

ITEM #
CITY DEVELOPMENT BRANCH
REPORT ON APPLICATION FOR DEVELOPMENT PERMIT FOR A RESIDENTIAL CARE FACILITY
(90 BEDS) AT 202 BAILEYS MOUNTAIN ROAD, UPPER COOMERA
MCU/2019/58
DIVISION 1

1 APPLICATION SUMMARY

Application information		
Address	202 Baileys Mountain Road, UPPER COOMERA QLD 4209	
Lot and plan	Lot 58 SP191940	
Site area	30,870m ²	
Properly made date	2 August 2018	
City Plan version	Version 5	
Zone / Precinct	Rural residential	
Overlays	Bushfire hazard – Medium potential bushfire hazard & Potential bushfire impact buffer Dwelling house Environmental significance – priority species (State significant species, Koala habitat areas, Local significant species) Environmental significance – vegetation management (Regulated vegetation, vegetation management) Environmental significance – wetlands and waterways (waterway 30m buffer area) Landslide hazard – Moderate (small area)	
Proposed use	Residential care facility (90 beds)	
Categories of development and assessment	Impact assessment	
Applicant and Applicant's consultancy team	Sandson Pty Ltd – Applicant Urban Planning Services – Planning consultant N. G. Sanders + Associates – Architecture Saunders Havill Group – Ecological & Landscaping Bitzios Consulting – Traffic assessment Arcadis – Civil & Hydraulic Engineering Eldon Bottcher Architect – Bushfire assessment Macro Plan Dimasi – Economic Needs MRA Environmental – Waste management Acoustic Works – Acoustic assessment Schlencker Surveying QLD - Survey	
Land owner	Sandson Pty Ltd	
Submissions	Objections	Support
	2	0
Key matters raised by submitters	Objection 1 – No details but photo of koala.	

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	Objection 2 - • Traffic impacts. • Lack of connectivity with surrounding area. • No objection to height or industry type.
Decision due date	27 September 2019
Referral agencies	Not applicable
Officer's recommendation	Approval subject to conditions

2 PROPOSAL

The purpose of this report is to assess an application for a development permit for a material change of use for a Residential care facility (90 beds) at 202 Baileys Mountain Road, Upper Coomera.

The City Plan defines the proposed land uses as follows:

- Residential care facility:

A residential use of premises for supervised accommodation where the use includes medical and other support facilities for residents who cannot live independently and require regular nursing or personal care.

Table 5.5.21: 'Rural residential zone (where not in a precinct)' of the City Plan categorises the proposal as subject to impact assessment because:

- Residential care facility is an unlisted use for the zone and is therefore subject to impact assessment.

The development proposal is outlined in the table below:

Development proposal	
Height	2 storeys / 6.2m to eaves & 11.16m to roof apex
Density	90 beds / 1 bed per 343m ² / 30 dwellings per hectare
Floor areas	Ground floor – 4,700m ² First floor – 3,591m ² Suites range in size from 24.7m ² to 54.4m ²
Setbacks	Front: • 27.5m to Baileys Mountain Road • 93.2m to Reserve Road / Old Coach Road Side: • Minimum 29m to northwest side boundary • Minimum 6m to southwest side boundary
Site cover	16.1% (before road realignment)
Car parking	60 car parking spaces (30 visitors & 30 staff) 15 bicycle parks (9 visitors & 6 staff)
Communal space	Indoor communal areas – 1,217m ² [in addition to the communal lounge / dining areas (851m ²) and resident services (gym/exercise facilities,

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	physiotherapy and hair dressing services - 388m²)] Outdoor communal open space – approximately 1.8ha of landscaped gardens.
Private open space	Total private open space – 518m² balconies and patios • Ground floor - private balconies / patios comprise an overall area of 210m² for 48 care rooms, equating to approximately 4.4sqm per room; • First floor - private balconies / patios comprise an overall area of 308m² for 42 care rooms, equating to approximately 7.3sqm per unit.

The following perspective/elevations and ground/typical floor plan provide an initial view of the proposed development.

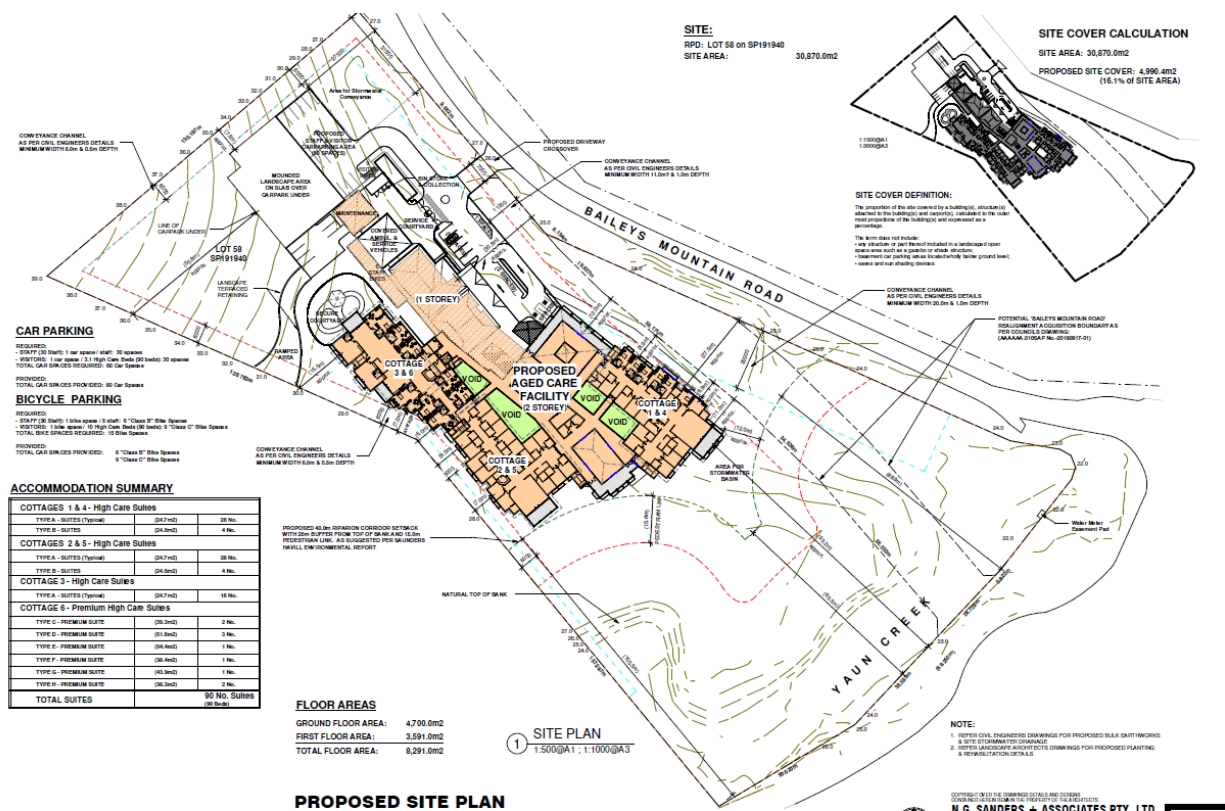


Figure 1: Proposed Site plan (Source: N.G. Sanders + Associates)



VIEW TOWARDS ENTRY



VIEW FROM EAST TOWARDS COTTAGE 1 & 4

Figure 2: Perspective Views (Source: N.G. Sanders + Associates)

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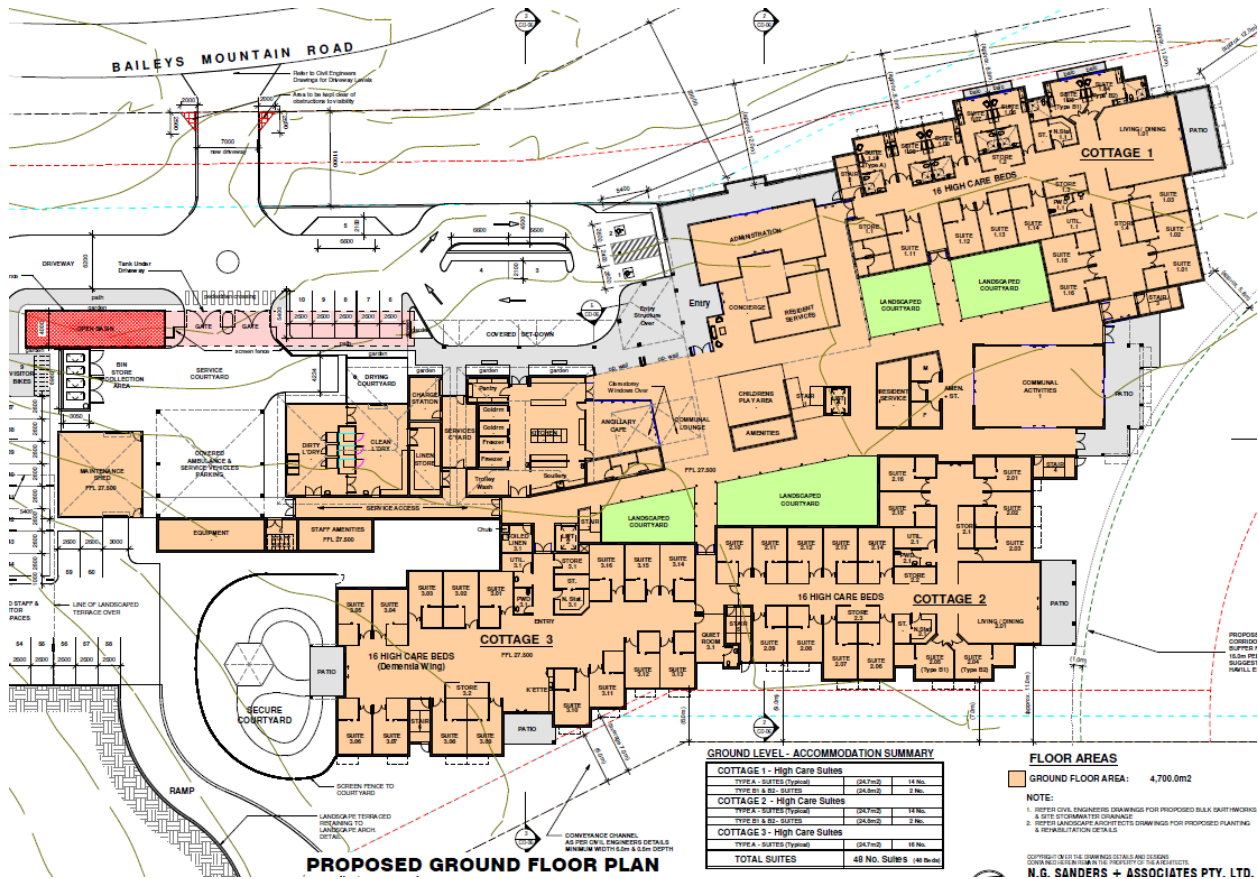


Figure 3: Ground Floor Plan (Source: N.G. Sanders + Associates)

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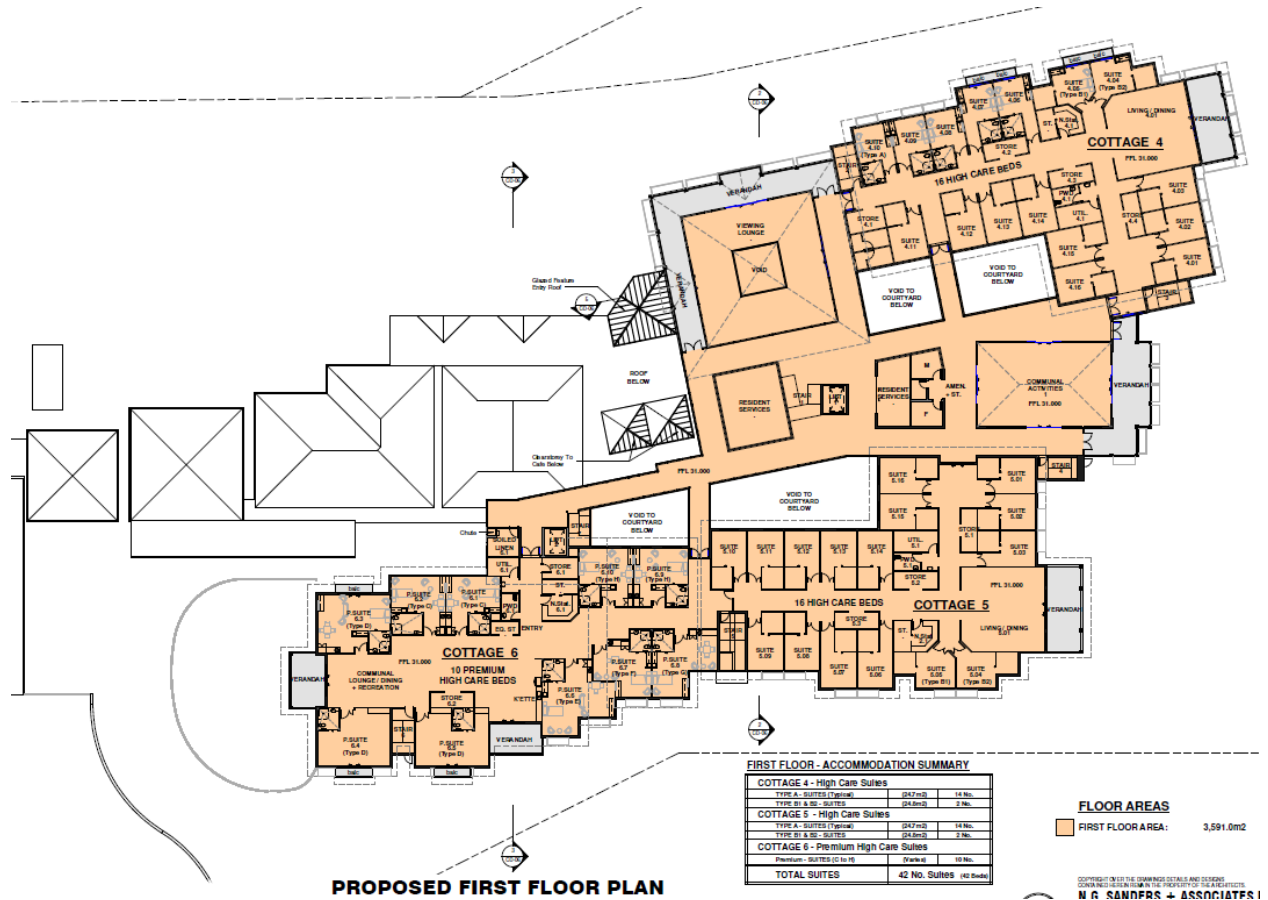


Figure 4: First Floor Plan (Source: N.G. Sanders + Associates)

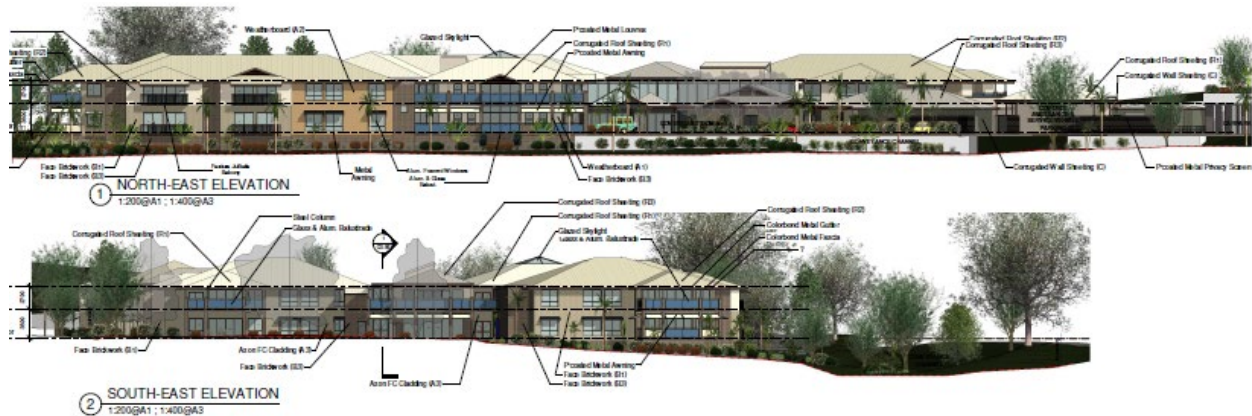


Figure 5: Northeast and Southeast Elevations (Source: N.G. Sanders + Associates)

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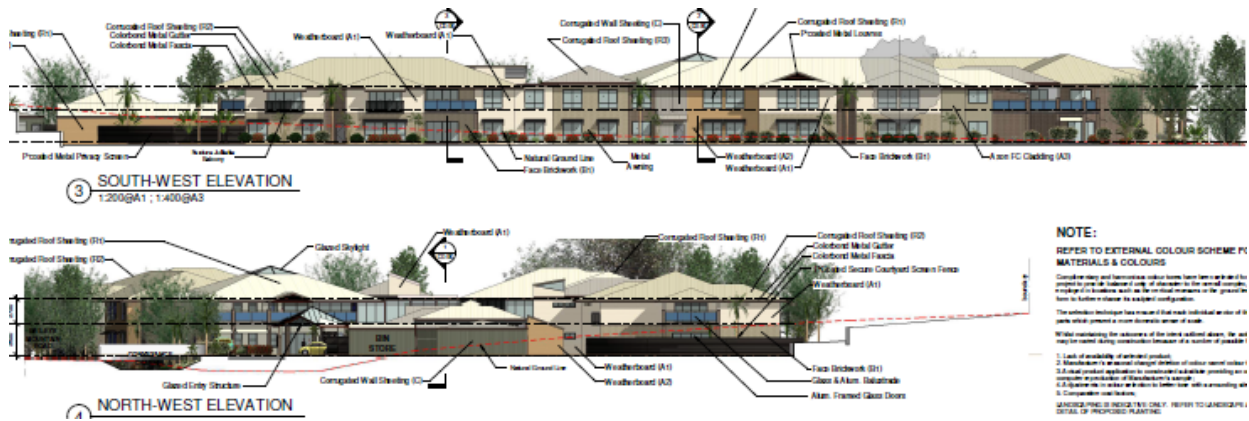


Figure 6: Southwest and Northwest Elevations (Source: N.G. Sanders + Associates)

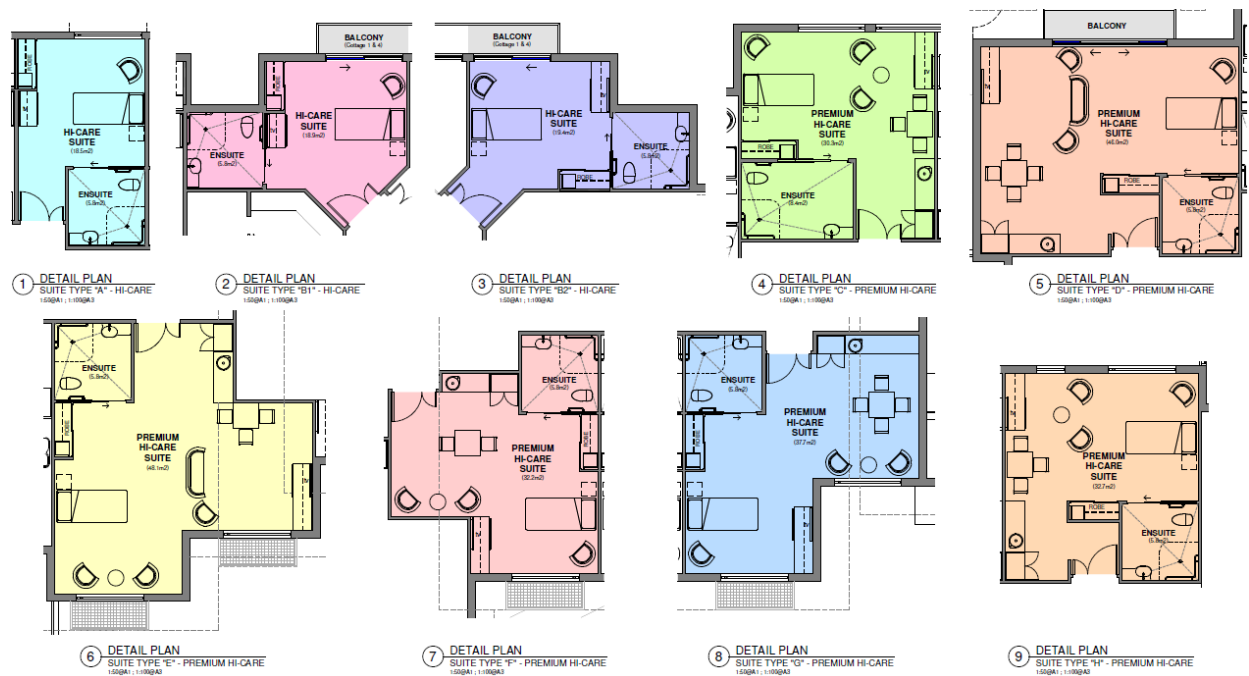


Figure 7: Proposed suite layouts (Source: N.G. Sanders + Associates)

Figure 8: Proposed car parking (Source: N.G. Sanders + Associates)

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DEVELOPMENT SUMMARY							
LEVEL	COMPONENT		No. Res. Care Suites	No. Beds	GFA	Balcony / Patio / Courtyard	Total Area (sqm)
GROUND LEVEL	Residential Care Accommodation	High Care Suites	48	48	1,472		1,472
	Recreation Facilities	Lounge / Dining			476		
		Communal Activities			226		
		Resident Services			291		
							993
	Patio's / Balcony's					210	
	Courtyards					639	
	Staff Areas	Nurses Stations/ Admin			213		213
	Back of House (BOH)	Kitchen / L'Dry / Stores/ Utility Rooms / WC's			818		818
	Corridors & Stairs				1,204		1,204
FIRST FLOOR	Residential Care Accommodation	High Care Suites	32	32	861		
		Premium High Care Suites	10	10	475		
							1,336
	Recreation Facilities	Lounge / Dining			375		
		Communal Activities			352		
		Resident Services			97		
							824
	Balcony's					308	
	Staff Areas	Nurses Stations			56		56
	Back of House (BOH)	Stores / Utility Rooms / WC's			233		233
	Corridors & Stairs				1,142		1,142
	TOTALS		90	90			8,291m2

Figure 9: Development summary (Source: N.G. Sanders + Associates)

3 KEY CONSIDERATIONS

The key considerations of the proposal include:

3.1 Location and land use

While the subject site is located in the Rural residential zone it is located on a corner site which directly interfaces with the established urban area of Upper Coomera on the opposite side of both Baileys Mountain Road and Reserve Road / Old Coach Road. It is well positioned in relation to public transport and nearby facilities and services. There is a bus stop within 500m on Reserve Road / Old Coach Road. Nearby facilities and services include the Brygon Reserve Shopping Village and Upper Coomera State College approximately 1.0km to the east, and the Upper Coomera District centre and Upper Coomera Community Centre and Library, and Saint Steven's College, approximately 2.0km away. The subject site is approximately 3.7km from Coomera Town Centre. Water, sewer and electricity mains are located in close proximity to the site in the Reserve Road / Old Coach Road.

The topography of the site grades down from west to east and the development footprint will be partially set into the slope with a mounded landscape area over part of the carpark. The proposed development is 2 storeys and presents as a low rise residential development. The proposed height and design of the development are considered generally consistent with the surrounding rural residential area and will support the desired future appearance of the area.

The adjoining rural residential dwelling to the southwest is located approximately 50m away from the subject site and has a shed located about 7m off the shared side boundary. The proposed development will be set back 6m from the southwest boundary allowing generous landscape screening of the Residential care facility.

The submitter's site at 31 Courtney Drive is located to the northwest and does not directly adjoin the applicant's site (the other submitter lives in Currumbin Waters). The dwelling house at 31 Courtney Drive is located over 100m from the western corner of subject site. The closest proposed buildings on the subject site will be located approximately 200m away from the submitter's dwelling and will be screened by a large area of landscaped gardens with feature trees in the western part of the site.

The site is considered well located for the proposed development which provides housing choice and responds to a growing need for aged care accommodation for the elderly in the northern Gold Coast.

3.2 Amenity - Scale and intensity of development

The originally lodged application was for a Residential care facility, Retirement facility and Educational establishment with 158 beds, a building height of 3 storeys (or 13.5m) and a 20% site cover.

In response to Council's Information requests, numerous meetings and extensive negotiations, in which Council officers raised concerns about the scale, height, bulk and density of the proposed development, and the findings of Council's economic peer review, the applicant amended the design to reduce the overall scale, height, bulk and density of the development and have removed the Retirement facility and Educational establishment components.

The amended proposal is for a 90-bed Residential care facility with a height of 2 storeys and site cover of 16%. The building design and hipped roof line promotes a low-rise residential aesthetic which is considered to be consistent with the design of buildings in the surrounding area. The development is well setback from adjoining rural residential dwellings to the northwest and southwest with ample space for landscaping screening.

Officers consider that the reduced scale and low-rise residential appearance of the proposed development results in an acceptable interface with adjacent residential allotments and supports the protection of adjacent amenity and the semi-rural character of the surrounding rural residential area.

3.3 Need

The applicant submitted an Economic Needs Analysis (ENA) to demonstrate the need for aged care facilities in the northern Gold Coast for consideration in the assessment as an 'other relevant matter'. Council's peer review concluded the general methodology adopted in the ENA was sound however it considered that the ENA had overstated the size of market gap for aged care facilities. Nevertheless, the peer review acknowledged there is a shortfall in aged care accommodation in the catchment area identified by the ENA and estimated this shortfall as being in the order of 226 beds in 2018 increasing to 426 beds in 2027.

On examining the issue of 'planning need' for the proposed Residential care facility on the subject site consideration was given to the supporting documents provided by the applicant on land availability in the Upper Coomera area and the range of existing and approved aged care facilities in urban fringe

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locations. Given the acknowledged need for aged care facilities and the availability of suitable sites in the Upper Coomera area, it was subsequently concluded that a well-designed facility of a lesser scale than the original proposal for 158 beds would be more appropriate on the subject site.

Council officers consider that the amended proposal for a 2 storey, 90 bed Residential care facility can be supported having regard to economic need as an “other relevant matter” and the more appropriate scale of the amended proposal.

3.4 Environmental corridor and LGIP recreation linkage park

In response to Council's Information request and negotiations with Council officers, the applicant has provided an environmental corridor along Yaun Creek with a minimum setback of 25m to the top of bank. In addition, the proposal provides a further 15m pedestrian linkage path for the LGIP recreation linkage park. Officers of Environmental Assessment, Open Space Assessment, and Parks and Recreation Services are satisfied that the proposal ensures the protection of environmental values on the site and accommodates the required park trunk infrastructure requirements of the LGIP.

3.5 Realignment of Baileys Mountain Road

Transport & Traffic Branch have advised the site is subject to the development of trunk infrastructure identified in the LGIP (Reserve Road/Old Coach Road Intersection Upgrade). The realignment of Baileys Mountain Road is associated trunk infrastructure not identified in the LGIP which needs to connect to the roundabout in Reserve Road (see Figure 10 below). The applicant has taken account of this road realignment in the proposal plans.

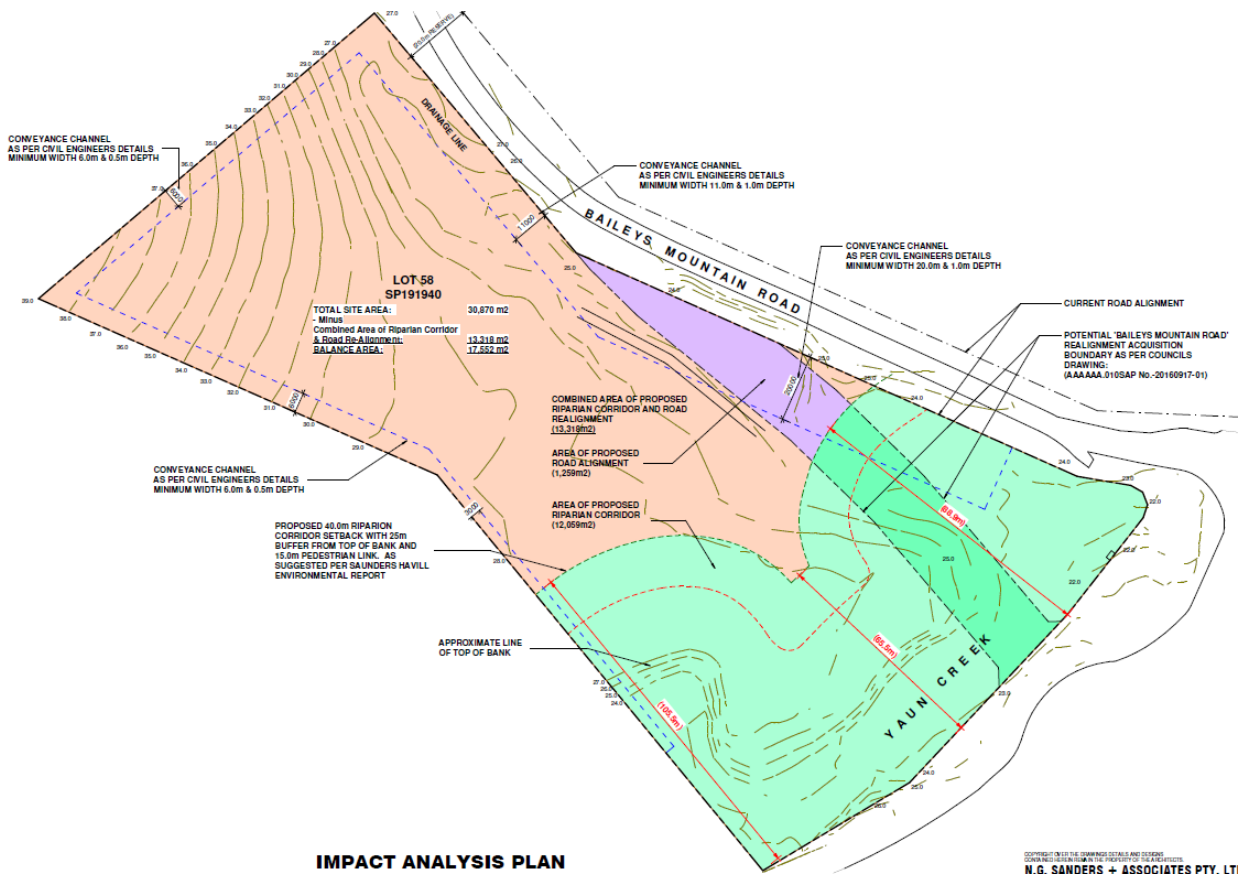


Figure 10: Plan showing open space areas and road realignment (Source: N.G. Sanders + Associates)

4 SITE CONTEXT

4.1 Subject site

The subject site:

- Is 30,870m² in size and generally rectangular in shape, with road frontage to Baileys Mountain Road to the northeast and Old Coach Road and Reserve Road to the southeast;
- Is not subject to easements or encumbrances on the title;
- Is improved by a single Dwelling house and associated outbuildings and swimming pool consistent with the surrounding rural residential environment;
- Is traversed by two mapped waterways - Yaun Creek which traverses the south-eastern side of the site and a mapped minor waterway that runs alongside the north-eastern boundary;
- Has a gradually sloping topography from a high point of RL 38.7, AHD at the western corner of the site which grades down a central level of RL 27.8m AHD and then down to RL 21.2m AHD at the Yaun Creek corridor; and
- Is subject to the realignment of Baileys Mountain Road to connect to the upgraded Reserve Road roundabout identified in the LGIP as trunk infrastructure. The road realignment will result in the partial removal of the mapped minor waterway.

4.2 Immediate context

The subject site is located at the edge of rural residential, non-urban land and adjacent to urban land in the Medium density residential zone and Low density residential zone to the northeast, east and southeast. A number of the larger lots within the Medium density residential zone are yet to be developed in accordance with the zoning (refer to Figure 11).

The site adjoins rural residential lots to the northwest and southwest, with low density residential allotments further to the southwest. Interspersed within the surrounding urban land are areas within the Open space zone, Conservation zone and Rural landscape and environment precinct of the Rural zone.

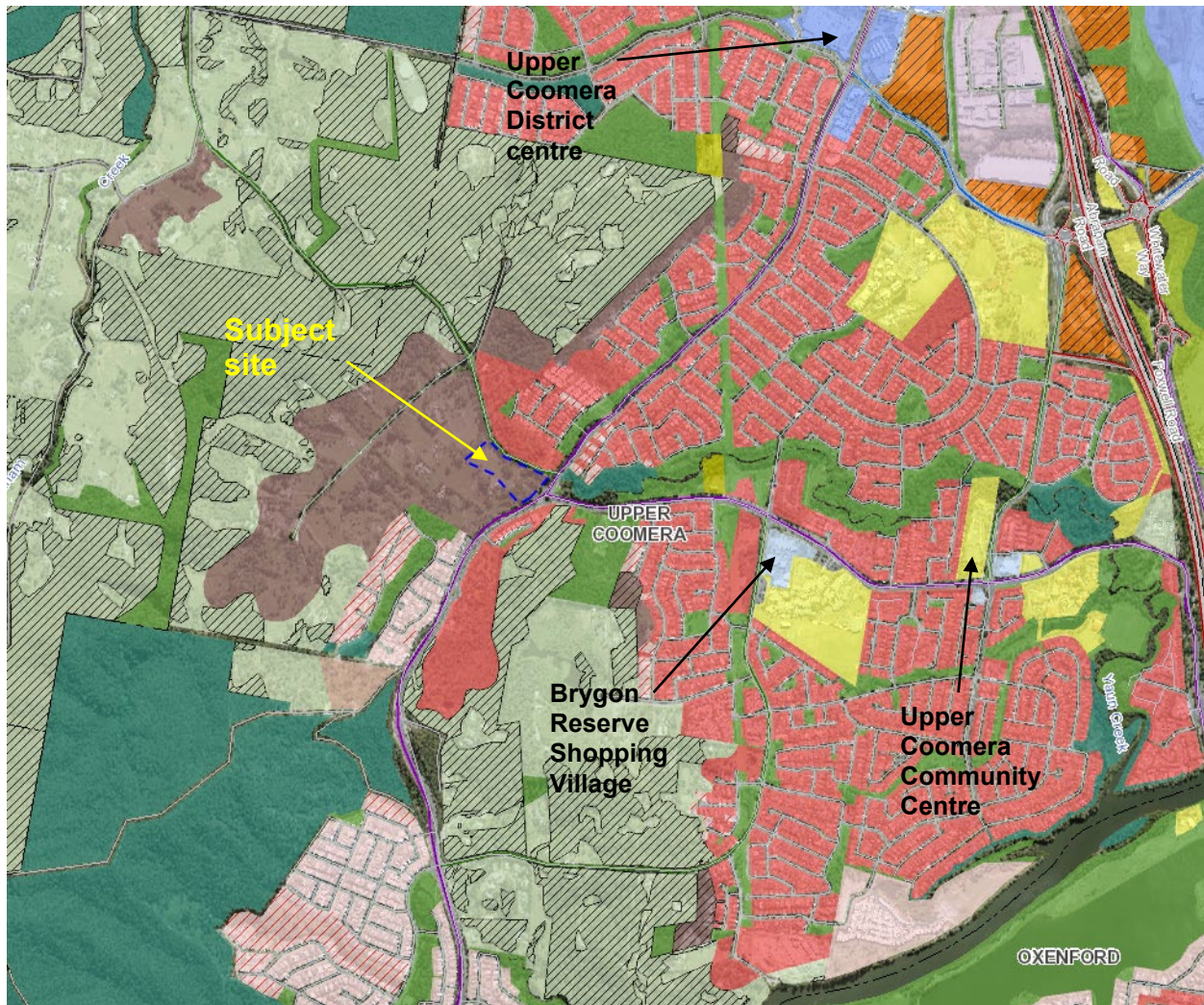


Figure 12: Local context (Source: City Plan interactive mapping)

5 PLANNING ASSESSMENT

Section 45(5) of the *Planning Act 2016* identifies:

- (5) An **impact assessment** is an assessment that –
 - (a) must be carried out -
 - (i) against the assessment benchmarks in a categorising instrument for the development; and
 - (ii) having regard to any matters prescribed by regulation for this subparagraph; and
 - (b) may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

The proposed development triggers impact assessment and has been assessed in accordance with Section 45(5) of the *Planning Act 2016*.

5.1 State Planning instruments

The application has been assessed against the following instruments:

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Instrument	Comment
State Planning Policy	The City Plan appropriately reflects all aspects of the State Planning Policy apart from aspects relating to natural hazards, risk and resilience (coastal hazards). The proposal does not trigger assessment against any assessment benchmarks relating to natural hazards, risk and resilience (coastal hazards).
South East Queensland Regional Plan	The proposal is consistent with the goals, elements and strategies; and the Southern Sub-regional directions of the South East Queensland Regional Plan 2017 (ShapingSEQ).
<i>Planning Regulation 2017</i>	The proposal does not trigger assessment against any assessment benchmarks listed in a Schedule of the <i>Planning Regulation 2017</i> .

5.2 Local categorising instruments

The application has been assessed against the following instruments:

Local categorising instrument	Comment
Temporary Local Planning Instrument	The proposal does not trigger assessment against any temporary local planning instruments.
Variation approval	The proposal does not trigger assessment against a variation approval.
City Plan (Version 5)	The proposal is within the City Plan area of the City of Gold Coast. This is discussed in section 5.3 below. <u>Local Government Infrastructure Plan</u> The proposal triggers requirement for new trunk infrastructure to service the development. This is discussed in section 5.2.1 below.

5.2.1 Assessment against the Local Government Infrastructure Plan

The proposal triggers a requirement for new trunk infrastructure to service the development.

LGIP Recreation linkage park

The proposal involves the dedication of a strip of land along the entire length of the site's frontage to Baileys Mountain Road in accordance with Council's Local Government Infrastructure Plan (LGIP). The *City Plan* v5 identifies the trunk infrastructure as:

- LL_046 - Old Coach Linkage 4 - Land & Embellishment for Recreation Linkage – 4,889 m²

The LGIP nominates an area of 4,889 m² with a width of 32m for the trunk infrastructure recreation linkage park. Council's Parks and Recreational Services officers have indicated to the applicant that they would be willing to accept a lesser width of 15m in line with the minimum standards for the desired standard of service for linkage parks. The applicant has provided a 15m wide recreation linkage park with a land area of 2,397m² (refer to Figure 13).

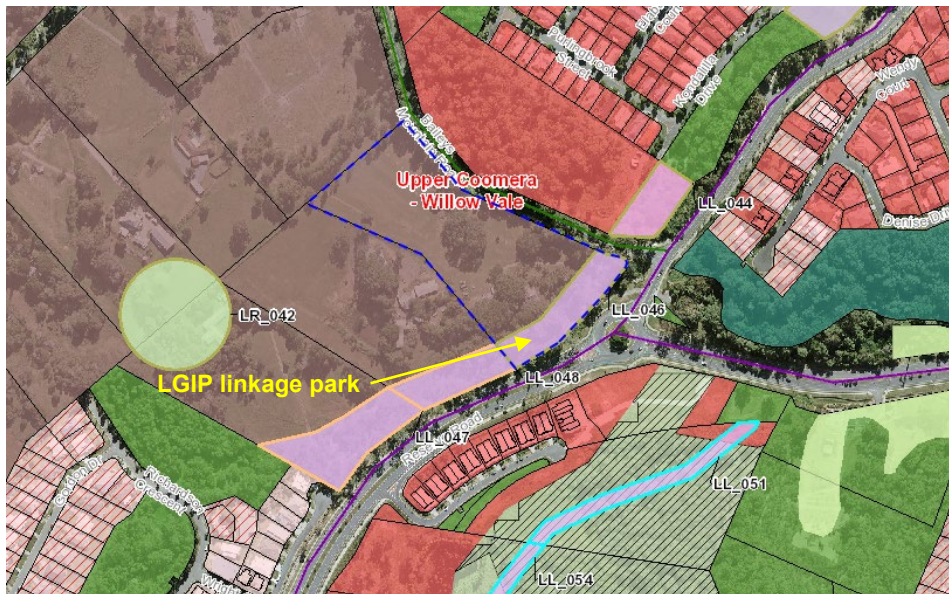


Figure 13: LGIP showing Local recreation park - linkage (Source: City Plan interactive mapping)

Realignment of Baileys Mountain Road

The proposal involves the dedication of land for the realignment of Baileys Mountain Road (refer to Figure 14):

- Dedicate approx. 3062.3m² of land as shown on drawing AAAAAA.010.SAP No.-20160917-01.

The road realignment is necessary trunk infrastructure not identified in the LGIP associated with trunk infrastructure identified in the LGIP as INT_011 (Reserve Road/Old Coach Road Intersection Upgrade). The applicant has accommodated the land dedication area for the realignment of Baileys Mountain Road in the proposal.



Figure 14: Land requirement for Baileys Mountain Road
(Source: Infrastructure Delivery Branch, City of Gold Coast)

5.3 City Plan

The following is an assessment of the application against the City Plan.

5.3.1 Assessment against the Strategic framework

The strategic framework requires balanced consideration of the provisions to best achieve the purpose and objectives of the City Plan. The strategic framework sets the policy direction for the City Plan and has a planning horizon of 2031.

This Policy direction is structured in the following way:

- (a) The strategic intent describes the planning vision for the Gold Coast over the coming decades; in particular, what our city will look like and how it will function, potential for major development over the next 20 years and areas for growth and protection.
- (b) The following six city shaping themes play an important role in shaping future growth and managing change across the city, and collectively represent the policy intent of the City Plan:
 - i Creating liveable places;
 - ii Making modern centres;
 - iii Strengthening and diversifying the economy;
 - iv Improving transport outcomes;
 - v Living with nature; and
 - vi A safe, well designed city.
- (c) Strategic outcomes for each theme.
- (d) Elements that refine and further describe the strategic outcomes.
- (e) Specific outcomes sought for each of the elements.

Strategic intent

The strategic intent flows through to the themes (strategic outcomes), elements (specific outcomes) and applicable codes. The strategic intent is achieved through assessment against these outcomes.

Theme/s and Elements

The following is an assessment of the application against the relevant theme/s and elements of the strategic framework identified in the table below:

Theme/s	Related element	Maps
Creating liveable places	3.3.1 Strategic outcomes 3.3.7. Element – Rural residential areas	Strategic framework map 1 – designated urban area – - Non-urban area (Investigation area) Strategic framework map 2 – settlement pattern – - Rural residential areas

Living with nature	3.7.4 Element – Nature conservation	Strategic framework map 1 – designated urban area – Non-urban area (Investigation area) Strategic framework map 2 – settlement pattern – Rural residential areas
A safe, well designed city	3.8.3 Element – Urban design, character and community identity 3.8.7 Element – Natural hazards	Strategic framework map 1 – designated urban area – - Non-urban area (Investigation area) Strategic framework map 2 – settlement pattern – - Rural residential areas

The proposal supports the overall planning intent of the Strategic framework for the reasons below:

5.3.1.1 Location and land use

The subject site is identified as 'Non-urban' and within an 'Investigation area' in Strategic framework map 1 (refer to Figure 15 below).

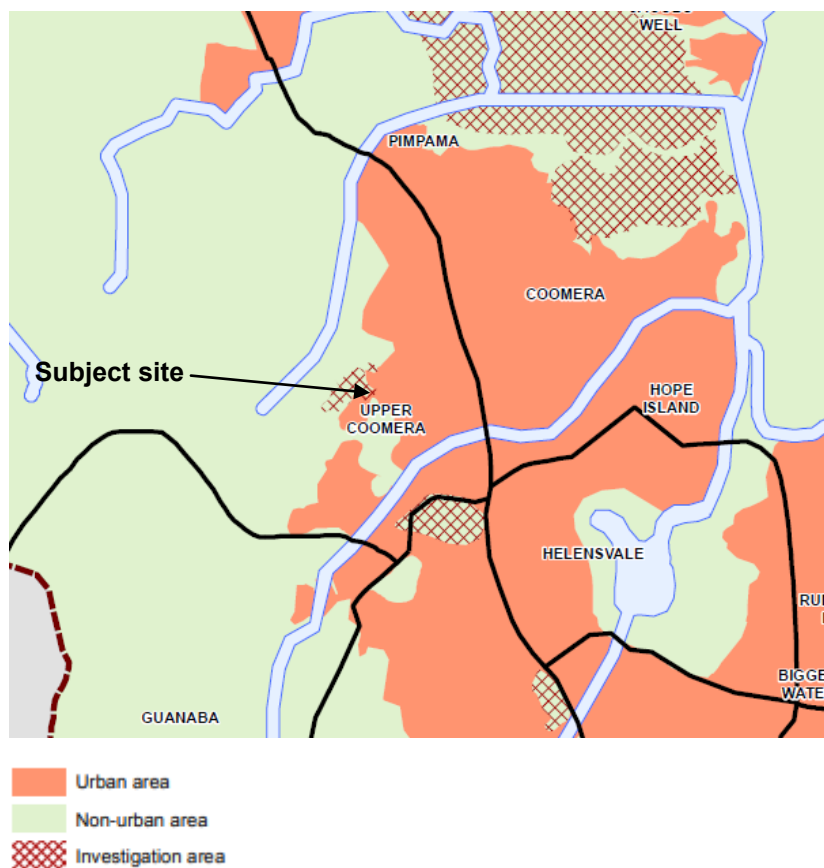


Figure 15: Strategic framework map 1 –designated urban area (Source: City Plan interactive mapping)

The 'Upper Coomera (Courtney Drive) Investigation Area' is included in major amendment package 2 and 3 to the City Plan in which it is proposed to transition to urban residential development. However, while this matter has progressed through a second round of public consultation, it is still under review and is not yet adopted. Officers have therefore given consideration to the future intended urban character for this area although it has not been considered as a relevant matter given there is no formal adoption of this investigation area. The proposal has been assessed against the City Plan Version 5, plus a consideration of 'need' as an 'other relevant matter'.

Strategic framework map 2 identifies the site within 'Rural residential areas' (refer to Figure 16 below).

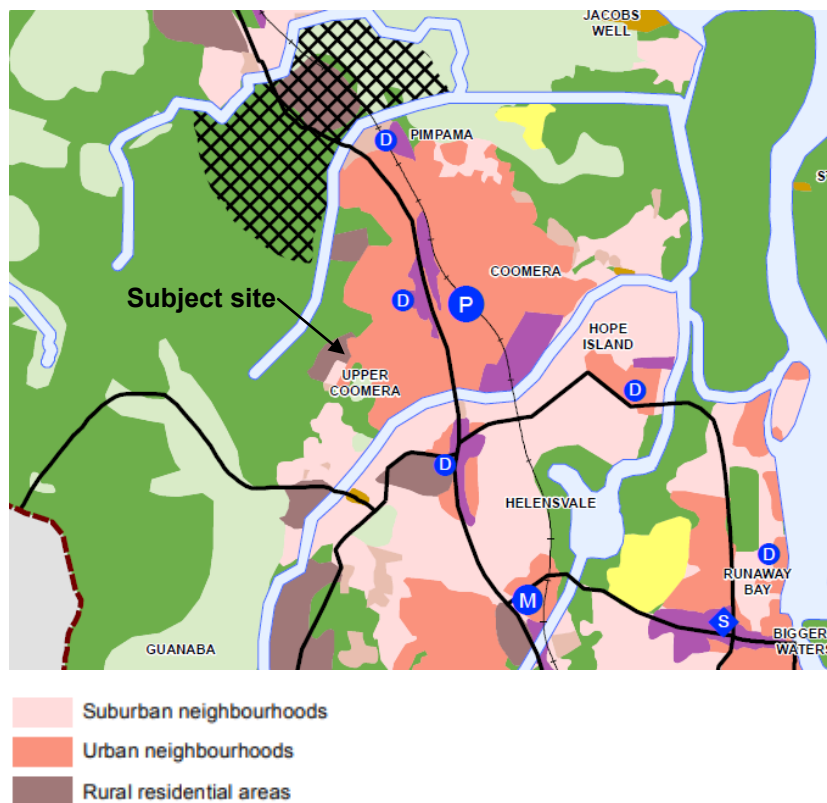


Figure 16: Strategic framework map 2 – settlement pattern (Source: City Plan interactive mapping)

Location and land use

While the intent of the Strategic framework is for 'urban activity to be contained within the city's urban area' [s.3.3.1(1)], officers acknowledge the subject site is located at the interface of the designated urban area of Upper Coomera with land in the Medium density residential zone directly opposite to the northeast and southeast. The site enjoys a certain 'locational' advantage of being close to nearby urban facilities. It is approximately 1.0km away from a local Neighbourhood centre and has easy access to public transport and a wide range of facilities and services. Being a corner site at the interface of the urban area the proposed development is in a 'gateway' location where it provides a transition from urban developments in the adjacent Medium density residential zone into the rural residential areas to the west and south.

The proposed Residential care facility is considered to meet Strategic outcome (5) of the 'Creating liveable places' theme which intends that 'Varied building height and form throughout the city reinforces local identity, creates a sense of place and supports housing choice and affordability and the function and desired future appearance of each local area'. The development provides housing choice and responds to a growing need for aged care accommodation for the elderly in the northern

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Gold Coast. The proposed height and design of the development are considered generally consistent with the surrounding rural residential area and will support the desired future appearance of the area.

Strategic outcome (15) requires that *'Rural residential areas are very low intensity and low-rise environments with a semi-rural landscape character and protected natural features. They are not expanded.'* While the proposal may not be 'very low intensity' in its strictest interpretation, given the reduction in the scale, number of beds, height and site cover of the development, the overall appearance of the proposed development is considered to be sympathetic to the surrounding rural residential area. Although the 2 storey building marginally exceeds 9m in height due to the pitched roof form, it nevertheless presents as essentially 'low-rise' and residential in character. The extensive landscape gardens and large areas of open space provide a setting for the development that protects the environmental values of the site and is consistent with the semi-rural landscape character.

While the proposed land use does not meet the intent for *very low intensity* development, Council officers have weighed this against a consideration of the location of the subject site directly adjacent to the urban area, the overall design and appearance of the development, and the growing need for facilities of this type in the northern Gold Coast. These issues are discussed in more detail below.

Amenity – Scale and intensity of development

Specific outcomes (s.3.3.7.1) for '3.3.7 Element – Rural residential areas' reiterate the intent that developments within rural residential areas should *'maintain their amenity and very low intensity and low-rise living environment....'* As discussed above, while the proposal is not for a low intensity development, it is considered to support the intent for low-rise development and has been designed to protect the amenity of the surrounding rural residential area.

In response to Council's information requests the applicant has substantially reduced the scale and intensity of the development and significantly changed the building design. The original proposal for a 3 storey development with 158 beds has been reduced to a development of 90 beds with a 'low-rise' residential appearance. The overall density has reduced from about 52 dwellings per hectare to approximately 30 dwellings per hectare which is generally consistent with densities in the nearby Medium density residential zone.

Council officers consider that the overall development is responsive to the rural residential character of the site and surrounding area. The proposed development has a site cover of approximately 16% and the building is positioned in a landscape setting with large parts of the site maintained as open space. Given the sloping topography the amended design provides a built form outcome that blends with the existing landform. The building form is articulated and the range of materials, colours and roof forms provide a varied appearance to the building facades. The proposed development presents as a low-rise, multiple dwelling development rather than a large institutional development.

The building is well set back to the surrounding properties and streets providing adequate space for landscape screening along the boundaries – 93.2m to Reserve Road / Old Coach Road, 27.5m to Baileys Mountain Road and approximately 7m to the proposed realignment of Baileys Mountain Road), and 6m to the adjoining property to the south. The Office of the City Architect considers that the proposed height and *'hip and valley roofline promotes a low-rise residential aesthetic which is consistent with the design of buildings in the surrounding area'*.

The proposed Residential care facility is essentially a quiet residential land use by nature as the development will cater to the elderly residents requiring high care. It will therefore generate little noise and will not disturb the acoustic amenity of the adjacent rural residential properties and will preserve the reasonable amenity expectations of surrounding residents.

The proposal is considered to comply with Specific outcome 3.8.3.1(1) of 3.8.3 Element – Urban design, character and community identity for the 'A safe, well designed city' theme which requires that

'Development is cognisant of the function and desired future appearance of each individual area and reinforces or reinterprets the character of that area.' Council officers consider that the scale and built form of the proposed development assist to protect the amenity of adjacent dwellings and will not adversely impact the semi-rural landscape character of the surrounding rural residential area.

Environmental and Open space

Strategic Framework 3.7.4 Element – Nature conservation, states:

- (5) Outside biodiversity areas: high priority vegetation is protected in situ; buffers are provided to wetlands and waterways; degraded areas are restored where this improves habitat or connectivity; and development includes the consideration of alternative designs and the separation of incompatible activities to minimise the impacts on matters of environmental significance.*

The subject site has two mapped waterways – Yuan Creek which runs along the southeast street front boundary on Reserve Road / Old Coach Road, and a tributary which runs alongside the street front boundary on Baileys Mountain Road. Yuan Creek continues under Old Coach Road in an easterly direction along a corridor with an estimated average width of 60 metres (refer to Figure 17).



Figure 17: Mapped waterways (Source: City Plan interactive mapping)

The tributary will be significantly impacted by the proposed road realignment of Baileys Mountain Road.

Priority species and medium priority vegetation mapping affects the southwest corner of the site extending up to existing dwelling. The vegetation is required to be protected in situ and have 30m buffer to development (refer to Figure 18).



Figure 18: Mapped Priority species & Medium priority vegetation (Source: City Plan interactive mapping)

Following Council's Information Request, a site meeting between the applicant and Council officers took place on the 20 May 2019. Environmental Assessment advised that a 25m wide buffer (from high bank) to Yuan Creek could be accepted based on the provision of an additional 15m wide LGIP recreation linkage park which would provide a further setback of the proposed building to the creek.

The applicant's amended proposal responds to this advice and provides an increased environmental corridor along Yaun Creek with an average buffer width of 25m to Yaun Creek and a further 15m for the recreation linkage park. A total area of 12,509m² is to be dedicated as public open space, comprising the environmental corridor of 10,112m² and the recreation linkage park of 2,397m². The proposal therefore results in the preservation of approximately 40% of the site as public open space.

The open space corridor represents a significant contribution to the protection of environmental values on the site and extension of the green space network. The applicant's Rehabilitation Management Plan proposes a planting species list consistent with the mapped regional ecosystems on the site and will ensure the protection and rehabilitation of the environmental corridor. Council's Environmental Assessment officers have determined the proposal supports the intent of 3.7 'Living with nature' theme of the Strategic framework as the environmental values on the site will be preserved and enhanced by the extensive areas of open space in the form of the environmental corridor, recreation linkage park and landscaped private open space.

The 15m recreation linkage park also functions to separate the building from the environmental corridor. Thus, the linkage park not only further protects the environmental values within the creek corridor but also assists to mitigate bushfire risk to the proposed Residential care facility. Officers therefore consider that the proposal supports Specific outcome 3.8.7.1(2) for 3.8.7 'Element – Natural hazards' of the 'A safe, well designed city' theme of the Strategic framework which states that:

- (2) Development in natural hazard areas only occurs if it:*
- (a) is located, designed and managed to mitigate the risk to life and property;*
 - (b) does not occur at the expense of other environmental values; and*

(c) supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.

Summary of the Strategic framework

The applicant has made substantial amendments to the proposal to respond to issues raised by Council officers. On balance, the proposal is considered to support the overall intent of Strategic framework for the following reasons:

- The proposal may not be 'very low intensity' in its strictest interpretation, however given the reduction in the scale, number of beds, height and site cover of the development, the overall design and appearance of the proposed development is considered to support the lifestyle and amenity aspirations of residents in the surrounding semi-rural environment. The proposal therefore meets Specific outcome 3.3.7.1(1) for 3.3.7 Element – Rural residential areas.
- The proposal supports Specific outcome 3.3.7.1(3) as it will maintain the amenity and low-rise living environment of the rural residential area, and the landscape setting of the development will be further enhanced through the extensive areas of open space in the form of a recreation linkage park and landscaped private open space.
- The site is well located at the edge of the existing urban area of Upper Coomera in close proximity to a wide range of facilities and services including public transport;
- The proposed development is in a 'gateway' location where it provides a transition from urban developments in the adjacent Medium density residential zone into the rural residential areas to the west and south;
- The development provides housing choice and responds to a growing need for aged care accommodation for the elderly in the northern Gold Coast;
- The proposal supports Specific outcome 3.3.7.1(2) as it protects the existing waterways, habitat trees and wildlife corridor. Environmental values on the site will be preserved and rehabilitated within the environmental corridor.
- The proposal meets minimum Specific outcome 3.7.4.1(5) of 3.7.4 Element – Nature conservation as it provides a 25m buffer to Yaun Creek to protect and rehabilitate matters of environmental significance on the site.
- The proposed building presents as residential and 'low rise' in appearance, and is considered generally consistent with the surrounding rural residential area;
- The building setbacks and extensive landscaped setting of the development support the desired future appearance of the area and assist to preserve the reasonable amenity expectations of surrounding residents;
- The proposed Residential care facility is essentially a quiet residential land use by nature which will not disturb the acoustic amenity of the adjacent rural residential properties.

5.3.2 Other Relevant Matters

The assessment of the application has given consideration to economic and planning need as an 'other relevant matters' under Section 45(5)(b) of the *Planning Act 2016*.

5.3.2.1 Economic Need

The applicant lodged an 'Economic Need Assessment' (ENA) prepared by MacroPlan Dimasi, dated July 2018 to demonstrate the economic need for aged care facilities in the catchment area of the northern Gold Coast. The ENA identified a shortfall in the provisions of aged care facilities within the defined catchment area of 661 in 2018 increasing to 1,130 beds in 2027.

A peer review of the ENA has been undertaken by Jon Norling of Norling Consulting on behalf of Council. The peer review examined two main considerations – community need and economic need. Key findings and conclusions of the peer review are that:

- The general methodology adopted in the ENA is sound;
- The ENA estimates economic need over a large catchment area which extends to Parkwood and Gaven in the south, Runaway Bay in the east, and Yatala in the north;
- The ENA uses 2012 data rather than more updated data from the 2016 Census. As a result it understates the recent strong growth of younger persons in the catchment area, although the projections for the age 75+ age group are considered appropriate.
- Four proposed Residential care facilities (275 beds) within the catchment area which have development approvals were excluded from the ENA analysis as these were yet to receive bed licences from the State; and
- The ENA made assumptions that 30% of Residential care facility residents have moved into the catchment area from outside – effectively understating supply and overstating the market gap.

The peer review concluded that *'the ENA can be relied upon in respect of its conclusion that there is an economic need to increase the provision of Residential care facilities within the catchment area, albeit that the ENA has overstated the current and projected shortfall within that large catchment area'*.

The peer review estimated the shortfall as more in the order of 226 beds in 2018 increasing to 426 beds in 2027.

5.3.2.2 Planning Need

To address the 'planning need' for the development on the subject site, the applicant submitted an assessment of potential alternative sites in the Upper Coomera area as part of the Response to the Information Request - 'Upper Coomera Sites - >2.3HA Within Required Zones' prepared by UPS dated 21 March 2019. That document examined the availability of sites (i.e. land supply) to meet the need (demand) identified by the MacroPlan Dimasi ENA.

In the Response to Council's Information Request the applicant also provided a 'Locational Analysis – Established Residential Care Facilities' which identified the following existing or approved Residential care facilities - many in urban fringe locations:

- (a) Tricare Pimpama – 6 Anembo Avenue – approved by 1979 consent. Site was in located in the Special facilities zone of Albert Shire planning scheme.
- (b) Clanwilliam aged care - 6 Mylor Street, Nerang – 1978 approval. Site was in located in the Special facilities zone of Albert Shire planning scheme.
- (c) 2 Woodlands Way, Parkwood – Application was lodged in 2015 and approved in 2016 under the 2003 Gold Coast Planning Scheme. It is located within an established urban area.
- (d) 2 Uplands Drive. Parkwood – Application was lodged in 2002 and approved in 2003 under the 2003 Gold Coast Planning Scheme. It is located within an established urban area.
- (e) 114 Albion Avenue, Miami (Burleigh Golf Course) - This was a superceded planning scheme application within an established urban area. The development was considered to not

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unreasonably impact nearby residential land uses as the Retirement facility buildings are located between the golf course and industrial buildings to the rear.

- (f) Estia Health – 21-25 Old Coach Road, Tallai – Original Public Facility consent approved in 1980. The site was in the Special facilities zone under Albert Shire scheme at time of original approval. Subsequently approval was given for 40 beds in 1985. In 2006 approval was granted for 66 beds.
- (g) Kalwun Aged Care Service Home & Community Care – 118 Bonogin Road, Bonogin – 2001 approval for 25 people including staff which was increased to 50 in 2016. Site cover is 2.4%.
- (h) Blue Care Tallebudgera – 54 Dudgeon Drive, Tallebudgera – 1995 application approved in 1996. Special Facilities zone under Albert Shire scheme.
- (i) St Andrews Retirement Living and Aged Care – 2 Sullivan Road, Tallebudgera – 1994 consent for Aged care in the Special Facilities zone under Albert Shire scheme.

On assessment of the range of other aged care facilities, Norling determined that while there may be a need for additional aged care facilities, the size of the original proposal for a development of 158 beds was considerably larger than the average size of similar facilities in urban fringe locations.

The peer review noted that the ENA provided examples of other aged care facilities within the broader catchment area which *'provided a total of 1,329 beds, ranging from 39 beds to 131 beds – or an average of 89 beds. This average is slightly higher than the Australian average of 77 beds per facility, as reported by the Australian Institute of Health and Welfare.'*

The proposed facility is to have 158 beds, making it larger than any facility currently operating in the Catchment Area, and twice the size of the average Residential Aged Care Facility in Australia.'

The peer review added that *'As with many industry sectors in Australia, the aged care sector is constantly responding to different pressures being placed on it by society and funding constraints...It is to be expected that the average Residential Aged Care Facility could well increase to 100 beds over time.'*

Officer's comments

In a subsequent meeting on 19 December 2019 with the applicant, Council officers advised that a facility of 90 beds would be more consistent with the scale of other similar aged care facilities based upon the findings of the peer review.

In response to Council's further clarification request dated 6 January 2020 the applicant lodged an amended proposal for a 90 bed Residential care facility reducing the overall size and scale of the development.

Council officers acknowledge a proportion of the need for aged care accommodation will fall within Upper Coomera and are satisfied the amended proposal responds to a demonstrated economic need in an appropriate way that supports the amenity and character of the surrounding rural residential area. It is also considered the proposed scale of development can be supported on the subject site given its location which abuts an established urban area with land in the Medium density residential zone and for the reasons discussed in relation to the Strategic framework.

5.3.3 Assessment against the codes

Under the City Plan, compliance with a code can be achieved by either compliance with the purpose and overall outcomes of the code, or, compliance with either the performance outcomes or acceptable outcomes. Acceptable outcomes are generally quantifiable provisions, with the performance and overall outcomes generally qualitative and performance based.

The following is an assessment of the application against the applicable codes of the City Plan identified in the table below:

Zone code	Overlay codes	Development codes
Rural residential zone code	- Bushfire hazard overlay code - Environmental significance overlay code - Landslide hazard overlay code	- Multiple accommodation code - Driveways and vehicular crossings code - General development provisions code - Healthy waters code - Solid waste management code - Transport code - Vegetation management code

5.3.3.1 Assessment against the zone code

The proposal has been assessed against the Rural residential zone code.

The purpose of the Rural residential zone code is to *provide for residential development on large lots where local government infrastructure and services may not be provided on the basis that the intensity of residential development is generally dispersed.*

Officers have undertaken an assessment of all relevant provisions. The proposed development does not meet the following performance outcomes and applicable acceptable outcomes:

- PO4 and AO4.1 in relation to proposed maximum height of 11.16m.

Further, where there is no applicable acceptable outcome provided, assessment has also been undertaken against the following applicable Performance outcome:

- PO5 in relation to density.

PO4 - Height

Performance outcome	Acceptable outcome
PO4 Building height is low rise.	AO4.1 Building height does not exceed: a) 2 storeys with a maximum height of 9m; or b) a partial third storey if within 9m.

Officer's comments

The proposal is for a 2 storey building with a height of 6.2m to the eaves and 11.16m to the roof apex.

The proposed development does not comply with AO4.1 as it proposes a maximum height over 9m and does not comply with PO4 as the building does not meet the City Plan definition of a low rise building height.

The City Plan (Version 5) defines *Low rise building height* as follows:

A building up to 9 metres above ground level (intent for up to 2 storeys, with option for partial 3rd if within 9 metres).

PO5 - Density

Performance outcome	Acceptable outcome
PO5 Residential density is limited to a dwelling house.	AO5 No acceptable outcome provided.

Officer's comments

The applicant proposes a Residential care facility of 90 beds. This equates to a residential density on the site of 1 bed per 343m² or 30 'dwellings' per hectare. The proposed development therefore does not comply with PO5.

The proposed development does not meet the above-mentioned performance or acceptable outcomes. However, in accordance with section 5.3.3 of the City Plan, the development can still be assessed as complying with a code, provided it complies with the purpose and overall outcomes of the code.

An assessment of the development against the purpose and overall outcomes of the code is undertaken below.

As mentioned above, the purpose of the Rural residential zone code is to *provide for residential development on large lots where local government infrastructure and services may not be provided on the basis that the intensity of residential development is generally dispersed.*

Relevant overall outcomes include the following:

(2) *The purpose of the code will be achieved through the following overall outcomes:*

(a) *Land uses –*

- (ii) *provide low rise, very low intensity residential accommodation such as Dwelling houses, and Short-term accommodation (farm stays);*
- (iii) *preserve the matters of environmental significance and topographical features of the land by integrating uses of appropriate scale amongst the landscape...*
- (vii) *do not detract from the residential amenity of the area.*

(b) *Character consists of –*

- (vii) *very low intensity and low rise environments; and*
- (viii) *private acreage or bushland living, typically situated along natural landscape settings like ridgelines or valleys with the intention of being separated from urban services and providing a high amenity lifestyle choice.*

(c) *Built form –*

- (vii) *is very low intensity, low rise and well setback from property boundaries to ensure privacy for adjacent residences and to preserve the very low intensity character of the zone;*
- (viii) *maintains a low site cover to promote the semi-rural or bushland setting; and*
- (ix) *respects natural landscape values of semi-rural and bushland environments.*

Officer's comment

The proposed development supports the main components of the zone code purpose that the *intensity of residential development is generally dispersed* and relevant overall outcomes. Council officers consider that the proposed development generally complies with the other relevant overall outcomes of the Rural residential zone code as:

- The development has a site cover of only 16% and maintains the dispersed nature of development in the rural residential area.
- The site is located adjacent to existing urban infrastructure and in close proximity to a wide

range of facilities and services.

- The development is low rise - while the building height marginally exceeds 9m this is due to the pitched roof form and the development essentially presents as 2 storeys and 'low-rise' in appearance.
- The development preserves matters of environmental significance and maintains the semi-rural landscape character. The environmental values on the site will be preserved, rehabilitated and enhanced by the extensive areas of open space in the form of the environmental corridor, recreation linkage park and landscaped private open space.
- The proposed development will not detract from rural residential amenity. The building setbacks and extensive landscaped setting of the development support the *rural lifestyle and amenity aspirations* of surrounding residents. The proposed Residential care facility is essentially a quiet residential land use by nature which will not disturb the acoustic amenity of the adjacent rural residential properties.

5.3.3.2 Assessment against the overlay code

The proposal has been assessed against the following overlay codes:

- Bushfire hazard overlay code
- Environmental significance overlay code
- Landslide hazard overlay code

Officers have undertaken an assessment of all relevant provisions. The proposed development does not meet the following applicable performance outcomes and acceptable outcomes:

- AO2 of the Bushfire hazard overlay code in relation to land uses.
- AO5.5 of the Environmental significance overlay code in relation to buffers to waterways.

Bushfire hazard overlay code

PO2 – Land use

Performance outcome	Acceptable outcome
PO2 In a bushfire hazard area, development: a) does not result in a high concentration of people living, working or congregating in a bushfire hazard area; b) does not result in the bulk manufacture or storage of hazardous materials; and c) 'essential' community infrastructure is able to function effectively during and immediately after a bushfire event.	AO2 The following land uses are not located in a bushfire hazard area: a) Aged care facility; b) Child care centre; c) Community care centre; d) Community use; e) Development involving the manufacture or storage of hazardous material in bulk; f) Educational establishment; g) Hospital; h) Residential care facility; i) Retirement facility; j) Rooming accommodation; k) Sport and recreation uses; l) Tourist attraction; m) Tourist park; and n) Utility installation (waste management facilities). AND In a bushfire hazard area permitted essential community infrastructure is designed to function effectively during and immediately after bushfire

	events, as demonstrated in a Bushfire management plan. <i>Note: A Bushfire management plan prepared by a suitably qualified person and in accordance with SC6.3 City Plan policy – Bushfire management plans is Council's preferred method for addressing this acceptable outcome.</i>
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The subject site is identified as part 'Medium bushfire hazard area' and part 'Potential bushfire impact buffer' in the Bushfire hazard overlay mapping.



Figure 19: Bushfire hazard overlay mapping (Source: City Plan interactive mapping)

Officer's comment

Council's Bushfire Planning and Assessment section has provided the following assessment against the Bushfire hazard overlay code:

'The application does not meet Acceptable outcomes AO2 which requires that the proposed land uses are not located in a bushfire hazard area. The applicant's Bushfire Management Report confirms that the development site is still within a bushfire hazard buffer area.

However the purpose of the bushfire hazard overlay code ensures that the risk to life, property and the environment is mitigated to an acceptable or tolerable level and this is demonstrated within the bushfire management report being Bushfire Management Report FM 3812-3 for Sandson PTY LTD at 202 Baileys Mountain Road Upper Coomera.' (by Eldon Bottcher Architect Pty Ltd dated 23/03/2020)

Council officers therefore consider that the proposal complies with PO2 of the Bushfire hazard overlay code.

Environmental significance overlay code

PO5 – Wetlands and waterways

Performance outcome	Acceptable outcome
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PO5 Buffers are provided to wetlands and waterways identified on the Environmental significance – wetlands and waterways overlay map to ensure the: a) protection of matters of environmental significance mapped onsite or identified through an ecological site assessment; b) unimpeded movement of fauna along the waterway; c) water quality is maintained; d) bank stability; and e) protection of property and infrastructure. Note: Recommendations provided in an ecological site assessment (prepared in accordance with SC6.7 City Plan policy – Ecological site assessments) is Council's preferred method for determining alternative buffer widths.	AO5.5 Buffers at least 30m wide are provided between the development and the outer bank of a waterway as identified on the Environmental significance – wetlands and waterways overlay map.
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The subject site is identified as containing two mapped waterways in accordance with the Environmental Significance Overlay Code. The applicant is proposing to retain and enhance Yaun Creek (stream order 4) which traverses through the southern extent of the subject site.

The applicant proposes a minimum 25m buffer to the high bank of Yaun Creek so the proposal does not meet AO5.5.

Officers comments

The future land acquisition for the realignment of Baileys Mountain Road will result in the partial removal of the mapped minor waterway along the north-eastern boundary of the site. Following discussions with the applicant, Environmental Assessment officers determined they would not seek a buffer to the waterway alongside Baileys Mountain Road and would accept an engineered design (swale) to convey the flow to the downstream portion of the waterway incorporated within the environmental corridor area associated with Yaun Creek.

At site meeting undertaken on the 20 May 2019 Environmental Assessment officers advised the applicant a minimum 25m wide buffer (from high bank) to Yaun Creek would be appropriate based on the provision of an additional 15m wide recreation linkage which provides a further setback of the development to the creek.

The applicant has amended the proposal to provide the 25m minimum buffer area for the environmental corridor along Yaun Creek in addition to the 15m recreation linkage park. This has required the removal of the existing dwelling on site as it is located within the required buffer area.

Environmental Assessment officers are satisfied that the proposal complies with PO5.

5.3.3.3 Assessment against development codes

The proposal has been assessed against the following development codes:

- Multiple accommodation code
- Driveways and vehicular crossings code
- General development provisions code
- Healthy waters code
- Solid waste management code

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- Transport code
- Vegetation management code

Officers have undertaken an assessment of all relevant provisions. The proposed development does not meet the following applicable acceptable outcomes:

- AO10 of the General development provisions code as the application does not address all requirements relating to stormwater drainage;
- AO1 of the Transport code in relation to car parking supply;
- AO5 of the Transport code in relation to servicing;
- AO13 of the Transport code in relation to the external pedestrian path.

Stormwater drainage - General development provisions code

Performance outcome	Acceptable outcome
PO10 Development does not cause adverse stormwater drainage impacts on or off the site.	AO10 All development incorporates stormwater drainage works to comply with the requirements of SC6.11 City Plan policy – Land development guidelines, Section 4 – Stormwater drainage and water sensitive urban design standards .

Officer's comment

In response to Council's information requests the applicant has submitted a revised stormwater management plan titled "202 Baileys Mountain Road, Upper Coomera, Site Based Stormwater Management Plan" prepared by Arcadis Australia Pacific Pty Limited (Version 05), dated 24 March 2020.

Council's Hydraulic Assessment Section has reviewed the proposal in relation to stormwater drainage requirements and provides the following comments following consultation with other officers:

- City Assets officers raised concerns about the proposed 1V:2H batter slope proposed in the drainage reserve. Given the constraints of the site, Council officers have determined that the 1V:2H batter slope can be accepted over a maximum length of 50m. This requires that the length of the batter downstream of the driveway crossover is to be reduced;
- City Assets officers also determined that the drainage reserve cannot be claimed for trunk credit as it is existing and refurbished and reduced in width for the sole benefit of the development;
- Open Space Assessment officers requested that details be provided of a cross-drainage structure at the interface between the overland flow corridor and the pedestrian linkage path. Such structure has not been considered in the hydraulic study and as such, has not been reflected in the stormwater management plan.
- The applicant has not fully addressed the external catchment and overland flow corridor along Baileys Mountain Road so compliance with AO10 is not achieved.

An 'Amended plans' condition is recommended to ensure compliance with PO10.

Car parking supply - Transport code

Performance outcome	Acceptable outcome
PO1 Development provides off-street car parking to accommodate the parking demand.	AO1 Off- street car parking spaces are provided in accordance with the identified relevant table as follows: Table 9.4.13-3 Residential care facility

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	Any other land use or land use operation To be determined upon submission of a car parking assessment to Council.
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Officer's comment

Council's Transport Assessment Section has reviewed the proposal in relation to car parking requirements of the Transport code and provides the following assessment comments:

'Compliance with Acceptable outcome AO1 of the Transport code is unable to be determined as a Residential care facility is not listed and therefore considered 'any other land use,' requiring car parking to be determined upon submission of car parking assessment to Council. The applicant's traffic engineer, Bitzios Consulting provided an alternative outcome for consideration against the requirements of Performance outcome PO1.

The submitted drawings show a total of 60 car parking spaces, comprising 30 staff and 30 visitor car parking spaces. Bitzios Consulting has provided the following reasons in support of the alternative provision of car parking.

- The term 'Residential care facility' is defined in the City Plan as "A residential use of premises for supervised accommodation where the use includes medical and other support facilities for residents who cannot live independently and require regular nursing or personal care." On this basis, resident car parking is not required for the 130 Residential care facility dwellings.*
- 1 staff car parking space is proposed for each of the proposed 30 staff members working on the site.*
- 1 space per 3.1 dwellings is proposed for visitor car parking for all uses. This is based on the visitor car parking provided for the existing operation at Paradise Lakes Care Centre in Runaway Bay.*

It is considered that the proposed 60 car parking spaces will be sufficient to accommodate the onsite car parking requirements for the proposed development'.

Officers therefore have determined that compliance with PO1 of the Transport code is achieved.

Servicing - Transport code

Performance outcome	Acceptable outcome
PO5 Development accommodates for the required design service vehicle, including waste collection vehicles to service the development.	AO5 Development is designed to cater for the largest service vehicle in accordance with Table 9.4.13-9: Minimum class of service vehicle. <u>Residential care facility</u> Any other land use. As determined upon submission of a service vehicle assessment.
PO6 Development is designed to ensure: (a) that areas are provided for loading and unloading of service vehicles; (b) that loading operations are contained wholly within the site; and (c) that pathways from service areas to tenancies are an appropriate width to allow for pallets and	AO6.1 Development is designed to provide for the design service vehicle in accordance with Table 9.4.13-8: Service vehicle requirements. Site area of 4000m ² and greater • Service bay to accommodate the design service vehicle in accordance with Table

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trolleys to manoeuvre without conflicting with doors, gates or landscaping.	9.4.13-9: Minimum class of service vehicle. Full on-site manoeuvring is required all for all classes of service vehicle.
	AO6.2 Service areas are designed in accordance with AS2890.2-2002 <i>Parking facilities Part 2: Off-street commercial vehicle facilities</i> .

Officer's comment

Council's Transport Assessment Section has reviewed the proposal in relation to the servicing requirements of the Transport code and provides the following assessment comments:

'Compliance with Acceptable outcome AO5 is unable to be determined as Residential care facility is not listed, and therefore considered as 'any other land use,' requiring submission of a service vehicle assessment.

To comply with Performance outcome PO5, the applicant's traffic engineer, Bitzios Consulting, proposes that the site will be serviced by an 8.8m Medium Rigid Vehicle (MRV).

It is considered reasonable to adopt the MRV as the design service vehicle based on the existing operations of the same aged care provider. Swept path diagrams have been provided demonstrating that a MRV can enter, circulate and manoeuvre within the site to access the proposed service courtyard, turnaround and exit the site in a forward gear. A condition of approval has therefore been imposed, limiting access to vehicles no larger than an 8.8m MRV or a 10.2m Refuse Collection Vehicle (RCV) where approved by Council's Environmental Health area.

Compliance with PO5 is achieved.

With respect to Acceptable outcomes AO6.1 and AO6.2 the applicant has provided a service area designed in accordance with AS2890.2 'Parking facilities Part 2: Off street commercial vehicle facilities' and provided swept path diagrams demonstrating the design service vehicle can enter and exit the site in a forward gear.

Compliance with AO6.1 and AO6.2 is achieved.'

External pedestrian path - Transport code

Performance outcome	Acceptable outcome
PO13 Development ensures that access for pedestrians and cyclists to and from the site is designed to be direct, safe, pleasant and comfortable environments that connect people with places of local interest, services, public transport facilities and neighbourhoods.	AO13 Development provides for a disability access compliant shared path or footpath along the frontage of the site within the road reserve, designed and constructed in accordance with the Functional road hierarchy network as shown on the Zone map and SC6.11 City Plan policy – Land development guidelines, Section 2 – Transport network standards .

Officer's comment

The subject site does not have an existing footpath on Baileys Mountain Road. Council's Transport Assessment Section has reviewed the proposal in relation to the requirements of PO13 and AO13 of the Transport code and provides the following assessment comments:

'To comply with Acceptable outcome AO13 of the Transport code, the development must provide a footpath along any frontage of the site to a road identified on the functional road hierarchy. In the context of the proposed development this would require a footpath to be provided on Baileys Mountain

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Road, Old Coach Road and Reserve Road. While footpath exists for part of the Reserve Road frontage, no footpaths exist on the other road frontages. The applicant is not proposing to construct any footpath network external to the site. Compliance with AO13 is not achieved, requiring consideration of an alternate outcome.

Council's Local Government Infrastructure Plan (LGIP) in City Plan version 5 identified planning to realign Baileys Mountain Road to connect with the existing Old Coach Road/Reserve Road roundabout intersection. Transport and Traffic Branch were requested to confirm whether or not a footpath should be conditioned as part of this development. Advice received, indicated that the footpath will be delivered as part of that ultimate intersection upgrade. On this basis, no footpath has been conditioned as part of this application.'

Compliance with PO13 is therefore considered to be achieved.

6 LOCAL PLANNING INSTRUMENTS THAT MAY BE MATERIALLY AFFECTED BY THE DEVELOPMENT

The proposal does not trigger assessment against any assessment benchmarks for another local government area materially affected by the development.

7 REFERRALS

8.1 Internal referrals

This application has been assessed by internal referral officers who have provided comments and reasonable and relevant conditions. An overview of the recommended conditions are provided in the table below:

Internal referral area	Conditions/Comments (if not included within report)
Office of the City Architect	The Office of the City Architect has reviewed the amended design for the 90 bed Residential care facility and provides the following assessment against PO3 of the Multiple accommodation code: <i>'The 2 storey building retains a low-rise residential appearance, despite being 11.16m in total height. The building is sited to achieve substantial setbacks to the surrounding properties and streets (i.e. Reserve Road (93.2m), Baileys Mountain Road (27.5m), proposed road realignment (7m), adjoining property (6m)) which will effectively negate the impacts of exceeding the 9m building height. Further the hip and valley roofline promotes a low-rise residential aesthetic which is consistent with the design of buildings in the surrounding area.</i> <i>The units are arranged to overlook a central courtyard and the surrounding property (including the street) thereby providing passive surveillance of the communal areas, surrounding environmental buffer zone and public realm.</i> <i>A mix of traditional residential details and materials (i.e. face brick, weatherboard, corrugated roof sheeting) provides a distinctive residential aesthetic. These elements are arranged in a visually pleasing and fine grained composition which achieves visual interest and avoids an austere appearance.'</i> The Office of the City Architect supports the application and recommends approval of the architectural drawings.
City Assets	City Assets officers have reviewed the proposal and recommend that it be supported subject to the following conditions:

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	Conditions: • Rectification of Council's infrastructure • Construction of vehicular crossing • Connections to, alteration or realignment of Council infrastructure
Environmental Assessment	Environmental Assessment officers have reviewed the amended proposal and provide the following assessment comments: <i>'The amended rehabilitation management plan identifies Management Zone 3 to be rehabilitated with species consistent with RE12.11.24 (as requested). Planting areas within 20m of the building (i.e. approx. 5m into conservation area) are to be strategically planted with less flammable species. The amended plan also identifies all planting within the future road acquisition area to be restricted to ground cover plantings only (as requested), conforming to the respective zones. Environmental Assessment officers have determined the proposal generally complies with the performance outcomes of the Environmental Significance Overlay Code and Strategic Framework 3.7 Living with nature and 3.7.4 Element – Nature conservation.'</i> Environmental Assessment supports the proposal subject to conditions: Conditions: • Approved plans • Arborist Report – Tree Assessment and Tree Management Plan • Vegetation clearing Advice Notes: • Further development permit for Operational works for vegetation clearing • Listing of Koalas under the EPBC Act • Riverine Protection Permit • Species Management Program
Health and Regulatory Services	Health and Regulatory Services has assessed the application against the General development provisions code and Solid waste management code and provides the following assessment comments: <i>'The proposal generally meets the outcomes of the General Development Provisions code. The Acoustic Report prepared by Acoustic works dated 11 February 2020 (reference: 2018200 R01C) has been assessed by the reviewing officer and is considered adequate.</i> <i>The proposal generally meets the outcomes of the Solid Waste Management Code. The Waste Management Plan prepared by MRA Environmental dated February 2020 (reference: MRA19-175) has been submitted. The following has been noted in regards to the waste arrangements:</i> • <i>The expected weekly waste generation rates for the</i>

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	development are 11,264.4L/week for general and 7439.6L/week for recycling. • 2 x 2000L bulk bins service three times a week for general and 2 x 2000L serviced twice per week for recycling waste will be provided. • A combined storage and servicing point has been provided. • Swept paths have been provided and review with Senior EHO and considered adequate. The applicant has advised that the area where the waste truck turns around is at a height of 4.5m and that there is no roof over the service area.' Health and Regulatory Services support approval of the application subject to conditions: Conditions: • Approved drawings • Approved plans • Hours of operation and loading and unloading • Screening of visually offensive components • Certification of works
Hydraulics and Water Quality	Hydraulic Assessment officers have reviewed the applicant's amended stormwater management plan and have determined that it complies with the Health waters code. However it does not comply with AO10 of the General development provisions code as the applicant has not fully addressed the external catchment and overland flow corridor along Baileys Mountain Road. Hydraulic assessment support the application subject to conditions, including an amended plans condition to ensure compliance with PO10. Conditions: • Amended plans • Land transfer • Private infrastructure • Overland flow paths and hydraulic alterations • Bioretention basin maintenance management plan • Certification of works • Erosion and sediment control Advice Notes: • Stormwater Property Notifications: • Stormwater • Private stormwater drainage corridor
Landscape Assessment	Landscape Assessment officers have undertaken an assessment of the proposal in relation to landscape assessment and have determined the proposal generally complies with the relevant provisions of the zone code, overlay codes and development codes. The following assessment comments are provided:

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	- Complies with AO1(b) of the Driveways and vehicular crossings code <i>as proposed street trees and new alignment of road allows for street tree planting.</i> - Currently complies with AO4.1 of the General development provisions code <i>as an SLI has been submitted demonstrating that the landscaping will provide amenity for site users and will protect and enhance the character of the local area. Non-compliance will occur if road resumption occurs in the future as the frontage buffer will be majorly reduced. A condition will be required to propose a buffer within the subject site of a minimum 5 metres landscape buffer to the proposed road resumption.</i> - Complies with AO9 of the General development provisions code <i>as dense planting has been proposed to visually screen structures.</i> Landscape Assessment officers recommend that the application be approved subject to conditions. Conditions: - Landscaping works on private land Advice Notes: - Further development permit for Operational works – landscape works
Open Space Assessment	Open Space Assessment officers have reviewed the amended proposal and provide the following assessment comments: - The recreation linkage was originally proposed to be 6m wide. <i>The LGIP mapping identifies a 32m wide recreation linkage as trunk infrastructure within the subject site. A 15m wide recreation linkage has been dedicated in consultation with the network owner, Parks and Recreation Services.</i> Open Space Assessment recommend approval of the application subject to conditions: Conditions: - Land transfer – of conservation open space and LGIP recreation linkage park - Landscaping works within public open spaces - Boundary fences Advice Notes: - Development infrastructure - Further development permit for Operational works - landscape works
Parks and Recreation Services	Parks and Recreation Services (P&RS) officers have reviewed the amended proposal and the following provides a summary of their assessment: The LGIP specifies a land area of 4,889 m² for a recreation linkage park

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	with a width of 32m. The applicant originally proposed a 6m sub-standard recreation linkage. Following negotiations P&RS agreed to accept a width of 15m wide which the applicant has provided in the amended proposal plans. P&RS officers support approval of the application subject to the following conditions for the trunk infrastructure: Conditions: • Necessary trunk infrastructure (LGIP identified) • Land dedication
Plumbing and Drainage	Plumbing and Drainage officers have reviewed the amended proposal and support the application subject to the following condition: Conditions: • Plumbing and drainage works
Subdivision Engineering	Plumbing and Drainage officers have reviewed the amended proposal and support the application subject to the following condition: Conditions: • Electrical reticulation • Telecommunications network • Certification of works
Queensland Fire Rescue	Bushfire Assessment and Planning have reviewed the applicant's Bushfire Management Plan and assessed the proposal against the Bushfire hazard overlay code. The proposal is considered to comply with the overlay code and the following conditions of approval are recommended: Conditions: • Approved plans • Certification of works Advice Notes: • Bushfire management Property Notification: • Bushfire management
Transport Assessment	Transport Assessment officers have determined that the proposal complies with the Transport code and recommend the application be approved subject to conditions. Conditions: • Approved drawings • Off street vehicle and parking facilities • Off street facilities • Loading and unloading (excluding waste collection vehicles)
Transport & Traffic Branch	Transport and Traffic Branch (T&T) have identified that the proposed development includes trunk infrastructure identified in the LGIP for the Reserve Road/Old Coach Road Intersection Upgrade. It requires the realignment of Baileys Mountain Road over part of the subject site.

	The applicant has accommodated the proposed realignment of Baileys Mountain Road in the design of the development and T&T support the application subject to conditions. Conditions: Necessary trunk infrastructure (not identified in the LGIP)
Water and Waste	Water and Waste have assessed the proposal and recommend approval subject to conditions: Conditions: - Requirement to register easement/s - for purposes of water supply - Restrictions regarding Council easements and infrastructure - Rectification of Council's infrastructure - Extra payment condition – for additional emergency storage at sewer pump station - Sewer reticulation - Water reticulation - Sub-metering - Fire loading Advice Notes: - Connections and disconnections - Separate service connection points - Connections to, alteration or realignment of Council infrastructure - Water meter sizing - Further development permits / compliance permits - Operational works – infrastructure - Connections / disconnections: Application to work on the City's Infrastructure - Operational Works meeting prior to lodgement

8.2 External referrals

There is no concurrence or advice agency(s) triggered by this development application.

16 PUBLIC NOTIFICATION

9.1 Overview

In response to public notification:

- Two properly made submissions were received, consisting of two objections.
- One not properly made submission was received, consisting of one objection.

9.2 Compliance with public notification requirements

The applicant has submitted a notice of compliance stating public notification has been completed in

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accordance with the requirements of the Development Assessment Rules under the Planning Act 2016.

Council has reviewed the public notification material and considers the applicant has complied with the requirements of the Development Assessment Rules.

9.4 Matters raised in submissions

The matters raised by submitters who made a properly made submission or a submission that has been accepted by the assessment manager are discussed below.

Matters	Officer's comment
No detail provided to objection, except for a photograph of a koala.	The objection is taken to relate to the impact of the proposed development on the environmental values. As discussed above, the proposal includes the dedication of an environment corridor that will protect and rehabilitate environmental values on the site.
Objection to additional traffic on Baileys Mountain Road and congestion this may create at the existing intersection with Old Coach Road. It is noted the planned realignment of Baileys Mountain Road appears a safe and sensible arrangement.	The nature of the proposed development is not expected to result in a significant increase in traffic on Baileys Mountain Road as traffic will be associated with staff and visitors only. As the amended design is for a Residential care facility, the 'high care' residents of the facility are not expected to generate traffic.
Objection to the road and services which stop at the proposed building allowing no way for other properties to link into the on-going development in this area. "They are effectively locked out."	The design of future development in the Upper Coomera Investigation Area is not yet determined as the proposed amendments to the City Plan are still under review. The applicant is responsible for providing services to their development site. Future road connections and the delivery of services to the surrounding area are not precluded by the development.
No objection to the proposed height limit or type of industry.	Noted. The amended proposal provides a building height which is considered to be 'low rise' in appearance and consistent with building heights permitted in the surrounding area.

10 CONCLUSION

Council is in receipt of an application for a for a material change of use to establish a Residential care facility (90 beds) at 202 Baileys Mountain Road, Upper Coomera.

After a detailed assessment, it has been determined the proposal meets the following relevant parts of the Strategic framework:

- Living with nature theme - 3.7.4 Element – Nature conservation;
- A safe, well designed city theme - 3.8.3 Element – Urban design, character and community identity and 3.8.7 Element – Natural hazards.

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On balance, the proposal meets the intent of section 3.3.7. Element – Rural residential areas of the Creating liveable places theme and the Rural residential zone for a *very low intensity* of development. However, Council officers support the proposed development for the following reasons:

- There is a demonstrated economic need for aged care facilities in the northern Gold Coast and the development provides housing choice and responds this need for aged care accommodation in the Upper Coomera area;
- The applicant has responded to Council's advice by substantially reducing the overall scale, height, density and site cover of the development and has provided an amended design which is considered more responsive to the local context and surrounding rural residential amenity and character;
- The site is well located at the edge of the existing urban area of Upper Coomera in close proximity to a wide range of facilities and services including public transport. The proposed development is in a position where it provides a transition from urban developments in the adjacent Medium density residential zone into the rural residential areas to the west and south;
- The proposed building form presents as a 'low-rise' residential development in appearance and is of a height which is generally consistent with the surrounding rural residential area;
- The building setbacks and extensive landscaped setting of the development support the desired future appearance of the area and assist to preserve the reasonable amenity expectations of surrounding residents;
- The proposed Residential care facility is essentially a quiet residential land use by nature which will not disturb the amenity of the adjacent rural residential properties;
- The environmental values on the site will be preserved and enhanced by the extensive areas of open space in the form of the environmental corridor, recreation linkage park and landscaped private open space.

It is therefore recommended the application be approved, subject to conditions.

11 RECOMMENDATION

It is recommended that Council resolves as follows:

That under Delegated Authority, the Manager of City Development approves (with conditions) the issue of a development permit for a material change of use for a Residential care facility (90 beds), in accordance with the Attachment entitled: Decision Notice – approval (with conditions).

Author:

Sue Wilkinson

Senior Planner

2 April 2020

Authorised by:

Michael Moran

Manager City Development