

JRPP No:	2010SYE079
DA No:	DA10/0917
PROPOSED DEVELOPMENT:	Demolition of Existing Car Parking and Construction of a Six (6) Storey, 120 Bed Residential Aged Care Facility with Basement Car Parking and Day Respite Centre 99 Caldarra Avenue, Engadine – Lot 2 DP786685
APPLICANT:	Moran Health Care Group Pty Ltd
REPORT BY:	Greg Hansell, Assessment Officer Planner Sutherland Shire Council (02) 9710 0844

Assessment Report and Recommendation

1.0 EXECUTIVE SUMMARY

1.1 Reason for Report

Pursuant to the requirements of State Environmental Planning Policy (Major Development) 2005, this application is referred to the Joint Regional Planning Panel (JRPP) as the development has a capital investment value of more than \$10,000,000. The application submitted to Council nominates the value of the project as \$29,264,000.

1.2 Proposal

The application is for the demolition of an existing car park and the construction of a six (6) storey, 120 bed residential aged care facility with basement car parking and day respite centre at the above property.

1.3 The Site

The subject site is located on the western side of Caldarra Avenue, just south of Old Princes Highway, in Engadine.

1.4 The Issues

The main issues identified are as follows:

- Building height.
- Car parking provision.
- Servicing arrangements.

1.5 Conclusion

Following detailed assessment of the proposed development, the current application is considered worthy of support subject to minor amendments or conditions.

2.0 DESCRIPTION OF PROPOSAL

The proposed development is for the demolition of an existing car park and the construction of a six (6) storey, 120 bed residential aged care facility with

single level basement car parking and day respite centre. The facility is located generally in the south-eastern half of the site adjacent to Caldarra Avenue. The proposal also includes public car parking within the basement and a public pedestrian thoroughfare, through the building, linking the new town square with Caldarra Avenue.

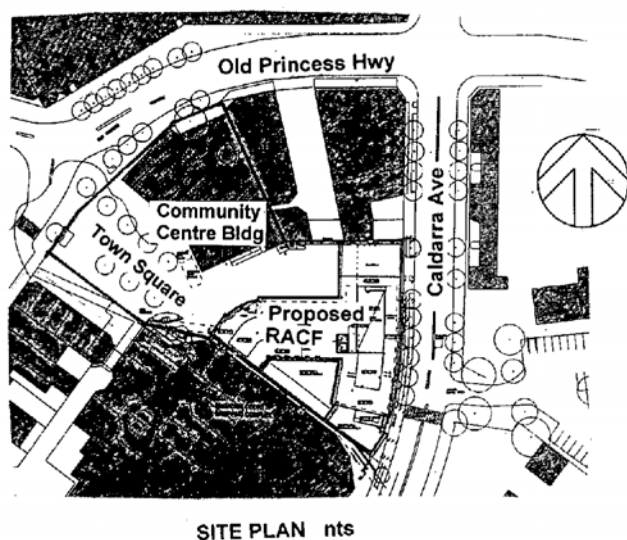
The building essentially comprises of seven (7) levels. The lowest level incorporates car parking and servicing facilities and the upper levels house the residential accommodation and day respite centre. Due to the fall of the land, the lowest level is partly underground.

Vehicular access to and from the basement car park and servicing area is provided via a single driveway crossing in Caldarra Avenue. Pedestrian access into the building is provided via a reception area on the southern side of the public pedestrian thoroughfare and via lifts from the basement car park.

The proposed building includes the following key elements:

- A basement containing 71 parking spaces, a service area for delivery vehicles and ambulances, laundry and waste storage facilities, plant and machinery rooms, general storage, a lift lobby for the residential aged care facility and a lift and stairs for public access to the new town square.
- A ground floor level containing administration and day respite facilities of the residential aged care facility including reception, office, storage, consulting, kitchen, staff and indoor and outdoor recreation areas.
- Five (5) upper floor levels containing eight (8) 'houses', each with between 13-20 en-suite bedrooms together with communal lounge, dining, sitting, and outdoor terrace areas.
- Rooftop courtyards on the first and topmost floor levels.

Figure 1: Site Plan of Proposal



3.0 SITE DESCRIPTION AND LOCALITY

The subject land is known as No. 99 Caldarra Avenue, Engadine. The north western portion of the site is occupied by a new multi-purpose hall and town square. The south eastern portion of the site, upon which the proposal is located, is currently occupied by a public car parking area.

Figure 2: Site of Proposal looking west from Caldarra Avenue



The site has a north-west to south-east orientation and is irregular in shape. It has frontages of 71.625 metres to Caldarra Avenue and 80.745 metres to Old Princes Highway. The site has a total area of 6024 square metres.

The site falls away from Old Princes Highway, generally in a south-easterly direction. There is an approximate change of levels between the highest and lowest points of the site of 3 metres.

There are a number of trees (largely exotic) located throughout the existing public car park. A major drainage easement traverses the site, adjacent to its south western boundary.

The streetscape and urban environment in the immediate vicinity of the subject land is characterised by a mix of retail, commercial, industrial and community facility developments.

Directly adjoining the site to the north are shops and offices. Directly adjoining the site to the south is a large shopping complex with two (2)

4.0 BACKGROUND

Development consent was granted to Development Application No. 05/1006 for 'Demolition of all Existing Structures and Construction of a Four (4) Storey Building containing Accommodation of 89 Places for Seniors Living (Residential Care Facility) and the Construction of a Multi Purpose Hall and Offices, New Public Square and Basement Car Parking for 74 Vehicles" on the subject site on 15 February 2006.

This development consent was subsequently modified on 31 October 2007, principally to allow for the construction of the development in two stages, whereby the multi-purpose hall and major part of the town square would form the first stage and the residential aged care facility, basement car parking and remainder of the town square would form the second stage.

A history of the current development proposal is as follows:

- The current application was submitted on 20th September 2010.
- The application was placed on exhibition with the last date for public submissions being 15th October 2010. One (1) submission was received.
- An Information Session was held on 5th October 2010 and one (1) person attended.
- The application was considered by Council's Architectural Review Advisory Panel ('ARAP') on 14th October 2010.
- The application was considered by Council's Submissions Review Panel on 20th October 2010.
- Revised plans and additional information in response to the comments made by ARAP were submitted on 21st October 2010.
- The Sydney East Region JRPP was briefed on the application on 3rd November 2010.
- Further revised plans and information in response to the comments made by ARAP and a meeting between the applicant's representatives and Council Officers were submitted on 30th November 2010.

5.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to enable an assessment of this application.

6.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Chapter 12 of Sutherland Shire Development Control Plan 2006 (SSDCP 2006). Two hundred and thirty three (233) adjoining or affected owners and occupants

were notified of the proposal and one (1) submission was received. This submission, which raises car parking issues, is addressed in detail later in the 'assessment' section of this report.

Both sets of revised plans that were submitted following the application's public exhibition and assessment by Council's Architectural Review Advisory Panel (ARAP) were not renotified. In this regard, SSDCP 2006 provides as follows:

"Where revised plans are submitted during the course of assessment and prior to Council's or the Court's determination, these revised plans will be publicly exhibited in the same manner as the original application, but only where the changes being sought intensify or change the external impact of the development to the extent that neighbours, in the opinion of Council, ought to be given the opportunity to comment."

The changes sought in the revised plans are not considered to intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to further comment on those plans. The changes address issues raised by ARAP and Council Officers and are relatively minor in nature compared to the overall development.

These changes include the swapping of the locations of fire stair no. 1 and the conference room at ground floor level; introduction and refinement of aesthetic elements within the pedestrian under-croft area adjacent to the northern boundary of the site; additional tree planting within the public pedestrian thoroughfare that links the town square with Caldarra Avenue; modifications to the planters and plant species within the public domain areas and adjacent to the north facing ground floor terrace attached to the day respite centre; and modifications to the landscaping of the rooftop courtyard at first floor level.

7.0 STATUTORY CONSIDERATIONS

The subject land is located within Zone 12 – Special Uses (Community Facilities) pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006).

The bulk of the proposed development, being 'seniors housing' consisting of a residential care facility, is a prohibited land use within the zone. However, the proposal is permissible with consent by virtue of the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ('Seniors Housing SEPP') and this policy prevails over SSLEP 2006 in this respect.

The remaining components of the proposed development, namely the public car parking and public pedestrian thoroughfare are defined as 'car parking' and a 'community facility', respectively, for the purposes of SSLEP 2006 and are permissible with consent within the zone.

In addition to the Seniors Housing SEPP and SSLEP 2006, the following Environmental Planning Instruments (EPI's), Development Control Plans (DCP's), Codes or Policies are relevant to the assessment of this application:

- State Environmental Planning Policy No. 55 – Remediation of Land ('SEPP 55')
- State Environmental Planning Policy (Infrastructure) 2007 ('Infrastructure SEPP')
- State Environmental Planning Policy (Major Development) 2005
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sutherland Shire Development Control Plan 2006 ('SSDCP 2006')

8.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to internal and external specialists for assessment. No responses were received from the NSW Police Force and Energy Australia. The following comments were received.

8.1 Community Services

Council's community services unit has undertaken an assessment of the application with respect to crime risk, general accessibility and access for people with disabilities and advised that, subject to suitable conditions of development consent, no objection is raised to the proposal.

8.2 Landscape Architect

Council's landscape architect has undertaken an assessment of the application with respect to tree retention and removal and landscaping and advised that, subject to suitable conditions of development consent, no objection is raised to the proposal.

8.3 Environmental Scientist

Council's environmental scientist has undertaken an assessment of the application with respect to potential site contamination and advised that, subject to suitable conditions of development consent, no objection is raised to the proposal. It is noted that this issue was adequately resolved in the assessment of the previous development application for the site.

8.4 Environmental Health

Council's environmental health officer has undertaken an assessment of the application with respect to ventilation, noise impacts from the operation of the facility and noise impacts from highway traffic and the operations of adjacent land uses and advised that, subject to suitable conditions of development consent, no objection is raised to the proposal.

8.5 Development Assessment Engineer

Council's development engineer has undertaken an assessment of the application with respect to stormwater management, vehicular access, car parking and servicing arrangements, traffic management, site management

and road frontage works requirements and advised that, subject to suitable conditions of development consent, no objection is raised to the proposal.

8.6 Traffic Engineer

Council's traffic engineer has undertaken an assessment of the application with respect to the design of the proposed pedestrian crossing, on-site service area, vehicular access points and car parking area and traffic management generally and raises some concerns over the adequacy of the service area and waste collection arrangements. These matters are addressed in detail later in the 'assessment' section of this report.

8.7 Building

Council's building surveyor has undertaken an assessment of the application with respect to the provisions of the Building Code of Australia (BCA) and advised that, subject to suitable conditions of development consent, no objection is raised to the proposal. It is noted that the proposal complies or is capable of complying with the relevant provisions of the BCA.

8.8 Architectural Review Advisory Panel

Council's Architectural Review Advisory Panel ('ARAP') considered this application at its meeting held on 14th October 2010 (report dated 29th October 2010). The ARAP report was based on the plans that were submitted upon lodgement of the application. A full copy of this internal report is provided in Appendix "A". This report concluded as follows:

"The general form of the proposed building is a reasonable response to the site. The proposed density of the development is also considered reasonable; however, the height of the building needs to be carefully treated as the building is tall in relation to its context. It is suggested that the height of the building be tempered by the use of landscape trees of a more significant scale within the public domain.

It is recommended that egress stair No. 1 be relocated and the respite terrace developed to improve the building's connection to the public domain. Further development of the southern courtyard is also required. Detailed development of the proposed louvres and balustrades is also recommended to ensure the amenity of future residents.

Ideally these amendments should be made before the application is considered by the Joint Regional Planning Panel. Otherwise, appropriate conditions could be attached to any consent."

8.9 Council's Assessment Architect

Council's architect has assessed the latest revised plans and additional information submitted in response to the comments and report of ARAP and is satisfied with the outcome from an urban design perspective. These matters are addressed in detail in the 'assessment' section of this report.

8.10 Waste Services

Council's Waste Services Unit has undertaken an assessment of the application with respect to the appropriateness of the proposed waste storage and collection arrangements and raises some concerns over the potential for vandalism of the waste bins, given the frequency of waste collection proposed. These matters are addressed in detail in the 'assessment' section of this report.

9.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and the provisions of relevant environmental planning instruments, development control plans, codes and policies, the following matters are considered important in the assessment of this application.

9.1 Provisions of the Seniors Housing SEPP

The proposal satisfies the overall aims and relevant provisions of the Seniors Housing SEPP in the following respects.

9.1.1 Type of Residential Accommodation

Clause 11 provides as follows:

"In this policy, a residential care facility is residential accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and*
 - (b) personal care or nursing care, or both, and*
 - (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,*
- not being a dwelling, hostel, hospital or psychiatric facility."*

The plans and supporting information accompanying the development application clearly demonstrate that the proposal comfortably falls within the above definition of a 'residential care facility'.

9.1.2 Location and Access to Facilities

The applicant has provided satisfactory written evidence demonstrating how residents of the proposed development will have access to the necessary services and facilities, in accordance with the provisions of Clause 26. In this regard, the site is centrally located within a town centre that provides for a wide range of retail, commercial, recreational and social services and is within reasonable walking distance of accessible rail services, at Engadine Railway Station, that can take residents, if necessary, to other major town centres at Sutherland, Miranda and Hurstville.

The applicant also indicates they will provide a bus service for residents of the residential care facility and visitors of the day respite centre for recreational outings and the like. This can be reinforced through a suitable condition of development consent (refer Condition 75).

9.1.3 Water and Sewer

Reticulated water and sewerage infrastructure is presently available to the site. The applicant has submitted plans and written information that demonstrates that the housing will be connected to a reticulated water system and has adequate facilities for the removal of sewage, in accordance with the provisions of Clause 28.

9.1.4 Site Compatibility

The proposal is considered to satisfy the relevant site compatibility criteria as set out in Clause 25. The proposal is considered to be compatible with the surrounding land uses, having regard to the following factors:

- The site and surrounds are not subject to any natural hazard risks such as flooding or bushfire or any known significant environmental values such as remnant bushland or endangered flora and fauna.
- The site is centrally located within a higher order town centre that offers a wide range of services and facilities and within reasonable walking distance of a range of public transport options including rail, bus and taxi services.
- The site is conveniently located immediately adjacent to a range of complementary facilities and services, including community services for the elderly and the new multi-purpose hall and town square.
- The site is adjoined by commercially zoned sites that are developed principally for retail and office uses and major residential development is well removed from the site and hence the amenity impacts associated with a taller, bulkier building are of less consequence in this case.
- Adjoining and adjacent sites immediately surrounding the site are not zoned residential or developed exclusively for residential purposes and hence issues of overshadowing, overlooking, visual bulk and like impacts on residential amenity and character, as a result of the bulk, scale and height of the proposal, are minor in this case, particularly given the nature of the development and its intended occupants.
- The property at No. 998 Old Princes Highway, Engadine, 30 metres to the north east of the subject site, is occupied by a three (3) storey mixed commercial/residential building comprising of dwellings on the upper two (2) levels and at the rear of the ground floor level. Given the north-south orientation of the dwellings in that building and the oblique view of the proposal obtained from a minor portion of those dwellings, the location of the proposal to the south on a lower contour and the significant screening provided by the commercial building at the south-eastern corner of Old Princes Highway and Caldarra Avenue and the trees within the community services building complex on the eastern side of Caldarra Avenue, amenity impacts of the proposal on these dwellings are minimal.

- The immediately adjoining commercial and retail developments to the south and north are orientated away from the site, such that visual and acoustic privacy, overshadowing and visual bulk impacts arising from the proposal are lessened.

9.1.5 Site Analysis

The site analysis information accompanying the development application is considered satisfactory in terms of the requirements as outlined in Clause 30. The development application clearly demonstrates that the proposal has evolved from a proper site analysis that identifies the key opportunities and constraints of the site.

9.1.6 Design Principles

Clause 32 requires that a consent authority must not consent to a development application unless it is satisfied that the proposal demonstrates that adequate regard has been given to design principles relating to neighbourhood amenity and streetscape, visual and acoustic privacy, solar access and design for climate, stormwater, crime prevention, accessibility and waste management. The relevant design principles are discussed as follows.

- Neighbourhood Amenity and Streetscape

Clause 33 provides as follows:

“The proposed development should:

- (a) recognise the desirable elements of the location’s current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*
- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:*
 - (i) providing building setbacks to reduce bulk and overshadowing, and*
 - (ii) using building form and siting that relates to the site’s land form, and*
 - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
 - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*
- (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*
- (f) retain, wherever reasonable, major existing trees, and*
- (g) be designed so that no building is constructed in a riparian zone.”*

Comment: It is considered that adequate regard has been given to this design principle.

Much of the general locality is characterised by commercial buildings that exhibit nil or minimal setbacks to street frontages and the proposal is consistent with this prevailing character.

Given the context of the site within a commercial town centre, rather than a predominantly residential locality, it is considered that the design principles relating to the maintenance of appropriate residential character and reasonable neighbourhood amenity should not be strictly applied in this case. It is assumed that these design principles were first established based on the expectation that such developments would take place within residential areas and not commercial areas. Notwithstanding this approach, the siting, bulk, scale and height of the proposed building does not give rise to any unreasonable adverse overshadowing, overlooking, noise or visual bulk impacts on the surrounding neighbourhood.

The proposal relies mostly upon the tree, shrub and ground cover plantings proposed within the public domain areas to provide amenity and soften and complement the bulk and scale of the residential care facility building. This approach is sympathetic to other planting in the streetscape.

All of the existing trees located in and around the existing car park are intended for removal. Based on the comments of Council's Landscape Architect, none of these trees are considered to be of such significance that they must be retained. The landscape outcome for the development is an anticipated outcome in an established commercial centre. The site also serves as a link from the core of the commercial centre to the more vegetated area to the east of the site, surrounding the library complex.

- Visual and Acoustic Privacy

Clause 34 provides as follows:

"The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and*
- (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths."*

Comment: It is considered that adequate regard has been given to this design principle.

With the exception of the dwellings within the three (3) storey mixed commercial/residential building at property at No. 998 Old Princes Highway, Engadine, 30 metres north east of the subject site, there are no residential neighbours in the immediate vicinity of the proposed building. The existing adjoining commercial buildings to the north and south of the site are

orientated such that the privacy of their occupants is not unduly compromised by the proposal.

The northern elevation that may be viewed from the dwellings at No. 998 Old Princes Highway, Engadine, features a solid wall and the east facing windows are generally recessed behind blade walls and, in some cases, screened by metal louvres. On this basis, any viewing from these dwellings will be limited.

Screening devices, in the form of light weight adjustable vertical louvres, have been incorporated in front of the windows of those bedrooms overlooking the public thoroughfare that leads to the town square. Although these devices are principally for solar access control, they do serve some purpose in achieving higher levels of privacy for some residents of the development.

- Solar Access and Design for Climate

Clause 35 provides as follows:

“The proposed development should:

- (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and*
- (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.”*

Comment: It is considered that adequate regard has been given to this design principle.

As mentioned previously, the only residential component in the immediate vicinity of the proposed building is located 30 metres to the north east of the site. Given that the proposed building is located to the south-west of these dwellings, no overshadowing of these dwellings can occur as a result of the development.

The existing adjoining commercial buildings to the north and south of the site are orientated such that their access to daylight and sunlight is not unduly compromised by the proposal.

Further, shadow diagrams submitted by the applicant indicate that the shadows cast by the proposed building will not adversely affect the town square or war memorial.

The proposal has been designed to maximise cross ventilation and access to sunlight and daylight in main communal/living spaces, such that energy use will be reduced and thermal comfort increased.

- Stormwater

Clause 36 provides as follows:

“The proposed development should:

- (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and*
- (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.”*

Comment: It is considered that adequate regard has been given to this design principle.

The stormwater drainage plan submitted with the application indicates a range of measures that are intended to be incorporated for the purposes of minimising the impacts of stormwater runoff. These measures include the provision of a rainwater tank to collect roof run-off for re-use in irrigation and planting within planter boxes at ground level and in the rooftop courtyards to allow for moisture uptake.

- Accessibility

Clause 38 provides as follows:

“The proposed development should:

- (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.”*

Comment: It is considered that adequate regard has been given to this design principle.

Pedestrian accessibility from the proposal to local facilities and public transport services is more than adequate. The 26 basement car parking spaces allocated to the facility are adequate in number and conveniently accessible.

- Waste Management

Clause 39 provides as follows:

“The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.”

Comment: It is considered that adequate regard has been given to this design principle.

The proposal is to incorporate waste facilities that separate recyclables from other waste and allow for their separate collection.

9.1.7 Development Standards

Clause 40 stipulates a minimum site size requirement of 1000 square metres and a minimum site frontage requirement (as measured at the building line) of 20 metres. The subject site readily satisfies these development standards, being 6024 square metres in area and having a frontage of 71.6 metres measured at the building line.

9.1.8 Other Standards

Clause 48 requires that a consent authority must not refuse consent to a residential care facility on the grounds of building height, density and scale, landscaped area and parking for residents and visitors, if certain numerical standards are met. It is also noted that these standards do not impose any limitations on the grounds on which a consent authority may grant development consent. On this basis, a consent authority is not limited in its capacity to grant approval for an aged care facility, based on numerical limits to these standards.

These standards are addressed as follows.

- Building Height

“A consent authority must not refuse consent.....if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys)”

Comment: The proposed building achieves a maximum height from ground level to the topmost ceiling level of 21.6 metres.

Whilst the building height standard is appropriate in a low-scale, low-density residential context, it has much less relevance in a heavily built-up, commercial centre context. The town centre context and central location of the site, commercial nature of surrounding development and proximity to a range of transport options makes the site conducive to more intense forms of development, including taller buildings such as is proposed.

It should also be noted that the height of the proposed building is a consequence of the enlargement of the public pedestrian under-croft from a single storey opening to a two storey opening and relocation of the rooms that were in this space to the upper levels of the building. On this basis, there is a public benefit, in terms of the urban environment in the open space surrounding the development, particularly when viewed from the open plaza to the west. This increased height was a response to recommendations from ARAP and is seen to provide significant benefit to the overall design.

The proposed building is also located within a depression within the local topography and this assists in further reducing the perceived scale of the building, especially when viewed from upslope locations in either direction

along Caldarra Avenue. A significant component of the building will be screened from other areas by commercial development in the foreground.

With the exception of the dwellings within the three (3) storey mixed commercial/residential building at property at No. 998 Old Princes Highway, Engadine, 30 metres north east of the subject site, there is no residential housing within the immediate vicinity of the site and hence no immediate overshadowing, overlooking and visual bulk impacts on residents.

The height of the proposed building is acceptable on its merits.

- Density and Scale

“A consent authority must not refuse consent.....if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less”

Comment: The proposed building achieves a floor space ratio of approximately 1.57:1. This calculation is based on the area of the overall site. If the community hall is included in the calculation, a floor space ratio of approximately 1.81:1 is achieved.

The density and scale of the proposed building is generally acceptable in the circumstances, particularly having regard to the permissible 2:1 floor space ratio that prevails over adjoining commercial sites to the north and south and the bulk and scale of existing newer buildings in the locality.

- Landscaped Area

“A consent authority must not refuse consent.....if a minimum of 25 square metres of landscaped area per residential care facility bed is provided”

Comment: The proposal achieves a landscaped area per bed of 23 square metres. This calculation includes the public open space areas throughout the entirety of the site, but excludes the rooftop gardens. The site area is taken as the entire site.

The extent and quality of the landscaped area as proposed is generally acceptable in the circumstances, particularly given the function of the proposal and town centre context of the site.

This development is being undertaken in a densely developed urban centre rather than a low density residential precinct. Seniors housing is not typically developed in these locations. Additionally, the nature of the potential tenants reduces the demand for outdoor recreation spaces. This development is being established for residents requiring a high level of care. Many of these residents cannot move beyond their room without assistance and some will require a secure environment. A limited outdoor recreation area is therefore justified.

- Parking for Residents and Visitors

“A consent authority must not refuse consent.....if at least the following is provided:

- (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and*
- (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and*
- (iii) 1 parking space suitable for an ambulance”*

Comment: 26 parking spaces within the basement car park and a parking space suitable for an ambulance have been provided for the residential care facility, consistent with the numerical standard above.

The remaining 45 parking spaces within the basement car park are to be made available for public parking.

9.2 Servicing arrangements

Concerns are raised by Council’s Traffic Engineer over the adequacy of the service area. Whilst the service area had been modified prior to lodgement of the development application to enhance its functionality and allow for manoeuvring of small rigid vehicles on-site, concerns remain that the size of the loading area will not be sufficient to accommodate all delivery and waste collection vehicles likely to be generated by the use and delivery vehicles will still reverse into the loading dock using the carriageway of Caldarra Avenue.

The concern over delivery vehicles using the road carriageway in order to reverse into the site is legitimate, given the potential for traffic conflicts to arise. However, if the size of vehicles accessing the service area were restricted to small rigid vehicles and vehicles were required to undertake reverse movements within the boundaries of the site, such traffic conflicts within the roadway are likely to be minimised significantly. This can be reinforced through a suitable condition of development consent (refer Condition 70).

Concerns are raised by Council’s Waste Services Unit over the number of bins that would be placed at the kerb at waste collection times and the potential for vandalism of the waste bins, given the frequency of waste collection proposed. To ensure that the bins are placed at the kerb for the shortest amount of time possible, it has been suggested that this waste management issue could be resolved by the waste services contractor calling ahead. This can be reinforced through a suitable condition of development consent (refer Condition 72).

9.3 Public car parking provision

The existing car park includes 54 public parking spaces. The proposed basement car park allows for 45 public parking spaces. Taking into account the 9 public parking spaces that have recently been provided across the road

in Caldarra Avenue as a direct action relating to this site development, the proposal does not result in any net loss in public parking.

Given that there is likely to be shared use of the public parking spaces by both visitors of the residential care facility and patrons of the multi-purpose hall, it is considered appropriate to designate the visitor parking component of the residential aged care facility as public parking. The public parking spaces should also be time restricted so as to discourage commuters and the like. These recommendations can be reinforced through suitable conditions of development consent (refer Condition 69).

9.4 Public submission

The submission raises concerns over the loss of the existing car park and the inadequacy of car parking for shoppers. Whilst the public parking facility will no longer be at grade and in the open, the number of such parking spaces will be maintained by the proposal and the recently constructed 9 space car park across the road. Shoppers will still be able to use the proposed public parking spaces.

9.5 Urban Design Quality

Most of the design issues raised by ARAP related to the detailing of elements of the proposal. No significant issues were raised in terms of the overall siting, bulk, scale, height and character of the building. The minor design issues raised essentially related to the relationship of the proposal to the public domain and these issues have been satisfactorily resolved. In general terms, the proposal's contemporary design and use of modern materials will make a positive contribution to urban design quality of the Engadine Town Centre.

10.0 SECTION 94 CONTRIBUTIONS

Due to its nature, the proposed development will not require or increase the demand for local and district facilities within the area. Accordingly, it does not generate any Section 94 contributions.

11.0 DECLARATION OF AFFILIATION

There was no declaration of affiliation, gifts or political donations noted on the development application form submitted with this application.

12.0 CONCLUSION

The proposed development is for the demolition of existing car parking and construction of a six (6) storey, 120 bed residential aged care facility with basement car parking and day respite centre at No. 99 Caldarra Avenue, Engadine. The proposal also includes public car parking within the basement

and a public pedestrian thoroughfare, through the building, linking the new town square with Caldarra Avenue.

The subject land is located within Zone 12 – Special Uses (Community Facilities) pursuant to the provisions of Sutherland Shire Local Environmental Plan 2006, wherein the proposed development, being ‘seniors housing’ consisting of a residential care facility, is a prohibited land use within the zone. However, by virtue of the application of the Seniors Housing SEPP to the site, the proposal is permissible with development consent.

In response to public exhibition, one (1) submission was received. The matters raised in this submission are minor in nature given the design and context of the proposal and do not need to be addressed by design changes or conditions of development consent.

The issues raised as a result of the Architectural Review Advisory Panel's review of the proposal have been satisfactorily addressed by the applicant through minor design changes and submission of additional information and plans.

The internal layout, siting, bulk and scale of the proposed building and configuration and treatment of the proposed open spaces are considered reasonable. Overall, the proposal has adequately met the relevant design principles of the Seniors Housing SEPP. Furthermore, construction of this building will deliver a much needed facility to Engadine.

In conclusion, the application satisfies the underlying aims of the Seniors Housing SEPP in that it increases the supply and diversity of residences that meet the needs of seniors or people with a disability, makes efficient use of existing infrastructure and services and is of good design.

The application has been assessed having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979, the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and all relevant Council DCPs, Codes and Policies. Following detailed assessment, it is considered that Development Application No. 10/0917 may be supported for the reasons outlined in this report.

13.0 RECOMMENDATION

That Development Application No. 10/0917 for Demolition of the Existing Car Parking and Construction of a Six (6) Storey, 120 Bed Residential Aged Care Facility with Basement Car Parking and Respite Day Centre at Lot 2 DP 786685 (No. 99) Caldarra Avenue, Engadine be approved, subject to the following draft conditions of consent:

14.0 DRAFT 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 plans as outlined as follows and any details on the application form and on any supporting information received with the application, except as amended by the conditions specified and imposed thereafter.

Approved Plans:

a) Architectural plan drawings prepared by Ant Tracks Design Group Architects and numbered:

DA02 Issue B dated 19 October 2010
DA03 Issue B dated 19 October 2010
DA04 Issue B dated 19 October 2010
DA05 Issue B dated 19 October 2010
DA06 Issue B dated 19 October 2010
DA07 Issue B dated 19 October 2010
DA08 Issue B dated 19 October 2010
DA09 Issue A dated 11 September 2010
DA10 Issue B dated 19 October 2010
DA11 Issue B dated 19 October 2010
DA12 Issue B dated 19 October 2010
DA13 Issue B dated 19 October 2010

b) External finishes drawing entitled 'Finishes Schedule' received by Council on 20 September 2010.

c) Landscape plan drawings prepared by Xeriscapes Landscape Architects and numbered:

101 Revision E dated 24 November 2010
102 Revision E dated 21 October 2010
103 Revision B dated 21 October 2010
104 Revision C dated 21 October 2010
501 Revision B dated 21 October 2010
502 Revision B dated 21 October 2010
601 Revision B dated 24 November 2010
602 Revision A dated 21 October 2010

d) Stormwater plan drawings prepared by Whipps-Wood Consulting Engineers and numbered:

HDA01/P2 Revision P2 dated 27 July 2010
HDA02/P2 Revision P2 dated 27 July 2010
HDA03/P2 Revision P2 dated 27 July 2010
HDA04/P2 Revision P2 dated 27 July 2010
HDA05/P2 Revision P2 dated 27 July 2010
HDA06/P2 Revision P2 dated 27 July 2010
HDA07/P2 Revision P2 dated 27 July 2010
HDA08/P2 Revision P2 dated 27 July 2010
HDA09/P2 Revision P2 dated 27 July 2010
HDA010/P2 Revision P2 dated 27 July 2010
HDA011/P2 Revision P2 dated 27 July 2010

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 - General

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. Details to 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. Roads Act Application

The footpath and road reserve shall not be used for construction purposes.

Should extenuating circumstances exist then an application may be made to Council for approval under the Roads Act, 1993 to use the footpath or road reserve for construction purposes. These circumstances include where it is proposed to:

- i) Pump concrete from within a public road reserve or laneway.
- ii) Stand a mobile crane within the public road reserve or laneway.
- iii) Use part of Council's road/footpath area.
- iv) Pump stormwater from the site to Council's stormwater drains.
- v) Store waste containers, skip bins, and / or building materials on part of Council's footpath or roadway.

An application for a construction zone, a pumping permit, a hoarding, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee in accordance with Council's adapted schedule of fees and charges, shall be submitted to Council and approval obtained prior to commencement of work.

4. Accessibility

- a) The development shall comply with the Commonwealth Aged Care Accreditation Standards.
- b) The development shall comply with AS1428.1 - 2009.
- c) The lifts shall comply with AS1735.12 - 1999.
- d) The three (3) accessible car parking spaces shall comply with AS2890.6.

5. Crime Prevention

All external walls of the building that are accessible to the general public are to be treated with non-sacrificial anti-graffiti coatings.

Bonds

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

6. Public Place 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 two (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 \$ 25000.

Note: 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.

7. 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.

8. 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 construction as detailed on Council's design plan.
- (b) Stormwater drainage.
- (c) Demolition of existing kerb and gutter at the proposed point of access and replacement with a concrete layback crossing.
- (d) Removal of all redundant layback crossings and reconstruction with integral concrete kerb and gutter.
- (e) Removal of all redundant footpath crossings and reinstatement in accordance with Council's requirements.
- (f) Reconstruction of kerb and gutter as shown on the design plan.
- (g) Reconstruction of existing footpath in materials as shown on the design plan.
- (h) The footpath crossing in Caldarra Avenue to be 15.3m wide.
- (i) Regrading, topsoiling and turfing the remainder of the footpath area to final design levels across the full frontage of the site and across adjacent properties where existing levels are altered and to all disturbed areas.
- (j) Construction of a footpath crossing to the levels issued by the Council.
- (k) Construction of any median islands where required as shown on the design plans.
- (m) Erosion and sediment controls.
- (n) Any work requirements of the Development Control Plan that relates to this development site.
- (o) Provision of street landscaping, tree planting street furniture, signage and line marking as shown on the design plans.
- (p) Construction of a raised pedestrian crossing in the location as shown on the design plans and any associated works.
- (q) Adjustment to Service Authority infrastructure and installation of conduits where applicable.
- (r) Demolish and remove existing pedestrian crossing as shown on the design plans.

An application under the Roads Act, together with the necessary fee, shall be submitted and alignment levels shall be issued by Council. 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 enforcement action by Council.

Survey and design plans for the above works shall be prepared by Council's Engineering Division and issued by Council's Civil Assets Manager, prior to such works being carried out. 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.

9. Site Management Plan

An Environmental Site Management Plan shall accompany the Construction Certificate. This plan shall satisfy the Objectives and Controls in Part 4 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and shall address the following:

- a) What actions and works 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, plant and materials delivery, and the like.
- b) The proposed method of loading and unloading excavation machines, 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 proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be certified by a Certifier accredited in civil engineering.
- f) The provision of temporary fencing to secure the work site (fencing, hoarding or awnings over public land require Council approval under the Roads Act).
- g) The control of surface water flows within and through the construction site to minimise erosion and movement of sediment off site.
- h) The type and location of erosion and sediment control measures, strategies to minimise the amount of soil uncovered at any time, the conservation of topsoil for re-use on site, the location and protection of stockpiles.
- i) Identify all trees that are to be retained and the measures proposed to protect them (including fencing, mulching, watering, erection of signs excluding access to the protection zone, etc), and identify areas for revegetation.

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.

10. Soil and Water Management

Prior to the commencement of works or the issue of a Construction Certificate, the applicant shall submit to and obtain Council approval of a Soil and Water Management Plan and Statement which clearly identifies site features, constraints and soil types together with the nature of proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures and also rehabilitation techniques necessary to deal with such activities.

The Plan shall take into account the objectives of Council's Environmental Site Management Development Control Plan and shall be compatible with any Construction Management Plan thus ensuring the following objectives are achieved, namely:

- a) All possible sediment controls are installed before commencing work.
- b) To minimise the area of soils exposed at any one time.
- c) To conserve topsoil for re-use on site.
- d) To identify and protect proposed stockpile locations.
- e) Provide an indication of all existing trees present on the site or which are affected by the works on the site including trees on adjoining properties together with the location of the full extent of protective fencing and other tree protection barriers and root protection bridging structures and the like to be utilised in locations agreed with the project arborist. The trees are to be indicated as "tree to be retained" and or "tree to be removed".
- f) To preserve existing vegetation and identify revegetation techniques and materials.
- g) To control surface water flows through the development construction site in a manner that:
 - i) Diverts clean run-off around disturbed areas.
 - ii) Minimises slope gradient and flow distance within disturbed areas.
 - iii) Ensures surface run-off occurs at non-erodible velocities.
 - iv) Ensures disturbed areas are promptly rehabilitated.
- h) Trap sediment on site to prevent off site damage. Hay bales are not to be used as sediment control devices. To ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works until the site is stabilised (includes landscaping).

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.

11. 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, paths and car park area. The proposal shall comply with the levels issued by Council and a copy of the issued levels shall accompany the Construction Certificate.

12. Road Opening Approval Required

No work whatsoever shall be carried out within the Public Road Reserve unless a "Road Opening Permit" under the Roads Act, 1993 (NSW) has been issued by either Council or the Roads and Traffic Authority for every opening of the public road reserve.

Note: An application fee is payable for this application.

13. 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.

14. Public Utilities

Arrangements shall be made with Energy Australia, Telstra, cable television network providers and other public utilities in relation to:

- a) The necessity for the provision of underground low voltage electricity conduits and cable television conduits within the footway area of Old Princes Highway and Caldarra Avenue.
- b) The method of connection of the property to the Energy Australia supply, i.e. either underground connection or by overhead supply.
- c) The need for the provision of a kiosk-type substation.

15. Sydney Water - Notice of Requirements

Prior to the issue of a Construction Certificate, the applicant shall obtain a Notice of Requirements under the Sydney Water Act 1994, Part 6 Division 9 from Sydney Water and submit the Notice to the Council.

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. Internal Driveway Profile

The internal driveway profile shall be designed to:

- a) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- b) Align with Council's issued footpath crossing levels.
- c) Provide a maximum grade of 5% for the first 3 metres inside the property boundary.
- d) Comply with AS2890.1(2004) and AS2890.2(2002) in relation to the design of vehicular access, parking and general manoeuvring.

A Compliance Certificate issued by an appropriately accredited person to the effect that these design requirements have been met shall accompany the Construction Certificate.

19. Drainage Design - General

The drainage for this development proposal shall be designed in accordance with the Institution of Engineers' publication "Australian Rainfall and Runoff" (1987), Council's "Urban Drainage Design" Manual together with Council's "Stormwater Management Policy and Guidelines" and "On-Site Stormwater Detention Policy and Technical Specification".

The design shall also take into account the specific requirements of any Development Control Plan, Catchment Management Plan or Stormwater Management Plan relevant to the site.

A Compliance Certificate issued by an appropriately accredited person to the effect that these design requirements have been met shall accompany the Construction Certificate.

20. Drainage Design - Detailed Requirements

A detailed drainage design shall be prepared in accordance with Sutherland Development Control Plan 2006 (Chapter 8 - Ecologically 'Sustainable Development'; Section 6 - 'Stormwater Management'), "Australian Rainfall and Runoff (1987)", Council's Drainage Design Manual and Council's "On-site Stormwater Detention Policy and Technical Specification".

The design shall include:

- a) A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis).
- b) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum. Impacts on existing trees must be indicated on the plan.
- c) A longitudinal section of the pipeline within the road reserve including existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.
- d) A physical barrier (eg. concrete kerb or earth mound within the landscaping) shall be provided around the perimeter of the site to prevent the discharge of surface water flows onto adjoining properties or the road reserve.
- e) Water from pathways and access drives shall be prevented from entering the road reserve as surface flow. This can be achieved by constructing a box drain at the boundary equipped with a 300mm wide grate and frame to collect the flow or directing the flow to a sag pit within the property.
- f) The rate of discharge of stormwater from the site to a drainage system under Council's control shall be controlled so that it does not exceed the pre-development rate of discharge. Specific certification from the designer to this effect shall be incorporated in the submitted drainage plans / details.
- g) The design floor level, including the level of any opening in the wall adjacent to the drainage easement, shall be set a minimum of 500 mm above the level of the overland flow of stormwater generated by a storm of design recurrence interval of 1 in 100 years, flowing along the overland escape route within the drainage easement within or adjacent to the site. Specific certification from a designer to this effect shall be incorporated in the submitted drainage design / details.
- h) A drainage depression shall be provided for the full width and length of the drainage easement that facilitates the overland escape flow of stormwater. The escape route shall be designed to have the capacity to carry the difference between a 1 in 100 year

flow and half the flow in the pipeline within the easement. Specific certification shall be provided by the designer to this effect as part of the submitted drainage design / details.

- i) Where underground service lines (ie, water, drainage, sewerage and gas) are required which are in conflict with the location of the root zone of trees and significant vegetation to be retained, the lines shall be excavated by hand or by directional or underboring techniques to reduce any adverse impact on the root zone of the trees.

A Compliance Certificate issued by an appropriately accredited person to the effect that these design requirements have been met shall accompany the Construction Certificate.

21. Drainage Design (Stormwater Disposal)

To ensure the efficient disposal of stormwater and that no problem is caused to surrounding premises, the stormwater from the development shall be discharged to the existing piped drainage system, being a properly functioning system permitted by Council.

22. Design of Structures adjoining Drainage Easements

The walls of the dwelling / pool or of any structure adjoining the easement shall be designed to withstand all necessary forces should excavation be required within the easement down to the existing pipe invert levels. Certification to this effect shall be provided by an Accredited Certifier and this shall accompany the Construction Certificate.

23. Footing Design adjoining Easements

All footings within 2m of the drainage easement shall be designed in such a manner that they are supported by foundations set at a minimum of 300mm below pipe invert levels or, alternatively, founded on sound rock. Certification to this effect shall be provided by an Accredited Certifier and this shall accompany the Construction Certificate.

24. Basement Car Park Design

The basement carpark shall be designed in accordance with AS 2890 and shall incorporate the following:

- a) The minimum headroom in the basement parking area shall be 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position.

25. Parking Areas and Access

All vehicular access, parking and manoeuvrability including loading areas for the proposed development shall be designed and constructed to comply with AS2890.1 - 2004 and AS 2890.2- 2002.

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

- a) All "one way" traffic aisles in the car parking area shall be clearly identified by signposting and pavement marking.
- b) The proposed loading and delivery area shall be clearly defined with suitable signposting and pavement markings.
- c) The car park shall be line marked sufficient to accommodate 71 vehicles and properly sign posting for private and public use.

26. Cleanliness and Maintenance of Food Preparation Areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas all building work in connection with the occupation or use of the premises intended for the preparation and storage of food shall be designed and implemented in accordance with the requirements of:

- i) Food Act 2003.
- ii) Food Regulation 2004.
- iii) Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.
- iv) AS 4674 – 2004 (*Design, construction and fit-out of food premises*).
- v) Sydney Water Corporation - Trade Waste Section.
- vi) Protection of the Environment Operations (Clean Air) Regulation, 2002.
- vii) AS 1668 Part 1- 1998.
- viii) AS 1668 Part 2 – 1991.

Certification to this effect shall be provided by an appropriately qualified person and this shall accompany the Construction Certificate.

27. External Lighting

Any lighting on the site shall be designed and operated so as not to cause a nuisance nor adverse impact on the other residents of the surrounding area nor to motorists on nearby roads. All external lights shall be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

28. 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.

29. Noise Control – Design of Plant and Equipment (Continual Operation)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and / or refrigeration systems, shall be designed and / or located so that the noise emitted does not exceed the Project Specific Noise level when measured at the most affected point on or within any residential property boundary or the most affected point for the residential units within the development itself.

The Project Specific Noise level shall be the most stringent noise level of the Intrusive and Amenity criteria and be calculated in accordance with the provisions of the Department of Environment and Conservation's Industrial Noise Policy.

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

Details of the acoustic attenuation treatment required to comply with this condition, shall be prepared by a practising acoustic engineer and shall be submitted with the Construction Certificate.

30. Car-Park Ventilation – Alternate system

As the basement car-park does not comply with the natural ventilation requirements of Part 7.4 of AS1668.2 - 1991, the car-park shall be either mechanically ventilated by a mechanical ventilation system complying with AS1668.2 -1991 OR alternatively by the natural ventilation system proposed providing it is certified by a practicing mechanical ventilation engineer to the effect that the system is an adequate system of natural ventilation. The certification shall confirm that the system will protect the health of the occupants of the car-park at any time it is used and would satisfy the exposure rates specified in Clause 7.2.2 of AS1668.2 – 1991

Details of the method of ventilation and relevant certification shall accompany the Construction Certificate.

31. General Amenity Condition 1

To minimise the impact of noise on the occupants from road traffic noise, the building shall be acoustically designed so that the internal design levels for living and sleeping areas meet the following criteria:

- a) an Leq of 35dB (A) measured within any bedroom in the building at any time between 10pm-7am; and,
- b) an Leq of 40dB(A) measured within any bedroom between 7am-10pm and within any other habitable rooms in the building (other than a garage, kitchen, bathroom or hallway) at any time.

Note: If internal noise levels with windows or doors open exceed the criteria by more than 10dB(A), the design of the ventilation for these rooms should be such that the occupants can leave the windows closed, if they desire, and also meet the ventilation requirements of the Building Code of Australia.

Details of the acoustic attenuation treatment required to comply with this condition, shall be prepared by a practising acoustic engineer and shall be submitted with the Construction Certificate.

Energy Efficiency

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

32. 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.

33. 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 incorporate all 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.

34. 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.

35. Pre-commencement Site Inspection - Road Frontage Works

The Principal Certifying Authority and / or the Supervising Engineer shall undertake a site inspection with Council staff prior to commencement of the road frontage works. The purpose of this inspection is to enable Council's Civil Assets Engineer to clarify Council's requirements, as owner of the roadway, in relation to the carrying out of the works.

Contact shall be made with Council's Civil Assets Branch on 97100357 to arrange for the inspection.

Note: An inspection fee shall be paid to Council prior to the lodgement of the Notice of Commencement. Please refer to Sutherland Shire Council's Adopted Schedule of Fees and Charges.

36. 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.

37. 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 Monday to Friday inclusive, 8.00am and 1.00pm Saturdays. No work shall be carried out on Sundays and Public Holidays.

38. 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.

39. Support for Neighbouring Buildings

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a) Shall preserve and protect the building from damage.
- b) If necessary, shall underpin and support the building in an approved manner.
- c) Shall, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- d) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

40. Protection of Public Places

To protect public safety and convenience during the course of constructing the works covered by this consent, the following matters shall be complied with:

- a) If the work involved in the erection or demolition of a building:
 - i) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed, inconvenienced, or rendered unsafe; or
 - ii) building involves the enclosure of a public place,
A hoarding or fence shall be erected between the work site and the public place.
- b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning shall be removed and any damage to any public place reinstated to Council's satisfaction when the work has been completed.

41. 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.

42. Environment Protection and Management

The environment protection and management measures described in the required Environmental 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. These measures shall generally be in accordance with the requirements of Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

43. Run-off and Erosion Controls

Run-off and erosion controls shall be installed prior to commencement of any site works and shall be continuously maintained during the period of construction or demolition. These control measures shall generally be in accordance with the requirements of Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management and shall specifically address the following matters:

- a) diversion of uncontaminated runoff around cleared or disturbed areas;
- b) a silt fence or other device to prevent sediment and other debris escaping from the cleared or disturbed areas into drainage systems or waterways;
- c) controls to prevent tracking of sediment by vehicles onto adjoining roadways and public areas; and
- d) disturbed areas shall be stabilised either temporarily or permanently by the use of turf, mulch, paving or other methods approved by the Council.

44. Stockpiling of materials during construction

Topsoil, excavated material, construction and landscaping supplies and on site debris shall be stockpiled within the erosion containment boundary and shall not encroach beyond the boundaries of the property or the drip-line of any tree marked for retention. For further information, refer to Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

45. Construction materials and machinery must be kept within the site

All construction materials, sheds, skip bins, temporary water closets, spoil, and the like, shall be kept within the property. No vehicles or machines shall be permitted to stand on Council's footpath. For further information, refer to Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 - Environmental Site Management.

46. Spoil deposited on public way (roads or reserves)

Any spoil deposited on public roads during cartage of materials from or to the site shall be removed immediately to the satisfaction of Council. If Council determines that excessive depositing of spoil onto the public way is taking place then the cartage of spoil shall cease if so directed by Council.

47. Vibration Control

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

48. 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 initial / 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 height.

49. Dewatering of Excavation

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

It shall not contain a concentration of suspended sediment exceeding 50 mg/L;

It shall have a pH of between 6.5-8

It shall 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.

Landscaping Requirements

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

50. Removal of Trees

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

- a) Any trees specifically identified in the consent "existing tree to be removed".
- b) Any trees growing within the building footprint of the approved structures.
- c) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- d) Any tree species listed in Clause 57 of the SSLEP 2006 Council's Controls for Preservation of Trees and Bushland Vegetation.
- e) Any approved tree removals within the road reserve shall be organised in consultation with Council's Street Tree Manager Phone: 9710 5773 or 0414 193944.

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. These Controls for Preservation of Trees and Bushland Vegetation protects any vegetation unless written consent is obtained.

51. Planter Boxes

Planter boxes shall be constructed in accordance with Sutherland Shire Environmental Specification 2007, Part 1, Planting and Landscaping Guidelines.

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.

52. Section 73 Compliance Certificate

A Compliance Certificate under s73 of the Sydney Water Act, 1994, shall be submitted to Council by the PCA 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.

53. 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.

54. 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 approved stormwater drainage plans, 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 Subdivision / Occupation Certificate.

55. Maximum size of Service Vehicle

A positive covenant shall be created on the title of the subject property under the provisions of Section 88E of the Conveyancing Act, 1919, as amended that the maximum size of vehicle servicing the development is a Small Rigid Vehicle of 6.4m long as defined by AS 2890.2 - 2002.

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.

56. 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.

57. Food

Certification from a suitably qualified person that all work in connection with the occupation or use of the premises for the preparation, display and storage of food has been carried out in accordance with the terms of the development consent.

58. Mechanical or Natural Ventilation

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

59. Works in Roadway

A Compliance Certificate from an Accredited Certifier certifying that all works undertaken in the road reserve have been completed in accordance with the conditions of the Road Opening Approval.

60. Acoustic Works - Report

To ensure all acoustic work has been completed, certification shall be provided upon completion of the works, accompanied with evidence in the form of a report from a suitably qualified practicing acoustic engineer, to the effect that the acoustic attenuation has been carried out in accordance with the development consent. The report shall include all post construction validation test results.

61. Energy Efficiency - Sustainable Building Materials

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

62. Completion of Landscaping

Certification shall be provided from a suitably qualified and experienced Landscape Designer or Landscape Architect within three months after the issue of the Final Occupation Certificate for the development. This Certification shall verify that the landscape works have been completed to the stage of practical completion in accordance with the approved detailed landscape plan and relevant conditions of this 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.

63. 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.

64. Registration requirements

Occupation of the premises shall not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for the:

- a) Food Shop.

65. Drainage Easements

Easements to drain water of minimum width 3.0m shall be created in favour of Sutherland Shire Council, over:

- a) The alignment of drainage pipe lines across the southern boundary of the subject site,
- b) The area required for on-site detention, and
- c) The area required for any overland surcharge path through the site that can not be accommodated over the line of stormwater drainage pipe lines.

The easements and terms thereof shall be created under the provisions of s.88B of the Conveyancing Act, 1919.

66. Positive Covenant over detention facilities

A positive covenant shall be created on the title of the property pursuant to Section 88E of the Conveyancing Act, 1919 as amended with respect to the maintenance of the required detention facilities. To this end the registered proprietor(s) of the property thereby burdened shall covenant with Sutherland Shire Council and its successors not to use the property except as permitted by this development specifically with respect to the provision and maintenance of the detention facilities. The location and extent of the detention facilities shall be delineated on a Plan in accordance with the office of Land, Property and Information Services.

67. Expungement of Existing Easement to Drain Water

The existing easement to drain stormwater over the redundant pipe shall be expunged and the redundant pipe should be removed prior to occupation of the development.

68. 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.

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.

69. Carparking Areas

To ensure that the carparking area satisfies the demands of the development and maintains public car parking, 14 car spaces shall be made available on an unrestricted basis at all times for staff of the residential care facility and the remaining 57 car spaces shall be made available as time limited parking for use by the general public at all times. The staff car spaces and public car spaces shall be designated and signposted accordingly.

At least one (1) of the accessible parking spaces shall be included in the public parking provision.

70. Servicing Arrangements

- (a) Vehicles undertaking goods deliveries to the premises shall be of a size that is equivalent to or less than a 6.4 metre long Small Rigid Vehicle as defined in AS2890.2 - 2002.
- (b) Vehicles undertaking goods deliveries to the premises shall stand wholly within the boundaries of the site whilst ever the unloading of goods from those vehicles is occurring.
- (c) To ensure that the unloading/loading area satisfies the demands of the development, it shall be made available on an unrestricted basis at all times for goods delivery vehicles and ambulances.
- (d) Goods deliveries to the premises are to be managed in such a manner that there is no queuing of delivery vehicles in Caldarra

Avenue and surrounding streets.

- (e) Vehicles undertaking good deliveries to the premises shall enter and exit the site in a forward direction at all times.
- (f) Management of the facility shall be responsible for ensuring that these conditions are met.

71. External Lighting

All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area nor to motorists on nearby roads.

72. Waste Management

All medical waste collection services shall take place within the building on the site. Putrescible and recycling waste bins shall only be placed at the road kerb for collection no more than 1 hour prior to pick-up and returned to the on-site waste storage area no more than 1 hour after pick-up.

To ensure that this condition is met, management of the facility shall make arrangements with the waste collection service providers that drivers provide advance warning of their arrivals.

73. Resident Population

The permanent resident population of the building shall not exceed 120 persons, at any time.

74. 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.

75. Bus Service Provision

A bus service shall be provided, specifically for the purposes of transporting residents and day respite visitors to and from off-site services and facilities, as part of the operations and on a permanent basis.

END OF CONDITIONS