

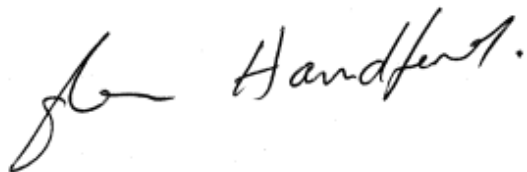
## **Notice of Development Control Unit Meeting**

**to be held at the Council Chambers  
4 Breese Parade, Forster**

**6 September 2017 at 2.30pm**

The order of the business will be as detailed below (subject to variation by Council)

1. Acknowledgement of Country
2. Declaration of Pecuniary or Conflicts of Interest (nature of interest to be disclosed)
3. Apologies
4. Confirmation of previous minutes
5. Matters arising from previous minutes
6. Address from the public gallery
7. Consideration of officers' reports
8. Close of meeting

A handwritten signature in black ink, appearing to read "Glenn Handford". The signature is written in a cursive style with a large initial 'G'.

Glenn Handford  
**General Manager**

**THIS PAGE IS LEFT BLANK INTENTIONALLY**

**TABLE OF CONTENTS**

**CONSIDERATION OF OFFICERS' REPORTS:..... 1**

**DIRECTOR PLANNING & NATURAL SYSTEMS..... 1**

- 1 DA 555-2017 - SHED - 77 MACRAE PLACE, FAILFORD ..... 1
- 2 DA 441-2017 - SENIORS HOUSING - LOT 83 DP 262684 KULAROO DR, FORSTER..... 19

**THIS PAGE IS LEFT BLANK INTENTIONALLY**

**CONSIDERATION OF OFFICERS' REPORTS:**

**DIRECTOR PLANNING & NATURAL SYSTEMS**

**1 DA 555-2017 - SHED - 77 MACRAE PLACE, FAILFORD**

**Report Author James Duval, Building Surveyor**

**File No. / ECM Index DA 555/2017; PK 25590**

**Date of Meeting 6 September 2017**

---

**DETAILS**

Date Received: 7 June 2017

Applicant: Mr B G Brooke & Mrs K R Brooke

Owner: Mr B G Brooke & Mrs K R Brooke

Land: Lot 5 DP 270229, 77 Macrae Place, Failford

Property Key: 25590

Zoning: R5 Large4 Lot Residential, GLLEP 2014

**SUMMARY OF REPORT**

Applicant wishes to locate a shed outside of a Restricted as to User (RATU) - 88B Instrument building envelope.

Councils DCP - Specific Development - 16. 26 Tiptons Land, Failford - Clause 16.26.5 - Development - Controls (1) Buildings are required to be located within the building envelopes nominated on the plan of subdivision.

**SUMMARY OF RECOMMENDATION**

The proposed development application be approved subject to conditions.

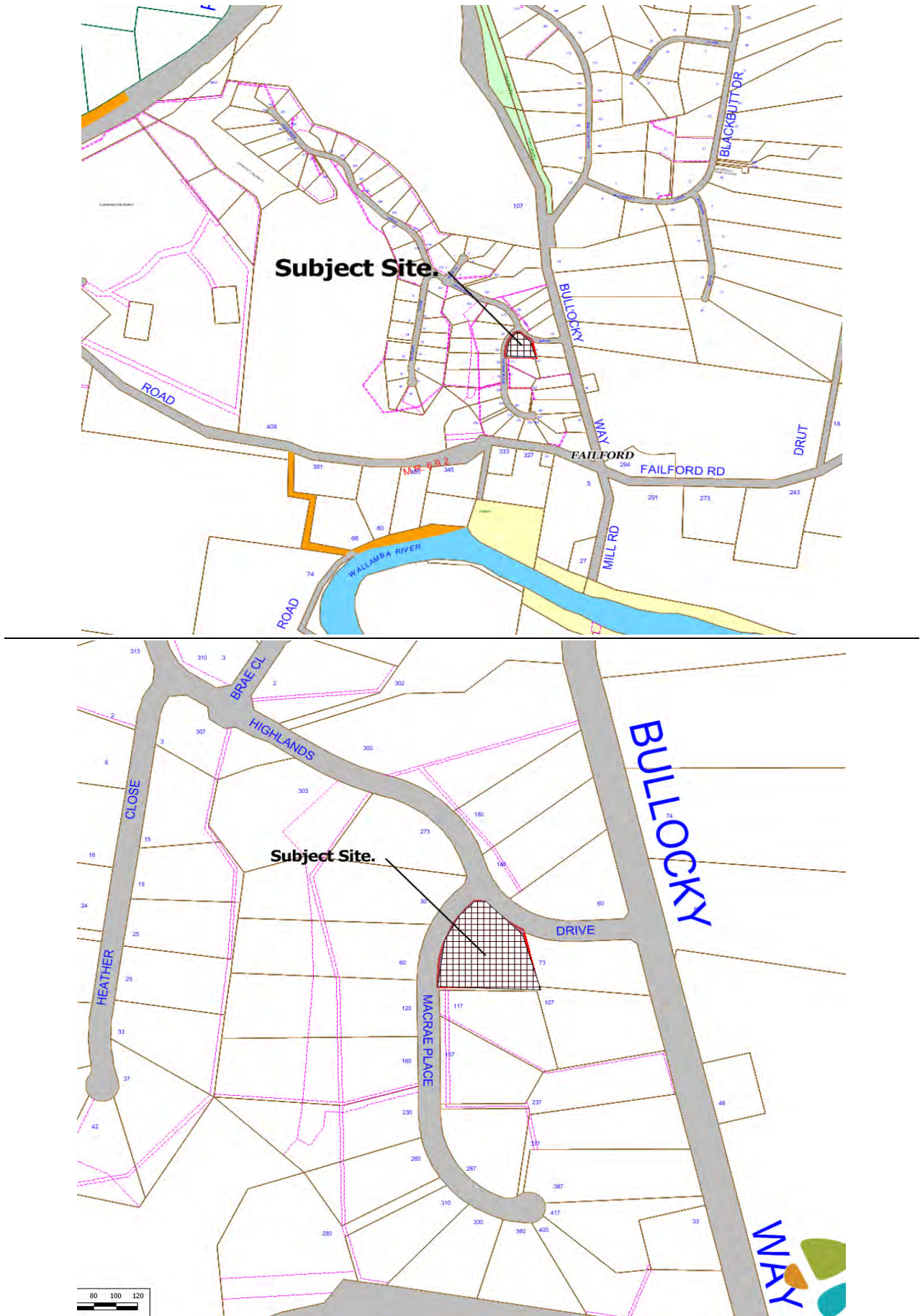
**FINANCIAL/RESOURCE IMPLICATIONS**

Cost of defending any appeal against Council's decision.

**LEGAL IMPLICATIONS**

A decision for approval subject to conditions or refusal may lead to an appeal to the Land and Environment Court requiring legal representation.

# SUBJECT SITE AND LOCALITY



## BACKGROUND

The subject property is currently vacant. The applicant has indicated intent to construct a dwelling on the land, however wishes to firstly construct a shed. This application proposes the construction of a shed only. The shed is proposed to be constructed outside of the building envelope. Councils DCP has specific requirements for this subdivision that requires all buildings to be constructed within the building envelope. Objections to the proposal have been submitted to Council opposing the proposed location of the shed, being outside of the building envelope.

## SITE DESCRIPTION

The subject allotment is zoned R5 - Large Lot Residential, is situated within the existing "Highlands Estate" subdivision, which is a Community Title subdivision.

The subject allotment has an area of 5004m<sup>2</sup> located on the corner of Highlands Drive & Macrae Place.

This allotment is subject to the following:

- 88B Restriction as to user (RATU) building envelope,
- 88B Restriction as to user (RATU) easement to drain sewage (3) wide, located on the southern boundary,
- DCP inclusive of provisions to specific clause 16.26 Tipton's Land, Failford,
- Community Management Statement as required under the Community Land Development Act, 1989.

## PROPOSAL

Application for a shed is as follows:

- 10m x 9m (90) in footprint,
- Wall height of 4.2m to eave line,
- Overall height of 5m to ridge line.

The proposed shed is to be located outside of the building envelope on the allotment, being 12m from the eastern boundary alignment & 12m from the southern boundary alignment.

The 88B instrument on the allotment, as maked (A), requires only "main buildings" to be located within the building envelope.

The 88B instrument on the allotment, as maked (S) for a sewage easement 3m wide on the southern boundary alignment.



- (S) EASEMENT TO DRAIN SEWAGE 3 WIDE.
- (D) EASEMENT TO DRAIN WATER VARIABLE WIDTH.
- (E) POWER RETICULATION EASEMENT FOR SUBSTATION PURPOSES VARIABLE WIDTH.
- (A) RESTRICTION ON THE USE OF LAND VARIABLE WIDTH.
- (B) RESTRICTION ON THE USE OF LAND VARIABLE WIDTH.

A dwelling does not currently exist on the site, however the applicants have submitted a statement outlining their intent of finalising a design to make application for approval of a dwelling to be located within the building envelope, as required. (See Annexure B).

## ASSESSMENT

### SECTION 79BA – BUSHFIRE PRONE LAND

The property is on bushfire prone land, affected by a buffer zone. There are no requirements applicable for this application for the construction of a shed.

### SECTION 79C MATTERS FOR CONSIDERATION

The following matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979*, are relevant in considering this application:

- a) ***The provisions of any environmental planning instrument; any proposed instrument that is or has been the subject of public consultation and which have been notified to the consent authority; any DCP; any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F; any matters prescribed by the regulations; any coastal zone management plan that apply to the development application on the subject land.***

### GREAT LAKES LOCAL ENVIRONMENTAL PLAN 2014

Having regard for the matters for consideration detailed in Section 79C(1) of the *Environmental Planning & Assessment Act 1979*, the following is a summary of the evaluation of the proposal pursuant to the provisions of the relevant clauses of the Great Lakes Local Environmental Plan 2014.

LEP Requirement	Summary of Requirement	Complies
Zone Objectives	<p><b>Zone R5 Large Lot Residential</b></p> <p><b>Objectives of zone</b></p> <ul style="list-style-type: none"> <li>• To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.</li> <li>• To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.</li> <li>• To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</li> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> <li>• To enable development that has minimal environmental and visual impact and is compatible with residential land uses within the zone.</li> </ul>	Yes
<b>4.1 – Min Lot Size</b>	5000sqm minimum lot size.	Yes
<b>4.3 Height of buildings</b>	Maximum height of buildings requirement for a building on the subject land is not to exceed 8.5m.	Yes



LEP Requirement	Summary of Requirement	Complies
4.4 Floor Space Ratio	The maximum floor space ratio for a building on the subject land is not to exceed the floor space ratio of 0.4:1.	Yes

#### **DEVELOPMENT CONTROL PLAN 2014**

Having regard for the matters for consideration detailed in Section 79C(1) of the Environmental Planning & Assessment Act 1979, the following is a summary of the evaluation of the proposal pursuant to the relevant provisions of the Great Lakes Development Control Plan 2014.

Development Control Requirement	Requirement	Complies
5.1 Solar Access & Overshadowing	<b>Objectives</b> To ensure solar access to private outdoor areas and minimise the impacts of overshadowing.	Yes
5.2 Views & Privacy	<b>Objectives</b> To protect the amenity and privacy of indoor and outdoor living areas of new and existing residential development.	Yes
5.4 General Building Design	<b>Objectives</b> To provide a high quality design of new residential development that responds to the environment in which it is located.	Yes
5.5 Setbacks	<b>Setback controls</b> Development within large lot residential areas requires significant consideration of environmental and topographical constraints in comparison to the neighbourhood impact considerations of development within towns and villages as a result: 1. A building must be setback a minimum of 18m from the primary road frontage. 2. A building must be setback a minimum of 5m from all side and rear property boundaries. 3. All structures must be located behind the main dwelling. A minimum setback of 50m shall apply to all structures where there is no dwelling.	Yes
5.6 Building Height	<b>Height controls</b> The maximum building height of an outbuilding must not exceed 7m above existing ground level.	Yes
5.10 Detached Garages, Carports, Sheds & Outbuildings	<b>Objectives</b> Detached garages, carports and other outbuildings are located and designed so that they do not dominate the streetscape or adversely affect the adjoining properties. <b>Controls</b> Maximum Floor Area Controls: 1. Maximum floor area for detached garages, carports, sheds and other outbuildings:	Yes

Development Control Requirement	Requirement	Complies
	a) 36m <sup>2</sup> for lots with an area of up to 300m <sup>2</sup> , b) 45m <sup>2</sup> for lots with an area over 300m <sup>2</sup> but not more than 600m <sup>2</sup> , c) 60m <sup>2</sup> for lots with an area over 600m <sup>2</sup> but not more than 900m <sup>2</sup> , d) 100m <sup>2</sup> for lots with an area greater than 900m <sup>2</sup> .	

16.26- DCP Tipton's Land - Development Control Requirement	Requirement	Complies
<b>16.26.5 Development.</b>	<b>Objectives</b> To ensure buildings are located and designed to: <ul style="list-style-type: none"> <li>• require minimal disturbance of vegetation and soils;</li> <li>• have low visibility from the surrounding rural area;</li> <li>• permit fauna movement; and</li> <li>• minimise bushfire risk.</li> </ul> <b>Controls</b> Buildings are to be located within the building envelopes nominated on the plan of subdivision.	No
<b>16.26.8 Management Measures</b>	A Management Statement relating to all community title lands must be prepared and submitted with the application for a subdivision certificate. The principle emphasis of the Management Statement is the long term management of conservation values applicable to all community title areas, however the Management Statement will also include details of access roads, perimeter fencing, fire trails and communal garbage receptacle storage areas, where proposed.	Yes

*Non-compliance issues are discussed below;*

### **DCP - 16.26 Tipton's Land, Failford.**

#### **Background**

The current DCP provisions for this subdivision were developed in relation to the existing land Use Zoning of the land at the specific time of the subdivisions approval.

The zoning at the time was 1(d1) Rural Residential.

Under Great lakes LEP 1996 the Objectives for this zoning is outlined below:

- a) To enable cluster rural development to be carried out on land which is suitable for that development, being development which is unlikely:
  - i) to create a demand for the uneconomical provisions of services;
  - ii) to prejudice the agricultural capability of prime agricultural lands;
  - iii) detract from the scenic or rural character of the area; or
  - iv) to detract from the ecological or conservation values of the area, and

- b) To enable other development where that development is:
- i) compatible with cluster rural residential development; and
  - ii) unlikely to create an unreasonable demand for public services or substantially reduce existing levels of those services; and
  - iii) Unlikely to interfere reasonably with the amenity of adjoining properties.

Following the implementation of Great Lakes LEP 2014 and resulting in changes to zoning provisions, an internal review of the Great Lakes DCP had commenced.

This included the review and analysis of the continued relevance of provisions within Clause 16 - Site Specific Development Controls, in particular, those sites where the subdivision or development was significantly completed in accordance with the DCP provisions clause - 16.26 - Tipton's Land Failford.

The review was placed on hold upon the merger of Gloucester, Greater Taree and Great Lakes Council, but is expected to be undertaken as part of the work required to prepare a new comprehensive MidCoast Development Control Plan.

The zoning of this particular allotment under GL LEP 2014 is R5 - Large Lot Residential.

The Objectives of this zone are as follows:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To enable development that has minimal environmental and visual impact and is compatible with residential land uses within the zone.

The proposal as submitted is consistent with the Objectives of the allotments zoning, being R5 - Large Lot Residential.

Variations between the 1(d1) zoning & R5 zoning in general are much the same in relation to visual amenity, minimal environmental impact whilst maintaining a rural character, with the exception that 1(d1) zoning objective clause which states:

- b) *To enable other development where that development is;*
- i) *compatible with cluster rural residential development.*

#### **Clause 16.26.5 Development**

As detailed above the specific requirement under the controls of this DCP is the requirement for all buildings (including sheds) to be located within the building envelopes identified within the 88B RATU instrument. However the shed in its proposed location outside of the building envelope meets the objectives of the DCP. The proposed location of the shed is clear of trees and will therefore result in minimal disturbance of vegetation and soils, and will have no impact on fauna movement and will minimise bushfire risk. The shed being setback behind the alignment of the future dwelling from both Highlands Drive and Macrae Place, together with 12m setbacks to the southern and eastern boundaries will ensure that the building will have a low visibility and have no adverse visual impacts on the locality or on adjacent properties.

### **Clause 16.26.8 Management Measures**

A Community Management Statement was developed in accordance with Community Land Development Act 1989.

As part of this application a copy of the minutes of the Second Annual General meeting of the association for this Community Management Statement, dated 27 August, 2003 was submitted.

The meetings minutes included a resolution to amend the Community Management Statement to *indicate that only the residence or dwelling be restricted to the envelope, and other structures are permitted outside the envelope.*

Council is not aware of any further variations to the Community Management Statement.

#### **b) *The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality***

##### ***Site Design and Internal Layout***

The proposal is located at the rear portion of the allotment and is considered as being consistent with a corner allotment site design.

##### ***Views***

The proposal will not have any adverse impact on views in relation to principals of view sharing.

##### ***Privacy (Aural and Visual)***

The proposal is located 12m from both the southern and eastern boundary alignment.

The proposal will not impact on the privacy of the adjoining allotments or surrounding development.

##### ***Visual Impact***

The proposal is consistent with the existing rural/residential setting. The proposal is located in the south eastern corner of the allotment and will not impact on the visual aspects of the estate.

##### ***Access, Transport and Traffic***

Proposed access to the shed is to be from Highlands Drive.

This is permissible due to the allotments dual street frontage.

#### **c) *The Suitability of the Site for the Development***

The proposal is consistent with that of development for R5 - Rural Residential zoning.

#### **d) *Any Submissions Made in Accordance with the Act or Regulations***

The application was notified to adjoining owners in accordance with Council's Policy from 11/07/2017 to 28/07/2017. Two (2) submissions were received. Issues raised in submissions and responses to those issues are detailed below:

Issue	Response
<p>The proposal is located outside of the building envelope therefore not consistent with the Community Management Plan or the requirement of previous applications requiring sheds to be located within the building envelopes.</p>	<p>Variations between the 1(d1) zoning &amp; R5 zoning in general are much the same in relation to visual amenity, minimal environmental impact whilst maintaining a rural charter, with the exception that 1(d1) zoning objective clause which states;</p> <p style="padding-left: 40px;"><i>(b) To enable other development where that development is;</i></p> <p style="padding-left: 80px;"><i>(i) compatible with cluster rural residential development.</i></p> <p>The 88B RATU does not require any development other than the "main building", being a dwelling.</p> <p>The Community Management Statement was amended in 2003 by the Association to permit other structures outside of the envelope.</p> <p>The implementation of Great Lakes LEP 2014, resulted in the removal of the 'cluster rural residential development' zoning objective applied in Great Lakes LEP 1996 1(d1) Rural Residential zone, when the subdivision was initially approved.</p> <p>However, the proposed development, while located outside of the identified building envelope, is considered to be appropriately sited on the subject allotment to be consistent with the visual and amenity objectives of cluster development within the 'Tipton's Land' development area.</p>

**e) The Public Interest**

This proposal does not impact on any areas of public interest.

**CONCLUSION**

The proposal is considered to be consistent with the Objectives of the LEP 2014 & DCP for a R5 - Rural Residential zoned allotment.

Areas of conjecture relate to the requirement for the proposed shed to be located within the building envelope is generated only by the DCP - *Specific Development 16. 26 Tiptons Land, Failford - Clause 16.26.5 - Development - Controls (1) Buildings are required to be located within the building envelopes nominated on the plan of subdivision.*

It is acknowledged that the vast majority of the estate has been developed, and that development has been undertaken so as to comply with the requirements of the Tiptons Land controls in the DCP. However, controls within a DCP are to guide development, and strict adherence to DCP provisions can and should be relaxed where a proposal can achieve the objectives of the LEP and DCP. In this case it is considered that the proposed shed meets the objectives of the current LEP and DCP. While located outside of the identified building envelope, the proposal is considered to be appropriately sited on the subject allotment to be consistent with the visual and amenity objectives of cluster development within the 'Tipton's Land' development area. In fact it would be difficult for a casual observer of the site to discern that the shed building was outside of the nominated building envelope without referring to the Deposited Plan. As such it is considered that the proposal will have no adverse impacts on the visual amenity of the area or erode the intent of the objectives of the DCP and approval of such development being located outside of the nominated building envelope is not considered as setting an undesirable precedent in this case.

### **RECOMMENDATION**

It is recommended that Development Application DA-555/2017 for a shed on Lot 5 DP 270229 be approved in accordance with the conditions of consent contained in Annexure A.

---

## ANNEXURES

### A. Conditions of consent

#### GENERAL CONDITIONS

##### 1. Development in accordance with approved plans

The development must be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
Site Plan	A3 sheet 1 of 1	McGlashen & Crisp.	27/10/2015
Elevations & Floor Plan	Plan No 77-2015	Taree Engineering	14/4/15

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

**Reason:** Information and to ensure compliance.

##### 2. Compliance with National Construction Code Series- Building Code of Australia

All building work must be carried out in accordance with the requirements of the *National Construction Code Series - Building Code of Australia* as in force on the date the application for the relevant construction certificate or complying development certificate was made.

**Reason:** Prescribed condition under the *Environmental Planning & Assessment Regulation 2000*.

##### 3. Insurance requirements under *Home Building Act 1989*

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates has been given documentary evidence or written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
  - i) the name and licence number of the principal contractor, and
  - ii) if the contractor is required to have a contract of insurance for any authorised works, a Statement of Cover with the name of the insurer by which the work is insured under Part 6 of that Act .
  
- b) in the case of work to be done by an owner-builder:
  - i) the name of the owner-builder, and
  - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates has been given the notice of the updated information.

**Reason:** Prescribed condition under the *Environmental Planning & Assessment Regulation 2000*.

#### **4. Adjustment to utility services**

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to Council.

**Reason:** To ensure utility services remain in a serviceable condition.

### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**The following conditions must be complied with prior to the issue of any construction certificate:**

#### **5. Structural details**

Prior to the issue of a construction certificate, structural drawings prepared by a suitably qualified and experienced structural engineer must be submitted to and approved by the certifying authority. The plans must include details for:

- a) All reinforced concrete floor slabs and/or beams or raft slab (having due regard to the possible differential settlement of the cut and fill areas.
- b) Footings of the proposed structure.
- c) Structural steel beams/columns.

**Reason:** To ensure structural stability and safety.

#### **6. Driveway levels application**

Prior to the issue of a construction certificate, a Driveway Levels Application must be submitted to Council for approval. A Driveway Levels Application Form must be completed and submitted to Council together with the application fee and all required plans and specifications.

Driveways must be constructed by a qualified/licensed contractor at no cost to Council in accordance with the driveway levels and construction standards issued by Council.

**Reason:** To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

#### **7. External roofing and wall material and colour**

Prior to the issue of a construction certificate, details of the external material and colour of the roof and walls must be submitted to and approved by the certifying authority. Metal roof and wall sheeting must be painted or be of a coloured metal that minimises reflection and is sympathetic and compatible with the building and surrounding environment. Zinalume finish or off-white colours are not permitted.

**Reason:** To ensure that excessive glare or reflectivity nuisance does not occur as a result of the development.

#### **8. Bond required to guarantee against damage to public land**

Prior to the issue of a construction certificate, a Damage Bond Application form together with payment of a bond in the amount of \$2000 and an administration fee of \$330 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.



A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

- a) once all works, including landscaping, driveway construction, turfing etc, have been completed, and
- b) following issue of an occupation certificate by the certifying authority.

The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council's current fees and charges document at the time of lodgement of the damage bond.

**Reason:** Protection of public assets.

## **PRIOR TO THE COMMENCEMENT OF ANY WORK ASSOCIATED WITH THIS CONSENT**

**The following conditions must be satisfied prior to the commencement of any building construction or subdivision work:**

### **9. Construction certificate required**

Prior to the commencement of any building or subdivision construction work (including excavation), a construction certificate must be issued by a certifying authority.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 6591 7222.

**Reason:** Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

### **10. Notification of commencement and appointment of principal certifying authority**

Prior to the commencement of any building or subdivision construction work (including excavation), the person having the benefit of the development consent must appoint a principal certifying authority and give at least two (2) days' notice to Council, in writing, of the persons intention to commence construction work.

**Reason:** Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

### **11. Site access**

Public access to the site and building works, materials and equipment on the site is to be restricted, when building work is not in progress or the site is unoccupied. The public safety provisions must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

**Reason:** To ensure public health and safety during the construction of the development.

### **12. Installation of erosion & sediment control measures**

Prior to the commencement of work, erosion and sediment controls must be in place in accordance with Great Lakes Council Erosion and Sediment Control Policy and "*The Blue Book – Managing Urban Stormwater (MUS): Soils and Construction*" (Landcom). In particular, the following erosion and sediment control measures must be installed:

- a) Silt fence or sediment barrier.
- b) Temporary driveway from the edge of road to the building site.
- c) Temporary downpipes immediately upon installation of the roof covering.

Note: Council may impose on-the-spot fines for non-compliance with this condition.

**Reason:** To protect the environment from the effects of erosion and sedimentation.

### **13. Toilet facilities - sewerred areas**

Prior to the commencement of work, toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet connected to a public sewer.

**Reason:** To maintain public health.

### **14. Site construction sign**

Prior to the commencement of work, a sign or signs must be erected in a prominent position at the frontage to the site.

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

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

**Reason:** Prescribed condition under the *Environmental Planning and Assessment Regulation 2000*.

## **CONDITIONS TO BE SATISFIED DURING DEVELOPMENT WORK**

**The following conditions must be complied with during any development work:**

### **15. Construction times**

Construction and/or demolition works, including deliveries on or to the site must not unreasonably interfere with the amenity of the neighbourhood and must occur only in accordance with the following:

Monday to Friday, from 7 am to 6 pm.

Saturday, from 8 am to 1 pm.

No construction and/or demolition work, including deliveries are to take place on Sundays or Public Holidays.

**Reason:** To maintain amenity during construction of the development.

### **16. Maintenance of sediment and erosion control measures**

Sediment and erosion control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface.

**Reason:** To protect the environment from the effects of erosion and sedimentation.

## **17. External materials, finishes, and colours**

All external materials, finishes and colours must be provided in accordance with the approved schedule of external materials, finishes and colours.

**Reason:** To ensure the visual amenity of the streetscape.

## **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

**The following conditions must be satisfied prior to any occupation or use of the building:**

### **18. Works to be completed**

The building/structure or part thereof must not be occupied or used until an interim occupation/final occupation certificate has been issued in respect of the building or part.

**Reason:** To ensure compliance with the development consent and statutory requirements.

### **19. Stormwater drainage work**

Prior to the issue of a final occupation certificate, stormwater must be collected and disposed of to the kerb and gutter via a suitably manufactured kerb adaptor. Drainage lines within the road reserve must be sewer class or other approved equivalent. All drainage works must be installed by a suitably qualified person and in accordance with the requirements of *Australian Standard AS/NZS 3500.3: Plumbing and drainage – Stormwater drainage*.

**Reason:** To ensure compliance with the development consent and statutory requirements.

## **ONGOING USE**

### **20. Garage/Shed not used for human habitation**

The garage/shed must not be used for human habitation, commercial or industrial purposes.

**Reason:** To protect the amenity of adjoining premises.

## B. Proposed dwelling within the building envelope

Collins W Collins Pty Ltd  
D3745 D3745 Letter of Support.docx.docx

CWC Reference - D3745  
2nd July 2017

### 1.0 Introduction

Collins W Collins Pty Ltd has been engaged to prepare a letter of explanation and support for a new dwelling at Lot 5, DP 270229 No 77 Macrae Place, Failford. This letter is to be submitted in conjunction with a proposed shed application to be submitted by external parties.

The reasoning for this letter is to identify to council the intent of submitting a dwelling application within the next 3 months so that a development application for a shed can be submitted prior to the construction of the dwelling.

The owners of the property are moving from Queensland to our area, and to do so, they require storage area and services to the site to enable them to move personal belongings to here to be stored within a shed and storage container.

They also have intent to stay within their caravan on site while they build their new home.

We wish to be clear that Mr & Mrs Brooke have engaged Collins.w.Collins to design their new home for the site.

The home will be located within the allowable building envelope on the site and will not stray from its boundaries.

Our intent is to work on design over the next 8 weeks with the clients, then prepare a Development application for submission to council for approval.

We understand that council at times doesn't allow this process for the reason of having a possible shed only constructed on site and the threat of occupants living within that shed.

The shed application is not requesting for it to be used as permanent habitable accommodation and it is with all intent to have a Development application submitted within 3 months for the new home.

It would be appreciated if council can take this request into consideration and allow the application for the shed to be submitted and accepted for assessment.

If you have any questions relating to the dwelling design or application, please do not hesitate to contact me directly

Kind Regards  
Derek Collins



**THIS PAGE IS LEFT BLANK INTENTIONALLY**

**2 DA 441-2017 - SENIORS HOUSING - LOT 83 DP 262684 KULAROO DR,  
FORSTER**

**Report Author Lisa Proctor, Town Planner**

**File No. / ECM Index DA 441/2017 & PK 5745**

**Date of Meeting 6 September 2017**

---

## **DETAILS**

Date Received: 27 March 2017

Applicant: Great Lakes Aged and Invalid Care Association Ltd

Owner: Great Lakes Aged and Invalid Care Association Ltd

Land: Lot 83 DP 262684

Lot 83 Kularoo Drive Forster NSW 2428

Zoning: R2 – Low Density Residential, GLLEP 2014

## **SUMMARY OF REPORT**

- On 19 September 2013 the Hunter and Central Coast Joint Regional Planning Panel (JRPP) granted approval to Great Lakes Aged and Invalid Care Association (GLAICA) Limited for seniors housing on the site. This application proposes to alter the approved development to include a new building comprising seniors living apartments, changes to existing dual occupancy dwellings, an increase in the clubhouse area and an increase in the floor space and car parking area of the residential aged care facility.
- The application was notified and advertised and 8 submissions were received.
- The application seeks variation to the maximum height development standard.
- It is recommended that the proposal be approved, subject to the imposition of conditions.

## **SUMMARY OF RECOMMENDATION**

The proposed development application be approved subject to conditions.

## **FINANCIAL/RESOURCE IMPLICATIONS**

Cost of defending any appeal against Council's decision.

## **LEGAL IMPLICATIONS**

A decision for approval subject to conditions or refusal may lead to an appeal to the Land and Environment Court requiring legal representation.

## **ANNEXURES**

A: Draft Conditions of Consent.

B: Application to Vary the Height Standard.

## **ATTACHMENTS**

- A: Hunter and Central Coast Joint Regional Planning Panel Agenda and Business Paper 19 September 2013.
- B: Development Plans.
- C: Statement of Environmental Effects.
- D: Traffic Assessment.
- E: Bioretention Report and Site Stormwater Concept.

Due to their large size, Attachments A, B, C, D and E have been circulated in hard copy to the Administrator and Senior Staff only as a paper conservation measure. However, these Attachments are publicly available on Council's Website, copies are available at Council offices and copies are available on request.

---



## SUBJECT SITE AND LOCALITY

The site is located on the south eastern corner of the intersection of Kularoo Drive and Karloo Street in Forster. The site is located approximately 1.2km from Stockland Shopping Centre and the local Library. Forster Private Hospital and other medical facilities in South Street are located approximately 2.5km from the site.

The site has two frontages; Kularoo Drive with a frontage of approximately 240m and Karloo Street with a frontage of approximately 155m. Kularoo Drive is a collector road, linking to The Lakes Way and serving the central residential area of Forster. Karloo Drive is a local access road connecting with Lakeview Crescent.

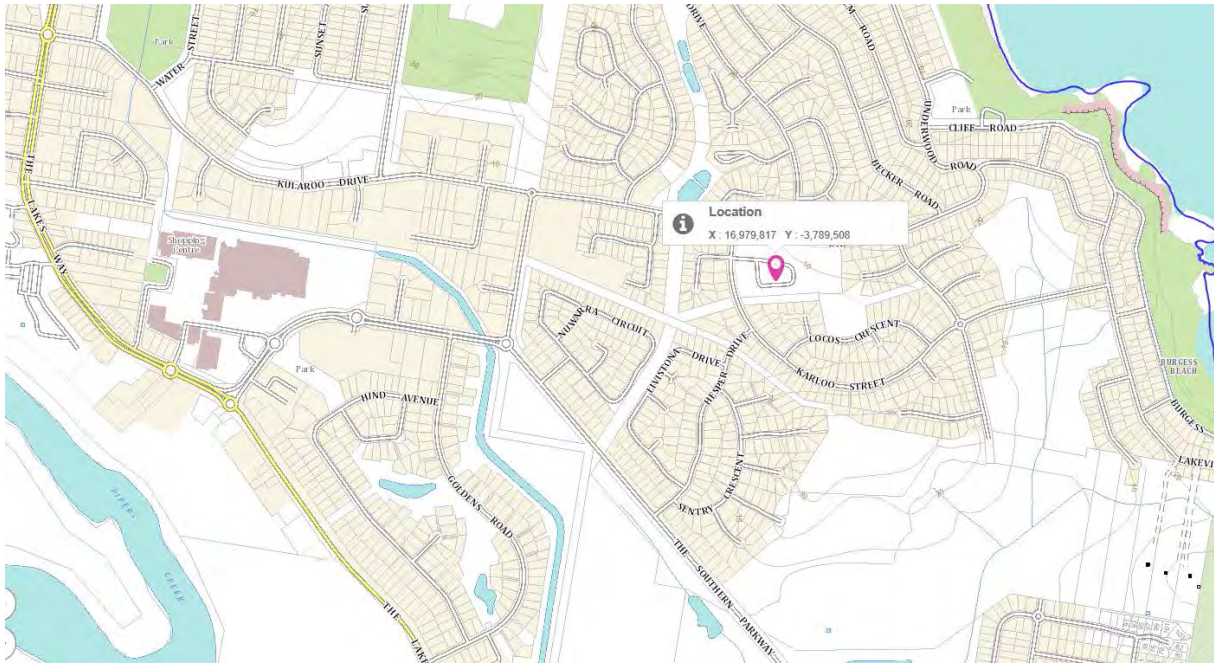


Figure 1: Site location

Source: Spectrum Spatial Analyst

## BACKGROUND

The development that was approved on the site in September 2013 (DA 249/2013) includes 50 self-care dual occupancy dwellings, a clubhouse and a 144 place residential aged care facility (RACF) ranging in height from one to four storeys. The JRPP Report recommending approval for that development is included at Attachment A. The approved development will be delivered in 7 stages. Stage 1 of the approved development is now complete and being occupied and stage 2 is currently under construction.

Since the original development was approved the applicant has identified issues with the design of the approved development in relation to a lack of alternative accommodation for seniors within the local community and the need to maximise resident numbers in aged care facilities to improve the viability of the facility, given imminent changes to Commonwealth funding arrangements. As a result, the applicant has applied to Council to change the design of the development to provide a further alternative form of accommodation on site and a higher density of rooms in the RACF as well as other associated design changes.

## SITE DESCRIPTION

The site is zoned R2 (Low Density Residential) and has an area of approximately 3ha. The site rises at an average 1:27 gradient from west to east along the Kularoo Drive frontage with the eastern boundary falling north to south at a 1:10 gradient and the western boundary falling north to south at 1:60. The adjacent residential properties to the north and north east of the site continue to rise, while the properties to the south west of the site are located at a slightly lower AHD. A drainage reserve 19m in width runs adjacent to the southern boundary of the property and falls east to west. The slope of the site and surrounding properties is particularly relevant to the development as it effects the perception of the bulk and scale of the approved and proposed development on the surrounding neighbourhood.

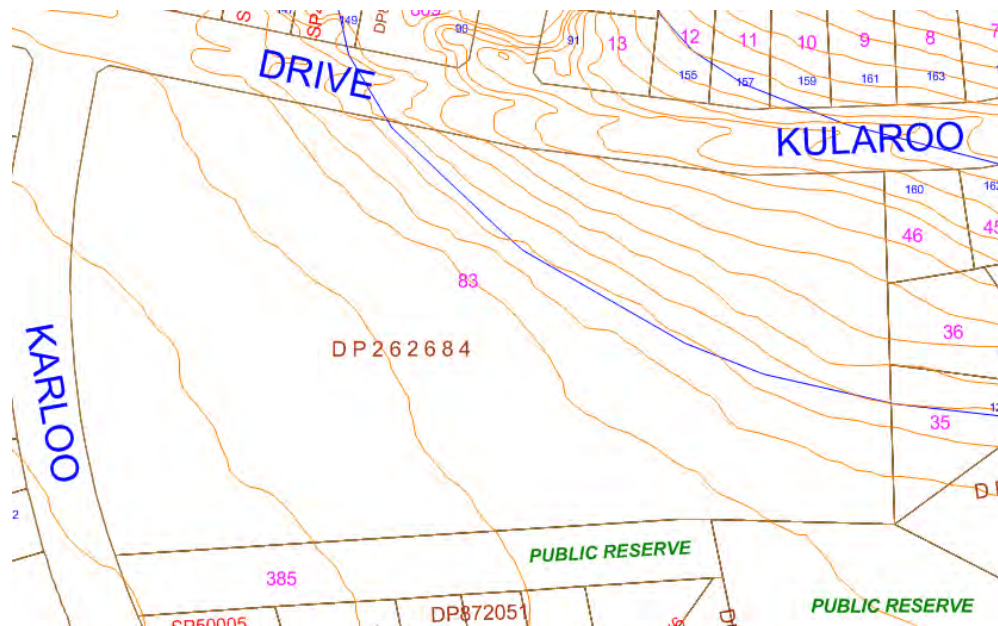


Figure 2: Map showing contours of the site

Properties adjacent to the north, south, east and west of the site comprise single allotment residential dwellings as shown in the aerial photograph below.



Figure 3: Aerial photograph showing residential properties surrounding the site  
Source: Spectrum Spatial Analyst

The site is now partly developed with the completion of stage 1, being 8 dual occupancy dwellings. Stage 2 comprising a further 8 dual occupancy dwellings is under construction.

## PROPOSAL

The proposed development includes a new building in the south of the site comprising 20 serviced seniors living apartments in place of 8 approved dual occupancy dwellings at the same location, a substitution of 2 x three bedroom dual occupancy dwellings for 2 x two bedroom dual occupancy dwellings, an increase in clubhouse area, an increase in floor area for Levels 2 (undercroft), 4 and 5 of the residential aged care facility to incorporate 16 additional resident rooms, additional management offices, increased services area and an additional 22 carparking spaces. The plans lodged with the development application are located at Attachment B. The Statement of Environmental Effects lodged with the application is located at Attachment C.

Table 1 below details the approved and proposed developments for the purposes of comparison:

<b>Development Type</b>	<b>Approved</b>	<b>Proposed</b>
Dual occupancy self-care dwellings	50	42
Serviced self-care apartments	Nil	20
Residential aged care facility	144 rooms	160 rooms
<b>Development Standards</b>	<b>Approved</b>	<b>Proposed</b>
RACF Floor Area	10,082m <sup>2</sup>	11,939m <sup>2</sup> including 1265m <sup>2</sup> level 5, 156m <sup>2</sup> level 4, 436m <sup>2</sup> level 2, additional management offices, increased services area and an additional 22 car parking spaces.
Dwellings Floor Area	5,251m <sup>2</sup>	7,354m <sup>2</sup>
Clubhouse Floor Area	95m <sup>2</sup>	140m <sup>2</sup>
Floor Space Ratio	RACF – 1:1 Self-care dwellings – 0.26:1	RACF – 1:1 Self-care dwellings – 0.40:1
Landscaping	13,662m <sup>2</sup>	13,000m <sup>2</sup>
Deep Planting Provision	9,251m <sup>2</sup>	9,000m <sup>2</sup>
Car Parking	RACF – 83 Self-care - 60	RACF – 103 Self-care - 71

The site masterplan below shows how the proposed development will alter the approved development.



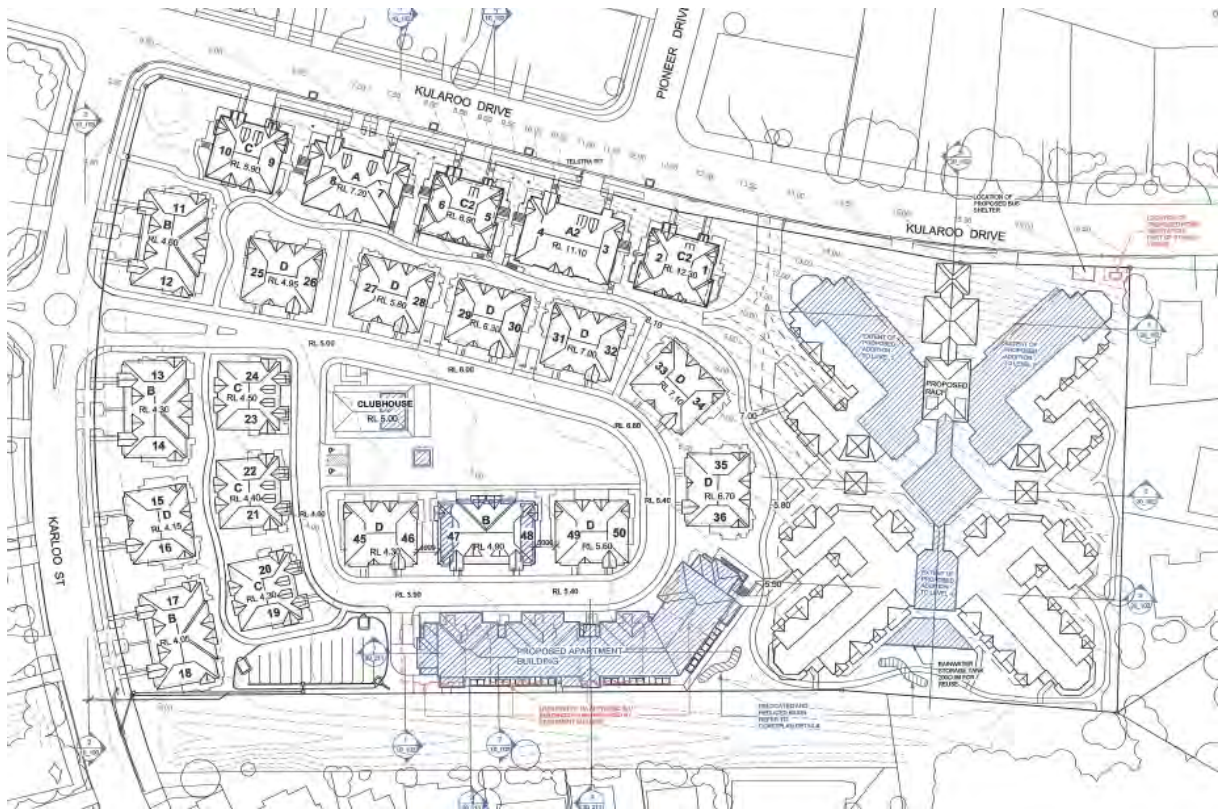


Figure 4: Site masterplan showing proposed additions / alterations

**Residential Aged Care Facility (RACF):**

**Height:** The application proposes to increase the height of the approved RACF to 13m, which is 2.7m greater than the approved building height and 4.5m above the Great Lakes Local Environmental Plan (GLLEP) 2014 development standard height of 8.5m applying to the site.

**Bulk and Scale:** The proposed amendments to the RACF maintain its form as a predominantly two storey building to the eastern boundary to maximise its integration with the surrounding neighbourhood and minimise bulk and scale impacts on the adjoining properties to the east. This has been achieved by incorporating the additional units in the north and central facing parts of the roof space of the RACF. As a result, the building will present only a minor increased bulk to the east. The residential properties to the north and north east of the site continue to rise, therefore the proposed amendments are unlikely to further diminish the amenity of the residents to the east and north with regard to privacy and solar access. The largest increase in bulk and scale will be evident from Kularoo Drive and to the north and north-west.

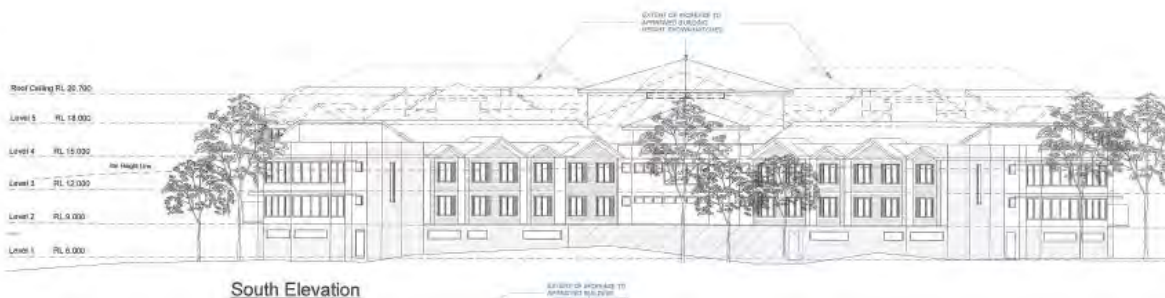


Figure 5: Residential Aged Care Facility – Southern Elevation



*Figure 6: Residential Aged Care Facility – Western Elevation*



*Figure 7: Residential Aged Care Facility – Northern Elevation*



*Figure 8: Residential Aged Care Facility – Eastern Elevation*

The artist's impressions below provide a comparison between the approved and proposed developments when viewed from the entry off Kularoo Drive.



*Figure 9: Approved entry off Kularoo Drive*





*Figure 10: Proposed entry off Kularoo Drive*

When viewed from Kularoo Drive to the north and north west, the proposed building will change from a part one and part two storey building to that of a two storey building. Whilst the visual massing of the building to Kularoo Drive will increase, the building setback from Kularoo Drive remains unchanged from the approved development, and articulation of the front facade reduces the perceived bulk and scale of the proposed development. Landscape features proposed for the frontage along Kularoo Drive also soften the appearance of the building from the street.

Proposed additions to the corporate areas along the central spine of the RACF are contextually small and are centrally located, having a minimal visual impact on the streetscape and adjoining properties.

**Setbacks:** It is proposed to retain the approved 6m setback of this building to Kularoo Drive and eastern side setback to residential properties.

**Staging:** It is proposed to construct the amendments to the RACF during stages 5 and 6.

#### **Apartments:**

**Height:** The application seeks to construct the apartment building to a height of 13.5m, which is 3.2m greater than the approved building height and 5m above the GLLEP 2014 development standard height of 8.5m applying to the site. The built form appears as a three storey building from the south but includes a basement level, plus 3 residential levels.

**Bulk and Scale:** The proposed apartment building presents a greater bulk and scale than the dual occupancy dwellings that have been approved in the same location. The impacts of the bulk and scale are somewhat mitigated by the apartments being located adjacent to the southern boundary adjoining a 19m wide drainage reserve. The proposed location of the apartment building allows a northerly aspect for each of the units and provides a graduated transition to the larger RACF building. The apartments have been designed with habitable rooms facing north and access hallways to the south, with windows in the south screened to minimise overlooking to the southern dwellings and articulation and fenestrations to reduce the appearance of the building's bulk. The apartment building will be only partially visible from Kularoo Drive and Karloo Street.



Figure 11: Artist's impression of the proposed apartment building when viewed from the lots to the south (the rear fences of the dwellings have not been included, for the purpose of clarity).

**Setbacks:** The serviced apartment building is set back from the southern boundary by 4.5m. There are no required setbacks for this form of building in the R2 zone as serviced apartments are not permitted in the R2 zone. The Great Lakes Development Control Plan (DCP) 2014 requires a setback for multi-dwelling housing in the R3 Medium Density Residential Zone of 6m where a habitable room/balcony faces an adjacent property. Although the proposed setback is only 4.5m, the situation is mitigated by the large 19m wide drainage reserve running along the southern boundary of the property, providing approximately 26m separation distance between the apartment building and residential dwellings to the south. Additionally, habitable rooms face north and do not overlook dwellings to the south.

**Staging:** It is proposed to construct the apartment building during stages 4A and 4B.

#### **Clubhouse:**

It is proposed to increase the floor area of the approved Clubhouse to 140m<sup>2</sup>, an increase of 45m<sup>2</sup> on the current consent. The purpose of the proposed increase in floor area is to cater for the additional residents. The Clubhouse is located within the central part of the site and therefore the increase in the Clubhouse floor area has no discernible impact on the bulk, scale or amenity of the development and would result in only a very minor increase in the floor space ratio of the development.

#### **Dual Occupancy Dwellings:**

It is proposed to change two of the approved dual occupancy dwellings in the central part of the site from 3 bedroom dwellings to 2 bedroom dwellings. The purpose of the changes is to cater for the current market. As the dwellings are located in the central part of the site the change will make no discernible difference to the bulk, scale and amenity impacts of the development.

### **ASSESSMENT**

#### **SECTION 79C MATTERS FOR CONSIDERATION -**

The following matters listed under Section 79C of the *Environmental Planning and Assessment Act, 1979*, are relevant in considering this application:

- a) ***The provisions of any environmental planning instrument; any proposed instrument that is or has been the subject of public consultation and which have been notified to the consent authority; any DCP; any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F; any matters prescribed by the regulations; any coastal zone management plan that apply to the development application on the subject land.***

## **STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY)**

The proposal comprises “seniors housing” under the SEPP, which is defined in Clause 10 of the SEPP as:

*residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:*

- a) *a residential care facility, or*
- b) *a hostel, or*
- c) *a group of self-contained dwellings, or*
- d) *a combination of these,*

*but does not include a hospital.*

The aims of the SEPP are set out in Clause 2:

### **2 Aims of Policy**

- 1) *This Policy aims to encourage the provision of housing (including residential care facilities) that will:*
  - a) *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
  - b) *make efficient use of existing infrastructure and services, and*
  - c) *be of good design.*
- 2) *These aims will be achieved by:*
  - a) *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*
  - b) *setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*
  - c) *ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

The proposed development complies with the aims of the Policy as it increases the supply and diversity of residences to meet the needs of seniors and people with a disability, allowing residents to transition on-site from independent living to supported living. The NSW Government’s Guide for councils and applicants “*Housing for seniors or people with a disability, May 2004*” sets out the housing needs of seniors based upon survey results from across eight NSW local government areas. The results are that as people age they often seek more manageable homes and homes that give them a greater sense of security. The findings show that seniors move into multi-unit housing both to reduce costs and maintenance. The proposed addition of the apartment building to the approved development achieves this.

Clause 40 of the SEPP contains the relevant development standards applying to Seniors Housing:



**40 Development standards—minimum sizes and building height**

**1) General**

*A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.*

**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*
- 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.*

**5) Development applications to which clause does not apply**

*Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following:*

- a) *the Department of Housing,*
- b) *any other social housing provider.*

The proposed development complies with the relevant standards in the SEPP except for the height standard and storey limit. An application to vary these standards has been lodged with the development application and is included at Annexure B. The applicant is a social housing provider and therefore subclauses (2), (3) and (4) do not apply to this application, as per Clause 5.

**STATE ENVIRONMENTAL PLANNING POLICY No. 71 (COASTAL PROTECTION)**

The SEPP applies to the subject site and requires Council to consider the matters listed in Clauses 8 and 16 of the Policy. As the proposed development is an alteration and addition to an approved development, the SEPP 71 assessment undertaken for the approved development on the site, and provided at Attachment A, is still relevant. The proposed development is not contrary to the aims of the SEPP.

**GREAT LAKES LOCAL ENVIRONMENTAL PLAN (GLLEP) 2014**

Having regard for the matters for consideration detailed in Section 79C(1) of the *Environmental Planning & Assessment Act 1979*, the following is a summary of the evaluation of the proposal pursuant to the provisions of the relevant clauses of the Great Lakes Local Environmental Plan 2014.

**Zone:** R2 – Low Density Residential

**Definition:** Seniors Housing

LEP Requirement	Summary of Requirement	Complies
<b>Zone Objectives</b>	<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	The proposed development comprises additions and alterations to an approved development and does not further erode the zone objectives.
<b>Permissible use</b>	<b>Seniors Housing is permitted with consent in the zone.</b>	Yes
<b>4.1 – Min Lot Size</b>	450m <sup>2</sup>	Yes
<b>4.3 –Height of buildings</b>	<b>8.5m</b>	No
<b>4.4 –Floor Space Ratio</b>	0.5:1	N/a. The FSR is set by the SEPP.
<b>4.6 - Exceptions to Development Standards</b>	<b>The application is seeking an exception to the Height of Building development standard.</b>	No.
<b>7.1- Acid Sulphate Soils</b>	The proposed development would be located on Class 5 ASS.	Conditions provided
<b>7.5 – Stormwater</b>	<b>The impacts are considered to be acceptable and conditions have been provided.</b>	Yes

### Clause 4.3 Height of Buildings

Clause 4.3 of GLLEP 2014 contains the objectives and principal development standard relating to building height:

#### 4.3 Height of buildings

- 1) *The objectives of this clause are as follows:*
  - a) *to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,*
  - b) *to encourage residential development that is consistent with AS 4299–1995, Adaptable housing.*
- 2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

**RACF:** The application proposes to increase the height of the approved RACF to 13m, which is 2.7m greater than the approved building height and 5m above the SEPP development standard height of 8.0m applying to the site. It also proposes one additional storey, resulting in five storeys at completion.

**Apartments:** The application seeks to construct a four storey apartment building to a height of 13.5m, which is 3.2m greater than the approved building height and 5.5m above the SEPP development standard height of 8.0m applying to the site.

## **Clause 4.6 Exception to Development Standards**

Clause 4.6 of GLLEP 2014 provides a degree of flexibility in the application of certain development standards where it can be demonstrated that compliance with the standard is unreasonable or unnecessary in the circumstances of the proposed development. Clause 4.6 also requires the concurrence of the Secretary to be obtained prior to the granting of consent for development that contravenes a development standard. However, in accordance with Clause 64 of the *Environmental Planning & Assessment Regulation* and *Planning Circular PS 08-003*, Council has assumed concurrence with respect to applications to vary the height and storey standard set by the LEP or any other environmental planning instrument. The application to vary the standards is contained at Annexure B.

**RACF:** The application proposes to incorporate the additional units in the north and central facing parts of the roof space of the RACF. As a result, the building will present only a minor increased bulk to the east when compared to the approved building. The residential properties to the north and north east of the site continue to rise, therefore the proposed amendments will not further diminish the amenity of the residents to the north and north east with regard to privacy and solar access.

Whilst the visual massing of the building to Kularoo Drive will increase, the building setbacks, landscaping and façade articulation will mitigate the increase in building height. Of necessity the RACF is a large structure, and already exceeds the height standard applying to the site, therefore numerical compliance with the standard is not possible. When compared to the bulk, scale and height of the approved building and the development in its entirety, the additional increase in the height of the RACF (2.7m) and the addition of a fifth storey is considered to be minor.

Numerical compliance with the standard is not possible as an exception to the numerical standard was approved in the previous application for the site (DA 249/2013). The proposed additions and alterations are considered to be consistent with the approved development's bulk, scale and form, therefore the proposed development is not considered to further erode the objectives of the R2 zone.

**Apartments:** The application proposes to replace 8 dual occupancy units with a 20-unit apartment building in the southern part of the site. The location provides a northerly aspect for each of the units and results in minimal privacy and amenity impacts on dwellings to the south because of the 19m wide drainage reserve located between the site and residential properties to the south, and the location of the habitable rooms on the northern side of the apartment building.

The apartments are located at the rear of the site and views from Kularoo Drive and Karloo Street will be largely restricted, thereby having minimal impact on the streetscape. However, as the apartments are significantly high when compared to the surrounding neighbourhood they will be visible from distances of 150m or greater, as well as in parts of the more distant visual catchment.

The proposed apartments are consistent with the bulk and scale of the approved development and therefore the proposed development is not considered to further erode the objectives of the R2 zone.

### ***b) The likely impacts of development including environmental impacts on both natural and built environments and social/economic impacts in the locality***

#### ***Context and Setting***

A large seniors housing development was approved on the site in September 2013. The proposed development is an alteration and addition to the approved development and complies with the site-related requirements of Part 2 of the SEPP. The context and setting of the proposed development is considered to be consistent with the approved development.

### ***Site Design and Internal Layout***

The site design and internal layout of the proposed development complies with the design principles in Part 3 of the SEPP and is considered to be consistent with the approved development.

### ***Views***

The apartments are located at the rear of the site and views from Kularoo Drive and Karloo Street will be largely restricted, thereby having minimal impact on the streetscape. The site is not considered to be an area of high visual sensitivity. Views to the site from public places are limited to just a few streets. However, as the apartments are significantly high when compared to the surrounding neighbourhood, they will be visible from distances of 150m or greater, as well as in parts of the more distant visual catchment.

### ***Privacy***

Properties to the south of the site, off Phoenix Place, may experience a minor reduction in privacy to their rear private open space. The development approved for the south of the site currently comprises a number of two-storey dual occupancy dwellings. It is proposed to replace these with an apartment building consisting of a basement level and 3 residential levels. The proximity of a 19m wide drainage reserve between the proposed development and the residential properties to the south will adequately mitigate the potential impacts as will the design of the apartments whereby living areas are north facing.

### ***Overshadowing***

The overshadowing of adjacent residential properties as a result of the additions to the RACF remains unchanged, as the additional units have been incorporated in the north and central facing parts of the roof space. As a result, the building will not result in any additional overshadowing to the east. The shadow diagrams for the RACF are included at Attachment B.

The apartment building will not result in any overshadowing of the adjacent residential properties due to the large setback provided by the drainage reserve. The shadow diagrams for the proposed apartments are included at Attachment B.

### ***Visual Impact***

The RACF is by necessity a large and bulky structure. The proposed additions make only a minor contribution to the overall visual impact of the building as they are centrally located. The apartment building incorporates articulation and fenestration to reduce the perception of building bulk and also by virtue of its location adjacent to the drainage reserve. The apartments are located at the rear of the site and will have only restricted views from any street. The external appearance of the buildings are of a high quality and the materials and colours proposed are appropriate to the setting.

### ***Access, Transport and Traffic***

The traffic assessment for the proposed development is contained at Attachment D. The report concludes that the potential traffic generation will not result in any adverse road capacity or safety implications and the internal circulation, parking and servicing provisions are suitable for the proposed development. Public transport bus stops are located to the south west Karloo Street frontage and to the north east Kularoo Drive street frontage of the site providing regular access to all services provided in the Forster town centre. Existing footpaths lead west along the southern frontage of Kularoo Drive and provide safe, level walking or riding access through to Breese Parade, Stockland Shopping Centre and the Forster Community Centre.

## **Drainage**

A bioretention report and revised site stormwater concept for the proposed development are included at Attachment E. There are no additional impacts on drainage from the proposed development.

### **c) The Suitability of the Site for the Development**

In September 2013 the JRPP determined that the site was suitable for seniors housing. The proposal involves alterations and additions to the approved development.

### **d) Any Submissions Made in Accordance with the Act or Regulations**

The application was notified to adjoining owners in accordance with Council's Policy from 12 April 2017 to 12 May 2017. Eight submissions were received. Issues raised in submissions and responses to those issues are detailed below:

<b>Issue</b>	<b>Council Response</b>
Object to height, bulk and scale in a low density residential area.	The height, bulk and scale of the approved development were considered to be acceptable by the HCC JRPP. The proposed development is likely to result in a minor increase in the height, bulk and scale of the development relative to the approved form of the development.
No height profiles provided on site. Building height profiles should be erected.	Council's DCP 2014 Part 5.6 states that where development may impinge upon significant views, solar access, privacy or streetscape, Council may require height profiles to be erected. It has not been identified that "significant" views would be affected.
Lack of regard for traffic and pedestrian safety on Karloo Street and Kularoo Drive during construction.	A Council-approved traffic control plan during construction will be a condition of consent if the development is approved.
Aged care should be sensitively designed.	The HCC JRPP considered that the design of the original development was acceptable. The proposed development is a minor addition relative to the approved development.
RACF is too bulky and unsuited to the locality particularly as it is built on the highest and steepest part of the site.	The RACF was approved in its current location by the HCC JRPP in 2013. The proposed additional units will be centrally located in the north and central parts of the roof space of the RACF to minimise further bulk and scale perception.
Council is relaxing planning controls which is inconsistent with the neighbourhood and R2 zone to appease a developer. The proposed changes are unreasonable and not justified.	The HCC JRPP approved an exception to the development standard for the senior's housing development in 2013. The applicant has provided a justification for the additions, which are considered to be reasonable within the overall scheme of the development.
Questionable as to whether the applicant is a charity	Council is satisfied that the applicant is a social housing provider.
Section 96 of the EP&A Act requires the development to be substantially the same. The current development is not substantially the same as the approved development.	The application has not been lodged as a S.96 modification. It has been lodged as a new application.

Issue	Council Response
<p>Object specifically to the apartment building on the following grounds:</p> <ul style="list-style-type: none"> <li>• Any building higher than 8.5m is out of character with the area.</li> <li>• Residential Flat buildings are not permitted in the R2 zone.</li> <li>• Height profiles should be erected where a development may impinge upon significant views, solar access, privacy or streetscape and the DA should be re-notified.</li> <li>• Seniors Living SEPP says that the buildings should not be higher than 1 storey in the rear 25% of the site.</li> <li>• Breaches in privacy and amenity of backyards for dwellings located to the south as living areas are not internalised as stated in the DA.</li> <li>• Change in climate conditions and breeze pathways of prevailing winds, blocking cooling breezes from the properties to the south.</li> <li>• Disagree with shadow diagrams.</li> <li>• Visual impacts and view impacts with unbroken segments.</li> <li>• No landscaping along the southern boundary is shown on the landscaping plans.</li> <li>• Visual impacts as far back as Karloo Street especially on the elevated lots.</li> <li>• No visual assessment.</li> </ul>	<ul style="list-style-type: none"> <li>• An exception to the 8.5m height limit was approved by the JRPP in 2013.</li> <li>• The development is defined as “seniors housing”.</li> <li>• The development is unlikely to impinge upon significant views.</li> <li>• Cl. 40(5)(b) of the SEPP provides that a social housing provider is not required to comply with Cl. 40(4)(c) in relation to building height in the rear 25% of the site.</li> <li>• The separation distance between the apartment building and the dwellings is in excess of 26m. The living areas within the apartment building face north. Council considers that privacy and amenity for properties to the south will be maintained.</li> <li>• The apartment building is set back at a distance that ensures that impacts on climate conditions are minimised.</li> <li>• Council considers that the shadow diagrams have been prepared in accordance with its requirements.</li> <li>• The apartment building is set back at a distance to ensure that impacts on views are minimised.</li> <li>• Landscaping is not intended for the southern boundary due to the large set back from adjoining properties.</li> <li>• The view impacts have been considered in the architectural design of the building. The apartments will be visible from a distance, especially in the east, however the impacts are not considered to be negative due to the architectural quality of the building.</li> <li>• The elevations and artist’s impressions provide an indication of the visual impacts of the proposed development. The visual impacts of the development were considered to be acceptable by the HCC JRPP when the original development was approved in 2013.</li> </ul>

Issue	Council Response
<ul style="list-style-type: none"> <li>• Light pollution impacts from security lighting.</li> <li>• Inappropriate height, scale and visual intrusion. Apartments exceed height limit by 40%. Does not meet the design principles of the SEPP.</li> <li>• There is insufficient vegetation to the south to increase privacy and mitigate amenity impacts.</li> </ul>	<ul style="list-style-type: none"> <li>• If approved, conditions will be placed on the consent to mitigate the impacts of security lighting.</li> <li>• The HCC JRPP approved a variation to the standards in the SEPP. This application is also seeking such a variation, which under Cl. 4.6 can be considered by Council. The alterations and additions are considered to have an acceptable impact.</li> <li>• The apartment building is set back over 26m from the dwellings to the south. It is not considered necessary to provide vegetation screening, and this is also likely to cause overshadowing of the properties to the south.</li> </ul>
Lack of accurate information lodged with the application.	Council considers that the information lodged with the application is adequate for making a determination.
Because residential flat buildings are not permitted in the R2 zone, Cl. 40(4) of the SEPP applies. Clause 40(4)(a), (b) and (c) are not met.	Clause 4.6 of GLLEP 2014 allows the applicant to seek a variation to the development standards in the SEPP. The applicant is not required to comply with Cl. 40(4)(c) as it is a social housing provider.
Development is not within the wider public interest and it sets a precedent.	In 2013 the HCC JRPP approved an aged care development on the site and considered that the aged care development was in the wider public interest. The proposed additions to the approved development are minor relative to the scale of the approved development.
Cl. 4.6 objection does not address the development standards and the applicant has not lodged a five-part test and does not address the applicable development standards.	Although the Cl. 4.6 objection does not expressly state which standards the applicant is seeking a variation for, the SEE and plans can be interpolated to provide that information. The provision of the five-part test to Council, in seeking a variation under Cl. 4.6, is not mandatory.
Properties were purchased assuming that the vacant subject lot would be low density residential.	Clause 4.6 of GLLEP 2014 allows an applicant to seek a variation to the development standards in any Environmental Planning Instrument. A variation to the low density character of the development was approved in 2013 by the HCC JRPP.
Original application stated that any changes to the development would be limited to changes to external finishes.	This is not a relevant consideration for the current application.
Clauses 33, 34 and 40 of the SEPP are not met.	The design principles have been addressed in the application. The application is seeking a variation to the development standards. The proposed additions are minor relative to the approved development which was approved by the HCC JRPP in 2013.
The Council reserve will be shaded and the applicant is taking advantage of the reserve to build close to the boundary.	It is appropriate to take into consideration the Council reserve when considering impacts as it provides a buffer between the development and the existing dwellings to the south.

Issue	Council Response
Extended height and bulk of RACF will cause overshadowing of eastern properties.	GLDCP 2014 requires that buildings should be designed to allow at least two hours of sunshine upon the internal and outdoor living areas of adjacent dwellings between 9.00 am and 3.00 pm on 21 June. The shadow diagrams demonstrate that the additions to the RACF will meet this requirement.
Objections raised in first submission have now become more critical and worrying, with more height and bulk.	The development was approved by the HCC JRPP in 2013. The proposed additions are minor relative to the overall scale of the development.
Streetscape of Kularoo Drive affected because of the abrupt change in scale of development including width of frontage.	The aged care development was approved by the HCC JRPP in 2013. The impacts on the streetscape were considered in that application and determined by the JRPP to be acceptable.
Proposed development will affect the value of my property.	This cannot be substantiated.
Detrimental impact on traffic.	The potential impacts on traffic have been determined by Council's traffic Engineer to be appropriate.
Kularoo Gardens / Baptist Care blends well with the surrounding community and is only 2 storeys.	The design of that facility is not relevant to Council's consideration of this application.

**e) The Public Interest**

The proposed development is considered to be in the public interest as it improves the viability of a previously approved seniors housing development by providing additional accommodation and housing choice. This allows the progression of residents from independent to assisted living without the need to transfer to a different site to address a housing issue that has been identified by the NSW Government as being a significant issue requiring a sympathetic response. Additionally, the forecast growth in numbers of people aged over 85 years requires that seniors housing incorporates both independent and assisted living housing choices.

**CONCLUSION**

Subject to the conditions contained in Annexure A the impacts of the development are considered to be acceptable against the relevant provisions of section 79C of the *Environmental Planning and Assessment Act 1979*.

**RECOMMENDATION**

It is recommended that Development Application 441/2017 for Seniors Housing on Lot 83 DP 262684 be approved in accordance with the conditions of consent contained in Annexure A.



Lisa Schiff  
**Director**  
**Planning and Environmental Services**



## ANNEXURES

A: Draft Conditions of Consent.

### A GENERAL CONDITIONS

#### 1. Development in accordance with approved plans

The development must be implemented in accordance with the plans and supporting documents set out in the following table.

Plan type/Supporting Document	Plan No. & version	Prepared by	Dated
Site Master Plan	629DA_10_100 1	McFadyen Architects	March 2017
Site Setout Plan	629DA_10_101 1	McFadyen Architects	March 2017
Streetscape Elevation	629DA_10_103 1	McFadyen Architects	March 2017
Site Sections-Duplex's	629DA_10_102 1	McFadyen Architects	March 2017
Staging Plan	629DA_10_104 1	McFadyen Architects	March 2017
RACF - Level 1 Floor Plan	629DA_20_001 1	McFadyen Architects	March 2017
RACF - Level 2 Floor Plan	629DA_20_002 1	McFadyen Architects	March 2017
RACF - Level 3 Floor Plan	629DA_20_003 1	McFadyen Architects	March 2017
RACF -Level 4 Floor Plan	629DA_20_004 1	McFadyen Architects	March 2017
RACF - Level 5 Floor Plan	629DA_20_005 1	McFadyen Architects	March 2017
RACF Roof Plan	629DA_20_006 1	McFadyen Architects	March 2017
RACF Elevations	629DA_20_100 2	McFadyen Architects	March 2017
RACF Sections	629DA_20_102 1	McFadyen Architects	March 2017
Apartments Basement Level Floor Plan	629DA_30_200 1	McFadyen Architects	March 2017
Apartments Ground Level Floor Plan	629DA_30_201 1	McFadyen Architects	March 2017
Apartments Levels 1 and 2	629DA_30_202 1	McFadyen Architects	March 2017
Apartments Roof Plan	629DA_30_204 1	McFadyen Architects	March 2017
Apartment Types	629DA_30_205 1	McFadyen Architects	March 2017
Apartments Elevations	629DA_30_210 1	McFadyen Architects	March 2017
Apartments Sections	629DA_30_211 1	McFadyen Architects	March 2017

<b>Plan type/Supporting Document</b>	<b>Plan No. &amp; version</b>	<b>Prepared by</b>	<b>Dated</b>
Clubhouse	629DA_40_100	McFadyen Architects	March 2017
RACF Height Analysis Plan	629DA_50_102 1	McFadyen Architects	March 2017
RACF Height Analysis Elevations	629DA_50_103 1	McFadyen Architects	March 2017
RACF Height Analysis Sections	629DA_50_104 1	McFadyen Architects	March 2017
Entry to Residential Aged Care Facility	629DA_60_100 1	McFadyen Architects	March 2017
Concept Stormwater Drainage Plan	S01 issue 7	Coastplan Group P/L	July 2017
Landscape Plan	L-001 to L-301 revision B	Oculus	Dec 2016

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

**Reason:** To ensure compliance.

- The plans approved for DA 249/2013 must be complied with except where altered by the plans approved for this development and any amendments to that consent made by the conditions contained in this consent.

**Reason:** To ensure compliance.

### 3. Development in accordance with approved stages

The development must be implemented in accordance with the following approved stages:

<b>STAGES</b>	<b>PARTICULARS</b>
Stage 3	Clubhouse
Stage 4A	Dual occupancy dwellings Nos. 47 and 48 Apartments (west)
Stage 4B	Apartments (east)
Stage 5	Residential Aged Care Facility Building (north)
Stage 6	Residential Aged Care Facility Building (south)

Buildings/structures for each stage must not be occupied or used until an occupation certificate has been issued for each of the approved stages of the development as detailed above.

**Reason:** To ensure compliance.

### 4. Design Changes – Plan amendments

The proposal must be amended in the following manner:

- The circular portion of the internal 5.5 m wide private road/ driveway that services Stages 3, 4A & 4B, being:
  - Widened through the curves to comply with Table 2.2 and figures 2.8 and 2.9 of AS 2890.1.
  - Designed so that at least the localised 1 in 100 year flood level (eg 4.2m AHD) is obtained on the driveway that services the Apartment Building basement car park (ie this driveway has a minimum crest/weir at this level).

- b) The driveway that provides the vehicle access to the Apartments basement parking area designed with:
  - widening along the western side by up to 1.3m to allow:
    - for a vehicle entering the basement car park to stop and allow the 99 percentile vehicle to exit the Apartments basement parking area. (Note the 99 percentile turn based on Clause 2.5 of AS 2890.1 inclusive of table 2.2, figures 2.8 & 2.9).
    - A vehicle within the visitor car space No. 01 will be able to exit the space and the site with a one turn movement in a forward direction (using the 85 percentile vehicle AS 2890.1).
- c) A passing bay for a vehicle to wait to turn left and enter the level 2 RACF car parking area, while the 99 percentile vehicle is exiting the parking area. (Note the 99 percentile turn based on Clause 2.5 of AS 2890.1 inclusive of table 2.2, figures 2.8 & 2.9).
- d) Vehicle movement direction for the driveway that services the Porte Cochere showing one way direction from east to west.(eg clockwise direction).
- e) Delete the vehicle parking space No. 1 at the driveway that services the Porte Cochere.
- f) The garbage/recycling storage area in accordance with Driveway/Loading Bay Detail Plan No. 629DA\_90\_10 prepared by McFayden Architects dated August 2013.The turning head with a suitable safety rail to help protect pedestrians/structures. The safety rail is to be located so that the garbage truck can reverse and overhang the end of the turning head pavement by a minimum of 3m.

Plans detailing these amendments must be submitted with the application for a construction certificate.

**Reason:** To comply with Australian Standards AS 2890.1 and AS 2890.2, ensure public safety and to reduce the risk of flood inundation

## 5. Compliance with *Building Code of Australia*

All building work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.

**Reason:** Prescribed condition under the Environmental Planning & Assessment Regulation 2000.

## 6. Insurance requirements under the *Home Building Act 1989*

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

This condition does not apply:

- a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
- b) to the erection of a temporary building.

**Reason:** Prescribed condition under the *Environmental Planning & Assessment Regulation 2000*.

## **7. Notification of *Home Building Act 1989* requirements**

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- a) in the case of work for which a principal contractor is required to be appointed:
  - i) the name and licence number of the principal contractor, and
  - ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done by an owner-builder:
  - i) the name of the owner-builder, and
  - ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified above becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

**Reason:** Prescribed condition under the *Environmental Planning & Assessment Regulation 2000*.

## **8. Adjustment to utility services**

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to Council.

**Reason:** To ensure utility services remain in a serviceable condition.

## **9. Compliance with *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004***

The development as approved must operate as seniors housing provided by a social housing provider as defined by *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

In accordance with Clause 18 *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* a restriction as to user must be registered against the title of the property in accordance with Section 88E of the Conveyancing Act 1919, limiting the use of any accommodation within the development to the following kinds of people:

- a) seniors or people who have a disability,
- b) people who live within the same household with seniors or people with a disability,
- c) staff employed to assist in the administration of and provision of services for the seniors housing.

**Reason:** To ensure statutory compliance.

## **B CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE**

**The following conditions must be complied with prior to the issue of any construction certificate:**

## 10. Food premises fitout

Prior to the issue of a construction certificate for Stage 5 of the development, plans and specifications for the fit-out of the kitchen must be submitted to and approved by the certifying authority.

The food premises must be constructed to comply with the requirements of the Food Act 2003, the Food Standards Code and the Australian Standard AS 4674: Design, construction and fit-out of food premises and include the following details:

- a) A hand washing basin that is of an adequate size to allow hands and arms to be easily cleaned must be installed in all parts of the premises where open food is handled. Small domestic type hand wash basins are not adequate in commercial situations. The hand wash basins must be in addition to any wash-up sinks.
- b) Hot and cold water to the hand wash basins must be delivered through a hands free mixer tap. The hand basins must be provided with liquid soap and single-use towels at all times.
- c) All cupboards, benches and shelving must be constructed of materials that are smooth, impervious to moisture and able to be easily cleaned. Particular attention must be made to the underside of the benches to ensure that they are constructed so they are impervious and can be easily cleaned.
- d) Ceiling, wall and floor finishes in the food premises must comply with Australian Standard AS 4674: Design, construction and fit-out of food premises.
- e) Ceiling lights must be either installed flush with the ceiling surface or designed free from any features (such as ledges) that would harbour dirt, dust or insects or make the fitting difficult to clean.
- f) Coving must be installed at the intersection of floors with walls in the food premises in accordance with Australian Standard AS 4674: Design, construction and fit-out of food premises. Coving must be integral to the surface finish of both floor and wall and installed in such a manner as to form a continuous uninterrupted surface.
- g) Either a floor waste with a solids trap and stand alone tap or a cleaners sink (sluice sink) must be provided. Cleaners sinks must be provided with an adequate supply of hot and cold water and be located away from food preparation areas.

**Reason:** To ensure public health and safety.

## 11. Erosion and sediment control plan

Prior to the issue of each staged construction certificate, an erosion and sediment control plan prepared by a suitably qualified person in accordance with *"The Blue Book – Managing Urban Stormwater (MUS): Soils and Construction"* (Landcom) must be submitted to and approved by the certifying authority.

Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices including catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins.

**Reason:** To protect the environment from the effects of erosion and sedimentation.

## 12. Basement car park pump-out

Prior to the issue of each staged construction certificate, plans and specifications detailing a pump-out system for the stormwater drainage that enters each basement car park from the driveway ramps must be submitted to and approved by the certifying authority.

The pump wet well must have the storage capacity that:

- a) Has a minimum factor of safety of 1.5 larger than the volume required for a 1 in 100 year storm; or
- b) Is not to be less than average recurrence interval (ARI) =10 years and duration of 120 minutes,

The pump system must be designed and constructed:

- a) With a minimum of two pumps being installed in parallel (with each pump capable of discharging at the designed discharge rate) connected to a control board so that each pump will operate alternately.
- b) In accordance with *Australian Standard AS/NZS 3500.3: Plumbing and drainage – Stormwater drainage*.
- c) Electrical pumps are to comply with *Australian Standard AS/NZS 3000: Electrical installations*.
- d) The pumps system must drain to a silt arrester/stilling pit within the property and then drain by gravity to Council's storm water drainage system.

**Reason:** To prevent nuisance flooding and maintain occupant amenity.

### **13. Construction Traffic Management Plan**

Prior to the issue of each staged construction certificate, a traffic management plan including measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development must be submitted to and approved by the certifying authority. The traffic control plan must be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, *Traffic Control at Work Sites Version 2* and *Australian Standard AS 1742.3: Manual of uniform traffic control devices - Traffic control for works on roads*.

The plan must incorporate measures to ensure that motorists using the road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.

The traffic control plan must be prepared by an accredited person trained in the use of the current version of *RTA Traffic Control at Work Sites manual*.

The approved Construction traffic management plan must be implemented prior to the commencement of work.

**Reason:** To ensure public safety during the construction of the development.

### **14. Traffic management plan for internal conflict points**

Prior to the issue of a construction certificate for Stage 4A (Apartment building) and Stage 5 (level 2 RACF building), traffic management plans for the traffic using the internal car parking areas and the access ramps of this development must be undertaken by an appropriately experienced and qualified Traffic Engineer. Details of these plans must include safety measures to be employed to control traffic at the identified conflict points listed below, to manage the traffic flows safely (and also wherever there is limited sight distance and restricted passing areas in the approaches to and within the development):

- a) The garbage truck pick up location: the truck reversing and conflicting with the vehicles entering/exiting the level 1 and level 2 car parking areas of the RACF building.
- b) The entry/exit to the Apartment building (Stage 4A).
- c) The entry/exit along the one lane access to/from the level 2 car parking area of the RACF building.

Adequate traffic management measures must be provided at these locations to manage the traffic flows safely. The traffic management plan should be inclusive of warning lights, mirrors, line marking and signage wherever required, to ensure the safety of all motorists, residents/pedestrians especially at these locations.

The traffic management plan/s must be approved of by the Certifying Authority.

The recommended traffic management measures for the car parking areas must be installed/constructed prior to the issue of the first occupation certificate associated with that stage of the development.

**Reason:** To ensure public safety of motorist and pedestrians within the development.

#### 15. Works within the road reserve

Prior to the issue of a construction certificate, an application for a Public Engineering Works Permit (PEWP) must be submitted to and approved by Council for the road reserve works listed in the table below. Each work must be carried out in accordance with the standard specified in the column opposite the work. All works must include the adjustment and/or relocation of services as necessary to the requirements of the appropriate service authorities.

<b>Work</b>	<b>Standard to be provided</b>
Footpath/cycleway for the full frontage of the site in Kularoo Drive	2m wide at a cross-fall of 1 % or 1:100 (maximum 2.5% or 1 in 40) in accordance with Council Standard Drawing No. 165 and where applicable, the gradients in Clause 26 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.  Prior to construction of the footpath the applicant must liaise with Essential Energy to determine whether further conduits are required to be laid in the footpath/nature reserve.
Grading, trimming, topsoiling and turfing of the unpaved footpath area	The surface levels are to be finished flush with adjacent road or kerb levels.
Minimum 4 kerb extensions/islands containing street trees.	The extensions/islands are to be located within the parking lanes on both sides of Kularoo Drive in accordance with Council's requirements.

<b>Work</b>	<b>Standard to be provided</b>
Bus bay, footpath pavement and shelters (shelter is to be Adshel Infrastructure Metro range or similar) Bus shelters are to be located adjacent to 160 Kularoo Drive.	The bus shelter must be in accordance with Council's requirements. The shelter adjacent to 160 Kularoo Drive is to be located within the development site and outside of the easement for electricity supply 1m wide that burdens the site. An associated easement for access is to be created around the bus shelter in Kularoo Street. Works are to include relevant bus zone signage, tactile markings and paving. Details are to be in compliance with Commonwealth Disability Standards for Accessible Public Transport.
Underground electricity conduits in Kularoo Drive and Karloo Street where/if required by Essential Energy.	Conduits to be in accordance with any requirements of Essential Energy.
Two (2) street furniture park benches	Two (2) street furniture park benches (Replas recycled plastic or similar), associated concrete slabs with a concreted wheelchair and pram access space alongside must be installed to Council's satisfaction.

The minimum extent of engineering works for each Staged Construction Certificate shall be apportioned from the engineering works for the overall development and where stated below.

#### Stage 3:

- Outstanding works from stages 1 and 2 (as conditioned under DA 249/2013).
- The internal driveway/road that will service the Independent Living Units (ILU) portion of the site.
- The roundabout and associated stormwater drainage at the intersection of Karloo Street and Thora Close. Associated road dedication.
- Full width 30 mm asphaltic concrete road carriageway resheet along the full site frontage in Karloo Street.

#### Stage 4

- No engineering requirements for this stage.

#### Stage 5

- Construct a bus shelter adjacent to 160 Kularoo Drive within the development site and create an associated easement for access.
- Footpath/cycleway for the remaining site frontage in Kularoo Drive.
- Construction of a minimum 4 kerb extensions/islands containing street trees.

#### Stage 6

- No engineering requirements for this stage.

#### Stage 7

- No engineering requirements for this stage.



All previous works for Stages 1, 2 and 3 that are required under *Condition 15 - Works within the road reserve - DA 249/2013* must have been completed to Council's satisfaction prior to the issue of any occupation certificate for Stage 4 - Apartment Building.

**Reason:** To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

## 16. Driveway levels application

Prior to the issue of a construction certificate for Stage 5 (Residential Care Facility building), a Driveway Levels Application must be submitted to Council for approval. A Driveway Levels Application Form must be completed and submitted to Council together with the application fee and all required plans and specifications.

The concrete driveway to the RACF building in Kularoo Drive must be 10 m wide layback at kerb. Internal driveway to be a minimum 6 m wide for the first 6 metres within the property. The driveways to service the Pont Cochere are to be 4m wide.

Driveways must be constructed by a qualified/licensed contractor at no cost to Council in accordance with the driveway levels and construction standards issued by Council.

**Reason:** To ensure works within Council's road reserve are constructed to a suitable standard for public safety.

## 17. Driveway details

Plans and specifications detailing vehicular access from the site boundary to the proposed car spaces must be submitted to and approved by the certifying authority. Vehicular access must have an impervious finish and be in accordance with:

- AS/NZS 2890.1-2004: *Parking facilities*, Part 1: Off-street car parking.1.
- AS/NZS 2890.6: *Parking facilities - Off-street parking for people with disabilities* - where this parking is provided.

For the driveway that services the RACF building (Stage 5 & 6):

- Construct concrete driveway to the RACF building in Kularoo Drive with a 10 m wide layback at kerb. Internal driveway to be a minimum 6 m wide for the first 6 metres within the property.
- The garbage/recycling storage area in accordance with Driveway/Loading Bay Detail Plan No. 629DA\_90\_10 prepared by McFayden Architects dated August 2013. The turning head with a suitable safety rail to help protect pedestrians/structures. The safety rail is to be located so that the garbage truck can reserve and overhang the end of the turning head pavement by a minimum 3 m.
- be also in accordance with: AS 2890.2 Part 2: *Off-street commercial vehicle facilities* - for a minimum 10.9 m long MRV truck.

Plans must include the following items:

- a) pathway/s so that wheelchair access requirements as determined by State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are achieved.
- b) Car park and driveway layout.
- c) Sight lines in accordance with figure 3.3 AS 2890.1.
- d) Pavement description (ie being concrete/ bitumen or a similar hard paved surface).

- e) site conditions affecting the access.
- f) existing and design levels.
- g) Turning paths.
- h) Line-marking and signs.
- i) Striker bars (or similar) to the undercover car parking areas of the RACF building.
- j) drainage (open drains, pipes, etc.), including calculations and catchment details;
- k) longitudinal section (along the critical edge/s) from the road centreline to the car/truck spaces:
  - i) For the driveway that services the Apartments basement parking area designed to the following specifications:
    - The first 6 m from the back of the proposed footpath having a maximum 5% gradient to comply with clause 3.3 AS 2890.1.
    - demonstrate that stormwater that may pond at the low point of the adjacent internal road will not ingress into the car park via the driveway.
    - designed with a minimum high point/ crest at the 1 in 100 year flood level (ie RL 4.2m AHD). Note: A 'levee'/wall is also to be designed and constructed with at least this minimum level along this driveways western and southern side to fully enclose the garage and protect the basement car park from flooding extending from the adjacent open drain in the public reserve.
    - Bollards (or similar) that can withstand vehicle impact from the adjacent internal road and driveway located at a minimum 2 m centres, are to be installed across the bio-retention pond.
    - Widened along the western side by 1.3m to allow:
      - for a vehicle entering the basement car park to stop and allow the 99 percentile vehicle to exit the Apartments basement parking area. (Note the 99 percentile turn based on Clause 2.5 of AS 2890.1 inclusive of table 2.2, figures 2.8 & 2.9).
      - A vehicle within the visitor car space No. 01 will be able to exit the space and the site with a one turn movement in a forward direction (using the 85 percentile vehicle AS 2890.1)).
  - ii) For the driveway that services the Porte Cochere and associated parking area designed to the following specifications:
    - Where vehicles will be:
      - Entering the site - in accordance with Clause 2.4.6 AS 2890.1 (eg maximum 6.25% gradient in any car parking space).
      - exiting the site, the first 6 m from the back of the property boundary having a maximum 5% gradient to comply with clause 3.3 AS 2890.1.
  - iii) For the driveway that services the RACF building (Stage 5 & 6), plans must also include:
    - pavement description. For the areas in Stage 5 where the garbage truck will access, park and turn within the site, the pavement must be concrete (or similar to withstand the turning forces)).
    - required clearances heights are obtained.

**Reason:** To ensure suitable vehicular access is provided to the development.

## 18. Car parking

Prior to the issue of each staged construction certificate, plans and specifications detailing access, parking and manoeuvring on the site must be submitted to and approved by the certifying authority. Vehicular access, parking and manoeuvring must be in accordance with *Australian Standard AS/NZS 2890.1: Parking facilities: Off-street car parking*. Plans must include the following items:

- a) Car park and driveway layout.
- b) Pavement description (ie being concrete/ bitumen or a similar hard paved surface).
- c) Site conditions affecting the access.
- d) Existing and design levels.
- e) Drainage (pipes, pits, on-site detention, etc.).
- f) Accessible car parking space/s designed in accordance with Australian Standard AS/NZS 2890.6: *Parking facilities - Off-street parking for people with disabilities*;
- g) Turning paths.
- h) Line-marking and signs.
- i) Striker bars (or similar) to the undercover car parking areas.

The engineering plans and specifications must be designed by a qualified practising civil engineer. The civil engineer must be a corporate member of the Institution of Engineers Australia or must be eligible to become a corporate member and have appropriate experience and competence in the related field.

**Reason:** To ensure suitable vehicular access and manoeuvrability is provided within the development.

## 19. Design of basement car park in relation to flood risk

Prior to the issue of each construction certificate for the Apartment Building plans and specifications detailing the construction of pedestrian and vehicle exit doors in the basement car park must be submitted and approved by the certifying authority. Pedestrian and vehicle exit doors must be constructed to ensure that doors can be opened within the basement car park during an extreme flood. In particular the design must ensure that:

- a) The doors can be opened when there is an ingress of flood waters from all flood events up to a probable maximum flood (PMF) (eg - the door opens away from the incoming water or in parallel with the adjacent wall.(i.e. a grilled door).
- b) The electrical motor to open the vehicle security door to the garage is located above the PMF level).
- c) All doors can be opened at all times from within the basement car park (internal handles of doors to be unlocked at all times). If applicable, the doors must also comply with the relevant fire regulations.

**Reason:** To provide safe evacuation in a flood event.

## 20. Flood proofing and mound design

Prior to the issue of a construction certificate for the Apartments Building, plans and specifications for how it is to provide flood barrier and waterproofing above the 1 in 100 year flood levels from the adjacent open drain (in the public reserve). As a conservative guide the flood level to be adopted is a minimum 1.3 m above the invert level of this adjacent concrete dish within the open drain. The following fixed points are determined as:

- 0) RL 4.2m AHD adjacent to the Apartments basement parking area entrance; and
- 1) RL 5.2m AHD adjacent to the eastern corner of the Apartments building (directly adjacent to the open drain).

Alternatively to vary these minimum 1 in 100 year flood levels, the applicant must obtain the services of a suitably qualified and experienced hydraulic engineer to determine the minimum 1 in 100 year flood level along this open drain. Design details in accordance with the current Australian Rainfall and Runoff edition. Details must be submitted to and approved by Council

Notes:

- The flood proofing must include a suitable barrier along the western and southern perimeter of the driveway, any associated stair wells, vents and windows (if any) etc. and extend above the projected flood levels.
- The Apartments building is to be also to be suitably waterproofed against the maximum ground water levels in this area.

The details must be submitted to and approved by the certifying authority. Any mound/barrier and water proofing must be designed by a suitable experienced and qualified engineer.

**Reason:** To protect the building from flooding in accordance with Council and NSW Government Policy.

## 21. Stormwater management system design and construction

Submit final engineering plans and specifications for the stormwater management system, for approval by the Certifying Authority. Engineering plans are to be designed in accordance with the approved 'Concept Stormwater Drainage Plan' prepared by Coastplan Group (drawing number S01, Issue 7, July 2017) and include:

- minimum of two 100,000L tanks collecting 100% of the roof water on the Residential Aged Care Facility (RACF) to be plumbed to all toilets in the facility and used for outdoor landscape irrigation. Overflow from these tanks is to be directed to two 20m<sup>2</sup> bioretention systems (eastern and middle bioretentions).
- Minimum 20,000L rainwater tank collecting 100% of the roof water from the apartment building to be plumbed into all toilets and laundries in the development and used for landscape irrigation. Overflow from this tank is to be directed to the irrigation tank and western bioretention.

Design the bioretention basins to meet the Concept Stormwater Drainage Plan and the following criteria:

- Designed in accordance with Water by Design (2006), 'Water Sensitive Urban Design – Technical Design Guidelines for South East Queensland', South East Queensland Healthy Waterways Partnership.
- Contain at least four species of plants selected from Great Lakes Councils Fact Sheet 15 'Local plant selection for raingardens, guidance for Water Sensitive Design DCP 54' dated 10 April 2014, planted at densities indicated in the fact sheet.
  - Contain 0.4m filter media of uniform sandy loam texture and be consistent with the specifications contained in Adoption Guidelines for Stormwater Biofiltration Systems, Facility for Advancing Water Biofiltration, (Monash University, June 2009). Filter media must be tested by a NATA registered laboratory to confirm orthophosphate is a maximum 30 mg/kg.
  - Have a maximum surface storage depth of 0.4m and minimum surface storage depth of 0.1m, with a maximum batter/side slope of 1:5 (v:h), unless otherwise retained by a structural wall.
  - Have suitable access arrangements for operation and maintenance.
  - Configure stormwater drainage to avoid damage to the bioretention systems (particularly the filter media) during construction.

**Reason:** To ensure bioretention systems are designed to be consistent with standards so that water quality requirements are achieved.

## 22. Stormwater details

Prior to the issue of a construction certificate for each stage, plans and specifications detailing the method of stormwater disposal from the site must be submitted to and approved by the certifying authority. The stormwater system must be designed to comply with the requirements of Australian Standard AS/NZS 3500.3: Plumbing and drainage – Stormwater drainage. The stormwater disposal system must be designed to discharge to the associated rain water tank and bio-retention system.

A suitable outlet pipeline and scour protection from each bio retention basin must be provided to drain to the adjacent open drain.

**Reason:** To ensure adequate provision is made for stormwater drainage from the site in a manner that protects adjoining properties.

## 23. Bond required to guarantee against damage to public land

Prior to the issue of a construction certificate for each stage, a Damage Bond Application form together with payment of a bond in the amount of \$6,000.00 and a non-refundable administration fee of \$330 must be submitted to Council. The bond is payable for the purpose of funding repairs to any damage that may result to Council assets from activities/works associated with the construction of the development and to ensure compliance with Council standards and specifications.

A final inspection will be carried out by the responsible Council officer and the bond (minus any fees required for additional inspections) will be considered for refund:

- a) once all works, including landscaping, driveway construction, turfing, etc, have been completed, and
- b) following issue of an occupation certificate by the certifying authority.

The damage bond is reviewed periodically and therefore the fee and bond amount payable will be determined from Council's current fees and charges document at the time of lodgement of the damage bond.

**Reason:** Protection of public assets.

## 24. Bicycle Parking

Prior to the issue of:

- a) Stage 4A & 4B construction certificates, the applicant must provide details showing a minimum of 2 (two) Class 3 bicycle rails (u-frame for use by visitors)
- b) Stage 5 construction certificate, the applicant must provide details showing 4 (four) Class 2 bicycle compound (compound for use by staff); and 8 (eight) Class 3 rails (u-frame for use by visitors)

Bicycle parking is to be in accordance with AS 2890.3 Bicycle Parking facilities at suitable locations within each building.

**Reason:** To ensure suitable bicycle parking is provided within the development.

## 25. Hoarding details

Prior to the release of the construction certificate for stage 5 the applicant shall submit details of associated hoardings with:

An application for a Section 138 Roads Activity/Hoarding Permit submitted to Council for the hoardings erected along the site frontage of the development site in Kularoo Drive.

The hoarding detail for all other areas approved of by the Certifying Authority.

Prior to the commencement of the internal works on the site the hoarding are to be erected in accordance with the approved plans.

**Reason:** To ensure public safety.

## **26. Road haulage**

Prior to the release of the construction certificate for each stage 4, 5 and 6 the applicant shall:

- a) submit details to Council of any fill/cut associated with that staged works; and
- b) pay to Council a contribution of 3.9 cents per tonne per kilometre of material hauled to and from the development based on the resultant tonnage (if any).

Notes: This payment is for Council's Sec 94 Plan for Road Haulage. The levy is to be used for maintenance/repairs of damage caused to public roads by the above work.

The applicable contribution rate is reviewed annually and new rates, if applicable, become operational from 1 July each year. Copies of the Contributions Plan may be inspected at Council's offices in Breese Parade, Forster. The contribution is to be paid at the rate applicable at the time of payment.

**Reason:** Statutory requirement for maintenance and repairs for damage caused to public roads.

## **27. Geotechnical report – engineering works**

Prior to the issue of a construction certificate for stages 4, 5 and 6, a certificate from a professional geotechnical engineer must be submitted to the certifying authority, certifying that:

- a) The design of the civil engineering works, including retaining walls and/or cut & fill batters, has been assessed as structurally adequate in accordance with the relevant Australian Standards.
- b) The civil engineering works will not be affected by landslip or subsidence either above or below the works.
- c) Adequate drainage has been provided with appropriate considerations given to groundwater constraints.

**Reason:** To ensure site stability and public safety.

## **28. Internal site pathway**

The internal pathway through the site must comply with the requirements for a continuous accessible path of travel within the meaning of Australian Standard (AS) 1428.1 and the access requirements of Clause 26 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and must be detailed as such prior to the construction certificates for the relevant stages.

**Reason:** To ensure wheelchair access throughout the site and access to facilities.

## **29. Stage 5 car parking and bicycle parking**

The 71 car parking spaces and 4 bicycle parking spaces shown within the Stage 6 part of the Residential Care Facility building are to be constructed in conjunction with Stage 5 (the northern stage of the Residential Care Facility building). Plans for the construction of Stage 5 must detail these works.

Car parking is to be in accordance with AS 2890.1 and AS 2890.6 and is to include the construction of the concrete floor of the above floor.

**Reason:** To ensure adequate on-site parking.

### 30. Easement for access

Prior to the issue of a construction certificate for Stage 5, an easement for access must be created over the bus shelter where it encroaches into the development site and the associated access area. The easement must be at no cost to Council and to Council satisfaction. Details showing the plan and 88B instrument for the creation of the easement must be submitted to and approved by Council.

**Reason:** To ensure public safety and the proper management of land.

### 31. Utility services

Any electricity substation/s required for the site must be located within the site and screened from view. The location of the substation within the site, together with the required screening, shall be subject to requirements of Essential Energy. The proposed location and elevation shall be shown on all detailed landscape drawings and specifications prior to the issue of the relevant construction certificate stage.

**Reason:** To ensure appropriate screening.

### 32. Food premises fit out

Prior to the issue of a construction certificate for Stage 5 and 6, plans and specifications for the fit-out of the kitchen facilities (Residential Aged Care Facility & Club House) must be submitted to and approved by the certifying authority. The food premises must be constructed to comply with the requirements of the *Food Act 2003, the Food Standards Code and the Australian Standard AS 4674: Design, construction and fit-out of food premises* and include the following details:

- a) A hand washing basin that is of an adequate size to allow hands and arms to be easily cleaned must be installed in all parts of the premises where open food is handled. Small domestic type hand wash basins are not adequate in commercial situations. The hand wash basins must be in addition to any wash-up sinks.
- b) Hot and cold water to the hand wash basins must be delivered through a hands free mixer tap. The hand basins must be provided with liquid soap and single-use towels at all times.
- c) All cupboards, benches and shelving must be constructed of materials that are smooth, impervious to moisture and able to be easily cleaned. Particular attention must be made to the underside of the benches to ensure that they are constructed so they are impervious and can be easily cleaned.
- d) Ceiling, wall and floor finishes in the food premises must comply with *Australian Standard AS 4674: Design, construction and fit-out of food premises*.
- e) Ceiling lights must be either installed flush with the ceiling surface or designed free from any features (such as ledges) that would harbour dirt, dust or insects or make the fitting difficult to clean.
- f) Coving must be installed at the intersection of floors with walls in the food premises in accordance with *Australian Standard AS 4674: Design, construction and fit-out of food premises*. Coving must be integral to the surface finish of both floor and wall and installed in such a manner as to form a continuous uninterrupted surface.
- g) Either a floor waste with a solids trap and stand alone tap or a cleaners sink (sluice sink) must be provided. Cleaners sinks must be provided with an adequate supply of hot and cold water and be located away from food preparation areas.

**Reason:** To ensure public health and safety.

### **33. Stormwater management system maintenance**

Submit a Water Sensitive Design operation and maintenance plan for the approved 'Concept Stormwater Drainage Plan' prepared by Coast Plan Group (drawing number S01, Issue 7, July 2017) to the Certifying Authority for approval. The maintenance plan must include but not be limited to:

- a) the location and nature of stormwater management structures such as pits, pipes, bioretention basins and other drainage works
- b) requirements for inspection, monitoring and maintenance including the frequency of these activities and checklists during establishment and operational phases
- c) responsibilities for maintenance and reporting protocols.

Maintain water quality treatment measures outlined in the approved 'Concept Stormwater Drainage Plan' prepared by Coast Plan Group (drawing number S01, Issue 7, July 2017) and maintenance plan for the life of the development.

**Reason:** To protect the environment from the effects of stormwater runoff.

### **34. BASIX Certificate**

Prior to the issue of a construction certificate for the relevant stages, plans and specifications detailing all of the BASIX Certificate commitments for the multiple dwelling must be submitted to and approved by the certifying authority. The proposed development must be constructed in accordance with the requirements of BASIX Certificate No. 464239M dated 28 January 2013. Where changes to the development are proposed that may affect the water, thermal comfort or energy commitments, a new BASIX Certificate will be required.

**Reason:** Prescribed condition under the *Environmental Planning and Assessment Regulation 2000*.

### **35. Security gates**

In order to ensure that the basement car parks of the Residential Care Facility building are secure for residents, staff and visitors, security gates to each of the basement car parks shall be provided with intercom facilities at the car park entrance for visitors, capable of being accessed by people with a disability, in order to communicate with reception to allow entry. Details shall be submitted to the certifying authority prior to the issue of the construction certificate for Stage 5.

**Reason:** To ensure safety and security to the building.

### **36. Designing for noise impacts on the occupants of the dwelling**

Prior to the issue of a construction certificate for Stage 5, plans and specifications must be submitted detailing the measures to reduce noise impacts on the building occupants from the removal of waste from the garbage and recycling area (vehicular movements and reversing horn) as approved by the certifying authority in satisfaction of the deferred commencement conditions. The building must be acoustically designed and constructed to meet the requirements of Australian Standard AS/NZS 2107: Acoustics - Recommended design sound levels and reverberation times for building interiors. Evidence from an appropriately qualified person that the design will achieve the requirements of the Australian standard must be submitted with the plans and specifications.

**Reason:** To maintain the amenity of building occupants.



### **37. Long Service Levy**

Prior to the issue of a construction certificate for the relevant stages, a Long Service Levy must be paid to the Long Service Payments Corporation. The amount payable is currently based on 0.35% of the cost of the work. This is a State Government levy and is subject to change.

These payments may be made at Council's Customer Service Centres. Cheques must be made payable to Great Lakes Council.

**Reason:** Statutory requirement

### **38. Compliance with State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

Prior to the issue of any relevant construction certificate, details and plans must demonstrate that the self-contained dwellings and that part of the development that contains the self-contained dwellings comply with the standards for accessibility and useability for hostels and self-contained dwellings as set out in Schedule 3 Part 1 and Part 2 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, in particular the following requirements:

- a) Wheelchair access:
  - i) 100% of the dwellings must have wheelchair access by a continuous accessible path of travel to an adjoining public road,
  - ii) access must be provided in accordance with Australian Standard (AS) 1428.1 to common areas and facilities.
- b) Security:
  - i) pathway lighting must be designed and located to avoid glare for pedestrians and adjacent dwellings, and
  - ii) must be at 20 lux (minimum) at ground level.
- c) Letterboxes:
  - i) Letterboxes must be situated on a hard stand area and have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1), and
  - ii) Letterboxes must be lockable and located in a central location adjacent to the street entry or located together in one or more central locations adjacent to the street entry.
- d) Private car accommodation
  - i) At least ten (10) car parking spaces provided for the self-contained dwellings must comply with the requirements for parking for persons with a disability as set out in AS 2890, and
  - ii) at least one space of the total number of the required car parking spaces must be designed to enable the width of the space to be increased to 3.8m
  - iii) all garages must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.
- e) Accessible entry:
  - i) every entry (front door or not) must comply with Clauses 4.3.1 & 4.3.2 of AS 4299.
- f) Interior: general:
  - i) internal doorways must have a minimum clear opening complying with AS 1428.1,
  - ii) internal corridors must have a minimum unobstructed width of 1m, and
  - iii) circulation space at approaches to internal doorways must comply with AS 1428.1.

- g) Bedroom:
- At least one bedroom within each dwelling must have:
- i) an area sufficient to accommodate a wardrobe and a queen size bed, and
  - ii) a clear area for the bed of at least 1.2m at the foot of the bed and 1m beside the bed between it and the wall, wardrobe or any other obstruction, and
  - iii) two (2) double general power outlets on the wall where the head of the bed is likely to be, and
  - iv) a minimum of one (1) general power outlet on the wall opposite the bed where the head of the bed is likely to be, and
  - v) a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet.
  - vi) wiring to allow a potential illumination level of 300 lux (minimum).
- h) Bathroom:
- At least one bathroom within a dwelling must be on the ground or main floor with the following facilities arranged with circulation space for sanitary facilities complying with AS 1428.1:
- i) a slip-resistant floor surface,
  - ii) a washbasin with plumbing that allows, either immediately or in the future, clearances complying with AS 1428.1,
  - iii) a shower complying with AS 1428.1 except that the following must be accommodated either immediately or in the future:
    - a grab rail,
    - a portable shower head,
    - a folding seat.
  - iv) a wall cabinet sufficiently illuminate to read labels of stored items.
  - v) a double general power outlet beside the mirror.
- i) Toilet:
- i) at least one toilet within a dwelling must be on the ground or main floor level, and
  - ii) must be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.
- j) Surface finishes:
- i) balconies and external paved areas must have slip-resistant surfaces in accordance with AS 1428.1.
- k) Door hardware:
- i) door handles and hardware must be provided in accordance with AS 4299.
- l) Ancillary items:
- i) switches and power points must be provided in accordance with AS 4299.
- m) Living room and dining room:
- i) a living room must have:
    - a circulation space in accordance with Clause 4.7.1 of AS 4299, and
    - a telephone adjacent to the a general power outlet
  - ii) a living room and dining room must have wiring to allow a minimum potential illumination level of 300 lux.
- n) Each kitchen in a self-contained dwelling must have:
- i) a circulation space in accordance with Clause 4.5.2 of AS 4299, and
  - ii) a circulation space at door approaches that complies with AS 1428.1, and

- iii) the following fittings in accordance with the relevant subclauses of Clause 4.5 of AS 4299:
    - benches that include at least one work surface of a minimum 800mm in length that comply with Clauses 4.5.5 (a),and
    - a tap set in accordance with Clause 4.5.6,and
    - cooktops in accordance with Clause 4.5.7, except that an isolating switch must be included, and
    - an oven in accordance with Clause 4.5.8, and
  - iv) "D" pull cupboard handles that are located towards the top of the below-bench cupboards and towards the bottom of overhead cupboards, and
  - v) a minimum of one(1) double general power outlet within 300mm of the front of the work surface and one general power outlet provided for a refrigerator in a position that is easily acceptable after the refrigerator is installed.
- o) Laundry  
Each self-contained dwelling must have a laundry that has:
- i) a circulation space at door approaches that complies with AS 1428.1, and
  - ii) provision for the installation of an automatic washing machine and a clothes dryer,
  - iii) a clear space in front of the appliances of at least 1300mm, and
  - iv) a slip-resistant floor surface , and
  - v) an accessible path of travel to any clothes line provided for the dwelling.
- p) Storage for linen
- i) Each self-contained dwelling must be provided with a linen storage in accordance with Clause 4.11.5 of AS 4299.

**Reason:** To ensure statutory compliance

**C PRIOR TO THE COMMENCEMENT OF ANY WORK ASSOCIATED WITH THIS CONSENT**

**The following conditions must be satisfied prior the commencement of any excavation, building or construction work.**

**39. Erosion & sediment measures in accordance with approved plans**

Prior to the commencement of work, erosion and sediment controls must be installed in accordance with the approved erosion and sediment control plan and must be maintained for the duration of the project.

**Reason:** To protect the environment from the effects of erosion and sedimentation.

**40. Protection of adjoining dwellings**

If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's one expense:

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage.

**Reason:** To protect adjoining dwellings during construction.

#### **41. Utility services**

Prior to the commencement of construction of each stage of the development, a public utility impact assessment must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.

Note that this condition has been applied so that the applicant/contractors are aware of and take measures to protect the utility services within and adjacent to the site during the construction and excavation works.

**Reason:** To maintain public assets.

#### **42. Construction certificate required**

Prior to the commencement of any building or construction work (including excavation), a construction certificate must be issued by a certifying authority.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 6591 7222.

**Reason:** Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

#### **43. Notification of commencement and appointment of principal certifying authority**

Prior to the commencement of any building or subdivision construction work (including excavation), the person having the benefit of the development consent must appoint a principal certifying authority and give at least two (2) days' notice to Council, in writing, of the persons intention to commence construction work.

**Reason:** Statutory requirement under the *Environmental Planning and Assessment Act 1979*.

#### **44. Site access**

Public access to the site and building works, materials and equipment on the site is to be restricted, when building work is not in progress or the site is unoccupied. The public safety provisions must be in place prior to the commencement of any demolition, excavation or building works and be maintained throughout construction.

**Reason:** To ensure public health and safety during the construction of the development.

#### **45. Pollution prevention sign**

Council's "PREVENT POLLUTION" sign must be erected and maintained in a prominent position at the frontage of the property so that it is clearly visible to the public for the duration of construction work.

Council's "PREVENT POLLUTION" sign can be purchased at Council's Customer Enquiry Counter at the Forster, Tea Gardens and Stroud administration buildings.

**Reason:** To increase industry and community awareness of developer's obligations to prevent pollution and to assist in ensuring compliance with the statutory provisions of the *Protection of the Environment Operations Act 1997*.

**46. Toilet facilities - sewerred areas**

Prior to the commencement of work, toilet facilities must be provided at or in the vicinity of the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be a standard flushing toilet connected to a public sewer.

**Reason:** To maintain public health.

**47. Site construction sign**

Prior to the commencement of work, a sign or signs must be erected in a prominent position at the frontage to the site.

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

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

**Reason:** Prescribed condition under the *Environmental Planning and Assessment Regulation 2000*.

**D CONDITIONS WHICH MUST BE SATISFIED DURING ANY DEVELOPMENT WORK**

**The following conditions must be complied with during any development work.**

**48. Comply with traffic management plan**

The approved traffic management plan must be implemented and maintained for the duration of the development works.

**Reason:** To ensure public safety during the construction of the development.

**49. Maintenance of erosion and sediment control measures in accordance with approved plan**

Erosion and sediment control measures must be maintained at all times in accordance with the approved erosion and sediment control plan until the site has been stabilised by permanent vegetation cover or hard surface.

**Reason:** To protect the environment from the effects of erosion and sedimentation.

**50. Construction times**

Construction and/or demolition works, including deliveries on or to the site must not unreasonably interfere with the amenity of the neighbourhood and must occur only in accordance with the following:

Monday to Friday, from 7am to 6pm.

Saturday, from 8am to 1pm.

No construction and/or demolition work, including deliveries are to take place on Sundays or Public Holidays.

**Reason:** To maintain amenity during construction of the development.

#### **51. Building materials, finishes and colours**

All external building materials, finishes and colours must be in accordance with the approved plans.

**Reason:** To ensure the visual amenity of the streetscape.

#### **52. Construction dust suppression**

All necessary works must be undertaken to control dust pollution from the site. These works must include, but are not limited to:

- a) restricting topsoil removal;
- b) regularly and lightly watering dust prone areas (note: prevent excess watering as it can cause damage and erosion);
- c) alter or cease construction work during periods of high wind;
- d) erect green or black shade cloth mesh or similar products, 1.8m high around the perimeter of the site and around every level of the building under construction.

**Reason:** To maintain amenity during construction of the development.

#### **53. Builders rubbish to be contained on site**

All builders rubbish is to be contained on the site in a suitable waste bin/enclosure. Building materials must be delivered directly onto the property. Footpaths, road reserves and public reserves must be maintained clear of rubbish, building materials and other items at all times.

**Reason:** To ensure that materials and waste do not adversely affect traffic or pedestrian safety and amenity.

#### **54. Survey of building location**

A survey certificate prepared by a registered surveyor must be submitted to the certifying authority at the following stages of the development:

- a) Prior to the construction of footings or first completed floor slab showing the area of land, building under construction and boundary setbacks.
- b) At each level indicating the level of that floor to Australian Height Datum (AHD).
- c) At completion, indicating the relation of the building and any projections to the boundaries and that the building has been erected to the levels approved in the development consent.

**Reason:** To ensure compliance with the approved plans.

#### **55. Aboriginal heritage**

This consent does not authorise the harming of an Aboriginal object or place. Under the *National Parks and Wildlife Act 1974*, it is the responsibility of all persons to ensure that harm does not occur to an Aboriginal object or place. If an Aboriginal object is found, whilst undertaking development work, all work in the vicinity of the object that could affect that object must stop and the NSW Office of Environment and Heritage notified. All directions of the Office of Environment and Heritage must be complied with at all times.

**Reason:** To protect Aboriginal heritage.

## 56. Inspection of bio-retention system and associated drainage network

Engage a suitably qualified stormwater engineer to inspect each bioretention during construction, verifying compliance with the approved plans. Demonstrate compliance using the sign off forms in 'Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands' Healthy Waterways, 2010 including:

- a) Earthworks and functional (hydraulic) structures, lining of the sides of the bioretention and under drainage (if applicable) prior to covering in.
- b) Bioretention media
- c) Finished levels
- d) Coarse sediment forebay (where applicable)
- e) landscape installation

Identify all taps connected to rainwater tanks as '*Rainwater*' with a sign complying with AS1319.

**Reason:** To ensure that the bioretention systems are constructed in accordance with approved plans and standards and conditions of consent.

## 57. Tree Protection

Those trees that are identified to be retained on the Final Landscape Plan shall be protected from direct and indirect harm associated with the approved construction. Tree protection fencing shall be erected around all trees proposed for retention prior to any construction works on the subject land and in accordance with the "Tree Assessment and Protection Recommendations" report prepared by Syncarpia Vegetation Management, dated June 2013 and in accordance with the Tree Management Plan required by these conditions as well as reference to AS4970-2009 Protection of Trees on Development Sites. Tree protection fencing must be supervised by a qualified arborist during construction to ensure compliance. Tree protection fencing shall be erected 5-metres to the north, south and east and a minimum of 3-metres to the west of Tree 15 and Tree 16.

**Reason:** To protect trees that are to be retained.

## E CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

**The following conditions must be satisfied prior to any occupation or use of the building**

### 58. Food notification

Prior to the issue of an occupation certificate for stage 5 of the development, a food notification must be completed through Council or the premises must be licenced with the NSW Food Authority under the Vulnerable Persons Food Safety Scheme if required.

**Reason:** To ensure public health and safety.

### 59. Health inspection

Prior to the issue of an occupation certificate, a final inspection of the premises must be undertaken by Council's Environmental Health Officer.

**Reason:** To ensure public health and safety.

**60. Sealed driveway in accordance with approved Driveways Level Application**

Prior to the issue of final occupation certificate for stages 5 & 6, the associated driveways must be constructed from the edge of the road formation to the property boundary in accordance with the approved Driveway Levels Application. Written confirmation from Council must be obtained stating that the constructed driveway is to Councils' satisfaction.

**Reason:** To ensure suitable vehicular access to the development.

**61. Completion of car parking areas and Internal driveway in accordance with the approved plans**

Prior to the issue of the final occupation certificate for stages 4A & 5, the associated driveway must be constructed from the property boundary to the proposed car spaces in accordance with the approved plans. All recommendations for the traffic management plans by the traffic engineer are to have been satisfactorily constructed/installed.

Prior to the issue of final occupation certificate for Stage 5, the 70 car parking spaces within Stage 6 part of the RACF building are also to be constructed. The construction is to include the concrete floor of the above level.

**Reason:** To ensure suitable vehicular access is provided to the development.

**62. Maintenance of the basement car park pumps**

Prior to the issue of each final occupation certificate, signs must be erected and a manual provided so as to inform the future body corporate/owner of the development that regular maintenance of the basement car park pumps is required.

**Reason:** To ensure building occupants are aware that pumps are required to be maintained.

**63. Street numbering**

Prior to the issue of a final occupation certificate, the street number must be displayed at the main driveway entrance approved for the property.

**Reason:** To ensure proper identification of buildings.

**64. Inspections of engineering work.**

Prior to the issue of a final occupation certificate for each stage all engineering work must comply with Council's engineering guidelines, specifications and standards and must be inspected in accordance with Council's holding points. Upon completion of the public works a final inspection must be arranged with Council and a Certificate of Practical Completion must be issued by Council.

**Reason:** To ensure compliance with Council's specification for engineering works.

**65. Street tree planting/public domain planting**

Prior to the issue of the final occupation certificate for Stages 1, 2 and 5, street tree/public domain planting must be installed in accordance with the following schedule:



- a) *Cupaniopsis anacardioides* Tuckeroo - within the required kerb blisters/islands in Kularoo Drive (stages 2 and 5).
- b) *Melaleuca quinquenervia* Paperbarks - along the northern side of the open drain/public reserve adjacent to the southern site boundary at six (6) metre intervals, with permanent tree guards.
- c) 20 litre pot size.
- d) be protected by a suitable tree guard.
- e) provided with slow release fertiliser.
- f) Be mulched with 100mm of native tree mulch.
- g) Planted in general accordance with Council standard drawing STD 172.
- h) Maintained for a minimum 18 months that is over 2 growing seasons.

**Reason:** To maintain environmental and streetscape amenity.

#### **66. Works to be completed**

The building/structure or part thereof must not be occupied or used until an interim occupation/final occupation certificate has been issued in respect of the building or part.

**Reason:** To ensure compliance with the development consent and statutory requirements.

#### **67. Completion of works**

Prior to the issue of a final occupation certificate for each stage, all roads, drainage and civil works, required by this development consent and associated construction certificate, must be completed. Works must include the restoration, replacement and/or reconstruction of any damage caused to surrounding public infrastructure, including damage to road pavements along any haulage routes used for the construction of the development.

**Reason:** To ensure civil works are appropriately constructed.

#### **68. Underground electricity**

Prior to the issue of each staged final occupation certificate, written evidence must be provided to the principal certifying authority stating that satisfactory arrangements have been made with an electricity supply authority for the provision of underground electricity supply to the development.

**Reason:** To ensure compliance with the Council/energy supply authority policy for the provision of underground power supply.

#### **69. Completion of car parking areas and provision of signs**

Prior to the issue of each staged occupation certificate, any associated car parking areas must be constructed in accordance with the approved plans and be fully line-marked as required. For Stages 5 and 6 signs must be erected clearly indicating the availability of off-street parking and the location of entry/exit points, visible from both the street and the subject site.

**Reason:** To ensure that adequate parking facilities for the development are provided on site.

## 70. Stormwater drainage work

Prior to the issue of each staged occupation certificate, stormwater must be collected and drained to the proposed bio retention systems then to the open drain at the southern side of the development site. All drainage works must be installed by a suitably qualified person and in accordance with the requirements of Australian Standard AS/NZS 3500.3: Plumbing and drainage – Stormwater drainage.

**Reason:** To ensure compliance with the development consent and statutory requirements.

## 71. Inspection of bio-retention system and associated drainage network

Engage a suitably qualified stormwater engineer to inspect each bioretention during construction, verifying compliance with the approved plans. Demonstrate compliance using the sign off forms in 'Construction and Establishment Guidelines: Swales, Bioretention Systems and Wetlands' Healthy Waterways, 2010 including:

- a) Earthworks and functional (hydraulic) structures, lining of the sides of the bioretention and under drainage (if applicable) prior to covering in.
- b) Bioretention media.
- c) Finished levels.
- d) Coarse sediment forebay (where applicable).
- e) Landscape installation.

Identify all taps connected to rainwater tanks as '*Rainwater*' with a sign complying with AS1319.

**Reason:** To ensure that the bioretention systems are constructed in accordance with approved plans and standards and conditions of consent.

## 72. BASIX Compliance

Prior to the issue of a final occupation certificate for each stage, all of the required commitments listed in the BASIX certificate must be fulfilled.

**Reason:** Prescribed condition under the *Environmental Planning and Assessment Regulation 2000*.

## 73. Survey certificate of complete building

Prior to the issue of a final occupation certificate for buildings in each stage, survey certificates from a registered surveyor must be submitted to the principal certifying authority upon completion of the building verifying that the building and any projections to the boundaries are in accordance with the approved plans and that the building has been erected to the levels approved in the development consent.

**Reason:** To determine the height of buildings under construction and ensure compliance with the approved plans.

## 74. Bicycle parking

Prior to the issue of final occupation certificate for Stage 5, the applicant must provide 3 (three) Class 2 bicycle compound and 5 (five) Class 3 rails in accordance with AS 2890.3 Bicycle Parking facilities in accordance with the approved plans.

**Reason:** To encourage active living.

#### **75. Works-as-executed plans**

Prior to the issue of a final occupation certificate for Stages 1, 2, 3 and 5 and for the completed development, works-as-executed plans, certified by a suitably qualified engineer or a registered surveyor, must be submitted to Council. Where the design is carried out utilising computer aided design (CAD), all CAD computer files must be provided on compact disc (CD) with the final drawings. The CAD files must include all lot and road boundaries, and easements. The data must be supplied in accordance with the requirements of Council's GIS Officer.

**Reason:** To provide Council with accurate records of civil works.

#### **76. Implementation of noise attenuation methods**

Prior to the issue of any occupation certificate for the Residential Care Facility building, noise attenuation methods required by the acoustic engineer or any additional noise attenuation works required by this consent must be implemented and the completed works certified by the acoustic engineer.

**Reason:** To ensure compliance with the development consent and to maintain acoustic amenity.

#### **77. Soundproofing of mechanical equipment**

Prior to the issue of any final occupation certificate, all mechanical equipment must be adequately soundproofed so as not to create offensive noise as defined under the *Protection of the Environmental Operations Act 1997* and regulations.

**Reason:** To maintain the acoustic amenity of surrounding properties.

#### **78. Mechanical ventilation**

Prior to the issue of a final occupation certificate for the Residential Care Facility building, certification from a mechanical engineer must be submitted to the principal certifying authority confirming that the mechanical ventilation system complies with *Australian AS/NZS 1668.1 AS/NZS 1668.2: The use of Ventilation and Air-conditioning in buildings*.

**Reason:** To ensure public health and safety.

#### **79. Implementation of the approved final Landscape Plan**

The Registered Proprietor of the land, or their agents, shall fully implement all of the required actions outlined in the Approved Final Landscape Plan as per the instructions set-out in that Plan. The relevant occupation certificate for each stage of the development shall not be issued until such time as the required landscaping set-out in the Final Landscaping Plan has been appropriately established.

**Reason:** To ensure that the site is adequately landscaped.

### **F CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT**

**The following conditions must be satisfied during the Ongoing use of the development:**

## 80. Ongoing maintenance of food premises

The food premises must at all times comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standard 4674 - 2004 Design, construction and fit-out of food premises.

**Reason:** To maintain public health and safety.

## 81. Implementation of noise attenuation methods

One month after the use has commenced an acoustic report must be submitted to Council. This report must assess noise emission from the development, including from the removal of waste from the garbage and recycling area (vehicular movements and reversing horn), any heat pumps, air conditioning and mechanical ventilation, the effectiveness of the noise attenuation methods and compliance or otherwise with the appropriate maximum noise level as well as any additional measures required to achieve compliance with the appropriate maximum noise level.

Should additional noise attenuation measures be required to achieve compliance, they must be installed within 30 days of Council approval of the reported measures. Certification from a suitably qualified person must be submitted to council verifying that the additional measures have achieved compliance with the appropriate maximum noise level.

**Reason:** To ensure compliance with the development consent and to maintain acoustic amenity.

## 82. Hairdressing/beauty salons/skin penetration

The premises must at all times comply with the requirements of the Local Government (General) Regulation 2005, Public Health Act 2010 and the Public Health Regulation 2012.

**Reason:** To ensure public health

## 83. Noise

Noise associated with the premises including all associated mechanical plant and equipment must not be a source of "offensive noise" at the nearest affected premises:

"offensive noise" is defined under the *Protection of the Environment Operations Act 1997* as noise:

- a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
  - i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
  - ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulation.

**Reason:** To maintain acoustic amenity

#### **84. Regulated systems**

Any Regulated system, as prescribed by the Public Health Act 2010, that is installed on the premises shall comply with the requirements of the Public Health Act 2010, Public Health Regulation 2012, and the relevant Australian Standard for that regulated system. The occupier of the premises at which the regulated system is installed must cause notice of that fact to be given to Great Lakes Council within one month of becoming the occupier of the premises. Details will include the number of regulated systems installed, specifications of the regulated system and any necessary compliance certificates.

**Reason:** To ensure public health and safety.

#### **85. Water quality**

The final Concept Stormwater Drainage Management Report and accompanying Plan, additional information provided on 19th March 2013 prepared by Coastplan Consulting relating to maintenance measures, detailed designs and all treatment components approved by Council shall be constructed and maintained for the life of the development to ensure ongoing compliance with Council's water quality objectives.

**Reason:** To ensure ongoing functioning of the stormwater system as per modelled and approved plan.

#### **86. Implementation of the final tree translocation/ transplantation Plan**

The Registered Proprietor of the land, or their agents, shall fully implement all of the required actions outlined in the final Tree Translocation/ Transplantation Plan.

**Reason:** To appropriately maintain translocated/ transplanted trees in landscaping of the subject land.

#### **87. Light intrusion**

All external lighting is to be of a type that minimises overspill into adjoining residential properties.

**Reason:** To maintain amenity for adjoining residences.

### **G Other Agency Conditions**

#### **88. MidCoast Water approval**

Prior to the issue of a construction certificate for each stage, a Certificate of compliance from MidCoast Water, stating that satisfactory arrangements have been made and all payments finalised for the provision of water supply and sewerage to the development, must be submitted to the certifying authority.

**Reason:** To ensure suitable water and sewage disposal is provided to the development.

## B: Application to Vary the Height Standard.

### PLANNING OBJECTION TO BUILDING HEIGHT DEVELOPMENT STANDARD FOR AMENDMENTS TO SENIOR LIVING HOUSING PROPOSAL (RACF AND APARTMENT BUILDING) LOT 83 KULAROO DRIVE FORSTER,

#### 1 Introduction

This objection under Great Lakes Local Environmental Plan 2014 Clause 4.6 has been prepared in relation to the changed development standards that form part of the proposed amendments to the approved Residential Aged Care Facility building (RACF) and to the replacement of 8 serviced self-care duplex dwellings with 20 serviced self-care apartments. The details of the proposed changes and the justification for the changes are set out in the Statement of Environmental Effects.

#### 2 Exceptions to Development Standards

GLLEP 2014 is a standard instrument LEP and applications for a variation to a development standard are assessed against the provisions of Clause 4.6 of that plan. The objectives of Clause 4.6 are provide an appropriate degree of flexibility in applying certain development standards to particular development and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 (4) of GLLEP 2014 provides that consent must not be granted for development that contravenes a development standard of the relevant zone unless it is demonstrated that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives of the relevant zone, and that the concurrence of the Director-General has been obtained.

Clause 4.6 (3) provides that an applicant must demonstrate that that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

#### 3 Is the Planning Control in Question a Development Standard?

##### ENVIRONMENTAL PLANNING INSTRUMENTS

The Environmental Planning Instruments to which this objection relates are *Great Lakes Local Environmental Plan 2014 (GLLEP 2014)* and *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Living)*.

##### Great Lakes Local Environmental Plan 2014

The original development application was determined under Great Lakes Local Environment Plan 1996 (GLLEP 1996). GLLEP 1996 was superseded by GLLEP 2014 on 4 April 2014 and is therefore the plan relevant to this application. Under GLLEP 2014 the land is now zoned R2 Low Density Residential.

The objectives of this zone are –

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The use is defined as ‘seniors housing’ and that is a use permitted within R2 zone with development consent.

GLLEP 2014 further provides that the heights of buildings within a zone are not to exceed the maximum height shown for the land on the Height of Buildings Map

The objectives of the building height clause are to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality, and to encourage residential development that is consistent with AS 4299–1995, Adaptable housing.

In the case of the R2 zone the maximum building height is 8.5m (measured as the vertical distance between the existing ground level and the highest point of the building). The height is expressed as a numerical value and is therefore a development standard for the purpose of clause 4.6.

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

The SEPP Seniors Living policy specifies development standards for development on land where residential flat buildings are not permitted. Residential flat buildings are not permitted development under the current R2 Low Density Residential zoning

The relevant standards in the policy specify maximum building height of 8m (measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point) and the maximum number of storeys permitted in certain circumstances.

These are also development standards.

Streetscape means the character of a locality (whether it is a street or precinct) defined by the spatial arrangement and visual appearance of built and landscape features when viewed from the street. defines.

The proposed building heights are shown on the height analysis drawing included in the design documentation. For the RACF building the heights range from 2.4m in the north eastern corner to 9.2m in the western southern section of the building, with parts of the central corporate areas 11 to 13m height above existing ground level. That part of the RACF building adjacent to the eastern boundary remains of 1-2storeys with the south east corner part 3 storey.

The underlying objective of the 8m height requirement referred to in paragraph is to ensure that new development is of a scale consistent with its neighbours in areas where the predominant development is low rise/low density.

The purpose of the limiting number of storeys adjacent to a boundary is to avoid an abrupt change in the scale of development in the streetscape and to protect the amenity of adjoining residents in terms of overshadowing, loss of daylight and avoid a dominating effect.

#### **4 Objection to development standards**

##### **4.1 Neighbourhood character**

Kularoo Drive has a pavement width of 12m between kerbs and functions as a sub-arterial road. At its eastern end the dwelling character is predominantly that of high set or two storey dwellings. As it falls to the west the dwelling character changes to single storey brick dwellings with some scattered duplex developments. This character extends extensively over the plain to the west of the site.

Karoo Street has a pavement width of 10m between kerbs and functions as local distributor but carries some 'rat run' traffic linking Kularoo Drive with the Southern Parkway. This is likely to diminish with the extension of Karloo Street to The Southern Parkway. The drainage reserve separating the residential area to the south has a narrow concrete invert with grassed banks and no landscaping. The eastern part of the reserve is flat and used mainly as an off leash dog walking area. Adjoining the drainage reserve to the south are three single level duplex developments, four single level detached dwellings and a public reserve of some conservation significance.

To the east of the land there are three, one and two storey dwellings. The adjoining dwelling off Kularoo Drive has a significant orientation to the west with a deck at RL 14.89 setback approximately 5m from its common boundary with the land. The central dwelling has an average side boundary setback of approximately 15m and has a western facing verandah at RL 11.66 and a swimming pool within that setback. Its primary focus is towards Bangalow Place. The southernmost dwelling is setback about 7.5m from the common boundary and its major living emphasis is towards Bangalow Place and an adjoining public reserve. It also has a swimming pool partly within the setback.

The building style on the locality has a consistent low density scale and massing and its architectural character is largely unremarkable and consistent with that generally constructed in Forster in the period between 1980-2000. Any change to this character in the foreseeable future is likely to be limited to change to external brick finishes to the more recent rendered style.

##### **4.2.1 Building heights**

###### **RACF building**

To ensure economic sustainability in the face of imminent changes to Commonwealth funding arrangements, it is clear to GLACIA that additional units need to be incorporated within the RACF to make the project viable.



Given the need to maintain the RACF as a predominantly 2 storey building to the eastern boundary so that it maintain its existing relationship with the three adjoining dwellings, the option chosen was to incorporate the additional units in the north and central facing parts of the roof space of the RACF. As a result, the building will not present an increased bulk to the adjoining dwellings, and will not diminish their amenity in regard to overlooking or solar access.

In terms of the Kularoo Drive streetscape the proposed building will change from a part one and part two storey building to that of a two storey building. The overall increase in height is limited to a maximum of 2.7m above the approved building profile

While the visual massing of the building to Kularoo Drive will increase, the significant building setbacks and articulation of this façade reduce the overall impact sufficient to ensure that the scale of proposed buildings will remain compatible with the existing and likely future environmental character of the locality.

Proposed additions to the corporate areas along the central spine are contextually small and being centrally located will have a minimal visual impact.

The presently approved Pacific Cape Village project is a large integrated seniors living development that will be a major provider of specialist housing in Forster/Tuncurry and thus meets the objectives of the R2 – Low density zone.

Of necessity the RACF is a large structure but, even in its modified form, its location against the higher slopes of the land and by following the contours of the land, its scale is compatible with the existing and likely future urban character of the locality. Significantly, continues to meet its amenity obligations to its adjoining neighbours.

It is considered that the proposed changes in height to the RACF building meet the underlying objectives of its zoning and to the height standards incorporated in both GLEP 2014 and SEPP Seniors living. Accordingly numerical compliance with the development standards would be unnecessary in the circumstances of the particular case and would not be in the public interest.

#### **Apartment building**

GLACIA has also identified a need to increase the diversity of accommodation type to meet the needs of seniors transitioning from independent living in traditional dwellings to fully assisted living. As a consequence it now proposes to replace 8 duplex units with an apartment building containing 20 units.

The preferred location is adjacent to the southern boundary which adjoins a 19m wide drainage swale. This location presents the opportunity for an extensive northerly aspect for each of the units and provides a graduated transition to the larger RACF building. Importantly the separation to the adjoining dwellings to the south is such that impacts of overlooking and solar access can easily be managed.

To the south of the drainage swale there are seven dwellings, four of which are directly opposite the proposed apartment. All of the dwellings have their own effective privacy screening from the drainage swale by way of either 1.5m or 1.8m Colorbond fences and or

significant vegetation. The actual separation distances between the proposed apartment building and the dwellings is in excess of 26m.

The apartment building has been designed promote sustainable outcomes for the living areas by facing habitable rooms to the north to capture solar access for warming and lighting and to cooling summer north easterly breezes. The southern façade incorporates access hallways to the apartments with windows screened to minimise overlooking to the southern dwellings and incorporate articulation and fenestrations to reduce any apparent building bulk.

Shadow diagrams demonstrate that the building does not restrict sunlight to the property boundaries between 9am and 3pm on the winter solstice.

The location of the apartment building is such that existing and proposed development will largely restrict views of the building from Kularoo Drive and Karloo Street other than glimpses between the duplex buildings, a 30m section of Kularoo Drive adjacent the RACF access driveway and a 45m section of Karloo Street opposite the drainage swale. The building could of course be highly visible to the dwellings to the south of the swale however their built form tends to indicate that the amenity of their outdoor spaces are internalised to their allotments. The number of people who use the drainage swale as a walkway is limited and is not considered to be a significant issue. It will also be visible at distances of 150m and beyond from high set dwellings on the northern side of Kularoo Drive and in parts of the boarder more distant visual catchment.

For the above reasons it is considered that the proposed apartment building will have only minimal impacts on the streetscapes of Kularoo Drive and Karloo Street or on the impact on the desired future character of the area generally.

As with the RACF building it is considered that the proposed development achieves the objectives of the height standard notwithstanding strict compliance meets the underlying objectives of zone and the height standards incorporated in both GLLEP 2014 and SEPP Seniors living and accordingly strict numerical compliance with the development standards would be unnecessary in the circumstances of the particular case and would not be in the public interest.

## 5 CONCLUSION

The proposed changes to the RACF are necessary to ensure its economic viability in the face of changing funding arrangements and the inclusion of apartments will provide additional housing choices consistent whit Council's development objectives.

In proposing these changes GLACIA has been careful to ensure that the design changes do not diminish the existing relationships between the approved development and its neighbours and retains its high level of amenity to its residents.

It is considered that the amended proposal meets the objective of the relevant planning instruments and that approval to the application is in the public interest.