



Hawkesbury City Council

extraordinary meeting business paper

date of meeting: 15 September 2009
location: council chambers
time: 7.00 p.m.



mission statement

***“To create opportunities
for a variety of work
and lifestyle choices
in a healthy, natural
environment”***

How Council Operates

Hawkesbury City Council supports and encourages the involvement and participation of local residents in issues that affect the City.

The 12 Councillors who represent Hawkesbury City Council are elected at Local Government elections held every four years. Voting at these elections is compulsory for residents who are aged 18 years and over and who reside permanently in the City.

Ordinary Meetings of Council are held on the second Tuesday of each month, except January, and the last Tuesday of each month, except December. The meetings start at 5:00pm with a break from 7:00pm to 7:30pm and are scheduled to conclude by 11:00pm. These meetings are open to the public.

When an Extraordinary Meeting of Council is held it will usually start at 7:00pm. These meetings are also open to the public.

Meeting Procedure

The Mayor is Chairperson of the meeting.

The business paper contains the agenda and information on the issues to be dealt with at the meeting. Matters before the Council will be dealt with by an exception process. This involves Councillors advising the General Manager at least two hours before the meeting of those matters they wish to discuss. A list will then be prepared of all matters to be discussed and this will be publicly displayed in the Chambers. At the appropriate stage of the meeting, the Chairperson will move for all those matters not listed for discussion to be adopted. The meeting then will proceed to deal with each item listed for discussion and decision.

Public Participation

Members of the public can request to speak about a matter raised in the business paper for the Council meeting. You must register to speak prior to 3:00pm on the day of the meeting by contacting Council. You will need to complete an application form and lodge it with the General Manager by this time, where possible. The application form is available on the Council's website, from reception, at the meeting, by contacting the Manager Corporate Services and Governance on 4560 4426 or by email at fsut@hawkesbury.nsw.gov.au.

The Mayor will invite interested persons to address the Council when the matter is being considered. Speakers have a maximum of five minutes to present their views. If there are a large number of responses in a matter, they may be asked to organise for three representatives to address the Council.

A Point of Interest

Voting on matters for consideration is operated electronically. Councillors have in front of them both a "Yes" and a "No" button with which they cast their vote. The results of the vote are displayed on the electronic voting board above the Minute Clerk. This was an innovation in Australian Local Government pioneered by Hawkesbury City Council.

Planning Decision

Under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a 'planning decision' must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

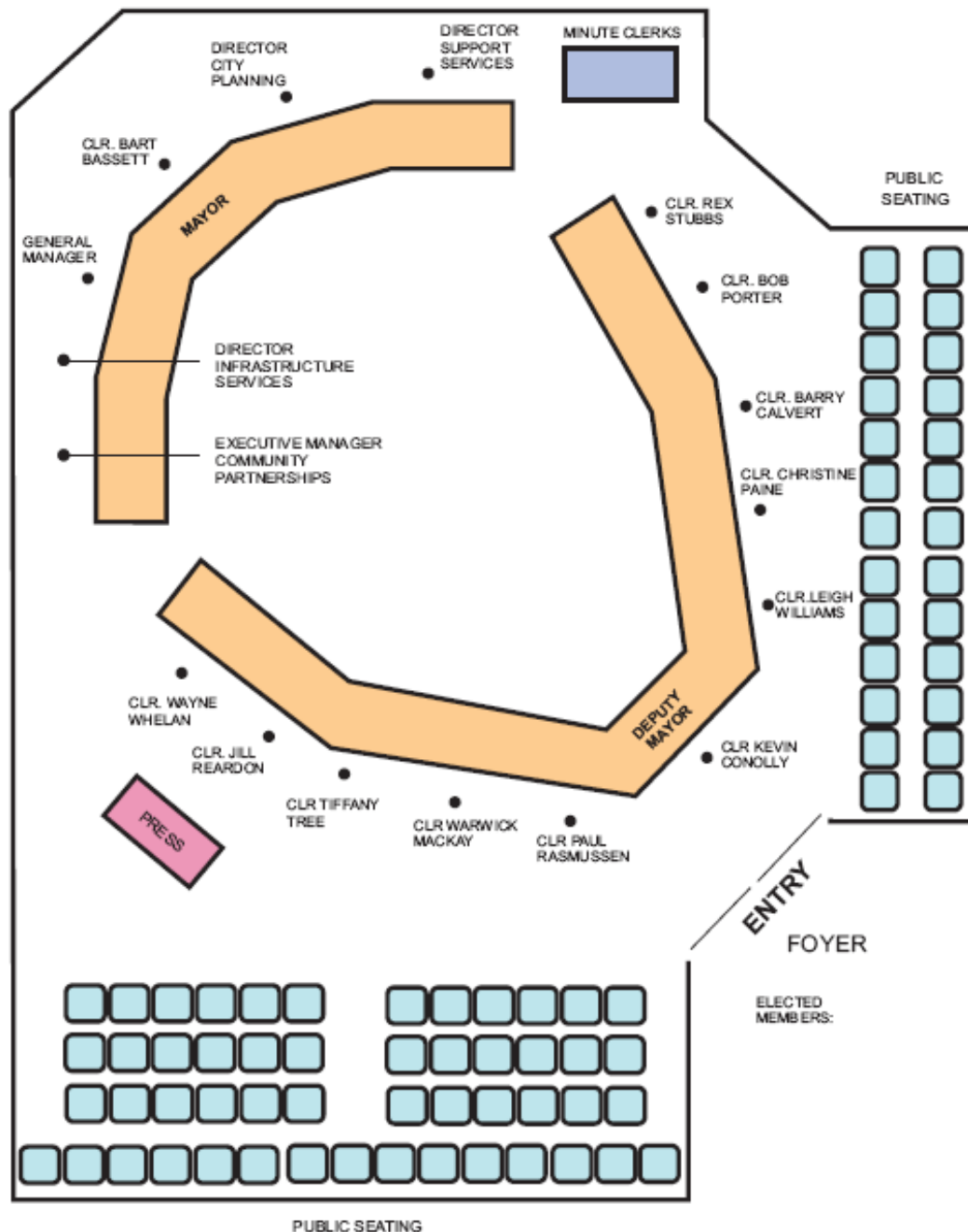
Website

Business Papers can be viewed on Council's website from noon on the Friday before each meeting. The website address is www.hawkesbury.nsw.gov.au.

Further Information

A guide to Council Meetings is available on the Council's website. If you require further information about meetings of Council, please contact the Manager, Corporate Services and Governance on, telephone 02 4560 4426.

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- **APOLOGIES**
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City Planning

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SECTION 4 - Reports for Determination

CITY PLANNING

Item: 192 **CP - Development Application - Seniors Housing Development - Lot 27 DP 1042890, 108 Grose Vale Road, North Richmond - (DA0852/08, 106510, 112157, 77679, 95495)**

Development Information

Applicant: North Richmond Joint Venture Pty Ltd, C/- Urbis
Owner: BD NSW (MR) Project 0007 Pty Ltd
Zone: Consolidated Land Holdings
Date Received: 20 November 2008
Estimated Cost: \$15,000,000
Exhibition Dates: 18 December 2008 - 18 February 2009
Submissions: 265

Recommendation: Approval

REPORT:

1. Executive Summary

The development is to occupy approximately 17 hectares of the 180 hectare site being contained on the south-eastern corner of the allotment. This development area is bounded by Grose Vale Road to the south, residential development along Yvonne Place and Michael Street to the east, and residential development along Arthur Phillip Drive and Grainger Place to the north.

The application involves the following key elements:

- Construction of a two storey, 180 bed aged care facility
- Construction of 197 serviced self care dwellings
- Construction of Residents Club building and associated ancillary facilities
- Construction of bulk earthworks, retaining walls, access roads, utility services and stormwater management facilities
- Construction of a new access road off Arthur Phillip Drive and Grose Vale Road
- Decommissioning of one farm dam
- Subdivision of the site into four allotments

In broad terms the layout of the proposal is as follows:

- The aged care facility is positioned at the western end of the development area, with direct access from Arthur Phillip Drive. During the course of assessment the position of this building was altered to allow for an existing dam, in proximity to the termination of Arthur Phillip Drive, to be retained.

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- The Residents Club and associated ancillary facilities (community garden and vegetable patch) are set along the eastern boundary of the development area, which is otherwise to be maintained as a landscaped open space area that will provide separation between the proposal and existing residential development along Yvonne Place and Michael Street.
- The intervening area between the aged care facility and the communal facilities will be occupied by a network of roads accommodating the dwelling sites.

The application has been submitted pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. In this report the policy will be abbreviated to Seniors Housing Policy. In accordance with the requirements of the Seniors Housing Policy a Site Compatibility Certificate (SCC) was issued by the Department of Planning enabling the application to be lodged with Council.

The proposal represents a lesser scale of development than that detailed in the Master Plan associated with Site Compatibility Certificate. A comparison is included in the following table:

Definition	Site Compatibility Certificate (27 ha approximately)	DA 0852/08 (17ha approximately)
Residential Care Facility	102 unit residential care	180 bed aged care
Hostel	180 bed aged care	None proposed in DA
Serviced Self-care Housing	467 dwellings self-care	197 dwellings self-care

It is also relevant to note that through the issuing of the SCC the Director General of the Department of Planning is sufficiently satisfied that the site and its development for seniors housing satisfies the criteria listed in Clause 25(5)(b) of Seniors Housing Policy. The criteria listed in Clause 25(5)(b) relate to the following:

- the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*
- the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,*
- the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*
- in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,*
- without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.*

The application has been supported by various expert reports and consultation has been undertaken with relevant external authorities demonstrating that the proposal is able to satisfy the criteria listed above.

The proposal is able to satisfy the relevant site and design requirements contained in the Seniors Housing Policy as detailed in the report. Based upon the above, the proposal will provide suitable accommodation for the aged and disabled as required under this Policy.

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The proposal will contribute positively towards Council's housing target under the draft North West Subregional Strategy and the increasing need for aged housing for the Hawkesbury Local Government Area.

This development application has generated significant community response reflected by the 265 submissions received, the formation of a resident action group and the extensive coverage of issues in the media (including newspapers, radio and internet). Accordingly, Council has convened this extra ordinary meeting to consider the development application. The matters raised in the submissions are addressed in the report under Section 11.

The key changes made to this application in response to submissions are to:

- Reposition the aged care facility to allow for the retention of the large farm dam situated at the end of Arthur Phillip Drive
- Include construction of a new access road and pedestrian pathway connecting the development to Grose Vale Road
- Provide road widening/re-alignment, pedestrian pathways, a pedestrian crossing, bus parking bays and bus stops along Grose Vale Road

The Environmental Planning and Assessment Regulations provide that the Council can ask for additional information and that an applicant can amend an application any time up until the determination is made. There was not a need to re-notify this proposal as it is generally the same as that originally lodged and the amendments respond to the matters of concern raised by submissions.

2. Key Issues Relevant to the Decision

- Site Compatibility Certificate
- Heritage Impact
- Traffic
- Dam Safety

3. The Site

3.1 Location and Description

This development application (DA) relates to part of Lot 27 DP 1042890, No. 108 Grose Vale Road North Richmond, being a 180 hectare parcel positioned at the western edge of the North Richmond township. In broad terms the whole site:

- Is dominated by a ridge line, along Grose Vale Road, which forms the southern and western boundaries of the allotment. From this ridge the site slopes down, north and east.
- Has been highly modified through clearing of native vegetation and the creation of pasture to support grazing.
- Is traversed by a number of drainage lines and dams.

However this proposal applies to only a part of Lot 27 DP 1042890, being a portion of land approximately 17 hectares in area situated at the south east corner of the allotment. The above description is relevant for this part of the site, also noting:

- This area comprises some of the lower, flatter sections of the site, being at the base of a small valley enclosed by land situated at a higher level along Grose Vale Road.
- The most significant stand of vegetation, and key drainage element, are situated along the north-eastern site boundary in proximity to Grainger Place.

- There are no buildings or structures over this part of the site.
- Two dams are located within this development area, a large dam in proximity to the termination of Arthur Phillip Drive, and a smaller dam towards the centre of the eastern site boundary.

3.2. Context

Adjoining the site to the north is Arthur Phillip Drive and Grainger Place, and to the east is Michael Street and Yvonne Place. These roads are situated at the western edge of the North Richmond town ship.

Immediately to the west and north west of the proposed development area the balance of the subject land is used for grazing and adjoining the site the land contains various rural land holdings.

Opposite the site to the south, along Grose Vale Road are various uses including a Sydney Water treatment plant, several residences and the St John of God Hospital.

4. Prior History

No record exists of any recent development applications lodged in relation to the subject land.

5. Description of Proposal

The original application when submitted comprised the following elements to be undertaken in stages:

- Decommissioning of two farm dams.
- Construction of bulk earthworks, retaining walls, access roads, utility services and stormwater management facilities.
- Construction of a new access road off Arthur Phillip Drive.
- Construction of a two storey, 180 bed, aged care facility.
- Construction of 197 serviced self care dwellings.
- Construction of Residents Club building and associated ancillary facilities.
- Subdivision of the site into two allotments.

During the course assessment the application was amended to:

- Reposition the aged care facility to allow for the retention of the large farm dam situated at the end of Arthur Phillip Drive. The small dam will still be decommissioned.
- Include construction of a new access road and pedestrian pathway connecting the development to Grose Vale Road. Various works within the Grose Vale Road reserve associated with this new access comprising of tree removal, road widening/re-alignment, pedestrian pathways, a pedestrian crossing, bus parking bays and bus stops.
- Alter the subdivision to incorporate the creation of four allotments.
- Provide for riparian and drainage works within Council's drainage reserve (as required by the relevant state agencies)

6. External referrals

The following external referrals were undertaken, either to meet statutory requirements or to assist in the evaluation of the proposal:

- NSW Rural Fire Service
- Department of Environment and Climate Change
- Department of Water and Energy

- Sydney Water
- Roads and Traffic Authority
- Department of Planning - Heritage Branch
- State Emergency Service
- Westbus

Comments arising from these referrals are discussed, as appropriate, throughout this report.

7. Internal referrals

The following internal referrals were undertaken within Council to assist in the evaluation of the proposal:

- Development Engineers
- Health and Building Surveyor
- Heritage Advisor
- Environmental Health Officer
- Community Services

Comments arising from these referrals are discussed, as appropriate, throughout this report.

8. Applicable planning controls and policies

The following planning instruments, codes and policies are relevant in the assessment of this application:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- State Environmental Planning Policy 44 - Koala Habitat Protection
- State Environmental Planning Policy 55 - Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: Basix) 2004
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing Policy)
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan - Hawkesbury Nepean River
- Hawkesbury Local Environmental Plan 1989
- Hawkesbury Development Control Plan
- Draft North West Subregional Strategy
- Hawkesbury Section 94A Development Contributions Plan 2006

Compliance with the above is addressed in Section 9 below.

9. Section 79C Matters for Consideration

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

9.1 Environmental Planning Instruments:

9.1.1 Environmental Planning and Assessment Act 1979

Section 5A – Significant effects on threatened species

This Section of the Act requires that any species, populations or ecological communities, listed under the Threatened Species Conservation Act 1995, that may be impacted upon as a consequence of a proposed development must be assessed to determine whether any impacts would be considered significant. Where a significant impact is likely then a development application must be accompanied by a Species Impact Statement, and then approval to the application can only be granted with the concurrence of the Director-General of National Parks and Wildlife.

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Accompanying this application a Flora and Fauna Impact Assessment was prepared by GHD, dated October 2008 which has provided the following conclusion relating to the impact of the proposed development:

The subject site occurs within a highly modified landscape. The majority of the plant species on the site are exotic or planted, with only scattered remnant paddock trees and occasional small patches of native species, notably along the drainage line along the northern boundary of the site. Despite this, the site still offers habitat for fauna capable of traversing and foraging in open landscapes including a number of threatened and regionally significant species.

The two dams within the proposed development site and the hollow-bearing paddock trees provide habitat for a range of mobile fauna, including roosting and nesting habitat for some species. Two threatened bats were recorded on site and a number of threatened species may use the site on a transitory or occasional basis, however the site is not considered critical for these species' conservation on a local or regional basis.

Assessment under Section 5A of the EPA Act concluded that the proposed development was unlikely to have a 'significant' impact on any threatened species, population or endangered ecological community or their habitats and as such a Species Impact Statement is not required to accompany the DA.

Similarly, no significant impacts on migratory birds species listed under the EPBC Act of potential relevance to the site are anticipated as a result of the proposed development. The species recorded or considered likely to occur are common and ubiquitous in the western Sydney region and the site does not constitute important habitat for these species, and is not critical for their conservation in the locality or region.

No other matters of National significance listed under the Environmental Protection and Biodiversity Conservation Act are of relevance to the site and as such the proposed development is not considered to constitute a controlled action or require referral to the Minister for approval.

The development will reduce habitat for native species at the subject site. Implementation of recommended environmental management measures will help to mitigate adverse impacts on this species at this locality.

The impact mitigation measures recommended by the report relate to site management measures and rehabilitation works. These measures have been included in a Construction Management Program (CMP) which would be submitted for approval prior to the issue of any Construction Certificate.

The methodology, conclusions and recommendations of this report have been reviewed and are accepted. Accordingly it is concluded that the requirements of Section 5A of the Act are satisfied.

Section 79BA – Consultation and consents for certain bushfire prone land

This Section of the Act deals with consultation and development consent for certain bushfire prone land. Consultation with NSW Rural Fire Service has been undertaken as outlined later in this report. Accordingly the requirements of this section of the Act are satisfied.

Section 79C - Evaluation

This Section of the Act identifies the matters that a consent authority is to take into account, as may be relevant to each proposal, when determining a development application. In summary, those matters are:

- The provisions of any environmental planning instrument or draft instrument
- Any development control plan

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- Any planning agreement
- The Regulations
- 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 suitability of the site for the development
- Any submissions made in accordance with this Act or the regulations
- The public interest.

To assist in the evaluation of this proposal these matters are addressed throughout this report, specifically at Sections 9-12.

Section 91 – Integrated development

This Section of the Act identifies ‘integrated development’ as development that requires consent from Council and one or more approvals from other State Agencies under related legislation. The Act requires that, prior to granting consent to any integrated development application, Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development. This proposal requires three separate approvals under related legislation, as discussed below:

National Parks and Wildlife Act 1974

Section 90 of the National Parks and Wildlife Act 1974 (NPW Act) requires that a Permit must be issued to knowingly destroy, deface or damage or knowingly cause or permit the destruction or defacement of or damage to, a relic or Aboriginal place.

Accompanying this application an Aboriginal Heritage Assessment report was prepared by Kelleher Nightingale Consulting Pty Ltd, dated December 2008. The assessment was undertaken in consultation with the following local Aboriginal community groups:

- Deerubbin Local Aboriginal Land Council
- Darug Tribal Aboriginal Corporation
- Darug Custodian Aboriginal Corporation
- Darug Aboriginal Cultural Heritage Assessments

The report identified one archaeological deposit within the development site, but otherwise noted that the subject land exhibited low archaeological potential due to the nature of local topography and the erosion of soils.

This matter was formally referred to the Department of Environment and Climate Change (DECC) for consideration of this matter. DECC subsequently issued their General Terms of Approval for a Section 90 Permit, which has been included in the recommendation.

Rural Fires Act 1997

The proposal is identified in Section 100B of the Rural Fires Act 1997 as a “*special fire protection purpose*” and consequently required a Bushfire Safety Authority to be issued by the Rural Fire Service (RFS).

The application was accompanied by a Bushfire Protection Assessment report prepared by Australian Bushfire Protection Planners, dated 20 October 2008, which outlined how the proposal responded to the provisions of *Planning for Bushfire Protection 2006*.

The RFS has reviewed the proposal and has issued a Bushfire Safety Authority, as detailed in correspondence received on 18 February 2009, which includes various conditions the development must satisfy. The General Terms of Approval have been incorporated into the recommendation.

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Water Management Act 2000

Under the *Water Management Act 2000* (WMA) a 'Controlled Activity Approval' (CAA) under the WMA is required for certain types of developments or activities carried out within 40m of a river, lake or estuary. Various works associated with this application, broadly comprising drainage, access landscaping works, would be located within 40m of a natural watercourse, which is located along the northern site boundary, generally parallel and in proximity to Arthur Phillip Drive.

The Department of Water and Energy (DWE) has, by correspondence dated 18 February 2009, issued their General Terms of Approval which include various conditions the development must satisfy. These conditions have been included in the recommendation of this report.

Also, it is noted that the proposal will require works to be undertaken on Council land within the public reserve situated adjacent to the watercourse. Full engineering details will be required to be provided to Council for approval prior to any construction being undertaken in this area.

Hawkesbury Section 94A Development Contributions Plan 2006

This Plan allows Council to impose a requirement for a monetary payment where it approves a development that will, or is likely to, require the provision of or increase the demand for public amenities and public services within the area. Such a circumstance applies particularly when a development enables an increase in population, with associated increased demands on public facilities.

By letter dated 19 November 2008 the proponent has requested that Council grant either an exemption, or a reduction, in the overall contributions applicable to this development, given the proposal's specific type, characteristics and level of on-site service provision.

The Hawkesbury Section 94A Development Contributions Plan 2006 commenced on 10 May 2006. The Plan applies to all land in the Hawkesbury City Local Government Area with the exception of Pitt Town and applications for development and complying development received by Council prior to 10 May 2006.

The Contribution Plan applies a levy on most development at the rate of 1% of the development cost. The Minister for Planning restricted this rate to 0.5% on certain types of residential development.

The operation of the Contribution Plans is guided by strict practices in the Environmental Planning and Assessment Act 1979 and Regulations 2000. In Council's current Plan there is no provision for the exemption of certain types of development from the levy. Similarly, there is no provision for the reduction of this levy.

Based upon the requirements of Hawkesbury Section 94A Development Contributions Plan 2006 an appropriate condition requiring contributions to be paid in accordance with Clause 25J of the Environmental Planning and Assessment Regulation 2000 has been included in the recommendation. However, the Contributions Plan makes provision for an agreement to undertake works-in-kind as an offset to monetary contributions. Some examples of works-in-kind relevant to this proposal could be drainage works, footpaths, landscaping or road works that are off site.

It should be noted that Council is currently finalising a Mobility Plan which will identify proposed works for a long term plan (over 10 years) to improve pedestrian access and bicycle networks within and beyond the Hawkesbury area.

9.1.2 State Environmental Planning Policy 44 - Koala Habitat Protection

The Flora and Fauna report that accompanied the application noted that the site contained a highly modified landscape, characterised by grazing land of predominantly exotic grasses and isolated paddock trees comprised of either remnant Eucalypts or exotic species. The report noted that there

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was no evidence of a local koala population and that feed trees were sparse and surrounded by pasture.

Circular No. B35, issued by the Department of Planning (then DIPNR) on 22 March 1995, stated that it was the intention of the Policy that investigations for 'potential' and 'core' koala habitats be limited to those areas in which it is proposed to disturb habitat.

Given that direction, and noting the conclusions of the Flora and Fauna report, it is considered that a Plan of Management is not required.

9.1.3 State Environmental Planning Policy 55 - Remediation of land

Where a proposal involves the change in the use of land, including change of use for residential development, the SEPP requires that Council must consider a report specifying the findings of a preliminary investigation prepared in accordance with the contaminated land planning guidelines issued by the Department of Planning.

Accompanying the application a Preliminary Geotechnical and Contamination Assessment report prepared by RCA Australia has concluded that the land is suitable, without remediation, to be used for residential purposes.

A condition has been included in the recommendation requiring the preparation and submission of a detailed Site Audit Statement and (if required) a Validation Report to the Principal Certifying Authority prior to the issue of any Construction Certificate for below ground works associated with the Stage 1A. The Site Audit Statement and Validation Report are to be prepared by a suitably accredited site auditor and are to demonstrate that the land is suitable for the proposed uses in accordance with SEPP No. 55 – Remediation of Land.

9.1.4 State Environmental Planning Policy (Building Sustainability Index: Basix) 2004

The aim of this Policy is to establish a scheme to encourage sustainable residential development to ensure homes are designed to use less potable water and be responsible for fewer greenhouse gas emissions by setting energy and water reduction targets. These targets vary according to building type and location.

Confirmation that a development is able to meet these targets is achieved by a way of a Certificate, issued by the Department of Planning, which details a list of design/construction commitments incorporated into a development to promote the sustainability, and includes a statement that the development would meet sustainability targets if those commitments are fulfilled.

Under the Environmental Planning and Assessment Regulation, the one hundred and ninety seven (197) serviced self-care dwellings proposed in conjunction with this application are classified as 'Basix affected buildings' and therefore would be subject of such a certificate. An appropriate condition has been included in the recommendation requiring separate development application/s providing this information for each dwelling prior to the release of the Construction Certificate.

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

The Seniors Housing Policy aims to encourage the provision of housing that will:

- Increase the supply and diversity of housing that meets the needs of seniors or people with a disability; and
- Make efficient use of existing infrastructure and services; and
- Be of good design.

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The Seniors Housing Policy seeks to achieve these aims by:

- Setting aside local planning controls that would prevent the development of such housing where it meets the development criteria and standards specified in the Policy.
- Setting out design principles to be followed to achieve a built form that responds to the characteristics of its site and form.
- Ensuring that applicants provide support services for development on land adjoining land zoned primarily for urban purposes.

Key enabling provisions within the Seniors Housing Policy relevant to this proposal are:

- This Policy applies to land zoned primarily for urban purposes, or land that adjoins land zoned primarily for urban purposes, but only where certain nominated development is permitted on that land, or the land is already being used for the purpose of registered club. This site meets these criteria.
- The subject land is not excluded from this Policy as the site is not 'environmentally sensitive land as described in Schedule 1 of the Policy.
- If this Policy is inconsistent with any other environmental planning instrument (including the HLEP 1989), made before or after this Policy, this Policy prevails to the extent of the inconsistency.

Key definitions within the Seniors Housing Policy relevant to this proposal are:

- 'Seniors' are any of the following:
 - (a) people aged 55 or more years,
 - (b) people who are resident at a facility at which residential care (within the meaning of the [Aged Care Act 1997](#) of the Commonwealth) is provided,
 - (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.
- 'People with a disability' are defined as:

people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life
- 'Seniors housing' is defined 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 aged care facility proposed by this application is defined as a 'residential care facility' being:

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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 that accommodation and care,*

not being a dwelling, hostel, hospital or psychiatric facility.

- The one hundred and ninety seven (197) dwellings proposed by this application are defined as 'serviced self-care housing' being:

seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.

This proposal's compliance with the various relevant controls within the Seniors Housing Policy is summarised in the following tables:

General Controls

Provision	Requirements	Comment	Complies?
Clause 16 Development consent required	Development may be carried out only with the consent of the relevant authority unless another environmental planning instrument allows that development without consent.	Consent is required. Council is the relevant authority.	✓
Clause 17 Development on land adjoining land zoned primarily for urban purposes	<p>Land that adjoins land zoned primarily for urban purposes can only be used for the following purposes:</p> <ul style="list-style-type: none"> (a) a hostel, (b) a residential care facility, (c) serviced self-care housing. <p>Consent must not be granted to serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that the housing will be provided:</p> <ul style="list-style-type: none"> (a) for people with a disability, or (b) in combination with a residential care facility, or (c) as a retirement village (within the meaning of the Retirement Villages Act 1999) 	The development if approved as recommended satisfies this criteria.	✓

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<i>Provision</i>	<i>Requirements</i>	<i>Comment</i>	<i>Complies?</i>
<p>Clause 18</p> <p>Restrictions on occupation of seniors housing</p>	<p>Development may be carried out for the accommodation of the following only:</p> <ul style="list-style-type: none"> (a) seniors or people who have a disability, (b) people who live within the same household with seniors or people who have a disability, (c) staff employed to assist in the administration of and provision of services to such housing. 	<p>Clause 18 requires that any consent granted to this application must include conditions which restrict occupation of the buildings, including registration of 'Restriction as to User' against the title of the property, in accordance with section 88E of the Conveyancing Act 1919.</p>	✓
<p>Clause 21</p> <p>Subdivision</p>	<p>Land on which development has been carried out under this Policy may be subdivided with consent.</p>	<p>A condition has been included in the recommendation requiring the completion of bulk earthworks associated with the development prior to issue of the Subdivision Certificate for Stage 1A.</p>	✓

Site Compatibility Certificates

<i>Provision</i>	<i>Requirements</i>	<i>Comment</i>	<i>Complies?</i>
<p>Clause 24</p> <p>Site compatibility certificates required for certain development applications</p>	<p>This clause applies if the development is proposed to be carried out certain lands, including land that adjoins land zoned primarily for urban purposes.</p> <p>Consent not to be granted unless the Director-General has certified in a current site compatibility certificate that:</p> <ul style="list-style-type: none"> (a) the site of the proposed development is suitable for more intensive development, and (b) the development is compatible with the surrounding environment having regard to (at least) the nominated criteria in this Policy. <p>Nothing in this clause prevents Council from:</p> <ul style="list-style-type: none"> (a) granting consent to carry out development that is on a smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate was issued, or 	<p>This clause applies as the subject site adjoins land zoned for urban purposes.</p> <p>A certificate was issued by the Director General of the Department of Planning on 4 March 2008.</p> <p>This proposal is of a smaller scale than that which was the subject of the certificate issued by the Director General of the Department of Planning</p>	✓

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Requirements specified in Site Compatibility Certificate

Requirement A

Comment

- *With regard to evacuation during bushfire events, it is appropriate for Council to seek advice from the NSW Rural fire service regarding evacuation during bushfire events. In this regard it is noted that RFS has issued a Bush Fire Safety Authority, and requires the preparation of an Evacuation and Emergency Management Plan.*
- *With regard to evacuation during flood events, existing infrastructure is adequate. However this advice is qualified, to the extent that that NSW Ambulance Service should be consulted regards maintaining health and ambulance services if the North Richmond and Windsor bridges are flooded.*

Requirement B

EXTRAORDINARY

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The adequacy of services and facilities is addressed at Section 9.6.17. The built form and density is generally adequate, however improvements to the presentation of the self care housing component of the development and further details relating to landscaping treatment, is required. An appropriate condition relating to the lodgement of a further application/s for the serviced self-care dwellings and provision of details relating to landscaping treatment has been included in the recommendation. Further comments are provided at Sections 9.6.1 and 9.6.19.

Requirement C

Demonstration that the site is adequately serviced by infrastructure including water, sewerage and electricity.

Comment

Preliminary information provided in conjunction with the application and correspondence received from relevant service authorities during the assessment of the application details that the site would be able to be serviced by water, sewerage and electricity. A suitable condition has been included in the recommendation requiring final certification from the relevant service authorities being provided to the Principal Certifying Authority prior to the issue of a Construction Certificate. Refer to Section 9.6.4 of this report for commentary on these matters.

Site Related Requirements

Provision	Requirements	Comment	Complies?
Clause 26 Location and access to facilities	Consent is not be granted unless Council is satisfied, by written evidence, that residents of the proposal will have access to shops, banks, retail, community, recreation, medical and commercial services that residents may reasonably require. Access to these services is to comply with nominated criteria.	Satisfactory written evidence is provided in the Access Report and Social Infrastructure Audit report lodged with application. See comments at Section 9.6.17.	✓
Clause 27 Bush fire prone land	Consent must not be granted for development on certain bush fire prone land map unless Council is satisfied that the development complies with the requirements of the document titled <i>Planning for Bush Fire Protection</i> , prepared by the NSW Rural Fire Service, dated December 2006.	A Bushfire Safety Authority has been issued by NSW Rural Fire Service. See comments at Section 9.1.1.	✓
Clause 28 Water and sewer	Consent must not be given unless Council is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	Sydney Water have advised that it will finalise its assessment of the proposal upon application for a Section 73 Certificate. This assessment would enable Sydney Water to specify works required as a consequence of the development and provide details relating to any amplification necessary to support the anticipated demand.	✓

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Provision	Requirements	Comment	Complies?
	If the water and sewerage services referred to above will be provided by a person other than Council, the Council must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure.	An appropriate condition has been included in the recommendation.	

Design requirements - General

Provision	Requirements	Comment	Complies?
Clause 30 Site analysis	Consent must not be granted unless Council is satisfied that the applicant has prepared and taken into account a site analysis in accordance with this clause	A site analysis has been provided with the application.	✓
Clause 32 Design of residential development	Consent must not be granted unless Council is satisfied the proposal demonstrates that adequate regard has been given to the principles set out in Division 2.	Refer to comments at Sections 9.6.1, 9.6.16 and 9.6.19.	✓

Design requirements - Design principles

Provision	Requirements	Comment	Complies?
Clause 33 Neighbourhood amenity and streetscape	<p>The proposed development should:</p> <ul style="list-style-type: none"> recognise the desirable elements of the location's current or future character so that new buildings contribute to the quality and identity of the area, and retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and maintain reasonable neighbourhood amenity and appropriate residential character by appropriate setbacks, built form, building heights, impacts on neighbours and landscaping retain, wherever reasonable, major existing trees, be designed so that no building is constructed in a riparian zone. 	<p>Refer to comments at Sections 9.6.1 and 9.6.19.</p> <p>Refer to comments at Sections 9.1.8 and 9.6.5.</p> <p>Refer to comments at Sections 9.6.1 and 9.6.19.</p>	✓

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Provision	Requirements	Comment	Complies?
Clause 34 Visual and acoustic privacy	The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by: <ul style="list-style-type: none">• appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and• ensuring acceptable noise levels in bedrooms.	Refer to comments at Section 9.6.19.	✓
Clause 35 Solar access and design for climate	The proposed development should: <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, and• involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	Refer to comments at Section 9.6.19.	✓
Clause 36 Stormwater	The proposed development should: <ul style="list-style-type: none">• control and minimise the 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.	Subject to conditions. See comments at Section 9.6.7.	✓
Clause 37 Crime Prevention	The proposed development should provide personal property security by: <ul style="list-style-type: none">• site planning; and• shared entries which are able to be locked; and• casual surveillance from units without the need to open the front door.	Refer to comments at Section 9.6.16.	✓

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Provision	Requirements	Comment	Complies?
Clause 38 Accessibility	The proposed development should: <ul style="list-style-type: none"> • have obvious and safe pedestrian links; • safe & convenient access to parking for residents and visitors. 	Refer to comments at Section 9.6.2 and 9.6.17.	✓
Clause 39 Waste Management	The proposed development should be provided with waste facilities to maximise recycling	Subject to conditions. Refer to comments at Section 9.6.11.	✓

Development Standards - General

Provision	Requirements	Comment	Complies?
Clause 40 Development standards—minimum sizes and building height	<ul style="list-style-type: none"> • Site size must be at least 1,000m². • Site frontage must be at least 20m measured at the building line. • Height of all buildings must be 8m or less; and • Buildings adjacent to a boundary of the site must be not more than 2 storey's in height; and • A building located in the rear 25% area of the site must not exceed 1 storey in height. 	<p>The site area is far in excess of the minimum dimensions required by the Policy.</p> <p>A condition has been imposed to ensure that all proposed serviced self care dwellings are to be single storey as shown in the submitted plans. Details are to be provided for final assessment under development applications for each dwelling.</p>	✓

Hostels & self-contained dwellings - Standards concerning accessibility and useability

Provision	Requirements	Comment	Complies?
Clause 41 Standards for self-contained dwellings	Consent not to be granted for the purpose of a self-contained dwelling unless the proposal complies with the standards specified in Schedule 3 for such development.	<p>Evidence is provided in the Access Report accompanying the application that the design of the self contained dwellings and ancillary facilities will meet the standards specified in Schedule 3 of this Policy.</p> <p>Compliance will be ensured by means of conditions in the recommendation.</p>	✓

EXTRAORDINARY MEETING**Meeting Date:** 15 September 2009Development on land adjoining land zoned primarily for urban purposes

Provision	Requirements	Compliance	Complies?
Clause 42 Serviced self-care housing	Consent must not be granted for serviced self-care housing on land adjoining land zoned for urban purposes unless Council is satisfied, by written evidence, that residents will have reasonable access to: <ul style="list-style-type: none">• home delivered meals, and• personal care and home nursing, and• assistance with housework.	Refer to comments at Section 9.6.17.	✓
Clause 43 Transport services to local centres	Consent must not be granted for serviced self-care housing on land that adjoins land zoned for urban purposes unless Council is satisfied that a bus capable of carrying at least 10 passengers will be provided: <ul style="list-style-type: none">• that will drop off and pick up passengers at a local centre that provides residents with access to the following:<ul style="list-style-type: none">(i) shops, bank service providers and other retail and commercial services that residents may reasonably require,(ii) community services and recreation facilities,(iii) the practice of a general medical practitioner, and• that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.	The application includes the provision of this service. However see comments at Section 9.6.17.	✓
Clause 44 Availability of facilities and services	Council must be satisfied that any facility or service provided as a part of development to be carried out on land that adjoins land zoned for urban purposes will be available to residents when the housing is ready for occupation. In the case of a staged development, the facilities or services may be provided proportionately according to the number of residents in each stage.	Refer to comments at Section 9.6.17.	✓

EXTRAORDINARY MEETING**Meeting Date:** 15 September 2009Development standards that cannot be used as grounds to refuse consent - General

Provision	Requirements	Comment	Complies?
Clause 46 Inter-relationship of Part with design principles in Part 3	Nothing in this Part permits the granting of consent to a development application if the Council is satisfied that the proposal does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3	Noted.	✓
Clause 47 Part does not apply to certain development applications relating to heritage affected land	Nothing in this Part applies in relation to the granting of consent to a development application made for the carrying out of development on land to which an interim heritage order or listing on the State Heritage Register under the Heritage Act 1977.	Refer to comments at Section 9.6.5.	✓

Development standards that cannot be used as grounds to refuse consent - Residential care facilities

Provision	Requirements	Comment	Complies?
Clause 48 Standards that cannot be used to refuse development consent for residential care facilities	<p>Council must not refuse consent to development for a residential care facility on any of the following grounds:</p> <ul style="list-style-type: none"> • building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or • density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less, • landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided, • parking for residents and visitors: if at least the following is provided: <ul style="list-style-type: none"> (i) 1 parking space for each 10 beds in the residential care facility and (ii) 1 parking space for each 2 employees on site at any one time (iii) 1 ambulance parking space. 	<p>Proposal demonstrates compliance with this standard.</p> <p>Proposal demonstrates compliance with this standard.</p> <p>Proposal demonstrates compliance with this standard.</p> <p>Refer to Section 9.6.2.</p>	✓

EXTRAORDINARY MEETING**Meeting Date:** 15 September 2009Development standards that cannot be used as grounds to refuse consent - Self Contained dwellings

Provision	Requirements	Comment	Complies?
<p>Clause 50</p> <p>Standards that cannot be used to refuse development consent for self-contained dwellings</p>	<p>Council must not refuse consent for self-contained dwellings on any of the following grounds:</p> <ul style="list-style-type: none"> • if all proposed buildings are 8 metres or less in height • if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less, • if a minimum of 30% of the area of the site is to be landscaped, • if, in relation to that part of the site that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site. • if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter, • if at least the following is provided: <ul style="list-style-type: none"> - 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider 	<p>Final details to be determined during assessment of separate development application/s.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p> <p>As above.</p>	<p>✓</p>

9.1.6 State Environmental Planning Policy (Infrastructure) 2007

Section 104 of this Policy requires that applications for certain types of traffic generating development must be referred to the Roads and Traffic Authority (RTA) for consideration. This proposal however does not exceed any of the thresholds or meet any locational criteria outlined in this Policy to trigger referral of this application to the RTA. Whilst there is no automatic referral requirement under this Policy there is no restriction preventing Council from seeking the views of the RTA on certain applications. The Comments received from the RTA in relation to this matter are discussed at Section 9.6.2.

The proposal was referred to the Local Traffic Committee given that the application involved the provision of a new access road, pedestrian pathway, crossing and bus stops within the road reserve in Grose Vale Road.

9.1.7 State Regional Environmental Plan No 20 - Hawkesbury Nepean River (No 2 - 1997)

This Plan integrates planning with catchment management to protect the river system and requires that the impact of future land use is to be considered in a regional context. The Plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban

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and rural residential development. It controls development that has the potential to impact on the river environment.

Part 2 of SREP No. 20 contains a list of general planning considerations, specific planning policies and recommended strategies. These policies and strategies relate to the following matters:

- Total Catchment Management:
- Environmentally Sensitive Areas
- Water Quality
- Water Quantity
- Cultural Heritage
- Flora & Fauna
- Riverine Scenic Quality
- Agriculture/ Aquaculture & Fishing
- Rural Residential Development
- Urban Development
- Recreation & Tourism
- Metropolitan Strategy

No circumstances have been identified to indicate this proposal would be inconsistent with these strategies.

Part 3 of SREP No. 20 provides controls for particular types of land use or works, identifying the need for consent, consultation/concurrence and particular matters to be considered by a consent authority when assessing a development application for those uses/works.

Part 3, Clause 11 of SREP No. 20 identifies a range of activities which trigger consent and consultation provisions. One of those activities is relevant to this proposal being:

- *Clause 11 (7) Filling*

Filling of land, including submerged aquatic land, by raising the ground level through disposal of spoil from any landfill method (such as mining, dredging or refuse dumping), whether or not to enable the construction of a road or the erection of buildings or pylons or any other structure, where filling exceeds 1 metre in depth, or an area of 100 square metres.

SREP No. 20 requires consent for such works, but does not prescribe particular consultation requirements or matters for consideration in the assessment of any development application. The requirements of Part 3 of the Plan are therefore satisfied by the submission of this development application.

9.1.8 Hawkesbury Local Environmental Plan 1989 (HLEP 1989)

Clause 2 - Aims, objectives etc.

The aims and objectives of this plan are to:

- (a) *Provide the mechanism for the management, orderly and economic development and conservation of land within the City of Hawkesbury,*
- (b) *Provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production,*
- (c) *Protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,*
- (d) *Conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City of Hawkesbury for future generations, and*

- (e) *Provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups within the City*

On this land HLEP 1989 prohibits this form of development and therefore an assessment against the aims and objectives listed above is not relevant in this instance. Instead the provisions of the Seniors Housing Policy prevail and enable the development application to be considered.

Clauses 8 and 9 - Zones and Permissibility

The subject land is zoned 'Consolidated Land Holdings'. As detailed above HLEP 1989 prohibits this proposal however the development is able to be considered as the controls within Seniors Housing Policy prevail.

Clause 9A - Zone Objectives

Clause 9A states that consent shall not be granted for a development unless, in the opinion of Council, the development is consistent with the objectives of the zone. These objectives are to:

- (a) *prohibit further subdivision of certain rural land otherwise than to effect a minor boundary adjustment,*
- (b) *permit only those uses that are compatible with the amenity of rural areas and ancillary to development in the locality,*
- (c) *ensure that development in rural areas does not generate an unreasonable demand for public services,*
- (d) *maintain the rural character and scenic landscape qualities of land in river corridors and on escarpments.*

Given the provisions contained in Seniors Housing Policy regarding any inconsistencies with this instrument an assessment against the zone objectives contained in HLEP 1989 is not relevant.

Clause 18 - Provision of water, sewerage etc. services

The proponent has demonstrated that arrangements can be made to ensure the required utility services are available. This matter is discussed in detail at Sections 9.1.5 and 9.6.4.

Clause 25 - Development on flood liable land

The site is situated above the predicted 1-in-100 year flood level.

Clause 27 - Heritage items

The site does not contain any items listed as a heritage item as described in Schedule 1 of HLEP 1989 nor is the land the subject of an Interim Heritage Order.

Clause 28 - Development in the vicinity of a heritage item

This clause provides that Council shall not grant consent to an application to undertake development in the vicinity of a heritage item unless it has made an assessment of the effect of that development upon the significance and setting of that item.

The subject site is situated opposite St John of God Hospital, located at No. 177 Grose Vale Road, which is listed by HLEP 1989 as a heritage item. It is noted however that the portion of the site proposed to be developed in conjunction with the subject application is located generally to the east of the identified heritage item.

The proponent has provided a heritage assessment for the entire site (not just this application site) which does consider the potential impact of this proposal on that item. The report states:

Given the topography there will be little visual relationship between the subject site and the former 'Belmont Park' buildings, other than the relationship of the gatehouse on Grose Vale Road to the proposed new building opposite.

It is considered that the current proposal would not have a significant impact upon the existing heritage item given the relatively distant relationship between the development area and St John of God Hospital. Any future application for the development of the remainder of the site would require the preparation of an appropriate Heritage Impact Statement to address other matters raised in the heritage assessment report.

Clause 37 - Land affected by aircraft noise

The land is not identified as being affected by aircraft noise.

Clause 37 A - Development on land identified on Acid Sulfate Soils Planning Map

The site is categorised as Class 5 land on the Acid Sulfate Soils Planning Map. This clause provides that, for Class 5 land, a management plan is only required where:

- Site works are within 500 metres of adjacent Class 1, 2, 3 or 4 land, and
- Those works are likely to lower the watertable below 1 metre AHD on that adjacent Class 1, 2, 3 or 4 land.

Neither of the above criteria is met by this proposal. Accordingly an acid sulfate soil management plan is not required.

9.2 Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:

There are no draft environmental planning instruments applying to the subject land.

9.3 Development Control Plan applying to the land:

9.3.1 Hawkesbury Development Control Plan 2002 (DCP)

An assessment of the proposal against the relevant provisions of the DCP is provided below:

Part A - Chapters 1 - 3: General Information

This Part of the DCP comprises Chapters which:

- Describe the purpose and aims of the DCP.
- Sets out general information about the operation of the DCP and outlines submission requirements for development applications.
- Sets out Council's requirements and procedures for the public notification of development applications.

In response it is noted:

- The proposed development is consistent with the general aims and objectives of the DCP.

- Sufficient information has been submitted with the application to address issues covered by the DCP.
- The application was publicly notified in accordance with the DCP. The matters raised in conjunction with the notification are discussed in section 11.

Part C - Chapter 1: Landscaping

The development application is accompanied by a concept landscape plan as required by the DCP. Analysis of the proposed landscaping arrangements is discussed at Sections 9.6.1 and 9.6.19.

Part C - Chapter 2: Car Parking and Access

The on-site car parking requirements contained in the DCP are superseded by controls contained in Seniors Housing Policy. An assessment relating to access and car parking arrangements associated with the proposal are addressed at Section 9.6.2.

Part C - Chapter 4: Soil Erosion and Sediment Control

The Stormwater Management Strategy includes a broad statement of intent to install sediment and erosion control measures, to appropriate standards, during the construction stages of the development. An appropriate condition has been included in the recommendation requiring the submission of detailed sediment and erosion control plans prior to release of a Construction Certificate.

Part C - Chapter 5: Bushfire

The provisions of this section of the DCP are satisfied by virtue of the issue of a Bushfire Safety Authority by the NSW Rural Fire Service, as discussed at Section 9.1.1.

Part C - Chapter 6: Energy Efficiency

The provisions of this section of the DCP are superseded by the requirements of State Environmental Planning Policy (Building Sustainability Index: Basix) 2004, as discussed at Section 9.1.4.

Part D - Chapter 1: Residential development

The DCP is applicable however the design standards and controls contained in Seniors Housing Policy override any similar DCP provisions. Subject to inclusion of appropriate conditions contained in the recommendation, the proposal would be generally consistent with the development outcomes anticipated by the DCP.

9.4 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:

There has been no planning agreement or draft planning agreement entered into under Section 93F of the Environmental planning and Assessment Act, 1979.

9.5 Matters prescribed by the Regulations:

None of the prescribed matters are relevant to this application.

9.6 The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

The following subheadings reflect guidelines issues by the Department of Planning to assist in the consideration of the likely impacts of a proposed development.

9.6.1 Context & Setting

This development would result in a change to the local context and setting. However it is considered that this impact must be balanced against the following circumstances:

- The development directly adjoins the western edge of the existing North Richmond township and therefore would read as an extension of the existing urban footprint.
- Local topography is such that the site is situated within a natural 'basin' ensuring that the development is visually contained within a broad visual catchment which has the capacity to absorb development of this scale.
- The buildings are sufficiently separated from neighbouring residential development avoiding adverse amenity impacts such as overlooking or overshadowing.
- The separation allows for the scale of the development to be softened through the creation of landscape elements, particularly to the east and north, which will provide a visual transition between the subject site and neighbouring land.

However while the prevailing topography accrues certain benefits to this development, it also presents a constraint in that the complex would be visible from Grose Vale Road, particularly during the approach into North Richmond. The visual impact of the self care dwelling component of the development is the result of:

- The number and arrangement of the dwelling sites.
- Small lot sizes.
- Nominal internal boundary setback and associated limited space for canopy plantings.
- Repetitive roof forms and lack of details on roofing material/colours/finishes.

To overcome these concerns it is considered appropriate to grant approval for this subdivision and seniors housing component overall and then require the submission of separate application/s that would cover the details for the one hundred and ninety seven (197) serviced self-care dwellings. The detail that would be required to accompany such application/s would include the following:

- Modification of the design of the standard dwellings to introduce greater variety into the front façade and roof form of these buildings; and
- Provision of a schedule of roofing materials, which must be broad enough to ensure visual interest, and comprise materials of a low reflectivity quality.
- In addition to the above, a condition is included in the recommendation requiring the preparation of a landscape plan incorporating suitable treatment to soften the views of the buildings from Grose Vale Road so as to create a suitable visual transition between the development and the open rural land to the west, paying particular regard to the rear boundaries of the dwellings along the western edge of the site.

9.6.2 Access, Transport & Traffic

Access

Construction access

The original application has been amended to include a new connecting road to the development to Grose Vale Road access in order to satisfy the requirements of the NSW Rural Fire Service and to achieve compliance with access to public transport services under Seniors Housing Policy.

An appropriate condition has been included in the recommendation requiring that the Grose Vale Road access be the primary construction access to minimise disruption to established residential areas situated adjacent to the subject site. In addition, a temporary construction access will be provided along the southern edge of the stages (and also used as the Asset Protection Zone for bushfire protection).

Arthur Phillip Drive

In order to minimise the potential amenity impact associated with headlight glare associated with vehicles leaving the site during the evening upon the existing dwelling situated at No. 27 Arthur Phillip Drive the proposed access road situated adjacent to the Aged Care Facility has been relocated to the northwest.

Grose Vale Road

Upon completion of the final stage of construction the entry from Grose Vale Road will be upgraded to a standard to allow it to serve as a fully operational access into the development.

Completion of the associated pathway and works within Grose Vale Road, including bus stops, bus shelters and pedestrian crossing, will be completed as part of Stage 1b of the proposal.

Council's Traffic Development Committee considered these works and provided support for the proposed design subject to the following matters:

- Widening and change of alignment of Grose Vale Road
- Removal of a number of mature trees to improve the site distance on the western side of Grose Vale Road reserve
- Removal of a number of shrubs planted in the road reserve at the frontage of No, 125 Grose Vale Road to improve site distances
- Relocation of the driveway entry to 125 Grose Vale Road clear of the proposed bus bay on the southern side of Grose Vale Road
- The 60 km speed limit in Grose Vale Road be extended to the west beyond the new intersection.

Amended plans have been prepared by the applicant addressing these concerns and suitable conditions have been incorporated into the recommendation. It is also noted that final approval of works within the road reserve would be subject to a separate approval under the Roads Act 1993.

Service vehicles

The information provided in conjunction with the application did not demonstrate that access for service vehicles to the aged care facility and Residents Club would meet the requirements of Australian Standard AS2890.2 Part 2 – Off-street Commercial Vehicle Facilities. A condition requiring compliance with this Standard has been included in the recommendation.

Traffic

The application was accompanied by Traffic and Vehicle Access Assessment prepared by Transport and Urban Planning Associates which:

- Determined the level of peak hour traffic likely to be generated by the development and the impact of the traffic upon the local road system.

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- Undertook traffic impact evaluations regarding site access provisions to Pecks Road and Grose Vale Road.
- Assessed the proposal with regard to site servicing and manoeuvring.

In summary that report concluded that:

- *An estimated average 107 peak hour trips would be generated between 6.30am and 10.00am, including service vehicles, when the development is complete.*
- *There should be no significant effects upon adjacent traffic flows, the operating performance of adjoining intersections or the surrounding road network.*
- *The proposal would meet the requirements and guidelines of the Roads and Traffic Authority in terms of road safety and network efficiency.*

A supplementary traffic report was received when the application was amended to include the creation of a primary access into the site via a direct connection to Grose Vale Road, confirming that the original conclusions remain unaltered as a consequence of this change.

This application was considered by the Roads and Traffic Authority (RTA) at its Sydney Regional Development Advisory Committee (SRDAC) meeting held on 6 May 2009. The RTA advised that the traffic impacts arising from the development were able to be mitigated through various alterations to the local road network.

In summary, the works required by the RTA comprised of the following:

- *Extension of the length of the two east bound lanes of Bells Line of Road on the approach to the intersection with Grose Vale Road.*
- *Adjustment of the west bound lanes of Bells Line of Road on the approach to the intersection with Grose Vale Road to provide a right turn lane, a through lane and a left/through shared lane.*
- *The west bound departure lanes from this intersection, on Bells Line of Road, are to be provided as dual lanes for the maximum distance possible, ensuring that an adequate footpath remains.*

The relevant requirements provided by the RTA at its SRDAC meeting have been included in the recommendation of this report.

Parking

Residential Care Facility (180) bed aged care building)

Clause 48 of the Seniors Housing Policy prescribes the following minimum parking requirements for a residential care facility:

- *1 parking space for each 10 beds in the residential care facility*
- *1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time*

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- 1 parking space suitable for an ambulance.

Item	Parking Space Rate	Spaces Required	Spaces Proposed
Aged care building	1 per 10 beds	18	32
Employees	1 per 2 employees	24	24
Ambulance	1 per facility	1	1
Total		43	57

Applying these calculations, the proposed residential care facility generates an on-site car parking requirement of 43 spaces. The submitted plans detail a car parking area accommodating 57 spaces thereby representing the provision of 14 spaces above the minimum requirement contained in Seniors Housing Policy.

The application was amended to reposition this building to allow for the retention of a nearby dam. The amendment does not alter the building itself, only its location and orientation. The level of car parking associated with this building has remained unchanged thereby satisfying the requirements listed above.

Serviced Self Care Dwellings

Clause 50 Seniors Housing Policy prescribes the following minimum parking requirements for self care dwellings:

- 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider.

Each of the 7 nominated 'standard' house designs accompanying the application includes either a single or double garage, and therefore the proposal is able to comply with this requirement. Seniors Housing Policy does not prescribe any requirement relating to on-site visitor car parking.

9.6.3 Public domain

Public domain issues include matters such as recreational opportunities, the provision and management of public spaces in and around a development, pedestrian linkages and access between a development and public areas. It is considered that the proposed development successfully integrates with the public domain by incorporating adequate areas of landscaped public open space, recreation areas and facilities and through pedestrian linkages between the site and adjacent public areas.

9.6.4 Utilities

Water/Sewer

Sydney Water has indicated that the proposed development can be serviced subject to amplification works at the developer's cost to support the anticipated demand.

Any significant works required in conjunction with the proposed development for the provision of bulk water storage on-site would require approval by Council prior to the issue of the Construction Certificate. Appropriate conditions relating to the requirement for amplification works and bulk water storage tanks associated with the servicing of the site have been included in the recommendation.

Electricity

Accompanying the application is a Services Strategy report. Based on the information provided the site is capable of being serviced by electricity supply. A condition requiring the provision of

appropriate certification from the relevant service authority prior to the issue of the Construction Certificate has been included in the recommendation.

9.6.5 Heritage

Aboriginal archaeological heritage

Refer to comments in Section 9.1.1 above.

Listed heritage items

Refer to comments in Section 9.1.8 above

Key Line dams

The subject site has not been listed as a heritage item under Hawkesbury Local Environmental Plan 1989. Nevertheless, it is recognised that the elements of the overall site may be of heritage value resulting from the establishment of the 'Key Line' dam system by a former owner, Percival Yeomans.

A Heritage Assessment report for the entire site prepared by URBIS was submitted with the application which noted that the Key Line system, developed by Yeomans in the 1940s - 1950s, was a technique for maximising water resources. The underlying principle was to examine the topography to identify specific features linked to water flow. The report noted the main elements of this irrigation system were:

- Primary contour lines (key lines)
- Drains ploughed parallel to the key line, both above and below it
- Roads located to act as key lines and to shed water
- Dams located to collect water from the key lines and associated ploughed drains
- Trees located in small 'forests' and planted to assist in water absorption in association with the key lines
- The location of the homestead in the key line system as a primary source of water runoff
- Gravity fed irrigation

The report further noted that approximately 12 of the original 17 dams remained on the overall property.

Heritage Branch - Department of Planning

Based on the concerns raised by submissions, on 16 March 2009 Council wrote to the Heritage Council to clarify the heritage significance of the overall site and to determine whether an Interim Heritage Order would influence the assessment of this development application.

The Heritage Branch had confirmed that it was considering a request for both the 'Yobarnie' and 'Nevallan' properties to be the subject of an Interim Heritage Order, and that the matter of possible nomination to the NSW State Heritage Register would be the subject of future consideration and decision of the Heritage Council.

By correspondence dated 14 April 2009, the Heritage Branch provided the following advice:

- *The Branch has yet to form a view of the level of the property's significance, although evidence suggests it, along with Nevallan, is at least of local significance and may be of state heritage significance, given its seminal role in the teaching and influence of the Keyline system.*
- *The applicant's heritage assessment has been reviewed and is found to be deficient in a number of ways.*

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- *Council is requested to consider resolving to add this item to its schedule of local heritage items as part of its current draft comprehensive Local Environmental Plan.*
- *With regard to the proposed development, council appears to have options such as giving a staged approval subject to the provision of adequate information addressing outstanding issues of concern such as retention of heritage values, or deferring seeking further information.*

The Heritage Branch subsequently wrote to Council on 21 May 2009 advising that a report on this matter would be presented to the Heritage Council's June meeting. That letter also nominated a series of principles to be considered in any assessment of the application that Council might make in the interim.

Following consideration of the Interim Heritage Order the Director General has advised the following in correspondence dated 11 August 2009:

- *The area subject to the Interim Heritage Order request excludes the area covered by the Development Application for Seniors Development and the area already developed for residential and rural-residential development.*
- *That an Interim Heritage Order is not justified, nor necessary at this time. Instead, the same outcome could be achieved by ensuring that the Heritage Council is fully consulted and has a role in any development or rezoning application process that may be initiated whilst the heritage significance of the site is further investigated.*
- *Any planning decisions relating to future proposed developments and/or any proposed rezonings are to be made having regard to proper consideration of heritage issues and with full consultation with the Heritage Council.*

Preliminary discussions have taken place between Council staff, the Department of Planning and the landowner regarding their intention to apply to the Department of Planning to list the remainder of the site on the Metropolitan Development Plan. Should such an application be lodged by the landowner, the Department of Planning have specified a process to be followed by all parties when assessing that application. If such an application is received the process and the application will be the subject of a separate report to Council.

9.6.6 Other land resources

If the Council was considering a traditional rezoning and subdivision proposal there would need to be consideration at this point of broad strategic issues relating to the most appropriate use of land having regard to its environmental potential and the future planning direction developed for the area. In this regard typical analysis would include a land capability analysis and urban growth strategy.

In this case, the Seniors Housing Policy overrides the normal planning process and enables this form of development on the subject land via a development application. It is noted that the site is subject of a Site Compatibility Certificate issued by the Director General of the Department of Planning detailing that the site is suitable for more intensive development and that a seniors housing would be compatible with the surrounding environment. Hence the aspects of land resources are deemed as being considered during that site compatibility process and are not a matter for consideration by Council.

9.6.7 Water

Water supply

See comments at Sections 9.1.5 and 9.6.4.

Stormwater

Accompanying the application a Stormwater Management Strategy has been prepared by J Wyndham Prince that has investigated water quality and quantity, detention storage requirements and hydraulic and hydrologic calculations for the two proposed detention basins. The basic premise of the Strategy is that the quantity and quality of stormwater leaving the site after completion of the development is the same as stormwater leaving the site prior to development taking place.

Council's Senior Development Engineer concurs with the approach proposed in the strategy. Further engineering information will be required to be submitted prior to the issue of the Construction Certificate detailing all drainage works associated with the proposed development inclusive of on-site stormwater detention and water quality treatment devices. Conditions are recommended to ensure those details are provided at the Construction Certificate stage.

Flooding

The application is accompanied by a Flood and Bushfire Safety Evaluation prepared by Molino Stewart confirming that the areas where buildings are proposed to be sited are located above the level of the Probable Maximum Flood. The report has also concluded that flooding from the Hawkesbury Nepean River would not directly impact upon this development.

The conclusions contained within this report is concurred with by the SES

9.6.8 Soils

Contamination

Refer to comments at Section 9.1.3 above.

Sediment and erosion control

Refer to comments at Section 9.3.1 above.

Salinity

The Stormwater Management Strategy accompanying the application provides that an assessment of the Western Sydney Salinity Map has identified the site as potentially subject to moderate levels of salinity. Given the nature of the soils situated on the subject site it is considered appropriate that a Salinity Management Plan be prepared prior to the issue of the Construction Certificate detailing the specific measures to minimise the level of impact of salinity upon structures proposed on the site and control adverse effects of the development upon the site and adjacent land.

Slope stability

The Preliminary Geotechnical Environmental Investigation prepared by RCA Australia accompanying the application notes that the risk of local instability associated with proposed site works is assessed as being low.

Dam stability

The Statement of Environmental Effects that accompanied the application, had indicated that the proposal included the 'decommissioning of two farm dams' situated within the proposed development area. The first of these dams is located in immediate proximity to the termination of Arthur Phillip Drive. The second, smaller, dam is located adjacent to the eastern site boundary.

The applicant had prepared a submission dated 9 March 2009, including a geotechnical report dated 2 October 2007, which concluded that the wall of the dam situated adjacent to Arthur Phillip Drive, and another dam further west of the development area in proximity to Grose Vale Road, were unstable and not safe. In relation to both dams, the report recommended that the water levels would

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need to be reduced to minimise horizontal water pressure acting on the side wall of the dams at their highest point. The report also noted that:

- Additional measures for the dam nearest Arthur Phillip Drive are to either reinstate the crest of the dam to its original width or alternately, install a cut-off wall within the existing dam wall, subject to further geotechnical investigations and other design and future use considerations.
- For the other dam, an alternative to reducing water level would be to install a cut-off wall within the existing dam wall, subject to further geotechnical investigations and other design and future use considerations.

In October 2007 Council acknowledged the landowners intention to undertake controlled water release from these dams to address safety concerns.

In relation to the potential heritage aspects of the keyline dams, the applicant modified the location of the age care facility specifically to allow for the dam in proximity to Arthur Phillip Drive to be retained. Hence the dam is no longer subject to the development application and cannot be 'conditioned' to comply with any requirements. Instead advisory notes are proposed to reflect the management practices proposed by the developer during the assessment of this application.

Accordingly, in order to address potential risk to downstream residential areas the farm dams, located outside and upstream of the footprint of the Seniors Living development, are to have their water level reduced and permanently maintained at a lower level via periodic controlled release of water in compliance with the requirements of Council. An appropriate advisory note addressing the above has been included in the recommendation of this report.

9.6.9 Air and microclimate

The nature and scale of the proposal and its proximity to adjacent residential areas is such that this development has the potential to affect air quality during construction through the emission of dust, particulates and odours, as a consequence of bulk earth works needed to create building platforms, roads and the like.

A condition has been included in the recommendation requiring preparation of a Construction Management Plan incorporating appropriate dust suppression measures during the carrying out of bulk earthworks and during construction.

9.6.10 Flora and fauna

Refer to comments at Section 9.1.1 above.

9.6.11 Waste

Construction stage

No details have been provided regarding measures for the sorting, storage, re-use or disposal of materials during the construction stage. This matter can be addressed via the preparation of a Waste Management Plan in conjunction with the Construction Management Program, as discussed at Section 9.6.20.

Operational stage

The Statement of Environmental Effects accompanying the application has nominated that:

- Waste management would be privately contracted to service the development.
- A range of waste minimisation principles and recycling initiatives would be incorporated into the development.

This approach is consistent with the private waste collection approach already used in other seniors housing development complexes elsewhere in the Hawkesbury area. Hence, the recommendation includes appropriate conditions requiring relevant details to be nominated and incorporated into the operational Waste Management Plan to be provided to Council for approval in conjunction with the relevant Construction Certificate for each stage of the development.

9.6.12 Energy

Refer to comments at Section 9.1.4 above.

9.6.13 Noise and Vibration

The scale of this proposal, the extended construction period, the prevailing landform and the proximity of this site to adjacent residential areas is such that carrying out of the development has the potential to affect the amenity of adjacent and neighbouring residential areas. Potential noise/vibration sources relate to:

- Construction activities.
- Operational activities including noise from mechanical plant and equipment associated with the residential care facility and Residents Club.

This matter has been addressed in conjunction with the conditions contained in the recommendation requiring the preparation of a Construction Management Program, limitation upon hours of construction, use of appropriate construction techniques and provision of appropriate acoustic measures associated with mechanical plant and air conditioning equipment. Potential noise impacts from various plant and operational activities will need to be adequately addressed either in the construction plans and/or in the Operational Management Plan.

9.6.14 Natural hazards

The documentation associated with the application has included a Preliminary Geotechnical and Contamination Assessment report which has considered the issue of slope stability and concluded that the risk of instability is low subject to the development being completed in accordance with sound engineering practices.

Remaining natural hazards associated with the site include flood and bushfire risk, which have been assessed separately in this report.

9.6.15 Technological hazards

Land contamination is considered in Section 9.1.3.

9.6.16 Safety, security and crime prevention

Crime Prevention Through Environmental Design (CPTED) is a recognised model which provides that if development is appropriately designed it can reduce the prevalence of criminal activity. By introducing CPTED measures within the design of a development, it is anticipated that there would be a reduction in the incidence of crime and associated perception of increased public safety.

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The four principles which define the CPTED model are described below:

Surveillance	The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical.
Access control	Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. Such barriers minimise opportunities for crime and increase the effort required to commit crime.
Territorial reinforcement	Well-used places reduce opportunities for crime and increase risk to criminals. If people feel that they have some ownership of public space, they are more likely to gather and to enjoy that space. Community ownership increases the likelihood that people who witness crime will respond by quickly reporting it or by attempting to prevent it.
Space management.	Space management ensures that space is appropriately utilised and well cared for. Strategies include activity coordination, site cleanliness, rapid repair of vandalism and graffiti, the replacement of burned out pedestrian and car park lighting and the removal or refurbishment of decayed physical elements.

As detailed previously it is proposed to grant approval for the subdivision works for the serviced self care dwelling component of the Seniors Housing development and require separate development applications for the detailed building stages. Based upon the information submitted in conjunction with the current application it is considered that the proposal generally satisfies the principles detailed above.

9.6.17 Social impacts

Access to services and facilities

Clause 26(2) of Seniors Housing Policy requires that where commercial, community, recreation and medical services and facilities are located more than 400m from the site, then the development must be serviced by public transport that:

- Is located not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
- Will take residents to a place that is located not more than 400 metres from the facilities and services; and
- Is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive)

The Policy also requires the gradient along the pathway from the site to the public transport services, and from the public transport services to the facilities and services, complies with nominated criteria.

The application as originally lodged failed to comply with this clause in that the site was located more than 400m from public transport. The proponent therefore sought a concession, under the provisions of State Environmental Planning Policy No. 1 – Development Standards, providing that strict compliance with that requirement was unreasonably and unnecessary.

However during the course of assessment the applicant amended the application to include the construction of a new road and associated pedestrian pathway connecting the development area directly to Grose Vale Road. The works associated with this amendment also comprised the following:

- Provision of a footpath of a design to comply with gradient requirements.
- Seating along the footpath.
- Bus stops and bus shelters on either side of Grose Vale Road, connected to the site by means of continuous footpath.
- Provision of a pedestrian crossing within Grose Vale Road to relevant standards.

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These facilities will allow the site to be serviced by an existing Westbus route, consequently satisfying the requirements of Clause 26 of the Seniors Housing Policy. Hence an objection under State Environmental Planning Policy no 1 to the development standard was no longer required.

Confirmation was received by Westbus detailing that the company would service the proposed new bus stop provided in conjunction with the development. An appropriate condition has been included in the recommendation requiring that written confirmation from a suitable public bus provider be submitted to Council confirming the servicing of these bus stops prior to the occupation of Stage 1B of the development in order to satisfy the requirements of Seniors Housing Policy.

Serviced self-care housing (197 seniors dwellings)

Clause 42 of Seniors Housing Policy requires that proposed serviced self-care housing would have reasonable access to:

- (a) home delivered meals, and
- (b) personal care and home nursing, and
- (c) assistance with housework.

Accompanying the application an Operational Management Plan was prepared indicating that:

- *Home delivered meals would be prepared in and delivered from the commercial kitchen facilities in the aged care facility or Residents Club building, or otherwise prepared off site and stored appropriately within either of these two buildings pending delivery.*
- *Personal care and home nursing services associated with aged care facility would be available to the self-care housing. Otherwise, off-site providers would offer this service.*
- *Assistance with housework would be provided either from staff associated with the aged care facility, or by off site providers.*

An appropriate condition has been included in the recommendation requiring that prior to the issue of any Occupation Certificate for the self-care housing the on-site services that are required. In addition, the condition provides for the provision of facilities and services on a proportional per resident basis in conjunction with staged development.

Private bus service

Clause 43 of Seniors Housing Policy requires the development to include a private transport service, being a bus capable of carrying at least 10 passengers, which is to drop off and pick up passengers at a local centre that provides residents with access to various nominated services.

Such a service forms part of this application, as confirmed in the Statement of Environmental Effects, Operational Management Statement and Access Report.

Prior to the Grose Vale Road access and bus stop being proposed, Council's Community Services section had raised the following concerns regarding this issue:

- A single, 10 seat bus, will be inadequate to for a development of this size.
- The cost of this service will heavily impact upon residents who will have to pay for it. The service may prove therefore to be financially unviable.

At that time, in response to these concerns the applicant has advised:

- *The issue of financial viability is not relevant as the provision of this service will be a commercial condition for the operator of the development.*

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- *The size/frequency of the service will be able to change over time to reflect resident demands. It is a requirement of the Policy that this service is provided.*

In conclusion, Council's Community Services Section now notes that the commitments nominated by the applicant regarding the provision of a private bus service are sufficient to satisfy the requirements of the Policy as they are provided in conjunction with the new access to public transport along Grose Vale Road. This private service will supplement arrangements for public transport, as previously discussed. The recommendation contains appropriate conditions relating to the provision of a private transport service in accordance with the Policy.

Timing for the provision of services

Clause 44 of Seniors Housing Policy requires that any facility or service provided will be available to residents when the housing is ready for occupation. In the case of a staged development, the Policy allows for facilities or services to be provided proportionately according to the number of residents in each stage.

The information detailed in the staging plan provides that the Residents Club will be provided in Stage 1B therefore would be available for the Serviced Self-Care Housing component of the Seniors Development. In addition, an appropriate condition has been included in the recommendation requiring the provision of services as detailed in Seniors Housing Policy prior to the issue of any Occupation Certificate for the Serviced Self-Care Housing.

Accordingly, it is considered that the application would satisfy the requirements of Clause 44 of the Seniors Housing Policy.

9.6.18 Economic impacts

The applicant included an Employment Benefits report which assessed the potential direct and indirect employment likely to be generated as a consequence of this proposal. In summary the report provided the following conclusions:

- *Significant employment will result from this proposal, with an estimated 274 direct jobs being created during construction, and 80 jobs being created during the operation of the facility.*
- *The operational phase benefits are on-going, year to year benefits.*
- *The development will contribute to the creation of a skilled labour force in the locality due to the creation of jobs with a mix of skill requirements.*
- *There will also be significant indirect employment with 431 indirect jobs created during construction and 71 jobs created throughout the operational phase.*

It is accepted that this proposal would, if approved, generally result in positive direct and indirect economic outcomes.

9.6.19 Site design and internal design

Subdivision

The application as originally submitted proposed to subdivide the site into two (2) allotments, essentially to separate the development area from the balance of the current allotment. This was subsequently altered to additionally provide for a separate lot for the aged care facility and the natural watercourse Corridor. This resulted in a revised proposed for the creation of four (4) allotments (shown on plan no 8506SK27-C) as follows:

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Lot 271	Residue of approx. 163 ha	Residue Lot (balance of Peels Dairy site)
Lot 272	14.2 ha	Seniors housing, open space, stormwater basins, and access to Grose Vale Road
Lot 273	1.5 ha	Aged care facility and access to Arthur Phillip Drive
Lot 274	0.6 ha	Natural watercourse Riparian corridor

Clause 7(11) of Hawkesbury LEP 1989 prohibits subdivision within the 'Consolidated Land Holdings' zone to create new allotments, other than for minor boundary adjustments. This is overridden by Clause 21 of Seniors Housing Policy which allows for land on which development has been carried out to be subdivided with the consent of Council.

As previously noted, where there is an inconsistency between the LEP and the Seniors Housing Policy, then the State policy prevails. Given the provisions contained in the Seniors Housing Policy, Council is able to grant consent to the subdivision to create new allotments from this site.

The recommendation contains a condition requiring that prior to the issue of the Subdivision Certificate for the four lot Torrens Title allotments the works associated with Stage 1A, as approved by this consent, must be completed.

Bulk earthworks and Siting

The bulk earthworks associated with the development include the construction of roadways, building platforms associated with the Aged Care Housing and Self - Care Dwellings, associated on-site detention ponds and works associated with the provision of associated service infrastructure.

The works that are proposed to be undertaken in conjunction with the application are considered to be generally responsive to existing site topography and would not have a significant impact upon the visual catchment of the area.

It is considered that the layout of the proposed development has responded to the constraints associated with the site and accordingly represents a satisfactory form of development.

Urban Design

Residential Care Facility (180 bed aged care building) and Residents Club

The primary architectural influences expressed in the design of the Aged Care Facility and Residents Club buildings are noted by the project architect as being the inclusion of detailing typical of 'Macquarie era' architecture such as quoining, columns, trellises and colonnades features.

The stand alone nature of this development, its location at the edge of an existing urban area, and the character of that adjoining development are such that there is no overriding considerations to conclude the design theme of these buildings is inappropriate. Of more relevance is the bulk and scale of these buildings, which is discussed at Section 9.6.1 above, and its suitability given the setting and context of the site.

Serviced Self-care dwellings (197 seniors dwellings)

A suite of seven contemporary house designs has been nominated, each being of single storey, comprising either 2 or 3 bedrooms and incorporating either single or double garaging. Each house design has made provision for compliance with the accessibility and design standards specified by the Seniors Housing Policy.

In order to assist in achieving greater visual interest in the design of the development it is considered appropriate to require that the standard design/s incorporate the following:

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- (a) Greater variety into the roof form.
- (b) Provision of non-reflective roofing materials.
- (c) Variation in external materials and design elements.
- (d) Modification of façade treatment to reduce the dominance of garage doors.
- (e) Avoidance of similar dwelling designs side by side.

These matters will be addressed in detail via each development applications for the individual dwellings.

The individual dwellings situated on the individual sites nominated in conjunction with this application would be subject to further staged development approvals clarifying compliance with the design standards contained in Clauses 33 – 37 and 50 of Seniors Housing Policy.

Landscaping

The application is accompanied by a Landscape Concept Design Scheme. This plan provides a broad overview of intentions for the landscape treatment of the site and provides indicative treatments at key locations. It is accompanied by an extensive schedule of plant species upon which the landscape treatments could be based.

A condition has been included in the recommendation requiring the preparation of a detailed landscaping plan, prepared by a suitably qualified architect, landscape designer/ architect or professional landscape consultant, to include the following:

- suitable native (and where possible endemic) species
- street tree planting
- design, materials and colours of all fencing, retaining walls, paving, driveways and street furniture
- measures to be implemented to ensure the ongoing maintenance and survival of the landscaping

This site landscape master plan would be required to be submitted and approved by Council prior to the issue of a Construction Certificate for above ground works.

9.6.20 Construction

Staging

Development will proceed as shown on the staging plan drawn by J Wyndham Prince Pty Ltd 8506/SK25 C dated 3/09/09 as described below:

Stage 1A means :

- Construction of private road access to Grose Vale Road
- Dedication of land for road widening to Council as public road along Grose Vale Road
- Dedication of land for drainage reserve along the natural watercourse in accordance with Council and DWE requirements
- Construction of onsite detention basins and water control measures
- Subdivision of Lot 27 DP 1042890 into four lots (three for development and drainage associated with this consent and one lot as a residue lot)

Stage 1B means:

- Construction of a Residents Club building and associated facilities including swimming pool and vegetable garden
- 65 serviced self-care dwellings

Stage 2 means:

- 65 serviced self-care dwellings

Stage 3 means:

- Thirty serviced self-contained dwellings
- Drainage works within the natural watercourse corridor (NOTE: This work may occur when Stage 4 is constructed)

Stage 4 means:

- 37 serviced self-contained dwellings
- Drainage works within the natural watercourse corridor (NOTE: This work may occur when Stage 3 is constructed)

Stage Aged Care

- Construction of an Aged Care Facility Building for 180 beds
- Construction of private access road from Arthur Phillip Drive

No objection is raised to the preliminary staging plan provided with the application.

Construction Management

Given the scale of this project and the location of the site adjoining an established residential area it is appropriate for the implementation of this development to be controlled by way of a Construction Management Program (CMP). The objectives of CMP are typically to:

- Minimise inconvenience to the public and adjoining properties during the constructions stages.
- Maintain effective communication with the developer and the community.
- Maintain a safe working environment.
- Ensure the requirements of relevant approvals, licenses codes or standards are met.

To implement such objectives a CMP will be required to address the following matters:

- An overall construction management framework
- Public safety, access and amenity
- Community consultation
- Sediment and erosion control measures
- Noise and vibration management
- Construction traffic management
- Construction zones
- Pedestrian management
- Dust management, during construction and upon completion of bulk earth works.
- Hours of work
- Materials handling
- Waste Management and recycling, including measures for the sorting, storage, re-use or disposal of materials during the construction stage.
- Heritage and archaeological management
- Construction program
- Works required to be undertaken on adjoining land
- Ecological impact mitigation

A condition has been included in the recommendation requiring the preparation and approval by Council of the CMP prior to the commencement of any work being undertaken on the site.

10. Suitability of the site for the development

Based upon the assessment of the application as described in this report it is considered that the site is suitable to accommodate the proposed development for the following reasons:

- The site is the subject of a Site Compatibility Certificate issued by the Director General of the Department of Planning
- The site contains appropriate area free from significant environmental constraint to support the proposed development.
- The site would enable evacuation during flood and bushfire periods.
- The area is capable of providing adequate support infrastructure to cater for the demand associated with future residents, albeit this infrastructure will need some expansion
- The proposal is consistent with the provisions contained in the Seniors Housing Policy.
- Adequate service infrastructure exists or is able to be provided to meet the servicing needs associated with the development.
- The built form of the development is capable of being accommodated upon the site without significant adverse impact associated with bulk, scale, overshadowing, privacy, density, visual impact and landscape treatment.
- The proposal is generally consistent with the provisions contained in the Draft North West Sub-regional Strategy.

11. Any submissions made in accordance with the Act or the RegulationsPublic Consultation

The application was originally notified from 18 December 2008 to 21 January 2009. The exhibition period was subsequently extended (by resolution of Council) until 18 February 2009. a period of approximately 10 weeks. Additional submissions have also been accepted by Council until the finalisation of this report. A total of 265 submissions were received.

Support

Many of the submissions supported the need for seniors housing facilities to be provided in the North Richmond area however their support was dependent on adequate infrastructure and services being provided and solving potential (and existing) traffic and access issues for the North Richmond area.

Objections/concerns

The majority of submissions raised concerns about potential (and existing) traffic and access issues for the North Richmond area. The other key concerns were infrastructure (eg. water and sewer), drainage (into the natural watercourse) and community services (eg. aged care facilities).

Provided below are the key issues raised in submissions and comments on each of those categories of concern.

Traffic

- Has Council independently assessed traffic impacts?
- Will infrastructure be upgraded to cope?
- Impact on street system.
- Lack of footpaths, pedestrians use roads for access.

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- Increased traffic and construction traffic will cause problems in residential area.
- Traffic impact on Bells Line of Road & access to Richmond.
- Existing roads are in poor repair.
- No information is provided for increased traffic/ parking at North Richmond shops. What provisions will be put in place for less able or disabled residents of the proposed facility?

Comment:

This matter is discussed in the report under Sections **9.1.6. and 9.6.2.**

Council's Traffic Development Committee in conjunction with the RTA has reviewed the traffic implications of the proposal. The scale of this application does not of itself warrant an upgrade to the intersection of Bells Line of Road and Grose Vale Road nor does it warrant the duplication of the bridge across the river. However there is road widening now proposed as part of the new intersection treatment along Grose Vale Road and the construction of a bus stop (on both sides of Grose Vale Road) to facilitate the use of public transport.

The application has been amended to include a road connecting the development to Grose Vale Road in order to satisfy the requirements of the NSW Rural Fire Service, and also achieve compliance with access to public transport services under Seniors Housing Policy. The Grose Vale Road entry will function as the primary access both for the construction phase and the operation of the seniors housing development. The secondary access from Arthur Phillip Drive is still required to enable access the proposed aged care building and to provide an alternative access for emergency vehicles.

Conditions are recommended to ensure the traffic aspects are addressed as outlined above.

Infrastructure Services

- Existing infrastructure and services are overburdened and operate at capacity. Does Council believe that there is adequate infrastructure and services for this development?
- North Richmond STP is operating at or near capacity. What requirements will Council place on the development to ensure adequate facilities?
- What are current allowances for water allocation for current North Richmond community?
- What measures can be taken to ensure that this development doesn't take water required elsewhere?
- Development on western side of River will have detrimental environmental, social & practical impacts. Infrastructure should be put in place before development occurs.
- No more development until infrastructure is fixed.
- Ability of infrastructure to cope.
- State and Local infrastructure contributors will only fund attributable infrastructure and land requirements to support developed land rather than infrastructure requirements driven by general population growth. Therefore it will only be possible to levy for a range of infrastructure where the need for it arises from the development of the land.
- Local contributions will not cover 100% of costs associated with local roads, local bus infrastructure etc.

Comment:

This matter is discussed in the report under Sections **9.1.5 and 9.6.4.**

Many of the issues raised in the submissions are matters raised by Council with the relevant authorities separate to this development application in relation to major infrastructure upgrades. The regional issues are matters largely beyond the scope of consideration for this DA but are certainly matters being taken up with the relevant agencies by Council in lobbying for improvements to access and major roads for North Richmond.

For this application Council's Subdivision Engineer has assessed the proposal and in conjunction with advice from the relevant servicing authorities found that infrastructure would need to be upgraded by the developer to cater for the expected demand to be created by this proposal. Refer to Section 9.6.4 of this report for commentary on these matters. The advice from those other authorities (primarily Sydney Water) has been received and their requirements have been drafted into recommended conditions to ensure the infrastructure is provided to service this development as outlined elsewhere in this report. Those conditions to provide infrastructure would be required to be met before the seniors housing development could be constructed.

Public Transport Availability

- Ten-seater bus inadequate – hence increase in traffic on already pressured infrastructure
- 10-seater bus considered inadequate this creating more private vehicle use. Has Council considered the on going problems with transport in Hawkesbury?
- Who is responsible for maintaining bus and managing its availability? How will residents manage transport when they can't drive?
- Does the current levels of transport services in North Richmond satisfy the provisions of the Seniors Housing Policy?
- How many journeys have "easy access for elderly/disabled?"
- North Richmond is not serviced by the north west rail line and is not well served by the road network and the Gross Vale Road/Bells Line of Road intersection.
- The Seniors Housing Policy requires that public transport is located not more than 400m from the site.

Comment:

This matter is discussed in the report under Sections **9.1.5, 9.6.2 and 9.6.17.**

The original application sought an exemption from the Seniors Housing Policy standard that requires access to public transport to be within 400m of the site. Although some of the site met the distance standard, parts of the development did not comply. The applicant proposed that a bus capable of carrying at least 10 passengers would be provided.

The application has been modified to provide pedestrian and vehicle access onto Grose Vale Road and also provide a bus stop on both sides of the road to enable connection onto the existing bus service for that area. The SEPP 1 objection to the development standard is no longer required as the provisions of the Seniors Housing Policy can now be met as the service is available within 400m of the site.

Conditions are recommended in this report to ensure private and public transport is implemented before the development is occupied as outlined above.

Drainage Impacts

- Will the removal of farm dams disturb water quality issues downstream. Nutrients in soil will be disturbed and create downstream issues (when site works are undertaken)?
- Council doesn't accept responsibility for flooding in the natural watercourse, the proposed development will only exacerbate the problem.
- Has the proponent taken account of decommissioning of the dams, as they are the catchment for the Key line system?
- On –site basins only take on-site stormwater and not additional water from Key line dams
- Is Council prepared to accept the proposed development considering the existing drainage system lacks sufficient capacity?
- Impact if increased run-off into the natural watercourse.

Comment:

This matter is discussed in the report under Sections **9.1.1 and 9.6.7.**

Part of the development involves the construction of stormwater management facilities and these have been assessed by Council's Subdivision Engineer to be of adequate capacity and appropriate design for the scale of the proposal and the circumstance of the catchment including the natural watercourse. The basins are designed to capture on-site stormwater and would not receive water flow from the dam. The design of the detention system is such that the post development stormwater runoff will not exceed the pre-development stormwater runoff from the site.

The proposal has now been modified to retain the dam and hence that aspect of the proposal is no longer a part of this development application. The applicant has indicated however that water flows from the dam are, and will continue to be, managed by lowering and maintaining low water level in dam. This approach is consistent with Council's previous advice (in 2007) about the management of water flows from the existing dam.

Conditions are recommended in this report to ensure the drainage aspects are addressed as outlined above.

Availability of Community Services

- Has the applicant liaised with Hospital as to capacity to cope?
- Does existing service have access for disabled residents?
- Does Council have a Disability Action Plan for access to all community facilities?
- Is Council seeking letters of agreement from service providers?
- Will facilities be provided upfront? Failure will put stress on existing facilities prejudicing local residents
- Difficulties for future residents in accessing services.
- North Richmond is poorly located in times of emergency with access only available through Bells Line of Road, to hospitals, which could have problems dealing with an influx of patients.

Comment:

This matter is discussed in the report under Sections **9.1.5 and 9.6.17.**

An ageing population is an issue for us as a community and Australia as a whole. The Seniors Housing Policy requires that a development proposal for aged care housing be assessed on its merits.

Conditions are recommended in this report to ensure the community services commitments related to this application are provided as outlined above.

Aged Housing (Seniors Housing Policy) Requirements

- Will evidence of on-site meals, nursing personal care, cleaning services be provided?
- Is the residents club proposed to be built first?
- The proposal may satisfy Seniors Housing Policy however what controls will be put in place to ensure that the proposal is not just medium density
- Does Council consider it preferable to encourage development within existing areas rather than expanding urban development into rural areas?
- Is the development designed to function as an Age-in-Place development?
- Demand for seniors Housing does not appear to be urgent
- Is it good planning to centralise a large number of people (aged/disabled)? Centralisation puts significant demand on services whereas smaller clusters may be more preferable
- How can the eligibility for residency be guaranteed?
- Will Council require details of intended operators of the assisted care facility?
- What measures will Council take to ensure that residents meet the age requirements?
- Will Council reveal what type of covenant will apply and what mechanisms are available to police those requirements given that the Privacy Act protects people from declaring what disability they have?
- Aerial photo of Site (Site Analysis & Design Statement doc page 8) is misleading and deceptive. Is this the information that the Site Compatibility Certificate was issued?
- When will Council put appropriate Strategic Plans in place, for the area west of the River, thus preventing loopholes for developments such as the proposal.
- What evidence is there to reassure residents that all the facts were presented to the Department of Planning before it issues the Site Compatibility Certificate? Council can only rely upon the Department to have ensured that it had sufficient information prior to issuing the Certificate.
- Why should an objection to SEPP1 be considered when the proposal doesn't meet the standard (public transport within 400m)?
- If the guidelines can't be met then the development shouldn't be approved
- Special treatment should not be given in this instance as the standard (400m) cannot be met. What guarantees will be put in place to ensure that the solution (internal bus service) is continued?
- The application fails to comply with the transport requirements
- The community needs to know whether the Director General was provided with all the information needed for the issue of the Site Compatibility Certificate.
- The Seniors Housing Policy requires for the provision of services to serviced self-care housing. The proposal fails to meet this criteria.

Comment:

This matter is discussed in the report under Section **9.1.5.**

Under the Policy, a Site compatibility certificate (SCC) can only be issued by the Director General if he/she is of the opinion that the development concerned is broadly compatible with the surrounding land uses, having regard to the following matters:

- The existing uses and approved uses of land in the vicinity of the development;
- The impact that the development (including its bulk and scale) is likely to have on existing, approved and future uses of the land; and
- The services and infrastructure that are or will be available to meet the demands arising from the development.

The Policy provides a clause that lists matters that cannot be used by Council as reasons to refuse an application. Council may still approve or refuse a DA on merit under S79c of the Environmental Planning and Assessment Act, 1979.

Environment, Residential Amenity, Character and Design

- Will Council require visual analysis to identify visual impacts?
- Existing character is compromised by medium density/detached low density housing interface
- What conditions will be imposed in terms of sustainable building practices?
- Will visual impact statement, noise impact on existing residences?
- The proposal doesn't appear to be in keeping with local character
- Any new development must contribute to the quality & identity of the area
- Ecological impact on river from extraction of water from river and discharge of sewer.
- Council should impose stringent design requirements in terms of sustainability and maximisation of alternative energy technologies.
- Council should ensure that the development is environmentally sustainable. Council should ensure that decisions need to fully take into account the issue of intergenerational equity. What conditions will be attached to the consent to ensure that maximisation of sustainability is achieved?
- Proposal doesn't fit with the character of the surrounding area
- Is the set back to the watercourse 30m or 100m?
- Development not in keeping with the existing townships
- The proposal fails to satisfy Objective (C) of LEP page 7. [Clause 2(c) protect attractive landscapes and preserve places of natural beauty]

Comment:

These matters are discussed in the report under Sections **9.1.5, 9.1.8, 9.6.1, 9.6.2, 9.6.13 and 9.6.20.**

The potential impacts of the development on surrounding amenity and environment have been assessed. Impacts during construction can be controlled by the preparation of a Construction Management Program to address matters such as limitation upon hours of construction and use of appropriate construction techniques. Impacts when the proposal is operating have been addressed by recommending conditions about the provision of appropriate acoustic measures associated with mechanical plant and air conditioning equipment. In relation to sustainability factors (such as water and energy usage) the development is required to comply with the Department of Planning's BASIX requirements and conditions have been imposed to ensure that the requirements are certified as at the time each dwelling design is considered.

Conditions are recommended in this report to ensure the potential amenity impacts are controlled and sustainability measures are met as outlined above.

Key Line Dam System/Potential Heritage Significance

- Heritage significance of removal of Key Line system.
- Proposal can't be sympathetic to existing character when it destroys part of the Key Line Dam System
- There is proven and documented European Heritage items on the site i.e. two of Yeomans Key Line Dam Systems
- Why does the DA require removal of Key Line dams as they were built for fire protection?

Comment:

This matter is discussed in the report under Sections **9.6.5 and 9.6.8.**

The application has been modified and no longer involves the decommissioning of the large dam. The site is not listed as a heritage item under Hawkesbury Local Environmental Plan 1989. The land is not subject to an Interim Heritage Order and the proposal is consistent with the recommendations of the Heritage Branch of the Department of Planning.

Strategic Planning

- What is the need in the Hawkesbury for this type of housing?
- What are the figures of ageing population and the proportion to the population?
- Is there insufficient land in Hawkesbury for Seniors Living?
- Does Council feel it is acting responsibly by depriving the community of such valuable agricultural land and history?
- Lack of consultation and involvement in future planning for the locality
- Decisions shouldn't be taken without the Residential & Community Strategies being put in place
- Concern about a much larger scale of development in the future. Why isn't the wider plan on exhibition?

Comment:

The development proposal is not inconsistent with Council's Strategic Plan in that it seeks to provide aged housing for the community. Also, as mentioned the report the draft North West Subregional Plan as exhibited by the Department of Planning provides that:

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- The North West Subregion will accommodate 140,000 new dwellings by 2031, of which Hawkesbury City Council's contribution is 5,000 new dwellings.
- By 2031 a significant ageing of the resident population is forecast within the North West Subregion. It is estimated the population over the age of 65 will increase by around 96,000 by 2031 and that this group will represent 16 per cent of the population compared to 8 per cent in 2001. Accommodating this aging population will be an important challenge for the subregion.

General

- There is demand for Affordable Aged Housing. Is there evidence of what prices the proposed development will achieve?
- Community perception is that interests of developers (Builder) are put ahead of the community. The proponent has donated to both Liberal & Labour Parties. What will be done to ensure that all the community's questions are answered?
- No information in the proposal as to how the level of resistance of the focus groups was taken into account, and no detail as to what mechanisms will be put in place to ensure the future of the Aged Care Facility
- How will Council give a balanced representation of the development?

Comment:

The development application has been subject to a high level of public scrutiny involving an extended notification period, comment by external agencies (including RTA, DWE, Heritage Council) and the assessment report has been prepared by an independent planning consultant. An extraordinary meeting of Council is scheduled to enable the public interest to be expressed and the concerns voiced before a determination of the application is made.

12. The Public Interest

12.1 Draft North West Subregional Strategy (the strategy)

This draft Strategy was exhibited by the Department of Planning from 24 December 2007 until 28 March 2008. Its purpose is to translate the objectives of the NSW Government's Metropolitan Strategy and State Plan to the local level. When finalised the Subregional Strategy will guide land-use planning until 2031 in the the Baulkham Hills, Blacktown, Blue Mountains, Hawkesbury and Penrith local government areas.

Key directions include:

- North West Growth Centre to be developed with centres, infrastructure and services
- Retaining and protecting strategic employment lands to help provide jobs closer to home
- Strengthening Penrith as one of Sydney's main city centres and promoting Norwest as a Specialised Centre
- Continuing to develop Castle Hill, Blacktown, Rouse Hill and Mt Druitt as Major Centres
- Improving transport access to, from and within the subregion
- Protecting rural and resource lands as well promoting the environmental and scenic qualities of the subregion
- Improving access to open space and recreation opportunities

The draft Subregional Strategy comprises the following chapters:

- Economy and employment
- Centres and corridors

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- Housing
- Transport
- Environment, heritage and resources
- Parks, public places and culture
- Implementation and governance

The Housing chapter is the most relevant element of this Strategy in the consideration of this application. Key commentary from that Strategy notes:

- The North West Subregion will accommodate 140,000 new dwellings by 2031, of which Hawkesbury City Council's contribution is 5,000 new dwellings.
- By 2031 a significant ageing of the resident population is forecast within the North West Subregion. It is estimated the population over the age of 65 will increase by around 96,000 by 2031 and that this group will represent 16 per cent of the population compared to 8 per cent in 2001. Accommodating this aging population will be an important challenge for the Subregion.
- The areas of Hawkesbury local government area to the north of the Hawkesbury River are predominantly above the Probable Maximum Flood level and are therefore not flood affected in the same manner as areas south of the river. There is however, a risk of services, including water and electricity, and access to jobs and schools being cut off during flood events.
- In view of the above, the dwelling target for Hawkesbury local government area assumes that growth will occur:
 - within the capacity of the existing LEP;
 - and north of the Hawkesbury River

Any growth north of the Hawkesbury River would need to be associated with existing local centres.

The Strategy includes a series of actions to implement the desired planning outcomes identified in each chapter. Key housing actions relevant to the consideration of this application are:

- Hawkesbury Council to prepare a strategic residential land use study to consider opportunities for further growth around local centres to the north of the Hawkesbury River, cognisant of flooding and flood evacuation issues.
- North West councils to plan for sufficient zoned land to accommodate their local government area housing target in their Principal LEPs.
- Councils to provide in their LEPs zoned capacity for a significant majority of new dwellings to be located in strategic and local centres.
- Department of Planning to consider provisions for housing for seniors and people with a disability in the Standard Instrument which will then be reflected in each Principal LEP as made.
- North West councils to provide an appropriate range of residential zonings to cater for changing housing needs.

Hawkesbury City Council has exhibited a draft Community Strategic Plan and is already working on its Residential Strategy to look at is detailed response to the draft Sub Regional Strategy targets for housing. The consideration of a development application is relevant in seeking to address the needs of an aging population. The site compatibility statement issued reflects the intent of the Policy that seeks to provide for housing for seniors in suitable locations including those on the edge of existing urban areas.

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By nature of the Policy provisions the proposal is permissible, would contribute towards Council's housing target, and would also respond to an identified housing need, hence it is concluded that this proposal is generally consistent with the draft North West Subregional Strategy.

13. Conclusion

Based upon the assessment of the application as described in this report it is considered that the site is suitable to accommodate the proposed development for the following reasons:

- The site is the subject of a Site Compatibility Certificate issued by the Director General of the Department of Planning
- The site contains appropriate area free from significant environmental constraint to support the proposed development.
- The site would enable evacuation during flood and bushfire periods.
- The area is capable of providing adequate support infrastructure to cater for the demand associated with future residents.
- The proposal is consistent with the provisions contained in the Seniors Housing Policy.
- Adequate service infrastructure exists or is able to be provided to meet the servicing needs associated with the development.
- The built form of the development is capable of being accommodated upon the site without significant adverse impact associated with bulk, scale, overshadowing, privacy, density, visual impact and landscape treatment.
- The proposal is generally consistent with the provisions contained in the Draft North West Sub-regional Strategy.

During the course of the assessment the proposal has been modified to address the principal concerns raised by the community following the public exhibition of the application.

Given the above and the proposal's demonstrated compliance with the relevant policies and provisions the application is recommended for approval as detailed in the recommendation of this report.

Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

RECOMMENDATION:

That:

1. Development Application No. DA0852/08 for a Seniors Housing Development on Lot 27 DP 1042890, 108 Grose Vale Road North Richmond be granted consent subject to conditions shown in Attachment 1 of this report.

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2. Subsequent development applications for seniors dwellings (serviced care self care dwellings) and ancillary works be determined using delegated authority if they are in accordance with the terms of this approval.

ATTACHMENTS:

- AT - 1 Draft Conditions of Consent
- AT - 2 Site Compatibility Certificate
- AT - 3 Draft Plan of Subdivision (Dwg A)
- AT - 4 Draft Plan of Subdivision (Dwg B)
- AT - 5 Illustrative Site Plan
- AT - 6 Site Context Plan
- AT - 7 Preliminary Staging Plan
- AT - 8 Grose Vale Road Access
- AT - 9 Residents Club Elevations/Section
- AT - 10 Aged Care Elevations/Section

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AT - 1 Draft Conditions of Consent

General Reference to Plans – All Stages

The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent. The extent of development is specifically defined by, and is not to extend beyond, that shown the Staging plan (8506/SK25D) and the Subdivision Plan (8506/SK27C).

Architectural Drawing Number	Dated
DA – 01D: Illustrative Site Plan	September 2009
DA – 02B: Site Context Plan	September 2009
DA – 03D: Open Space Pedestrian Network Plan	September 2009
DA – 04C: Road Network	September 2009
DA – 05B: Road Principles	September 2009
DA – 06D: Structure Plan	September 2009
DA – 07D: Development Plan	September 2009
DA – 09B: Site Analysis	September 2009
DA – 12B: Aged Care Ground Floor Plan	November 2008
DA – 13A: Aged Care First Floor Plan	October 2008
DA – 14A: Aged Care Typical Room	October 2008
DA – 15C: Aged Care Elevations/Section	November 2008
DA – 16B: Residents Club Floor Plan	October 2008
DA – 17A: Residents Club Elevations/Section	October 2008
DA – 18B: Indicative Zero Lot Type A	November 2008
DA – 19C: Indicative Zero Lot Type B	November 2008
DA – 20B: Indicative Zero Lot Type C	November 2008
DA – 21A: Indicative Zero Lot Type D	November 2008
DA – 22A: Indicative Zero Lot Type E	November 2008
DA – 23B: Streetscape	October 2008
DA – 24A: Entry Statement	October 2008
DA – 27C: Traffic Compliance Plan	September 2009
DA – 28D: ILU Shadow Diagram A Winter	September 2009
DA – 29D: ILU Shadow Diagram B Winter	September 2009
DA – 30D: ILU Shadow Diagram C Winter	September 2009
DA – 31D: ILU Shadow Diagram D Winter	September 2009
DA – 34A: Housing Design Principles	October 2008
DA – 35C: Level & Embankment Plan	September 2009
DA – 36: Embankment Sections	October 2008
DA – 37A: Letterbox & Elevation	October 2008
DA – 38B: Road Principles Plan	September 2009
DA – 39A: Residents Club Plan with Dimensions	October 2008
DA – 40: Character Analysis Aged Care Component	October 2008

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Architectural Drawing Number	Dated
DA – 41: Character Analysis Residents Club Component	October 2008
DA – 42B: Orientation Compliance	September 2009
DA – 44A: Indicative Zero Lot Type F	November 2008
DA – 45A: Indicative Detached Home Type G	November 2008
8506/SK 2F: Road Hierarchy and Riparian Corridor Extents	3 September 2009
8506/SK 3F: Road Hierarchy and Riparian Corridor Extents	4 June 2009
8506/SK8C: Parking Area and Roundabout Details	3 September 2009
8506/SK9B: Amendments to MPS Layout	3 September 2009
8506/SK10C: Amendments to MPS Sections	7 September 2009
8506/SK12C: Alternate Access to Grose Vale Road	9 March 2009
8506/SK13C: Alternate Access to Grose Vale Road – Pedestrian Access	26 May 2009
8506/SK14A: Proposed Access for Vehicles and Pedestrians	26 May 2009
8506/SK15A: Footprint of Proposed Road Widening, Footpath and Bus Stops	28 May 2009
8506/SK24B: Modified Location of Proposed Aged Care Facility	3 September 2009
8506/SK25D: Preliminary Staging Plan	7 September 2009
8506/SK26C: Draft Plan of Subdivision Dwg A	7 September 2009
8506/SK27C: Draft Plan of Subdivision Dwg B	7 September 2009

General Conditions - All Stages

1. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate for the relevant stage of work to be constructed.
2. The development shall comply with the provisions of the Building Code of Australia.
3. The accredited certifier shall provide copies of all Part 4 certificates issued under the Environmental Planning and Assessment Act, 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
4. In-principle approval has been granted for 197 serviced self-care dwellings as generally indicated in the DA documentation. A separate development application (or development applications, depending upon the number of dwellings or stages included) is required to be lodged for these dwellings including the following details for assessment:
 - (a) Modified design of the standard dwellings to introduce greater variety of front façade and roof form treatment.
 - (b) External finishes to all roofs shall be of medium to dark range in order to minimise solar reflections to neighbouring properties. The roof colour and material shall be of low reflectivity.
 - (c) Landscape details introducing suitable treatments to soften the visual impact of the buildings when viewed from Grose Vale Road are to be provided.
 - (d) Fully dimensioned architectural plans showing façade treatment, dimensioned site plan, building height, elevations, building materials and colours. This information is to have specific details addressing the requirements of Clause 50 - Standards that cannot be used to refuse development consent for self-contained dwellings and Schedule 3 - Standards concerning

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accessibility and useability for self-contained dwellings of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

(e) BASIX certificates.

5. With the exception of the four lot Torrens Title subdivision proposed in conjunction with the application this consent only permits the future subdivision of the development by way of Strata or Community Title.

The Strata/ Community Title Plans for the proposed development shall incorporate appropriate covenants restricting occupation of the units to aged and disabled persons in accordance with Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Council shall be nominated as the only party able to release, vary or modify the covenant. Details shall be provided prior to the release of the Subdivision Certificate for Stage 1A.

6. Buildings shall not be used or occupied prior to the issue of an Occupation Certificate.
7. Occupation of the accommodation in this development is restricted to those people identified within Clause 18 - Restrictions on occupation of seniors housing allowed under this Chapter of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

All advertising, signage, marketing or promotion of the complex shall make clear reference to the above restriction on occupation of the accommodation.

8. All structures are to comply with the development standards contained in Clauses 40 and 48 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
9. Consultation with the NSW Ambulance Service shall be undertaken during the preparation of the Evacuation and Emergency Management Plan as required by the NSW Rural Fire Service.

Prior to Issue of Construction Certificate

All stages

10. All development is to proceed in accordance with the approved plans. Where any variation is proposed, a revised staging and construction management plan is to be submitted to Hawkesbury City Council for consideration and approval prior to the issue of a Construction or Amended Construction Certificate as applicable.
11. All Construction Certificate plans for buildings must be Certified, by a recognised access consultant, that access to and within the structure complies with the relevant provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
12. Access for people with disabilities is to be detailed in relation to the staff and visitor areas of the proposed Aged Housing Building and the Residents Club.
 - Access for people with disabilities must be provided to and within buildings as set out in Table D3.2 from areas specified by Part D3.2 of the Building Code of Australia, by means of a continuous path of travel in accordance with AS 1428.1.
 - Access must be provided to a sanitary compartment required for the use of people with disabilities and complying with AS 1428.1, as required by Part D3.3 of the Building Code of Australia.
 - Car parking spaces for disabled persons must be provided in accordance with the Building Code of Australia (D3.5). The minimum width for the car parking space is 3.2m (AS 2890.1).

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- All external ramps and pathways within the site required to be accessible for persons with disabilities being designed and constructed in accordance with AS 1428 – Design for Access and Mobility.

Full details relating to the above are to be included in documentation for the Construction Certificate application.

13. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

14. Payment of a Construction Certificate checking fee and Compliance Certificate inspection fees when submitting Civil Engineering Plans for approval. A fee quote will be provided by Hawkesbury City Council on request.

Fees required if an accredited certifier is used will also be provided on request.

15. A Traffic Guidance Scheme prepared in accordance with AS1742-3 2002 by an appropriately qualified person shall be submitted and approved by Hawkesbury City Council.

16. Retaining walls are to be designed by a suitably qualified and experienced Structural Engineer.

17. On-site stormwater detention storage is to be provided to ensure that peak flows from the Seniors Living development, for all storms up to and including the 1 in 100 year ARI storm, do not exceed pre-development flows at any stage of the development. Stormwater infrastructure, as determined by the stormwater modelling by J.Wyndham Prince Pty Ltd for the Seniors Living development submitted with the development application, is to be provided to achieve this stormwater discharge requirement.

18. Adequate water quality treatment devices are to be provided to ensure that the water quality from each stage is maintained at required levels. Water quality infrastructure, as determined by the MUSIC modelling by J.Wyndham Prince for the Seniors Living development submitted with the development application, is to be provided to achieve this water quality discharge requirement.

19. Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979 and Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time) a Section 94A contribution is to be paid to Hawkesbury City Council as required by Regulation 25J of the Environmental Planning and Assessment Regulation 2000.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2006 (as amended from time to time).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipts(s) confirming that the contribution has been fully paid are to be provided to the Principal Certifying Authority.

20. Certification must be obtained from the relevant statutory authority for electricity (and if proposed, gas) that adequate services are available to satisfy the demands of the proposed development. Such certification is to be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate.

21. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Principal Certifying

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Authority accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control.

The Control Plan shall incorporate and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes;
- (b) All sediment control devices, barriers and the like;
- (c) Sedimentation tanks, ponds or the like;
- (d) Covering materials and methods;
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved by the Principal Certifying Authority prior to issuing of the Construction Certificate.

- 22. A Salinity Management Plan is to be prepared prior to the issue of the Construction Certificate addressing appropriate measures to minimise the level of impact of salinity upon structures proposed upon the site and the control adverse effects of the development upon the site and adjacent land.
- 23. Prior to the issue of a Construction Certificate for below ground works associated with the development, a detailed Site Audit Statement and (if required) a Validation Report is to be submitted to the Principal Certifying Authority. The site audit must be prepared by a suitably accredited site auditor. The site audit must verify that the land is suitable for the proposed uses in accordance with SEPP 55 – Remediation of Land.
- 24. Detailed landscaping plan/s must be prepared by a suitably qualified architect, landscape designer/ architect or professional landscape consultants and approved by Hawkesbury City Council prior to the issue of a Construction Certificate for above ground works. The plan/s are to include:
 - Suitable native (and where possible endemic) species
 - Street tree planting
 - Design, materials and colours of all fencing, retaining walls, paving, driveways and street furniture
 - Measures to ensure the maintenance and survival of the landscaping
- 25. Details of the mechanical ventilation or air-conditioning system for the Aged Housing and Resident's Club buildings must be submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. Where the system will be visible from adjoining properties or from public places, the system must be screened and enclosed with materials that complement the building.
- 26. Details are to be provided showing the design, location and materials of any proposed bulk water tanks associated with the development required to provide reticulated water or any on-site sewage storage facilities. Any ancillary above ground structures shall also be detailed together with associated access and landscaping. Use of large tanks should be minimised to reduce adverse visual impact. Details of the proposed tank/s must be submitted to Hawkesbury City Council for approval prior to the release of the Construction Certificate.

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27. The waste storage facilities for the Aged Care Facility and the Residents Club buildings must be screened from all street frontages and adjacent properties by the use of screen enclosures and landscaping. Any screening must be constructed of high quality building materials and complement the design and external materials used in the building/s. In this regard, colorbond or similar material is not an acceptable building material. Details of the proposed screening must be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.
28. Appropriate external lighting shall be provided for areas including the car parks and pedestrian pathways in accordance with AS 1158 - Lighting and AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting and the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Any external lighting must be located and directed so as not to cause a nuisance to the occupants of nearby residential properties. Low level lighting of the grounds may be considered to improve security particularly in staff car parking areas. Details of the lighting strategy are to be submitted for approval by the Principal Certifying Authority prior to the release of the Construction Certificate.

29. Food preparation and food storage areas shall be designed as follows:

- The construction of the food preparation and food storage areas must comply with the Building Code of Australia, AS 4674 – 2004 (Construction and Fitout of Food Premises), Council's Food Premises Code and Food Standards Code.
 - Detailed plans demonstrating compliance must be submitted to the Principal Certifying Authority prior to issue of the construction certificate.
 - The kitchen exhaust must be designed and installed in accordance with AS 1668.2 – 2002 (The Use of Ventilation and Air Conditioning in Buildings) Appendix C (Kitchen Exhaust Hoods).
 - The floor of the preparation areas and cool rooms must be covered with an approved impervious material, graded and drained to floor wastes. Details of the location of the floor wastes are to be provided to the Principal Certifying Authority prior to issue of the Construction Certificate.
 - A grease arrestor must be installed. Please contact Sydney Water for approval and installation advice. Note: The installation of grease arrestors within kitchens and food preparation areas is not permitted.
 - A double bowl sink with a supply of cold and hot water must be provided for cleaning of all utensils, receptacles, tools of trade, benches, fittings, machinery and other appliances.
 - Hand wash basins must utilise a hands free operation, be provided near food preparation areas and each hand basin must have a single warm water spout. Suitable hand drying facilities are also to be provided adjacent to the basins.
 - All waste must be stored in impervious containers with firm fitting lids suitable to exclude vermin.
 - Waste must be removed by a licensed contractor no less than twice per week. More frequent collection may be necessary in some circumstances.
 - Waste oil must be stored within a secure area at all times. Oil must never be stored in areas accessible to the public or areas that drain to the stormwater system.
- (a) Documentation verifying design compliance with these requirements must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

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- (b) Documentation verifying installation compliance with this requirement must be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 30. The final design for the Aged Care Facility and Residents Club buildings, are to each include a loading bay suitable to cater for the largest vehicle expected to regularly service these buildings. The design is to be in accordance with the requirements of AS2890.2 2002, Commercial Vehicle Facilities. Details satisfying this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for each respective building.
- 31. The Construction Certificate shall not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the Approval has been provided to Hawkesbury City Council and the Principal Certifying Authority.

Specific to Stage 1A

- 32. Under the provisions of the Roads Act 1993, all works within the Grose Vale Road and Arthur Phillip Drive road reserve are to be approved by Hawkesbury City Council and constructed prior to the release of the Subdivision Certificate for Stage 1A. These works are to include intersection works at Grose Vale Road inclusive of the bus stop, approach and departure lanes, pedestrian crossing and associated refuge, footpaths, signage, stormwater and associated works.
- 33. Payment of Construction Certificate checking fees and Compliance Certificate Inspection fees when submitting Civil Engineering Plans for approval. Fees payable are as listed in Hawkesbury City Council's Fees and Charges Policy and are available on request.
- 34. A performance, damage and defects bond to the value of \$400 000.00 must be lodged with Hawkesbury City Council prior to the issue of the Roads Act approval or any Construction Certificate for Stage 1A. The bond is to cover any restoration required within Council's Roads resulting from deterioration caused by Construction traffic.

The bond can be in the form of an unconditional bank guarantee or cash deposit.

The bond is refundable on application, 12 months after the completion of all work subject to satisfactory performance of the works.

- 35. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Hawkesbury City Council, in writing, of any existing damage to Council property before commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Hawkesbury City Council prior to the issuing of any Construction Certificate or approval under the Roads Act 1993.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

- 36. Prior to issue of a Subdivision Certificate for the Torrens Title subdivision, documentation shall be submitted to Hawkesbury City Council from Integral Energy and Telstra stating that satisfactory arrangements have been made for the supply of electricity and telephone services to the allotments in ALL stages of the development. If required, easements for electricity purposes and areas for electrical substations shall be shown on the plan of subdivision and formally created pursuant to Section 88B of the Conveyancing Act, 1919.
- 37. Prior to issue of a Subdivision Certificate for the Torrens Title subdivision, a Staging Plan is to be approved by Hawkesbury City Council demonstrating the anticipated sequence of development detailing how the following elements will function during and between development stages:
 - Internal road system

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- Drainage
- Site services (including water, sewer, electricity, gas, phone etc)

Specific to Stage 1B

38. The applicant is to include within the design of the Residents Club building (or some other alternate location) provision for the future of on-site delivery of allied health and related services (by incorporating provision for the adaptable use of a room or rooms as consulting/therapy rooms). Details on the relevant plans satisfying this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for Stage 1B.
39. The pool gate associated with the clubhouse swimming pool shall swing away from the water in accordance with AS1926.1 – 2007. Details satisfying this condition are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for Stage 1B.
40. A Waste Storage Area Management Plan must be prepared and submitted to Hawkesbury City Council for approval prior to the release of the Construction Certificate for Stage 1B. This plan is to be in accordance with Council's Development Control Plan and is to allow for a private service collection and pick up of three waste streams (recycling, organics and general garbage) and provide details as to waste generation, storage space, storage location and access for residents and waste collectors and separation of the domestic and commercial bins.
41. Pedestrian access via a pathway system is to be provided within the northern and eastern edges of the site to facilitate pedestrian access to Grose Vale Road (to the south east) and to Peel Park (to the north). Details are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

Prior to Commencement Of Work

All stages

42. The applicant shall advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act, 1979.
43. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council, in accordance with the Environmental Planning and Assessment Regulation.
44. A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 shall be supplied to the Principal Certifying Authority prior to commencement of works.
45. A copy of receipt of payment of Long Service Levy shall be provided to the Principal Certifying Authority prior to any works commencing on site. Payments can be made at Long Service Corporation offices or most Councils.
46. Toilet facilities (to the satisfaction of Hawkesbury City Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
47. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.

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- (c) The person/company carrying out the site works and telephone number (including 24 hour 7 days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.
48. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
49. The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For quick Check agent details, please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.
- Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.
50. All traffic management devices shall be installed and maintained in accordance with the approved Traffic Management Plan.
51. A Construction Management Plan shall be submitted and approved by Hawkesbury City Council prior to the commencement of any work for all stages. Any use of Council property shall require appropriate approvals. The Plan shall detail:
- (a) The proposed method of access to and egress from the site for construction vehicles including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimizing traffic congestion and noise in the area. The main construction access to the site is to be from Grose Vale Road.
 - (b) The proposed access and manoeuvring for vehicles during each stage. This is to consider construction traffic, residents, visitor, staff and service vehicles, together with pedestrian access
 - (c) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
 - (d) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site.
 - (e) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers for each stage during the construction period;
 - (f) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
 - (g) Erosion and sediment control measures.
 - (h) Noise and vibration minimisation measures during earthworks and construction work as detailed in the Noise and Vibration Management Plan.
 - (i) Dust suppression measures during earthworks and construction work.
 - (j) Waste management during construction works.
 - (k) Submission of a detailed design plan of all works proposed within the adjacent public reserve.

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- (l) Heritage and archaeological management
 - (m) Ecological impact mitigation measures.
 - (n) Establishment of a protocol for complaints handling and management.
52. A detailed Construction Noise and Vibration Management Plan shall be prepared detailing measures to control noise and vibration during construction. The Plan is to include, but not be limited to:
- (a) Identification of each work area and site compound;
 - (b) Identification of the specific activities that will be carried out and associated noise sources for each work area;
 - (c) Identification of all potentially affected noise sensitive receivers;
 - (d) Description of management methods and procedures that will be implemented to control noise and vibration during construction;
 - (e) Description of specific noise mitigation treatments and time restrictions including respite periods, duration and frequency;
 - (f) Justification for any activities outside normal working hours;
 - (g) A pro-active and reactive strategy for dealing with complaints including compliance with the construction noise and vibration objectives;
 - (h) Noise and vibration monitoring, reporting and response procedures;
 - (i) Procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity; and
 - (j) Education of construction personnel about noise minimisation.
53. A Soil and Water Quality Management Plan is to be prepared in consultation with the Department of Water and Energy and Hawkesbury City Council. The plan shall be prepared in accordance with the Department of Housing's guideline Managing Urban Stormwater – Soils and Construction 1998. The plan shall be prepared prior to substantial construction and shall contain, but not be limited to:
- (a) Management of the cumulative impacts of the development on the quality and quantity of surface water, including stormwater in storage, sedimentation basins and flooding impacts;
 - (b) Details of a strategy for phasing of construction works so that land disturbances are confined to areas of a manageable size and kept to a minimum;
 - (c) Erosion and sediment control plans for each phase of construction that provide site-specific management measures, including:
 - Details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations and capacities of sediment fencing/straw bales, temporary storage ponds, sediment filters, filter barriers and other controls;
 - A strategy for progressive revegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after completion of earthworks;
 - (d) An analysis of potential areas of contaminated soils at the site and the disturbance of such soils in order to protect water quality;

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- (e) The potential for heavy prolonged rainfall during construction to cause environmental impacts including water quality impacts;
- (f) Identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site;
- (g) Detailed construction methodology and design of the crossing of the natural watercourse, including erosion and sediment control, bridge design and scour protection;
- (h) Detailed description of water quality monitoring to be undertaken during the pre-construction and construction stages of the development including base line monitoring, identification of locations where monitoring would be carried out and procedures for analysing the degree of contamination of potentially contaminated water;
- (i) Measures to handle, test, treat, re-use and dispose of stormwater and contaminated water and soil;
- (j) Procedures for the re-use, treatment and disposal of water from sedimentation basins;
- (k) Detailed description of water quality monitoring during pre-construction and construction stage of the project;
- (l) A program for reporting on the effectiveness of the operational and construction sedimentation and erosion control system against performance goals.

During Construction

All stages

- 54. The site shall be secured to prevent the depositing of any unauthorised material.
- 55. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 56. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7am – 6pm and on Saturdays between 8am – 4pm.
- 57. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
 - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
 - (c) Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
- 58. Off-street car parking spaces, together with access driveways and turning areas, shall be constructed, paved, line marked, signposted and maintained, as shown on the approved plan. Design and construction is to be in accordance with the requirements of Hawkesbury Development Control Plan and AS2890.1 2004 and AS2890.2, 2002.

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59. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan Appendix E Civil Works Specification.
60. On-site detention shall be provided to maintain all stormwater discharges from the 1:1 year storm up to the 1:100 year storm from the Seniors Living development at pre-development levels. This is to be facilitated by the on-site detention basin constructed and functioning as a silt basin temporarily through the construction stages of the Seniors Living development.
61. Water quality devices shall be constructed as silt basins with each stage of the development to treat the water from (at a minimum) that stage of the development. The water quality infrastructure constructed and functioning as silt basins is a temporary measure through the construction stages of the development.
62. All of the on site detention and water quality infrastructure to be completed in their final state in conjunction with completion of construction of the final stage of the Seniors Living development.
63. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan Appendix B Civil Works Specification, Part II, Table 1.1.
64. Flocculation (or other suitable measure) to remove sediments captured from the detained stormwater in the on-site stormwater detention basin/s, acting as a slit basin through construction, is to be undertaken as necessary prior to any discharge into the downstream drainage system.
65. The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.
66. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:
 - (a) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
 - (b) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
 - (c) All materials shall be stored or stockpiled at the best locations;
 - (d) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
 - (e) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
 - (f) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays (or by other suitable alternative means);
 - (g) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
 - (h) Cleaning of footpaths and roadways shall be carried out regularly.
67. All constructed batters are to be topsoiled and vegetated and where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed.
68. Erosion and sediment control devices are to be installed and maintained at all times during site works and construction. The enclosed warning sign shall be affixed to the sediment fence/erosion control device.

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69. The Construction access road from Grose Vale Road (within the site) is to be sealed to minimise dust nuisance to adjoining properties.
70. The clearing of vegetation shall be limited to areas that need to be used for construction of the development. Cleared vegetation must be re-used or recycled to the greatest extent practicable. No burning of cleared vegetation shall be permitted. Re-use options include removing millable logs, recovering fence posts, and mulching and chipping unusable vegetation waste for on-site use such as landscaping. All reasonable measures to use surplus vegetation shall be undertaken.
71. The topsoil derived from the site shall be stripped and stockpiled and used to cover the final profile of the bulk earthworks.
72. All fill to be adequately compacted by track rolling or similar in layers not exceeding 300mm.
73. All constructed batters are to be topsoiled and vegetated and where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed.
74. A bund wall shall be provided around the site in order to help direct runoff away from the disturbed excavation/landfill areas. Design details are to be submitted to and approved by Council.
75. A full width pavement, riparian crossing and associated pedestrian pathway shall be constructed along the access strip from Proposed Lot 273 to Arthur Phillip Drive. Details are to be submitted and approved by Council.
76. The recommendations relating to stormwater management as detailed in the Seniors Living Development North Richmond Stormwater Management Strategy dated October 2008 are to be progressively implemented in conjunction with the development. All site drainage and sediment and erosion control works and measures described in the Strategy inclusive of any other pollution controls, as required, shall be implemented prior to the commencement of any other works at the site.

Specific to Stage 1A

77. The construction of the extension to Arthur Phillip Drive as required adjacent to the access road to the development. Construction is to include kerb and gutter and full width sealed pavement.
78. Chevron markers and 'road ends' signage is to be installed at the end of Arthur Phillip Drive.
79. The Construction of the proposed entrance works in Grose Vale Road to provide for turning lanes into the proposed development. Works are to include line marking and signage, plus any other works required to make construction effective.
80. The 60km/h speed limit in Grose Vale Road is to be extended further to the west beyond the new intersection. The location of signage and associated road marking is to be determined by Hawkesbury City Council prior to any work being undertaken. All costs involved in signage, road marking etc are to be at the expense of the developer.
81. A bitumen sealed pavement eight metres wide shall be constructed along the access strip leading from the intersection works off Grose Vale Road to northern perimeter of the construction access (APZ) to be used to access Stage 1B and future stages of the development.

Specific to Stage 1B

82. Provision of appropriate swimming pool lining in accordance with the requirements of the Department of Health Public Swimming Pool and Spa Pool Guidelines 1996. The pool is to be constructed using smooth, impervious materials enabling ease of maintenance and cleaning, and be light in colour. Please note: A pool lining of pebblecrete/marble screen are both not appropriate pool surface finishes.

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83. Provision of an appropriate swimming pool commercial chlorination filtration system that complies with the requirements of the Department of Health Public Swimming Pool and Spa Pool Guidelines 1996. The specifications of the commercial chlorination filtration system is required to be provided to Hawkesbury City Council for review prior to installation.
84. Submission of specifications for the swimming pool lining to Hawkesbury City Council for written approval prior to installation.
85. All wastewater from the swimming pool is to be directed to the sewer, with appropriate approval of Sydney Water being obtained.
86. Compliance with the requirements of the Swimming Pool Act 1992 and associated Regulations, and the Department of Health Public Swimming Pool and Spa Pool Guidelines 1996.

Prior to Issue of Subdivision Certificate

Specific to Stage 1A

87. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
88. A plan of subdivision prepared to the requirements of the Land Titles Office, shall be submitted to Hawkesbury City Council, with four copies.
89. Payment of a linen release Fee in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.
90. The extension of Arthur Phillip Drive, including pathways and drainage, and any widening required to the construction in Grose Vale Road shall be dedicated as public road.
91. Prior to the issue of the Subdivision Certificate for the four lot Torrens Title subdivision the bulk earthworks associated with Stage 1A development, as approved by this consent, must be completed.
92. Reciprocal Rights of Carriageway and Easement for Services shall be created over the access handle to Proposed Lot 273 in favour of Proposed Lot 272. Evidence of the dedication shall be submitted to Council.
93. Reciprocal Rights of Carriageway and Easement for Services shall be created over the access handle to Proposed Lot 272 in favour of Proposed Lot 273. Evidence of the dedication shall be submitted to Council.
94. Proposed Lot 274 is to be dedicated to Hawkesbury City Council for drainage purposes. Evidence of the dedication shall be submitted to Council.
95. A Surveyor's Certificate shall be submitted to Hawkesbury City Council stating that the proposed physical access to the development from Grose Vale Road is contained within the proposed Right of Carriageway.

Prior to Issue of Occupation Certificate

Specific to Stage 1B

96. Documentary evidence of the Registration of the four lot Torrens Title Subdivision and dedication of public road and land (as required) with Land and Property information is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for Stage 1B.
97. Appropriate external lighting shall be installed prior to the release of the occupation certificate for Stage 1B and to the occupation certificate of each subsequent stage.

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98. Written confirmation shall be provided to the Principal Certifying Authority from a suitable public transport provider detailing that the bus stops situated on Grose Vale Road are to be serviced as required under Clause 26 Location and access to facilities of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 prior to the issue of any Occupation Certificate for Stage 1B.
99. Appropriate signage is to be provided close to the site boundaries situated adjacent to the access roads leading into the site from Grose Vale Road and Arthur Phillip Drive indicating that the internal road is a 'Private Road' prior to the issue of any Occupation Certificate for Stage 1B.

All stages (as applicable)

100. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.
101. Prior to the issue of any Occupation Certificate a "Restriction as to User", under the provisions of the Conveyancing Act 1919, is to be created on the current, and any subsequent, titles for the development stating the limitations on the occupancy of this development as specified in this consent.
102. Prior to the issue of any Occupation Certificate for Serviced Self-Care Housing the applicant, or operator, must, under the provisions of Clause 42(1) and (2) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, provide written evidence to Principal Certifying Authority that residents of the Serviced Self-Care Housing will have reasonable access to:
 - (a) Home delivered meals
 - (b) Personal care and home nursing
 - (c) Assistance with housework
 - (d) Transport

This evidence must include details of the provider of these services and must be incorporated into the Operational Management Plan required by this consent.
103. Prior to the issue of any Occupation Certificate for Serviced Self-Care Housing, the Resident's Club building and the on-site services required, under the provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, to be provided are to be available for use by the proposed residents. Should this housing be provided on a staged basis then these facilities and services must be provided proportionately on a per resident basis.
104. Prior to the issue of the Occupation Certificate for the Aged Care Facility a detailed Operational Management Plan for the operation of the aged housing facility is to be submitted to Hawkesbury City Council for approval. The plan details must include, but are not limited to, the following:
 - (a) Details of times that an on-site manager or supervisor is available to the facility and, when not available, emergency contact and service details,
 - (b) Details of provision of on-site nursing and medical facilities, meals, housework assistance and other required services for residents,
 - (c) Management and operation of resident transport facilities,
 - (d) Management plan to address evacuation of residents in emergency situations including flood (isolation due to flood) and bushfire, and maintenance of medical and ambulance services during times of emergency or isolation,

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- (e) Details of external service providers and evidence of on-going provision of those services and provision during emergencies for supply of those services.

- 105. Prior to the issue of the Occupation Certificate for Stage 1B the Principal Certifying Authority shall be provided with a Compliance Certificate confirming that all units/dwellings within the development satisfy the standards concerning accessibility and useability for self-contained dwellings within State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 .
- 106. A Plan of Management for the on-site stormwater detention facilities shall be submitted to and approved by Hawkesbury City Council. The Plan of Management shall set out all design and operational parameters for the detention facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.

The plan/s of management may be staged if required, but must include that stage for which an occupation certificate is required.

- 107. The owner shall enter a positive covenant with Hawkesbury City Council which provides the following:
 - (a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention facilities, and
 - (b) The liability under the Covenant will jointly and severally bind the registered proprietors of the proposed dwellings, and
 - (c) Council only will be entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable by Hawkesbury City Council, are to be paid by the owner or applicant.

- 108. Submission of a report by the Design Engineer stating the conformance or otherwise of the On Site Stormwater Detention System in relation to the approved design.
- 109. Works-As-Executed drawings for the On Site Stormwater Detention System which indicate the following shall be submitted to and approved by Council:
 - (a) Invert levels of tanks, pits and pipes
 - (b) Surface levels of pits and surrounding ground levels
 - (c) Levels of surrounding kerb
 - (d) Floor levels of buildings
 - (e) Top of kerb levels at the front of the lot; and
 - (f) Extent of inundation
- 110. A Plan of Management for the water quality treatment devices shall be submitted to and approved by Hawkesbury City Council. The Plan of Management shall set out all design and operational parameters for the devices including inspection and maintenance requirements and time intervals for such inspection and maintenance.

The plan/s of management may be staged if required, but must include that stage for which an occupation certificate is required.

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111. The final occupation certificate for the proceeding stage is to be issued prior to the issue of any occupation certificate for a subsequent stage.
112. Evidence of compliance with the Waste Storage Area Management Plan requirements is to be submitted to the Certifying Authority prior to the issue of the Occupation Certificate.
113. Reconstruction of the public land currently functioning as a trunk drainage corridor to a riparian corridor to be undertaken in conjunction with Stage 3 or 4 whichever is the first stage to be commenced.

Prior to Issue of Interim Occupation Certificate

114. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.
115. Registration of the swimming pool with Hawkesbury City Council. A registration form is required to be requested, completed and returned to Council prior to operation. Inspections will be conducted on a scheduled basis by Hawkesbury City Council.

Use of Development

116. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
 - (a) Been assessed by a properly qualified person, and
 - (b) Found, when it was assessed, to be capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
117. Any part of the building to be used for food preparation shall be registered with Hawkesbury City Council as Food Premises.
118. A separate development application shall be lodged with Hawkesbury City Council for use of the clubhouse building as a Place of Public Entertainment.
119. Provision of a log-book that is kept onsite as per the requirements of the Department of Health Public Swimming Pool and Spa Pool Guidelines 1996.
120. Provision of appropriate fencing and signage as per the requirements of the Swimming Pool Act 1992 and the Building Code of Australia.
121. Compliance with the requirements of the Public Health Act 1991 with respect to cooling towers/thermostatic mixing valves. These systems are required to be registered with Hawkesbury City Council.
122. Mechanical exhaust from the kitchen and the air conditioning system of the Aged Housing Building or the Residents Club must not cause a noise/odour nuisance at any time. Compliance with this condition may necessitate the provision of acoustic enclosures and/or other treatment to these systems. The location and design of these systems should be considered with regard to acoustic/odour impact.

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123. A copy of the Site's Operational Management Plan is to be provided to Hawkesbury City Council on an annual basis (but only from the date of initial occupation until completion of the development) demonstrating the development's compliance with the relevant operational matters detailed within Clause 42 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Roads and Traffic Authority Conditions

124. The two east bound lanes of Bells Line of Road before the intersection of Grose Vale Road should be extended to start as soon as practicable after the finish of the chevron linemarking at Charles Street to maximise the available length to an approximate total of 170 metres. This area has been recently resurfaced and linemarked therefore should the work be carried out by 6 November 2009 than removal of any existing linemarking can be done so by sand blasting methods. If these works are carried out after this six month period then further resurfacing will be required to remove existing linemarking.
125. The west bound lanes on the approach side of the intersection of Bells Line of Road and Grose Vale Road should be adjusted to provide a right turn lane, a through lane and a left/through shared lane. The departure lanes should be provided as dual lanes to the maximum distance available with the desirable distance being 200 metres not including the taper as proposed by the developer's consultants. It is noted that this proposal will require road widening of approximately 1 metre or whatever is required to meet RTA lane width requirements. Design details are to be submitted to Hawkesbury City Council for approval demonstrating that adequate footway width will remain available once this widening has occurred. It is noted that utility services exist within this footway area, any necessary relocation of services will be the developer's responsibility.
126. The proposed Bells Line of Road/Grose Vale Road intersection modifications shall be designed to meet RTA's requirements, and endorsed by a suitably qualified and chartered Engineer (ie who is registered with the Institute of Engineers, Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate by the certifier and commencement of road works.

The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed civil design plans.

127. All works associated with the Bells Line of Road/Grose Vale Road intersection modifications must be completed prior to occupation of more than 50 independent units or occupation of the aged care facility whichever occurs first.
128. The swept path of the longest vehicle (including private garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, must be in accordance with Austroads standards.
129. Priority should be established at intersections, particularly cross intersections, in the internal road system by linemarking and signposting.
130. Dedicated pedestrian pathways and other pedestrian facilities should be provided throughout the site to link the residential housing units to the Resident's Club facility, the community garden area and the residential care accommodation. Required sight lines for pedestrians are not to be compromised by landscaping or other vegetation.
131. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths sight distance requirements, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004 (Parking Facilities, Part 1: Off-street car parking) and AS

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2890.2 – 2002 (Parking Facilities, Part 2: Off-street commercial vehicle facilities). Service areas within the development are to be designed in accordance with RTA requirements and AS 2890.2 (Parking Facilities, Part 2: Off-street commercial vehicle facilities).

132. Consideration should be given to providing appropriate bicycle parking facilities within the development including end trip facilities such as showers, changing rooms, etc as appropriate to cater for bicycle use for travelling to and from the development.
133. All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.

Department of Water and Energy - General Terms of Approval

134. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA0852/08 and provided by Council.

- (a) Site plan, map and/or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified

135. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the Department of Water & Energy. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river.

136. The consent holder must prepare or commission the preparation of:

- (a) Rehabilitation Plan
- (b) Works Schedule
- (c) Erosion and Sediment Control Plan
- (d) Soil and Water Management Plan

137. All plans must be prepared by a suitably qualified person and submitted to the Department of Water & Energy for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with Department of Water & Energy guidelines located at: www.naturalresources.nsw.gov.au/water/controlled_activity.shtml

- (a) Vegetation Management Plans
- (b) Laying pipes and cables in watercourses
- (c) Riparian Corridors
- (d) In-stream works
- (e) Outlet structures
- (f) Watercourse crossing plans

138. The consent holder must:

- (a) Carry out any controlled activity in accordance with approved plans
- (b) Construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and

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- (c) When required, provide a certificate of completion to the Department of Water & Energy.
139. The consent holder must carry out a maintenance period of two years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the Department of Water & Energy.
140. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the Department of Water & Energy.
141. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the Department of Water & Energy as required.
142. The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to the Department of Water & Energy as and when required.
143. The consent holder must design and construct all ramps, stairs, accessways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the Department of Water & Energy.
144. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the Department of Water & Energy.
145. The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the Department of Water & Energy.
146. The consent holder must ensure that no materials or cleared vegetation that may obstruct flow, wash into the water body or cause damage to river banks are left on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.
147. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the Department of Water & Energy.
148. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the Department of Water & Energy.
149. The consent holder must ensure that any excavation does not result in:
- (a) Diversion of any river
 - (b) Bed or bank instability or
 - (c) Damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the department of Water & Energy.
150. The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the Department of Water & Energy.
151. The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width of 20 metres measured horizontally landward from the designated 1:2 to 1:5 low flow design channel for the length of the site directly affected by the controlled activity in accordance with the plan approved by the Department of Water & Energy.

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152. The consent holder must establish a riparian corridor along the creek in accordance with a plan approved by the Department of Water & Energy.

NSW Rural Fire Service – General Terms of Approval

Asset Protection Zone

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

153. At the issue of the subdivision certificate and in perpetuity the entire development area (excluding riparian corridor) shall be managed as an inner protection area (IPA) as outlined within Planning for Bush Fire Protection 2006 and the Service's document Standards for asset protection zones.
154. A restriction to the land use pursuant to Section 88B of the Conveyancing Act 1919 shall be placed on all lots within the subdivision affected by the 34-36 metre asset protection zone as identified in blue on Attachment A of the bush fire report prepared by Australian Bushfire Protection Planners Pty Ltd No. B08836-4 dated 10/10/2008. The asset protection zone shall be managed as an inner protection area (IPA) as outlined within Planning for Bush Fire Protection 2006 and the Service's document Standards for asset protection zones.
155. A restriction to the land pursuant to Section 88B of the Conveyancing Act 1919 shall be placed on the land within the residual lot to the south and west of the proposed development area ensuring the ongoing management of the 20 metre wide asset protection zone and for trail as identified on Attachment A of the bush fire report prepared by Australian Bushfire Protection Planners Pty Ltd No. B08836-4 dated 10/10/2008. The asset protection zone shall be managed as an inner protection area (IPA) as outlined within Planning for Bush Fire Protection 2006 and the Service's document Standards for asset protection zones. This restriction can be extinguished upon commencement of any future proposed development on the adjacent lot, but only if the hazard is removed as part of the proposal.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

156. Water, electricity and gas are to comply with Section 4.2.7 and 4.1.3 of Planning for Bushfire Protection 2006.

Access

The intent of measures for internal roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

157. Internal road access shall comply with Section 4.1.3 (1) and 4.2.7 of Planning for Bushfire Protection 2006. Road widths shall comply with Table 4.1 of Planning for Bushfire Protection 2006 and exclude pedestrian pathways.
158. Fire trails shall comply with section 4.1.3 (3) of Planning for Bushfire Protection 2006.
159. An emergency access/egress road shall be constructed to the south-east of the development area providing a direct link from Grose Vale Road to the proposed internal road system. This access road shall be constructed in accordance with Section 4.1.3 (3) of Planning for Bushfire Protection 2006.

Design and Construction

160. All new construction shall comply with Australian Standard AS3959-1999 Construction of buildings in bush fire-prone areas – Level 1.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of the building.

161. An Emergency and Evacuation Management Plan shall be prepared in accordance with Section 4.2.7 of Planning for Bushfire Protection 2006.

Landscaping

162. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bushfire Protection 2006.

Department of Environment & Climate Change – General Terms of Approval

163. Impact to the Aboriginal objects identified as site NR10 within Lot 27, DP 1042890, will require a S.90 consent, pursuant to the National Parks and Wildlife Act 1974.

Advisory Notes

- *** The applicant shall make themselves aware of the Discrimination Against People with Disabilities Act (DDA) and assess their responsibilities and liabilities with regards to the provision of access for all people.
- *** If during the course of construction the Proponent become aware of any unexpected heritage items or archaeological material, all work likely to affect the site(s) shall cease immediately and relevant authorities, including DECC, NSW Heritage Council shall be consulted to determine an appropriate course of action prior to the recommencement of work at that site. Appropriate supporting documentation would need to accompany any application for required permit/consent(s).
- *** The applicant is advised to consult with:
- (a) Sydney Water Corporation Limited
 - (b) Integral Energy
 - (c) Natural Gas Company
 - (d) A local telecommunications carrier
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.
- *** The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- *** The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- *** Any part of the building to be used for food preparation shall comply with Council's Code for the Fitting out of Food Premises.

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- *** Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the DECC's Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes.
- *** Separate development consent from Council will be required for any future strata or community title subdivision of the approved development.
- *** A separate development application to Council shall be submitted for any proposed signs (other than exempt or complying signs under Council's exempt and complying DCPs) which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.
- *** The bushfire asset protection zones required by this consent shall be maintained at all times.
- *** The General Terms of Approval provided by the Department of Water and Energy are not the Controlled Activity Approval. The applicant must apply to the Department for a Controlled Activity Approval after consent has been issued by Hawkesbury City Council but before the commencement of any 'works'.
- *** The existing farm dams located outside and upstream of the footprint of the Seniors Living development are to have water their water level reduced and permanently maintained at a lower level via periodic controlled release. In addition, the dam walls from their southern extent for a distance determined onsite, are to be reduced in order to direct overflow discharge into existing public land currently dedicated for drainage purposes to the northern side of the Seniors Living development boundary. Dam wall reduction works are to be undertaken in conjunction with the commencement of construction of the development.

AT - 2 Site Compatibility Certificate**COPY****Seniors Housing****Determination of Certificate of Site Compatibility**Part 1A of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

I, the Director-General of the Department of Planning, pursuant to clause 25(4)(a) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, determine the application made by Mr Peter Strudwick on 1 February 2007 by issuing this certificate.

I certify that in my opinion:

- the site described in Schedule 1 is suitable for more intensive development; and
- the development described in Schedule 2 is compatible with the surrounding environment, having had regard to the criteria specified in clause 25(5)(b).

Under clause 25(7), this certificate is only valid in relation to development that satisfies the requirements specified in Schedule 2 of this certificate.

Sam Haddad
Sam Haddad

Director-General

Department of Planning

Date certificate issued: 4/3/2008.

Please note: This certificate will remain current for 24 months from the date of issue.

SCHEDULE 1

Site description: The subject site comprises approximately 28 hectares of land within 108 Grose Vale Road, North Richmond (Lot 27, DP1042890). The extent of the site is shown within the Application for Site Compatibility Statement (Figure 3 Preliminary Concept Master Plan) submitted to the Department of Planning on the 1 February 2008. The site is currently zoned Consolidated Land Holdings and adjoins land zoned Housing, 6(a) Open Space (Existing Recreation), 5(a) Special Uses A, Consolidated Land Holdings and Mixed Agriculture under the *Hawkesbury Local Environmental Plan 1989*.

SCHEDULE 2

Application made by: Mr Peter Strudwick, Director, Urbis

Project description: A seniors living development comprising no more than: 102 units within a residential care facility (precinct A), 180 bed aged care hostel (precinct B), 467 serviced self care dwellings and associated facilities. The serviced self care dwellings comprise 132 detached dwellings (precinct C), 103 apartments (precinct D) and 232 villas (precinct E).

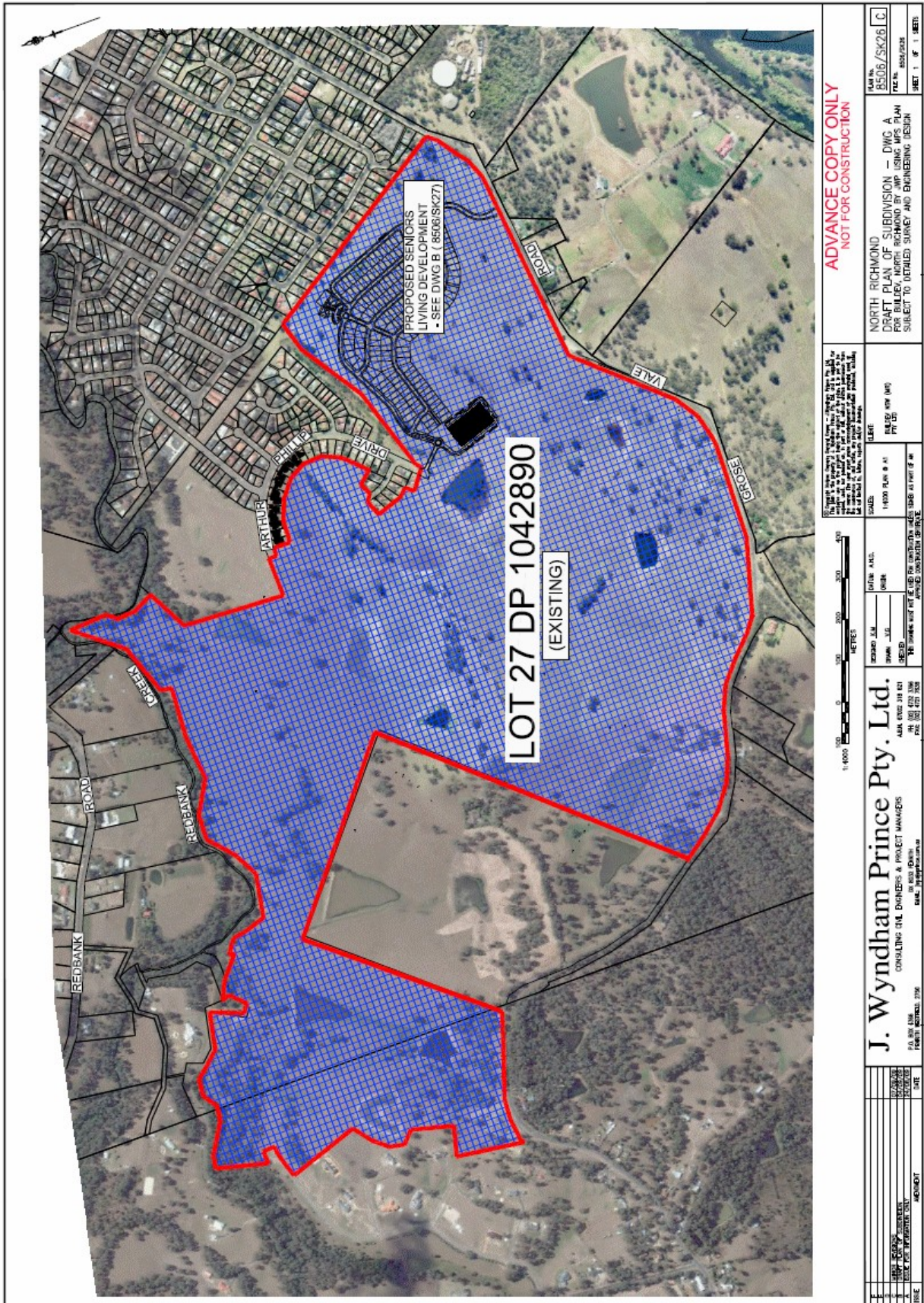
Requirements imposed on determination:

The final number of dwellings, units and beds within the development is not to exceed 467 dwellings, 102 units (residential care facility) and 180 hostel beds and will be determined subject to the resolution of the following matters:

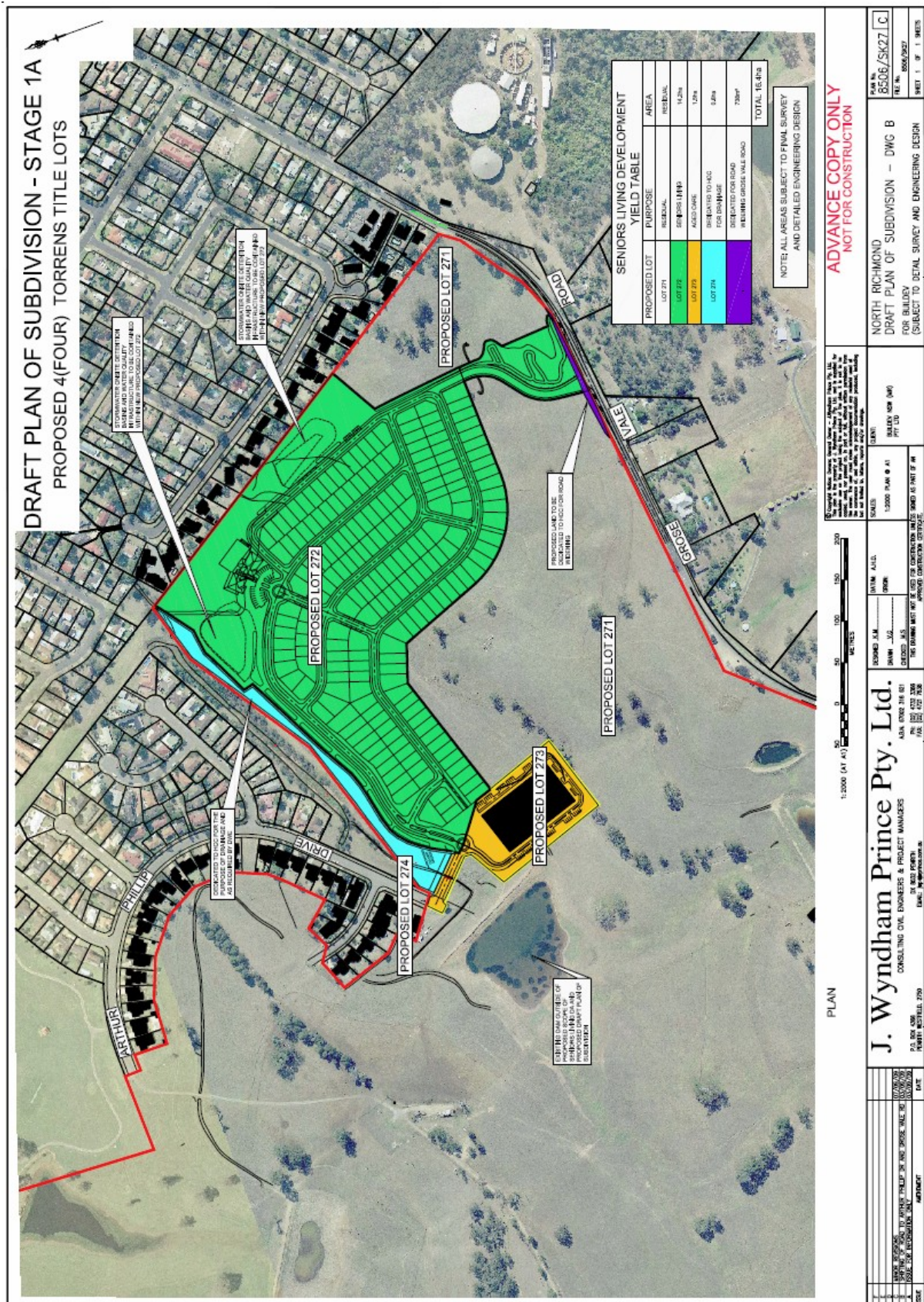
- a) confirmation by the State Emergency Services that existing infrastructure is adequate (or can be provided) to evacuate residents during flood and bushfire events;
- b) adequacy and capacity of services and facilities within nearby centres to service the development; and the consistency of the proposed built form in relation to both the existing (and future) character and density of surrounding and adjoining areas; and
- c) demonstration that the site is adequately serviced by infrastructure including water, sewerage and electricity.

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AT - 3 Draft Plan of Subdivision (Dwg A)



AT - 4 Draft Plan of Subdivision (Dwg B)



EXTRAORDINARY MEETING

Meeting Date: 15 September 2009

AT - 5 Illustrative Site Plan



AT - 6 Site Context Plan

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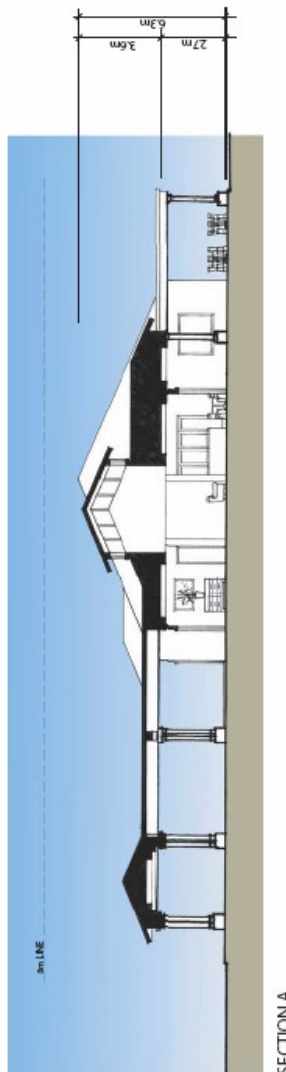


NORTH RICHMOND ESTATE STAGE 1
BUILDDEV



SITE CONTEXT PLAN

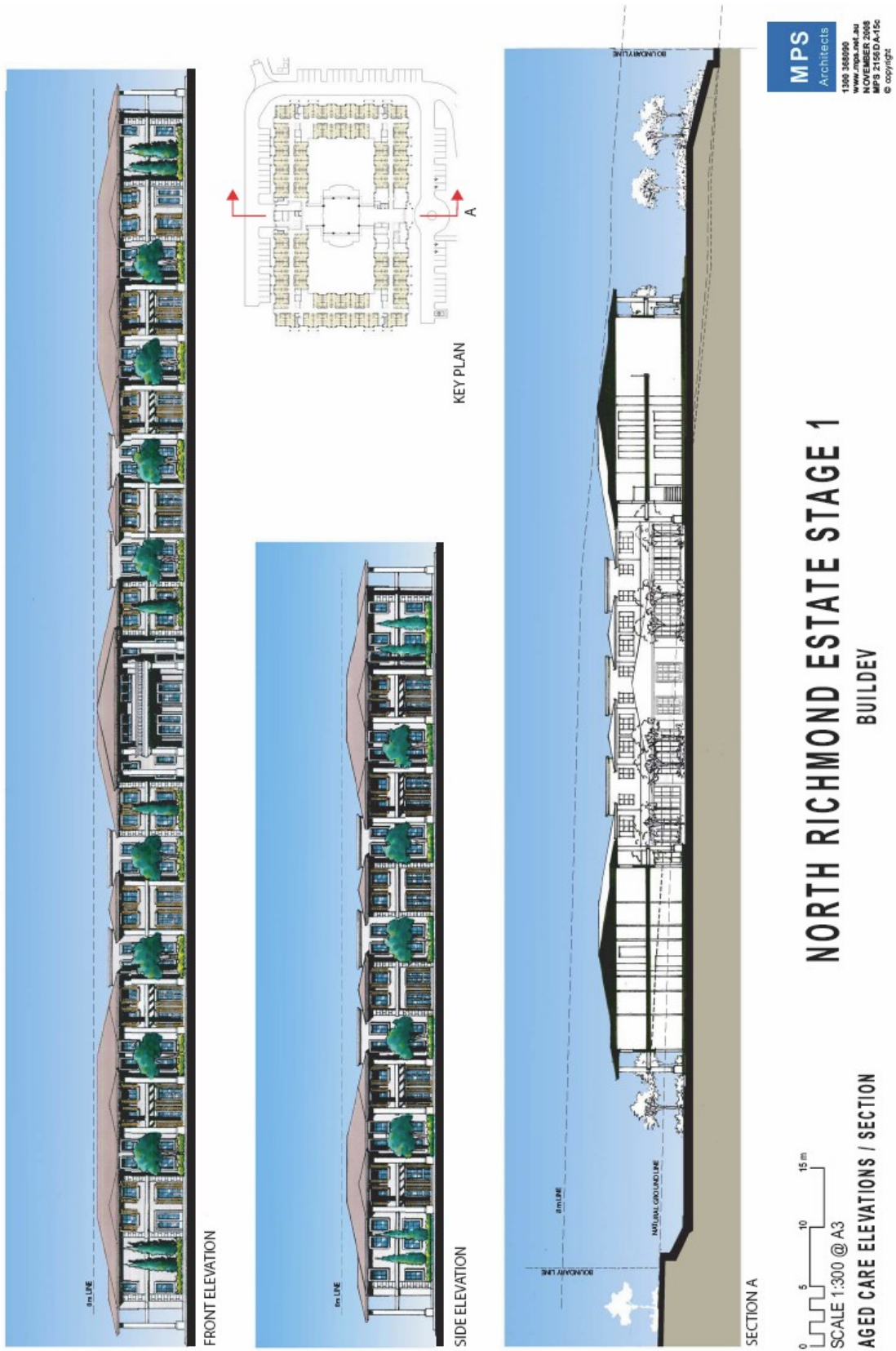
AT - 9 Residents Club Elevations/Section



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RESIDENTS CLUB ELEVATIONS / SECTION
NORTH RICHMOND ESTATE STAGE 1
BUILDDEV

AT - 10 Aged Care Elevations/Section



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extraordinary
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