

REGIONAL PLANNING PANEL (Hunter and Central Coast)

Council Assessment Report

Panel Reference	Panel Reference No. 2019HCC015
DA Number	56271/2019
Local Government Area	Central Coast Council
Proposed Development	NOMINATED INTEGRATED Residential 108 Bed Aged Care Facility
Street Address	LOT: 1 DP: 1261345, 88 Scaysbrook Drive KINCUMBER Formally LOT: 103 DP: 707503, 290 Avoca Drive KINCUMBER
Applicant	Catholic Healthcare
Owner	Lendlease Retirement Living Holding Pty Ltd
Date of DA Lodgement	28/03/2019
Number of Submissions	Fourteen (14) <ul style="list-style-type: none"> Thirteen (13) submissions of objection One (1) submission in support
Recommendation	Approval - subject to conditions
Regional Development Criteria - Schedule 7 of the State Environment Planning Policy (State and Regional Development) 2011	Development with a capital investment value over \$30
List of all relevant 4.15(1)(a) matters	<ul style="list-style-type: none"> <i>Environmental Planning & Assessment Act 1979 – section 4.15 (EP&A Act)</i> <i>Environmental Planning & Assessment Regulation 2000 (EP&A Regulation)</i> <i>Roads Act 1993 (Roads Act)</i> <i>Rural Fires Act 1997 (RF Act)</i> <i>Water Management Act 2000 (WM Act)</i> <i>Water Management (General) Regulation 2011 (WMG Regulation)</i> <i>State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)</i> <i>State Environmental Planning Policy No 64 – Advertising and Signage (SEPP 64)</i>

	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Coastal Management)</i> (Coastal Management SEPP) • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> (State and Regional SEPP) • <i>State Environmental Planning Policy (Infrastructure) 2007</i> (Infrastructure SEPP) • <i>State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004</i> (Seniors Housing SEPP) • <i>Draft Central Coast Local Environmental Plan 2018</i> (CCLEP) • <i>Gosford Local Environmental Plan 2014</i> (GLEP 2014) • <i>Gosford Development Control Plan 2013</i> (GDGP 2013) <ul style="list-style-type: none"> • Chapter 2.1 Character • Chapter 2.2 Scenic Quality • Chapter 3.7 Advertising Signage • Chapter 6.3 Erosion and Sediment Control Plan • Chapter 6.4 Geotechnical Requirements • Chapter 6.7 Water Cycle Management • Chapter 7.1 Car Parking • Chapter 7.2 Waste Management • Chapter 7.3 Notification of Development Proposals
List all documents submitted with this report for the Panel's consideration	<p>Attachments:</p> <ol style="list-style-type: none"> 1. Conditions of Consent, Doc No. D13920389 2. Architectural Plans, Doc No. D13920387 3. Landscape Design Report, Doc No. D13920385 4. Applicant's submission – Clause 4.6 Exception to Development Standards – Clause 40(4)(a) Height (8m) under <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>, Doc No. D13920384 5. Applicant's submission – Clause 4.6 Exception to Development Standards – Clause 40(4)(b) Height (2 storeys) under <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>, Doc No. D13920382 6. <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> Compliance Table, Doc No. D13920380 <p>Supporting Documents:</p> <ul style="list-style-type: none"> • Air Quality Management Sub Plan, Rev 3, Doc No. ECMD25367149 • Arboricultural Impact Report, Doc No. ECMD25367035 • Architectural Design Statement, Doc No. ECMD24850131 • BCA & Accessibility Statement of Compliance, Doc No. ECMD24850126 • Bushfire Protection Assessment Doc No. ECMD24850069 • Catholic Healthcare Statement – Social Housing Provider Status & Palliative Care Confirmation Doc No.

	<p>ECMD24850121</p> <ul style="list-style-type: none"> • Civil Engineering Plans, Doc No. ECMD24850075 • General Terms of Approval - Natural Resources Access Regulator, Doc No. ECMD24959118 • General Terms of Approval/Bushfire Safety Authority - NSW Rural Fire Service, Doc No. ECMD25146084 • Geotechnical Report, Doc No. ECMD24850076 • Noise and Vibration Management Plan, Doc No. ECMD25367135 • RFI Response Letter, Doc No. ECMD25366968 • Statement of Environmental Effects, Doc No. ECMD24850017 • Site Stormwater Management Plan, Doc No. ECMD24850060 • Soil and Water Management Plan, Doc No. ECMD25367062 • Traffic Parking & Access Report, Doc No. ECMD24850085 • Transport for NSW Works Authorisation Deed (Attachment A) Advice to Consent Authority and Developer, Doc No. ECMD24894728 • Quantity Surveyor Report, ECMD24850115 • Waste Management Plan, Doc No. ECMD24850116
	K Hanratty
Report date	7/04/2020

Summary of s. 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 – Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)? **Not Applicable**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable comments to be considered as part of the assessment report.

CENTRAL COAST COUNCIL

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number	DA56271/2019
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Summary

An application has been received for NOMINATED INTEGRATED Residential 108 Bed Aged Care Facility (RACF). The proposal comprises a 3 and 4-storey building and provides 108 beds, inclusive of 36 dementia care beds and 72 beds. The development provides 38 car parking spaces, including 1 disabled space and 1 ambulance bay and proposes 24-hour operation/7 days per week with 40 staff employed on any given day. The application is made pursuant to the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

The application has been assessed using the heads of consideration specified under section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and relevant Council policies.

Recommendation

A *That the Hunter and Central Coast Regional Planning Panel as consent authority grant consent to Development Application No DA56271/2019 for NOMINATED INTEGRATED Residential 108 Bed Aged Care Facility on LOT: 103 DP: 707503, 290 Avoca Drive KINCUMBER subject to the conditions attached.*

B *That Council advise those who made written submissions of the Panel's decision.*

Precis

Delegation Level	Regional Planning Panel
Reason for Delegation Level	Development over \$30 million
Property Lot & DP	LOT: 1 DP: 1261345, Formally LOT: 103 DP: 707503
Property Address	88 Scaysbrook Drive KINCUMBER Formally 290 Avoca Drive KINCUMBER
Site Area	2.448ha
Zoning	Part R2 Low Density Residential / part E3 Environmental Management

Proposal	Residential 108 Bed Aged Care Facility
Application Type	Development Application - NOMINATED INTEGRATED
Application Lodged	28/03/2019
Applicant	Catholic Healthcare
Estimated Cost of Works	\$30,509,315.50

Advertised and Notified / Notified Only	Exhibition period 28 February 2019 to 28 March 2019
Submissions	Fourteen (14) <ul style="list-style-type: none"> • Thirteen (13) submissions of objection • One (1) submission in support
Disclosure of Political Donations & Gifts	No
Site Inspection	17/04/2019 & 4/03/2020
Recommendation	Approval, subject to conditions

Variations to Policies

Policy	Clause / Description	Variance
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Clause 40 (4) - Height in zones where residential flat buildings are not permitted: (a) Height – 8m or less (to ceiling of topmost floor) – proposes maximum of 13.81m (b) Height – maximum 2 storeys – proposes 4 storeys	Variable to maximum of 5.81m 2 storeys

Site & Surrounds

The site is known as Lot 1 DP 1261345, No. 88 Scaysbrook Drive, Kincumber formally Lot 103 DP 707503, No. 290 Avoca Drive, Kincumber.

The site is a large irregular shaped parcel with a site area of 2.448ha and has a frontage to Avoca Drive at the northern boundary and Scaysbrook Drive at the southern boundary. The subject site forms part of the larger aged care facility known as 'Brentwood Village retirement precinct' located to the west adjoining Avoca Drive and to the south of Scaysbrook Drive, refer Figure 1.

Avoca Drive is a classified State Road and subject to an existing road widening scheme. The NSW Roads and Maritime Services (Transport for NSW (Roads) (TfNSW Roads)) in correspondence dated 15 April 2019 provide advice to Council that TfNSW Roads has no proposal that requires any part of the property.

The site falls from the north at the Avoca Drive frontage (RL 45.05m AHD) to the south at the Scaysbrook Drive frontage (RL 32.05m AHD). A ridge line through the centre of the site directs overland flow of water to the east and west. Vehicular access to the site is obtained from Scaysbrook Drive and will be retained as access for the proposed development.

The land is zoned part R2 Low Density Residential and part E3 Environmental Management under the *Gosford Local Environmental Plan 2014* (GLEP 2014). The R2 portion of the site is 12,842.3m² in area.

The site is identified as bushfire prone land on Council's Bushfire mapping. The proposal is a Special Fire Protection Purpose in accordance with Section 100B of the *Rural Fires Act 1997* (RF Act). The

development is an integrated development under Section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). A Bushfire Protection Assessment prepared by Travers Bushfire & Ecology dated March 2019 supports the proposal. The NSW Rural Fire Service (NSW RFS) has issued its General Terms of Approval, under Division 4.8 of the EP&A Act, and a Bush Fire Safety Authority, under Section 100B of the RF Act.

The site is burdened by easements and restrictions as follows:

- The portion of the site zoned E3 is burdened by a restriction on the use of the land (vide DP707503) and is evidenced in Figure 1 below by the undisturbed eastern portion of the site. The R2 zoned portion of the site has been disturbed during works approved for demolition of seniors housing dwellings and site rehabilitation and is mostly cleared of vegetation. The terms of the restriction (vide DP707503) is that development other than that associated with drainage and open space is prohibited.
- An easement for 'drain sewage over existing line of pipes' is located along the west and south site boundaries.
- A positive covenant over 2 sediment basins located at the Scaysbrook Drive frontage to be maintained and retained until the new retention facility proposed under the subject application is constructed and operational.

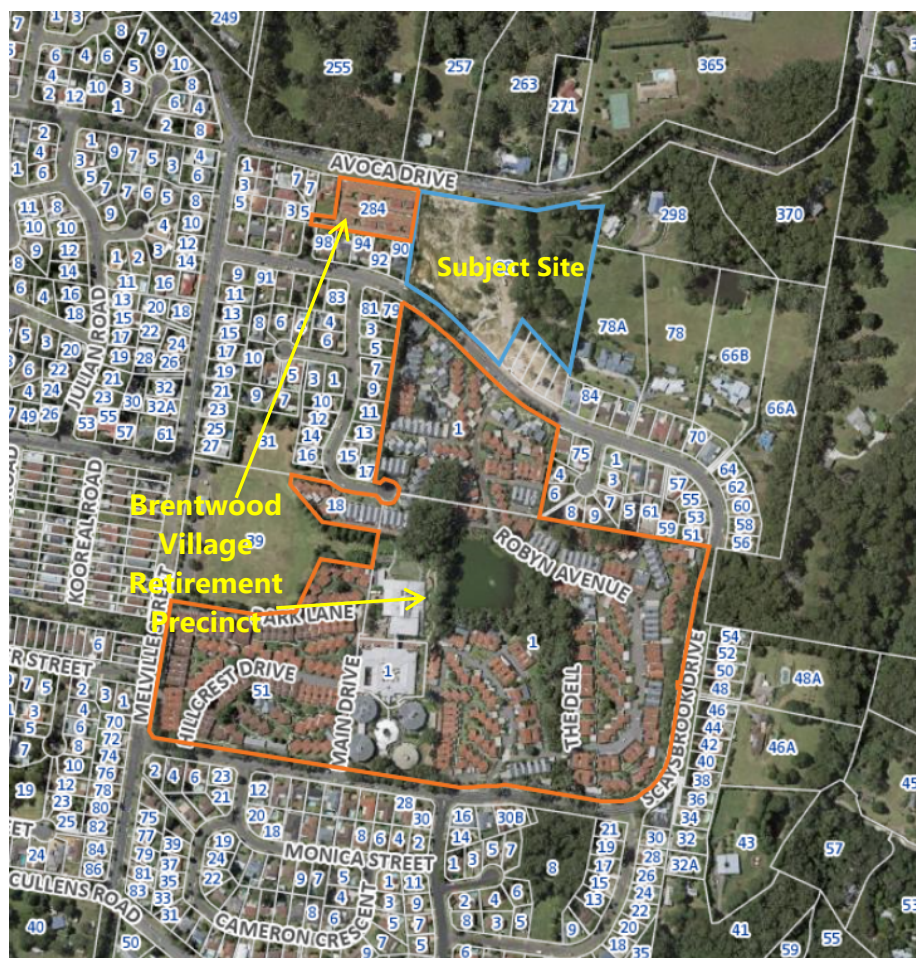


Figure 1- Site & Locality Plan

*Aerial Image of Brentwood Retirement Village (Orange outline)
and subject site 88 Scaysbrook Drive Kincumber (290 Avoca Drive Kincumber) (blue outline)*

Surrounding development to the southeast and southwest comprises low density residential development, generally single dwellings. Large rural residential allotments occur to the north and east of the site. Directly to the north of the site is a building used as a food and drink premise and an art gallery.

Brentwood Village provides a mix of low- and high-level care facilities. Most of the accommodation is provided as independent living units and serviced apartments. A range of external and communal facilities is also provided on site, including communal dining facilities, indoor and outdoor passive recreation facilities, gardens, communal vegetable gardens, as well as a hair dressing salon. The main entrance and administrative facility for the village is located towards the midpoint of the site's southern boundary on Scaysbrook Drive.

The site is within 2.7km of the Kincumber shopping precinct with established bus routes leaving from Avoca Drive and Scaysbrook Drive direct to the centre. The shopping centre provides a range of shops including Coles Supermarket, medical facilities and other community, commercial and retail services.

History

Several development applications have been lodged on the site as follows:

- DA49187/2016 was approved on 1 June 2016 for demolition of fifty-four (54) dwellings and associated outbuildings on this site. The aerial image, Figure 2, indicates the extent of these dwellings over the site prior to demolition extending over and prior to the subdivision approved under DA53417/2017.



Figure 2: Aerial Image 2016 showing the independent living dwellings on the site

- DA53417/2017 was approved on 23 April 2018 for subdivision of the site (2.77ha) into 6 allotments. The subdivision layout is shown in Figure 3. Lot 1 having an area of 2.448ha and Lots 2-6 ranging in size from 585.4m² to 695m² with access to Scaysbrook Drive. The subdivision was registered on 25 February 2020; the proposal will be located on Lot 1 DP1261345, No. 88 Scaysbrook Drive Kincumber.

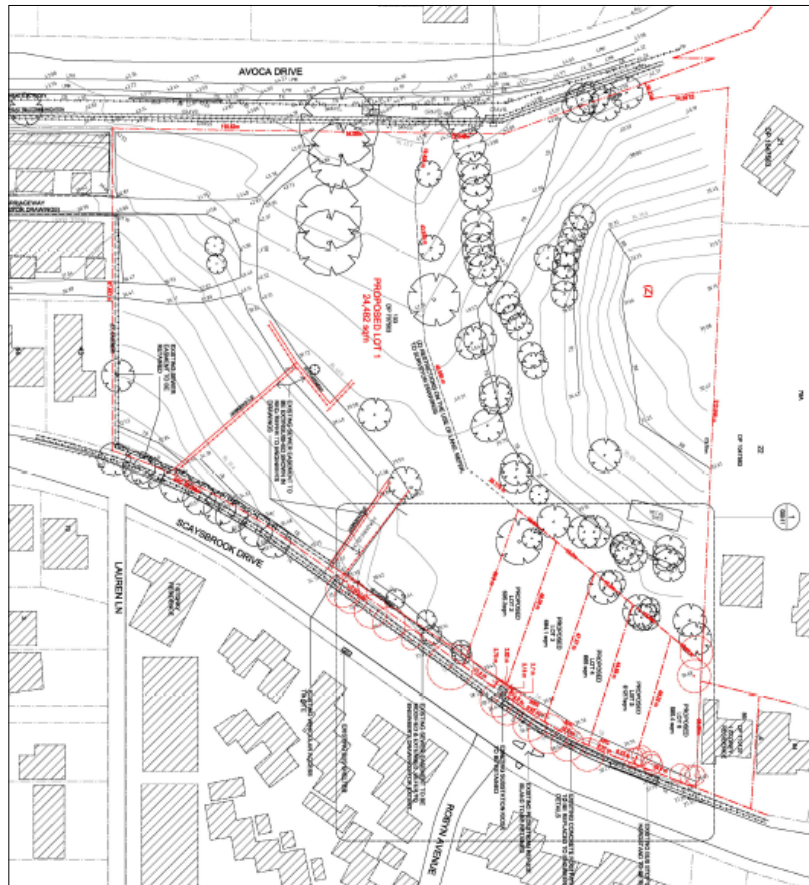


Figure 3: Subdivision layout

- DA54526/2018 for Integrated Residential 108 Bed Aged Care Facility was lodged on 1 June 2018 and subsequently withdrawn on 15 March 2019.
 - The application was notified and fourteen (14) submissions including a petition of 64 signatures were received in relation to that proposed development during this notification period.
 - The proposal was modified to address the NSW Roads and Maritime Services (RMS) and Council's requirements resulting in a redesign of the proposed development with vehicular access to be provided from Scaysbrook Drive only as access from Avoca Drive was not supported by the RMS.
 - The Applicant submitted amended architectural plans, landscape plans and supporting documentation on 1 February 2019 and the amended application re-notified. Due to the significant alterations in the design of the proposal the Capital Investment Value of the project was revised and estimated at \$30,509,315.50 (excluding GST).
 - The amended application was referred to the Hunter and Central Coast Regional Planning Panel however was withdrawn on 15 March 2019 as it was determined the amended application did not meet the definition of Capital Investment Value

(CIV) in NSW Planning System Circular PS10-008 issued 10 May 2010, at the time of lodgement.

- Consequently, the current proposal under DA52671/2019 was lodged on 28 March 2019 which reflects the design amendments made to DA54526/2018 on 1 February 2019.

The Proposal

The proposal comprises:

- Construction of a residential aged care facility (RACF) in the form of a 3 and 4-storey building. The RACF comprises 108 beds, inclusive of 36 dementia care beds and 72 beds, and associated facilities over three levels with service areas located in a partially excavated basement level on the southern section of the site. The building, pedestrian and vehicular access and car parking will be wholly located on the R2 zoned portion of the site.
- 40 staff will be employed at the site on any given day.
- Hours of operation – 24 hours per day/7 days per week.

Specific details of the proposal are as follows:

Residential Aged Care Facility (RACF) Built Form and Facilities

- The RACF has been designed around the concept of providing 6 x 18 bed 'households'. Each level contains two (2) households. The household design is repeated across each level and each household contains a servery space and is connected to a dining room, lounge room, amenities, sun room/sitting area and balcony. Each household will have direct access to the ground floor courtyard via direct access, lifts and stairs.
- In addition to nursing care, residents are provided with laundry and cleaning services including meals prepared in the kitchen located on the lower ground floor transported to the dining room in each household. Each household servery space will also include a kitchenette capable of preparing and serving light meals only.
- The general arrangement of buildings, car parking and tree removal/retention is shown on the site plan, refer Figure 4.
- The RACF is comprised of branched shaped buildings with three interlinked sections. Due to the site topography the built form will be stepped into the site resulting in varying heights and a split-level development as follows:
 - The northern-east central building
 - The front of house and infrastructure facilities are located within a separate although attached communal building accessible from the residential wings through the lifts. Facilities provided include a café, hair salon, gym, multi-function room, consultation rooms, administration offices, staff amenities, reception and chapel (on first floor level).
 - The central building includes a single storey element adjacent to the R2/E3 zone boundary with a skillion roof that provides a high ceiling and natural light into the central combined spaces.
 - The central building is connected by a short breezeway that integrates into a three-storey section that is linked to the northern and southern wings by a common corridor. The structure will be covered with a hipped roof.

- The northern wing
 - The northern wing is a 3-storey rectangular building adjacent Avoca Drive which includes 1 x 18 bed household per level (House A, C & E) and a total of 54 single bedrooms with ensuite.
 - House A on the ground floor is proposed to be a dementia specific unit and has access to a secure courtyard at ground level.
 - There are several shared/communal courtyard spaces.
 - The ground level courtyard to the south of the northern wing has east-west orientation that provides solar access although not optimal throughout the year. The ground level bedrooms and dining room have direct access to this courtyard area.
 - A courtyard space is provided on the ground level to the north of this building wing (direct access from sitting room). This courtyard receives good solar access and amenity with design specific fixed and moveable furniture.
 - Landscaping amendments provide increased seating opportunities adjacent the northern façade of the building accessed by accessible pathway and surrounded by lawn and landscaped gardens. The proposal offers, with supervision, a more public area for dementia patients, providing further recreational choice.
 - Houses C and E on the upper floor of the northern wing have access to a secured, accessible courtyard on ground level between the central wing and northern wing and is shared with Houses D & F (southern wing). This space provides a dedicated courtyard space for all above ground level residential units. This space provides an alternate meeting place to the balconies for residents and guests and includes seating nodes, a roofed pergola/picnic area. This space provides good solar access and passive surveillance from the gym, consulting rooms and administration area and is accessible via the northern wing fire stairs and the lifts.
 - The topography of this northern section of the site is relatively steep and the application proposes to reduce the earthworks and overall height of this building. This building will be located below the level of the road (Avoca Drive) to reduce the visible building height. A landscaped buffer of 10.8m is provided between Avoca Drive and the northern wing. The northern wing is also setback 17.2m to the adjoining western boundary. Refer Figures 4, 5 & 7.
- The southern wing
 - The southern wing comprises a lower ground floor (basement) and 3-storey rectangular building oriented towards Scaysbrook Drive. The three residential levels include 1 x 18 bed household per level (House B, D & F) and a total of 54 single bedrooms with ensuite.
 - The lower ground floor provides the service areas and will include a kitchen, laundry, storage, building services rooms, waste storage rooms and loading dock. The lower ground floor is linked to the upper levels by two internal lifts and single set of stairs.
 - House B on the ground floor is proposed to be a dementia specific unit and has access to a secure courtyard at ground level which has a north-east orientation and will provide good solar access and a high amenity outdoor area for residents.

- The courtyard is adjacent a car park and will be screened to the car park by landscaping.
- The ground level bedrooms, dining and sitting rooms have direct access to the courtyard area.
- Houses D and F on the upper floor of the south wing have access to a secured, accessible courtyard on ground level between the central wing and northern wing (shared with Houses C & E as described above under the northern wing facilities).
- Extensive landscaped areas are provided between the southern wing and Scaysbrook Drive and to the western site boundary. The southern wing has a variable setback from the site boundary at Scaysbrook Drive, a minimum setback of 26m to 39m and has a setback of 29.1m to the adjoining western boundary. Refer Figures 4, 5 & 7.

Vehicle Access and Parking

- Thirty-eight (38) car parking spaces, including disabled space and one (1) ambulance bay are provided.
- Thirty (30) spaces are required for the proposal under *State Environmental Planning Policy (Housing for Senior or People with a Disability) 2004* (Seniors Housing SEPP). The amended design provides an additional 8 spaces in excess of the requirements.
- Emergency access, deliveries and access to the car parking areas will be provided via the existing southern access off Scaysbrook Drive that serviced the independent living units of the retirement village on the subject site.
- The general arrangement/configuration of car parking is shown in Figures 4 & 5.

Pedestrian access

There are several points of pedestrian access into the RACF, as follows:

- Avoca Drive - 2 pedestrian access points via Avoca Drive (inclusive of a disability compliant pathway), connecting to the RACF building entry.
 - The pedestrian path to the north-east / east of the single-story building element (wholly within the R2-zoned area) provides direct access between the building's main entry and Avoca Drive (and the bus stop) via a path (running north-south), stairs and pedestrian gate.
 - The internal footpath running along the building's northern frontage (between the building and Avoca Drive) provides disability-accessible access between Avoca Drive and the building's main entry and provides ramped entry into the site from Avoca Drive. Direct access is provided to House A via stairs or level paths towards the eastern side of the single-storey building element to the building's reception area and constructed in accordance with relevant BCA and Australian Standards for accessibility, including gradients, lighting, rails and tactile indicators.
 - The proposal involves some upgrade works within the public domain of Avoca Drive to maximise accessibility to the bus stop. These works, outside the site boundaries, are shown conceptually in the development plans, and will be subject to detailed design at construction certificate stage.
- Scaysbrook Drive - A wheelchair-accessible pedestrian pathway from Scaysbrook Drive linking directly to the ground floor level of the RACF building is not considered appropriate

in this location and therefore the pathway includes several steps. This is considered satisfactory to minimise environmental and visual impacts as follows:

- The natural topography of the site, and the relatively steep gradient rising from the Scaysbrook Drive alignment. The construction of a wheelchair-accessible pathway would necessitate substantial and significant earthworks to be undertaken, which would consume areas of land for switchbacks and ramping. The works would also require the removal of several existing large trees and would compromise the ability to provide the bio-retention basin and additional enhancement screen plantings along the Scaysbrook Drive front setback.
- Any wheelchair-accessible pathway constructed in this location would, from a user's perspective, be lengthy, tiresome and monotonous to negotiate noting the nature of the facility and the age and limited mobility of the likely users.
- Brentwood Village operates a minibus which can provide a service to residents with transport to and from Brentwood Village to visit RACF residents.

Landscaping

The Landscape Plan, Landscape Design Report, prepared by Aspect Studios dated 26 October 2019 provides detailed landscaping solutions for the proposed development as follows:

- The landscaping area comprises 6,513.8m² of designated landscaped areas (50% of the R2 zoned portion of the site which is 12,842.3m² in area).
- The landscaping includes advanced trees within the landscaped area and along site boundaries, elevated mounds to the south and south-west of the site incorporated to reduce the visual impact of the building to the streetscape and adjoining properties. This will provide a larger screening solution to soften the scale of the building, while improving privacy for surrounding neighbours. The species palette incorporates trees and shrubs that are fast growing, allowing for a quicker mature outcome.
- Landscaping and screening are provided between the courtyard of House B and the adjoining car park. The landscaping treatment will include a variety of planting species comprising various heights to provide adequate screening and visual separation.
- Fencing of the site has considered streetscape amenity allowing the extensive landscaped areas to be visible along street frontages. Fencing type is variable and incorporates security (palisade) fence along street frontages and adjacent No. 90 Scaysbrook Drive. Colorbond fencing is proposed along the eastern boundary to the new subdivision at Scaysbrook Drive and to the existing Brentwood Village independent living units to the west of the site at Avoca Drive.
- Plantings are staggered and offset along the boundaries to allow sunlight to adjoining properties. This includes No. 90 Scaysbrook Drive which has been provided a 3m offset from the property boundary that will be mulched over the western sewer easement and allow access to the easement that runs along this boundary.

Tree Removal

- All trees to be removed are identified on the Landscape Design Report prepared by Aspect Studios dated 26 October 2019 and shown on the architectural plans, refer Figure 4.
- An Arboricultural Impact Assessment prepared by Landscape Matrix Pty Ltd dated 25 October 2019 has also been provided which considers the impact of the proposed works on the trees.

- A total of 81 trees on or adjoining the site have been assessed. This is a revised assessment to reflect a revised proposal. The original report indicated 105 trees on the site. The number of trees subject of the revised assessment does not include trees now removed along Scaysbrook Drive approved under DA53417/2017 for a six (6) lot subdivision.
- A total of 20 trees are proposed to be removed comprising:
 - 8 trees to facilitate construction, plus an additional
 - 12 trees (6 small trees and a group of 6 palms on the site within the development area), refer Figure 3. These 12 trees are now included in the current data collection survey.
- Additionally, 4 trees to be retained may be impacted by the development. However, with appropriate protection and management it is considered the trees proposed for retention will not be significantly impacted by the proposal. These trees are identified in the Arboricultural Impact Assessment as tree numbers 14, 15 and 17 (Tree 17 is identified as planted threatened species) and can be retained at their current health level. With respect to Tree 16 the encroachment is within the high range. However, recommendations are made in the report to assist in minimising the potential impacts.
- All the remaining trees are remote from the proposed works and will not be impacted by the proposal. No trees are to be removed within the E3 zoned portion of the site.
- Significant landscape plantings are proposed as part of the development and it is considered these plantings will offset in the long term, for those trees being removed.

The site plan and elevations of the proposal are shown in Figures 4, 5, 6 and 7 as follows:

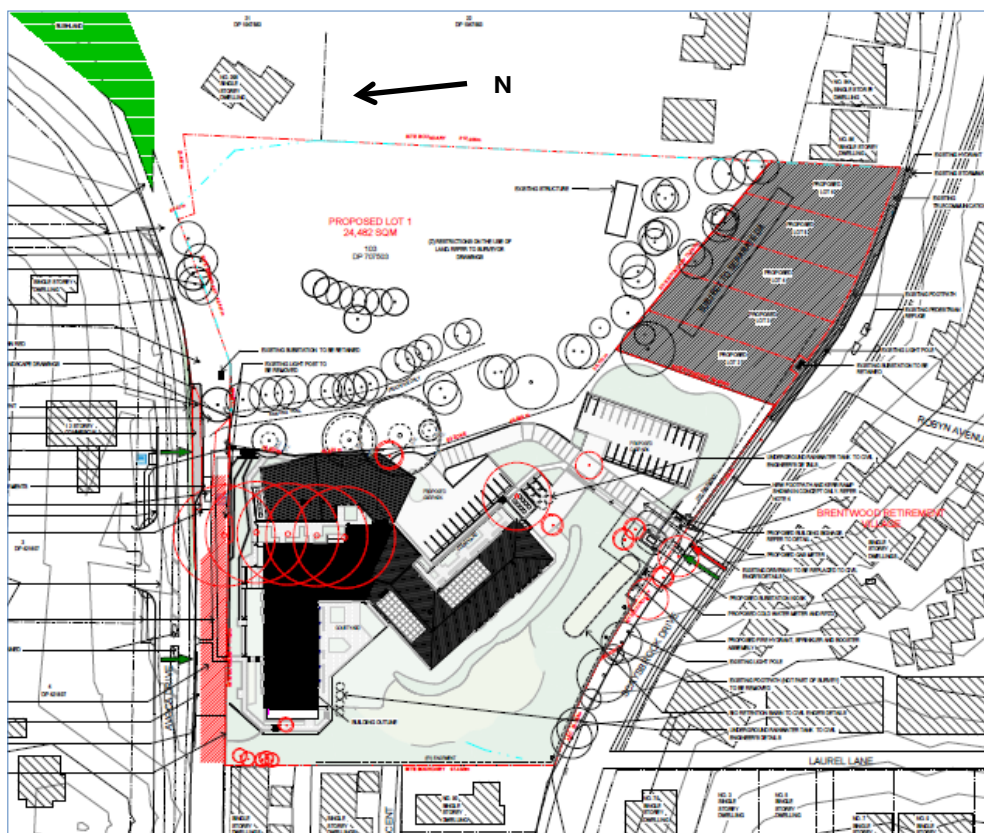


Figure 4 Site Plan - Trees to be removed are shown by red circle



Figure 5 Arrangements of Households (ground floor) and landscaping

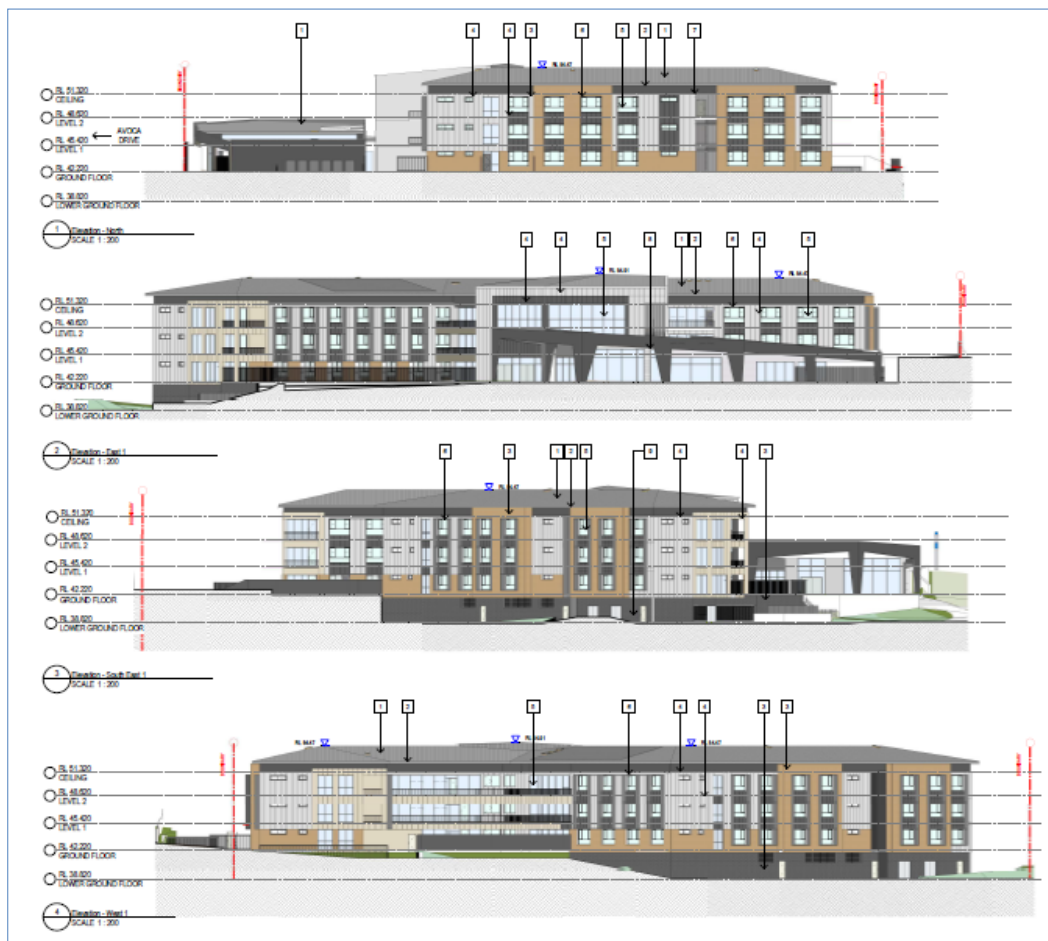


Figure 6 - Elevations



Figure 7 Elevations with landscaping

Briefing – Regional Planning Panel

On 24 April 2019 a briefing with the Regional Planning Panel (the Panel) was held. The key issues discussed include the following:

- History – previous DA, issues and withdrawal (RMS, access etc.)
- Separate DA approval to the south of the site for dwellings
- Surrounding site/retirement precinct
- Surrounding residential development
- Services and shopping in wider area
- Access
- Tree removal
- FSR complies (0.5:1 proposed, 1:1 maximum allowed), meets frontage minimum and site area minimum, meets SEPP parking requirements
- However, site area and calculation need checking – complicated E3 zoning, permissibility and SEPP applicability issues
- No ancillary development for the use can occur in the E3 zone (if pursued applicant to provide legal advice)
- Height exceeds (13.8m compared to 8m ceiling) and number of storeys controls. 3-4 storeys proposed in a low scale area – will need careful consideration and review in the context of the surrounds
- Integrated Development aspects (Rural Fires and Water Management Act)
- Issues raised by Council and applicant response

- Comments from Councils architect yet to be received
- Communal open space needs attention and for operation, particularly for managing dementia
- Landscaping needs careful attention
- Objections from residents

On 1 November 2019 the Applicant submitted additional information and amended plans to Council in relation to the above matters. The additional information submitted includes the following:

- Amended design proposed and no ancillary works are now located on the E3 zoned portion of the site.
- Amended design of accessible pedestrian access to Avoca Drive, now wholly located on the R2 zoned portion of the site.
- Additional information in relation to the building height exceedance, bulk and scale and further consideration and review of the consistency of the proposal with the context and character of the area.
- Additional information and design amendments for communal open space needs and attention and for operation, particularly for managing dementia.
- Amended variation requests to development standard in Seniors Housing SEPP, Clause 40(4)(a) and (b) – Height, under Clause 4.6 Exception to Development Standard, of *Gosford Local Environmental Plan 2014* (GLEP 2014).
- Amended Landscape Design Report - additional plantings proposed.
- Amended Arboricultural Report – number of trees to be removed reduced, no trees to be removed from the E3 portion of the site and excludes trees now removed by the approved subdivision.
- Amended set of architectural plans detailing the minor amendments listed above.
- Response to submissions.

On 4 March 2020 a site inspection occurred with the Panel. The Panel requested additional cross-sections showing the relationship of the building with adjoining residential development across the western site boundary. The cross-sections to show existing and proposed ground levels, mounding and built form.

On 20 March 2020 the Applicant submitted to Council amended plans to address the Panel and Council's the matters raised at the site inspection on 4 March 2020.

The design amendments above are considered minor amendments and did not require re-notification of the proposed development in accordance with Chapter 7.3 of *Gosford Development Control Plan 2013* (GDGP 2013).

s. 4.15 (1)(d) of the EP&A Act: Any Submission Made in Accordance with this Act or Regulations

Section 4.15 (1)(d) of the EP&A Act requires consideration of any submissions received during notification of the proposal.

Public Submissions

The application was notified in accordance with Chapter 7.3 of *Gosford Development Control Plan 2013* (GDCP 2013) from Thursday, 4 April 2019 to Monday, 6 May 2019. A total of fourteen (14) public submissions were received comprising thirteen (13) objections and one (1) in support of the proposal.

The issues raised in the submissions are detailed below.

- ***The residents of Brentwood Village 'End of Life Choices Group' feel that a designated Palliative Care section is needed and warranted with the Residential Aged Care Facility (RACF) and request additional facilities within the development as follows:***
 - *Doors fitted at the end of each corridor on the 1st and 2nd floors to provide an area where residents in the end stages of their life could be located with a high level of privacy for both them and their families. The small balcony gives them the opportunity to view the gardens surrounding the complex.*
 - *Provision of one or two shared rooms for couples where couples could be actually side by side, hold hands etc if bedridden.*
 - *Will there be rooms for people needing respite care? People who are given respite care often become permanent residents of an RACF once they have had the opportunity to sample the living conditions.*
 - *Dedicated shuttle bus. The current Brentwood village bus has a very busy schedule and may not have the capacity to meet the service suggested in table 5, item 5 of the SEE.*
 - *Will there be a pedestrian island mentioned in table 5, item 5 which will meet the needs of pedestrians with compromised mobility to cross Avoca Drive safely.*
 - *Concerns about the frequency of bus services. Comment on Routes 66A and 66C – refer section 2.5 of SEE. Please provide comment on Route 64 which travels along Scaysbrook Drive, only provides a bus every hour during Monday to Friday with less frequent services on weekends.*

Comment:

A representative of Catholic Healthcare and Lendlease attended a meeting with the Brentwood residents to discuss the residential aged care facility and the provision of services/facilities which included discussion on Palliative Care. Following the meeting and further discussions the group are generally supportive of the proposal and have an understanding that a specific Palliative Care section will not be provided.

The matters raised by the group are addressed as follows:

- The RACF is not a licensed palliative care facility. Notwithstanding this, Catholic Healthcare has policies in place to manage the deteriorating health of patients and will implement practices to manage equitable and responsible access for family. The RACF will be able to accommodate a limited level of respite care, determined by bed availability at the time respite care is required.
- No further changes are proposed to the design of the bedrooms and sitting rooms at the end of each corridor. All bedrooms will be single beds with ensuite. The proposed design allows equitable access to communal facilities for all household residents.
- There is currently a pedestrian refuge in Avoca Drive adjacent to the development site. Upgrade works are required to both sides of Avoca Drive to provide better footpath

connections that currently exists to the bus stops. These pathways will be constructed in accordance with BCA and Australian Standards for accessibility.

- Clause 26 of the Seniors Housing SEPP requires consideration of the location and suitable access to facilities. The proposal specifically complies with Clause 26(2)(b) as it is located not more than 400m via an accessible pathway to a bus service (to and from the services at least once in the morning and once in the afternoon) that will take residents to facilities such as shops, bank service providers and other retail and commercial services, community services and general medical services. Compliance is achieved by Busways Bus Route 66A and is the Gosford to Avoca Beach, via Kincumber and Copacabana bus and it stops on the Avoca Drive frontage of the site. This service starts at 6:16am on a weekday and runs through to 12:00am ranging in frequency between 30 minutes and 1-hour. On the weekend and public holidays, the frequency diminishes, but the first services commence at 10:25am and runs until 12:25pm on an hourly basis, then again later in the evening from 8:44pm to 10:44pm.
- A secondary bus stop in Scaysbrook Drive adjacent the RACF is serviced by Busways Route 64 and is an additional service to Route 66A. Route 64 not only connects the RACF to Gosford and Woy Woy Railway Stations, it also stops at the East Gosford Shops, the Erina Fair Interchange, the local Kincumber shops, The Ettalong Beach Memorial Club and the Woy Woy Bowling club.
- Brentwood Village operates a minibus which can provide a service to residents with transport to and from Brentwood Village to the proposed residential aged care facility and access to services described above.

- ***The development is excessive in height and out of scale with the surrounding locality.***

Comment:

The proposal is considered in context with surrounding development and the existing landscape despite the height of the buildings as follows:

- Potential building height impacts have been addressed with the retention of existing - and the provision of additional - landscaping, centralising of the building's location on the site, and targeted earthworks to provide for layers of landscaping and the 'stepping' of the development down the natural slope.
- The site's natural attributes are preserved by containing the building footprint to minimise the extent of cut and fill. The proposed landscaping treatment provides effective visual screening to the public domain and surrounding development and does not impact adversely on the residential amenity of neighbours.
- The proposal utilises a condensed footprint which provides large setbacks to boundaries of adjoining development to the west (17.2m to 29.1m), Avoca Drive (10.8m) and Scaysbrook Drive (26m to 39m). The 'compacted' built form minimises paths of travel for staff and aged/frail residents and prevents the spread of the development over a much greater area of the site. This allows the building to be appropriately setback from the site boundaries (minimising impacts on the streetscape and neighbours, such as overshadowing and does not restrict views) while minimising the environmental impacts to the site and allowing for significant areas of open space to be landscaped.
- The topography of the site makes appear the building mass and scale of the proposal different according from where it is perceived. The facility ground floor is at a lower level to Avoca Drive, which makes the building look like a 2-storey development when viewed from Avoca Drive. The facility proposes four levels to Scaysbrook Drive however the height, bulk

and scale is minimised by incorporating large setbacks to Scaysbrook Drive. Combined with the extensive landscaping proposed, including the construction of landscaped mounding around the building façade, these measures effectively screen and soften the appearance of bulk and scale from the street.

- Extensive building setbacks are provided along the Scaysbrook Drive frontage designed to reduce the visual impact of the southern wing and allow for 50% of the R2 portion of the site where the building is located to be landscaped area. In addition, the nearest residential dwelling along Scaysbrook Drive is located 41m from the southern wing of the building and with the landscaping proposed and will retain existing levels of privacy and amenity.
- The bulk perceived from the E3 zone has been reduced limiting the front of house to a single storey wing on the eastern side of the building, and then transitioning to the 3-storey component.
- The built form is visually broken up so that it does not appear as one large building from key aspects, including the adjoining residential properties and the public domain. The articulation of the building facades, use of a variety of external materials, colours and finishes assist in reducing bulk and scale.
- The tallest elements of the buildings are located in the centre of the site or in areas where generous setbacks can be provided so as to minimise the visual scale of the building. This design approach also has the added benefit of:
 - Effectively reducing potential adverse amenity impacts on neighbouring residential development;
 - Enables larger setbacks and areas for enhancement of deep soil landscaping;
 - Largely retains the natural contours of the land; and
 - Retains a streetscape to both the Scaysbrook and Avoca Drive frontages that will be dominated by a sustainable bio-rich landscape.
- Minimal landscaping additions are proposed at the R2-E3 zone interface in order to enhance the existing landscape and well-established trees in the E3 zone.
- The proposal will have a floor space ratio of 0.5:1 applied to the area of the R2 portion of the site. The FSR complies with the requirements of the Seniors Housing SEPP and is consistent with the FSR provisions within the GLEP 2014 for the adjoining low-density development which requires an FSR of 0.5:1 on R2 zoned land.

The proposed setbacks to boundaries, extensive landscaped areas, and architectural design of the building provides a satisfactory transition from surrounding development and minimises visual and amenity impacts on the streetscape and surrounding residential development. Council's Architect has reviewed the proposal and raises no objection to the application on architectural grounds. The proposal is considered acceptable from a residential density and development character perspective, has been considered on its merits and is supported.

- **Impact on trees**

- *level of tree removal not acceptable, further consideration in relation to tree removal/tree retention is required.*
- *objection to the removal of threatened tree species as these trees are significant to the area and its scenic protection zoning.*

Comment:

Since notification of the development application the application has been amended reducing the number of trees to be removed.

No identified threatened tree species is proposed to be removed. No trees will be removed or affected on the eastern portion of the site zoned E3 Environmental Management under *Gosford Local Environmental Plan 2014* (GLEP 2014). This is attributed to design changes by removing the pedestrian pathway and fire trail upgrade previously proposed on the E3 zoned land and retaining all trees within the E3 zone whether or not they had previously been identified in poor condition. In addition, trees previously proposed to be removed along part of Scaysbrook Drive have now been removed in accordance with an approved development under DA53417/2017 for a six (6) lot subdivision.

The architectural plans and the landscape plans have been amended to reflect these changes as well as an amended Arboricultural Impact Report prepared by Landscape Matrix Pty Ltd dated 25 October 2019.

A total of 81 trees on or adjoining the site have been assessed. This is a revised assessment; the original report indicated 105 trees on the site. A total of 20 trees are proposed to be removed. Significant landscape plantings are proposed as part of the development and it is considered these plantings will offset in the long term, for those trees being removed.

- **Car Parking and Traffic Planning**

- *Insufficient on-site parking to cater for staff and visitors resulting in increased on-street parking in the local residential streets.*
- *Capacity of Avoca Drive, Melville Street and Scaysbrook Drive to accommodate traffic flows.*
- *Increase in delivery trucks in the area servicing the site.*
- *Safety concerns – Access to Scaysbrook Drive from Avoca Drive via the dangerous RH Turn into Melville St is of concern, this is a dangerous stretch of road and nearby roundabout will not cope with extra traffic.*

Comment:

A Traffic Parking and Access Report prepared by SECA Solution, Ref: P0660 LL Kincumber Aged Care Facility Scaysbrook Drive, dated 26 March 2019 supports the proposal. The Report has been reviewed by TfNSW Roads (previously NSW Roads and Maritime Services) and Council's Development Engineer and Traffic Engineer.

The assessment of the proposed development considers the surrounding road network has the capacity to accommodate the additional traffic generated by the development i.e. the additional traffic generated on top of the now demolished residential retirement units. The requirements of TfNSW Roads have been addressed by amended plans and conditions of consent.

In addition, TfNSW Roads have advised that it has submitted a Safer Roads Funding Submission for the intersection of Avoca Drive/Melville Street for works including a centre median barrier, widening of shoulders and installation of guard rail. The submission was endorsed by the Centre for Road Safety; however, funding was not provided for 2018/2019. This submission will be submitted again for 2019/2020.

The proposed development will accommodate all required vehicle parking and manoeuvring on-site for delivery and waste servicing vehicles and will not generate levels of traffic to cause congestion in

the local road network. The proposed development provides 38 car parking spaces, in excess of the 30 car parking spaces required in accordance with the provisions of the Seniors Housing SEPP.

- **Social and Economic Impacts – social projections**

- *The number of residents proposed for the facility exceed the local population projections and equates to 144% of the proposed increase of people 75+ years from 2016 to 21, or 137% for the period 2021-26. Even considering all ages this anticipated 108 residents equates to 53% of the anticipated population growth projection for 2036 for Kincumber forecast planning area and 101% of population growth for 75+ years in that period. The 'dwellings and development' map proposed for this area is 2.8% of growth to 2036, thus is not intended for further large-scale developments, especially in this location where there is an environmental buffer zone between Kincumber suburb and Terrigal/Avoca Beachside suburbs.*
- *The DA proposes three buildings hosting 108 residents is twice the previous density and very compacted, giving the sense of a commercial scope and scale in terms of a high-level care for the aged including 36 dementia patients, each floor having 18 beds with a single kitchenette.*

Comment:

Australia's population is ageing. On average, Australians are living longer in greater numbers than ever before. Older Australians represent a steadily increasing proportion of our total population and we continue to have one of the longest life expectancies in the world. The proportion of people aged 65 years or over in the total population is projected to increase from 15% at 30 June 2017 to between 21% and 23% in 2066.

Lendlease is Australia's leading provider of retirement living communities, with 16,500 residents living across 71 villages and considers this sector is based on an understanding that the quality of life for their residents is more than just bricks and mortar, there are a multitude of personal, local community and broader societal benefits which can be realised through the delivery of well-planned and well-managed retirement living and co-located aged care communities.

The subject site forms part of the larger senior housing development known as 'Brentwood Village retirement precinct' and the proposal seeks consent to construct a 108 bed RACF in the form of three (3) main structures and associated earthworks and landscaping. Also proposed is supportive ancillary services including a café, hair salon, physiotherapy room, office space, multipurpose room and chapel for the use of residents and their visitors.

The proposed RACF is designed to be at the forefront of aged care facilities and services to provide for a modern, caring, supportive and safe environment which creates a sense of community and fosters social inclusiveness. The proposed RACF will ensure completeness and connectedness to the existing Brentwood Village creating opportunities for seniors to age in place, provide enhanced choices for independent living while providing a full suite of healthcare services for residents with high care needs.

The proposed use is a specialised one whereby the residents have need of dedicated care and services that would generally be provided for on-site. For example, all meals would be provided on-site, and most personal, nursing and medical needs would also be met through services provided directly on-site. The recreational / entertainment needs of residents would be relatively modest and would be generally met on-site, or through specially organised and occasional trips, predominantly via private minibus. Due to the frail and aged condition of residents, there would be very little

demand generated for the use of external facilities or neighbourhood services within the area which might be negatively affected by increased populations. It also follows that there would be very few adverse impacts, such as increased vehicle movements or demand for on-street parking associated with an increased number of residents.

Further, the proposal will be wholly located within the R2 Low Density Residential zone, within which the development of aged care facilities is permissible. The proposal does not involve intrusion into any 'environmental buffer zones' and requires only 20 trees to be removed. In compensation, significant areas of landscaping are proposed which ensures the development will sit compatibly within the existing 'urban bushland' character of the local area.

Lendlease state that the scale of the development is a response to the economies of scale needed to make communal facilities viable (e.g. resident and visitor café, resident hair salon), and to accommodate the operational functions associated with the facility (e.g. appropriate lines of sight for nursing staff). Kitchenettes are provided within each Household for convenience purposes only, such as the making of tea or collecting of biscuits. The kitchenettes are extraneous to the main culinary needs of residents, which will be fully met by the communal kitchen facility within the lower ground floor.

The 'compacted' built form minimises paths of travel for staff and aged/frail residents and prevents the spread of the development over a much greater area of the site. This allows the building to be appropriately setback from the site boundaries (minimising impacts on the streetscape and neighbours, such as overshadowing) while minimising the environmental impacts to the site and allowing for significant areas of open space to be landscaped.

- ***The Geotechnical report has several recommendations for further investigation before building is commenced, further to this the report is dated Nov 2016, and there have been several revisions to the initial plans which make this report inadequate.***

Comment:

The submitted Geotechnical Report is prepared by Douglas Partners, Ref: 91006.00 dated 15 November 2016. Since the report was prepared, the design of the development in relation to the removal of vehicle access to Avoca Drive and redesign and relocation of the central administration building and car parking area has been undertaken; the location and excavation works for the residential units has not changed. Notwithstanding this, the Report provides preliminary assessment in relation to soil classification and pavement/footing/pile design parameters for proposed works. The Report recommends further geotechnical investigation should be undertaken for detailed designs for earthworks, construction and inspections during construction.

The Report is satisfactory for consideration of the proposal at development application stage, subject to recommended conditions of consent.

- ***Increased noise levels***

Comment:

It is not expected that the proposed use will cause noise impacts to the immediate neighbour's due to the buffer distances between the aged care facility and the closest adjoining residential receivers.

However, during construction, bulk earthworks will be undertaken including cut and fill. The type of equipment and tools used for excavation may cause noise and vibration impacts. Vibration monitoring will be carried out during site works, in addition to dilapidation surveys carried out on nearby buildings and services prior to site works. It should be noted that humans are very sensitive to vibration and consequently may be disturbed by the development. The Applicant submitted an Air Quality Management Plan and Noise and Vibration Management Plan. Council's Environmental Health Officer has reviewed the plans and applied conditions to conduct earthworks in accordance with these plans, **Refer Condition 4.18**

- ***Submission in Support – The development is supported as it will improve aged residential services. The proposal is a redevelopment of an existing site and minimises environmental impact and will provide social and economic benefit.***

Comment: The submission is noted

Internal Consultation

Architect

- The proposal has been assessed by Council's Architect who has reviewed the submitted report and plans. The amendments predominantly relate to tree protection. Architectural changes are minor and are considered to not to increase the impact on adjoining sites or the public domain. There is no objection to the application on architectural grounds.
- There is concern at the removal of existing mature trees though it is acknowledged there is no objection to the application by council's Ecologist.

Building

- The proposal has been assessed by Council's Building Surveyor who has reviewed the reports and plans. The proposed development is considered satisfactory, subject to conditions.

Ecology

- The proposal has been assessed by Council's Ecologist who has reviewed the amended reports and plans. The proposed plans have been updated in line with the previous Ecologist's comments resulting in the removal of any works occurring within the E3 zoned area of the property.
- It is also noted that three individually threatened trees (*Eucalyptus scoparia*, *Eucalyptus nicolii* & *Syzygium paniculatum*) occur within the property, however are not proposed to be removed as part of the clearing works. It is evident that these trees have been historically planted and therefore no assessment of significance is required to assess the potential indirect impacts of the proposed works.
- The proposed development is considered satisfactory, subject to conditions.

Engineering - Civil

- The proposal has been assessed by Council's Development Engineer who has reviewed the amended reports and plans. The proposed development is considered satisfactory, subject to conditions.

Engineering - Traffic

- The proposal has been assessed by Council's Traffic Engineer who has reviewed the amended reports and plans. The proposed development is considered satisfactory, subject to conditions.

Environmental Health

- The proposal has been assessed by Council's Environmental Health Officer who has reviewed the amended reports and plans. The proposed development is considered satisfactory, subject to conditions.

Food Surveillance

- The proposal has been assessed by Council's Food Surveillance Officer who has reviewed the proposal. The proposed development is considered satisfactory, subject to conditions.

Trees

- The proposal has been assessed by Council's Tree Assessment Officer who has reviewed the Arboricultural Assessment. The proposed development is considered satisfactory, subject to conditions.

Waste Services

- The proposal has been assessed by Council's Waste Management Assessment Officer who has reviewed the reports and plans. The proposed development is considered satisfactory, subject to conditions.

Water & Sewer

- The proposal has been assessed by Council's Water & Sewer Officer. Water and sewer services are available to the land. Section 307 Certificate of Compliance and development contributions are required.

Public Authority Consultation

Natural Resource Access Regulator (NRAR)

- The area of disturbance is approximately 15 metres from an unnamed creek, a tributary of Salt Water Creek. In accordance with section 91 of the *Water Management Act 2000* (WM Act) a controlled activity approval from the Natural Resource Access Regulator (NRAR) is required. The development is an **integrated development** under Section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- NRAR has issued General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the WM Act. Conditions applied to obtain a Controlled Activity approval before the commencement of any work or activity. **Refer Conditions 1.3, 3.6**

NSW Rural Fire Service (RFS)

- In accordance with section 100B of the *Rural Fires Act 1997* (RF Act) the proposed development is a Special Fire Protection Purpose. The development is an **integrated development** under Section 4.46 of the *Environmental Planning and Assessment Act 1979*

(EP&A Act). The NSW Rural Fire Service (NSW RFS) has issued General Terms of Approval, under Division 4.8 of the EP&A Act, and a Bush Fire Safety Authority, under Section 100B of the RF Act subject to conditions to maintain asset protection zones, prepare an evacuation plan and construction requirements of BAL-12.5 which are attached to the development consent. **Refer Conditions 1.3, 2.3, 5.5, 6.6**

Transport for NSW (TfNSW) formally NSW Roads and Maritime Services

- The site has a frontage to Avoca Drive which is a State road. The application was referred to TfNSW (Roads) and advise has no proposal that requires any part of the property. The proposed development is considered satisfactory providing the following is addressed:
 - The bus stops located at the frontage of the site on both the southern and northern side of Avoca Drive are to be formalised including kerb and gutter and footpaths, to provide safe pedestrian access between the site and the nearby pedestrian refuge.
 - Additional access from the RACF to Avoca Drive would not be supported.
 - All signs should meet the criteria contained in the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017) including, but not limited to, Section 3.3.3 Illumination and reflectance.
 - As road works are required on Avoca Drive (MR504) the developer is required to enter into a Works Authorisation Deed (WAD) with TfNSW Roads. The public authority would exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD (Attachment A).
 - All road works under the WAD shall be completed prior to issuing any Occupation Certificate for the development.
 - All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to Roads and Maritime or Council, and to Council's requirements.
 - Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.

Comment:

- TfNSW Roads requests have been addressed by amended plans and conditions of consent.
- Pedestrian access and provision of footpaths to bus stops on both sides of Avoca Drive will be upgraded. **Refer Condition 2.7**
- No vehicle access is proposed to Avoca Drive including access for firefighting purposes; all vehicle access from Scaysbrook Drive.
- Council's Development Engineer has reviewed Road and Maritime requirements in relation to WAD and road works in Avoca Drive and conditions are applied. **Refer Conditions 2.11, 5.18**
- Proposed business identification signage has been reviewed and is considered to comply with the signage requirements, subject to conditions. **Refer Conditions 2.4, 6.10, 6.11, 6.12**

Ecologically Sustainable Principles

The proposal has been assessed having regard to ecologically sustainable development principles and is considered to be consistent with the principles.

The proposed development is consistent with the relevant development objectives as it will not result in unreasonable environmental impacts. The proposed building footprint is located wholly within the R2 Low Density Residential zoned portion of the site; no development or tree removal is proposed on the E3 Environmental Management zoned portion of the site. The new residential aged care facility is setback from property boundaries to minimise privacy, noise and overshadowing impacts to adjoining properties and the streetscape. The proposed landscaping regime will provide alternative habitat for local fauna as well as providing amenity benefits. The proposal will provide opportunities for employment and provide high quality well-managed aged care facilities and opportunities for long-term local residents to age in their community.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and the retention of vegetation where possible and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposed development is unlikely to significantly affect fluvial environments.

Climate Change

The potential impacts of climate change on the proposed development have been considered by Council as part of the assessment of the application.

This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts. The proposed development is considered satisfactory in relation to climate change

Assessment

This application has been assessed using the heads of consideration specified under section 4.15 of the EP&A Act, and relevant Council policies. The assessment has identified the following key issues, which are elaborated upon for the Panel's information.

s. 4.15 (1)(a)(i) of the EP&A Act: Provisions of any environmental planning instruments/Plans/Policies

The relevant Environmental Planning Instruments are addressed below:

Draft Environmental Planning Instruments

Draft Central Coast Local Environmental Plan

The application has been assessed under the provisions of the draft *Central Coast Local Environment Plan 2018* (draft CCLEP) publicly exhibited from 6 December 2018 to 28 February 2019 with respect to zoning, development standards and special provisions.

Under the draft CCLEP the proposal is to be located on land zoned R2 Low Density Residential. Building height, floor space ratio or site coverage in the R2 zone is proposed to be controlled under the draft Central Coast Development Control Plan 2018 (draft CCDCP), unless specifically mapped under the draft CCLEP. The draft CCDCP was on exhibition with the draft CCLEP. Building height for dwellings in the R2 zone in areas not specifically mapped by the draft CCLEP will be 10m with the building height generally not exceeding two storeys.

The development application for seniors housing is lodged pursuant to the Seniors Housing SEPP which prevails over local planning controls to the extent of any inconsistency.

The assessment concluded the proposal is consistent with the draft *Central Coast Local Environment Plan*.

State Environmental Planning Policies

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

Clause 7 of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) requires the consent authority to consider whether the land is contaminated when determining a Development Application.

The provisions of SEPP 55 aim to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 7 of SEPP 55 requires the consent authority to consider whether the land is contaminated, and if so, 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.

The previous land use was residential which is not listed as a potentially contaminating activity in SEPP 55. The nature of the use is for residential purposes as a result the proposal is considered satisfactory under the provision of SEPP 55.

State Environmental Planning Policy (SEPP) No 64 – Advertising and Signage

The signage is subject to the provisions of *State Environmental Planning Policy No 64 – Advertising and Signage - Advertising and Signage* (SEPP 64), detailed as follows:

In accordance with part 2 clause 8 of SEPP 64 a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- a that the signage is consistent with the objectives of this Policy as set out in Clause 3(1)(a), and
- b that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.

Assessment Comment

The site has dual street frontage and proposes business identification signage at each frontage in the form of a pylon sign and will be internally illuminated. The dimensions of each sign are 4200mm (H) x 1900mm (W); total signage display area on the advertising structure is 3.7m². These signs will replace 2 existing (now demolished) signs previously positioned on the Avoca Drive and Scaysbrook Drive frontages. The signage on both street frontages will be located within the R2 portion of the site.

One pylon sign will be visible from Avoca Drive which is a classified State Road and comment was sought from the TfNSW (Roads). Concurrence is not required for the new signage proposed under Clause 18 of SEPP 64; although within 250 metres of, and visible from, a classified road the sign is less than 20m² in area. Notwithstanding, the assessment of the signage has considered advice to Council as follows:

- All signs should meet the criteria contained in the Department of Planning's Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017) including, but not limited to, Section 3.3.3 Illumination and reflectance.
- Council should ensure that all signs meet the requirements of Schedule 1 Assessment Criteria of the State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage.
- Advise the applicant that Roads and Maritime may direct the screening, modification or removal of a structure if, in the opinion of Roads and Maritime, the structure is considered a traffic hazard under Section 104 of the Roads Act 1993. **(Refer Advice Condition)**

The proposed signage is defined as business identification signage, within the meaning of Part 1 Clause 4 of SEPP 64, and is not subject to consideration under Part 3 of the SEPP.

The proposed signage has been assessed in accordance with the eight (8) criteria specified by Schedule 1 as follows:

Schedule 1 Assessment Criteria		Comment
1	Character of the area	<ul style="list-style-type: none">• The signs are modest in height, materials and colour appropriate for the urban bushland setting and provides effective and clear identification of the intended use of the site and is compatible with the streetscape and locality.
2	Special areas	<ul style="list-style-type: none">• The signage is not located near any environmentally sensitive areas, natural conservation areas or waterways.

		<ul style="list-style-type: none"> • The signage is recessive and compatible with the locality.
3	Views and vistas	<ul style="list-style-type: none"> • The signage is located wholly within the site and relates to the existing buildings. • The signage does not compromise or obscure any vistas or intrude into view corridors currently enjoyed by adjoining residents or the passing public.
4	Streetscape, setting or landscape	<ul style="list-style-type: none"> • The signage is of an appropriate height and scale and does not protrude above buildings structures or tree canopies in the area. • The signs are modest in height, materials and colour, and provide effective and clear identification of the intended use of the site and is compatible with the streetscape and locality • The signage does not contain any flashing elements or moving parts which would impact on the amenity of adjoining urban and non-urban residential development.
5	Site and building	<ul style="list-style-type: none"> • The design, materials and colour of the signage respects the established streetscape and does not distract from adjoining residential buildings and is compatible with the scale, proportion and form of the proposed building and streetscape.
6	Associated devices and logos with advertisements and advertising structures	<ul style="list-style-type: none"> • The signs are internally illuminated and will use a two-tone colour scheme comprising a blue background and white lettering and simply stylised logo. There are no specific devices or logs proposed.
7	Illumination	<ul style="list-style-type: none"> • The level of illumination of the signage is subject to the Department of Planning and Infrastructure's Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017) (the Guidelines) Section 3.3.3 Illumination and Reflectance which makes reference to certain assessment criteria for assessing signs that may cause a traffic hazard due to their luminosity and reflectance properties and location to surrounding development. • Compliance with the Guidelines takes into consideration an acceptable level of illumination of the pylon sign in relation to the location of the site to surrounding residential properties in the bushland urban setting. The levels of illumination for Zone 4, Table 5, Section 3.3.3 of the Guidelines are applicable to both pylon signs i.e. 600cd/sqm of illuminance. Zone 4 covers an area with generally low levels of off-street ambient lighting e.g. most rural areas, or areas that have residential properties nearby. • The proposed signage can comply with the Guidelines and is not considered to have an adverse impact on the amenity of adjoining properties.
8	Safety	<ul style="list-style-type: none"> • The signage provides appropriate corporate identification and does not increase visual clutter. • The signage does not contain any flashing elements or moving parts which would confuse motorists. • The locations of the signs will not obscure any sightlines or compromise road safety.

The proposal has been assessed against the aims and objectives of SEPP 64, including the eight (8) criteria specified by Schedule 1, and Department of Planning and Infrastructure's Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017). The proposal meets TfNSW (Roads) requirements. The signage is deemed consistent with the policy's aim to ensure that signage is

compatible with the desired amenity and visual character of the area, and is of a high-quality design and finish, and found to be satisfactory, subject to conditions. **Refer Conditions 2.4, 6.10, 6.11, 6.12**

State Environmental Planning Policy (State and Regional Development) 2011

The aims of *State Environmental Planning Policy (State and Regional Development) 2011* (the SEPP) are to identify development that is State significant development, State significant infrastructure and critical State significant infrastructure or regionally significant development and to confer functions on the relevant state or regional planning panels to determine development applications.

The categories of regionally significant development are identified in schedule 7 of the SEPP. Development that has a capital investment value (CIV) of more than \$30 million is regionally significant development.

The proposed development has a capital investment value of \$30,509,315 and is identified as regional development for the purposes of the SEPP. The Hunter and Central Coast Regional Planning Panel is therefore the determining authority for this application.

State Environmental Planning Policy (Infrastructure) 2007

The site has two street frontages. The application originally proposed vehicle access to both Avoca Drive (classified RMS state road) and Scaysbrook Drive. The provisions of clause 101 for development with frontage to classified road applies to the development and was referred to the Transport for NSW (TfNSW) formally NSW Roads and Maritime Services.

TfNSW (Roads) did not support the vehicle access to Avoca Drive in accordance with clause 101(2)(a) and the application has been amended with all vehicle access to occur from Scaysbrook Drive. The revised proposal is supported by a revised Traffic Parking and Access Report prepared by Seca Solution, Ref P0660, dated 26 March 2019. The proposal is supported by Council's Traffic Engineer and Development Engineer, subject to conditions.

The proposal is considered to meet the objectives of the clause as follows:

- to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
- to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

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

The aims of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP) are to encourage the provision of housing (including residential care facilities) that will:

- *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
- *make efficient use of existing infrastructure and services, and*
- *be of good design.*

These aims will be achieved by:

- *setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*
- *setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
- *ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

An assessment has been undertaken against the main relevant requirements of the Seniors Housing SEPP for the proposed residential care facility and is provided in **Attachment 6**. The proposed development complies with the aims of the policy except for the topmost ceiling height and number of storeys stipulated in clause 40.

Clause 40 prescribes several minimum site and design related development standards. The proposal complies with the development standards for site size (clause 40(2)) and site frontage (clause 40(3)) however does not comply with the height controls in clause 40(4)(a) and (b) which states as follows:

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

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

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

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

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

Clause 40(4)(a) - The proposal has a maximum topmost ceiling height of 13.81m and exceeds the height standard of 8m. The variations to the height standard range from 1.08m to a maximum of 5.81m. The variation primarily relates to the southern wing of the building which faces the Scaysbrook Drive frontage.

Clause 40(4)(b) - The proposal has a maximum of 4 storeys and exceeds the standard of two storeys in height.

In accordance with clause 40(5), Catholic Healthcare is a registered social housing provider and therefore clause 40(4)(c) does not apply to the proposed development.

The applicant has submitted a request to vary the development standard of clause 40(4) (a) and (b) in the Seniors Housing SEPP under Clause 4.6 of *Gosford Local Environmental Plan 2014* (GLEP 2014).

Figures 8 and 9 identify the parts of the proposal that exceed the 8m building height and number of storeys.

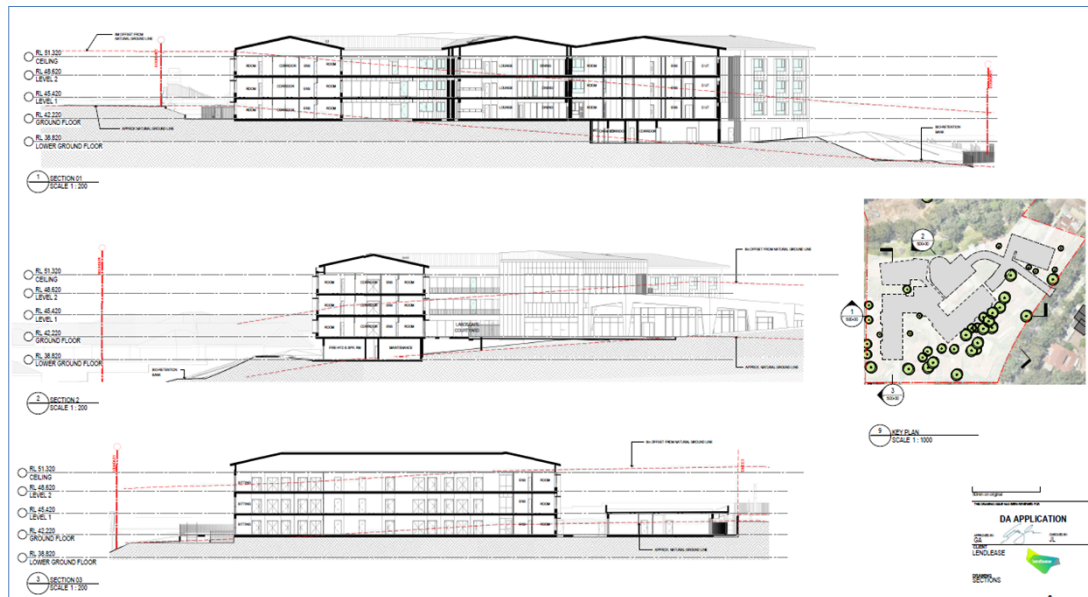


Figure 8 Sectional Elevations with the natural ground levels and 8m height plan shown as red dotted lines

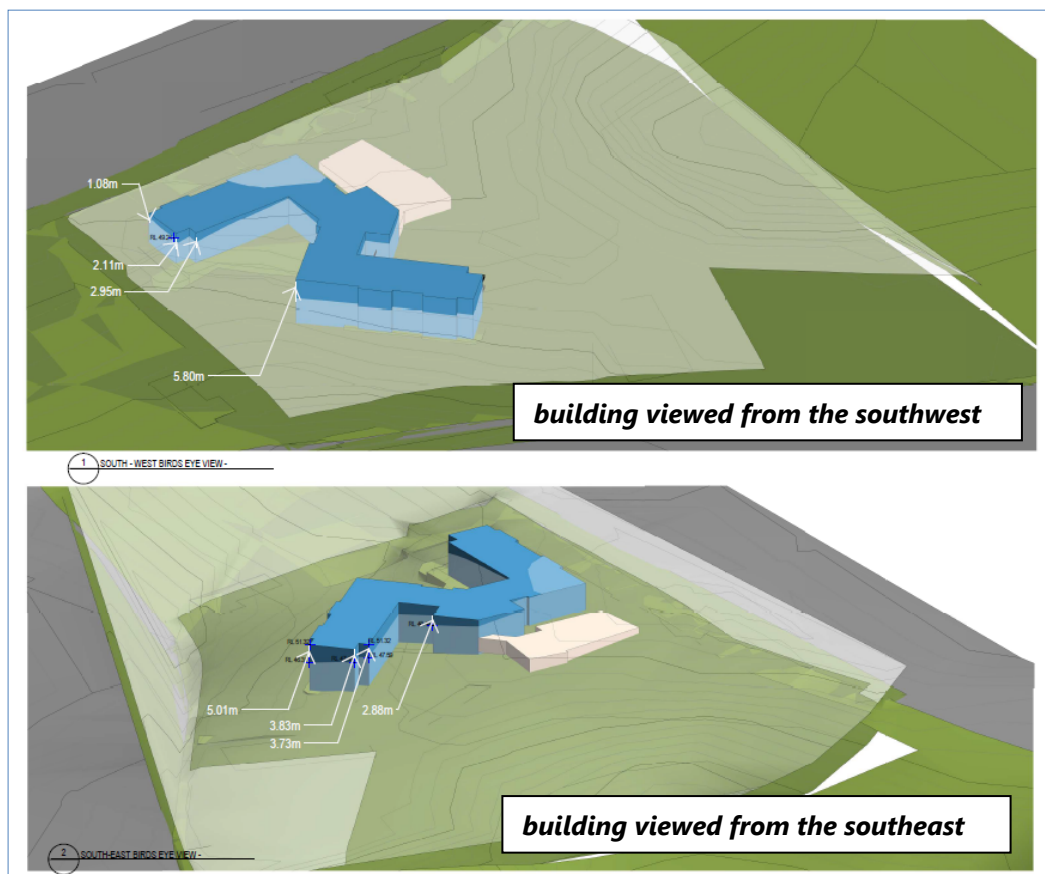


Figure 9 Building height plane diagram
The dark blue block massing identifies the encroachment through the 8m height limit

Exception to Development Standards

Clause 4.6 of GLEP 2014 provides the ability to grant consent to a development application where the variation to a development standard can be adequately justified and where the objectives of clause 4.6 are satisfied, being:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

In accordance with clause 4.6(3) the Applicant has submitted a written request seeking variation to the maximum topmost ceiling height and two storey development standards in clause 40(4)(a) and (b) respectively of the Seniors Housing SEPP. The subject site is located on land zoned R2 Low Density Residential under GLEP 2014 where residential flat buildings are not permitted. A copy of the clause 4.6 variations is included as **Attachment 4 & Attachment 5**.

The extent of the development standard to be varied is as follows:

- The proposed residential care facility has a maximum ceiling height of 13.81m (a variation of 5.8m) thereby exceeding the maximum permitted 8m building height development standard of Clause 40(4)(a). The variation primarily relates to the southern wing of the building which faces (at a minimum distance of 28m) the Scaysbrook Drive frontage.
- The proposed residential care facility has a 3-storey component in the northern portion of the site and a 4-storey component in the southern portion of the site thereby exceeding the maximum permitted two storey building height for a building that is adjacent to a boundary of the site development standard of Clause 40(4)(b).

The Applicant's written request to vary clause 40(4) (a) and (b) development standard demonstrates the following:

- *Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development.*
- *There are sufficient environmental planning grounds to justify the contravention.*
- *The development achieves the objectives of the development standard and is consistent with objectives of the R2 zone.*
- *The proposed development, notwithstanding the variation, is in the public interest and there is no public benefit in maintaining the standard.*
- *The variation does not raise any matters of State or Regional significance.*
- *The non-compliance would allow for the consolidation of seniors housing in a single location (rather than ad-hoc piecemeal seniors development), whilst retaining significant views and vegetation and not having any unreasonable environmental impacts.*
- *The proposal will provide additional seniors accommodation and care for the community in an area highly serviced by suitable retail, medical services and public transport.*

In accordance with clause 4.6(4), development consent must not grant consent for a development that contravenes a development standard unless:

1. *The consent authority is satisfied that the Applicant's written request has adequately addressed the matters required to be demonstrated in clause 4.6(3).*

Comment:

The clause 4.6 submitted by the Applicant has addressed how strict compliance with the development standards is unreasonable or unnecessary having regard to various relevant decisions in the NSW Land and Environment Court and New South Wales Court of Appeal and how there are sufficient environmental planning grounds to justify the contravention. Council is satisfied that the matters required to be demonstrated in subclause 4.6(3) have been adequately addressed for the variation to the height development standard of Clause 40(4) (a) and (b) of the Seniors Housing SEPP.

2. *The consent authority is satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*

Comment:

The Seniors Housing SEPP does not provide any purpose of the height controls or specific objectives on the intent of the height controls in Clause 40(4)(a) and (b).

Therefore, it is considered the intent for seniors' housing development in areas where residential flat buildings are not permitted is to ensure that the development does not dominate the streetscape by virtue of its scale and bulk, avoids an abrupt change in the scale of development in the streetscape and is consistent with the character of the area.

The assessment considers the proposal is consistent with the above elements as follows:

- Potential building height impacts have been addressed with the retention of existing - and the provision of additional - landscaping, centralising of the building's location on the site, and targeted earthworks to provide for layers of landscaping and the 'stepping' of the development down the natural slope. The proposed landscaping treatment provides effective visual screening to the public domain and surrounding development and does not impact adversely on the residential amenity of neighbours.
- The building has a condensed footprint resulting in the taller building elements located within the centre of the site providing large setbacks to boundaries and extensive landscaped areas to minimise the visual scale of the building.
 - This design approach also has the added benefit of:
 - Effectively reducing potential adverse amenity impacts on neighbouring residential development;
 - Enables larger setbacks and areas for enhancement of deep soil landscaping;
 - Largely retains the natural contours of the land; and
 - Retains a streetscape to both the Scaysbrook and Avoca Drive frontages that will be dominated by a sustainable bio-rich landscape.
 - The proposed building setbacks are as follows:
 - Setback of Northern wing to the west boundary: 17.2m
 - Setback of Southern wing to the west boundary: 29.1m

- Setback to east boundary: 110m
 - Setback to the southeast boundary and the new residential lots: 50m
 - Setback to Avoca Drive site boundary: 10.8m
 - Setback to Scaysbrook Drive site boundary 26m to 39m.
- The proposal retains a streetscape to both the Scaysbrook and Avoca Drive frontages that will be dominated by a sustainable landscape. The topography of the site makes appear the building mass and scale of the proposal different according from where it is perceived.
 - Views across the site are currently obtained from the public domain of Avoca Drive, which is higher in topography than the site.
 - The facility ground floor is at a lower level to Avoca Drive, which makes the building look like a two-storey development when viewed from Avoca Drive.
 - The building height of the northern wing is effectively 9.1m to the underside of the ceiling 12.2m to the lift overrun and parapet. The generous setbacks, proposed landscaping and consolidated built form of the proposed new building will be visible from Avoca Drive, however, they will appear acceptable within the scale and context of the immediate area.
 - The facility proposes four levels to Scaysbrook Drive however the height, bulk and scale is minimised by incorporating large setbacks to Scaysbrook Drive together with the landscape and the architectural treatment.
 - Being substantially lower in height, views from Scaysbrook Drive will be limited to the existing and proposed landscape and glimpses of the southern wing. The building height is effectively 13.81m to the underside of the ceiling at the highest point on the southern wing and 15.7m to the lift over run. However, lift overruns and plant are largely obscured by a roof that has been designed to complement the location. The setbacks from the Scaysbrook Drive and the western side boundary as stated above provide adequate context.
 - The combination of lines of trees, low vegetation, and a terrain embankment, partially hide the lower storeys and break the views from Scaysbrook Drive. The lower floor has been treated as a podium finished with natural colours to merge to surrounding landscape.
- The architectural section plans by Jackson Teece, Drawings 253824-KI-AD-500-00 Rev 3 and 253824-KI-AD-501-00 Rev 1 dated 18 March 2020 show the separation distance, site topography, proposed landscaping relationship of adjoining development and street frontages to the proposed building. The separation distances from boundaries and adjoining residential dwellings will allow sightline to open sky and despite the height, bulk and scale of the building, the existing residential development will continue to enjoy the aesthetic benefits of having generous quantity open space around them. The location and height of the building is not considered to impact on overshadowing, privacy, acoustic activities or views.
- The built form is visually broken up so that it does not appear as one large building from key aspects, including the adjoining residential properties and the public domain.
- The building is well articulated along the northern and southern facades, varying roof forms and use of a variety of external materials, colours and finishes assist in reducing bulk and scale.
- The bulk perceived from the E3 zone has been reduced limiting the front of house to a single storey wing on the eastern side of the building, and then transitioning to the 3-storey component.

- The FSR complies with the requirements of the Seniors Housing SEPP and is consistent with the FSR provisions within the GLEP 2014 for the adjoining low-density development on R2 zoned land.

The proposed development does not comprise a low-density residential development. The proposed setbacks to boundaries, extensive landscaped areas, architectural design of the building provides a satisfactory transition from surrounding development and minimises visual and amenity impacts on the streetscape and surrounding residential development. The proposal is considered acceptable from a residential density and development character perspective, has been considered on its merits and is supported.

A compliant development could be achieved on the site through provision of a larger and more expansive building footprint combined with significantly reduced front and side setbacks. However, this potential alternative design option would require more extensive tree removal, increased cut and fill and potentially lead to increased adverse amenity impacts on adjoining residents.

However, the proposed development is compatible with surrounding low-density residential environment and is consistent with objectives of the R2 zone as stated within this report.

The development is consistent with the objectives of the Seniors Housing SEPP providing additional diversity in housing and accommodation types for a specific sector of the community, does not impact on existing infrastructure or services and comprises high-quality design that responds to the site's constraints and opportunities as stated throughout the report.

The clause 4.6 request submitted by the Applicant also provides assessment of the proposal against the relevant development standard and zone objectives, and Council is satisfied that the Applicant has demonstrated compliance with these objectives such that the proposal is in the public interest.

3. The concurrence of the Secretary has been obtained.

Comment:

Planning Circular PS 18-003 issued 21 February 2018 states that the Regional Planning Panel may assume the concurrence of the Secretary of the NSW Department of Planning and Environment when considering exceptions to development standards under clause 4.6. The Regional Planning Panel is therefore empowered to determine the application.

The clause 4.6 variations submitted by the Applicant appropriately addresses the relevant guidelines and Court principles and exhibits consistency with the relevant state and local planning objectives. This assessment concludes that the clause 4.6 variations are well founded and are worthy of support.

Gosford Local Environmental Plan 2014 (GLEP 2014)

Zoning & Permissibility

The land is zoned part R2 Low Density Residential and part E3 Environmental Management (eastern portion of the site) under *Gosford Local Environmental Plan 2014* (GLEP 2014), refer Figure 9. The proposed development is located on the R2 zoned portion of the site. The proposal is defined as seniors housing which is permissible in the zone with consent of Council. The proposal is also permissible on urban land with consent under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP).



Figure 9 - Zoning Map

The proposed development is defined as **seniors housing** under the provisions of the GLEP 2014. The proposed development is permissible in the zone with consent of Council.

The definition of **seniors housing** means a building or place that is:

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

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

- (e) seniors or people who have a disability, or
 - (f) people who live in the same household with seniors or people who have a disability, or
 - (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,
- but does not include a hospital

The proposed development is a 'residential care facility' under the definition of seniors housing.

The proposal is also permissible on urban land with consent under the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP).

The proposed development does not comprise a low-density residential development. However, the proposed development is compatible with surrounding low-density residential environment and consistent with the objectives of the R2 Low Density Residential zone as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
 - The proposal for seniors housing provides for the future housing needs of the community by providing aged and disabled accommodation and residential care facilities to facilitate ageing in place for residents; near the existing Brentwood Retirement Village. The land use has been previously long established within the existing Brentwood Retirement Village. Surrounded by similar low/medium density independent living units.
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
 - The proposal incorporates a limited range of ancillary uses and services including a café, hair salon, gym, consulting rooms and chapel. These uses are small scale, located within the building so that they do not adversely affect the residential amenity of the surrounding area.
- *To ensure that development is compatible with the desired future character of the zone.*
 - The existing character of the area comprises a mix of medium density (Brentwood Village) and low-density residential dwellings, institutional buildings and retail premises transitioning to lower density, environmental zoned land comprising large rural residential properties with a more 'bushland / rural' character.
 - The development displays improved standards of scenic, urban and civic design quality. The design of the proposed RACF responds to the site characteristics and surrounding built form and landforms on the urban fringe adjoining environmental protection areas. The proposed setbacks to boundaries, extensive landscaped areas, and architectural design of the building provides a satisfactory transition from surrounding development and minimises visual and amenity impacts on the streetscape and surrounding residential development.
 - The proposed landscaping treatment provides effective visual screening to the public domain and surrounding development and does not impact adversely on the residential amenity of neighbours.
 - In this context, as stated in the report under Chapter 2.1 Character the proposal is not inconsistent with the desired future character and densities of the area and is considered to comply with the objectives of Chapter 2.1 Character.
- *To encourage best practice in the design of low-density residential development.*
 - The building has a condensed footprint resulting in the taller building elements located within the centre of the site providing large setbacks to boundaries and

extensive landscaped areas to minimise the visual scale of the building. The building is stepped down the slope to retain natural contours and reduce the extent of cut and fill.

- The building is articulated, provides façade variations and uses a variety of materials, colours and finishes to divide the building mass and reduce the bulk and scale of the building. This will minimise visual impact to the surrounding area.
- *To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.*
 - The proposal will promote ecologically, socially and economically sustainable development and provide positive social and economic benefits by the following:
 - The provision of high quality, high-level of amenity aged care and 24/7 dementia care facility and provide long term local residents to age in their community.
 - The provision of on-going local employment opportunities for contractors during the construction phase and opportunities in health care, social services, food and beverage, and maintenance sectors, generate demands for the provision of goods and services provided by local companies and will employ 40 staff on site on any day
 - The proposed RACF is designed to be at the forefront of aged care facilities and services to provide for a modern, caring, supportive and safe environment which creates a sense of community and fosters social inclusiveness. The proposed RACF will ensure completeness and connectedness to the existing Brentwood Village creating opportunities for seniors to age in place, provide enhanced choices for independent living while providing a full suite of healthcare services for residents with high care needs.
- *To ensure that non-residential land uses do not adversely affect residential amenity or place demands on services beyond the level reasonably required for low-density housing.*
 - The proposal incorporates a limited range of ancillary uses and services including a café, hair salon, gym, consulting rooms and chapel. These uses are small scale, located within the building so that they do not adversely affect the residential amenity of the surrounding area and will be patronised by residents and their families.

The objectives of the E3 Environmental Management zone are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To promote ecologically, socially and economically sustainable development and the need for, and value of, biodiversity in Gosford.*
- *To ensure that development is compatible with the desired future character of the zone.*
- *To highlight the importance of providing an environmental buffer to areas of high ecological, scientific, cultural or aesthetic value.*

The proposal is not inconsistent with the objectives of the E3 zone. The proposal is located wholly with the R2 zoned portion of the site. No development will occur within the E3 zone and will retain the existing vegetation on this portion of the site.

Principal Development Standards

The table below summarises the compliance of the proposal with the relevant development standards of GLEP 2014.

Development Standard	Required	Proposed	Compliance with Controls	Variation %	Compliance with Objectives
4.3 – Height of Buildings	8.5m	Variable Maximum 15.7m Southern building	No	-	SEPP Seniors Housing overrides local planning controls See Comments below
4.4 – Floor Space Ratio	0.5:1	0.5:1 Calculated on the R2 portion of the site only	Yes	-	

Clause 4.3 - in accordance with the Height of Buildings map the proposed development will exceed the maximum height development standard.

Clause 4.4 - in accordance with the Floor Space Ratio (FSR) map the proposed development complies with the development standard. The site has dual zoning. This clause prescribes a maximum FSR of 0.5:1 for the land contained within the R2 Low Density zone. This clause does not prescribe a maximum FSR for the land in the E3 Environmental Management zone. The proposal is development permitted with consent on the R2 zoned land only and therefore the FSR has been calculated on the area of the R2 zone of 12,842m². The building has a floor area of 6,447m² resulting in an FSR of 0.5:1 on the R2 zoned land.

The proposed development has been lodged pursuant to the provisions of the Seniors Housing SEPP. The height of building and floor space ratio controls of the Seniors Housing SEPP prevails over local planning controls to the extent of any inconsistency.

7.1 Acid sulfate soils

This land has been identified as being affected by the Acid Sulfate Soils Map and the matters contained in clause 7.1 of Gosford Local Environmental Plan 2014 have been considered. The site contains Class 5 Acid Sulfate Soils.

No works are proposed within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the watertable is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land.

Notwithstanding this, a geotechnical report, prepared by Douglas Partners reported on the soil conditions and did not identify any Acid Sulfate Soil risk.

Notwithstanding this, a condition of consent is recommended to cease works should Acid Sulfate Soils be identified and details of mitigate and treatment measures are provided and approved by the Principal Certifying Authority, **refer Condition 4.8.**

s. 4.15(1)(a)(iii) of the EP&A Act: Provisions of any development control plan

Gosford Development Control Plan 2013 (GDCP 2013)

Chapter 2.1 Character

The site is located within the 'Scenic Buffer' character precinct of Kincumber of *Gosford Development Control Plan 2013* (GDCP 2013) Chapter 2.1 Character. The site is on the western fringe of this character area and adjoins urban residential areas to the east and Brentwood Village medium density estate character precinct to the south. The existing character of the area is comprised of a mixture of medium density and low-density residential dwellings, institutional buildings and retail premises, transitioning to lower-density environmental zoned land with a more 'bushland / rural' character.

In this context, the proposal is not inconsistent with the desired future character and densities of the area and is considered to comply with the objectives of Chapter 2.1 Character which are to protect and enhance environmental character of the development site and the surrounding area whereby the development displays improved standards of scenic, urban and civic design quality by:

- The proposal is an architecturally designed building that responds to the surrounding character and natural topography of the land to provide a transitional building between the R2 and E3 zones. Located entirely within the R2 zone, the building is designed to respond to its context on the urban fringe adjoining environmental protection areas. The overall lot includes a large area of E3 zoned land, which will be managed as part of the broader site but provides the necessary buffer to the environmental zones to the east and north. The existing vegetation on this portion of the site is retained. The development proposes a single storey wing on the eastern side of the building which transitions to the 3-storey building component.
- The proposal has characteristics of a medium density residential development in a generally low-density residential environment. Notwithstanding this, the development has an FSR of 0.5:1 when calculated on the area of the R2 zone portion of the site only and is consistent with density provisions of adjoining residential development.
- The land slopes from the north at Avoca Drive to the south at Scaysbrook Drive. The proposal responds to the topography of the land by its location within the central portion of the site.
 - Its design and condensed building footprint respond to the site characteristics in order to reduce the extent of excavation.
 - The proposal will require areas of cut to ensure the built form will remain at a reasonable height and scale to the immediate area. The architectural section plans by Jackson Teece show use of staggered/stepped retaining walls with battered slopes in between to soften the level of excavation.
 - Landscaping of these areas provide a visual barrier to the development. The earthworks provide for layers of landscaping and the 'stepping' of the development down the natural slope.
- The proposed at grade car parks, include the central car parking being elevated to access the building. Visual impact of the hardstand areas is reduced by landscaping around the boundaries of the car parking areas, along the driveway including additional landscaping within the central car park.

- The built form is visually broken up so that it does not appear as one large building from key aspects, including the adjoining residential properties and the public domain.
 - The different sections of the building are separated by landscaped courtyards.
 - The articulation of the building facades, use of residential window types and balconies are to break up the façade, use of a variety of external materials, colours and finishes assist in reducing bulk and scale.
 - The roofs is a simple hip without elaborate articulation, gently-pitched to minimise heights of ridges.
- Potential building height impacts have been addressed with the retention of existing - and the provision of additional – landscaping and centralising of the building's location on the site. The facility ground floor is at a lower level to Avoca Drive, which makes the building look like a 2-storey development when viewed from Avoca Drive. When viewed from Scaysbrook Drive an earthen bund or mounding together with the structured vegetation layers, including trees (comprising mature plantings) and low bushes soften and screen the building's bulk, giving the appearance of an approximately 2-storey building when viewed from the street at least 29m away from the building.
- The proposal provides large site boundary setbacks as stated throughout the report. This provides appropriate separation between buildings on adjoining residential properties, particularly to the west of the site. The building design addresses both street frontages to maintain a residential address to each street frontage and proposes boundary fencing that is see-through. The proposed setbacks to boundaries, extensive landscaped areas and architectural design of the building provides a satisfactory transition from surrounding development and minimises visual and amenity impacts on the streetscape and surrounding residential development.
- Business identification signs are limited in size and number proposing one sign 4.2m in height at each street frontage.

Chapter 2.2 Scenic Quality

The proposal is located within the East Brisbane Water geographic unit and the Kincumber landscape unit, which is of local significance and described as follows:

The Kincumber Landscape Unit is characterised by a mixed residential, commercial and rural landscape at the foothills of Kincumba Mountain and the alluvial flats of Brisbane Water. Kincumba Mountain is visually dominant and strongly enclosing. The development pattern in the Kincumber landscape unit is rather haphazard.

The principle aim of the Scenic Quality Development Control Plan is to provide guidelines for the interpretation and management of the scenic quality of the area and provides for the following objectives:

- i to provide a detailed assessment of Gosford's landscape character which highlights the diversity between and within landscape units;*
- ii to detail the components of that landscape character;*
- iii to provide a comparative ranking of the landscapes; and*

- iv to develop appropriate guidelines for the management of the landscape character.

The building will likely be viewed from limited areas of the public domain, mainly along Avoca Drive. Some views may be obtained from neighbouring private environmental protection lands to the east. The proposal is for the redevelopment of a previously established medium density developed site. The development has been designed with large setbacks to the site boundaries (10.8m setback to Avoca Drive and 26m to 39m setback to Scaysbrook Drive) incorporating extensive landscaped areas to screen the exposed elements of the building.

Due to the haphazard nature of the Kincumber landscape the design of the proposed RACF is a reasonable response to the site characteristics, surrounding built form and landforms and does not result in a loss of views to Kincumba Mountain.

Chapter 3.7 Advertising Signage

The proposal has been assessed in accordance with the relevant provisions of Gosford DCP 2013 Chapter 3.7 – Advertising Signage.

Development Standard	Required	Proposed	Compliance with Control	Compliance with Objective
Clause 3.7.7.2(i) Projection over road alignment	Not project more than 1m over any road alignment	Does not project over road alignment	Yes	Yes
Clause 3.7.7.2(ii) Height above ground level	Not extend more than 6m in height above the ground	4.2m	Yes	Yes
Clause 3.7.7.2(iii) Advertising area	Not have advertising area greater than 12m ² where more than one advertising area is involved and maximum 6m ² on any single advertising structure.	The sign will have an advertising area of 3.7m ²	Yes	Yes
Clause 3.7.7.2(iv) Minimum height above ground level	Minimum height above ground level shall be 2.6m above the ground where it projects	Nil	No See comments below	Yes See comments below

Comment:

Clause 3.7.7.2(iv) of the GDCP 2013 states that the minimum height above ground level where it projects shall be 2.6 metres. The GDCP 2013 does not take into consideration the current design concept for pylon signs which is a solid structure. A Pole or Pylon Sign being a sign erected on a pole or pylon independent of any building or other structures. The intent of the provision was for a light weight structure that would not obstruct sight lines of vehicles and pedestrians.

The proposal does not nominate a minimum height above ground level and does not comply with this numeric provision for a pylon sign. The proposed signs otherwise comply with the height and

advertising area controls of the GDCP 2013 and the design criteria and illuminance requirements of SEPP 64.

The proposed signage complies with the requirements of SEPP 64 Advertising and Signage and is considered to comply with the objectives for signage in GDCP 2013 and is supported.

Chapter 6.3 Erosion and Sediment Control Plan

The submitted Soil and Water Management Plan (SWMP) prepared by Wood and Grieve Engineers demonstrates compliance with the GDCP 2013. Conditions of consent are recommended.

Chapter 6.4 Geotechnical Requirements

The submitted Geotechnical Report is prepared by Douglas Partners, Ref: 91006.00 dated 15 November 2016. Since the report was prepared, the design of the development in relation to the removal of vehicle access to Avoca Drive and redesign and relocation of the central administration building and car parking area has been undertaken. Notwithstanding this, the Report provides preliminary assessment in relation to soil classification and pavement/footing/pile design parameters for proposed works. The Report recommends further geotechnical investigation should be undertaken for detailed designs for earthworks, construction and inspections during construction. The Report is sufficient for consideration of the proposal at development application stage, subject to conditions of consent. **Refer Conditions 2.5, 3.11, 4.9, 5.8**

Chapter 6.7 Water Cycle Management

The lot has a split catchment with the part of the site zoned E3 sloping to the east and the remainder of the site associated with the proposed aged care development (zoned R2) grading to the south towards Scaysbrook Drive. This is confirmed by the survey information provided with the application.

Stormwater from the residentially zoned areas of the site presently discharges to 2 separate drainage systems in Scaysbrook Drive that then drain to a dam within that part of Brentwood Retirement Village located on the southern side of Scaysbrook Drive and Patrick Croke Oval further downstream. Patrick Croke Oval also operates as a Council detention basin. On this basis, on site detention and nutrient/pollution controls would not be required for this development as these measures are catered for in existing infrastructure downstream of the subject development site.

To address the requirements of Chapter 6.7 of Council's Gosford DCP2013, the Civil Engineering Works Plans and site stormwater management report that were both prepared by Wood & Grieve Engineers and submitted with the DA indicate that it is proposed to provide retention of rainwater through a number of rainwater tanks within the site and a bio-retention pond facility to treat stormwater prior to discharging stormwater to Council's drainage system in Scaysbrook Drive.

The proposed concept is satisfactory in relation to water cycle management. No objections are raised by Council's Engineer, subject to conditions.

Chapter 7.1 Car Parking

Car Parking

Chapter 7.1 of GDCP 2013 does not provide a required car parking rate for seniors housing. However, the proposed development complies with the parking rate required under the Seniors Housing SEPP, clause 48(d) being a development standard that cannot be used as grounds to refuse consent for residential care facilities. Clause 48(d) stipulates the proposal requires a minimum of 30 car spaces, based upon 108 beds (36 dementia beds at the rate of 1 space per 15 beds and 72 general beds at the rate of 1 space per 10 beds) and the presence of 40 peak time staff (1 space per 2 staff). The proposed development provides 38 car spaces, including an accessible car space and an ambulance bay with vehicle access from Scaysbrook Drive.

Traffic Parking and Access Report

A Traffic Parking and Access Report prepared by SECA Solution, Ref: P0660 LL Kincumber Aged Care Facility Scaysbrook Drive, dated 26 March 2019 supports the proposed development and concludes the following:

- The surrounding road network has the capacity to accommodate the additional traffic generated by the development i.e. the additional traffic generated on top of the now demolished residential retirement units.
- Internal arrangements allow for the 10.8m garbage truck to enter and exit the site in a forward direction from/to Scaysbrook Drive, and appropriate access arrangements for an ambulance.
- The on-site car parking provision is consistent with the requirements of the SEPP with additional parking provided (8 spaces) and accessible parking in accordance with the BCA.
- On-site car parking areas comply with AS2890.
- Removal of a tree adjacent to the western side of the vehicle access crossing in Scaysbrook Drive is required to improve sight distance to comply with AS2890. (Note: a site inspection by Council's Development Engineer on 11 April 2019 indicated that the trees and vegetation on the eastern side of the existing vehicle crossing have already been removed with the works associated with DA53417/2017).

The Report has been reviewed by Council's Traffic Engineer and no objections are raised to the proposal subject to upgraded footpaths connections for both sides of Avoca Dr from the existing refuge to the nearby bus stops on Avoca Drive.

Civil Works

Council's Development Engineer has reviewed the proposal, traffic impacts and TfNSW requirements and the following are provided:

- *Road Works*
 - Avoca Drive is a two-way, two lane road. There is kerb and gutter within the site frontage only in the vicinity of where the pedestrian refuge is located. The footways are gravel on the southern side of the road and part gravel/grass and part vehicle crossings on the northern side of the road. Kerb and gutter, road pavement works, and footpath connectivity will be constructed.

- Scaysbrook Drive is fully constructed with kerb and gutter on both sides of the road. No road works are required in Scaysbrook Drive in conjunction with this development.
- *Vehicular Access*
 - The development site presently has an existing formal vehicular access to Scaysbrook Drive. The development site also has two existing informal vehicular and emergency accesses to Avoca Drive that do not have access crossings constructed to a Council standard.
 - In Scaysbrook Drive it is proposed to slightly relocate the existing access road onto Scaysbrook Drive further to the east to increase visibility and to provide acceptable sightlines and distances in this location.
 - The application does not propose any new vehicular entries into the development from Avoca Drive. The redundant informal access in Avoca Drive is proposed to be removed.
 - The fire trail is proposed to be retained in its present state and is no longer proposed to be upgraded with the application (as per details submitted to Council on 1 November 2019). It is recommended however that a vehicle crossing be constructed in Avoca Drive to connect to the existing fire trail within the site in conjunction with required road works for this development.
 - A car park is proposed within the southern part of the site that is to be accessed via access point in Scaysbrook Drive. The internal access and parking arrangements are to comply with AS2890. The proposal will enable all vehicles (including cars, service vehicles, waste vehicles, & emergency vehicles) to enter and exit the development in a forward direction.
- *Pedestrian Access*
 - The development proposes two pedestrian entry points into the development from the Avoca Drive frontage. There is no existing footpath across the site frontage on the southern side of Avoca Drive. A concrete footpath path will be required on the southern side of Avoca Drive that connects both pedestrian entry points to the bus stop and pram ramp associated with the pedestrian refuge.
 - On the northern side of Avoca Drive (i.e. the opposite side of the road from the development site), there is no formal pedestrian network that would facilitate proper pedestrian movements from the existing bus stop to the pram ramp associated with the pedestrian refuge on that side of the road. It is recommended that footway formation (minimum 2.5m wide) be provided on the northern side of Avoca Drive with a footpath to connect the existing bus stop and pedestrian refuge on the northern side of Avoca Drive. These works have been concurred to by TfNSW (Roads).
 - In Scaysbrook Drive a footpath was recently constructed together with footway formation across the frontage of the site associated the Lots 2-6 now created under DA53417/2017. There is a concrete footpath on the southern side of Scaysbrook Drive. There is a pedestrian refuge in Scaysbrook Drive further to the east within the frontage of Lot 3. It is recommended that the footway be formed at 2% behind the kerb line for a minimum width of 2.5m and a concrete footpath constructed to link the proposed pedestrian entry in Scaysbrook Drive to the existing footpath within the frontage of Lot 2.

The proposal is consistent with the access and parking provisions of Seniors Housing SEPP and GDGP 2013 and will not have any significant impact on the capacity of the local road network.

Chapter 7.2 Waste Management

The proposal has been assessed in accordance with the provisions of the former Gosford City Council Waste Management requirements. Conditions of consent are recommended for the ongoing waste management storage and servicing.

The submitted Waste Management Plan dated February 2018 by Waste Audit and Consultancy Services has been considered satisfactory by Council's Waste Management Officer, subject to conditions. **Refer Conditions 4.17, 6.17 – 6.23**

s. 4.15(1)(b) of the EP&A Act: Likely Impacts of the Development

Section 4.15 (1)(b) of the EP&A Act requires consideration of the likely impacts of the development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality. The likely impacts of the development are addressed below:

a) Built Environment

The subject site is zoned part R2 Low Density Residential and part E3 Environmental Management under GLEP 2014 and adjoins residential developments to the west and east, rural residential development to the north and Brentwood Retirement Village to the south.

The proposed development is not considered to have adverse amenity impacts to adjoining development from overshadowing, privacy, noise generating activities and views.

A thorough assessment of the impacts of the proposed development on the built environment has been undertaken in terms of the Seniors Housing SEPP and GDCP 2013 compliance. The potential impacts are considered reasonable.

b) Natural Environment

The proposed development is not considered to have any adverse impacts on scenic quality or the streetscape of Avoca Drive and Scaysbrook Drive and is extensively set back from both street frontages and screened from the public domain by existing and proposed vegetation.

The redevelopment of the site will result in a smaller development footprint than the pre-existing land use. Tree removal is minimised. The bushfire impacts are mitigated through construction techniques to be used and compliance with the Bushfire Safety Authority issued by the NSW RFS. The submitted SWMP, Water Cycle Management Plan and Landscape Design Report provides an overall concept which will stabilise and manage the entire site.

There will be no significant impact upon the natural environment as a result of the proposal.

c) Economic Impacts

The proposed development will have beneficial economic impacts. The proposal is considered to meet the aims of the *Central Coast Structure Plan 2036* and facilitates economic development that

will lead to more local employment opportunities on the Central Coast and reduce the percentage of employed persons who travel outside the region each day for work.

The proposed development provides for employment growth in both the Health Care and Social Assistance Sector and the Construction sector, initially generating short term construction employment and thence providing direct full time and part time jobs in the operation of the facility. Employment multipliers will occur with regard to externally provided medical and pharmacy services, the provision of maintenance services; the provision of services to care for residents of the aged care facility once operational, and the provision of kitchen food supplies, general goods and services.

d) Social Impacts

The proposed development will have beneficial social impacts as it will provide much needed high care nursing home accommodation (including 36 dementia beds) within the Kincumber locality and provide economic multipliers in the form of additional employment in construction and the provision of services to care for residents of the nursing home once operational.

To support this growing senior's demographic there needs to be a large corresponding increase in the supply of purpose-built seniors housing in all regions, particularly the Central Coast. The proponent for the development, Catholic Healthcare is an established provider of high care residential accommodation for seniors.

The proposal will provide positive social impacts as follows:

- Health and wellbeing have been the guiding principles for the design of this facility, with the
- intent also of promoting social interaction among residents, and with the broader community
- especially with the adjacent retirement living village.
- Increasing the supply and choice of high care seniors housing close to where people want to live, thereby avoiding seniors from being displaced and forced to move away from the communities that they know,
- Providing age-suitable housing which reduces the incidence of home injuries, (in housing which may not be age appropriate) thereby lessening the burden on the medical system;
- Providing dignity, certainty and security to the most vulnerable people in the community when they need it most,
- Providing residents with the highest standards of professional care, a comfortable and secure environment, privacy, dignity and participation in daily decision makings,
- Providing passive and active surveillance within the site to provide safety and security for residents, staff and visitors.

s. 4.15 (1)(c) of the EP&A Act: Suitability of the Site for the Development

The site is considered to be suitable for the proposed development as follows:

- The site is zoned R2 Low Density Residential under GLEP 2014. Seniors Housing is permissible under the Seniors Housing SEPP and in the R2 Low Density Residential zone under GLEP 2014. The site has been historically used for seniors housing.
- The environmental hazards are limited to bushfire constraints which are mitigated by adequate controls and compliance with the Bushfire Safety Authority issued by NSW RFS.

- The site is serviced for infrastructure and emergency services.
- The subject site is identified as containing Class 5 Acid Sulfate Soils. The site is considered low risk and the proposed works are not considered to impact on Acid Sulfate Soils.
- As such the site is considered suitable for this type of development subject to conditions of consent relating to bushfire impacts and the provision of landscaping.

s. 4.15 (1)(e) of the EP&A Act: The Public Interest

The approval of the application is considered to be in the public interest as follows:

- The proposal will generate social and economic benefits for the community by providing much needed high care nursing home accommodation for the elderly;
- The proposal is consistent with the relevant objectives of the applicable environmental planning framework, including the Seniors Housing SEPP, GLEP 2014 and GDCP 2013.
- The proposal does not result in any unreasonable environmental impacts and will not unreasonably impact the amenity of neighbouring properties.

Other Matters for Consideration

Crime Prevention through Environmental Design (CEPTED)

The proposed development is for high care seniors housing and will incorporate security measures to minimise the opportunity for crime through surveillance, access control, provision of adequate lighting of surrounds and signage.

A condition of consent is recommended to apply CEPTED principles including a condition to operate external lights so as not to cause a nuisance or adverse impact on the amenity of adjoining properties whilst minimising overspill into the E3 Zone, **refer Condition 5.11**.

Construction Management

- A Traffic and Pedestrian Management Plan will be prepared for works internal of the site and submitted to the principal certifier, **refer Condition 3.7**.
- A Construction Environmental Management Plan (CEMP), including a Traffic Management Plan (CTMP), Vehicle Movement Plan and Traffic Control Plan will be prepared and submitted to the principal certifier which will detail environmental management, waste and stockpile management, erosion and sediment control plan, traffic management. Council is not required to approve these plans, **refer Condition 3.8**.
- A preliminary CEMP was submitted with the proposal; generally, Council is not required to approve these plans. However, in this instance Council has reviewed the proposal in relation to air quality, noise and vibration management during construction and conditioned these management plans to be complied with during works:
 - Air Quality Construction Management Plan - It is not expected that the proposed operational use will impact the immediate neighbour's air quality. However, during construction it is anticipated that dust impacts will occur on the adjoining neighbours, given the bulk and scale of the development and extent of earthworks, **refer Condition 4.18**.

- Noise and Vibration Management Plan - It is not expected that the proposed use will cause noise impacts to the immediate neighbour's due to the buffer distances between the aged care facility and the closest adjoining residential receivers.
 - However, during construction bulk earthworks will be undertaken, including cut and fill. The *Geotechnical Report* dated November 2016 prepared by Douglas Partners ('the Report') indicates that a rock hammer will be used for excavation of high strength sandstone to medium strength siltstone. It is anticipated that noise and vibration impacts may occur.
 - The Report states that the use of heavy equipment, rock breaking tools and pneumatic equipment has the potential to affect structures adjoining the proposed excavation. The report recommends vibration monitoring be carried out during site works, in addition to dilapidation surveys carried out on nearby building and services prior to site works. It should be noted that humans are very sensitive to vibration and consequently may be disturbed by the development, **refer Condition 4.18**.

Section 7.11 Contributions

The subject site is not located within land subject to a Development Contribution Plan. Therefore, no contributions are applicable.

Planning Agreements

The proposed development is not subject to a planning agreement / draft planning agreement.

Political Donations

During assessment of the application there were no political donations were declared by the Applicant, Applicant's consultant, owner, objectors and/or residents.

Conclusion

This application has been assessed under the heads of consideration of section 4.15 of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies. The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development. Subject to the imposition of appropriate conditions, the proposed development is not expected to have any adverse social or economic impact. It is considered that the proposed development will complement the locality and meet the desired future character of the area.

Accordingly, the application is recommended for **approval** pursuant to section 4.16 of the Environmental Planning and Assessment Act.

Attachments

1. Conditions of Consent, Doc No. D13920389
2. Architectural Plans, Doc No. D13920387
3. Landscape Design Report, Doc No. D13920385
4. Applicant's submission – Clause 4.6 Exception to Development Standards – Clause 40(4)(a) Height (8m) under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, Doc No. D13920384
5. Applicant's submission – Clause 4.6 Exception to Development Standards – Clause 40(4)(b) Height (2 storeys) under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, Doc No. D13920382
6. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 Compliance Table, Doc No. D13920380