

**JOINT REGIONAL PLANNING PANEL
(Southern)**

JRPP No	2012STH010
DA Number	104/2012 (part 2)
Local Government Area	Shellharbour City Council
Proposed Development	Section 96(2) for the purpose of Senior Living Development
Street Address	Lot 8201, DP 1153225, Cutter Parade, Shell Cove
Applicant/Owner	Warrigal Care
Number of Submissions	25
Regional Development Criteria (Schedule 4A of the Act)	<p>Originally referred to the Panel as the capital investment value of proposed development was over \$20 million (CIV \$60 million).</p> <p>This s.96(2) modification application has been referred as Council does not have delegation to determine this type of application.</p>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy No. 65 Design Quality of Residential Flat Building • Shellharbour Local Environmental Plan 2013 • Shellharbour Development Control Plan 2013 • Shellharbour City Council Section 94 Contributions Plan 2013.
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Architectural Plans • Construction Management Strategy • Deed between Warrigal Care and adjoining land owner (Confidential)
Recommendation	Approve, subject to modified condition (Attachment 3)
Report by	Jasmina Micevski Senior Development Assessment Officer

Assessment Report and Recommendation Cover Sheet

Assessment Report and Recommendation

1. PURPOSE OF REPORT

The purpose of this report is to seek a determination from the Joint Regional Planning Panel (the Panel) of a modified development application (DA) for seniors housing.

The application is lodged under s.96(2) of the *Environmental Planning and Assessment Act 1979*. The modifications sought under this amendment are considered substantially the same development as approved by the Panel at its meeting of 7 December 2014.

The modified DA (DA hereafter) is referred to the Panel as Councils delegations do not extend to determining a s.96(2) application when the original DA was approved by the Panel.

2. SUMMARY OF RECOMMENDATION

It is recommended that the Panel approve the modifications to DA No. 104/2012 for a senior housing development at Lot 8201 DP 1153225 Cutter Parade, Shell Cove, subject to the modified conditions.

3. BACKGROUND

The details of the original approved development and the proposed modifications are discussed in section 5 of this report.

The proposal includes several changes to the built form, mass and height however the development concept, being senior living housing, remains the same. The applicant notes the modifications are needed to provide a more functional design and layout.

The modification also seeks to amend the Construction Management Strategy. The primary purpose is to minimise any construction delays in the event there are changes made to the strategy that are out of the control of the developer.

4. THE SITE

The subject site is described as Lot 8021 DP 1153225 Cutter Parade, Shell Cove.

A detailed description of the site is found within section 5 of the original planning report presented to the Panel.

A plan illustrating the location of the development is attached to this report (Attachment 1).

5. THE PROPOSAL

The current approval was to contain ninety eight (98) Independent Living Units (ILUs) within five separate residential flat buildings. Three of the buildings were to be located across two levels, while two of the buildings were to incorporate a three storey component.

A Residential Aged Care Facility (RACF) was also approved to include 128 single bed units. This facility was to also incorporate retail and commercial floor area for the exclusive use for the residents of the complex.

The modified proposal contains the following:

- a. Several design and built form changes to the RACF however it will continue to incorporate 128 single bed units over three (3) levels.
- b. A total of 86 ILU's to include:
 - i. eighty (47) ILUs to be located in two, x three storey RACF and repositioned adjacent to the Harbour Boulevard frontage,
 - ii. thirty three (33) single storey villas located centrally within the site and adjacent to the Cutter Parade frontage, and
 - iii. six (6) serviced ILU's suites at the ground floor level of the RACF.

A comparative summary of the approved and proposed development is contained in Table 1 below:

Existing DA		Proposed DA	
FSR Calculations			
RACF	Area (m²)	RACF	Area (m²)
Total Floor Area Total RACF Site Area RACF FSR	8,460 8,460 1 : 1	Total Floor Area Total CHF Site Area RACF FSR	8,816 8,816 1 : 1
Apartments		Village	
Total Apartments Floor Area Total Apartments Site Area Apartments FSR	11,748 16,927 0.69 : 1	Total Apartments Floor Area Total Villas Floor Area Total Village Floor Area Total Village Site Area Village FSR	5,883 4,026 9,883 16,571 0.60 : 1
Site Total		Site Total	
Total Building Floor Area Total Site Area Combined FSR	20,208 25,387 0.8 : 1	Total Building Floor Area Total Site Area Combined FSR	18,699 25,387 0.74 : 1
Carparking Calculations			
RACF		RACF	
Staff Visitors TOTAL	34 14 48	Staff Visitors TOTAL	34 16 50
Apartments		Apartments	
Total Residents Total Visitors TOTAL	111 28 139	Total Residents Total Visitors TOTAL	65 14 79
		Villas	
		Total Residents Total Visitors TOTAL	39 9 48
TOTAL CAR PARKING	187	TOTAL CAR PARKING	177
LANDSCAPING AREA			
Landscaping Area Percentage of Site	48.64%	Landscape Area Percentage of Site	34%

Other modifications include:

a. Modification to the Staging Plan and Construction Management Strategy

Modifications to the staging strategy are shown within the table below. The RACF will now be the first building to be constructed rather than the last as currently approved.

Stage	Current DA	Modification DA
Stage 1	Site Works and Part Village Apartments	Site works and RACF
Stage 2	Part Village Apartment	Village Villa Construction (25 villas)
Stage 3	Part Village Apartment	Village Apartment Blocks + 8 villas
Stage 4	RACF	

The Construction Management Strategy (CMS) is amended to reflect the above staging as well as to provide additional options to access the site during the construction phase.

A copy of the revised CMS is attached to this report (Attachment 3). The primary purpose of the revised CMS is not to change the construction access option originally approved, rather it is to provide additional options in the event option 1 becomes inactive.

The current condition requires Warrigal Care to obtain owners consent over the adjoining privately owned lot for construction vehicles to use and access the development site. This strategy was developed based on objections received during the original exhibition period.

The applicant has indicated that owners consent has been established by way of a Deed of Agreement between the two parties. Warrigal Care maintain that it will rely on this Deed until either access is gained through the soon to be constructed Harbour Boulevard or in the event the Deed becomes inactive.

In the event the Deed becomes inactive during the construction phase, alternative options have been developed. The applicant has requested these be incorporated within the amended conditions to ensure there are no construction delays. The delay would be from requiring the developer to lodge a Section 96 modification to amend the current single condition relating to the Deed.

The amended CMS includes three additional options (options 2 to 4). The below illustrations provide all 4 options noted within the CMS and in order of preference.



Figure 4.1 – Option 1 Construction Access



Figure 4.2 – Option 2 Construction Access



Figure 4.3 – Option 3 Construction Access



Figure 4.4 – Option 4

Since the original approval, a Deed of Agreement was executed. The unsigned Deed is attached to this Planning Report and is a confidential document for the Panels information.

Council was however still concerned about the possibility the developer would not enact upon the Deed and automatically pursue other options to access the site. Clarification was sought concerning the Deed. The following response was provided by Warrigal Care:

- i. *Warrigal has spent over 12 months and significant funds to finalise this agreement with the bowling club that is now in place,*
- ii. *Warrigal is very aware and considerate of resident comments,*
- iii. *it is Warrigals preference and commitment to use the neighbouring property for construction access as long as is available, and*
- iv. *Stage 3 (apartments) being 60% of the village will not be constructed until Harbour Boulevard is constructed.*

The applicant has provided correspondence from Australand (developer of Shell Cove), about the timing of Harbour Boulevard being constructed.

It is understood that Stage 1 of Harbour Boulevard is likely to be constructed and dedicated as a public road by October 2015 – December 2015. Stage 1 will connect Cove Boulevard and Harbour Boulevard (see illustration below). Stage 2 will provide the connection onto Shellharbour Road and is unlikely to occur until late 2016 - early 2017.

Based on the above and negotiated outcomes with Warrigal Care and Council, the following has been agreed to:

Stage	Development	Construction Timing		Access Option
		Start	Finish	
Stage 1	RACF and bulk earth works	March 2015 - Aug 2015	Oct 2016 – Feb 2017	Construction access options 1-3. Option 4 (use of local roads) will not be available as part of this stage.
Stage 2	Villa Construction	June 2015 – Nov 2016	Nov 2016 – March 2017	Construction access options 1-4. Conditions to be imposed to provide detailed traffic management strategies, including a drop box notice to residents who live along the agreed access route in the event option 4 is required. Stage 2 is for the construction of 25 villas. The Construction Management Strategy states that the average maximum truck movement for this stage is 10 per day. This is 15 trucks less than stages 1 and 3. Given this, it is considered that stage 2 is a residential type development akin to normal residential construction traffic seen in urban release areas.
Stage 3	Residential Flat Buildings + 8 Villas	Warrigal Care have agreed to conditions which require Harbour Boulevard (stage 1) to be made available as a public road prior to Stage 3 commencing.		

Council is satisfied that based on the information provided, option 4 will only be approved within Stage 2. In the event this route is used, the vehicle numbers using the local roads are considerable less than that of stage 1 and 3. Furthermore, conditions have been recommended that Warrigal Care undertake a letter drop to each dwelling house along the nominated route within Shell Cove advising of the likely timeframes (dates and times) that the access roads will be utilised. The letter shall include a contact number of the head contractor in the event a resident requires contact with the contractor.

As a result of this, conditions B12 and D2 Construction Management Plan and Procedures will need to be modified / relocated to reference the new CMS and to outline which options are available for each stage.

b. Modification to building heights

The overall height of the RACF building has increased from 11.6m to 11.9m. However, the height of the overall bulk of the building has increased by 2.24m. This change is caused by the building itself being lifted out of the ground to now expose the underground parking. In other words, the original proposal had a basement parking while the revised proposal sees the building lifted. This does not impact greatly on the overall building heights but does change the overall bulk of the building as view from the street.

A detailed discussion on this matter is discussed in Section 8.6.2

c. Various changes to development consent conditions to update wording, staging sequences as well as additional conditions imposed as a result of the modified development proposal.

Changes have also been made to the location of conditions (mostly between Part B, C and D of the consent). The primary reason for this is that the applicant wishes to obtain one construction certificate for the entire build.

Therefore, condition stating with '*prior to the construction certificate being issued for stage 1 must not be issued unless...*' will be replaced with the words '*prior to the commencement of works for stage 1....*'.

In addition, the applicant has requested specific changes to various conditions which are discussed below:

Condition B2 – Site Access From Harbour Boulevard

Current Condition:

This condition stipulates that the Construction Certificate for the Residential Aged Care Facility not be issued until either that portion of Harbour Boulevard adjacent to the site and connecting to Shellharbour Road or Cove Boulevard is completed and gazetted.

Applicant Justification:

Delete this condition as this issue will be addressed by the options contained in conditions B12 Construction Traffic Management Plans and Procedures and D2 Vehicle Access and Parking during Construction Stage. Further, this condition would not allow the Construction Certificate to be issued for the RACF on the basis of progress of a third party project/program. Warrigal Care must progress the Construction Certificate immediately upon consent approval.

Officer comment:

This condition was originally imposed when the RACF was to be constructed in the final stage. The primary purpose was a) to ensure Harbour Boulevard was available as the traffic generation for the entire development was reliant on the road being constructed and b) a slip lane along Harbour Boulevard was required to be constructed to service the development.

This logic still applies for the modified development and staging sequence however it has been modified based on the amended staging plan. Therefore, the Construction Certificate for residential flat buildings (being the final stage) cannot be issued until there is access from Harbour Boulevard.

d. Condition G9 Commercial / Retail space

Current Condition:

This condition states that "The commercial /retail floor area within the residential aged care facility shall be for the exclusive benefit and use for the residents and staff of the senior living housing. In this regard, approval is not granted or implied that the commercial/retail area is open to the public. "

Requested Change:

It is requested that this condition be amended to allow visitors of residents to also utilise the facility: "The commercial /retail floor area within the residential aged care facility shall be for the benefit and use of the residents, staff and site visitors of the Residential Care Home and Seniors Living Village."

Officer comment:

The above requested change is acceptable. It is not envisaged that this change will impact on parking or function of the site/complex.

e. Changes to conditions imposed or amended by Joint Regional Planning Panel.

The following provides an update on the status of two of the conditions imposed or amended by Panel at its meeting of 7 December 2014. No parts of the remaining motions have been impacted.

Motion	Description	Comment
Motion 1	Amend the words 'glazed tinted balustrade/fence' to 'solid privacy screen' within Condition B1 Amendments to Approved Plans, sub-condition (b).	This has been deleted as the modified plans provide adequate privacy screens on the ground floor.
Motion 5	<p>Add the following to Condition B12 as points (a) and (b) with existing points (a) and (b) to become points (c) and (d):</p> <ul style="list-style-type: none">• Construction access to the site must be via Addison Street and through Lot 802, DP 1149748, Addison Street, Shell Cove. This access must be utilised by all construction vehicles and trucks as well as all employee construction vehicles. No access is permitted via the local roads of the Shell Cove estate.• Documentary evidence must be submitted to the Certifying Authority demonstrating that owners consent of Lot 802, DP 1149748, Addison Street, Shell Cove, has been provided for the site to be used for access and parking purposes.	<p>The first part of the condition has been incorporated within the revised Construction Traffic Management Plan for stage 1 and 2. This Plan forms part of the suite of documents proposed to be approved under this s96 modification.</p> <p>The second part has been incorporated within the amended conditions.</p>

A copy of the modified plans is provided at the end of this report (Attachment 2).

6. NOTIFICATION

The modified application was publicly notified for a period of 21 days between 17 July 2014 and 6 August 2014.

During the exhibition period 25 submissions were received. All submissions object to the proposed modification to the construction management strategy. A discussion on this matter is provided within section 5 and 8.8.

7. PLANNING CONTROLS

The following are relevant planning controls that have been considered in the assessment of this modification development application:

- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy No. 65: Design Quality of Residential Flat Development*
- *Shellharbour Local Environmental Plan 2013*
- *Shellharbour Development Control Plan 2013*
- *Shellharbour City Council Section 94 Contributions Plan 2013*

8. ASSESSMENT

This application has been assessed in accordance with Section 79C of the Act.

The following comments are made with respect to the proposal:

8.1. (1)(a)(i) The provisions of any Environmental Planning Instrument

8.1.2 *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

The SEPP continues to apply to the proposed modifications. The below is a discussion on the clauses that have been impacted by the proposed modifications.

Clause 32 Design of residential development - A summary of outcomes satisfying each clause within Division 2 is below (Clauses 33-39).

Clause 34 Visual and acoustic privacy – The RACF has frontage to 3 different public roads. This provides a suitable physical buffer between the building and surrounding neighbours and therefore limits any overlooking.

The development site area for the ILU's is also bracketed by roads except at the south west corner of the site where four dwellings share a boundary with one residential property (25 Barque Ave). Given these dwellings are single storey overlooking into this residence is minimal.

Within the site, the visual and acoustic privacy objectives have been achieved by:

- a. constructing the villas as single storey to minimize overlooking impacts,
- b. parking areas for the RACF have been sited to provide separation from the rest of the village to minimize noise impacts,

- c. the residential flat buildings have been articulated to minimize any overlooking into the balconies of each adjoining apartment, and
- d. conditions will be imposed to ensure the construction of the walls meet internal acoustic requirements.

Clause 35 Solar access and design for climate – The shadow diagrams illustrate no shadowing to the neighboring properties of the site. Internal of the site, the applicant has submitted a BASIX Certificate which demonstrates compliance to Thermal Comfort and Energy requirements.

Clause 36 Storm water – The development aims to minimize impacts of stormwater runoff by the use of water tanks and implementation of a smart irrigation system.

Clause 37 Crime Prevention - Given the scale of development there are a number of issues that arise as a result of an assessment undertaken in the context of Safer by Design principals. These included the provision of a lighting strategy to encourage safety and passive surveillance as well as repositioning climbable landscape features.

Clause 38 Accessibility - Pedestrian pathways meander throughout the site. Externally, the design of Harbor Boulevard will provide footpaths which will connect to public transport services and local facilities as required by sub-clause (a). Furthermore, separate pedestrian and vehicle access points are provided throughout the site as noted within sub-clause (b) of this clause.

Clause 39 Waste management – Waste enclosures for the apartments are provided within the basement parking area for household and recycling waste. Bins for the villas will be stored in the individual garages. Waste collection for the apartments and villas will be from the internal road. Bins for recycling and waste for the RACF will be stored within the waste store room located within the footprint of the parking area. Conditions have been imposed to ensure there are adequate washing facilities for the bins within the RACF and RFB.

Clause 40 Development standards, minimum sizes and building height

Clause	Control	Comment
Site Size	At least 1000sqm	Site is 2.54 hectares
Site Frontage	At least 20m wide	236m
Height in zones where residential flat buildings are not permitted	Building <8m or less Max 2 storey adjacent to boundary	* below

* Residential Flat Buildings are not permitted within the zone. The maximum building heights within the proposed development is 11.6m.

The SEE states

'the Department of Planning and Infrastructure in advice dated 16 May 2013 (Appendix 4) confirmed that "Clause 4.6 of the LEP can be used to vary development standards identified in Clause 40(4) of the Seniors SEPP.....Clause 4.6 allows development consent to be granted for developments that would contravene a development standard imposed by this or any other environmental planning instrument, provided the development standard is not expressly excluded from the operation of the clause. I note that the development standards identified in Clause 40(4) of the Seniors SEPP is not expressly excluded.

Discussions with Shellharbour Council since the date of this letter have confirmed that Council is satisfied that clause 4.6 can be used to vary this development standard irrespective of

whether the application is lodged as a new development application or a section 96(2) modification. Further, this is supported by a legal opinion obtained by Warrigal from Wilshire Webb Staunton Beattie Lawyers which confirms that a modification application is not a development application and, as such, the dispensing power of both clause 4.6 and SEPP 1 is not applicable to the modification application. This does not mean that an exceedance of a development standard cannot be supported but rather that it can be varied and that a clause 4.6 variation or SEPP 1 objection is not required. However, in considering the modification the JRPP remains bound to assess the application with due consideration to the relevant heads of consideration under section 79C of the EPA Act'.

Based on the above, the matter of building height is discussed in section 8.6.2 of this report.

Clause 41 Standards for hostels and self-contained dwellings - An assessment has been undertaken on the requirements contained under the schedule. Where the level of detail has not been provided at the DA stage, it is acceptable to impose the required development consent conditions to ensure compliance is demonstrated at the Construction Certificate stage.

Clause 48 Standards that cannot be used to refuse development consent for residential care facilities

Standard	Control	Comment
building height	if all proposed buildings are 8m or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to two storeys)	Does not comply. Refer to section 8.6.2 of this report.
density and scale	if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less	Complies. The total floor area of the entire development is 0.74:1.
landscaped area	if a minimum of 25sqm of landscaped area per residential care facility bed is provided,	Complies. 3,200sqm is required for 128 beds. The total landscape area for the RCF is 8,670sqm.
parking for residents and visitors	<ul style="list-style-type: none"> - one parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and - one parking space for each two persons to be employed in connection with the development and on duty at any one time, and - one parking space suitable for an ambulance. 	Complies. Refer to section 8.6.3 of this report.

Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings

Standard	Control	Comment
building height	if all proposed buildings are 8m or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to two storey's)	Does not comply. Refer to section 8.6.2 of this report.
density and scale	if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less	Does not comply. Refer to section 8.1.8.4 of this report.
landscaped area	a minimum of 30% of the area of the site is to be landscaped	Site area = 15,550sqm. 30% of site area = 4,545sqm. Actual landscape area = 8,670sqm
Deep soil zones	15% of the area of the site. Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3m.	Complies. Deep soil of SCD site = 5,200sqm (20.47%)

Standard	Control	Comment
solar access	if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of three hours direct sunlight between 9.00am and 3.00pm in mid-winter	Complies. 75% of the units will achieve a minimum of 3 hours of direct sunlight.
private open space for in-fill self-care housing	<ul style="list-style-type: none"> - Ground floor units = 15sqm with minimum dimensions 3m x 3m - Any other dwellings = Balcony min 10sqm minimum dimension 2m length or width from living area. 	<ul style="list-style-type: none"> - Complies. The size of the ground floor courtyards in the apartments is 34-102sqm. - All other dwellings exceed 10sqm and minimum dimension of 2m.
parking for residents and visitors	<ul style="list-style-type: none"> - 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or - one car space for each five dwellings where the development application is made by, or is made by a person jointly with, a social housing provider. 	Complies. Refer to section 8.6.3 of this report.

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

A BASIX Certificate has been issued for the development and relevant conditions requiring the fulfilment of commitments will form part of the development consent, and in this regard the aims of the Policy have been satisfied.

8.1.6 State Environmental Planning Policy No. 65: Design Quality of Residential Flat Development (SEPP)

This policy applies to the residential flat buildings adjacent to Harbour Boulevard. The modification application is supported by an architectural design statement which demonstrates that the development satisfies the design quality principles set out in the SEPP.

The buildings do not compromise the aims and objectives of the SEPP in that they will not negatively impact on the current and future streetscape. The location of the three storey buildings have moved away from the suburban built form and are now located more toward the area evolving as a higher urban environment.

8.1.8 Shellharbour Local Environmental Plan 2013 (SLEP 2013)

8.1.8.1 Zoning

The matters of zone permissibility and objectives have been dealt with in the original DA. Following is a discussion on the clauses that require consideration for the purpose of the proposed modifications under the subject s.96(2) DA.

8.1.8.2 Clause 4.3 Building Height

Refer to section 8.6.2 of this report.

8.1.8.3 Clause 4.4 Floor Space Ratio

SLEP 2013 provides a maximum floor space ratio (FSR) of 0.5:1. The overall modified development has a ratio of 0.74:1. A request for an exception to the height standard accompanies the application and is discussed below.

8.1.8.4 Clause 4.6 Exceptions to standards

The applicant provides the following justification to the FSR development standard in accordance with sub-clause 3 and 4 of SLEP 2013.

1. Clause 4.6.(3)(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

The submission states:

Compliance with the applicable FSR is considered to be unreasonable and unnecessary in the circumstances of the case having regard to the provisions of the Seniors Living SEPP, with clauses 48 and 50 confirming that Council must not refuse a development which is less than 1:1 for a residential care facility or 0.5:1 for independent living units. The proposed development, which contains both types of seniors housing, provides an averaging of the FSRs contained in the SEPP and therefore meets the intended built form outcomes. Further, the proposed FSR, at 0.74:1 is 0.06:1 less than the 0.8:1 FSR which was previously approved on the site.

Officer comment:

As noted above, the FSR is in fact less than that originally approved. The same considerations are made with the modified proposal. Of most note, the site is only 250m from the boat harbour precinct where proposed densities range from 1:1 to 1.5:1. Importantly, the site acts as a transitional site between the higher densities of the boat harbour and the low density housing within the residential parts of the estate.

Adding to this, upon completion of the Harbour Bouelvarde and the boat harbour precinct, the site will play an important role in the context of a gateway and landmark site for the release area. As a result, such a site lends itself to a density higher than that in a suburban area.

2. Clause 4.6.(4)(a)(i) That there are sufficient environmental planning grounds to justify contravening the development standard.

The submission states:

As demonstrated in this Statement of Environmental Effects, the proposed development is satisfactory having regard to environmental planning grounds, including:

- *State Environmental Planning Policies (refer Section 5);*
- *The 'Seniors Living SEPP' (refer Section 6);*
- *Other provisions of the SLEP 2013 (refer Section 7);*
- *The relevant Chapters of SDCP 2009 (refer Section 8);*
- *Section 79C of the Environmental Planning and Assessment Act 1979 (refer Section 9).*

The increased FSR does not create any additional impacts on adjoining sites in terms of visual impact, disruption of views, loss of privacy or any other impacts than if the maximum allowable FSR was met.

Officer comment:

The objectives of clause 4.4 Floor space ratio states 'to ensure the bulk and scale of development does not have an adverse impact on the streetscape and character of the area in which the development is located'.

Considerations on the increased FSR and its impact on the streetscape and character of the area conclude:

- a. the development enhances the character of the area in that the location of the site provides opportunities to include a transitional built form approach between a suburban and urban character. The development achieves this in that it will have single storey dwellings along cutter parade which is predominately suburban character while the location of the RFB is along Harbour Boulevard which flows into the boat harbour that is proposed as a urban environment, and
- b. the streetscape is further complemented given the various built forms across the site (i.e. single detached dwellings along Cutter Parade and the higher densities within the boat harbour) which respond to the current and emerging streetscape.

Therefore given the development does not contravene the relevant planning instruments and importantly achieve the objectives the FSR clause, it is considered there are enough environmental planning grounds to justify contravening the development standard.

3. Clause 4.6(4)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Officer comment:

The exceedance in FSR does not negatively impact on the public interest. As noted above, the objectives of the FSR standards are achieved and will not comprise the built environment.

Relevantly, the objective of the zone includes *'to provide for the housing needs of the community within a low density residential environment'*. The development achieves these objectives as it provides a housing need within the community by providing a combination of low and high density housing which sits at the fringe of a low density environment.

4. Clause 4.6.(4)(b) the concurrence of the Director-General has been obtained.

Shellharbour City Council has the delegations to satisfy this clause.

5. Summary and Conclusion

The proposed FSR plays an important role in achieving both a transition from low to high density as well as a consistent streetscape along the interface between the urban and suburban environments.

Planning matters such as site regarding, access to sunlight, privacy and overshadowing have been considered and concludes that there are no major issues to the development within or external of the site.

Overall the developments contribution to the location and its supply of a housing need provides strong justification that the non-compliance is unreasonable and unnecessary in this instance.

Based on this, the variation of FSR is able to be supported

8.2. (1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

There are no instruments applicable to this proposed modification.

8.3 (1)(a)(iii) The provisions of any Development Control Plan

8.3.1 Chapter 3 Residential Development

A review of the controls concludes that the development does not comply with the following controls:

Section	Summary of Non-Compliant Controls	Comment
Section 3.2 Building Lines and Boundary setback	Single storey 4.5m Two storey 6m	The setbacks of the apartments and villas are a minimum of 6.0, which is compliant with the two storey requirement, with the exception of one minor encroachment of 700mm (i.e. setback of 5.3m) for a minor portion of Building A. This encroachment extends for a distance of only 6.8m and is considered minor.
Section 3.8 Open Space	Each dwelling to have a minimum of 40sqm, one area with minimum dimension of 4m x 5m. Private open space areas on ground floor are to be located behind the building line or no more than 50% of the required principal private open space is to be located forward of the building line.	The open space areas range between 18sqm and 35sqm. These areas comply with the prevailing SEPP. Of the 33 villas, 10 have principal private open space areas forward of the building and face Cutter Parade. These areas will be screened with a 1800mm privacy screen and are well positioned to integrate with the internal living area.
Section 3.10 Onsite Storage	Where a storage area is located within the floor plan of the dwelling the following minimum dimensions is required exclusive to the dwelling house. 3 bedrooms: 10sqm 2 bedrooms: 8sqm 1 bedroom: 6sqm	The total area of storage provided for the apartments is 303sqm for the 47 apartments (i.e. average of 6.5sqm per apartment). The storage for the villas is provided at the following rates: Type A: 2.2m ² Type B: 2.2m ² Type C: 2.2m ² Type D: 2.0m ² Whilst not meeting the area requirements specified by Council's DCP the development achieves the requirements for storage based on Schedule 3 of the Senior Living SEPP.

8.3.2 Chapter 13 Parking, Traffic and Transport

A review of the controls concludes that the development complies with the controls contained within this chapter. A detailed discussion on the parking is found in section 8.6.3 of this report.

8.3.3 Chapter 15 Waste Minimisation and Management

The waste management system has been designed in accordance with the Better Practice Guide for Waste Management in Multi-Unit Dwellings. Conditions have been imposed to ensure such strategies are implemented post construction.

8.3.4 Chapter 17 Crime Prevention through Environmental Design

The development complies with the controls contained within this chapter except for the requirement for a 1.5m wide screen planting. The minimum width that the development provides is 1.2m at one point on the northern boundary. This 300mm variation is considered minor and is

located on the Harbour Boulevard side where it is expected to have high pedestrian and vehicle movement.

8.3.5 Chapter 20 Landscaping

The landscaping plan was assessed by Councils Landscape Technical Officer and the recommended conditions of development consent have been imposed.

8.3.6 Chapter 24 Floodplain Risk Management

An amended Flood Study was produced by Jones Nicholson as part of the s.96 modification. The study concludes that the proposed modifications will not change the flood strategy as approved by the original DA.

8.3.7 Chapter 25 Storm water Management

The proposed amendments will not comprise the objectives of this chapter. The storm water management system has been assessed by Councils Development Engineer and the recommended conditions of development consent have been imposed.

8.3.8 Chapter 29 Social Impact Assessment

An amended Social Impact Assessment was produced as part of the modified DA. The conclusions and recommendations to that assessment remain the same as the original DA.

The same requirements form part of the existing conditions approved by the Panel.

8.3.9 Chapter 31 Acoustic Protection

The proponent has lodged an amended acoustic report. The noise modelling showed that areas fronting Harbour Boulevard and Brigantine Drive (at all levels) were subject to levels over the equivalent external noise criteria, by up to 3dB(A).

Therefore, certain locations would not meet the required internal levels with windows and doors open and therefore windows will need to be able to be closed with appropriate ventilation in accordance with BCA requirements. To meet the internal noise criteria, various acoustic attenuation methods have been recommended and form part of the amended development consent conditions.

Noise emissions from the site were also assessed in relation to mechanical services. As the specific details of the mechanical plant are not available for the DA stage, in principle noise control and management measures have been included in the Noise Report including noise monitoring, noise control treatments, appropriate system design and location, and compliance with AS 2625. The report concludes that *“where exceedance of the noise criteria were identified, noise mitigation measures have been recommended to be incorporated into the development.....It is recommended that a review of the acoustic design be carried out during the design development so as to confirm that any relevant Development Consent requirements are addressed”*.

This has also been included within the amended development consent conditions.

8.3.10 Shellharbour City Council Section 94 Contributions Plan 2013

The relevant s.94 contributions have been levied in accordance with the 6th Review (which has been superseded with a 7th Review since the original DA has been lodged). In accordance with this Plan, the development has been levied only for the ILU's and not the RACF component.

8.4 (1)(a)(iia) The provisions of any Planning Agreement

There are no planning agreements applicable to this site or development.

8.5 (1)(a)(iv) The provisions of the Regulations

The *Environmental Planning & Assessment Regulation 2000* prescribes certain development consent conditions that form part of the development consent conditions imposed. This includes compliance with the Building Code of Australia.

8.6 (1)(b) The likely impacts of the development

The likely impacts of the proposed modification include:

8.6.1 Site Access – Post Construction

At the completion of Stage 1, a temporary site access will be established off Cutter Parade to allow residents of the RACF and possibly some Village Villas to have access to and from their residence until such time as access is available via Harbour Boulevard.

Once access is gained via Harbour Boulevard, the temporary site access will be decommissioned and demolished with the remaining villa construction proposed for this location completed.

8.6.2 Building Heights and Impact to Character of Area

Apartments and Villas:

The current approval was to contain ninety eight (98) Independent Living Units (ILUs) within five separate residential flat buildings (RFB). Three of the buildings were to be located across two levels, while two of the buildings were to incorporate a three storey component. The RFB's had an overall height of 7.4m to 11.4m (i.e. 2-3 stories).

The modified design incorporates single storey villas and two, three storey apartments, with basement parking. The overall height of the apartments is generally consistent with the height of current approval with the exception of minor sections of the roof, which is up to 12.3m in height. This occurs only in six small locations at the very top of the skillion roof, where the natural ground level drops away towards Harbour Boulevard and hence the impact of such is exceptionally minor.

The modified designs of the RFB's as well as the repositioning along the frontage of Harbour Boulevard provide a positive contribution to the character of the area. As noted above, the site frontage plays a major role as a gateway site into the Shell Cove boat harbor precinct. Building statements, design and location contribute to elements of it being a landmark site and therefore it is important to allow buildings of this size/height.

Finally, with respect to the villas, the single storey design integrates with the predominate single storey nature of the dwellings along Cutter Parade.

Residential Aged Care Facility:

The approved RACF was to have building heights of 11.6m. This measurement is taken from the SLEP 2013 definition being *means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The proposed modification increases the building height to 11.9m based on the above definition.

The building heights as defined within the Senior Living SEPP, being *in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point*, is 9.5m.

The proposed modification increases the building height to 11.74m based on the above definition.

Given the varying definitions, the major change relates to the Senior Living SEPP definition (i.e. the ground level to upper level ceiling height). This change in level is resulted by the following building design changes:

- a. raising the ground floor level from RL6.0, which is essentially the lowest level on the site at Harbour Boulevard, to RL7.4, which is centred on the site, to permit easy access across the site, and
- b. raising of the first floor from 3.0m above ground floor to 3.6m and the second floor from 3.0m to 3.24m above the first floor, to improve amenity for users and permit common and sensible building practice with regard to services.

This results in a change to the overall bulk of the building as view from the street. However as shown on the following photomontages, every effort has been made to conceal the lower ground level around the Cutter Parade and Brigantine Drive streetscape as the building by sitting the building lower than the street.





For example, along the Cutter Parade side, the top of kerb sits at RL8.50 while the finished floor level of the RACF is at RL7.4. Similarly along the Brigantine Drive side, the top of kerb sits between RL8 and RL7.5 while the finished floor levels are at RL7.350 and RL7.4.

The impact to the streetscape is further minimized by the varying setbacks of the building from Cutter Parade and Brigantine Drive. The building setback along Cutter Parade is a minimum of 6m for approximately 50% of the building façade and 9m for the remainder of the elevation.

With respect to the Brigantine Drive, approximately 30% of the elevation has a 6m setback while the remaining 70% is setback 20m from the road.

The Harbour Boulevard façade sits higher between .4m and 1.1m above the proposed top of kerb however this side of the building is consistent with the three storey heights of the adjacent RFB's proposed along this streetscape.

A contributing factor that drove the design change was to provide a central, at grade and integrated Village Green which permits universal access for all staff, residents and their guests. The RACF building was redesigned so that the facilities such as club house, café, and activities room were all along the same level and within a core activity zone that moves between the village green and within the RACF. This differs to the current layout where the shared facilities were located either within the basement level (accessed via a lift) or within various locations on the ground floor level of the RACF. By doing this, the building continues to provide the 128 bed facility and allows cross-usage of facilities while still maintaining a three storey appearance.

In conclusion and on balance, the development will not negatively impact on the streetscape.

8.6.3 Parking and Traffic

The table below shows the parking spaces for the original development as well as the modified development.

Carparking Calculations			
Existing Approval		Proposed Modification	
RACF		RACF	
Staff	34	Staff	34
Visitors	16	Visitors	16
TOTAL	50	TOTAL	50
Apartments		Apartments	
Total Residents	111	Total Residents	65
Total Visitors	28	Total Visitors	14
TOTAL	139	TOTAL	79
		Villas	
		Total Residents	39
		Total Visitors	9
		TOTAL	48
TOTAL CAR PARKING	187	TOTAL CAR PARKING	177

An assessment on the different policy requirements for parking is provided below. The assessment concludes that the development is compliant with respect to the parking requirements.

Policy	Requirement	Required	Comment
SEPP Senior Living	<u>Self Contained Dwellings</u> 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider	There are 213 bedrooms (this includes the study rooms which are large enough to be counted as a bedroom). Therefore, $213 \times .5 = 106.5$ spaces required	Complies. All spaces have been provided either within the basement parking within the footprint of each individual dwelling.
	<u>Residential Aged Care Facility</u> One parking space for each 10 beds in the residential care facility, and One parking space for each two persons to be employed in connection with the development and on duty at any one time, and one parking space suitable for an ambulance.	128 beds = 13 spaces <u>68 staff = 34 spaces</u> 47 spaces required	Complies.
Shellharbour Development Control Plan	- 2 visitors parking spaces / 7 self-contained dwellings for developments comprising of 9 or more self-contained dwellings - + 1 space / 2 person to be employed in connection with the development	$86/7 = 12.2$ spaces $68/2 = 34$ spaces	Complies.

A revised Transport Assessment was produced for the modified application. In summary, the the development is now expected to generate in the order of 77 trips per hour and will ultimately and primarily arrive via Harbour Boulevard when it is complete. Based on the forecast traffic volumes for Harbour Boulevard, this equates to approximately an additional 5% of the total traffic using this road.

Further, based on the forecast traffic volumes for Brigantine Drive, approximately an additional 20% of the total traffic on this road will be using this road.

Given the low traffic generation of the site, particularly in comparison to the forecast volumes for the future roads, it is expected that the traffic generated by the operation of the development will have minimal impact on the surrounding road capacity.

8.7 (1)(c) The suitability of the site for the development

The locality of the site contributes to its suitability for the development as it plays an important role in the context of urban design for the Shell Cove precinct and interface with the surrounding residential neighborhood.

8.8 (1)(d) Any submissions

A total of 25 submissions were received during the exhibition of the modified DA. Every submission objected to the changes to the CMS. A detailed discussion on this matter is discussed in section 5 of this report.

An observation was made during the review of the submissions which needs to be clarified within this report. A number of submissions state that the original DA quoted 4,000 construction vehicles to access the site on a daily basis and during the construction phase.

This figure may have been taken from the expected vehicle capacity of Harbour Boulevard once it becomes operative. The applicant has provided the following table which outlines the approximate average number of daily truck movements to and from the site.

Stage	Work	Average Truck Movements (per day)
1	RCH Construction	3-25
2	Villa Construction	3-10
3	Apartment Block Construction	3-25

As noted within the table, these figures are significantly less than that noted within the submissions.

8.9 (1)(e) The public interest

The development positively contributes to the public interest for the following reasons:

- The development provides a housing need and type for the ageing population within the Shellharbour community.
- The development will act as an important landmark for the entry of the evolving Shell Cove urban release area.
- The development will act as an interface with the adjoining residential lands which is in the interest of the residents who live within the single detached housing dwellings.

Subject to compliance with the conditions listed below, it is expected that the proposed development will not create any significant or negative impacts on the surrounding area or public interest.

9. REFERRALS

During the assessment of both the original DA and modified DA a number of internal and external technical referrals were made seeking expert opinion on key issues. These have been discussed throughout the report and where relevant conditions have been recommended within the draft consent. In summary internal referrals were made to the following officers:

- a. Strategic Planner
- b. Tree Management Officer
- c. Landscape Technical Officer
- d. Section 94 Accountant
- e. Team Leader - Building (City Development)
- f. Traffic Engineer
- g. Development & Subdivision Engineer
- h. Environment Officer
- i. Community Safety Officer
- j. Community Planner

10. CONCLUSION

Council has received a development application, made pursuant *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

During the exhibition stage, 25 submissions were received which all objected to the modifications made to the Construction Management Strategy. During the assessment of application and at the time of finalising this Planning Report, Council is of the opinion that there is enough evidence that the option to use the local roads of Shell Cove is low. Therefore, it is recommended that the revised strategy be approved.

With respect to the building heights, Councils SLEP 2013 provides a height limit of 9m however the building height of the RACF is 11.9m and the Residential Flat Building is 12.3m.

With respect to the floor space ratio, Councils LEP provides a maximum floor space ratio of 0.5:1. The overall modified development has a ratio of 0.74:1.

The assessment concludes that the site lends itself to a higher density and building height given its proximity to the future commercial/retail precinct which is proposed to have floor space ratio of up to 1.5:1 and heights of up to 36m. Furthermore, the site plays an important role as a gateway site into the Shell Cove release area. Importantly however, the bulk and scale of the development does not negatively impact on the surrounding residential neighbourhood.

The proposed works will not have any detrimental environmental impacts, subject to the provided draft development consent conditions.

Consequently it is recommended that the Panel approve the development application subject to the draft conditions of consent provided with this report.

11. RECOMMENDATION

It is recommended that the Panel approve the modified Development Application No. 104/2012 for the construction of Housing for Seniors and People with a Disability at Lot 8021, DP 1153225, Cutter Parade, Shell Cove subject to the amended draft development consent conditions shown below (Attachment 3).

Attachment 1 – Location Plan



Attachment 2 – Modified Development Plans

Provided under separate cover

Attachment 3 – Amended Conditions

PART A - ADMINISTRATIVE CONDITIONS

A1 Construction Certificate & PCA Notification *Environmental Planning & Assessment Act 1979 Section 81A*

Before any site works, building or use is commenced, the person having the benefit of the development consent must:

- a. obtain a Construction Certificate from Shellharbour City Council or other accredited certifier
- b. appoint a Principal Certifying Authority.

A2 Prescribed Conditions

This development consent is subject to the prescribed conditions made under the *Environmental Planning & Assessment Regulation 2000*.

A3 Development in Accordance with Plans

Amended Condition - DA 104/2012 (Part 2)

The development must also comply with the conditions of approval imposed hereunder.

Where there is an inconsistency between the approved plans/documentation and conditions of consent, the conditions of consent take precedence to the extent of the inconsistency.

Name of Plan	Prepared By	Drawing No./Revision	Drawing Date
Site Master Plan	JT	DA002_C	27/06/2014
Site Plan	JT	DA003_D	27/06/2014
Combined Site Plan and Services	JT	DA004_C	27/06/2014
Village Partial Site Plan 1 of 2	ADM	DA050_A	28/05/2014
Village Partial Site Plan 2 of 2	ADM	DA051_A	28/05/2014
Floor Plan - Ground Floor	JT	DA100_H	27/06/2014
Floor Plan – Level 1	JT	DA101_G	27/06/2014
Floor Plan – Level 2	JT	DA102_E	27/06/2014
Roof Plan	JT	DA103_E	27/06/2014
Apartments – Overall Basement Level Plan	ADM	DA110_A	28/05/2014
Apartments – Partial Basement Level Plan 1 of 2	ADM	DA111_A	28/05/2014
Apartments – Partial Basement Level Plan 2 of 2	ADM	DA112_A	28/05/2014
Apartments – Building A Ground Level Plan	ADM	DA115_A	28/05/2014
Apartments – Building A Levels 1-2 Plan	ADM	DA116_A	28/05/2014
Apartments – Building A Roof Plan	ADM	DA117_A	28/05/2014
Apartments – Building B Ground Level Plan	ADM	DA120_A	28/05/2014
Apartments – Building B Levels 1-2 Plan	ADM	DA121_A	28/05/2014
Apartments – Building B Roof Plan	ADM	DA122_A	28/05/2014
Type A Villa – Units 48-49 Floor Plan	ADM	DA130_A	28/05/2014
Type A Villa – Units 48-49 Roof Plan	ADM	DA131_A	28/05/2014
Type A Villa – Units 50-51 Floor Plan	ADM	DA132_A	28/05/2014
Type A Villa – Units 50-51 Roof	ADM	DA133_A	28/05/2014

Plan			
Type A Villa – Units 52-54 Floor Plan	ADM	DA134_A	28/05/2014
Type A Villa – Units 52-54 Roof Plan	ADM	DA135_A	28/05/2014
Type A Villa – Units 55-57 Floor Plan	ADM	DA136_A	28/05/2014
Type A Villa – Units 55-57 Roof Plan	ADM	DA137_A	28/05/2014
Type B Villa – Units 58-61 Floor Plan	ADM	DA140_A	28/05/2014
Type B Villa – Units 58-61 Roof Plan	ADM	DA141_A	28/05/2014
Type B Villa – Units 68-70 Floor Plan	ADM	DA142_A	28/05/2014
Type B Villa – Units 68-70 Roof Plan	ADM	DA143_A	28/05/2014
Type B Villa – Units 77-80 Floor Plan	ADM	DA144_A	28/05/2014
Type B Villa – Units 77-80 Roof Plan	ADM	DA145_A	28/05/2014
Type C Villa – Units 62-67 Floor Plan	ADM	DA150_A	28/05/2014
Type C Villa – Units 62-67 Roof Plan	ADM	DA151_A	28/05/2014
Type D Villa – Units 71-73 Floor Plan	ADM	DA160_A	28/05/2014
Type D Villa – Units 71-73 Roof Plan	ADM	DA161_A	28/05/2014
Type D Villa – Units 74-76 Floor Plan	ADM	DA162_A	28/05/2014
Type D Villa – Units 74-76 Roof Plan	ADM	DA163_A	28/05/2014
Elevations – North, West, South, East	JT	DA300_E	27/06/2014
DA Comparison Elevations Section 1	JT	DA301_E	27/06/2014
Village Overall Elevations	ADM	DA310_A	28/05/2014
Apartments – Building A Elevations 1 of 2	ADM	DA320_A	28/05/2014
Apartments – Building A Elevations 2 of 2	ADM	DA321_A	28/05/2014
Apartments – Building B Elevations 1 of 2	ADM	DA330_A	28/05/2014
Apartments – Building B Elevations 2 of 2	ADM	DA331_A	28/05/2014
Type A Villa – Units 48-49 Elevations and Sections	ADM	DA340_A	28/05/2014
Type A Villa – Units 50-51 Elevations and Sections	ADM	DA341_A	28/05/2014
Type A Villa – Units 52-54 Elevations and Sections	ADM	DA342_A	28/05/2014
Type A Villa – Units 55-57 Elevations and Sections	ADM	DA343_A	28/05/2014
Type B Villa – Units 58-61 Elevations and Sections	ADM	DA350_A	28/05/2014
Type B Villa – Units 68-70 Elevations and Sections	ADM	DA351_A	28/05/2014
Type B Villa – Units 77-80 Elevations and Sections	ADM	DA352_A	28/05/2014
Type C Villa – Units 62-67 Elevations and Sections	ADM	DA360_A	28/05/2014
Type D Villa – Units 71-73 Elevations and Sections	ADM	DA370_A	28/05/2014
Type D Villa – Units 74-76 Elevations and Sections	ADM	DA371_A	28/05/2014
Sections 1, 2, 3	JT	DA400_C	27/06/2014
Sections 4 and 5	JT	DA401_D	27/06/2014

Village Site Sections	ADM	DA410_A	28/05/2014
RCH Colour and Materials Schedule	JT	DA500_D	27/06/2014
Apartments – Buildings A & B Colour and Materials Schedule	ADM	DA510_A	28/05/2014
Villas – Colour and Materials Schedule	ADM	DA520_A	28/05/2014
Overall Site Shadow Diagrams	ADM	DA700_A	28/05/2014
Residential Care Homes – Artist Impressions	JT	DA900_C	29/07/2014
Apartments – Buildings A & B Artists Impressions	ADM	DA910_A	28/05/2014
Apartments – Buildings A & B Artists Impressions	ADM	DA911_A	28/05/2014
Villas – Artists Impressions	ADM	DA920_A	28/05/2014
Villas – Artists Impressions	ADM	DA921_A	28/05/2014
Landscape Masterplan	TB	LA01_C	26/06/2014
Landscape Cross Sections and Planting	TB	LA02_B	26/06/2014
Landscape Fence Plan and Circulation	TB	LA03_B	27/05/2014
Landscape Elevations	TB	LA04_A	01/05/2014
Civil Design Notes Sheet	JN	C000_1	07/05/2014
Civil Design Key Plan	JN	C001_1	07/05/2014
Civil Design Stormwater Drainage Plan Sheet 1	JN	C002_1	07/05/2014
Civil Design Stormwater Drainage Plan Sheet 2	JN	C003_1	07/05/2014
Civil Design Stormwater Drainage Plan Sheet 3	JN	C004_1	07/05/2014
Civil Design PMF Flood Extents	JN	C100_1	07/05/2014
Statement of Environmental Effects	TCG	Final	27/06/2014
Social Impact Assessment	TCG	Final	27/06/2014
Arborist Development Assessment Report	Moore Trees	-	30/04/2014
Construction Traffic Management Plan	JN	CRPT-20130294.01_D	16/12/2014
Flood Study Report	JN	CRPT-20130294.03A	07/05/2014
Flood Impact Report & Evacuation Management Plan	JN	CRPT-20130294.04A	07/05/2014
BASIX Certificate	JHA	543722M	12/05/2014
ABSA Reports (94 pages)	JHA	-	12/05/2014
BASIX & ABSA Stamped Architectural Plans	JHA	-	12/05/2014
Transport Assessment	Cardno	CES01218_Revision 7	30/06/2014
Acoustic Report - RACF	Renzo Tonin & Associates	TF652-03F02_(r1)	9/10/2014
Acoustic Report - Village	Renzo Tonin & Associates	TF652-03F03_(r0)	10/10/2014
Staging Plan	TB	SP001_C	18/12/2014

- * The approved BASIX Certificate may only be updated, without the need to lodge a modification to the development consent, where any change to the BASIX Commitments does not result in the proposal being inconsistent with this development consent and/or alter the approved development application plans.

PART B - PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 Amendments to Approved Plans

Amended Condition - DA 104/2012 (Part 2)

The amendments described below must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate:

- a. the landscape plan must be updated to include the following:

- i. remove the plant *Pennisetum alopecuroides* (this plant is listed as an environmental weed within the Shellharbour Local Government Area),
- ii. additional climber trees are to be included within the use of other climbing plants, including a *Wisteria*, *Passiflora*, *Clematis* or *Parthenocissus* species, and
- iii. the following plant species must be incorporated in the overall landscape works: *Livistonia australis* and *Brachychiton acerifolius*, and
- iv. the fencing illustrated in plans DA920A and PA911A, show the ground level villa has horizontal palings which enables climbing and easy access to the villas. The direction is to be made vertical to minimise anyone climbing the pailings or any such footholds to be removed.

B2 Site Access from Harbour Bouelvarde

Amended Condition and Relocated to Part C - DA 104/2012 (Part 2)

B3 Works along Harbour Bouelvarde

Amended Condition and Relocated to Part C - DA 104/2012 (Part 2)

B4 Shared Use Path Signage and Line Marking - Harbour Bouelvarde Access

Amended Condition and Relocated to Part C - DA 104/2012 (Part 2)

B5 Temporary Access Arrangement Cutter Parade

Amended Condition - DA 104/2012 (Part 2)

The developer must submit details of the temporary access driveway via Cutter Parade. The temporary access must only be utilised during Stages 1 & 2 of the development or within 40 days of notification from Council that Harbour Bouelvarde construction is complete and is gazetted as a public road.

B6 Utilities - Electricity Supply

Consent for this development is conditional upon satisfactory arrangements being made with from the relevant electricity provider for the provision of electricity supply to the development. Written confirmation from the relevant electricity provider must be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate for the development.

Note: The electricity provider may require a capital contribution to be paid towards making electricity supply available to the development.

Any substation installed must be screened from all street frontages and public places by the use of screen enclosures and landscaping. Any such enclosure and landscaping must integrate with the colours, materials and vegetation used within the development.

B7 Section 94 Contributions - Stage 1 – Serviced Apartments

Amended Condition - DA 104/2012 (Part 2)

A contribution of \$48,491.21 must be paid to Council towards the provision of community facilities and services prior to the issue of the Construction Certificate for stage 1. This amount has been calculated in accordance with Council's *Section 94 Contributions Plan 2005* (Amendment 1) dated 14 September 2006.

The *Contributions Plan* may be inspected or a copy purchased at the Customer Service Counter at Council's offices, or downloaded from www.shellharbour.nsw.gov.au

Note: The contribution amounts quoted are the base rate indexed to the date the consent is issued. Where the Construction Certificate is issued at a time later than the Development Consent, the above contribution amount may be adjusted in accordance with the indexing methods detailed in the Plan. Amended rates are available from Council.

B8 Section 94 Contributions - Stage 2 - Villas

Amended Condition - DA 104/2012 (Part 2)

A contribution of \$266,701.64 must be paid to Council towards the provision of community facilities and services prior to the issue of the Construction Certificate for stage 2. This amount has been calculated in accordance with Council's *Section 94 Contributions Plan 2005* (Amendment 1) dated 14 September 2006.

The *Contributions Plan* may be inspected or a copy purchased at the Customer Service Counter at Council's offices, or downloaded from www.shellharbour.nsw.gov.au

Note: The contribution amounts quoted are the base rate indexed to the date the consent is issued. Where the Construction Certificate is issued at a time later than the Development Consent, the above contribution amount may be adjusted in accordance with the indexing methods detailed in the Plan. Amended rates are available from Council.

B9 Section 94 Contributions - Stage 3 – Residential Flat Building and Villas

Amended Condition - DA 104/2012 (Part 2)

A contribution of \$379,847.79 must be paid to Council towards the provision of community facilities and services prior to the issue of the Construction Certificate for stage 3. This amount has been calculated in accordance with Council's *Section 94 Contributions Plan 2005* (Amendment 1) dated 14 September 2006.

The *Contributions Plan* may be inspected or a copy purchased at the Customer Service Counter at Council's offices, or downloaded from www.shellharbour.nsw.gov.au

Note: The contribution amounts quoted are the base rate indexed to the date the consent is issued. Where the Construction Certificate is issued at a time later than the Development Consent, the above contribution amount may be adjusted in accordance with the indexing methods detailed in the Plan. Amended rates are available from Council.

B10 Long Service Levy

The Long Service Levy must be paid prior to the issue of the Construction Certificate.

Note: This is a levy imposed by the NSW Government and administered by the Long Service Payments Corporation for the purpose of long service payments to building and construction workers.

B11 Construction and Site Management Plan

Amended Condition and Relocated to Part C - DA 104/2012 (Part 2)

B12 Construction Traffic Management Plans and Procedures

Amended Condition and Relocated to Between Part C and D - DA 104/2012 (Part 2)

B13 Soil and Water Management Plan

Condition Relocated to Part C - DA 104/2012 (Part 2)

B14 Geotechnical Report

Amended Condition - DA 104/2012 (Part 2)

A final geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer must be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

The report must cover, but not be limited to the following:

- a. extent and stability of proposed embankments including those acting as retarding basins,
- b. recommended Geotechnical testing requirements,
- c. required level of geotechnical supervision for each part of the works as defined under AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments,
- d. the level of risk to existing adjacent dwellings as a result of a construction contractor using vibratory rollers anywhere within the site the subject of these works. In the event that vibratory rollers could affect adjacent dwellings, high risk areas shall be identified on a plan and the engineering plans shall be amended to indicate that no vibratory rollers shall be used within that zone,
- e. the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation,
- f. the preferred treatment of any unstable areas within privately owned allotments,
- g. requirement for subsurface drainage lines, and
- h. overall suitability of the engineering plans for the proposed development.

B15 Drainage Design

Amended Condition - DA 104/2012 (Part 2)

A detailed drainage design must be submitted and approved prior to the release of the Construction Certificate. The detailed plan must:

- a. be generally in accordance with Civil Design Plans 130294 (C000, C002-C004) Amendment 1 prepared by Jones Nicholson Consulting Engineers on 07.05.14,
- b. indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines,
- c. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- d. overflow drainage paths are to be provided and be designed to cater for 1 in 100 year Average Recurrence Interval storm event,
- e. include a pump out drainage system for the basement car park for the Residential Flat Building. The drainage design shall include a redundancy system for the pump in the form of a self-starting alternative powered generator or alternative powered pump. This is to ensure

that in the event of an electrical outage/malfunction during a prolonged storm event (with the residence vacant), an automated, alternative powered pump is activated,

- f. comply with Council's *Shellharbour Development Control Plan (Chapter 25 & Appendix 12)* and unless variation is specifically noted and approved on DA concept drainage plan,
- g. the design must include the rainwater tanks, dimensions and point of discharge of overflow from rainwater tank and details of any pump required to provide water to the toilets, clothes washer and/or any fixtures identified in the BASIX certificate, and
- h. be to the satisfaction of the Certifying Authority.

B16 Drainage design – Critical Flood Event

Stormwater drainage and inter-allotment drainage must, as a minimum, be designed for the critical flood event with an average recurrence interval of 1 in 20 years with satisfactory provision for safe passage of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years. The conveyance and discharge of runoff generated by the critical flood event with an average recurrence interval of 1 in 100 years must be over public land.

B17 Installation of Stormwater Pipes

Amended Condition - DA 104/2012 (Part 2)

All stormwater pipes within road reserves and within drainage easements intended to be dedicated to Council must be installed generally to the HS3 standard in accordance with the current edition of AS 3725 and the Concrete Pipe Association of Australia publication 'Concrete Pipe Selection and Installation'.

Pipes under buildings must be structurally designed to withstand all applied forces. Concrete pipes with a diameter of 375mm or larger and a grade of greater than 12% require anchor blocks at the top and bottom of the inclined section and at a maximum interval of 3 metres. Details to this effect must be incorporated on the detailed drainage design that is submitted to the Certifying Authority for the Construction Certificate.

B18 Engineers Report – Flood Affection

Engineer's report is required to certify that the development will not increase flood affection elsewhere. Details must be submitted with the Construction Certificate application.

B19 Flood Mitigation Design

Levee banks in locations described below must be established prior to any Occupation Certificate being issued. The levee banks must be structurally designed to ensure the structures can withstand the forces of floodwaters, debris and buoyancy of upstream floodwaters identified in the Flood Study Report, dated 21 March 2012, prepared by Jones Nicholson. Details of levee banks and an engineers report certifying that the structures can withstand the forces of floodwater is required to be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate.

The report must provide recommendations how the levee banks are to be maintained to ensure their effectiveness in perpetuity. Such recommendations must be maintained by the operator of the Senior Housing Development.

- a. A levee bank is to be constructed along the western boundary of the development site to a level of 9.25m AHD at the northern most corner of the development site and be graded down to 8.90m AHD at the southern end.

- b. A second levee bank along the northern boundary on Lot 802, DP 1149748 Addison Street, Shell Cove is to be modified to a level of 10.65m AHD at the most western corner of the development site and be graded down to 7.75m AHD at the eastern end of the lot. The location of the levee must be within the easement corridor referred to as 'C' and 'D' in deposited plan no. 1149748.

Owner's consent is required to enter upon the land described in (b). Documentary evidence from the land owner must be provided to the Certifying Authority demonstrating that consent has been granted to construct/modify the levee.

Documentary evidence must be provided to the Certifying Authority demonstrating that the above works have been undertaken prior to an Occupation Certificate being issued for stage 1.

B20 Flood Evacuation & Disaster Management Plan

A Flood Evacuation and Disaster Management Plan must be prepared in accordance with the SES flood plan and the Shellharbour DISPLAN. Details must be submitted with the Construction Certificate Application.

B21 Protection of Public Places

Condition Relocated to Part D - DA 104/2012 (Part 2)

B22 Public Liability

Condition Relocated to Part C - DA 104/2012 (Part 2)

B23 Section 138 Roads Act 1993

Condition Relocated to Part C - DA 104/2012 (Part 2)

B24 Driveway Finishes

The surface finish of the driveway within the property must include at least two different materials and/or colours to break up the visual impact of the driveway and compliment the development. Uncoloured concrete is not acceptable as the dominant material. Details must be submitted to the Certifying Authority for approval prior to issue of the Construction Certificate.

B25 Verification of Driveway Grades with Council's Standards

Amended Condition - DA 104/2012 (Part 2)

Prior to the issue of the Construction Certificate, documentary evidence must be produced verifying the driveway grades comply with AS 2890 Parking Facilities (and any subsequent amendments).

B26 Car Parking Spaces - Number

Amended Condition - DA 104/2012 (Part 2)

Onsite parking spaces must be provided, as follows:

Component			Total	Break-up
Residential Facility	Aged	Care	50 spaces	Visitor spaces = 16 Staff spaces = 34

Self-contained Dwellings - Villas	48 spaces	Resident spaces = 39 Visitor spaces = 9
Self-contained Dwellings – Residential Flat Buildings	79 spaces	Resident spaces = 65 Visitor spaces = 14

Where there development is completed in stages, the provision of parking for the number of units within that stage must be constructed and provided to the incoming residents in accordance with the requirements of clause 50(h)(i) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

B27 Car Parking Spaces - Dimensions

Amended Condition - DA 104/2012 (Part 2)

The dimensions of the car spaces must be as noted on the approved plans.

B28 Fire Resistance

The *Type of Construction* proposed for the building must comply with Section C of the *Building Code of Australia*. Details of the proposed *Type of Construction* for the building must be submitted with the Construction Certificate for assessment by the Certifying Authority.

B29 Fire Egress

The requirements of Section D of the *Building Code of Australia* concerning exit requirements in the event of a fire must be complied with. Details of how the building will comply with Part D must be submitted with the Construction Certificate for assessment.

B30 Waste & Recycling Interim Storage Facilities

Sufficient space within the kitchen (or other suitable location) of each self-contained dwelling, for the interim storage of waste and recyclables must be provided. Details are to be shown on the Construction Certificate plans.

B31 Waste Management Plan - Construction

Condition Relocated to Part C - DA 104/2012 (Part 2)

B32 SEPP (Seniors Living) Requirements – Accessibility & Useability

The development must satisfy the development standards for residential care facilities in accordance with Part 4 Division 2 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

In this regards, an Access Report prepared by suitably qualified and experienced person in the application of the Premises Standards must be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The report must include recommendations how the entire development is to comply with Part D3 of the *Building Code of Australia and AS 1428. Compliance with* such works must be incorporated within the Construction Certificate plans.

B33 SEPP (Seniors Living) Requirements – Location & Access to Facilities

The development must comply with the requirements of clause 26 *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. Prior to the issue of the

Construction Certificate, details must be provided to the Certifying Authority demonstrating how this will be complied with.

B34 Energy Efficiency Report

Amended Condition - DA 104/2012 (Part 2)

An Energy Efficiency Report for the Residential Aged Care Facility prepared by a suitably qualified and experienced person/architect in Energy Efficiency must be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate. The Energy Efficiency Report must verify that the building has been designed in accordance with Section J (Energy Efficiency) of the *Building Code of Australia*. Prior to the issue of the Construction Certificate, details must be provided to the Certifying Authority demonstrating how this will be complied with.

B35 Noise Transmission

The wall separating each sole-occupancy unit must be constructed of material that achieves a weighted sound reduction index in accordance with Part F5 of the *Building Code of Australia*.

The floor separating each sole-occupancy unit must be constructed of material that achieves a weighted sound reduction index in accordance with Part F5 of the *Building Code of Australia*.

Prior to the issue of the Construction Certificate, details must be provided to the Certifying Authority demonstrating how this will be complied with.

B36 Food Premises Fit-out

The shop fit-out must comply with the *Building Code of Australia* and AS 4674 - 2004 (Construction and Fit-out of Food Premises). Detailed plans verifying compliance must be provided to the Principal Certifying Authority prior to issue of a Construction Certificate.

B37 External Lighting

Amended Condition - DA 104/2012 (Part 2)

Prior to the issue of a Construction Certificate, a lighting strategy is to be developed and submitted to the Principal Certifying Authority. The strategy must be developed to enhance a safe environment and encourage passive surveillance. In this regard, the following objectives must be addressed within the strategy:

- a. lighting of all entrances/exits of buildings, car parks, access routes and pathways to encourage safety and passive surveillance,
- b. lighting type and distribution to be provided throughout the site to eliminate any dark shadows and concealment areas particularly in the car park and stairwells.

All external and internal lighting for internal roads, parking and service areas shall be provided in accordance with the Australian Standard 1158. At no time shall the lighting exceed the limits of the Australian Standard 4282-1997 Control of the Obtrusive effects of outdoor lighting.

B38 Acoustic Attenuation

Prior to the issue of the Construction Certificate, documentary evidence must be provided to the Principal Certifying Authority demonstrating how the development will achieve compliance with Part 5 Road Traffic Noise Intrusion outlined in the report prepared by Renzo Tonin & Associates, ref TF-652-03F03 (r0), dated 10 October 2014 and Warrigal Shell Cove RACF Acoustic Specification prepared by Renzo Tonin & Associates, ref TF-652-03F02 (r1), dated 9 October 2014.

PART C - PRIOR TO COMMENCEMENT OF WORKS

C1 Erosion & Runoff Controls

Amended Condition - DA 104/2012 (Part 2)

Before any work starts, erosion and runoff controls must be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, stormwater systems or watercourses and in accordance with the approved Soil and Water Management Plan.

These controls must be in accordance with the Sediment Control Plan and may include the following (where applicable):

- a. erect a silt fence,
- b. limit the removal or disturbance of vegetation and topsoil,
- c. divert uncontaminated run-off around cleared or disturbed areas,
- d. install sediment traps/socks around any stormwater inlets and drainage lines,
- e. stockpile topsoil, excavated material, construction and landscaping materials and debris within the site. These should be covered or seeded to prevent loss of these materials,
- f. provide a single vehicle access to the site including measures to prevent the tracking of sediment off the site, and
- g. provide adequate control measures to suppress dust.

These measures must be in place prior to commencement of any excavation or construction works for each stage of the development.

C2 Dilapidation Report

It is the applicant's responsibility to notify Council of any existing damage to public areas in the vicinity of the development site through the submission of a Dilapidation Report supported with suitable photographic records. This information must be submitted to Council and the Certifying Authority prior to the commencement of work for each stage of the development.

C3 Structural Details

The following structural details must be provided to the Certifying Authority prior to commencing work for each stage of the development:

- a. structural engineers design for all reinforced concrete footings and slabs
- b. structural engineers design for all structural steel beams, framing and connections
- c. roof truss and bracing details
- d. manufacturer's specifications for any patented construction systems.

Note: Council records indicate that this site has a 'H' soil classification. The engineer's design for the footings or slab must make specific reference to the soil classification.

Note: Council records indicate that fill may be present in this area. The engineer's design for the footings or slab must make specific reference to fill as a consideration.

C4 Retaining Walls

Where a retaining wall exceeds 600mm in height, the wall must be designed by a practising structural engineer and a Construction Certificate must be obtained prior to the commencement of work on the retaining wall.

C5 Temporary Occupation of Road Reserve

Amended Condition - DA 104/2012 (Part 2)

Where it is proposed to:

- a. pump concrete from within a public road reserve,
- b. stand a mobile crane within the public road reserve,
- c. use part of Council's road/footpath area,
- d. pump stormwater from the site to Council's stormwater drains, or
- e. store waste containers, skip bins and/or building materials on part of Council's footway or roadway,

written applications together with any necessary fee, must be made to Council for the temporary occupation of the road reserve.

Approval must be obtained prior to any works commencing on site.

C6 Construction Traffic Management Plans and Procedures

Condition Amended and Relocated from Part B - DA 104/2012 (Part 2)

Construction access to the site must be in accordance with the options described within the 'Construction Traffic Management Plan for Aged Care Development at Brigantine Drive' by Jones Nicholson Consulting Engineers dated 16 December 2014 Reference No 20130294, except as modified below:

- a. Site access for Stage 1 (Residential Aged Care Facility and bulk earth works) of the development must only be in accordance with option 1 – 3 of the Plan.
- b. Site access for Stage 2 (Villa Construction) of the development must only be in accordance with options 1 - 4. In the event that option 4 is to be utilised, the following must be achieved:
 - i. traffic management strategies, including temporary directional signage is to be implemented along the access route to direct vehicles to the site, and
 - ii. a letter shall be produced and delivered to each dwelling house along the nominated route within Shell Cove advising of the likely timeframes (dates and times) that the road will be used. The letter shall include a contact number of the head contractor in the event a resident requires to make contact with the contractor.
- c. Site access for Stage 3 (Residential Flat Building) must only be via Harbour Boulevard entrance and as noted within condition C7 (Site Access From Harbour Boulevard).

Prior to the commencement of stage 1 and 2, documentary evidence must be submitted to the Certifying Authority demonstrating that owners consent has been provided where the access route is to be through Lot 802, DP 1149748, Addison Street, Shell Cove as described within option 1.

C7 Site Access from Harbour Boulevard

Condition Amended and Relocated from Part B - DA 104/2012 (Part 2)

No works are to commence within Stage 3 (Residential Flat Building) unless the following has been provided:

- a. the portion of Harbour Boulevard fronting the site along the entire length and up to Shellharbour Road is complete and gazetted as a public road, or

- b. the portion of Harbour Boulevard fronting the site along the entire length and connecting up to Cove Boulevard is complete and gazetted as a public road.

The road profile must incorporate the requirements of condition C8 (Works along Harbour Boulevard) and C9 (Shared Use Path Signage and Line Marking – Harbour Boulevard Access).

C8 Works along Harbour Boulevard

Condition Amended and Relocated from Part B - DA 104/2012 (Part 2)

No works are to commence within Stage 1 (residential aged care facility) unless documentary evidence in the form of engineering plans is provided to the Principal Certifying Authority demonstrating that the deceleration lane has been incorporated within the final design for Harbour Boulevard.

The plan must be designed in accordance to Austroads Guide to Road Design.

C9 Shared Use Path Signage and Line Marking - Harbour Boulevard Access

Condition Amended and Relocated from Part B - DA 104/2012 (Part 2)

The developer must submit a detailed shared use path signage and line marking plan for the development for Council's approval through Council's Traffic Committee and is to be submitted in conjunction with the Construction Certificate Application. The plan must be generally in line with Council's Shared Use Path Strategy, Austroads guidelines and relevant Australian Standards. The plan must identify all relevant signage and line marking required for the shared use path on eastern and southern frontages of lot 8201 in particular the access to Harbour Boulevard.

The works must be completed prior to the commencement of Stage 3 of the development or within 40 days of notification from Council that Harbour Boulevard construction is complete and is gazetted as a public road.

C10 Construction and Site Management Plan

Condition Relocated from Part B - DA 104/2012 (Part 2)

Prior to the commence of any work on the site, the applicant must submit to and obtain approval for a Construction and Site Management Plan from the Certifying Authority that sets out the following:

- a. what actions are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like,
- b. the location of the storage of building materials, stockpiles, hording, equipment, machinery, site office etc, within the development site area,
- c. the method and location points of loading and unloading excavation machines, building materials and formwork within the development site area,
- d. the proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period, and
- e. the proposed method of support to any excavation adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in Civil Engineering.

Where the development is completed in stages, the plan must be submitted showing details of boundaries for each stage and their relationship to adjoining buildings, together with details as to site works, landscaping and open space works, road and drainage works, environmental controls and measures associated with the different stages and any other requirements noted within conditions C6 (Construction Traffic Management Plans and Procedures) and B13 (Soil and Water Management Plan).

C11 Public Liability

Condition Relocated from Part B - DA 104/2012 (Part 2)

Before the issue of the commencement of any works, the owner or contractor must provide evidence to the Council of a Public Risk Insurance Policy with a minimum cover of \$20M in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. The Policy must note Council as an interested party and a copy provided to Council.

C12 Section 138 Roads Act 1993

Condition Relocated from Part B - DA 104/2012 (Part 2)

For works proposed within the road reserve, the requirements of section 138 of the *Roads Act 1993* apply. In this regard:

- if a driveway is proposed, a Driveway Application must be made, or
- if any other works are proposed and/or occupation of the road reserve proposed, a Road Opening Application must be made.

This application must be made prior to any works commencing within the road reserve and an application fee in accordance with Council's *Fees and Charges* will apply.

C13 Waste Management Plan - Construction

Amended Relocated from Part B - DA 104/2012 (Part 2)

A Waste Management Plan for the management of all waste streams generated by the construction of the development must be prepared and submitted prior to the commencement of any work. The Waste Management Plan – Construction must demonstrate a minimum 70% recycling rate and the reuse of clean fill onsite as noted within the approved Waste Management Plan.

The management of waste must comply with the approved Waste Management Plan.

A copy of the Waste Management Plan – Construction shall be submitted to Council.

C14 Soil and Water Management Plan

Condition from to Part B - DA 104/2012 (Part 2)

Prior to the commencement of any work on the site, the applicant must submit to and obtain the Certifying Authority approval of a Soil and Water Management Plan and Statement which clearly identifies site features, constraints and soil types together with the nature of the proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures and also rehabilitation techniques that are necessary to deal with such activities.

The plan shall address the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' also known as the 'Blue Book', and must be incorporated within any construction and site management plan.

In developing the Plan, the following must be achieved and identified for each stage of the development:

- a. all possible sediment controls are installed prior to the commencement of work,
- b. to minimize the area of soils exposed at any one time,
- c. to conserve topsoil for reuse on site,
- d. to identify and protect proposed stockpile locations,
- e. to control surface water flows through the development construction site on a manner that:
 - i. Diverts clean run-off around disturbed areas,
 - ii. Minimises slope gradient and flow distance within disturbed areas,
 - iii. Ensures surface run-off occurs at non-erodible velocities, and
 - iv. Ensures disturbed areas are promptly rehabilitated.
- f. trap sediment on site to prevent off site damage. Hay bales are not to be used as sediment control devices. To ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works until the site is stabilized (includes landscaping),
- g. specific measures to control dust generated as a result of construction activities on site,
- h. temporary sediment ponds must be fenced where the batter slope exceeds 1 vertical to 5 horizontal, and
- i. design scour protection for the 100 year ARI event at all inlet and outlet structures.

The plan must incorporate the temporary construction access via Addison Street and the measures utilised to reduce the impact on the surrounding road network.

PART D - DURING CONSTRUCTION WORKS

D1 Hours of Work During Construction Work

Noise generating activities, including demolition, excavation, construction and delivery of equipment and materials, must only be carried out between:

- 7am to 5pm Mondays to Fridays
- 8am to 1pm Saturdays

Work must not be carried out on Sundays or public holidays.

D2 Vehicle Access and Parking during Construction Stages

Amended Condition - DA 104/2012 (Part 2)

Construction access to the site must be in accordance with the 'Construction Traffic Management Plan for Aged Care Development at Brigantine Drive' by Jones Nicholson Consulting Engineers dated 16 December 2014 Reference No 20130294. The access and parking arrangements must also be in accordance with the following:

- a. The options for access must be in accordance with condition C6 (Construction Traffic Management Plans and Procedures),

- b. The order of preference to access the site must be as outlined within the Plan being option 1 to be the primary option. The subsequent options must be enacted upon only in the event that the preceding options are or become unavailable,
- c. The parking area for all vehicles associated to the construction works for stage 1-2, including construction vehicles and vehicles of the construction staff must be contained wholly within the development site area or as noted within option 1,
- d. The access path located along Lot 802, DP 1149748, Addison Street, Shell Cove must be constructed as an all-weather sealed pavement and embellished to its original state upon cessation of the access road,
- e. The developer must ensure that all employees and delivery drivers are informed of the above requirements prior to the commencement of any works and/or deliveries, and
- f. All vehicles associated to the construction works, including vehicles of the construction staff must utilise the nominated route.

D3 Maintenance of Erosion & Runoff Controls

Amended Condition - DA 104/2012 (Part 2)

The soil and water management controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- a. all sediment fences, sediment traps and socks are properly placed and are working effectively, and
- b. drains, gutters and roads must be maintained clear of sediment at all times.

Note: It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

D4 Site Management

Notwithstanding any other condition of development consent, to safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:

- a. stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site
- b. builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the development site area. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner
- c. waste must not be burnt or buried on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot, and
- d. a waste control container shall be located on the development site.

During all stages of the development, the developer is responsible to ensure the above is maintained as well as the requirements of the Construction and Site Management (per condition B11), Soil and Water Management Plan (per condition B13).

D5 Site Remediation

The site must be remediated to a condition suitable for residential development. A remediation action plan is to be prepared in accordance with the Guidelines for Consultants Reporting on Contaminated Sites (OEHL, 2011). The report must address the contamination assessment findings and provide recommendations to remediate the land.

D6 Remediation Works

All works proposed as part of the Remediation Action Plan that includes: remediation, excavation, stockpiling, on site and off site disposal; that includes storage, cut, fill, backfilling, compaction, monitoring, validations, site management and security must be undertaken in accordance with the Remedial Action Plan.

D7 Site Validation Report

A validation report incorporating a certificate of completion must be produced in accordance with the requirements of clause 17 & 18 of State Environmental Planning Policy No. 55. The certificate/report confirming that all decontamination and remediation works have been carried out in accordance with the remediation plan must be submitted to the Principal Certifying Authority within 30 days following completion of the works.

D8 Unexpected Finds Contingency

Should any further suspect materials (identified by unusual staining, odour, discoloration or inclusions such as building rubble, asbestos, ash material etc) be encountered during any stage of earth works/ site preparation/ construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment.

In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

D9 Impact of Below Ground (Sub-surface) Works - Aboriginal Artefacts

If any Aboriginal archaeological artefacts are encountered during construction works, all ground disturbance in the area of the find must cease and the Department of Environment, Climate Change & Water (DECCW) be contacted immediately to determine an appropriate course of action in line of relevant legislation. Any request made by the DECCW to cease work for the purposes of archaeological recording must be complied with.

D10 Management of Noxious weeds

All machinery, vehicles and other equipment entering or leaving the site must be clean and free of noxious weed material, to prevent the spread of noxious weeds to or from the property.

D11 Provide A Truck Shaker

An approved truck shaker must be provided at the construction entry point, in accordance with Council's standards prior to the commencement of work to prevent dust, dirt and mud falling on roadways. Ingress and egress from the site must be limited to this single access point only.

D12 Air Quality

Dust emissions shall be confined within the site boundary. The following dust control procedures may be employed to achieve this objective:

- a. dust screens may be erected around the perimeter of the site

- b. all loads entering or leaving the site must be securely covered
- c. water sprays shall be used across the site to suppress dust, and
- d. when excavating, the surface should be kept moist to minimise dust.

D13 Waste Management

The management of waste must comply with the approved Waste Management Plan. All receipts such as waste disposal dockets must be retained (refer Part E).

D14 Storage of Materials

Building materials and equipment must not be stored on the road reserve/footpath area.

D15 Survey Certification

A report from a registered surveyor must be provided to the Certifying Authority on completion of the ground floor slab formwork prior to the concrete being poured for each stage of the development.

The report must certify all of the following:

- a. the distance of the structure to all boundaries of the allotment are in accordance with the approved plans
- b. the height of the floor level/s in relation to the natural ground level are in accordance with the approved plans, and
- c. the garage floor level complies with the garage floor level shown on the approved plans and grades comply with Council's gradient standards.

Note: Australian Height Datum must be used.

D16 Building Height - Survey Certification

The building must not exceed the height shown on the approved plans.

A report from a registered surveyor must be provided to the Certifying Authority on completion of the roof frame prior to covering the roof certifying that the height of the building is in accordance with the approved plans.

D17 Drainage & Pavement - Survey Certification

Certification of pits and stormwater pipelines must be submitted to the Certifying Authority prior to backfilling. Certification of paved areas must be submitted to the Certifying Authority after the formwork for the driveway has been completed and prior to the concreted being poured. All levels must relate to Australian Height Datum.

D18 Lots and Site Filling

All lot and site filling must be performed under level 1 Geotechnical supervision in accordance with AS 3798-1996 or subsequent amendments.

D19 Geotechnical Testing

Geotechnical testing to verify that the pipe trench bedding and backfill complies with the requirements for HS2 bedding/backfill.

D20 Retaining Walls

Any retaining wall must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

D21 Engineer Designed Pavement

All car parking areas, manoeuvring areas and the access aisle must be paved, drained and marked. The pavement must be designed by a qualified Civil Engineer and certified to be satisfactory for the expected traffic loadings from a development of this size and type. Australian Standard 'Guide to Residential Pavements' (AS 3727-1993 or subsequent amendments) can be used as the design guideline for the pavement design.

D22 Vehicular Layback

An industrial standard vehicular layback crossing must be constructed at all points of access. This work must be carried out by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.

D23 Driveway - From Kerb to Property Boundary

Amended Condition - DA 104/2012 (Part 2)

An industrial standard vehicular concrete driveway and layback must be constructed between the kerb and the property boundary at the following locations:

- a. Harbour Boulevard access, minimum 6.0m wide and maximum 9.0m wide,
- b. Brigantine Drive access, 6.5m wide,
- c. Temporary Access from Cutter Parade, 6.0m wide.

The driveways must:

- d. maintain a perpendicular alignment from the kerb to the property boundary line,
- e. not interfere with the existing public utility infrastructure,
- f. be located 500mm clear of all drainage structures and 2m from the street tree,
- g. be finished with a slip resistant coating, and
- h. be constructed by Council, or a Council approved contractor, at the developer's expense, including all alterations of public infrastructure where necessary.

Where there is conflict between the location of the proposed driveway and the assets of a service utility, such as Telstra pits/manholes, the relevant service provider must be contacted prior to any driveway works commencing. It is an offence to modify or tamper with the assets of a service provider.

D24 Grated Drain

Amended Condition - DA 104/2012 (Part 2)

A grated stormwater drain must be constructed across the driveway, in the locations proposed the Stormwater Plan approved within condition A3 (Development in Accordance with Plans).

D25 Connection to Council Pit

Connection to a Council pit is to be made via a hole that is to be neatly made by cutting or drilling. Any reinforcement encountered is to be cut away. The connection shall not protrude the

inner surface of the Council pit. Following a satisfactory inspection by Council, the junction shall be finished with 2:1 cement mortar.

An application under section 138 of the *Roads Act* is required prior to works commencing.

D26 Works In, On or Over a Public Road

In accordance with section 142(i)(a) of the *Roads Act 1993* the person who has a right to the control, use or benefit of a structure or work in, on or over a public road (namely a footpath crossing), must maintain the structure or work in a satisfactory state of repair.

D27 Works

All of the works required to be carried out under the conditions of this consent must be maintained at all times in good order and repair.

D28 Requirements for Approved Garbage Room

The following requirements must be incorporated within the construction design of the garbage room located within the Residential Aged Care Facility:

- a. the garbage room shall be constructed of solid material, cement rendered and steel trowelled to a smooth even surface
- b. the floor of the garbage room shall be of impervious material, coved at the intersection of the walls and graded and drained to an approved floor waste that discharges to the sewer, and
- c. the garbage room must be ventilated to the external air by natural ventilation or an approved mechanical ventilation system.

D29 Reinstatement of Cutter Parade Access

Amended Condition - DA 104/2012 (Part 2)

The kerb, guttering and footpath verge is to be reinstated at the Cutter Parade Access. The works must be completed prior to the issue of Occupation Certificate of Stage 3 of the development or within 40 days of notification from Council that Harbour Boulevard construction is complete and is gazetted as a public road.

D30 Construction Traffic Management Plans and Procedures

Condition Amended and Relocated from Part B - DA 104/2012 (Part 2)

Traffic management procedures and systems must be introduced during the construction phase of the development to ensure safety standards are maintained and to minimise any impact on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with Australian Standard 1742.

It is the head contractor's responsibility to provide an educative session for construction workers and supervisors to ensure that the Traffic Management Procedures are maintained at all times.

D31 Protection of Public Places

Condition Relocated from Part B - DA 104/2012 (Part 2)

- a. where works that are likely to or will cause pedestrian or vehicular traffic in public places (eg a footpath) to be obstructed, diverted, rendered inconvenient and enclosed, or similar,

a Class B hoarding must be erected between the work site and/or over the public place during each stage of the development.

If a hoarding is not necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any hoarding, fence or awning must be removed when the work has been completed.

Any proposed hoarding, fence or awning proposed within the road reserve will require a specific approval under section 138 of the *Roads Act 1993*. An application fee will apply in accordance with Council's *Fees and Charges*.

- b. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Such security lighting must ensure that any glare is directed away from the surrounding dwellings.

PART E - PRIOR TO OCCUPATION

E1 Occupation Certificate

All conditions in Parts A, B, C, D & E of this consent are preconditions for the purpose of section 109H of the *Environmental Planning & Assessment Act 1979*.

Compliance with all preconditions must be verified by the Principal Certifying Authority prior to issue of a final Occupation Certificate for each stage of the development. The building must not be used until the Principal Certifying Authority issues an Occupation Certificate.

E2 Seniors Housing Covenant

A covenant prepared pursuant to Section 88E of the *Conveyancing Act* shall be placed on the title of the land occupied by the seniors housing development to prohibit the occupation of the premises by residents other than:

- a. seniors or people who have a disability
- b. people who live within the same household with seniors or people who have a disability
- c. staff employed to assist in the administration of and provision of services to housing provided under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

The definition of seniors and people who have a disability must be in accordance with clause 3 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

E3 Requirements for Seniors Housing or Housing for Persons with a Disability

The development is for the purposes of Seniors Housing or Housing for Persons with a Disability and is required to comply with the Schedule 3 (Standards concerning accessibility and useability for self-contained dwellings) of the *State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004*. Details demonstrating compliance of Schedule 3 is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

E4 Sydney Water Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer www.sydneywater.com.au > *Building and developing* > *Developing your Land* > *Water Servicing Coordinator* or telephone 13 2092 for assistance. Please make early application for the

Certificate as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

E5 Fire Safety Schedule
Part 9 Environmental Planning & Assessment Regulation 2000

On completion of the building work, the owner of the building must submit to Council an annual fire safety statement from a competent person with respect to each statutory fire safety measure included in the Fire Safety Schedule.

The fire safety statement must certify that each statutory fire measure:

- a. has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such an inspection and test, and
- b. was or was not (as at the date on which it was inspected and tested) found to have been designed and installed, and to be capable of operating, to a standard not less than that required by or under this Regulation or by the Council.

E6 Access Report Compliance

Prior to the issue of any Occupation Certificate, evidence from a suitably qualified and experienced person in the application of the Premises Standards must be submitted verifying that the development achieves the requirements contained within Access Report noted within condition B33.

E7 Energy Efficiency Certificate

Prior to the issue of any Occupation Certificate, evidence from a suitably qualified and experienced person in the application Section J of the *Building Code of Australia* must be submitted to the Principal Certifying Authority prior to issue of an Occupation Certificate. The Energy Efficiency Certificate must verify that the building has been constructed in accordance with the Energy Efficiency Report and complies with Section J (Energy Efficiency) of the *Building Code of Australia*.

E8 BASIX

All commitments listed in the BASIX Certificate/s for the development must be carried out prior to the issue of an Occupation Certificate.

E9 Compliance with Acoustic Specification

Amended Condition - DA 104/2012 (Part 2)

Upon completion of all works and prior to the issue of a Occupation Certificate for each stage of the development, written certification from a suitably qualified and experienced acoustic consultant must be submitted to the Principal Certifying Authority stating that all noise mitigation measures have been incorporated in the development as recommended with the Warrigal Shell Cove Village Acoustic Specification prepared by Renzo Tonin & Associates, ref TF-652-03F03 (r0), dated 10 October 2014 and Warrigal Shell Cove RACF Acoustic Specification prepared by Renzo Tonin & Associates, ref TF-652-03F02 (r1), dated 9 October 2014.

E10 Works As Executed Plans - Drainage

Amended Condition - DA 104/2012 (Part 2)

Works As Executed plans must be submitted to the Certifying Authority by a registered surveyor certifying compliance with the approved design plans in relation to all drainage works. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans. The plans must verify surface level of constructed paved areas, surface and invert levels on all pits, invert levels and sizes of all pipelines. All levels must relate to Australian Height Datum.

E11 Verification of Waste Management

Documentation verifying that all waste streams were managed in accordance with the Waste Management Plan must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate. All records, such as waste disposal dockets or photographic evidence, must be retained by the Principal Certifying Authority.

E12 Site Facilities - Australia Post

Location points for mail delivery must satisfy the requirements of Australia Post.

E13 Completion of Landscape Works

The unbuilt upon land, with the exception of the paving, must be landscaped in accordance with the approved landscape plan prior to the issue of an Occupation Certificate. Landscape or turf areas must not be reduced or replaced with hard impermeable surfaces. Any variations to the design or species used must be authorised by Council in writing before any changes are made. A report from a suitably qualified person must be provided to the Principal Certifying Authority on completion of the landscape works certifying that the landscape is in accordance with the approved landscape plan.

E14 Final Geotechnical Report

A final geotechnical report prepared by a suitably qualified and experienced geotechnical consultant must be submitted to the Certifying Authority prior to the issue of the Occupation Certificate. The report shall include, but is not necessarily limited to:

- a. all earthwork operations
- b. a fill plan showing extent and depth of fill
- c. certification that all earthworks within the site have complied with the Subdivision Code. This shall include appropriate test results, and test location diagram and date of testing
- d. certification that all recommendations contained in geotechnical reports lodged in support of this development have been satisfied
- e. identification of all land affected by landslip or instability constraints (if applicable).

E15 Repairs to Public Infrastructure

Any damage to public infrastructure, other than that previously noted in the Dilapidation Report (refer Part C), shall be the responsibility of the owner of the property and must be repaired and reinstated prior to the issue of the Occupation Certificate. This work must be carried out by Council, or Council approved contractor, at the developer's expense.

E16 Sign for Visitor Parking

A sign, legible from the street, must be permanently displayed to indicate the availability of visitor parking within the basement parking prior to the release of the Occupation Certificate.

E17 Landscape Maintenance Period

To ensure establishment of the landscape, the completed landscaping works must be maintained for a six month period following the issue of an occupation certificate of the development. It is the responsibility of the developer to ensure that any defective landscaping and/or plantings shall be rectified/replaced at the conclusion of the maintenance period in accordance with the approved landscape plan.

E18 Notification

Before commencing operations, business details of the food business must be notified to the NSW Food Authority at www.foodnotify.nsw.gov.au.

E19 Waste Management Plan - Operational

- a. At the completion of each stage of the development and prior to the establishment of the final waste removal area, a strategy must be developed demonstrating:
 - i. how waste will be managed by the operator of the facility,
 - ii. how waste will be disposed of at a central location and appropriately collected by a contractor, and
 - iii. how the waste area will be maintained until such time that the final waste facility is constructed.
- b. At the completion of the final stage of the development a Waste Management Plan – Operational for the entire senior living development must be prepared by a suitably qualified and experienced consultant in waste management and submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate. The Waste Management Plan – Operational must address, but not be limited to, the following:
 - i. identify all waste streams that will be generated by the facility
 - ii. detail typical volumes of each waste stream identified in a. above
 - iii. identify those waste streams that can be recycled or reused
 - iv. detail the management of all waste streams identified in a
 - v. details of waste stream separation on site, in particular, within the kitchen and staff areas (space allocation shown on floor plans)
 - vi. describe the equipment and system to be used for managing recyclables
 - vii. describe the equipment and system to be used for managing landfill waste
 - viii. describe the equipment and system to be used for managing any other waste streams such as medical waste
 - ix. describe arrangements for waste collection by waste contractors
 - x. describe arrangements and equipment for cleaning waste bins and waste storage areas
 - xi. detail arrangements for ensuring bins are stickered and ensuring staff/relevant persons are aware of how to use the waste management system correctly, and
 - xii. identify potential barriers to maximising resource recovery and minimising landfill disposal and develop possible workable solutions to overcome identified barriers.

E20 Expunging of 88b restriction

New Condition - DA 104/2012 (Part 2)

Prior to the Occupation Certificate being issued for Stage 3, the terms of restriction on the use of land numbered 15 in Deposited Plan no. 1153225 must be expunged. Documentary evidence must be provided to the Principal Certifying Authority demonstrating that this has occurred.

PART F - PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Not applicable as Torrens title subdivision is not proposed for the development.

PART G - AFTER ISSUE OF OCCUPATION CERTIFICATE/DURING OCCUPATION

G1 BASIX Commitments

All commitments listed in the BASIX Certificate/s for the development must be maintained for the life of the development.

G2 Plan of Management for the operation of the Senior Housing Development

The following must be incorporated and adhered to within the final Plan of Management for the operation of the senior housing development:

- a. the requirement Waste Management Plan – Operational as required by condition E20
- b. the maintenance of the levee banks and all landscaping as required by conditions B19 and E14
- c. the regular maintenance and inspection of the stormwater drainage system including, but not limited to the standby electric sump pump within the basement parking
- d. requirement that all graffiti be removed within 48 hours of the offence, and
- e. all conditions within Part G of this development consent as well as any other condition of development consent for the purpose of the operation of senior housing development.

G3 Allocation of Visitor Parking

The visitor car parking spaces must be suitably signposted and always be available for visitor parking. These spaces must not at any time be allocated, sold or leased to an individual owner/occupier.

G4 Use of Parking Bay off Cutter Parade

Deleted Condition - DA 104/2012 (Part 2)

G5 Provision of Services for Residents

The operation of the senior housing development must comply with the requirements of clause 26 and clause 13(3) of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, including but not limited to making available a transport service (ie shuttle bus) to various commercial, open space precincts for all residents and ensuring the regular availability of medical practitioners and providers of health services. Such services must be available immediately upon the occupation of stage 1.

The operators must regularly assess the availability of all providers of health services to ensure the demands of the aging population within the estate are met.

G6 Provision of Accommodation

The operator must allocate a percentage of self-contained dwellings as well as beds contained within the residential aged care facility from culturally diverse backgrounds, including indigenous elders.

G7 Restriction on Occupation

Amended Condition - DA 104/2012 (Part 2)

For the ongoing life of the development, the building must only be occupied and provide accommodation for:

- a. seniors or people who have a disability,
- b. people who live within the same household with seniors or people who have a disability, and
- c. staff employed to assist in the administration of and provision of services to housing provided under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

The definition of seniors and people who have a disability must be in accordance with clause 3 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

G8 Separate Consent Required for Signage

This consent does not authorise the erection of any advertising/identification signage. A separate development application for any proposed signage (other than exempt signs under Council's *Exempt Development Control Plan* or *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*) must be submitted to Council, and approval granted, prior to the erection or display of any such signs. Regard must be given to Council's *Advertising and Identification Signs Development Control Plan* and *State Environmental Planning Policy No. 64 – Advertising & Signage* when preparing such an application.

G9 Use of commercial floor area within Residential Aged Care Facility

Amended Condition - DA 104/2012 (Part 2)

The commercial/retail floor area within the residential aged care facility shall be for the exclusive benefit and use for the residents, staff and site visitors of the residential aged care facility and self-contained dwellings.

End conditions

Attachment 4 - Revised Construction Management Plan

Provided under separate cover

Provided under separate cover