

2013SYE066 & 2013SYE067 – 19 Kiama Street, Miranda  
DA13/0759 & DA13/0760

REPORT APPENDICES

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**DRAFT CONDITIONS OF DEVELOPMENT CONSENT**  
**Development Application No. DA13/0759**

1. Approved Plans and Documents

The development must be undertaken substantially in accordance with the plans prepared by Bickerton Masters Architecture, Drawing Nos. AR201 and AR223, both revision DA4 and dated 14 October 2013 and Drawing Nos. AR211-218 inclusive and AR220-AR222 inclusive, all revision DA1 and dated 9 August 2013, subject to the following modifications and except as amended by the conditions thereafter.

- i) The bulk and scale of building 'D' is to be reduced, by the deletion of the two (2) apartments (identified on the plans as A.4.11 and A.4.12) at the south western end of the fourth level of the building and the deletion of the associated balconies, stairs and lift access at this level. The roofing treatment in lieu of these apartments is to generally replicate the form of the roofing as depicted on the elevation drawings for building 'D'.
- ii) The maximum height planes as delineated on the elevation drawings are not endorsed.

**Note:**

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

2. Staged Development

Pursuant to Section 83B of the Environmental Planning & Assessment Act, 1979, this development consent does not authorise the carrying out of development on any part of the site, unless development consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site.

3. Modification of Development Consent

Pursuant to Section 80A(1)(b) of the Environmental Planning & Assessment Act 1979, condition 1 of the development consent (reference DA08/0808) relating to the land is to be modified as follows:

- i) Modification of the first paragraph to read -  
"The development shall be implemented substantially in accordance with the plans as outlined as follows (excluding the details on those plans relating to that part of the site referred to as 'Stage 2' in Development Application DA13/0759), subject to the modifications/requirements as outlined thereafter."
- ii) Modification of item (a) to read -  
"The buildings comprising the residential care facility, self-contained dwellings and car parking shall be contained wholly within the building footprints and envelopes as detailed on the Master Plan drawings

- prepared by Allen Jack & Cottier Architects with a floor space ratio across the entire site not exceeding 0.75:1."
- iii) Deletion of items (b), (c), (e), (h) & (i).
  - iv) Modification of item (d) to read -  
"Mass planting, including a continuous interlocking tree canopy and an understorey of shrubs and groundcovers, shall be provided along the southern and northern boundaries. The planting along the southern boundary must be selected with the protection of privacy to adjoining residential properties as a primary objective."

**Note:** The above modifications may be given effect in accordance with the provisions of Section 80A(5) of the Environmental Planning & Assessment Act 1979, by Council's receipt of a notice under Clause 97 of the Environmental Planning & Assessment Regulation 2000.

#### 4. Housing for Seniors or People with a Disability - Restriction as to User

##### **A. Before Occupation**

A Restriction as to User must be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919. This restriction must limit the use of the approved accommodation to the kinds of people referred to under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

##### **B. Ongoing**

Specifically, only those people who meet the following criteria may occupy this accommodation:

- i) seniors or people who have a disability,
- ii) people who live within the same household with seniors or people who have a disability,
- iii) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

"Seniors" are any of the following:

- a) people aged 55 or more years,
- b) 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,
- c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

"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.

### **END OF DRAFT CONDITIONS**

**DRAFT CONDITIONS OF DEVELOPMENT CONSENT  
Development Application No. DA13/0760**

**5. Approved Plans and Documents**

The development must be undertaken substantially in accordance with the details and specifications set out on the architectural drawings prepared by Bickerton Masters Architecture, references AR211-AR218 inclusive, AR220 & AR221 and AR330-AR335 inclusive, all revision DA1 and dated 9 August 2013 and references AR301-AR307 inclusive, AR310-AR316 inclusive, AR320 & AR321, AR336-AR338 inclusive and AR401-AR405 inclusive, all revision DA2 and dated 21 August 2013, and any details on the application form and on any supporting information received with the application, except as amended by the remaining conditions of this development consent and the revised plans and details as follows:

- i) Architectural drawings prepared by Bickerton Masters Architecture, references AR302 revision DA4 dated 14 October 2013, AR317 revision DA4 dated 14 October 2013, AR318 revision DA4 dated 14 October 2013, AR405 revision DA2 dated 21 August 2013 and AR504 revision DA4 dated 14 October 2013, as received by Council on 15 October 2013.
- ii) Sketch drawing details of the proposed seating adjacent to the bowling green, as received by Council on 15 October 2013.
- iii) Architectural drawing prepared by Bickerton Masters Architecture, reference AR506 dated 22 October 2013 and entitled 'Bellingara Road Streetscape', as received by Council on 22 October 2013.
- iv) Sketch drawing details of the 'village green' prepared by Taylor Brammer and dated 16 October 2013, as received by Council on 16 October 2013.
- v) Sketch drawing details, in plan and section, of the interface between the 'village green' and buildings "C" & "D" and the apartment lobbies of buildings "C" and "D" prepared by Bickerton Masters Architecture, as received by Council on 16 October 2013.

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

- i) A Construction Certificate
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority
- iii) Notification of the commencement of building works with a minimum of 2 days notice of such commencement.

**6. Design Changes Required**

**A. Before Construction**

The following design changes must be implemented:

- i) The bulk and scale of building 'D' is to be reduced, by the deletion of the two (2) apartments (identified on the plans as A.4.11 and A.4.12) at the south western end of the fourth level of the building and the deletion of the

- associated balconies, stairs and lift access at this level. The roofing treatment in lieu of these apartments is to generally replicate the form of the roofing as depicted on the elevation drawings for building 'D'.
- ii) The highest points of the roofs of the villas are not to exceed a height of 3.8 metres, as measured from the respective floor levels below.

Details of these design changes must be included in documentation submitted with the application for a Construction Certificate.

## 7. Requirements of Authorities

### **A. Requirements from Other Authorities**

The development must be undertaken in accordance with the requirements of Ausgrid as follows:

- i) Prior to commencement of any works, the approved plans must be submitted to Ausgrid's local customer service office for approval and to determine whether the development will affect Ausgrid's network or easements.
- ii) The location of underground cables must be checked by using 'Dial Before You Dig' and any excavation works must comply with the requirements of 'NS156: Working Near or Around Underground Cables' (Ausgrid, 2010).
- iii) Prior to issue of any construction certificate, a noise assessment report addressing the requirements of the amenity or intrusive criteria in section 2.4 of the 'NSW Industrial Noise Policy' (EPA, 2000), in relation to the substation, must be submitted to Ausgrid.
- iv) The development must comply with the reference levels and precautionary requirements of the 'Draft Radiation Protection Standard for Exposure Limits to Electric and Magnetic Fields 0 Hz - 3 kHz' (ARPANSA, 2006).
- v) The development must comply with the 'Tree Safety Management Plan' (Ausgrid, 2007).
- vi) The development must comply with the 'ENA EG1-2006: Substation Earthing Guide' (Energy Networks Association, 2006).

### **B. Before Occupation**

Prior to issue of any occupation certificate, certification must be provided from a suitably qualified person that the development complies with the requirements referred to in item (iv) above.

## 8. Public Place Environmental, Damage & Performance Security Bond

### **A. Before Construction**

Prior to the issue of a Construction Certificate, the person acting on this consent must provide security to Sutherland Shire 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 Council or a bank guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the responsibility of the person acting on this consent to notify Sutherland Shire Council of any existing damage to public areas in the vicinity of the development site by the submission of a current dilapidation report supported by

photographs. This information must be submitted to Council at least two (2) days prior to the commencement of works.

In the event that the dilapidation report is not submitted two days prior to commencement and the public area sustains damage the person acting on this consent may be held liable.

Should any public property and / or the environment sustain damage as a result of the works associated with this consent, or if the 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 must be deducted from the bond.

The value of the bond is \$10,200.00.

**Note:** Bond amount includes a non refundable administration fee which must be paid separately.

Use of Bank Guarantee - As bond releases may occur under different timeframes only one bond amount / bond purpose is permitted on a Bank Guarantee. Multiple bonds will require multiply bank guarantees to be lodged.

## **B. After Occupation**

A request for release of the bond may be made to Sutherland Shire Council after all works relating to this consent have been completed. Such a request must be submitted to Council on the 'Bond Release Request Form' signed by the owner or any person entitled to act on the consent and must be accompanied by a current dilapidation report including photographs.

## 9. Approvals Required under Roads Act or Local Government Act

### **A. Before Construction**

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993.

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

## 10. Design and Construction of Works in Road Reserve

The implementation of this Consent generates a need for works to be completed in the road reserve.

### **A. Before Construction**

To enable the scope of works to be determined and alignment levels to be issued, an application for a detailed frontage design must be submitted together with the required fee, under the Roads Act 1993 and/or the Local Government Act 1993.

The works required will be determined using the following criteria:

- i) Infrastructure construction and reconstruction required to facilitate both pedestrian and vehicular access into and around the site.
- ii) Construction and reconstruction of stormwater infrastructure to facilitate drainage of the site and minimise impacts to the site and adjoining properties as a result of the development.
- iii) To ensure that infrastructure relevant to the proposed development meets current standards and specifications.
- iv) To mitigate any impacts the development may have on traffic and pedestrian safety.
- v) To satisfy the requirements of any Development Control Plan or any other relevant Council Plan.
- vi) To ensure there are adequate transitions between newly constructed and existing infrastructure.

#### **B. Before Occupation**

All works required in the road reserve as required in the detailed frontage design provided by Council must be completed before occupation of the development.

### **11. Site Management Plan**

#### **A. Before Commencement of Works**

An Environmental Site Management Plan must accompany the application for a Construction Certificate. The plan must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2006 relating to environmental site management and must incorporate the following throughout construction:

- i) safe access to and from the site during construction
- ii) safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting
- iii) method of loading and unloading excavation machines and building materials
- iv) how and where, construction materials, excavated and waste materials will be stored.
- v) methods to prevent material being tracked off the site onto surrounding roadways
- vi) erosion and sediment control measures

#### **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 stabilised and landscaped.

### **12. Pre-commencement Inspection**

#### **A. Before Works**

A Pre-commencement Inspection/meeting is to be convened by the Applicant on-site a minimum 5 days prior to any construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of Council's Civil Assets Branch, the Principal Certifying Authority,

the builder/site manager of the building/civil construction company and where necessary the supervising engineer. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

- i) Ensure safe passage for pedestrians, Work and Hoarded Zones are maintained in accordance with Council requirements;
- ii) Check the installation and adequacy of all traffic management devices;
- iii) Confirm that the supervising engineer has a copy of Council's Specification for Civil Works Associated with Subdivisions and Developments.

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

### 13. Supervising Engineer

#### **A. Before Construction**

The applicant must engage an appropriately qualified supervising engineer to supervise construction of any:

- i) road frontage works
- ii) construction/installation of stormwater drainage
- iii) rainwater harvesting
- iv) rainwater reuse facilities

#### **B. During Construction**

The engineer must supervise the works as listed above to ensure compliance with:

- i) Council's current "Specification for Civil Works Associated with Subdivisions and Developments" for works in the public area
- ii) any frontage works design approved by Council
- iv) all relevant conditions of development consent
- v) any Consent issued under the Roads Act for this development
- vi) appropriate design parameters in applicable Australian Standards

#### **C. Before Occupation**

The engineer must certify the Works-as-Executed drawings or provide a separate certification that the requirements of this condition have been met.

### 14. Parking Areas and Access

#### **A. Design**

All vehicular access, parking and manoeuvring areas, including loading areas, must be designed and constructed to comply with AS2890.1 - 2004 and AS2890.2 - 2002.

The following specific requirements must be incorporated into the design:

- i) All "one way" traffic aisles must be clearly identified by signposting and pavement marking.



- ii) The loading and delivery areas must be clearly defined with suitable signposting and pavement markings.
- iii) The car parking areas must be line-marked to accommodate a total of 140 vehicles.
- iv) The internal driveways and outdoor car parking areas must be paved using materials other than plain or exposed aggregate concrete.
- v) Directional signage must be provided adjacent to the internal driveways, directing visitors to the on-site visitor car parking areas.
- vi) A sign must be provided adjacent to the driveway entry/exit in Bellingara Road indicating the availability of visitor parking on the site.
- vii) The visitor car parking spaces must be clearly defined with suitable signposting and pavement markings.

## **B. Before Construction**

Certification of the above must accompany the application for a Construction Certificate.

## **15. Drainage Design - Requirements**

### **A. Design**

A detailed drainage design must be prepared in accordance with Sutherland Shire Development Control Plan 2006 (Chapter 8 - Ecologically 'Sustainable Development'; Section 6 - 'Stormwater Management'), "Australian Rainfall and Runoff (1987)", Australian Standard AS3500.3:2003 and the BASIX Certificate issued against this development.

The design must include:

- i) A catchment area plan and drainage calculations (including a hydraulic grade line analysis).
- ii) A layout of the drainage system showing existing and proposed pipe sizes, types, classes, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum. Impacts on existing trees must be indicated on the plan.
- iii) A physical barrier (eg. concrete kerb or earth mound within the landscaping) must be provided around the perimeter of the site to prevent the discharge of surface water flows onto adjoining properties.
- iv) Water from pathways and access drives must be prevented from entering the road reserve as surface flow. This can be achieved by constructing a box drain at the boundary equipped with a 300mm wide grate and frame to collect the flow or directing the flow to a sag pit within the property.
- v) The rate of discharge of stormwater from the site to a drainage system under Council's control must be controlled so that it does not exceed the pre-development rate of discharge. Specific certification from the designer to this effect must be incorporated in the submitted drainage plans / details.
- vi) The stormwater detention basins must be densely planted and mulched to augment the landscape character of the site. The mulch must be stabilised with a biodegradable material. The planting must not materially reduce the volume of the stormwater detention required by this development.

- vii) The capacity of the rainwater tank must be at least 140 cubic metres. The tank must be connected to an irrigation system for the communal open space areas.

## **B. Before Construction**

Certification issued by an appropriately accredited person to the effect that these design requirements have been met must accompany the application for a Construction Certificate.

## **C. Before Occupation**

- i) Certification must be provided from a registered surveyor to the effect that:
- a) All civil engineering works required by this development consent have been carried out in accordance with the terms of the development consent and the approved engineering drawings with regard to location and level.
  - b) All pipes, pits and detention facilities lay within their relevant existing or proposed easements.
  - c) All rights-of-way required by conditions of this development consent have been provided.
- ii) Certification shall be provided from the supervising engineer acting as an Accredited Certifier, to the effect that:
- a) All civil engineering and stormwater works associated with development have been carried out in accordance with the terms of the development consent, the approved engineering drawings and in the case of public works Council's "Specifications for Civil Works associated with Subdivisions and Developments".
  - b) The construction of the drainage system for the proposed development has been carried out generally in accordance with the requirements of the approved stormwater drainage plans, Council's Stormwater Management Specification and On-site Detention Policy and has been carried out in order that stormwater runoff downstream is not increased as a result of the development.
- iii) Works-as-Executed drawings certified in the above manner and containing all relevant information as required by Council's "Specification for Civil Works Associated with Subdivisions and Developments" shall accompany the application for the Subdivision / Occupation Certificate. The Works-As-Executed drawings must also include all relevant levels, reduced to Australian Height Datum, dimensions and locations including:
- invert levels,
  - surface and pavement levels,
  - floor levels, including adjacent property,
  - maximum water surface level for a 1% AEP storm event,
  - floor levels and freeboard, the location, volume and dimensions of the basin and level and dimensions of overflow weir, distances from boundaries and buildings.

**Note:** Upon approval of the stormwater management designs a notation will be added to the s.149 certificate in relation to any required detention facility or stormwater treatment device.

## **D. 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:** Council has the ability to enforce conditions of consent and may inspect the facility, and issue fines or orders if these requirements are not being complied with.

## **16. Noise Control During Construction**

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 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.

## **17. Detailed Landscape Plan - Greenweb Restoration (ENV2015)**

### **A. Design**

A Detailed Landscape Plan must be prepared by a qualified landscape designer or Landscape Architect.

**Note:** 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.

The plan must be prepared in accordance with Sutherland Shire Development Control Plan 2006 and the Sutherland Shire Environmental Specification 2007 (Landscaping Parts 1-5).

As the subject site is identified as being within a Greenweb Restoration area, all new tree plantings must be indigenous species and 50% of understorey plants must be indigenous species. All indigenous species must be selected from the indicative Greenweb plant schedule provided in the Concept Landscape Plan prepared by Taylor Brammer Landscape Architects (Dwg No.LC03 Revision C dated 24.06.2013).

The Detailed Landscape Plan must be based on the Concept Landscape Plan as prepared by Taylor Brammer Landscape Architects as follows:

Dwg No.	Revision	Date
LC01	G	07.05.2013
LC02	E	06.06.2013
LC02/1	C	01.07.2013
LC03	C	24.06.2013
LC04	C	28.06.2013

LC05	B	28.06.2013
LC06	B	28.06.2013
LC07	A	14.10.2013

and must also include the following:

- i) The retention of existing Trees 31, 35, 59, 76 and 79.
- ii) Location of Tree Protection Zones (TPZ) for all trees to be retained.
- iii) To create more habitat and better connectivity between Bellingara Road and Kiama Street, the Greenweb Restoration Zone shall be extended eastwards along the southern and northern boundaries of the development. On the southern side, the elevated timber decking at the rear of each single storey villa shall be reduced to an area 4.0m wide and 3.0m deep (in a north-south direction) and the remainder of the area mass planted. On the northern side, all areas of turf and mown native grass under the power lines (refer Dwg No.LC07 Rev A dated 14.10.2013) shall be replaced by mass planting. Mass planting shall be in accordance with the Greenweb Restoration Planting Matrix detailed in Dwg No.LC03 Rev C dated 24.06.2013.
- iv) The landscape drawings shall be amended to show the updated layout of paths between Building D and Bellingara Road (refer architectural Dwg No. AR317 RevDA4 dated 04.06.2013). All fencing and gatehouses with the front setback shall be deleted.
- v) All communal open space areas shall be provided with a water-efficient irrigation system, connected to a pump and the rainwater tank /OSD tank, to enable effective landscape maintenance.
- vi) The private open space of each single storey villa shall be provided with one tap connected to a pump and the rainwater tank/OSD tank.
- vii) A 12 months maintenance programme.

#### **B. Before Construction**

The Detailed Landscape Plan required to comply with 'A' above must accompany the documentation forming part of the Construction Certificate.

#### **C. During Construction**

During any works the applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee the landscape works. This person must check the landscape construction works at regular intervals and oversee any design changes due to unforeseen circumstances.

#### **D. 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.

#### **E. 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:** 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

18. Street Planting (ENV2025)

Infill street tree planting must be provided within the road reserve fronting the subject site utilising 20 no. mixed indigenous tree species selected from the indicative Greenweb plant schedule provided in the Concept landscape plan (Dwg No. LC03 Revision C, dated 24.06.2013) with a minimum pot size of 5 litres. Street trees must be planted with a tree guard in a mulched and edged landscape area, in accordance with Council's "Street Tree Planting Details (Dwg. No. 10029)" attached, within three (3) months of completion of work on the site. The trees must be maintained until they reach a diameter of 100mm measured at 500mm above ground level.

19. Removal of Trees (Private land) (ENV2030)

**A. Design**

The removal of the following trees is approved, unless otherwise specified:

- i) Trees identified in red on the approved Concept Landscape Plan (Dwg No. LC01 Revision G dated 07.05.2013) as "existing tree to be removed" EXCEPT FOR the trees listed below which shall be retained:

Tree No.	Tree Species (botanical and common name)	Location
31	<i>Callistemon salignus</i> (Willow Bottlebrush)	Front setback Building D, Bellingara Rd
35	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Front setback Building D, Bellingara Rd
59	<i>Melaleuca quinquenervia</i> (Broad-leaf Paperbark)	Front setback Building C, Bellingara Rd
76	<i>Melaleuca quinquenervia</i> (Broad-leaf Paperbark)	Front setback Building C, Bellingara Rd
79	<i>Melaleuca quinquenervia</i> (Broad-leaf Paperbark)	Front setback Building B, Bellingara Rd

- ii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.

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 mixed indigenous tree species selected from the indicative Greenweb plant schedule provided in the Concept landscape plan (Dwg No. LC03 Revision C, dated 24.06.2013)

69 trees are approved for removal as part of this consent. In order to satisfy the replanting requirement, 276 replacement trees are required to offset this loss.

The trees selected must be planted within the front or rear setback of 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 Certificate application. In addition a further copy must be submitted to Council prior to the issue of a Construction Certificate.

## 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 (SSCDP 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, Gympie

Ph: 02 9524 5672

Opening hours - Monday to Friday 7.00am-3.00pm (excluding public holidays).

## 20. Tree Retention and Protection (ENV2040)

### A. Before Works

Before the commencement of any works on the site the existing trees as marked in green on the Dwg No.LC01 Rev G dated 07.05.2013 prepared by Taylor Brammer Landscape Architects, PLUS the following additional trees, must be retained and protected:

Tree No.	Tree Species (botanical and common name)	Location
31	<i>Callistemon salignus</i> (Willow Bottlebrush)	Front setback Building D, Bellingara Rd
35	<i>Callistemon viminalis</i> (Weeping Bottlebrush)	Front setback Building D, Bellingara Rd
59	<i>Melaleuca quinquenervia</i> (Broad-leaf Paperbark)	Front setback Building C, Bellingara Rd
76	<i>Melaleuca quinquenervia</i> (Broad-leaf Paperbark)	Front setback Building C, Bellingara Rd

79	<i>Melaleuca quinquenervia</i> (Broad-leaf Paperbark)	Front setback Building B, Bellingara Rd
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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 where indicated on the approved Detailed Landscape Plan and in accordance with the recommendations of Appendix C of the Arborist Report prepared by Stuart Pittendrigh dated June 6, 2013 . 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 trees 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 trees 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.

#### **21. 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.

### **22. 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.

### **23. Reuse of Asphalt and Base Gravels**

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

### **24. Dewatering of Excavations**

Any water from excavations to be discharged to Council's stormwater system shall not contain a concentration of suspended sediment exceeding 50 mg/L and



shall have a pH of between 6.5-8 (NSW Department of Housing, Managing Urban Stormwater - Soils and Construction). If excavations require dewatering, water testing shall be carried out to ensure water is appropriate for discharge. This testing shall be undertaken by a suitably qualified environmental scientist prior to discharge of any water, and results provided to Council upon request. Water that does not comply with the above standards shall not be discharged to the stormwater system without treatment and further testing. A permit may be required to discharge water to Council's stormwater system. Consultation with Council shall be undertaken prior to discharge of any water to stormwater.

**25. Cleanliness and Maintenance of Food Preparation and Storage Areas**

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation and storage areas:

**A. Design**

The food preparation and storage area/s must be designed in accordance with;

- i) Food Act 2003.
- ii) Food Regulation 2010.
- iii) Food Safety Standards 3.1.1, 3.2.2 and 3.2.3.
- iv) AS 4674 - 2004 (Design, construction and fit-out of food premises).
- v) Sydney Water Corporation - Trade Waste Section.
- vi) Protection of the Environment Operations (Clean Air) Regulation, 2002.
- vii) AS 1668 Part 1- 1998.
- viii) AS 1668 Part 2 - 1991.

**B. Before Construction**

Details of compliance with the above must form part of the documentation accompanying the application for a Construction Certificate.

**C. Before Occupation**

- i) Prior to issue of an Occupation Certificate, certification must be provided from a suitably qualified person that all work in connection with the occupation or use of the premises for the preparation, display and storage of food has been carried out in accordance with the terms of the development consent.
- ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for the food business.

**26. Premises Undertaking Skin Penetration Procedures**

To ensure that adequate provision is made for the cleanliness, hygiene and maintenance of all premises undertaking skin penetration procedures:

**A. Design**

All work associated with the fit-out of the premises must be designed in accordance with the requirements of:

- i) The Local Government (General) Regulation 2005.
- ii) The Building Code of Australia.

- iii) The NSW Health Guidelines on Skin Penetration.
- iv) Public Health Regulations 2012.

#### **B. Before Construction**

Details of compliance with 'A' above must form part of the documentation accompanying the application for a Construction Certificate.

#### **C. Before Occupation**

- i) Prior to issue of an Occupation Certificate certification from a suitably qualified person shall be provided that all work in connection with the occupation or use of the premises for the undertaking of skin penetration procedures has been carried out in accordance with the conditions of the development consent.
- ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for the premises undertaking skin penetration procedures.

### **27. Garbage, Recycling and Green-waste Storage Area**

To ensure the proper storage of waste from the premises:

#### **A. Design**

The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

#### **B. Before Construction**

Details of compliance with 'A' above must form part of the documentation accompanying the applications for a Construction Certificate.

#### **C. Before Occupation**

The works must be completed prior to the issue of any Occupation Certificate.

#### **D. Ongoing**

All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up.

### **28. 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.

### **29. Noise Control - Design of Plant and Equipment**

To minimise the impact on the surrounding residents, all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems:

#### **A. Design**

All plant and equipment must be acoustically attenuated so that the noise emitted

- ☐ before 8am or after 10pm on any Saturday, Sunday or public holiday, or
  - ☐ before 7am or after 10pm on any other day
- i) does not exceed an LAeq sound pressure level of 5dB above the ambient background noise level when measured
    - a) at the most effected point on or within any residential property boundary or
    - b) at the external edge of any sole occupancy unit balcony within the premises itself at any time the units operate.
  - ii) cannot be heard within a habitable room in any sole occupancy unit\* or other residential premises (regardless of whether any door or window to that room is open):

\* As defined in the Building Code of Australia

**Note:** Noise measurement must be carried out in accordance with Australian Standard 1055.1.

## **B. Ongoing**

All plant and equipment must be operated and maintained in accordance with 'A' above.

### **30. Noise and Vibration Control - Residential Car Parks**

To minimise noise and vibration from use of the security doors in the car parks:

#### **A. Design**

The proposed security doors fitted to the car parking area entrances must be independently mounted on rubber pads or otherwise installed to prevent vibration noise transmission through the concrete walls and / or columns.

#### **B. Before Occupation**

The Principal Certifying Authority must be satisfied that 'A' above has been complied with.

### **31. Building Ventilation**

To ensure adequate ventilation for the building:

#### **A. Design**

The building mechanical and / or natural ventilation systems must be designed,

in accordance with the provisions of:

- i) The Building Code of Australia;
- ii) AS 1668 Part 1 - 1998;
- iii) AS 1668 Part 2 - 1991;
- iv) The Public Health Act - 2010;
- v) The Public Health Regulation 2012;
- vi) AS 3666.1 - 2002;
- vii) AS 3666.2 - 2002; and
- viii) AS 3666.3 - 2000.

#### **B. Before Construction**

Details of compliance with the above must form part of the documentation accompanying the application for a Construction Certificate.

#### **C. Before Occupation**

- i) Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.
- ii) Occupation of the premises must not occur until a registration application has been submitted to Council's Environment and Health Regulation Department for any cooling tower / warm water system

#### **D. Ongoing**

The ventilation system must be operated and maintained in accordance with 'A' above.

### **32. Car-Park Ventilation - Alternate System**

To ensure adequate ventilation for the car park:

#### **A. Design**

As the basement car-park does not appear to comply with the natural ventilation requirements of Section 4 of Australian Standards AS1668.2 -1991, the car-park must be either mechanically ventilated by a system complying with AS1668.2 - 1991 or alternatively, the natural ventilation system must be certified by a qualified mechanical ventilation engineer to the effect that the system is adequate. The certification shall confirm that the system will protect the health of occupants of the car park at anytime it is used and satisfies the atmospheric contaminate exposure rates specified in the Worksafe Australia document: Workplace Exposure Standards for Airborne Contaminants.

#### **B. Before Construction**

Details of compliance with 'A' above must form part of the application for a Construction Certificate.

#### **C. Before Occupation**

Certification must be provided by a qualified mechanical ventilation engineer that the installation of the ventilation system has been carried out in accordance with 'A' above.

#### **D. Ongoing**

The ventilation system must be operated and maintained in accordance with 'A' above.

### **33. Delivery/Collection of Goods**

#### **A. Ongoing**

To minimise the noise impact of the development on the surrounding environment, loading or unloading of goods and materials from the premises must not take place between the hours of 7pm and 8am Monday to Saturday or before 9am on Sunday and Public Holidays.

### **34. Swimming Pools (including Spas)**

To minimise the impact of the swimming pool on the amenity of adjoining properties and to ensure safety:

#### **A. Design**

The design of the swimming pool and associated equipment must comply with the following requirements:

- i) The Swimming Pools Act & Regulations.
- ii) Australian Standard 1926 Swimming Pool Safety as prescribed under the Building Code of Australia.
- iii) The pump and associated equipment must be sound insulated and/or isolated so that the noise emitted does not exceed an LAeq (15min) of not more than 5 dB(A) above the background level in any octave band from 31.5Hz to 8KHz centre frequencies inclusive at the boundary of the site.

#### **Note:**

- The measurement of sound must be carried out in accordance with Australian Standard 1055.1.
- Additional information is available from Sutherland Shire Swimming Pool Environmental Specification.
- Landscaping and ancillary structures must not intrude into the child-resistant barrier Non-Climbable Zone.
- Only structures associated with the pool may be located within the pool area. Clothes lines, barbeque, sheds, entertainment structure, outside toilets or any other non pool-related structures are not permitted within the pool area.

#### **B. Before Construction**

Details of all child-resistant barriers (existing and proposed) to be utilised to comply with the requirements of the Swimming Pools Act and Regulations applicable at the time must be shown on the Construction Certificate plans.

### **C. During Works**

The swimming pool excavation and/or swimming pool must be provided with a suitable barrier to prevent a risk of falling into the excavation or pool at all times throughout the construction phase.

### **D. Before Occupation**

Before the issue of any Occupation Certificate the child resistant barrier must be installed in accordance with A above.

### **E. Ongoing**

- i) The pump and associated equipment must be maintained and operated in accordance with the noise levels described above.
- ii) The child resistant barrier must be maintained in accordance with the Australian Standard as described above.

## **35. Verification of Design for Construction - SEPP 65**

### **A. Design**

Design verification must be provided by a registered Architect pursuant to SEPP 65 stating that the design intent approved by the Development Consent has been maintained in the building / architectural plans submitted with the Construction Certificate. This must accompany the application for a Construction Certificate.

### **B. Before Occupation**

Prior to the issue of the final Occupation Certificate design verification must be provided in accordance with SEPP 65.

## **36. Certification Requirement of Levels**

### **A. During Construction**

At the following stages of construction:

- i) Prior to the pouring of each floor or roof slab,
- ii) Upon completion of the roof frame.

A registered surveyor must provide the Principal Certifying Authority with Certification that the stage of structure complies with the development consent in respect of levels.

### **B. Before Occupation**

The certification referred to above must form part of the application for an Occupation Certificate.

## **37. Sydney Water - Notice of Requirements**

### **A. Before Occupation**

- i) The applicant must obtain a Notice of Requirements under the Sydney Water Act 1994, and submit the Notice to the Council.
- ii) A Compliance Certificate under s73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. 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/](http://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.

38. Permitted Hours for Building Work

**A. During Works**

To minimise the noise impact on the surrounding environment, all building 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.

39. Toilet Facilities

**A. During Works**

Toilet facilities must be available or provided at the work site at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site before works begin and must be maintained until the works are completed.

Each toilet must:

- i) be a standard flushing toilet connected to a public sewer, or
- ii) have an on-site effluent disposal system approved under the Local Government Act 1993, or
- iii) be a temporary chemical closet approved under the Local Government Act 1993

40. Housing for Seniors or People with a Disability - Restriction as to User

**A. Before Occupation**

A Restriction as to User must be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919. This restriction must limit the use of the approved accommodation to the kinds of people referred to under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

**B. Ongoing**

Specifically, only those people who meet the following criteria may occupy this accommodation:

- i) seniors or people who have a disability,
- ii) people who live within the same household with seniors or people who have a disability,
- iii) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

“Seniors” are any of the following:

- a) people aged 55 or more years,
- b) 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,
- c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

“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.

#### 41. Accessibility & Useability Standards

##### **A. Design**

A report prepared by a suitably qualified Access Consultant must be submitted with the Construction Certificate, verifying that the development complies with the standards concerning accessibility and useability as specified in Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

##### **B. Before Occupation**

Prior to issue of any occupation certificate, certification shall be provided from a suitably qualified Access Consultant, verifying that the development has been constructed in accordance with the terms of item 'A' above.

#### 42. Crime Prevention

- i) Closed circuit television ('CCTV') is to be provided, so as to monitor the pedestrian and vehicular access points adjacent to Bellingara Road.
- ii) All external lighting, handrails and other fixtures must be made from robust and vandal resistant materials.
- iii) Materials that are graffiti-resistant and/or have anti-graffiti coating are to be used, as far as practicable.
- iv) The car parking levels, all entry points to the building and windows accessible from ground level must be fitted with appropriate access control devices.
- v) All security systems, access control devices and CCTV cameras must be installed by a licensed security professional in accordance with Australian Standard 4806.
- vi) All lighting installed must be compatible with the requirements of the CCTV system and must be of a quality that allows for the identification of individuals or groups of individuals engaging in anti-social behaviour or criminal activity.
- vii) The car park, all pedestrian routes, communal areas and entry and exit points must be adequately lit to meet Australian Standard 1158.3.1.



43. On-Site Support Services

**A. On-going**

Support services including the provision of meals, cleaning services, personal care and nursing care are to be available on the site, for use by residents of the development, at all times.

**END OF DRAFT CONDITIONS**

Greg Hansell - 9710 0844  
File Ref: PAD13/0008

2 April 2013

Hammondcare  
C/- Smyth Planning  
67/330 Wattle Street  
ULTIMO NSW 2007

Dear Sir/Madam

**Pre-Application Discussion No. 13/0008**

**Proposal: Proposed Modifications to Approved Master Plan for Seniors  
Housing & Construction of Stage 2 comprising of Self-Contained  
Dwellings & Community Facility**

**Property: 19 Kiama Street, Miranda**

I refer to the pre-application discussion held on 25 February 2013 about the above property.

The following is a summary of the matters addressed at the meeting and other matters arising from further investigation subsequent to that 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. All development applications are required to be accompanied by a statement of environmental effects addressing all relevant environmental planning instruments and development control plans and related controls. The contents of this letter do not bind Council to granting consent for the proposed development, if and when an application is made for such a proposal.

Description of Site:

The subject land is known as No. 19 Kiama Street, Miranda. A new 92 bed residential aged care facility is located generally in the south-eastern corner of the site adjacent to Kiama Street. The remainder of the site is currently vacant. The site was previously occupied by Sydney Water Corporation and used as a works depot.

The site has an east-west orientation and is generally trapezoidal in shape. It has frontages of approximately 242m to Bellingara Road and 196m to Kiama Street and a depth that varies between 180m and 331m. The site has a total area of 49,850 square metres. The site falls away from Bellingara Road, generally in a south-easterly direction. There is an approximate change of levels between the highest and lowest points of the site of 13 metres.

There are a number of mature trees located throughout the site, mainly situated adjacent to the Bellingara Road frontage and, to a lesser extent, along the southern boundary of the site. A major electricity transmission easement, incorporating overhead power lines and a supporting pylon, traverses the site in a generally east-west alignment.

The streetscape in the immediate vicinity of the subject land is characterised by residential, industrial and recreational development. Directly adjoining the site to the north are 1-2 storey industrial buildings. Directly adjoining the site to the south are detached dwelling houses of 1-2 storeys in scale. To the west of the site are detached dwelling houses, a residential aged care facility and a netball sports complex. To the east of the site are 1-2 storey industrial/warehouse buildings.

#### Description of Proposal:

The proposal is for modifications to the approved master plan that applies to the site and the construction of the second stage of the seniors housing complex (consisting of 100-150 self contained dwellings and a shared community facility) in accordance with the modified master plan.

The approved master plan relates to an existing development consent for a staged development (under Section 83B of the Environmental Planning and Assessment Act 1979) comprising of the newly constructed residential aged care facility and up to 250 self contained dwellings for seniors living.

The master plan revisions essentially relate to the western half of the site (fronting Bellingara Road) and include changes in terms of the mix of dwelling types, building footprints/envelopes, building heights, boundary setbacks and the distribution of open space.

Two (2) development options were presented for discussion, both including a mixture of 2-5 storey apartments and single storey villas and similar site configurations. The approved master plan does not currently provide for single storey villas. One of the options proposes 2-5 storey apartments along the street frontage and villas at the southern perimeter of the internal village green, whereas the other option proposes villas along part of the street frontage and three (3) storey apartments at the southern perimeter of the internal village green.

It is evident from the revised master plan that the amenity of some adjoining residents and the future residents of the complex will be enhanced by many of the revisions. The proposed reduction in the scale of the built form adjacent to the southern site boundary from 3-4 storey apartments to single storey villas is particularly positive in terms of its relationship with the neighbours.

#### Relevant Planning Controls:

The site is zoned as 'Zone 12 – Special Uses (Seniors Housing)' under Sutherland Shire Local Environmental Plan 2006 ('SSLEP2006'). Development for the purposes of 'seniors housing' (including 'residential care facilities' and 'self contained dwellings') is permissible with development consent under the provisions of both SSLEP2006 and State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ('SEPPSL').

Whilst the provisions of both SEPPSL and SSLEP2006 will need to be considered in the design and assessment of the proposal, SEPPSL will prevail to the extent of any inconsistency.

The provisions of the following environmental planning instruments and development control plans are also of particular relevance to the proposal:

- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.
- State Environmental Planning Policy (Infrastructure) 2007 ('Infrastructure SEPP').
- State Environmental Planning Policy (Building Sustainability Index: BASIX 2004).
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
- Sutherland Shire Development Control Plan 2006 ('SSDCP2006').

Your attention is drawn to Clauses 45 & 104 of the Infrastructure SEPP, relating to development adjacent to electricity transmission easements and traffic generating development, respectively. Consultation with the relevant electricity supply authority will need to be undertaken by Council when a development application is lodged. It is recommended that you undertake early pre-application discussions with that authority, to determine if there are any significant issues that need to be addressed in the design of the proposal. If the proposal provides ancillary parking accommodation for 200 or more motor vehicles, consultations with NSW Roads & Maritime Services will also need to be undertaken by Council when a development application is lodged.

Your attention is also drawn to Council's Green Web Strategy and the associated objectives and controls as prescribed in Chapter 4 of SSDCP2006. In this regard, the site is classified as 'Green Web Restoration' within this strategy and forms part of an east-west link between Kurnell peninsula and the western parts of Sutherland Shire.

Your attention is also drawn to the provisions of Draft Sutherland Shire Local Environmental Plan 2013 which is currently on public exhibition. This draft plan proposes major changes to the planning controls applying throughout Sutherland Shire. Your site is proposed to be rezoned to a 'low density residential' zone and associated changes to the development standards in respect of height, floor space ratio and landscaped area are also proposed. This proposed rezoning may have significant implications for future development proposals on your site. You may wish to make representations to Council on the proposed changes with respect to your site. Council would welcome any feedback on the draft plan.

Reference should also be made to Council's current Section 94 contributions plans relating to open space and community facilities (available on Council's website). Although the proposal includes self-contained dwellings that may generate some increased demand for open space and community facilities off the site, it may benefit from the exemptions available in the contributions plans with respect to seniors housing developments under certain circumstances. It is recommended that you review these contributions plans more closely to ascertain the relevance of the contribution requirements to your specific proposal.

As the plans accompanying the application are only at a conceptual stage, the comments that follow are necessarily limited to general feedback on broader issues.

## Comments on the Proposal:

### Issue 1: Procedural Matters

In comparing the revised master plan against the currently approved master plan, it is apparent that there are significant changes throughout numerous elements of the development, including the dwellings types, footprints and envelopes of individual buildings and distribution of open spaces. In Council's opinion, the magnitude of these modifications would not satisfy the threshold test contained in Section 96(2)(a) of the Environmental Planning & Assessment Act 1979. It would be difficult for Council to conclude that the development the subject of the revised master plan is "substantially the same" development as the currently approved master plan.

In Council's opinion, the proper mechanism for seeking approval for the revised master plan is by way of lodgement of a new staged development application. The staged development application need only relate to that part of the site involving the second stage of the seniors housing complex, but should show how it interfaces with the newly constructed residential aged care facility in the south eastern corner of the site and the approved future third stage in the north eastern corner of the site.

If the development has a capital investment value of more than \$20 million, the Sydney East Joint Regional Planning Panel will be the consent authority (this also applies to development the subject of any staged development application). Otherwise, Sutherland Shire Council will be the consent authority.

Your application sought feedback on the necessity for development consent, or otherwise, to carry out preliminary site works including the removal of concrete slabs associated with buildings that previously existed on the site and removal of certain trees and surplus soil. Based on a cursory review of the relevant legislation, these preliminary site works require Council's consent in the first instance.

State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 makes provision for complying development certificates to be issued for demolition work under certain circumstances. At this point in time, there is insufficient detail to determine if those provisions would apply in your case. You may wish to consult with an appropriately accredited certifier to establish whether you can take advantage of those provisions at the appropriate point in time.

### Issue 2: Site Planning & Urban Design

Of the two (2) options presented, it is noted that option 2C will potentially provide a better presentation to the internal streets of the village, by reducing the number of podiums containing car parks. The built form of the residential buildings along the

street frontage and their response to the site levels requires careful consideration, with a view to providing an appropriate address back into the village.

It is recommended that a vehicular drop-off point be provided to each residential building. Consideration should also be given to the provision of direct access to the residential buildings fronting Bellingara Road. This design approach will assist in enhancing opportunities for passive surveillance of the adjacent public domain. The orientation of dwelling entries and major windows to living areas towards the street will further assist in this respect.

A strong focus on pedestrian circulation (including access in accordance with the AS1428 series) throughout the entire village must be demonstrated.

The built form adjacent to Bellingara Road will need to demonstrate a high level of architectural design quality, given its immediate visibility from the public domain.

Further feedback on the architectural design quality of the proposal should be sought from Council's Architectural Review Advisory Panel.

### Issue 3: Landscaping & Trees

The relationship between the community facility, village green and adjacent villas and apartments is considered superior to the currently approved relationship between these elements. The proposition of villas along the southern boundary, in lieu of 3-4 storey apartments, creates a better interface with the neighbouring 1-2 storey residential area. The proposed treatment of the internal north-south orientated street, immediately to the west of the new residential aged care facility, requires careful detailed attention. It is important that this street be designed so that it creates a pleasant, leafy environment and not just simply the appearance of a "service road".

The site is located within a 'Restoration' Green Web zone which provides opportunities for the establishment and vegetation of corridors between 'Core' Green Web areas. In general, tree and understorey plants within a 'Restoration' area should be predominantly indigenous species. However, on an aged-care site, it is acceptable that the framework plantings be indigenous (along the Bellingara Road frontage, side boundaries and internal roadways) while detail plantings could be exotic (including deciduous) species. For your information, the original vegetation community on this part of the site was 'Woronora Sandstone Exposed Bloodwood Woodland'.

Council has a 4:1 replacement policy for all trees that are removed from the site and come under the Tree Preservation Order. Replacement trees shall be indigenous species and where planting cannot be accommodated on the site, the applicant may arrange with Council for offset planting on public land.

The applicant will need to submit an arborist report which details all trees to be retained and removed within the development area and adjoining public land, as well as any trees affected by the development on neighbouring properties.

### Issue 4: Impacts on Neighbouring Residents

The proposed reduction in the scale of the built forms adjacent to the southern site boundary from 3-4 storey apartments to single storey villas should better protect the

existing amenity of the adjacent residents immediately to the south of the site. To this end, it will be necessary to demonstrate that the proposed built forms of the villas do not result in any greater degree of overshadowing than that which is created by the currently approved 3-4 storey apartments. In order to minimise visual and acoustic privacy, overshadowing and visual impacts on the adjoining residents, the villas will need to be sited as close as possible to the existing ground levels and their floor to ceiling heights and roof pitches will need to be minimised as far as practicable. This may necessitate some stepping of the built forms to follow the slope of the land.

The outlook from some residential properties opposite in Bellingara Road will be significantly altered, when comparing the revised master plan against the currently approved master plan. In this regard, a 5 storey built form is now proposed in the area that is currently approved as a “village green”. The residents directly opposite may view this as a retrograde step in terms of the quality of their outlook. It is acknowledged that the relocation of the village green further into the site away from the street frontage is a positive development, particularly in terms of the quality of the space for future residents of the complex. However, it is also important that residents opposite are not confronted by a visually imposing 5 storey built form. The detailed treatment of the built form and architecture of this building and its associated planting will need to be carefully selected with a view to reducing its visual impact.

#### Issue 5: Traffic Generation & Car Parking

The 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 any future development application.

Any such development application that is classified as ‘traffic generating development’ for the purposes of Clause 104 of the Infrastructure SEPP must be accompanied by a traffic impact study addressing the relevant requirements of the ‘NSW Roads & Traffic Authority Guide to Traffic Generating Developments (Oct 2002)’. The traffic study will need to revisit the issues raised by the NSW Roads & Traffic Authority in response to the prior development application for the currently approved master plan. Additionally, the study must take into consideration the recent traffic management measures implemented at the intersection of Port Hacking Road and Box Road.

The conversion of the vehicular access point in Bellingara Road from a combined ingress/egress driveway to separated ingress and egress driveways, so as to provide for a formal entry statement, is considered to have merit from public safety and aesthetic perspectives. However, serious consideration should be given to relocating the driveways further northwards, so as to improve sight lines in the vicinity of the nearby pedestrian crossing. At the same time, care must be taken to ensure that the egress driveway is located and orientated such that headlight glare impacts on residents opposite are avoided as far as practicable. Relocation of the driveways further northwards may also help to reduce the less desirable vista of the high tension, electricity tower located in the middle of the site.

The revised master plan should include concept details of basement car parking areas, including their location, extent and capacity. The issue of adequate off-street parking was raised by residents during the assessment of the prior development application for the master plan. It is expected that the revised master plan will make

provision for an appropriate level of car parking consistent with the standards prescribed in SEPPSL. The proposed car parking spaces must not only be sufficient in numbers, but also suitable dimensioned and conveniently accessible for their end users. Accessibility for mobility-impaired users and crime prevention through environmental design considerations should be incorporated at the master plan stage.

#### Issue 6: Boundary Setbacks

Your application sought specific feedback on the issue of boundary setbacks. As the concept plans do not include precise details on building setbacks, it is only possible to provide general feedback.

The building setbacks to the street frontage should be consistent with the prevailing setbacks of other existing buildings in the streetscape and sufficient in depth to ensure proper retention and protection of the major stand of trees along the street frontage. At the least, a building setback of 7.5 metres should be applied to this street frontage. Any fencing forward of the building line should be substantially open in form and kept as low as practicable, so as to ensure that adverse visual impacts on the streetscape are avoided and a reasonable degree of passive surveillance of the street from the development is achieved.

The building setbacks to the southern and northern boundaries of the site (including the setbacks of basements and the courtyards associated with the villas) should be sufficient in depth to maintain the visual and acoustic privacy and sunlight access of neighbouring residential properties and ensure proper retention and protection of the existing trees along these boundaries including supplementary screen planting.

#### Issue 7: Other Matters

The site represents a significant opportunity for the inclusion of stormwater drainage systems using water sensitive urban design ('WSUD') principles, as has been applied in the first stage of the seniors housing complex. A continuation of WSUD principles over the remainder of the site is strongly encouraged.

The Acid Sulfate Soils Map supporting the provisions of Clause 23 of SSLEP2006 shows the majority of the site falling within 'Class 5' acid sulfate soils. Although the provisions of this clause must be addressed in any subsequent development application, it is not likely to be a significant issue.

#### Conclusion:

The proposed modifications to the master plan are for the most part supported in principle, subject to the concepts being further refined to address the above issues. Of particular importance is the detailed resolution of the built forms along the southern and western perimeters of the site to appropriately relate to adjoining residents in Queanbeyan Avenue and those opposite in Bellingara Road.

Early pre-application discussions with Council's Architectural Review Advisory Panel (ARAP) are strongly recommended, particularly as any such proposal would need to go before ARAP for comment when it is lodged as a development application. It is also recommended that further pre-application discussions be held with Council officers, as the proposal progresses into more detail.



Meaningful engagement and consultations with adjoining residents, before finalisation of the revised master plan and the detailed proposal for stage 2 of the seniors housing complex for submission to Council, are also strongly encouraged.

The above information is based on a meeting with Council officers, Luke Murtas (Team Leader), Greg Hansell (Environmental Assessment Officer - Planner), David Jarvis (Architectural Assessment Officer), Barbara Buchanan (Landscape Architect), Warwick Mertell (Traffic Engineer) and Carly Tremble (Community Projects Officer) on 25 February 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.

If you consider the information to be inaccurate, it is your responsibility to contact Council for clarification. Council reserves the right to ask for more information during the assessment of the proposal, if such information is necessary for the assessment.

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 Greg Hansell during normal business hours on 9710 0844.

Yours faithfully

Mark Adamson  
Manager – West Environmental Assessment Team  
for J W Rayner  
General Manager

## Architectural Review Advisory Panel

Proposal:

**Construction of Independent Living Units (ILUs), Community Centre and Associated Car Parking**

Property:

**19 Kiama Street (also known as 86-110 Bellingara Road) MIRANDA NSW 2228**

Applicant:

**Hammondcare**

File Number:

**ARAP13/0002**

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The following is the report of the Architectural Review Advisory Panel Meeting held on 11 April 2013 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

### **"2. Consideration of ARAP13/0002 – Pre-DA Proposal for an Amended Master Plan and Stage 2 of a Residential Aged Care Facility at 86-110 Bellingara Road (also known as 19 Kiama Street), Miranda**

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

Peter Hamilton, Richard Abbott, Richard Smyth, Andrew Master and Sarah Gatt addressed the Panel regarding the aims of the proposal and the constraints of the site.

#### Description of the Site and Proposal

The site is located between Bellingara Road and Kiama Street Miranda. It was previously occupied by Sydney Water Corporation and used as a works depot. It is within Zone 12 – Special Uses (Seniors Housing) under Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006). The total site area is 49,850sqm.

The proposal is for a S96 modification to the approved Concept Plan and a development application for Stage 2 construction of the seniors housing complex, consisting of 130 (based on architect's report) self contained units comprising 16 x single storey villas, 114 independent living units (ILUs) in buildings ranging between 2-6 storeys and a shared community building and village green. The approved Concept Plan applies to an existing development consent of a staged development (under Section 83B of the EP&A Act 1979) comprising the newly constructed residential aged care facility (RACF) for Stage 1 and up to 250 self contained dwellings for seniors living in Stages 2 and 3.

The Concept Plan revisions relate to Stage 2 on the western half of the site, fronting Bellingara Road and include changes to the mix of dwelling types, building footprints/envelopes, building heights, boundary setbacks and the distribution of open space. Stage 3 (on the eastern part of the site) is not included in the current revision and has not been detailed.

During the inspection it was noted that there were extensive mature native trees along Bellingara Road and that the recently constructed residential aged care facility (RACF) was now fully occupied and functioning. An access road from Kiama Street to the RACF and a temporary pedestrian pathway from Bellingara Road to the RACF have been constructed.

### Context

The existing context of the site consists of one and two storey dwellings to the south, industrial buildings to the north and one and two storey dwellings to the west side of Bellingara Road. A RACF has recently been constructed in the south-eastern corner of the site.

The Applicant's response to the topographic and physical context is difficult to review and assess as the documentation presented is not a full and proper analysis of the site (refer to recommendations and conclusions). This is a great shortcoming and hindrance to any comprehensive understanding and critique of the project. There remain many unknowns. The significant stand of trees along Bellingara Road has a compelling scale and character, although the attitude and intentions of the Applicant to these trees remains unclear. An arborist's report was not presented.

The response to the existing single storey dwellings opposite the proposal on Bellingara Road and Green Web; and the role of the street pattern to 'normalize' the connections between the neighbourhood and the development site are unclear.

The context for this development has some interesting challenges. The overhead power lines/easement cutting through the site determines key site responses. The interfaces between the industrial buildings to the north and the existing residential area to the south and west require a well integrated contextual response.

### Scale

The scale of the proposal is much greater than that of other buildings in the area, representing an up-scaling of the buildings in the approved Concept Plan.

The designation of Phase C block on Bellingara Road as being 5 to 6 storeys in the site plan is misleading and contradicted by the 7 storey blocks shown in the diagrammatic section. In the view of the Panel the blocks proposed on Bellingara Road are too bulky for the existing 1 to 2 storey residential context and should not be greater than 6 storeys, measured from the ground level. The upper floor should be set back so that only 4 storeys are apparent from Bellingara Road, with a storey below street level, stepping down to 3 storeys at the southern end of the site.

### Built Form

The architectural documentation does not provide sufficient information about the built form, making comment difficult. While the orientation of blocks along Bellingara Road to define the site edge and street is reasonable, the blocks need more articulation, such as setting back the top floor to reduce bulk. The community building needs further architectural and landscaping design to engage with the neighbouring community and invite entry from Bellingara Road.

Revision to the angle of the vehicular access from Bellingara Road to avoid the vista along the electrical tower is understandable, although the twists, turns and loops of the street layout between the Phases B and G blocks is overly complex and circuitous,

and should be rationalised. If as stated, the Applicant wishes to “normalise” this project and integrate it into the existing neighbourhood, the vehicle access and related drop-off should be more like a street and less like a private drive.

The location of the community building at the centre of the angled residential wings of Phases A and C blocks has the potential to create a coherent and galvanising element for the project. The primacy of the community building should be made stronger. The plans presented in relation to the community building are confusing: in the site plan (SK 32) residential units ‘book end’ the Phase B community facilities, whilst the plans (SK 35) present the ground level (RL 17.5) of Phase C block as well as Phase B block as having community facilities. The situation requires clarification.

The community building should be a clear and legible element within the residential matrix. It has the great potential to form a link to the surrounding community via the café and kids play areas. The community facilities should not be confused with the different needs of the residential areas. This ambiguity is not helpful in understanding the potential of the design to achieve the stated intentions of the project.

The incorporation of low density villas in Phases E and F puts great pressure on the rest of the site to achieve the required number of units. The Stage 1 RACF has 92 units, Stage 2 has 130 dwellings comprising 16 villas and 114 ILUs and according to the applicant, Stage 3 will have approximately 60 ILUs. The six (6) villas of Phase F in particular, appear to be causing too much development pressure on other parts of the site and impeding the creation of a well-scaled village green.

Phase G Block, at the northern boundary of the site, overlooking existing industrial buildings is bulky, and awkwardly laid out, scaled and massed. It appears to be pushed too close to the northern boundary and might be more logically laid out parallel to the community building and set back further to give it some northern frontage. Currently it seems peripheral, being at least 35 metres from the community building. Could some of its bulk and mass be reduced? Could the empty space between Phase C and D blocks be reduced to create a more consistent perimeter and street elevation?

### Density

The density varies across the site. Sensitivity to the adjoining neighbourhood on the southern boundary with single storey villas is good. The detailed plans should detail the changing levels and comprehensively define the associated retaining walls.

The total number of units in Stage 2 of the development is 130 self contained units with approx 0.5:1 FSR and is an appropriate level of density for the site. The approved Concept Plan permits a maximum FSR of 0.75:1 across the whole site – and could be appropriate to the industrial/ residential context - although compliance has not been demonstrated for the revised Concept Plan. Single storey villas have been restricted to the south-western area of the site to avoid the remaining blocks being too bulky. The Panel suggests that Phase F block be increased to 2-3 storeys (while still allowing solar access to Phase E block) and Phases C and G blocks and Stage 3 blocks be reduced in height.

### Resource, Energy and Water Efficiency

Although the Stage 1 RACF has made effective use of solar panels the proposed concept plan does not provide any information about resources, energy and water efficiency.

There is an opportunity for storm water retention, OSD and water re-use for toilets and irrigation of landscape. The proposed concept plan has not demonstrated that units achieve compliance with the key benchmarks of SEPP 65/RFDC - solar access, cross ventilation and south facing units. The villas should be excluded from the assessment.

### Landscape

The landscape is paramount to the success of the development, in particular the strong mature tree planting along Bellingara Road. These trees provide an address as well as reducing the scale of the proposed buildings. They are also significant in terms of a habitat corridor in the Shire's Green Web. Concern expressed about the trees dropping branches are noted and highlight the importance of a careful arboriculture management plan in well-treed developments. This management plan needs to document the appropriate limb management to achieve attractive open healthy trees. The trees in this development have many years of healthy growth.

Concern was expressed by the Applicant that the previous Phase C block overshadowed the village green; whereas if trees could be removed along Bellingara Road, the block could be located closer to the street. This would not be the best way to address overshadowing of the village green. Instead, by adjusting the height of Phase C block to 3-4 storeys and Phase A block to 5-6 storeys, the overshadowing problem would be addressed. Concern was expressed by the Applicant about the scale of a 5-6 storey block to the north-west of Stage 1 however this would not affect solar access as the Stage 1 RACF is internally focused.

The village green is an important focus of the development and important to achieve adequate soil depth for trees to grow. To this end, construction details that show either "ramping" the car park roof or creating deep soil pockets over the car park columns need to be considered early.

The vehicular access road from Bellingara Road is appropriately located however the designated drop-off areas are somewhat awkward. It would be better to treat the whole area between Phase B block and Phase G block as one space with some designated access and other areas of dual use for drop-off points.

Every effort should be made to retain the significant trees on Bellingara Road as they are mature and form a great asset to both future residents of the site and the neighbourhood. There is also an opportunity for a 'green' wildlife corridor across the site, along the main cross-site road, which in the future could link through the industrial area to the open space beyond in Port Hacking Road and along the southern boundary, linking with the residential backyards. Landscaping of the village green in terms of tree planting and soil depth needs more consideration.

The extensive stand of trees along Bellingara Road gives scale and character to the extended street frontage – as is demonstrated in the Applicant's 3D view on SK 43. While the removal of selected trees in order to create a rational layout for the buildings is arguable, it is difficult to assess the merit of such arguments without a report from the arborist and the presentation of a positive design idea in regards to the trees and their relationship to the site and buildings proposed.

### Amenity

The Applicant needs to ensure that guidelines of SEPP 65/RFDC and SEPP Seniors Living Policy Urban Design Guidelines relating to cross ventilation and solar access (70% of units to have 3 hours of sun at mid-winter to living rooms and private open space) are satisfied. Currently, approximately 50% of the units in Phases A and C blocks do not appear to achieve solar access. Refer to <http://www.planning.nsw.gov.au/residential-flat-design-code> and [http://www.planning.nsw.gov.au/settingthedirection/pdf/seniors\\_living\\_policy-urban\\_design\\_guidelines.pdf](http://www.planning.nsw.gov.au/settingthedirection/pdf/seniors_living_policy-urban_design_guidelines.pdf). Note that this latter document is called up by the Seniors SEPP, Clause 31.

The project objective to 'normalise' accommodation and avoid a gated community by having direct street access from Bellingara Road is sound but is only achieved in the Phase D block. All units and any community facilities situated along Bellingara Road, ie Phases C, D and G blocks, should have access to Bellingara Road.

The height of the Phase C block should be decreased to reduce the overshadowing of the village green and Phase F villas.

While there is a road layout, no clear pedestrian network or ground plan has been indicated. For instance, where is the pedestrian path from Phase D, E and F blocks to the community building? The pedestrian circulation does not appear to address the significant level changes across the site. Given that many people will be coping with walking difficulties, this may involve numerous ramps.

The pedestrian circulation in Phase A and C blocks is very poor, with 45m to 50m long corridors which are artificially lit and ventilated. The core and lift locations should be reviewed to achieve better amenity.

### Safety and Security

A strong legible and coherent relationship to Bellingara Road is a primary way to ensure safety and security. Phase D and C blocks should have direct access from the street. Visitors should not have to walk around buildings, along circuitous paths to get into them. Direct pedestrian access from Bellingara Road will improve safety and security for the occupants of these units and residents on the other side of the street by providing a more active street frontage. As most of the buildings will have security, it would be preferable not to have heavy fencing along Bellingara Road to maximize surveillance.

### Social Dimensions

The development appears to offer much to the surrounding community in terms of social diversity and inclusion.

However, units could be more affordable if layouts were tightened. It is noted that Housing NSW design requirements for the maximum size of 3 bed, adaptable units is 105sqm; the maximum size of 2 bed, adaptable units is 80sqm; and only 1 bedroom per unit is required to be adaptable.

The double height community building at the centre of two wings, acting as a transparent portal to the village green, remains compelling but the issues of street

layout, street address, unresolved circulation and clashes between community versus residential needs remain problematic.

### Aesthetics

It is very difficult for the Panel to comment on the visual appearance of the proposal at this stage as no detail has been provided.

The aesthetic quality of the development will depend heavily on the relationship of the new buildings to the landscape and retention of the trees along Bellingara Road. The design of any street fencing will need to be subdued and neighbourly. There is great potential to see the trees and landscape not just as 'widow makers' but as a positive setting for the development as a whole.

The idea of the double height, community building has the potential to give a scale that might be threaded through the buildings to create a more unified base to the project. Higher elements can then be a clear secondary order to this.

### **Recommendations and Conclusions:**

There is much information missing from the documentation, even allowing for the preliminary status of the application. Consideration of this information will better inform the design. This information includes:

- block analysis with proposal shown in context, including surrounding land uses and heights, connection to surrounding streets (how does site street pattern relate to surrounding streets); subdivision and building pattern; drainage lines; connection of green spaces (green web); future density in context proposed by draft SSLEP 2013, and views to and from the site;
- opportunities and constraints diagrams;
- pedestrian and vehicular circulation for Stages 2 and 3;
- proposed buildings in Stage 3;
- Bellingara Road elevation showing Phase G block and neighbouring properties on each side;
- updated arborist report mapping significant trees and their tree protection zones;
- several cross-sections through the site showing proposed buildings and site levels, with more information on plan regarding proposed levels, gradients and earth shaping, eg retaining walls, banks and ramps;
- SEPP65/RFDC compliance statement and unit schedule; and
- 3D digital SketchUp model with a contoured ground plane.

While the Panel can appreciate the Applicant's objectives behind the departure from the approved Concept Plan and some new ideas in the proposal are positive, much work needs to be done to make this proposal a coherent and integrated design like the previously approved Concept Plan. It is critical that the future development application presents a comprehensive redesign of the whole site, including the Stage 3 units.

Colleen Baker  
ARAP Coordinator

23 April 2013

CA13/0759. Sydney  
**WATER**

6 September 2013

Mr J W Rayner  
General Manager  
Sutherland Shire Council  
Locked Bag 17  
Sutherland NSW 1499



**Re: DA 13/0759 – 19 Kiama Street, Miranda**

Dear Mr Rayner,

Thank you for your letter about the development proposal referenced above. We have reviewed the application and provide the following comments for your consideration.

**Water**

- The drinking water main available for connection is the 150mm main on the Eastern side of Kiama Street.

**Wastewater**

- The wastewater main available for connection is the 300mm main traversing the property constructed under WO 58706.
- The proposed development site is traversed by a 300mm wastewater main.
- Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main. Subject to the scope of development, servicing options may involve adjustment/deviation and or compliance with the Guidelines for building over/adjacent to Sydney Water assets.

Further advice and requirements for this proposal are at attachment 1 (overleaf). If you require any further information, please contact Jordan Faeghi of the Urban Growth Branch on 02 8849 4649 or e-mail [jordan.faeghi@sydneywater.com.au](mailto:jordan.faeghi@sydneywater.com.au).

Yours sincerely,

Persephone Rougellis,  
A/Manager, Growth Strategy

FILE LOCATION

GMAN.

Sydney Water Corporation ABN 49 776 225 038

1 Smith St Parramatta 2150 | PO Box 399 Parramatta 2124 | DX 14 Sydney | T 13 20 92 | [www.sydneywater.com.au](http://www.sydneywater.com.au)

Delivering essential and sustainable water services for the benefit of the community





26 September 2013

Mr Greg Hansell  
Sutherland Shire Council  
Locked Bag 17  
Sutherland NSW 1499

570 George Street  
Sydney NSW 2000  
All mail to GPO Box 4009  
Sydney NSW 2001  
T +61 2 131 525  
F +61 2 9269 2830  
www.ausgrid.com.au

Dear Sir

**Re: 86-110 Bellingara Road and 19 Kiama Street, Miranda, DA13/0758 /0759 /0760**

In refer to your letter dated 27 August & 3 September 2013 concerning the above development. This letter is Ausgrid's response under clause 45(2) of State Environmental Planning Policy (Infrastructure) 2007.

**Environmental considerations**

As you would be aware, the assessment and evaluation of environmental impacts for a new development that requires development consent (or where development consent is modified) is undertaken in accordance with requirements of Section 79C of the *Environmental Planning and Assessment Act 1979*. One of the obligations upon consent authorities, such as local councils, is to consider the suitability of the site for the development which can include a consideration of whether the proposal is compatible with the surrounding land uses and the existing environment.

In this regard, Ausgrid require that due consideration be given to the compatibility of proposed developments with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, electric and magnetic fields (EMF), noise, visual amenity and other matters that may impact on Ausgrid or the development.

**Proposal considerations**

It should be noted that trying to mitigate such impacts for established developments can be very expensive and is often limited by design factors. For this reason, the most cost-effective option is usually modification of the proposed development early in the assessment process. Such measures could include appropriate buffer distances, screening structures, building design, orientation and construction.

**Conditions of approval**

Where Council considers that the site of the development is suitable and the development comprises or involves a type listed in Table 1, then Ausgrid require the following development consent conditions to be imposed to ensure the safety and compatibility of both the development and Ausgrid's assets.

**Comments welcome**

If you would like further assistance in this matter, please contact Ausgrid's Grant Greene-Smith on 9269 2169.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Grant Greene-Smith", with a horizontal line underneath.

Planning & Supply Negotiations – South  
Ph: 02 9585 5701  
Fax: 02 9585 5670  
jmcnamara@ausgrid.com.au  
Ausgrid

EF 520, V3, 19/07/13

## Architectural Review Advisory Panel

Proposal:

**Master Plan for Stage 2 of 3 Stage Aged Care Development - Master Plan Includes Provision for 92 Aged Care Residential Units in Four (4) Residential Flat Buildings and 10 Villas, Community Centre and Cafe**

Property:

**19 Kiama Street MIRANDA NSW 2228**

Applicant:

**Hammondcare**

File Number:

**DA13/0759**

The following is the report of the Architectural Review Advisory Panel Meeting held on 19 September 2013 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

**“4. Consideration of Development Application No. 13/0759 & Development Application No. 13/0760 – Master Plan and Detailed Plans for Stage 2 of a Residential Aged Care Facility at 19 Kiama Street (also known as 86-110 Bellingara Road), Miranda**

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

Peter Hamilton, Richard Abbott, Andrew Masters, Bruce Forrester, Meg Levy and Matthew Taylor addressed the Panel regarding further development of the proposal and how they have addressed the issues raised by the Panel at the previous meeting.

Description of the Site and Proposal

The site is located between Bellingara Road and Kiama Street, Miranda. It was previously occupied by Sydney Water Corporation and used as a works depot. It is within Zone 12 – Special Uses (Seniors Housing) under Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006). The total site area is 49,850sqm.

The proposal is for an amended Master Plan of an approved Concept Plan and a development application for Stage 2 construction of the seniors housing complex, consisting of 92 independent living units (ILUs), 10 villas, a community centre, cafe and Village Green. The approved Concept Plan applies to an existing development consent for a Staged Development (under Section 83B of the EP&A Act 1979) comprising the newly constructed residential aged care facility (RACF) for Stage 1 and up to 250 self contained dwellings for seniors living for Stages 2 and 3.

The amended Master Plan relates to Stage 2 on the western half of the site, fronting Bellingara Road and includes changes to the mix of dwelling types; building footprints/envelopes; building heights; boundary setbacks; and the distribution of open

space. Stage 3, on the eastern part of the site, is not included in the current revision and has not been detailed.

During the inspection it was noted that there were extensive mature native trees along Bellingara Road and that the recently constructed residential aged care facility (RACF) was now fully occupied and functioning. An access road from Kiama Street to the RACF and temporary pedestrian pathway from Bellingara Road to the RACF has been constructed.

### Context

The Master Plan for this development has responded to the previous ARAP report in that it respects the existing residential context, works with the constraints of the overhead wires and transmission tower, and attempts to reduce the impact on the existing Stage 1 RACF.

Stage 2 ILUs are organized in a perimeter, courtyard block development that fronts Bellingara Road and adjoins the completed Stage 1 RACF, the proposed Stage 3 ILUs and the detached houses to the south, helping to reinforce the streetscape while creating a Village Green. It was accepted that the future Stage 3 ILUs can remain diagrammatic at this stage but that the Stage 3 maximum number of ILUs would, according to the Applicant, not exceed 120 units.

The grain of the development will be more institutional than residential but is appropriate for such a large site on the edge of an industrial estate. Site analysis drawings submitted with the Master Plan still do not identify pedestrian, vehicular and vegetation links to context, or constraints and opportunities for the site.

A fundamental objective for any site of this size should be that the overall site planning strategy ensures that any semi-public domain, open space and proposed built form within the site are well integrated with their adjacent context.

In this respect, the primary opportunities are on Bellingara Road and the east-west cross-site, which has a publicly accessible connection to Kiama Street. Bellingara Road is a long straight shared access way that will be improved by a better built form interface. There is substantial mature vegetation, a lot of which will be removed by the proposal. The current levels are also awkward, with the ground falling away from the footpath in a series of rolling berms that must be maintained to support the retained trees. The built form and street interface should be designed to mitigate the current 'gun-barrel' effect, by a combination of urban design and built form strategies. This would mean regular, clearly identified entry elements to building lobbies and ground floor units, and a range of differing architectural, detailed landscape and fencing treatments to break down the length and scale of the development. It would be desirable if the front setback could be divided into small, regular private outdoor spaces associated with street level units.

It is highly desirable that the access way between Bellingara Road and Kiama Street is purposefully designed as a semi-public 'street', rather than a broken, indeterminate landscape space where cars and pedestrians mingle. It should have proper street lighting and furniture, and be designed with public safety in mind. Reducing the visual impact of the overhead transmission cables and tower is of course a major design consideration – alignment and lower scale vegetation are key considerations.

Designing this space as a semi-public street will minimise the perception of the development as an enclave, and create a good robust building address to Stage 2 and future Stage 3 buildings. Raised areas and special paving may be appropriate close to building set-downs. This redesign should involve the Landscape Architect.

The site is an integral part of the Shire's Green Web. Therefore replacement trees need to augment the trees along the southern boundary and re-instate the current strong canopy link within the site along Bellingara Road as new street planting.

### Scale

The overall height of buildings appears to be reasonable in terms of shadowing impacts to the private dwellings to the south, and preserving adequate sun into the Village Green in winter.

The scale of built form on Bellingara Road is an important consideration and while it has been improved since the previous meeting, more refinement is necessary. Currently these large buildings present a linear, horizontal form at a scale that is not comfortable with a pedestrian-scaled residential environment in this location. Each building should be articulated by several distinctly different architectural treatments at intervals of between 20 and 30 metres maximum, coinciding with the multi-core arrangement. The roof parapet line could be varied in height and detail to accentuate the sense that this is a street of urban residential buildings, not monolithic blocks.

The scale of the proposal to Bellingara Road has been reduced from the previous 7 storeys to 5 storeys, stepping down to 4 storeys towards the adjoining houses and the community centre, and is less than the 20m maximum height in the approved Concept Plan. The scale to Bellingara Road is now acceptable, with the upper storey set back, as it is in effect one storey higher than the 2 to 3 storey industrial buildings to the north and to the 1 to 2 storey dwellings to the south – which will most likely increase to a 3 storey, medium density scale. The Applicant should demonstrate the scale relationships in the Master Plan street elevation drawing (AR220) by including the existing buildings and the proposed Stage 3 envelope.

The scale of the 4 storey Building A overwhelms the single storey, Stage 1 RACF (see east and south elevations on Drawing AR221) sited at a lower level. Therefore it is recommended that Level 4 of this building is removed or at least set back from the eastern façade. This will also reduce over shadowing of the Stage 1 RACF courtyards.

### Built Form

The general arrangement of buildings around the community heart – the Village Green – has been much improved since its previous presentation to the Panel. The deletion of Block F and slight but significant realignment of the blocks on each side of the Village Green are very successful. The organic plan and expression of the eastern building is very successful in making the environment feel comfortable and intimate.

The 2 storey community centre is a satisfactory scale but planning is fractured on the southern side (elevation not shown) and the building would be improved by relocating the southern facilities (hairdresser and lounge) as further discussed in 'Amenity'.

The long skillion roof building form of the single storey villas appears too severe, while the 5 metre high clerestory over the kitchen is over-scaled for this function. These 20m deep buildings could be improved by smaller, more domestic pitched roofs, separated by the light wells, perhaps with parapets introduced to emphasize the individual villas.

#### Density

The site density is appropriate for this location and proposed use. The FSR for the whole site is 0.7:1, less than the approved 0.75:1 FSR of the Concept Plan, and appropriate in the context of the adjacent residential zoning.

#### Resource, Energy and Water Efficiency

This was not discussed in any depth, but the development is large enough to consider a range of sustainability enhancements. Solar, water retention and deep soil contribute to the ESD efficiencies.

In particular, site and roof water could be collected, cleaned by bio-filtration and used to irrigate the landscape. The macrophyte rain-garden at the entry to the community centre could provide ESD interpretation possibilities. A stormwater strategy for the whole site is required, with water sensitive urban design (WSUD) further reinforced. The bio-swale storage and cleansing of stormwater is commendable.

The data in the table on AR601 show that the project meets SEPP 65/RFDC 'rules-of-thumb' for solar access and natural ventilation (refer to the meeting handout from the Applicant).

#### Landscape

As noted in 'Context', the design of the internal 'street' should be improved.

The broad scale Landscape Master Plan attempts to convey a sense of replacement planting, however a small drawing of locations and species is needed as 200 trees are to be planted on the southern and western boundaries of the site and along Bellingara Road. Clarification of the design of the internal 'street' connection through the site from Bellingara Road to Kiama Street is needed.

Apart from the comments on the Master Plan, finer details of landscape design are commented on below:

- **Bellingara Road Frontage**

It is important to maintain a continuous ground cover without fencing to facilitate fauna movement within the Green Web. Block D currently has 'gate-houses' at the street with angled paths leading to the ground floor units. These units have front gardens defined by fences. It is recommended that the fences are removed and that shared entries and paths be reduced by half.

- **The Arbour**

This element is used to connect apartment blocks D and C and link the community centre as well as defining the Village Green. The design of the arbour is not clear. Does it support vines? If so, where are they planted?

- Car Park Under Block C

This element, which is visible from the Village Green, planting beds and paths to the east of the car park, should be rationalised to allow for a useable 'skin' to screen the car park from the Village Green.

- Community Gardens

These areas will probably be quite popular and may need to be more generous, with some beds designed for wheel chairs. The fruit bearing trees are not indicated, nor is the storage area for garden tools, etc.

- Single Storey Villas

The southern courtyards to the villas need to be continuous and without fences. The use of decking is commended as it minimises root impact. However the decking needs to be reduced by half so that continuous understorey planting can be established for fauna movement in the Green Web along the southern site boundary.

- Community Centre

The passage through to the Village Green appears to be cluttered and confused. Perhaps this could be simplified. Planting design is needed for the entry to the community centre, as well as the terraces west of Block A.

The redesign that provides deep soil to the Village Green is commendable. The landscaped elements (deck, pond, terraces, planting beds) shown at the Village Green entry on Drawing AR302 appear overly complex and would be improved by simplification. Decks indicated to the rear of the villas need to be less extensive, only 2 to 3m deep, to allow for substantial planting along this boundary.

### Amenity

The ILUs are generous and well planned. It appears that compliance with SEPP65/RFDC is able to be achieved.

The proposal provides pleasant, open space amenity in the form of the Village Green. The deletion of the Phase F building in the earlier proposal is commendable as it increases the amenity of the Village Green. The amenity of the Village Green amenity would be further improved if the western edge could be activated at ground floor level by relocating active uses such as the hairdresser and lounge in front of Building C car park.

Shadow diagrams on Drawing AR230 indicate that: on mid-winter afternoons, Building C mostly overshadows the Village Green and Building A partially overshadows Stage 1 courts; and Building D mostly overshadows the yards of four (4) houses in Queanbeyan Avenue. The Applicant should ensure that the private yards of houses still receive 3 hours of sunlight at mid-winter. It may be necessary to reduce the height of Block D by one level for the southern-most pair of unit bays.

### Safety and Security

As noted above, the design of the internal 'street' should ensure a safe, public-like environment with good surveillance, designed to comply with CPTED principles. The open character of the Village Green allows effective, informal surveillance. The sense of connection to the surrounding community and the shared facilities is commended.

In the revised design increased pedestrian entries from Bellingara Road increase safety as well as connectivity to the neighbourhood, while the use of multiple compact entry cores in Buildings C, and Building D, will reduce opportunities for conflict in the previous central corridor layout. Natural light and outlook have been provided for the central lobby to Building A, but it is not clear if this is the case for the lobbies of Buildings C and D – perhaps some louvres beside the enclosed stair can be glazed?

The drawings should identify the extent and nature of all fencing – Bellingara Road fencing should be permeable, with a maximum height of 1200mm to encourage street surveillance.

### Social Dimensions

There is clearly a desire to foster a sense of community in the development. The proponent should carefully consider the character and activation of the Village Green. This type of space is invariably most successful when it has active uses around all its edges. This could be achieved by reallocation of some of the facilities from the community centre to the western edge in front of the ground level car parking under Building C.

As previously noted, a finer grain and more active residential character on Bellingara Road would be to the overall benefit of the project's social integration. Bicycle parking should be considered. There is good access from Bellingara Road to the community facilities. The 25% provision of subsidised affordable units is commendable, as is the unit planning for dementia-affected residents.

### Aesthetics

Refer to earlier comments in relation to the Bellingara Road frontage. A mix of compositional and varied materiality should be considered.

The long street facades of Buildings C and D, though rational, need some visual differentiation for variety – the pairs of units could have distinguishing architectural expressions, eg balustrades, materials and colour. The roof design of Building C is discordant in appearance.

The northern elevation to the villas is dominated by garage doors and driveways. Consider reducing the garage widths to 3m; reducing the shared driveway width at the entry to 4m; and providing timber slat finishes to garage doors with viewing slots and unit pavers to driveways to improve the appearance and surveillance of this streetscape.

Replacement trees along Bellingara Road need to reinstate the strength of the current trees and the way they contribute to the character of the area.

### **Recommendations and Conclusions:**

The Applicant has addressed many of the previous site design and built form concerns in the pre-DA.

The development though requires further resolution and design improvement of the internal 'street', community centre, the southern edge of the Village Green, villas, façade

differentiation to Buildings C and D, the top storeys of Buildings A and D, roof design of Building C, stormwater strategy and landscape design.

Ameliorating the visual impact of the overhead power lines is not easy but the reinstatement of trees along Bellingara Road will add scale, as will the proposed Stage 3.

The site analysis is incomplete. Site cross-sections of Stage 2 from Bellingara Road to Stage 1 are required. A stormwater strategy for the site is required, at least for Stage 2. Show approved Stage 3 envelopes, adjacent houses and the industrial envelope in the Stage 2 street elevation (existing buildings are shown only in existing site sections).

The 3D digital model of Stage 2 needs to be developed to show paving, planting, retaining walls, fencing, bridges, windows, building materials and colours; to allow a proper assessment of the proposal.”

Frank Stanistic  
ARAP Chairman

28 September 2013