

JRPP No.	2014HCC013
DA No.	DA 70/2014
Proposal	Seniors Housing
Property	Lots 82 and 83 DP 262393 Kamilaroi Street and Cassidy Avenue Muswellbrook
Applicant	Boffa Robertson Group
Report by	Mr Iain Scammell
Reviewed by	Mr Glenn Bunny

Assessment Report and Recommendation

1.0 EXECUTIVE SUMMARY

1.1 Reason for Report

Development Application 70/2014 is reported to the Joint Regional Planning Panel (JRPP) in accordance with the provisions of clause 4 of Schedule 4A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as the development has a capital investment value of more than \$5 million and Muswellbrook Shire Council (MSC) is the owner of the land.

1.2 Proposal

Seniors' housing, comprising sixty-five (65) bed residential care facility and forty-two (42) independent living units, associated facilities, car parking and landscaping works.

1.3 Permissibility

The development is best defined as *seniors' housing* and is permitted with consent in the R1 General Residential Zone pursuant to *Muswellbrook Local Environmental Plan 2009* (MLEP 2009).

1.4 The Development Site

Lot 82 DP 262393 and Lot 83 DP 262393, Kamilaroi Street and Cassidy Avenue Muswellbrook

1.5 Public Participation

In accordance with the provisions of Section 4 of the Muswellbrook Development Control Plan 2009 (Muswellbrook DCP), the Application was notified for a period of at least twenty-eight (28) days from 14 May 2014 to 18 June 2014. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period. Notification of the proposal resulted in four (4) submissions.

1.6 Key Issues

It is considered that all issues have been satisfactorily addressed during the development assessment process, including: stormwater management; pedestrian access to and from the development site; compliance with *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*; waste management; access to reticulated water and wastewater services; compliance with *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*; extent of earthworks; adequate provision of private and communal open space; and public objections to the development proposal.

1.7 Recommendation

That Development Application No. 70/2014 be granted approval, subject to the conditions provided at **Appendix A** to this Report.

2.0 **BACKGROUND**

In April 2009, the development site was identified by MSC as an ideal location for an aged care facility. The site was identified on the basis of its size, topography, and proximity to commercial, community and recreational facilities. The development site is also adjacent to an existing public bus route and can be serviced with reticulated water and sewerage.

In September 2009, a Planning Proposal to rezone part of Lot 82 DP 262393 and all of Lot 83 DP 262393 from RE1 Public Recreation to R1 General Residential was submitted to the Department of Planning's Gateway Panel for consideration. Known as Amendment No.1 to MLEP 2009, the intent of the Amendment was to enable an aged care facility to be carried out with consent on part of the land. Amendment No. 1 was subsequently gazetted on 8 October 2010.

The zone boundaries affecting the site were further refined pursuant to Amendment No.11 to MLEP 2009. Amendment No. 11 was gazetted on 4 July 2014, resulting in the current land use zone configuration, as shown in Figure 1 below.

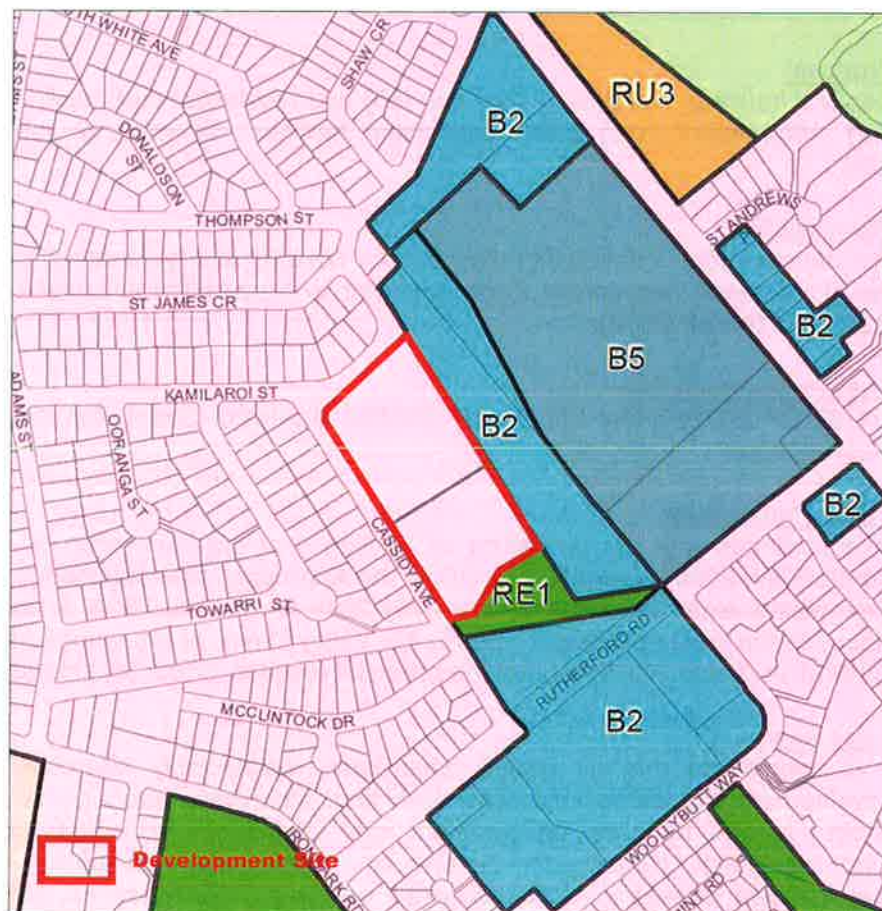


Figure 1 – Current land use zone configuration

There is no other relevant development history pertaining to the site.

3.0 SITE AND LOCALITY DESCRIPTION

The development site comprises two (2) allotments, being Lots 82 and 83 of DP 262393. The site is approximately 3.6 hectares in area, is vacant, and adjoins low-density residential land uses to the north and south-west, a community and recreational facility to the south, and the 'Muswellbrook Showground' site to the north-east.

The Muswellbrook Showground site has recently been rezoned a combination of B2 Local Centre and B5 Business Development pursuant to MLEP 2009. The future character of the Muswellbrook Showground site is likely to be defined by low or medium density residential and bulky goods development. A Master Plan, Development Control Plan, and Section 94 Developer Contributions Plan for the Showground site are currently being prepared, but have not been exhibited.

The development site is level and predominantly cleared of trees. Despite the land's residential zoning, it is currently utilised for recreational purposes (junior soccer) and is known as '*Brennan Park*'. The development site is positioned at a lower level relative to the existing dwellings on the western side of Kamilaroi Street and Cassidy Avenue and is capable of being serviced with reticulated water and sewer, subject to infrastructure extensions.

A public bus service exists along Cassidy Avenue, known as the 'Highbrook Bus Loop'. The service operates five (5) times each weekday and three (3) times on a Saturday morning. A commercial centre, known as 'Muswellbrook Fair' is located within 400 metres of the development site to the south-east. The commercial centre contains a range of retail, banking and recreational premises.



Figure 2 – Aerial photograph identifying the development site

4.0 DESCRIPTION OF PROPOSAL

Development Application 70/2014 was lodged with Council on 6 May 2014. The Application relates to *seniors' housing* comprising 65 bed residential care facility and 42 independent living units, associated facilities, car parking and landscaping works at Lots 82 and 83 DP 262393 Kamilaroi Street and Cassidy Avenue Muswellbrook. The Applicant has specified that the total project cost is \$19.2 million.

The proposal will necessitate the following works:

Site Preparation

Ground works (including cut and fill) to achieve single level floor slabs, internal roads and to provide accessible outdoor areas.

Construction

Residential Care Facility, including:

- 50 rooms with ensuite facilities, comprising 37 single rooms and 14 double rooms.
- Communal lounges and other resident facilities such as a hair salon, chapel, and visiting consultant's room.
- A kitchen and laundry.
- A loading bay.
- Staff amenities and administration, storage space, a maintenance room, various plant rooms.
- Waste and recycling storage room.
- Landscaped gardens.

Self-contained Dwellings

- 42 attached single storey self-contained dwellings comprising 6 x single bed; 25 x 2 bed, and 11 x 3 bed villas, each with own garage.

Parking and Access

- New main driveway off Cassidy Avenue and new service vehicle driveway at northern corner of site.
- Internal roads.
- At grade parking for 33 visitor car parking spaces plus two disabled spaces and two caravan bays.
- A separate loading bay is provided.

Landscaping

A comprehensive landscape design strategy has been prepared for the development creating a number of courtyard style spaces for residents and introducing a number of new trees across the site.

Outdoor amenities associated with the outdoor landscaped areas, including seating areas, a barbecue area and sheltered spaces.

Civil Works

The development proposal is likely to necessitate upgrades and extensions to public infrastructure in the vicinity of the site, including reticulated stormwater, water, and sewerage, footpath and bus stop.

Subdivision and Consolidation

Lot 82 will be subdivided to formalise the south-eastern boundary of the subject development. Lots 82 and 83 of DP 262393 must then be consolidated such that the development is contained within one parcel of land.



Figure 3 – Overview of proposed seniors' housing development

5.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, the plans and other documentation submitted with the Application, the applicant has provided adequate information to enable an assessment of the Application.

The applicant has included the following ancillary reports with the supporting documentation:

- traffic and parking report and assessment
- turning circle diagrams for a passenger vehicle and the largest vehicle to enter the site;
- landscaping analysis and plans; and
- preliminary drainage analysis and plans.

6.0 SPECIALIST COMMENTS

6.1 Internal Referrals

6.1.1 Water and Waste

Concerns raised by Muswellbrook Shire Council's Water and Waste Division were satisfactorily resolved with the submission of a Water and Sewer Site Connection Plan. The applicant will be required to obtain a Notice of Requirements and Compliance Certificate from Council's Water and Waste Division. This matter is addressed in the proposed conditions.

6.1.2 Community Infrastructure – Traffic and Stormwater

Concerns raised by Muswellbrook Shire Council's Community Infrastructure Department regarding stormwater management, pedestrian access to and from the development site, compliance with *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, and earthworks were either satisfactorily resolved during the assessment process with the submission of further information, or are capable of being addressed through conditions of consent.

6.1.3 Health and Building

Council's Health and Building Section raised no objection to the proposed development. Conditions of consent were recommended.

6.1.4 Strategic Planner

Council's Strategic Planner raised no objection to the development proposal. No specific conditions were recommended.

6.1.5 Community and Cultural Services

Muswellbrook Shire Council's Community and Cultural Services Division raised no objection to the development proposal, but supported the overall aim of the Application to achieve greater seniors' care facilities in Muswellbrook and to support the ageing community.

6.1.6 Local Development Committee

Concerns raised by Muswellbrook Shire Council's Local Development Committee were satisfactorily resolved during the assessment process with the submission of further information regarding access to the site, bus stop, and pedestrian footpath fronting the site.

7.0 ASSESSMENT

This report provides an assessment of the material presented in the Application against the relevant State and local planning legislation and policy.

Section 79C Matters for Consideration

- **Section 79C(1)(a)(i) The provisions of any Environmental Planning Instrument (EPI)**

The following EPIs, DCPs, Codes and Policies are relevant to this Application:

1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Land Use Zone and Permitted Land Use

The development site is zoned R1 General Residential pursuant to MLEP 2009. The proposal is best defined as *seniors' housing*, which is permitted with consent in the R1 General Residential Zone. *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.*

The development comprises a sixty-five (65) bed residential care facility and forty-two (42) independent living units for aged care purposes, therefore is consistent with the *seniors' housing* land use.

Objectives of R1 General Residential Zone

The objectives of the R1 General Residential Zone are provided in MLEP 2009 as follows:

- *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 enable sensitive infill development of other housing types.*
- *To allow people to carry out a reasonable range of activities from their homes, where such activities do not adversely affect the living environment of neighbours.*
- *To promote the principles of ecological sustainable development including energy and water efficient subdivision and housing design.*
- *To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.*
- *To ensure that development is carried out in a way that is compatible with the flood risk of the area.*

It is considered that the development proposal meets the objectives of the Zone by providing a variety of housing types in proximity to commercial, community and recreational facilities, and existing public transport routes and public infrastructure.

Relevant Clauses of the Environmental Planning Instrument

4.1 Minimum Subdivision Lot Size

MLEP 2009 specifies a minimum lot size of 600m² in relation to the land. Lot 82 must be subdivided to reflect the boundary of the subject development. Lots 82 and 83 of DP 262393 must then be consolidated such that the development is contained within one parcel of land. These requirements are not contrary to Clause 4.1 of MLEP 2009 and will be conditioned, should the Application be approved.

4.3 Height of Buildings

MLEP 2009 specifies a maximum building height of 8.5m in relation to the land. The proposal does not involve building works over 8.5m.

4.4 Floor Space Ratio

MLEP 2009 specifies a floor space ratio of 0.5:1 in relation to the land. The proposal does not involve building works that would result in floor space greater than 50% of the site.

7.4 Subdivision in Zone R1 General Residential and Zone RU5 Village

The land is able to be adequately serviced with water and sewerage and therefore is capable of complying with Clause 7.4 of MLEP 2009.

2. State Environmental Planning Policy No.55 – Remediation of Land

The land is unlikely to have been contaminated in the past. The development site has historically been utilised as a sporting field, known as *Brennan Park*.

3. State Environmental Planning Policy (BASIX) 2004

BASIX Certificates for the ILUs have been provided with the Development Application.

4. State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004

Appendix B addresses the *State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004*, including *Seniors Living Policy: Urban Design Guidelines for Infill Development – March 2004*.

- **Section 79C(1)(a)(ii) the provisions of any draft EPI.**

There are no draft EPIs relevant to the subject Application.

- **Section 79C(1)(a)(iii) the provisions of any development control plan**

Section 3 – Site Analysis

A Site Analysis Plan and associated documentation has been provided with the Development Application. It is considered that the Site Analysis Plan satisfies the provisions of Section 3 of the Muswellbrook DCP.

Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of at least twenty-eight (28) days from 14 May 2014 to 18 June 2014. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period. Four (4) submissions were received during the notification period.

Section 5 – Subdivision

Lot 82 of DP 262393 must be subdivided to reflect the boundary of the seniors' housing development and the R1 General Residential zone boundary. Lots 82 and 83 of DP 262393 must then be consolidated such that the development is contained within one parcel of land. This subdivision requirement is consistent with Section 5 of the Muswellbrook DCP 2009 and will be conditioned in any development consent.

Section 6 – Residential Development

	<i>Complies Yes/No</i>	<i>Comments</i>
6. RESIDENTIAL DEVELOPMENT		
6.1 Built Form		
Context	Yes	It is considered that the development is not contrary to its context.
Front Setback	Yes	6.85m (minimum requirement is 4.5m)
Side and Rear Setbacks	Yes	Greater than or equal to 4m
Building Height and Scale	Yes	It is considered that the building height and scale is not contrary to the character of the area.
Front Fencing and Retaining Walls	No	A retaining wall with maximum height of three (3) metres is proposed within the front setback to Cassidy Street. This matter is discussed further below.
Garages, Carports and Sheds	Yes	All behind the primary setback.

Dwelling Entry	N/A	
Reflective Materials	Yes	Medium to Dark external finishes
6.2 Urban Landscape		
Usable Open Space	Yes	Greater than or equal to 35m ²
Carparking	Yes	Refer to car parking assessment below.
Landscaped Area	Yes	Satisfactory
Landscaping	Yes	Satisfactory
6.3 Environmental		
Topography	Yes	The development site is level and predominantly cleared of trees.
Solar Access	Yes	No additional overshadowing will be introduced to surrounding properties as a result of the development. More than 70% (estimated 90%) of the ILU's will receive at least 3 hours of direct solar access in accordance with AMCORD.
Visual Privacy	Yes	The development site is positioned at a lower level relative to the existing dwellings on the western side of Kamilaroi Street and Cassidy Avenue. The proposed development is also buffered by the roads and landscaping within the front setback. As such, there are few opportunities for loss of visual privacy in association with the proposed development.
Acoustic Privacy	Yes	It is considered that the development will not result in significant levels of noise that would unreasonably impact residential properties nearby.
6.4 Site Operation		
Energy Conservation	Yes	BASIX Certificates provided.
Stormwater Management	Yes	The management of stormwater is subject to a deferred commencement condition.
Security, Site Facilities and Services	Yes	

The development generally complies with the provisions of Section 6 of the Muswellbrook DCP 2009, with the exception of Section 6.1.5, regarding Front Fencing and Retaining Walls. In this regard, it is noted that some of the site will require earthworks and associated retaining walls in excess of 1.5 meters high within the front setback.

The earthworks and associated retaining walls will not be visible from Cassidy Avenue and have been incorporated into the use of the development to provide 'secure common space' associated with the residential care facility. It is also noted that the setback of the residential care facility to Cassidy Avenue is considerable, being 19 metres.

It is considered that the variation to the Muswellbrook DCP 2009 is not unreasonable and will not result in any adverse impacts.

Section 16 – Car Parking and Access

The development complies with Section 16 of the Muswellbrook Development Control Plan regarding car parking, as follows:

Land Use Requirement	Required	Provided
Residential Care	1 space per 10 beds = 6.5 spaces	33 public spaces

Land Use Requirement	Required	Provided
Facility	1 space per 2 employees = 10 spaces 1 space per ambulance = 1 space	2 disabled parking spaces 2 spaces for caravans 1 ambulance bay 1 loading bay
Independent Living Units	0.5 spaces per bedroom Calculated as follows: 42 attached units, comprising: 6 x 1 bedroom = 3 spaces 25 x 2 bedroom = 25 spaces 11 x 3 bedroom = 16.5 spaces	47 private spaces
Total Requirement	62 Spaces	80 private and common 2 disabled spaces 2 spaces for caravans 1 ambulance bay 1 loading bay

Section 20 – Erosion and Sedimentation Control

The development is capable of satisfying the provisions of Section 20 of the Muswellbrook DCP 2009, subject to conditions of consent.

Section 24 – Waste Minimisation and Management

It is considered that the development satisfies the DCP with respect to waste management. Details regarding waste management have been provided with the Development Application.

Section 25 – Stormwater Management

The development is capable of satisfying the provisions of Section 25 of the Muswellbrook DCP 2009, subject to a deferred condition of consent.

Section 94A Developer Contributions Plan 2009

At the Ordinary Council meeting held on 8 September 2014, Council resolved to not support the applicant's request to reduce developer contributions payable in respect to the development. As such, a developer contribution of \$192,000 will apply to the proposed seniors housing development should the Application be approved by the JRPP.

- **Section 79C(1)(a)(iia) the provisions of any planning agreement**

There are no planning agreements relevant to the subject Application.

- **Section 79C(1)(a)(iv) the provisions of the regulations**

This item is not relevant to the subject Application. The Application does not relate to a coastal area, nor is demolition proposed in conjunction with the Application.

- **Section 79C(1)(a)(v) the provisions of any coastal zone management plan**

This item is not relevant to the subject Application. The Application does not relate to a coastal area.

- **Section 79C(1)(b) the likely impacts of that development**

Utilities

Subject to utility extensions, the development is capable of being fully serviced with water and sewerage. No specific impacts in this regard are expected.

Social Impact on the Locality

The development proposal satisfies an existing demand for quality aged care facilities within proximity to an emerging commercial centre, community facilities and public transport options. Therefore, the broader social impact of the development on the locality is likely to be positive.

Economic Impact on the Locality

The development will generate additional employment opportunities in Muswellbrook. The development is also likely to result in a greater number of seniors residing in Muswellbrook as opposed to seeking aged care facilities elsewhere. Therefore, the economic impact of the development on the locality is likely to be positive.

Site design, including provision of private open space and landscaping

The proposal includes a number of areas of communal open space, including a common outdoor area, comprising landscaping, BBQ area and playground for children.

A satisfactory level of separation exists between each ILU, and between the ILUs and the Residential Care Facility. The separation allows sufficient space for ventilation and opportunities for landscaping and screening to achieve a level of privacy between dwellings. Each of the units have distinctive entries within the village and the dominance of garage structures has been reduced through the garages being setback from the front building line of the units.

No additional overshadowing will be introduced to surrounding properties as a result of the development. More than 70% (estimated 90%) of the ILUs will receive at least 3 hours of direct solar access in accordance with AMCORD.

An assessment of the overall site landscaping was carried out in relation to the development by James Pfeiffer Landscape Architects. The Assessment concludes that:

"The proposed landscape component to the development has been designed to create a safe, comfortable and attractive living environment nestled within an extensive landscape setting, which strongly emphasizes the needs of an aged care facility, and wishes to create a private residential character and minimize the sense of an institution."

The assessment report identifies the major elements of the landscape proposal as being:

- *"The visual integration with the surrounding landscape through extensive tree planting and the establishment of a flowing, romantic style garden setting;*
- *The establishment of visual and functional buffer planting along boundary lines;*
- *Establish a landscape setting which emphasizes a residential character;*
- *Extensive garden beds with a strong emphasis on seasonal variety;*
- *A series of courtyard spaces designed to encourage the residents to participate physically and socially outdoors in a secure, sheltered, and attractive/stimulating environment.*
- *Usable private outdoor spaces which are environmentally comfortable – sheltered from the wind; shaded and cool in summer; warm and sunny in winter."*

Therefore, the site design impacts of the development are likely to be positive.

The following additional matters were considered and, where applicable, have been addressed elsewhere in this report:

Access, Traffic and Transport	Noise
Context & Setting	Waste
Public domain	Energy
Flora & fauna	Natural hazards
Other land resources	Technological hazards
Water	Safety, security & crime prevention
Soils	Heritage
Air & microclimate	Construction

- **Section 79C(1)(c) the suitability of the site for the development**

Does the proposal fit the locality?

It is considered that the development is compatible with surrounding land uses and site characteristics. The site is considered suitable for aged care facilities on the basis of its size, topography, and proximity to commercial, community and recreational facilities. The development site is also in proximity to existing public transport routes and public infrastructure. It is considered that the proposal will not unreasonably impact development nearby.

Are the site attributes conducive to development?

In April 2009, the development site was identified by MSC as an ideal location for aged care facilities. The site was identified on the basis of its size, topography, and proximity to commercial, community and recreational facilities. The development site is also in proximity to existing public transport routes and public infrastructure.

- **Section 79C(1)(d) any submissions made**

Public submissions:

A total of four (4) submissions were received from the public:

First Name	Surname	Address	Suburb	State	Postcode
Scott	Cassar	6 Cassidy Avenue	Muswellbrook	NSW	2333
Margaret	Derksen	30 Kamilaroi Street	Muswellbrook	NSW	2333
Cheryl	McLean	38 Kamilaroi Street	Muswellbrook	NSW	2333
Jennifer & Terry	Case	20 Cassidy Avenue	Muswellbrook	NSW	2333

Traffic Generation and Width of Cassidy Avenue and Kamilaroi Street

An assessment of access, traffic and transport has been carried out in relation to the development by GTK Consulting. The Assessment concludes that:

- *"The proposed on-site car parking provision exceeds the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and Council's Development Control Plan, Section 16 Car Parking and Access 2010.*
- *The proposed internal road layout will meet the requirements of AS 2890.1:2004, AS 2890.6:2009, Council's Development Control Plan Section 16*

Car Parking and Access 2010 and RMS Guide to Traffic Generating Developments.

- *The traffic generated by the proposal residential care facility and independent living units will not present any unsatisfactory traffic safety or capacity issues on the existing road network.*
- *The traffic generated by the proposed residential care facility and independent living units is considerably less than if the site was developed for other residential purposes."*

It is considered that the proposed development will not add significant levels of traffic to the existing road network. It is estimated that the development will generate an additional 36 peak hour vehicle trips. Cassidy Avenue and Kamilaroi Street are capable of handling the additional vehicle movements associated with the development.

Additionally, it is noted that a public bus service exists along Cassidy Avenue, known as the 'Highbrook Bus Loop'. The service operates five (5) times each weekday and three (3) times on Saturday. The availability of a public bus service at the front of the site will further reduce dependence on private vehicles. A public bus stop will also be formalised within the Cassidy Avenue road reserve.

No Pedestrian Footpath in Cassidy Avenue or Kamilaroi Street

A footpath, 1.2 metres wide, is to be provided at no cost to Council in accordance with Council's adopted Walk and Cycle Plan (March 2009). The footpath shall be constructed along the entire length of the development frontage on Cassidy Avenue and Kamilaroi Street. The footpath shall be extended to link with the existing footpath on Rutherford Road. This matter is addressed in the proposed conditions of consent.

High Pedestrian Traffic Area

As above, a 1.2 metre wide footpath is to be provided along the entire length of the development frontage on Cassidy Avenue and Kamilaroi Street. The footpath is to be extended to link with the existing footpath on Rutherford Road. Neither Cassidy Avenue or Kamilaroi Street are considered to be subject to high pedestrian traffic.

Loss of Brennan Park

Council acknowledges that the proposal will result in the loss of land that is currently utilised for public recreational purposes, being junior cricket. However, the land is zoned for residential purposes and the proposed development is permitted with consent. The loss of open space is taken to have been addressed previously, pursuant to Amendment No. 1 and 11 to MLEP 2009 and is not a relevant consideration to the subject Application.

To offset the loss of open space, Council has ensured that the Master Plan for the adjacent Muswellbrook Showground site provides public spaces that are intended to host community amenities and a high profile playground.

Location of Service Road and Potential Safety Issues

The development proposal includes a service road that exits onto Kamilaroi Street at a bend in the road. It is considered that the location of the proposed service road is appropriate, given that vehicles exiting the aged care facility will have greater sightlines to the north and south-west along Kamilaroi Street.

Lack of Car Parking Associated with the development

A total of 62 car parking spaces are required in relation to the development, including one ambulance bay and two disabled car parking spaces. 86 private and common car parking spaces are provided, satisfying this requirement of the Muswellbrook DCP.

Loss of Property Value

Property values are not a planning consideration as detailed under s.79C of the EP&A Act 1979.

Development is commercial, not residential, and therefore should not be considered
Muswellbrook LEP 2009 specifies that *seniors' housing* is a type of *residential accommodation*. *Seniors' housing* is permitted with consent in the R1 General Residential Zone.

Noise

Construction noise will cause some temporary effect as is expected with any development. This will be for a short period of time and as such the degree of effect is considered acceptable.

The proposal is likely to result in some noise due to a greater number of residences, vehicle movements, and as a result of any mechanical plant and air conditioning units within the site. However, it is considered that the additional noise generated by the development will be negligible, and for the most part contained within the site boundaries.

The road reserve provides a buffer between the development and neighbouring residential properties. The road reserve will reduce noise levels received from the proposed units. As the development will be restricted to residents over 55 or those with a disability, it is anticipated the greatest noise will come from residents within the site.

The development is inconsistent with Council's 'green area' policies

There are no local land strategies, open space or vegetation management policies relevant to the development site. The development site is zoned for residential purposes and the proposal is permitted with consent in the Zone.

The intent of this submission is to address the reduction of open space or recreational purpose land in Muswellbrook. This is offset by the embellishment of the nearby Highbrook Park, and the provision of similar space within the Muswellbrook Showground site.

Other sites in Muswellbrook are more suitable for the development

While other vacant sites may permit aged care facilities, the development site was identified by Muswellbrook Shire Council (MSC) in 2009 as an ideal location for aged care facilities on the basis of its size, topography, and proximity to commercial, community and recreational facilities. The development site is also in proximity to existing public transport routes and public infrastructure.

• Section 79C(1)(e) the public interest.

The potential social and economic benefits to be derived from the proposed development are considered to be in the public interest

8.0 CONCLUSION

The development proposal satisfies an existing demand for quality aged care facilities in Muswellbrook. The proposed development is suitably located within proximity to an

emerging commercial centre, community facilities and public transport options. The proposal meets the objectives of the R1 General Residential Zone and generally complies with the provisions of the Muswellbrook DCP 2009, with the exception of Section 6.1.5, Front Fencing and Retaining Walls. Subject to conditions of consent, the development proposal is considered satisfactory against the relevant considerations under section s.79C of the EP&A Act 1979.

9.0 RECOMMENDATION

That Development Application No. 70/2014 be granted approval, subject to the conditions provided at **Appendix A** to this Report.

APPENDIX A – Proposed Conditions of Consent

IDENTIFICATION OF APPROVED PLANS

1. Development in Accordance with Plans

- (a) The development being carried out in accordance with the Development Application and the drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions.

Drawing No.	Revision	Drawn by	Drawing Date
Job No. 1237 Drawing No. DA01 Site Plan, Analysis, & Location Plan	F	Boffa Robertson Group	14 Aug 2014
Job No. 1237 Drawing No. DA02 RCF Floor Plan	D	Boffa Robertson Group	14 Aug 2014
Job No. 1237 Drawing No. DA03 RCF Roof Plan	A	Boffa Robertson Group	6 May 2014
Job No. 1237 Drawing No. DA04 RCF North West Elevation & South East Elevation	A	Boffa Robertson Group	6 May 2014
Job No. 1237 Drawing No. DA05 RCF North East Elevation & South West Elevation	A	Boffa Robertson Group	6 May 2014
Job No. 1237 Drawing No. DA06 RCF True Elevations	A	Boffa Robertson Group	6 May 2014
Job No. 1237 Drawing No. DA07 RCF Sections	A	Boffa Robertson Group	6 May 2014
Job No. 1237 Drawing No. DA08 1 Bedroom ILU Plan Sections Elevations	A	Boffa Robertson Group	6 May 2014
Job No. 1237 Drawing No. DA09 2 Bedroom ILU (Type A in duplex) Plan Sections Elevations	A	Boffa Robertson Group	6 May 2014
Job No. 1237 Drawing No. DA10 2 Bedroom ILU (Type B) Plan Sections Elevations	A	Boffa Robertson Group	6 May 2014
Job No. 1237 Drawing No. DA11 2 Bedroom ILU (Type Bd) Plan Sections Elevations	A	Boffa Robertson Group	6 May 2014
Job No. 1237 Drawing No. DA12 2 Bedroom ILU (Type C) Plan Sections Elevations	A	Boffa Robertson Group	6 May 2014
Job No. 1237 Drawing No. DA13 3 Bedroom ILU (TYPE A) Plan Sections Elevations	A	Boffa Robertson Group	6 May 2014
Job No. 1237 Drawing No. DA14 3 Bedroom ILU (Type Ad) Plan Sections Elevations	A	Boffa Robertson Group	6 May 2014
Job No. 1237 Drawing No. DA15 3 Bedroom ILU (Type B) Plan Sections Elevations	A	Boffa Robertson Group	6 May 2014
Job No. 1237 Drawing No. DA16 ILU Elevations	A	Boffa Robertson Group	6 May 2014
14-006-DA01 Landscape Concept Plan	A	James Pfeiffer Landscape Architects	30 April 2014
14-006-DA02 Landscape Concept Plan	A	James Pfeiffer Landscape Architects	30 April 2014

- (b) The development being carried out in accordance with the documents referenced below.

Document Title	Revision	Written by	Date
Statement of Environmental Effects	May 2014	Tony Robb (Evolution Planning)	May 2014
Traffic and Car Parking Assessment	July 2014	GTK Consulting	Jul 2014
Landscape Design Statement	2 May 2014	James Pfeiffer Landscape Architects	2 May 2014

- (c) Where necessary, the plans and documents referenced at 1(a) and 1(b) above are to be altered to ensure consistency with the Plan titled, 'Site Plan, Analysis and Location Plan', Revision F, drawn by Boffa Robertson Group, and dated 14 August 2014.
- (d) Landscaping works within the development site are to be undertaken generally in accordance with the landscaping plans and documents endorsed with Council's approval stamp.

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

3. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

ANCILLARY MATTERS TO BE ADDRESSED TO THE SATISFACTION OF COUNCIL PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

4. Stormwater Management

Prior to the issue of any Construction Certificate, the applicant is to obtain approval pursuant to Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* in relation to the management of stormwater discharged from the development site.

The applicant shall engage a suitably qualified and experienced engineer to prepare a catchment analysis and Stormwater Management Plan and system design for the development and downstream to the New England Highway. The results of this evaluation and recommendations are to be submitted to Muswellbrook Shire Council for assessment and approval before proceeding to detailed design.

This is to ensure that: the additional stormwater flows generated by the development, or diverted to a different catchment by the development are catered for in accordance with the following guidelines; and do not exacerbate any existing shortcomings in the stormwater system; or cause nuisance flooding to any downstream owners.

Detailed engineering plans relating to the collection and disposal of stormwater from the site, buildings, and adjacent catchments are to be submitted to Council for written approval.

The stormwater drainage system shall be designed in accordance with the following:

- a) Stormwater shall be conveyed by gravity from the site to Council's stormwater drainage system.
- b) The engineering plans shall be in accordance with Council's Development Design and Construction specifications, AUS-SPEC, Council's Development Control Plan, and with stormwater drainage design being based on the publication, 'Australian Rainfall and Runoff' (The institutions of Engineers, 1987).

Average Recurrence Intervals (ARIs) as follows:

- a) Piped systems and minor culverts – minimum of 1 in 5 year (minor system);
 - b) Overland flow paths – 1 in 100 year (major system).
- c) Provision shall be made for collection and disposal of any overland flow entering the subject property, or concentrated as a result of the proposed works.
 - d) Development is to be designed so that overflows do not adversely affect neighbouring properties by way of intensification, concentration or inappropriate disposal across property boundaries. Depending on the design solution, this may require securing appropriate easements over downstream properties. The easement is to be created under Sections 88B and/or 88K of the Conveyancing Act prior to release of the Construction Certificate.
 - e) Floor levels adjacent to any overland flow path, are to be a minimum 300mm above 1 in 100 year flood level. A report prepared by an appropriately qualified hydraulics engineer is to be submitted to the certifying authority with the construction certificate application, detailing the 1 in 100 year flood level and minimum floor levels.
 - f) Any stormwater detention system shall be designed with the consideration of discharge rates depending on downstream capacity, condition and the existing hydrological regime of the waterway.
 - g) Stormwater detention systems are long term structures intended to control discharges from the site over the entire life of the development. The system shall be protected and regularly maintained. An 88B instrument approved by council shall be registered under the *Conveyancing Act 1919* prior to release of Occupation Certificate.
 - h) The existing stormwater pipeline across the development site shall be relocated within a new easement, in favour of Council. The existing stormwater easement is to be extinguished.
 - i) All plumbing within the site shall be designed in accordance with AS/NZ3500.3.2, National Plumbing and Drainage Code.

5. Construction Management Plan

- (a) A Construction Management Plan (CMP) is to be prepared and submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate. The CMP shall include such matters as:
- i. a Safe Work Method Statement;
 - ii. the proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
 - iii. the proposed phases of construction works on the site, and the expected duration of each construction phase;
 - iv. the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
 - v. the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
 - vi. the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
 - vii. the proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
 - viii. sedimentation and erosion management and control;
 - ix. the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
 - x. the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
 - xi. proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings and fans over footpaths and laneways;
 - xii. proposed protection for Council and adjoining properties;
 - xiii. the location and operation of any on site crane;
 - xiv. the location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval; and
 - xv. location, identification, treatment and disposal of all hazardous materials on site.
- (b) A copy of the approved CMP is to be provided to Muswellbrook Shire Council prior to any works commencing.
- (c) All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved CMP and any associated PCA conditions. A copy of the approved CMP, and any conditions imposed, shall be kept on the site at all times and made available to any officer of MSC upon request.

6. Traffic Management Plan

- (a) A Traffic Management Plan (TMP), prepared by an appropriately qualified consultant, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the issue of any Construction Certificate. The TMP shall include such matters as:
- i. details demonstrating compliance with relevant provisions in AS2890.1 – Off Street Car Parking Facilities, including, but not limited to, aisle widths, and parking space dimensions;
 - ii. details of the proposed circulation routes within the car park;
 - iii. details of proposed pedestrian routes, kerb construction methods and other protective measures such as bollards or the like to ensure safety of users;
 - iv. details of proposed traffic control signage to be installed and references to relevant RTA Guidelines and Australian Standards; and
 - v. details of speed limit restrictions within the car park.
- (b) A copy of the approved TMP is to be provided to Muswellbrook Shire Council prior to any works commencing.

Note:

The TMP is used to ensure appropriate safety and traffic management is provided within the development which can be enforced through relevant legislation. It is in the interests of the applicant that it is completed.

7. Muswellbrook Shire Water and Waste Division Notice of Requirements

A 'Notice of Requirements' under the *Water Management Act 2000* must be obtained detailing water and sewer extensions to be built and charges to be paid by the applicant prior to the issue of any Construction Certificate.

Details demonstrating compliance with any requirements for works by Muswellbrook Shire Water & Waste Division are to be provided with the Construction Certificate Application.

The final Compliance Certificate must be submitted to Council or the Principal Certifying Authority prior to release of any linen plan for subdivision or Occupation Certificate.

8. Noise from Mechanical Plant Adjacent to Residential Premises

A certificate from an appropriately qualified Acoustic Engineer is to be submitted to the Principal Certifying Authority for approval with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm - 6.00am) when measured within a habitable room in any adjoining residential premises, and will comply with Environment Protection Authority Noise Policy.

9. Vehicular Access Way Design

The applicant shall design all vehicular access ways in compliance with the following:

- a) the sealed vehicular access way shall be designed to comply with

Muswellbrook Shire Council's Footpath, Kerb and Guttering Policy to ensure that vehicles entering the premises will not scrape/strike the surface of the carriageway, layback, or vehicular crossing;

- b) the width of the vehicular layback shall be in accordance with the approved Site, Analysis & Location Plan;
- c) the crossing (between the layback and the property boundary) shall be placed on a single straight grade of between 2% and 5%, falling to the back of the layback;
- d) any twisting of the driveway access shall occur entirely within the subject property;
- e) a cross section along the centre-line of each access way to the building at a scale of 1:50 to be taken from the centre of the road and shall include all changes of grade both existing and proposed; and
- f) a certificate prepared by an appropriately qualified and practising Civil Engineer shall be provided to the Principal Certifying Authority to certify compliance with these requirements and the suitability of the construction and the intended use of the access way prior to the issue of any Construction Certificate.

10. Parking for People with Disabilities

A total of two (2) car-parking spaces for use by persons with a disability shall be provided as part of the overall car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, common areas within the site, and to footpaths and roads. The spaces and shall be clearly shown on the plans submitted to the Principal Certifying Authority for approval with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the *Disability Discrimination Act 1992* (as amended), and the relevant provisions of AS1428.1 and AS1428.4.

11. Off Street Car Parking

All off-street car parking spaces are to be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. A certificate prepared and certified by an appropriately qualified consultant for the construction of these areas in accordance with this requirement shall be submitted to the Principal Certifying Authority with the Construction Certificate Application.

12. Garbage and Recycling Facilities

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- a) all internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) include provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) the storage area shall be adequately screened from the street and located behind the building line;
- d) garbage enclosures serving residential units are to be located within areas designated for non-residential uses; and
- e) all waste is to be removed weekly from the site by a contractor and disposed

of at a site approved for such purposes

Details of the storage area are to be provided to and approved by the Principal Certifying Authority prior to the issue of any Construction Certificate.

13. Underground Electricity

All electricity provision to the site is to be designed in conjunction with Energy Australia so that it can be easily connected underground when the street supply is relocated underground. Details demonstrating compliance with this condition are to be shown on the plans submitted to the Principal Certifying Authority with the Construction Certificate Application.

14. Location of Plant

Plant and equipment, including, but not limited to, air conditioning equipment, is not to be located on the roof of any building within the development site. Details demonstrating compliance with this condition are to be submitted to the Principal Certifying Authority with the Construction Certificate Application.

15. Cleanliness and Maintenance of Food Preparation Areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:-

- (a) The Food Act (as amended)
- (b) The Food Regulation (as in force);
- (c) AS4674 (Design, Construction and Fit-Out of Food Premises);
- (d) Muswellbrook Water & Waste Section;
- (e) The Clean Air (Plant and Equipment) Regulation;
- (f) AS 1668 Part 2;
- (g) The Protection of the Environment Operations Act; and
- (h) The Building Code of Australia;

The relevant matters to be taken into account under this approval relate to:-

- (i) construction, materials and finishes;
- (ii) installation of fixtures, fittings and equipment;
- (iii) washing facilities, other facilities and special requirements;
- (iv) mechanical ventilation and exhaust discharges; and
- (v) temperature control

Detailed plans and specification of work showing that these design requirements have been met shall be submitted to, and approved by, the Principal Certifying Authority prior to the issue of a Construction Certificate.

16. Cleanliness and Maintenance of Hairdressing, Beauty and Skin Penetration Salons

To ensure that adequate provision is made for the cleanliness, hygiene and maintenance of all hairdressing, beauty and skin penetration salons, all work associated with the fit-out shall be designed and carried out in accordance with the requirements of:-

- (a) The Public Health Act (as amended);
- (b) The Public Health (Skin Penetration) Regulation (as amended);
- (c) The NSW Health Guidelines for Skin Penetration premises; and
- (d) Building Code of Australia;

The premises must be registered with Council prior to the commencement of the use.

Detail plans and specification of work showing that these design requirements have been met shall be submitted to, and approved by, the Principal Certifying Authority prior to the issue of a Construction Certificate.

17. Section 94A Contributions

Prior to the issue of a Construction Certificate, the consent holder shall pay a contribution of \$192,000 to Muswellbrook Shire Council pursuant to section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the Muswellbrook Shire Council Section 94A Developer Contributions Plan 2010.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010.

18. BASIX Commitments

Under clause 97A(3) of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. Details and plans demonstrating compliance with these requirements are to be submitted to the Principal Certifying Authority for approval with the Construction Certificate.

In this condition:

- (a) relevant BASIX Certificate means:
 - i. a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii. if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.

19. Compliance with SEPP (Housing for Seniors or People with a Disability) 2004

Prior to the issue of any Construction Certificate, the applicant shall submit details to the Principal Certifying Authority demonstrating the development's compliance with *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

20. Retaining Walls and Batters

Prior to the issue of any Construction Certificate:

- (a) Retaining walls exceeding 1,000mm in height require engineering certification before construction.
- (b) The design of retaining walls associated with site regrading shall as a minimum design standard be carried out in accordance with AS 4678 Earth retaining structures for an absolute minimum design life of 60 years. The design shall be carried out by a Qualified Certified Structural or Civil Engineer (NPER 3 Registered) using recommendations made by a Geotechnical Engineer.
- (c) Retaining walls, including the footings (and footing support), and batters, other than road batters shall be wholly located within the lot required to provide support.
- (d) The maximum design gradient of batters within lots is to be 1 vertical to 4 horizontal except where written advice is provided by a qualified Geotechnical Engineer which supports steeper batters.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
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21. Sediment and Erosion Control

All required erosion and sedimentation techniques, as detailed in the associated Construction Management Plan, are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

22. Site Facilities

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - protect and support the building from damage, and
 - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to

do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.

- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

23. Site Sign

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (e) stating that unauthorised entry to the work site is prohibited;
- (f) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (g) showing the name, address and telephone number of the Principal Certifying Authority for the work.

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

This condition does not apply to building works being carried out inside an existing building.

24. Water Meter

A water meter as issued and installed by Muswellbrook Water & Waste department must be connected to the town's reticulated water supply prior to any commencement.

25. Construction Certificate Requirement

No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a Certificate is issued for part of the works it must cover the works being undertaken onsite.

26. Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council property damaged during the course of this development. The applicant shall submit in writing and/or photographic record, of any existing damage to Council property before commencement of work.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work it will be assumed that the infrastructure was undamaged and the applicant will be required to restore all damaged infrastructure at their expense.

27. Works within the Road Reserve

- (a) All works within the road reserve require a permit under s.138 of the *Roads Act 1993*. The works must comply with the provisions of:
 - Council's design and construction specifications and AUSSPEC.
 - RMS Manual 'Traffic Control at Worksites';
 - Australian Standard 1742, 'Manual of Uniform Traffic Control Devices', all parts.

- A copy of the approved Traffic Control Plan is to be provided to Muswellbrook Shire Council prior to any works commencing.
- (b) The consent holder shall apply to Council in accordance with Section 138 of the *Roads Act 1993* to install all traffic signage and pavement marking as nominated by Council's Traffic Committee. The signage shall be installed prior to the issue of any Occupation Certificate for the development.
- (c) A bus stopping bay and shelter are to be constructed on Cassidy Avenue further south of the arrangement proposed in Drawing No. DA01, Rev.F, titled Site Plan, Analysis, & Location Plan, drawn by Boffa Robertson Group, and dated 14 August 2014.

The bus stop design shall be prepared in accordance with AS 1742-2003 and Austroad Guideline to Road Design – Part 3: Geometric Design.

A footpath, 1.2 metres wide, shall be provided at no cost to Council on the eastern side of the bus stop, which will necessitate road reserve widening.

Plans detailing the bus stopping bay and shelter shall be submitted to Council for approval with the Section 138 Application.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK
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28. Footpath

A footpath, 1.2 metres wide, shall be provided at no cost to Council in accordance with Council's adopted Walk and Cycle Plan (March 2009). The footpath shall be constructed along the entire length of the development frontage on Cassidy Avenue and Kamilaroi Street. The footpath shall be extended to link with the existing footpath on Rutherford Road.

29. Kerb and Gutter – Cassidy Avenue

Kerb and gutter shall be constructed along the remaining length of kerb section in Cassidy Avenue at the front of the development site to Council standard.

30. Second Hand Materials

Second hand materials shall not be used unless specifically approved by the Principal Certifying Authority in writing.

31. Hot Water Installations

Hot water installations shall be in accordance with AS 3500 and shall deliver hot water to all sanitary fixtures used primarily for personal hygiene purposes, at a temperature not exceeding:-

- (a) 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled person;
- (b) 50°C in all other buildings;
- (c) the existing hot water temperature limiting device shall be adequately maintained or replaced when defective; and
- (d) where hot water is being delivered to an outlet of a sanitary fixture, used primarily for personal hygiene purposes on commercial premises or by the public, at a temperature exceeding 50°C, such fixture shall have a sign, using

symbol and red writing on a white background in appropriate languages, displayed adjacent to the sanitary fixture which states, "Warning – this fixture may deliver hot water which will scald".

32. Dust Emission and Air Quality

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in addition odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

33. Applicant's Cost of Work on Council Property

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

34. Construction Hours

- (a) Subject to this clause, building construction is to be carried out during the following hours:
 - i. between Monday to Friday (inclusive)—7.00am to 5.00pm
 - ii. on a Saturday—7.00am to 4.00pm
- (b) Building construction must not be carried out on a Sunday or a public holidays.
- (c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (d) The builder and excavator must display, on-site, their 24 hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.

35. Prohibition on Use of Pavements

Building materials and equipment must be stored wholly within the work site, unless prior written approval has been obtained from council. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from council.

36. Protection of Public Places

- (1) If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - (b) building involves the enclosure of a public place,

a hoarding and site fencing must be erected between the work site and the public place and be contained within the site boundary unless prior permission has been obtained in writing from Council.
- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- (5) No access across public reserves or parks is permitted.

37. Mandatory Council Inspections

At the following stages of construction, an inspection is required by Council:

- (a) Sewer drains – all pipes are to be correctly laid, suitably bedded and ready for backfilling. Suitable backfill material is to be available on site at the time of inspection
- (b) Connection of stormwater drainage to Council's infrastructure.
- (c) Driveway crossover of the footpath or nature strip.
- (d) Council infrastructure.

To arrange an inspection please contact Council's Environmental Service Department on (02) 6549 3745. Note: Inspection fees will be charged in accordance with Council's adopted fees and charges.

NB: Inspection fees must be paid prior to the issue of the Construction Certificate.

38. Erosion and Sediment Controls

The approved sediment and erosion controls shall be reinstated daily prior to workers leaving the site where modified at any time. Any sediment that escapes from the allotment shall be cleaned, collected and disposed to an appropriate waste management facility or the sediment shall be returned to the subject allotment on a daily basis.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE
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39. Completion of Stormwater Works

Prior to the issue of any Occupation Certificate:

- a) All stormwater work is to be completed in accordance with the Council approved Stormwater Management Plan(s) and detailed design drawings and specification.
- b) Council reserves the right to retain all bonds on infrastructure works for a period of twelve (12) months to protect against defects for all civil and drainage works within the road reserve and Council's stormwater drainage easement.
- c) All plumbing within the site shall be carried out in accordance with AS/NZ3500.3.2, National Plumbing and Drainage Code.

40. Access for People with Disabilities

Provision shall be made for access to and within the building(s) on the site for persons with a disability in accordance with the provisions of AS 1428 Part 1, prior to the issue of any Occupation Certificate.

41. Disabled Access from the Public Realm – Tactile Surface Indicators

Tactile ground surface indicators complying with AS1428.4 shall be provided at the point of common public access to the building and at the vehicular access points to assist people with visual impairments in gaining access to and from the public way and the premises prior to occupation. Such works are to be undertaken wholly within the boundaries of the site.

42. Regulated Systems – Air Handling

To ensure that adequate provision is made for ventilation of the building, all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- (b) The Building Code of Australia,
- (c) AS 1668 Part 1 & 2 ,
- (d) The Public Health Act

- (e) Public Health (Microbial Control) Regulation,
- (f) Work Cover Authority,
- (g) AS 3666 Air Handling and water system of building microbial control:
 - Part 1 - Design installation and commissioning
 - Part 2 - Operation and maintenance
 - Part 3 - Performance based maintenance of cooling water systems

Certification, from an appropriately qualified and practising consultant, is to be submitted to the Principal Certifying Authority, detailing that the system has been installed in accordance with the relevant standards, prior to completion and the issue of any Occupation Certificate.

43. Allocation of Parking Areas

All required parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall fully constructed, sealed, line marked, sign posted, numbered and in accordance with the consent prior to the release of the Occupation Certificate.

44. Domestic Works as Executed Plans

Prior to the issue of an Occupation Certificate a works as executed plan drawn on Council's approved template detailing the layout and location of the sewer and stormwater pipe work is to be submitted to Muswellbrook Sire Council.

45. Redundant Vehicle Crossings

Where a redundant layback will occur at the frontage of the property, a new concrete kerb and gutter must be constructed to replace the redundant layback prior to the issue of the Final Occupation Certificate.

46. Identification of Non Potable Water

Signage in accordance with AS3500.1 shall be installed to all taps that supplied by the rainwater tank where mains reticulated water supply is provided to the site.

47. Connection to Sewer

The premises shall be connected to the sewer system in accordance with the Australian Standard 3500. A works as executed plan on Council's approved form is to be submitted to Council within seven (7) days following the final drainage inspection and prior to any occupation certificate being issued.

48. Occupation

The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

49. Public Infrastructure Inspection

Prior to the issue of an Occupation Certificate written confirmation is to be obtained from Muswellbrook Shire Council' building section that all damage caused to Council's infrastructure has been reinstated to a satisfactory condition. Councils inspection charges will apply.

50. Final Compliance Certificate for Water Supply and Sewerage Works

The final compliance certificate for water supply and sewerage works is to be obtained from Muswellbrook Shire Council Water & Waste Department and a copy must be submitted to the Principal Certifying Authority prior to release of any occupation certificate.

51. Subdivision and Consolidation of Development Site

Prior to the issue of any occupation certificate:

- (a) Lot 82 DP 262393 is to be subdivided, such that the R1 General Residential zoned portion of the land and RE1 Public Recreation zoned portion of the land are on separate title.
- (b) The development site, being the residentially zoned portion of Lot 82 DP 262393 and Lot 83 of DP 262393, are to be consolidated into one title of land.

52. Easements, Rights-of-way and Restrictions-as-to-user

All easements, rights-of-way, right- of-carriageway, and restrictions-as-to-user as indicated on the plans submitted with the application for a Subdivision Certificate are to be registered on the title of the relevant lots, together with the following additional easements/ rights-of-way/restrictions, naming Muswellbrook Shire Council as the sole authority empowered to release or modify the same:

- 1. The existing stormwater easement within Lot 83 DP DP 262393 is to be extinguished from the title of the land.
- 2. The new public stormwater infrastructure within the site is to be contained within an easement.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

53. Restriction on Use of Premises

The facility may only provide accommodation for:

- (a) seniors or people who have a disability;

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

54. Utility Services

Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the council or the relevant public authority.

55. Trade Waste

Trade waste water shall be disposed of in accordance with the requirements of the trade waste agreement between the owner and Muswellbrook Shire Council.

56. Obstruction of Parking Areas

No parking spaces, loadings bays or vehicular access ways or access thereto shall be restricted, constrained or enclosed by any form of structure such as fencing, or the like, without prior consent from Council.

57. Loading Within Site

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times and within loading bays designated on the approved plans.

58. Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

59. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

60. Landscaping

The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan

61. Access Gates

Access gates must be hung so that they do not encroach on a footpath or roadway.

62. Signage

Any proposed business identification sign or advertising sign must be designed in accordance with the provisions of Council's adopted Development Control Plan and requires separate development consent prior to erection or placement, unless otherwise permitted without consent or is exempt.

REASONS:

The Reason for the imposition of the conditions is to:

- (i) Comply with the Environmental Planning and Assessment Act 1979 and Regulations 2000, the Local Government Act, 1993, and the Building Code of Australia;
- (ii) Ensure the development is carried out to standards as determined by State Government authorities;
- (iii) Comply with Council's Codes and Development Control Plans;
- (iv) Confirm and clarify the terms of Council's approval;
- (v) Ensure the development is within the public interest, to minimise community costs with regard to infrastructure and to protect the amenity of the area; and
- (vi) Protect the environment, ensure that developments are sustainable and to reduce cumulative effects.

ADVICE:

1. Location of Services

Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.

2. Obstruction of Nominated Exits

During the occupation and life of the building nominated exits must not be blocked at the point of discharge.

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

Cl. 2 - Aims of Policy

This Policy aims to encourage the provision of housing (including residential care facilities) that will:

- Increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and
- Make efficient use of existing infrastructure and services, and
- Be of good design.

Does the proposal achieve the above aims?

It is considered that the proposal achieves the aims of the Plan by satisfying an existing demand for quality aged care facilities within proximity to an emerging commercial centre, community facilities and public transport options.

Clause		Yes/No
4	Is the subject site/s land:	
	zoned primarily for urban purposes, or that adjoins land	Yes
	zoned primarily for urban purposes, and	
	(a) on which development for the purpose of any of the following is permitted: (i) dwelling-houses, (ii) residential flat buildings, (iii) hospitals, and (iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries?	Yes
	Is the subject site/s:	
	(a) land described in Schedule 1 (Environmentally sensitive land), or	No
10	Does the proposal fit the definition of seniors housing?	Yes
11	Does the proposal incorporate a residential care facility?	Yes
12	Does the proposal incorporate a hostel?	No
13	Does the proposal incorporate self-contained dwellings?	Yes
17	Is the subject land adjoining land zoned primarily for urban purposes?	No
	If yes above, confirm the proposal is for serviced self-care housing, a hostel and/or a residential care facility.	N/A
18	Will the development be occupied only by: (a) seniors or people who have a disability, (b) people who live within the same household with seniors or people who have a disability, (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.	Yes, conditioned.
19	Is the subject land zoned commercial?	No
	If yes above, confirm the ground floor fronting the	N/A

Clause		Yes/No
	street is not used for residential purposes or if it is, confirm another EPI permits use of all of the building for residential purposes.	
21	Does the proposal involve subdivision?	Yes
26	Are facilities and services (cl. 26(1)) no more than 400m from the site and of an acceptable gradient (1:14; or 1:12 max 15m; or 1:10 max 5m; or 1:8 max 1.5m)?	Yes
	Are transport services located within 400m of the site?	Yes, public bus service.
	Will the transport services drop residents within 400m of relevant facilities?	Yes
	Is the transport service available to and from the proposed development at least once in daylight hours?	Yes
27	Is the land identified as bushfire prone?	No
28	Is a reticulated water supply and adequate facilities for the removal/disposal of sewerage available for the development?	Yes
	Muswellbrook Shire Council Water and Waste Division Confirmation?	Yes, subject to service extension
29	Additional matters for consideration where clause 24 does not apply: (5)(b) is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria: (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development, (ii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and proposed financial arrangements for infrastructure provision, (iii) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.	<i>It is considered that the development is compatible with the surrounding land uses and will not adversely impact existing development nearby on the basis of bulk, scale, or built form.</i>

Part 3 – Design Requirements

Division 1

Clause		Yes/No
30	Has a site analysis been provided?	Yes
	Have the following been included about the site in the site analysis:	
	Site dimensions?	Yes
	Topography?	Yes

Clause		Yes/No
	Services?	Yes
	Existing vegetation?	Yes
	Microclimates?	Yes
	Location of buildings, structures, heritage features, items of archaeology, fences, property boundaries, pedestrian and vehicle access)?	Yes
	Views to and from the site?	Yes
	Overshadowing by neighbouring structures?	Yes
	Have the following been identified in the site analysis about the surrounds of the site?	
	Neighbouring buildings (location, use, balconies on adjacent properties, pedestrian and vehicle access to adjacent properties)?	Yes
	Privacy (adjoining private open spaces)?	Yes
	Walls built to the site's boundary (location, height, materials)?	N/A
	Difference in levels between the site and adjacent properties at their boundaries?	Yes
	Views and solar access enjoyed by neighbouring properties?	Yes
	Major trees on adjacent properties?	Yes
	Street frontage features (poles, trees, kerb crossovers, bus stops, other services)?	Yes
	The built form & character of adjacent development (including buildings opposite on both sides of the street(s) fronted (architectural character, front fencing, garden styles))?	Yes
	Heritage features of surrounding locality & landscape?	N/A
	Direction & distance to local facilities (local shops, schools, public transport, recreation & community facilities)?	Yes
	Public open space (location, use)?	Yes
	Adjoining bushland or environmentally sensitive land?	N/A
	Sources of nuisance (flight paths, noisy roads, significant noise sources, polluting operations)?	N/A
	Adjoining land use – such as agricultural activities	Yes

Cl. 31 – Design of In-Fill Self-Care Housing

Seniors Living Policy: Urban Design Guidelines for Infill Development – March 2004

1. Responding to Context

The development site is vacant and adjoins low-density residential land uses to the north and south-west, a community and recreational facility to the south, and the 'Muswellbrook Showground' site to the north-east. The Muswellbrook Showground has recently been rezoned a combination of B2 Local Centre and B5 Business Development pursuant to MLEP 2009. The future character of the Muswellbrook Showground site is likely to be defined by low or medium density residential and bulky goods development. A Master Plan, Development Control Plan, and Section 94 Developer Contributions Plan for the Showground site is currently being prepared, but has not been exhibited.

The proposed development is for seniors' housing, comprising sixty-five (65) bed residential care facility and forty-two (42) independent living units, associated facilities, car parking and landscaping works. The proposed residential care facility and independent living units will be single storey and will be positioned at a lower level than the existing dwellings on the western side of Kamilaroi Street and Cassidy Avenue. It is considered that the proposed development will not impact considerably on views from the existing residential development or community facility nearby.

2. Site Planning and Design

Does the proposal achieve the following objectives?

- Minimise the impact of new development on neighbourhood character.
- Retain existing natural features of the site that contribute to neighbourhood character.
- Provide high levels of amenity for new dwellings.
- Maximise deep soil and open space for mature tree planting, water percolation and residential amenity.
- Minimise the physical and visual dominance of car parking, garaging and vehicular circulation?
- Provide housing choice through a range of dwelling houses.

It is considered that the proposed development satisfies these objectives.

Rules of Thumb	Comment
The proportion of the site given to landscaped area and deep soil should be increased in less urban areas, on large lots, and in areas already characterised by a high proportion of open space and planting. Does the proposal achieve this?	<i>Over 40% of the site has been set aside for landscaping purposes</i>

3. Impacts on Streetscape

Does the proposal achieve the following objectives?

- Minimise impacts on the streetscape and enhance its desirable characteristics?
- Ensure that new development, including the built form, front and side setbacks, trees, planting and front fences, is designed and scaled appropriately in relation to the existing streetscape.
- Minimise dominance of driveways and car park entries in the streetscape.
- Provide a high level activation and passive surveillance to the street.

It is considered that the proposed development satisfies these objectives.

Rules of Thumb	Comment
Does the proposal respond to council planning instruments that specify the character or desired character of the area?	<i>Yes</i>
Is the proposal consistent with the front building alignment and not encroach on this front setback?	<i>There are no developments immediately adjacent to the subject proposal.</i>
Driveways or basement car park entries does not exceed 25% of the site frontage.	<i>Yes</i>
Garage doors set back a minimum of 1 metre behind the predominant building façade on both the front street frontage and common driveways.	<i>Yes</i>

4. Impacts on Neighbours

Does the proposal achieve the following objectives?

- Minimise impacts on the privacy and amenity of existing neighbouring dwellings.
- Minimise overshadowing of existing dwellings and private open space by new dwellings.

- Retain neighbours' views and outlook to existing mature planting and tree canopy.
- Reduce the apparent bulk of development and its impact on neighbouring properties.
- Provide adequate building separation.

It is considered that the proposed development satisfies these objectives.

Rules of Thumb	Comment
Where side setbacks are less than 1.2 metres, a maximum of 50% of the development is built to this alignment.	N/A
The length of unrelieved walls along narrow side or rear setbacks does not exceed 8 metres.	N/A
Living rooms of neighbouring dwellings receive minimum 3 hours of direct sunlight between 9am-3pm in mid-winter.	Yes
Solar access to the private open space of neighbouring dwellings is not unreasonably reduced.	Yes

5. Internal Site Amenity

Does the proposal achieve the following objectives?

- Provide quality useable private and communal open spaces for all residents.
- Provide dwellings that have distinct identity and safe entries.
- Provide safe and distinct pedestrian routes to all dwellings and communal facilities.
- Ensure adequate solar access to living areas and private open space.
- Reduce the dominance of parking, garaging and vehicular circulation space on the internal character of new development.

It is considered that the proposed development satisfies these objectives.

Rules of Thumb	Comment
Separation of 1.2m is provided between habitable rooms and driveway or car parks or other dwellings (this can be reduced if adequate screening is provided).	Yes

CI. 33 – Neighbourhood Amenity and Streetscape

- *The development site is not heritage affected.*
- *No significant adverse impacts are anticipated on neighbouring residences.*
- *The single storey form and setbacks minimise building bulk and overshadowing.*
- *The height of the proposed development is compatible with surrounding development.*
- *Significant trees are to be retained.*
- *The proposal does not impact on any riparian zones.*

CI. 34 – Visual and Acoustic Privacy

Visual Privacy

The development site is positioned at a lower level relative to the existing dwellings on the western side of Kamilaroi Street and Cassidy Avenue. The proposed development is also buffered by the aforementioned roads and by landscaping within the front setback. As such, there are few opportunities for loss of visual privacy in association with the proposed development.

Noise

The proposal is likely to result in additional noise in the area due to a greater number of residences and as a result of any mechanical plant and air conditioning units. It is considered that the additional noise generated by the development will be negligible.

Generation of noise is also addressed in the proposed conditions of consent that all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm - 6.00am) when measured within a habitable room in any adjoining residential premises, and will comply with Environment Protection Authority Noise Policy.

Cl. 35 – Solar Access and Design for Climate

No additional overshadowing will be introduced to surrounding properties as a result of the development. More than 70% (estimated 90%) of the ILU's will receive at least 3 hours of direct solar access in accordance with AMCORD.

Cl. 36 – Stormwater

Preliminary draft stormwater plans have been submitted with the Application that address the intent of Cl.36 of the SEPP. In this regard, the development is capable of achieving an appropriate stormwater management solution, subject to the provision of further detailed design and specifications at the construction certificate stage.

Prior to the issue of any Construction Certificate, the applicant is to obtain approval pursuant to Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 in relation to the management of stormwater discharged from the development site.

Cl. 37 – Crime Prevention

The proposal will not have an adverse impact in terms of crime prevention, given the proposed building design and site layout.

Cl. 38 – Accessibility

It is considered that the proposed development satisfies this clause.

Cl. 39 – Waste Management

Waste management information has been submitted

Part 4 – Development Standards to be Complied With

Division 1 – General

Clause		Comment
40	The size of the site is at least 1000m ²	Yes
	The frontage of the site is at least 20m wide measured at the building line.	Yes
	If residential flat buildings are not permitted in the zone then the proposal must comply with the following:	<i>Residential Flat Buildings are permitted with consent within the R1 General Residential Zone</i>
	Height of the building does not exceed 8m; and	N/A
	A building that is adjacent to the boundary of the site must not be more than 2 storeys in height; and	N/A
	A building located in the rear 25% area of the site does not exceed 1 storey in height.	N/A
	NOTE: This does not apply to development applications made by the Department of Housing or a local government or community housing provider.	N/A

Division 4 – Self-Contained Dwellings (as per items in Schedule 3)

Clause 41(1)	Standards Concerning Access and Usability	Yes/No/Conditioned
3-(2)	If the whole of the site has a gradient of less than 1:10:	No
	100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within meaning of AS 1428.1) to an adjoining public road building line.	N/A
	If the whole of the site does not have a gradient of less than 1:10:	Yes
	A percentage (which is not less than the proportion of the site that has a gradient of less than 1:10 or 50% whichever is the greater) of any dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428) to an adjoining public road or an internal road or a driveway that is accessible to all residents.	Yes
	Access must be provided so that a person using a wheelchair can access common areas and common facilities associated with the development.	Yes
3-(3)	Pathway lighting does not result in glare for pedestrians and adjacent dwellings.	Conditioned
	Pathway lighting is at least 20 lux at ground level.	Conditioned
3-(4)	Letterboxes:	
	Must be lockable.	Conditioned
	Must be located together in a central location adjacent to the street entry for self-contained dwellings that do not have their own private street entry.	Conditioned
	Must be situated on a hard standing area and have wheelchair access by a continuous accessible path of travel (within the meaning AS 1428.1).	Conditioned
3-(5)	Where car parking (not being for employees) is provided, the following criteria must be complied with:	
	Each car parking space must comply with AS 2890.	Yes
	5% of car spaces must be increased to 3.8m in width.	Conditioned
	Any garage must have a power-operated door to be installed at a later date.	Conditioned
3-(6)	Every entry to a dwelling (not being entry for employees) must comply with the following:	
	Must comply with clauses 4.3.1 and 4.3.2 of AS 4299.	Conditioned
3-(7)	Internal doors must have a clearance complying with AS1428.1.	Conditioned
	Internal corridors must have a width of at least 1000mm.	Conditioned
	The width at internal door approaches must comply with AS 1428.1.	Conditioned
3-(8)	At least one bedroom within each dwelling must have the following:	
	An area sufficient to accommodate a wardrobe and a single-size bed with a clear area at least 1200mm wide at the foot of the bed.	Yes
	2 double general power outlets on the wall where the head of the bed is likely to be.	Conditioned
	At least 1 general power outlet on the wall opposite the wall where the head of the bed is likely to be.	Conditioned

Clause 41(1)	Standards Concerning Access and Usability	Yes/No/Conditioned
	A telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet.	Conditioned
	Wiring to allow potential illumination level of at least 300 lux.	Conditioned
3-(9)	A bathroom within a dwelling must comply with the following:	
	An area that complies with AS 1428.	Conditioned
	Slip resistant floor surface.	Conditioned
	Shower that complies with AS 1428.	Conditioned
	Shower area to either immediately or in the future install: (i) a grab rail, (ii) portable shower head, (iii) folding seat,	Conditioned
	A wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it.	Conditioned
	A mirror.	Conditioned
	A double general power outlet beside the mirror.	Conditioned
3-(10)	A dwelling must have a toilet that complies with AS 4299.	Conditioned
3-(11)	Balconies and external paved areas must have slip-resistant surfaces.	Conditioned
3-(12)	Door hardware complies with AS 4299.	Conditioned
3-(13)	Switches that comply with AS 4299.	Conditioned
3-(15)	Living room must comply with the following:	
	Circulation space complies with cl. 4.7.1 of AS 4299.	Conditioned
	A telephone adjacent to a general power outlet.	Conditioned
	Living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.	Conditioned
3-(16)	A kitchen in a self-contained dwelling must have the following:	
	Circulation space in accordance with clause 4.5.2 of AS 4299, and a circulation space at door approaches that complies with AS 1428.1	Conditioned
	Benches that comply with 16(c)i .	Conditioned
	Tap set that complies with 16(c)ii.	Conditioned
	Cook top that complies with 16(c)iii.	Conditioned
	Oven that complies with 16(c)iv.	Conditioned
	"D" pull cupboard handles in accordance with 16(d).	Conditioned
	General power outlets comply with 16(e).	Conditioned
3-(17)	In a multi-storey self-contained dwelling, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.	N/A
3-(18)	In a multi-storey building containing separate self-contained dwellings on different storeys, lift access must be provided to dwellings above the ground level of the building complying with clause E3.6 of the <i>Building Code of Australia</i> .	Yes
3-(19)	A self-contained dwelling must have the following:	
	Provision for the installation of an automatic washing machine and clothes dryer.	Conditioned
	Circulation space that complies with AS1428.1 at the door.	Conditioned
	Clear space in front of appliances of at least 1300mm.	Conditioned
	Slip-resistant floor surface.	Conditioned
	An accessible path of travel to any clothes line provided in relation to the dwelling.	Conditioned

Clause 41(1)	Standards Concerning Access and Usability	Yes/No/Conditioned
3-(20)	A self-contained dwelling must have a linen cupboard that complies with clause 4.11.5 of AS 4299.	Conditioned
3-(21)	A garbage storage area must be provided in an accessible location.	Yes

Part 7 - Development Standards that Cannot be Used as Grounds to Refuse Consent

Clause	The following grounds cannot be used as reasons for refusal if the following criteria are met.	Yes/No/TBC
50	Self-Contained Dwellings	
	Building Height – All buildings are 8m or less in height.	Yes
	Density and Scale – FSR is 0.5:1 or less	Yes
	Landscaped Area – If the applicant is the Department of Housing or a local government or community housing provider and a minimum 35m ² of landscaped area per dwelling is provided. A minimum of 30% of the area of the site is to be landscaped.	Yes
	Deep Soil Zones – Deep soil zone is at least 15% of the site. Two thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres.	Yes
	Solar Access –Living rooms and private open spaces for a minimum of 70% of the dwellings receive a minimum 3 hrs direct sunlight between 9am-3pm mid-winter.	Yes
	Private Open Space (for in-fill self-care housing) – In the case of a single dwelling or a dwelling that is located , wholly or in part, on the ground floor of a multi-storey building, not less than 15m ² of POS per dwelling is provided and, of this open space, one area is not less than 3m wide & 3m long and is accessible from a living area located on the ground floor; and In the case of any other dwelling, there is a balcony with an area of not less than 10m ² (or 6m ² for a 1 bedroom dwelling), that is not less than 2m in either length or depth and that is accessible from a living area.	Yes
	Visitor Parking – repealed	N/A
	Parking – 0.5 car spaces per each bedroom where the development application is made by a person other than the Department of housing or a local government or community housing provider. 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, the Department of Housing or a local government or community housing provider.	Yes

