

<b>JRPP Ref. No.</b>	<b>2014SYE024</b>
<b>D/A No.</b>	<b>DA-37/2014</b>
<b>Property</b>	<b>Proposed Lot 31 DP 1170404 – 2 Alfred Street, Clemton Park</b>
<b>Proposal</b>	<b>Construction of a residential aged care facility containing one hundred and forty four (144) beds</b>
<b>Zoning</b>	<b>R4 – High Density Residential pursuant to Canterbury Local Environmental Plan 2012</b>
<b>Applicant</b>	<b>SDH and Associates</b>
<b>Report By:</b>	<b>Jade Shepherd – Planner</b>

## **EXECUTIVE SUMMARY**

- Council has received a development application for the construction of a construction of a residential aged care facility containing one hundred and forty four (144) beds at 2 Alfred Street, Clemton Park.
- The development application has a capital investment value in excess of \$20 million and in accordance with Schedule 4A(6)(b) of the EP&A Act, the development application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.
- On 4 February 2010, Major Project Concept Plan MP No. 07\_0106, and Project Application MP No. 08\_0087, prepared under Part 3A of the EP&A Act was approved by the then Minister for Planning under Section 75O of the EP&A Act for a mixed use redevelopment of the former Sunbeam Factory site to include multiple unit residential development, seniors living development, commercial offices, specialty retail, convenience retail, supermarket, medical centre and child care centre.
- On 11 June 2014, application MP07\_106 MOD 5 to modify the Concept Approval pursuant to Section 75(W) of the EP&A Act was approved by a delegate of the Minister for Planning. The modification involved the replacement of two building envelopes on proposed Lot 31 with one building envelope, reduce the building height on proposed Lot 31 from four – six storeys to three storeys and amend the Statement of Commitments.
- The subject site is zoned R4 – High Density Residential under the provisions of CLEP 2012. The proposed development is defined as ‘seniors housing’ which is permissible on the subject site under Schedule 1 Additional permitted uses of CLEP 2012, with development consent.
- The development application has been assessed against the relevant environmental planning instruments and CDCP 2012. The proposed development is generally compliant with these requirements.
- The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of CDCP 2012. During this period, Council received two letters of objection raising concerns in relation to the proposed development. Matters raised during this period are addressed in the body of this report.
- The development application is recommended for approval subject to conditions.

## **BACKGROUND**

On 4 February 2010, Major Project Concept Plan MP No. 07\_0106, and Project Application MP No. 08\_0087, prepared under Part 3A of the Environmental Planning and Assessment Act, 1979 (EP&A Act) was approved by the then Minister for Planning under Section 75O of the EP&A Act for a mixed use redevelopment of the former Sunbeam Factory site to include multiple unit residential development, seniors living development, commercial offices,

specialty retail, convenience retail, supermarket, medical centre and child care centre. The application was approved subject to various 'Terms of Approval', 'Further Assessment Requirements' and a number of 'Statement of Commitments'.

This Concept Plan since has been modified five times, pursuant to Section 75W of the EP&A Act, as follows:

1. Modification No. 1 was approved on 15 December 2011 for amendments to the Concept Plan Approval, including the addition of residential display suites as a permissible use on the land.
2. Modification No. 2 was approved on 1 June 2012 for a change to the number of buildings contained within Lot 21 (Stage 2) from 6 buildings to 3 buildings.
3. Modification No. 3 was approved on 29 January 2013 which amended the maximum permissible height to between five and seven storeys on Proposed Lot 41 and updated the 'Further Assessment Requirements' and 'Statement of Commitments'.
4. Modification No. 4 was approved on 18 December 2013 for the revision of the building envelopes for the retail, residential and community uses on proposed Lot 42.
5. Modification No. 5 was approved on 11 June 2014 for the replacement of two building envelopes on proposed Lot 31 with one building envelope and the reduction of the building height on proposed Lot 31 from four – six storeys to three storeys.

### SUBJECT SITE

The subject site is proposed Lot 31 DP 1170404, 2 Alfred Street, Clemton Park. The site has a frontage of 56.02m Alfred Street, 90.505m to proposed Tedbury Street and an overall site area of 9911m<sup>2</sup>. The precise location of the subject site within the development site is shown in the figure below:



Figure 1: Aerial photograph of site

To the north of the subject site is proposed Tedbury Street and proposed Lot 41 containing the 'Parklife' precinct. 'Parklife' is currently under construction and will contain four multi-storey residential buildings and a village park. Adjoining the property to the north east are three, three storey residential flat buildings that are completed and occupied. Adjoining the site to the south is a Sydney Water Canal known as Cup and Saucer Creek. Further to the south, east and west of the subject site is low density residential development.

### **PROPOSAL SUMMARY**

Council has received a development application for the construction of a three storey residential aged care facility comprising:

- one hundred and forty four (144) beds;
- kitchen and associated food storage and services areas;
- separate staff amenity, laundry and training room facilities;
- dining and activity areas; and
- forty (40) car parking spaces, including two (2) disabled spaces, an ambulance bay and provision for service and waste collection vehicles;

The development application also proposes:

- landscaping works including covered and decked outdoor spaces and two gardens for dementia patients;
- stormwater infrastructure works;
- a new driveway from Alfred Street and internal access road amendments;
- kerbside parking along Alfred Street; and
- the construction of 'porte cochere' access at Tedbury Street to facilitate pedestrian access for residents and visitors;

The development application has a capital investment value in excess of \$20 million and in accordance with Schedule 4A(6)(b) of the Environmental Planning and Assessment Act, 1979, the development application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.

### **STATUTORY CONSIDERATIONS**

The development application has a capital investment value in excess of \$20 million and in accordance with Schedule 4A(6)(b) of the EP&A Act, the application is referred to the Joint Regional Planning Panel (Sydney East Region) for determination.

When determining this development application, the relevant matters listed in Section 79C of EP&A Act must be considered. The following environmental planning instruments and development control plans are relevant:

- (a) Section 75O of the EP&A Act
- (b) State Environmental Planning Policy No. 55 – Remediation of Land
- (c) State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- (d) Canterbury Local Environmental Plan 2012
- (e) Canterbury Development Control Plan 2012
- (f) Section 94 Contributions Plan 2013

### **ASSESSMENT**

The development application has been assessed under Sections 5A and 79C of the EP&A Act and the following key issues emerge:

#### **Section 75O of the EP&A Act**

The Concept Plan Approval for 'Clemton Park Village' was issued under the provisions of Section 750 of the EP&A Act. The approval includes various terms of approval, further assessment requirements and a series of statement of commitments. The proposed development was lodged having regard to the concept approval and associated modifications.

The following table demonstrates that the proposed development is consistent with the key controls of the approved concept plan established for proposed Lot 31:

<b>Term of Approval</b>	<b>Approved Concept Plan</b>	<b>Proposed Development</b>	<b>Complies</b>
Height	3 storeys/RL 34 AHD	3 storeys/RL 34 AHD	Yes
Gross Floor Area	Maximum 9548m <sup>2</sup>	7833m <sup>2</sup>	Yes
Car Spaces	Maximum 40 (0.5 spaces per bed and 1 space per staff)	39 (including 1 ambulance space)	Yes
Use	Seniors housing	Seniors housing	Yes

The development application also satisfies the relevant further assessment requirements of the approved concept plan, as detailed in the table below:

<b>Further Assessment Requirement</b>	<b>Proposed Development</b>	<b>Complies</b>
<b>Housing for Seniors or People with a Disability</b> Details are to be provided with the future applications demonstrating that a minimum of 19% of the total residential units proposed for Lot 31 are designed as high care seniors living units.	100% of beds are proposed as high care.	Yes
<b>Parking areas on proposed Lot 31 - Seniors Living</b> Future applications for development on proposed Lot 31 shall demonstrate that the above ground parking areas are well integrated into the design of the buildings by way of screening or otherwise, when viewed from surrounding development.	The above ground car parking areas are well screened from surrounding development through the use of landscaping.	Yes
<b>Privacy</b> Future applications for development on proposed Lot 21 and Block 5A (ie: Proposed Lot 31) shall demonstrate that adequate privacy screening/treatment has been provided to minimise privacy impacts on the adjoining Viking Street properties.	Privacy screening/treatments, including landscaping, have been provided to minimize privacy impacts on surrounding development.	Yes
<b>Public Transport</b> The applicant is to demonstrate that adequate negotiations have been undertaken with Transport NSW and private bus companies servicing the area regarding the alteration of existing bus routes to provide services along Charlotte Street and Harp Street.	The development application for 'Parklife' indicated that discussions are continuing between Transport NSW and Australand (the master developer for the broader Clemton Park Village site) regarding the operational and financial viability of provided bus services through Clemton Park's internal street network.	Yes
<b>Car Share</b> Future applications shall demonstrate that adequate car share arrangements for residents will be provided.	Car share facilities are being provided as part of the 'Parklife' development.	Yes
<b>ESD</b> Future applications for all retail development shall demonstrate that a minimum 5 Star Green Star rating (pilot or otherwise), has been achieved.	Green Star ratings are not applicable for the subject seniors living development.	Yes

<p><b>Water Sensitive Urban Design</b>  Future stages of development shall demonstrate that Water Sensitive Urban Design practices have been maximised by:  (a) Treating stormwater runoff to NSW EPA draft best practice treatment objectives:  a) 85% reduction in Total Suspended Solids  b) 65% reduction in Total Phosphorus  c) 45% reduction in Total Nitrogen  (b) Maximising stormwater reuse through integrated water cycle management, which can reduce potable water demand and assist in achieving the above pollutant load reduction objectives.  (c) Preparing a Water Management Plan for the site to ensure efficient and minimised use of potable water and positive impacts for improved water quality for water leaving the site.</p>	<p>Council's development engineer has advised that the proposed development has been designed to meet these water quality objectives.</p>	<p>Yes</p>
<p><b>Seniors Living - Courtesy Bus</b>  As part of the seniors living proposal on proposed Lot 31, it shall be demonstrated that adequate transport such as a courtesy bus will be provided to facilitate the needs of the less mobile, until such time as shopping and medical facilities are operational within the site, or regular bus services are confirmed to be running adjacent to the development.</p>	<p>A development application for commercial development on proposed Lot 42 has been lodged with Council. The application proposes a supermarket, mini major, and specialty and convenience retail spaces. It is a condition of consent that a bus be provided until shopping and medical facilities are operational within Lot 42 of the site.</p>	<p>Yes</p>
<p><b>Landscaping</b>  Detailed landscape plans are to be submitted with future applications demonstrating that sufficient deep soil will be provided for landscaping, and that all ground covers and shrubs proposed for street planting adjacent to carriageways and vehicular accesses will have a maximum expected height of 600mm.</p>	<p>The landscape plans submitted with the application were reviewed by Council's landscape architect. The landscape plans demonstrate sufficient deep soil zones and all ground covers and shrubs proposed for street planting.</p>	<p>Yes</p>
<p><b>Flooding</b>  (a) A Flood Study to be prepared for future applications on proposed Lots 21 and 31 to demonstrate the potential impact of the proposed development on the local flood regime;  (b) Future applications for development shall demonstrate that habitable floor levels are a minimum of 0.5m above the 100 year ARI flood level;  (c) An amended Flood Emergency and Evacuation Plan to be prepared based on the final configuration of the proposed construction at the site.</p>	<p>The flood study, habitable floor levels and flood evacuation letter were reviewed by Council's development engineer and meet these requirements.</p>	<p>Yes</p>
<p><b>Gross Floor Area Calculation</b>  The Proponent is to provide surveyor endorsed A3 drawings with each future application that provide the following detailed information:  (a) Show and number the included and excluded floor area for each level,  (b) Show the breakdown and cumulative total for each level of gross floor areas,  (c) Demonstrate the project is contained within the approved building envelopes, and  (d) Demonstrate that the design does not exceed the</p>	<p>Architectural drawings submitted with the application verify the floor space and building envelope proposed by the development application.</p>	<p>Yes</p>

maximum GFA permitted for each development parcel.		
<b>Pedestrian Links</b> The Proponent is to demonstrate that pedestrian links between the site and Bexley Road have been fully investigated, with additional links provided and existing links upgraded where possible.	Investigations conducted by the proponent and Council indicated that a pedestrian link was not feasible.	Yes

As demonstrated in the above tables, the proposal is consistent with the terms of approval and further assessment requirements outlined in the approval of the Concept Plan Approval No. 07\_0106.

### **State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

SEPP 55 aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or any other aspect of the environment.

Clause 7 of SEPP 55 states that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated. If the land is contaminated, it must ascertain whether it is suitable in its contaminated state for the proposed use or whether remediation of the land is required.

Given the prior history of the site and its use for industrial purposes, the issue of contamination of the site was considered as part of the assessment of the Part 3A Concept Approval. A Remediation Action Plan was prepared which identified the appropriate methods for the clean up of the land. Following this process, a site audit report was prepared which confirmed that the site was suitable for the proposed end use of the site for a variety of activities. The proposal therefore satisfies the requirements of SEPP 55.

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

The proposed development compares to SEPP HSPD as follows:

<b>Clause</b>	<b>Standard</b>	<b>Proposal</b>	<b>Complies</b>
17 Development on land adjoining land zoned primarily for urban purposes	The proposed development is for the purpose of any of the following: (a) a hostel, (b) a residential care facility, (c) serviced self-care housing.	The proposed development is for a residential aged care facility	Yes
18 Restrictions on occupation of seniors housing allowed under this Chapter	(1) Development must be carried out for the accommodation of the following only: (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. (2) A consent authority must not consent to a development application made pursuant to this Chapter unless: (a) a condition is imposed by the	Development is for the accommodation of seniors or people who have a disability  A condition has been imposed that only people referred to in subclause 1) may occupy any accommodation to which the application relates.  It is satisfied that a restriction as to the users of the proposed building will be registered against the title of the property on which is development is to be carried out.	Yes

	consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and (b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the <u>Conveyancing Act 1919</u> , limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1).		
26 Location and access to facilities	The proposed development must have access to: (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and (b) community services and recreation facilities, and (c) the practice of a general medical practitioner. Access complies if the above facilities and services are located not more than 400m from the site of the proposed development via a suitable pathway.	A development application for a supermarket, mini major and a range of retail and speciality shops on proposed Lot 42 (approximately 20m from the site) has been lodged with Council. Canterbury Hospital is located approximately 350m from the subject site and provides a range of medical services. These services will be accessible via suitable access paths built in accordance with Australian Standards. It is a condition of consent that a courtesy bus be provided to access facilities if the subject aged care facility is occupied prior to the retail portion of Clemton Park Village being completed.	Yes
28 Water and sewer	The housing must be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	The housing will be connected to a suitable water system and have adequate facilities for the removal of sewage.	Yes
30 Site analysis	Site analysis must be prepared by the applicant in accordance with this clause.	Satisfactory site analysis provided with application.	Yes
33 Neighbourhood amenity and streetscape	The proposed development should: (a) recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area, and (c) maintain reasonable neighbourhood amenity and appropriate residential character by: (i) providing building setbacks to reduce bulk and overshadowing, and (ii) using building form and	The new building is in keeping with the desired future character of the area. A reasonable neighborhood amenity and residential character is maintained through the provision of suitable setbacks and the design of the building responds to the topography of the site. The building height is lower than what was originally proposed and approved on site under the original concept plan approval and will be more in keeping with	Yes



	<p>siting that relates to the site's land form, and</p> <p>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and</p> <p>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p> <p>(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</p> <p>(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</p> <p>(f) retain, wherever reasonable, major existing trees</p>	the height of surrounding development. The proposal also incorporates suitable landscaping.	
34 Visual and acoustic privacy	<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	Windows and deck areas will be screened by new trees and screen plantings. Bedrooms will generally be located away and setback from parking areas and other noise-generating areas, including the surrounding streets.	Yes
35 Solar access and design for climate	<p>The proposed development should:</p> <p>(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.</p>	Shadow diagrams submitted with the application indicate that adequate sunlight is provided to the private open space areas of surrounding properties. The 'dementia garden' and the other covered outdoor area are orientated to the north. The living rooms, dining rooms and activity rooms have north facing windows where possible.	Yes
36 Stormwater	<p>The proposed development should:</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of</p>	The proposed development has been designed to accommodate the 100 year flood event by providing at grade car parking, compensatory storage and habitable floor levels over 500mm above the 100 year flood level. The stormwater plans have been reviewed by	Yes



	paths and minimising paved areas, and (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	Council's development engineer, who had no objection to the proposal, subject to conditions of consent.	
37 Crime prevention	The proposed development should provide personal property security for residents and visitors and encourage crime prevention in accordance with this clause.	The proposed development has been designed with regard to crime prevention principles, allowing for casual surveillance of open space areas and streets.	Yes
38 Accessibility	The proposed development should: (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	The proposed development will have obvious pedestrian links with footpaths along Alfred Street and Troy Street to public transport and retail areas on Canterbury Road. Vehicular access to the on-site car parking is provided from Alfred Street.	Yes
39 Waste management	The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.	Adequate waste management provisions have been provided for the proposed development.	Yes
40 Development standards – minimum sizes and building height	(2) <b>Site size</b> The size of the site must be at least 1,000 square metres. (3) <b>Site frontage</b> The site frontage must be at least 20 metres wide measured at the building line.	The site is 9911m <sup>2</sup> .  The site has a frontage of approximately 57m to Alfred Street and 90m to Tedbury Street, measured at the building line.	Yes
44 Availability of facilities	A consent authority must be satisfied that any facility or service provided as a part of a proposed development to be carried out on land that adjoins land zoned primarily for urban purposes will be available to residents when the housing is ready for occupation. In the case of a staged development, the facilities or services may be provided proportionately according to the number of residents in each stage.	It is a condition of consent that, should the subject development be occupied prior to the retail portion of Clemton Park Village on Lot 42 being completed, a bus must be provided for residents to access essential services.	Yes
48 Standards that cannot be used to refuse development consent for residential aged care facilities	A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds: (a) <b>building height</b> : if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to	The proposed development is in keeping with the Concept Plan Approval which permits the proposed the height, density, building envelope, landscaped area and car parking spaces for the development. This clause does not apply to the subject development application as approval of the development application is recommended.	Yes

	2 storeys), or (b) <b>density and scale:</b> if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less, (c) <b>landscaped area:</b> if a minimum of 25 square metres of landscaped area per residential care facility bed is provided, (d) <b>parking for residents and visitors:</b> if at least the following is provided: (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and (iii) 1 parking space suitable for an ambulance.		
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As demonstrated in the above table, the proposed development is generally consistent with the requirements of SEPP HSPD.

#### **Canterbury Local Environmental Plan 2012 (CLEP 2012)**

This site is zoned R4 – High Density Residential under CLEP 2012. The proposed development, defined as ‘seniors housing’ is permissible on the site under Schedule 1 Additional permitted uses of CLEP 2012. The numerical standards to this application are:

<b>Standard</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Complies</b>
4.3 Height of buildings	11.5m	10.45m	Yes
4.4 Floor space ratio	0.9:1	0.79:1	Yes

The proposed development satisfies the relevant provisions of the Canterbury LEP 2012.

#### **Canterbury Development Control Plan 2012 (CDCP 2012)**

The proposed seniors housing development is located in a residential zone and as such, has been assessed against the applicable controls under Part 2 Residential of CDCP 2012 in the table below:

<b>Control</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Complies</b>
<b>2.1 Site and Envelope Controls</b>			
2.1.9 Building separation	Provide deep soil or private open space in the separation area.	Deep soil areas are provided in setbacks	Yes
2.1.1 Parking at grade	Screen or enclose car parking areas with landscaping or by wrapping the car park with other active uses. Use a combination of different surface materials to delineate pedestrian thoroughfares,	Car parking area is screened with a mixture of shrubs and large trees. Various surface materials are used to delineate the pedestrian path along the south and east of the site and the driveway.	

	vehicular access and parking areas.		
<b>2.2 Design Controls</b>			
2.2.2 Street address	Entries must be clearly identifiable and activate the street edge. At least one habitable room must face towards the street, in order to promote unobstructed casual surveillance	Both pedestrian and vehicular entries are clearly identifiable. There are habitable rooms that face both Alfred Street and Tedbury Street.	Yes
2.2.3 Façade design and articulation	Avoid long flat walls along street frontages. Appropriate façade treatments, materials and windows should be incorporated into the façade design.	Facades are appropriately articulated and treated.	Yes
2.2.4 Roof design	Roof design must be compatible with the building style and use.	Roof design is compatible with proposed use and surrounding development.	Yes
2.2.5 Fences	An open fence (no higher than 1.2m) or hedge should be provided along street boundaries to provide boundary definition. Side fences may be 1.8m high.	Planting has been provided along the street boundaries to provide definition. A eastern side fence of 1.8m is proposed. To the south, along the creek, a 1m galvanized handrail is proposed.	Yes
2.2.2 Service and utility areas	Service and utility areas must be integrated into the overall design of the development and be in keeping with the applicable Australian Standards.	Service and utility areas are integrated within the overall design.	Yes
<b>2.3 Performance Controls</b>			
2.3.1 Visual privacy	New development must provide maximum visual privacy for subject and adjoining sites.	Appropriate setbacks and screening through landscaping has been provided to ensure maximum visual privacy.	Yes
2.3.3 Communal open space	Provide minimum 6m length on at least one side, for each communal open space. Provide in suitable location so that the space receives sunlight and to encourage casual surveillance.	Communal open space areas significantly exceed minimum 6m length. Windows from bedrooms provide opportunities for casual surveillance.	Yes

The proposed development generally complies with the site, design and performance controls outlined in Part 2 – Residential of CDCP 2012.

#### Part 7 - Notification

The development application was publicly exhibited and adjoining land owners notified in accordance with the provisions of CDCP 2012. During this period, Council received two submissions raising concerns in relation to the proposed development. The concerns raised are discussed below:

**Concern:** The proposed trees along the southern boundary will become too tall and will result in overshadowing of the properties to the south.

**Comment:** The properties on Reid Street have no shadowing until after 2pm in the Winter solstice equating to 6 hours of solar access. This is considered acceptable as it is double the minimum required Residential Flat Design Code (RFDC) amount of 3 hours. The trees along the southern boundary are spaced suitably, allowing for portions of some properties along Reid Avenue to receive sunlight after 2pm. The overshadowing impacts of the trees are considered appropriate.

**Concern:** The proposed landscaping along the southern boundary is inadequate to screen the visual and privacy impacts of the proposed building.

**Comment:** The building is set back from the southern boundary, allowing a wide buffer of landscaping that will provide screening of views from Reid Avenue residents. This landscaping includes trees, shrubs and groundcovers whilst more dense landscape screening occurs closer to the building. The proposed landscaping is considered to be adequate to mitigate potential visual and privacy impacts of the proposed building from the properties to the south.

**Concern:** The proposed southern boundary fence at 1m high will not offer any acoustic protection or provide a safety barrier for when Cup and Saucer Creek is flowing.

**Comment:** A 1m galvanized handrail is proposed along the southern boundary, along Cup and Saucer Creek. The handrail is considered appropriate in that it allows for a more pleasing outlook for pedestrians using the concrete pathway to the south of the building. Further acoustic protection is unnecessary, given that the property is setback a minimum of 11m from the properties to the south.

**Concern:** There will be overlooking impacts from the proposed development into the living and private open space areas of properties to the south.

**Comment:** There are no private balconies proposed and the public open space areas are appropriately setback and screened to mitigate potential privacy impacts. Opportunities for overlooking are considered to be minimal and it is unlikely that the living and private open space areas of the properties along Reid Avenue will be adversely impacted.

### **Internal Referrals**

The development application was referred to a number of internal sections of Council for comment and the advice received is summarised below:

- **Waste Management Comments**  
The development application was referred to Council's Waste Services Section for comment who raised no objections to the proposal, subject to certain conditions being included as part of any consent issued.
- **Landscape Architect Comments**  
The development application was referred to Council's Landscape Architect for comment. No objections were raised, subject to certain conditions being included as part of any consent issued.
- **Development Engineer Comments**  
The development application was referred to Council's Development Engineer for comment who advises that no objections are raised to the proposed development subject to the inclusion of a number of standard conditions.
- **Disability Access Comments**  
The development application was referred to Council's Disability Access Committee for comment who have no objections to the proposed development subject to the inclusion of a number of standard conditions.

- **Crime Prevention Comment**

The development application was referred to Council's Youth and Safety Team Leader for comment who, in consultation with a representative of the NSW Police Local Area Command, advised that no objections were raised to the proposed development subject to the inclusion of a number of standard conditions.

- **Traffic Comments**

The development application was referred to Council's Traffic Committee for comment who had no objections to the proposal, subject to the conditions.

### **Section 94 Contributions Plan 2013**

Under Council's Section 94 Development Contributions Plan 2013, a Section 94A levy applies where the proposed cost of carrying out the development is more than \$100,000. The proposed cost of carrying out the development is more than \$200,000, the levy rate is 1% of that cost.

The estimated cost of the proposed development is \$29,376,974. As such, a S94A levy of \$293,769.74 is applicable. This amount is reflected in Conditions 3 and 4 of the development consent.

### **Likely Impacts on the Environment**

The subject proposal is unlikely to create any adverse impacts upon the surrounding and wider locality. The scale and built form of the proposed development are considered to be satisfactory.

### **Suitability of the Site**

These matters have been considered in the assessment of the development application. The proposed redevelopment of the site is permissible and not expected to have any detrimental impacts on the amenity of the locality. The proposed development is considered to be a suitable development in the context of the locality and the future character of the area.

### **Public Interest**

The proposed development satisfies the relevant requirements contained with various environmental planning instruments and development control plan. The proposal is generally consistent with the requirements of these policies as documented throughout this report. The proposal promotes the coordinated, orderly and economic use of the land and is not expected to have any significant adverse impacts on adjoining development. Approval of the application is therefore considered to be in the greater public interest.

### **CONCLUSION**

The development application is for the construction of a residential aged care facility containing 144 beds at 2 Alfred Street, Clemton Park. The site is zoned R4- High Density Residential and the proposed development, defined as 'seniors housing', is permissible with development consent.

The application has been assessed pursuant to the provisions of Sections 750 and 79C of the EP&A Act. The application is generally in keeping with the Concept Plan Approval, the applicable environmental planning instruments and our development control plan. The development application is recommended for approval subject to conditions.

### **RECOMMENDATION:**

THAT the Joint Regional Planning Panel approve DA-37/2014 for the construction of a residential aged care facility containing one hundred & forty four (144) beds, subject to the following conditions:

## ***Conditions that Identify Approved Plans***

### **General**

1. The development must be carried out in accordance with the following plans, except where amended by the conditions of this consent:

<b>Title</b>	<b>Prepared By</b>	<b>Drawing Reference</b>	<b>Revision/ Issue</b>	<b>Date Prepared</b>	<b>Date Received by Council</b>
Cover Sheet	Group GSA	DA 0000	5	28/1/2014	12/2/2014
Site Analysis	Group GSA	DA 1100	5	28/1/2014	12/2/2014
Ground Floor Plan	Group GSA	DA 2001	24	14/7/2014	12/4/2014
Level 1 Plan	Group GSA	DA 2002	11	28/1/2014	12/2/2014
Level 2 Plan	Group GSA	DA 2003	11	28/1/2014	12/2/2014
Roof Level Plan	Group GSA	2004	M	1/6/2014	15/7/2014
Long Elevations	Group GSA	DA 3000	6	28/1/2014	12/2/2014
Short Elevations	Group GSA	DA 3001	5	10/4/2014	12/4/2014
Sections – Sheet 1	Group GSA	3100	H	1/6/2014	15/7/2014
External Colour & Finishes Board	Group GSA	DA 8200	3	28/1/2014	12/2/2014
Shadow Plans	Group GSA	DA 8500	4	28/1/2014	12/2/2014
GFA Diagrams + Table	Group GSA	DA 8600	4	28/1/2014	12/2/2014
Removable Panels in West Elevation	Group GSA	DA 3002	1	10/4/2014	12/4/2014
Landscape Master Plan	Group GSA	DA 7000	5	24/1/2014	12/2/2014
Ground Floor Master Plan	Group GSA	DA 7001	3	23/1/2014	12/2/2014
Level 1 Landscape Plan	Group GSA	DA 7002	3	23/1/2014	12/2/2014
Level 2 Landscape plan	Group GSA	DA 7003	2	23/1/2014	12/2/2014
Landscape Sections	Group GSA	DA 7300	3	23/1/2014	12/2/2014
Landscape Sections	Group GSA	DA 7301	3	23/1/2014	12/2/2014
Landscape Details	Group GSA	DA 7400	3	23/1/2014	12/2/2014
Landscape Schedules	Group GSA	DA 7500	3	23/1/2014	12/2/2014
Landscape Schedules	Group GSA	DA 7501	3	23/1/2014	12/2/2014
Landscape Schedules	Group GSA	DA 7502	2	23/1/2014	12/2/2014
Landscape Schedules	Group GSA	DA 7503	2	23/1/2014	12/2/2014
Cover Sheet, Drawing Schedule, Legend & Notes	Birzulis Associates	HSW-00	A	January 2014	12/2/2014
Site & Ground Floor Layout	Birzulis Associates	HSW-01	A	January 2014	12/2/2014

## ***Prior to the Issue of a Construction Certificate***

### **General**

2. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
  - 2.1. Details of:
    - Structural Engineering Plan
    - Building Specifications

- Fire Safety Schedule
  - Landscape Plan
  - Hydraulic Plan
  - Soil and Waste Management Plan
  - Mechanical ventilation
- 2.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
- 2.3. Payment to Council of:
- |                                |              |
|--------------------------------|--------------|
| Kerb and Gutter Damage Deposit | \$3,231.00   |
| Section 94 Contributions       | \$293,769.74 |
| Certificate Registration Fee   | \$36.00      |
| Long Service Levy              | \$102,819.00 |
- 2.4. If you appoint Council as your Principal Certifying Authority, the following fees are payable:
- |  |             |
|--|-------------|
| Construction Certificate Application Fee | \$60,215.00 |
| Inspection Fee                           | \$16,825    |
| Occupation Certificate Fee               | \$6078.00   |

**Note 1:** Long Service Leave is payable where the value is \$25,000 or more under Part 5 Section 36 of the Building and Construction Industry Long Service Payments Act 1986.

**Note 2:** If you appoint a Principal Certifying Authority other than Council, the fees shown in this item do not apply, however other fees will apply.

**Note 3:** When the items in this condition are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

**Note 4:** Section 94 contribution payments are payable by cash, bank cheque, or EFTPOS.

**Note 5:** All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

3. This condition has been levied on the development in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and Canterbury Development Contributions Plan 2013. The amount of the contribution (as at the date of this consent) has been assessed as \$293,769.74. The amount payable is based on the following component:

Contribution Element	Contribution
Section 94A Contributions	\$ 293,769.74

Note: The contributions payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have taken place since the development application was determined. The contribution is to be paid to Council in full prior to the release of the Construction Certificate, (or for a development not involving building work, the contribution is to be paid to Council in full before the commencement of the activity on the site) in accordance with the requirements of the Contributions Plan.

4. Before the erection of any building in accordance with this Development Consent;
- 4.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
- 4.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
- 4.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).
5. A sign shall be erected at all times on your building site in a prominent position stating the following:



- 5.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
- 5.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
- 5.3. That unauthorised entry to the work site is prohibited.

### **Landscaping Requirements**

6. All scheduled plant stock shall be ordered as per the landscape schedules specified in Condition 1. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438) upon ordering. The order confirmation shall include name, address and contact details of supplier; and expected supply date.

### **During Construction**

#### **General**

7. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
8. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
9. All building construction work must comply with the National Construction Code.
10. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
11. Provide a Surveyor's Certificate to the Principal Certifying Authority at all floor levels and roof indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
12. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
13. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
14. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
15. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
16. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
17. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.
18. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.

### **Landscaping Requirements**

19. The existing street trees, 2 x *Callistemon viminalis* (common name Weeping bottlebrush), growing on the nature strip in front of the property (2 Alfred Street) may be removed to accommodate construction. This removal is conditional on its replacement with 2 x 75ltr (container size) *Callistemon viminalis* (common name

- Weeping bottlebrush) to be provided on the nature strip adjoining the property. The planting of this tree is to be carried out upon the completion of construction by contractors in accordance with AUS-SPEC Specification 0257-Landscape – Roadways and Street Trees. This document is available for purchase from Council.
20. All the tree supply stocks shall comply with NATSPEC, 2003.

### **Engineering Requirements**

21. All downpipes, pits and drainage pipes must be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUS-SPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Council's DCP 2012, Part 6.4.
22. Full width grated drains must be provided across the vehicular entrance/exit to the site where internal areas drain towards the street, and be connected to the drainage system upstream of the silt arrestor pit and in accordance with Clause 4 of Council's DCP 2012, Part 6.4.
23. A full width light duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 5 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
24. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
25. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
26. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
27. The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities".
28. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
29. The granting of service easements within the properties to the satisfaction of Council or private certifier. Costs associated with preparation and registration of easements to be borne by the developer.

### **Traffic Requirements**

30. The turning area at the end of the car park is to be clearly signposted and marked as a 'No Stopping' area.
31. The proposed service vehicle space is to be clearly marked and is to allow clear access to the car parking spaces when a service vehicle is stopped in the bay.

### **Access Requirements**

32. The minimum vertical clearance in the accessible parking spaces and adjacent shared areas is to be 2500mm, and the path of travel from the building entry to accessible parking spaces is to have a minimum vertical clearance of 2200mm.
33. Different configurations of the accessible toilets must be offered so residents can transfer from either the left, right of the side to the pan, in order to maintain their independence as long as possible.

### **Crime Prevention Requirements**

34. The site must be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. This will preserve the building and increase a sense of maintenance and ownership of the site.
35. In addition to existing lighting, sensor spot lights must be strategically placed in high pedestrian areas to increase natural surveillance and enhance feelings of personal safety.
36. Mirrors must be strategically erected around the site to assist with blind corners and increase natural surveillance.
37. Directional signage must be provided throughout the development. The signage should be clear, legible and useful, to aid people in finding their way throughout the area.
38. Fire safety exits must be fitted with a one way opening door to reduce access from outside of the premises and allow for one way use only.

### ***Prior to the Issue of an Occupation Certificate***

#### **Sydney Water Requirements**

39. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water's web site at [www.sydneywater.com.au/SW/plumbing-building-developing](http://www.sydneywater.com.au/SW/plumbing-building-developing) , Water Servicing Coordinators, or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

### ***Critical Inspections***

40. Critical inspections must be conducted:
  - 40.1. prior to covering any stormwater drainage connections, and
  - 40.2. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
41. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, **must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work**, as nominated in this development consent. To arrange an inspection by Council please phone 9789-9300 during normal office hours.

### ***At the Completion of Development***

42. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

### ***After the Issue of an Occupation/Interim Occupation Certificate***

43. Adequate transport, such as a courtesy bus, must be provided to facilitate the needs of the residents of the subject development, until such time as shopping and medical facilities are operational within proposed Lot 42 of the Clemton Park Village development, or regular bus services are confirmed to be running adjacent to the development.
44. Only the following may occupy the accommodation provided in the subject development:
  - 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 the subject development.

### **Advice**

1. This application has been assessed in accordance with the National Construction Code.
2. We encourage the use of proactive security such as CCTV cameras. This measure will ensure that the site is monitored at all times.
3. It is encouraged that police contact numbers are clearly displayed and accessible for staff.
4. It is recommended that residents be made aware of our Home and Street Safety Kit which provides practical tips on how to increase community safety for our residents.
5. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
6. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
  - Structural engineering work
  - Air handling systems
  - Final fire safety certificate
  - Waterproofing
  - Glazing
  - Section J of the NCC
7. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
8. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
9. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
10. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
11. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
12. If you are not satisfied with this determination, you may:
  - 12.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of the receipt of this Notice of Determination; or

- 12.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.

If you should require any further information, please do not hesitate to contact Jade Shepherd in City Planning on 9789 9461 Monday to Friday.