

COUNCIL ASSESSMENT REPORT
Addendum Report
to Council Assessment Report of 12 December 2018

Panel Reference	Panel Reference No. 2018HCC008
DA Number	53784/2018
LGA	Central Coast Council
Proposed Development	Seniors Housing - Residential Care Facility
Street Address	LOT: 20 DP: 1123934, 45 Hillview Street WOY WOY
Applicant	Doug Sneddon Planning Pty Ltd
Owner	DJ Thompson Pty Ltd
Date of DA lodgement	13/02/2018
Number of Submissions	Ten (10)
Recommendation	Approval - subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	The application was lodged prior to the amendment of the EP&A Act. Transitional provisions apply in this instance. Any development applications lodged but not determined before 1 March 2018 that met the former CIV threshold of more than \$20 million will remain with the Regional Planning Panel for determination. The proposed development has a capital investment value of \$27,852,010 and is identified as regional development for the purposes of the SEPP. The Hunter and Central Coast Regional Planning Panel is therefore the determining authority for this application.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Environmental Planning & Assessment Act 1979 – section 4.15 (EP&A Act) • Roads Act 1993 (Roads Act) • Heritage Act 1977 (Heritage Act) • Water Management Act 2000 (WM Act) • Water Management (General) Regulation 2011 (WMG Regulation) • State Environmental Planning Policy No 19 – Bushland in Urban Areas (SEPP 19) • State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) • State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71) (repealed 3 April 2018) • State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional SEPP) • State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004 (Seniors Housing SEPP) • Draft Central Coast Local Environmental Plan 2018 (CCLEP) • Gosford Local Environmental Plan 2014 (GLEP 2014) • Gosford Development Control Plan 2013 (GDGP 2013) <ul style="list-style-type: none"> • Chapter 2.1 Character • Chapter 2.2 Scenic Quality • Chapter 6.6 Preservation of Trees or Vegetation • Chapter 6.7 Water Cycle Management • Chapter 7.1 Car Parking • Chapter 7.2 Waste Management • Chapter 7.3 Notification of Development Proposals
List all documents submitted with this report for the Panel's consideration	<p>Attachments:</p> <ul style="list-style-type: none"> • Conditions of Consent, ECM Doc No. IR 26645494 • Architectural Plans, ECM Doc No. 26637928 • Landscape Plans, ECM Doc No. 26637925 <p>Supporting Documents:</p>

	<ul style="list-style-type: none"> Applicant's submission – Clause 4.6 Exception to Development Standards – Clause 40(4)(a), (b) & (c) Height State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 dated January 2019, ECM Doc No. 26637930 Acid Sulfate Soil Management Plan, ECM Doc No 26612344 Architectural & Site Analysis Report, Revised 21 February 2019, ECM Doc No. 26639165 Review of Ecological and Environmental Conditions – Conacher Consulting, ECM Doc No. 26615851 Thompson Health Care – Commitment to provide Minibus (letter dated 15 February 2019), ECM Doc No. 26615992
Report prepared by	K Hanratty
Report date	4 March 2018

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

4 March 2019

DA 53784/20187 – Proposed Seniors Housing (RPP) on LOT: 20 DP: 1123934 No. 45 Hillview Street, WOY WOY - 2018HCC008

Precis

Development Application 53784/2018 is seeking approval for the construction of a three (3) storey Residential Care Facility for seniors as defined by Clause 10(a) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP). The proposal provides for 160 nursing home beds in 152 rooms including a dementia wing of 20 rooms, 52 basement car parking spaces, together with 1 ground floor accessible space and 1 ground level ambulance bay.

The proposed development was referred for consideration to the Hunter and Central Coast Regional Planning Panel (the Panel) on 24 January 2019. At this meeting, the Panel resolved to defer the development application for subsequent determination to enable the Applicant and Council to attend to the following items:

1. The need for more time to consider a Clause 4.6 amended submission and Council's response received just prior to the meeting commencing (relating to Clause 40(4)(c) of the Seniors Housing SEPP);
2. The need to verify the requirements of Clause 7.1 of the *Gosford Local Environmental Plan 2014* (GLEP 2014) have been met;
3. The need to ensure that current obligations regarding the bushland conservation outcome have been met and the bushland conversation outcome related to the proposal is equivalent or better than the existing approved regime;
4. To potentially remove the boardwalk from the conservation lands, which the Applicant verbally supported;
5. To consider additional conditions including a commitment to provide a 16 seater bus to occupants of the aged care facility (in addition to bus stops);
6. Opportunities to improve the indoor-outdoor relationship for residents and visitors, and passive recreation on site.

List of Attachments

List all documents submitted with this addendum for the Panel's consideration	<p>Attachments:</p> <ol style="list-style-type: none">1. Conditions of Consent, ECM Doc No. IR 266454942. Architectural Plans, ECM Doc No. 266379283. Landscape Plans, ECM Doc No. 26637925 <p>Supporting Documents:</p> <ul style="list-style-type: none">• Applicant's submission – Clause 4.6 Exception to Development Standards – Clause 40(4)(a), (b) & (c) Height State Environmental
---	---

	<p>Planning Policy (Housing for Seniors or People with a Disability) 2004 dated January 2019, ECM Doc No. 26637930</p> <ul style="list-style-type: none"> • Acid Sulfate Soil Management Plan, ECM Doc No 26612344 • Architectural & Site Analysis Report, Revised 21 February 2019, ECM Doc No. 26639165 • Review of Ecological and Environmental Conditions – Conacher Consulting, ECM Doc No. 26615851 • Thompson Health Care – Commitment to provide Minibus (letter dated 15 February 2019), ECM Doc No. 26615992
--	--

Additional Consideration

Council has considered the Applicant's response to the matters raised by the Panel and the following is provided for the Panel's consideration.

1. Consideration of a Clause 4.6 amended submission and Council's response received just prior to the meeting commencing (relating to Clause 40(4)(c) of the Seniors Housing SEPP);

The Applicant submitted a request to vary the development standard of clause 40(4) (a) and (b) in the Seniors Housing SEPP under clause 4.6 of GLEP 2014 however omitted specific reference to clause 40(4) (c). Clause 40(4)(c) is a consideration for the proposed development as contrary to the statement in the report, Thompson Health Care is not a social housing provider. An amended clause 4.6 submission was provided to the Panel just prior to the meeting commencing on 24 January 2019 and is included as supporting documentation.

Clause 40(4) requires consideration of Height in zones where residential flat buildings are not permitted as stated below:

40(4) Height in zones where residential flat buildings are not permitted

If the development is proposed in a residential zone where residential flat buildings are not permitted:

- (a) *the height of all buildings in the proposed development must be 8 metres or less, and*
Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).
- (b) *a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and*
Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.
- (c) *a building located in the rear 25% area of the site must not exceed 1 storey in height.*

Height is defined in Clause 3 of the Seniors Housing SEPP as follows:

***Height** in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.*

The proposed residential care facility:

- Has a ceiling height of 10.95m (RL 15.05m AHD) above natural ground level (RL 4.10) (a variation of 36.87%) thereby exceeding the maximum permitted 8m building height development standard of Clause 40(4)(a).
- Is three storeys in height thereby exceeding the maximum permitted two storey building height development standard of Clause 40(4)(b) and single storey height for a building located in the rear 25% area of the site under Clause 40(4)(c).
- The extent of the encroachment of the building into the rear 25% of the area of the site is provided in Figure 1 below.

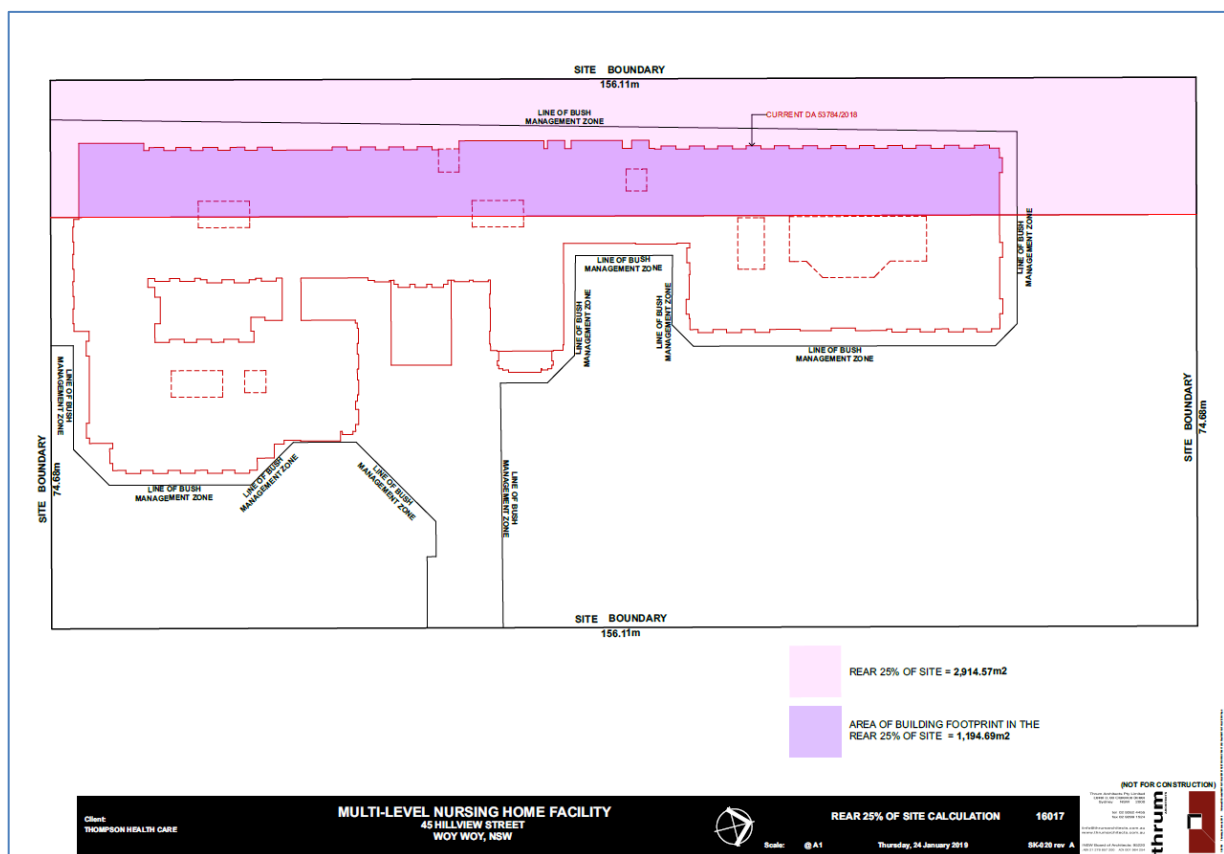


Figure 1 – Thrum Architect's calculation of rear site exceedance

Council's Assessment Report dated 12 December 2018 considered the contravention of clause 40(4)(a) and (b) under clause 4.6 of GLEP 2014 and concluded the Applicant appropriately addressed the relevant principles, development standards and zone objectives, and Council is satisfied that the clause 4.6 variations are well founded and worthy of support.

The following relates to the additional consideration of the contravention of clause 40(4)(c) *a building located in the rear 25% area of the site must not exceed 1 storey in height.*

Clause 40(4) relates to zones where residential flat buildings are not permitted. In most cases this would apply to zones where single dwellings are the predominant building form. Single dwelling development would generally have the primary open space area at the rear of the site and in most cases rear yards adjoin rear yards. It is considered, the intention of the development standard is to ensure that seniors housing development does not unreasonably reduce the amenity of the existing rear yards that adjoin the site.

In this instance, it would be unreasonable and unnecessary to require compliance with the height control for the rear of the site for the following reasons:

- The proposal will achieve the intention of the development standard indicated above. In this regard, the land adjoining the rear of the site is not zoned residential but RE1 Public Recreation being a vegetated drainage reserve 25m wide (No. 169 Veron Rd Woy Woy) with land zoned SP2 Special Purpose - Educational Establishment (No. 173 Veron Rd Woy Woy) beyond this; refer Figure 2 below.



Figure 2- Zoning and Aerial Plan

- The proposal has a setback of 8.6m from the boundary with the drainage reserve. Existing vegetation identified as the bushland conservation area (Bushland Management Zone) is retained within the setback area and outside of the Bushland Management Zone includes supplementary landscaping treatment and pedestrian pathway. It is considered that the proposal

will not have an adverse visual impact when viewed from the adjoining land or have any other adverse impact on this land.

- In this instance, it is not the rear of the subject site that adjoins rear yards of adjacent residential properties but the northern side boundary. An extensive building separation distance of 40m is proposed to the adjoining residences and comprises 25m of the Bushland Management Zone. As provided in Council's Assessment Report dated 12 December 2018 the assessment in relation to clause 40(4)(a) and (b) is relative to this current assessment. The significant physical separation distance will allow sightline to open sky and despite the height, bulk and scale of the building, the existing residential development will continue to enjoy the aesthetic benefits of having generous open space areas around them and there are no unreasonable privacy or visual impacts on the adjoining residential properties.

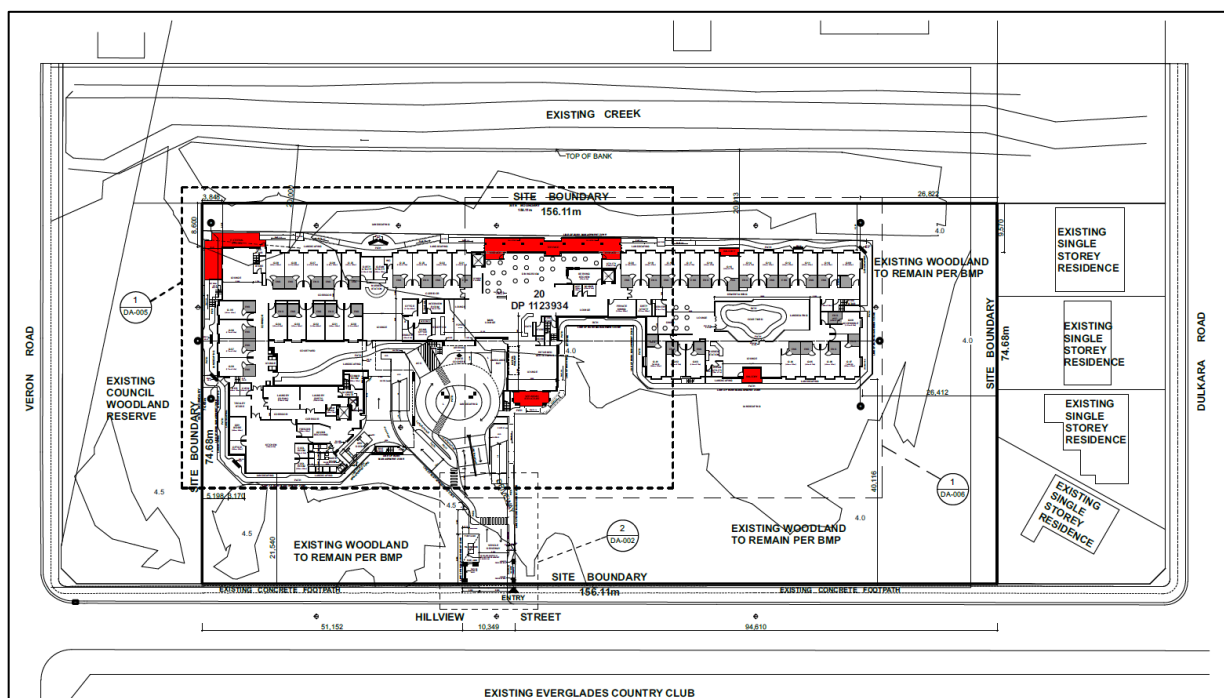


Figure 3- Architectural Site and Locality Plan showing proposed building footprint and relationship of adjoining residential dwellings

The building footprint is constrained by the site characteristics and the Bushland Management Zone occupying most of the site (being 6,647m² or 67% of the site area). It is considered that despite the continuous length of the building, the visual scale and built form is acceptable, and when combined with the choice of materials and the large landscaped setbacks will not result in any detrimental impacts on privacy and amenity of adjoining sites and the public domain.

The proposal otherwise complies the requirements of the Seniors Housing SEPP and the intent for seniors housing development in areas where residential flat buildings are not permitted to ensure that the development does not dominate the streetscape by virtue of its scale and bulk and is consistent with the character of the area.

The amended clause 4.6 submission has been considered. The assessment concludes the Applicant appropriately addressed the relevant principles, development standards and zone objectives. Council is

satisfied that that the proposal is in the public interest, the clause 4.6 variations are well founded and worthy of support. The proposal complies with the aims of the Seniors Housing SEPP in that:

- a. The proposed development will promote the social and economic welfare of the local community through the provision of contemporary seniors housing that complies with all relevant standards relating to facilities and accessibility for the aged and disabled people.
- b. The additional demands associated with the extra accommodation is not expected to be beyond the capacity of the existing utility services, which will be augmented as necessary to meet the requirements of relevant service providers.
- c. There will be no unreasonable adverse impacts on the environment. The amendments to the architectural plans and statement of Architectural & Site Analysis, as amended, by Thrum Architects Pty Limited dated 21 February 2019 in support of this development application demonstrates that the development provides a good design response that meets the needs of seniors and people with disabilities.

2. Verification of the requirements of Clause 7.1 of the *Gosford Local Environmental Plan 2014* (GLEP 2014) have been met;

This land has been identified as being affected by the Acid Sulfate Soils Map and contains Class 4 Acid Sulfate Soils (ASS). Class 4 ASS specifies:

- Works more than 2 metres below the natural ground surface.
- Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface

Council previously provided to the Panel in report dated 12 December 2018 that the site is approximately 4m AHD and located remote from the coastal foreshore, therefore significant acid sulfate soils are unlikely to be encountered. Further, the proposed development involves basement construction at the same level (RL 2.200) as the basement approved under Consent 30219/2006. The proposed new basement is significantly reduced in area compared to the currently approved basement. The proposed reduced basement excavation works are not considered to impact on potential Acid Sulfate Soils to any greater degree than the current development approval. Condition 4.8 was recommended in the draft conditions of consent to cease works should Acid Sulfate Soils be identified and details of mitigation and treatment measures are provided and approved by the Principal Certifying Authority.

The land is subject to the potential for acid sulfate soils to exist and that may be exposed as a result of this development. Therefore to ensure the requirements of Clause 7.1(3) have been met an Acid Sulfate Soil Management Plan (ASS Management Plan) Ref: 83565.00.R.001.Rev1 has been prepared by Douglas Partners dated 21 February 2019 and is provided as supporting documentation.

The ASS Management Plan for the proposed developed at 45 Hillview St, Woy Woy proposes approximately 5,000 to 10,000 tonnes of ASS will be disturbed during construction. The excavation at the site will be a maximum depth of 2.5m below current surface level. The ASS Management Plan states soil testing conducted in 2012 by Douglas Partners indicated ASS are encountered within the proposed basement excavation below 1.5m and groundwater was encountered at approximately 1.5m.

The ASS Management Plan outlines procedures to manage the excavation of ASS including:

- Staged excavation of ASS below 1.5m to occur at 200mm intervals
- Lime neutralisation of all soils excavated below 1.5m, with management of excavation required to ensure appropriate rate of lime applied
- Guarding layer to minimise acidic leachate generation
- Reuse options including using neutralised ASS under impermeable pavement on site if required
- Staged dewatering and groundwater monitoring required during dewatering
- Testing of soil and collected water during excavation
- Emergency Response Procedures for construction activities including flooding management of open excavation pits, managing stockpiles and potential breaches of stockpiles and leachate production
- Records of treatment of ASS

The ASS Management Plan has been reviewed by Council's Environmental Health Team. The draft conditions of consent numbers 2.11 and 2.16 satisfy Council's requirements for erosion and sediment control, soil and water management and waste and stockpiling management.

It is considered the requirements of clause 7.1 of Gosford Local Environmental Plan 2014 are now met and the proposal achieves the objectives of the clause *to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*

It is recommended that the draft conditions previously provided to the Panel be amended as follows to facilitate the changes indicated above:

- Condition 4.8 is amended as follows:

Implement all acid sulfate soil management measures and undertake works in accordance with the approved Acid Sulphate Soil Management Plan prepared by Douglas Partners dated February 2019.

3. Confirmation that current obligations regarding the bushland conservation outcome have been met and the bushland conservation outcome related to the proposal is equivalent or better than the existing approved regime;

To address the request of the Panel, the Applicant has submitted a Review of Ecological and Environmental Conditions prepared by Conacher Consulting Ref: 9030/2 dated February 2019 to demonstrate that the consent conditions of the existing development consent DA30219/2006 relating to the implementation of the bushland conservation area (Bushland Management Zone) have been met or are adequately covered in the proposed consent conditions for DA53784/2018.

Council's Ecologist and Development Planner have reviewed conditions of consent for DA30219/2006; the documentation submitted by the Applicant, the amended plans, ASS Management Plan and confirmation of the removal of the raised boardwalk from the proposal. Council's review is provided at Appendix A.

The amendments to the proposed development are supported; minor modifications to the draft consent conditions are recommended. Council is satisfied that the bushland conservation outcome will achieve protection of the EEC and maintain the environmental attributes of the site. The following matters are clarified for the Panels consideration.

- The site has been previously cleared in accordance with DA30219/2006 approved on 14 May 2007 for Senior Living Housing (56 sole occupancy units) and has commencement. The proposed Residential Care Facility will be located within the previously cleared area of the site and will retain similar footprint to that approved although the area required for basement car parking has been reduced. The existing entry to the site will be maintained and no further vegetation removal is required to accommodate the building footprint. The designated bushland protection/conservation area of 6,647m² is protected under positive covenant and delineates the development envelope. The proposal includes the removal of the Corkwood Tree located in the centre of the site and replacement with a *Eucalyptus robusta*. It is considered the use of the site for seniors housing as a residential care facility will maintain the allotment in sole ownership: the land will not be subdivided or fragmented will maintain the environmental attributes of the site.
- The ecologically endangered community *Umina Coastal Sandplain Woodland* (EEC) is protected through the registration of the EEC as conservation land for protection in perpetuity on title under DP 1123934 as required by Condition 66 of DA 30219/2006. The deposited plan and 88b Instrument were provided with Council's Assessment Report dated 12 December 2018. The EEC is to be managed in accordance with the Bushland Plan of Management by A Clements dated 15 July 2007. Conditions of consent for DA53784/2018 require the site to be managed and maintained in accordance with the Bushland Plan of Management by A Clements dated 15 June 2007 and monitoring reports to continue. Conditions of consent have been recommended for all phases of the development from construction to occupation and ongoing conditions post occupation is applied in order to protect and maintain the EEC. (Refer Conditions 6.1, 6.2, 6.4, 6.6, 6.7, 6.8).
- Council's Ecologist indicates that 132 trees/vegetation have been cleared under DA30219/2006 and 2 grass trees relocated into the bushland area. One (1) tree is proposed for removal (the Corkwood Tree) under DA53784/2018 and 133 trees/plantings are proposed for replacement within the landscape plan.
 - Condition 9 of DA30219/2006 required tree replacement by native tree species at a 2:1 ratio located in suitable positions on the site for any trees to be removed.
 - This is not practical or achievable on this site with the proposed building footprint of this application or the previously approved development to impose a 2:1 tree replacement. This condition is not recommended to be imposed on DA53784/2018.
 - The landscape plan proposes native planting consistent with the EEC *Umina Coastal Sandplain Woodland* on the site, includes maintenance and monitoring of the Bushland Plan of Management and provides appropriate measures to maintain the EEC. Condition 2.13 requires the Landscape Plan to be amended and include monitoring and maintenance of the Bushland Management Zone on a yearly basis and progress reports of the bush regeneration works be submitted to Council's Ecologist.
 - Monitoring and maintenance of the landscaped area and the Bushland Management Zone in perpetuity is proposed and conditioned (Conditions 2.14, 5.4, 5.5, 5.6, 6.5).
- The above regime, inclusive of Conditions 6.5, 6.6, 6.7 & 6.8 provide a thorough approach to the conservation of the bushland for the site.

- The payment of the monetary contribution required by Condition 83 of DA30219/2006 of \$225,000.00 in funds to Council's Environmental Trust Account is for the purpose of biodiversity management in the rehabilitation and management of locally occurring remnants of Umina Coastal Sandplain Woodland endangered ecological community.
 - The Applicant has advised that contrary to the statement made in the documentation that informed Council's Assessment Report dated 12 December 2018, the payment of \$225,000 had not been paid.
 - This matter has been rectified and Council confirms the contribution has been made in full on 28 February 2019 to the Protection of the Environmental Trust and remittance advice received. This contribution will continue to provide Council with funding towards the protection of EEC land in the local government area.
 - Condition 83 is satisfied and not required to be applied to DA53784/2018.
- Acid Sulfate Soils will be managed if found, under the Acid Sulfate Soil Management Plan (Condition 4.8).
- Condition added to ensure water quality is preserved during works – *No filling or debris shall be placed within any watercourse or drain.*

It is recommended that the draft conditions previously provided to the Panel be amended as follows to facilitate the changes and additional requirements following review of conditions:

- Condition 2.1 is amended as follows:

No activity is to be carried out on-site until the Construction Certificate has been issued, other than:

- a. Site investigation for the preparation of the construction, and / or*
- b. Implementation of environmental protection measures, such as erosion control, bushland management activities and the like that are required by this consent*
- c. Demolition.*

- Condition 2.13a is amended as follows:

Submit to Council's Ecologist for approval, amendments to the approved plans:

- a. Amend the Landscape Plan prepared by Conus Landscape Architect listed in Condition 1.1 of this consent that must detail::*
 - i. Amendments to the landscape design incorporating the architectural amendments for the new outdoor recreation accessible pathways.*
 - ii. Replacement of the Hard Corkwood tree with an advanced size Eucalyptus robusta in the same location.*
 - iii. Monitoring and maintenance of the Bushland Management Zone as an ongoing maintenance task and reports sent to Council's Ecologist on the 30 June each year in perpetuity.*

- Condition 4.3 is amended as follows:

During the construction phase of the development, if any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- All workers on the site need to be advised that under the National Parks and Wildlife Act 1974, If they locate any stone artefactual material during earthworks on this property, that all works must cease in the immediate vicinity must halt and that they will need to contact the Office of Environment and Heritage.*
- All excavation or disturbance of the area must stop immediately in that area, and*
- The Office of Environment & Heritage must be advised of the discovery in accordance with section 89A of the National Parks and Wildlife Act 1974.*

Note: *If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.*

- Condition 4.12 is amended as follows:

Removal of hollow bearing trees shall be undertaken under the supervision and guidance of a suitably qualified licensed wildlife specialist and in accordance with the wildlife report wildlife report as required by Condition 2.14.

- Condition 4.13 is amended as follows:

Manage native fauna appropriately during clearing and construction phase of the approved works. In this regard, an appropriately licensed Fauna Ecologist is to be engaged to advise and supervise the clearing of the Corkwood Tree. Where, in spite of precautions, wildlife is injured, the Fauna Ecologist is to take the necessary action to treat the animal, which may include veterinary treatment or transfer of the animal to a volunteer wildlife carer group such as WIRES or Wildlife Arc.

- Condition 4.21 is added as follows:

No filling or debris shall be placed within any watercourse or drain.

4. Confirmation of the status of the proposed the boardwalk within the Bushland Management Zone.

The application included a proposal to construct a raised boardwalk through parts of the Bushland Conservation Area. The Applicant submitted a Review of Ecological and Environmental Conditions prepared by Conacher Consulting Pty Ltd, dated February 2019. In relation to the proposed boardwalk the Review states:

This raised boardwalk was not a structure required for the ongoing implementation of management actions identified in the Bushland Plan of Management. The access restrictions to the Bushland Conservation Area, as described in the Bushland Plan of Management, are to remain in place during the ongoing management of this Bushland Conservation Area.

This boardwalk has now been removed from the application and the architectural plans have been amended.

It is recommended that the draft conditions previously provided to the Panel be amended as follows to facilitate the changes indicated above:

- Condition 2.13 is amended - designs for the raised boardwalk are removed from the condition.
- Conditions pertaining to the boardwalk imposed during works are removed from the consent.

5. Consider additional conditions including a commitment to provide a 16 seater bus to occupants of the aged care facility (in addition to bus stops);

A bus is to be provided to the occupants of the aged care facility. Thompson Health Care has made a commitment to provide a 12 seater minibus for residents, refer supporting documentation.

In support of the size of the minibus, Thompson Health Care provides the following comment:

Thompson Health Care supplies similar sized minibuses to all of its facilities ranging in size from 70 to 175 beds throughout NSW. If outings are arranged that are more popular with residents in order to provide the extra capacity minibuses from other homes within the area are called upon to transport the extra residents.

The amended proposal provides the addition of a parking space within the basement level for the minibus. The basement has not increased, and remains the same overall configuration and does not impact on the car parking provisions as stated in Council's Assessment Report dated 12 December 2018.

It is recommended that the draft conditions previously provided to the Panel be amended as follows to facilitate the changes indicated above:

- Condition 5.15 is added as follows:

Provide a minibus (minimum 12 seater capacity) for residents.

- Condition 6.19 is added as follows:

Provide and maintain at all times a minibus (minimum 12 seater capacity) for residents.

6. Opportunities to improve the indoor-outdoor relationship for residents and visitors, and passive recreation on site.

Further consideration has been given to improve the indoor-outdoor relationship for residents and visitors and also improve façade articulation. Architectural drawings have been amended including an amended Architectural & Site Analysis, prepared by Thrum Architects Pty Limited, Ref: 16017.04 dated 21 February 2019 detailing the following:

- Outdoor Recreation Accessible Pathways
 - Provision of an extensive accessible compliant ground level recreational circulation pathway around the building and numerous new passive seniors friendly bench seating landscaped settings, extra lighting and widened pavement widths for the enjoyment of residents.
 - The pathway network links directly to the various outdoor communal terraces located around the building's ground floor.
 - The pathway network is entirely outside and independent of the perimeter of the bushland conservation area.
- North East Façade
 - Provision of additional external communal recreation balconies on the north-east façade of the building on all three levels to provide quality break-out space for residents directly accessible from the three main communal lounges in the north wing of the building.
 - The placement of the three balconies allows maximised sight lines into the high quality north eastern sector of the conservation bushland area for enjoyment of residents. These are in addition to the extensive terraces provided on the western and southwestern sides of the building.
 - The balconies provide increased visual articulation to that wing of the proposed building achieved by a combination of indented recesses into the façade and also minor cantilevering components.
- Western Façade
 - Provision of increased articulation to the western façade in the form of two separate areas of recessed planar relief in its external wall (at both near its south end, and also toward its north end).
 - Three new private balconies at the location aligning with Resident Room G.15.
 - These modifications provide a new more modulated visual composition for the western side of the building envelope as a whole, by now dividing it into five macro visual segments in lieu of the former three.

The amendments result in a small reduction in floor area by the creation of the new balconies. In this regard the proposal will have a floor area of 9,084.76m², a reduction of 45.24m² to that provided in Council's Assessment Report dated 12 December 2018. The revised floor space ratio is 0.779:1. The proposal remains compliant with the floor space ratio requirements of the Seniors Housing SEPP which specifies a floor space ratio of 1:1.

The proposed amendments are considered to address the requirements of the Panel.

It is recommended that the draft conditions previously provided to the Panel be amended as follows to facilitate the changes indicated above:

- Condition 1.1 is amended to replace the proposed architectural plans, landscape plans and amended supporting documentation.

Additional Amendments to Conditions of Consent

It is recommended that the draft conditions previously provided to the Panel be amended following review of conditions as follows and to facilitate the changes as requested by the Panel:

1. Condition 1.1, in addition to the above modifications, the table of Supporting Documentation is amended by including "Statement of Compliance - Access for People with a Disability" (prepared by Accessible Building Solutions - 15th March 2017, ECM Doc No. 24300857. This document was reported as supporting documentation in Council's Assessment Report of 12 December 2018 however not included in the conditions of consent.
2. Condition 5.19 is added to create a covenant prior to occupation of the building to restrict occupancy for seniors and people with a disability, for the following:

5.19 Execute an instrument under the Conveyancing Act 1919 for the following restrictive covenants with Council having the benefit of these covenants and having sole authority to release and modify.

The approved development is only to be occupied by:

- a) people aged 55 years or over or people with a disability as defined by the provisions of State Environmental (Housing for Seniors or People with a Disability) 2004*
 - b) people who live with such people as defined in sub-clause above; and*
 - c) staff employed to assist in the administration of and provision of services to housing provided in this development.*
3. Conditions 2.7(a) (h) and (i) are amended to reflect the correct minimum floor level for the proposed development of RL4.5m AHD, in accordance with Council's Assessment Report, GLEP 2014 Clause 7.2 Flood Planning.
 4. The proposal requires fitout of food premises for the commercial kitchen and café. Appropriate conditions were not applied to the draft conditions previously provided to the Panel. Relevant conditions are now recommended; refer Conditions 2.18, 2.19, 5.16, 5.17, 5.18 as follows:

2.18 Submit details to the Principal Certifying Authority of the design of the fit out of the food premises. The design of the fit out of the food premises is to comply with the Food Act 2003, Food Regulation 2010, Australia New Zealand Food Standards Code, Australian Standard AS 4674-2004: Design, Construction and Fit-out of Food Premises and Clause G1.2 of the Building Code of Australia. Details of compliance are to be included in the plans and specifications for the Construction Certificate.

- 2.19 *Submit details to the Principal Certifying Authority of any proposed mechanical ventilation systems. The design of the mechanical ventilation is to comply with the relevant requirements of Clause F4.12 of the Building Code of Australia, Australian Standard AS 1668.1:2015 The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings and Australian Standard 1668.2:2012 The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings (including exhaust air quantities and discharge location points). These details are to be included in the Construction Certificate.*
- 5.16 *Provide certification to the Principal Certifying Authority to confirm the final fit-out of the premises complies with the Food Act 2003, Food Regulation 2010, Australia New Zealand Food Standards Code, Australian Standard AS 4674-2004: Design, Construction and Fit-out of Food Premises and Clause G1.2 of the Building Code of Australia.*
- 5.17 *No food handling, as defined by the NSW Food Act 2003, is permitted in the food premises prior to the issue of the Occupation Certificate.*
- 5.18 *Submit a Food Premises registration form to Council. The form can be found on Council's website: www.centralcoast.nsw.gov.au*

Conclusion

This development application has been assessed under the heads of consideration of s.4.15 of the *Environmental Planning and Assessment Act 1979* and all relevant instruments and policies.

The potential constraints of the site have been assessed and it is considered that the site remains suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact.

It is considered that the proposed development will complement the locality and meet the desired future character of the area. Accordingly, the development application remains recommended for approval in accordance with s.4.16 of the *Environmental Planning and Assessment Act*.



K Hanratty
Senior Development Planner



A Prendergast
Section Manager – Development Assessment (South)

Appendix A

Council's Ecologist & Development Planner Review of DA30219/2006 conditions and corresponding conditions DA53784/2018

Matters covered in consent DA30219/2016 Part 6	Consent condition	Coacher Consulting comments DA53784		Council comments
Site clearing	1	2.12	Bushland Plan Of Management S4.2.1.1 & Consent Conditions	Clearing of vegetation within the building envelope has already been completed with the exception of the Corkwood Tree. Condition 2.2 relates and is amended to include bushland management activities in part 2.2(b).
Tree management	9, 73,	2.12, 2.14, 3.11, 6.8	Bushland Plan Of Management S4.2.1.1 & Consent Conditions	(9) 132 trees/vegetation have been cleared under the previous DA and 2 grass trees relocated into the bushland area. 1 tree is proposed for removal under the new application (Corkwood Tree with replacement of an advanced size <i>Eucalpytus robusta</i> in the same location). The landscape plan proposes 133 trees/vegetation for planting. Therefore there is a deficit in the final trees which are conditioned for replacement. Replacement of trees at ratio of 2:1 is not practical or achievable on this site. This condition is not recommended to be imposed on DA53784/2018. The Landscape Plan proposes native planting to complement the bushland conservation area. Monitoring and maintenance of the landscaped area and the Bushland Management Zone in perpetuity is proposed and conditioned - 2.14, 5.4, 5.5, 5.6, 6.5. (73) Suitably conditioned - 2.12, 2.14, 4.12, 3.10, 3.11
Aboriginal heritage	10, 75	4.3	Covered by Consent Conditions	(10) Satisfied (75) Under legislation appropriate conditioning has been imposed, however has been improved and amendment recommended - Condition 4.3
Erosion and sediment	42, 43, 76	2.7d, 2.7e, 2.11, 2.16, 3.8, 4.4, 4.22, 6.6	Bushland Plan Of Management S4.2.1.3 & Consent Conditions	Covered - 2.7, 2.11, 2.16, 3.8, 4.4, 4.22, 6.4, 6.6, 6.7
Water quality	44			Covered through the CEMP and Soil and Water Management Plan however separate condition added as follows: 4.21 - No filling or debris shall be placed

				within any watercourse or drain.
Nutrient control	45	2.7e, 6.4	Bushland Plan Of Management S3.1 & Consent Conditions	Covered – 2.7e, 5.13, 6.4
Access to bushland	64	3.10	Bushland Plan Of Management S3.1 & Consent Conditions	Covered - 3.9, 3.10
Bushland management plan	67	2.13, 4.17, 5.6, 6.2	Bushland Plan of Management prepared by Anne Clements & Associates 15 June 2007	Covered – 2.13, 4.17, 5.6, 6.2, 6.5, 6.7
Protection of EEC	61, 68	3.5, 3.9, 4.18	Bushland Plan Of Management S4.2.1.4 & Consent Conditions	Covered – 3.5, 3.9, 4.18
Protection signs	65, 69	2.11, 2.12	Covered by Consent Conditions	Signage is already installed on-site additional conditions recommended – 2.11, 2.12, 3.9
Site inspection, monitoring and reporting	70	2.14, 5.4, 5.5, 5.6	Bushland Plan Of Management S4.2.3 & Consent Conditions	Covered – 2.11, 2.13, 2.14, 5.4, 5.5, 5.6, 6.5
Habitat relocation	71, 72	2.14, 4.12	Covered by Consent Conditions	Covered - 2.14, 4.12
Reports to Council	70, 74, 77,	2.14, 5.4, 5.5, 5.6	Covered by Consent Conditions	Covered - 2.14, 5.4, 5.5, 5.6, 6.5
Landscaping	31	2.15, 4.19, 5.3	Bushland Plan Of Management S4.2.1.7 Landscape Plan by Conus Landscape Architecture	Covered - 5.7
Threatened species (SIS)	80	SIS not required	Bushland Plan Of Management S1 & Consent Conditions	(80) & (81) SIS submitted with DA 30219/2006 and reviewed by OEH and Council's Ecologist during assessment of that development. DA53784/2018 referral not required to OEH. The impact on the vegetation has not changed from the approved consent DA30219/2006. Flora & Fauna Report was submitted and reviewed by Council's Ecologist. The report addresses and concurs with the on-site conditions.
Conservation Covenant	66, 82	Implemented	Covenant on title of Lot 20	Implemented – DP 1123934 & 88B instrument
Conservation levy	83		\$225,000 paid to Council for offsite biodiversity management	Paid 28/2/19 to Protection of the Environment Trust General Donation Fund
Controlled Activity Approval	15			Covered - 2.17
Relocation of services	47			Covered - 4.11
Footpath – building materials etc	56			Covered - 4.7