

MINUTES OF THE HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING PANEL MEETING HELD AT GREAT LAKES COUNCIL CHAMBERS ON THURSDAY 19 SEPTEMBER 2013

PRESENT:

PANEL MEMBERS

Jason Perica	Acting Chair
Kara Krason	Panel Member
Bob McCotter	Panel Member
Karen Hutchinson	Panel Member / Councillor
Len Roberts	Panel Member / Councillor

COUNCIL STAFF IN ATTENDANCE:

Lisa Schiff	Director Planning & Environmental Services
Wayne Burges	Manager Development Assessments
David Pirie	Senior Development Assessment Planner
Wade Holmes	Traffic Engineer
Geoff Dowling	Engineering Development Officer
Ryan Fenning	Environmental Health Officer
Ryan Sims	Environmental Projects Officer
Yvette Ellis	Admin Officer (Minute Taker)

APOLOGIES:

Garry Fielding (Joint Regional Planning Panel).

The meeting commenced at 4.00pm.

1. Declarations of Interest:

Nil.

2. Business Item:

Item 1 - 2013HCC005 - Great Lakes - DA 249/2013, Aged Care Accommodation, 130-158 Kularoo Drive, Forster (Lot 83 DP 262684).

3. Public Submissions:

Addressing the Panel in favour of the item –

Bruce Parsons (on behalf of the Applicant/Owner).
Peter McFadyen (on behalf of the Applicant/Owner).

Addressing the Panel against the item –

Ken Maytom (adjoining neighbour).

4. Panels Decision:

Item 1 - 2013HCC005 - Great Lakes - DA 249/2013, Aged Care Accommodation, 130-158 Kularoo Drive, Forster (Lot 83 DP 262684).

Moved by K Hutchinson and **seconded** by L Roberts

That the Joint Regional Planning Panel considers the objection pursuant to State Environmental Planning Policy No. 1 - Development Standards to vary Clause 40(4)(a) and (b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 to be well founded and grants deferred commencement consent under Section 80 (3) of the *Environmental Planning and Assessment Act, 1979*, to DA 249/2013 for seniors housing to be developed and operated by a social housing provider as defined by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, subject to the conditions contained in Appendix 'A' as amended in the following manner:

Deferred Commencement Condition A1 amended to read as follows:

A1. Designing for noise impacts

Plans and specifications detailing the measures to reduce noise impacts on the building occupants from the removal of waste from the garbage and recycling area (vehicular movements and reversing horn) must be submitted to and approved by Council. In particular, attenuation measures for the rooms in the Residential Care Facility building directly above and adjacent to the waste and recycling collection point and Self-contained Dwellings 1, 33 and 34 must be addressed by a qualified acoustic consultant.

Reason: To maintain the amenity of building occupants.

Deferred Commencement Condition A2 amended to read as follows:

A2. Final Landscape Plan and Amended Landscape Design Report

The Registered Proprietor of the land shall engage a qualified and experienced landscape architect to prepare a Final Landscape Plan and Amended Landscape Design Report. The Plan and Report shall be prepared and submitted to Great Lakes Council's Ecologist for review and approval.

The Plan and Report shall demonstrate the predominant use of native plants that are locally indigenous to the Forster area, with particular reference to those species identified in the document prepared by Ryan Sims, dated 22 August 2013 and entitled "Native Plant Species List Appropriate for Landscaping of DA249/2013" in Annexure '1' of these conditions. Specifically no less than 70% of plant species in each structural layer (trees, shrubs and groundcovers) shall be local native species. No environmental weeds such as Canna Lilly or Tradescantia cultivars or similar are to be used in plantings. Cultivars are not considered native species.

The Plan and Report shall show clearly:

- a) The location of the buildings, and all associated infrastructure (including but not limited to electricity substation/s, car parks, paths,

- driveway areas, wastewater, stormwater treatment devices, etc.) and the type of material to be used for sealing these areas.
- b) Details of earthworks including cut and fill, mounding and retaining walls.
 - c) Details (locations, size, species) of trees to be retained on the land.
 - d) Details (locations, size, species) of trees to be removed from the land.
 - e) Details (locations, size, species) of trees to be translocated/ transplanted on the land.
 - f) Details of plant species, quantities, densities and height and spread at maturity that are to be utilised in the landscaping (including in stormwater treatment devices and drainage reserve).
 - g) Details of planting locations (including in stormwater treatment devices) and drainage reserve.
 - h) Details of the proposed staging of landscaping activities.
 - i) Details of the area of established and maintained lawns.
 - j) Details of planting procedure and on-going maintenance.
 - k) Details of the use and type of mulch on the land.
 - l) Details of the use and the type and quantity of soil material to be imported to the land.
 - m) The use of predominantly native flora species as defined above.
 - n) Tree plantings that consider a range of flowering seasons that may provide blossom for nomadic and migratory species, such as the Swift Parrot.
 - o) The path that follows the south-western corner/ wing of the Residential Aged Care Facility shall be offset 1.5m from the southern boundary to allow for two (2) additional planted trees. The two (2) additional trees shall be of appropriate native species as defined above and reach 6 to 8-metres in height at maturity.
 - p) Screen planting of electricity substations to the street view.
 - q) A continuous screen planting of appropriate plants identified in the document prepared by Ryan Sims, dated 22 August 2013 and entitled "Native Plant Species List Appropriate for Landscaping of DA249/2013 along the southern boundary, except where trees already occur and are proposed to be retained and/or are proposed to be planted. The screen planting shall be capable of reaching a minimum of 2.5m in height.
 - r) Landscaping of the eastern and southern boundary associated with the Residential Aged Care Facility building shall occur in Stage 1 and shall incorporate planting of advanced stock.

The Plan and Report must reflect the details of the *Tree Assessment and Protection Recommendations* report prepared by Syncarpia Vegetation Management and dated June 2013. The Plan and Report must also be in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites.

The Plan shall be reviewed and endorsed in writing by Council's Ecologist. All landscaping shall be carried out in accordance with the final plans and maintained in accordance with the plan at all times.

Reason: To provide landscaping to the subject land to improve local biodiversity and local amenity and to compensate for the removal of trees from the land.

Amend Deferred Commencement Condition A3 to ensure pruning of Trees 15 and 16 do not affect the long term health and longevity of the trees.

A3. Positioning of the Residential Aged Care Facility

The construction of any concrete slab of the Aged Care Facility building shall be no less than 3.35-metres from Trees 15 and 16 as identified in the *Tree Assessment and Protection Recommendations* report prepared by Syncarpia Vegetation Management, dated June 2013. All constructional works on site shall be in accordance with Australian Standards *AS4970-2009 Protection of Trees on Development Sites*.

The position of the Aged Care Facility building shall not result in any pruning of Tree 15 and Tree 16 that may lead to the decline of these two trees, as determined by a level 5 arborist and demonstrated through the submission to Council of an arboricultural assessment report. Alternatively, if those tree(s) cannot be retained, details are to be provided to Council's satisfaction of suitable replacement screening trees to be planted as part of Stage 1 works. Replacement tree/s must have the potential to compensate for the size and stature of the removed tree/s and provide a similar screening benefit.

Clear and specific detail shall be provided to Council in the form of Construction Plans or amended detail in the Final Landscape Plan and Landscape Design Report, that is required by these deferred commencement conditions.

Reason: To further protect retained trees and minimise potential privacy impacts and impacts of the development on native vegetation.

Delete Condition 4 and insert Deferred Commencement Condition A6 as follows:

A6. Design Changes – Plan amendments

The proposal must be amended in the following manner:

- a) The 1.8m high timber privacy screen shown as being located in the planted area adjacent to the footpath on the eastern side of the Residential Care Facility Building must be relocated to the edge of the Level 2 eastern sun terrace and courtyard of the Residential Care Facility Building such that the top of the privacy screen is 1.8m above the level of the terrace and courtyard.
- b) A 1.8m high timber privacy screen must be located on the edge of the Level 2 western sun terrace and courtyard of the Residential Care Facility Building such that the top of the privacy screen is 1.8m above the level of the terrace and courtyard.

- c) The path on the southern side of the Residential Care Facility Building must be setback a minimum of 1.8m from the boundary to allow for screen planting.

Plans detailing these amendments must be submitted with the application for a construction certificate.

Reason: To ensure privacy and minimise overlooking

Insert Deferred Commencement Condition A7 as follows:

A7 Operations and Management Plan

An Operations and Management Plan must be submitted that demonstrates that the serviced self-care housing complies with clause 13(3) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Reason: To ensure statutory compliance.

Precis amended to read as follows:

Evidence required to satisfy the above deferred commencement conditions must, in accordance with Clause 95(3) of the *Environmental Planning and Assessment Regulation 2000*, be submitted to Council within 12 months of the date of this consent.

The following conditions will apply following written notice given under Section 100(4)(b) of the *Planning and Assessment Regulation 2000* that the deferred commencement conditions have been satisfied and the date from which the consent operates and subject to any further conditions reasonably arising from compliance to the terms of the deferred commencement conditions above:-

Condition 1 amended to read as follows:

1. Development in accordance with approved plans

The development must be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
Cover Page/Drawing Schedule	629DA_10_000A	McFadyen Architects	January 2013
Site Master Plan	629DA_10_100B	McFadyen Architects	January 2013
Site Setout Plan	629DA_10_101B	McFadyen Architects	January 2013

Site Sections-Duplex's	629DA_10_102	McFadyen Architects	January 2013
Streetscape Elevations	629DA_10_103	McFadyen Architects	January 2013
Staging Plan	629DA_10_104A	McFadyen Architects	January 2013
Staging Plan + Bulk excavation + staging planting	629DA_10_105	McFadyen Architects	January 2013
RACF - Level 1	629DA_20_001B	McFadyen Architects	January 2013
RACF - Level 2	629DA_20_002A	McFadyen Architects	January 2013
RACF - Level 3	629DA_20_003A	McFadyen Architects	January 2013
RACF -Level 4	629DA_20_004A	McFadyen Architects	January 2013
RACF - Level 5	629DA_20_005A	McFadyen Architects	January 2013
RACF Elevations	629DA_20_100A	McFadyen Architects	January 2013
RACF Sections	629DA_20_102A	McFadyen Architects	January 2013
Duplex's Type A and Type B	629DA_30_100A	McFadyen Architects	January 2013
Duplex's Type C and Type D	629DA_30_101A	McFadyen Architects	January 2013
Duplex's Type A2 and Type C2	629DA_30_102A	McFadyen Architects	January 2013
Clubhouse	629DA_40_100	McFadyen Architects	January 2013
Site Management Plan	629DA_50_100A	McFadyen Architects	January 2013
Waste Management Plan	629DA_50_101A	McFadyen Architects	January 2013
Driveway/Loading Bay Detail	629DA_90_100	McFadyen Architects	August 2013

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

Reason: Information and to ensure compliance.

Condition 2 amended to read as follows:

2. Development in accordance with approved stages

The development must be implemented sequentially in accordance with the following approved stages:

STAGES	PARTICULARS
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Stage 1	Self-contained Dwellings Nos. 11-17 fronting Karloo Street and planting along the eastern boundary and southern boundaries adjacent to the Residential Care Facility building
Stage 2	Self-contained Dwellings Nos. 1-10 fronting Kularoo Drive
Stage 3	Self-contained Dwellings Nos. 19-24 and Self-contained Dwellings Nos. 39-50 and Clubhouse.
Stage 4	Self-contained Dwellings Nos. 25-32
Stage 5	Residential Care Facility Building North and Basement Carpark to Level 1 Floor Level Residential Care Facility Building South.
Stage 6	Residential Care Facility Building South
Stage 7	Self-contained Dwellings Nos. 33-38

Buildings/structures for each stage must not be occupied or used until an interim/final occupation certificate has been issued for each of the above approved stages of the development.

Reason: Information and to ensure compliance

Amend Condition 10 to read as follows:

10. Compliance with *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

The development as approved must operate as seniors housing provided by a social housing provider as defined by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

In accordance with Clause 18 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 a restriction as to user must be registered against the title of the property in accordance with Section 88E of the Conveyancing Act 1919, limiting the use of any accommodation within the development to the following kinds of people:-

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

Reason: To ensure statutory compliance.

Amend Condition 53 to read as follows:

53. Aboriginal heritage

This consent does not authorise the harming of an Aboriginal object or place. Under the *National Parks and Wildlife Act 1974*, it is the responsibility of all persons to ensure that harm does not occur to an Aboriginal object or place. If an Aboriginal object is found, whilst undertaking development work, all work in the vicinity of the object that could affect that object must stop and the NSW Office of Environment and Heritage notified. All directions of the Office of Environment and Heritage must be complied with at all times.

Reason: To protect Aboriginal heritage.

Lastly, the Panel requested the Notice of Determination and description of the approved development make clear that the development as approved is for serviced self care housing and a Residential Aged Care Facility under the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, provided by a social housing provider as defined under that SEPP.

Meeting closed 5.20pm.

Endorsed by



Jason Perica
Acting Chair
Hunter & Central Coast Joint Regional Planning Panel
Date: 23 September 2013