

Amended Report

8 July 2009
To the Ordinary Meeting

Director's Report
Shire Planning Department

3.3 DA 1009/2008 - Proposed Seniors Housing and Residential Aged Care Facility at Kanwal

TRIM REFERENCE: da/1009/2008 - D01936884

AUTHOR: HS

SUMMARY

The proposal is for the development of Housing for Seniors, or People with a Disability, and contains residential care facilities, self-contained dwellings and serviced self-contained apartments/dwellings. The development accommodates 527 dwellings and 180 dementia care beds on completion. The development will offer a range of accommodation including courtyard houses, detached houses, apartments and high care dementia facilities.

The development application has been lodged under the provisions of State Environmental Planning Policy - Housing for Seniors or People with a Disability (SEPP SL). The proposal has been examined having regard to the requirements of the SEPP SL and the matters for consideration detailed in section 79C of the Environmental Planning and Assessment Act (EP&A Act) and other statutory requirements.

The proposal is recommended for approval as a deferred commencement consent as a number of modified and detailed plans and additional information is required in relation to some aspects of the development. The applicant acknowledges this requirement and is willing to modify plans and to provide additional information. Pursuant to Section 80(3) of EP&A Act, Council, can grant a deferred commencement development consent. The consent will be subject to a condition that the consent is not to operate until the applicant amends the plans and provides the additional information satisfactory to Council.

The application is reported to Council due to the project value.

Applicant Owner	Silver Spirit Communities Langi Pty Ltd, Rita Galea, Lyndon David Pryor, Domenico Preteroti, Carmela Preteroti, John William Bright, Evelyn Louise Bright, Helen Frangulis and Penny Kehagias
Application No	1009/2008
Description of Land	Lot 1 DP 362919, Lot 1 DP 119285, Lot 1 DP 539677, Lots 21 & 22, DP 549819, Part Lot 1 DP 526812, Lot 2 DP 526812, Lot 2 DP 900669 and Lot 1 DP 900669, 595-635 Pacific Highway and 115 -145 Wahroonga Road, Kanwal
Proposed Development	Residential care facility (SEPP Housing for Seniors or People with a Disability)
Site Area	24 hectares
Zoning	10(a) Investigation Precinct
Existing Use	Grazing land, 5 residential dwellings
Employment Generation	118 Full time
Estimated Value	\$201 million

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RECOMMENDATION

- 1** *That Council refer the application to the General Manager for determination having regard to the matters for consideration detailed in Section 79C of the Environmental Planning and Assessment Act and other relevant issues with an indication that based on the information available to it, Council favours the granting of a “deferred commencement” consent pursuant to Section 80(3) of the Environmental Planning & Assessment Act, 1979.*
- 2** *That Council authorise the General Manager to determine any application for minor modifications to the approved development plans or consent conditions.*
- 3** *That Council advise those who made written submissions of the decision.*
- 4** *That Council make representations to the Roads and Traffic Authority seeking formal recognition of the RTA’s contribution to intersection works on the corner of the Pacific Highway and Louisiana Road.*

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PRECIS

- The development also includes extensive amenities and facilities for the exclusive use of the residents of the development. The proposal provides a spectrum of care from those people who live completely independently, through to those persons who require 24 hour intensive care. The development is expected to accommodate 527 dwellings and 180 dementia care beds on completion. The development will offer a range of accommodation from courtyard houses, to detached houses, park homes, apartments and high care dementia facilities. Details of the proposed development are provided in “Key Components of the Development”.
- The development will also include high quality services and facilities provided in a Village Square configuration to encourage an active and healthy lifestyle.
- The maximum number of staff on the premises at any one time is 118 when complete. The development will accommodate a maximum of 1000 persons at one time.
- The overall market for the project will be aged 55 and above, with average ages in the 70-74 range. Household types are likely to include single as well as couple households, and the project will target middle income earners with a strong preference for independent accommodation.
- The proposal is recommended for approval as a deferred commencement consent. A number of modified and detailed plans and additional information is required in relation to the following:
 - height of buildings
 - setbacks,
 - deletion of loading/unloading bay for Oceanica,
 - vehicular access to basement parking,
 - appearance of the Crescent buildings,
 - landscaping and
 - garbage

The consent will be inoperative until the applicant amends the plans and provides the abovementioned information satisfactory to Council. This has been discussed with and agreed by the applicant.

INTRODUCTION

The Site and its Surroundings

The subject site is located on the north-eastern corner of Louisiana Road and Pacific Highway. The southern boundary of the site is formed by Wahroonga Road forms. The eastern boundary adjoins another aged care facility in addition to undeveloped rural residential land with the same zoning. The site has an area of approximately 24 hectares. The land comprises five residential dwellings, several outbuildings, four dams and an existing green grocer store which is located on the front boundary. The site has been and is currently being used for grazing.

The northern eastern portion of the site is identified as being partly flood affected. The site is situated in the Porters Creek Wetlands Catchment and has minor drainage lines in its south-eastern and the north-eastern corners. The south-eastern and the south-western portions of the site are vegetated. The south-eastern portion also contains a small pocket of Spotted Gum Forest. The remainder of the site is generally cleared and gently sloping at less than five degrees from a spur-line on the Wahroonga Road boundary towards the Pacific Highway. The site has cross slopes falling to the east, into the riparian corridor along the south-eastern boundary and to the west towards Louisiana Road with a north-west aspect.

There are no known Aboriginal relics within the site. The site is partly bushfire prone and a portion of the land abutting Pacific Highway, including the north western corner near the Louisiana Road and Pacific Highway intersection, is subject to future RTA road widening.

The site is surrounded by rural residential uses. The adjoining sites to the east, west and south are zoned 10 (a) Investigation Precinct and likely to be developed in the future for future residential development. The sites across Pacific Highway has been rezoned for future residential development. Council has recently approved a 100 bed Residential Aged Care Facility on these adjoining sites. As such, the character of the area is expected to change from rural residential to land primarily used for a wide range and type of residential housing.

The site is located in close proximity to the Wyong Hospital Campus. It is approximately 8 kilometres from Wyong Town Centre and Wyong Railway Station and is connected by a local bus service which follows the Pacific Highway. The site is in close proximity to Wadalba neighbourhood shopping centre, school, playing fields and some limited medium density development are located to the west in proximity to the subject site. The Wadalba Sports Facility has been recently completed and adjoins Louisiana Road to the west.

The Proposed Development

The proposal is for the development of Housing for Seniors or People with a Disability and includes a broad variety of housing forms - residential care facilities, self-contained dwellings (courtyard houses and traditional single dwellings) and serviced self-contained dwellings (apartments, duplexes). The proposal also offers quality services for the exclusive use of the future residents of the development site. In summary, the development proposes a mixture of housing types as follows:

- Residential care facility - being residential accommodation for seniors or people with a disability that includes;
 - meals and cleaning services;
 - personal and/or nursing care;
 - and appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care.

- Self-contained dwelling - being a dwelling or part of a building where private facilities for significant cooking, sleeping and washing are included but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

The application encompasses the approval of the whole development although it will be constructed in seven stages. The application also includes the Community Titling of the development which will create a community lot comprising all of the roads, open space and public areas.

A plan showing the Masterplan is enclosed with the Development Plans.

The development includes the followings:

A Community Title development - containing Housing for Older People or People with a Disability comprising 527 dwellings and 180 dementia care beds including a mixture of the following housing typologies;

- The development comprises 207 dwellings, 320 apartments and a 180 bed high care dementia hostel.
- The dwellings comprise 203 courtyard homes and 4 detached homes spread over 23 blocks. Of these 20 homes are 3 bed whilst the remaining are 2 bedroom.
- The apartment buildings accommodate 320 units and take three forms, Park Homes, The Kanwal Crescent and The Village Square.
- There are a total 10 Park Home buildings. These buildings are 2 storeys with at grade garaging with a wall height of 2.7m and an overall height to 6.6m from ground floor. Nine buildings contains 6 apartments each whilst one building contains 12 apartments. There are a total of 66 apartments in the Park Homes.
- There are a total 14 buildings in The Crescent. These buildings are 3 storeys above a partial basement level of parking with a wall height of approx.12m and an overall height of 12.5m from ground floor. Each building generally contains 12 apartments. There are a total of 189 apartments in The Crescent buildings.
- There is a total of 4 Village Square buildings. Of these, 3 buildings are 3 storeys high and one building is a 5 storey (attic style) above the basement parking. The wall height of building I being 10.5m/15m (low end/high end), J being 10.5m/16m, K being 11m/12m and L being 13m/15m, an overall height from ground floor of I being 15m, J being 16m, K being 12m and of building L being 19m respectively.
- The ground floors of three buildings contain community facilities. There are a total of 65 apartments in the Village Square.

- Six (6) two storey Dementia Care Hostel buildings are proposed with a total of 180 high care and dementia hostel beds with 24 hour staff for specialist care and personal management.
- The development also includes community facilities for the residents of the development contained within The Village Square, The Oceanica, The Arts and Crafts Studio, The Shed and the servicing and maintenance facilities.
- The Village Square incorporates community facilities including a restaurant, convenience store, art gallery, resident-run bakery/deli, sports bar, book shop/ antique store, sub-newsagent, professional suites, community meeting room, museum and lunar observatory. The Village Square also contains all the back-of-house facilities for the village staff and management, plus kitchens, laundry, storage etc.
- The Oceanica (health and wellness centre) incorporates community recreational and cultural facilities in accordance with the Seniors Living SEPP requirements which incorporates the following uses:

Lower Level – Foyer, library, art and craft studio, painting studio, model building studio, café including kitchen, golf simulator, gym, office, amenities and store areas.

Upper Level – Yoga studio, 4 x massages/treatment rooms, management office, bar, lounge area, card room, storage and balcony.

Outdoor Area - Outdoor swimming pool, spa, sun/pool deck area, outdoor balcony area, car parking and passenger drop off zone, access ramps, service area.

All the major components of the proposed development are distinguished from one another through height, design, façade treatments and landscaping. Each building including Court yard Homes and Park Homes has a separate entrance that is accessed from internal access roads and accessible paths.

The total gross floor areas of the individual components of the development is reflected in the table below:

Village Square	Oceanica	Apartments/ Kanwal Crescent	Dementia Sanctuary	Art & Craft Building	Shed
12673m ²	4015m ² (Internal 2463m ² + External 1552m ²)	28558m ²	10061m ²	80m ²	305m ²

The development provides for perimeter fencing and security access. It incorporates significant landscaping and gardens. The proposal incorporates water sensitive urban design features.

The maximum number of carparking spaces provided on site is 715 (including disabled car spaces) with one space suitable for an ambulance.

It should be noted that the proposed development will be undertaken by demolishing the existing unoccupied dwellings and other structures on the site. There are no heritage grounds to prevent the demolition of any of the structures on the site.

Staging

Stage One of the development is intended to include the north-western corner of the site. Most significantly this stage includes the construction of all of The Oceanica - health and wellness facility and a range of housing options by providing both courtyard dwellings and Park Home apartment types. The first stage will also include the first phase of the dementia sanctuary providing 60 beds.

Stage Two will include the two western most buildings of the Kanwal Crescent West which form the gateway to the site and set the alignment of this central boulevard. Stage 2 also includes the Arts and Crafts facilities, The Shed and the regeneration works within the vicinity of the south-eastern water course and forested areas. The main residential component of Stage 2 comprises the Courtyard houses and Park Home apartments of the central portion of the site.

Stage Three will include the Village Square buildings which form the heart of the site and set the alignment of this central boulevard. The main residential component of Stage 3 comprises the apartments above the Village Square. Stage 3 also includes a further 60 beds of the dementia sanctuary.

Stage Four will include the remaining six buildings of the Kanwal Crescent West which flank this central boulevard from the entry to the Village Square.

Stage Five of the development will include the remaining 60 bed component of the dementia sanctuary. The main residential component of Stage 2 comprises the courtyard houses and Park Home apartments of the north-eastern portion of the site.

Stage Six will include the three north buildings of the Kanwal Crescent East which sets the alignment of this central boulevard. The main residential component of Stage 6 comprises the courtyard houses of the eastern portion of the site.

Stage Seven includes the three southern buildings of the Kanwal Crescent East which form the final portion of this central boulevard.

Conditions are proposed to address the appropriate clearing and benching of the remainder of the site as the development proceeds should Council resolve to approve the development.

VARIATIONS TO POLICIES

Nil

ECOLOGICALLY SUSTAINABLE PRINCIPLES

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

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

The proposal is unlikely to result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments. The *Flora and Fauna Impact Assessment* report has been reviewed by Council's ecologist who advises that a Vegetation Management Plan (VMP) be prepared incorporating the recommendations made in the *Flora and Fauna Impact Assessment*. This matter is proposed to be addressed via a condition on the development consent should Council decide to approve this application.

RELEVANT STATUTORY PROVISIONS - STATE/COUNCIL POLICIES AND PLANS

The Council has assessed the proposal against the relevant provisions of the following environmental planning instruments, plans and policies:

- Wyong Local Environmental Plan (WLEP) 1991;
- SEPP (Housing for Seniors or People with a Disability);
- Environmental Planning and Assessment Act 1979 (EP&A Act);
- Central Coast Regional Strategy;
- Native Vegetation Act 2003;
- Threatened Species Conservation Act 1995;
- SEPP No 55-Remediation of Contaminated Land;
- Development Control Plan 2005 (DCP 2005);

Chapter 81- Retail Centres & Council's Retail Centres Policy (2007);
 Chapter 14-Tree Management;
 Chapter 61- Carparking;
 Chapter 69- Controls for Site Waste Management;
 Chapter 70- Notification of Development Proposals;
 Landscape Policy and Guidelines; and

- Section 94 Contributions Plan No 7 –Gorokan District

ASSESSMENT OF THE PROPOSAL

The proposal has been assessed against the provisions of WLEP 1991 to determine its permissibility. The proposal has also been assessed having regard to planning and design criteria and for the matters for consideration detailed in the SEPP SL and Section 79C of the EP&A Act. Other relevant statutory requirements including Development Control Plans and Policies and Section 149 Certificate details have also been considered. The assessment has identified the following key matters, which are elaborated upon for Council's information. Tables relating to plans or policies are provided in the Compliance Table.

It should however be noted that during the assessment process the applicant has made a number of changes in the key components of the original proposal to address Council's feedback on the original design.

WYONG LEP 1991 - PERMISSIBILITY

Notwithstanding non-compliance with the LEP, the proposed development is permissible on the site by virtue of the provisions of SEPP SL and complies with its objectives. The proposal provides for senior housing which offers a variety of choices for aged accommodation and meets the planning and design criteria.

The subject site adjoins land zoned 2(a) Residential located to the north and a Site Compatibility Certificate for the subject land has been issued by the Director-General of NSW Department of Planning.

The proposed development is classified as Integrated Development in accordance with the provisions of the EP&A Act.

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

The SEPP SL sets out (a) aims of the policy, (b) site related requirements, (c) design principles and (d) development standards that should be followed in order to achieve built form that responds to the characteristics of specific sites. The application has been assessed against all the relevant criteria in the succeeding sections and also shown on *Table of Compliance – State Environmental Planning Policy (Housing for Seniors or People with a Disability)*.

Aims of Policy

- (1) *This Policy aims to encourage the provision of housing (including residential care facilities) that will:*
 - (a) *increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*
 - (b) *make efficient use of existing infrastructure and services; and*
 - (c) *be of good design.*

The proposal is consistent with aim (a), as it will provide a variety of suitable housing options for an increasingly aged population. The proposal will provide a diverse range of residences, designed for independent living and residential care and single room accommodation in the form of a dementia care facility that provides a higher level of care with 24 hour staffing. Furthermore, in addition to the range of lifestyle options provided by the diverse housing typologies, the proposal also provides a range of accommodation that will vary in price, depending primarily on the size of the dwellings. By providing a range of housing types that vary in value, the proposal is able to offer retirement living options to a wider population of future senior residents.

The proposal is consistent with aim (b) as it seeks to make efficient use of existing infrastructure and services. In this regard, the development site is situated within the existing Hospital Precinct of the Wyong. Future residents have access to existing public transport and health services located within Kanwal and Wyong. The site is also serviced by existing water, sewer, electricity and communications infrastructure, with some upgrades being required to these services. In addition to the services located within the surrounding centres, future residents will also have immediate access to a wide range of services and facilities on site. Clause 25 of the SEPP SL relates to location and access to facilities. Specifically, this clause states that residents of proposed seniors living develops must have access to services and facilities within 400m of the site, including retail and commercial services, community services and recreational facilities, and medical services. The proposal provides these facilities onsite which is consistent with the objectives of SEPP SL.

The proposal is consistent with aim (c) of the SEPP SL, which encourages housing to be of good design. The architectural design of the built form of Kanwal Village is unique and of architectural diversity and variety.

Site –related requirement

Location and access to facilities (The site and its Context)

As detailed earlier in the report the location of the subject site is well suited to this form of senior's accommodation with proximity to retail, medical and community facilities. The area is currently transitioning from rural residential to residential and medium residential housing. The site in general and strategic terms is well suited to this form of senior's accommodation.

In addition, services within the Village Square including convenience shops such as a bakery, deli and grocery store, bookshop, sub-newsagent, post office with banking facilities, rooms for the use of medical practitioners will be provided on the subject site.

Bush fire prone land

The land is partly bushfire prone. The Wyong Bushfire Prone Land Map identifies south-eastern corner of the site as Category 1 Bushfire Prone and vegetation in the south western corner of the subject site as Category 2. The site also contains a bushfire prone buffer zone to adjoining mapped Bushfire Prone Vegetation. A Bushfire Protection Assessment prepared by the applicant was submitted with the application. The report concludes that the proposed development and the measures recommended in the report comply with the provisions of *Planning for Bushfire Protection 2006* and therefore the requirements of Section 100B of the *Rural Fires Act 1997*. The report makes recommendations for the implementation of Asset Protection Zones to those buildings that adjoin the potential bushfire hazard and also examined the management requirements of this vegetation, the landscaping in the village as well as access and water supply provisions for fire fighting operations. The report was reviewed by the NSW Rural Fire Service (RFS) who found the report and the proposed measures acceptable subject to conditions. The RFS conditions and Council's conditions requiring a Vegetation Management Plan (VMP) to address the relevant issues will form part of consent conditions should Council decide to approve this development.

Water and sewer

The proposed development will be connected to the Council's reticulated water and sewerage system. Council's Investigation and Design Engineer advises that the development can be serviced for water from existing water mains and for sewer from existing and proposed sewer mains.

Site compatibility

A Site Compatibility Certificate has been issued by Director General of Department of Planning on 15 September 2008. The certificate confirms that the proposed development is compatible with the subject site and its surrounding environment.

Design principles

Neighbourhood amenity and streetscape

The locality is generally characterised by single and one storey buildings. The land to the south whilst rural in character, is identified under Council's Residential Development Strategy as future residential land. This is likely to be characterised by low to multiple dwelling densities with building heights up to two storeys. A development consent for the use and development of land to the north fronting the subject site across Pacific Highway has been issued for generally a single storey residential aged care facility.

The proposal provides for a development of varied height ranging from single storey courtyard homes along Pacific Highway and covering most of the site area, a double storey in the middle and a three storey apartment development to the further south focused around the Village Square and highest of the four Village Square buildings being a five storey structure.

The gradual progression in building height from Pacific Highway to Wahroonga Road allows for a satisfactory transition to the southern boundary. The Village Square has also been provided with a minimum setback of 15m from Wahroonga Road which is considered reasonable. Generous setbacks for The Crescent have been provided from Wahroonga Road along with vegetation buffer to minimise the impact of development on the adjoining southern properties and their future development.

At the corner of Pacific Highway and Louisiana Road the development proposes The Oceanica building which is a two storey signature building with architectural merit. It makes a statement as a strong corner building addressing both roads. The façade treatments and design elements create visual interest overall. The building provides sense of address to the site.

Among the other structures proposed are the Dementia Sanctuary (two storey) and Art and Craft Studio, maintenance shed, Men's shed and waste transfer station (single storey). These structures are unlikely to have any negative impacts on the adjoining properties. However location of men's shed and its associated access way and parking; and waste transfer station in the wooded areas in the south east and south west portions is likely to have negative impact on these environmentally sensitive portions. It is proposed to address the relocation of these facilities via a consent condition should Council decide to approve this development.

To support the proposed form and height of buildings, the applicant has provided a visual assessment analysis accompanied by sectional diagrams and perspectives which are satisfactory.

In summary the proposed development responds to the site context and the existing and desired future character of the broader area. The proposed buildings contribute to the quality and identity of the area through choice of style, details and materials. The buildings' form and siting relate to the site's land form. They also provide a low scale single and two storey built form which provides a setting for the higher buildings around the Village Square and Crescent and provide an appropriate scale relationship with the surrounding development. Adequate building setbacks have been provided to reduce bulk and overshadowing. The proposal has retained significant trees on site by locating them prior to planning the development to minimize losses.

Visual and acoustic privacy

Visual and acoustic privacy has been considered both between the proposed development and its neighbours and within the development itself. This has been achieved through a combination of setbacks, planting, screening and building design which offsets windows and separates private open space areas. It is considered that the location of gardens, access roads, bedrooms, administration buildings and the like would enable satisfactory visual and acoustic privacy.

Solar access and design for climate

Standard 50(c) of SEPP SL recommends that living rooms and private open spaces for at least 70% of the dwellings in a development should receive a minimum of three (3) hours direct sunlight between 9 am and 3 pm in mid winter.

The proposal contains single, double and multi-storey components. Single storey residential development has a lot coverage ranging between 37% to 55% and the average site coverage being around 48%. The remaining part of the lot predominately used as a secluded private open space. The double storey and multi-storey buildings have been provided with balconies with a minimum area of 10.5m² and oriented in a manner to maximise solar access. The design response to the site provided by the applicant indicates that the development in general, and specifically the two and multi-storey component, is north-south oriented including north facing windows which allow adequate solar access to habitable rooms. The design of the buildings along with the location of the gardens and landscaping proposed permits sufficient solar access into the development. The proposal achieves adequate solar access for habitable buildings through site planning, building orientation and form.

The applicant has provided shadow diagrams for single storey, double storey and multi-storey components of the proposed development which demonstrate that the living rooms and private open spaces of the development including multi-storey component will get adequate direct sunlight between 9am and 3pm in mid winter.

A completed BASIX certificate has also been submitted with the application in accordance with SEPP (Building Sustainability Index: BASIX) 2004. The certificate meets the required targets for energy efficiency and reduction in potable water demand.

Given the generous boundary setbacks there will be no overshadowing of adjoining properties. It is therefore considered that the proposal satisfies the objectives in terms of maintaining solar access.

Stormwater

The proposal utilizes Water Sensitive Urban Design practices including on-site absorption and detention and the rehabilitation and maintenance of the water courses and riparian zones to ensure a zero gain water balance. The applicant has provided a *Storm Drainage and Water Quality Management Report*. The report was also assessed against Council's relevant policies and guidelines such as *Draft DCP 97 – Water Sensitive Urban Design, Water Sensitive Urban Design – Technical Design Guideline No. 1: Development Application Guide, DCP 67, Flood Prone Land Development* and found satisfactory. The report was also assessed by the Department of Water and Energy (DWE) who advises that the arrangements proposed for storm drainage and water quality management are satisfactory subject to conditions. These conditions will form part of the consent should Council decide to approve the development.

Crime prevention

The proposal provides for high levels of passive surveillance through design and siting of the buildings and the encouragement of a pedestrian based community with high levels of activity and use.

Accessibility

The road and pedestrian networks proposed will allow the development site to maintain an acceptable level of interconnection with surrounding areas and its integration with the wider community. Council is seeking an improvement to the current design to enable a more legible route for pedestrians and cyclists running from the southwest to northeast corner of the site. This matter could be addressed via a consent condition should Council decide to grant approval to this development.

Otherwise the development is considered to be accessible throughout in terms of paths and pedestrian ways. Pathways are provided to each of the nodes including the Oceanica, Village Square and central park. These pathways and the moderate topography of the site permit safe and easy pedestrian access. .

Waste management

Recycling facilities will be provided throughout the development and centralized facilities for their gathering and collection will also be provided throughout the development. The development will be managed as a single entity and have its own internal collection service to a central waste transfer station. Waste collection from the development will either be through Council or private contractor. The applicant has submitted a *Waste Management Plan*.

The Waste Management Plan has been assessed against the objectives and requirements of Council's DCP 69 - *Controls for Site Waste Management Plan* and found to be satisfactory subject to conditions. These conditions form part of the consent should Council wish to grant approval.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

THE PROVISIONS OF RELEVANT INSTRUMENTS/PLANS/ POLICIES (S79c(1)(A)(I-IV):

Having regard for the matters for consideration detailed in Section 79C of the EP&A Act and other statutory requirements, Council's policies and Section 149 Certificate details, the assessment has identified the following key issues, which are elaborated upon for Council's information. Any tables relating to plans or policies are provided in the Compliance Table.

THE LIKELY IMPACTS OF THE DEVELOPMENT (s79C(1)(b)):

The relationship to the regional and local context and setting.

The proposed development provides for a range of accommodation for seniors including a variety of facilities and incorporates adequate setbacks from both the Pacific Highway, Wahroonga Road and Louisiana Road. The area is currently transitioning from rural residential to residential and medium residential housing as discussed in the preceding SEPP SL sections of this report.

The access, transport and traffic management measures.

Integration and Connectivity

External

The Overall Development Plan provides for the integration of the proposed development and its connectivity with adjoining areas through road and pedestrian networks. The main access is provided from Louisiana Road and two access points have been provided on Wahroonga Road. A gated emergency access has also been proposed from Pacific Highway in the north-east section of the subject site. A loading and unloading bay has been provided for The Oceanica on Louisiana Road approximately 140m away from Pacific Highway and Louisiana Road.

The applicant has provided a Traffic Impact Assessment report. The report has been reviewed by RTA and Council's senior traffic and development engineers who advise that the proposed development is acceptable subject to conditions. Among other things, these conditions relate to deletion of the proposed:

- gated emergency access onto the Pacific Highway,
- loading and unloading bay and any vehicle access for the Oceanica from Louisiana Road,
- direct vehicular access to the proposed waste transfer station from Wahroonga Road;
- vehicle access to the Men's Shed (located in the south east corner).

A kerb and guttering, drainage and a 2.5m shared path will be required for the entire frontage of Louisiana Road and Wahroonga Road. Half road construction of minimum 6m wide will also be required for the frontages of Louisiana Road and Wahroonga Road. The 2.5m shared path in Wahroonga Road is to extend past the proposed development site frontage to Pearce Road. It is considered that generally the road and pedestrian networks proposed will allow the development site to maintain an acceptable level of interconnection with surrounding areas and its integration with the wider community.

The intersection of the Pacific Highway and Louisiana Road is to be upgraded to a suitable traffic signal configuration. This is to be approved by the RTA and post consent, a formal agreement is to be entered into with the RTA for design and construction approval.

The intersection upgrading works are required to be completed prior to the occupation of Stage 1 of the proposed development. A similar requirement to construct this intersection will also be placed on the development of land on the northern side of the highway. Whichever development proceeds first will need to do this work and Council staff are facilitating discussions between all parties to ensure that the works are appropriately co-ordinated.

The intersection upgrading works are included in the contributions plan for the area. This contribution plan is currently being revised and needs to be adopted by Council prior to the end of the year. The contribution plan identifies that the RTA need to contribute to the intersection works on the basis of the existing through traffic at the intersection. To date, Council staff have been unsuccessful in gaining any formal agreement or recognition from the RTA that it would contribute to these works. The current estimated value of this intersection is approximately \$3.5m with the RTA proposed to contribute around \$740,000 and the balance to be funded by the Section 94 Contributions plan. It should be noted that this estimate is based on a concept design and RTA's contribution will be reviewed once the final scope of works has been agreed to by Council, the developer and the RTA at which point the RTA's contribution is likely to increase.

It is worth noting that the State Government has nominated a Special Infrastructure Contribution (SIC) to be levied on development in this area which will ultimately collect \$1.87million for the upgrading of the Pacific Highway.

It is recommended that Council resolve to make further representations to the RTA seeking formal recognition of the RTA's responsibilities to contribute to the funding of these intersection works.

Internal

Council's senior traffic engineer and development engineer have also assessed the internal road network. With amendment the current design can accommodate the requirements of the Australian Standard AS2890.1 and will be conditioned accordingly.

The plans will also be revised by conditions to provide for a direct pedestrian link from the north western part of the development site to Pacific Highway leading to the bus stops and other public amenities.

These matters could be conditioned and form part of the consent should Council wish to approve this development.

Loading Bay Areas

Loading bays at the Sanctuary are not sufficient to cater for medium rigid vehicles. These will need to be adjusted and will be conditioned. The loading bays for the Village Square and Oceanica will also be conditioned accordingly.

Carparking

Carparking is proposed in various locations within the proposed buildings and around internal roads. Courtyard dwellings and Park homes are provided with garages at the ground level whilst the Village Square and The Crescent (apartments) have been provided mostly with basement carparking. The development requires a total of 633 on car spaces in accordance with the requirements of the SEPP SL. This also includes provision of disabled car spaces. The proposal provides 615 off-street parking spaces and a further of 110 on-street car spaces subject to detailed design at construction stage.

In summary, the parking provided by the development can accommodate the needs of the village without any adverse affect on the amenity of the surrounding road network.

The resident parking is generally provided in close proximity of all units and apartment buildings. It is considered that the proposed parking provision in terms of numbers and their distribution is considered generally satisfactory. However details of parking including basement carparking and access ways have not been provided. Full details of including entry grades and dimensions, control points, parking and aisle sizes are required to ensure compliance with AS2890.1. Provisions are to be made for scooter and bicycle parking. These matters could be addressed via consent conditions should Council decide to grant approval to this development.

The impact on utilities supply.

Water supply and sewerage

The proposed development will be connected to the Council's reticulated water and sewerage system. Council's Investigation and Design Engineer advises that the development can be serviced for water from existing water mains and for sewer from existing and proposed sewer mains.

Contaminated land

The site is a cleared pastoral land supporting grass and scattered timber within some areas. An area of dense bushland is located in the south eastern corner of the site. The site has been used for grazing and is not considered potentially contaminating activities under Table 1 of the *Managing Land Contamination Planning Guidelines* which accompanies SEPP 55. However a *Soil Conditions Report* has been prepared. The report concludes that soil conditions at the subject site are largely undisturbed "Gorokan" soil landscape and there is no obvious deep disturbance. The report also states that there are no soil or water salinity issues.

Under Clause 7 of SEPP 55 Council must consider a report specifying the findings of a preliminary investigation of the land concerned and may request a detailed investigation if it considers the findings of the preliminary investigation warrant such an investigation.

The report was assessed by Council staff who raise no objection to the recommendations to the report.

Acid Sulphate Soils (ASS)

An ASS assessment was carried out by the applicant and has been assessed by Council staff. The report concludes that there are no ASS issues on the site. A report on Preliminary Geotechnical Investigation was also carried out by the applicant referring to the Wyong ASS Risk Map concludes that there are no known occurrence of acid sulphate soils at the site. The Wyong ASS Risk Map indicates that most of the site was within an area where there were no known ASS. The report has been amended by staff and found satisfactory. It is, therefore, considered that there is no need to prepare an ASS Management Plan.

Any effect on the flora and fauna.

Endangered Ecological Community – Vegetation Communities

The *Flora and Fauna Impact Assessment Report* prepared by the applicant has been assessed by Council staff. The report states that no Endangered Ecological Communities (EECs) were identified as occurring on the subject site, primarily due to the mix of plans, lack of alluvial soil landscape and distance from (and lack of connectivity with) the coastal floodplain. The assessment concluded that the proposed development will not result in further degradation of the condition of this EEC.

During the assessment process the applicant has amended the plans in order to retain all of the high quality Paperbark Forest that has a dense canopy and native understorey. Furthermore, the Catchment Management Authority (CMA) and DWE have indicated that they will require the preparation and implementation of a VMP for the riparian zones, the objective of which being to restore and retain natural processes in these areas. The selective management of asset protection zones may also enable additional retention of paperbarks.

This requirement is included in the proposed development conditions.

The Assessment of Significance concluded that the proposed development is unlikely to have an adverse effect on the ecological community.

Threatened Flora and Fauna Species

Council staff who assessed the *Flora and Fauna Impact Assessment Report* concurs with the conclusion of an Assessment of Significance that the proposed works are unlikely to result in a significant impact on any threatened species. The assessment provides recommendations to mitigate the impacts of the development on flora and fauna. The addendum providing addressing the ecological considerations further recommended that management of asset protection zones be timed in order to minimise the impact on ground orchids. Accordingly, a condition could be added to the consent granted be that a Vegetation Management Plan (VMP) be prepared that incorporates the recommendations made in the Flora and Fauna Impact Assessment and addendum should Council decide to approve this application.

Hollow-bearing Trees

The Arborist's Report identified ten hollow-bearing trees in the cleared farming land on the western portion of the site. Four of the ten hollow bearing trees will be removed as part of the proposed development, with the remainder to be incorporated into the landscaping on the site. The *Flora and Fauna Assessment* and addendum concluded that the loss of these hollow-bearing trees will not impose a significant adverse impact on any of the threatened species that have the potential to use them on the site. The report has been assessed by Council staff who recommends that the VMP details the fauna protection protocol, number, type and location of nest-boxes to be installed on the site, as well as a monitoring program. This matter could be addressed via a condition on the development consent should Council decide to approve this application.

Riparian zone management

Council staff who reviewed the *Flora and Fauna Assessment Report and Riparian Zone and Stormwater Management Report* advises that the retention of the large stand of Paperbark Forest provides a large vegetated buffer to the watercourse. The 30 metre inner protection area between the buildings and the vegetated buffer will retain some vegetation and provide some hydrological services. A bio-retention basin will also be constructed in the APZ, which will complement the vegetated buffer.

The final masterplan for the riparian zone management has been developed following extensive negotiations between the consulting Ecologist, DWE, CMA, Council and the applicant. Council staff who assessed, the riparian zone management advises that a VMP should be prepared and implemented with plantings of local provenance material.

It should however be noted that the final version of the Stormwater Layout Plan forming part of the report prepared by the applicant and considered by DWE for assessment does not show any shed, carpark, waste transfer station and pedestrian path located within the vegetated buffer. The Stormwater Layout Plan also shows a 20m wide core riparian zone located in the north-east corner and not shown on the latest version of master plan. Accordingly, the master plan is required to be amended. This matter could be addressed via a consent condition should Council decides to approve this development.

The provision of waste facilities.

It is considered that the waste will be adequately disposed of, and recycled, both during construction and when the facility is operating. The applicant has submitted a Waste Management Plan prepared by the applicant. *The Waste Management Plan* has been assessed against the objectives and requirements of Council's DCP 69 - *Controls for Site Waste Management Plan* by Council's waste management officer and trade waste supervisor who found the report satisfactory subject to conditions. These conditions will form part of the consent should Council decide to grant approval.

Any risks from natural hazards (flooding, tidal inundation, bushfire, subsidence, slip etc).

Stormwater Management

The northern eastern portion of the site is identified as being partly flood affected as it is below the 1 in 100 year flood line. No major part of the proposed development will be built on this portion of the site and the area will be developed for two retention basins and a community garden. A *Storm Drainage and Water Quality Management Report* prepared by the applicant addressing flooding matters has been submitted as part of this application. The report was assessed by Council who advise that the arrangement proposed for storm drainage and water quality management are satisfactory subject to conditions. These conditions will form part of consent should Council decides to approve this development.

Council staff does not support the clearing of the Paperbark Forest on the eastern boundary to create the overflow to the creek. It is therefore recommended that in the south-eastern corner of the site the basin overflow be rock lined and only extend to the outer edge of the Asset Protection Zone. This recommendation will form of the consent should Council decide to approve this application.

Bushfire Protection

The proposal incorporates bushfire risk and mitigation measures as recommended in the report prepared by the applicant. These measures have been considered satisfactory by the RFS subject to conditions. These conditions will form part of consent should Council decide to approve this development.

Mine Subsidence

The subject site is located within the Swansea North Entrance Mine Subsidence District. The application was referred to Mine Subsidence Board who advise that the development is acceptable subject to conditions. These conditions will form part of consent should Council decide to approve this development.

*Whether the development provides **safety, security and crime prevention**.*

The proposed development provides adequate passive surveillance within and surrounding the facility, particularly with the presence of staff 24 hours a day, seven days a week. The following measures will ensure safety and security is maximised and that crime is minimised:

- natural surveillance of the perimeter of the site by residents and staff;
- well located lighting and creation of clear sightlines around the building and the site in general;
- well defined access and entry into the development and building;
- employment of a caretaker to ensure general cleanliness and maintenance of the site and rapid repair of damage; and
- landscaping and pathways to clearly delineate the areas available to the residents along with distinguished courtyards associated with the individual buildings;

In addition to the above, there will be perimeter security fencing and only one access to the site which will ensure security for the residents.

Any social/economic impact in the locality.

The proposal will provide for a greater housing mix for a rapidly ageing portion of the population which is expected to increase substantially over the next 25 years on the Central Coast. A specific housing need will be serviced and self care housing for seniors or people with a disability.

The overall market for the project will be aged 55 and above, with average ages in the 70-74 range. Household types are likely to include single as well as couple households, and the project will target middle income earners.

To sum up, the proposed development will provide a variety of seniors housing and there will be an opportunity in the future for residents to fill a vacancy in the residential care facility.

Any impacts of construction activities (construction site management, protection measures).

The construction of the proposed development will create noise. However, the consent will be conditioned to comply with the EPA noise guidelines.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT (s79C(1)(c)):

Whether the proposal fits in the locality.

The location of the proposed residential care facility is considered satisfactory having regard for the future planning of the area and consideration of already approved development in the area. The subject site is located within close proximity to Wyong hospital and two medical centres (one approved and one existing) and is located in an area that will have other developments that are classified under the SEPP SL.

Whether the site attributes are conducive to development.

The proposed development will be located outside the bushfire prone and flood affected areas of the site and adequate Asset Protection Zones (APZ) have been incorporated into the design of the site to appropriately manage and provide adequate setback to the risk.

ANY SUBMISSION MADE IN ACCORDANCE WITH THIS ACT OR REGULATIONS (s79C(1)(d)):

Any submission from the public.

The application was notified for a period of two weeks in accordance with DCP 2005 Chapter 70 – Notification of Development Applications. Three submissions were received by Council. The matters raised in these submissions have been addressed in the assessment of the application and do not warrant further modification or refusal of the application. A summary of the matters raised in the submissions is detailed in the Submissions Table.

Any submission from public authorities.

NSW Rural Fire Service

The proposed residential care facility is classified as Special Fire Protection Purpose development and was referred to the (RFS) for their concurrence under Section 91 of the EP&A Act 1979.

RFS issued their General Terms of Approval on 29 October 2008 subject to conditions of consent relating to asset protection zones, landscaping, the provision of water and location of utilities, access, design and construction, evacuation and emergency management.

Mine subsidence board

The residential care facility is proposed in a mines subsidence district and was therefore referred to the Mines Subsidence Board in accordance with Section 91 of the EP&A Act 1979. The Board granted their approval on 30 October 2008 subject to a condition of consent requiring the submission of final drawings to the Board, certified by a qualified structural engineer, prior to commencement of construction.

Road Traffic Authority

The proposed development was referred to the RTA as it fronts the Pacific Highway. It was also reviewed by the Regional Development Committee who raise no objection to the proposal subject to conditions of consent relating to intersection treatment on the corner of Pacific Highway and Louisiana Road, emergency access, fencing, footpath and delivery of goods.

Department of Water and Energy

As the subject site partly forms part of a riparian zone therefore the application was referred to the Department of Water and Energy in accordance with Section 91 of the EP&A Act 1979. The DWE issued their General Terms of Approval on 8 May 2009 subject to conditions of consent relating to drainage and stormwater, erosion control, rehabilitation and maintenance of vegetation and access ways.

THE PUBLIC INTEREST (s79C(1)(e)):

Any Federal, State and Local Government interests and community interests.

Central Coast Regional Strategy

The Central Coast Regional Strategy was released on 26 June 2008. The strategy allows population increase with associated increases in housing and employment provision. The subject site is located within one of the identified major corridors between Wyong and Wadalba and the nature of the proposed development is considered to provide the additional community and health care facilities envisaged under the strategy and will not prejudice the objectives of the strategy having regard for housing supply, centres development and Greenfield development.

Native Vegetation Act 2003

A Property Management Plan (PVP) has not been provided in accordance with the requirements of this Act. The applicant is currently negotiating with CMA. It is noted that the CMA have prepared a draft PVP for the site. The PVP also requires the preparation of a VMP, so the applicant should be able to prepare the one document to satisfy Council's, DWE's and the CMAs requirements. This matter could be addressed via a consent condition should Council decides to approve this development.

Heritage Act 1977

The Heritage Act 1977 provides for the protection of items of local, regional and State heritage significance. It contains a list of State Heritage Items and outlines processes for assessment of development which may impact items of heritage significance. The subject site is not located within a conservation area, nor have any of the existing buildings on the site been identified as heritage items under any statutory instrument. The applicant has provided an Heritage Assessment report for the subject site. The report found the existing dwellings, outbuildings and structures to have no significant heritage value.

Indigenous Heritage

A report has been prepared on behalf of the applicant for the Aboriginal Heritage Impact Assessment of the subject site.

The report found that there are no known Aboriginal relics/artefactual evidence within the site. No archaeological sites were found during the survey. The report concludes that considering the long term agricultural activities within the study area and the extent of continual underscrubbing with the remnant woodland, it would be considered that any archaeology that may have been present prior to European disturbance to the land, had either been repeatedly churned through ploughing or removed by hand.

The study, however, notes that although two areas of lower disturbance was present within the study area, and the majority of mature trees had been removed, only one tree on Lot 21 DP549819 was found to contain scars that are considered to be a result of natural causes. However, the Darkinjung LALC has, since the survey, considered that one of the scars on the tree on Lot 21 may be of Aboriginal origin and the applicant has confirmed that this tree will be retained and will be conditioned accordingly.

The report concludes that the study area holds no scientific significance, however the Aboriginal community consider that the land and its environment generally are culturally significant to them. This belief and comments regarding the recommendations and content of this report are to be expressed by the Darkinjung LALC and the Guringai TLAC who were consulted and participated in this study. The report makes recommendations to address the concerns of Darkinjung LALC and the Guringai TLAC. These recommendations have been found satisfactory by Darkinjung LALC and the Guringai TLAC and will form part of the consent should Council decides to approve this development.

Development Control Plan 2005

Chapter 81- Retail Centres & Council's Retail Centres Policy (2007).

In addition to the residential component the development also provides for quality services and facilities located in Village Square and Oeanica. The mix of land non-retail uses within the Oceanica such as gym, swimming pool, café, bar and yoga, spa, and massage area. The uses proposed in the Village Square include a restaurant, café, deli, bar, sub-newsagency, post office, convenience store, museum. These facilities are for the exclusive use of the future residents of the development and are considered ancillary.

The applicant has also submitted an *Economic Effects* report prepared as part of this application. Council's staff reviewed this report and the proposed development against Council's Retail Strategy and DCP 81- Retail Centres. It was found that the proposal complies with both Council's Retail Strategy and DCP 81 and unlikely to impact on existing or proposed shopping centres within the surrounding locality.

Chapter 14-Tree Management

Council's Arborist and Landscape Assessment Officer has reviewed the proposal and is satisfied with the tree retention, subject to tree protection measures forming a condition of any consent granted. The development consent will carry such a condition should Council decides to approve this application.

Landscape Policy and Guidelines - Landscape Policy No L1

- The proposal is defined as Category 3 development under Council's Landscape Policy and as such, a landscape plan from an approved consultant has been submitted. The Landscape Design has retained several areas of existing native vegetation, incorporated seven of the nine hollow-bearing trees and has given preference to the use of species that are native to the vegetation communities on the site, in accordance with Council's Landscape Policy.

The Report has not given details in relation to several of the design issues listed in Council's Landscape Policy, including weed suppression techniques, a maintenance schedule and environmental protection measures (e.g. how will the existing vegetation that is to be retained and the stream be protected during the landscape construction process). This matter can be addressed via a condition requiring an amended Landscape Report be provided to Council that includes these details should Council decides to grant approval to this application.

SUSTAINABILITY PRINCIPLES

Social Environment

The proposal offers a range of accommodation rapidly ageing population in the region. The proposal includes the establishment and enhancement of the local open space network with improved pedestrian and cycleway links to the surrounding development. The development will also provide the capacity to provide a bus service through the development connecting existing and future communities to the Wyong Town Centre providing positive social benefits.

Economic Environment

The proposed development creates the opportunity for economic contributions at various levels of the economy both within the short-term during construction and in the longer term with the employment demands for staff working within the development and for broader services provided within the community for the future population.

OTHER MATTERS FOR CONSIDERATION

Contributions

Section 94 Contributions are applicable in accordance with Section 94 Contributions Plan No 7 –Gorokan District. Contributions were calculated on the basis of 522 dwellings, 180 beds in Dementia complex, 5025sqm Commercial floor space and 21.31 hectares Net Developable Area (NDA).

CONCLUSION

In summary, the development provides for a mixture of housing types for Seniors or People with a Disability and contains residential care facilities, self-contained dwellings and serviced self-contained dwellings. The overall development plan for the proposed development utilizes the natural landform of the site to create the proposed urban form, with existing trees and hills to the south of the site providing a natural backdrop to the Village Square.

The layout and design matrix incorporates three components: walkability, amenity and liveability and to enhance the amenity of the complex and to minimise noise impacts arising from the heavily traffic on Pacific Highway single storey residential buildings with mounding and sound walls are proposed in the front portion abutting Pacific Highway whilst multi-storey residential building will be located at the rear portion of the subject site. The Oceanica is a signature building located at the intersection of the Pacific Highway and Louisiana Road also blocks the acoustic impacts from this very busy intersection.

The proposal generally complies with the requirements of SEPP SL and EP & A Act, the objectives of WLEP 1991 and the requirements of the relevant chapters of DCP 2005. The issues being raised as part of this assessment could be addressed via conditions of the development consent. Therefore the proposed seniors housing and residential care facility, as defined under SEPP SL is recommended for approval.

Attachment 1 - Key Components Of The Development

The Oceanica

The Oceanica is a health and wellness facility located on the north-western edge of the site and addressing the Pacific Highway and having interface with the Wadalba Sports Facilities on Louisiana Road. The facilities at the Oceanica will be available only to the future residents of the proposed development and their guests.

The Oceanica is a two storey building and adopts a serpentine form to create two outdoor spaces and to form an acoustic barrier between the traffic noise of Pacific Highway and Louisiana Road intersection. This location is the noisiest on the site and the elongated two storey building form provides a street presence to the development on Pacific Highway while not exposing any residential development to the attendant acoustic stress caused by the traffic on the road. It is also of note that the word Kanwal is an Indigenous word which means "land of many snakes" and the serpentine form of this important community building invokes this meaning and respects the indigenous character of the area.

The building with an area of approximately 4015m² also contains parking and servicing facilities. The building provides for an active outdoor area including swimming pool, gym and yoga areas on the north-western side and a quiet contemplative landscaped courtyard on the south-eastern side which is the focus of the passive recreation facilities in the form of café, lounge, card room and the like. The cafe and bar area forms the hub of the building which integrates active and passive participants. The purpose of the building is to bring together participants in both active and passive pursuits to encourage participation and interaction.

The proposed café and bar on ground floor level will have a seating capacity of 132 for patrons. The restaurant café and bar will be part of the overall catering operation of the development and is not intended to be sub-let or form part of a separate cost centre.

The Oceanica complex is one of the three attractions that have been sited to encourage residents to walk around the site. It is located approximately 300m from the Village Square and 400m from the Community Gardens. These three facilities are located so that every resident in the development is within a 5 -10 minute walk of three separate destinations and likely to promote walking and active living.

The Oceanica will be constructed with a variety of external colours and materials including the northern end section of Oceanica that cantilevers over the perimeter wall being off-form concrete with a slight tint in the finishes to make it grey-green. A darker accent colour could be used on the inset patterned window wall. The general precast walling panels could be a dusty off-white. The southern end of the building adjoining the business lounge would be painted to match the colour of the northern off-form tip of the building. The glazing in this area could be a series of soft complimentary coloured translucent glass. The gently curved eastern wall is proposed as a tinted solar glass skin. The long eastern face of the building is made up of precast panels and these could generally be a dusty off white with green/bronze finish to the detailed metal infills that make up the window wall slots.

The Village Square

The Village Square is located at a distance from the Pacific Highway and is considered to be fairly central to the proposed development. The Village Square comprises four buildings around a central square all oriented to the north with a total floor area of 12673m². The buildings are shown on the plans as I, J, K and L.

- Building I contains a cafe (60sq.m), library (220sq.m) and dining room (220sq.m).
- Building J contains a restaurant (120 sq.m), sub-newsagent (45sq.m), post office (60sq.m.) and professional suites (80sq.m)
- Building K contains units only.
- Building L contains offices (160sq.m), bar (50sq.m), museum/art gallery (130sq.m), crafts gallery (40sq.m), convenience store (60sq.m).

The three Village Square buildings are three storeys high and one is five storeys high from the natural ground level with basement parking. The applicant has advised that the maximum height of the upper level of basement parking for all the four buildings will be at the natural ground level. Buildings I, J and K each having a part top level which is generally limited to less than 20% of the footprint of each building. However, building L is four storeys when viewed from Wahroonga Road and has an attic style fifth storey component facing the internal development.

The Village Square is located on the highest part of the site so that the public space enjoys the best views. It is the centre of the development and is easily identifiable. The Village Square comprises a piazza with a landscaped open space beyond. It is flanked on both sides by the Kanwal Crescent West and Kanwal Crescent East.

The services and facilities are contained on the ground level and serviced residential accommodation is provided on the levels above. Building I has a part upper level which accommodates a community facilities in the form of the library and the dining room plus lunar observatory. The ground floor facilities and services include a restaurant, café, deli and bar which are all served by common kitchen facilities. The facilities are meant to serve the ambulatory residents in a piazza setting whilst also providing meals and service to the less mobile in their rooms and apartments on the levels above. The professional suites, sub-newsagency, post office, convenience store, museum and the like are all convenience facilities usually contained within communal areas.

All Village Square buildings are finished in bagged and painted brickwork with stone bases to the walls and large areas of north facing glazing and private balconies overlooking the communal piazza areas.

The Kanwal Crescent

The Kanwal Crescent comprises fourteen (14) buildings respectively flanking the main entry road leading to the Village Square. These buildings are shown on the plans as A, B, C, D, E, F, G and H and M, N, O, P, Q and R. Serviced residential accommodation is provided on all levels in the Kanwal Crescent buildings with basement car parking facilities. The applicant advises that the upper level of basement parking for all Crescent buildings will be less than 1.2m high from the natural ground level. Lift access is provided in each building from the basement through to the uppermost level to make the Kanwal Crescent fully accessible and to allow for services and care to be vertically integrated within the building.

The buildings evoke low sculptural forms oriented to the north-east. The buildings are three storeys high with basement parking. All buildings are finished in bagged and painted brickwork with stone bases to the walls and large areas of north facing glazing and private balconies overlooking the landscaped garden areas.

Dementia Sanctuary

The Dementia Sanctuary provides a range of higher care services within the development within a secure and enabling environment. It is located along the eastern boundary within less than 300m of the Village Square and fronts the watercourse and the wooded area behind. It is a complex of two storey buildings with a linear link. However, each building operates as an independent module with two levels each providing 15 rooms arranged around a communal living area and service core. Staff and service facilities are provided between modules and regulate access and security to the complex. The development contains secure outdoor areas and lifts are provided to service the upper levels.

Independent Living Dwellings

A total of 207 independent living dwellings comprising 203 single storey courtyard homes and 4 detached homes are proposed. These homes will be fronting one-way access roads. The allotments range from 218m² to 497m² with a site coverage ranging between 37% to 55% and the average site coverage being around 48%. A further 66 dwellings are contained within 10 two storey Park Home buildings. Park Home buildings are of four types known as Type 1 to Type 4.

The independent living dwellings are also of varied (17) designs known as A through to M and proposed on 23 separate street blocks. These blocks are known as 1 through to 23 and contain a variety of dwellings of a similar form. However, each block within contains dwellings of varied designs and each design using a variety of building materials and colours including face brick, glazed brick, timber and aluminium which provide a variety of development of independent living dwellings. The palette of materials and colours proposed for Park Homes is to act as the intermediary buildings between the smaller courtyard homes and the larger Crescent apartment buildings. The selection of warm neutral base tones, highlighted with hits of colour and texture. The provision of screen elements adds comfort to private rooms and a layer of detail to the façade.

Each block is proposed to be subdivided as a community title development lot without any further subdivision into individual lots.

Art and Craft Building

This building provides a venue for residents of the development where arts and crafts can be practiced and taught primarily by female residents. It is centrally located on the southern side of the retention basin to make it easily accessible from all sides.

The Shed and Other Structures

The Shed is located on the south eastern portion and provides a venue for all residents, mainly for male members, of the development where wood working and metal work can be practiced and taught. This community facility is targeted at male residents where they can work on projects together, share their skills and equipments. A Waste Transfer Station is proposed along Wahroonga Road and a maintenance shed is proposed along the eastern boundary located to the east of Community Garden.

Attachment 2 - Table of Compliance – State Environmental Planning Policy (Housing for Seniors or People with a Disability)

Control	Comment	Compliance?
CI 4 – Does Policy Apply	Yes. The subject site adjoins land zoned 2(a) – primarily for residential purposes.	Complies
CI 8 -13 Definition of housing type	The development proposes Clause 10 - Seniors Housing; and CI 11 – Residential care facility	Complies
CI 14 Objective - To create opportunities for the development of housing for seniors who are independent, mobile and active as well as those who are frail and/or has a disability regardless of their age.	The development provides for a range of accommodation from self contained courtyard houses (for relatively more active seniors), to serviced self care apartments (relatively less active seniors) and high care dementia facilities.	Complies
CI 18 – Restriction on occupation to seniors or people who have a disability.	Condition of consent and 88B restriction	Complies
Clause 22 – Heritage Items.	The site is not listed as a site of cultural/heritage significance and no items of local Heritage significance has been found on the site.	Complies
CI 24 – Site Compatibility Certificate An application for the development of seniors housing and aged care facility on land that adjoins land zoned primarily for urban purposes must comply with the requirement of a compatibility certificate.	A Site Compatibility Certificate has been issued by Director General of Department of Planning on 15 September 2008. The certificate confirms that the proposed development is compatible with the subject site and its surrounding environment. Adequate services are available The proposed development will be consistent with surrounding future development.	Complies

Control	Comment	Compliance?
<p>CI 25 - Considerations for issuing a Site Compatibility Certificate (SCC).</p> <p>The Director General of Department of Planning must consider the followings before issuing a SCC:</p> <ul style="list-style-type: none"> - Written comments of the relevant Council - Compatibility of the proposed development in terms of <ul style="list-style-type: none"> • Natural environment, the existing uses of the site and approved uses of land in the vicinity of the proposed development; • Likely impacts of the proposed development on the uses; • Services and infrastructure that are or will be available for the development; • The impacts of that the bulk, scale, built form and character of the proposed development is likely to have on the existing and future uses in the vicinity of the proposed development. 	<p>It is considered that at the time of issuing the Site Compatibility Certificate the Director General might have considered these matters including the bulk, scale, built form and character of the proposed development and their impact on the site and its surrounding and had found them satisfactory.</p> <p>It is considered that the proposed development responds to the site context and the existing and desired future character of the broader area.</p>	<p>Complies</p>

Control	Comment	Compliance?
<p>CI 26 - Location and Access to facilities</p> <p><i>The residents of the proposed development must have convenient access (not located at a distance of more than 400 metres from the site) to:</i></p> <p><i>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</i></p> <p><i>(b) community services and recreation facilities, and</i></p> <p><i>(c) the practice of a general medical practitioner.</i></p>	<p>Services within the Village Square including convenience shops such as a bakery, deli and grocery store, bookshop, sub-newsagent, post office with banking facilities, rooms for the use of medical practitioners will be provided on the subject site.</p> <p>Extensive passive and active recreational facilities and community services both within the Village Square and within the Oceanica building. These facilities are all accessible and within a 400m walk from dwellings on the site.</p> <p>These services are supplemented by the provision of transport Services to the Wyong Town Centre. The applicant advises that discussions have been entered into with the local bus operator, to allow the expansion of the service through the site.</p> <p>It is also noted that two bus services (79/79N/80) stop on the Pacific Highway at a location not more than 400m from the proposed development.</p> <p>In addition, the subject site is located at a distance of not more than 400 metres from the local Wadalba Shopping Centre.</p> <p>Access pathways will lead from the subject site to the Village Square, the Oceanica and local shopping centre.</p> <p>The gradient of the footpaths will comply with 1:14.</p>	<p>Complies</p>

Control	Comment	Compliance?
<p>CI 27 – Bushfire prone land</p> <p>The development must comply with the requirements of the document titled <i>Planning for Bush Fire Protection</i>, ISBN 0 9751033 2 6.</p>	<p>The land is partly bushfire prone. The bushfire risk and mitigation measures recommended in the report prepared by Australian Bushfire Protection Planners Pty Ltd and forming part of this application are considered satisfactory by the Rural Fire Service subject to conditions. The Rural Fire Service (RFS) conditions along with conditions proposed by Council's ecologist to address matters concerning bushfire form part of the Consent conditions.</p>	
<p>CI 28- Water and Sewer</p> <p><i>The development must be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.</i></p>	<p>The proposed development will be connected to the Council's reticulated water and sewerage system.</p>	Complies
<p>CI 29- Consideration of compatibility criteria</p>	<p>This clause does not apply.</p>	Complies

Control	Comment	Compliance?
Design Principles		
CI 33- Neighbourhood Amenity and Streetscape	<p>The proposed development responds to the site context and the existing and desired future character of the broader area.</p> <p>The proposed buildings contribute to the quality and identity of the area through choice of style, details and materials. The buildings' form and siting relate to the site's land form and provide for a low scale single and two storey built form which provides a setting for the higher buildings around the Village Square and Crescent and provide an appropriate scale relationship with the surrounding development.</p> <p>Adequate building setbacks have been provided to reduce bulk and overshadowing.</p>	Complies

Control	Comment	Compliance?
CI 34- Visual and Acoustic Privacy	The design of the development has allowed for the appropriate location of gardens, access roads, bedrooms, administration buildings and the like to enable satisfactory visual and acoustic privacy. Acceptable noise levels between rooms will be achieved through compliance with the Building Code of Australia (BCA) requirements for sound and impact transmission. An acoustic assessment was carried out in relation to the impact of noise from the Pacific Highway on residents of the building. Appropriate measures will be implemented to mitigate potential noise impacts.	Complies
CI 35 - Solar Access and Design for Climate	The design of the nodes and administration and service buildings along with the location of the gardens and landscaping proposed permits sufficient solar access into the development.	Complies
CI 36 - Stormwater	Satisfactory design submitted. Consent conditions.	Complies
CI 37 - Crime Prevention	The design of the administration building and individual nodes allows for casual surveillance of the entry to each, particularly from the living/dining area and some of the bedrooms. The development provides surveillance to the main entry point of the development and the perimeter fencing will also assist in crime prevention.	Complies
CI 38- Accessibility	The pathways to each of the nodes and around the garden/building grounds permit safe and easy pedestrian access. The moderate topography of the site assists with accessibility.	Complies
CI 39 - Waste Management	The proposed development will provide easy grade access to the proposed development.	Complies

Control	Comment	Compliance?
CI 40 Development Standards		
Site size	<i>The size of the site must be at least 1,000 square metres.</i>	The subject site is well in excess of 1,000m ² , being approximately 240, 000m ² .
Site frontage	<i>The site frontage must be at least 20 metres wide measured at the building line.</i>	The subject site has a frontage of 563.2m to Pacific Highway, 300.8m to Louisiana Road and 475.8m to Wahroonga Road - well in excess of the requirement.
Height in zones where residential flat buildings are not permitted	<i>If the development is proposed in a residential zone where residential flat buildings are not permitted the height of all buildings in the proposed development must be 8 metres or less.</i>	The subject site is not located in a Residential Zone, therefore, this Standard does not apply in this case.
CI 42 Serviced self-care housing	<i>Residents of the development should have reasonable access to home delivered meals, personal care and home nursing and assistance with housework.</i>	Residents of apartments will be provided reasonable access to home delivered meals, personal care and home nursing and assistance with housework and specialist care and management services will be provided to residents with dementia on 24 hours a day, seven days a week basis.
CI 43 Transport Services to Local Centres	<i>A bus capable of carrying at least 10 passengers will provided to the residents of the development that will drop off and pick up passengers at least once in the morning and in the evening at a local shopping centre that also provides community and recreational services and services of a general medical practitioner.</i>	The provision of a regular community shuttle bus services to local attractions and services including shopping and medical facilities is being negotiated by the applicant with a bus service provider. The applicant has provided a letter from operators of the Kanwal Specialist Medical Centre adjacent to the Wyong Hospital confirming that they are willing and able to provide medical services to the residents of the Kanwal Village.
CI 44 Facilities and Services	<i>Any facility or service provided as part of the proposed development must be available to the residents when the housing is ready for occupation. In case of a staged development the facilities may be provided proportionately in accordance with the number of residents in each stage.</i>	A range of facilities and services will be provided on the site and their availability will be coinciding with the staging of the development to ensure that these are available to the residents in each stage.

Control	Comment	Compliance?
CI 48 Standards for Residential care facility that cannot be used for refusal		
Building Height	<i>No Height limit applies</i>	Proposes a range of single/double and multi-storey dwellings. The overall height of the buildings is considered acceptable. Complies. Complies
Density and Scale	<i>1:1 or less</i>	Complies
Landscaped Area	<i>Min. 25 m² per bed</i>	Generous open landscape areas provided on the site. Average lot/site coverage in respect of single storey dwellings being 48% and the rest of the lot area being largely landscaped. Complies
Car parking	<i>One space per ten beds</i> 562 <i>One space for 15 beds</i> 12 <i>One space for each two staff on duty at any one time</i> 59 <i>One space suitable for ambulance</i> 1 provided Total required =633 Total provided = 725	The development requires a total of 633 on car spaces in accordance with the requirements of the SEPP SL. This also includes provision of disabled car spaces. The proposal provides 615 off-street parking spaces and a further of 110 on-street car spaces subject to detailed design at construction stage. Complies
CI 50 Standards for Self contained dwellings that cannot be used for refusal	Control	Compliance
Building Height	<i>No upper height limit</i>	The self contained dwellings are single and double storey. The overall height of the double storey dwellings being 6.6m. Complies
Density and Scale	<i>1:1 or less</i>	The average lot/site coverage is around 48%. Complies

Control	Comment	Compliance?
Landscaped Area	<i>Min. 30 m² of site area</i>	A minimum of 30m ² or in excess landscape area has been provided to each Court Yard houses. Complies
Deep Soil Zones	<i>Minimum 15% of the site area to the Deep Soil Zone to support the growth of trees and shrubs</i>	A large and good quality topsoil resource exists across the whole site and generous areas have been provided for landscaping. In addition, the plan provides for retaining the existing wooded areas in the south west and south east portions. Complies
Solar Access	Living rooms and private open spaces for at least 70% of the dwellings in a development should receive a minimum of three (3) hours direct sunlight between 9 am and 3 pm in mid winter.	Complies (As referred above)
Car Parking	<i>0.5 car space per bedroom</i>	Complies (As referred above)

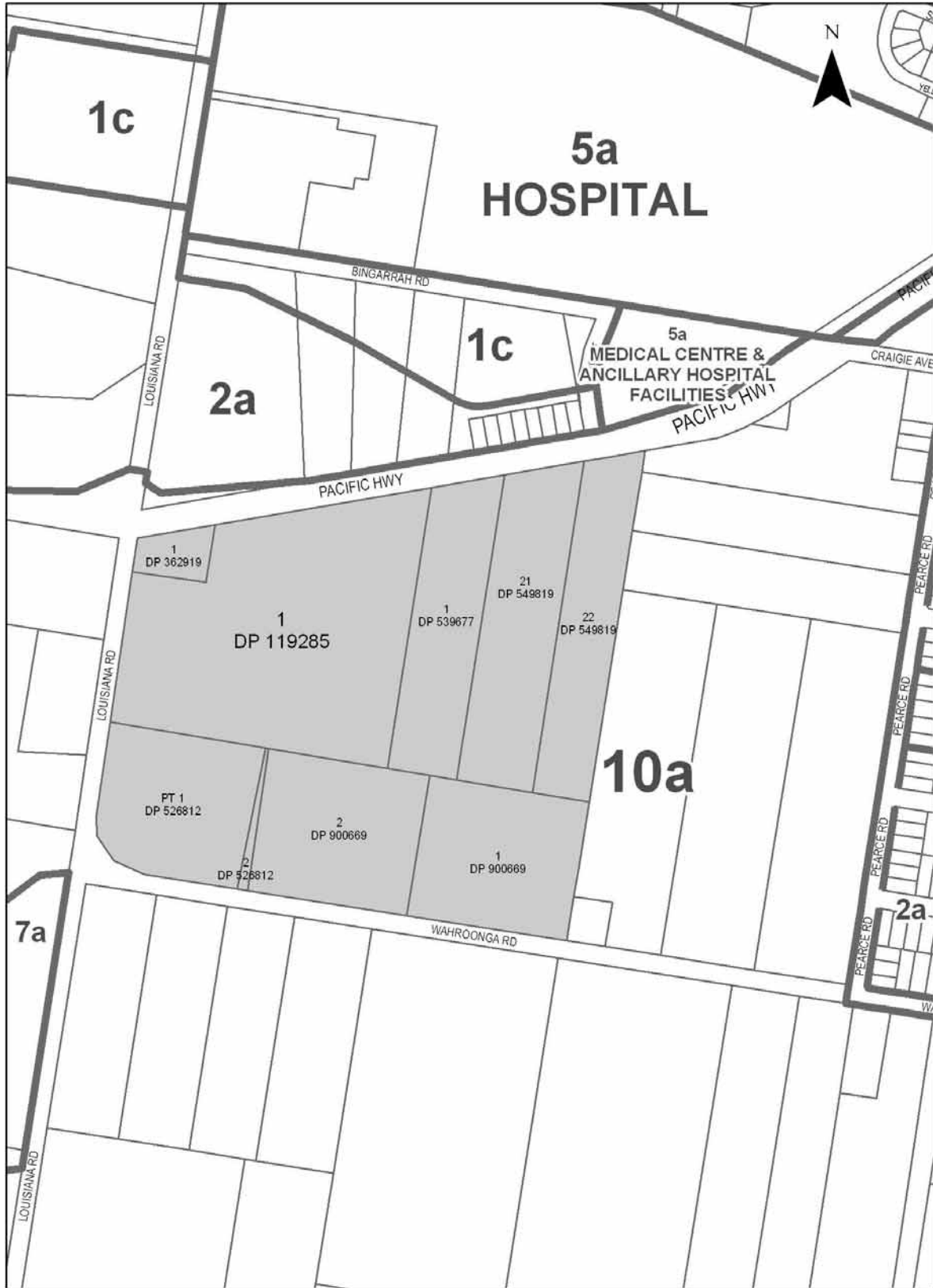
Attachment 3 – Submissions Table

A summary of the matters raised in the submissions is detailed in the table below.

Doc. No	Summary of Issues	Response
D01273821	Significant development in scale and to be staged. However no details provided in relation to the time frame.	The development will be undertaken in 7 stages and designed in way to ensure the long-term viability of the project. It is anticipated that the development will be started at the end of current year and completed in a period of 7 to 8 years.
	The development has the potential to place a significant demand on health and associated aged care facilities in the precinct specifically for aged care specialist staff. The demands may also arise on local General Practitioners and medical services at Wyong Hospital.	Silver Spirit Communities will participate in discussions relating to the servicing of the proposed development. The applicant has provided a letter from operators of the Kanwal Specialist Medical Centre adjacent to the Wyong Hospital confirming that they are willing and able to provide medical services to the residents of the Kanwal Village. The letter further states that though there has been a shortage of GP's in the area, project like this will help to provide a critical mass of population to support a thriving medical practice for the current and future medical professionals in the area.
	<p>Department of Ageing, Disability and Home Care (DADHC) plans to commence operations in their recently approved Aged care Village at 614-624 Pacific Highway, Hamlyn Terrace by mid 2010 and seeks Council's commitment to proceed with essential infrastructure works proposed by the Section 94 Contributions Plan for the precinct, concurrent with DADHC' development program specifically:</p> <ol style="list-style-type: none"> 1. Realignment and upgrading of intersection of Pacific Highway and Louisiana Road, including the installation of the proposed traffic lights. 2. Installation of paved footpaths along Louisiana Road and from the intersection of Louisiana Road extending along the Pacific Highway to Minnesota Road to provide a safe and aged/disability accessible route to Wadalba Village. 	<p>Silver Spirit Communities to work with DADHC to address issues arising as this development proceeds.</p> <p>Council will use S94 Contributions for the provision of essential infrastructure works in accordance with the adopted Plan.</p> <p>The intersection of Pacific Highway and Louisiana Road, will be realigned and upgraded possibly including the installation of the proposed traffic lights in accordance with RTA conditions.</p> <p>A minimum 2.5m wide concrete shared pathways to be provided in accordance with RTA conditions along the frontages of Pacific Highway, Louisiana Road and Wahroonga Road. The shared pathways along Pacific Highway and Wahroonga Road to be extended to Craigie Avenue and Pearce Road respectively to connect with medical and shopping centres.</p>

Doc. No	Summary of Issues	Response
D01276162	<p>Seeks clarification in relation to followings:</p> <p>The application of Section 94 Contributions and improvements to be made in the external infrastructure as a result of this development including Wadalba Local Centre.</p>	<p>Section 94 Contributions are used for the provision or improvement of infrastructure on the site and any of the surrounding development impacted by the proposed development.</p> <p>As referred above external infrastructure that will be improved as an outcome of this development includes realignment and upgrading of the intersection of Pacific Highway and Louisiana Road and a 2.5m wide concrete shared pathways to be provided along the frontages of Pacific Highway, Louisiana Road and Wahroonga Road.</p>
	Any generation of funds for natural area improvements in the vicinity of the site	Section 94 Contributions will be used to provide and further improve the infrastructure including natural area in accordance with the S94 Plan.
	Accommodation of any public access through the site.	The proposed development is not a gated community and will be accessible to public.
	The design of the buildings specifically the Oceanica and 180 bed dementia facility keeping within the low scale architecture of the overall complex and the surrounding Kanwal and Wadalba districts.	This area is undergoing the transition from rural residential to residential with a number of aged care developments already approved and built in this area. The proposal is generally consistent with the existing and future character of the area.
	Any proportion of affordable housing and affordable aged care for disadvantaged social groups.	<p>The development is designed to offer a diverse range of housing typologies catering to a wide range of income brackets. with the majority being in the middle (\$320,000-\$400,000) price range.</p> <p>In terms of affordable housing, Dementia Sanctuary will have a 20% allocation of low income/concessional beds to accommodate those who are at the lower end of the socio-economic spectrum. The applicant is having discussions with the Nyingiyapaa National Elders Council to plan an indigenous aged care cluster subject to receiving funding from the Federal Government.</p>
D1872454	The development offers an opportunity to create an innovative approach to health and housing for our seniors is commendable.	The proposal certainly offers an opportunity to meet health and housing needs of seniors.
	The design for the above complex will meet the latest standards in aged care.	The proposal generally meets the planning and design criteria outlined in the relevant planning provisions.

LOCALITY PLAN



Amended Report

ATTACHMENTS

- 1 Development Plans (A3 & Colour) D01947795