

**JOINT REGIONAL PLANNING PANEL
(Eastern Region)**

JRPP No	2011SYE086
DA Number	DA/974/2010/A
Local Government Area	Randwick City Council
Proposed Development	Section 96 modification to approved aged care development by changing the unit mix to provide additional 1 bedroom dwellings with an overall increase in unit number by 7; increasing basement parking by 9 spaces; increasing envelopes of Buildings 3 & 4; amending facade configuration; amending roof design; amending stormwater management design and various modifications to existing conditions at 220-230 Maroubra Road, MAROUBRA NSW 2035
Street Address	220-230 Maroubra Road, MAROUBRA NSW 2035
Applicant/Owner	Greengate Development Pty. Ltd/Trustees Roman Catholic Church
Number of Submissions	None
Recommendation	Approval
Report by	Senior Environmental Planning Officer – Randwick City Council

1. EXECUTIVE SUMMARY

Council is in receipt of a Section 96 application seeking modification to the consent to DA 974/2010 for the demolition of all existing structures and construction of a residential aged care facility including (RACF) 81 self-care units and 84 aged care beds, in 5 buildings ranging from 3 to 6 storeys, 2 basement levels with 120 car park spaces, open space, landscaping and subdivision granted on 14 April 2011 by the Joint Regional Planning Panel.

The subject proposal details various modifications including changing approved unit mix to provide additional 1 bedroom dwellings with an overall increase in unit number by 7; increasing basement parking by 9 spaces; increasing envelopes of Buildings 3 & 4; amending facade configuration; amending roof design; amending stormwater management design and various modifications to existing conditions. For detailed description of all proposed changes, refer to section 3 of this report.

The subject application was advertised and notified from 3 – 17 August 2011 in accordance with Development Control Plan – Public Notification of Development Proposals and Council Plans. At the conclusion of the public consultation process, no submissions were received.

The subject site is partly zoned Special Uses No. 5 (being Nos. 220-224 Maroubra Road) and Residential No. 2C (being Nos. 226 to 230 Maroubra Road) under Randwick Local Environmental Plan 1998 (Consolidation). “Housing for seniors or people with a disability” is not defined in the LEP and “residential care facilities”, which are defined under Clause 49, are not listed as a permissible use within the above zones. The proposed development is therefore prohibited under the current zoning control.

However, the zoning prohibition is remedied by the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, which establish permissibility for aged care facility and self-care dwelling units. The proposal is considered to satisfy the relevant objectives, design principles and planning standards of the Policy, subject to the recommended conditions.

The application has been referred to the Design Review Panel for comments pursuant to the provisions of State Environmental Planning Policy No. 65 and has raised no objections to the various modifications proposed. Overall, the revised design scheme adequately addressed the relevant considerations under SEPP 65.

The amended design and dwelling mix occurs predominantly with the approved building envelope, and does not entail non-compliance with any applicable height controls or significantly alter the extent of view loss assessed as being acceptable in the original development approval.

The density of the modified development is justified by the site’s proximity to Maroubra Junction Town Centre and public transport services along the surrounding road network. Furthermore, the revised development will deliver a material social benefit as it would address the current shortfall in specialist aged care accommodation in the Eastern Suburbs. The proposal will enable local senior persons to “age in place” without having to relocate to other suburbs with a higher supply of retirement services.

The proposed modifications do not give rise to unreasonable additional amenity impacts and generally maintains the physical massing of the approved development. The proposal is considered to be substantially the same development as was originally approved and satisfies Section 96 of the Act.

The proposal satisfies the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and is recommended for approval subject to conditions.

2. DESCRIPTION OF SUBJECT SITE AND LOCALITY

The subject site is located at No. 220-230 Maroubra Road, Maroubra, and has frontages to Maroubra Road, Cooper Street and Green Street. The site consists of the following allotments:

Site	Lot + DP	site area (approx)(m2)
<i>Maroubra Rd (Nos.)</i>		
220	Lot B DP371557	1,024.8
222	Lot 1 DP961911	1,014.7
224	Lot 2 DP961911	1,014.7
226	Lot 5 DP925183	427.1
228	Lot 4 DP925183	449.6
230	Lot 3 DP925183	449.6
<i>Cooper St</i>		
lot 6	Lot 6 DP925183	607.4
lot 7	Lot 7 DP925183	607
lot 8	Lot 8 DP925183	619.6
TOTAL		6214.5sqm

The site is in single ownership of the Roman Catholic Archdiocese of Sydney and the Holy Family Parish of Maroubra, and will be leased to the Greengate Property Group for 99 years.

At present, the site accommodates a number of buildings of varying ages and condition, which are all proposed to be demolished, including:

<i>Maroubra Road</i>	
No. 220	Parish Office
No. 222	Demountable office
No. 224	Disused bitumen sports courts
Nos. 226 - 230	3 x detached dwelling houses
<i>Cooper Street</i>	
Lots 6 - 8	Decommissioned school buildings and playground

The surrounding land uses are described as follows:

North	To the north of the site on the opposite side of Green Street are a number of single- and double-storey dwelling houses.
East	Immediately to the east of the site is a 2-storey residential flat building containing 4 dwellings, which has recently been refurbished (No. 232 Maroubra Road). Further to the east at the corner of Cooper Street and Maroubra Road is a 2-storey commercial building with shop top housing above (No. 234 Maroubra Road).
South	To the south on the opposite side of Maroubra Road are a number of 3- and 4-storey residential flat buildings constructed in the 1960's to 70's.
West	To the west is a senior living development comprising independent dwelling units and hostel rooms with associated car parking (Southern Cross Care, No. 216-218 Maroubra Road).

The subject urban block is predominantly characterised by religious and community related uses, including Holy Family Church, church presbytery, St. Aidan's Primary School and Southern Cross Care senior housing. Holy Family Church, which is situated at the corner of Garden Street and Maroubra Road, is listed as a heritage item under Randwick Local Environmental Plan 1998 (Consolidation).

Maroubra Junction contains a mixture of commercial, retail and multi-unit residential developments and is located within 400m to the west of the site.



Aerial view of the subject site and surrounding built environment



1. Maroubra Road frontage of the subject site



2. The subject site as viewed from the corner of Cooper Street and Green Street



3. The adjoining residential flat building at No. 232 Maroubra Road



4. The adjoining aged care housing at No. 216-218 Maroubra Road

3. PROPOSED DEVELOPMENT

The current Section 96 application seeks approval for modifications to the approved scheme arising from a change in the mix of apartments and modifications to floor plans at all levels including the basement.

The proposed modifications are summarised below: -

- Revised unit mix, increasing the number of 1 bedroom units from approximately 20% to 35% of the overall mix and a corresponding reduction in 2 bedroom units (approved - 76 units, proposed – 83 units).
- 3% increase to approved GFA (approved –11384m², additional 345m² proposed = total 11729m²)
- Changes to the basement car park layout and slight increase (approved - 100 spaces, proposed - 109 spaces) in total carparking numbers; the applicant has provided the following overview to summarise the modifications to approved residential mix and parking provision: -

<i>Component</i>	<i>Approved Application</i>	<i>This Application</i>	<i>Comments</i>
• Residential Aged Care Facility	63 beds	63 beds	Assisted bathroom now replaced with bedroom. No other changes
• Seniors Living Units	76 units	83 units	Largely redistribution of the unit mix to provide more 1 bed units with two additional units also provided. GFA increases by approx. 100m ² (1.5%).
• Basement Carparking	100 spaces	109 spaces	Additional car parks to accommodate the slight increase in units. Basement levels can accommodate flexible staging of individual buildings.
• Elderly Population	160	169	Increase of 9 people as a result of the additional accommodation.

Seniors Living Apartments	Current Approval	This Application
1bed	15 (20%)	31 (37%)
2bed	56 (74%)	44 (53%)
3bed	5 (6%)	8 (11%)
TOTAL	76	83

- Minor revisions to the Building 1 southern façade to respond to the change of unit mix;
- Relocation and internalisation of previous externalised lift cores in Buildings 2,3 and 4;
- Addition of 2 new units which have been provided as a result of reconfiguring the car park and lift cores – 1 to Green St (Building 3) and another in Building 4 where the previous lift core was located. It is noted that the maximum overall height of the buildings will not be altered as part of this proposal and will continue to achieve compliance with condition No. 15 of the original development consent relating to maximum RL to AHD.
- Updated storm water management strategy to respond to Council's requirements for increased stormwater capture and detention
- Adjustments and refinements to the landscape scheme addressing additional reviews undertaken on the community facilities and changes in the basement foot print.
- Facade changes, modifications to windows, balconies and amendments to roof design, introduction of new skylights.
- Rationalisation of basement carparking layout, improving connection, sight lines, and CPTED principles in the approved scheme through lighting and surveillance.
- Amendments to/deletion of various conditions of consent (i.e. conditions 3, 4, 5, 6, 7, 18, 63 and 64) – conditions of consent to be modified/deleted are attached to the end of this document. These conditions relate to:-
 - Details of hair salon
 - Deletion of bed 2 of Unit 4
 - Operable windows to be installed bed 1 of units 4 and 5
 - Privacy screens to balconies units 5, 11, 17, and 23 within Building 1
 - Provision of bicycle parking (10 spaces) for staff and visitors

Detailed description of proposed modifications level by level: -

Basement Level

- The overall basement has been redesigned to provide a consolidated footprint and excavation providing a more efficient parking arrangement and improved maneuvering.
- Modifications to basement area resulting in slightly increased landscaped area.
- Additional unit added within the building footprint

- New garbage room / general storage re-planned to respond to feedback from council's engineers for increased bin and waste room requirements.
- Car parking under ILU building 4 deleted
- Car park extended under courtyard
- Basement outline increased to provide required on site fire water storage and support spaces.
- Loading dock repositioned for improved arrangement of services
- Community rooms provided serving both ILU and RACF residents
- Proposed new substation location responding to the relocated main switch board room

Ground floor

- General internal re-planning of ILU apartments (some minor variations to building outlines)
- Stair / lift core re-planned improving the useable landscaped open space within the courtyard
- Building 4 lift core relocated
- Substation relocated (to Maroubra road) in response to relocated msb
- General internal replanning of RACF
- Envelope to RACF modified to suit internal layout
- Planning envelope of community area added to provide a resident dining space to accommodate up to 50 people
- Area re-planned to provide resident multi - function rooms
- Community green lowered to provide 'person with disability' access from community rooms.
- Improved setback between building 1 and 232 Maroubra road
- Revised landscape design and revised deep soil zones for additional planting

Level 1

- General internal replanning of ILU apartments (some minor variations to building outlines)
- Stair / lift core replanned
- Roof of over entry redesigned responding to the ground floor plan
- General internal replanning of RACF responding to operational and interior design reviews
- ILU building 1 changes resulting in a revised unit mix

Level 2

- General internal replanning of ILU apartments (some minor variations to building outlines)
- Stair / lift core replanned
- Unit to building 4 has been reinstated as a result of relocating the lift core
- General internal replanning of RACF responding to operational and interior design reviews
- ILU building 1 changes

Level 3

- General internal replanning of ILU apartments (some minor variations to building outlines)
- Top floor of building 3 – unit has been partly redesigned to accommodate an additional bathroom and consolidate hydraulic services
- Stair / lift core replanned
- ILU building roof design simplified including additional sky lights to the internalised and southern rooms.
- General internal replanning of RACF responding to operational and interior design reviews
- ILU building 1 changes

Level 4

- General internal replanning of ILU apartments (some minor variations to building outlines)
- Building 4 top level unit has been redesigned to accommodate the relocated lift core and service riser
- Stair / lift core replanned improving the roof form of the building 4
- ILU building roof design simplified including additional sky lights to the internalised and southern rooms.
- No development consent heights have been exceeded (as per condition 15)
- Revised roof plan to suit new RACF stair / lift locations
- ILU building 1 changes

Level 5 (plan reference page 8)

- General internal replanning of ILU apartments (some minor variations to building outlines)
- Stair / lift core replanned improving the roof form of the building 4
- ILU building roof design simplified including additional sky lights to the internalised and southern rooms.
- ILU building 1 changes

Roof level

- Pitched roofs modified to suit new building layout
- ILU building 1 roof modified to suit new floor layout
- ILU building roof design simplified including additional sky lights to the internalised and southern rooms.

ILU 1 – ground floor

- Entry lobby extended north providing internal access to the RACF lobby
- Dining area extended into terrace area providing a dining space to accommodate up to 50 people
- Internal planning modifications to community areas
- Outline of apartment reduced, overall the building line has been set back to improve amenity into community spaces and provide improved solar access to the improved and opened up courtyard space

- Corridor extended to provide access into new multi-function room to divide spaces for different resident activities (by operable walls)
- Wall extended west to align with apartment modifications over
- Corridor reduced to allow for fire stair egress in response to BCA review and in response to relocated hydrant and sprinkler pump rooms below.
- Stair / lift core replanned in response to unit mix changes

ILU 1 – typical floor plate

- Area of deck and corresponding building line over reduced to create greater opportunity for solar access to ground floor and improve landscape provision between buildings
- Area of deck increased responding to the mix resulting in 1 additional unit
- Outline/area of apartment increased responding to the need to achieve 3 SEPP compliant accessible units where previously only two units existed
- Outline/area of apartment decreased in respond to setting the building edge back
- Corridor/lobby increased and glazed to provide weather protection and responding to planning on the ground floor
- Lift/stair shaft core replanned to suit new layout
- Modifications to northern block of apartments including:
 - change in apartment type mix increasing the proportion of the typical smaller unit typologies
 - size and areas of apartments revised
 - relocation of party walls
 - redesign balcony in response to increase unit number
 - unit specific internal planning modifications to maintain SEPP Seniors Living compliance and unit functionality
- Modifications to southern block of apartments including:
 - change in apartment type mix increasing 1 bed unit numbers
 - additional apartment added largely within the existing footprint
 - size and areas of apartments revised in response to revised mix
 - relocation of party walls
 - redesign balcony in response to increase unit number
 - unit specific internal planning modifications to maintain SEPP Seniors Living compliance and unit functionality
- Louvres added for privacy

The subject application seeks to modify a number of conditions of consent as specified in the original approval including:

- Condition 3 (deletion) - a preliminary scheme for the layout of the hair salon has been provided to enable Council to address the health and safety issues involved – this has been assessed by Council's Environmental Health Officer and relevant conditions have been imposed to replace condition 3. Deletion of this condition is supported

- Condition 4 (deletion) - the redesigned basement has provided access to natural light and air to the second bedrooms that were previously partly submerged in the basement. Satisfactory, deletion of this condition is supported.
- Condition 5 (deletion) - Operable windows (1 sqm) have been shown in the Bedroom 1 rooms of units 4 and 5 in Building 4 demonstrating compliance. Satisfactory, deletion of this condition is supported.
- Condition 6 (deletion) - Fixed privacy screens are provided to the eastern elevation of the balconies units on the eastern side of the building to restrict views to 232 Maroubra Road as per the requirements of the condition. Satisfactory, deletion of this condition is supported.
- Condition 7 (deletion) - 10 bicycle bays are now shown in Basement level 1 to demonstrate compliance with this condition. Satisfactory, deletion of this condition is supported.
- Condition 15 (deletion) - the height limits approved by Sydney Airport Authority have not been exceeded; however, Council does not support the deletion of this condition. Refer to section 6.5 of this report for detailed discussion.
- Condition 63 (deletion) - Section 68 application for the installation and operation of a Greywater Treatment/Diversion System not required as no greywater system is proposed. This has been discussed with Council's Environmental Health officer and no objections have been raised to its deletion. Deletion of this condition is supported.
- Condition 64 (deletion) – this condition relates to the design and installation etc of Greywater and Sewage Recycling systems and devices and is not required as no greywater system is proposed. This has been discussed with Council's Environmental Health officer and no objections have been raised to its deletion. Deletion of this condition is supported.
- Condition 1 (amend) - amended to reflect changes to approved plans see recommendations section of this report)
- Condition 18(4) (amend) - Refer to section 9.6 of this report for detailed discussion.
- Condition 158 (amend) - Refer to section 6.1 of this report for detailed discussion.

4. HISTORY

Approval was granted 14 April 2011 by the Joint Regional Planning Panel for development application DA/974/2010 for the demolition of all existing

structures and construction of a residential aged care facility including (RACF) 81 self-care units and 84 aged care beds, in 5 buildings ranging from 3 to 6 storeys, 2 basement levels with 120 car park spaces, open space, landscaping and subdivision.

4.1 Design amendments

The applicant submitted the following supplementary plans/documentation at the rest of Council Officers:

8 August 2011

- Amended plans detailing changes relating to minor refinements to the 1 bedroom unit in the south-east position of building 1 (units 6, 13, 20 and 27) – in particular, relocation of the kitchen away from the eastern wall and slight increase to the northern window to increase natural sunlight into the apartment.

12 August 2011

- Revised rock anchoring strategy and excavation and shoring plan.

13 September 2011

- revised waste management plan and basement plan in accordance with the requirements of Condition No. 159 of the original consent

As a result of the amended basement design, deep soil provision has increased marginally by an additional 35.8sqm (17% of the total site area).

23 September 2011

- requests for deletion/amendment of various condition relating to greywater and demolition to enable early works

5 October 2011

- summary and description of proposed changes (level by level)
- shadow study design verification statement from Glen Patrick Ollerton, NSW Registered Architect No. 7621 to verify that the submitted shadow diagrams depicted on the Section 96 sheets DA18, DA23 & DA25 and supplementary shadow drawings numbered DA26 though to DA30 are true and accurate and have been drawn accurately using the true altitude and azimuth data for June 22 as provided for the location - 33.941800, 151.244069 by the CSIRO Solar tables.
- Elevational shadow diagrams numbered DA26 – DA30 (4 sheets)

The amended development scheme and additional information forms the subject of this assessment.

5. NOTIFICATION AND ADVERTISING

The subject application was advertised and notified from 3 – 17 August 2011 in accordance with Development Control Plan – Public Notification of

Development Proposals and Council Plans. At the conclusion of the public consultation process, no submissions were received.

6. TECHNICAL OFFICER AND EXTERNAL REFERRAL COMMENTS

6.1 Development Engineers

Development Engineering Comments

A Section 96 application has been received seeking modification to the consent to DA 974/2010 for the demolition of all existing structures and construction of a residential aged care facility including (RACF) 81 self-care units and 84 aged care beds, in 5 buildings ranging from 3 to 6 storeys, 2 basement levels with 120 car park spaces, open space, landscaping and subdivision granted on 14 April 2011 by the Joint Regional Planning Panel.

The subject proposal details various modifications including changing approved unit mix to provide additional 1 bedroom dwellings with an overall increase in unit number by 7; increasing basement parking by 9 spaces; increasing envelopes of Buildings 3 & 4; amending facade configuration; amending roof design; amending stormwater management design and various modifications to existing conditions.

In a subsequent email the applicant also requested a modification to Condition 158.

General Comments

The increase in unit numbers has been accompanied by an increase in parking and no objections are raised.

Amendments to the stormwater management design do not require modifications to the conditions of consent.

The applicant has requested an amendment to Condition 158, this condition currently reads as follows:

158. *As the above site is likely to encounter seepage water within the depth of any excavation the basement structures/structures below natural ground level are to be suitably tanked and waterproofed. A Structural Engineer\Geotechnical Engineer shall certify that the tanking & waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.*

Notes:-

- a) *Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.*
- b) *Adequate provision is to be made for the seepage water to drain*

around the basement (to ensure that the basement will not dam or slow the movement of the seepage water through the development site). Seepage water must not to be collected and discharged from the development site.

The applicant has proposed a method of dealing with any potential seepage water that does not strictly involve tanking and has requested a modification to the condition of consent. Council would support Condition 158 being modified to read as follows:

158. As the above site is likely to encounter seepage water within the depth of any excavation the basement structures/structures below natural ground level are to be suitably tanked and/or waterproofed using a system that ensures seepage water will not be collected and discharged from the site. A Structural Engineer\Geotechnical Engineer shall certify that the tanking and/or waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

Notes:-

- a. Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
- b. Adequate provision is to be made for the seepage water to drain around the basement (to ensure that the basement will not dam or slow the movement of the seepage water through the development site). Seepage water must not to be collected and discharged from the development site.

6.2 Environmental Health Officer

Environmental Health comments

The section 96 requests deletion of condition 3 of DA 974/2010 requiring a separate application for a hairdressing salon within the Aged Care facility.

As such appropriate conditions have been included in this report with additional conditions.

Key Issues

Compliance with Public Health Codes/Guidelines and Local Government Act is required as such appropriate additional conditions are included in this report.

RECOMMENDATION

It is recommended that the application for the above-mentioned premises be approved subject to the appropriate nominated conditions being attached to the development consent.

6.3 Design Review Panel

The comments provided by the Design Review Panel are addressed under the “Environmental Planning Instruments” section of this report.

6.4 NSW Police

The original development application was referred to the Eastern Beaches Local Area Command for assessment. All relevant recommendations provided by the Police were incorporated in the original Recommendation for DA/974/2010 as advisory conditions.

Referral of the subject Section 96 application to the NSW Police was not required as the proposed modifications do not substantially alter the residential mix and approved CPTED measures.

6.5 Sydney Airport Corporation Limited

Under the provisions of the Civil Aviation (Buildings Control) Regulation, the concurrence of the Sydney Airport Corporation Limited (SACL) is required as the proposed buildings have maximum height in excess of 15m and may fall within the Conical Surface of the Obstacle Limitation Surfaces for Sydney Airport.

Condition 15 of the original development consent under DA/974/2010 currently was imposed to meet the requirements of the Sydney Airport Corporation Ltd. (SACL) and currently reads: -

15. *The maximum height to the topmost points of the proposed buildings, including any rooftop installations, such as lift overruns, air conditioning plant and equipment, solar panels, vents, chimneys, aerials and the like, shall not exceed the following reference levels (to AHD):*

ILU Building 1: RL63.700

ILU Building 2: RL53.800

ILU Building 3: RL56.500

ILU Building 4: RL60.900

RACF: RL60.000

Details demonstrating compliance shall be incorporated in the Construction Certificate drawings to the satisfaction of the Council / Accredited Certifier.

The maximum RLs proposed under the subject Section 96 application do not exceed the maximum height restrictions prescribed by Condition 15, as such, the subject application was not required to be referred to SACL.

The applicant has requested under the current application that this condition be deleted as compliance has been demonstrated. Council does not support the removal of this condition as SACL has not commented on the proposed modifications and all considerations and assessment undertaken as part of the original application remain relevant and applicable.

7. RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

7.1 1 State Environmental Planning Policy (SEPP) (Housing for Seniors or People with a Disability) 2004

SEPP (Housing for Seniors or People with a Disability) applies to the proposed development. The proposed RACF and ILU are defined as “residential care facility” and “self-contained dwellings” under Clauses 11 and 13 of the SEPP respectively.

The relevant provisions of the SEPP are addressed as follows:

Clause	Requirement	Proposal	Compliance
Chapter 1 Preliminary			
2	Aims of Policy		
	(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability,	The proposal will increase the supply and diversity of residential accommodation for seniors or people with a disability.	Complies
	(b) make efficient use of existing infrastructure and services, and	The site is located in close proximity to the Maroubra Junction Town Centre and has convenient access to major roads and public transport services. The development will make efficient use of existing infrastructure and services.	Complies
	(c) be of good design.	As is discussed within the body of this report, the proposed development is considered to be of good design.	Complies
Chapter 2 Key concepts			
15	This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy: (a) development on land zoned primarily for urban purposes for the purpose	The subject site is located within land zoned for urban purposes. Development for the purpose of seniors housing is made permissible pursuant to Clause 15 of the SEPP.	Complies

Clause	Requirement	Proposal	Compliance
	of any form of seniors housing		
Chapter 3 Development for seniors housing			
Part 1 General			
24	Site compatibility certificates		
	<p>(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing if:</p> <p>(a) the development is proposed to be carried out on any of the following land to which this Policy applies:</p> <p>(ii) land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted)</p>	<p>Part of the site is zoned Special Uses No. 5 under RLEP 1998 (Consolidation). Under the land use table for Special Uses Zone, development for the purposes of hospitals is permissible with consent.</p> <p>Therefore, a Site Compatibility Certificate from the Director-General of the Department of Planning is not required in this instance.</p>	Complies
Part 2 Site-related requirements			
26	Location and access to facilities		
	<p>(1) Residents of the proposed development will have access that complies with subclause (2) to:</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner</p>	<p>The subject site is located within 400m from the Maroubra Junction Town Centre, which contains a range of commercial and retail services.</p> <p>A sealed footpath is available along Maroubra Road which has a gentle gradient.</p> <p>Public bus stops are located on both sides of Maroubra Road within 400m from the site.</p> <p>The proposed</p>	Complies

Clause	Requirement	Proposal	Compliance
		development also provides communal gardens, activity rooms and dining facilities for the residents.	
27	Bush fire prone land	The site is not located within bush fire prone land.	N/A
28	Water and sewer		
	The consent authority must be satisfied that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.	The provision of civil and utility services will be required by standard conditions.	Complies, subject to conditions
29	Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply The consent authority is to be satisfied that the proposed development is compatible with the surrounding land uses having regard to:	Addressed below.	
	(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development	The site is not identified to contain any threatened ecological species or significant natural topographical features. The landscape plan accompanying the subject Section 96 application indicates the provision of adequate replacement planting throughout the site, which will appropriately mitigate any visual impacts upon the adjoining residential premises.	Continues to achieve compliance
	(iii) the services and infrastructure that are or	The site is located within walking distance from	Complies

Clause	Requirement	Proposal	Compliance
	will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in Clause 26) and any proposed financial arrangements for infrastructure provision	<p>Maroubra Junction Town Centre, which accommodates a range of commercial and retail uses, as well as public bus services along Maroubra Road.</p> <p>The development maintains both aged care beds and independent living units, which offer different level of care services for the residents depending on their age brackets and needs.</p> <p>In addition, the proposal incorporates communal gardens, lounges, dining rooms and activity spaces, which will provide convenient in-house recreational facilities for the residents.</p>	
	(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development	The approved built form, scale and bulk will not be substantially altered from the original development approval and is not considered create additional unreasonable adverse impacts on the streetscape character or the amenity of the adjoining properties.	Continues to achieve compliance
Part 3 Design requirements			
30	Site analysis		
Division 1 general			
	(1) The consent authority is to be satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.	A detailed site analysis has been provided in the Statement of Environmental Effects, which is supported by concept and contextual analysis drawings. The design scheme has made appropriate response to the information contained	Complies
	(2) A site analysis must: (a) contain information about the site and its		

Clause	Requirement	Proposal	Compliance
	surrounds as described in subclauses (3) and (4). (b) be accompanied by a written statement: (i) explaining how the design of the proposed development has regard to the site analysis, and (ii) explaining how the design of the proposed development has regard to the design principles set out in Division 2.	in the site analysis.	
32	Design of residential development The consent authority is to be satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.	Addressed below.	
Division 2 Design principles			
33	Neighbourhood amenity and streetscape The proposed development should:		
	(a) recognise the desirable elements of the location's current character so that new buildings contribute to the quality and identity of the area, and	The existing buildings in the vicinity to the site do not demonstrate any architectural qualities or themes that warrant repetition or attention. The proposed floor space is adequately distributed among five buildings with view corridors being reserved to minimise their visual mass. The building facades are carefully articulated and will contribute to the character of Maroubra Road and Green Street.	Satisfactory
	(b) retain, complement and sensitively	The site is not located within or in proximity to	Continues to achieve

Clause	Requirement	Proposal	Compliance
	harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and	any heritage conservation areas. Holy Family Church, which is identified as a local heritage item under RLEP 1998 (Consolidation) is situated over 100m from the site. Given the degree of spatial separation, the proposed modifications to the approved development are not considered to generate any material impacts on the heritage significance of the item.	compliance
	(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	<ul style="list-style-type: none"> • Appropriate building setbacks have been reserved to minimise adverse visual and amenity impacts on the adjoining properties. • The proposed additional floor space is distributed among five buildings with view corridors being reserved across the site, in lieu of a monolithic visual mass. The built form and height are appropriately configured to respect the natural slope of the land. • The highest and bulkiest built elements are maintained to the Maroubra Road frontage. The buildings facing Green Street have a reduced height to provide a 	Continues to achieve compliance

Clause	Requirement	Proposal	Compliance
		<p>transition in scale to the lower density residential zone to the north. The scale and bulk of the buildings are considered to be acceptable given the aggregate size of the site and frontage to an arterial road. Adequate landscaped open space and planting have been provided to visually soften the building structures.</p> <ul style="list-style-type: none"> The proposed buildings incorporate varying degree of setbacks from the property boundaries. No substantial boundary walls are proposed. 	
	(d) be designed so that the front building of the development is setback in sympathy with, but not necessarily the same as, the existing building line, and	The site has frontages to Maroubra Road, Cooper Street and Green Street. Appropriate front setbacks have been provided to complement the existing streetscape character.	Satisfactory
	(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	The landscape plan has provided a suitable combination of trees, shrubs and ground covers to provide an aesthetically pleasing presentation to the streets.	Satisfactory
	(f) retain, wherever reasonable, major existing trees, and	Given the scope of the development, the majority of the existing mature trees on the site will be removed. However, the landscape plan has provided adequate replacing planting to provide a green	Satisfactory

Clause	Requirement	Proposal	Compliance
		ambience to the development.	
	(g) be designed so that no building is constructed in a riparian zone.	Not applicable.	N/A
34	Visual and acoustic privacy		
	<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</p>	<ul style="list-style-type: none"> The design scheme have incorporated suitable setbacks and utilised various measures to minimise privacy impacts on the neighbouring properties, including landscaping, screening devices and location of windows. Noise impact on the proposed residential accommodation is minimised by the location of the driveway on the western extremity of the site, with the parking facilities being contained within the basement. A condition was incorporated into the original consent to specify the maximum internal noise levels within the accommodation units to ensure adequate living amenity is achieved. 	Satisfactory
35	Solar access and design for climate		
	<p>The proposed development should:</p> <p>(a) ensure adequate</p>	<ul style="list-style-type: none"> The modified development will retain an acceptable level of direct sunlight to the 	Satisfactory

Clause	Requirement	Proposal	Compliance
	<p>daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <p>(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.</p>	<p>adjoining residential properties. A detailed discussion is provided in the “Environmental Assessment” section of this report.</p> <ul style="list-style-type: none"> • The vast majority of the dwelling units continue to enjoy dual aspects and will facilitate cross ventilation. In addition, a high proportion of the units have northern aspects, which will enjoy suitable solar access in mid winter. • The approved and additional floor space is distributed among five buildings with view corridors being reserved across the site. The disposition of buildings will allow natural breezes and maximise daylight access to the central courtyard. 	
39	Waste management		
	<p>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>The amended basement and Waste management Plan indicates adequate provision of garbage rooms within the basement areas.</p> <p>The application has been assessed by Council’s Manager – Waste Management and deemed to be acceptable.</p> <p>No objections are raised in relation to the implementation of waste</p>	Satisfactory.

Clause	Requirement	Proposal	Compliance
		management procedures during the operational phase.	
Part 4 Development standards to be complied with			
Division 1 General			
40	Development standards – minimum sizes and building heights		
	(2) The size of the site must be at least 1,000 square metres.	The land area of the site is 6214.6m ² .	Complies
	(3) The site frontage must be at least 20m wide measured at the building line.	Maroubra Road frontage: 81.38m Cooper Street frontage: 30.4m Green Street frontage: 105.76m	Complies
	(4) Height in residential zone where residential flat buildings are not permitted	The site is partly zoned Residential 2C, where residential flat buildings are permissible with consent. This clause is therefore not applicable to the proposal.	N/A
Division 2 Residential care facilities – standards concerning accessibility and useability			
	Refer to the Commonwealth aged care accreditation standards and the Building Code of Australia.	Standard conditions have been imposed to ensure the development's compliance with the Building Code of Australia.	Continues to achieve compliance.
Division 3 Hostels and self-contained dwellings – standards concerning accessibility and useability			
41	Standards for hostels and self-contained dwellings		
	(1) A consent authority must not consent to a development application unless the proposed development complies with the standards specified in Schedule 3 for such development.	Specific condition was recommended as part of the original development consent to ensure compliance with the standards stated under Schedule 3 of the SEPP. The application does not seek to amend these conditions.	Continues to achieve compliance
Part 6 Development for vertical villages			
45	Vertical villages		

Clause	Requirement	Proposal	Compliance
	A consent authority may consent to seniors housing development having a density and scale that exceeds the floor space ratio permitted under another environmental planning instrument by a bonus of 0.5 added to the gross floor area component of that floor space ratio.	<p>The development standards contained within RLEP 1998 (Consolidation) do not apply to the proposal as it is made pursuant to the provisions of the SEPP for permissibility.</p> <p>The development scheme does not propose any affordable places as defined under the SEPP.</p> <p>Therefore, the provisions of Part 6 do not apply to the subject proposal.</p>	N/A
Part 7 Development standards that cannot be used as grounds to refuse consent			
Division 2 Residential care facilities			
48	<p>Standards that cannot be used to refuse development consent for residential care facilities</p> <p>A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds:</p>	Addressed below.	
	(a) building height: if all proposed buildings are 8m or less in height, or	The proposed RACF building will exceed 8m in height. The height and scale of the proposed development are considered to be satisfactory. Refer to the "Environmental Assessment" section of this report for details.	N/A
	(b) density and scale: if the density and scale of the buildings when	The scale and density of the modified development are considered to be	Continues to achieve compliance

Clause	Requirement	Proposal	Compliance
	expressed as a floor space ratio is 1:1 or less,	satisfactory.	
	(c) landscaped area: if a minimum of 25m ² of landscaped area per residential care facility bed is provided,	Adequate landscaping provided. The proposal improved existing private open spaces and also marginally increases deep soil landscaping.	Continues to achieve compliance
	<p>(d) parking for residents and visitors: if at least the following is provided:</p> <p>(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</p> <p>(ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and</p> <p>(iii) 1 parking space suitable for an ambulance.</p>	<p>In response to the changed mix there has been a slight increase in parking from 101 spaces to 109. This responds to the proposed increase in apartment numbers and the slight increase in the expected number of seniors living the village.</p> <p>The 109 spaces will be notionally allocated as follows:</p> <ul style="list-style-type: none"> • RACF: 20 spaces including 1 disabled parking space (unchanged) • ILU: 89 spaces: 79 resident spaces; 2 staff; and 8 visitor spaces. <p>The notional 89 ILU spaces will initially be allocated as:</p> <ul style="list-style-type: none"> • 63 x 2600 wide spaces; • 4 x 2600 wide spaces that can be expanded to 3800; • 22 spaces for people with a disability which are 2890.6 compliant. <p>An ambulance can be parked at the drop-off / pick-up zone at the principal entry of the development off Maroubra Road.</p>	Complies

Clause	Requirement	Proposal	Compliance
Division 4 Self-contained dwellings			
50	<p>Standards that cannot be used to refuse development consent for self-contained dwellings</p> <p>A consent authority must not refuse consent to the carrying out of development for the purpose of a self-contained dwelling on any of the following grounds:</p>	Addressed below.	
	(a) building height: if all proposed buildings are 8m or less in height,	All of the ILU buildings are more than 8m in height. The height and scale of the proposed development are considered to be satisfactory.	Satisfactory
	(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	The modified development scale and remains substantially the same as that approved under the original proposal and is considered to be satisfactory.	Satisfactory
	(c) landscaped area if: (ii) a minimum of 30% of the area of the site is to be landscaped	Approximately 33% of the site is soft landscaped.	Complies
	(d) deep soil zones: if, in relation to that part of the site that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of	<p>Approximately 17% of the site is reserved as deep soil zones.</p> <p>The scheme remains largely unchanged from the approval with the exception of the central courtyard, which is now proposed to be constructed over a suspended slab which is suitable for grassing and low level planting consistent with the</p>	Continues to achieve compliance

Clause	Requirement	Proposal	Compliance
	the zone should have a minimum dimension of 3m.	approved landscape plan. Deep soil zones will be relocated to: 1. A shade garden north of the residential aged care building (south of Building 2), 2. A new deep soil garden between Buildings 2 and 3 on the north boundary; and 3. A new deep soil garden between Buildings 3 and 4 on the north boundary.	
	(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	The application was accompanied by detailed plan and 3D elevational and sectional shadow diagrams. Based on the proposed layout and approved building heights and their arrangement, it is anticipated that all of the north- and east- facing units within Buildings 2, 3 and 4, as well as the north-facing units from level 2 and above within Building 1, will receive a minimum of 3 hours of sunlight on 21 June. This accounts for approximately 88% of all proposed dwelling units.	Continues to achieve compliance
	(f) private open space for in-fill self-care housing if: (i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15m ² of private open space per dwelling is provided and, of this	(i) The dimensions of the terraces to some of the ground floor units do not meet the standard. However, all of the ground level terraces have functional dimensions, and are capable of supporting passive recreational activities and accommodating outdoor	Satisfactory

Clause	Requirement	Proposal	Compliance
	open space, one area is not less than 3m wide and 3m long and is accessible from a living area located on the ground floor, and (ii) in the case of any other dwelling, there is a balcony with an area of not less than 10m ² (or 6m ² for a 1-bedroom dwelling), that is not less than 2m in either length or depth and that is accessible from a living area,	furniture. (ii) The balconies of some of the 1-bedroom dwellings do not meet the SEPP standard. Notwithstanding, all of the balconies have functional dimensions and are capable of supporting passive recreational activities and accommodating seatings.	
	(g) repealed	N/A	N/A
	(h) parking: if at least the following is provided: (i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider	The ILU buildings contain a total of 143 bedrooms. The number of residents' parking spaces within the ILU buildings amounts to 82. This is equivalent to more than 0.5 car spaces per bedroom.	Continues to achieve compliance

7.2 State Environmental Planning Policy (SEPP) (Major Development) 2005

The provisions of SEPP (Major Development) 2005 apply to the subject application as it involves modifications to an approved development classified as a "regional development" (having a capital investment value in excess of \$10 million) and is required to be determined by the Joint Regional Planning Panel (Eastern Region) pursuant to Clause 13B(1)(a) of State Environmental Planning Policy (Major Development) 2005.

The submitted Section 96 modification will therefore be referred to the Joint Regional Planning Panel for determination in accordance with the applicable provisions of the SEPP.

7.3 State Environmental Planning Policy (SEPP) No. 55 Remediation of Land

SEPP No. 55 aims to promote the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment.

The original application was accompanied by a Soil Contamination Investigation indicating that the land contains various harmful contaminants.

Specific conditions were recommended to require the preparation of a Remediation Action Plan and Site Audit Statement to ensure that the land will be remediated to a level suitable for the intended residential use. The subject proposal does not alter these requirements and the applicant has indicated that the relevant requested documentation will be submitted to the satisfaction of Council.

7.4 State Environmental Planning Policy (SEPP) No. 65 Design Quality Of Residential Flat Development

SEPP No. 65 applies to the proposed development. The application was referred to the Design Review Panel (DRP) for assessment in August 2011.

The Design Quality Principles and the comments provided by the Panel are addressed as follows:

This is a Section 96 application and the fourth time the Panel has reviewed the proposal. The Panel has visited the site.

Philip Thalys declared an interest and took no part in the Panel's consideration of this proposal.

The proposed changes for Section 96 consideration are as follows:

- Some minor car parking improvements within the basement car park. These are considered acceptable.
- Changes to external bricks and paint colours. These changes are considered acceptable.
- Improvement to the Community Green and its interface with the Terrace and Guest Lounge. Although the specific change from the approved DA is not clear on the set of drawings provided to the Panel the Section 96 proposal is considered acceptable.
- An increased set back to the north of the neighbouring property of 232 Maroubra Road by reducing the size of Apartment 05 and moving the lift inboard. These changes are considered acceptable.
- Due to the increased setback noted above an additional apartment has been achieved (this could be No. 10 although the changes are not clearly marked on the Panel's drawings) however there are no increased shadow impacts on neighbours, and this change is therefore considered acceptable.
- The planning arrangements in these new apartment layouts could be improved by providing a window to the kitchen, rearranging the study, laundry and entry to work off one circulation space (in an L shape as one possibility) and making the area around the bed more generous. The living room by comparison is large.

Planners comment: The proposed apartment layout is considered to be acceptable in providing a reasonable level of amenity for future occupants.

- The Panel is concerned that some of the buildings' south facing glass may need sunshade treatment. In the late afternoon in the summer months south facing glass is subject to low angle south-western sun penetration when the sun does not set until 8:00PM and the afternoons are long and hot.

Planners comment: By virtue of the orientation of the site, sun penetration to south facing glass is not significant as to warrant requirements for shading devices. Further, the proposal does not introduce a significant number of new south west facing windows and the issue of shading devices to the south facing openings was not raised by the DRP in the assessment of the original proposal. As such, this recommendation by the Design review Panel has not been included within the current approval. It should also be noted that Council's recommendation is supported by the JRPP.

PANEL RECOMMENDATION

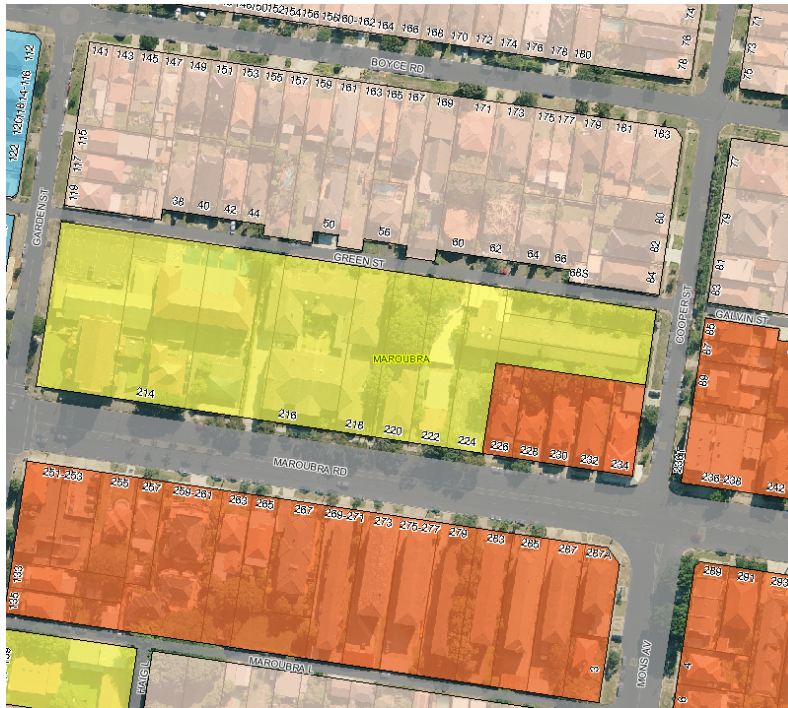
If these sunshading and internal planning issues are addressed satisfactorily in consultation with the Council Officers the Panel does not need to review this application again.

7.5 State Environmental Planning Policy (SEPP) (Building Sustainability Index: BASIX) 2004

SEPP: BASIX applies to the proposed development. The development application is accompanied with BASIX Certificate numbered 343767M_04 and dated 20 July 2011. The commitments listed in the above certificate will be imposed by appropriate standard conditions pursuant to Clause 97A of the Environmental Planning and Assessment Regulation 2000.

7.6 Randwick Local Environmental Plan (RLEP) 1998 (Consolidation)

The subject site is partly zoned Special Uses 5 (Nos. 220-224 Maroubra Road) and partly Residential 2C (Nos. 226-230 Maroubra Road) under RLEP 1998 (Consolidation). Refer to zoning map below.



Zoning map
Yellow denotes
Special Uses Zone
No. 5, and dark
orange denotes
Residential Zone
No. 2C

“Housing for seniors or people with a disability” is not defined in the LEP. “Residential care facilities”, which are defined in Clause 49 of the LEP, are not listed as a permissible use pursuant to the land use tables of Clauses 12 and 17. The proposed land use is therefore prohibited. However, this restriction is remedied by the provisions of the SEPP (Housing for Seniors or People with a Disability).

7.6.1 Clause 12 Zone No. 2C (Residential C Zone)

The objectives of the Residential 2C Zone are addressed as follows:

(a) *To provide for a medium density residential environment, and*
The Residential 2C Zone envisages a variety of housing developments in medium density form. The proposal maintains and improves the approved independent living units and aged care accommodation with ancillary support facilities that are catered for seniors and people with a disability. The proposed land use is compatible with the predominant residential character of the locality.

(b) *To maintain the desirable attributes of established residential areas, and*

The subject development has frontage to Maroubra Road, which is an arterial road with reserve width of 30m. The site covers a number of land parcels and has an aggregate area of 6214.6m². The proposed residential accommodation will be contained in five separate buildings, where the floor space is distributed appropriately across the site. The built form, scale and façade articulations have adequately considered the contextual environment and will not result in unreasonable impacts on the streetscape and the amenity of the surrounding premises.

(c) *To protect the amenity of existing residents, and*

The proposal will not generate unreasonable adverse impacts on the surrounding residences. Refer to the “Environmental Assessment” section of this report for details.

(d) To allow for a range of community uses to be provided to serve the needs of residents, workers and visitors, and,

The development scheme incorporates a range of in-house services to support the residents of the estate. The nature of the use is in high demand and is suitable to the community.

(e) To encourage housing affordability, and

The proposed development incorporates a range of dwelling and accommodation types that cater for the varying needs of the ageing population. The proposal is not considered to generate adverse impacts on housing affordability.

(f) To allow people to carry out a range of activities from their homes, where such activities are not likely to adversely affect the environment of the locality.

This matter is not related to the proposed development.

7.6.2 Clause 17 Zone No. 5 (Special Uses Zone)

The objectives of the Special Uses 5 Zone are addressed as follows:

(a) To accommodate development by public authorities on publicly owned land, and

This objective is not applicable to the proposal as the site is privately owned.

(b) To accommodate development for educational, religious, public transport or similar purposes on both publicly and privately owned land, and

The subject urban block presently contains a variety of religious and community uses, including Holy Family Church, St. Aidan’s Primary School and a church affiliated retirement home. The development of seniors housing on the site is considered to be compatible with the community and social elements of the adjoining land, and will offer suitable residential accommodation for a significant sector of the local population.

(c) To enable associated and ancillary development, and

The development scheme maintains and improves a range of in-house services to support the residents of the estate.

(d) To allow for a range of community uses to be provided to serve the needs of residents, workers and visitors, and

The modified development scheme incorporates a range of in-house services to support the residents of the estate.

(e) To allow for the redevelopment of land no longer required for a special use.

The primary school facility and parish office on the site have been decommissioned and are no longer in use. The proposal will facilitate the redevelopment of the land for a special housing purpose that is in high demand and is suitable to the community.

7.6.3 Development standards

The proposal is made pursuant to SEPP (Housing for Seniors or People with a Disability). Accordingly, Clauses 20E, 20F and 20G of the LEP relating to landscaped area, floor space ratio and building heights respectively do not apply to the development. However, a comparison between the proposed modifications and the aforementioned development standards is provided below as those controls would otherwise apply to part of the subject site, and any future residential developments within the surrounding 2C zoned land to the east and south:

Clause	Requirement	Proposal (under S96)
20E Landscaped area	(2) Minimum 50% of site area in 2C Zone	Soft landscaped area 2031m ² or 0.33:1*
	(3) Landscaped areas over podiums or excavated basements do not exceed 50% of required provision	Deep soil planting 1055.8m ² or 17% of site area
20F Floor space ratio	Maximum 0.9:1 in 2C Zone	11729m ² GFA or 1.887:1 (approved –11384m ² , additional 345m ² proposed = total 11729m ²)
20G Building heights	(2) Maximum building height 12m in 2C Zone	RACF: approx. 21.6m (RL60.00) ILU Building 1: approx. 20.4m (RL63.70) ILU Building 2: approx. 16.4m (RL53.80) ILU Building 3: approx. 16.3m (RL56.50) ILU Building 4: approx. 18.4m (RL60.90)
	(4) Maximum external wall height 10m in 2C Zone	RACF: approx. 19.0m ILU Building 1: approx. 20.0m ILU Building 2: approx. 15.3m ILU Building 3: approx. 15.0m ILU Building 4: approx. 16.4m

*Note: total landscaped area data not available in the application.

7.6.4 Clause 21 Subdivision – consent requirements

The original proposal included subdivision of the subject land. At the time, Council's Development Engineer reviewed the subdivision scheme and raised no objections subject to the recommended conditions.

DA/974/2010/B was approved 27 October 2011 for modifications to the wording of Condition 163 of development consent relating to subdivision.

Relevant subdivision conditions (as amended) are not proposed to be altered as part of the subject Section 96 application.

7.6.5 Clause 22 Services

Clause 22 requires Council to ascertain that adequate water supply, stormwater drainage and sewage facilities are available to the land prior to the granting of any consent to the carrying out of development.

Standard conditions were recommended in the original development consent to ensure adequate civil and utility services are provided to the site. These conditions are not altered as part of the subject Section 96 application.

7.6.6 Clause 37A Development in Special Uses Zone

Clause 37A requires Council to be satisfied that a proposed development in Zone No. 5 is compatible with the character of the locality and will not adversely affect the amenity of the nearby and adjoining development.

The proposal maintains the approved independent living units and aged care accommodation with ancillary support facilities that are catered for senior persons. The proposed land use is compatible with the predominant residential character of the wider locality.

The subject urban block presently contains a variety of religious and community uses, including Holy Family Church, St. Aidan's Primary School and a church affiliated retirement home. The development of seniors housing on the site is considered to be compatible with the community and social elements of the adjoining land, and will offer suitable residential accommodation for a significant sector of the local population.

As will be discussed in the "Environmental Assessment" section of this report, the proposed amendments to the approved development will not result in unreasonable impacts on the amenity of the adjoining residences.

7.6.7 Clause 40 Earthworks

Clause 40 requires Council to consider the likely impact of any earthworks on the existing drainage patterns and soil stability in the locality, and the effects of the works on the likely future use of the land.

The proposal requires significant excavation to accommodate the basement car parks, loading docks, service facilities and part of the ground floor level. Specific conditions were imposed as part of the original development consent (DA/974/2010) to ensure that suitable retaining walls and protection measures are implemented during the construction stage. The proposal was not considered to adversely impact on the drainage pattern and use of the land, subject to the recommended construction management and engineering conditions. These conditions are not altered as part of the subject Section 96 application.

7.6.8 Clause 42B Contaminated land

Clause 42B contains provisions for remediation of contaminated land to ensure that such land will be suitable for the purpose for which the development is proposed. As indicated above, the applicant submitted a Soil Contamination Investigation as part of the original development application (DA/974/2010) to address contamination issues on the subject site. Council's Environmental Health Officer has reviewed the submitted information appropriate condition were applied to the original consent to ensure that the site is suitable for residential development. These conditions are not altered as part of the subject Section 96 application.

7.6.9 Clause 43 Heritage conservation

The site is located approximately 106m to the east of Holy Family Church, which is listed as a local heritage item under the LEP (Inventory No. 316: Neo-Romanesque style, c 1940). Given the degree of spatial separation, the proposed development is not considered to result in material impacts on the curtilage to the heritage item.

8. Section 96 Assessment

Section 96(2) of the Environmental Planning and Assessment Act 1979, states that a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

The modifications proposed under the subject Section 96(2) application are generally contained within the approved building envelope.

In the context of the overall scope of the development, the current proposal does not involve any significant changes to the floor space, built form or landscaped area provision of the approved development. The modified development will not result in detrimental environmental, social or economic impacts on the locality, and is considered to be within the public interest. Therefore, the proposed modifications are considered to result in a development that remains substantially the same as the development for which the consent was originally granted. In relation to the consideration of any submissions, none have been received by Council.

9. ENVIRONMENTAL ASSESSMENT

9.1 Section 79C Assessment

The site has been inspected and the application has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act 1979.

Section 79C 'Matters for Consideration'	Comments
Section 79C(1)(a)(i) – Provisions of any environmental planning instrument	Refer to the "Environmental Planning Instruments" section of this report for details.
Section 79C(1)(a)(ii) – Provisions of any draft environmental planning instrument	Not applicable.
Section 79C(1)(a)(iii) – Provisions of any development control plan	Not applicable.
Section 79C(1)(a)(iiia) – Provisions of any Planning Agreement or draft Planning Agreement	Not applicable.
Section 79C(1)(a)(iv) – Provisions of the regulations	The relevant provisions of the Environmental Planning and Assessment Regulation 2000 are addressed by the recommended standard conditions.
Section 79C(1)(b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	The environmental, social and economic impacts of the proposed development, which are otherwise not discussed within the body of this report, are addressed below.
Section 79C(1)(c) – The suitability of the site for the development	The site is located within an established residential neighbourhood with convenient access to Maroubra Junction Town Centre and public transport services. The site has sufficient area to accommodate the proposed land use and physical

Section 79C 'Matters for Consideration'	Comments
	<p>structures. The subject urban block currently accommodates a range of social, community and religious worship uses and the proposed seniors' housing development will be complementary to the function of the adjoining land.</p> <p>Therefore, the site is considered to be suitable for the modified development.</p>
Section 79C(1)(d) – Any submissions made in accordance with the EP&A Act or EP&A Regulation	No submissions were received in response to the public notification and advertising.
Section 79C(1)(e) – The public interest	The proposal is not considered to result in unreasonable adverse environmental, social or economic impacts on the locality, subject to the recommended conditions. The development is considered to be within public interest.

9.2 Site planning, built form and urban design

Scale and massing

The subject site has frontage to Maroubra Road, which is a 6-lane arterial road of approximately 30m in width (a 20m wide carriageway plus 5m wide footpaths on either side). At present, the southern side of Maroubra Road is predominantly characterised by residential flat buildings of 3 and 4 storeys in height. The northern site boundary adjoins Green Street, which is a 6m wide lane allowing two-way vehicular traffic. The northern side of Green Street is occupied by single- and double-storey detached dwellings. To the east of the site is Cooper Street, which is a local distributor road with a reserve width of approximately 20m.

The approved scale and massing of the development is not altered significantly as result of the subject Section 96 proposal and is satisfactory when viewed in context with the surrounding development and streetscape.

The development scheme maintains a reasonable distribution of floor space among 5 buildings with view corridors being reserved across the site in both east-west and north-south directions, in lieu of a monolithic visual mass.

Built form and articulations

The original proposal positioned buildings near the perimeter of the site around a central courtyard, maximising the size and functionality of the communal open space with good casual surveillance.

Further the development, as modified, incorporates staggered wall planes, balconies, windows, sun hoods, screening devices and a combination of compatible surface finishes, which will finely articulate the external facades and create visual interest.

Under the current proposal, the architectural treatment on the southern face of ILU Building 1 has been adjusted to reflect the change from previous 2 bedroom apartments to 1 bedroom apartments which introduces an additional balcony to the façade.

Modifications and resultant visual/built form impacts are summarised and discussed below: -

Building 1: revised internal planning has resulted in some adjustments to the Maroubra Rd façade, the most noticeable of which include:

- Increase from two to three balconies has the effect of visually lightens the building and reduces visual bulk and continuous unarticulated wall planes.
- Corner windows have also been introduced to reduce the appearance of a single, monolithic building form.
- Glazing of the central walkway recognises the need to provide residents with weather protection. Operable awning windows assist in improving ventilation of the walkway spaces

Building 2: the new fire stair has been relocated such that it no longer intrudes into the courtyard garden space.

Building 3: relocation of lift to the west of this block lends a greater level of amenity to the internal courtyard space whilst the Green St façade is also improved by amalgamating some balconies to lighten the building façade.

Building 4: with the relocation of the lift core (prominent at the highest level), another unit is able to be introduced without compromising the solar access enjoyed by 232 Maroubra Road to the south of building 4. Internalisation of the lift shaft also serves to improve the quality of ground space

The subject section of Maroubra Road does not demonstrate any consistent architectural style worthy of repetition. The existing premises on the site do not carry significant architectural merits and suffer from poor maintenance. It is considered that the proposal will contribute to the local character and revitalise the existing streetscape.

Setbacks and building separation

Eastern shared boundary with No. 232 Maroubra Road:

ILU Building 1 maintains a setback of between 4.1m to 6.1m from the shared boundary with No. 232 Maroubra Road. The separation between Building 1 and No. 232 is approximately 5m to 7m. The proposed setback distance is considered to be satisfactory for the following reasons:

- The existing part 1- and part 2-storey dwelling at No. 230 Maroubra Road is setback approximately 2.8m from the shared boundary. The subject proposal will significantly increase the degree of building separation as compared to the status quo.
- The landscape plan shows the provision of mass planting with a range of shrubs along the setback areas.
- The proposal will not result in unreasonable shadow and privacy impacts on the neighbouring properties.

Southern shared boundary with Nos. 232 and 234 Maroubra Road:

The amended southern section of ILU Building 4 incorporates the following setback from the southern shared boundary:

External walls	Ground level	1.5m – 3.0m
	First level	1.5m – 3.0m
	Second level	1.5m – 3.0m
	Third level	3.0m – 11.96m
Balcony	Ground level	0m
	First level	2.6m
	Second level	2.6m
	Third level	3.6m

The Residential Flat Design Code recommends a building separation of 12m between buildings of up to 12m / 4 storeys in height.

Due to the reinstatement of a previously deleted unit (Unit 15 on the south water corner of ILU Building 4 at Level 2), the southern side setbacks at second level have been altered under the subject Section 96 application.

The unit was deleted under the original development proposal following negotiations between Council's Assessment Officer and the applicant resulting from concerns regarding building separation and overshadowing of the adjoining development at No. 232 Maroubra Road.

The adjoining residential flat building at No. 232 Maroubra Road contains a hard-paved parking lot at the rear. The resultant separation between the southern section of ILU Building 4 and the neighbouring block of flats is approximately 9.6m, and does not meet the recommendation of the Code.

Notwithstanding this, the proposed side setback, as amended is considered to be acceptable for the following reasons:

- The design scheme only provides bedroom and bathroom windows on the southern elevation of ILU Building 4. The principal living room windows are oriented to the east and west. There will be no material privacy impacts on the neighbouring premises.

- The proposal will not result in unreasonable overshadowing of the adjoining properties at No. 232 Maroubra Road. Refer to the following paragraphs for details.
- The landscape plan shows the planting 2 x Queensland Firewheel Trees (mature height 7m) and a row of low shrubs along the southern setback areas. The landscaping will provide visual relief and contribute to the softening of the building structures.
- The south-western section of ILU Building 4, despite being increased from a height of 2 storeys to 3 storeys, still allows for adequate solar access to be retained to the adjoining site to the south.
- The existing premises at Nos. 232 and 234 are below the permissible height limits stipulated under RLEP 1998 (Consolidation) and have potential for complete redevelopment. Given the corner location of these properties and the emerging character of the area, it can be reasonably expected that any future development would be built up to the street boundaries with open areas being reserved at the rear. The future building would receive satisfactory morning sun and a degree of afternoon sun on the winter solstice.

In this respect, the proposed modification to ILU Building 4 is not considered to create unreasonable constraints on future redevelopment of the adjoining sites.

9.3 Retention of solar access

Clause 35 of SEPP (Housing for Seniors or People with a Disability) provides the following criteria relating to solar access to neighbours:

35(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.

The expected shadow impacts of the proposed modifications on the adjoining property to the south are as follows:

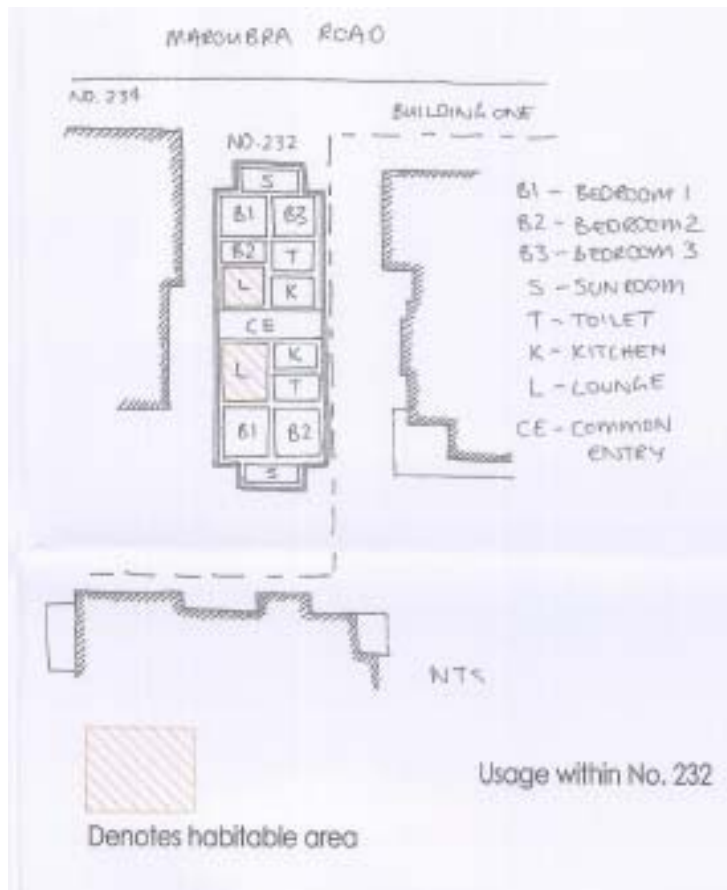
No. 232 Maroubra Road:

Impact on unbuilt upon areas:

The majority of the surface car park at the rear of No. 232 will remain overshadowed throughout the day in mid winter (as per the original development approval).

Impact on windows:

The window locations of the residential flat building in question are described in the following diagram:



Room and window location of No. 232 Maroubra Road (Source: Greengate)



Northern façade, driveway and car parking area of No. 232 Maroubra Road

The expected shadow impacts on the living room windows are as follows:

- Following the proposed development, the majority of the glazed areas to the north-facing sunroom windows at both the ground and first levels will receive 3 hours of direct sunlight in mid winter.
- At present, the two rear (northern) dwelling units at ground and first levels of the building receive direct sunlight to their east-facing living room windows at 9am and 10am, mid winter. Following the proposed development, the majority of the glazed areas to these windows will continue to receive direct sunlight at 9am and 10am, mid winter.

- At present, the front dwelling unit (southern unit fronting Maroubra Road) at first level of the building receives a degree of sunlight to its east-facing living room window at 9am and 10am in mid winter. Following the proposed development, this window will be completely overshadowed.
- Following the proposed development, the northern roof pane of the building will receive direct sunlight between 9am and 3pm in mid winter. The eastern roof pane will receive direct sunlight between 9am and 12noon in mid winter. It is considered that a satisfactory level of sunlight will be retained for any future roof-mounted solar panels at No. 232.

The proposed modifications are not anticipated to generate a significant amount of overshadowing to the northern side of No. 232 Maroubra Road to the south of the site (more specifically to the south of ILU Building 4). The additional unit proposed under the current Section 96 application does not generate additional and unreasonable overshadowing due to the following reasons: -

- The modifications Building 4 form resultant from the internalisation of the lift core to the north facing apartments is effective in alleviating overshadowing impacts which would otherwise result from the additional of Unit 15.
- The applicant has (at the request of Council's Assessment Officer) submitted detailed elevations and sectional shadow diagrams for various times during the day. Further, these shadow studies are prepared to the true and relative angles of the sun at various times of the winter day. The diagrams indicate that due to the relative level of the new unit compared to the top floor of Building 4 (which contributes most significantly to the level of overshadowing to the adjoining site to the south) the additional unit does not result in any significant additional overshadowing impacts to the south.
- The shadow diagrams have been assessed and it has been determined that the north facing windows of No. 232 will continue to enjoy reasonable sunlight and these conditions are marginally improved at 9am during winter mornings due to the reduction in bulk at the upper floors through internalisation of the lifts.

9.5 Visual and acoustic privacy

Shared boundaries with Nos. 232 and 234 Maroubra Road:

The balconies to the north-eastern units at levels 1, 2, 3 and 4 of ILU Building 1 are capable of overlooking the bedroom windows at the rear portion of No. 232 Maroubra Road. A suitable condition was therefore recommended to require the installation of appropriate screening devices to minimise adverse privacy impacts. Although the balconies are attached to the living areas, due to the nature of the use as aged care accommodation, the proposal is not considered to generate significant level of noise.

The living room windows to the south-eastern units of ILU Building 1 are

provided with external louvre screens, and will not result in detrimental privacy impacts on No. 232 Maroubra Road.

The southern elevation of ILU Building 4, including the additional unit at the second level contains minimal window openings, and will not result in significant privacy impacts on Nos. 232 and 234 Maroubra Road. The south facing elevation of the new unit (adjacent to its living areas) has not been provided with any window openings and the bedroom window has been indicated for provision with external louvres to mitigate any potential to overlook into the rear of No. 232 Maroubra Road.

9.6 Parking

The car parking requirements stipulated in the SEPP (Housing for Seniors or People with a Disability) have already been addressed under the “Environmental Planning Instruments” section of this report.

The applicant seeks to amend condition 18(4) which relates to allocation of parking and reads as follows: -

18(4) Private car accommodation

If car parking (not being car parking for employees is provided:

(a) car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and

(b) 5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and

(c) any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

To reflect the proposed changes to dwelling mix and number of units, the number of parking spaces has increased from 101 spaces to 109.

The applicant had indicated that the 109 spaces will be notionally allocated as follows:

- RACF: 20 spaces including 1 disabled parking space (unchanged)
- ILU: 89 spaces:
 - 79 resident spaces;
 - 2 staff;
 - 8 visitor spaces.

The notional 89 ILU spaces will initially be allocated as:

- 63 x 2600 wide spaces;
- 4 x 2600 wide spaces that can be expanded to 3800;

- 22 spaces for people with a disability which are 2890.6 compliant.

This condition originally incorporated the relevant provisions of the SEPP (Housing for Seniors). The carparking design requirements of Schedule 3 of the SEPP (Housing for Seniors) have not been updated since the adoption of AS 2890.6 on 1st May 2011 which is now the current version of the Standard.

Consequently, adoption of the new Standard has produced inconsistencies between the requirements of the SEPP which was based on the provisions of the earlier version of the Standard and are unable to be applied/complied with.

To address this issue, the applicant has proposed that: -

- Generally provide the carparking spaces at 2600 wide rather than the minimum 2400.
- Provide 5% of the spaces at a width of around 3800mm to allow the doors to fully open and allow an increased manouvering area.
- Provide the capacity to provide 25% of the spaces in accordance with AS 2890.6. Allocate the spaces in accordance with the needs of the residents and change the allocation as changes in these needs arise.

The current Section 96 application has been accompanied by an Access Statement of Compliance dated 18 July 2011, prepared by Accessible Building Solutions and received by Council on 22 July 2011.

This statement verifies that's the application, as amended, is able to fulfil the requirements of the BCA in respect of access for people with a disability have been fulfilled and that the requirements of SEPP Seniors Living have been fulfilled with respect to the independent living units.

The applicant therefore seeks to amend condition 18(4) to read:

18(4) Private car accommodation

If car parking (not being car parking for employees) is provided:

- (a) Generally provide the carparking spaces at 2600 wide rather than the minimum 2400;
- (b) Provide 5% of the spaces at a width of around 3800mm to allow the doors to fully open and allow an increased manouvering area;
- (c) Provide the capacity to provide 25% of the spaces in accordance with AS 2890.6. Allocate the spaces in accordance with the needs of the residents and change the allocation as changes in these needs arise.

(d) Any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

This has been assessed by Council and amendment of condition 18(4) is deemed to be acceptable and is supported in this instance.

The current amended application demonstrates compliance with Condition No. 7 of the original consent requiring the installation of a minimum of 10 bicycle parking spaces within the development for use by the staff and visitors.

Relationship to City Plan

The relationship with the City Plan is as follows:

Outcome 2: A vibrant and diverse community.

Direction 2d: New and upgraded community facilities that are multi-purpose and in accessible locations.

Outcome 4: Excellence in urban design and development.

Outcome 4a: Improved design and sustainability across all development.

Financial Impact Statement

There is no direct financial impact for this matter.

Conclusion

The modifications proposed as part of this application do not substantially alter the form and nature of the approved development and continues to meet the objectives and performance requirements of relevant State and Local planning controls.

The resultant modified built form, massing and façade articulations will be generally consistent with the approved development and maintain a satisfactory streetscape outcome for Maroubra Road, Green Street and Cooper Street. The proposed modifications will not result in unreasonable impacts on the amenity of the surrounding properties in terms of visual bulk and scale, view loss, solar access and privacy.

The proposed development density is justified by the site's proximity to the Maroubra Junction Town Centre, retail and community services and public transport. The proposal represents an economic and orderly use of the site and will deliver material social benefits for the senior population in the area.

Having regard to the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979, as amended, the proposed modifications are considered to result in a development that remains substantially the same as the development for which the consent was originally granted.

Approval of the modification will not result in any significant environmental impact and will not detract from the integrity of the development nor its relationship with adjoining development. It is therefore considered that the modification to the original development consent is reasonable and the proposal is recommended for approval subject to conditions.

Recommendation

THAT the Joint Regional Planning Panel, as the consent authority, grants development consent under Section 96 of the Environmental Planning and Assessment Act 1979, as amended, to modify Development Consent No. 974/2010 by modifying the original development consent by changing approved unit mix to provide additional 1 bedroom dwellings with an overall increase in unit number by 7; increasing basement parking by 9 spaces; increasing envelopes of Buildings 3 & 4; amending facade configuration; amending roof design; amending stormwater management design and existing conditions of consent, at No. 220-230 Maroubra Road, Maroubra NSW 2035 the following manner:

A Amend Condition 1 to read:

Plan Number	Dated	Received	Prepared By
DA04, Rev 1	19-07-11	22 July 2011	Architect: Greengate Design Pty. Ltd. Consultant Architect: Olsson Associates Architects Pty. Ltd.
DA05, Rev 2	22-09-11	5 October 2011	
DA06, Rev 2	22-09-11	5 October 2011	
DA07, Rev 1	19-07-11	22 July 2011	
DA08, Rev 2	05-08-11	8 August 2011	
DA09, Rev 2	18-07-11	8 August 2011	
DA10, Rev 2	05-08-11	8 August 2011	
DA11, Rev 2	05-08-11	8 August 2011	
DA12, Rev 1	19-07-11	22 July 2011	
DA13, Rev 1	19-07-11	22 July 2011	
DA14, Rev 2	05-08-11	12 September 2011	
DA15, Rev 2	05-08-11	12 September 2011	
DA16, Rev 2	19-07-11	8 August 2011	
DA17, Rev 2	19-07-11	8 August 2011	
DA19, Rev 1	05-08-11	8 August 2011	
L01(C)	20.07.11	12 September 2011	POD Landscape Architecture Pty. Ltd.
L02(C)	20.07.11	12 September 2011	
L03(B)	20.07.11	12 September 2011	
L04(B)	20.07.11	12 September 2011	

, the application form and any supporting information received with the application, except as may be amended by the following conditions:

B Amend the following conditions to read:

18(4). Private car accommodation

If car parking (not being car parking for employees) is provided:

(a) Generally provide the carparking spaces at 2600 wide rather than the minimum 2400;

(b) Provide 5% of the spaces at a width of around 3800mm to allow the doors to fully open and allow an increased manouvering area;

(c) Provide the capacity to provide 25% of the spaces in accordance with AS 2890.6. Allocate the spaces in accordance with the needs of the residents and change the allocation as changes in these needs arise.

(d) Any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.

158. As the above site is likely to encounter seepage water within the depth of any excavation the basement structures/structures below natural ground level are to be suitably tanked and/or waterproofed using a system that ensures seepage water will not be collected and discharged from the site. A Structural Engineer\Geotechnical Engineer shall certify that the tanking and/or waterproofing has been carried out to an acceptable standard, to the satisfaction of the certifying authority. A copy of the certification is to be forwarded to Council.

Notes:-

- a. Any subsoil drainage (from planter boxes etc) is to be disposed of within the site and is not to be discharged to Council's kerb & gutter and/or underground drainage system.
- b. Adequate provision is to be made for the seepage water to drain around the basement (to ensure that the basement will not dam or slow the movement of the seepage water through the development site). Seepage water must not to be collected and discharged from the development site.

C Add the following conditions:

The following additional conditions are applied to satisfy the relevant pollution control criteria and to maintain reasonable levels of health, safety and amenity to the locality:

178. The use and operation of the premises shall not give rise to an environmental health or public nuisance.
179. There are to be no emissions or discharges from the premises which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997 and Regulations*.

180. Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.

The following conditions have been applied to ensure compliance with Local Government Legislation and Policies of Council:

181. Hairdressers, Beauty salons must comply with the *Local Government (Orders) Regulations 1999* and the *Public Health Act & Regulations 1991*, and the premises is to be registered with Council prior to occupation and on an annual basis and the approved registration/inspection fee is to be forwarded to the Council **prior to occupation**.
182. Premises to be registered with the Council prior to occupation and on an annual basis under the provisions of the *Public Health (Skin Penetration) Regulation*, and the annual registration/inspection fee is to be forwarded to Council, **prior to occupation**.
183. A wash hand basin with hot and cold water is to be provided to the hairdressing premises.
184. Adequate cleaning facilities including a sink with hot and cold water supply are to be provided to the premises for cleaning of all hairdressing utensils/equipment.

D Delete the following conditions:

Conditions 3, 4 5, 6, 7, 63 and 64

E Condition 15 shall be retained