

Sutherland Shire
COUNCIL



Greg Hansell - 9710 0844
File Ref: DA10/0553

2 September 2011

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Dear Sir/Ms

S.96 Modification Application No. MA11/0259

JRPP Reference No. 2010SYE034

Proposed Modification to Development Consent No. DA10/0553

Proposal: Stage 1 of a Seniors Living Development - Construction of a 92 Bed Residential Aged Care Facility and Basement Car Park with Vehicular and Pedestrian Access to Kiama Street and Pedestrian Access to Belllingara Road (including a Pedestrian Crossing)

Property: 86-110 Belllingara Road, Miranda

Council has received an application to modify Development Consent No. DA10/0553.

Council wishes to advise that the determination notice in relation to the amendment to the abovementioned development application has now been finalised and sent to the applicant. A copy of the notice of determination is enclosed for your information.

Yours faithfully

Greg Hansell
for J W Rayner
General Manager

Encl:

MODIFIED DEVELOPMENT CONSENT

Environmental Planning and Assessment Act 1979

DATE OF DETERMINATION 15 September 2010

DATE OF MODIFICATION 2 September 2011

AUTHORITY Director - Environmental Services

DETERMINATION OF DEVELOPMENT APPLICATION NO. DA10/0553

Modification Application No. MA11/0259

LAND DESCRIPTION:

Lot 1 DP 1097917
86-110 Bellingara Road MIRANDA NSW 2228

APPLICANT:

Hammondcare
L2 447 Kent Street
SYDNEY NSW 2000

Sutherland Shire Council, pursuant to Section 96 of the Environmental Planning and Assessment Act 1979, hereby notifies that the abovementioned Development Application for development described below has been determined by the granting of a modified development consent subject to the conditions specified in this notice.

PROPOSED DEVELOPMENT:

Stage 1 of a Seniors Living Development - Construction of a 92 Bed Residential Aged Care Facility and Basement Car Park with Vehicular and Pedestrian Access to Kiama Street and Pedestrian Access to Bellingara Road (including a Pedestrian Crossing)

The conditions of this consent which have been imposed to reduce or eliminate any detrimental effects that the proposed development might have on the environment including the amenity of the area are described on the following pages.

CONDITIONS OF CONSENT

GENERAL CONDITIONS

These general conditions are imposed to ensure that the development is carried out in accordance with the development consent, having regard to the environmental circumstances of the site.

1. Approved Plans and Documents

The development shall be implemented substantially in accordance with the details and specifications set out on the architectural plans, Drawing Nos. DA 1001 Issue 05 dated 3 August 2010, DA 2100 Issue 06 dated 3 August 2010, DA 2101 Issue 09 dated 3 August 2010, DA 2102 Issue 03 dated 4 June 2010, DA 3101 Issue 03 dated 4 June 2010, DA3111 Issue 02 dated 4 June 2010, DA 3112 Issue 02 dated 4 June 2010 & DA 3201 Issue 04 dated 15 June 2010, prepared by Allen Jack & Cottier Architects and any details on the application form and on any supporting information received with the application, except as amended by the details accompanying the 'Application for Modification of Development Consent' reference MA No. 11/0259 received by Council on 18 August 2011 (but limited to those details relating to the deletion of the windows above the bedroom wardrobes and the addition of a hot water plant room and a sprinkler valve room, as highlighted on the architectural drawings numbered DA3101 Issue 06 dated 31 August 2011, DA1001 Issue 06 dated 31 August 2011, DA2101 Issue 11 dated 31 August 2011 & DA2102 Issue 05 dated 31 August 2011, prepared by Allen Jack & Cottier Architects) and except as amended by the conditions specified and imposed hereunder.

(Modified 2 September 2011)

Note 1:

Nothing in this development consent, whatsoever, approves or authorises the commencement, erection or construction of any building or construction works.

Note 2:

Prior to the commencement of any building or construction work being carried out, a 'construction certificate' shall be obtained from Council or an Accredited Certifier.

Note 3:

Prior to any work being carried out relating to the development the subject of the consent, the person implementing the consent shall provide Council with:

- a) Notification of the appointment of a Principal Certifying Authority (PCA) and a letter of acceptance from the PCA.
- b) Notification of the commencement of building works, with a minimum of 2 days notice of such commencement.

2. Prescribed Conditions

The following are prescribed conditions of development consent pursuant to s.80A(11) of the Environmental Planning and Assessment Act 1979 and cl.98 of the Environmental Planning and Assessment Regulation 2000.

A. Compliance with the Building Code of Australia

The development must be carried out in accordance with the provisions of the Building Code of Australia.

B. Residential building work

1. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the **Principal Certifying Authority (PCA)** for the development to which the work relates:

- a) in the case of work to be done by a licensee under that Act:
 - i) has been informed in writing of the licensee's name and contractor license number, and
 - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
- b) in the case of work to be done by any other person:
 - i) has been informed in writing of the person's name and owner-builder permit number, or
 - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of "owner-builder work" in section 29 of that Act,
 - iii) and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

2. A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

C. Details to be provided to Council with the Notice of Commencement

Builders and Insurance details required under part B above shall be provided to Council with the Notice of Commencement. In relation to non-residential building work, Builders details shall be provided to Council with the Notice of Commencement.

3. Public Authority Requirements

The development shall be carried out in accordance with the requirements of Energy Australia, as relevant to the electricity transmission easement and associated infrastructure that traverses the site.

4. Approvals Required under Roads Act or Local Government Act

The following works or activities shall not be carried out on public land (including a road) adjacent to the development site without approval under the Roads Act 1993 and/or the Local Government Act 1993:

- a) Placing or storing materials or equipment;
- b) Placing waste containers or skip bins;
- c) Pumping concrete from a public road;
- d) Standing a mobile crane;
- e) Pumping stormwater from the site into Council's stormwater drains;
- f) Erecting a hoarding;
- g) Establishing a construction zone;
- h) Opening the road reserve for the purpose of connections including telecommunications, water, sewer, gas, electricity and stormwater; or
- i) Constructing a vehicular crossing or footpath.

An application, together with the necessary fee, shall be submitted and approval granted by Council prior to any of the above works or activities commencing.

Note - Approval under the Roads Act or Local Government Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

5. General Condition 1 - Accessibility

- a) The development shall comply with the Commonwealth aged care accreditation standards.
- b) The development shall comply with AS1428.1.
- c) The lift cars shall comply with AS1735.12 - 1999.
- d) The two (2) accessible car parking spaces shall comply with AS2890.6.

(Modified 4 November 2010)

6. General Condition 2 - Crime Prevention

- a) All pathway lighting is to provide at least **20** lux at ground level.
(Modified 14 February 2011)
- b) All external doors at the basement floor level are to be fitted with access control devices.
- c) The car park driveway security door is to be designed and installed, so that it cannot be manually over-run by people attempting to gain unauthorised access.
- d) The walls and ceilings in the basement car park are to be painted white.
- e) The doors and windows at the ground floor level are to be fitted with security devices.

- f) The external walls of the building and all fences and retaining walls are to be treated with anti-graffiti coatings or textured surfaces or screened by vegetation, as far as practicable.
- g) **(Deleted 14 February 2011)**

Bonds

The following security bonds have been levied in relation to the proposed development.

7. Environmental, Damage & Performance Security Bond

Before the commencement of any works (including demolition) or the issue of a Construction Certificate, the applicant shall provide security to Council against damage caused to any Council property and/or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with the Council or a satisfactory guarantee. A non refundable inspection/administration fee is included in the bond value.

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a current dilapidation report supported by photographs. This information shall be submitted to Council at least 2 days **prior** to the commencement of works.

Should any public property and/or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and/or remove the risk. The costs incurred shall be deducted from the security.

A request for release of the security deposit may be made to Council after all works relating to this consent have been completed. Such a request shall be submitted to Council on the '*Bond Release Request Form*' signed by the owner or any person entitled to use of the consent.

The value of the bond shall be determined as follows:

Development Value	Refundable Deposit ♦
Less than \$50,000 ♦♦	\$2,110.00
\$50,000 - \$150,000	\$2,110.00
\$150,000 - \$300,000	\$3,110.00
Greater than \$300,000	\$5,110.00
Swimming Pools	\$2,110.00
Demolition / Earthworks	\$3,110.00

- ♦ Bond amount includes a non refundable administration fee of \$110. Where the bond takes the form of a Bank Guarantee, the \$110 administration fee must be paid separately.

- ♦♦ Development valued at less than \$50,000 only where:
 - deliveries or removal of materials occur in vehicles of Small Rigid Vehicle (4.0 tonnes) size or larger and/or
 - there is delivery or removal of construction machinery, and
 - a constructed footpath or a stormwater pit exists along the frontage of the property or within 10 metres on either side of the property.

Note: All enquiries in relation to bonds should be directed to Council's Civil Assets Manager on 97100134.

8. Public Liability Insurance

Prior to the commencement of work or the issue of a Construction Certificate, the owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. Evidence of this policy shall be submitted to Council prior to commencement of work or the issue of a Construction Certificate.

MATTERS RELATING TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions involve either modification to the development proposal or further investigation prior to the issue of a Construction Certificate, so as to ensure that there will be no adverse impact on the environment or adjoining development. This information shall be submitted with the Construction Certificate.

Design Conditions

These design conditions are imposed to ensure the development, when constructed, meets appropriate standards for public safety and convenience.

9. Design Changes Required

To reduce the environmental impact of the development proposal, the following design changes shall be implemented:

- a) The proposed fence located on the outer southern edge of the elevated pedestrian path on the southern side of Houses 5 and 6 (as indicated on the approved plans and detailed in the section drawing No. LA07 Revision A dated 20 August 2010) shall be a minimum height of 1.6 metres above the finished level of the path and designed to prevent a downward view into the adjoining properties to the south.
- b) The proposed fences located on the outer sides of the covered services corridors on the eastern and western perimeters of the building (as indicated on the approved plans and detailed in the elevation drawing entitled 'Fencing to Western Boundary of Miranda RACF' reference No. SK6118) shall comprise of a solid wall no higher than 1 metre above the finished level of the covered services corridor path and a timber screen no higher than 800 mm above this wall and of a transparency of at least 50%.

Details of these design changes shall accompany the Construction Certificate.

10. Detailed Landscape Plan

A Detailed Landscape Plan shall be prepared by an experienced Landscape Designer (a person eligible for membership of the Australian Institute of Landscape Designers and Managers) or Landscape Architect (a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect).

The Detailed Landscape Plan shall be based on the plans, Drawing Nos. LA01, LA02, LA03, LA04, LA05, LA06, LA07 & LA08, all Revision A and dated 1 June 2010, prepared by Taylor Brammer Landscape Architects Pty Ltd, submitted with the development application and shall include the following modifications:

- a) The pathway on the elevated deck on the southern side of House 6, between the main entry to House 6 and Kiama Street, shall be deleted and replaced with shrub and groundcover planting.
- b) The three (3) proposed trees in the south eastern corner of the site, adjoining property No. 3 Queanbeyan Avenue, shall be of species that grow to a mature height of no more than 5 metres.
- c) Groundcover planting shall be provided for the full extent and adjacent to both sides of the internal pathway that connects the ground floor level entry of the building with Bellingara Road.

The Landscape Designer or Landscape Architect shall provide written certification to the Accredited Certifier that the Detailed Landscape Plan has been prepared having regard to the requirements of this development consent. This certification and the Detailed Landscape Plan shall accompany the Construction Certificate.

11. Design and Construction of Works in Public Areas

Council has determined that the proposed development generates a need for the following works to be undertaken by the Applicant in the Road Reserve:

- a) Road pavement reconstruction.
- b) Stormwater drainage work.
- c) Demolition of existing kerb and gutter at the proposed points of access and replacement with concrete layback crossings.
- d) Construction of footpath crossings to the levels issued by the Council.
- e) Removal of all redundant layback crossings in Kiama Street and reconstruction with integral concrete kerb and gutter.
- f) Removal of all redundant footpath crossings in Kiama Street and reinstatement in accordance with Council's requirements.
- g) Construction of a footpath on the western side of Kiama Street, across the frontage of the development.

- h) Construction of a footpath on the eastern side of Bellingara Road, from the internal pathway (where it meets the street frontage) southwards to the existing bus stop adjacent to the site.
- i) Regrading and reconstruction of the existing footpath on the western side of Bellingara Road, from the location of the proposed pedestrian crossing southwards to the existing bus stop opposite and adjacent to the site.
- j) Construction of a raised pedestrian crossing (magpie crossing) and installation of associated street lighting, at the location as indicated on the site plan, Drawing No. DA 1001 Issue 04 dated 16 June 2010 prepared by Allen Jack & Cottier Architects, submitted with the development application. The pedestrian crossing shall be designed so as to ensure safe and convenient vehicular access to and from the footpath crossings on either side of the proposed crossing.
- k) Construction of a concrete pad and seat (and if deemed necessary by Council's Engineering Division, a bus shelter) at the bus stops referred to in items (h) and (i) above.
- l) Regrading, topsoiling and turfing of the footpath areas to final design levels, as deemed necessary by Council's Engineering Division.
- m) Adjustment to public services infrastructure where appropriate.

An application under the Roads Act, together with the necessary fee, shall be submitted and approval granted by Council prior to any of the above works or activities commencing. Approval under the Roads Act cannot be granted by a Principal Certifying Authority or by a Private Certifier. Failure to obtain approval may result in fines or prosecution.

Survey and design plans for the above works shall be prepared by Council's Engineering Division and issued by Council's Civil Assets Manager. A fee quotation may be obtained by submitting a "Detailed Frontage Design" application to Council. The application form can be obtained from Council's web site. **(Modified 4 November 2010)**

12. General Construction Certificate Condition 1 - Roof Levels

The reduced levels of the rooflines of the building shall be in accordance with the plans, Drawing Nos. DA3101 Issue 04 dated 20 July 2010 and DA3201 Issue 05 dated 16 July 2010, prepared by Allen Jack & Cottier Architects, submitted to Council on 21 July 2010.

The plans accompanying the construction certificate shall include these details.

13. General Construction Certificate Condition 2 - Pathway to Bellingara Road

The internal pathway providing pedestrian access between the ground floor level entry of the building and Bellingara Road is to be wheelchair accessible and include bollard style lighting at regular intervals, so as to ensure that it is safe and convenient for use by staff, visitors and residents.

The plans accompanying the construction certificate shall include these details.

Conditions Relating to Works in the Road Reserve

These conditions are imposed to ensure that adequate road works are provided to minimise the adverse effect of traffic generated by the development.

14. Access Application

An access application shall be made to Council to obtain footpath crossing and boundary alignment levels before commencing the final design of internal driveways. The proposal shall comply with the levels issued by Council and a copy of the issued levels shall accompany the Construction Certificate.

15. Nomination of Engineering Works Supervisor

Prior to the issue of a Construction Certificate, the applicant shall nominate an appropriately accredited certifier to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's current "Specification for Civil Works Associated with Subdivisions and Developments".

The engineer shall:

- a) provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
 - i) all relevant statutory requirements;
 - ii) all relevant conditions of development consent;
 - iii) construction requirements detailed in the above Specification; and
 - iv) the requirements of all legislation relating to environmental protection;
- b) on completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval; and
- c) certify that the Works As Executed plans are a true and correct record of what has been built.

Public Utility Authorities Requirements

These conditions are imposed to avoid problems in servicing the development and reduce adverse impacts on the lot layout or the design of buildings or associated facilities.

16. Sydney Water - Referral Requirements

The plans approved as part of the Construction Certificate shall be submitted to a Sydney Water Quick Check agent or Customer Centre to determine as to whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met. Plans will be stamped appropriately.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – see Building Development and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Development and Plumbing then Building and Renovation.

17. Public Utility Authorities

Arrangements shall be made to the satisfaction of all Utility Authorities, including cable television network providers, in respect to the services supplied to the development by those authorities. The necessity to provide or adjust conduits/ services within the road and footway areas shall be at full cost to the applicant.

18. General Health Condition 1 - Acoustic Attenuation

To minimise the impact of noise from the surrounding environment on the occupants of the Residential Aged Care Facility, Houses 1-6 of the development shall be designed and constructed so that the internal noise levels within the resident living and sleeping areas do not exceed a recommended maximum LAeq sound pressure level of 40dB(A) during the noisiest 1 hour period of the day. This is in accordance with the Environment Protection Authority's *New South Wales Industrial Noise Policy* and Australian Standard 2107:2000 '*Acoustics- Recommended design sound levels and reverberation times for building interiors.*'

19. Parking Areas and Vehicular Access

The on-site vehicular access, manoeuvring and parking facilities shall comply with AS2890.1, AS2890.2 and AS2890.6. A Compliance Certificate issued by an appropriately accredited person, to the effect that these design requirements have been met, shall accompany the Construction Certificate.

(Modified 4 November 2010)

The following specific requirements shall be incorporated into the constructed works:

- a) A sign shall be provided adjacent to the entrance to the northern driveway, directing visitors to the basement car park and indicating its availability for their use.
- b) The loading/unloading area, ambulance bay and accessible parking spaces shall be clearly defined with suitable signposting and pavement markings.
- c) The car park shall be line marked sufficient to accommodate 66 vehicles (including the ambulance bay).
- d) The internal driveways outside of the basement car park shall be paved using materials other than plain or exposed aggregate concrete.

20. General Engineering Condition 1 - Stormwater Management

A Detailed Stormwater Drainage Plan shall be prepared, generally in accordance with the civil engineering drawings numbered LH9215 DA-C1, LH9215 DA-C2, LH9215 DA-C3, LH9215 DA-C4, LH9215 DA-C5, LH9215 DA-C6 & LH9215 DA-C7, all Revision 2 and dated 4 June 2010, prepared by Cardno.

Certification from a suitably qualified engineer is to be submitted to the Principle Certifying Authority to the effect that the Detailed Stormwater Drainage Plan complies with Sutherland Shire Development Control Plan 2006 (Chapter 8 - 'Ecologically Sustainable Development'; Section 6 - 'Stormwater Management'), Sutherland Shire Environmental Specification – Stormwater Management and AS-3500.3 (2003). The Detailed Stormwater Drainage Plan and associated certification shall accompany the Construction Certificate.

The certification shall specifically address the depth velocity product within the overland flowpath (in areas where pedestrian or vehicular traffic is expected) and demonstrate that a depth velocity product below 0.4 is achieved.

21. General Engineering Condition 2 - Traffic Management

A Detailed Traffic Management Plan shall be prepared by a suitably qualified person, in consultation with Council's Engineering Division. This plan is to detail construction vehicle routes, numbers of trucks, hours of operation, access arrangements and other measures to reduce traffic impacts on both pedestrian and vehicular traffic on the surrounding streets.

Certification from a suitably qualified person is to be submitted to the Principle Certifying Authority to the effect that compliance with AS-1742.3 2002 is achieved. The Detailed Traffic Management Plan and associated certification shall accompany the construction certificate.

22. General Engineering Condition 3 - Pre-Development Dilapidation Report

A Dilapidation Report is to be prepared by a suitably qualified engineer, prior to the commencement of any demolition, excavation or construction works. The dilapidation survey is to address all Council infrastructure within the road reserve of Kiama Street and any structures that have the potential to be affected by any excavation works, including dewatering and/or construction works, including vibration. The Dilapidation Report shall accompany the Construction Certificate.

23. General Engineering Condition 4 - Construction Methodology Report

Where structures on adjoining properties or Council's road reserve have the potential to be affected by any excavation works, including dewatering and/or construction works, including vibration, a suitably qualified engineer is to prepare a Construction Methodology Report:

- a) demonstrating that the excavation works, including dewatering and/or construction works, including vibration, will have no adverse impact on any surrounding property and infrastructure; and

- b) providing recommendations on appropriate construction techniques to ameliorate any potential adverse impacts.

The Construction Methodology Report shall accompany the Construction Certificate. All works are to be undertaken in accordance with the recommendations of the Construction Methodology Report.

24. General Engineering Condition 5 - Site Management Plan

A Detailed Site Management Plan is to be prepared by a suitably qualified person and shall accompany the construction certificate. This plan shall be prepared in accordance with the guidelines set out in Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006; Sutherland Shire Environmental Specification 2007 - Environmental Site Management and the manual "Managing Urban Stormwater, Soils and Construction Fourth Edition 2004 Volume 1" prepared by LANDCOM.

The Detailed Site Management Plan must detail:

- a) The actions and works that are to be employed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment and plant and deliveries.
- b) The proposed method of loading and unloading excavation machines and building materials.
- c) Areas within the site to be used for the storage of excavated material, construction materials and waste containers during demolition/construction.
- d) How it is proposed to ensure that material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- e) The provision of temporary fencing to secure the work site (Note: fencing, hoarding or awnings over public land require Council approval under the Roads Act).

Note: The footpath and road reserve shall not be used for construction purposes (including storage of skips or building materials, standing cranes or concrete pumps, erecting hoardings, or as a construction zone) unless prior approval has been granted by Council under the Roads Act 1993.

25. External Lighting

- (a) All external lighting on the site shall be designed and constructed in accordance with the requirements of Australian Standard AS4282 (1997) – Control of the Obtrusive Effects of Outdoor Lighting, specifically, the 'Recommended Maximum Values' of 'Light Technical Parameters' as set out in Table 2.1 of that standard, so as not to cause a nuisance or adverse impact on the residents of the surrounding area nor to motorists on nearby roads. For the purposes of assessment and compliance, the 'Recommended Maximum Values' for 'Residential Areas' shall be applied.

- (b) Any baffles, shields and/or louvres that are required for the purposes of satisfying item (a) above shall be treated so as to avoid a glare nuisance.

26. Building Ventilation

To ensure that adequate provision is made for ventilation of the building, mechanical and/or natural ventilation systems shall be provided. These shall be designed in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.

Details of all mechanical and/or natural ventilation systems, along with specific certification provided by an appropriately qualified person verifying compliance with the abovementioned requirements, shall accompany the Construction Certificate.

27. Noise Control - Design of Plant and Equipment

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery and mechanical ventilation systems shall be designed and/or located so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.

28. Carpark Ventilation

The carpark shall be mechanically ventilated by a mechanical ventilation system complying with AS1668.2 -1991. Details of the method of ventilation and relevant certification shall accompany the Construction Certificate.

Energy Efficiency

This condition is imposed to ensure that the development is constructed using sustainable resources.

29. Energy Efficiency - Sustainable Building Materials

Details demonstrating how it is intended to comply with the *Sutherland Shire Environmental Specification 2007 - Sustainable Building Materials* shall accompany the Construction Certificate.

BCA Fire Safety Conditions

The following conditions have been imposed for the purpose of ensuring that the proposed development meets BCA fire safety requirements.

30. Submission of Fire Safety Schedule

A Fire Safety Schedule shall be issued by an appropriately qualified person and provided to Council as part of the Construction Certificate in accordance with the *Environmental Planning and Assessment Regulation 2000*. This schedule shall include all proposed and required fire safety measures, with the minimum standard of performance being indicated for each fire safety measure. The Fire Safety Schedule shall identify each fire safety measure that is a Critical Fire Safety Measures and the intervals at which supplementary fire safety statements shall be given to the Council in respect of each such measure.

PRE-COMMENCEMENT CONDITIONS

The following conditions are imposed to ensure that all pre-commencement matters are attended to before work is commenced.

31. Pre-Commencement - Notification Requirements

No works in connection with this development consent shall be commenced until:

- a) A Construction Certificate has been issued and detailed plans and specifications have been endorsed and lodged with Council;
- b) A Principal Certifying Authority has been appointed. Council shall be notified of this appointment, along with details of the Principal Certifying Authority and their written acceptance of the appointment; and
- c) Notice of commencement has been provided to Council 48 hours prior to commencement of construction work on the approved development.

32. Signs to be Erected on Building and Demolition Sites

Where proposed works affect the external walls of a building, a rigid and durable sign shall be erected prior to the commencement of work and maintained in a prominent position on any work site on which building work, subdivision work or demolition work is being carried out. The responsibility for this to occur is that of the principal certifying authority or the principal contractor.

The signage, which must be able to be easily read by anyone in any public road or other public place adjacent to the site, must:

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

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

CONSTRUCTION CONDITIONS

These conditions are imposed to ensure the development does not unreasonably impact on the amenity of the locality during the construction or demolition phase.

33. Permitted Hours for Building and Demolition Work

To minimise the noise impact on the surrounding environment, all building and demolition work shall be carried out only between the hours of 7.00am and 6.00pm on Mondays to Fridays inclusive and 8.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and Public Holidays.

34. Toilet Facilities

Toilet facilities shall to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- a) shall be a standard flushing toilet, and
- b) shall be connected:
 - i) to a public sewer, or
 - ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
 - iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

The provision of toilet facilities in accordance with this clause shall be completed before any other work is commenced.

35. Noise Control during Construction and Demolition

To minimise the impact on the surrounding environment:

- a) For construction and demolition periods of four (4) weeks or less, the LAeq sound pressure level measured over a period of 15 minutes, when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15min) by more than 20dB(A) when measured at the nearest affected premises.
- b) For construction and demolition periods greater than four (4) weeks, the LAeq sound pressure level measured over a period of 15 minutes, when the construction or demolition site is in operation, shall not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.

36. Environment Protection and Management

The environment protection and management measures described in the required Site Management Plan (including sediment controls and tree protection) shall be installed or implemented prior to commencement of any site works and continuously maintained during the period of construction or demolition.

37. Vibration Control

The proposed security door fitted to the car parking area entrance shall be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and/or columns.

38. Certification Requirement - Prior to pouring of concrete

Certification shall be provided from a registered surveyor at the following stages of construction to ensure that, when completed, the structure will comply with the design details endorsed and accompanying the Construction Certificate:

- a) Prior to the pouring of the lowest floor slab, verifying the location and level of the steel/formwork is such to ensure that the concrete, when poured, will comply with the approved floor level.
- b) Prior to the pouring of each floor slab, verifying the location and level of the steel/formwork is such to ensure that, when completed, the building will comply with the approved roof heights.

39. Disposal of Site Soils

- a) All soils excavated from the site are to be classified under the NSW Department of Environment & Climate Change (DECC) Waste Classification Guidelines (2009). Testing is required prior to off-site disposal.
- b) All waste materials must be removed to appropriately licensed waste facilities by a suitably qualified contractor in accordance with NSW DECC Waste Classification Guidelines (2009).

40. Dewatering of Excavation

Any water from excavations to be discharged to Council's stormwater system must meet the following criteria:

- a) must not contain a concentration of suspended sediment exceeding 50 mg/L;
- b) must have a pH of between 6.5-8
- c) must comply with the ANZECC Guidelines for Marine and Freshwater Quality, for Protection of Aquatic Ecosystems (95% protection level)

Water testing shall be carried out to ensure compliance with the above by a suitably qualified environmental scientist, and results provided to Council upon request. A permit may be required to discharge water to Council's stormwater system. Consultation with Council shall be undertaken prior to discharge of any water to stormwater.

41. Soils to be used on Site

Soils imported onto the site for the purpose of backfilling excavations or any other use shall comprise either Virgin Excavated Natural Material or Excavated Natural Material (as defined in the excavated natural material exemption under the Protection of the Environment Operations (Waste) Regulation 2005). All imported soils utilised on site shall also comply with the relevant Health Investigation Levels set out in the Department of Environment and Climate Change Guidelines for the NSW Site Auditor Scheme (2nd edition). Documentation indicating the suitability of these soils shall be made available to Council officers upon request.

42. Reuse of Asphalt and Base Gravels

Any asphalt or base gravels to be reused on site shall comply with the definition in The Recovered Aggregate Exemption 2008 under Clause 51 and 51A of the Protection of the Environment Operations (Waste) Regulation 2005. The material shall be tested in accordance with the Exemption and shall comply with the Chemical and Other Property Requirements within the Exemption, as well as comply with the relevant Health Investigation Levels set out in the Department of Environment and Climate Change (2008) Guidelines for the NSW Site Auditor Scheme (2nd Edition). Where these materials are to be used as fill (as permitted by the Exemption), a 600mm cap of Virgin Excavated Natural Material or Excavated Natural Material shall be placed over the material where used in garden beds or landscaped areas. If placed under buildings or concrete slabs, no Virgin Excavated Natural Material or Excavated Natural Material cap is required.

Landscaping Requirements

These conditions are imposed to ensure the retention and enhancement of the existing landscaping.

43. Street Planting

Street tree planting shall be provided within the Kiama Street road reserve, fronting the development, utilising seven (7) trees of any of the species, *Angophora costata* (Sydney Red Gum), *Angophora floribunda* (Rough Bark Apple), *Cupaniopsis anacardioides* (Tuckeroo) or *Eucalyptus haemastoma* (Scribbly Gum). These trees shall be of a minimum pot size of 75 litres and planted, staked and tied in a mulched and edged area, in accordance with Council's specifications, within three (3) months of completion of work on the site.

44. Removal of Trees

The issue of the Construction Certificate gives approval for the removal of the following trees:

- a) Any trees specifically identified for removal on the plans, Drawing Nos. LA01, LA02, LA03, LA04, LA05, LA06, LA07 & LA08, all Revision A and dated 1 June 2010, prepared by Taylor Brammer Landscape Architects Pty Ltd.

- b) Any trees growing within the building footprint of the approved structures.
- c) Any declared noxious plant (Note: the applicant is to ensure that all noxious plants are properly identified and controlled/removed).
- d) Any tree species listed in Clause 57 of Sutherland Shire Local Environmental Plan 2006.

All other vegetation not specifically identified above and protected by Council's Controls for Preservation of Trees and Bushland Vegetation shall be retained and protected from construction damage.

45. Tree Retention and Protection

The existing trees adjacent to the southern boundary of the site and identified for retention on the plans, Drawing Nos. LA01, LA02, LA03, LA04, LA05, LA06, LA07 & LA08, all Revision A and dated 1 June 2010, prepared by Taylor Brammer Landscape Architects Pty Ltd, shall be retained and protected.

These trees shall be protected by the following measures:

- a) Protective fencing constructed of 1.8 metre high chain wire mesh, supported by robust posts, shall be installed at a minimum radius of 5 metres from the trunk of the tree. This fencing shall be installed prior to the commencement of any works subject to this consent and remain in place until all works are completed. Signage shall be erected on the fence, with the words "TREE PROTECTION ZONE, DO NOT ENTER" clearly displayed.
- b) The tree protection zone, within the protective fencing, shall be mulched with a maximum depth of 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- c) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil and stockpiling of soil or building materials.
- d) Any approved works within the tree protection zone shall be under the direction and to the satisfaction of a suitably qualified and experienced Arborist.

POST CONSTRUCTION CONDITIONS

These conditions are imposed to ensure all works are completed in accordance with the Development Consent prior to either the issue of an Occupation Certificate, a Subdivision Certificate or habitation / occupation of the development.

46. Section 73 Compliance Certificate

A Compliance Certificate under s73 of the Sydney Water Act, 1994, shall be submitted to Council by the Principal Certifying Authority prior to the issue of an Occupation Certificate. Sydney Water may require the construction of works and/or the payment of developer charges.

Advice from Sydney Water:

An application must be made through an authorised Water Servicing Coordinator. For details see the Sydney Water web site at www.sydneywater.com.au/customer/urban/index or by telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services as well as building, driveway or landscaping design.

47. Works As Executed Information

Certification shall be provided from a registered surveyor to the effect that:

- a) All civil engineering works required by this development consent have been carried out in accordance with the terms of the development consent and the approved engineering drawings with regard to location and level.
- b) All pipes, pits and detention facilities lay within their relevant existing or proposed easements.
- c) All rights-of-way or positive covenants required by conditions of this development consent have been provided.

48. Works As Executed Drawings

Certification shall be provided from the supervising engineer acting as an Accredited Certifier, to the effect that:

- a) All civil engineering and stormwater works associated with development have been carried out in accordance with the terms of the development consent, the approved engineering drawings and, in the case of public works, Council's "Specifications for Civil Works associated with Subdivisions and Developments".
- b) The construction of the drainage system for the proposed development has been carried out generally in accordance with the requirements of the Detailed Stormwater Drainage Plan accompanying the construction certificate, Council's stormwater management policy and guidelines and Council's On-site Detention Policy and has been carried out in order that

stormwater runoff downstream is not increased as a result of the development and that all assumptions made during the design remain valid. Works-as-Executed drawings certified in the above manner and containing all relevant information as required by Council's "Specification for Civil Works Associated with Subdivisions and Developments" shall accompany the Occupation Certificate.

49. Completion of Work on Public Land

All work on public land required or proposed as part of this consent shall be completed in accordance with the requirements and time frames specified in the approvals granted by Council for the work under the Local Government Act 1993 or the Roads Act 1993.

No work shall be undertaken within the road reserve or on public land without approval from Council.

50. General Post Construction Condition 1 - Restrictions on Occupation

Prior to issue of any occupation certificate, a restriction as to user shall be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of the housing accommodation to the following kinds of people only:

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

For the purposes of this condition, "seniors" are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided and people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

For the purposes of this condition, "people with a disability" are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

Need for Certification

To ensure that all works are completed in accordance with the Development Consent, certification from an Accredited Certifier shall accompany the Occupation Certificate, to the effect that the following works have been completed.

51. Set out of Building

Certification from a Registered Surveyor that the building has been set-out in relation to location and levels, in accordance with the requirements of this development consent.

52. Acoustic Treatment

Certification from a suitably qualified acoustic engineer that the acoustic treatment of the building complies with the requirements of this development consent.

53. Noise Emission - Equipment

Certification from a suitably qualified Acoustic Engineer that the noise from all sound producing plant, equipment, machinery and mechanical ventilation systems complies with the terms of this development consent.

54. Mechanical or Natural Ventilation

Certification from a suitably qualified Mechanical Engineer that all work associated with the installation of the mechanical or natural ventilation systems has been carried out in accordance with the conditions of this development consent.

55. Completion of Landscaping

Certification from a suitably qualified and experienced Landscape Designer or Landscape Architect that the landscape works have been completed in accordance with the Detailed Landscape Plan and relevant conditions of this development consent.

Note: A Landscape Designer is a person eligible for membership of the Australian Institute of Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

56. General Certification Condition 1 - Sustainable Building Materials

Certification that the building has been constructed in compliance with *Sutherland Shire Environmental Specification 2007 - Sustainable Building Materials*.

57. Prior to Occupation or Use of the Development

The Development shall not be occupied or used until:

- a) A Final Occupation Certificate is issued and provided to Council for the development; or
- b) An Interim Occupation Certificate is issued and provided to Council for the development. This shall clearly identify the part of the development to which the Interim Occupation Certificate relates.

OPERATIONAL CONDITIONS

These conditions are imposed to ensure that the use or operation of the development does not adversely impact on the amenity of the neighbourhood and the environment.

58. Carparking Areas

To ensure that the carparking area satisfies the demands of the development, it shall be made available on an unrestricted basis, at all times, for employees', residents' and visitors' vehicles. Suitable measures (such as intercom/remote control access systems, key/card access systems and restrictions on the periods of closure of the carpark driveway security door) are to be implemented, so as to ensure that the security door does not restrict access to any residents, employees or visitors.

59. Loading and Unloading

In the interests of public safety and amenity, all delivery and collection vehicles servicing the development shall stand within the basement car park whilst being unloaded and loaded and shall be able to be driven in a forward direction when entering and leaving the site.

60. External Lighting

- a) All external lighting on the site shall be operated in accordance with the requirements of Australian Standard AS4282 (1997) – Control of the Obtrusive Effects of Outdoor Lighting, specifically, the 'Recommended Maximum Values' of 'Light Technical Parameters' as set out in Table 2.1 of that standard, so as not to cause a nuisance or adverse impact on the residents of the surrounding area nor to motorists on nearby roads. For the purposes of assessment and compliance, the 'Recommended Maximum Values' for 'Residential Areas' shall be applied.
- b) Any baffles, shields and/or louvres that are required for the purposes of satisfying item (a) above shall be treated so as to avoid a glare nuisance.

61. Noise Control - Plant & Equipment

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery and mechanical ventilation systems shall be operated and maintained in such a manner so that the noise emitted does not exceed a LAeq sound pressure level of 5 dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1.

62. Ventilation

To ensure adequate ventilation within the building, all mechanical and/or natural ventilation systems shall be operated and maintained in accordance with the provisions of:

- a) The Building Code of Australia.
- b) AS 1668 Part 1 - 1998.
- c) AS 1668 Part 2 - 1991.

63. Medical Waste

Disposable sharps shall be discarded in a clearly labelled puncture-resistant container, which shall conform to Australian Standard AS 4031. A licensed waste contractor shall be engaged to dispose of the waste.

Contaminated waste shall be segregated and placed in a suitable leak proof bag ready for appropriate disposal. Contaminated waste includes microbiological waste or pathological waste, or any other material or item that is soiled or contaminated with blood or other body substances and that is likely to cause infection or injury to any other person.

64. General Operation/Amenity Condition 1 - Bus Provision

A bus or mini-bus shall be provided on-site, specifically for the purposes of transporting residents to and from off-site services and facilities that they may reasonably require, as part of the operations and on a permanent basis.

65. General Operation/Amenity Condition 2 - Restrictions on Occupation

Only the following kinds of people may occupy the housing accommodation within the development:

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

For the purposes of this condition, "seniors" are people aged 55 or more years, people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided and people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

For the purposes of this condition, "people with a disability" are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

66. General Operation/Amenity Condition 3 - Notice to Staff and Visitors
To protect the amenity of the surrounding residents, clearly visible signs shall be permanently fixed within the reception area of the administration building and within the lift lobby of the car park indicating that staff and visitors are to leave in a manner that does not disturb the quiet and good order of the neighbourhood.
67. General Operation/Amenity Condition 4 - Complaint Response
In the event of a legitimate complaint being received by the management of the facility, from a neighbouring resident, with respect to a disturbance to the quiet and good order of the neighbourhood, the management or their employees shall respond to such a complaint in a sympathetic and effective manner.
68. General Operation/Amenity Condition 5 - Collection/Delivery Services
To minimise the noise impact of the development on the surrounding environment, all collection and delivery of goods and materials (including garbage and recycling waste) from/to the premises shall be restricted to the hours between 8.00am and 6.00pm on any day.
69. General Operation/Amenity Condition 6 - Pedestrian Access
To ensure that the pedestrian entry/exit at Bellingara Road satisfies the demands of the development, it shall be accessible on an unrestricted basis, at all times, for employees, residents and visitors of the facility. Suitable measures (such as intercom/remote control access systems, key/card access systems and restrictions on the periods of closure of the pedestrian entry/exit) are to be implemented, so as to ensure that the pedestrian entry/exit does not restrict access to any residents, employees or visitors.
70. General Operation/Amenity Condition 7 - Resident Population
The permanent resident population of the building shall not exceed 92 persons, at any time.

END OF DETERMINATION



for J W Rayner
General Manager
Sutherland Shire Council

NOTES

This Notice of Development Consent is issued by Sutherland Shire Council, as the Authority responsible in respect of development under the provisions of Sutherland Shire Local Environmental Plan 2006.

The cutting down, lopping, injury and destruction of trees is regulated by Sutherland Shire Local Environmental Plan 2006 and Sutherland Shire Development Control Plan 2006. A person who contravenes, causes or permits the controls in relation to trees to be contravened is guilty of an offence. Trees designated to be removed on the approved plans under this consent may be removed unless specified otherwise in the conditions in this consent. All other trees on the site covered by Council's controls referred to above must be retained.

Section 96AB of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be lodged within 28 days from this determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination. See S96AB (7) for details of determinations not subject to review under S96AB.

Division 8 (Appeals and Related Matters) of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court.

This Section 96 modification does not extend the lapsing date of the original development consent.