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SUPPLEMENTARY ASSESSMENT REPORT APPENDICESÁ

Appendix	A	Ö!æoÓ[} åãq } • Á ~Ó[} • ^} c
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CONDITIONS OF CONSENT

1. Approved Plans and Documents

The development must be undertaken substantially in accordance with the details and specifications set out on the Plan / Drawings:

<i>Architectural drawings by Cardno</i>			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
LH9533 S101	A	Cover Sheet	4.06.13
LH9533 S102	A	Site Plan	4.06.13
LH9533 S103	C	Level 0, Level 1 Plan	29.8.13
LH9533 S104	A	Typical Floor Plan	4.6.13
LH9533 S105	A	Roof Level Plan	4.6.13
LH9533 S106	A	Carpark Elevations sheet 1	4.6.13
LH9533 S107	A	Carpark Elevations sheet 2	4.6.13
LH9533 S108	A	Carpark Sections	4.6.13
LH9533 S109	A	Structural Foundation Plan	4.6.13
LH9533 S110	A	Typical Floor Structural Layout	4.6.13
LH9533 S111	A	Structural Details	4.6.13
LH9533 S115	A	Façade Colour scheme	4.6.13
LH9533 S120	A	Option 2A Siteworks Plan	4.6.13
LH9533 S122	A	Option 2A Details	4.6.13
LH9533 S123	A	Sediment and Erosion Control Plan	4.6.13
<i>Façade Detail plan prepared by dwp suters</i>			
DA01	A	Typical Façade Detail	6.6.13
<i>Landscape Drawings by Environmental Partnership</i>			
<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
3188.CP1.02	3	Proposed Tree Removal	June 2013
3188.CP1.03	3	Proposed Planting Plan - sheet two	June 2013
3188.CP1.04	3	Proposed Planting Plan - Sheet one	June 2013
3188.CP1.05	3	Landscape Details	June 2013
3188.CP1.06	3	Landscape Specifications	June 2013

and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building work.

- i) Notification of the commencement of building works with a minimum of 2 days notice of such commencement.

2. RailCorp Requirements - Prior to Commencement of Work

- a) Prior to commencement of works the applicant is to submit to RailCorp the following documentation for review for all works more than 2m in depth and within 25m of the rail corridor:
 - i) Final Geotechnical and Structural detail.
 - ii) Construction/installation methodology with construction details pertaining to any structural support during excavation.
 - iii) Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Regional Surveyor.
 - iv) Detailed Survey Plan showing the relationship of the proposed development with respect to RailCorp's land and infrastructure.
- b) Prior to the commencement of works and prior to the use of the works, a joint inspection of the rail infrastructure and property in the vicinity of the project (especially the retaining wall and rail track formation) is to be carried out by representatives from RailCorp and the applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.
- c) Prior to the commencement of works the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk.
- d) Prior to the commencement of works a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts of the rail corridor.
- e) Prior to the commencement of works the applicant is to submit to RailCorp for its approval a plan showing all craneage and other aerial operations for the development within 25m of the rail corridor and must comply with all RailCorp requirements.
- f) Prior to the commencement of works appropriate fencing and crash barriers shall be installed along the rail corridor to prevent access to the rail corridor. Details of the type of fencing and crash barriers, and their method of erection are to be to RailCorp's satisfaction prior to the works being undertaken. RailCorp may provide supervision, at the applicant's cost, for the erection of the new fencing/barriers.

- g) There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development's landscaping and planting plan (including landscaping within RailCorp's easement) should be submitted to RailCorp for review prior to the commencement of works.
- h) Prior to the commencement of works, the applicant shall peg out the common boundary with RailCorp's property and/or easement to ensure that there is no encroachment. This work is to be undertaken by a Registered Surveyor.

3. RailCorp Requirements - Drainage

Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp. The applicant is to provide final drainage documentation to RailCorp prior to the commencement of works.

4. RailCorp Requirements - General

- a) No scaffolding is to be used within 6 horizontal metres of any RailCorp overhead transmission lines, or within RailCorp's land or easements unless prior written approval has been obtained from RailCorp. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.
- b) The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.
- c) No light spillage from carpark lighting to spill into the rail corridor. The applicant is to provide evidence of this prior to the commencement of works.
- d) No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp. Where the Applicant proposes to enter the rail corridor, no works are to be undertaken until written confirmation has been received from RailCorp confirming that its approval has been granted.

5. Noise Control During Construction and Demolition

To minimise the impact on the surrounding environment:

A. During Works

The LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.

6. Supervising Engineer

A. Before Construction

The applicant must engage an appropriately qualified supervising engineer to supervise construction of the stormwater drainage system.

B. Before Occupation

The engineer must certify the Works-as-Executed drawings for the stormwater drainage system, or provide a separate certification, that the system is fit for purpose and constructed in compliance with the Consent.

7. Site Management Plan

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must be prepared and form part of the principle contract for the development works. This Plan shall accord with the approved construction & site management plan drawing except where amended for compliance with clause 3 of Chapter 8 of SSDCP2006 and the Council document 'Environmental Site Management Sutherland Shire Environmental Specification 2007'.

B. During Works

The site management measures set out in the above Plan must remain in place and be maintained throughout the period of works and until the site has been stabilized and landscaped.

8. Car Park and Access

A. Design

The vehicular access-way and car park layout shall be designed and constructed to comply with the approved architectural design drawings and AS2890.1:2004, except where modified by the following;

- i) Ensure a B99 vehicle will not scrape the surface of the driveway,
- ii) Designed as a 'User class' 1, reference; table 1.1 of AS2890.1:2004, and
- iii) The existing angle parking bays on the northern side of the existing circulation aisle, opposite the on-grade car park access point, shall be converted into parallel parking bays. These parallel parking bays shall be wholly located within the indent bay. The pedestrian access-way markings immediately to the south of the aforementioned angle parking bays shall be removed.

Note: Be advised that item ii) is based on a minimum standard of a B99 vehicle. The recommended condition will not necessarily protect exotic or altered cars from "scraping" the vehicular access-way.

9. Stormwater Management

A. Design

The stormwater drainage system shall be designed and constructed in accordance with the approved stormwater drainage design drawings and Australian Standard AS3500.3:2003, except where modified by the following:

- i). The detailed 'catch drain' shall be extended to the south east corner of the property,
- ii). Adjacent to the south eastern corner of the property construct a 'letter box' pit to intercept and capture stormwater flow from the 'catch drain',
- iii). The required stormwater drainage system through and or over the RailCorp corridor, between the 'letter box' (item ii) and Council's stormwater drainage infrastructure that traverses Lot 1 in deposited plan 430533, shall be designed and constructed to the satisfaction of RailCorp, and
- iv). Any required stormwater drainage connection to Council's stormwater drainage infrastructure shall be undertaken to the satisfaction of the Stormwater Manager of Sutherland Shire Council.

B. Before Occupation

- i) A Works-As-Executed drawing (WAED) shall be prepared to show the stormwater drainage system, detailing the alignment of pipelines, pits, treatment facility, detention facility and the 'catch drain'. The WAED shall be prepared by a Registered Surveyor. An original or a colour copy shall be submitted to Sutherland Shire Council.
- ii) The Supervising Engineer shall certify the WAED that the stormwater drainage system (in particular the detention facility) was constructed to their satisfaction and in accordance with the Development Consent. Prior to the occupation or use of the development, the Applicant / Owner shall submit to Council a copy of the aforementioned letter of certification.

C. Ongoing

The stormwater detention facility shall be:

- i) Kept clean and free from silt, rubbish and debris.
- ii) Be maintained so that it functions in a safe and efficient manner.
- iii) Not be altered without prior consent in writing of the Council.

Note: Upon submission of the Works-As-Executed drawing for the stormwater drainage system a notation will be added to the section 149(5) certificate advising the development is burdened by a stormwater detention and treatment facilities.

10. Removal of Trees

A. Design

The removal of the following is approved, unless otherwise specified.

- i) Trees identified on the Concept Landscape Plan No. 3188.CP1.01-06 prepared by Environmental Partnership dated June 2013 as "existing tree to be removed".
- ii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iii) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2006.

All other vegetation that would require approval to be removed must be protected.

B. Before Works

Sutherland Shire Council's Development Control Plan (Amendment 11) requires replacement tree planting at a rate of 4 to 1 on private land. Replacement planting must be indigenous species throughout the Shire and must be selected from Sutherland Shire Council's 'Native Plant Selector' available on Council's website.

43 trees are approved for removal as part of this consent. In determining this application, the extent of compensatory planting has been reduced to 2:1 replacement trees as the development has been sensitively designed to maintain existing bushland or trees outside of the car parking area such that it makes a positive contribution to the local landscape character. As the landscape plan incorporates the planting of 33 trees, in order to satisfy the replanting requirement, an additional 53 replacement trees are required.

The trees selected must be planted within the subject property and not within 3m of a building or proposed building. The location of the replacement trees must be shown on a tree location plan that forms part of the construction plans.

C. Ongoing

Replacement trees must have a minimum container size of 5L and must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDCP Chapter 4). Any replacement trees found damaged, dying or dead must be replaced with the same species in the same container size within one month with all costs to be borne by the owner.

Note: If you have difficulty sourcing suitable indigenous plants from other suppliers, locally provenanced stock is available from:

Sutherland Shire Council Nursery
345 The Boulevard, Gymea
Ph: 02 9524 5672
Opening hours - Monday to Friday 7.00am-3.00pm (excluding public holidays).

11. Tree Retention and Protection

A. Before Works

Before the commencement of any works on the site all trees marked on the on the Concept Landscape Plan No. 3188.CP1. 01-06 prepared by Environmental Partnership dated June 2013 as "existing tree to be retained" must be retained and protected.

The trees identified for retention must be protected by the following measures:

- i) Protective fencing constructed of 1.8m high chain wire mesh supported by robust posts must be installed around each tree referenced above as recommended in the Arborist report pp21-23 prepared by Birds Tree Consultancy, dated 17 August 2012. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- ii) The tree protection zone within the protective fencing must be mulched with a maximum depth 75mm of suitable organic mulch (woodchips or composted leaf chip mulch) and kept regularly watered for the duration of the works subject to this consent.
- iii) No development or associated activity is permitted within the fenced tree protection zone for the duration of works subject to this consent. This includes vehicular or pedestrian access, sheds, washout areas, excavations, backfilling, installation of services (including stormwater), removal of top soil, stockpiling of soil or building materials.
- iv) Any approved works within this tree protection zone must be under the direction and to the satisfaction of an Arborist.
- v) Where site access/egress is required over the roots of trees identified for retention and protection, provide hardwood rumble boards over a 200mm thick layer of wood chip.

B. During Construction

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) If the tree/s identified for retention in 'A' above are damaged or destabilised during construction then works must cease and Council's Tree Assessment Officer (ph. 9710 0333) must be contacted to assess the tree/s and recommend action to be taken.

Note: An Arborist is a person with current membership of the National Arborists Association of Australia at a grade of General Member, Affiliate Member or Life Member or alternatively a person who has obtained a TAFE Certificate in Horticulture (Arboriculture) Level 5.

12. Remedial Works

To ensure that contamination site is properly remediated and that the site is made suitable for the proposed use:

A. Prior to Commencement of Works

The recommendations of the Stage 2 Environmental Site Assessment prepared by Environmental Investigation Services dated 13 June 2013 shall be implemented, and details of the plans and procedures shall be submitted to Council prior to the commencement of any works.

Note: The report recommendations include the preparation of a Construction Asbestos Management Plan (CAMP), a long-term Asbestos Management Plan (AMP) and the carrying out of inspections during demolition and excavation work by experienced environmental personnel.

B. Before Construction

The remedial works shall be completed under the supervision of a suitably qualified Environmental Scientist or Occupational Hygienist prior to the commencement of works associated with the built form of the development approved by this consent.

C. Before Use

Upon completion of the remediation works, the proponent shall submit a Clearance Certificate prepared by a suitably qualified Environmental Scientist or Occupational Hygienist. The Certificate must be submitted to Council within 30 days of the completion of the remedial works.

D. Ongoing

Any ongoing monitoring must be undertaken under the supervision of a suitably qualified Environmental Scientist. Copies of all monitoring results are to be submitted to Council's Environmental Science unit.

Note: Contaminated land involves serious ongoing risk to human and environmental health. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Principal Certifying Authority.

13. Imported 'Waste Derived' Fill Material

In order to ensure that imported fill is of an acceptable standard for environmental protection purposes:

A. Design

The only waste derived fill material that may be received at the development site must be:

- i) Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997).
- ii) Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

B. Prior to Commencement / Issue of Construction Certificate

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

14. Disposal of Site Soils

A. During Works

All soils excavated from the subject site are to be classified under the NSW Department of Environment and Climate Change Waste Classification Guidelines (2009). Testing is required prior to off site disposal.

In accordance with DECC Waste Classification Guidelines (2009) materials identified for off site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility

Note: Attention is drawn to Part 4 of the NSW DECC Waste Classification Guidelines (2009) which makes particular reference to the management and disposal of Acid & Potential Acid Sulfate Soils.

B. Prior to Occupation or Commencement of Use

Evidence that the requirements specified in 'A' above have been satisfied must be provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate. Where an Occupation Certificate is not required this evidence must be provided to the satisfaction of Council's Manager Environmental Science.

15. Detailed Landscape Plan - Greenweb Restoration

A. Design

A detailed landscape design drawing must be prepared by a qualified landscape designer or Landscape Architect. This drawing must accord with approved Landscape Plan No.3188.CP1. 01-06 prepared by Environmental Partnership dated June 2013, Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 (Landscaping Parts 1-5), except where modified by the following;

- i) Provision of greater biodiversity of Sydney Turpentine Ironbark Forest species including *Syncarpia glomulifera* (Turpentine), *Eucalyptus paniculata* (Grey Ironbark), *Eucalyptus globoidea* (White Stringybark) and understorey species,
- ii) Mixed and layered understorey plantings, not rows of single species, in accordance with the Sutherland Shire Greenweb Environmental Specification 2007,
- iii) The landscaped areas must be provided with a water- efficient irrigation system, and
- iv) All new tree plantings must be indigenous species and 50% of understorey plants must be indigenous species. All indigenous species must be selected from Sutherland Shire Council's 'Native Plant Selector' available on Council's website.

B. During Construction

A suitably qualified Landscape Designer or Landscape Architect must be engaged to supervise the landscape works.

C. Before Occupation

Certification must be provided by a qualified Landscape Designer or Landscape Architect that all landscaping works have been carried out in accordance with 'A' above.

D. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months or until the trees are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP Chapter 4).

Note 1: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, seeds of local provenance are available from: Sutherland Shire Council Nursery @ 345 The Boulevard, Gympie Ph: 02 9524 5672.

Note 2: A Landscape Designer is a person eligible for membership of the Australian Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

16. External Lighting - (Amenity)

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

A. Design

All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

B. Ongoing

All lighting must be operated and maintained in accordance with the Standard above.

17. Permitted Hours for Building and Demolition Work

A. During Works

To minimise the noise impact on the surrounding environment all building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work must be carried out on Sundays and Public Holidays.

18. Crime Prevention through Environmental Design

A. Before Occupation

To minimise the opportunity for crime, and in accordance with Crime Prevention Through Environmental Design (CPTED) principles, the development shall incorporate the following :

- i. Exterior fixtures and fittings must be made from robust and vandal resistant materials;
- ii. Graffiti is to be removed within 7 days;
- iii. The car park must be fitted with an appropriate access control device;
- iv. All security systems, access control devices and CCTV cameras proposed by the applicant must be installed by a licensed security professional to meet or exceed Australian Standard 4806;
- v. Lighting must be compatible with the CCTV system and Lighting must meet Australian Standard 1158.3.1;
- vi. All aspects of the development should comply with Australian Standards for Access, be consistent with the Building Code of Australia and abide by the Disability and Discrimination Act 1992.

19. Traffic Management

The applicant shall investigate and liaise with RMS and Council with regard to reasonable options to improve the efficiency of the intersection of Kingsway/Kareena Rd/Port Hacking Rd so as to mitigate the impact on capacity and delays in the northbound Kareena Road approach due to the reassignment of traffic associated with the proposed car park. The investigation shall take into account the current RMS proposal for pedestrian crossing upgrades at the intersection. Evidence of these investigations and the outcomes must be provided to Council prior to use of the car park.

20. Parking Rates

The cost of parking is to be regularly reviewed to ensure that it is at a level that will encourage staff to continue to use the car park rather than parking on local streets.

21. Bicycle Parking

One car space is to be converted to accommodate approximately six secure bicycle lockers. This is to be provided prior to the use of the car park.

22. Design Requirements for Mobility Impaired Access

A. Design

The primary pedestrian access-way, from the principle pedestrian entrance on the southern side of the 'main hospital complex', and paths of travel within the development shall be designed and constructed in compliance with AS1428 - Design for Access and Mobility.

23. RailCorp - Submission of Surveys

On completion of works of each stage and prior to the use of the development at each stage the Applicant is to submit the as built drawings RailCorp and Council. The as built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easement.

Attached are the prescribed conditions that must be complied with under the Environmental Planning and Assessment Regulations 2000.

PRESCRIBED CONDITIONS

Division 8A of the Environmental Planning and Assessment Regulation
Prescribes the following conditions of development consent

S98 Compliance with Building Code of Australia and insurance requirements under the [Home Building Act 1989](#)

(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (b) construction certificate, in every other case.

Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

S98A Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision

work or demolition work.

- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing 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) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

S98B Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and

- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

S98E Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Please be advised if this consent is for an entertainment venue, then there are further prescribed conditions that apply under clauses 98C and 98D of the Environmental Planning and Assessment Regulation.

Michael Hornery - 9710 0825
File Ref: PAD13/0019

6 May 2013

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Monday to Friday

Dear Sir/Madam

Pre-Application Discussion No. PAD13/0019

Proposal: Construction of a multi-storey carpark and 'at grade' carpark at Sutherland Hospital (126 Kareena Road Caringbah)

I refer to the above pre-application discussion held on 28 March 2013. The following is a summary of the matters addressed at the meeting. This letter is not a complete assessment of the application but is intended to address the major issues likely to arise if an application is submitted. The contents of this letter do not bind Council to granting consent for the development, if and when an application is made.

Description of Site and Proposal:

Sutherland Hospital is located over two existing lots and is owned by South Eastern Sydney Illawarra NSW Health. The hospital is a regional facility. Ancillary uses co-exist on the site. The south eastern portion of the site is currently an 'at grade' sealed carpark for staff use, and landscaped area.

The southern boundary of the site adjoins the Cronulla-Sutherland railway line. The eastern boundary adjoins the rear of residential properties along Hinkler Avenue. Specifically, the eastern boundary in the area of the existing carpark adjoins the rear boundary of two relatively new developments comprising group homes.

The land falls gradually from the north to the south east. The area of the proposed car park falls approximately 4m to the southern boundary.

There is a mix of paid parking, short term free parking and staff parking on site. Overflow parking and most free long term parking occurs with the surrounding public streets.

The proposal is for a multi storey carpark comprising 13 split levels over six storeys. There will also be an 'at grade' carpark to the east of the multi level carpark. Landscaping will presumably be included within the "extent of works" portion of the

site. The carpark is to be for the exclusive use of hospital staff. There are no details as to how the carpark will be operated regarding fees charged and who it will be operated by.

The proposal would be by or on behalf of the Crown.

Comments on the Proposal:

Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006)

The site is located within Zone 12 – Special Uses (Medical Facility) under SSLEP 2006. The carpark is permissible as it will be ancillary development to the hospital (the hospital is a medical facility and is therefore a permissible development itself).

Clause 33(4) (b)(ii) of SSLEP 2006 provides a maximum height of 9m. This is measured from ground level to the highest point of the roof. The proposal substantially exceeds this maximum requirement.

An objection pursuant to the provisions of State Environmental Planning Policy No.1 – Development Standards (SEPP1) is required to be submitted with the development in order that Council can properly consider variation of the permitted building height. The SEPP1 objection must demonstrate that the objectives of the development standard have been met.

Draft Sutherland Shire Local Environmental Plan 2013 (DSSLEP 2013)

DSSLEP 2013 has recently completed public exhibition. The draft plan proposes major changes to the planning controls applying throughout Sutherland Shire. It is a matter for consideration under the provisions of Section 79C(1)(a)(ii) of the Act.

The site is proposed to be zoned SP1 Special Activities (under DSSLEP 2013). The development would be permissible for the purpose of a Health Services Facility (a carpark being ancillary to a Health Services Facility).

Visual Impact

The overall size of the car park has the potential to be viewed as excessively bulky, particularly from vantage points down-slope. The view analysis provided indicates that the proposal will not be highly visible from distant vantage points or the road.

It is important that nearby residents are not confronted by a visually imposing multi storey built form. The detailed treatment of the built form and architecture of the building and associated planting will need to be carefully selected with a view to reducing visual impact.

Concern is also raised with respect to the potential impact of light spill onto nearby properties. This is an issue that is especially relevant to the immediately adjoining property owners to the east and to the south, across the railway. Details showing how this will be managed should be provided with the development application.

Railcorp

The proposal will involve excavation and earthworks adjacent to the rail corridor. In accordance with the provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), the application is required to be referred to Railcorp for concurrence. You may wish to discuss this aspect with Railcorp in advance with a view to addressing any concerns they may have.

Traffic/parking

Traffic generated by the proposal, and its impact on the safety, efficiency and on-going operation of the surrounding road system will be an important consideration in the assessment of the development application.

Any development that is classified as 'traffic generating development' for the purposes of Clause 104 of the ISEPP must be accompanied by a traffic impact study addressing the relevant requirements of the 'NSW Roads & Traffic Authority Guide to Traffic Generating Developments (October 2002)'.

The carpark must be designed in accordance with AS2890.1 & AS2890.6. Accessibility for mobility-impaired users must be incorporated in the design.

The application will need to be supported by a traffic assessment/study demonstrating parking demand for staff and the general public. The traffic study should include the following:

- A survey of the extent of existing on street parking intrusion from hospital staff, and how many staff are currently parking on street. Council observations indicate that significant staff numbers are parking up to 400-500m walking distance from the boundaries of the hospital.
- Current and proposed fee regime for staff and the likely up take by staff based on the proposed fee, and, if the general public are to use the carpark, the fee regime for that use.
- Overall parking strategy for the hospital with regard to any long term masterplan for the hospital.

This will allow final assessment of the traffic arrangements and impacts.

Crime Prevention Through Environmental Design (CPTED)

The proposal must adopt CPTED principles in its design. The application must be supported by a CPTED assessment to demonstrate consistency with these principles. An important element of this assessment should include safety of users and what design measures have been incorporated to address safety. The development application will be referred to the NSW Police for a CPTED assessment and comment.

Stormwater

The concept stormwater drainage design is supported in principle. A concept stormwater drainage design drawing must be submitted with the development application. Further information is required on the stormwater treatment device and connection to the existing drainage system.

Landscaping

A detailed landscape plan must be submitted with the development application. This must provide planting that is of a scale and size that will provide a suitable level of screening to assist in softening the external built form, particularly from nearby residential properties. The landscaping should assist in minimising impacts upon acoustic and visual privacy.

Staging of development

It was indicated at the meeting that you intend to construct the development in stages. Details of such staging must be outlined in the development application. Council does not raise objection to the principle of staging the development.

Conclusion:

Due partly to current parking impacts within the surrounding road network, Council would support an onsite parking facility. Management of the carpark should be considered, as should the likely demand for staff only parking as compared to a mix of staff and public parking.

The building is very large and will be visible from nearby residential properties to some degree. The development should incorporate architectural and building elements in conjunction with suitable landscaping in order to minimise impacts in terms of visual bulk, light spill and acoustic and visual privacy.

The above information is based on a meeting with Peter Barber, Bruce Powe, David Jarvis and Michael Hornery on 28 March 2013 and the details presented in that discussion.

The information provided is in accordance with the environmental planning instruments, development control plans and codes that were current at the time of the meeting. It is your responsibility to check whether there have been any amendments or repeals, or if any new instruments or policies have been adopted before you lodge the development application.

Before preparing a development application please refer to Council's "DA Guide" and other information provided about lodgement requirements. Council's Development Enquiry Officers are also available to help. Incomplete applications will not be accepted and will result in delays.

I trust that this information helps you. If you need more information please do not hesitate to contact Michael Hornery during normal business hours on 9710 0825.

Yours faithfully

Peter Barber
Manager – Coastal Assessment Team
for J W Rayner
General Manager

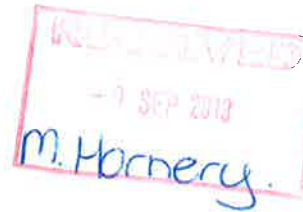


COPY ONLY

RailCorp Property
PO Box K349
Haymarket NSW 1238
Tel: (02) 8922 1987
Email: jim.tsirimiagos@railcorp.nsw.gov.au

4 September 2013

The General Manager
Sutherland Shire Council
Locked Bag 17
Sutherland NSW 1499



ATTENTION: Michael Hornery

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – DA-13/0537
126 Kareena Road, Caringbah**

I refer to Council's letter seeking RailCorp's concurrence for this development application in accordance with clause 86(1) of the above SEPP.

RailCorp advises that the proposed development has been assessed in accordance with the requirements of Clause 86(4) being:

- a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

Council will be aware that as the subject application is a Crown DA RailCorp provided draft conditions to Council via email on 2 September 2013 for consideration by the applicant. The applicant provided its response to the draft conditions on 3 September 2013.

In relation to the applicant's request that for those conditions which require RailCorp's review and endorsement that these been undertaken by RailCorp within 10 business days, RailCorp is not in apposition to agree to such a request. RailCorp advises that the timing of the review will be affected by the quality and quantity of the documentation provided.

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Further, with the recent rail reforms some of the documentation may require review by Sydney Trains and/or Transport for NSW (TfNSW). RailCorp cannot control the timing of reviews by other Agencies.

In relation to Condition 6, RailCorp requires evidence of light spill into the corridor as this can affect the site of drivers and obscure signalling. An example of such documentation is attached and can be easily prepared by the applicant's consultant. However, RailCorp has noted the applicant's concern regarding the provision of this documentation prior to works commencing and has amended the condition to allow the documentation to be provided prior to the installation of the lighting.

In relation to Condition 8, RailCorp advises that it cannot agree to the applicant's request that craneage details only apply to the area within 25m of the corridor. RailCorp is concerned that whilst the crane may itself be placed outside of the 25m zone, the jib of the crane may be long enough to encroach into the rail corridor.

In relation to Condition 11, RailCorp advises that regardless of the applicant's desire to not remove the existing fencing, the fencing nonetheless must be fit-for-purpose to prevent access to the rail corridor. This determination can be carried out as part of Condition 2 inspections and if deemed adequate by RailCorp representatives the existing fencing can be retained. However, RailCorp does not agree with the applicant's position that there no nexus between the provision of a carpark and the need to prevent vehicles entering adjoining land with crash barrier mechanisms. RailCorp is concerned with the risk posed by a vehicles inadvertently entering the rail corridor and causing a collision with a train (and possible derailment). It is RailCorp's position that the applicant has a duty of care of ensuring that such a risk is avoided through appropriate design and use of appropriate structures, especially where the applicant wants to retain the existing fencing.

In relation to Condition 13, RailCorp has noted the applicants concern and has amended the condition to enable the submittal of the required documentation after the completion of each stage of works.

RailCorp has taken the requirements of Clause 86(4) and the applicant's response into consideration and has decided to grant its concurrence to the development proposed in development application DA-13/0537 subject to Council imposing the condition contained in Attachment A.

Should Council choose not to impose the conditions provided in Attachment A (as written), then RailCorp's concurrence has not been granted to the proposed development.

Should you have any enquires about this matter further please contact Mr Jim Tsirimiagos on 8922 1987. Finally, RailCorp requests that a copy of the Notice of Determination and conditions of consent be forwarded to RailCorp.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Sykes".

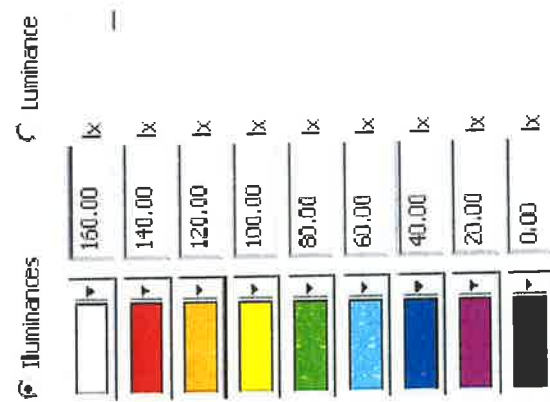
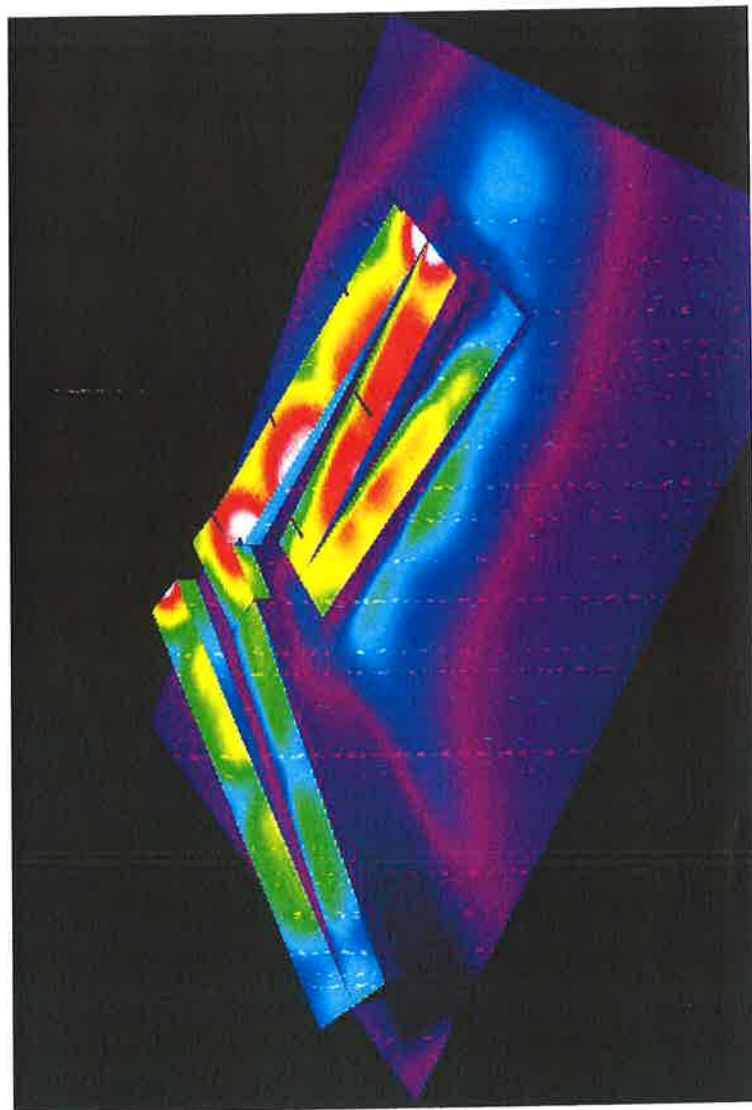
Kevin Sykes
General Manager Property

Attachment A

1. *Prior to the commencement of works the applicant is to submit to RailCorp the following documentation for review for all works deeper than 2m in depth and within 25m of the rail corridor.*
 - a) *Final Geotechnical and Structural detail.*
 - b) *Construction/installation methodology with construction details pertaining to any structural support during excavation.*
 - c) *Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.*
 - d) *Detailed Survey Plan showing the relationship of the proposed developed with respect to RailCorp's land and infrastructure.*
2. *Prior to the commencement of works and prior to the use of the works, a joint inspection of the rail infrastructure and property in the vicinity of the project (especially the retaining wall and rail track formation) is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.*
3. *No scaffolding is to be used within 6 horizontal metres of any RailCorp overhead transmission lines, or within RailCorp's land or easements unless prior written approval has been obtained from RailCorp. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.*
4. *Prior to the commencement of works the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.*
5. *The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.*
6. *No light spillage from carpark lighting to spill into the rail corridor. The applicant is to provide evidence of this prior to the installation of the lighting.*

7. *Prior to the commencement of works a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor.*
8. *Prior to the commencement of works the Applicant is to submit to RailCorp for its approval a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements.*
9. *Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp. The applicant is to provide final drainage documentation to RailCorp prior to the commencement of works.*
10. *No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp. Where the Applicant proposes to enter the rail corridor, no works are to be undertaken until written confirmation has been received from RailCorp confirming that its approval has been granted.*
11. *Prior to the commencement of works appropriate fencing and crash barriers shall be installed along the rail corridor to prevent access to the rail corridor. Details of the type of fencing and crash barriers, and their method of erection are to be to RailCorp's satisfaction prior to the works being undertaken. RailCorp may provide supervision, at the Applicant's cost, for the erection of the new fencing/barriers.*
12. *Prior to the commencement of works, the Applicant shall peg-out the common boundary with RailCorp's property and/or easement to ensure that there is no encroachment. This work is to be undertaken by a registered surveyor.*
13. *On completion of works of each stage and prior to the use of the development at each stage the Applicant is to submit the as-built drawings to RailCorp and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easement.*
14. *There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development's landscaping and planting plan (including landscaping within RailCorp's easement) should be submitted to RailCorp for review prior to the commencement of works.*

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DA13/0537

21 August 2013

Our Reference: SYD13/00826
Your Reference: DA13/0537
Contact: Ravi Ravendra
Telephone: 8849 2540

The General Manager
Sutherland Shire Council
Locked Bag 17
Sutherland NSW 1499



Attention: Michael Horner

Dear Sir/Madam,

**CONSTRUCTION OF MULTIDECK CAR PARK AT SUTHERLAND HOSPITAL
126 KAREENA ROAD, CARINGBAH**

Reference is made to Council's correspondence dated 16 July 2013 with regard to the abovementioned project, which was referred to the Roads and Maritime Services (RMS), for comments, in accordance with Clause 101 of State Environmental Planning Policy (Infrastructure) 2007.

RMS has reviewed the development application and raises no objection. However, RMS provides the following advisory comments to Council for its consideration of the development application;

1. Off street parking shall be designed and constructed in accordance with AS2890.1-2004 and AS2890.2-2002.
2. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

Any inquiries into this matter should be directed to Land Use and Transport Planner, Ravi Ravendra on telephone 8849 2540.

Yours sincerely

James Hall
Senior Land Use Planner
Transport Planning Section

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Roads & Maritime Services