

**JOINT REGIONAL PLANNING PANEL
(Southern Region)**

JRPP No	2018STH016
DA Number	DA 100-2012/C
Local Government Area	Queanbeyan-Palerang Regional Council
Proposed Development	Modification of Development Consent 100-2012/B
Street Address	Lot A DP 33538, Lot 1 DP 774149 & Lot 2 DP 739287 No. 111 Campbell Street, 18 George Street and 50 Canberra Avenue, Queanbeyan NSW 2620
Applicant/Owner	Hodges Shorten Architects/ Warrigal Care
Number of Submissions	No Public Submission
Regional Development Criteria (Schedule 7 of the Act)	Pursuant to Schedule 7 of the SEPP (State and Regional Development) 2011, the Capital Investment Value of the original development application exceeds \$20 million and as such it was required to be determined by the Joint Regional Planning Panel (Southern Region)

List of All Relevant s4.15(1)(a) Matters	<p>S4.15(1)(a)(i):</p> <ul style="list-style-type: none"> • State Environmental Planning Policy No 55 – Remediation of Land. • State Environmental Planning Policy (Infrastructure) 2007. • State Environmental Planning Policy (State and Regional Development) 2011. • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • Queanbeyan Local Environmental Plan 2012). <p>S4.15(1)(a)(ii):</p> <ul style="list-style-type: none"> • None <p>S4.15(1)(a)(iii):</p> <ul style="list-style-type: none"> • Queanbeyan Development Control Plan 2012 <p>S4.15(1)(a)(iiia):</p> <ul style="list-style-type: none"> • None <p>S4.15(1)(a)(iv):</p> <ul style="list-style-type: none"> • None. <p>S4.15(1)(a)(v):</p> <ul style="list-style-type: none"> • None.
List all documents submitted with this report for the panel's consideration	Plans and documents submitted with this modified development application
Recommendation	Approval with Conditions
Report by	Mary Kunang, Queanbeyan-Palerang Regional Council

<p>Summary of s4.15C matters</p> <p>Have all recommendations in relation to relevant s4.15C matters been summarised in the Executive Summary of the assessment report?</p>	Yes
<p>Legislative clauses requiring consent authority satisfaction</p> <p>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? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i></p>	Yes
<p>Clause 4.6 Exceptions to development standards</p> <p>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?</p>	Not applicable
<p>Special Infrastructure Contributions</p> <p>Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i></p>	Not applicable
<p>Conditions</p> <p>Have draft conditions been provided to the applicant for comment? <i>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</i></p>	Yes

Assessment Report and Recommendation

Executive Summary

On 22 February 2018 Council received an application to modify development consent 100-2012/B for demolition of an existing aged care facility, five independent living units and three detached garages, construction of a new 125 bed aged care facility on Lot 1 DP 774149 18 George Street, Lot 2 DP 739287 50 Canberra Avenue and Lot A DP 33538 111 Campbell Street, Queanbeyan. The proposed modifications are summarised below:

1. Introduction of 8 resident suites. These suites are designed to provide additional living space for residents but do not alter the function of these rooms. These rooms will feature a divided bedroom and living area, however, are not provided with a full kitchen or washing facilities and are therefore not defined as self-contained dwellings.
2. Reduction in the number of residential 'studio style' rooms from 125 to 124 beds under this application.
3. Therefore an overall increase in seniors' accommodation from 124 (125 approved under the original DA) to 132 rooms.
4. These changes are accommodated within the internal building area as follows:
 - a. Reduction in internal atrium area;
 - b. Reduction in internal terrace on first floor.
5. Slight reduction to some recessed portions of the building on the southern elevation. Drawing No. 2431.DA07 and Drawing No. 2431.DA08 demonstrate the changes to the recessed portions where setbacks have been reduced. The minimum setback at this southern elevation remains unchanged at 6.0m. Table 1 summarises the setbacks where changes are proposed.
6. Rearrangement of the internal layout of communal areas and facilities within the ground floor and first floor to accommodate the additional rooms.
7. As a result of the above internal floor area alterations, the overall building floor area will increase by 138m². The proposal complies with the FSR requirement.
8. Minor adjustments in roof to align with walls and terraces below.
9. Minor adjustment to facade treatment and windows facing Canberra Avenue to suit the new resident suites and new configurations.
10. Adjustment to pedestrian ramp and stair along Canberra Avenue.
11. Adjustments to layout of external terraces along Canberra Avenue.
12. Addition of ground floor courtyard for Suite A23 screened by landscaping facing an internal road.

No change to the overall building height, basement, parking spaces including disabled spaces, access location, waste collection arrangements are proposed.

The subject site is zoned R2 – Low Density Residential under the Queanbeyan Local Environmental Plan 2012. The proposed modified development is permissible with consent within this zone and does not result in a change to the approved land use definition.

As the proposed modification falls within the “Other modifications” group which, is dealt with under Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the Joint Regional Planning Panel is the consent authority for the proposal.

The proposed modified development is Integrated Development pursuant to Section 58 of the Heritage Act 1977. General Terms of Approval have been obtained from the Office of Environment and Heritage. The NSW Roads and Maritime Services, pursuant to State Environmental Planning Policy (Infrastructure) 2007 and NSW Police, have raised no objection to the proposal.

The subject modification application was advertised in the Queanbeyan Age and was also notified to adjoining owners and no submissions were received.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval subject to a number of conditions being modified.

Background

The original development application 100-2012 was lodged with Council on 16 April 2012 for the demolition of an existing residential care facility known as Kawaree Lodge, as well as the demolition of five independent living units and three detached garages in order to allow for the construction of a new 125 bed residential care facility on the subject site that will include: two levels of accommodation with numerous communal dining, lounge and activity areas; staff facilities; and a basement level for utility rooms and car parking.

In addition, some minor landscaping and paving works were proposed to be carried out adjacent to a state listed heritage item which is located on the site and is used for the community activities of residents of the existing facilities. As the capital investment value (CIV) of the original development application was \$27.5m the Joint Regional Planning Panel was the consent authority in accordance with the provisions of State Environmental Planning Policy (State and Regional Development) 2011.

The original application was assessed and approved under the Queanbeyan Local Environmental Plan 1998 (QLEP 1998) and applicable Development Control Plan (DCP). Under the QLEP 1998 the subject site was zoned 2(a) Residential A and 2(c) Residential C. The approved development was located entirely within the portion of the site zoned 2(c). Not long after the original development consent was granted in November 2012 the QLEP 1998 was replaced by the Queanbeyan Local Environmental Plan 2012 (QLEP 2012). There have also been changes to the applicable DCP.

At a meeting held on 2 November 2012 the Joint Regional Planning Panel (Southern Region) conditionally approved the original DA 100-2012 mentioned above. The significant issues from the original application related to heritage impacts, maximum building height and vehicle access off a classified road (Canberra Avenue).

Based on the staff report, the original development application was approved with building height varying from 7.4m up to 10.6m under the SEPP (Housing for Seniors and People with a Disability) 2004. However, the majority of the building is 8.5m high. The portions of the building above 8.5m relate entirely to areas that have been raised to provide vertical air flow and for the storage of plant. These areas were well setback from the external walls of the building.

Issues relating to vehicular access were resolved by restricting access to the eastern Canberra Avenue driveway to just garbage collection vehicles, and removing this as a pedestrian entry will improve the safety and operation of the nearby intersection.

For the original development application two submissions were received as a result of the public notification process. The issues raised in these submissions related to the management of sewerage, privacy, traffic generation and property values. These issues were either satisfactorily addressed or considered to be irrelevant to the original assessment.

On 9 September 2013, an application 100-2012/A to modify the development consent was lodged with Council. The modification fell within the “minimal environmental impact” group (Section 4.55(1A) formerly Section 96(1A)). Therefore Council was the consent authority for the modification application 100-2012/A. That modification involved the following:

1. Reduction in the size of the basement and reconfiguration of basement car parking area and rooms;
2. Reconfiguration of the ground and first floors;
3. Slight alterations to facades to reflect internal changes; and
4. Changes to landscaping to reflect the basement changes.

The modification application 100-2012/A mentioned above was assessed and approved under the current QLEP 2012 and DCP 2012. Under the QLEP 2012 the whole site is zoned R2 – Low Density Residential, however, the development remains permissible in the R2 zone and the modified development (100-2012/A) did not result in a change to the approved land use definition.

Based on the staff report, the modified development did not result in any changes to the number of approved car parking spaces, aged care rooms, height, setbacks, gross floor area, finished floor levels, or overall appearance of the building. The modifications proposed resulted in a development which was substantially the same as the development originally approved. The modification application 100-2012/A was notified to adjoining owners and occupiers and no submissions were received.

Council at its meeting on 13 November 2013 approved the modification application 100-2012/A subject to a number conditions being modified. In accordance with staff report, the proposed modifications did not impact on the significant issues mentioned in the original application.

Modification application 100-2012/B was lodged with Council on 11 January 2017. As the modification fell within the “Other modifications” group which was dealt with under Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the Joint Regional Planning Panel (JRPP) was the consent authority for the proposal. The NSW Heritage Branch, NSW Roads and Maritime Services and the NSW Police were invited to comment on the proposed modified development. None of these external agencies/authorities raised any objections to the subject modification application. The modification application was advertised in the Queanbeyan Age on 24 January 2017 and was also notified to adjoining owners and two submissions were received. One submission was received from the submitter who made a written submission in relation to the original development application. The issues raised in this submission related to the privacy, traffic generation and property values. A second submission was received from the owner/occupier of an existing independent living unit. The issues raised related to privacy, noise, safety and amenity, access and the existing retaining wall along Canberra Avenue. The relevant issues raised in the submissions were addressed in the “Engagement” section of the report.

At a meeting held on 28 July 2017 the Joint Regional Planning Panel (Southern Region) approved the modified development application 100-2012/B.

On 22 February 2018, modification application 100-2012/C was lodged with Council. The NSW Heritage Branch, NSW Roads and Maritime Services and the NSW Police were invited to comment on the proposed modified development. None of these external agencies/authorities have raised any objections to the subject modification application. The subject modification application was advertised in the Queanbeyan Age and was also notified to adjoining owners and no submissions were received. As the proposed modification falls within the “Other modifications” group which, is dealt with under Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the Joint Regional Planning Panel is the consent authority for the proposal.

The remainder of this report provides the detailed assessment of the modification application.

Site and Surrounds

The subject site has been used as a residential aged care facility since the early 1990s and is known as the Kawaree Retirement Village. Current services provided include independent living units and a low care nursing home, known as Kawaree Lodge. Communal activities are offered within the existing dwelling-house on the site (Kawaree), which is a state listed heritage item. No changes to the appearance or structure of the “Kawaree” dwelling were proposed for the original application and the subject modification does not introduce any changes.

The subject site is irregular in shape, slopes from west to east and consists of three allotments with a primary frontage to Canberra Avenue (see figures 1 and 2 below). Lot 2 DP 739287, 50 Canberra Avenue is 1668m², Lot A DP 33538, 111 Campbell Street is 4464m² and Lot 1 DP 774149, 18 George Street is 12,470m². The total site area is therefore 18,602.21m². The three lots will be consolidated as part of the approved development.

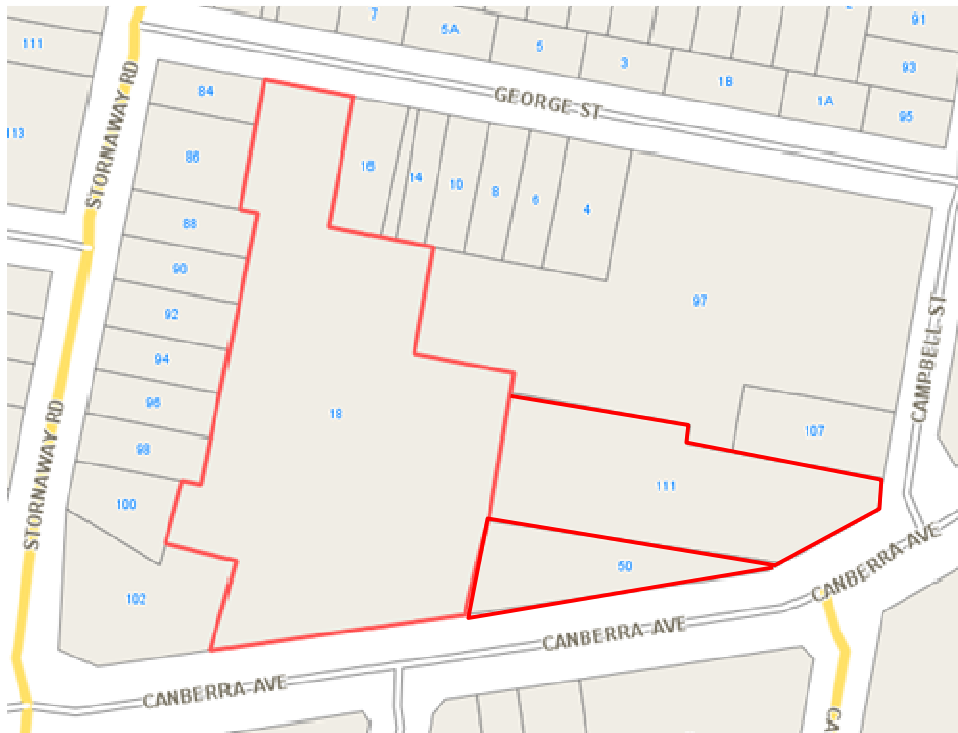


Figure 1 – Three allotments comprising the subject site



Figure 2 – Subject site outlined in red

Vehicle access to the site is obtained via two driveways off Canberra Avenue and one driveway off George Street (see figures 3, 4 and 5 below). The subject modification does not seek to alter these access points. Pedestrian access is obtained via the three vehicles entries and through a gated pathway link to the bowling club car park directly adjoining the site to the north.



Figure 3 – Existing western Canberra Avenue entry



Figure 4 – Existing eastern Canberra Avenue entry



Figure 5 – Existing George Street entry

The site is situated on the edge of an established residential area within walking distance of the Queanbeyan central business district (CBD) and open space recreation areas. It is directly bounded to the south by Canberra Avenue, a four-lane state classified road, to the north by a bowling club and low density residential development, and more low density residential development to the east and west. The site is also located within a Heritage Conservation Area and the Queanbeyan Showground, a heritage listed item of local significance, is located diagonally opposite the site to the south-east.

Canberra Avenue is a major entrance point to Queanbeyan and the subject site is situated prominently where the transition between the established residential area and the City's commercial centre begins.

Locality

The locality is mixed in character. While single storey dwelling-houses predominate to the north and west of the site (within the heritage conservation area), within the site itself are several two storey independent living units and to the south and east there is medium density two-storey residential development, a motel and several recreational facilities – including a bowling club, tennis courts, the Queanbeyan Showground and other parklands (see figure 6 below). Also within 200m to the east of the site is a four storey state government office building and the western boundary of the Queanbeyan CBD.



Figure 6 - Locality

The following reports have accompanied the proposed modified development and were used throughout the planning assessment:

- Plans prepared by Hodges Shorten Architects dated 17 January 2018 and 21 February 2018.
- Statement of Environmental Effects and supporting documents prepared by TCG Planning and Hodges Shorten Architects dated 20 February 2018 and 15 January 2018.
- Heritage Impact Statement prepared by NBRS Architecture dated 25 January 2018.

Planning Requirements

Under Section 4.55 applications to modify a development consent are grouped according to whether they involve:

- (1) Minor error, misdescription or miscalculation; or
- (1A) Minimal environment impact; or
- (2) Other modifications.

This proposed modification falls within the “Other modifications” group which is dealt with under Section 4.55(2). The following provides an assessment of the proposal under the relevant provisions of Section 4.55.

Section 4.55(2) Other Modifications

This subclause specifies requirements that must be satisfied and/or carried out. The first is whether the proposal will result in the development being substantially the same development originally consented to. In this instance, the modifications proposed will result in a development which is substantially the same as the development originally approved. There are no changes proposed to the overall building height, basement, car parking spaces including disabled spaces, access location and waste collection arrangements. The proposal involves minor changes to the building setbacks, number of aged care rooms, gross floor area and appearance of the building.

The original development application was approved with 125 rooms. This modification involves the reduction of the number of resident rooms from 125 to 124, reconfiguration of the internal layout of communal areas and facilities, reduction of internal atrium area and terrace on first floor, and slight reduction to some recessed portions and setbacks of the building to the Canberra Avenue frontage to increase the gross floor area by 138m² to accommodate 8 new resident suites (3 suites in the ground floor and 5 suites in the first floor).

These suites are designed to provide additional living space for residents but do not alter the function of these rooms. These rooms will feature a divided bedroom and living area, however, are not provided with a full kitchen or washing facilities and are therefore not defined as self-contained dwellings. As a result of this modification, the number of rooms available for senior accommodation has increased to 132.

Table 1 below summarises the proposed changes and approved development against the relevant requirements.

Even though the number of rooms and gross floor area have been increased, the proposed modified development still complies with the on-site car parking and FSR requirements. As mentioned above the front building setbacks facing Canberra Avenue have been slightly reduced as part of this modification, however, the overall setbacks still comply with the minimum 6m setback requirements. A small portion of the building is setback 5.5m from Canberra Avenue frontage and this variation was approved under the original application.

The proposal involves minor adjustments to the roof to align with walls and terraces below and also minor changes to façade treatment and windows facing Canberra Avenue. However, these minor changes will have no impact on the adjoining neighbours in terms of privacy and contribute positively to the existing streetscape.

These changes result in better design outcomes that complement the desirable aspects of the locality, the heritage conservation area, nearby heritage listed items and the existing heritage item on the site and provide adequate facilities and services to meet the day to day needs of residents. There will be minimal impacts on adjoining land use activities.

	Approved Original DA 100-2012	Approved S4.55 DA 100-2012/B	Proposed S4.55 DA 100-2012/C
Overall			
No. Rooms	125 x 1 bed rooms	No change (125 x 1 bedrooms)	Increase to 132 rooms ie: 124 x 1 bed rooms and 8 x 1 bed suites (3 at ground floor and 5 at first floor)
Floor space ratio	1:1	No change 1:1 (excluding basement)	Increased building area of 138m ² . Total ACF floor area of 6734m ² excluding basement. Remains consistent with approved 1:1 FSR for ACF.
Max height	Between 7.4m to 10.6m Max 8.9m (to parapet)	Max 9.75m to ridge and 9.005m to eaves	No change
Car parking and Access			
Car spaces	Total 95 on the site (with 55 spaces in the basement)	No change	No change
	2 disabled spaces	No change	No change
Access	Driveway entry from west of building off Canberra Avenue	No change	No Change

Basement			
General		329m ² reduction in footprint	No change
Finished Floor Level	RL579.7 & 587.7	No change	No change
Rear Setbacks	Min 3.8m to northern boundary	Minor change – min setback of 2.8m	No change
Front Setbacks	Min front setback of 5.5m to Canberra Avenue	No reduction other than fire stair with a setback of 5.2m	No change
Ground Floor Level			
Finished Floor Level	RL582.7	No change	No change
Rear Setbacks	Min 3.8m to northern boundary	Generally 3.8m other than fire stair with a setback of 2.8m.	No change
Front Setbacks	Min front setback of 5.5m to Canberra Avenue	No reduction with the exception of minor reduction in setback of “recessed” areas from 9.2m to 7.5m and fire stair	No reduction with the exception of minor reduction in setback of “recessed” areas from 7.5m to 6m.
First Floor Levels			
Finished Floor Level	RL585.9	Increased by 200mm to RL 586.1	No change
Ceiling Level	RL588.9	Reduced by 100mm to RL 588.8	No change
Rear Setbacks	Min 3.8m to northern boundary	Generally 3.8m other than fire stair with a setback of 2.8m.	No change
Front Setbacks	Min front setback of 7.5m to Canberra Ave	No reduction with the exception of minor reduction in setback of “recessed” areas from 9.2m to 7.5m	No reduction with the exception of minor reduction in setback of “recessed” areas from 7.5m to 6m.
Roof Level			
Plant Room	3 plant rooms	1 open screened plant area	No change

The second and third requirements are that the modification application be referred to relevant public authorities or approval bodies and be notified in accordance with a DCP, in this instance Clause 1.8.5 – Notification Requirements for Modifications of the Queanbeyan Development Control Plan 2012. The application was referred to the NSW Heritage Council, RMS and NSW Police for comment. None of these external agencies/authorities have raised any objections to the subject modification application. The application was also advertised in the local newspaper and notified to adjoining property owners and occupiers and no submissions were received.

Having regard to the above, the modifications proposed will result in a development which is substantially the same as the development originally approved.

The matters that are of relevance under Section 4.15(1) of the Environmental Planning and Assessment Act (EPAA) 1979 have been taken into consideration and are summarised in the Section 4.15(1) Table – Matters for Consideration below.

Statutory Assessment

The proposed modified development has been assessed in accordance with the requirements of the following planning instruments:

1. State Environmental Planning Policy (State and Regional Development) 2011
2. State Environmental Planning Policy No 55 – Remediation of Land
3. State Environmental Planning Policy (Infrastructure) 2007
4. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
5. Queanbeyan Local Environmental Plan 2012
6. Queanbeyan Development Control Plan 2012

State Environmental Planning Policies

The proposed modified development has been assessed in accordance with the requirements of the relevant State Environmental Planning Policies (SEPPs) including any draft SEPPs and a summary is provided as follows:

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

This Policy identifies development for which Joint Regional Planning Panels are to exercise specified consent authority functions.

The capital investment value (CIV) of the original development application was \$27.5m, therefore, it was required to be determined by the Joint Regional Planning Panel (JRPP) – Southern Region pursuant to Clause 20 of Part 4 – Regionally Significant Development of State Environmental Planning Policy (State and Regional Development) 2011 and formerly Schedule 4A of the *Environmental Planning and Assessment Act 1979 (currently in Schedule 7 of the SEPP (State and Regional Development) 2011)*. At a meeting held on 2 November 2012 the JRPP conditionally approved development application 100-2012.

The JRPP is the consent authority for the subject modification application as it is considered to fall within the “Other Modifications” group which is dealt with under Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

(b) State Environmental Planning Policy No 55 – Remediation of Land

The objectives of SEPP 55 are:

- To provide for a state wide planning approach to the remediation of contaminated land.
- To promote the remediation of contamination land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Pursuant to clause 7 a consent authority must not consent to the carrying out of any development on land unless:

- a. *It has considered whether the land is contaminated, and*
- b. *If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- c. *If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A Phase 1 Environmental Site Assessment (ESA) was submitted and four areas of environmental concern (AEC) were identified. From the available evidence and submitted Phase 1 ESA the possibility that the subject land is contaminated was considered to be very low. However, condition 7A was imposed on the consent requiring a Phase 2 Environmental Site Assessment (ESA) of the potential impacts of cooking oil/grease from the cooking oil storage area and existing triple interceptor trap and soil and groundwater to be carried out prior to the issue of the Construction Certificate (Building).

A Phase 2 ESA (Validation Assessment Report dated 27 October 2017) was submitted to Council (C1818085) following the removal of a triple interceptor within the Warrigal Care Centre at 111 Campbell Street Queanbeyan NSW (portion of Lot A DP 22538). Based upon the interpretation and assessment of the fieldwork observations and the analytical results of the soil assessment, the report concluded that the general area/footprint of the triple interceptor had been successfully validated in accordance with NSW legislation and NSW Office of Environment and Heritage (OEH) endorsed guidelines and was therefore considered suitable (from a contamination perspective) for the ongoing use of the site as a low density residential area. The Construction Certificate (Building) was subsequently issued for the DA.

The relevant provisions of this Policy were satisfied under the original development application. This assessment is not impacted by the proposed modification.

(c) State Environmental Planning Policy (Infrastructure) 2001

The Policy provides for consultation with relevant public authorities about certain development during the assessment process.

The relevant provisions of this Policy were satisfied under the original development application and previous modification applications. The proposed modified development remains satisfactory.

The original development application was referred to NSW Roads and Maritime Services (RMS) as a traffic generating development pursuant to Clause 104. The application was also referred to the Regional Development Committee (RDC). Issues raised by the Regional Development Committee were satisfied. The RMS granted their concurrence subject to the imposition of recommended conditions.

The previous modification application 100-2012/A was also referred to the RMS for comment. They have advised that they do not object to the development provided that Council remains satisfied that vehicle manoeuvrability in the basement and sightlines to and from the two driveways on Canberra Avenue remain satisfactory. Council's Development Engineer has advised that this is the case and raised no objection to the proposal.

The previous modification application 100-2012/B was also referred to the RMS for comment. After a few consultations with the applicant and amendment to the plans, the RMS raised no objection to the proposed modification subject to the following additional comment that was included in the conditions of the amended development consent;

"The use of the eastern driveway by waste collection vehicles must ensure compliance with the following:

- *Vehicles must enter and exit in a forward direction;*
- *Vehicles must not adversely impact upon the safety and efficiency of the adjoining classified road (i.e. Canberra Avenue); and*
- *Vehicles must undertake the ongoing collection of garbage as detailed in the email from Peter Shorten dated 23 March 2017 and letter from Cardno dated 14 March 2017 (copy attached)."*

The RMS was invited to comment on the subject modification application and has raised no objection to the proposal. Conditions of consent imposed on the original consent and previously modified consent are still applicable and are not required to be altered.

Council's Development Engineer has raised no objection to the proposal – Please see the discussion in the internal referrals section of this Report.

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

The relevant provisions of this policy were satisfied under the original development application and previously approved modification applications. The proposed modifications result in a development that remains satisfactory in regards to the relevant provisions of the Policy, including clauses: 2, 4, 5, 8, 10, 11, 18, 24, 26, 28, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 48. Specific clauses that warrant further discussion are listed below;

Clause 2 – Aims of Policy, Clause 8 – Seniors, Clause 10 – Seniors Housing & Clause 11 – Residential Care Facilities

The proposed modified development results in a total of 132 senior accommodation rooms. The 8 new resident suites (3 new suites in the ground floor and 5 new suites in the first floor) are designed to provide additional living space for residents but do not alter the function of these rooms. These rooms will feature a divided bedroom and living area, however, are not provided with a full kitchen or washing facilities and are therefore not defined as self-contained dwellings. Meals, cleaning services and personal/nursing care are provided to residents. Other services on the site for residents include communal spaces for dining and recreation.

Given the above, it is considered that the proposal fits the criteria of seniors housing, being a residential care facility and not a dwelling, hospital, hostel or psychiatric facility regardless of the increase of the number of rooms provided. The proposed modified development is considered generally satisfactory with respect to the clauses mentioned above.

Clause - 32 Design of residential development

A consent authority must not consent to a development application made pursuant to this Chapter unless it is satisfied that the proposed development demonstrates that adequate regard has been given to the design principles set out in Division 2 below.

Division 2 Design Principles

Clause 33 - Neighbourhood amenity and streetscape

This clause was considered under the original application. The original development generally satisfies the following criteria:

- The buildings contribute to the current urban character of locality.
- The building scale, bulk and design complements the surrounding Conservation Area and heritage items in the vicinity.
- It maintains reasonable neighbourhood amenity and residential character. There will be no overshadowing of adjoining residential properties from the proposed development and varying roof pitches, façade treatments and landscaping alleviate the visual bulk of the building.

- It provides for appropriate setbacks, building form, suitable heights to the street frontage, impact of buildings on neighbours, and retention of existing trees.

The original approved development has a flat concrete roof and parapets. The previously approved modification application 100-2012/B involved the replacement of the approved flat concrete roof with a low pitched metal roof and the removal of parapets which were replaced with eaves. Those changes resulted in a general reduction in the perceived height of the building following the removal of the parapets and plant room. The inclusion of a pitched roof results in the approved modified development that is more sympathetic to the existing characteristics of the locality and building forms in Heritage Conservation Area. Also minor changes to external building appearance contribute positively to the existing streetscape.

The proposed modified development resulted in reconfiguration of rooms in ground floor and upper floor levels and minor changes to the approved front setbacks of the ground and first floor levels facing Canberra Avenue. Minor reduction in front setbacks of the ground floor and first level mentioned above are from the minor reduction in setback of “recessed” areas from 7.5m to 6m. The overall front setbacks still comply with the minimum 6m setback requirements. The minor changes to the front setbacks, façade treatment and windows facing Canberra Avenue will have no adverse impact on the neighbourhood amenity and streetscape.

The proposed modified development is considered generally satisfactory with respect to this clause.

Clause 34 - Visual and acoustic privacy

The visual privacy of neighbours in the vicinity has been addressed under the original application and previously modified development applications. A condition of consent No.2 imposed on the original consent and previously modified consent related to the privacy treatment is still applicable and is not required to be altered.

The proposed 8 new resident suites and internal re-configurations result in five new resident suites D32-D36 on the upper level and three new suites A23 – A 25 being located on the southern side facing Canberra Avenue. The noise impacts on the eight additional units from Canberra Avenue are similar to all approved units fronting Canberra Avenue which have been addressed under the original application. Relevant condition of consent No.5 imposed on the original consent to minimise the intrusion of noise to rooms fronting Canberra Avenue and from vehicles travelling to and from the basement are still applicable. Condition No. 5 will be amended to reflect the correct room numbers.

The proposed modified development is considered generally satisfactory with respect to this clause.

Clause 35 - Solar access and design for climate

The proposed internal re-configuration and minor adjustments of the roof area to align with walls and terraces below will not overshadow the neighbouring properties. Given the orientation of the site, the vast majority of shadow impacts from the proposed development are onto Canberra Avenue to the south of the site. Shadow diagrams for

21 June submitted with the previous modification application show that some of the existing independent living units to the west will receive some overshadowing at 9am, but are well clear of shadow by 12 noon. The proposal does not alter the approved building height. The proposed development on site and adjoining properties will receive good levels of natural light to private and communal areas.

The proposed modified development is considered generally satisfactory with respect to this clause.

Clause 37 - Crime prevention

The original approved development was considered generally satisfactory with respect to the crime prevention through environmental design (CPTED) principles of the DCP. The original development application was identified by the NSW Police as a moderate crime risk. A number of conditions and advisory notes were recommended to minimise opportunities for crime within the development.

The previously approved modification applications were referred to the NSW Police for comment. Issues raised by the NSW Police relating to basement security have been satisfactorily addressed. No additional recommendations were made and the proposal did not introduce any relevant changes in regard to these principles.

The proposed residential care facility building is designed to allow for good levels of observation of internal communal and public areas. The main entry is clearly identified, although signage will be required within the site to direct visitors as the main entry is not visible from the road. The proposed modified development is considered to have responded reasonably well to the existing layout of the existing aged care complex's buildings. Outdoor terraces and windows to communal facilities provide good levels of surveillance to the street frontage, while the main entry driveway will also be able to be viewed from communal areas.

The proposed modified development is considered generally satisfactory with respect to this clause.

Clause 40 - Development standards - minimum sizes and building height

This clause states in part that development consent cannot be granted under this Policy if the development is proposed in a residential zone where residential flat buildings are not permitted and the height of any proposed buildings is greater than 8m.

When the original development application was determined the development was located entirely within the portion of the site zoned 2(c) Residential C under the Queanbeyan Local Environmental Plan 1998. Residential flat buildings were permitted in 2(c) zone; therefore, the fact that the proposed building's height was greater than 8m was not an issue.

The whole of the subject site is now zoned R2 – Low Density Residential under Queanbeyan Local Environmental Plan 2012. Residential flat buildings are not permitted in the R2 zone. However, pursuant to clause 4.55(3) of the Environmental Planning and Assessment Act 1979, since the proposed modifications do not include

any change to the approved building's height, Council does not have to take this matter into consideration as being relevant to the subject modification application.

The proposed development is generally consistent with all other provisions of the SEPP.

Section 4.15(1) Table – Matters for Consideration

Queanbeyan Local Environmental Plan 2012

The proposed modified development has been assessed in accordance with the requirements of the Queanbeyan Local Environmental Plan 2012 and a summary is provided as follows:

COMMENT	COMPLIES (Yes/No)
PART 1 - Preliminary	
Clause 1.2 Aims of Plan	
<p>(a) to facilitate the orderly and economic use and development of land in Queanbeyan based on ecological sustainability principles,</p> <p>(b) to provide for a diversity of housing throughout Queanbeyan,</p> <p>(c) to provide for a hierarchy of retail, commercial and industrial land uses that encourage economic and business development catering for the retail, commercial and service needs of the community,</p> <p>(d) to recognise and protect Queanbeyan's natural, cultural and built heritage including environmentally sensitive areas such as Queanbeyan's native grasslands, the Queanbeyan River and Jerrabomberra Creek,</p> <p>(e) to protect the scenic quality, views and vistas from main roads and other vantage points within Queanbeyan of the escarpment and Mount Jerrabomberra,</p> <p>(f) to maintain the unique identity and country character of Queanbeyan,</p> <p>(g) to facilitate the orderly growth of the urban release area in Googong in a staged manner that promotes a high level of residential amenity and the timely provision of physical and social infrastructure through appropriate phasing of the development of land.</p> <p>The proposed modified development is considered generally satisfactory with respect to the aims of the Plan, particularly, the aims listed in sub-clauses (a), (b), (c) and (d) above.</p>	Yes

Clause 1.4 Definitions	
The prescribed definition of the development as approved under the Queanbeyan Local Environmental Plan 1998, being <i>housing for aged or disabled persons</i> , is not changed by the proposed modified development, therefore, the applicable definition under this Plan, being <i>seniors housing</i> , is not a relevant consideration.	Not applicable
Clause 1.9A Suspension Of Covenants, Agreements And Instruments	
No covenants, agreements and instruments restricting the proposed modified development have been identified.	Yes
PART 2 – Permitted or Prohibited Development	
Clause 2.1 Land Use Zones	
The land is in Zone R2 Low Density Residential.	Yes
Clause 2.3 Zone Objectives and Land Use Tables	
<p>The objectives of the zone are:</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a low density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> • <i>To encourage development that considers the low density amenity of existing and future residents.</i> • <i>To encourage development that is designed to recognise the bushland character of the locality where appropriate and to minimize the impact of urban development, particularly on the edge of the urban area.</i> <p>The land is in Zone R2 Low Density Residential. The previous applicable zone at the time the original development consent was issued was a high density residential zone. However, seniors housing remains a permissible land use.</p> <p>The proposed modified development is considered to generally meet the above objectives, specifically, by considering the low density amenity of existing and future residents.</p>	Yes

Clause 2.7 – Demolition requires development consent	
This clause was considered under the original development application and development consent was granted for the demolition of the existing 45 bed aged care facility, 5 individual living units and three detached garages on site. Conditions of consent imposed on the original consent and previously modified consent related to the demolition works are still applicable and are not required to be altered.	Yes
PART 4 – Principal Development Standards	
Clause 4.3 – Height of Buildings	
<p>The permissible building height for the subject site is 8.5m under the QLEP and under Clause 40 of the SEPP (Housing for Seniors or People with a disability) 2004 maximum building height is limited to 8m. The proposed modified development does not include any changes to the approved building height, therefore this clause is not a relevant consideration. Nonetheless, the original development application was approved with the height of the approved building varying from 7.4m up to 10.6m which exceed the maximum building heights mentioned above with majority portion of the approved building is 8.5m in height. The portions of the building above 8.5m relate entirely to areas that have been raised to provide vertical air flow and for the storage of plant. These areas are well setback from the external walls of the building. Under the approved modification application 100-2012/B, the change in building height resulted from the replacement of the approved flat concrete roof with a low pitched metal roof. Overall height still below the maximum 10.6m mentioned above.</p> <p>The approved building height will not be altered under this modification.</p>	Not applicable
Clause 4.4– Floor Space Ratio (FSR)	
This clause is not considered relevant to the proposed modified development as the site is not identified on the FSR Map.	Not applicable

PART 5 – Miscellaneous Provisions

Clause 5.10 Heritage Conservation

The site contains a dwelling-house known as “Kawaree” which is a heritage listed item of state significance and it is also located within a Heritage Conservation Area. Furthermore, the site is in the vicinity of the Queanbeyan Showgrounds, which are a heritage listed item of state significance.

Yes

The original proposal was referred to Council’s Heritage Advisor and Heritage Advisory Committee for comment and was also supported by a Statement of Heritage Impact (SoHI). The Heritage Advisor and Committee raised no objections to the original proposal following some changes to the building design as recommended.

Pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979 the original proposal was also “Integrated Development” requiring the approval of the NSW Heritage Branch under Section 58 of the Heritage Act 1977. The Heritage Branch raised no objections to the original development and issued their General Terms of Approval on 18 September 2012.

The proposed modified development was referred to the NSW Heritage Council for comment. The NSW Heritage Council re-issued their General Terms of Approval for the proposed modified development on 22 June 2018. These include specific requirements relating to the management of any archaeology relics that may be uncovered during excavation works and landscaping within the curtilage of the state heritage listed item. A number of conditions of consent will be modified as per NSW Heritage Council’s advice.

The proposed modified development was referred to the Heritage Advisory Committee for comment and was also supported by a Heritage Impact Statement (HIS). The Heritage Advisory Committee has raised no objection to the proposal. A condition of consent imposed on the previously modified consent related to the colour of aluminium louvre screen to the lift overrun and roofing planting area is still applicable and is not required to be altered.

It is not considered that the proposed modified development will generate any negative impact on the historical and aesthetic significance of the heritage conservation area, heritage item on site or the Queanbeyan Showground.

PART 7 – Additional Local Provisions	
Clause 7.1 – Earthworks	
<p>The objective of this clause is to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>The development involves earthworks, including excavation for a basement level car park and access, storage area, staff facilities and garbage area. The proposed modified development does not change the breadth of the excavation required for the basement. No adverse impacts from the excavation are anticipated. Conditions of consent imposed on the original consent and previously modified consent are still applicable and are not required to be altered.</p>	Yes with conditions.
Clause 7.2 Flood Planning	
<p>This clause is not considered relevant to the proposed development as the site is not identified as 'Flood planning area' on the Flood Planning Map and has not been identified as land at or below the <i>flood planning level</i> as defined.</p>	Not applicable
Clause 7.3 Terrestrial Biodiversity	
<p>This clause is not considered relevant to the proposed development as the site is not identified as 'Biodiversity' on the Terrestrial Biodiversity Map.</p>	No applicable
Clause 7.4 Riparian Land and Watercourses	
<p>This clause is not considered relevant to the proposed development as the site is not identified as "Watercourse" on the Riparian Lands and Watercourses Map.</p>	Not applicable
Clause 7.5 Scenic Protection	
<p>This clause is not considered relevant to the proposed development as the site is not identified as 'Scenic Protection Area' on the Scenic Protection Map.</p>	Not applicable

Clause 7.6 Airspace Operations	
The proposed development will not penetrate the Obstacle Limitations Surface Map for the Canberra Airport. Therefore the application was not required to be referred to the relevant Commonwealth body for comment.	Not applicable
Clause 7.7 Development in Areas Subject to Aircraft Noise	
This clause is not considered relevant to the proposed development as the site is not located near the Canberra Airport or within an ANEF contour of 20 or greater.	Not applicable
Clause 7.8 Active Street Frontage	
This clause is not considered relevant to the proposed development as the site is not identified as “Active street frontage” on the Active Street Frontages Map.	Not applicable
Clause 7.9 – Essential Services	
The provision of essential services including suitable vehicular access was considered in the original development. The proposed modified development does not include any changes to the approved vehicular access. The proposed modification has been assessed by the Council’s Development Engineer and is considered satisfactory. Conditions of consent imposed on the original consent and previously modified consent are still applicable and are not required to be altered. Refer to the assessment by Council’s Development Engineer in the internal referrals section of this Report.	Yes
Clause 7.10 – Development Near Cooma Road Quarry	
This clause is not considered relevant to the proposed development as the site is not identified as “Buffer Area” on the Quarry Buffer Area Map.	Not applicable

Clause 7.11 – Development Near HMAS Harman	
This clause is not considered relevant to the proposed development as the site is not located within 2 kilometres of HMAS Harman or within Zone IN1 General Industrial or Zone IN2 Light Industrial.	Not applicable

Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instruments

No draft environmental planning instruments apply to the site.

Section 4.15(1)(a)(iii) – Any Development Control Plan

The proposed modified development has been assessed in accordance with the requirements of Queanbeyan Development Control Plan 2012 and a summary is provided as follows:

Queanbeyan DCP 2012 Comments	COMPLIES (Yes/No)
<i>Part 1 – About This Development Control Plan</i>	
<p>1.8 Public Notification Of A Development Application</p> <p>For the original development application two submissions from the same submitter were received as a result of the public notification process. The issues raised in these submissions related to the management of sewerage, privacy, traffic generation and property values. These issues were either satisfactorily addressed or considered to be irrelevant to the original assessment.</p> <p>The approved modification application 100-2012/A was required to be notified to adjoining owners and occupiers and no submissions were received.</p> <p>The previously approved modification application 100-2012/B was advertised in the Queanbeyan Age on 24 January 2017 and was also notified to adjoining owners and two submissions were received. One submission was from the submitter who made a written submission in relation to the original development application. The issues raised in the submission related to the privacy, traffic generation and property values. The other submission was from the owner/occupier of an existing independent living unit. The issues raised related to privacy, noise, safety and amenity, access and existing retaining wall along Canberra Avenue. The relevant issues raised in the submissions have been addressed as part of the previous modification application.</p> <p>The subject modified development application was also notified to adjoining neighbours and advertised in the Queanbeyan Age. No submissions were received.</p>	Yes

Part 2 – All Zones	
<p>2.2 Car Parking</p> <p>The DCP aims to provide on-site car parking to cater for the increased demand brought about by the development of the site and the provision of car parking which is functional, safe and attractive.</p> <p>The DCP states that the number of car parks required for seniors housing developments is to be determined by the SEPP (Housing for seniors or people with a disability) 2004.</p> <p>The originally approved development provided a total of 95 spaces, including 55 parks within the basement of the new building for staff and visitor. A further 18 spaces were provided at ground level (15 of which are existing) and designated for visitors. The final 22 spaces are associated with the existing independent living units. Within the basement there are two car parks designated for disabled persons.</p> <p>The total number and mix of car parking spaces has not been altered by the proposed modified development. It is therefore not considered to generate any increase in demand for off-street car parking facilities.</p> <p>Council's Development Engineer has accessed the design, dimensions and layout of the existing vehicle entry/exit, manoeuvring and parking facilities as being satisfactory. Refer to the assessment by Council's Development Engineer in the internal referrals section of this Report.</p>	Yes
<p>2.3 Environmental Management</p> <p>The proposed modified development remains satisfactory in regard to the relevant environmental considerations, including matters relating to waste management and noise.</p>	Yes
<p>2.4 Contaminated Land Management</p> <p>The proposed modified development remains satisfactory in regard to State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) and therefore also with respect to this clause.</p>	Yes

<p>2.5 Flood Management</p> <p>The subject site is not within a flood prone area.</p>	<p>Not applicable</p>
<p>2.6 Landscaping</p> <p>A satisfactory Category 2 landscape plan prepared by appropriately qualified consultant has been submitted and approved by the JRPP as part of the original development application.</p> <p>Council subsequently approved a modified Category 2 landscape plan prepared by Council's accredited landscape consultant, submitted as part of the previously approved modification application 100-2012/A. The modified plan reflects the changes to the internal courtyards and the layout of the basement.</p> <p>The approved landscape plan has not been altered by the proposed modified development.</p> <p>Conditions of consent imposed on the original consent and previously modified consent are still applicable and are not required to be altered.</p>	<p>Yes</p>
<p>2.7 Erosions and Sediment Control Plans</p> <p>The proposed modified development will involve earthworks. Appropriate consent conditions imposed on the modified development consent to minimise erosion from the site are to remain on this modified consent (should it be granted).</p>	<p>Yes</p>
<p>2.8 Guidelines for Bushfire Prone Areas</p> <p>The site is not identified as bushfire prone land.</p>	<p>Not applicable</p>

<p>2.9 Safe Design</p> <p>The original approved development was considered generally satisfactory with respect to the crime prevention through environmental design (CPTED) principles of the DCP. The original development application was identified by the NSW Police as a moderate crime risk. A number of conditions and advisory notes were recommended to minimise opportunities for crime within the development.</p> <p>The previously approved modification application 100-2012/A was referred to the NSW Police for comment. No additional recommendations were made and the proposal did not introduce any relevant changes in regard to these principles. Two issues relating to basement security and vehicle access and pedestrian access were previously raised and satisfactorily addressed.</p> <p>The previously approved modification application 100-2012/B was also referred to the NSW Police for comment. The modified development was identified by the NSW Police as a Moderate Crime Risk. The NSW Police advised that comments contained in the original report issued for the original development application are still relevant to the modification application. NSW Police noted that changes to balcony locations increase natural surveillance of common areas. Also concerns over the parking area and access to the area, raised under the original application, have been satisfactorily addressed. No additional recommendations were made and the proposal did not introduce any relevant changes in regard to Crime Prevention Through Environment Design (CPTED) principles.</p> <p>The subject modification application was also referred to the NSW Police for comment. The proposed modified development is identified by the NSW Police as a Low Crime Risk. A number of conditions and advisory notes imposed on the original consent and previously modified consent are still applicable and are not required to be altered.</p>	<p>Yes</p>
<p>2.12 Preservation of Trees and Vegetation</p> <p>Tree and vegetation removal was considered under the original development application. The proposed modification does not change the amount of vegetation required to be removed.</p>	<p>Yes</p>

Part 4 – Heritage and Conservation

4.6 New buildings (Dwellings and Commercial)

The site contains a dwelling-house known as “Kawaree” which is heritage listed item of state significance and it is also located with a Heritage Conservation Area. Furthermore, the site is in the vicinity of the Queanbeyan Showgrounds, which are a heritage listed item of state significance.

The original development application was assessed under Council's former DCP 28 – Heritage and Conservation which was replaced by the DCP Part 4 – Heritage and Conservation. The original development application was considered to satisfy the relevant clause of DCP 28 and was supported by Council's Heritage Advisor and Heritage Advisory Committee. The proposed development was considered to be satisfactory with regards to impacts on the existing heritage item of state significance on the site, heritage items in the vicinity and the heritage conservation area.

The approved modification applications 100-2012/A and 100-2012/B were considered under the current DCP Part 4 – Heritage and Conservation and were considered to be satisfactory in regards to the relevant provisions of the DCP particularly *Clause 4.6 – New Buildings (Dwellings and Commercial)*. The modified building remained sympathetic to the Heritage Conservation Area and the Heritage Items known as “Kawaree” and the Queanbeyan Showgrounds in terms of character, scale, height, form, siting, materials, colour and detailing.

The proposed modified development is also considered to be satisfactory in regard to the relevant provisions of this clause. The modified building remains sympathetic to the Heritage Conservation Area and the Heritage Items known as “Kawaree” and the Queanbeyan Showgrounds in terms of character, scale, height, form, siting, materials, colour and detailing.

The proposed modified development was referred to the NSW Heritage Council for comment. The NSW Heritage Council re-issued their General Terms of Approval for the proposed modified development on 22 June 2018. These include specific requirements relating to the management of any archaeology relics that may be uncovered during excavation works and landscaping within the curtilage of the state heritage listed item. A number of conditions of consent will be modified as per NSW Heritage Council's advice.

The proposed modified development was referred to Council's Heritage Advisory Committee for comment and was also supported by a Heritage Impact Statement (HIS). The proposed modifications are acceptable from a heritage perspective. The Heritage Advisory Committee also raised no objection to the proposal.

Yes

As mentioned above, the proposal was supported by a Heritage Impact Statement prepared by NBR Architecture Heritage which concludes that:

Heritage Impact on Kawaree: Negligible

The proposed works would be located on two parcels of land adjoining the boundary of Kawaree. The proposed works would not be visible from Kawaree, or alter existing views to the heritage-listed building or its immediate setting. The works would not increase the existing heritage impacts on Kawaree or its setting.

Heritage Impact on Queanbeyan Conservation Area: Acceptable

The works would be limited to minor modification of a new building within the Queanbeyan Conservation Area, and would not involve the removal or damage to any identified heritage items. The modifications are generally consistent with the controls and objectives contained in the Queanbeyan DCP.

The modifications would not alter the siting or orientation of the approved aged care facilities. The setbacks from the boundary would remain substantially unchanged. Minor changes to the south elevation and the terraces would not alter views to or from heritage items in the area.

Changes to windows and terraces on the south side of the building would result in a slight increase in garden area, and enable direct access to terraces from residential units and enhance the residential character of the conservation area.

Heritage Impact on Heritage items in the vicinity of the development (Queanbeyan Showground): Negligible

The proposed works would be located to the northwest of the Queanbeyan Showground, and would be separated by Canberra Avenue. The works would not material affect the showground, and would not on two parcels of land adjoining the boundary of Kawaree. The proposed works would not be visible from Kawaree, or alter existing views to the heritage-listed building or its immediate setting. The works would not increase the existing heritage impacts on Kawaree or its setting.

<p>4.7 Demolition</p> <p>This provision was considered under the original development application and development consent was granted for the demolition of the existing 45 bed aged care facility, 5 individual living units and three detached garages on site. The proposed modified development is considered to be satisfactory in regard to the relevant provisions of this clause. Conditions of consent imposed on the original consent and previously modified consent, in relation to the impact of development on adjoining properties and environment by way of noise, vibration and the like are still applicable and are not required to be altered.</p>	Yes
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Additional Planning Considerations

The following additional planning matters apply to the proposed modified development:

MATTERS FOR CONSIDERATION	COMPLIES (Yes/No)
<i>Environmental Planning and Assessment Act Regulation 2000</i>	
<p><i>The provisions of any matters prescribed by the Regulations, which apply to the land to which the proposed modified development relates, must be considered.</i></p> <p><i>Clause 92 - Australian Standard AS 2601-1991 (Demolition of Structures).</i></p> <p><i>Clause 93 - Fire Safety Considerations (change of use of an existing building).</i></p> <p><i>Clause 94 - Fire Safety Considerations (rebuilding/altering/enlarging/extending existing building).</i></p> <p><i>Clause 94A - Fire Safety Considerations (temporary structures).</i></p> <p>The application proposes demolition of existing aged care facility, five independent living units and three detached garages and the Australian Standard AS 2601-1991 (Demolition of Structures) is to apply.</p>	Yes

<i>The Likely Impacts of the Development</i>	
<i>Context and Setting</i> – The proposed development is designed to complement the desirable aspects of the locality, including the large areas of public open space and the heritage conservation area, nearby heritage listed items and the existing heritage item on the site. There will be minimal impacts on adjoining land use activities. The proposal is not considered to be out of context with surrounding residential, commercial and recreational land uses.	Yes
<i>Access, Transport and Traffic</i> – The proposed modified development's impact in relation to access, transport and traffic has been adequately addressed by the applicant. The Roads and Maritime Authority and Council's Development Engineer are satisfied with access and traffic arrangements for the development. Conditions of consent imposed on the original consent and previously modified consent are still applicable and are not required to be altered.	Yes
<i>Public Domain</i> – The proposed modified development's impact on the public domain is considered to be positive overall. Restricting access to the eastern Canberra Avenue driveway to just garbage collection vehicles and removing this as a pedestrian entry has improved the safety and operation of the nearby intersection.	Yes
<i>Utilities</i> – Utilities such as water, sewer, electricity and telecommunication services will be provided for the development.	Yes
<i>Heritage</i> - Heritage impacts of the proposed modified development are satisfactory. Refer to previous comments in this Report.	Yes
<i>Other land resources</i> - The proposed modified development will not affect the future use or conservation of valuable land resources such as productive agricultural land; mineral and extractive resources; and water supply catchments.	Yes
<i>Water</i> - The proposed modified development will have minimal impact on the conservation of water resources and the water cycle.	Yes
<i>Soils</i> - The proposed modified development will have minimal adverse impact on soil conservation. The soils are suitable for the development.	Yes
<i>Air & Microclimate</i> – The proposed modified development will have minimal impact on air quality and microclimatic conditions. Conditions of consent imposed on the original consent and previously modified consent to prevent air pollution such as dust are still applicable and are not required to be altered by this application.	Yes

<p><i>Flora & Fauna</i> - No significant negative impacts on flora and fauna are expected to result from the proposal. Tree and vegetation removal was considered under the original development application. The proposed modification does not change the amount of vegetation required to be removed.</p>	Yes
<p><i>Waste</i> – Adequate waste facilities are available for the proposed development. Adequate provision also has been made for the management of waste during construction.</p>	Yes
<p><i>Energy</i> – This provision was considered under the original development application and the proposed modified development will have minimal impact on energy efficient requirements. The applicant has generally designed the structures to be energy efficient through passive design, orientation and construction strategies, insulation and fit out standards. Included in the design are reasonable sun and daylight access and acceptable natural cross flow ventilation. The application will also need to satisfy Part J – Energy Efficiency of the Building Code of Australia (BCA).</p>	Yes
<p><i>Noise and Vibration</i> – Possible noise impact from construction noise and vibration from plant and equipment whilst construction of the proposal is undertaken may be of concern in the locality. Also the proposed new residential care facility is potentially affected by road traffic noise from Canberra Avenue. Noise and vibration impacts were considered under the original development application. An Acoustic Review prepared by Renzo Tonin & Associates February 2012 was submitted as part of the original development application and the following potential acoustic issues were identified:</p> <ul style="list-style-type: none"> <i>i. Noise intrusion into residential apartments from road traffic;</i> <i>ii. Noise generated from any mechanical services equipment; and</i> <i>iii. Noise generated by additional traffic on the local road network.</i> <p>It was considered that the submitted Acoustic Review adequately identifies the proposed development's potential acoustic issues and that a detailed acoustic assessment is not required to be done prior to the issue of a development consent. A condition of consent was imposed on the original consent and previously modified consent requiring a detailed assessment to be submitted to Council for review prior to the issue of any Construction Certificate (Building), in accordance with the recommendations in the Acoustic Review and with reference to impacts on independent living units that are adjacent to the proposed internal driveway leading to the basement car parking.</p> <p>Conditions of consent imposed on the original consent and previously modified consent to minimise noise and vibration impacts including standard amenity conditions regarding hours of construction and complaints handling procedures are still applicable to this modification (if granted) and are not required to be altered.</p>	Yes

<i>Natural Hazards</i> - The site is not identified as being affected by natural hazards.	Yes
<i>Technological Hazards</i> – No technological hazards are known to affect the site.	Yes
<i>Safety, Security and Crime Prevention</i> – The proposed modified development is able to comply with the relevant DCP on crime prevention through environmental design. The NSW Police has assessed the proposed modification and conducted a Safer by Design Evaluation and identified the proposal as a Low Crime Risk. Modified conditions and advisory notes imposed on the previously approved modifications A and B are to remain on this modified consent (should it be granted). See further detailed discussion under External Referral below.	Yes
<i>Social Impact in the Locality</i> – The social impacts of the modified proposal are anticipated to be minimal.	Yes
<i>Economic Impact in the Locality</i> – Any economic impact within the locality from the proposal is likely to be positive. The proposal is likely to generate employment opportunities during construction and ongoing use and provision of additional aged care facilities for the City to meet local demands.	Yes
<i>Site Design and Internal Design</i> – The site design and internal design has been assessed under the relevant environmental planning instruments and development control plans is considered to be satisfactory.	Yes
<i>Construction</i> – The construction stage of the proposed modified development will have the potential to impact on adjoining properties and the environment for a short period of time. The proposed modified development, if carried out in compliance with recommended conditions of consent (if granted) is not expected to have any significant negative impact on the adjoining properties and their occupants and the environment by way of noise, erosion and the like.	Yes
<i>Cumulative Impacts</i> – Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. It is considered unlikely that the proposed modified development will result in adverse cumulative impact.	Yes

<i>The Suitability of the Site for the Development</i>	
<i>Does the proposal fit in the locality?</i> - The proposed development is consistent with the established mixed character of the immediate locality including residential, commercial and recreational land uses and is considered to be acceptable in this instance.	Yes
<i>Are the site attributes conducive to development?</i> – Site attributes such as configuration, size and slope, are considered to be generally conducive to the proposed modified development.	Yes
<i>Have any submissions been made in accordance with the Act or the Regulations?</i>	
<i>Public submissions</i> - The subject modification application was advertised in the Queanbeyan Age and was also notified to adjoining owners and no submissions were received.	Yes
<i>Submissions from Public Authorities</i> – The NSW Heritage Branch, NSW Roads and Maritime Services and the NSW Police were invited to comment on the proposed modified development. As previously discussed in this Assessment none of these external agencies/authorities have raised any objections to the subject modification application. See below for more details.	Yes
<i>The Public Interest</i>	
The proposed modified development does not result in a development that is incompatible with the public interest.	Yes
<i>Government and Community Interest</i>	
The proposed modified development, if carried out in compliance with recommended conditions of consent (if granted) is not expected to have any significant negative impact with respect to government and community interest.	Yes
<i>Development Contributions</i>	
Queanbeyan Section 94 Contributions Plan 2012 and Section 64 Contributions were applied to the original development application 100-2012. The Section 94s and Section 64s were calculated based on the number of beds contained in the aged care facility against the number of beds demolished. The number of beds proposed under the original application were 125 and the number of beds demolished were 45 beds within the existing aged care facility and another 5 independent living units, being a total of a 50 beds exemption. The Section 94s and Section 64s have been calculated for 75 one bedroom units under the original application.	Yes
Given that the proposed modified development involves 7 additional one bedroom units (8 new resident suites proposed and 1 approved	

bed room removed), the Development contributions under Section 7.11 (formerly Section 94) of the Environmental Planning and Assessment Act 1979 and Section 64 of the Local Government Act 1993 are applicable to the subject modification. The additional development contributions will be calculated based on the additional 7 one bedroom units. Condition No.24 will be amended to make a reference to the new Section 7.11 of the EPA Act 1979 and the Natural and Built Character section.

Section 7.11 Contributions

The following table provides calculations for the applicable ETs:

Item	No of Units	ETs per Unit	ETs
Additional beds	8 x 1 bedroom	0.4	3.2
Beds Removed	-1 x 1 bedroom	0.4	-0.4
<u>TOTAL ETs</u>	7		2.8

The total Section 7.11 contribution will be \$32,105.69 at current rate.

Section 64 Contributions

Refer to Development Engineer's comment below. The total Section 64 contribution will be \$23,985.26 at current rate.

Section 79C(1)(d) – Any Submissions made in relation to the Development

(b) External Referrals

NSW Heritage Council

The proposed modified development was referred to the NSW Heritage Council for comment. The NSW Heritage Council re-issued their General Terms of Approval for the proposed modified development on 22 June 2018. These include specific requirements relating to the management of any archaeology relics that may be uncovered during excavation works and landscaping within the curtilage of the state heritage listed item. A number of conditions of consent will be modified as per NSW Heritage Council's advice.

NSW Roads and Maritime Services (RMS)

The proposed modified development was referred to the RMS for comment. The RMS has raised no objection to the proposed modification subject to its requirements as detailed in RMS letter dated 2 October 2012 (issued for the original development application) being included in the modified development consent. RMS does not believe the proposed modified development will have a significant impact on the State Road Network (Canberra Avenue).

NSW Police

The subject modification application was referred to the NSW Police for comment. The proposed modified development was identified by the NSW Police as a Low Crime Risk. Modified conditions and advisory notes imposed on the previously approved modifications A and B are to remain on this modified consent (should it be granted).

Internal Referrals

Council's Building Surveyor

Council's Building Surveyor advised that the proposed modified development generally appears to comply with the BCA and has raised no objection to the proposal. Conditions imposed on the previous development consent are to remain on this modified consent (should it be granted).

Council's Development Engineer

Council's Development Engineer advises:

The main impact of the changes from a development engineering perspective include the inclusion of three additional ground level single bed suites, the reduction of one self-care unit and the addition of five new level 1 single bed suites. Thus a total of an additional 7 beds will result from the modification.

Traffic and Parking:

The SEPP requires;

- (c) parking for residents and visitors: 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.

The following comments from the applicant were provided;

A total of 95 car parks are provided for the entire site. 55 parks are proposed within the basement of the new building, a further 18 parks are at ground level and designated for visitors, and 22 parks are associated with the existing independent living units.

A total of 60 staff and 6 visiting medical professionals are planned to be employed at the site, but not all of these will be on duty at any one time, e.g., 34 staff are planned to be on duty during the day. There are 31 car parks in the basement proposed to be allocated for staff, meaning that there will be at least 1 parking space for each 2 staff that are on duty at any one time.

A designated parking space for an ambulance has not been shown on the plans. However, there is room for an ambulance to park in the covered drop-off area adjacent to the entry foyer.

The overall site with the proposed development maintains 95 parking spaces, which was previously assessed by traffic report to be 6 parking spaces in excess of the overall sites requirements. Based on Council's initial assessment and proposed bed numbers the new development requires the same number of parking spaces (37 spaces) in accordance with the SEPP requirements, thus despite the slight increase in bed numbers parking arrangements remain satisfactory.

Section 64 Headworks Contribution Calculations

The following table provides calculations for the applicable ETs incorporating a credit for the reduction in studio rooms and increase in serviced rooms.

<u>Item</u>	<u>No of Units</u>	<u>ETs per Unit</u>	<u>ETs</u>
<u>Water</u>			
Additional Beds (Self Care Serviced)	8	0.5	4
Beds Removed (Self Care Unit/Villa)	1	0.4	-0.4
<u>Total ETs</u>			
Total Water ET Contributions Payable for this development:			3.6

<u>Item</u>	<u>No of Units</u>	<u>ETs per Unit</u>	<u>ETs</u>
<u>Sewer</u>			
Additional Beds (Self Care Serviced)	8	0.75	6
Beds Removed (Self Care Unit/Villa)	1	0.5	-0.5
<u>Total ETs</u>			
Total Sewer ET Contributions Payable for this development:			5.5

The following contributions should be sought, with the amounts stipulated being based on current rates and will need to be adjusted to the rate applicable at time of payment –

<u>Water ETs*</u>	<u>Zone</u>	<u>Sewer ETs**</u>	<u>Zone</u>
3.6	<input checked="" type="checkbox"/> Queanbeyan <input type="checkbox"/> Jerrabomberra	5.5	<input checked="" type="checkbox"/> East <input type="checkbox"/> West

Heritage Advisory Committee

The proposed modified development was referred to the Heritage Advisory Committee for comment. The Committee has raised no objection to the modified application.

Engagement

The subject modification application was advertised in the Queanbeyan Age and was also notified to adjoining owners and no submissions were received.

Conclusion

The submitted proposal for modification of development consent 100-2012/B for the demolition of an existing aged care facility, five independent living units and three detached garages, construction of a new 132 bed aged care facility on Lot 1 DP 774149 18 George Street, Lot 2 DP 739287 50 Canberra Avenue and Lot A DP 33538 111 Campbell Street, Queanbeyan is a s4.55(2) modification and is a development supported by a Statement of Environmental Effects. The proposal was advertised and notified to adjoining owner/occupiers and no submissions were received. Comments were also sought from the NSW Heritage Branch, NSW Roads and Maritime Services and the NSW Police and no objections were raised.

The proposal has been assessed under Section 4.55 and Section 4.15 of the *Environmental Planning & Assessment Act 1979* including the relevant provisions of Queanbeyan Local Environmental Plan 2012 and Queanbeyan Development Control Plan 2012. The modified development satisfies the requirements and achieves the objectives of these instruments.

The proposed modified development is considered suitable for the site and is compatible with the neighbourhood. Modified conditions imposed on the previously approved modifications A and B to mitigate any potential impacts will remain. Alterations to modified conditions of consent are recommended as follows:

Conditions proposed to be modified:

- a) *Amend condition 5 to reflect changes to the numbering of the aged care units;*
- b) *Amend condition 24 to make a reference to the new Section 7.11 (formerly Section 94) of the EPA Act 1979 and the Natural and Built Character section.*

Recommendations

- 1. That modified Development Application 100-2012/C for demolition of an existing aged care facility, five independent living units and three detached garages, and construction of new 132 bed aged care facility on Lot 1 DP 774149 18 George Street, Lot 2 DP 739287 50 Canberra Avenue and Lot A DP 33538 111 Campbell Street, Queanbeyan be approved and that the following conditions of the existing consent be modified as indicated below.***

Amend conditions 5 and 24 as follow:

- 5. Prior to the release of the Construction Certificate (Building) a detailed acoustic assessment shall be undertaken by a suitably qualified consultant during the detailed design phase of the development in order to address the following acoustic issues identified in the acoustic review submitted with the application.**
 - Design treatments to the building required to ameliorate traffic noise from vehicles travelling to and from the basement parking area including existing independent living units 36 to 40 and proposed units A1, A3, A4, A5, A23 and A24 on the ground level and units D01 to D04, D06, D08, D10, D12 to D14, D35 and D36 on the upper level.**
 - Design treatments to the building required to ameliorate traffic noise from Canberra Avenue including units A23 to A25, B1, B2, B5, B7 to B10, C16 and C18 on the ground floor level and units D32 to D36, E1, E4, E21 to E24, E26, E29 to E34 on the upper floor level.**

Any recommendations of the detailed acoustic assessment shall be incorporated into the plans submitted with Construction Certificate for the building.

REASON: To ensure that the new aged care facility and increased vehicle manoeuvrability on site does not impact on the amenity of the existing independent living units on site. (46.14)

24. Building

Prior to the lodgement of the Notice to Commence Building and Appointment of a Principal Certifying Authority the contributions specified in Schedule 1 (attached) of this consent are payable to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and Section 64 of the Local Government Act 1993 and Division 2 of Part 3 of the Water Management Act 2000.

NOTE

- 1. The Queanbeyan Section 94 Contribution Plan 2012 and the Water Supply and Sewerage Developer Servicing Plans may be inspected at Council's Natural and Built Character section, Queanbeyan.***

2. *The contribution rates specified in Schedule 1 are those that apply at the date of issue of this consent. Rates are reviewed quarterly. Contributions will only be accepted at the rate applying at the date of payment. Council's Natural and Built Character section should be contacted to receive a current contribution notice of charges prior to payment.*

REASON: To provide for the funding of augmentation and provision of services and community facilities. **(23.01A)**

2. *That the NSW Heritage Branch, the NSW Roads and Maritime Services and NSW Police be forwarded a copy of Notice of Determination.*

Draft conditions of consent – Development Application 100-2012/C
PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- 1. Prior to the issue of the Construction Certificate (Building) a detailed Soil, Water and Vegetation Management Plan, shall be submitted to and approved by Council.**

REASON: To comply with the provisions of Development Control Plan 41 – Soil, Water and Vegetation Management and to minimise soil erosion and disturbance to the environment. **(46.01)**

- 2. Prior to the issue of the Construction Certificate (Building) revised plans shall be submitted to and approved by Council detailing the treatment to the following windows on the northern elevation of the building to minimise the impact on privacy of adjoining and nearby residential properties. Suitable treatment shall include a combination of angled louvers and/or windows and landscape elements. Obscured and translucent glazing is not to be used.**

Affected Units - Units C6 – C9, C11, C13, C15 & C17 – C18 on ground floor level

Units E1 – E3, E5, E7, E9, E11 – E13 on upper floor level

REASON: To ensure that appropriate measures are installed as window treatments to minimise the impact on privacy intrusion on adjacent residential development. **(46.14)**

- 3. Prior to the issue of the Construction Certificate (Building) a Trade Waste Application (C5) to install a waste treatment device or devices must be submitted to and approved by Council as the local water and sewer authority. The waste treatment devices proposed should be able to cater for discharges from the following sources:**

- Kitchen**
- Café**
- Laundry**
- Hairdresser**

The application should include the following details:

- Details and location of all processes, tanks, pits and apparatus associated with the generation of commercial waste;**
- Specifications of the treatment system including capacity/dimensions, material of construction and lining of the proposed pre-treatment facilities;**
- Details of pipes and floor drainage conveying the effluent; and**
- A detailed sewerage drainage plan.**

For further information regarding Trade Waste treatment and discharge please contact Council's Trade Waste Officer on (02) 6285 6000.

REASON: To ensure compliance with Section 68 of the Local Government Act 1993, Queanbeyan City Council Policy for Discharge of Liquid Trade Waste into Council's Sewer 2004/05 and to protect Council's Sewerage System. **(46.05)**

4. Prior to release of the Construction Certificate (Building) a Construction Management Plan for the proposed construction works must be submitted to and approved by Council. The plan must:

- a. describe the proposed construction works;**
- b. outline the proposed construction program;**
- c. set standards and performance criteria for each of the relevant construction issues [see (h) below];**
- d. describe what actions and measures would be implemented to ensure that these works comply with the specified standards and performance measures;**
- e. describe how the effectiveness of these actions and measures would be monitored during the proposed works;**
- f. describe what procedures would be implemented to receive, register, report and respond to any complaints during the construction works;**
- g. identify the key personnel who would be involved in the construction works, and provide contact numbers for this personnel; and**
- h. include a detailed:**
 - Waste Management Plan for wastes generated during the demolition and construction phases of the development;**
 - Environmental Management Plan incorporating:**
 - Noise Management;**
 - Dust Management;**
 - A Parking and Loading plan showing where tradesmen working at the site will park their vehicles (including offsite locations of required) and where loading, unloading and storage of materials will occur on site.**
 - A Traffic Control Plan that has been prepared in accordance with the requirements set out in Council's Information Sheet for Traffic Control and has been assessed by Council's Infrastructure Group:**
 - Pedestrian Safety Plan;**
 - Unexpected Finds Management Plan which covers the possibilities of finding:**
 - i. Aboriginal and European artefacts;**
 - ii. former storage and septic tanks;**
 - iii. soil impacted from land contamination; and**
 - iv. presence of hazardous materials such as bonded asbestos.**

Please note that the submitted Construction Management Plan may also require a Section 138 Certificate from Council's Infrastructure Group providing consent under Section 138 of the Roads Act 1993 to conduct work on, or for placement of a structure in, a road reserve.

REASON: To ensure satisfactory environmental management of the site. (46.07)

5. Prior to the release of the Construction Certificate (Building) a detailed acoustic assessment shall be undertaken by a suitably qualified consultant during the detailed design phase of the development in order to address the following acoustic issues identified in the acoustic review submitted with the application.
- Design treatments to the building required to ameliorate traffic noise from vehicles travelling to and from the basement parking area including existing independent living units 36 to 40 and proposed units A1, A3, A4, A5, A23 and A24 on the ground level and units D01 to D04, D06, D08, D10, D12 to D14, D35 and D36 on the upper level.
 - Design treatments to the building required to ameliorate traffic noise from Canberra Avenue including units A23 to A25, B1, B2, B5, B7 to B10, C16 and C18 on the ground floor level and units D32 to D36, E1, E4, E21 to E24, E26, E29 to E34 on the upper floor level.

Any recommendations of the detailed acoustic assessment shall be incorporated into the plans submitted with Construction Certificate for the building.

REASON: To ensure that the new aged care facility and increased vehicle manoeuvrability on site does not impact on the amenity of the existing independent living units on site. (46.14)

6. Prior to the release of any Construction Certificate (Building), a detailed landscape plan shall be submitted to and approved by Council. The revised landscape plan shall clearly define:
- The landscaping areas of concern as indicated by the provisions of the Office of Environment and Heritage General Terms of Approval, the NSW Police Safe Design Guidelines referral and the Roads and Maritime Services referral.

Note: A copy of this revised landscaping plan shall also be submitted with the section 60 Application (of the NSW Heritage Act).

REASON: To ensure that the interests of the State Government agencies are complied with. (46.14)

7. Prior to the release of any Construction Certificate (Building) a detailed lighting plan for the site shall be submitted to and approved by Council. The plans should identify existing lighting to be retained on the site, new external

lighting and how compliance with the relevant Australian Standards will be achieved.

REASON: To ensure that an appropriate lighting maintenance policy is established for the site, to ensure compliance with the Safer by Design Guidelines. (46.14)

- 7A. Prior to the issue of the Construction Certificate (Building) a Phase 2 Environmental Site Assessment (ESA) of the potential impacts of cooking oil/grease from the cooking oil storage area and existing triple interceptor trap and soil and groundwater shall be submitted to Council. Any recommendation resulting from the Phase 2 ESA shall be implemented by the applicant.**

REASON: To ensure the recommendation of the Environmental Site Assessment (Ref 8264_EAR_Phase_20120719) is adhered to.

PRIOR TO COMMENCEMENT

- 8. An application under section 60 of the NSW Heritage Act must be submitted and approved by the NSW Heritage Council prior to any work commencing (including demolition works).**

REASON: To ensure compliance with the General Terms of Approval issued by NSW Office of Environment and Heritage. (47.11)

- 9. Prior to the commencement of any works on site (including demolition or the removal of any existing landscaping or trees) the Applicant shall nominate for approval, by the Heritage Council or its delegate, an archaeologist who can be on call to assess and record any unexpected archaeological relics or deposits that may be uncovered during excavation work.**

REASON: To ensure compliance with the General Terms of Approval issued by the Office of Environment and Heritage. (47.11)

- 10. A sign must be erected in a prominent position on the work site prior to the commencement of any works (including demolition works):**
- a) stating that unauthorised entry to the work site is prohibited,**
 - b) showing the name of the person in charge of the work site, and**
 - c) advising telephone numbers at which that person may be contacted during work hours and outside work hours**
 - d) showing the name of the principal certifying authority and contact details.**

The sign is to be removed when the work has been completed.

REASON: To provide notification of the work site and site supervisor to the general public in emergency situations. (47.10)

- 11. Building work in accordance with the development consent must not be commenced on site until a Construction Certificate (building) has been issued by Council or an Accredited Certifier.**

REASON: To satisfy the relevant statutory requirements. **(47.02)**

- 12. A Notice to Commence Building Works must be submitted to Council two (2) days prior to commencing work and must include details of the nominated Principal Certifying Authority.**

REASON: To ensure the provisions of the *Environmental Planning and Assessment Act 1979* are satisfied. **(47.03)**

- 13. Prior to commencement of any work on site a temporary catch drain or hay barrier line must be provided on the lower side of the development site during construction. The catch drain or hay barrier is to be maintained at all times during construction.**

REASON: To ensure there is minimal disturbance to the landscape and comply with the provisions of the *Protection of the Environment Operations Act, 1997*. **(47.14)**

- 14. Prior to the commencement of building works, a Trade Waste application C4 to dispose of trade waste to the sewer must be submitted to, and approved by, Queanbeyan City Council.**

REASON: To ensure compliance with Section 68 of the Local Government Act 1993, Queanbeyan City Council Policy for Discharge of Liquid Trade Waste into Council's Sewer 2004/05 and to protect Council's Sewerage System. **(47.07)**

- 15. Toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.**

Each toilet provided:

- a) must be a standard flushing toilet, and**
- b) must be connected:**
 - (i) to a public sewer, or**
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage treatment facility approved by Council, or**
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by Council.**

The provision of toilet facilities in accordance with this clause must be completed prior to commencement of any work on the site.

REASON: To provide adequate and hygienic amenities for people working on the site. **(47.11)**

16. Prior to the commencement of work the Applicant shall prepare and submit a landscape conservation management plan for the separate approval of the Director, Heritage Branch prior to finalising the proposed new landscape works within the SHR boundary. This plan will define the limits of the heritage curtilage and also significant elements within it. The Applicant shall undertake further historic research (documentary and photographic) to inform the following:
- Historic layout and hierarchy of spaces and edges defined by old maps and survey plans;
 - the quality of the major public open spaces;
 - significant views to, from or within the area;
 - significant planting;
 - the heritage significance of individual contributing landscape elements. NB: this may include relatively recently installed landscape elements;
 - the collective significance of individual landscape elements;
 - rankings for the relative heritage significance(s) of individual elements;
 - conservation policies to manage the conservation and retention of heritage significance(s) of elements, including any necessary replacement (eg. 'like-for-like' species of plants, materials, etc).

REASON: To ensure compliance with the General Terms of Approval issued by the Office of Environment and Heritage. (47.11)

GENERAL CONDITIONS

17. General Terms of Approval – Office of Environment and Heritage

The Applicant shall ensure that the General Terms of Approval issued in accordance with Section 91A of the Environmental Planning and Assessment Act 1979 are complied with.

Note: The General Terms of Approval have been incorporated into this consent and are also reproduced as a complete listing as an attachment to this consent.

REASON: To ensure relevant statutory requirements are satisfied. (22.10)

18. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW or its delegate must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

REASON: To ensure compliance with the General Terms of Approval issued by NSW Office of Environment and Heritage. (22.10)

19. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment and Heritage must be informed in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the National Parks and Wildlife Act, 1974.

REASON: To ensure compliance with the General Terms of Approval issued by NSW Office of Environment and Heritage. (22.10)

20. The building permitted under this consent must be constructed using the following external colours and finishes:

- External walls consisting of:
 - Boral brown brick or similar at the base of most external walls as well as feature spandrel panels;
 - Boral choc tan brick, or similar used mainly on the community facility portions of the building;
 - Metal horizontal louvres or similar to plant area. Solid metal cladding to lift and stair overruns. Light grey finish;
 - Fibre cement panel colour as shown or similar used on most of the ground floor between window elements;
 - Timber panels or similar to be used as feature elements generally used on parts of facade set back from building line. Red colour to timber to contrast with neutral tones of the building.
 - Colorbond Bushland mini orb or similar. Used on the first floor as a banding element.
 - Rendered brick as shown or similar. Used on proud building elements in the community portion of the building.
- Roof Fascia
 - Light Grey Colorbond colour fascia or similar.

REASON: To ensure the building is not visually obtrusive and that it is compatible with the natural and built environments in the locality. (22.03)

- 20A. Colours of aluminium louvre screen to the lift overrun and roofing planting area to match the colour of the roof.

REASON: To ensure the building is not visually obtrusive and that it is compatible with the natural and built environments in the locality. (59.01)

21. The development must be carried out generally in accordance with the application and supporting documents lodged with Council and the Development Plan bearing the Queanbeyan City Council approval stamp, drawn by Hodges Shorten Architects dated 17 February, 18 July 2012, and any amended plans approved under subsequent modification(s) to the

development consent, except where varied by notations made in red ink by Council or conditions of approval.

REASON: To ensure the development is completed in accordance with the approved plans. **(22.01)**

- 22. The facilities on the subject site are to be designed and constructed in accordance with the requirements of the State Environmental Planning Policy (Housing for Seniors or Persons with a Disability) 2004 and also relevant portions of the Aged Care Act 1977 (Cth).**

Compliance with standards for accessibility and useability for the Residential Care Facilities are to satisfy the Commonwealth Aged Care Accreditation Standards to the Building Code of Australia.

Use - The use of the facility is to be governed by the requirements of the following:

NSW Aged Care

REASON: To ensure compliance with the SEPP and also the Aged Care Act (Cth) 1977 and ensure accessibility and useability. **(22.10)**

- 23. Repairs to the existing picket fence in the curtilage of the 'Kawaree' dwelling are to be like for like.**

REASON: To ensure compliance with the General Terms of Approval issued by NSW Office of Environment and Heritage. **(22.10)**

CONTRIBUTIONS

24. Building

Prior to the lodgement of the Notice to Commence Building and Appointment of a Principal Certifying Authority the contributions specified in Schedule 1 (attached) of this consent are payable to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and Section 64 of the Local Government Act 1993 and Division 2 of Part 3 of the Water Management Act 2000.

NOTE

- 1. *The Queanbeyan Section 94 Contribution Plan 2012 and the Water Supply and Sewerage Developer Servicing Plans may be inspected at Council's Natural and Built Character section, Queanbeyan.***
- 2. *The contribution rates specified in Schedule 1 are those that apply at the date of issue of this consent. Rates are reviewed quarterly. Contributions will only be accepted at the rate applying at the date of payment. Council's Natural and Built Character section should be contacted to receive a current contribution notice of charges prior to payment.***

REASON: To provide for the funding of augmentation and provision of services and community facilities. **(23.01A)**

SITE MANAGEMENT

- 25. Any works associated with the construction and/or establishment of this development must ONLY be carried out between the following hours:**

Weekdays:	7.00am to 6.00pm
Saturday	8.00am to 4.00pm
Sunday/Public Holidays	No Work permitted

Note: To undertake works involving the use of equipment which creates an offensive noise is a breach of the provisions of the Protection of the Environment Operations Act 1997 and Regulations thereunder.

REASON: To ensure a noise problem does not result from the development and the impact on the local amenity is minimised. **(26.07)**

- 26. The footway or nature strip must not be used for storage of materials or disturbed by construction activities except for:**

- (a) providing a temporary footway crossing;**
- (b) access to the site via a stabilised construction access only;**
- (c) installation of services;**
- (d) essential formation and regrading of the site associated with works; and**
- (e) the storage or disposal of any materials is prohibited.**

REASON: To prevent unnecessary disturbance to the footway and minimise trafficking of soil onto the roadway. **(26.09)**

- 27. In the event of any damage being caused to any existing kerb, guttering, stormwater pit, footpath trees and/or footpath during building operation, the applicant must repair or reimburse Council for the full cost of restoration.**

REASON: To prevent damage to Council's public footway area and require payment to Council where damage occurs. **(26.10)**

BUILDING

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

REASON: To ensure all building work is carried out in accordance with legislative requirements. **(24.01)**

- 29. All excavations, backfilling and other activities associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.**

REASON: To ensure that all construction activity associated with the development does not pose a hazard to life or property. **(24.04)**

30. All demolition works must:-

- be carried out within the allotment boundaries;
- not extend onto the public places, or adjoining properties;
- comply with the requirements of AS2601-2001 – Demolition of Structures.

REASON: To ensure the safety of workers, persons using the public place areas and adjoining properties. **(24.09)**

31. Receptacles for demolition material must not be located in a public place without the prior approval of Council.

REASON: To ensure that public places and road reserves are not obstructed during demolition works. **(24.14)**

32. The building must be set out by a Registered Surveyor referring to the datum shown on the approved plans. A survey plan that identifies the location of the building in relation to the allotment boundaries must be prepared upon completion of the base course brickwork and then be submitted to the Principal Certifying Authority (PCA). Where Council is not the PCA, a copy of the survey plan must be forwarded to Council.

REASON: To ensure building has been sited in accordance with the approved plans. **(24.21)**

FIRE SAFETY MEASURES

33. At the completion of works, a Final Fire Safety Certificate is to be issued by the owner detailing each essential fire safety measure provided in the building. A copy of such certificate is to be forwarded to the Fire Commissioner and a further copy is to be prominently displayed in the building.

REASON: To ensure compliance with the Environmental Planning and Assessment Regulation 2000. **(29.30)**

34. Each year, the owner of the building must furnish to Council an annual fire safety statement for the building. The annual fire safety statement is to address each essential fire safety measure in the building.

REASON: To ensure compliance with the Environmental Planning and Assessment Regulation 2000. **(29.31)**

CARPARKING AND ACCESS

35. The development must include the reconstruction of the existing driveway in Canberra Avenue at the eastern end of the subject property as an industrial

type driveway over Council's footway at the location shown on the approved plans. The driveway must be:

- (a) constructed by Council or its approved contractors only, at no cost to the Council, and
- (b) constructed using 180mm thick reinforced concrete with a layer of F72 mesh with 50 top cover or clay sediment pavers; and
- (c) constructed with a 4% grade falling to the gutter; and
- (d) a minimum distance of one metre away from any electrical, Telstra, post box installation, other service or tree within the footway area.

REASON: To ensure the construction of the driveway on public lands meets Council's requirements. (27.02)

36. At least one parking space shall be reserved for use by ambulance vehicles.

REASON: To facilitate servicing by ambulance vehicles. (27.14)

37. All parking spaces, driveways and turning aisles must be concrete or bitumen sealed, with all parking spaces line marked prior to the occupation of the building.

Resident / visitor / staff spaces are to conform with the requirements of AS/NZS 2890.1:2004 – Parking facilities, Part 1: Off-street car parking.

At least two parking spaces are to be designated for use by disabled persons conforming to the requirements of AS/NZS 2890.6:2009 – Parking facilities, Part 6: Off-street parking for people with disabilities.

Loading bay parking and manoeuvring areas must comply with the requirements of AS 2890.2-2002 – Parking facilities, Part 2: Off-street commercial vehicle facilities.

REASON: To provide adequate off street carparking and access, to ensure carparking spaces are functional prior to use of the premises. (27.15)

38. Only two accesses to Canberra Avenue shall be permitted (one combined ingress/egress for general use and one for waste collection only). The eastern driveway access shall be restricted to use by waste collection vehicles only, with a maximum length of 9.9m.

REASON: To comply with the requirements of Roads and Maritime Services. (27.14)

- 38A. Waste disposal vehicles accessing the eastern driveway of the site are to be rear loading only. Waste disposal vehicles are to enter and exit from the eastern access in a forward direction only. Signage is to be erected at the entrance instructing vehicles to enter and depart in a forward direction.

REASON: To ensure waste disposal vehicles safely enter and exit the site. (76.01)

39. The driveways shall be designed in accordance with Council standards.

REASON: To comply with the requirements of the Roads and Maritime Services.
(27.14)

40. **Landscaping and fencing at the property frontage shall not restrict sight lines to Canberra Avenue. In this regard, the proponent shall undertake necessary works to achieve Safe Intersection Sight Distance at the accesses (i.e. any required vegetation and removal of the existing fence), in accordance with Austroads standards (see Austroads Guide to Road Design – Part 4a Unsignalised and Signalised Intersections Table 3.2, i.e. 114m to the west for a design speed of 60km/h.**

Photographs to demonstrate that these works have been completed shall be referred to RMS for acceptance prior to occupation certificate being issued.

REASON: To comply with the requirements of the Roads and Maritime Services.
(27.14)

41. **The eastern access driveway shall be clearly marked with suitable ‘Left Turn Only’ / ‘No Right Turn’ signposting and pavement marking (arrow) on the driveway to indicate direction flow to waste collection vehicle drivers.**

REASON: To comply with the requirements of the Roads and Maritime Services.
(27.14)

42. **Post development storm water discharge from the subject site must not exceed pre-development flows onto the classified road network.**

REASON: To comply with the requirements of the Roads and Maritime Services.
(27.14)

43. **All road works will be at no cost to Roads and Maritime Services. All works shall be completed prior to occupation.**

REASON: To comply with the requirements of Roads and Maritime Services.
(27.14)

44. **The development shall apply for, and obtain a Road Occupancy Licence (ROL) from the Roads and Maritime Services (RMS) Traffic Operations Unit (TOU) prior to commencing works that impact a travel lane of a State Road or impact the operation of traffic signals on any road. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU. The developer shall submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon RMS receiving an accurate and compliant TMP.**

REASON: To comply with the requirements of Roads and Maritime Services.
(27.14)

LANDSCAPING

45. All landscaping must be completed by a Council accredited Category 2 landscape contractor in accordance with Development Control Plan No 42 – Landscape Policy and the approved landscape plan designed by HLS Pty Ltd dated 17 February 2012 and bearing the Queanbeyan City Council approval stamp and any subsequent revised landscape plans approved by Council.

A “Statement of Completed Landscaped Works” form signed by the registered designer must be submitted to Council’s Sustainability and Better Living Department prior to the issue of any Occupation Certificate.

The landscaping must be maintained in good condition and in accordance with the plan at all times.

Note 1: Details on how to become a Council accredited landscape consultant/contractor are available on Council’s web site (www.qcc.nsw.gov.au) or from Council’s Sustainability and Better Living section.

Note 2: A copy of the “Statement of Completed Landscape Works” is to be sent to the Principal Certifying Authority.

REASON: To help ensure that good and sustainable landscaping is achieved.
(28.01A)

46. Trees nominated to be retained on the approved plan must be protected by cyclone/chain mesh fence as shown in red on the approved plan. Such fence must:

- (a) extend around the drip line of the tree
- (b) be erected prior to commencement of work; and
- (c) remain in place until a Certificate of Occupation has been issued on the development.

REASON: To offer protection to the trees including the extent of root system from inadvertent damage during construction stage. (28.08)

ENVIRONMENTAL

47. Hair dressing and beauty facility must be constructed and fitted out to comply with the requirements of the Part 2 Schedule 2 of the Local Government (General) Regulations 2005. Should any skin penetration be undertaken then the Public Health (Skin Penetration) Regulation 2000 must be complied with.

- (a) The floor, benches, shelves, fittings and furniture are to be constructed of smooth impervious materials capable of being kept clean and in good repair.

- (b) A hand basin with hot and cold running water supplied through a single outlet, plus liquid soap or detergent and single use towels. This basin is to be used exclusively for hand washing. Equipment and utensils are to be cleaned in a separate sink.
- (c) The wall surrounding the hand wash basin (from floor level to a height of 450 millimetres above the top of the wash basin and from the centre of the wash basin to a distance of 150 millimetres beyond each side of the wash basin) shall be constructed of, or covered with, material that is durable, smooth, impervious to moisture and capable of being easily cleaned.

REASON : To comply with the appropriate legislative requirements. (30.32)

48. The applicant must ensure that noise generated by the development does not exceed the criteria set by the New South Wales Office of Environment and Heritage (OEH). This is generally a level of 5dB above background noise level.

This is measured by monitoring the level of noise from any activity within the development represented by the L_{aeq} descriptor, measured over a 15 minute period. This measurement must not exceed the background level at that time of day by more than 5dB.

This includes noise generated as a result of the operation of plant and equipment on site.

REASON: To minimise the impact of noise generated by the development on surrounding residential areas. (30.05)

49. Provisions must be made for the waste storage room and bins to be adequately cleaned. The waste storage room shall be constructed and provided with the following requirements:
- The waste storage room shall be provided with adequate ventilation either naturally or by mechanical ventilation;
 - The floor, walls and ceiling are to be constructed and suitably finished with impervious materials;
 - The floor is to be graded and drained to sewer to dispose of waste water appropriately. The drain shall be fitted with a basket arrestor to prevent solid matter from entering the sewer;
 - A stop cock shall be provided to facilitate good cleaning practices. A back flow prevention device is to be fitted to each stop cock to protect the potable water supply.

REASON: To ensure the construction and location is satisfactory. (30.40)

50. Any asbestos cement material found on the site must be removed and disposed of in accordance with the Work Health and Safety Act 2011 and the NSW WorkCover guidelines. Asbestos material over 10m² must be removed by a licensed asbestos removalist.

Asbestos material must be disposed of to a landfill site approved for that purpose by the Environmental Protection Authority of New South Wales or equivalent authority in the Australian Capital Territory. Written evidence that the material has been disposed of to the approved landfill must be submitted to Council.

The applicant is advised that asbestos is a hazardous material/waste and as such special requirements relate to the documentation and licensing relating to transport. If the material is proposed to be disposed of within the Australian Capital Territory, the applicant should contact Environment ACT and the ACT Landfill section prior to utilising these facilities.

REASON: To ensure the proper disposal of hazardous asbestos material. **(30.38)**

- 51. The Owner and Manager of the site shall design and distribute a flyer or pamphlet to all new residents and staff of the building advising them of the waste disposal arrangements in place for the development. Appropriate signage must be designed and provided in the waste area advising residents of materials which can be collected in the bins. In addition, appropriate signage must be placed on the external doors of waste storage areas identifying their location. Council's Waste Officer would be pleased to provide advice in relation to this condition.**

REASON: To provide information to residents of the building and reduce the level of contamination found in the waste bins. **(30.39)**

- 51A. Medical Waste generated on site shall only be collected by an appropriately qualified waste contractor and taken to a disposal facility licensed for that purpose.**

REASON: To ensure hazardous waste materials are appropriately handled and disposed.

- 51B. Any excess fill material excavated from the site shall be disposed of to a properly authorised disposal site. Council may require the applicant to produce evidence of the location to which excavated material was taken.**

REASON: To ensure fill material is disposed of to an appropriate location.

FOOD

- 52. Food preparation, sale and storage areas must be constructed and fitted out to comply with the requirements of the Food Act 2003 and Regulations 2010, Standard 3.2.3 of the Australian and New Zealand Food Standards Code. A copy of the fitout plans for the following areas shall be submitted to Council prior to construction of these areas:**

- **Main Kitchen**

- Café food preparation area
- Bar in Basement
- Coolroom and Freezer Room.

REASON: To ensure safe hygienic food preparation/storage and compliance with Food Act 2003 and Regulations 2010, Food Safety Standards. **(32.02)**

- 53. Prior to the commencement of food handling operations of any unlicensed food business the food business proprietor must notify the NSW Food Authority of the following information, including:**
- a) Contact details for the food business including:**
 - (i) the name and address of the business and**
 - (ii) the proprietor of the business.**
 - b) The nature of the food business.**

You may notify the NSW Food Authority for free via the internet on www.foodnotify.nsw.gov.au or by contacting Council for a paper notification form.

The food business proprietor of any unlicensed food premises is also required to complete a Queanbeyan City Council “Food Registration form” and submit it to Council to enable correct information to be entered on Councils Food premises database.

REASON: To ensure that the fit out of the food premises complies with the relevant standards and to enable correct information to be gathered on the Food Premises so as to maintain the list of food business that Council is required to maintain as per section 106 of the Food Act 2003. **(32.07)**

SAFE DESIGN

- 54. All external lighting must be vandal resistant and must comply with the Australian Standards Specifications, Australian Standard AS1158 – Public Lighting Code.**

REASON: To ensure the location and type of lighting promotes user safety and does not produce areas of glare and/or dark shadows. **(40.02)**

- 55. Adequate lighting is to be provided for the entrances of each unit. Any lighting provided in the development must not produce areas of dark shadow or glare. The following design suggestions are to be incorporated in the provision of lighting for the site.**
- **Use diffused lights and/or movement sensitive lights.**
 - **Direct these lights towards access/egress routes to illuminate potential offenders, rather than towards buildings or resident observation points.**
 - **Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed.**
 - **Avoid lighting spillage onto neighbouring properties as this can cause nuisance and reduce opportunities for natural surveillance.**

- As a guide areas should be lit to enable users to identify a face 15 metres away.
- Illuminate possible places for intruders to hide.
- Use energy efficient lamps/fittings/switches to save energy.

REASON: To ensure that the entries to the development are clearly visible for the residents and their visitors and to promote the safety of the development. **(40.05)**

- 56. Entry to the basement car parking shall be restricted by the installation of suitable security gates and/or doors that do not impact on vehicle manoeuvrability or the egress of persons.**

REASON: To limit the entrance into the building by unauthorised persons. **(40.07)**

- 56A. Basement areas above ground level that are not enclosed by solid walls must be secured by the installation of metal mesh or similar.**

REASON: To limit entrance into the building by unauthorised persons.

ENVIRONMENTAL RISKS

- 57. Temporary vehicle access to the site must be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels must be collected and disposed of in a manner that does not pollute waters.**

REASON: To minimise transfer of soil from the site onto the road pavement. **(49.04)**

CONDITIONS TO BE SATISFIED BEFORE OCCUPATION OF THE BUILDING

- 58. An Occupation Certificate must be obtained from a Principal Certifying Authority before occupation or use of the building. The final Occupation Certificate will not be issued until the development has been completed in accordance with this consent.**

REASON: To comply with Section 109M of the Environmental Planning and Assessment Act 1979. **(42.01)**

- 59. Consolidation of Lot A, DP 33538; Lot 2, DP739287 and Lot 1, DP774149 known as 111 Campbell Street, 50 Canberra Avenue and 18 George Street, Queanbeyan shall be undertaken prior to release of any Occupation Certificate. Documentary evidence shall be submitted to Council of the registration with the NSW Land and Property Information.**

REASON: To ensure the development remains on one title to avoid future problems from multiple titles over the land. **(42.16)**

- 60. Washing down of vehicles within the allotment boundaries of this site is prohibited. Signs shall be posted in the parking areas advising tenants and visitors of such prohibition prior to the issue of the Occupation Certificate.**

REASON: To conserve water and minimise the potential for water pollution. (42.17)

- 61. An Occupation Certificate for the development shall not be issued until a certificate of compliance in accordance with Section 307 of the Water Management Act 2000 is obtained from the Water and Sewer Authority (Queanbeyan City Council).**

REASON: To ensure the development is adequately serviced prior to its occupation. (42.04)

- 62. A covenant, in accordance with Section 88E of the Conveyancing Act 1919 is to be prepared, at no cost to Council and the applicant is to ensure that the beneficial owner and titleholder of the site enters into the covenant to ensure that the development is used only by those persons eligible under SEPP Housing for Seniors or People with a Disability 2004 for the purposes of an aged care facility only.**

REASON: To ensure the compliance with SEPP Housing for Seniors or People with a Disability 2004. (42.07)

- 63. Photographs to demonstrate that the works required by condition 40 of this consent have been completed, shall be referred to RMS for acceptance prior to occupation certificate being issued.**

REASON: To comply with the requirements of the Roads and Maritime Services. (27.14)

OTHER APPROVALS (Section 78A(5) Environmental Planning & Assessment Act 1979 as amended):

Section 68 Local Government Act 1993

CARRY OUT WORK TO WATER, METER, DRAINAGE, SEWER,

PLUMBING AND DRAINAGE

- 64. All new hot water installations for facilities must deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 43.5° Celsius.**

REASON: To prevent scalding. (35. 12)

- 65. The development must be carried out in accordance with the requirements of the Local Government (General) Regulations 2005, AS 3500 Plumbing and Drainage Code and the New South Wales Code of Practice – Plumbing and Drainage, with such works performed by a person licensed by the NSW Department of Fair Trading.**

REASON: To ensure compliance with the Local Government (General) Regulation 2005. (35.01)

- 66. Plumbing and Drainage must be inspected by Queanbeyan City Council at the relevant stages of construction in accordance with Council's inspection schedule.**

REASON: To ensure compliance with AS 3500 Plumbing and Drainage and Council's inspection schedule. (35.02)

- 67. The floor level of areas with fixtures connected to sewer must be at least 150mm above overflow level of yard gully.**

Note: Surface water must be prevented from gaining access to yard gully.

REASON: To ensure any sewer surcharge occurs outside the building. (35.08)

- 68. All new hot water installations for disabled facilities must deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene purposes at a temperature not exceeding 43.5° Celsius.**

REASON: To prevent scalding. (35.12)

- 69. Due to local climatic conditions, hot and cold water supply piping installed in the following areas of the building must be surrounded by an appropriate thickness of insulation, as prescribed by AS 3500, Plumbing and Drainage:**

- (a) **unheated roof spaces;**
- (b) **unheated cellars;**
- (c) **locations near windows, ventilators or external doors where cold draughts are likely to occur;**
- (d) **locations in contact with cold surfaces such as metal roof, metal framework, or external metal cladding materials.**

REASON: To prevent the water service being damaged by water freezing within the pipes. (35.21)

NOTES

Electronic Surveillance equipment is recommended to be installed. Cameras could cover car parks and main entry points. (43.06)

A landscaping maintenance policy should be established for the development. (43.06)

A number of proposed trees are close to courtyard areas and fence lines. These should be well maintained to ensure no concealment opportunities exist and that they do not provide a natural ladder for criminals to gain access to windows and roof lines. (43.06)

Consider the use of sensor lighting along external wall lines and areas of lesser movement. (43.06)

A lighting maintenance policy should be established for the development.

Entries should be clearly signposted. Signs should clearly indicate the use of the site both within the site and at entry points. (43.06)

Secure access doors should be in a place on all main external entry points, similar to those found in residential blocks. (43.06)

The security doors should restrict access from the upper levels of the building to the basement and vice versa. (43.06)

A graffiti management plan and maintenance policy should be established for the development. (43.06)

The main entry/exit points for the development should be fitted with single cylinder locksets which comply with the Building Code of Australia. (43.06)

Windows should be fitted with key operated locksets. (43.06)

The main entry and exit points within the building should contain access control for visitors to limit entry during hours of darkness. (43.06)

If re-development works are undertaken in the proximity of 'Kawaree' and odorous or visually impacted soils (possibly associated with a former septic system) are observed, then further assessment of soils should be undertaken.

NOTE

Modification Details 100-2012/A

The modification 100-2012/A issued by Council on 13 NOVEMBER 2013 included the following amendments to the approval:

- 1) Reduction in the size of the basement and reconfiguration of basement car parking area and rooms;**
- 2) Reconfiguration of the ground and first floors;**
- 3) Slight alterations to facades to reflect internal changes; and**
- 4) Changes to landscaping to reflect the basement changes.**

The following changes to conditions were made:

- 1) Conditions 2, 5, 21 and 56 amended; and**
- 2) New condition 56A imposed to require the areas of the basement car parking area to be secured by metal mesh or similar. (43.08)**

DETAILS OF MODIFICATION 100-2012/B

The modification issued by the Joint Regional Planning Panel – Southern Region on 28 July 2017 included the following amendments to the development consent and approved plan(s):

- 1) Relocation or removal of the majority of the roof level plantrooms/structures, with one central plant area to remain.
- 2) Replacement of the flat concrete roof with a low pitched metal roof, including removal of parapets and replacement with eaves.
- 3) A general reduction in the perceived height of the building following removal of the parapet and plant rooms.
- 4) Amendment to the ground and ceiling level of the First Floor of the building, being a 200mm increase in the floor level and 100mm decrease in the ceiling level.
- 5) Reduction of 329m² in the excavated part of the basement resulting from a rationalisation of functions, including reconfiguration of carparking and fire stairs.
- 6) Internal changes at the Ground and First Floor levels relating to the reconfiguration of functions and rooms and minor change to the building footprint at such levels. This will result in an increase in the number of one bed rooms at the First Floor (up from 66 to 73) and a reduction in the number of one bed rooms at the Ground Floor (down from 59 to 52), with the total number of bedrooms being unchanged at 125.
- 7) Inclusion and relocation of balconies off the resident sitting areas on the northern and southern facades of the building.
- 8) Alteration of sunshade elements on the facades of the building to smaller bay window elements.
- 9) Rearrangement of façade materials, including introduction of weatherboard to replace some flat panel elements.

The following changes to conditions were made:

- a) Conditions 2, 5 and 21 amended; and
- b) New conditions 20A and 38A imposed. (81.02)

DETAILS OF MODIFICATION 100-2012/C

The modification issued by the Joint Regional Planning Panel – Southern Region on **** included the following amendments to the development consent and approved plan(s):

- 1) Introduction of 8 resident suites. These suites are designed to provide additional living space for residents but do not alter the function of these rooms. These rooms will feature a divided bedroom and living area, however, are not provided with a full kitchen or washing facilities and are therefore not defined as self-contained dwellings.
- 2) Reduction in the number of residential 'studio style' rooms from 125 to 124 beds under this application.
- 3) Therefore an overall increase in seniors' accommodation from 124 (125 approved under the original DA) to 132 rooms.

- 4) These changes are accommodated within the internal building area as follows:
 - a. Reduction in internal atrium area;
 - b. Reduction in internal terrace on first floor.
- 5) Slight reduction to some recessed portions of the building on the southern elevation. Drawing No. 2431.DA07 and Drawing No. 2431.DA08 demonstrate the changes to the recessed portions where setbacks have been reduced. The minimum setback at this southern elevation remains unchanged at 6.0m. Table 1 summarises the setbacks where changes are proposed only:
- 6) Rearrangement of the internal layout of communal areas and facilities within the ground floor and first floor to accommodate the additional rooms.
- 7) As a result of the above internal floor area alterations, the overall building floor area will increase by 138m². The proposal complies with the FSR requirement.
- 8) Minor adjustments in roof to align with walls and terraces below.
- 9) Minor adjustment to facade treatment and windows facing Canberra Avenue to suit the new resident suites and new configurations.
- 10) Adjustment to pedestrian ramp and stair along Canberra Avenue.
- 11) Adjustments to layout of external terraces along Canberra Avenue.
- 12) Addition of ground floor courtyard for Suite A23 screened by landscaping facing an internal road.

The following changes to conditions were made:

- 1) Conditions 5 and 24 have been amended. (81.02)

SCHEDULE 1

DRAFT NOTICE OF CONTRIBUTIONS & CHARGES ASSOCIATED WITH DEVELOPMENT

PROJECT ADDRESS	Lot A DP 33538, Lot 1 DP 774149 & Lot 2 DP 739287 No. 111 Campbell Street, 18 George Street and 50 Canberra Avenue, Queanbeyan NSW 2620
PROJECT DESCRIPTION	DEMOLITION OF EXISTING AGED CARE FACILITY, FIVE INDEPENDANT LIVING UNITS AND THREE DETACHED GARAGES, CONSTRUCTION OF NEW 132 BED AGED CARE FACILITY
APPLICATION NO	100-2012/C
NAME OF APPLICANT	Hodges Shorten Architects

Important

The following contribution rates are those that apply at the date of issue of this consent. Rates are reviewed quarterly. Contributions will only be accepted at the rate applying at the date of payment. Council's Environment, Planning and Development section should be contacted to receive a current contribution notice of charges.

Fee Description	Fee Due
------------------------	----------------

Brownfield

Brownfield - Community Facilities	\$1,283.33
Brownfield - Civic Improvements	\$6,041.58
Brownfield - Cycleway Footpath Network	\$3,527.09
Brownfield - Library Floorspace	\$1,003.65
Brownfield - Library Materials	\$324.56
Brownfield - Open Space	\$5,105.17
Brownfield - Plan Administration	\$157.31
Brownfield - Queanbeyan Cultural Facility	\$2,718.60
Brownfield - New Resident Kits	\$19.87
Brownfield - Urban Roads	\$11,924.53

Greenfield

Nil

Rural

Nil

Section 64 - Water and Sewer

SEC 64 Sewer Contribution - East Zone	\$8,128.03
SEC 64 Water Contribution - Queanbeyan Zone	\$15,857.23

<i>Total Contributions Payable</i>	<i>\$56,090.95</i>
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Relevant Criteria on which these calculations were made:

- a) 2.8 ETs for 7 new 1 bedroom unit (Section 7.11 Contributions)
- b) 3.6 ETs for 7 new 1 bedroom unit (Section 64 – Water)
- c) 5.5 ETs for 7 new 1 bedroom unit (Section 64 – Sewer)

The following equivalent tenements have been credited to this modified development application 100-2012/C:

- a) 0.4 ETs for 1 bedroom unit removed (Section 7.11 Contributions)
- b) 0.4 ETs for 1 bedroom unit removed (Section 64 – Water)
- c) 0.5 ETs for 1 bedroom unit removed (Section 64 – Sewer)

Date Generated: 29-Aug-2018

Per : _____

**Schedule 2 – General Terms Of Approval
HERITAGE COUNCIL OF NSW**



Level 6, 10 Valentine Avenue
Parramatta NSW 2150
Locked Bag 5020
Parramatta NSW 2124
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500
Facsimile: 61 2 9873 8599
heritagemailbox@environment.nsw.gov.au
www.heritage.nsw.gov.au

Our ref: DOC18/178260
Your Ref: DA/100-2012/C

MJ Thompson
Portfolio General Manager
Natural and Built Character
Queanbeyan-Palerang Regional Council
PO Box 90
QUEANBEYAN NSW 2620

Via email: Mary Kunang, Mary.Kunang@qprc.nsw.gov.au

Dear MJ Thompson

**S96 MODIFICATION TO INTEGRATED DEVELOPMENT APPLICATION
HERITAGE COUNCIL OF NSW—GENERAL TERMS OF APPROVAL**

RE: Kawaree, SHR 00365

Proposal: Changes to the internal configuration and minor changes to south elevation and roof to provide eight additional residential suites to the existing approval for demolition of the existing aged care facility, five independent living units and three detached garages and construction of a new 125 bed aged care facility

S96 Application No: S96/2018/007, received on 26 March 2018

Information received as mentioned in Condition 1

Additional information No

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 91A of the *Environmental Planning and Assessment Act 1979*, the following terms of approval are proposed to be granted. A copy of the conditions of the original application is provided below with amendments resulting from the modification shown by new text in ***bold italics***.

Development must be in accordance with:

Archaeology

1. The applicant shall nominate for approval, by the Heritage Council or its Delegate, an archaeologist who can be on call to assess and record any unexpected archaeological relics or deposits that may be uncovered during excavation work;
2. The applicant must ensure that if substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW or its delegate must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery;
3. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment and Heritage must be informed accordance with Section 89A of the National Parks and Wildlife Act, 1974 (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the National Parks and Wildlife Act, 1974.

Landscaping

4. The applicant shall prepare and submit a landscape conservation management plan for the separate approval of the Director, Heritage Branch prior to finalising the proposed new landscape works within the SHR boundary. This plan will define the limits of the heritage curtilage and also significant elements within it. The Applicant shall undertake further historic research (documentary and photographic) to inform the following:
 - ☐ Historic layout and hierarchy of spaces and edges defined by old maps and survey plans;
 - ☐ the quality of the major public open spaces;
 - ☐ significant views to, from or within the area;
 - ☐ significant plantings;
 - ☐ the heritage significance of individual contributing landscape elements NB: this may include relatively recently installed landscape elements;
 - ☐ the collective significance of individual landscape elements;
 - ☐ Rankings for the relative heritage significance(s) of individual elements; and
 - ☐ Conservation policies to manage the conservation and retention of heritage significance(s) of elements, including any necessary replacement (e.g.: 'like-for-like' species of plants, materials etc).
5. A revised landscape plan, based on the additional research required in 4, shall be submitted with the section 60 application.
6. Repairs to the picket fence are to be like for like.

~~Heritage Act 1977~~

7. ~~An application under section 60 of the NSW Heritage Act must be submitted and approved by the NSW Heritage Council prior to work commencing.~~

Drawings

8a). Architectural drawings prepared by Hodges Shorten Architects Pty Ltd:

Dwg No	Dwg Title	Date	Rev
Project Name: Warrigal Queanbeyan Site			
2431.DA04	Proposed Site Plan	17/01/18	F
2431.DA05	Detail Site Plan	17/01/18	G
2431.DA06	ACF – Basement Floor Plan	1/12/16	D
2431.DA07	ACF – Ground Floor Plan	17/01/18	F
2431.DA07.1	ACF – Ground Floor Plan S96 Comparison		A
2431.DA08	ACF – First Floor Plan	17/01/18	D

2431.DA08.1	ACF – First Floor Plan S96 Comparison	21/02/18	A
2431.DA09	ACF – Roof Plan	17/01/18	D
2431.DA10	ACF - Elevations	17/01/18	D
2431.DA10.1	ACF – Elevation S96 Comparison	21/02/18	A
2431.DA11	ACF – Sections 1/3	1/12/16	D
2431.DA12	ACF – Sections 2/3	1/12/16	D
2431.DA13	ACF – Courtyard 1 Elevations	17/01/18	E
2431.DA14	ACF – Courtyard 2 Elevations	1/12/16	D
2431.DA17	Sections 3/3	1/12/16	C
2431.F01	ACF – External Finishes Schedule	2/12/16	C

- 8b). Report entitled 'Re: Warrigal Care, 54 Canberra Avenue Queanbeyan NSW 2620 – Development Consent 100/2012: Section 96 Application – Heritage Impact', prepared by NBRIS & Partners Pty Ltd, dated 16 December 2016.

Compliance

9. ~~Officers of the Office of Environment and Heritage, Heritage Division are to be permitted entry to the site at any time as a condition of this approval and may photograph, take samples or request records in relation to any aspects of the approved activity.~~
10. **If requested**, the applicant and the nominated Heritage Consultant may be required to participate in random audits of Heritage Council **of NSW** approvals to confirm compliance with conditions of consent **at any time**.

Reason: To ensure compliance with conditions and approved plans.

Nominated Heritage Consultant

11. A suitably qualified and experienced heritage consultant must be nominated to supervise the proposed works.
12. The nominated heritage consultant is to provide advice on the detailed design, undertake on-site heritage inductions and inspect the demolition and removal of material to ensure that no significant fabric or elements are damaged or removed.
13. All work shall be carried out by suitably qualified tradespeople with practical experience in conservation and restoration of similar heritage items. The nominated heritage consultant shall be consulted prior to the selection of appropriate tradespeople.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

Site Protection & Works

14. Significant vegetation, building fabric and elements are to be protected during the works from potential damage. Protection systems must ensure significant historic fabric is not damaged or removed.

Reason: To ensure significant fabric and vegetation is protected during construction.

Section 65a Application

15. **An application under section 65a of the Heritage Act 1977 must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.**

Reason: To meet legislative requirements.

Advice

Section 148 of the Heritage Act 1977 (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics,

*moveable objects, places or items that is or contains an item of environmental heritage.
Reasonable notice must be given for the inspection.*

If you have any questions regarding the above matter please contact Anna London, Heritage Assets Officer, at the Heritage Division, Office of Environment and Heritage, on (02) 9873 8608 at email: anna.london@environment.nsw.gov.au

Yours sincerely



22/06/2018

Katrina Stankowski

Senior Team Leader

Regional Heritage Assessments, North

Heritage Division

Office of Environment and Heritage

As Delegate of the Heritage Council of NSW