been previously obstructed by incremental additions to the facility. The two (2) storey housing forms are consistent with the character of development in the locality and specifically align with objectives (iii), (iv), and (v).

Relevant Instrument Provisions

The LEP contains limited relevant provisions as the proposal is made pursuant to SEPP (Housing for Seniors or People with a Disability) 2004. The proposal has been assessed and is consistent with the relevant provisions applying to the development.

Penrith Local Environmental Plan 1991- Environmental Heritage Conservation

As addressed, the subject site is identified as containing an item of local heritage significance. A Heritage Impact Statement (HIS) has been prepared by City Plan Heritage addressing the matters required by Clause 8(2) of the LEP.

The HIS provides:

The new improved design is considered to be consistent with the Council Heritage Advisor's recommendations that the original buildings and the tower are maintained as the focal points of the site. The changes do not alter conclusions of the original Heritage Impact Statement dated May 2012 that was accompanied the Development Application and the subsequent supplementary Heritage Impact Statement dated 18 September 2012 prepared by the undersigned. In that the conclusions of those reports are still valid. As such in summary:

The proposal allows for the legibility of the internal layout of the buildings and respects their identified heritage significance. The majority of the internal architectural and decorative elements such as ceiling roses, cornices, door frames / joinery, and skirting will be retained while providing necessary amenities for the operational requirements of an aged care facility for residents who require aged care. It retains the existing roofscape of the main buildings and the tower as the prominent and focal point of the site when viewed from the public domain surrounding the site and open up the view of the entrance by removal of later obtrusive additions and improves the sense of address to the facility.

The revised design of the development has satisfied initial concerns raised by Councils Heritage Advisor. A recommended condition of consent requires the preparation of a Conservation Management Plan and a Costed Long Term Maintenance Plan for the item considering the scale of development proposed and the extent of works in the vicinity of the item. This is consistent with the provisions of Clause 2(e) and (f) that provide that a consent authority must consider:

- (e) *whether the permanent conservation of the building or work is considered necessary,*
- (f) *the probability of the building or work being incapable of reasonable or economic use.*

Based on the above the proposal satisfies the relevant provisions of the LEP.

3. Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instrument

Draft Penrith Local Environmental Plan 2010

The Draft Penrith LEP 2010 was placed on public exhibition on 13 May 2013, with the exhibition period to end on 5 July 2013. Therefore the provisions of the Draft LEP are a relevant matter for consideration, noting that the relative weight afforded to the assessment of the current proposal is considered to be less, as the Draft LEP is

currently on exhibition and would not be considered 'certain and imminent' as per the judgement in *Terrace Tower Holdings Pty Ltd v Sutherland Shire Council*.

The subject site is zone R4 High Density Residential and *Seniors Housing* is permitted with consent in the zone- noting Seniors Housing is contained within the definition of *residential accommodation* and *residential accommodation* is permitted with consent. *Residential care facility* falls within the definition of *Seniors Housing*.

The relevant height of buildings map identifies a 15m maximum height control applying to the land and the proposal incorporates a maximum height of approximately 9m which is well below the control. The development application has been assessed against the remaining relevant provisions of the Draft LEP and found to be satisfactory, with the only area worthy of further discussion being Clause 5.10.

The Draft LEP identifies the subject site as containing an item of local heritage significance (I2260174), being the *Governor Phillip Special Hospital- original building*. The Heritage Impact Statement prepared by City Heritage Plan provides an assessment of the effect of the development on the heritage significance of the item.

The HIS provides:

The new improved design is considered to be consistent with the Council Heritage Advisor's recommendations that the original buildings and the tower are maintained as the focal points of the site. The changes do not alter conclusions of the original Heritage Impact Statement dated May 2012 that was accompanied the Development Application and the subsequent supplementary Heritage Impact Statement dated 18 September 2012 prepared by the undersigned. In that the conclusions of those reports are still valid. As such in summary:

The proposal allows for the legibility of the internal layout of the buildings and respects their identified heritage significance. The majority of the internal architectural and decorative elements such as ceiling roses, cornices, door frames / joinery, and skirting will be retained while providing necessary amenities for the operational requirements of an aged care facility for residents who require aged care. It retains the existing roofscape of the main buildings and the tower as the prominent and focal point of the site when viewed from the public domain surrounding the site and open up the view of the entrance by removal of later obtrusive additions and improves the sense of address to the facility.

This has been reviewed by Councils Heritage Advisor and found to be satisfactory and therefore the provisions of Clause 5.10(4) of the LEP are satisfied. A recommended condition of consent requires the preparation of a Conservation Management Plan and a Costed Long Term Maintenance Plan for the item considering the scale of development proposed and the extent of works in the vicinity of the item. This is consistent with Clause 5.10(5) that provides: *the consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan.*

Based on the above the relevant provisions of the LEP are satisfied.

4. Section 79C(1)(a)(iii) – Any Development Control Plan

Penrith Development Control Plan 2006

The proposed development is in accordance with the relevant provisions of *Penrith Development Control Plan 2006* as set out in the Development Control Table in Appendix No. 8.

5. Section 79C(1)(a)(iv) – The Regulations

Penrith City Council's Building Surveyor has raised no objection to the proposed development regarding fire safety considerations, subject to submission of an annual fire safety statement.

6. Section 79C(1)(b) – The likely impacts of the development

Heritage & Urban Design

The original development proposal was reviewed by Councils Heritage Advisor and Urban Design Consultant, with a number of issues being raised regarding the design of the proposal and the impact of the development on the fabric of the heritage item. These issues are summarised as:

- The obscuring of the original 1895 building by the proposed building and portico;
- The need to ensure the 1985 building is the focal point of the development as viewed from Glebe Place;
- The inappropriate use of saw tooth roof forms to the RACF and ILU's;
- The extent of landscaped area;
- Circulation and permeability within the development; and
- Amenity for occupants;

The proponent has worked collaboratively with Council on this issue and has amended the proposal to emphasise the existing heritage item and also reconfigured the independent living units to maximise amenity and improve streetscape presentation.

As addressed the revised proposal is supported by a revised Heritage Impact Statement prepared by City Plan Heritage that outlines that the proposal respects the heritage significance of the item. The amendments have been reviewed by Councils Heritage Advisor and Urban Designer and found to be appropriate, subject to resolution of a number of minor elements relating to window treatments and external finishes. These are addressed by conditions of consent.

Site Design, Context and Setting

The proposed development has been designed to be compatible with surrounding development in terms of built form and external building materials and finishes. The proposed development maintains sufficient buffer distances to adjoining properties and will not pose a major adverse impact on existing or future surrounding land uses.

The proposal is considered to be compatible with the surrounding and adjacent land uses and will have no major impact on the amenity of the area. The proposal will have no adverse impacts on the natural environment.

The application has been accompanied by landscape plans which provide for related landscaping works on the site including the retention of existing street trees on Glebe Place and new street trees on the other street frontages. Refer to Appendix No. 4 for a copy of the landscape concept prepared by Taylor Brammer. The proposed landscape works will provide for embellishment of the site with suitable ground covers, shrubs and trees which, at maturity, will complement the scale, design and function of the development.

Parking areas do not dominate the streetscape and these areas are appropriately screened by the landscape plantings. The proposal demonstrates good design with appropriate use of colours, interesting architectural elements and a variety of finishes.

Accessibility

The application has been designed to respond to the needs of elderly persons and persons with a disability given the nature of the development proposal. The application is accompanied by a BCA assessment, prepared by Blackett Maguire & Goldsmith and an Accessibility Report prepared by Morris Goding Access Consultants. These reports both provide a review of the proposed works with regard to access considerations. The accessibility report contains detailed recommendations to ensure that the residential aged care facility, and the independent living units, comply with relevant access standards. Conditions of consent are recommended requiring the implementation of the recommendations with detail to be shown on the Construction Certificate drawings and a compliance certificate obtained confirming the recommendations are shown on the plans.

Access, Parking and Traffic

Vehicular access to the site is via an existing cross-over in Glebe Place and a secondary access point is located on King Street. The design of the proposal incorporates a single vehicular access point from King Street, with a secondary drop off and pickup point to the residential aged care facility accessed from Glebe Place.

A total of 14 of the proposed dwellings incorporate direct vehicular access to King Street and Gascoigne Road. The remaining 32 dwellings are accessed via the internal loop roads that connect to the main vehicular access point to the site. Each

dwelling is provided with a single dedicated parking space and there are a total of 7 visitor spaces allocated to the dwellings. The parking proposed for the residential aged care facility incorporates a total of 19 parking spaces and 1 ambulance bay

The application has been accompanied by a Traffic and Report prepared by GHD which concludes that the proposed vehicle access and car parking arrangements are satisfactory and that the additional traffic flows which will be associated with the proposed development can be accommodated by the surrounding road network with existing intersections retain a similar level of service upon completion of the development. It is noted that the existing, unsignalised, intersection of Glebe Place and The Northern Road has a poor level of service however the current proposal will not discernibly change the operation of this intersection.

Penrith City Council's Senior Traffic Engineer has reviewed the proposed development with regard to access, parking and traffic considerations and has concluded that no major traffic generation impacts are expected from the development as it is anticipated that the local road network and surrounding intersection treatments have adequate spare capacity to cater for this increase. The development's additional traffic will be absorbed into the surrounding intersections particularly noting there is no net change in traffic generation given the school is relocating from the site to the east.

Council's Traffic Engineer is satisfied with the proposed access, parking and traffic related aspects of the proposal- subject to recommended conditions of consent.

Noise

Acoustic Logic has prepared a Noise Assessment dealing with:

- Construction Noise Impacts;
- Operational Noise Impacts; and
- Noise Intrusions from Traffic movements in the area.

The assessment found that construction and operational noise impacts would not exceed relevant criteria for nearby residential properties. Traffic noise intrusions will require windows to be closed to comply with the relevant criteria and therefore mechanical ventilation is to be provided to the affected buildings. Acoustic seals and specific window glazing treatment is proposed to ensure that noise intrusion from traffic movements comply with Australian Standard 2107:2000 and SEPP (Housing for Seniors or People with a Disability) 2004.

The Noise Assessment has been reviewed by Council's Senior Environment Officer and is considered satisfactory. Conditions of consent are proposed to reinforce this issue.

Stormwater Management

A detailed Civil and Hydraulic report were prepared regarding stormwater drainage, overland flow, on-site stormwater detention and erosion and sediment control measures. The design of the development adequately deals with these elements and complies with Council's controls. Council's Development Engineering Unit has reviewed the submitted report and relevant plans and raised no objection subject to conditions.

7. Section 79C(1)(c) – The suitability of the site for the development

The site attributes are conducive to the proposed development for the reasons set out below:

- The site is appropriately zoned for the proposal and an existing residential aged care facility operates from the site;
- The site is located within proximity to public transport;
- The proposal is designed to address the heritage constraints on the site;
- The proposal incorporates adequate on site parking;
- The proposal will provide for additional purpose built housing for seniors and people with a disability; and
- The proposal provides for substantial refurbishment of the existing residential aged care facility to ensure it is consistent with contemporary standards.

Accordingly the site is considered suitable for the development subject to conditions.

8. Section 79C(1)(d) – any submissions made in relation to the development

As stated earlier in this report the proposed development was notified to the owners and occupiers of adjoining and nearby properties pursuant to Council procedures and Penrith DCP 2006. A total of 118 property owners and occupiers were notified in the surrounding area and invited to make a submission on the proposal during the exhibition period of 25 June 2013 to 9 July 2012. Only one (1) submission was received as the two (2) issues raised in the submission are summarised in the table below.

<i>Issue</i>	<i>Comment</i>
<i>We wish to know if anything will be done re: traffic, parking etc. As 10 units will have their entrance from Gascoigne Street, what about visitor parking? Gascoigne Street is already a very busy thoroughfare with cars, trucks (of all shapes and sizes) etc. using it every day. The street is also used for entry to the Hydro Pool, parking for Hostel plus units and houses closer to Parker Street. The ambulance often comes to both hostel (mainly) and ILU. Could parking</i>	The proposal provides for a total of 19 parking spaces for the aged care facility and 53 parking spaces for the self-contained dwellings, inclusive of 7 visitor parking spaces. This is consistent with the requirements contained within SEPP (Housing for Seniors and Persons with a Disability) 2004 which requires 16 spaces for the aged care facility and 46 spaces for the self-contained dwellings. Therefore the proposal provides 20 spaces above the minimum requirements

Issue	Comment
<i>bays perhaps be appropriately marked for the full length of the street?</i>	contained within the SEPP. Councils Senior Traffic Engineer has reviewed the proposal and confirmed that the parking provision complies with the requirements of the SEPP and is sufficient to cater for anticipated demand. Therefore the level of on-site parking provided is satisfactory.
<i>Old buildings to be demolished. What about asbestos? Has this been adequately covered?</i>	Conditions of consent are proposed to address the issue of handling of asbestos material.

Internal Referral Comments

The table below summarises the results of internal Penrith City Council referrals in relation to the proposal.

Referrals	Comments
Building Surveyor	No objection, subject to conditions.
Development Engineer	No objection, subject to conditions. It is proposed to require the upgrade of the existing footpath paving at the frontage of the site to provide a 1.5m wide path for the full property frontage. It is further proposed to require the upgrading of 2 x existing bus shelters in proximity to the site as well as the provision of 2 new bus shelters in King Street in order to comply with Disability Discrimination Act requirements.
Senior Traffic Engineer	No objection, subject to conditions.
Senior Environmental Health Officer- Environment	<p>The Acoustic Report was found to be satisfactory and the proposed acoustic seals and glazing treatments will ensure that noise intrusion (road traffic) is mitigated.</p> <p>In relation to the Stage 2 Environmental Site Assessment a Remedial Action Plan is required and remediation work required.</p> <p>This issue is discussed previously in this report noting conditions of consent address the need for remediation works to be carried out.</p>

Heritage Advisor & Urban Design	<p>Initial concerns were raised regarding landscaping, obscuring of the 1985 building, articulation to street frontages, site circulation for pedestrians and internal footpath locations, and traffic noise.</p> <p>These concerns were addressed by way of amended plans that reconfigured the proposed dwellings and internal road layout as well as amendments to the alterations to the aged care facility. The plan amendments have addressed the original concerns raised and provide an appropriate outcome on the site.</p> <p>Further comments sought from Councils Heritage Advisor and Councils Architect revealed a number of minor issues, including:</p> <ul style="list-style-type: none"> ○ <i>Glebe Place Elevation: the temporary aluminium cladding panels to be redesigned by contemporary lattice with landscape elements.</i> ○ <i>Entry Area: right of the Porte Cohere, windows are awkward and to be redesigned.</i> ○ <i>Colour schedule and material to be presented.</i> <p>These issues are proposed to be addressed by way of consent conditions.</p>
Senior Environmental Health Officer- Public Health	No objection

9. Section 79C(1)(e) – The Public Interest

The site is suitable for the proposed development and the proposed development is permissible with consent in the zone. The current application is in the public interest as it is consistent with SEPP (Housing for Seniors or People with a Disability), PLEP 1998 and the relevant DCP.

The development provides several positive outcomes that clearly indicate that it serves the public interest. These outcomes include:

- New purpose built housing for older persons in a location with good access to local services and public transport;
- Upgrade of the existing aged care facility on the site to a contemporary standard;

- Restoration of the existing heritage item on the site through the removal of a number of the incremental additions and enhanced streetscape presentation of the item to Glebe Place; and
- Limited adverse amenity impacts to adjoining and nearby properties.

Section 94 Contributions

Section 94 contributions are not charged for the residential aged care facility however they are charged in relation to the establishment of the 46 self-contained dwellings. Section 94 contributions have been calculated (\$179,124) and are reinforced by conditions of consent- see Appendix 9.

Conclusion

The proposed development is in accordance with the relevant provisions of the Environmental Planning Instruments and Development Control Plans pertaining to the land. The proposed development is unlikely to have a negative impact on the surrounding environment. The proposed development has been assessed against the relevant heads of consideration contained in Section 79C of the *Environmental Planning and Assessment Act 1979* and has been found to be satisfactory. The site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of support.

Recommendation

That:

1. Development Application No. DA12/0462 Alterations and Additions to an existing Residential Aged Care Facility and Construction of 46 Self-Contained Dwellings be approved by way of a deferred commencement consent subject to the conditions in Schedule 1;
2. Those making submissions be notified of the outcome.

SCHEDULE 1

DEFERRED COMMENCEMENT

- A A development application is to be submitted for the remediation of the site, and the development application is to be accompanied by a Remedial Action Plan (RAP). The RAP is to be consistent with Contaminated Land Planning Guidelines and Policies, including but not limited to SREP No. 20, SEPP 55, the Contaminated Land Management Act and all relevant NSW Environment Protection Authority Guidelines. All works associated with any remediation are required to be completed and validated to the satisfaction of Council, with a Validation Report to be prepared by an appropriately qualified person (being a person who, in the opinion of Council, has a demonstrated experience, or access to experience in relevant areas. In addition, the person will be required to have appropriate professional indemnity and public risk insurance) certifying that remediation works have been carried out in accordance with the RAP and is to confirm that the site is suitable for residential development.
- B Amended architectural plans are to be prepared and submitted to Council to address the following matters:
- Glebe Place Elevation: the temporary aluminium cladding panels to be redesigned by contemporary lattice with landscape elements.
 - Entry Area: right of the Porte Cohere, windows are awkward and to be redesigned.
 - Colour schedule and material to be formulated
- C A Conservation Management Plan and Costed Long Term Maintenance Plan are to be prepared by a suitably qualified Heritage Consultant to provide for the ongoing retention and maintenance of the heritage item.

GENERAL

1. The development must be implemented substantially in accordance with the following plans and documents, stamped approved by Council- except as may be amended in red on the attached plans and by the following conditions.

Plan/Report	Reference	Dated	Prepared by
New Site Masterplan	DA03 Rev C	29-4-13	HUMEL Architects
Ground Floor Demolition Plan	DA07 Rev A	4-6-12	HUMEL Architects
Proposed RACF Sub-Ground Floor Plan	DA08 Rev C	29-4-13	HUMEL Architects
Proposed RACF Ground Floor Plan	DA09 Rev C	29-4-13	HUMEL Architects
RACF Typical Room Layouts	DA10 Rev C	29-4-13	HUMEL Architects
Proposed Roof Plan	DA11 Rev C	29-4-13	HUMEL Architects
Proposed Elevations	DA12 Rev C	29-4-13	HUMEL Architects

Sections A-A, B-B & C-C	DA13 Rev C	29-4-13	HUMEL Architects
Entry Memorial Details	DA14 Rev A	4-6-12	HUMEL Architects
Smoke Compartmentation Plan	DA15 Rev C	29-4-13	HUMEL Architects
Lower Ground Floor ILU Site Plan Parts A-B	DA16-DA17 Rev C	29-4-13	HUMEL Architects
Ground Floor ILU Site Plan Parts A-C	DA18-DA20 Rev C	29-4-13	HUMEL Architects
Site Roof Plan Parts A-C	DA21-DA23 Rev C	29-4-13	HUMEL Architects
Street Elevations	DA24 Rev C	29-4-13	HUMEL Architects
Site Sections D-D & E-E	DA25 Rev C	29-4-13	HUMEL Architects
ILU Floor Plans	DA26 & DA28 Rev B	12-09-12	HUMEL Architects
ILU Elevations	DA27 & DA 29 Rev B	12-09-12	HUMEL Architects
Community Building Floor Plan and Elevations	DA32 Rev C	29-4-13	HUMEL Architects
Solar Access Study	DA35-DA36 Rev C	29-4-13	HUMEL Architects
Entry Signage Details	DA38 Rev A	4-6-12	HUMEL Architects
Landscape Plans	Job No. 12-042S Dwg Nos LA01- LA05	2-5-13	Taylor Brammer Landscape Architects.
Stormwater Plans	Job No. 3619002 Dwg No. C01- C05 & C10-C12 Rev G	23-4-13	Warren Smith and Partners
Acoustic Impact Assessment	20120348.1/1505A/R2/TT	25-5-12	Acoustic Logic
Traffic Report	21/22246	April 2013	GHD
Arboricultural Impact Appraisal and Method Statement		30-4-13	Naturally Trees
BCA Assessment Report	120155	26-4-13	Blackett Maguire + Goldsmith
BASIX Assessment		26-4-13	Efficient Living
Accessibility Report		22-4-13	Morris Goding Accessibility Consulting
Statement of Environmental Effects	09-132B	May 2013	BBC Consulting Planners
Heritage Impact Statement	Job No. 11-083	May 2012	CityPlan Heritage

- Any kitchen areas shall be constructed in accordance with the requirements of AS4674-2004 "Design, Construction and Fitout of Food Premises," the Food Act 2003 and Food Regulation 2010.

3. The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
4. The development shall not be used or occupied until an Occupation Certificate has been issued.
5. A Construction Certificate shall be obtained prior to commencement of any building works.

DEMOLITION

6. All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be retained.

7. You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site.**

Prior to commencement of demolition works on site:

- ☐ Measures are to be put in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- ☐ The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

8. Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
9. Mud and soil from vehicular movements to and from the site must not be deposited on the road.

HERITAGE/ARCHAEOLOGICAL RELICS

10. If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

ENVIRONMENTAL MATTERS

11. Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

12. All land that has been disturbed by earthworks is to be spraygrassed or similarly treated to establish a grass cover.
13. No fill material, other than that identified on the approved plans, is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury-Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
14. All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.
15. All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided prior to works commencing.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

16. All recommendations contained in the Acoustic Assessment (Report No. 10120348.1 Version 2 prepared by Acoustic Logic and dated 25/5/2012) are shall be implemented and incorporated into the design and construction of the development.

A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted prior to operation of the development.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

17. No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been obtained. The Validation Certificate shall:

- ☐ state the legal property description of the fill material source site,
- ☐ be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- ☐ clearly indicate the legal property description of the fill material source site,
- ☐ provide details of the volume of fill material to be used in the filling operations,
- ☐ provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- ☐ (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- ☐ Supervise the filling works,
- ☐ (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council.
- ☐ Certify by way of certificate or written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Certificate or other documentation shall be submitted to Council.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

BCA ISSUES

18. All recommendations contained within the Access Review prepared by Morris Goding Accessibility Consulting are to be implemented as part of the development and shown on the Construction Certificate drawings. Certification that the drawings comply with relevant requirements contained within the aforementioned report is to be prepared by a qualified access consultant and provided to the PCA with the application for a Construction Certificate.

19. All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- a) complying with the deemed to satisfy provisions, or
 - b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
 - c) a combination of (a) and (b).
20. The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:
- (a) deal with each essential fire safety measure in the building premises, and
 - (b) be given:
 - ☐ within 12 months after the last such statement was given, or
 - ☐ if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- ☐ must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- ☐ prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

PUBLIC HEALTH

21. The operator is to manage the deceased in accordance with the Public Health Act 2010 and Public Health Regulation 2012.

CONSTRUCTION

22. All construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline":

- o Mondays to Fridays, 7am to 6pm
- o Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- o No work is permitted on Sundays and Public Holidays.

Other construction works that are carried out inside a building that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise also apply to construction works.

23. Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed **when the Occupation Certificate has been issued for the development.**

24. No work is to commence on site until such time as a person accredited to prepare traffic control plans in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" has certified a Traffic Control Plan for the development/site. The Traffic Control Plan shall be implemented during the construction phase of the development and a copy of the plan shall be available on site at all times.

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to be submitted to Penrith City Council **2 days before any work is to commence on site.**

ENGINEERING

25. On-site detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Warren Smith & Partners Pty Ltd, reference number 3619002, revision C, dated 25/5/12.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

26. **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.
27. **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.
28. After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

29. Prior to the issue of select an Occupation Certificate the Principal Certifying Authority shall ensure that the:
- a) On-site detention system/s:
 - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

30. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

31. **Prior to the issue of an Occupation Certificate** a 3m splay corner at the intersection of King Street and Gascoigne Street and at the intersection of King Street and Glebe Place is to be dedicated as road to Penrith City Council on a plan of subdivision registered with the Land & Property Information Division of the Land & Property Management Authority. The dedication of road and subsequent registration shall be at no cost to Council.
32. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the driveway widths to access the independent dwellings at the property boundary have been designed to cater for the reverse manoeuvring of a B85 vehicle.
33. Prior to the issue of a Construction Certificate the Principal Certifying Authority and/or Certifying Authority shall ensure that a Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for the following works.
- a) Provision of vehicular crossings
 - b) Provision of private drainage connection(s) to Council's road drainage system
 - c) Removal of redundant vehicular crossings and reinstatement of kerb and gutter
 - d) Opening the road reserve for the provision of services including stormwater
 - e) Provision of 1.5m wide accessible path paving for the full property frontage and to the nearest bus stops in King Street. The accessible path paving is to be certified by a suitably qualified accessibility consultant.
 - f) The provision of two new Disability Discrimination Act (DDA) compliant bus shelters at the two existing bus stops in King Street, just south of the intersection with Glebe Place. The DDA compliant bus shelters are to be designed and certified by a suitably qualified accessibility consultant.
 - g) The two existing bus shelters in King Street, south of the proposed access driveway are to be upgraded to be DDA compliant facilities. The bus shelters may be modified and retained and relocated to meet the DDA requirements. The DDA compliant bus shelters are to be designed and certified by a suitably qualified accessibility consultant.

Civil design drawings are to be prepared strictly in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Note: Contact Penrith City Council's **Development Engineering Unit** on (02) 4732 7777 to ascertain applicable fees.

34. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed stormwater system does not increase stormwater drainage flows for all storms and durations up to the 100 year event at both the connection to the King Street and Gascoigne Street road drainage networks to ensure that there is no impact on the respective downstream catchments.
35. All car parking and manoeuvring must be in accordance with AS 2890.1-2004.

LANDSCAPING

36. All landscape works are to be constructed in accordance with the stamped-approved plans referred to in Condition 1 and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation, which died or was removed.

37. The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 2 landscape works.

i. Implementation Report

- Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 2 landscape works.
- An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

- On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.
- This report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 2 landscape works.

38. The trees identified for retention in the Arboricultural Impact Appraisal dated, prepared by Naturally Trees, and dated 30 April 2013 shall be retained and duly protected during construction of the development.

Prior to the commencement of any works on site, including clearing of site vegetation, tree protection measures shall be:

- installed in accordance with the standards prescribed by the aforementioned report, and
- certified by the author of the aforementioned report before any works can commence on site. The certification is to be a written document certifying that the tree protection measures have been installed in accordance with the recommendations in the approved TMP. The Certificate or other suitable documentation shall be submitted to the Principal Certifying Authority a minimum 2 days prior to the commencement of site works.

UTILITY SERVICES

39. A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water's website at www.sydneywater.com.au then the “e-developer” icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

40. **Prior to the issue of a Construction Certificate**, a written clearance is to be obtained from Integral Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a padmounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

SECTION 94

41. This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for:

- ☐ Cultural Facilities;
- ☐ Footpaths;
- ☐ District Open Space; and
- ☐ Local Open Space.

These plans can be inspected at Council's Civic Centre, 601 High Street, Penrith. Based on the current rates detailed in the accompanying schedule attached to this Notice, pay a development contribution of \$179,124.00.

This amount is to be paid to Council prior to the issue of a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 Plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

CERTIFICATION

42. **Prior to the commencement of any earthworks, construction or demolition works on site**, the proponent is to:

- a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

The following documentation shall accompany the "Notice of Commencement" to be submitted to Penrith City Council:

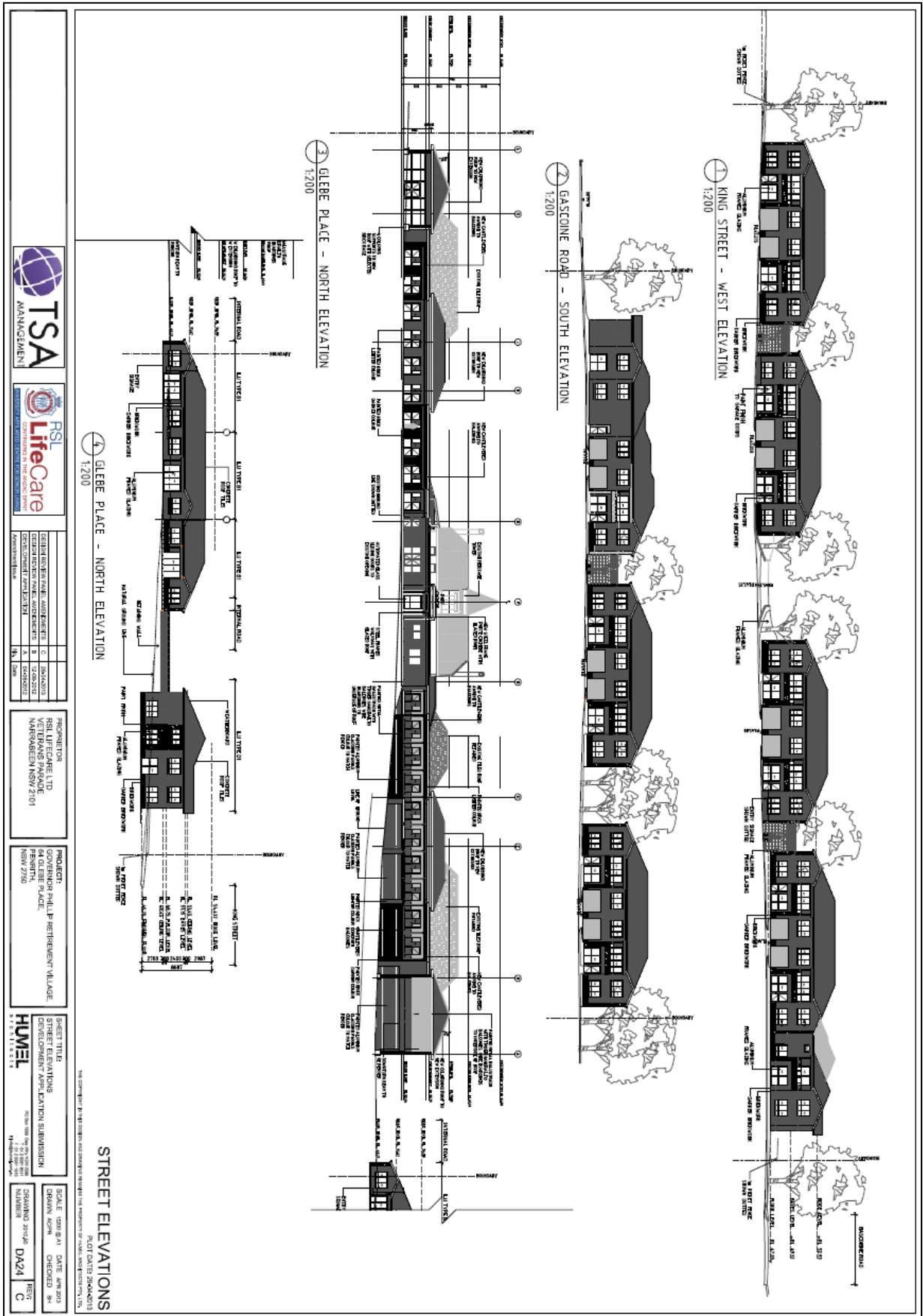
- Certification that the sediment and erosion control measures has been installed;
- A copy of the Traffic Control Plan for the development/site;
- Details of the qualified environmental consultant employed to supervise the development.
- Certificate or other documentation certifying that the tree protection measures have been installed.

Appendix No. 2 – Aerial View of Site



Aerial Photo of Development Site

[illegible]



Appendix No. 4 – Landscape Plan



Appendix No. 5 – Visual Impact Study



EXISTING VIEW 01



EXISTING VIEW 02



PROPOSED VIEW FROM OUTSIDE MAIN ENTRY



PROPOSED NEW VIEW 01



PROPOSED NEW VIEW 02

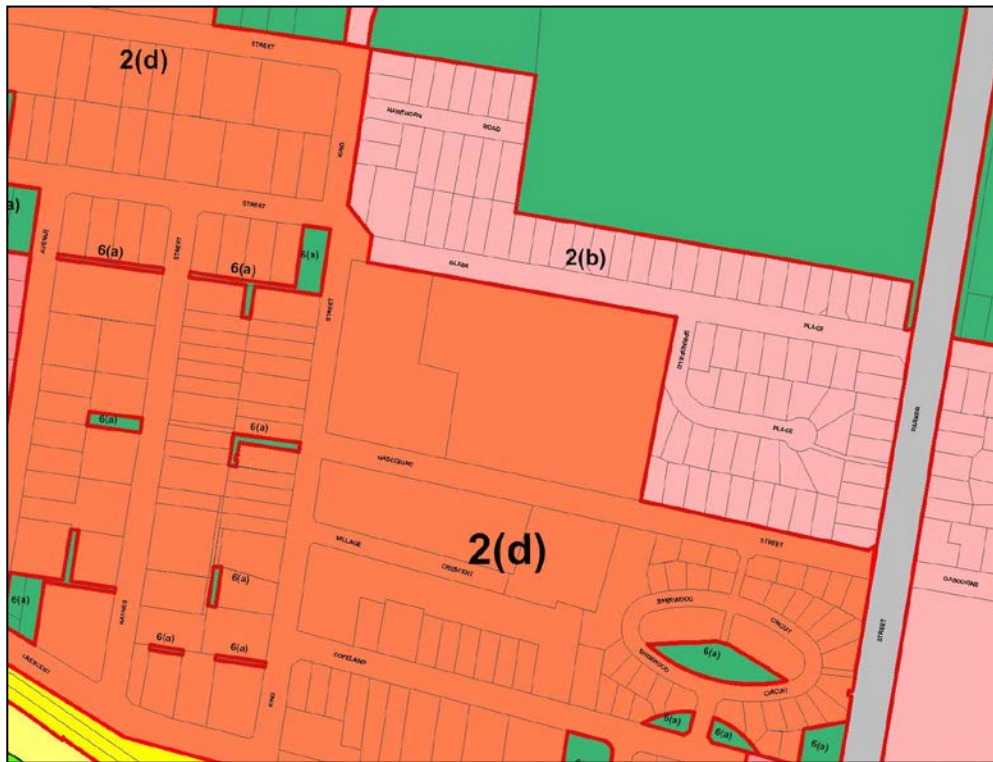


PROPOSED MAIN ENTRY STREET VIEW

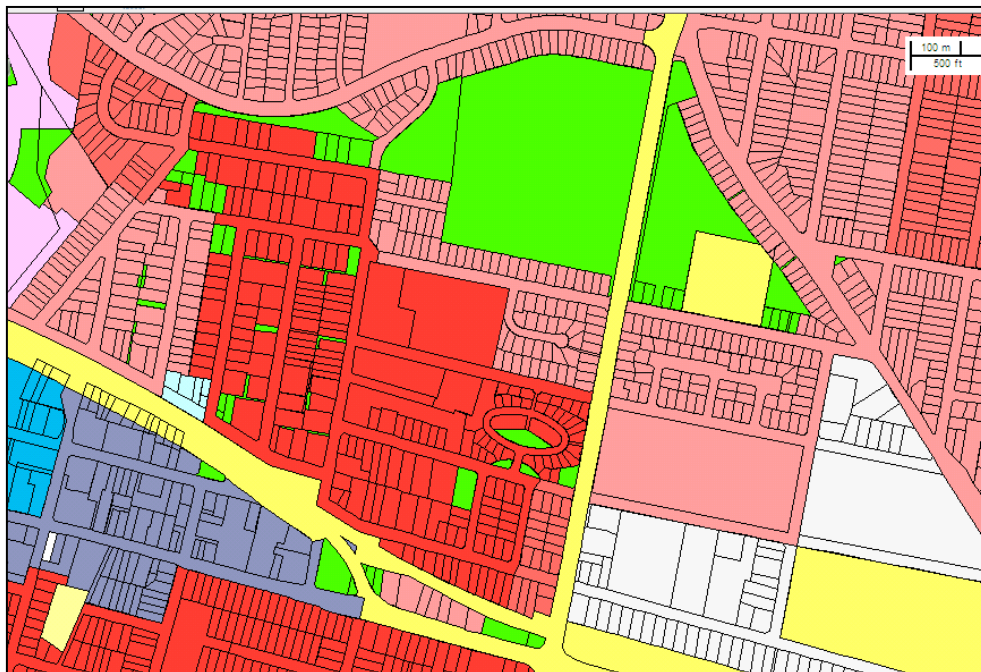
VISUAL IMP

THE COPYRIGHT IN THIS DESIGN AND DRAWING REMAINS THE PROPERTY OF THE DESIGNER AND DRAWING PREPARED FOR THE PROJECT

Appendix No. 6 – Zoning Extracts



Zoning Extract: Penrith LEP 1998 (Urban Lands)



Zoning Extract: Draft Penrith LEP 2010

Appendix No. 7 – SEPP Seniors Living Development Control Table

	SEPP Provision	Comment	Compliance
Clause 26 Location and Access to Facilities			
	Bus service that has 1 service Am and 1 service PM. Required to be no more than 400m from site and grade is to be no more than 1:14.	Bus stop located adjacent the southern edge of the site that complies with grades and access to service requirements noting the 785 bus runs along King Street.	Yes
Clause 28 Water and Sewer			
	Adequate services required	Adequate services available.	Yes
Clause 29 Consideration of Site Compatibility Criteria			
	Natural Environment Services and Infrastructure Bulk, Scale and Built Form.	Proposal will not have any impacts on the natural environment. Adequate services and infrastructure are available. The proposal is compatible with the existing character of the locality.	Yes
Clause 30 Site Analysis			
	Site Analysis required to be submitted dealing with a number of matters	Site analysis provides to align with SEPP provisions.	Yes
Clause 31 Design of In-fill self-care housing			
	Seniors Living Policy: Urban Design Guideline for Infill Development to be considered	The proposal has been assessed against the design guidelines and found to be satisfactory	Yes
Clause 32 Design of Residential Development			
	Design Principles to be considered	See discussion against design principles below.	Yes
Clause 33 Neighbourhood Amenity and Streetscape			
	To be compatible with character of locality Harmonise with heritage items Maintain neighbourhood amenity and character Provide landscaping in sympathy with locality Retain existing trees	Design is compatible with adjoining development. Heritage impact satisfactory No adverse amenity impacts and development consistent with character of locality. Landscape works in sympathy with locality. Existing street trees retained	Yes
Clause 34 Visual and Acoustic Privacy			

	SEPP Provision	Comment	Compliance
	Visual and acoustic privacy to be maintained	Appropriate visual and acoustic privacy measures proposed.	Yes
Clause 35 Solar Access and Design for Climate			
	Daylight to main living areas of neighbours to be retained. Site planning to make use of natural light and ventilation	No adverse overshadowing given lot configuration. Dwellings designed to maximise natural light and ventilation whilst controlling the entry of the harsh summer sun.	Yes
Clause 36 Stormwater			
	Stormwater run-off to be controlled and use on-site stormwater detention	OSD system proposed to capture stormwater and mitigate overland flows	Yes
Clause 37 Crime Prevention			
	CPTED principles should be incorporated into the design addressing surveillance, access control and territorial reinforcement	CPTED detail provided in the submitted SEE that outlines crime prevention measures and ensuring safety for persons attending the site.	Yes
Clause 38 Accessibility			
	Promote natural surveillance.	Natural surveillance provided given design and orientation of living areas.	Yes
Clause 39 Waste management			
	Encourage recycling	Separate residual, glass and paper bins proposed to encourage recycling noting collection by a private contractor.	Yes
Clause 40 Development Standards			
	Minimum Lot Size of 1000m ² Minimum Frontage of 20m	Site is great than 2Ha Frontage is greater than 20m	Yes
Clause 41 Standards for hostels and self-contained dwellings			
	Comply with schedule 3: - Wheelchair access and grades; - Security lighting; - Letterboxes - Private Car Accommodation (5% to be 3.8m wide) - Access requirements	The proposal complies with the provisions of Schedule 3, or will comply subject to the recommendations of the access report.	Yes
Clause 48 Standards that cannot be used to refuse development consent for residential aged care facilities			
	- Building Height: if less than 8m	Building less than 8m noting no specific height control in other EPI's and 15m control in Draft LEP.	Yes

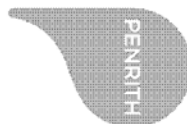
	SEPP Provision	Comment	Compliance
	<ul style="list-style-type: none"> - Density and Scale: is less than 1:1 - Landscaped Area: 25sqm per bed (approx. 2200sqm) - Parking: 1 space per 10 beds 1 space per 2 staff 1 space for ambulance 	<p>FSR is 0.7:1 to RACF</p> <p>Landscaped area is 33% of site area which is approximately 6000sqm</p> <p>= 8.2 + 8+ 1 ambulance required and proposal provides 19 spaces + 1 ambulance.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Clause 50 Standards that cannot be used to refuse development consent for self-contained dwelling			
	<ul style="list-style-type: none"> - Building Height: if less than 8m - Density and Scale: is less than 0.5:1 - Landscaped Area: 30% of site - Solar Access: 70% to receive 3 hours of sunlight between 9am and 3pm at June 21 - Private open space: 10sqm - Parking: 0.5 space per bedroom 	<p>N/A as no height control in LEP and draft height control of 15m.</p> <p>ILU's have FSR of 0.44:1</p> <p>33% of site area.</p> <p>73.9% receive 3 hours.</p> <p>Complies.</p> <p>46 parking spaces required and proposal provides 46 spaces plus 7 visitor spaces.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Appendix No. 8 – Penrith DCP 2006 Development Control Table

	DCP Provision	Comment	Compliance
2.1 Contaminated Land			
	Consider whether land is contaminated.	Contamination Assessment provided that outlines remediation required. As discussed previously in this report conditions of consent are recommended to address this issue.	Yes
2.2 Crime Prevention Through Environmental Design			
	CPTED principles should be incorporated into the design addressing surveillance, access control and territorial reinforcement	CPTED detail provided in the submitted SEE that outlines crime prevention measures and ensuring safety for persons attending the site.	Yes
2.3 Engineering Works			
	Works to be consistent with Councils 'Guidelines for Engineering Works for Subdivisions and Developments-Part 1- Design' and "Guidelines for Engineering Works for Subdivisions and Development-Part 2- Construction.	The proposal has been reviewed by Councils Development Engineer and found to be satisfactory. Conditions of consent reinforce this.	Yes
2.4 Erosion and Sediment Control			
A1	Erosion and Sediment Control Plan to be submitted as part of DA and carried out during development.	Erosion and Sediment Control measures shown on plans and the provision of these measures through construction is reinforced by conditions of consent.	Yes
2.5 Heritage Management			
3.3	Development within the vicinity of a heritage item	Heritage Impact Statement provided that outlines that the proposal is satisfactory and will not result in unreasonable impacts on the heritage significance of the item.	Yes
2.6 Landscape			
B3	Landscape Plan required.	A landscape plan accompanies the development application providing for landscape works along boundaries and across the site including new street trees.	Yes
2.7 Notification and Advertising			
Part B	Local Development- 14 day exhibition	The development was notified to adjoining property owners for a 1 submission received in response as discussed elsewhere in this report.	Yes

	DCP Provision	Comment	Compliance
2.9 Waste Planning			
		Waste storage areas noted on plans and existing waste collection arrangements will occur- i.e. commercial contract engaged by RACF. The ILU's will also be serviced by a commercial contractor. Conditions provided to reinforce appropriate disposal of waste.	Yes
2.11 Car Parking			
	DCP refers to Seniors Living SEPP. 1 per 10 beds and 1 per 2 persons employed and 1 space for an ambulance= 16 + ambulance 0.5 spaces per bedroom= 46	Proposal provides: 19 spaces + ambulance to RACF; 46 spaces to ILU's; and 7 visitor spaces	Yes Yes
	Parking and Manoeuvring to be consistent with AS2890.	The proposal has been reviewed by Councils Development Engineer and found to be satisfactory.	Yes
2.13 Tree Preservation			
	Tree Preservation Order Applies.	A number of trees are to be removed to enable the expansion of the existing facility. The loss of vegetation is offset through the planting of new trees and an Arborist Report provides detail on relevant tree protection measures.	Yes

Appendix No. 9 – Section 94 Contributions



Penrith City Council

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Development Contribution Assessed Charges

Application ID: DA12/0462.01

11 June 2013

Tsa Management
Level 16, 207 Kent Street
SYDNEY NSW 2000

64 Glebe Place **PENRITH NSW 2750\$**
Development Contributions

Type of Contribution	Qty	Rate	Amount
CW - Cultural Facilities	69	\$126.00	\$8,694.00
CW - District Open Space	69	\$1,754.00	\$121,026.00
CW - Footpaths	69	\$82.00	\$5,658.00
CW - Library Facilities	0	\$327.00	\$0.00
CW - Local Open Space	69	\$634.00	\$43,746.00
Total Contributions			\$179,124.00

	Hectares	Lots/ Detached Dwelling	C/W Per Person	O/Space Per Person	Commercial Office Sqrm	Industrial/ Warehouse Sqrm	Retail Sqrm	Muti Unit	Seniors Housing	Carpark	Square Metres
Existing	0	0	0	0	0	0	0	0	0	0	0
Proposed	0	0	69	69	0	0	0	0	0	0	0

Note to Applicant: These figures are correct at date of issue and are subject to change in accordance with the relevant Section 94 Contribution Plans and/or Voluntary Planning Agreements. Please contact Penrith City Council prior to payment to obtain the current outstanding amount.