

Joint Regional Planning Panel

(Sydney East Region)

Meeting Date: 11 June 2013

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| JRPP Number: | 2013SYE030 |
| DA Number: | DA-2012/205/D |
| Local Government Area: | ROCKDALE |
| Proposed Development: | S96 Application - Modifications to Huntingdon Nursing Home including conversion of room uses, changes to room layout, additional excavation and new windows in south west elevation |
| Street Address: | 99-105 Harrow Road, 1-11 Connemarra Street & 2 Washington Street, BEXLEY |
| Applicant/Owner: | Huntingdon Nursing Home Pty Ltd |
| Number of Submissions: | Three(3) submissions |
| Recommendation: | Approval |
| Report by: | Marta Sadek – Senior Development Assessment Planner |

Precis

The proposal is for modifications to the development consent issued by the Joint Regional Planning Panel on 28 June 2012 for alterations and additions to the existing nursing home known as Huntingdon Gardens resulting in a total of 153 beds in 149 rooms (DA-2012/205).

Subsequent applications for modifications to the development consent under S96(1A) of the Act have been approved by Council. The subject modification involves internal alterations to the layout of the rooms, additional excavation to extend the basement level within the centre of the site and the addition of three windows in the south west elevation.

The land is zoned R2 Low density residential (properties in Harrow Road and Washington Street) and R3 Medium density residential (properties in Connemarra Street) under the provisions of Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal as modified meets the S96(2) test. Specifically the proposal as modified is considered to be substantially the same development as the proposal for which consent was originally granted.

The proposed modifications have been assessed against the relevant state and local planning policies, including State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP). The proposal as modified does not result in

additional impacts to the character and amenity of the neighbourhood or environmental impacts. The proposal is supported against the objectives and controls of the relevant planning policies.

The proposal has been notified in accordance with Council's Development Control Plan 2011 and three (3) submissions have been received, including a submission by the CHW Residents Action Group. The issues raised have been addressed in the report.

The development application has been assessed under S96(2) of the Act. As the original consent was granted by the Joint Regional Planning Panel (JRPP) and in accordance with clause 21(1)(b) of SEPP (State and Regional Development) 2011; the development application is referred to the JRPP for determination. The recommendation is for approval.

Officer Recommendation

1. That development application DA-2012/205/D for modifications to Huntingdon Nursing Home including conversion of room uses, changes to room layout, additional excavation and new windows in south west elevation be APPROVED subject to modifications to the consent DA-2012/205 as follows:

Modifications to condition 2 of the consent to include the amended plans (refer to draft notice of determination attached to this report)

Amend the following conditions:

132. A Plan of Management for on site parking is to be prepared prior to occupation to ensure staff, residents and visitors have access to the existing carparking areas within the development site. The Plan of Management is to address relevant procedures to ensure staff is aware of the intercom system allowing access to ambulance staff through the Porte Cochere entrance. Access to the building by ambulance staff is to be carried out from the Porte Cochere entrance only. The Plan of Management is to be implemented at all times. A copy is to be provided to Council.

Add the following conditions:

161. Prior to the issue of the Occupation Certificate signage shall be installed at main access points in Connemarra Street indicating ambulance access through the Porte Cochere only as indicated in approved drawings FD 23, 24, 25 and 26 listed in condition 2 of this consent.
162. Prior to commencement of operations an intercom system shall be installed at the ambulance staff access point located next to the Porte Cochere to allow ambulance staff to communicate with staff in the facility when attending the site.
163. Any portion of the proposed Car Parking Facility and driveway within 3m of the proposed detention tank shall be constructed on a pier and beam foundation with piers extending 300mm below the bottom of the tank base.

2. That the objectors be advised of the JRPP decision.

Report Background

BACKGROUND

The existing facility on the site is known as Huntingdon Gardens. An application for extensive renovations and additions to the facility was determined by Council on 10 April 2002 under DA-2001/290. This approval resulted in a total of 93 beds in 60 rooms distributed to include 14 dementia beds, 31 hostel beds (low care) and 48 nursing beds (high care). A total of 85 staff with a maximum of 28 staff at any one time was employed at the centre.

The most recent approval was granted by the Joint Regional Planning Panel (JRPP) on 28 June 2012 for a proposal to further enlarge the existing facility. This approval (DA-2012/205) results in 87 additional rooms and 60 additional beds, creating a total of 153 beds in 149 rooms.

A S96(1A) application was approved under delegated authority on 18 October 2012 (DA-2012/205/A) for the relocation of the driveway in Connemarra Street. An additional application for modifications to the roof to incorporate services was lodged subsequently under DA-2012/205/B and approved by Council at its meeting on 17 April 2013.

In addition, application DA-2012/205/C submitted under S96(1A) of the Act for modification to windows and privacy screens, was approved under delegated authority on 29 April 2013.

Building works have commenced on site. A private certifying authority has been engaged to certify construction works and final occupation.

PROPOSAL

The proposal is generally for modifications to the internal layout of some floors to achieve a more efficient use of the space. The proposal also involves the addition at basement level of an air plenum, store room and hot water heater room necessary for the operation of the facility. As a result, the north western wall of the basement and the area next to the driveway has been extended, increasing the proposed excavation on site.

Three windows have been added to the south west elevation (side elevation) in proximity to the front boundary as shown on amended plan 1501.

In addition to the above changes, the proposal involves relocation and changes to the layout of the stormwater on site detention and stormwater tanks.

The proposal does not involve changes to the approved number of rooms/beds nor does it impact on the provision of on site parking. Trees identified for retention in the original submission are not affected by the proposed modification.

A detailed description of the proposed modifications is listed below:

Level 2

Remove existing kitchen and cool room and create three additional rooms

Addition of three windows to new rooms

Storage area converted into servery

Communal area increased by reducing size of therapy room

OSD tank and rainwater tank located below new building in Harrow Road shown on plans

Level 3

Existing chapel, quiet room, office and nurse station replaced with two bedrooms. New clinical store, nurses' station, office and store relocated in proximity
Relocation of lift and shute room
Reconfiguration of kitchen and associated services including garbage storage
Extension to basement and addition of store room and hot water heater room and air plenum trench around basement (to provide a ventilation cavity for supply and exhaust air purposes)
Addition of scooter room, plant room and collection store room
Removal of balcony near basement and proposed storeroom

Level 4

Modification to reception layout
Deletion of rooms 4.27 and 4.26 and reconfiguration of dining /community area
Deletion of rooms 4.35 and 4.36
Lounge area increased, servery relocated
Additional room 4.52
Changes to timber pergola structure in courtyard
Lift removed

Level 5

Additional room 5.39
Deletion of room 5.18, 5.26 and 5.27
Lift removed
Minor reconfiguration of rooms

EXISTING AND SURROUNDING DEVELOPMENT

The site is identified as Lot 10 DP 1170591, Lot 1 DP 984073, Lot B DP 927202, Lot 1 DP 928719, Lot A Sec 19 DP 927202 and Lot 3 DP 307377. The site is located at 1-11 Connemarra Street, 99-105 Harrow Road, 2 Washington Street and 8 Washington Street, Bexley.



Huntingdon Gardens - Site location

On the site is an aged care facility known as Huntingdon Gardens and a dwelling at 2 Washington Street Bexley. A driveway to access the site is located in Washington Street. The rest of the site is vacant as a result of construction works.

The site is an irregular shape having three street frontages (Connemarra Street, Harrow Road and Washington Street) and a total site area of approximately 8813.5sq.m. The frontage in Connemarra Street is 72.54 metres and in Harrow Road is 53.335 metres. The frontage in Washington Street is divided between two properties being 10.085m at 8 Washington St where the existing driveway is located and 13.715m at 2 Washington Street.

The topography of the site is very irregular. There is a difference in natural ground level between the front of the site and the footpath in Connemarra Street of approximately 3 metres. Rocky outcrops and retaining walls characterise the centre of the site in the area where the existing building is located and towards the rear of 2 Washington Street. The difference in natural ground level in this area is approximately between 1 – 4 metres. The level changes between the boundaries of the site and adjacent properties are also significant, particularly on the Washington Street property. There are significant trees on site.

The surrounding area is a mixture of building types and densities. Adjacent to the site on Connemarra Street to the west is a villa development. In all other boundaries, the site adjoins a low density residential area characterised by single dwellings. The opposite side of Washington Street is zoned medium density residential development. The existing development is predominantly single dwellings and villa developments. Part of the south-eastern side of Harrow Road is zoned high density residential and is characterised by residential flat buildings.

Access to public transport is available in Connemarra Street.

PLANNING CONSIDERATION

The proposed development has been assessed under the provisions of the Environmental and Planning Assessment Act, 1979. The matters below are those requiring the consideration of the Joint Regional Planning Panel.

Section 96 – Modifications of consents

Section 96(2) states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
Comment: The proposal involves modifications to the internal layout of the rooms, relocation of the stormwater and rain water tanks, an extension to the basement area towards the centre of the site to accommodate a hot water heater room, trench and store room and the addition of three windows on the south west elevation. The proposal remains as alterations and additions to the existing nursing home. As such, the proposal as modified is substantially the same as the development for which consent was originally granted.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be

granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Comment: The original development consent did not involve a Permit or approval from a government agency/public authority. As such no conditions are to be considered.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment: The proposal has been notified in accordance with Council's Development Control Plan 2011 and three (3) submissions have been received.

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment: The issues raised in the submissions have been considered in the assessment of this application. Refer to the assessment under S79C(1) below.

Section 96(3) states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application. The relevant matters under S79C(1) as listed below.

Section 79C (1) Matters for Consideration - General

Provisions of Environmental Planning Instruments (S.79C(1)(a)(i))

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

The proposal is defined as a residential care facility in the SEPP. The proposed modification is ancillary to the approval for alterations and additions to a residential care facility and is therefore subject to the requirements of the SEPP.

The proposed modification has been assessed against the relevant design principles and development standards of the SEPP. No variations to development standards have been identified as the proposal does not result in any changes to the approved height, gross floor area, landscaped area, parking etc.

In regard to the design principles of the SEPP, the proposal as modified does not cause additional impacts to the streetscape or visual, acoustic and sun light access impacts to neighbouring properties.

The stormwater system as modified complies with Council's specifications for stormwater.

It is considered that the proposal as modified is consistent with the objectives and requirements of the SEPP to the extent that consistency was achieved by the original proposal.

Rockdale Local Environmental Plan 2011 (RLEP 2011)

The site is zoned R2 Low density residential (properties in Harrow Road and Washington Street) and R3 Medium density residential (properties in Connemarra Street) under the provisions of RLEP 2011. Development for the purpose of seniors housing is permissible with consent.

The proposed modification does not result on any non compliances against the clauses of RLEP 2011 beyond what was originally approved. The proposal as modified is supported against the objectives and requirements of RLEP 2011.

Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (S.79C(1)(a)(ii))

Draft Rockdale Local Environmental Plan 2011 (Amendment No. 1) - Housekeeping was on public exhibition from 28 June 2012 until 27 July 2012. The proposal is consistent with the draft LEP.

There are no other Draft Environmental Planning Instruments applying to this proposal.

Provisions of Development Control Plans (S.79C(1)(a)(iii))

Development Control Plan 2011(DCP 2011)

The proposal has been assessed against the objectives and controls under DCP 2011. The proposal is consistent with the requirements and objectives of DCP 2011 where applicable. The proposed modifications to the stormwater design have been assessed by Council's development engineer and are in compliance with Rockdale Technical Specification for Stormwater. It is recommended that an additional condition is imposed to ensure the stability of the proposed detention tank.

The proposal as modified is satisfactory in regard to compliance with DCP 2011.

Any Planning Agreement that has been entered into under section 93F, or any draft planning agreement that the developer has offered to enter into under section 93F (S.79C(1)(a)(iiia))

The proposal is not subject to a Voluntary Planning Agreement (VPA).

Provisions of Regulations (S.79C(1)(a)(iv))

All relevant provisions of the Regulations have been considered in the assessment of this proposal.

Impact of the Development (S.79C(1)(b))

The impacts of the development as modified have been considered in the assessment of this application. As previously discussed in this report, the proposal as modified does not result in unreasonable impacts to neighbouring properties, the character of the area or the environment.

In assessing the proposed modifications, concerns were raised regarding the removal of the existing nurse's station located next to the existing entrance and replacement with a

bedroom. The practicalities of keeping this entrance for ambulance access purposes were questioned as the Porte Cochere was to be used for ambulance purposes only and there would be no staff members in proximity to the entrance to allow access by ambulance officers. It becomes critical that the parking area next to the proposed reception and driveway to the basement on the north-western side of Connemarra Street is not used for ambulance access as this area is not big enough for this purpose. In addressing this issue the applicant proposes a series of signs directing ambulance officers to the appropriate nurse's station. A sign is to be placed at the entry door and at the entry driveway on the north-western side of Connemarra Street. It is also proposed the implementation of staff procedures so 'there is clear directive during incidents requiring ambulance services' and the installation of an intercom system to be used by ambulance officers to communicate with nurses.

The measures proposed by the applicant are considered to be appropriate and conditions of consent have been proposed to ensure these measures are implemented on site. The proposal is also subject to the conditions of consent imposed under the original approval and subsequent modification applications. Subject to compliance with these conditions, impacts of the development as modified are not unreasonable.

Suitability of the Site (S.79C(1)(c))

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional conditions of consent are proposed to further minimise impacts on neighbouring properties. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development as modified.

Public Submissions (S.79C(1)(d))

The development application has been notified in accordance with Council's Development Control Plan 2011 and three (3) letters have been received, including a letter from the CHW Residents Action Group.

Issue: The Residents Action Group does not object to the proposed modification. However an issue has been raised in regard to the replacement of the existing chapel and quiet room with bedrooms. It is recommended that these facilities continue to be provided.

Comment: It is noted that the plans show a quiet room in level 3 near rooms 3.20 and 3.21. The applicant has stated that rather than a chapel, this room will be used by all religious denominations. The theatre in level 4 will be used for larger functions. As such the proposal provides alternative facilities for residents to compensate for the loss of the existing chapel and quiet room.

Issue: Privacy impact

Comment: The proposal does not involve external changes to the building. The new windows are proposed at ground level on the south west elevation. Impacts on adjacent properties are not anticipated.

Issue: The applicant has submitted subsequent modifications to the original approval in detriment to the amenity of the neighbours.

Comment: Impacts on the amenity of surrounding residents have been considered in the assessment of each proposed modification application. The proposal, as amended under this S96 application does not create additional amenity impacts.

Public Interest (S.79C(1)(e))

The proposed modification has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. The proposal as modified does not create unreasonable impacts on surrounding properties and the environment. Additional conditions are proposed to further minimise impacts. As such it is considered that the development application is in the public interest.

CONCLUSION

The proposed modification is considered to satisfy the requirements of Section 96(2) of the *EP&A Act 1979*. The proposal does not create additional impacts to the neighbourhood or the environment and the proposal as modified is considered to be in the public interest. As such it is recommended that the application be **approved** subject to the modifications to conditions of consent attached.