

JOINT REGIONAL PLANNING PANEL
(Western)

JRPP No	2013WES008
DA Number	DA/2013/099
Local Government Area	Bland
Proposed Development	Part Demolition and Alterations and Additions to a Residential Aged Care Facility.
Street Address	64 Ungarie Road, West Wyalong
Applicant/Owner	Applicant: Havenhand and Mather Architects Owner: Bland Shire Council & Crown Land
Number of Submissions	Nil
Recommendation	Approval with Conditions
Report by	Lesley Duncan, Town Planner, Bland Shire Council

ASSESSMENT REPORT AND RECOMMENDATION

1. Executive Summary

1.1 Consideration by Joint Regional Planning Panel

The Western Joint Regional Planning Panel is the determining authority for this development application as the application has a capital investment value greater than \$5 million and Council has an interest in the land.

1.2 Council Interest

The Waratah Village facility is situated upon two parcels of land. Lot 31 DP1170443 is freehold land owned by Bland Shire and Lot 7305 DP1141795 which is a crown reserve for Homes for the Aged with Bland Shire Council being the trust manager.

The facility has been purchased from Bland Shire Council by the Royal Freemasons Benevolent Institution. The contract for the sale of the land (Lot 31) had not yet been finalised at the date at which the application was lodged.

1.3 Proposal

The proposal consists of demolition and new building works to the existing Waratah Village facility, as summarised below:

1.3.1 Demolition Works

It is proposed to demolish sixteen (16) existing resident bedrooms and to demolish the structure adjacent to the dementia wing to provide improved solar access to the lounge and dining area.

1.3.2 New Works

It is proposed to construct 24 new resident bedrooms that will include an ensuite and two accessible resident bedrooms with increased egress path widths. The proposal will provide new facilities for a podiatrist and hairdresser and a new lounge room, verandah and quiet room. As part of the proposal, four (4) existing bedrooms will be converted to a craft room for residents. The existing kitchen and laundry will be adapted into a new manager's office and storage facilities. A new services wing is proposed to be constructed incorporating the kitchen, laundry and staff room. It is also proposed to provide a secure resident courtyard with shade structures and landscaping. During the works, fire safety provisions will be upgraded with a new sprinkler system in the new work and existing buildings.

1.4 Permissibility

The proposed development is permissible with consent, pursuant to the Bland Local Environmental Plan 2011.

1.5 Key Issues

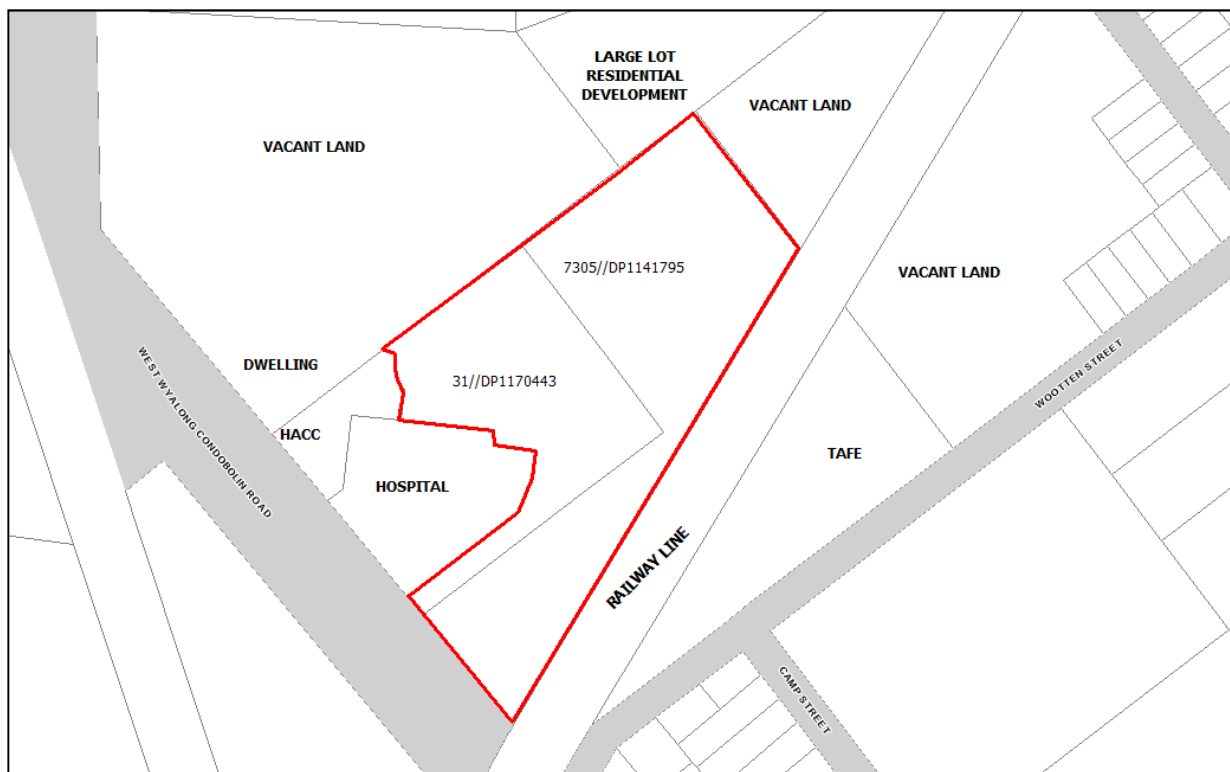
1.5.1 SEPP (Housing for Seniors and People with a Disability) 2004 – Clause 26 – Location and Access to Facilities

The proposal does not comply with Clause 26 as it does not provide a daily transport service to local facilities on a daily basis. Given that the facility provides for only 63 residents (18 of which are dementia patients) it is considered that is not warranted for the applicant to provide full compliance with this provision. The facility offers a weekly shopping trip for residents and provide opportunities for residents to participate in community events. There is no public bus service in West Wyalong. Two taxi services operate in the town and these services are able to be utilised by residents of Waratah Village.

2. Site Description

The site comprises the existing Waratah Village facilities which provides residential aged care facilities to the local area and is comprised of two (2) allotments:

- Lot 31 DP1170443 (currently owned by Bland Shire Council), and
- Lot 7305 DP1141795 (Crown Reserve for 'Homes for the Aged').



The existing facility is located in close proximity to the West Wyalong Hospital and West Wyalong Community Care Centre. The site has frontage to the The Gipps Way (known locally as Ungarie Road) and the West Wyalong-Burcher Railway line runs along the north eastern boundary (this railway line is not currently in use).

3. Statutory Framework

The relevant statutory planning controls were considered during the assessment of the proposal and these considerations are provided below as required by Section 79C of the *Environmental Planning and Assessment Act 1979*:

3.1 Environmental Planning and Assessment Act 1979, as amended

The *Environmental Planning and Assessment Act 1979* together with the *Environmental Planning and Assessment Regulation 2000* provides the framework for environmental planning in NSW. The Act provides the provisions and controls for development of land throughout NSW. The Act defines development as:

Development means:

- (a) The use of land, and
- (b) The subdivision of land, and
- (c) The erection of a building, and
- (d) The carrying out of a work, and
- (e) The demolition of a building work, and
- (f) Any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument.

Part 4 of the *Environmental Planning and Assessment Act 1979* requires that the relevant development consent is sought from the relevant determining authority.

The objectives of the Act are:

- (a) to encourage:
 - (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
 - (ii) the promotion and co-ordination of the orderly and economic use and development of land,
 - (iii) the protection, provision and co-ordination of communication and utility services,
 - (iv) the provision of land for public purposes,
 - (v) the provision and co-ordination of community services and facilities, and
 - (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and
 - (vii) ecologically sustainable development, and
 - (viii) the provision and maintenance of affordable housing, and
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The proposal requires development consent to be obtained from the relevant determining authority. Part 4 Sections 76 – 83 provide the procedures and requirements of the development application process.

It is considered that the proposal seeks to provide orderly and economic development of the land and will benefit the social welfare of the Bland Shire by providing improved aged care facilities. The development of the site will not result in any adverse environmental impacts.

3.1.1 Schedule 4A Clause 4 Council related development over \$5 million

Schedule 4A of the *Environmental Planning and Assessment Act 1979* provides the provisions for determination of certain development applications by a Joint Regional Planning Panel. Clause 4 of Schedule 4A is applicable to this development application:

Council related development over \$5 million

Development that has a capital investment value of more than \$5 million if:

- (a) a council for the area in which the development is to be carried out is the applicant for development consent, or
- (b) the council is the owner of any land on which the development is to be carried out, or
- (c) the development is to be carried out by the council, or
- (d) the council is a party to any agreement or arrangement relating to the development (other than agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).

As Council is still the owner of Lot 31 DP1170443 at the time of lodgment the application is required to be referred to the Joint Regional Planning Panel for determination.

3.2 State Environmental Planning Policies

3.2.1 State Environmental Planning Policy No.55 - Remediation of Land

Clause 7 of *State Environmental Planning Policy No.55 - Remediation of Land* requires Council to consider whether land is contaminated prior to the granting of development consent to the carrying out of any development on that land.

Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

As the site has been used for the purpose of a residential aged care facility since the 1980s it is considered that it is not likely that the site has experienced any contamination, and therefore further assessment under SEPP 55 is not warranted.

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

The policy prevails to the extent of any inconsistency with any other environmental planning instrument.

The SEPP is the overriding planning instrument for the development of housing for aged care and disabled people in NSW and provides for hostels, residential care facilities (nursing homes), self contained dwellings and multi-storey buildings. The SEPP is comprehensive in scope including land use planning provisions, design principles, development standards and standards specifically to meet the housing needs of aged and disabled people. Relevant clauses of the SEPP are addressed below:

Clause 26 – Location and Access to Facilities

This clause provides that a consent authority must not consent to an application unless the consent authority is satisfied by written evidence, that residents of the proposed development will have access to:

- (a) shops, banks and other retail and commercial services that residents may reasonably require, and
- (b) community services and recreation facilities, and
- (c) the practice of a general medical practitioner.

Access complies with this clause if the facilities and services are located at a distance of not more than 400 metres from the site of the proposed development and the overall average gradient along the distance is no more than 1:14. As the site is located greater than 400 metres from these facilities consent may be granted if there is a transport service available to residents and located less than 400 metres from the facility and that is available to residents both to and from the proposed development during daylight hours at least once each day from Monday to Friday (both days inclusive).

Currently the facility offers residents a weekly shopping trip, and residents are able to participate in community activities both at the facility and at events outside of the facility. Local medical practitioners visit the facility to provide medical care for residents. There are two taxi services that operate in West Wyalong and residents are able to access their services as required.

It is considered that the weekly shopping trip has met the needs of the residents of the facility and it is not warranted to require a daily transport service.

Clause 33 – Neighbourhood Amenity and Streetscape

The existing facility is located in the vicinity of the West Wyalong Hospital and the West Wyalong Community Care facility. Waratah Village is setback approximately 150 metres from the road reserve. The West Wyalong TAFE is located to the south of the site. Other land uses in the vicinity of the site are predominantly rural or rural residential in nature.



Clause 34 – Visual and Acoustic Privacy

The proposal is for the alterations and additions to an existing facility. The existing facility is located in the vicinity of the West Wyalong Hospital and West Wyalong Community Care Centre and it is not considered that the visual and acoustic privacy of residents and neighbours will be adversely impacted by the development.

Clause 35 – Solar Access and Design for Climate

It is not considered that the proposal will adversely impact on the solar access of the West Wyalong Hospital which is the nearest adjacent building. The proposal includes the demolition of structures to improve the solar access to communal areas of the facility. The new resident bedrooms have a northerly aspect and living and dining areas will have adequate natural ventilation as a result of the proposed internal alterations.

Clause 36 – Stormwater

Rainwater tanks will be used to collect stormwater runoff and will be utilised for the maintenance of landscaped areas.

Clause 37 – Crime Prevention

The following crime prevention, safety and security measures are proposed to meet the requirements of SEPP (Housing for Seniors and People with a Disability) 2004:

- All external doors to be fitted with secure locking system with external doors to be programmed to lock and open at predetermined times. The security system will be interfaced with the nurse call system to alert staff if a door is left open.
- CCTV system located at the main entrance with monitors in staff stations.
- Intercom with door release connected to nurse call system. Procedures for staff to identify visitors will be implemented.
- The secure courtyard will be fenced with 1800mm high fences.
- Car parks and staff entry locations will be illuminated with external lighting.
- The nurse call system will include a duress alarm
- Proposed landscaping will not prohibit natural surveillance.

Clause 38 – Accessibility

The development does not propose any alteration to the existing pedestrian and vehicular access from Ungarie Road (The Gipps Way). The existing access arrangements are considered to be satisfactory.

Clause 39 – Waste Management

The existing waste management arrangements that are currently in place are considered adequate to meet the needs of the development. There is currently no kerbside collection of recyclable materials in the Bland Shire.

Clause 40 – Development Standards

- **Site size** – The site has an area of 41,468 square metres
- **Site frontage** – The site frontage is 173 metres at the building line
- **Height in zones where residential flat buildings are not permitted** – Not applicable, residential flat buildings are permissible in the R1 General Residential Zone

Clause 46 – Inter-relationship of Part with Design Principles in Part 3

The proposed development is consistent with the principles of Division 2 of Part 3.

Clause 48 – Standards that cannot be used to refuse development consent for residential care facilities

- **Building Height** – The maximum building height is 6 metres
- **Density and Scale** – The existing and proposed buildings will have a floor space ratio of 0.09:1.
- **Landscaped Area** – The existing and proposed landscaping will provide 25.8 square metres per resident. This excludes the existing landscaped area near the dam.
- **Parking for residents and visitors** – The proposed development requires seven (7) visitor car parks, seven (7) staff car parks and one (1) space suitable for an ambulance resulting in a total of fourteen (14) visitor and staff car parking spaces required for the development. There are eighteen (18) existing car parking spaces that are to be retained and a proposed five (5) vehicle carport for staff vehicles, providing total of 23 car parking spaces for the development.

3.2.3 State Environmental Planning Policy (Infrastructure) 2007

3.2.3.1 Clause 101 Development with Frontage to Classified Road

Clause 101 of the SEPP states that:

101 Development with frontage to classified road

- 1) *The objectives of this clause are:*
 - a) *To ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - b) *To prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads*
- 2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
 - a) *Where practicable, vehicular access to the land is provided by a road other than the classified road, and*
 - b) *The safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - i) *The design of the vehicular access to the land, or*
 - ii) *The emission of smoke or dust from the development, or*
 - iii) *The nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
 - c) *The development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The Gipps Way (MR57 North) is a classified road. As the proposal will not create a significant number of additional traffic movements it is not considered that the development will significantly impact on the adjoining road network.

3.2.4 State Environmental Planning Policy (State and Regional Development) 2011

The proposed development is identified in Schedule 4A of the *Environmental Planning and Assessment Act 1979* as regional development being Council related development with a capital investment value of over \$5million. Therefore the provisions of *State and Environmental Planning Policy (State and Regional Development) 2011* apply to the proposed development. The provisions of Clause 21 confer certain consent functions to Joint Regional Planning Panels (JRPP). The relevant JRPP is the Western Region to which will be transferred the role to consider and determine the subject development application. The majority of administrative and assessment functions are retained by Council with the assessment report presented to the JRPP for determination.

3.3 Bland Local Environmental Plan 2011

The *Bland Local Environmental Plan 2011* (BLEP) is applicable to the proposed development. Certain provisions under the BLEP are not applicable to the proposal as the SEPP prevails to the extent of any inconsistency.

3.3.1 Aims

The aims of *the Bland Local Environmental Plan 2011* are as follows:

(1) This plan aims to make local environmental planning provisions for land in Bland in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

(2) The particular aims of this Plan are as follows:

- (a) to protect, enhance and conserve agricultural land through the proper management, development and conservation of natural and man-made resources,
- (b) to encourage a range of housing, employment, recreation and facilities to meet the needs of existing and future residents of Bland,
- (c) to promote the efficient and equitable provision of public services, infrastructure and amenities,
- (d) to conserve, protect and enhance the environmental and cultural heritage of Bland,
- (e) to promote the twin townships of West Wyalong and Wyalong as the major commercial and community service centres for Bland,
- (f) to encourage the sustainable growth of the villages of Bland.

The proposal is consistent with the aims of the Bland Local Environmental in that the development will provide housing and facilities to meet the needs of the ageing population trend currently being experienced in the Bland Shire. The development proposes to upgrade an existing facility and will have minimal adverse impact on Bland Shire's environmental and cultural heritage.

3.3.2 Definitions

The proposal is defined as alterations and additions to a **residential aged care facility** and is a type of **seniors housing**.

The *Bland Local Environmental Plan 2011* defines a **residential aged care facility** as follows:

Residential aged care facility means accommodation for seniors or people with a disability that includes:

- a. meals and cleaning services
- b. personal care or nursing care, or both, and
- c. appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Seniors housing means a building or place that is:

- a. a residential care facility, or
- b. a hostel within the meaning of Clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or
- c. a group of self-contained dwellings, or
- d. a combination of any of the buildings or places referred to in paragraphs (a) – (c),

and that is, or is intended to be, used permanently for:

- e. seniors or people who have a disability, or
- f. people who live in the same household with seniors or people who have a disability, or
- g. staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

3.3.3 Land Use Table

Zone R1 General Residential

1. Objectives of the Zone

- To provide for the housing needs of the community
- To provide for a variety of housing types and densities
- To enable other land uses that provide facilities or services to meet the day to day needs of residents
- To promote seniors housing on land in the vicinity of the West Wyalong District Hospital.

2. Permitted without Consent

Environmental protection works, Home-based child care, Home occupations, Roads

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (major); Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies

3.3.4 Miscellaneous Provisions

3.3.4.1 Preservation of Trees and Vegetation

It is proposed to remove one existing tree to allow for the construction of the new building work. Landscaped areas are proposed using low water use species suitable for the climate.

3.4 Bland Development Control Plan 2012

3.4.1 Chapter 11 - Car Parking

The Bland Development Control Plan 2012 has the following requirements for car parking:

- 1 space per 5 units, plus
- 1 space for resident manager, or
- As per requirements under SEPP (Housing for Seniors or People with a Disability) 2004, whichever is the lesser

The existing car parking arrangements at the facility are consistent with the SEPP

3.5 Consultation

3.5.1 Public Exhibition

The proposal was notified to adjoining landowners between the 19 June 2013 and 10 July 2013. An advertisement was also placed in the local newspaper on three occasions (25 June, 28 June and 5 July 2013) inviting submissions from the community.

No submissions were received.

3.5.2 Internal Referrals

3.5.2.1 Building Code of Australia

The proposal requires the reclassification of the building to 9c – an aged care building in accordance with the requirements of the Building Code of Australia. The proposal is required to comply with the provisions of the Building Code of Australia. Applicants are not required to indicate compliance at the Development Application stage however full compliance must be achieved and shown at the Construction Certificate stage prior to the issue of the Construction Certificate by the Principal Certifying Authority. Conditions of consent could be placed on any consent as a guide for the applicant in obtaining compliance with the BCA with specific reference to the fire compartment size, fire doors and services. Should Council be appointed the PCA the proposal may require peer review of the proposal prior to the issue of the Construction Certificate.

3.5.2.2 Engineering Services Department

The application was referred to Council's Engineering Services Department who have raised no concerns or issues with the proposal.

3.5.3 External Referrals

3.5.3.1 Goldenfields Water County Council

The application was referred to Goldenfields Water Council Council. GWCC have no objections or conditions in relation to the proposal.

4. Environmental Assessment

Section 79C(1) of the *Environmental Planning and Assessment Act 1979* provides the statutory requirements to be considered in the determination of a development application.

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

State Environmental Planning Instruments applicable to the application are required to be considered. The following SEPPs were considered relevant to this proposal and detailed considerations are provided earlier in this report:

- *State Environmental Planning Policy No.55 – Remediation of Land*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (State and Regional Development) 2011*

4.2 Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instrument that has been publicly exhibited

There are no draft environmental planning instruments that are relevant to this proposal.

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

4.3.1 Bland Development Control Plan 2012

Chapter 11 – Car Parking and Vehicle Access of the Bland Development Control Plan 2012 is relevant to the proposal and has been addressed earlier in this report.

4.4 S79C(1)(a) (iiia) – Any planning agreement that has been entered into under section 93F or any draft planning agreement that a developer has offered to enter into under section 93F

The applicant has not offered, nor is it necessary for the applicant to enter into any form of planning agreement in relation to the proposed development.

4.5 S79C(1)(a)(iv) – The regulations (to the extent that they prescribe matter for the purposes of this paragraph

4.5.1 Demolition

The proposal requires the demolition of part of the existing facility. Conditions of consent may be applied to address matters relating to demolition.

4.5.2 Upgrading of Buildings

The existing buildings will require upgrading to comply with the requirements of the Building Code of Australia for 9c Aged Care Buildings. These requirements will be specifically addressed in the assessment of the Construction Certificate.

4.4 Section 79C(1)(b) – The likely impacts of that development, including environmental impacts on both the natural and built environments

The potential environmental impacts of the proposed development upon both the natural and built environment and social and economic impacts warrant specific detailed consideration. These matters have been specifically addressed below:

4.4.1 Environmental Impacts – Natural Environment

The subject site has been used for the purposes of residential aged care accommodation since the 1980s. The following points address the likely impact on the natural environment:

- **Sediment & Erosion Control** – conditions of consent can be applied requiring sediment and erosion control measures during construction.
- **Stormwater & Drainage** - it is considered that the existing stormwater management system will adequately service the development. A stormwater management plan will be required to be submitted as a condition of development consent.
- **Effluent Disposal** – effluent disposal will be via the existing sewerage system. No additional upgrade or extension is required to meet the needs of the development.
- **Tree Removal** – it is proposed to remove one large iron bark tree to allow for the development. The tree removal is considered appropriate as suitable additional landscaping is proposed as part of the development.
- **Waste Disposal** – conditions of consent can be applied to address waste disposal during construction. It is considered that the existing waste disposal arrangements are sufficient to meet the needs of the development.
- **Visual Impact & Colours** – the visual impact of the development is considered to be appropriate for the site.
- **Water Quality** – the proposal will have minimal negative impact on water quality.
- **Bushfire** – bushfire mapping has indicated that the land is not identified as being bushfire prone land.

4.4.2 Environmental Impacts – Built Environment

- **Overshadowing** – The development does not include any building or structures that are greater than one storey in height and it is considered that the proposal will not cause significant overshadowing of adjoining buildings.
- **Privacy** – It is not considered that the development will have significant adverse impact on the privacy of the adjoining properties given that the adjacent buildings are the Hospital and Community Care Centre.
- **Noise** – It is not considered that noise resulting from the proposal will adversely impact properties located in the vicinity of the site.
- **Heritage** – the existing buildings and structures are not listed as a heritage item in the Bland Local Environmental Plan 2011. There have been no heritage items identified in the vicinity of the site.

- **Design** – It is considered that the design of the development is appropriate for the proposal.
- **Streetscape** – the existing facility is located approximately 150 metres from the road frontage and it is considered that the alterations and additions proposed as part of the development will have minimal adverse impact on the streetscape.

4.4.3 Social and Economic Impacts

- **Social Impacts** – The proposal would provide additional services to the residents of the existing facility that would have a positive social impact for both the residents and the wider community.
- **Economic Impacts** – The proposal would have minimal impact on the local economy as the proposal does not increase resident numbers. However, the facility will continue to provide employment opportunities in the aged care industry.

4.5 Section 79C(1)(c) – The suitability of the site for the Development

The proposal seeks consent for alterations and additions to an existing residential aged care facility. The land is zoned R1 General Residential and the use is permissible with development consent. The site is not identified as being flood prone or bushfire prone land and there are no environmental constraints identified that would prevent the development proceeding.

4.6 Section 79C(1)(d) – Any submissions made in accordance with this Act or the Regulations

As stated earlier in this report, no submissions were received during the public exhibition period.

4.7 Section 79C(1)(e) – The Public Interest

The application is considered to have satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that would result in a positive impact for the community.

5. Conclusion

The proposal is for the demolition of some existing structures and resident bedrooms and the construction of 26 new resident bedrooms. It is also proposed to undertake alterations to upgrade existing facilities (kitchen, laundry and staff amenities) and new resident facilities (quiet room, podiatrist/hairdresser rooms, consulting room).

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* and the *Bland Local Environmental Plan 2011*.

The proposal generally complies with the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* and would provide improved facilities for residents at the facility. The proposed development is considered satisfactory and is recommended for approval.

6. Recommendation

That Development Application DA/2013/099 for Part Demolition and Alterations and Additions to a Residential Aged Care Facility be approved subject to the following conditions:

Proposed Conditions of Consent – DA/2013/099

PART A – ADMINISTRATIVE CONDITIONS

General

1. This consent relates to Part Demolition and Alterations and Additions to an existing Residential Aged Care Facility as illustrated on the plans, specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.

Notes:

- Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.
 - Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.
2. The Alterations and Additions to the Residential Aged Care Facility shall not be occupied or the use shall not commence until all relevant conditions of development consent have been met or unless other satisfactory arrangements have been made with Council (i.e. a security).

Building Code of Australia

3. All building work must be carried out in accordance with the requirements of the Building Code of Australia for a class 9c aged care building type C construction.

Note: *This condition is prescribed under the Environmental Planning and Assessment Regulation 2000.*

Erection of Signs

4. A sign must be erected in a prominent position on any site on which building work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contact outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

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

PART B – REQUIREMENTS PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Construction Certificate Application

5. A Construction Certificate application is required to be submitted to, and issued by Council or an Accredited Certifier prior to any excavation or building works being carried out on site.

Engineering Plans

6. Engineering plans, showing details of all proposed work and adhering to any conditions of development consent, are to be submitted to, and approved by, Bland Shire Council or an Accredited Certifier prior to the issuing of the Construction Certificate.

Part J Report

7. A report addressing the requirements of Part J of the Building Code of Australia is required to be submitted to Council or an Accredited Certifier prior to the issue of the Construction Certificate.

Section 68 Application

8. Prior to the issue of a Construction Certificate, an application under Section 68 of the Local Government Act 1993 is to be made to, and issued by Bland Shire Council, for any sewer and stormwater connections.

PART C – REQUIREMENTS PRIOR TO COMMENCEMENT OF WORK

Notice of Commencement

9. Notice of commencement (at least 48 hours prior) is to be given to Council in writing.

Stormwater Management Plan

10. A Stormwater Management Plan is to be submitted to and approved by Council prior to the commencement of work. The plan is to demonstrate how stormwater collected from driveways, pathways and the roof areas are to be collected and disposed of.

Erosion and Sediment Control Plan

11. An Erosion and Sediment Control Plan is to be submitted to and approved by Council prior to the commencement of work.

Erosion and Sediment Control Measures

12. Erosion and sediment control measures shall be installed and maintained until all disturbed areas have revegetated in accordance with the approved Erosion And Sediment Control Plan.

Note: On the spot fines may be imposed for non-compliance with this condition.

Temporary Onsite Toilet

13. A temporary onsite toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available onsite.

Damage to Public Assets

14. The developer or his/her agent must undertake a site inspection of the adjacent kerbs, gutters, footpaths, walkways, carriageway, and the like, prior to commencement of work and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

Asbestos Statement

15. No later than seven (7) days prior to the demolition of any building or structure, a written statement must be provided to Council indicating whether the building or structure to be demolished contains asbestos or material containing asbestos and, if so, the following must be provided:
- (a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-2001; and
 - (b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-2001.

Asbestos – Clearance Certificate

16. Following removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

PART D – REQUIREMENTS DURING WORKS

Approved Hours of Construction

17. Construction work may only be undertaken in accordance with the provisions of the Environmental Protection Authority – Interim Construction Noise Guidelines as shown below:

DAY	HOURS
Monday to Friday	7:00am to 6:00pm
Saturday	8:00am to 1:00pm
Sunday & Public Holidays	Nil

Demolition

18. All demolition work must be carried out in accordance with Australian Standard 2601-2001 – The Demolition of Structures and the following requirements:

- (a) Demolition material is to be disposed or to an authorised waste disposal site (Note: The West Wyalong Landfill is the only waste disposal facility within the Bland Shire that is authorised to accept asbestos material. Arrangements must be made with Council's Landfill prior to the disposal of demolition materials). Receipts from the authorised waste disposal facility are to be retained and provided to Council to demonstrate compliance with this condition.
- (b) The disposal of all asbestos materials are to be in accordance with the requirements of WorkCover NSW requirements and AS2601-2001.
- (c) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by WorkCover NSW in accordance with Chapter 10 of the Occupational Health and Safety Regulation 2001 and Clause 29 of the Protection of the Environment Operations (Waste) Regulation 2005.
- (d) The applicant shall take all steps necessary to ensure the safety of adjoining neighbours and members of the general public during demolition works.
- (e) On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.
- (f) Adjoining owners shall be given a minimum of fourteen (14) days notice in writing of the intention to carry out asbestos demolition works. Copies of these written notifications are to be retained and provided to Council.

Tree Removal

- 19. Consent is given to remove one (1) tree as shown on the plan numbered DA04 Smoke Compartments & Demolition Plan.
- 20. Green waste is to be recycled by mulching or the like to be utilised in landscaping works or it is to be removed from the site to an approved landfill facility within one (1) month of completion. The site is to be left in a neat and tidy manner.

Building Waste

- 21. The provision of a metal waste skip with self-closing lid or secure covering onsite for the duration of the construction to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site.

Note: On the spot fines may be imposed for non-compliance with this condition.

Building Materials, Plant and Equipment

- 22. All building materials, plant and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places are not restricted and so that the road reserve is not damaged.

Stormwater Disposal

23. The guttering, downpipes and stormwater system is to be installed and connected to the approved disposal point in consultation with Council, as per the approved Stormwater Management Plan.

Soil and Water Management

24. All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur in accordance with the measures identified in the approved erosion and sediment control plan.

In particular, a silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). The fence must regularly inspected and cleaned out and/or repaired as necessary and all collected silt must be disposed of to the satisfaction of the Principal Certifying Authority (PCA).

Unnecessary disturbance of the site (eg excessive vehicular access) must not occur.

All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.

PART E – REQUIREMENTS PRIOR TO OCCUPATION CERTIFICATE

Occupation Requirements

25. No person is to use or occupy the building or alteration that is the subject of this approval without the prior issuing of an Occupation Certificate.

Public Infrastructure

26. The applicant shall rectify any damage to public infrastructure (including roads, gutters, footpaths, street trees etc) prior to the issue of the Occupation Certificate at no cost to Council.

Ground Levels

27. Finished ground levels are to be graded away from buildings and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to the stormwater drainage system.

Kitchen Design and Fitout

28. Kitchen fitout shall comply with the Food Act 2003, National Food Safety Standards and AS 4674-2001 Design, Construction and Fit Out of Food Premises.

Food Preparation Areas

29. The section of the building to be used for the preparation, storage or sale of food together with all finished surfaces, equipment and appliances shall be constructed and completed strictly in accordance with the provisions of the Food Act (Regulation) 2003 as amended, the Regulations made thereunder, National Food Safety Standards, and in accordance with the Bland Development Control Plan 2012.

Completion Requirements

30. All of the foregoing conditions are to be at the full cost of the developer and to be completed prior to the issuing of an Occupation Certificate.

PART F – OPERATIONAL REQUIREMENTS

Car Parking

31. A minimum of fourteen (14) car parking spaces are to be provided on site being seven (7) visitor car parking spaces and seven (7) staff parking spaces. An additional parking space is to be provided that is suitable for an ambulance.

PART G – REASONS FOR CONDITIONS

Conditions of consent have been imposed to:

1. Ensure the proposed development:
 - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
 - b) complies with the provisions of all relevant environmental planning instruments;
 - c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.
8. Ensure that no health risk arises from the use of the facility for the preparation, storage or sale of food.

