

2012SYE005 – 1034-1036 Old Princes Highway,
Engadine

DA11/1259

ASSESSMENT REPORT APPENDICES

Appendix	A	Draft Conditions of Development Consent
	B	Architectural Review Advisory Panel Report Dated 9 January 2012

DRAFT CONDITIONS OF DEVELOPMENT CONSENT
Development Application No. 11/1259

PART 1 - DEFERRED COMMENCEMENT CONDITIONS

To enable the submission of further information to clarify or resolve specific aspects of the proposed development this Development Consent is issued as a "Deferred Commencement" Consent under the provisions of Section 80(3) of the Environmental Planning and Assessment Act as amended. The Consent shall not operate until the applicant satisfies the Council as to the following matters.

The required information shall be submitted within 12 months of the date of issue of this development consent.

Note- Under the provisions of Clause 95A(5) of the Environmental Planning and Assessment Regulation 2000 upon submission of the required information, Council shall advise in writing whether or not it is satisfied as to the relevant matters.

1. Deferred Commencement Condition - Revised Architectural Plans

The preparation of revised architectural plans that include the following design changes:

- a) Redesign of the upper basement level car park in accordance with the requirements of AS2890.1 - 2004, to provide for a minimum of 58 car parking spaces and a circular accessway system, by:
 - i) deletion of parking spaces 17, 18, 35 & 36 to create a new circulatory aisle;
 - ii) replacement of the turning head above the access ramp to the lower basement level with 2 car parking spaces and a standard blind aisle treatment; and
 - iii) deletion of parking space 37 to allow for the access ramp to the lower basement level to commence adjacent to the new circulatory aisle and modifications to the longitudinal profile of the ramp to ensure adequate vertical clearances for its entire length.
- b) Redesign of the upper basement level car parking spaces 1 to 5 inclusive, in accordance with the dimensional requirements of AS2890.1 - 2004.
- c) Redesign of the ground floor level to include a separate lobby (of at least 1.6 metres in width) on the eastern side of and accessible from the 'core 2' lifts, so as to enable staff, visitors and delivery personnel, associated with the future uses of the ground floor level, direct access to and from the basement levels. This lobby is to extend southwards to the doorway between the adjacent stairwell and the female toilets.

These plans are to indicate the final allocation and location of public, staff and visitor car parking spaces, on each basement level, with the primary objective of maximising public car parking within the upper basement level, as far as practicable.

PART 2 - CONDITIONS OF CONSENT

Upon the satisfactory resolution of those matters listed above in Part 1 – Deferred Commencement Conditions and the receipt of written verification of this from Council, this Consent shall operate subject to the following conditions of development consent.

GENERAL CONDITIONS

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

2. Approved Plans and Documents

The development shall be implemented substantially in accordance with the details and specifications set out on the drawings numbered DA02 Issue B dated 30 October 2011, DA03 Issue B dated 30 October 2011, DA04 Issue D dated 20 December 2011, DA05 Issue D dated 20 December 2011, DA06 Issue D dated 20 December 2011, DA07 Issue D dated 20 December 2011, DA08 Issue D dated 20 December 2011, DA09 Issue D dated 20 December 2011, DA10 Issue D dated 20 December 2011, DA11 Issue C dated 20 December 2011, DA12 Issue B dated 20 December 2011, DA13 Issue C dated 14 December 2011 and DA14 Issue B dated 30 October 2011, prepared by Allen, Jack & Cottier and ADG Architects and any details on the application form and on any supporting information received with the application, except as amended by the details submitted to Council to satisfy the deferred commencement condition of this development consent and except as amended by the conditions specified and imposed hereunder.

Note 1:

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

Note 2:

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

Note 3:

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

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

Note 4:

The following works or activities shall not be carried out on public land (including a road) adjacent to the development site without approval under the

Roads Act 1993 and/or the Local Government Act 1993:

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

3. Prescribed Conditions

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

- a) The development must be carried out in accordance with the provisions of the Building Code of Australia.
- b) Builders details shall be provided to Council with the Notice of Commencement.

4. Partial Consent

In accordance with the provisions of Section 80(4) of the Environmental Planning & Assessment Act, 1979, development consent is not granted to the specific use(s) and internal layout of the ground floor level health services facility. These aspects of the development shall be the subject of separate application(s) for development consent.

5. Accessibility & Crime Prevention

- a) The development shall comply with the Commonwealth Aged Care Accreditation Standards.
- b) The development shall comply with AS 1428.1 - 2009.
- c) The lifts shall comply with AS1735.12 - 1999.
- d) The three (3) accessible car parking spaces shall comply with AS2890.6 - 2009.
- e) All external walls of the building that are immediately accessible to the general public are to be treated with anti-graffiti coatings/finishes.

6. Design of Car Parking Areas & Loading/Unloading Areas

- a) The loading area and associated roller shutter entrance from Caldarra Avenue shall have a minimum unobstructed vertical clearance of 3.5 metres.
- b) The loading area shall be defined with suitable signposting and pavement markings.

- c) The upper basement car parking area shall be line-marked to accommodate 58 car spaces.
- d) The lower basement car parking area shall be line-marked to accommodate 33 car spaces.
- e) The car parking spaces that are allocated for use by the public, visitors and staff are to be signposted as such.
- f) The car space immediately adjacent to the lift lobby on the upper basement car park level is to be designated as a 15 minute, time-restricted, public car space and signposted as such.
- g) The vehicular access aisles within the upper basement car parking area shall be line-marked and signposted, to provide for a partial one-way circulatory system connecting the northerly 2-way aisle with the easterly 2-way aisle and operating in an anti-clockwise direction.
- h) The proposed security doors fitted to the car parking and loading area entrances shall be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and/or columns.

7. Public Place Environmental, Damage & Performance Security Bond

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

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

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

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

The value of the bond shall be \$25,000.

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

MATTERS RELATING TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

8. Detailed Landscape Plan

A detailed landscape plan shall be prepared by an experienced landscape designer (a person eligible for membership of the Australian Institute of Landscape Designers and Managers) or a landscape architect (a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect). This plan shall be based on the landscape concept drawings submitted with the development application, address the relevant requirements of 'Sutherland Shire Environmental Specification 2007 - Landscape' and include the following design changes:

- a) The proposed street trees in Caldarra Avenue shall be replaced with species of either *Eucalyptus racemosa* (Narrow Leaf Scribbly Gum), *Eucalyptus capitellata* (Brown Stringybark) or *Eucalyptus globoidea* (White Stringybark).
- b) The planter box adjacent to the northern boundary of the site and within the building undercroft shall be redesigned to include seating for the entirety of its southern perimeter and climber planting on weld-fab mesh on its northern, western and eastern perimeters only.

This plan shall accompany the construction certificate.

9. Design and Construction of Works in Public Areas

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

- a) Temporary relocation of the existing pedestrian crossing in Caldarra Avenue, including provision for kerb ramps and any adjustment to line-marking, sign-posting and street-lighting, during the demolition, excavation and construction phases of the development.
- b) Removal of the existing pedestrian crossing and construction of a raised pedestrian threshold in Caldarra Avenue, including associated street-lighting, line-marking, sign-posting, relief drainage and kerb and gutter adjustments, as required.
- c) Road pavement construction in Caldarra Avenue, as required.
- d) Reconstruction of the existing footpath and kerb and gutter in Caldarra Avenue, as required.
- e) Stormwater drainage.
- f) Demolition of the existing kerb and gutter at the proposed vehicular access point and replacement with a concrete layback crossing.
- g) Construction of a footpath crossing at the proposed vehicular access point.
- h) Removal of all redundant layback crossings and reconstruction with integral concrete kerb and gutter.

- i) Removal of all redundant footpath crossings.
- j) Regrading, topsoiling and landscaping of the remainder of the footpath area in Caldarra Avenue to final design levels, across the full frontage of the site and across the frontages of adjacent properties, where existing levels are altered.
- k) Construction of any median islands in Caldarra Avenue, as required.
- l) Provision of trees, groundcovers, street furniture, signage and line-marking in Caldarra Avenue, as required.
- m) Adjustments to service authority infrastructure and installation of conduits, as required.

An application under the Roads Act, together with the necessary fee, shall be submitted and alignment levels shall be issued by Council, prior to the issue of a construction certificate. Survey and design plans for the above works shall be prepared by Council's Engineering Division and issued by Council's Civil Assets Manager.

10. Site Management Plan

An environmental site management plan shall accompany the construction certificate. This plan shall satisfy the Objectives and Controls in Part 3 of Chapter 8 of Sutherland Shire Development Control Plan 2006 and shall address the following:

- a) What actions and works are to be employed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and material deliveries and the like.
- b) The proposed method of loading and unloading excavation machines and building materials.
- c) Areas within the site to be used for the storage of excavated material, construction materials and waste containers during demolition, excavation and construction.
- d) How it is proposed to ensure that material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways.
- e) The proposed method of support to any excavation adjacent to adjoining properties or the road reserve.
- f) The provision of temporary fencing to secure the work site.
- g) The control of surface water flows within and through the construction site to minimise erosion and movement of sediment off site.
- h) The type and location of erosion and sediment control measures, strategies to minimise the amount of soil uncovered at any time, the conservation of topsoil for re-use on site and the location and protection of stockpiles.

11. Access Application

An access application shall be made to Council to obtain footpath crossing and boundary alignment levels, before commencing the final design of the internal driveways, pathways and car parking areas. The proposal shall comply with the levels issued by Council and a copy of the issued levels shall accompany the construction certificate.

12. Public Utilities

Arrangements shall be made with the relevant energy and telecommunication providers and any other relevant public utilities, in relation to:

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

13. Sydney Water Referral Requirements

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

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

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

14. Internal Driveway Profile

The internal driveway profile shall be designed to align with Council's issued footpath crossing levels and comply with the relevant requirements of AS2890.1 - 2004 and AS2890.2 - 2002. Certification from a suitably qualified engineer to this effect shall accompany the construction certificate.

15. Drainage Design

A detailed drainage design shall be prepared by a suitably qualified engineer, based on the stormwater concept plans submitted with the development application and in accordance with the stormwater management provisions prescribed in Section 6 of Chapter 8 of Sutherland Shire Development Control Plan 2006. This plan shall accompany the construction certificate.

16. Design of Structures Adjoining Drainage Easements

The walls of the building and any other structure adjoining the proposed drainage easement shall be designed to withstand all necessary forces, should excavation be required within the easement down to the proposed pipe invert levels. Certification from a suitably qualified engineer to this effect shall accompany the construction certificate.

17. Footing Design Adjoining Easements

All footings within 2 metres of the proposed drainage easement shall be designed in such a manner that they are supported by foundations set at a

minimum of 300mm below the proposed pipe invert levels or, alternatively, founded on sound rock. Certification from a suitably qualified engineer to this effect shall accompany the construction certificate.

18. Cleanliness and Maintenance of Food Preparation Areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation and storage areas, all building work in connection with these areas shall be designed in accordance with the requirements of:

- i) Food Act 2003.
- ii) Food Regulation 2004.
- iii) Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.
- iv) AS 4674 - 2004 (*Design, construction and fit-out of food premises*).
- v) Sydney Water Corporation - Trade Waste Section.
- vi) Protection of the Environment Operations (Clean Air) Regulation, 2002.
- vii) AS 1668.1 - 1998.
- viii) AS 1668.2 - 1991.

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

19. External Lighting

All external lighting shall be designed in accordance with the requirements of AS4282 - 'Control of the Obtrusive Effects of Outdoor Lighting'. Certification from a suitably qualified engineer to this effect shall accompany the construction certificate.

20. Building Ventilation

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

- a) The Building Code of Australia.
- b) AS 1668.1 - 1998.
- c) AS 1668.2 - 1991.

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

21. Noise Control - Design of Plant and Equipment (Continual Operation)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and/or refrigeration systems, shall be designed and/or located so that the noise emitted does not exceed the Project Specific Noise level when measured at the

most affected point on or within any residential property boundary or the most affected point for the bedrooms within the development itself.

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

Note: The method of measurement of sound shall be carried out in accordance with AS1055.1.

Details of the acoustic attenuation treatment(s) required to ensure compliance with this condition shall be prepared by a practising acoustic engineer and accompany the construction certificate.

22. Car Park Ventilation - Alternate System

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

Details of the method of ventilation and relevant certification shall accompany the construction certificate.

23. Road Traffic Noise

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

- a) an Leq of 35dB (A) measured within any bedroom, at any time between 10pm-7am; and
- b) an Leq of 40dB(A) measured within any bedroom, at any time between 7am-10pm and within any other habitable rooms at any time.

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

Details of the acoustic attenuation treatment(s) required to ensure compliance with this condition shall be prepared by a practising acoustic engineer and accompany the construction certificate.

24. Energy Efficiency - Sustainable Building Materials

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

PRE-COMMENCEMENT CONDITIONS

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

25. Pre-Commencement - Notification Requirements

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

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

26. Signs to be Erected on Building and Demolition Sites

A rigid and durable sign shall be erected prior to the commencement of work and maintained in a prominent position. The responsibility for this to occur is that of the principal certifying authority or the principal contractor.

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

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

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

CONSTRUCTION CONDITIONS

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

27. Permitted Hours for Building and Demolition Work

To minimise noise impacts on the surrounding environment, all building and demolition work shall be carried out only between the hours of 7.00am and

6.00pm, Mondays to Fridays inclusive and 8.00am and 3.00pm, Saturdays. No work shall be carried out on Sundays and Public Holidays.

28. Toilet Facilities

Toilet facilities shall be provided, at or in the vicinity of the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

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

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

29. Support for Neighbouring Buildings

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

- a) Shall preserve and protect the building from damage.
- b) If necessary, shall underpin and support the building in an approved manner.
- c) Shall, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

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

30. Protection of Public Places

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

- a) If the work involved in the erection or demolition of a building:

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

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

31. Noise Control during Construction and Demolition

To minimise noise impacts on the surrounding environment:

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

32. Environment Protection and Management

The environment protection and management measures described in the required environmental site management plan shall be installed or implemented, prior to commencement of any site works and continuously maintained during the period of construction or demolition.

33. Certification Requirement - Prior to Pouring of Concrete

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

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

34. Dewatering of Excavation

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

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

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

POST CONSTRUCTION CONDITIONS

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

35. Section 73 Compliance Certificate

A Compliance Certificate under Section 73 of the Sydney Water Act, 1994, shall be submitted to Council by the Principal Certifying Authority, prior to the issue of an Occupation Certificate for the development. Sydney Water may require the construction of works and/or the payment of developer charges.

Advice from Sydney Water:

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

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

36. Completion of Work on Public Land

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

37. Set out of Building

Certification shall be provided from a registered surveyor that the building has been set-out, in relation to location and levels, in accordance with this

development consent. Such certification shall accompany the occupation certificate.

38. Food

Certification shall be provided from a suitably qualified person that all building work in connection with the preparation and storage of food has been carried out in accordance with the conditions of this development consent. Such certification shall accompany the occupation certificate.

39. Mechanical or Natural Ventilation

Certification shall be provided from a suitably qualified Mechanical Engineer that all work associated with the installation of the mechanical or natural ventilation systems has been carried out in accordance with the conditions of this development consent. Such certification shall accompany the occupation certificate.

40. Acoustic Works

Certification shall be provided from a suitably qualified acoustic engineer that acoustic attenuation of the building and noise generating plant has been carried out in accordance with this development consent. This certification shall be accompanied by a report including post-construction validation test results. Such certification shall accompany the occupation certificate.

41. Energy Efficiency - Sustainable Building Materials

Certification shall be provided from the principal certifying authority that the building has been constructed using materials in accordance with the *Sutherland Shire Environmental Specification 2007 - Sustainable Building Materials*. Such certification shall accompany the occupation certificate.

42. Completion of Landscaping

Certification shall be provided from a suitably qualified and experienced landscape designer or landscape architect that the landscape works have been completed in accordance with the detailed landscape plan. Such certification shall accompany the occupation certificate.

43. Drainage

Certification shall be provided from a suitably qualified engineer that the drainage works have been completed in accordance with the detailed drainage design. Such certification shall accompany the occupation certificate.

44. Prior to Occupation or Use of the Development

The Development shall not be occupied or used until:

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

which the Interim Occupation Certificate relates.

45. Registration Requirements

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

46. Drainage Easement

An easement to drain water of minimum 3 metres width, in favour of Sutherland Shire Council, shall be created over the alignment of the proposed drainage line adjacent to the south western boundary of the site and the adjacent area required for any overland surcharge path. This easement and its terms shall be created under the provisions of s.88B of the Conveyancing Act, 1919.

47. Positive Covenant for Maintenance of Detention Facilities

A positive covenant pursuant to section 88E of the Conveyancing Act, 1919 shall be created on the title of the land, to provide for the maintenance of the proposed stormwater detention facility. To this end, successors in title (if any) shall covenant with Sutherland Shire Council not to use the property, except as permitted by this development specifically with respect to the provision and maintenance of the detention facilities. The location and extent of the detention facilities shall be delineated on a linen plan of subdivision.

48. Restrictions on Occupation

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

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

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

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

49. Maximum Size of Service Vehicle

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

50. Expungement of Existing Drainage Easement

The existing 2.44 metre wide drainage easement (vide D20689) that traverses the land shall be expunged, prior to the issue of an occupation certificate.

OPERATIONAL CONDITIONS

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

51. Car Parking & Vehicular Access

- a) The roller shutter at the top of the ramp to the lower basement car park shall be managed and operated, such that the staff car spaces and any visitor car spaces within that parking level are immediately accessible during the hours of operation of the future uses of the ground floor level and accessible, via electronic means, at all other times.
- b) The roller shutter to the loading area entrance off Caldarra Avenue shall be managed and operated, such that the loading area is immediately accessible during the hours of operation of the future uses of the ground floor level.

52. Pedestrian Access

The residential aged care facility shall be operated in such a manner, so as not to prevent:

- a) staff and visitors associated with the future uses of the ground floor level from using the 'core 2' lifts, in order to gain access from the basement levels to the ground floor level and vice versa.
- b) staff and visitors associated with the residential aged care facility from using the 'core 2' lifts, in order to gain access from the basement levels to the residential aged care facility and vice versa.
- c) staff, delivery personnel and ambulance personnel associated with the future uses of the ground floor level from using the internal corridor adjacent to the kitchen, 'core 2' lift lobby and 'core 2' lifts on the upper basement car parking level, in order to gain access from the garbage room, loading dock and loading area at this level to the ground floor level and vice versa.

53. External Lighting

All external lighting shall be operated and maintained in accordance with the requirements of AS4282 - 'Control of the Obtrusive Effects of Outdoor Lighting',

so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area nor to motorists on nearby roads.

54. Servicing Arrangements

- a) Vehicles undertaking goods deliveries to the premises shall be of a size that is equivalent to or less than a 6.4 metre long Small Rigid Vehicle as defined in AS2890.2 - 2002.
- b) Vehicles undertaking goods deliveries to the premises shall stand wholly within the boundaries of the site whilst ever the unloading of goods from those vehicles is occurring.
- c) To ensure that the unloading/loading area satisfies the demands of the development, it shall be made available on an unrestricted basis at all times for goods delivery vehicles and ambulances.
- d) Goods deliveries to the premises are to be managed in such a manner that there is no queuing of delivery vehicles in Caldarra Avenue and surrounding streets.
- e) Vehicles undertaking good deliveries to the premises shall enter and exit the site in a forward direction at all times.
- f) The residential aged care facility shall be operated in such a manner, so as to ensure that delivery vehicles and ambulances associated with the future uses of the ground floor level are not prevented from using the loading area and loading dock.
- g) Management of the residential aged care facility shall be responsible for ensuring that these conditions are met.

55. Waste Management

All medical waste collection services shall be undertaken from within the premises. Putrescible and recycling waste bins shall only be placed at the road kerb for collection no more than 1 hour prior to pick-up and returned to the on-site waste storage area no more than 1 hour after pick-up. To ensure that this condition is met, management of the facility shall make arrangements with the waste collection service providers that drivers provide advance warning of their arrivals.

56. Resident Population

The permanent resident population of the building shall not exceed 136 persons, at any time.

57. Restrictions on Occupation

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

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

For the purposes of this condition, "seniors" are people aged 55 or more years,

people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided and people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

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

58. Bus Service Provision

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

59. Use of Ground Floor Lobby

The residential aged care facility (RACF) lobby at ground floor level shall be used solely by staff and visitors associated with the RACF. No entries from the RACF lobby to the adjacent leasable floor space are permitted.

END OF CONDITIONS

Architectural Review Advisory Panel

Proposal:

Aged Care Development - Demolition of Existing Car Park and Construction of a Six (6) Storey Building, Consisting of Two (2) Basement Parking Levels, Ground Floor Health Services Facility and Five (5) Levels of Residential Aged Care Accommodation with a Total of 136 Beds

Property:

1034-1036 Old Princes Highway ENGADINE NSW 2233

Applicant:

Moran Health Care Group P/L

File Number:

DA11/1259

The following is the report of the Architectural Review Advisory Panel Meeting held on 12 December 2011 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. **Please note that when this application was considered on 12 December it was as DA11/1128. As the description on this application was not correct it was subsequently withdrawn and re-lodged as DA11/1259.** The report documents the Panel's consideration of the proposed development described above.

“5. Consideration of Development Application No. 11/1128 (Subsequently Withdrawn and Re-Lodged as Development Application No. 11/1259) – Residential Aged Care Facility at 1034-1036 Old Princes Highway, Engadine

Council's Greg Hansell, David Jarvis and Luke Murtas outlined the proposal for the Panel, including providing details of Council's relevant codes and policies.

John Wong, Michael Heenan and Belinda Dimarzio addressed the Panel regarding the aims of the proposal and the constraints of the site.

The proposal consists of a six (6) storey 136 bed residential aged care facility (RACF) serviced by a basement car park. Previously a similar development was reviewed by ARAP in April 2010 and a development application for the proposal was subsequently approved in December 2010. A new development application is now proposed that remains largely consistent with the building envelope of the approved development application. However there are significant changes to the building's aesthetic and use. A summary of the major changes are as follows:

- The ground floor usage has altered from a respite facility to a series of individual tenanted medical facilities.
- Kitchen facilities have been relocated from the ground floor to the basement.
- Administration and reception have been relocated from the ground floor to the second floor.
- An additional basement level has been added.
- An additional 16 bedrooms have been provided.
- Building height has been increased by 500mm.
- Dementia facility has been relocated to the first floor.

Context

The change of use of the ground floor from a respite centre to a health facility has improved the potential to form a strong connection to the adjoining public square. However this will be dependent on the considered treatment of entry points and interfaces between the ground floor tenanted spaces and the public square. At this point the extent, use and entry details of each tenanted space are yet to be determined. It is noted that the tenancy fit outs will be subject to further development applications.

While it is appreciated that the final form of this interface will be determined when the tenancies are known, this element is critical to the success of the project. All aspects of the design need to be addressed in a coherent manner. The building and the public space must work together so that they are functional but also pleasant places to occupy.

Scale/Density

The nominal increase in building height and the introduction of balconies will result in a very slight increase in both the scale and density of the building. However both the scale and density remain an appropriate response to the existing and future desired character of the site.

Aesthetics/Built Form

Although the form of the building remains largely unaltered, the introduction of balconies has significantly altered the external appearance of the building. Generally the changes to the building aesthetic have been developed in a competent well balanced manner. However it is suggested that further consideration be given to the detail treatment of the balconies.

The 1700mm high frameless glass balustrades provide a very visually exposed environment and reduce potential for natural ventilation. Concerns arise about the balustrades' compliance with the BCA as currently configured. The absence of a hand rail also contributes to a potentially uncomfortable environment. It is recommended that the balconies be further developed to provide a more comfortable environment for residents and visitors.

Individual tenancies at ground level will inevitably require identification signage. There will be competition with the entrance to the principal use of the building. This will have a significant impact on how the ground floor presents to the public square. An uncoordinated scramble for attention must be avoided. A strategy should be put in place at this stage of the development to ensure that such signage can be incorporated successfully into the building façade.

Amenity

The provision of balconies to residential units undoubtedly provides improved amenity for residents. However care must be taken in the detail treatment of these balconies (as outlined in "Aesthetics/Built Form"). North facing balconies could become hot and uncomfortable. Balconies facing back into the southern courtyard are considered to be the least successful of the residential balconies. Consideration should be given to the detail treatment of these balconies to ensure that overlooking of the Level 1 dementia courtyard is minimised.

Consideration should also be given to the number and size of the south facing balconies accessed from the upper level entry lobbies. The extent of these balconies should not unnecessarily create further enclosure to the southern courtyard or reduce natural light to the lobbies.

The relocation of the reception to the 2nd floor creates an entry to the RACF that is now detached from the street/public square and the RACF itself. A long empty corridor with some lifts at the far end is not an inviting introduction to this residential facility. Inevitably it raises concerns that this is an institution rather than the residents' home. It is suggested that a reception area be re-established at ground floor level. To allow the reception to be more viable from a staffing perspective it is also suggested that the administration office be relocated to the ground floor. The additional space created at Level 2 could be used to accommodate two more bedrooms.

The applicant explained that the medical facility tenancies would be dependent upon the public car park lift to provide access for staff, customers and servicing. People using the lift would be required to exit the lift and walk outside the building through the public space to access each tenancy. This configuration is considered to be a poor solution for access and servicing of this facility. Consideration should be given to the provision of a separate ground floor entry to the medical facility by providing direct access to the facility from the basement car park. The entry should be kept separate from the RACF entry to allow a clear street address to be established for both the RACF and the medical facility.

Resource, Energy and Water Efficiency

Consideration should be given to the treatment of glazed balconies to ensure that the potential for natural ventilation is not compromised (as outlined in "Aesthetics/Built Form").

Landscape

The new trees to the town square have been rationalised but the treed "avenue" quality has now been lost. Attention is needed by the Council to ensure that the public space is not diminished by the square becoming no more than a forecourt to the building.

With separate tenancies now directly accessible from the Town Square, the proposed trees and the space between them and the building should be reviewed. No longer required to provide privacy to ground floor residential spaces, the trees should allow clear physical and visual access to new tenancies.

The proposed landscape treatment of Caldara Avenue is generally strong. However the use of small patches of turf is considered inappropriate. It is suggested that the narrow strips beneath the tree canopy should be planted with ground covers.

Along the southern boundary there is the potential for the drainage easement to become a barren strip that gathers litter. Attention needs to be given to the physical appearance of this area and how it will be managed.

The intensity of planting within the courtyard has been reduced and is considered inadequate. It is recommended that the loose gravel areas be removed and advanced palms used. The proposal should aim to provide a dense green canopy when viewed from the balconies above.

The amount of planting on the Level 4 and Level 5 terraces has also been reduced and should be augmented. It is recommended that, as a minimum, the intensity of planting proposed in the previous scheme be reinstated to provide a reasonable level of amenity for residents. The selection of paving for these terraces is good however this could be improved if a coloured recycled material is used. The use of artificial turf on these terraces is also appropriate.

Social Dimensions

The proposal will provide a much needed facility and active medical services at ground floor level in an appropriate location. However, being a home for older residents, its residential entry should be made more articulate, welcoming and generous.

Recommendation/Conclusion:

The aesthetic treatment of the building envelope has changed significantly. However the changes have been developed in a competent, well-balanced manner. The scale and density of the proposed development remain largely consistent with that of the approved development application.

The revised design has created the potential to improve the level of amenity provided to residents and the connection of the facility to the adjoining public space. However for this potential to be realised, further development of the following issues is recommended:

- Ground floor RACF entry.
- Servicing and access to the medical facility.
- Detail treatment of the medical tenancy entrances.
- Detail treatment of balconies.
- Refinement of landscaping, including additional planting.”

Colleen Baker
ARAP Coordinator

09 January 2012