

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED RESIDENTIAL AGED CARE FACILITY (RACF) & COMMUNITY CENTRE 1-25 CLEMENT STREET, GLOUCESTER LOT 40 DP 1227815

Prepared on behalf of:
ANGLICAN CARE

Prepared for Submission to:
MID-COAST COUNCIL

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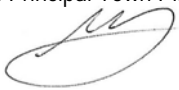
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1. INTRODUCTION

1.1 Overview of Proposed Development

This Statement of Environmental Effects (SEE) has been prepared on behalf of Anglican Care (the applicant) to accompany a development application (DA) for the construction of a Residential Aged Care Facility (RACF) at 1-25 Clement Street, Gloucester. The site comprises Lot 40 DP 1227815.

The subject DA relates to the following works:

- 44 bed residential aged care facility (RACF)
- Future additional 10 beds in RACF
- Community Centre
- 28 Independent Living Units (ILUs)
- driveway and access
- external landscaping
- associated infrastructure and services.

The proposal has been formulated having full and proper regard to existing development controls and to the environmental qualities of the site and its surroundings. This SEE demonstrates that the proposal substantially complies with the development controls applying to the site.

The DA is submitted under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (HSPD)).

1.2 Consent Authority

Mid-Coast Council (Council) will consider the application. As shown in **Appendix 19** the Concept Design Estimate for the development totals \$26,165,000 (excluding GST).

1.3 Integrated Development Provisions

The proposed development is not Integrated Development pursuant to the provisions of Section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). No additional approvals are required under Section 4.46 of the EP&A Act.

1.4 Scope of Statement of Environmental Effects

This SEE accompanies a DA for the proposed development. It has been prepared on behalf of the applicant and includes the matters referred to in Section 4.15 of the EP&A Act and the matters required to be considered by Council.

The purpose of this SEE is to:

- Describe the proposed development
- Describe the land to which the DA relates and the character of the surrounding area
- Define the statutory planning framework within which the DA is to be assessed and determined
- Consider the proposed development in light of relevant heads of consideration.



1.5 Discussion with Council

A meeting was held with Council on 21 March 2018 at the Gloucester office to gain preliminary feedback on the proposal. The current revised design has considered those discussions to achieve a high quality proposal in keeping with the site and surrounds.

2. PROPOSED DEVELOPMENT

2.1 Existing Development

The site is currently vacant, with some trees, shrubs and low lying vegetation on the site.



Photo 1 – Existing vacant site (looking south)

2.2 Proposed Development

The project has the following objectives:

- minimise capital expenditure
- provide long term financially viable solution
- comply with the relevant codes, certification standards and the NSW Fire Sprinkler Standard
- provide contemporary accommodation that meets Anglican Care's expectations and the increasing high care needs of future residents
- provide facilities that allow efficient and effective delivery of care services to residents in accordance with Anglican Care's business models, systems and beliefs whilst being financially viable and sustainable.

The proposed development includes the following:

- 44 bed residential aged care facility (RACF)
- future additional 10 beds in RACF
- Community Centre
- 28 Independent Living Units (ILUs)
- driveway and access
- external landscaping
- associated infrastructure and services.

2.3 Staging

The proposed development will be constructed over two stages as follows:

- Stage 1 – RACF and site infrastructure; and
- Stage 2 –Community centre and ILUs.

The design also allows for future extension to the RACF for an additional 10 beds (subject to a future application).

2.4 Hours of Operation

The RACF will operate 24 hours a day with reduced staffing numbers at evening and night times. The total number of staff is 8 and will fluctuate with peak staffing between 10am and 3pm.

2.5 Landscaping

Proposed landscaping has been designed to minimise contrast between the new building and surrounding landscape while providing a leafy outlook for residents. Landscaping philosophy and plans are provided in **Appendix 10**. Each aspect of the development has been considered separately including the approach, main entry, building entry, drainage gully, community centre and park and dementia courtyard. The landscaping will provide a high quality environment for residents coupled with a high quality building design.

2.6 Materials and Finishes

External finishes are presented in the Architectural Plans prepared by Den-AD Design & Co and Manns & Troup (**Appendix 8**). The schedule includes appropriate materials for the nature of the development as shown in Plan DA70 (**Appendix 8**). Finishes have been selected to be in keeping with the existing environment and to provide an appropriate level of visual interest.

2.7 Signage

Proposed signage is presented on Drawing L04 of **Appendix 10**. The sign will be located at the entry on Clement Street and be core filled concrete block wall with sandstone cladding. The stainless steel sign will contain the Anglican Care logo and be backlit to provide unobtrusive lighting that allows for the site to be recognisable at all time.

2.8 Building Descriptions

The buildings include the following details:

- ILUs – total floor area including garages is approximately 3,828m²
 - Type 1 ILUs – 2 x 2 bedroom with garage, combined living / dining, laundry, bath and courtyard
 - Type 2 ILUs – 2 + study / 3 bedroom with double garage, combined living / dining, laundry, bath, ensuite and patio
 - Type 3 ILUs – 2 + study / 3 bedroom with double garage, combined living / dining, laundry, bath, ensuite and patio
 - Type 4 ILUs – 2 x 2 bedroom with garage, combined living / dining, laundry, bath, water closet, patio and courtyard
 - Type 4 ILUs – 2 x 2 bedroom with double garage, combined living / dining, laundry, bath, water closet, entry and courtyard
- RACF– total floor area is approximately 3,172m²
 - 44 bed residential aged care facility (RACF)
 - 12 dementia specific beds with secure courtyard within the 44 bed RACF
 - café
 - consulting room

- kitchenette, servery, living and dining area with fireplace
- various functional spaces including staff amenities nurse station, administration, activity room, clean and dirty utility and storage
- multi-purpose room
- undercover loading dock, maintenance, waste and bulk linen
- kitchen and associated freezer and cool room
- Community Centre – total floor area including garages is approximately 250m² including a 50m² deck
 - community room
 - balcony
 - foyer
 - kitchenette and amenities.

2.9 Parking

Proposed parking includes 13 spaces for the RACF and garage parking for each ILU. In addition, parking for caravans will be provided near the site entry to accommodate potential future use by residents.

2.10 Easements

The Deposited Plan DP 1227815 indicates an easement to drain water 3 metres wide across the site. The easement is within the drainage channel and also two additional points to the north of the site to Clement Street (assumed to be toward the water tower on the northern side of Clement Street). The easement will be modified to delete the two points within the site to Clement Street as these are no longer required. The easement within the drainage channel (overland flow path) will be retained as it allows for drainage across the site that has been included in the overall design.

3. THE SITE AND SURROUNDING AREA

3.1 Location

The site comprises Lot 40 DP 1227815 at 1-25 Clement Street, Gloucester. Development in the area includes residential and educational dwellings (Gloucester High School).

3.2 Site Area

According to the survey the site has an approximate total area of 2.997 hectares (**Appendix 7**). Site area will not change as a result of the proposed development.

3.3 Physical Features

3.3.1 Topography

Locally the geography slopes to the southwest with a slight decline towards the drainage gully at the centre of the site. The drainage gully passes through the site from east to southwest. Existing topography of the site is shown in the Survey Plan in **Appendix 7**.

Site topography generally comprises grassed slopes of approximately less than 5° to up to about 18°, generally falling towards the drainage gully in the centre of the site, with a tendency to fall towards the west. Crests of the hills are located in the northern and southern sides of the site, with the gradient of slope increasing towards the drainage gully. The hill crest slopes towards the south along the southern boundary of site (**Appendix 11**).

3.3.2 Geotechnical

A Geotechnical Investigation found that reference to the Geological Survey of New South Wales, Statewide Geodatabase indicates the site is underlain by the Wards River Conglomerate, which forms part of the Gloucester Coal Measures. The main rock types of this formation are boulder to pebble, clast supported, imbricated and crossbedded polymictic conglomerate, clasts of acid and silicic volcanics and lithic sandstone, interbedded with very coarse to medium grained lithic sandstone and medium to fine grained lithic sandstone (**Appendix 11**).

3.3.3 Acid Sulfate

A Geotechnical Investigation found that reference to the digital state-wide acid sulfate soil risk mapping indicates that site is within an area with no known occurrence of acid sulfate soil (**Appendix 11**).

3.3.4 Vegetation and Trees

The site is predominantly clear of vegetation. The site contains 0.24 hectares of Forest Redgum Grassy Open Forest on floodplains of the lower Hunter and 2.75 hectares of exotic grassland (**Appendix 15**).

3.3.5 Traffic and Access

Informal access is currently provided to the site from Clement Street. The proposal includes one access as a fourth leg of the roundabout at the Clement Street / Rogers Street intersection and a second access mid-way along Clement Street between Rogers Street and the western boundary of the site. Both accesses shall allow for two-way traffic (**Appendix 12**).

3.3.6 Bushfire Prone Land

The site is not considered bushfire prone land.

3.3.7 Coastal Zone

The site is not located within the coastal zone.

3.3.8 Groundwater Bore

A groundwater bore is located on the site, however is no longer used and does not form part of the proposed development.

3.3.9 Heritage

The site is not located in a heritage precinct. Proposed streetscape and landscaping are sympathetic to existing and proposed future development at the site. No Aboriginal or European heritage items were located within the area. A search of the Aboriginal Heritage Information System (AHIMS) (**Appendix 9**) found no Aboriginal sites or places in or near the site.

3.3.10 Mine Subsidence

The site is not located within a Mine Subsidence District.

3.4 Surrounding Area

3.4.1 Land to the North

Gloucester High School is located north of the site. Approximately 360 students attend the school.



Photo 2 – Gloucester High School (looking north)

3.4.2 Land to the East

A water tank and houses are located east of the site along Clement Street. Houses are also located further east towards the rail line.



Photo 3 – Water tank and dwellings opposite on Clement Street (looking south)

3.4.3 Land to the South

A recreation path and drainage are located south of the site. The path passes behind (northeast) of Henderson Street.



Photo 4 – Dwellings adjacent to RE1 zoning south of the site (looking northwest)

3.4.4 Land to the West

As shown in **Appendix 2** dwellings houses are located on Clement Street and Henderson Street west of the site.



Photo 5 – Dwellings located south of the site on Henderson Street (looking northwest)

4. STATUTORY PLANNING CONTROLS

4.1 Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000

The proposed development of the site would require consent under the provisions of Part 4 of the EP&A Act.

4.2 Gloucester Local Environmental Plan 2010

The Gloucester Local Environmental Plan 2010 (LEP) provides a planning framework to facilitate development in an appropriate manner with due consideration to ecologically sustainable development. Relevant Clauses of the LEP are discussed in Table 4.1.

Table 4.1 – Consistency with LEP 2010

Clause	Consistency
1.2 Aims	The LEP provides for appropriate development within the LGA. The proposal appears to be in keeping with the aims of the LEP.
2.1 Land use zones	<p>The majority of the site is zoned R2 Low Density Residential. The following uses are permitted with consent in the R2 zone:</p> <p><i>Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Exhibition homes; Flood mitigation works; Group homes; Home businesses; Home industries; Neighbourhood shops; Places of public worship; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Schools; Secondary dwellings; Seniors housing</i></p> <p>Seniors housing means a building or place that is:</p> <ul style="list-style-type: none"> (a) a residential care facility, or (b) a hostel within the meaning of clause 12 of <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>, or (c) a group of self-contained dwellings, or (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for: (e) seniors or people who have a disability, or (f) people who live in the same household with seniors or people who have a disability, or (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital. <p>The proposed development is permitted with consent in the R2 zone.</p> <p>The southern portion of the site is zoned RE1 Public Recreation. The following uses are permitted with consent in the RE1 zone:</p> <p><i>Building identification signs; Business identification signs; Camping grounds; Caravan parks; Flood mitigation works; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor)</i></p> <p>Seniors housing is not identified as permitted without consent or permitted with consent as such it</p>

	is not permitted in the RE1 zone.
2.3 Zone objectives	<p>Objectives of the R2 zone are as follows:</p> <ul style="list-style-type: none"> ➤ 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. <p>Objectives of the RE1 zone are as follows:</p> <ul style="list-style-type: none"> ➤ To enable land to be used for public open space or recreational purposes. ➤ To provide a range of recreational settings and activities and compatible land uses. ➤ To protect and enhance the natural environment for recreational purposes. ➤ To provide access to areas that are environmentally significant and to protect their important ecological, scientific, cultural or aesthetic values.
4.1 Minimum subdivision lot size	The site has a minimum lot size of 500m ² . Subdivision is not proposed.
4.3 Height of buildings	<p>The site is identified on the Height of Buildings Map as having a maximum building height of 7.5 metres for the site.</p> <p>SEPP (HSPD) provides for a permissible height of 8 metres (distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point).</p> <p>The highest point of any ceiling in the development, above natural ground (vertically below), occurs in the living area of the RACF building at the glazing line of the exterior deck. The natural ground level at this point is RL 111.2 metres and the underside of the ceiling is at RL 118.85 metres giving a vertical height of 7.650 metre. All of the buildings on the site comply with the SEPP (HSPD) permissible height of 8 metres to the underside of the ceiling.</p>
4.4 Floor space ratio	The site has a maximum permissible FSR 0.5:1. FSR for the proposed development area is approximately 0.3:1 (noting that the FSR calculation includes garages and decks). The FSR is below the maximum permissible for the site and the proposed development will allow for extensive landscaped areas.
4.6 Exceptions to development standards	Flexibility is provided in the LEP for certain development standards for particular development.
6.2 Development in areas subject to airport noise	The site is mapped as being affected by airport noise. It is considered that noise will be appropriately managed by standard residential construction.
6.4 Earthworks	A Geotechnical Investigation has been prepared by Douglas Partners (Appendix 11). Geotechnical recommendations to assist in preparation of designs have been provided for the proposed development.

4.3 Relevant State Environmental Planning Policies

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

The DA is submitted under SEPP (HSPD) and relevant Clauses of the SEPP are discussed below.

Clause 10 Seniors housing

This Clause identifies seniors housing as residential accommodation that is or intended to be used permanently for seniors or people with a disability. The proposal is consistent with the intent of providing housing for seniors.

Clause 11 Residential care facilities

This clause identifies residential care facilities as residential accommodation for seniors or people with a disability that includes:

- (a) *meals and cleaning services, and*
- (b) *personal care or nursing care or both, and*
- (c) *appropriate staffing, furniture, furnishings and equipment for the provision of accommodation and care.*

The proposal includes a RACF consistent with this definition.

Clause 13 Self-contained dwellings

In this Policy, a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

Clause 21 Subdivision

The proposal does not involve a subdivision

Clause 24 Site Compatibility Certificate

A site compatibility certificate is not required as the proposal is permissible with consent.

Part 2 – Site Related Requirements

Part 2 of SEPP (HSPD) deals with site related requirements. These matters are presented in the Table 4.3.

Table 4.3 – Site Related Requirements

Requirement	Compliance
Clause 26 – Location and access to facilities	
Access (including by transport service) by suitable gradient (generally 1:14) to: <ul style="list-style-type: none"> - Banks - Community services and recreation facilities - GP 	A 1:20 pedestrian path is proposed from the site near the caravan parking area to the path on the Council reserve south of the site. Pedestrians will be able to Church Street via Henderson Street from the proposed 1:20 path. Church Street is the main road into Gloucester and provides access to bus and taxi services. Current public transport in Gloucester includes coaches and train services into and out of Gloucester. There is currently limited public transport within the Gloucester area. Newcombe Coach Lines provides a student transport system in the Gloucester and surrounding areas. Two taxi companies are available in Gloucester. The proposed development has been designed to integrate into the existing public transport system as far as practicable. It would be unreasonable and not feasible for the proposed development to provide a standalone public transport system to comply with this Clause. The proposed development will provide an essential housing choice within Gloucester by a social

Requirement	Compliance
	housing provider that will allow residents to remain within Gloucester and should be considered as an additional housing choice in Gloucester and not be constrained by existing limitations of the public transport system of a rural area.
Clause 27 – Bush Fire Prone Land	
Development on land identified as Bushfire Prone to comply with the requirements of Planning for Bushfire Protection (RFS, 2006).	The site is not identified as bushfire prone land.
Clause 28 – Water and Sewer	
Council must be satisfied that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	It is understood the site has access water and sewer that can be augmented to service the proposed development.
Clause 29 – Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply	
<p>The consent authority, in determining a development application to which this clause applies, must take into consideration the criteria referred to in clause 25(5) (b) (i), (iii) and (v).</p> <ul style="list-style-type: none"> - natural environment surrounding land use - services and infrastructure - bulk, scale, built form and character of proposal. 	<p>Each of the items is discussed in detail throughout this SEE. The proposed development will be used for residential aged care. The site provides an essential service to the community and its appearance, function and operation is in keeping with the local environment. Services can be augmented to meet the needs of the development.</p> <p>The high quality architectural design has considered the built and natural environment and presents well internally and externally to the site. The building will be purpose built to serve a key function to the community and is appropriate in bulk, scale, built form and character.</p>

Part 3 – Design Requirements

Part 3 of SEPP (HSPD) deals with design requirements. Compliance of the proposal with the design requirements, is summarised in the Table 4.4.

Table 4.4 – Design Requirements

Requirement	Compliance
Clause 30 – Site Analysis	
The consent authority must not grant consent to a DA unless the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	A site analysis plan prepared by Den-Ad Design & Co and Manns & Troup (Appendix 8 – DA-001) identifies key attributes of the site.
Clause 32 – Design of residential development	
The consent authority must be satisfied that the proposal demonstrates regard to the principles set out in Division 2, those being Clauses 33-39.	Refer to discussion below.
Clause 33 – Neighbourhood Amenity and Streetscape	

Requirement	Compliance
<p>The proposed development should:</p> <ul style="list-style-type: none"> ➤ recognise desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area ➤ retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items ➤ maintains reasonable neighbourhood amenity and appropriate residential character by: <ul style="list-style-type: none"> ○ providing building setbacks to reduce bulk and overshadowing ○ using building form and siting that relates to the site's land form ○ adopting building heights at the street frontage that are compatible in scale with adjacent development ○ considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours ➤ be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line ➤ embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape ➤ retain, wherever reasonable, major existing trees ➤ be designed so that no building is constructed in a riparian zone. 	<p>The proposed building will provide an important element to the local area. The site will be used for residential aged care and will have a significant influence on the character of surrounding development.</p> <p>Proposed architectural plans (Appendix 8) present a quality design that will allow ongoing efficient use of the site to achieve community and tenant expectations of quality care. The proposed development will have a positive impact on neighbourhood amenity.</p> <p>There are no heritage items that would be adversely affected by the proposed development. Building placement has considered existing trees and proposed landscaping will ameliorate loss of vegetation.</p>
Clause 34 – Visual and Acoustic Privacy	
<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, ensuring acceptable noise levels in bedrooms of new dwellings (by locating them away from driveways, parking areas and paths).</p>	<p>The proposed development will complement existing surrounding buildings and the local area in general. Architectural plans (Appendix 8) present a high quality care environment that provides appropriate spatial separation between car parking areas and paths and bedrooms to ameliorate noise impacts.</p>
Clause 35 – Solar Access and Design for Climate	
<p>The development should:</p> <ul style="list-style-type: none"> ➤ ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space ➤ involve site planning, dwelling design and landscaping that reduces energy use and makes best practicable use of natural ventilation, solar heating and lighting. 	<p>Buildings will achieve excellent solar access and ventilation that is appropriate to the nature of the occupants of the site. There are paths and landscaped areas proposed that will provide safe access to external environments if desired by occupants (Appendix 8 and 10). The proposed buildings will provide excellent solar access for the development.</p> <p>Landscape plans (Appendix 10) and architectural plans (Appendix 8) provide clear indication of extensive site planning and appropriate consideration of solar access, slope and internal and external living environments.</p>
Clause 36 – Stormwater	
<p>The proposed development should:</p> <ul style="list-style-type: none"> ➤ control and minimise disturbance and impacts of stormwater runoff on adjoining properties and receiving waters ➤ include, where practical, on-site stormwater detention or re-use for second quality water uses. 	<p>The Stormwater Management Plan (Appendix 14) provides stormwater management that utilises existing drainage on site. The main stormwater feature is a 10 metre wide vegetated overland flow path discharging to a combined stormwater detention and water quality treatment device, including filter media.</p>

Requirement	Compliance
Clause 37 – Crime Prevention	
<p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <ul style="list-style-type: none"> ➤ allow general observation of the street, the site and the approaches to the dwelling's entry from inside each dwelling ➤ providing shared entries that serve a small number of dwellings and that are able to be locked ➤ designed to allow residents to see who approaches their dwellings without the need to open the front door. 	<p>There are various parts of the site that require an access card for entry, depending on the health status of occupants. Spaces are lit as required and staff are able to control access to various parts of the site. Safety of occupants is one of the prime functions of the site and full consideration has been given to crime prevention and safety of occupants.</p>
Clause 38 – Accessibility	
<p>The proposed development should:</p> <ul style="list-style-type: none"> ➤ have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and ➤ provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors. 	<p>Access to the site for vehicles is from Clement Street. Effective parking and movement of vehicles around the site has been considered in the design and is a function of the existing good management of traffic at the site.</p> <p>A Disability Access Report has been prepared to review the plans against requirements of the Building Code of Australia 2016 (BCA), Disability (Access to Premises) Standards 2010, <i>Disability Discrimination Act 1992</i> (DDA) and SEPP HSPD with regard to access for persons with a disability. The report found that the architectural plans generally comply with access requirements and provides recommendations to be adopted (Appendix 13).</p>
Clause 39 – Waste Management	
<p>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>Waste will be managed central management operations. Anglican Care will ensure effective management of waste through a centralised system of collection and disposal by Council or a private waste contractor.</p>

Part 4 – Development Standards to be complied with

Part 4, Division 1 of SEPP (HSPD) deals with development standards that need to be complied with. These matters, and the compliance of the proposal with these requirements, is summarised in the table below:

Requirement	Compliance
Clause 40 – Minimum Sizes and Building Height	
The size of the site must: <ul style="list-style-type: none"> ➤ be at least 1,000sqm, and ➤ frontage of at least 20m. 	The proposed development site has an area of 2.997ha and has multiple street frontages that are greater than 20 metres. The proposal complies with the minimum development standards.

Part 7 – Development Standards that cannot be used as grounds to refuse consent

Part 7 Division 2 (Clause 48) of SEPP (HSPD) deals with residential care facilities and the standards that cannot be used to refuse development consent for residential care facilities. These matters and their compliance are dealt with in the following table.

Requirement	Compliance
Building Height: if all proposed buildings are 8 metres or less in height.	The highest point of any ceiling in the development, above natural ground (vertically below), occurs in the living area of the RACF building at the glazing line of the exterior deck. The natural ground level at this point is RL 111.2 metres and the underside of the ceiling is at RL 118.85 metres giving a vertical height of 7.650 metre. All of the buildings on the site comply with the SEPP (HSPD) permissible height of 8 metres to the underside of the ceiling.
Density and Scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less.	FSR for the proposed development area is approximately 0.3:1 (noting that the FSR calculation includes garages and decks). The proposed building footprint is approximately 7,250m ² and roads, car park and driveway have a footprint of approximately 4,594m ² within a site of approximately 24,652m ² . Mass planting for the RACF will be approximately 1,667m ² . A significant portion of the site will be available for deep soil planting in accordance with the proposed landscape plans (Appendix 10).
Landscaped Area: if a minimum of 25m ² of landscaped area per residential care facility bed is provided.	Landscaping will be provided across the site (Appendix 10) to facilitate quality living outcomes for residents. The landscaping will result in a softened built form with appropriate levels of open space for residents. Proposed landscaping has been designed to minimise contrast between the new buildings and surrounding landscape while providing a leafy outlook for residents. Landscaping plans are provided in Appendix 10 . Each aspect of the development has been considered separately including the approach, main entry, building entry, drainage, internal courtyard and dementia courtyard. The landscaping will provide a high quality environment for residents coupled with a high quality building design. Approximately 1,667m ² of mass planting will be provided to the RACF that equates to around 37m ² of landscaping for each room.
Parking: if at least the following is provided: <ul style="list-style-type: none"> ➤ 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia) ➤ 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time ➤ 1 parking space suitable for an ambulance. 	A Traffic Impact Assessment (Appendix 12) has considered parking and access arrangements. Under the SEPP (HSPD), for a residential care facility the parking requirements are: <ul style="list-style-type: none"> ➤ 1 space per 10 beds. ➤ 1 space for each 2 people employed on duty at any one time ➤ 1 space for an ambulance. For the 44 beds proposed in this development, this

Requirement	Compliance
	<p>equates to 5 visitor spaces, 6 staff spaces (12 staff in total) and 1 ambulance bay, a total of 12 spaces.</p> <p>Normal parking demands can be accommodated on site in accordance with SEPP requirements. For the RACF, a total of 13 spaces will be provided on site to satisfy parking demands, in accordance with the SEPP requirement of 12 spaces (Appendix 12).</p> <p>Given the size of the development servicing demands shall not be significant. Service vehicles can park on site within the loading dock and a separate parking bay is provided for an ambulance. The largest vehicle to access the site will be 12.5 metre single unit truck whilst other deliveries would be via small vans e.g. Toyota Hiace (Appendix 12).</p>

Part 7 Division 4 (Clause 50) of SEPP (HSPD) deals with self-contained dwellings and the standards that cannot be used to refuse development consent for residential care facilities. These matters and their compliance are dealt with in the following table.

Requirement	Compliance
Building Height: if all proposed buildings are 8 metres or less in height.	All of the buildings on the site comply with the SEPP (HSPD) permissible height of 8 metres to the underside of the ceiling
Density and Scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less.	FSR for the proposed development area is approximately 0.3:1.
Landscaped Area: if a minimum of 35m ² of landscaped area per residential care facility bed is provided by a social housing provider.	<p>Landscaping will be provided across the site (Appendix 10) to facilitate quality living outcomes for residents and to capitalise on existing built form. The landscaping will result in a softened built form with appropriate levels of open space for residents.</p> <p>Proposed landscaping has been designed to minimise contrast between the new building and surrounding landscape while providing a leafy outlook for residents. Landscaping philosophy and plans are provided in Appendix 10. Each aspect of the development has been considered separately including the approach, main entry, building entry, dry creek bed, internal courtyard and dementia courtyard. The landscaping will provide a high quality environment for residents coupled with a high quality building design.</p>
Deep soil zones: sufficient soil for growth of trees and shrubs on not less than 15% of the site. Two-thirds should be located at the rear of the site.	FSR for the proposed development area is approximately 0.3:1 (noting that the FSR calculation includes garages and decks). The proposed building footprint is approximately 7,250m ² and roads, car park and driveway have a footprint of approximately 4,594m ² within a site of approximately 24,652m ² . Mass planting for the RACF will be approximately 1,667m ² . A significant portion of the site will be available for deep soil planting in accordance with the proposed landscape plans (Appendix 10).
Solar access: living rooms and private open spaces for minimum 70% of dwellings receive minimum of 3 hours of direct sunlight between 9am and 3pm in mid-winter.	
Private open space: private open space for single storey dwelling minimum of 15m ² of private open space and one area not less than 3 metres wide and 3 metres long and accessible from living area on ground floor.	
Parking: if at least the following is provided: (i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider,	<p>Anglican Care is a social housing provider and as such the site requires 1 car space for each 5 dwellings.</p> <p>A Traffic Impact Assessment (Appendix 12) has</p>

Requirement	Compliance
or (ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.	considered parking and access arrangements. The 28 ILU's proposed for the site will each have on-site parking for at least one vehicle. This should be designed taking into consideration SEPP Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings Part 1 Section 5 Private car accommodation. A further 8 parking spaces (including 1 accessible space) will be provided adjacent to the on-site Community Centre (Appendix 12).

4.3.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 aims is to ensure consistency in the implementation of the BASIX scheme throughout the State. The development application will need to be accompanied by a BASIX certificate as it is for permanent residential development.

4.3.3 State Environmental Planning Policy No. 44 (Koala Habitat Protection)

The SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. The Ecological Impact Assessment (**Appendix 15**) found two feed trees listed under Schedule 2 of SEPP 44 occur within the study area; *Eucalyptus moluccana* (Grey Box) and *Eucalyptus tereticornis* (Forest Redgum). These species constitute greater than 15% of the canopy trees within the study area. However, while potential Koala feed trees were identified within the study area, the site is not considered to provide habitat for the Koala due to the extremely fragmented and disturbed nature of the trees within the site, and the highly urban nature of the surrounds. The feed trees located within the site occur as isolated paddock trees or small stands which are not connected to surrounding vegetation. Were Koalas to utilise these trees as a resource, it would require them to traverse large distances on foot, which is considered highly unlikely considering their vulnerability when on the ground.

The feed tree species occur as isolated stands or individual trees in an urban, disturbed environment, which is not suitable for this species. No is identified habitat within the study area (**Appendix 15**).

4.4 OTHER PLANNING CONSIDERATIONS

4.6.1 Section 7.11 Contributions

Anglican Care is a social housing provider that services the community with ongoing high quality residential aged care. Section 94 public services and amenities. The Ministerial Direction (dated 14 September 2007) states the Minister:

"Pursuant to Section 94E of the Act, direct consent authorities that there are no public amenities or public services in relation to which a condition under Division 6 of Part 4 of the Act may be imposed on the class of development consents identified in Schedule A granted to a social housing provider as defined in the SEPP. This direction applies to development applications made by such as social housing provider on or after commencement of the SEPP..."

According to SEPP (HSPD) a social housing provider includes a not-for-profit organisation that is a direct provider of rental housing for tenants. Anglican Care is a community housing provider and the proposed development will occur under provision of SEPP (HSPD) and as such contributions should not be garnered for the proposed development.

Anglican Care has been operating in excess of 50 years and is the aged care ministry of the Anglican Diocese of Newcastle. As a not-for-profit organisation, any surplus funds are used to enhance the excellent care and quality lifestyle offered to residents and clients.

In accordance with the Ministerial Direction Council cannot seek contributions for public amenities or public services in relation to the proposed development by a not-for-profit organisation. This issue has been raised previously with other Councils and those Councils have supported the view that Section 7.11 contributions cannot be collected for



seniors housing developments by Anglican Care. The DA is submitted under SEPP (HSPD) and as such Section 7.11 contributions are not required to be paid by Anglican Care.

4.6.2 Gloucester Region Community Strategic Plan 2014-2024

This Plan highlights the aspirations and targets identified in the Plan and the new financial, social, environmental and economic challenges facing the community. Through surveys, workshops and feedback sessions, key themes of environment, economy, governance, infrastructure and community were identified around which aspirations and objectives could be aligned. One of the issues raised was the need for more specialist housing for aged residents, due to local government area having a higher than state average proportion of older people. The issue is particularly relevant to those that want to stay in Gloucester to be near family and friends.

4.6.3 Gloucester Development Control Plan 2010

Gloucester Development Control Plan 2010 (DCP) provides guidance to development of land covered by Gloucester LEP 2010 and is intended to act as an integrated planning document in conjunction with the Gloucester LEP 2010. The DCP includes development specific controls and generally adopts a performance based approach to managing development, providing prescribed objectives, outcomes and recommended responses but allowing some flexibility in responding to controls.

The DCP does not have a section on seniors housing and as such development standards in SEPP (HSPD) are likely to apply. It is considered some of the sections of the DCP relevant to multi-dwelling housing may apply to the proposed development, however these have been considered in Section 4.4.1 under SEPP (HSPD) with the exception of the following issues.

4.6.3.1 Stormwater

Civil work drawings are provided in **Appendix 14**. A Concept Erosion and Sediment Control Plan has been prepared to ameliorate potential impact to water quality. The concept stormwater and grading plan provides understanding of existing drainage from Clement Street onto the site. The concept plan consider how existing stormwater will be captured in association with existing stormwater flows to discharge into the combined stormwater detention and water quality treatment device. No building work will occur within the 10 metre wide vegetated overland flow path. Consultation has occurred with Mid-Coast Council and is presented in the Concept Stormwater Management Plan (**Appendix 14**).

4.6.3.2 Flora and Fauna

An Ecological Impact Assessment (**Appendix 15**) and Arborist Report (**Appendix 16**) have been prepared to consider potential impact of the development on flora and fauna. The Arborist Report assessed a total of 35 trees, all of which 34 are located on site and 1 located at the southern boundary of Gloucester High School. Section 9 of the report provides recommendations to be adopted including removal of trees and management of trees to remain, including during construction.

The Ecological Impact Assessment identifies flora, fauna and threatened species present, or likely to occur within the study area based on species and/or habitats detected during field surveys and threatened flora and fauna records from the locality. The assessment provides an assessment of the likely impacts on identified threatened species, habitat features, wildlife corridors and vegetation communities as a result of the development proposal.

The following recommendations are considered necessary to protect the integrity of the vegetation and habitat features within and adjacent to the study area:

- Where possible, trees within the study area (dead or alive) should be retained as these trees will still provide valuable habitat to a range of local fauna species.
- The construction site should be managed so that no accidental incursions occur into vegetation or trees to be retained. This would be best achieved by clearly marking the extent of development and via the installation of temporary exclusion fences where practical.

- Best practice erosion and sedimentation control methods should be adopted, enforced and maintained throughout any earthworks during the construction phase to avoid having a negative impact on the surrounding environment.
- The use of insecticides and herbicides within the study area should be avoided where possible to reduce the potential impact on surrounding vegetation and retain the integrity of habitat for insectivorous bat, bird and amphibian species; and
- Weed control within areas of retained vegetation within the study area is recommended to enhance the retained vegetation and prevent deterioration of threatened species' habitat:
- Control of *Senecio madagascariensis* (Fireweed), *Asparagus asparagoides* (Ground Asparagus) and *Notelaea europaea* subsp. *cuspidata* (African Olive) is required to be undertaken as these are WONS;
- Any other exotic species should be controlled, as required;
- All weed control works are to be undertaken by a suitably qualified contractor/individual with appropriate plant identification skills;
- Weed control works in native vegetation communities are to be conducted in accordance with the Bradley method described by Buchanan (1999). This method aims to remove weeds with minimal disturbance and allow native species to re-establish naturally from the existing seed bank and rootstock. The following steps are to be followed when controlling weeds on the site:
 - The weed removal team will require a site-specific induction, to understand what weeds are to be removed, the process of removal, identification of the native species, and the procedures to be followed;
 - Manual weed removal: Where there is native understorey present, dominant weeds will need to be manually treated within the existing forest area where possible;
 - Weed vegetative material collected during weed control activities is to be taken offsite (where practical). This will stop weed material smothering native plants and prevent re-establishment. This material is to be taken to an appropriate waste disposal centre to prevent further weed spread in the region; and
 - Chemical weed control: Chemical should be applied only where application to larger weeds can be isolated (i.e. no broad application). No spraying should be conducted in ecologically sensitive areas of the site (i.e. high potential of spraying native species).
- For concentrations and dosage rates on targeted chemical control, refer to the 'Noxious and Environmental Weed Control Handbook' (Ensbey, 2014). Any weed spraying should be conducted by an authorised person, having a Chemical Application Certificate or similar qualification. This would ensure that best practice is adhered to in consideration of the ecological sensitivities within and adjoining the study area.

4.6.3.3 Sewer and Water

A Water and Sewer Servicing Strategy has been prepared to address provision of water and sewer services (**Appendix 18**). The strategy found provision of sewerage infrastructure detailed in the report will provide the project site with access to services that meet Mid Coast Council requirements. The site has a frontage to existing water mains that will require internal boosting to meet fire fighting requirements.

4.6.3.4 Accessibility

A Disability Access Report has been prepared to review the plans against requirements of the of the Building Code of Australia 2016 (BCA), Disability (Access to Premises) Standards 2010, *Disability Discrimination Act 1992* (DDA) and SEPP HSPD with regard to access for persons with a disability. The report found that the architectural plans generally comply with access requirements and provides recommendations to be adopted (**Appendix 13**).

4.6.3.5 Building Height

One of the key constraints is movement of flood waters west to east across the site toward recreation and drainage land at the rear (south). A demonstration of the high quality nature of the development is that the proposal has adopted a constraint (drainage) and created opportunity for improved visual outcome by incorporating the drainage line into the extensive open space and configuring the living and dining area to provide views of that area. This



combination of engineering and architecture will result in a distinctive and unique building that will enhance the area and improve internal and external amenity for residents. In order to achieve this distinctive outcome a building height of 7.65 metres measured in accordance with SEPP HSPD (to the underside of the ceiling) has been adopted.

The site slopes toward the drainage line and site topography generally comprises grassed slopes of approximately less than 5° to up to about 18°, generally falling towards the drainage gully in the centre of the site, with a tendency to fall towards the west (**Appendix 11**). Proposed site layout and architectural building design have considered the slope and adopted building, parking, landscaping and infrastructure to appropriately reflect that slope. The overall outcome is a positive design with excellent internal and external environments that will contribute to high quality conditions for occupants of the buildings.

4.6.3.6BCA

A Building Code of Australia Assessment Report assessed architectural documentation with respect to the Building Code of Australia 2016. The report found design is at a point where the inherent BCA philosophies have been checked and development consent can be sought. The finer details with respect to BCA 2016 compliance can be finalised prior to the issue of a Construction Certificate.

5 ASSESSMENT OF ENVIRONMENTAL EFFECTS

5.6 Section 4.15(1)(a) – Statutory Planning Considerations

In determining the subject DA, Council is required to consider those relevant matters listed in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. Each of the relevant matters is addressed below.

Section 79C (1) (a) requires the consent authority to take into consideration:

“(a) the provisions of:

- (i) any environmental planning instrument, and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),”*

that apply to the land to which the development application relates,

These matters (and others) are addressed in Section 4 of this report, and below.

The proposal is permissible with the consent of the Council and is generally consistent with the provisions and objectives of Gloucester LEP 2010, Development Control Plan 2010 and SEPP (HSPD).

5.7 Section 4.15(1)(b) – Environmental, Social and Economic Impacts

Section 4.15(1)(b) requires the consent authority to consider:

“(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.”

The relevant matters are addressed below:

5.7.1 Impacts on the Natural Environment

Full details of the natural constraints imposed by the site are provided in Section 2. The site has been found to be suitable for the proposed development. The site presently devoid of any buildings, with the majority of the site being cleared land as well as some scattered vegetation. The site is located within an established urban area.

Sediment fences will be erected around the development zones during construction to control soil erosion. Adequate hardstand and landscaped areas will also be re-instated to minimise soil erosion.

5.7.2 Impacts on the Built Environment

The proposal comprises a new purpose built RACF, ILUs and Community Centre within an existing urban environment. The proposal will be consistent with both the scale and use of existing buildings in the locality. The proposed building generally complies with Council's planning controls (refer **Section 4**) and will not have an adverse impact on the built environment by way of overshadowing, overlooking or adverse visual impacts. The existing character and amenity of this area will be altered in a positive way.



5.7.3 Social and Economic Impacts

The new buildings will have positive social and economic impacts, including job creation during construction and operational phase. The proposed development provides a long term asset for aged care in the Gloucester area and provides accommodation for an important demographic of the community. Positive social and economic impacts will accrue from the development.

5.7.4 Section 4.15(1)(c) – The Suitability of the Site

The suitability of the site for the proposed development is dealt with in **Section 2** and the site has been found to be eminently suitable for the proposed development. The site is zoned accordingly and is located within an existing urban area.

5.7.5 Section 4.15(1)(d) – Submissions

Section 4.15(1)(d) requires the consent authority to consider:

“(d) any submissions made in accordance with this Act or the regulations”.

Any relevant representations will need to be considered by the Council in the determination of a future development application.

5.7.6 Section 4.15(1)(e) – Public Interest

Section 4.15(1)(e) requires the consent authority to consider:

“(e) the public interest”.

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. As detailed elsewhere, the proposed development will generally comply with the relevant planning controls. It will also provide seniors living within an established urban area that is well serviced by public transport and utilities infrastructure. This is considered to be in the public interest.

6 CONCLUSION

The proposal is for construction of new purpose built Residential Aged Care Facility (RACF), Independent Living Units (ILUs) and a Community Centre at 1-25 Clement Street, Gloucester (Lot 40 DP 1227815).

The proposal in its current form generally complies with Council's LEP and DCP and brings significant economic and social benefits to the locality including delivering quality affordable seniors living in Gloucester, reinforcing the role of the site within the community, facilitating increased social interaction and job creation in both the construction and aged care service sectors.

Building designs and site layout have been formulated having full and proper regard to existing development controls and to the environmental qualities of the site and its surroundings. The proposal comprises a permissible form of development that complies with the provisions of the relevant environmental planning instruments, as well as the provisions of Council's Development Control Plan.

The proposal is reasonable and appropriate when considered under the relevant heads of consideration in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and is worthy of favourable consideration by Council.



APPENDICES



APPENDIX 1

Location Map



APPENDIX 2

Aerial Photo of Locality



APPENDIX 3

Zoning – Gloucester Local Environmental Plan 2010



APPENDIX 4

Height of Buildings – Gloucester Local Environmental Plan 2010



APPENDIX 5

Floor Space Ratio – Gloucester Local Environmental Plan 2010



APPENDIX 6

Aircraft Noise – Gloucester Local Environmental Plan 2010



APPENDIX 7

Survey Plan prepared by CalCo Surveyors



APPENDIX 8

Architectural Drawings prepared by Den-Ad Design & Co and Manns & Troup



APPENDIX 9

Aboriginal Heritage Information Management System search



APPENDIX 10

Landscape Plans prepared by Terras Landscape Architects



APPENDIX 11

Geotechnical and Preliminary Site Investigation prepared by Douglas Partners



APPENDIX 12

Traffic Impact Assessment prepared by Seca Solution



APPENDIX 13

Disability Access report prepared by Lindsay Perry Access



APPENDIX 14

Civil Works Drawing prepared by Northrop



APPENDIX 15

Ecological Impact Assessment prepared by Kleinfelder



APPENDIX 16

Arborist Report prepared by Terras Landscape Architects



APPENDIX 17

Water and Sewer Servicing Strategy prepared by RPS



APPENDIX 18

BASIX Assessment prepared by Building Sustainability Assessments



APPENDIX 19

Budget Estimate prepared by Muller Partnership