

2013SYE099 – 15 The Avenue, Heathcote
DA14/0823

ASSESSMENT REPORT APPENDICES

Appendix	A	Draft Conditions of Development Consent
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	C	Additional Information submitted by Applicant dated 13 November 2014.
	D	Public Submissions
	E	NSW Office of Environment and Heritage (OEH) submission & Applicants response to submission dated 5 November 2014.
	F	NSW Transport - Sydney Trains response dated 7 November 2014 and owners consent dated 17 October 2014.
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	H	Architectural Review Advisory Panel (ARAP) comments dated 28 August 2014.
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DRAFT CONDITIONS OF DEVELOPMENT CONSENT
Development Application No. DA14/0823

PART 1 - DEFERRED COMMENCEMENT CONDITIONS

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

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

1. This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained:

a) Approval/certification from NSW Transport - Sydney Trains as to the matters outlined within Attachment A of the letter of concurrence dated 7 November 2014.

b) Written confirmation and agreement from the Office of Environment and Heritage (OEH) regarding the proposed method of bushfire management (including asset protection) in perpetuity of the development. Or, an alternate method of bushfire management is prepared consistent with all relevant bushfire planning requirements and specifically addressing both asset protection and the Bushfire Attack Level (BAL) assessment. Any alternate method must have written confirmation and agreement from both the Rural Fire Service (RFS) and OEH in perpetuity of the development.

PART 2 - CONDITIONS OF CONSENT

2. Approved Plans and Documents

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

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
ar-0200 (A03)	Demolition Plan	Dem (aust) Pty Ltd	17.07.14
ar-0201 (A07)	Site Plan	Dem (aust) Pty Ltd	12.11.14
ar-0202 (A19)	Basement Car Park Plan	Dem (aust) Pty Ltd	17.07.14
ar-0203 (A24)	Ground Floor Plan	Dem (aust) Pty Ltd	12.11.14
ar-0204 (A19)	Level 1 Plan	Dem (aust) Pty Ltd	12.11.14
ar-0205 (A16)	Level 2 Plan	Dem (aust) Pty Ltd	17.07.14
ar-0206 (A11)	Roof Plan	Dem (aust) Pty Ltd	17.07.14
ar-2500 (A06)	Elevations	Dem (aust) Pty Ltd	17.07.14
ar-2501 (A08)	Elevations	Dem (aust) Pty Ltd	11.11.14
la-0501 (A10)	Landscape Site Plan	Dem (aust) Pty Ltd	12.11.14
la-2400 (a04)	Landscape Sections	Dem (aust) Pty Ltd	10.11.14
la-2401(a04)	Landscape Sections	Dem (aust) Pty Ltd	10.11.14

ar-0201 (A05)	Site Management Plan (Staging)	Dem (aust) Pty Ltd	12.08.14
ar-0201 (A05)	Site Management Plan (Stage 1)	Dem (aust) Pty Ltd	12.08.14
ar-0201 (A05)	Site Management Plan (Stage 2)	Dem (aust) Pty Ltd	12.06.14
C2.01 (1)	Erosion & Sediment Control Plan	Northrop Consulting Engineers Pty Ltd	22.07.14
C2.02 (1)	Erosion & Sediment Control Details	Northrop Consulting Engineers Pty Ltd	22.07.14
C4.01 (1)	Stormwater Management Plan - Basement 1	Northrop Consulting Engineers Pty Ltd	22.07.14
C4.02 (1)	Stormwater Management Plan - Basement 1	Northrop Consulting Engineers Pty Ltd	22.07.14
C4.11 (2)	Stormwater Management Plan - Ground Level 1	Northrop Consulting Engineers Pty Ltd	11.11.14
C4.12 (1)	Stormwater Management Plan - Ground Level 2	Northrop Consulting Engineers Pty Ltd	22.07.14
C4.21 (2)	Stormwater Details	Northrop Consulting Engineers Pty Ltd	11.11.14

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

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

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

3. Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i) To enable future vehicular access to the basement level from Wilson Parade (as depicted in the submitted "15 Year Concept" Master Plan - Dated 11 November 2014), the western elevation of the North Wing building (including subfloor basement wall) shall be designed, constructed and be structurally adequate to allow post adaptation (e.g. knock through wall design / "break-through" panel or similar).
- ii) Visual assistance and signage is required to be provided within the development to ensure that clear paths of travel are provided to the various facilities within the

development including the new basement carpark area and access to the front entry / administration area.

- iii) Outdoor terrace / balcony spaces are to be constructed and accessed directly from the lounge areas and connecting gallery / bridges on the northern side of the North Wing building. These are not to extend beyond the northern most projection of the lounge area. The resultant overhang of these building elements shall provide shading to the glazed façade and screening shall be removed from the façade / design accordingly.

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

4. Requirements of Authorities

A Requirements of Authorities

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

- i. NSW Transport - Sydney Trains - Dated 7 November 2014 (including terms of owners consent 17 October 2014).
- ii. NSW Rural Fire Service - Dated 9 September 2014.

A copy of the GTA and any further requirements of the Approval Authority(s) are attached to this development consent. These requirements must be incorporated in the application for Construction Certificate where required.

5. Public Place Environmental, Damage & Performance Security Bond

A. Before Construction

Prior to the issue of a Construction Certificate, the person acting on this consent must provide security to Sutherland Shire Council against damage caused to any Council property and / or the environment as a consequence of the implementation of this consent. The security may be provided by way of a deposit with Council or a bank guarantee. A non refundable inspection / administration fee is included in the bond value.

It is the responsibility of the person acting on this consent to notify Sutherland Shire Council of any existing damage to public areas in the vicinity of the development site by the submission of a current dilapidation report supported by photographs. This information must be submitted to Council at least two (2) days prior to the commencement of works.

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

Should any public property and / or the environment sustain damage as a result of the works associated with this consent, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and / or remove the risk. The costs incurred must be deducted from the bond.

The value of the bond is \$200,000.00

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

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

B. After Occupation

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

6. Approvals Required under Roads Act or Local Government Act

A. Before Construction

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

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

7. Design and Construction of Works in Road Reserve (Council Design)

Council has determined that the proposed development generates a need for the following works to be undertaken by the Applicant in the Road Reserve in conjunction with the development. To this end an application under the Roads Act shall be submitted to Sutherland Shire Council for a Road frontage design drawing and consent to undertake the required frontage works. This design will generally comply with the approved architectural design drawings, except where amended and or addressing the following;

- i) Establish the property alignment levels and crossing profiles,
- ii) Construct retaining / slope stability walls where required,
- iii) Install crash barrier along the north-western side of the extension of Wilson Parade,
- iv) Road pavement construction,
- v) Street drainage construction,
- vi) 150mm barrier kerb & gutter on both sides of the new road connecting into existing kerb within Wilson Parade
- vii) Construct road shoulder and associated kerb & gutter of western edge of "U turn bay" and provide 5 metre transition to the north and south of works.
- viii) Driveway layback construction to Railcorp & National Parks access gates from Wilson Parade extension.
- ix) Footpath pavement and associated pedestrian crossing construction,
- x) Median construction at intersection of Heathcote Road and Wilson Parade around the curve to enforce left in and left out movements only to and from Wilson Parade,
- xi) Alter / install street signage where required,
- xii) Regrade, topsoil, turf and landscape the footpath verge to final design levels,
- xiii) Install 4 street trees including timber edge, stakes and metal cages as per the Detailed Landscape Plan and Council's Street Tree Planting Details (Dwg No. 10029)
- xiv) Adjust public services infrastructure where required,

- xv) Ensure there are adequate transitions between newly constructed and existing infrastructure.

A Before Construction

Establish the property alignment levels and crossing profiles.

B Before Occupation

- i) All works required in the Road Reserve as detailed in the Road frontage design drawing/s and specification provided by Council must be completed to the satisfaction of the supervising engineer.
- ii) The Supervising Engineer must certify the Road Frontage Works were constructed to their satisfaction and in accordance with the Development Consent and associated Roads Act Consent. Prior to the occupation or use of the building the Applicant / Owner shall submit to Council a copy of the aforementioned letter of certification.
- iii) The Supervising Arborist, Landscape Designer or Landscape Architect must certify the street trees are the correct species and were installed in accordance with the Development Consent and associated Roads Act Consent. Prior to the occupation or use of the building the Applicant / Owner shall submit to Council a copy of the aforementioned letter of certification.

8. Site Management Plan

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the application for a Construction Certificate and must be based on the approved plans referred to in Condition 2 of this development consent. If demolition is to commence prior to the issue of a Construction Certificate the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2006 relating to environmental site management and must incorporate the following throughout demolition and construction:

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

B. During Works

The site management measures set out in the above plan must remain in place and be maintained throughout the period of works and until the site has been stabilised and landscaped. The use of land within Nirimba Crescent (i.e. No's 27-31) is not permitted.

9. Pre-commencement Inspection

A. Before Works

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

the supervising engineer. The attendance of the owner is required when it is intended to use more than one builder/principal contractor throughout the course of construction.

The purpose of the meeting is to:

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

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

10. Supervising Engineer

A. Before Construction

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

- i) road frontage works
- ii) construction / installation of stormwater drainage
- iii) rainwater harvesting
- iv) rainwater reuse facilities
- v) all other works that form part of a subdivision

B. During Construction

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

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

C. Before Occupation

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

11. Internal Driveway Profile

A. Before Construction

An Access Application must be made to Council to obtain footpath crossing and boundary alignment levels before commencing the final design of internal driveways, paths and car park area.

B. Design

The internal driveway profile must be designed to:

- i) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- ii) Align with Council's issued footpath crossing levels.
- iii) Provide a maximum grade of 5% for the first 3 metres inside the property boundary.

- iv) Comply with AS2890.1 in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.
- v) The maximum longitudinal grade of the driveway must not exceed 25%.

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

12. Parking Areas and Access

A. Design

All vehicular access, parking and maneuverability including loading areas for the proposed development must be designed and constructed to comply with AS2890.1 - 2004.

The following specific requirements must be incorporated into the design:

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

The following specific requirements must be incorporated into the design:

- i) All "one way" traffic aisles in the car parking area must be clearly identified by signposting and pavement marking.
- ii) The ingress and egress crossing must be clearly identified by signage.
- iii) The proposed loading and delivery area must be clearly defined with suitable signposting and pavement markings.
- iv) The car park must be line marked.
- v) Signage clearly advising vehicles leaving the basement car park to exit via Wilson Parade.

B. Before Construction

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

13. Basement Car Park Design

A. Design

The basement car park must be designed in accordance with AS 2890 and must incorporate the following:

- i) A minimum headroom of 2.8m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position.

B. Before Construction

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

14. Drainage Design - Detailed Requirements

A. Design

The stormwater drainage system must be connected to Council's existing piped system and designed in accordance with the approved stormwater drainage design drawing, Australian Standard AS3500.3:2003 and the BASIX Certificate issued for this

development.

The design must include;

- i) A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis).
- ii) A layout of the drainage system showing existing and proposed pipe sizes, type, class, grades, lengths, invert levels, finished surface levels and location of all pipes with levels reduced to Australian Height Datum. Impacts on existing trees must be indicated on the plan.
- iii) A longitudinal section of the pipeline within the road reserve including existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.
- iv) A physical barrier (eg. concrete kerb or earth mound within the landscaping) shall be provided around the perimeter of the site to prevent the discharge of surface water flows onto adjoining properties or the road reserve.
- v) Water from pathways and access drives shall be prevented from entering the road reserve as surface flow. This can be achieved by constructing a box drain at the boundary equipped with a 300mm wide grate and frame to collect the flow or directing the flow to a sag pit within the property.
- vi) The rate of discharge of stormwater from the site to a drainage system under Council's control shall be controlled so that it does not exceed the pre-development rate of discharge.
- vii) Where pipelines are located within the "tree protection zone" of significant vegetation to be retained, the lines shall be excavated by hand or by directional underboring techniques to reduce any adverse impact on the root zone of the trees.
- viii) Construction of on-site detention system and connection in to existing stormwater pit fronting Wilson Parade.
- ix) A minimum 25m³ rainwater tank shall be provided and rainwater used to irrigate all new landscaped areas.

B. Before Construction

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

C. Before Occupation

The above work must be completed in accordance with 'A' above to the satisfaction of the supervising engineer before the issue of any Occupation Certificate.

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

15. Noise Control During Construction and Demolition

To minimise the impact on the surrounding environment:

A. During Works

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

16. Damage to Adjoining Properties

A. Before Works

To minimise vibration damage and loss of support to buildings / structures and properties in close proximity to the development site, a Geotechnical Engineers Report must be prepared detailing constraints to be placed on earth moving and building plant and equipment and the method of excavation, shoring, underpinning and support. This report must be provided to the person undertaking the excavation and the Principal Certifying Authority.

B. During Works

The constraints and recommendations of the Geotechnical Engineers Report must be implemented.

17. Detailed Landscape Plan - Greenweb Support

A. Design

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

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

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

As the subject site is identified as being within a Greenweb Support area, all new tree plantings must be indigenous species and 80% of understorey plants must be indigenous species. All indigenous species must be selected from Sutherland Shire Council's 'Native Plant Selector' available on Council's website (www.sutherlandshire.nsw.gov.au <<http://www.sutherlandshire.nsw.gov.au>> and search for Native Plant Selector).

The Detailed Landscape Plan must be based on the Concept Landscape Plan Dwg. Nos. la-0501 Rev A10, dated 12.11.14; la-2400 Rev a04 dated 10.11.14; la-2401 Rev a04 dated 10.11.14 prepared by DEM (Aust) Pty Ltd and must also include the following:

- i) All landscaped areas including all planter boxes on slab must be provided with a water-efficient irrigation system, connected to a pump and the rainwater tank /OSD tank, to enable effective landscape maintenance.
- ii) Each courtyard must be provided with one tap connected to a pump and the rainwater tank/OSD tank.
- iii) A 12 months maintenance programme.

B. Before Construction

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

C. During Construction

During any works the applicant must engage a suitably qualified Landscape Designer

or Landscape Architect to oversee the landscape works. This person must check the landscape construction works at regular intervals and oversee any design changes due to unforeseen circumstances.

If indigenous tree and shrub species are unavailable at the time of planting, alternative species that grow to the same height must be selected from Council's 'Native Plant Selector' available on Council's website (www.sutherlandshire.nsw.gov.au) and search for Native Plant Selector).

D. Before Occupation

The landscape works must be completed prior to any occupation certificate or occupation of the premises. Certification must be provided by a qualified Landscape Designer or Landscape Architect that all landscaping works have been carried out in accordance with 'A' above and that all new indigenous plants on the site and within the road reserve are the correct species.

E. Ongoing

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

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenanced seed are available from:

Sutherland Shire Council Nursery
345 The Boulevard, Gymea
Ph: 02 9524 5672

18. Removal of Trees (Private Land)

A. Design

The removal of the following is approved, unless otherwise specified

- i) Trees identified on the approved plans as "existing tree to be removed" within the site and on the adjoining land at the northern end of Wilson Parade owned by NSW Transport - Sydney Trains.
- iii) Any declared noxious plant. The applicant is to ensure that all noxious plants are properly identified and controlled/removed.
- iv) Any tree species exempted by the Sutherland Shire Local Environmental Plan 2006.

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

B. Before Works

Sutherland Shire Council's Development Control Plan (Amendment 11) requires replacement tree planting at a rate of 4 to 1 on private land. Replacement planting must be indigenous species throughout the Shire and must be selected from Council's 'Native Plant Selector' available on Council's website (<http://www.sutherlandshire.nsw.gov.au>) and search for Native Plant Selector).

66 trees are approved for removal as part of this consent. In determining this application, the extent of compensatory planting has been reduced as the development has been sensitively designed to maintain existing bushland or trees such that it makes a positive contribution to the local landscape character.

In order to satisfy the replanting requirement, 148 replacement trees are required to offset this loss.

The trees selected must be planted within the front or rear setback of the subject property and not within 3m of a building or proposed building. The location of the replacement trees must be shown on a tree location plan that forms part of the Construction Certificate application. In addition a further copy must be submitted to Council prior to the issue of a Construction Certificate.

C. Ongoing

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

Note: If you have difficulty sourcing suitable indigenous plants from other suppliers, plants grown from locally provenanced seed are available from:

Sutherland Shire Council Nursery
345 The Boulevard, Gympie
Ph: 02 9524 5672

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

19. Imported 'Waste Derived' Fill Material

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

A. Design

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

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

B. Prior to Commencement / Issue of Construction Certificate

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

20. Disposal of Site Soils

A. During Works

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

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

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

B. Prior to Occupation or Commencement of Use

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

21. Medical Practices

A. Design

Medical practices must include the following facilities:

- i) a hand basin located within each patient treatment room, fitted with an adequate supply of potable water from a hot and cold water supply. The taps must be capable of operation without hand contact.
- ii) a splashback above the hand basin not less than 450mm high and extending 150mm either side of the basin. The splashback must be constructed of a smooth impervious material.
- iii) a sink for the cleaning of equipment between procedures that has an adequate supply of potable water mixed from a hot and cold water supply.
- iv) floors and walls within the patient treatment rooms that are surfaced with smooth, impermeable seamless materials.
- v) non-porous, smooth and easily cleaned work surfaces to all equipment processing areas.
- vi) non-return valves fitted to dental units supplying water to intra-oral dental handpieces.

B. Before Construction

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

C. Ongoing

Disposable sharps must be discarded in a clearly labelled puncture-resistant container, which must conform to Australian Standard AS 4031. A licensed waste contractor must be engaged to dispose of the waste.

Contaminated waste must be segregated and placed in a suitable leak proof bag ready for appropriate disposal. Contaminated waste includes microbiological waste or pathological waste, or any other material or item that is soiled or contaminated with blood or other body substances and that is likely to cause infection or injury to any other person.

22. Cleanliness and Maintenance of Food Preparation and Storage Areas

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

A. Design

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

- i) Food Act 2003.

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

B. Before Construction

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

C. Before Occupation

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

23. Garbage, Recycling and Green-waste Storage Area

To ensure the proper storage of waste from the premises:

A. Design

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

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

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

24. External Lighting - (Amenity)

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

A. Design

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

B. Ongoing

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

25. Noise Control - Design of Plant and Equipment (General Use)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems:

A. Design

All plant and equipment must be designed and / or located so that the noise emitted does not exceed an LAeq sound pressure level of 5dB above the ambient background level when measured at the most affected point on or within any residential property boundary.

Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

B. Before Occupation

Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

C. Ongoing

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

26. Noise from Road and / or Rail

To minimise the impact of noise from the adjoining major road and / or rail corridor on the occupants:

A. Design

The building design must be in accordance with the recommendations of the acoustic report by Acoustic Logic Project Number 20140359.1 dated 6/06/2014 approved as part of this application.

B. Before Construction

Details of the acoustic attenuation treatment must accompany the documentation forming part of the Construction Certificate.

C. Before Occupation

Details of the acoustic attenuation treatment must accompany the application for a Construction Certificate in accordance with 'A' above and must include all post construction validation test results.

27. Building Ventilation

To ensure adequate ventilation for the building:

A. Design

The building mechanical and / or natural ventilation systems must be designed, in accordance with the provisions of:

- i) The Building Code of Australia;
- ii) AS 1668 Part 1 - 1998;

- iii) AS 1668 Part 2 - 1991;
- iv) The Public Health Act - 2010;
- v) The Public Health Regulation 2012;
- vi) AS 3666.1 - 2002;
- vii) AS 3666.2 - 2002; and
- viii) AS 3666.3 - 2000.

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

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

28. Car-Park Ventilation - Alternate System

To ensure adequate ventilation for the car park:

A. Design

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

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

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

29. Demolition Work

To ensure that demolition of structures is carried out in an environmentally acceptable and safe manner:

A. Before Commencement

If works involve the removal of more than 10 square metres of asbestos material, a bonded asbestos licence is required. A friable asbestos licence is required to remove, repair or disturb any amount of friable asbestos. For further information contact the NSW Workcover Authority.

B. During Works

- i) The demolition of the existing building must be carried out strictly in accordance with Australian Standard 2601 - The Demolition of Structures.
- ii) The applicant must ensure that the demolition contractor has a current public risk insurance coverage for a minimum of \$5 million. A copy of the Policy must be submitted to the Council prior to demolition.

To ensure that the removal and transportation of any asbestos material, regardless of the quantity, is carried out in an environmentally acceptable and safe manner, all work must comply with the following:

- a) Work Health and Safety Act 2011;
- b) Work Health and Safety Regulation 2011;
- c) Safe Work Australia Code of Practice - How to Manage and Control Asbestos in the Workplace;
- d) Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002(2005)];
- e) Workcover NSW 'Working with Asbestos - Guide 2008';
- f) Protection of the Environment Operations Act 1997; and
- g) Protection of the Environment Operations (Waste) Regulation 2005.

Asbestos waste in any form must be disposed of at a waste facility licensed by the Department of Environment Climate Change & Water to accept asbestos waste.

30. Design Requirements for Disabled Access

A. Design

A report prepared by a suitably qualified Access Consultant must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS1428 - Design for Access and Mobility.

31. BCA Assessment Report

A. Before Construction

A Building Code of Australia Assessment Report prepared by an appropriately qualified person must be submitted with the Construction Certificate. This must address the new building(s) and also provide recommendations regarding what upgrading is required to the existing buildings in order to bring it into conformity with the Sections C, D and E of the Building Code of Australia. The report must specifically address how it is proposed to protect persons using the building, egress from the building in the event of an emergency, fire safety measures, restriction of the spread of fire from the building to other buildings nearby.

In issuing the required Construction Certificate, the Accredited Certifier must ensure that all, if any, recommended upgrade works are documented and accompany the application for a Construction Certificate.

32. Certification Requirement of Levels

A. During Construction

At the following stages of construction:

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

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

B. Before Occupation

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

33. Sydney Water - Notice of Requirements

A. Before Occupation / Prior to issue of Subdivision Certificate

- i) The applicant must obtain a Notice of Requirements under the Sydney Water Act 1994, and submit the Notice to the Council.
- ii) A Compliance Certificate under s73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges.

Advice from Sydney Water:

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

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

34. Sydney Water - Referral Requirements

A. Before Construction

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

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

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

35. Dial Before You Dig

A. Before Construction

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW).

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

36. Permitted Hours for Building and Demolition Work

A. During Works

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

37. Toilet Facilities

A. During Works

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

Each toilet must:

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

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

A. Before Occupation

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

B. Ongoing

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

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

"Seniors" are any of the following:

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

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

39. Safety and Security

A. On-Going

- i) Any graffiti that occur should be removed within 24 hours from the time of reporting.
- ii) Shrubs and low hedges should be no higher than 600mm and high canopied vegetation should not have branches lower than 1800mm at maturity.
- iii) Vegetation should be well maintained at all times.
- iv) The car park, all entry points to the building and windows accessible from the ground floor must be fitted with appropriate access control devices.

40. Archaeological Discovery

A During Works

- i) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- ii) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the Department of Environment and Climate Change is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

END OF CONDITIONS

APPENDIX "B"

Greg Hansell - 9710 0844
File Ref: PAD14/0030

30 May 2014



Hansen Yuncken
15 Bourke Road
MASCOT NSW 2020

Dear Sir/Madam

Pre-Application Discussion No. PAD14/0030

Proposal: Redevelopment of Residential Aged Care Precinct

Property: 15 The Avenue, Heathcote (John Paul Village)

Council refers to the pre-application meeting (PAD) held on 15 May 2014 regarding the above development proposal. Luke Murtas (Team Leader), Greg Hansell (Planner), David Jarvis (Architect), James Gogoll (Engineer), Bruce Powe (Traffic Engineer) and Barbara Buchanan (Landscape Architect) attended the meeting on behalf of Council.

The purpose of this letter is to provide a summary of the issues discussed at the meeting and provide information that will assist you should you proceed with preparing a development application (DA). Council cannot provide you with certainty on the determination of the proposal until a DA has been lodged and assessed.

Your DA will need to be supported by a Statement of Environmental Effects addressing all relevant Environmental Planning Instruments and the detailed planning controls contained in Sutherland Shire Development Control Plan 2006 (SSDCP 2006)

The Site and Proposal:

The site is located off the eastern side of Wilson Parade, north of The Avenue. The site has an area of 42,840m² and is relatively flat. Several major trees exist at the peripheries of and throughout the site.

A seniors' housing development consisting of several low-rise buildings set amongst gardens and landscaped courtyards exists on the site. The development includes residential aged care and independent living accommodation. The development is operated by the catholic aged care trust and is known as John Paul Village.

Immediately to the north of the site is the Royal National Park. Across Wilson Parade to the west of the site is the Illawarra Railway Line. Across The Avenue to the south

and east of the site are residential areas comprising mainly of detached dwelling houses. Further to the south is Heathcote High School.

The proposal involves the redevelopment of the residential aged care precinct located on the northern half of the site. These works primarily include:

- Demolition of the north and south wing nursing home buildings;
- Construction of a 2-3 storey building, including a basement car park/services level and residential aged care accommodation for 119 residents, in the vicinity of the demolished buildings;
- Refurbishment of the Kingfisher and Parkview hostel buildings; and
- Replacement of the existing one-way driveway crossing off Wilson Parade at the north western corner of the site with a more prominent two-way driveway crossing.

Relevant Planning Controls:

The majority of the property is within Zone 12 – Special Uses (Seniors Housing) under the provisions of Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006). A minor portion of the site located adjacent to Wilson Parade and comprising about 1800m² is within Zone 3 – Environmental Housing (Bushland) under the provisions of SSLEP 2006. The proposed seniors housing is a permissible form of development within the special use zone, but prohibited in the environmental housing zone.

Notwithstanding the provisions of SSLEP 2006, the proposed seniors housing is a permissible form of development over the entirety of the site by virtue of the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the Seniors Housing SEPP). Whilst the provisions of the Seniors Housing SEPP will prevail to the extent of any inconsistency with SSLEP 2006, the provisions of both environmental planning instruments will still need to be considered in the design of the proposal and Council's assessment of any related development application. The following provisions of the Seniors Housing SEPP will require particular attention in the documentation submitted with the development application:

- Design Principles (clauses 33-39)
- Location & Access to Facilities (clause 26)
- Bush Fire Prone Land (clause 27)
- Water & Sewer (clause 28)
- Site Analysis (clause 30)
- Fire Sprinkler Systems (clause 55)

The following environmental planning instruments will also be relevant to the design of the proposal and Council's assessment of any related development application:

- State Environmental Planning Policy (Infrastructure) 2007 ('the Infrastructure SEPP')
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment

Your attention is drawn specifically to the provisions of Clauses 85, 86, 87, 102 & 104 of the Infrastructure SEPP, relating to considerations of traffic impacts, impacts on railway assets and rail/road traffic noise and vibration. The proposal will be referred to NSW Rail Corp for their concurrence and NSW Roads & Maritime Services for their comments, having regard to these provisions.

Other public authorities that will be consulted include:

- NSW Rural Fire Service (being an approval body for the purposes of the integrated development provisions)
- NSW National Parks & Wildlife Service (being a major landholder in the vicinity of the site)
- NSW Police Force (for comment on crime risk prevention)

The entirety of the property is proposed to be rezoned E4 – Environmental Living under Draft Sutherland Shire Local Environmental Plan 2013 (Draft SSLEP 2013). The proposed seniors housing is a prohibited form of development within this zone. Though a consideration during the DA assessment, Draft SSLEP 2013 is neither imminent nor certain and is currently being given little weight.

It is understood that the development will have a capital investment value of more than \$20 million. Accordingly, Council will undertake the assessment of the proposal and the Sydney East Joint Regional Planning Panel will be the consent authority.

Comments on the Proposal:

The following comments are provided in respect to the concept plans presented for consideration at the meeting.

1. Site Planning & Built Form

The rationale for the chosen approach to site planning will need to be documented and substantiated in any future application. Other approaches to site planning could have been pursued in this case and may have achieved better outcomes in terms of convenience and ease of circulation throughout the site and buildings.

Any subsequent development application must demonstrate that the proposal has evolved from a proper and detailed site analysis in accordance with Clause 30 of the Seniors Housing SEPP. The existing major trees throughout the site, bushfire risk from the north, noise from adjacent major road and rail infrastructure, accessibility and significant presence of the national park are identified as some of the key constraints and opportunities that should have a significant bearing on the final design of the development.

The design principles as set out in Clauses 33-39 of the Seniors Housing SEPP are of paramount importance. The proposal must demonstrate that adequate regard has been given to these design principles. Any subsequent development application will also be assessed against the numerical standards relating to building height, density and scale, landscaped area and parking for residents and visitors as contained in Clauses 48 & 49 of the Seniors Housing SEPP. Any departure from these standards

would only be accepted if the design principles are adequately met and a good design outcome is achieved, taking into account the form of the surrounding development.

The 2-3 storey scale of the proposed new residential aged care building in the north western corner of the site is generally supported subject to a high quality urban design outcome being achieved. If the proposed building is up to 8 metres in height as measured from existing ground level to the uppermost ceiling level, Council cannot refuse it on the grounds of building height. Council may support the proposed building if it exceeds that height, but it will be necessary to demonstrate that the relevant design principles in the Seniors Housing SEPP are met.

There is no particular preference in terms of the two (2) roof form options for the proposed building. However, it is suggested that if the pitched roof form is pursued, further articulation be considered so as to reduce its bulk.

The proposal would benefit from a preliminary review by Council's Architectural Review Advisory Panel, particularly in terms of its approach to site planning, built form and bulk/scale. You are strongly encouraged to pursue such discussions prior to advancing your proposal any further and lodging a development application.

2. Landscaping & Trees

The scale of the existing buildings and spaces between them is well handled and all the ground floor accommodation open directly onto courtyards. There is a strong feeling of intimacy, complexity and ownership of the landscaped spaces. A number of large remnant trees have been retained which also provide good scale and connection with the adjacent national park and bushland. However, the proposed new buildings are taller and more massive than the existing buildings. Careful design will be needed to achieve the same level of connectedness and visual interest as currently exists.

The site currently has three (3) main access points. The main administration building (The Hub) is located well inside the complex and this makes way-finding difficult for a newcomer to the site. The provision of a fourth main access point off Wilson Parade will confuse these matters further. A way-finding strategy that does not simply rely upon signage should be developed for the whole site.

Current on-road pedestrian access along the internal roads is poor, particularly for the mobility impaired. An alternative solution should be developed in conjunction with the way-finding strategy.

All of the proposed courtyards are on slab which will inhibit the establishment of larger trees with good canopy cover. It is understood that soil levels will be achieved by setting the base of planters 600mm below floor level and building up planter boxes 450-600mm where taller species are required. This is a good strategy as it ensures that the courtyards are not filled with tall pots and the plantings look like they are at ground level which creates a more natural appearance.

The concept landscape plan presented at the meeting showed a number of seats in courtyards that were located in full sun. In order to provide summer shade, the majority of seats should be located under trees that allow winter sun or dappled light.

Vertical separation in courtyards is also important, especially where buildings are taller. The use of sails, awnings and/or pergolas is suggested to allow people to comfortably utilise a courtyard without feeling they are being observed from above.

The site is mapped as a Greenweb 'Support' area which requires new plantings to consist of 100% indigenous trees and 80% indigenous understorey species. Suitable species are available by accessing the Native Plant Selector on Council's website. However, given the nature of the development and its occupants, a greater proportion of flowering exotic and native plants could be used in the courtyard areas. Large indigenous trees should be provided around the edges of the buildings where deep soil is available to create a strong planting framework.

An arborist report that accurately identifies the location, species, common name, height, spread of canopy, diameter at breast height, health and condition, vigour and expected longevity of all existing trees that will be impacted by the proposal must be provided. The report must also indicate which trees are proposed to be removed, retained, relocated or pruned.

Remnants of the 'Shale/Sandstone Transition Forest' and 'Sydney Turpentine Ironbark Forest' communities exist within the vicinity of the site. These communities are listed as endangered ecological communities for the purposes of the Threatened Species Conservation Act 1995. The arborist report will also need to include a survey to determine if any vegetation that is representative of these communities exists within the development site and adjacent road reserve. If that is the case, a higher level of ecological assessment (such as a species impact assessment) may be required.

3. Vehicular Access, Car Parking & Traffic Impact

The proposed modification and upgrading of the driveway crossing off Wilson Parade to allow for both ingress and egress movements is not supported at this point in time. The introduction of egress movements onto Wilson Parade at this location raises concerns over traffic and pedestrian safety, particularly having regard to the peculiar geometry of the road carriageway in this location and its status as a distributor road within Council's road hierarchy and potential clashes with cars exiting the highway.

Other alternative vehicular access arrangements should be thoroughly investigated. Improvements to the existing driveway crossing off Wilson Parade to allow for ingress movements only may be a more favourable option. Further discussions with Council's Traffic & Transport Unit should be undertaken on this particular issue. The vehicular access arrangements also need to take into consideration the interests of Rail Corp and National Parks & Wildlife Service in terms of their access requirements.

If the proposed vehicular access arrangements are to be pursued, it will be necessary for you to demonstrate that it is safe and convenient, supports the defined road hierarchy, fits well within the surrounding streetscape and will not have any negative consequences for adjoining landowners, pedestrians or other users of the street network generally.

Apart from the suggestion that the proposed driveway crossing be limited to ingress movements only, it is also recommended that the crossing enter the property at a more northerly point to maximise queuing distance. This may necessitate the removal of some parking spaces. Given the potential for traffic conflict at the intersection of the driveway crossing and the vehicular access into the basement, more generous driveway widths and conservative sight line measurements are recommended. Special consideration should also be given to the safe movement of pedestrians walking along the footpath and through the vehicular access way off Wilson Parade.

The basement car park must be designed in accordance with AS2890.1:2004 and AS2890.6:2009 to accommodate a B85 car. The parking bays and access aisles should be set at the generous end of the range, being 2.7m wide bays and an aisle at least 6.2m wide.

Staff parking should be provided on the basis of likely demand, rather than mere compliance with the standard prescribed in the Seniors Housing SEPP. A more generous staff parking provision is appropriate in this case, given the remoteness of the site relative to a range of public transport options and likely heavy reliance upon private transport.

The traffic generation of the proposal and its impact on the safety, efficiency and on-going operation of the surrounding road system will be an important consideration. The application must be supported by a detailed traffic impact assessment addressing the relevant requirements of the *'Guide to Traffic Generating Developments'*. NSW Roads & Maritime Services will be consulted in accordance with the provisions of State Environmental Planning Policy (Infrastructure) 2007, given the scale of the proposal and its proximity to Princes Highway.

4. Bushfire Risk

Approximately one third of the site is identified as 'bushfire prone land' due to the risk posed by the bushland on the land immediately to the north of the site comprising Royal National Park. Accordingly, the proposal must have regard to the bushfire risk considerations outlined in Clause 21 of SSLEP 2006 and Clause 27 of the Seniors Housing SEPP and comply with the relevant provisions of the NSW Rural Fire Service publication 'Planning for Bushfire Protection 2006'. A detailed bushfire risk assessment including appropriate recommendations on bushfire protection measures must accompany the application.

As development of bush fire prone land for the purpose of seniors housing requires a 'bush fire safety authority' pursuant to Section 100B of the Rural Fires Act 1997, the integrated development provisions of the Environmental Planning & Assessment Act 1979 are triggered. The approval of the NSW Rural Fire Service will be essential, if it is to be ultimately supported. You are strongly advised to undertake early consultations with the NSW Rural Fire Service to determine any significant issues that need to be addressed in the design and operational aspects of the seniors housing proposal.

These early consultations are crucial given the site's location immediately adjacent to the Royal National Park, the limited options for vehicular access to and from the

locality of East Heathcote and the vulnerability of the future occupants, their need for assistance in the event of evacuation and associated impacts on the allocation of fire fighting resources.

5. Noise Impacts

The building and useable outdoor spaces must be designed so as to minimise noise impacts on occupants from road and rail transport using the adjacent Princes Highway and Illawarra Railway Line. The effects of ground borne vibration from rail transport also need to be considered in the building design. To this end, the design must satisfy the relevant noise and vibration emission standards prescribed in the Infrastructure SEPP and the NSW Department of Planning document entitled 'Development near Rail Corridors and Busy Roads – Interim Guideline' (2008). An acoustic and vibration assessment prepared by a qualified acoustic engineer will be necessary at the development application stage.

The location and design of air conditioning and other mechanical plant will need to be carefully considered from a noise impact perspective, particularly given the location of the site within a residential area and the 24 hour operation of such plant. Further, the visual integration of such plant within the built form will also require close attention, so as to ensure no adverse visual impacts on the streetscape. Plant may need to be housed in basement areas or otherwise acoustically treated.

6. Social Impacts & Accessibility

The development application must be accompanied by a social impact assessment ('SIA') that addresses the potential social impacts of the proposal. Reference should be made to the provisions of Chapter 11 of Sutherland Shire Development Control Plan 2006 and the related specifications for guidance as to the range of matters to be considered in the SIA.

The proposal must incorporate any necessary measures to minimise opportunities for crime, having regard to the principles as outlined in the crime prevention guidelines issued by the NSW Department of Planning and the objectives and controls prescribed in SSDCP 2006.

Given the prevalence of graffiti and vandalism in the Heathcote locality and Sutherland Shire generally, it is recommended that all external facades of the proposed buildings that are accessible to the public be finished with non-sacrificial anti-graffiti coatings. Particular attention also needs to be given to the implementation of security and safety measures with respect to the basement car park, fire escape stairwells/passageways and tree and shrub planting maintenance.

Any future development application will be referred to the Sutherland Local Area Command (NSW Police Force) for an independent assessment of the level of crime risk and any recommendations to reduce such risk.

The proposal must incorporate access and facilities for people with disabilities in accordance with the provisions of the Australian Standard AS1428.1 – 2009, Building Code of Australia and Disability Discrimination Act, 1992. To this end, a report from a

qualified access consultant that demonstrates that all aspects of the development will comply with the relevant Australian Standards for Access and Mobility and the new Access to Premises Standard must accompany any subsequent development application.

Designated accessible parking spaces must be designed in accordance with AS2890.6 – 2009. Lifts must be designed in accordance with AS1735 – 1994.

7. Stormwater Drainage

The property drains to Council's stormwater drainage system. On-Site Detention is required as it is understood that the pervious area is being reduced. Given the potable water use for the development it is strongly recommended that rainwater harvesting and reuse is maximised. Any required detention facility may off-set by retention vessels under clauses 5.e.1& 5.e.2 of Chapter 8 of SSDCP 2006.

Stormwater drainage must also be designed having regard to the relevant provisions of *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*. Water quality treatment measures must be included in any proposal.

8. Impacts on Royal National Park

The Royal National Park to the north of the site is listed as a heritage item under the provisions of SSLEP 2006. Potential impacts on the national park will need to be carefully considered.

Given that the site generally slopes away from the adjacent national park lands and the proposed works are confined to the site and its street frontages, it is not anticipated that there will be any significant issues in this respect. Nonetheless, the required construction management, erosion/sediment control and stormwater drainage plans will need to include appropriate measures to ensure that there are no direct or indirect adverse impacts on the national park and its ecological values.

Tree and shrub planting adjacent to the park boundary will need to be carefully considered with a view to avoiding the use of invasive and noxious plants. External lighting adjacent to this boundary will also need to be carefully located and orientated so as not to disturb fauna roosting and foraging in the adjacent national parks land at night.

9. Other Matters

The proposal should have regard to the design principles of the Residential Flat Design Code, wherever practicable. Whilst the principles of this code are not strictly relevant to residential aged care facilities, they do provide a useful guide for such developments, particularly with regard to residential amenity. Particular attention should be given to design principles relating to solar access, cross ventilation and communal and private open space.

The application must be accompanied by a report addressing the fire safety provisions of the Building Code of Australia in particular, including measures contained in the

building to protect persons using the building and to facilitate their egress from the building (in the event of fire) and to restrict the spread of fire from the building to other buildings nearby.

Adverse impacts from external lighting sources, upon adjacent residents to the east and south and on flora and fauna habitat within the Royal National Park to the north, must be avoided. All proposed external lighting must be designed in accordance with the requirements of Australian Standard AS4282 – 1997 'Control of the Obtrusive Effects of Outdoor Lighting'.

Any future development application must be accompanied by a site management plan that addresses the relevant provisions of SSDCP 2006. This plan must address the management of staff and visitor parking during the construction phase, particularly if existing parking facilities are to be unavailable for any length of time.

Conclusion:

The concept of redeveloping the residential aged care precinct on the site is supported in principle, given that the complex is already substantial in size and well established and abuts non-residential uses for much of its periphery. The achievement of a favourable outcome will be largely dependent upon how well the proposal addresses key issues including bushfire risk, vehicular access, amenity impacts and urban design quality.

The appropriateness of a combined ingress/egress driveway crossing off Wilson Parade should be further reviewed, particularly in terms of its impacts on traffic and pedestrian safety. Other alternative vehicular access arrangements should be thoroughly investigated. At this point in time, Council officers remain unconvinced on the suitability of this element of the proposal.

Early pre-application discussions with Council's Architectural Review Advisory Panel (ARAP) are strongly recommended, particularly as any such proposal would need to go before ARAP for comment as part of the assessment of a development application. These preliminary reviews have proven useful in achieving high quality urban design outcomes and more timely determinations on other similar aged care projects.

Meaningful engagement and consultations with adjoining residents and nearby major landholders such as National Parks & Wildlife Service, Roads & Maritime Services and Rail Corp, before finalisation of the design for submission to Council, are also strongly encouraged.

It is important to note that the information provided in this letter is based on the planning instruments applicable at the time of writing. You should make yourself aware of any subsequent changes to legislation or local planning controls before lodging your development application.

For detailed information about how to prepare and lodge a development application, please visit:
www.sutherlandshire.nsw.gov.au/Building_Development/Development_Requirements

This web page contains a "DA Guide" and an online tool called "Development Enquirer" which searches the applicable planning instruments for the planning controls relevant to your site and development.

Council's Development Enquiry Officers are also available to assist you with the lodgement requirements for your application (9710 0520).

Please contact Council if you believe any of the above information to be incorrect or if you need clarification of the advice provided. Your initial point of contact should be Greg Hansell (9710 0844) as this is Council's development assessment officer who will most likely be responsible for the assessment of your DA.

Yours faithfully

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

13th November 2014

Evan Phillips
Sutherland Shire Council
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Sutherland NSW 2232

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PO Box 409 Mascot 1460

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Dear Evan,

Re: John Paul Village – Development Application No. DA14/0823

Thank you for your letter dated 15th October 14 confirming Sutherland Shire Council's preliminary assessment of the above Development Application. Further to this letter we provide the following additional information in support of the project.

1. Office of Environment & Heritage (OEH)

The comments raised by OEH have been addressed under separate correspondence issued to SSC on 5th Nov 14. The response included submissions from both our Civil Engineers Northrop and Bushfire Consultant Eco Logical Australia.

2. Urban Design and ARAP Comments

The comments raised by the Architectural Review Advisory Panel have been addressed by our Architect DEM in the attached covering letter '*Response to ARAP Comments*' dated 11th November 14. The letter covers the keys issues relating to the overall masterplan, wayfinding, the northern frontage, character and built form. We are confident that we have resolved these issues and provide details in this response.

In addition to this response the following drawings have also been updated showing additional visitor parking in front of the Village Hub and minor changes to the Wilson Pde driveway entry to accommodate RailCorp and NPWS vehicles. The gradients of the new driveway have been added and sections updated to ensure clear head height for ambulances can be accommodated into the basement.

- Drawing ar-0201 (A07) Site Plan
- Drawing ar-0203 (A24) Ground Floor
- Drawing ar-0204 (A19) Level 1
- Drawing ar-2501 (A08) Elevations

3. Landscape Design

DEM have addressed Council's comments in the attached letter dated 12th November 14 and provide updated landscape plans reflecting these changes. The following updated plans are enclosed:

- Drawing Ia-0501 (A10) Landscape Site Plan
- Drawing Ia-2400 (A04) Landscape Sections Sheet 1 of 2
- Drawing Ia-2401 (A04) Landscape Sections Sheet 2 of 2

The Wilson Pde alignment has been reviewed to ascertain whether there is any opportunity to retain all or part of the existing trees in this area. A number of options were considered including:

- Moving the driveway further west to retain the cluster of trees, and
- Splitting the entry and exit lanes to wrap around the existing trees.

These options were reviewed by our traffic engineer (McLaren Traffic) for both motorist and pedestrian safety. McLaren Traffic has provided a response in the enclosed letter '*Response to Council's Internal Review regarding John Paul Village expansion at corner of Wilson Pde & The Avenue, Heathcote*' dated 12th November 14. Unfortunately due to safety concerns the modifications to the Wilson Pde driveway to retain the trees are not recommended.

4. Traffic Impact and Other Engineering Matters

Written advice has been received from RailCorp and verbal advice from NPWS with respect to access requirements to their gates. These requirements have been incorporated in the minor changes made to the Wilson Pde driveway. Updated architectural plans have been provided with this letter.

In addition land owners consent has been received from RailCorp for the works being carried out on their land. RailCorp's letter dated 17th October 14 confirming owners consent was issued to Council under separate email dated 28th October 14.

The additional information requested by Council has been enclosed, please refer to McLaren Traffic's '*Response to Council's Internal Review regarding John Paul Village expansion at corner of Wilson Pde & The Avenue, Heathcote*' dated 12th November 14.

The additional stormwater details have been updated on Northrop's concept stormwater plans with covering letter dated 11th November 14, the following updated drawings are enclosed:

- Drawing C4.11 Rev 2 Concept Stormwater Management Plan – Ground Level Sheet 1
- Drawing C4.21 Rev2 Stormwater Details Sheet 1

5. Construction Management

The Site Management Plan has been updated to include all construction activities within the subject site. A copy of the updated Site Management Plan (Rev 2) was lodged to SSC under separate correspondence dated 7th November 14.

Yours faithfully

HANSEN YUNCKEN PTY LTD



Danny Kataieh
Design Manager



Evan Phillips
Sutherland Shire Council
6-20 Eton Street
Sutherland NSW 2232

Dear Evan

John Paul Village – Development Application No DA14/0823
Response to ARAP Comments

We refer to the Architectural Review Advisory Panel's report dated 28th August. The key issues raised in the report are addressed in this letter and supporting documentation.

1 Master Plan

John Paul Villages' brief for the Development was to address the Residential Care Facility and in particular the matters described in Section 3 of the Design Report that accompanied the Development Application. The Self Care dwellings were specifically excluded as they had already undergone recent upgrading works including the installation of lifts to each of the ILU clusters, and refurbishment of bathrooms and kitchens to improve accessibility. It is envisaged that some minor works to the self care units will continue to be undertaken, including internal refurbishment of units when they are vacated and before new residents move in.

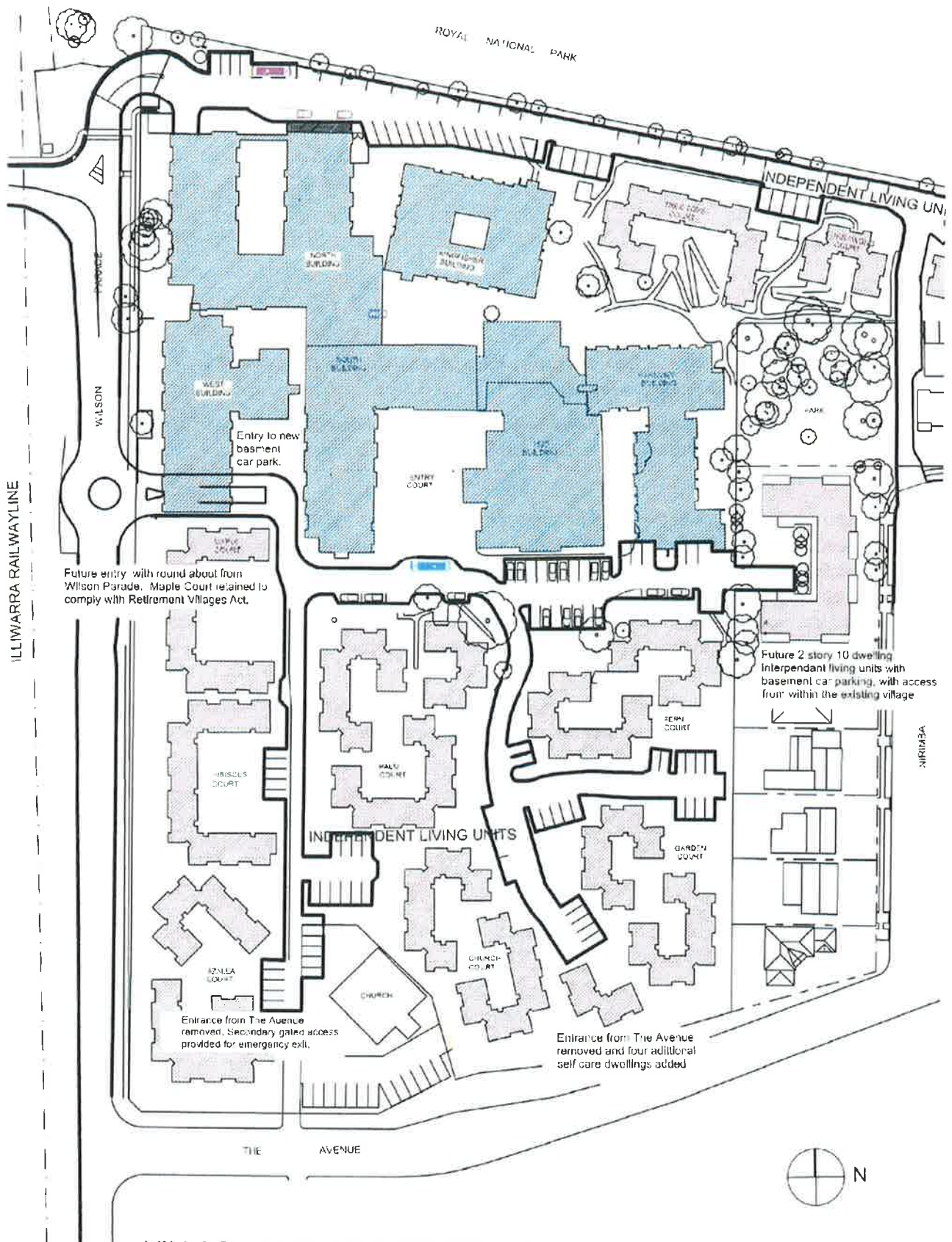
The Village believes that the existing self care units will meet the needs of their residents for the next 15-20 years and does not seek to demolish or change their arrangement.

In response to the Panel's concern that an overall masterplan should be prepared to address a longer term vision for the entire Village, DEM has prepared a "15 Year Concept" that proposes that the main Village entry be relocated to Wilson Parade, and the existing two entries from The Avenue be deleted. The proposed entry will provide direct access to the new basement car park, the residential care main entry, and the Hub administration building. Additional short term visitor parking is proposed in front of the Hub building.

The north driveway would remain as the entry for service vehicles with the loading area as currently proposed at the northern end of the north building.

The concept would provide more separation between the Residential Care Facility and the self care dwellings. It would also reduce through traffic in the self care part of the Village providing a safer environment for residents, and reduce village traffic using the Avenue. The plan would also benefit local residents and reduce congestion due to school traffic by reducing Village traffic in The Avenue.

The master plan concept is seen as a longer term project and is provided for information and does not form part of the current Development Application. The Master plan will take time to implement as it requires the agreement of existing Village residents under the Retirement Villages Act, requiring the demolition of 6-10 self-care units.



VILLAGE 15 YEAR INDICATIVE CONCEPT

Scale: 1:500 @ A1

Date: 11th November 2014

FIG 1

2 Way finding

In response to the Panel's concern that visitors may be confused as to where to go, we have proposed to increase onsite parking in front of the Hub building, and opposite the entry court to the Residential Care Facility to 20 vehicle spaces as indicated in Figure 2. The number of ground level visitor spaces will be further increased by relocating some existing ground level self care parking to the new basement and using these spaces for visitors. These spaces will be designated as "visitor spaces only" and will be used for visitors who have not been inducted on the use of the basement car park.

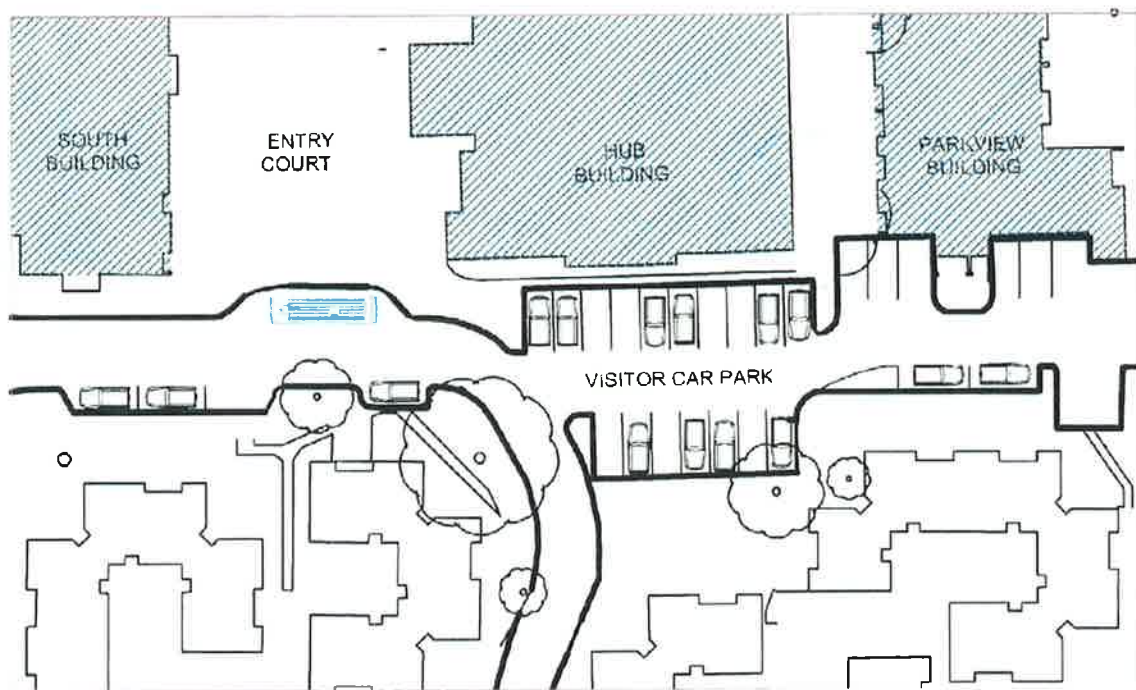


Fig 2 Visitor parking

To facilitate the use of the basement car park by resident's families they will be given an orientation pack that includes an access card to gain entry to the car park, as well as details of parking arrangement. The carpark will also be for staff and self care residents.

It is proposed to re-establish the existing northern entry from Wilson Parade for access to the car park and to the relocated service loading dock. This will reduce the amount of traffic within the site, in particular the central core road network which is currently used as a shared zone with residents, service and delivery vehicles.

Relocating the main service areas to the basement with direct access from the loading dock has shifted heavy vehicle movements to the rear of the site to improve resident safety and amenity within the Village. The concept plan previously referred to will further improve way finding.

3 Northern Frontage

In response to the earlier ARAP meeting comments, JPV addressed the Panel's concern to exploit the northern aspect and park views by providing more north facing lounge spaces that provide views to the National Park. The bridge link is also used to maximise National Park views by providing seating within the link. Extensive glazed walls are provided to these areas to maximise views to the National Park, with horizontal louvers used to control solar access as indicated on the elevations.



Northern Facade from Royal National Park

We believe more residents will benefit by providing common recreational and leisure spaces for all residents facing the park rather than would be achieved by locating individual rooms facing the park. Other factors affecting the design were the requirement to stage the project to minimize the loss of nursing beds during construction. In addition, a significant number of residents in the new North Building will be high care and dementia residents.

4 Character, built form

In response to the earlier ARAP meeting comments for formal clarity and appropriate character, the large gable fronting Wilson Parade has been replaced with smaller gables to each "winter garden". The "curtain wall" to the "winter garden" has been replaced with solid balustrades, which will reduce the scale of the building and achieve a more domestic residential character.

We believe the concern on the bulk and scale of the building is unfounded. The modulation created by the smaller gables, projecting "winter gardens", and brick balustrades achieves a form and bulk appropriate to the site for a 236 bed Residential Care facility. The facility is more akin to a hospital rather than a townhouse development.

The proposed buildings vary between one and three storeys and are not inconsistent with the existing two storey self care units to the south, as indicated in the attached model image. The attached model's views from Wilson Parade show that the proposed western elevation appears as two storeys.



Elevation from Wilson Parade showing transition between the new and existing building to the right



The existing West Building and proposed new North Building from Wilson Parade



Proposed North Building from Wilson Parade appears as two stories

The façade treatment reflects the different functions of the various parts of the facility. The east and west facades of the northern building relate to the residents rooms, the north façade of the north building relates to the residents lounge areas maximising views to the north and the north and south façade to the south building to the café, main entry, and treatment areas.



Entry Court

The link bridge to the north building is designed as a separate element with a flat roof form that sits below the roofs to other building forms and is set back from the Northern Facade.

To increase northern solar access to east and west facing courtyard rooms to the north building the wintergardens have been separated to allow more glazed areas, and with northern windows to all of these rooms. This was not done to the Wilson Parade, and eastern façades as we believe this would create a too fragmented façade and roof form. These façades have more exposure, and will get more solar access than the internal courtyard rooms.

The ARAP review also commented that the chapel design was inappropriate to its function. There is already a small dedicated chapel above the hub that is being retained and the existing church adjoining the southern boundary of the village with access from the village and The Avenue will also be retained. The chapel is a multi use space with flexible internal spaces created by operable walls that will be used as a chapel to supplement the existing church and chapel. It will cater for wheelchair or bed bound residential care residents who require nursing assistance.

Yours sincerely

Morris Rosenberg
Director



LEGEND

- NEW WORKS
- ALTERATIONS & ADDITIONS
- NEW EXTERNAL WORKS



John Paul Village
Development Application
100-110 Wilson Avenue,
Heathcote,
Sutherland shire.



Agencies involved
Levels: 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

SITE PLAN RESIDENTIAL CARE PRECINCT (PACF) GROUND FLOOR	
DATE	15/08/20
BY	15/08/20
OF	4312-00
PROJECT	ar-0203
SHEET	A24



LEGEND

- NEW WORKS
- ALTERATIONS & ADDITIONS
- NEW EXTERNAL WORKS



John Paul Village
Development Application
15 The Avenue,
Heathcote,
Sutherland shire.

Site Plan Residential
Care Precinct (RACF)
LEVEL 1

Scale: 1:500
Date: 15/05/2024
Author: [Name]
Reviewer: [Name]

Project No: 2024-004
A19





12.11.14

L6, 15 Bourke Road
Mascot NSW 2020
Australia

Attention: Danny Kataieh
Design Manager

Dear Sir

Residential Care Precinct of John Paul Village, 15 The Avenue, Heathcote.

We have reviewed the development application letter no. DA14/08/23 issued by council on the 15th of October 2014 and have updated the landscape drawings according to the following comments below.

Council Landscape Comments

3. Landscape Design

A revised landscape plan is required to be submitted providing a greater level of detail / scale which addresses the following points and design opportunities:

- *All existing trees to be retained/removed;*
The trees were reviewed. Tree 10 was not on the survey but in Arborist report and has now been added. Trees 17, 18 & 19 have been added. Some smaller trees not on the survey but in the arborist report as part of the Tree Stand A have also been added. Trees 12, 13 and 14 have been removed as per ARAP comments.
- *All relevant existing and new levels, proposed materials, plant species and their locations including courtyard areas;*
Additional existing levels and new levels have been added. Additional plant species have been added and shown to courtyards.
- *Details regarding the level of excavation around Trees 25-31 to ensure that no more than 15% of the root zones of existing trees are affected.*
An additional Detail 05 (La—2401) has been included to clarify excavation and landscape works surrounding the trees 25 to 31. Only 13% of tree 31's primary root zone will be impacted by the development due to piling to this side of the driveway & building. Landscape Section B (La—2400) has been updated with additional information.
- *Provision of additional shade over seats in the courtyard with the water feature;*
Additional shade trees have been added to this courtyard.
- *Provision of canopy trees in the Multi-diversional Therapy Courtyard.*
Indigenous Canopy trees have been added to the south end of this courtyard. The client uses this courtyard regularly for diversional therapy activities and trees will impact on the uses, which is why they were not shown previously.
- *Planting along the fence line on Wilson Parade to screen headlights coming across the railway bridge.*
This was always intended as all this would be planted along this boundary (shown Green). Additional symbols added. Planting type shown in Section B (La—2400)



- *Additional indigenous species, especially small and large trees (where deep soil available), within the courtyards, to integrate the internal spaces with the existing landscape of the village, new perimeter plantings and the National Park beyond.*
An additional 14 trees have been added and scattered throughout the site in groups.

Further, the proposed new driveway from Wilson Parade will require the removal of a number of trees with that are covered by Councils' Tree Preservation Order. The loss is of concern given three (3) are identified as remnant species. It is suggested that alignment modifications be explored to ascertain whether there is any scope for tree retention.

Refer Traffic Engineers Report (McLaren Traffic)

Yours faithfully

Alex Beeston
Senior Landscape Architect





landscape sections
sheet 1 of 2

add a 15 sec
40 150 PN 4312-01
a04
a-2400



M^CLAREN TRAFFIC ENGINEERING

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Division of RAMTRANS Australia ABN: 45067491678

Transport Planning, Traffic Impact Assessments, Road Safety Audits, Expert Witness

12 November 2014

Ref: 2013/200.L03B.CM/pk

Hansen Yuncken
Level 6, 15 Bourke Road
Mascot NSW 2020
PH: 02 9770 7600

Attention: Mr Danny Kataieh

RESPONSE TO COUNCIL'S INTERNAL REVIEW REGARDING JOHN PAUL VILLAGE EXPANSION AT CORNER OF WILSON PARADE & THE AVENUE, HEATHCOTE

Dear Danny,

Reference is made to your request (Email dated 17/10/14) to provide a response to Sutherland Shire Council's internal review regarding the traffic and parking aspects of the proposed John Paul Village (JPV) expansion. The submitted site plan is reproduced in **Annexure A** for reference.

Tree Retention

Council's Comment: *"It is suggested that alignment modifications be explored to ascertain whether there is any scope for tree retention"*

Two options for retaining the trees have been analysed. The first option involved splitting the exit and entry driveways around the row of trees however this significantly reduced the sightlines of exiting traffic and reduced the offset of the entry driveway from the crest of the railway bridge. Since sight lines are a primary safety concern and the existing situation is not compliant in this regard, it is determined that the first option is not suitable. The second option involved placing both the entry and exit driveways to the west of the row of trees; however this even more detrimentally reduced available sight distance due to the shorter offset from the crest of the railway bridge. Considering the driveway has been consistently designed for safety retention or improvement, it would be inappropriate to retain the trees.

Ambulance Bay and Access

Council's Comment: *"The basement Ambulance Bay is required to comply with the requirement setout in table 4.1 of Australia Standard AS2890.2 for a "SRV" sized vehicle, including headroom and NSW Ambulance Service Vehicle Access Requirements. A plan is required to be submitted showing suitable "SRV" Vehicle manoeuvring within the basement level. Alternatively, the ambulance bay should be provided external to the basement."*

The NSW Ambulance Service provides design requirements for ambulances in NSW. These standards reference a generally largest vehicle of the Mercedes Benz Sprinter with height 2.72m including aerial and length 6m with swept paths provided in **Annexure B**. The oversized bariatric ambulance is only required in a very low percentage of ambulance responses and is accommodated on the site at ground level accessed via the internal loop road. The location for the Bariatric Ambulance is designed to accommodate a larger mini-bus and is shown in **Annexure C** for reference. The SRV design vehicle of AS2890.2 is for servicing and deliveries and is not an ambulance design vehicle. As such it is determined that the provision of the compliant ambulance bay is in accordance with design requirements.

Pedestrian Sight Lines

Council's Comment: *"Details demonstrating the suitability of the offset layback and pedestrian path to and from the site with respect to gradients and sight distances to vehicles turning into the site."*

At the pedestrian refuge, vehicles will have priority such that a pedestrian should wait for a gap between cars first as opposed to the driveway kerb where a car must wait for a gap between pedestrians. It is unlikely that vehicles entering John Paul Village will be travelling faster than the 85th percentile speed at the western approach to the crest of 36km/h and will certainly not be travelling this speed near the bend. As shown in **Annexure D** There is 30m of sight distance between an entering vehicle and an eastbound pedestrian. The minimum required is described in Austroads where $SSD = \frac{R_T V}{3.6} + \frac{V^2}{254(d+0.01a)}$. With Reaction time of 1.5 seconds, velocity of 36km/h and longitudinal friction coefficient (d) of 0.36, the required Stopping Sight Distance is 29m. The provided stopping sight distance is hence sufficient.

At the driveway kerb pedestrians have priority and an entering car must legally wait for a gap in pedestrians prior to proceeding. Due to the driveway profile at the kerb line a driver would also be practically required to slow down significantly prior to traversing. A driver entering a private development would expect a driveway profile and hence would be very likely to decelerate without yet seeing the kerblines. The sight distance of 29m to the entrance kerblines would be sufficient for a vehicle travelling up to 33km/h on the 5% downgrade from the kerblines. Since a vehicle would be travelling much less than this in anticipation of the driveway, safe stopping distance is achieved.

The intention is for the pedestrian refuge to be used by more mobile pedestrians only, for convenience though with slightly higher risk. If the refuge were not provided then the pedestrians who complete the crossing of both driveway lanes at this location for convenience would be doing so in an unsafe manner. A safe and compliant design has been achieved and affords all the pedestrians the option of the safe driveway crossing offset from the kerblines.

It may be appropriate, especially during early utilisation of the new driveway design, that warning signs be installed prior to the crest on the Wilson Parade in the eastbound direction. This would advise motorists of the “CREST” and “DRIVEWAY ON CORNER” which should aid in both reducing the general speed of motorists and increasing awareness of potential hazards. This is not a requirement though is recommended to further increase safety of the future design well beyond existing operation at the location.

Median to Prevent Right-Out Movement

Council's Comment: *“Details demonstrating the practicality of a central median island in Wilson Parade so as to enforce left in and left out movements only”.*

A NO-RIGHT-TURN sign will be located to legally prevent vehicles from exiting the site via a right-out movement across the Double Unbroken Line, however it would still be practically possible for a vehicle to complete the movement. The manoeuvre is shown in **Annexure E** and the required alignment of a raised concrete median to prevent this is also shown. It is clear then that with the installed median, the impracticality of the traversing the median will be a sufficient deterrent for vehicles trying to complete the un-safe RIGHT-OUT movement and exiting traffic will therefore follow the correct and safe left out movement.

Rail and National Parks Vehicles

Council's Comment: *“Written advice should be sought from Sydney Trains and National Parks and Wildlife to ascertain any further access and egress requirements of these authorities”*

Transport for NSW has been contacted and their design standards for access roads (T HR CI 12200 ST Standard – Access Roads 04/04/2014) have been analysed. The technical standard denotes an R20 - 12.5m rigid vehicle (equivalent to an HRV in AS2890) and this vehicle has been tested using swept path analysis for the rail access gate. The inbound and outbound movements are shown in **Annexure F** with a 300mm manoeuvring clearance and are successful in one manoeuvre each.

National Parks have been contacted numerous times though no response has yet been formally received. Verbal advice (Phone call on 10/11/14) regarding the specific access gate was gathered from the Royal National Park Management Officer who stated that *‘cars from the National Parks Service, Trucks from the Fire Brigade and Trucks from the Rail Service should all be able to access the gate’*. Based on this advice swept paths were produced using the maximum of these vehicles which is the rail access R20 vehicle of 12.5m and are shown in **Annexure G** to be successful in one manoeuvre.

All vehicles accessing either the rail or national park gate will do so in a LEFT-IN/LEFT-OUT movement to prevent vehicle conflicts at the bend in Wilson Parade. Vehicles of 6m in length or less will be able to perform a U-Turn at the existing U-Turn bay on Wilson Parade and longer vehicles will require use of the Heathcote High Bus Bay resulting in a short detour to make an equivalent-RIGHT-OUT movement. Considering the two gates have very low usage, the practical solution presented is considered satisfactory and certainly an improvement in safety over existing operation. Vehicles longer than 12.5m will require more than one manoeuvre to enter and exit the gates successfully, though similar to what is required of the

JPV site, large vehicles associated with maintenance or construction would be subject to a Construction Traffic Management Plan or Traffic Management Plan.

Conclusion

Some small modifications to the driveway design have resulted in a compliant design for pedestrians, Fire Brigade vehicles, Ambulance vehicles, Rail access vehicles and cars accessing the site. This required minor kerb re-alignment and installation of median for part of Wilson Parade. There is also a recommendation for warning signs to be installed on the eastbound approach to the Wilson Parade crest, though this recommendation is independent of the subject development.

Please contact the undersigned should you require further information or assistance.

Yours faithfully

M^CLAREN TRAFFIC ENGINEERING



Craig M^CLaren

Director

BE Civil. Graduate Diploma (Transport Eng) MAITPM MITE [1985]

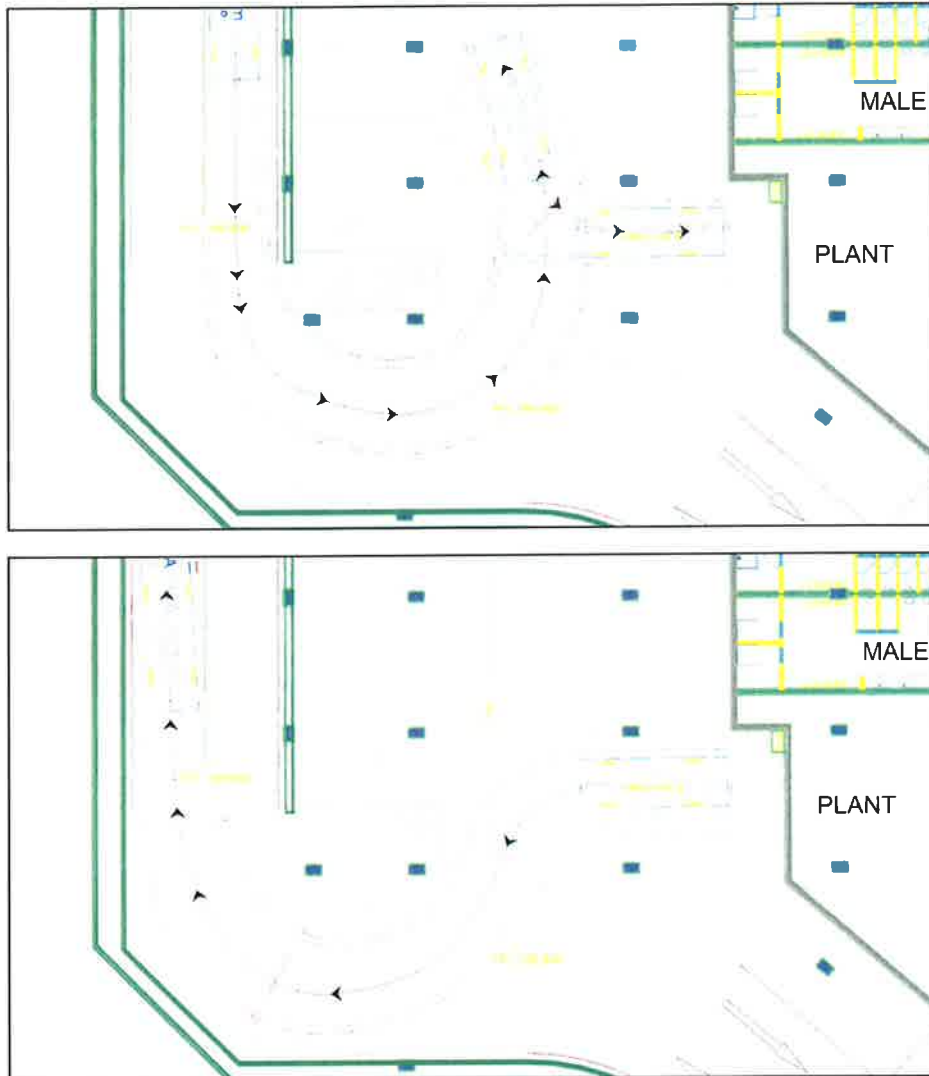
RMS Accredited Level 3 Road Safety Auditor

RMS Accredited Traffic Control Planner, Auditor & Certifier (Orange Card)

ANNEXURE B: AMBULANCE SWEEP PATH DIAGRAMS

Swept Path Test Results
John Paul Village

Job No. 2013/200
Date: 24th October 2014



6m Ambulance

5km/h

2 manoeuvre entry; 1 manoeuvre exit

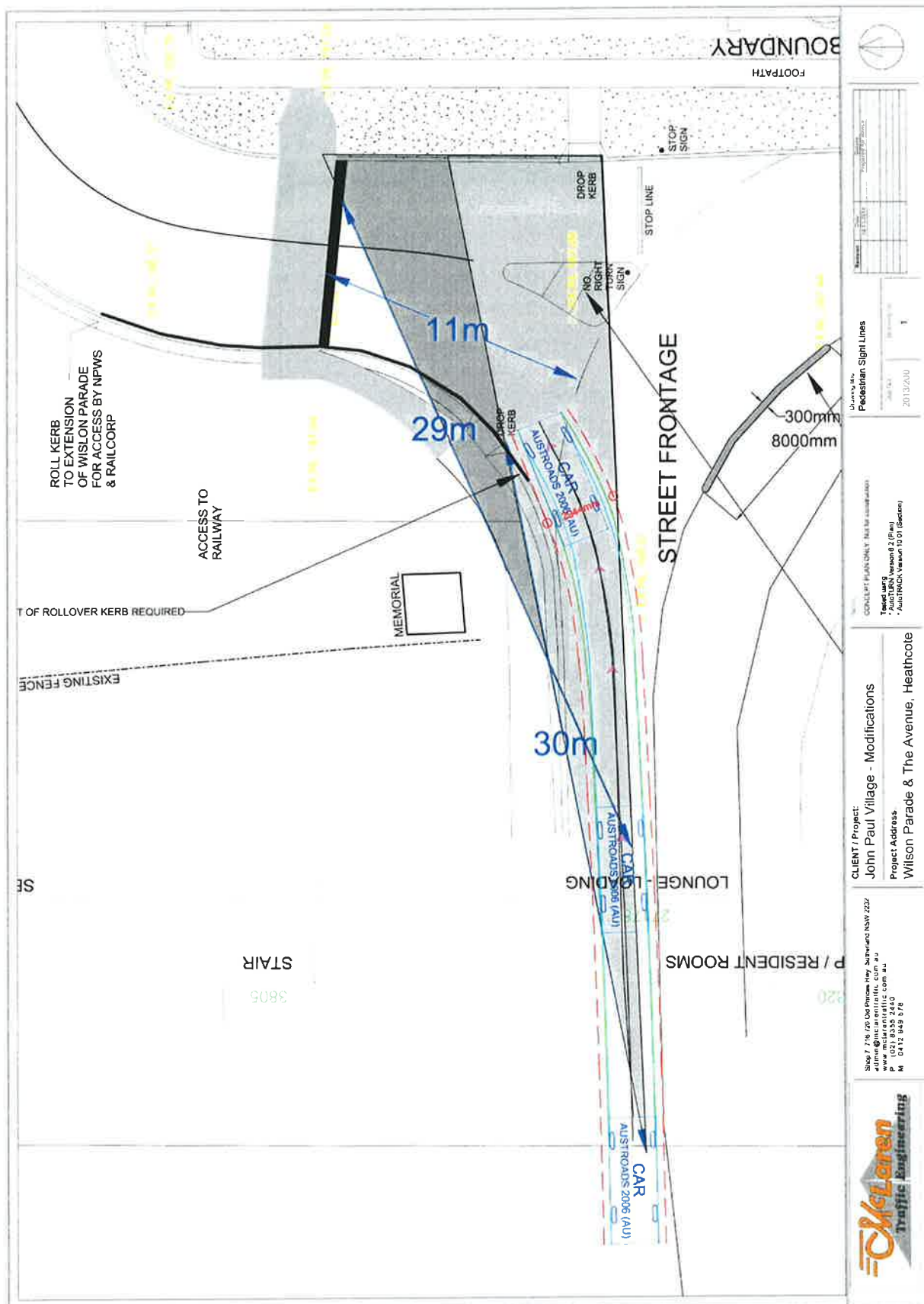
Successful

Blue- Vehicle body

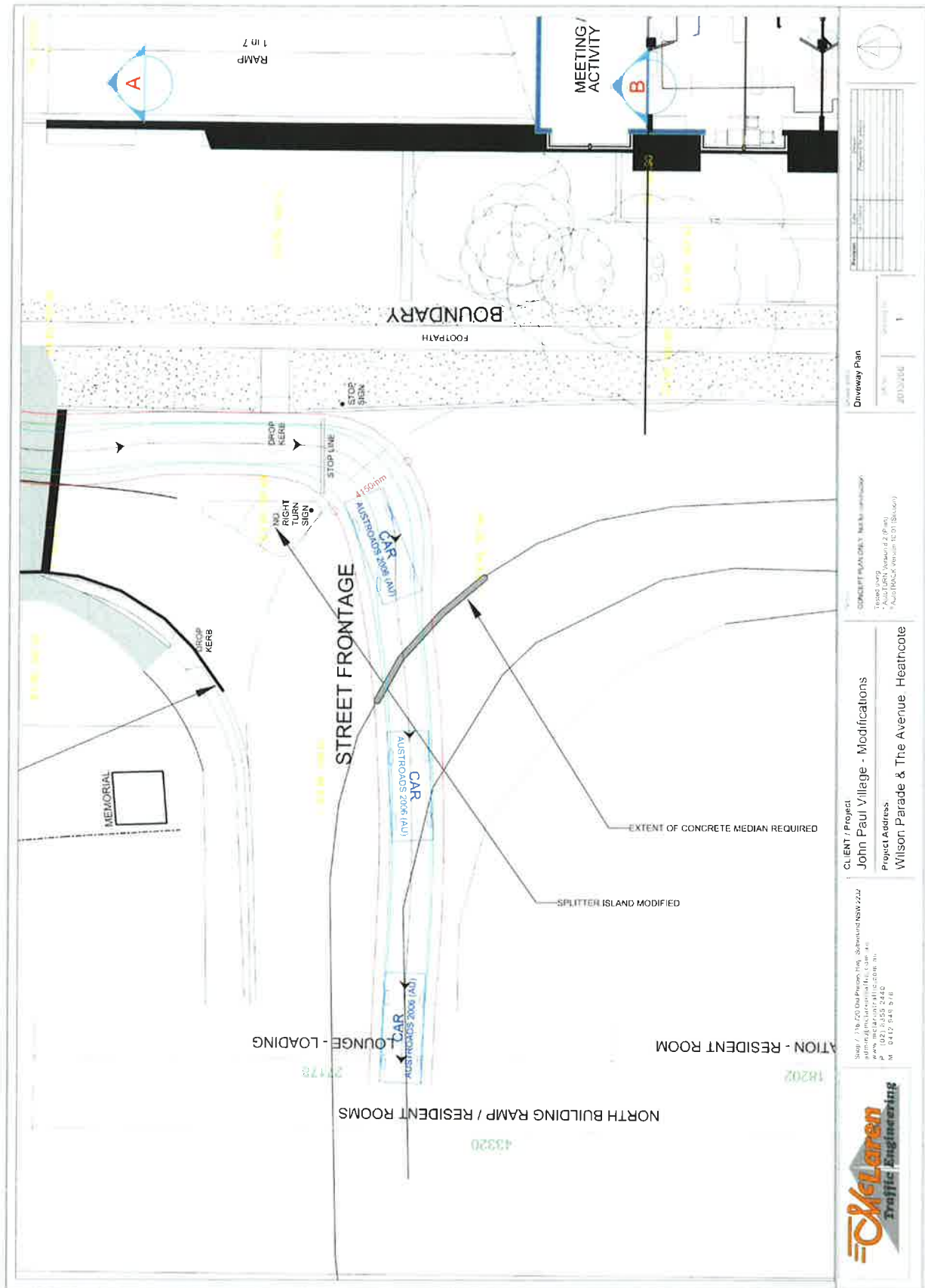
Red- 300mm clearance

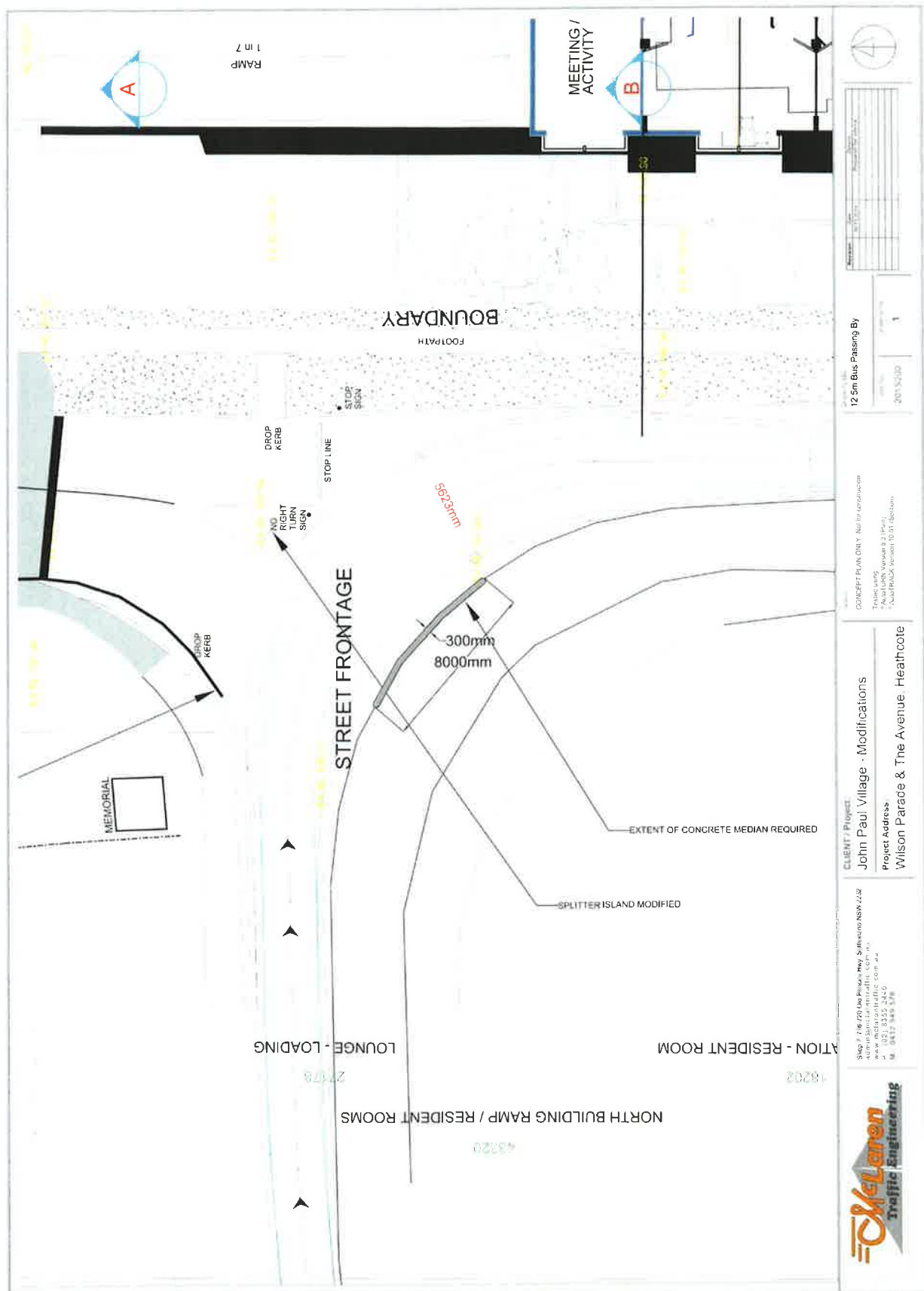
McLaren Traffic Engineering
Shop 7, 716-720 Old Princes Hwy, Sutherland NSW 2232
Ph 61-2-8355-2440

ANNEXURE D: SIGHT DISTANCES



ANNEXURE E: MEDIAN ON WILSON PARADE (Page 1 of 2) CAR TURNING RIGHT OUT

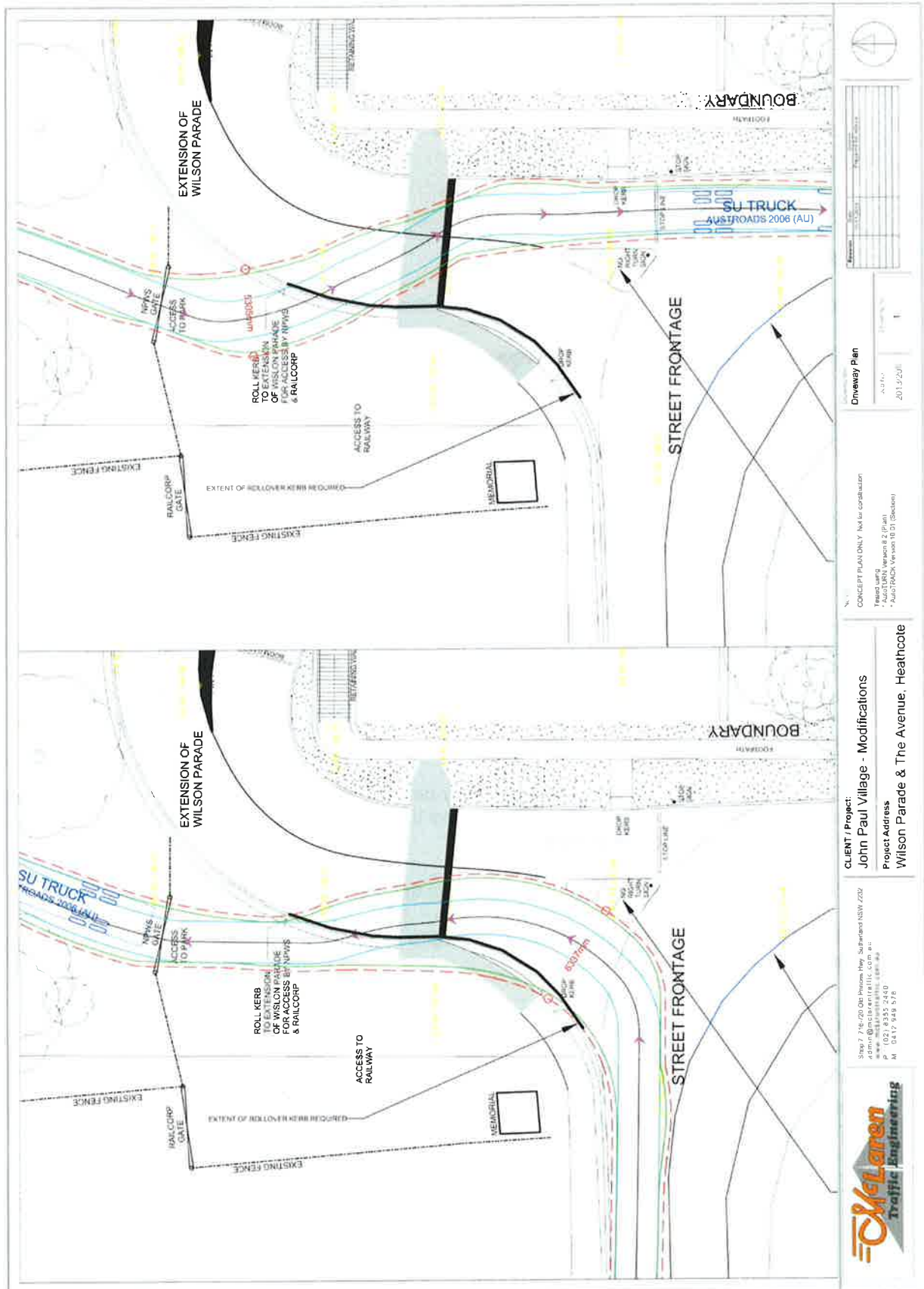




ANNEXURE F: TFNSW SWEEP PATH DIAGRAMS



ANNEXURE G: NATIONAL PARKS SWEEP PATH DIAGRAMS



Job No: 141062

11 November 2014

Hansen Yuncken
PO Box 409,
Mascot NSW 1460

Attention: Danny Kataieh – Design Manager

Dear Danny

**RE: JOHN PAUL VILLAGE – 15 THE AVENUE, HEATHCOTE
STORMWATER DRAINAGE**

I refer to correspondence from Sutherland Shire Council dated 15 October 2014 (Ref:DA14/0823) and forwarded to us by email from Hansen Yuncken. In particular I refer to the stormwater drainage matters.

We particularly refer to Part 4 of that letter "Traffic Impact and other Engineering Matters" paragraph 3 of sub-clause (b) which refers to the release of water to an existing inlet pit in Wilson Parade. It refers to provision of specific details regarding the pit.

We attended the site on 28 October and again on 4 November to trace the connection to the drainage system in Wilson Pde.

We confirm the proposed OSD tank ultimately drains to an existing kerb inlet on the eastern side of Wilson Pde. This pit is at the top of the line and has a grate level of RL195.99 and IL191.60. A DN375 RCP extends to the south from this pit.

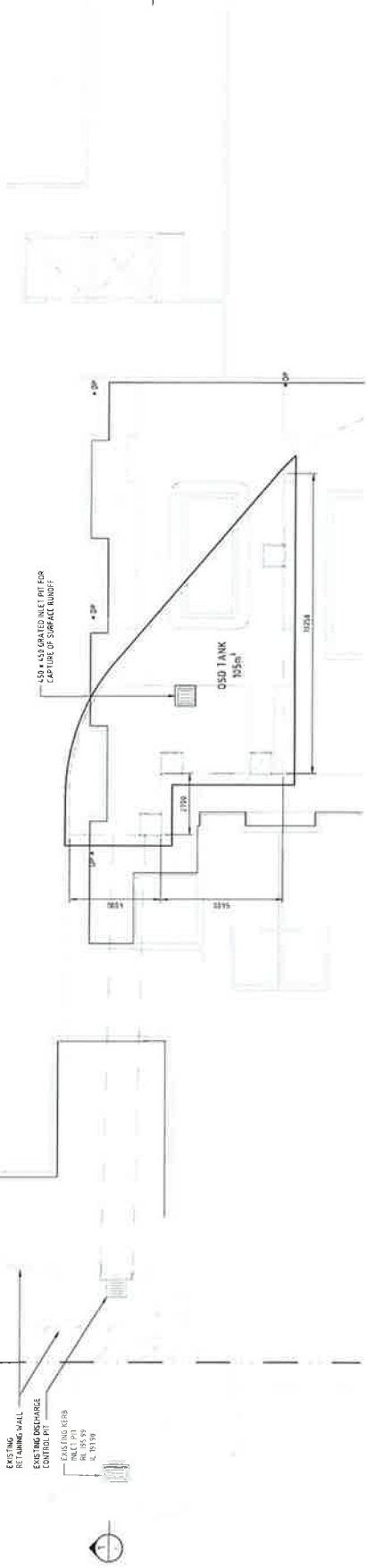
Northrop drawings C4.11 and C4.21 have been updated to reflect this.

I trust you find the above satisfactory. Feel free to contact me (mob 0405 534 259) to discuss any aspect.

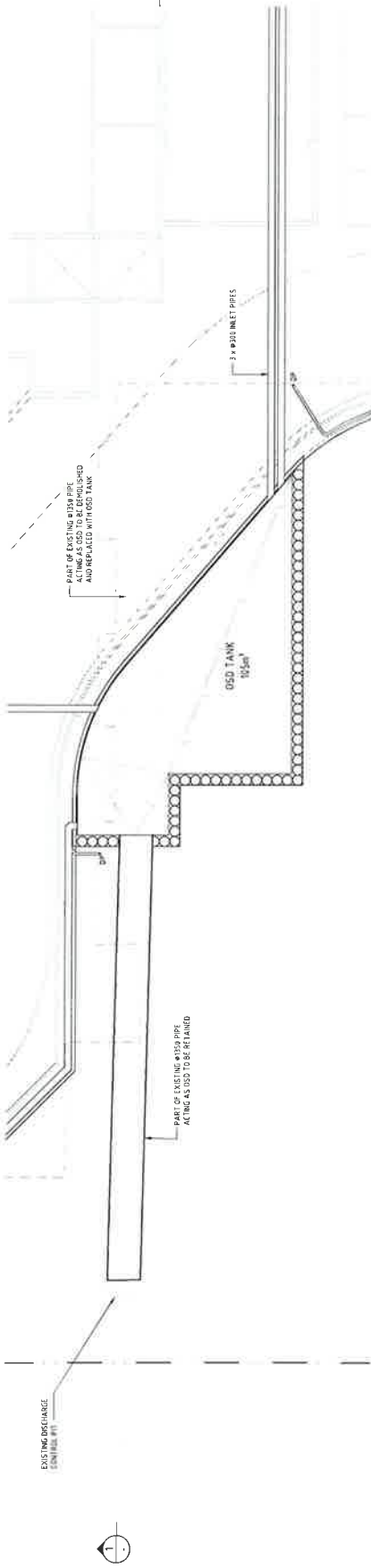
Yours faithfully



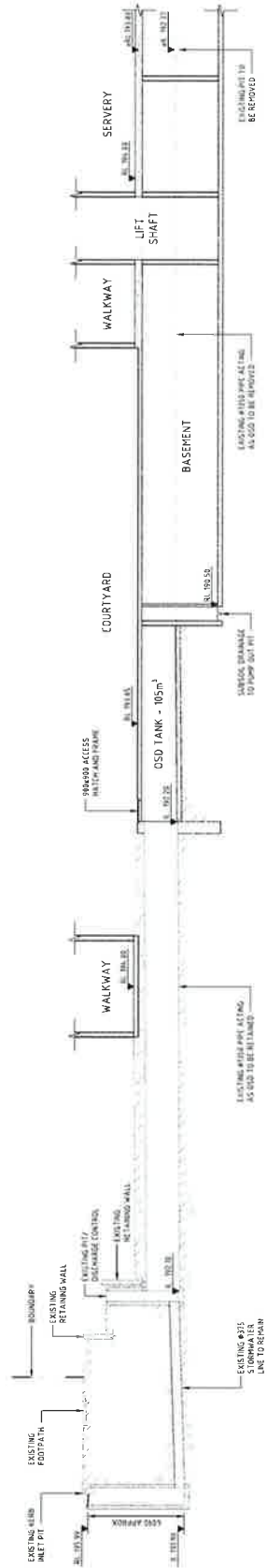
Stephen Fryer
BE (Civil) MIEAust OPEng NPER
Principal/ Civil Engineer
Northrop Consulting Engineers



OSD TANK - ROOF PLAN



OSD TANK - BASE PLAN



OSD TANK - SECTION

NOT FOR CONSTRUCTION

REVISION	DESCRIPTION	DATE	BY	CHKD	APP'D	DATE	CLIENT	ARCHITECT	ENGINEER	PROJECT	DRAWING TITLE	JOB NUMBER	DRAWING NUMBER	REVISION
1	ISSUED FOR DEVELOPMENT APPLICATION	2023/11/20	W.M.	W.M.	W.M.	2023/11/20	15 THE AVENUE HEATHCOTE NSW 2233	NORTHROP	JOHN PAUL VILLAGE	CIVIL DESIGN	STORMWATER DETAILS - SHEET 1	S141062	C4.21	2
2	ADD INLET LEVEL TO PIT IN BASE PLAN	2023/11/20	W.M.	W.M.	W.M.	2023/11/20	15 THE AVENUE HEATHCOTE NSW 2233	NORTHROP	JOHN PAUL VILLAGE	CIVIL DESIGN	STORMWATER DETAILS - SHEET 1	S141062	C4.21	2

7th November 2014

Evan Phillips
Sutherland Shire Council
4-20 Eton Street
Sutherland NSW 2232

Level 6, 15 Bourke Road
Mascot NSW 2020
PO Box 409 Mascot 1460

T 02 9770 7600 F 02 9770 7601
sydney@hansenyuncken.com.au
www.hansenyuncken.com.au

Dear Evan,

Re: John Paul Village – Development Application No. DA14/0823, Response to Neighbours Submissions

We make reference to the neighbour's submissions received by Sutherland Shire Council for the above Development Application. We understand that 9 submissions were received in total. The key issues raised by the neighbours are addressed in this letter (below) and our supporting documentation (enclosed).

1. Wilson Pde Driveway Design and Safety

Neighbours Key Concerns:

- Motorist safety with entry/exit at Wilson Pde.
- Pedestrian safety.
- Line of sight for drivers.
- Traffic volume in peak hours.
- Speed of cars travelling over bridge.
- Illegal U-turns being carried out at new driveway.

Applicants Response:

The issues raised by the neighbours have been dealt with in the Traffic Impact and Parking Assessment prepared by McLaren Traffic Engineering (MTE). In addition to this report MTE have prepared a supporting document '*Response to Residents' submissions regarding John Paul Village Expansion at Corner of Wilson Parade & The Avenue, Heathcote*' dated 6th November 14. The document addresses the neighbour's comments and is attached to this letter for Councils records.

2. Construction Duration

Neighbours Key Concerns:

- Construction duration too long (6 years).
- Inconvenience to neighbours.

Applicants Response:

We understand the concerns raised by the adjoining neighbours and have since reviewed the construction methodology in greater detail. A number of staging options have been considered and we believe the works can be completed in two main stages. The estimated construction duration for the two stage approach would be 3.5 years, almost half of the original estimate of 6 years based on the 4 stage scenario.

Stage 1 would comprise of North Wing as currently documented.

Stage 2 would comprise of South Wing, Kingfisher and Parkview buildings taking advantage of the additional capacity gained in the completed North Wing building.

Construction activities would be concentrated to the northern half of the site for both stages with very little impact on the residents in Nirimba Crescent. The two stage approach benefits both the residents and staff on site and the adjoining neighbours on residential streets.

The two stage option has been documented in the updated Site Management Plan (Rev 2) which is enclosed with this letter.

3. Use of Nirimba Properties

Neighbours Key Concerns:

- Use of Nirimba properties as site office.
- Increased traffic.
- Parking problems overflowing on to street.
- Noise from construction workers.
- Pedestrian safety.
- Aesthetics of site office and fencing.
- Zoning of Nirimba properties.

Applicants Response:

The staging options have been reviewed in further detail as described above, in addition to this all construction site activities including the location of builder's compound have been removed from the Nirimba Crescent properties and will now be located wholly within the site. This revised approach has been documented in the updated Site Management Plan (Rev 2) which is enclosed with this letter.

No further activities are proposed for the Nirimba Crescent properties with respect to this Development Application. We believe this approach addresses the neighbours' concerns and ensures the amenity of Nirimba Crescent is maintained.

4. Use of Nirimba Reserve

Neighbours Key Concerns:

- Use of Nirimba properties for site sheds.

Applicants Response:

Construction compounds and sheds will be located wholly within the site as described above, there is no proposal to use Nirimba Reserve for the location of site sheds.

5. Construction & Regular Service Vehicles in Nirimba Crescent

Neighbours Key Concerns:

- Use of Nirimba as construction exit for trucks.
- Use of Nirimba as post construction exit for garbage and service trucks.
- Safety and amenity of street.

Applicants Response:

The concerns regarding heavy vehicles using Nirimba Crescent have been addressed in the supporting document *'Response to Residents' submissions regarding John Paul Village Expansion at Corner of Wilson Parade & The Avenue, Heathcote*. In addition to this document we note the following:

The majority of heavy vehicles will use Wilson Pde as the main entry and exit point during Stage 1 works. Nirimba Crescent will experience very little to no construction activity during Stage 1.

During Stage 2 works heavy vehicles will enter the site from Wilson Pde, trucks will only exit the site from Nirimba Crescent. Trucks will exit the site in a forward direction ensuring a high level of safety for motorists and pedestrians in Nirimba Crescent.

All construction traffic movements will form part of a Construction Traffic Management Plan which will be prepared for the various stages at the time of Construction Certificate approval.

6. Traffic Count Data

Neighbours Key Concerns:

- Traffic study data out of date.

Applicants Response:

The issue regarding the suitability of traffic count data has been addressed by MTE in the supporting document *'Response to Residents' submissions regarding John Paul Village Expansion at Corner of Wilson Parade & The Avenue, Heathcote'* which is attached to this letter.

7. Height of Development

Neighbours Key Concerns:

- Precedence of 3 level developments in East Heathcote

Applicants Response:

The three storey height of the development is restricted to the north western corner of the site. This height has no adverse impact on the character of the area or the amenity of neighbours. The building will read as a 2 storey building from the bridge approach to the west of the site.

The legal objection to the development standard is contained in the SEPP 1 Objection. The merits supporting the HOB are documented in the Statement of Environmental Effects, and Design Report. All these documents were lodged with the DA.

The *Independent review of the draft Sutherland Shire Local Environmental Plan 2013* by Dr John Roseth and Meredith Sussex AM and the feedback from Council through the pre-DA process both support the 3 storey height in this specific locality, not in the broader area of East Heathcote. The draft LEP seeks to retain low density (low HOB and FSR) residential uses in East Heathcote.

The height of the buildings proposed do not rely on any precedence set by other aged care facilities in the Sutherland Shire and nor does it set a precedence for future developments in East Heathcote, that will be informed by the draft LEP outcomes.

8. Removal of Trees

Neighbours Key Concerns:

- The extent of trees proposed for removal.

Applicants Response:

The extent of trees proposed for removal has been documented in the Arborist Report prepared by Tree & Landscape Consultants which was lodged with the DA. A large number of these form part of a group of planted species referred to as Stand 'A' in the Arborist Report, all of which are in poor condition.

The protection of native trees has been a priority for the project where a number of changes were made to the North Wing building to protect the existing trees along its western facade fronting Wilson Pde.

The completed works will see more than 90 new trees planted across the northern half of the site. These are documented in the Landscape Plan prepared by DEM which was lodged with the DA. The Landscape Plan and tree selection has been supported by both the Arborist and Bushfire Consultant.

9. Royal National Park

Neighbours Key Concerns:

- Stormwater runoff into the RNP.

Applicants Response:

Protection of the Royal National Park is a key aspect for the village and its residents. Stormwater runoff will be contained within the site and is proposed to be drained to a new detention tank that will connect into Council's system in Wilson Pde. No runoff from the new works will spill into the RNP. This is detailed in the Stormwater Concept Plan which was lodged with the DA.

I trust the above responses and attached supporting documentation address the concerns raised by the neighbour's submissions. John Paul Village have been proactive in engaging the local community with its future plans for the site and will continue to work with its neighbours in finding the best solutions for the greater community.

Yours faithfully
HANSEN YUNCKEN PTY LTD



Danny Kataieh
Design Manager

M^CLAREN TRAFFIC ENGINEERING

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Postal: P.O Box 66 Sutherland NSW 1499

Telephone: +61 2 8355 2440

Fax: +61 2 9545 1227

Web: www.mclarentraffic.com.au

Email: admin@mclarentraffic.com.au

Division of RAMTRANS Australia ABN: 45067491678

Transport Planning, Traffic Impact Assessments, Road Safety Audits, Expert Witness

6 November 2014

Ref: 2013/200.L02B.CM/pk

Hansen Yuncken
Level 6, 15 Bourke Road
Mascot NSW 2020
PH: 02 9770 7600

Attention: Mr Danny Kataieh

RESPONSE TO RESIDENTS' SUBMISSIONS REGARDING JOHN PAUL VILLAGE EXPANSION AT CORNER OF WILSON PARADE & THE AVENUE, HEATHCOTE

Dear Danny,

Reference is made to your request (Email dated 14/09/14) to provide a response to resident objections regarding the traffic and parking aspects of the proposed John Paul Village (JPV) expansion. The submitted site plan is reproduced in **Annexure A** for reference.

Following the recent community consultation (held at John Paul Village on 30 July 2014), where the Traffic and Parking Impact Assessment (Dated 11 July 2014) and access design was discussed, resident submissions have been received and reviewed. Whilst each submission raises individual matters, they share common themes and have been reasonably grouped with encompassing headings as part of our response.

Existing Congestion on Wilson Parade

Resident submissions have noted that at peak periods of combined commuter, school and John Paul Village traffic, that Wilson Parade in the northbound direction is sometimes queued from the Princes Highway intersection to slightly beyond the railway bridge where one lane northbound becomes two as vehicles exit Heathcote East. Heathcote East is a residential precinct also containing a Residential Aged Care Facility (JPV), 1000 student public high school, Rural Fire Station and combination sports fields. The nearest major shopping and employment opportunities are north of the precinct and require vehicles from the 'local' Wilson Parade to the 'regional' Princes Highway by way of a signalised intersection. Resident submissions suggest that this queuing rate will be worsened by the proposed JPV development.

The submitted traffic report addresses this issue in Section 5 where the peak traffic is described for commuters (8-9am & 5-6pm), High School (8-9am & 2-3pm) and JPV (130-230pm). The traffic generation and distribution of trips was analysed and found that Wilson Parade will carry additional trips amounting to a NETT maximum change of 18 trips in any hour period. This change is only 3% and will not be noticeable to road users. This is especially true considering the additional trips are not all outbound and the result will be less than 18 additional vehicles per hour travelling in the critical northbound direction on Wilson Parade. This traffic volume change is negligible and intersection analysis of Princes Highway/Wilson Parade would likely not yield any measureable change in saturation levels.

Site inspections, and resident submissions have noted that use of the U-Turn bay on Wilson Parade can be difficult in one (1) manoeuvre without partially entering the adjacent kerbside through lane. The U-Turn bay on Wilson Parade was constructed by and at the expense of the McDonalds Restaurant nearby. Its construction was approved and checked by Council. The safety of the U-Turn bay design is the responsibility of council though informal testing shows that shifting and/or protecting two power poles would facilitate a localised road widening. This would improve the safety of the treatment by increasing the maximum design vehicle able to complete the U-Turn manoeuvre without partially entering the adjacent through lane. In any case, this option could be discussed with Council, but is not a requirement of the subject development.

Wilson Parade Driveway Design and Safety

Resident submissions suggested that the offset of the driveway was not sufficient to allow sight distance oncoming vehicles from the railway bridge and that neither trucks nor cars should be using this area as an exit. There was some confusion in the submissions about vehicles turning Right-OUT at the driveway.

The proposed driveway at Wilson Parade will combine the entry and exit driveways for State Rail Authority (SRA), National Parks and Wildlife service (NPWS) and JPV. Heavy vehicles servicing JPV will not exit via this driveway due to internal restraints and the much higher sight distance required for exiting trucks. The driveway design requires vehicles to complete Left-IN/Left-OUT movements to prevent any conflict with opposing traffic. Right-OUT movements are compliantly designed for, though signage will legally restrict this movement to emergency service vehicles and those vehicles under the control of a traffic management plan with the assistance of traffic controllers such as construction vehicles.

The driveway design improves safety for all vehicles and pedestrians at this point.

- Entering vehicle - An entering vehicle will no longer be required to complete a 90° left turn across a footpath shortly following the crest on the railway bridge. The proposed driveway reduces the angle at this point, significantly improving the alignment of turning vehicles. As shown in Annexure C5 of the submitted traffic report, the driveway crossing and pedestrian path are offset from the intersection by a distance adequate to store the maximum anticipated design vehicle without presenting a conflict with through traffic. This storage distance also increases the available deceleration distance and sight distance for inbound vehicles, a noticeable improvement beyond existing operation.

- Exiting vehicle** – An exiting vehicle will no longer have to rely on the ability of a through traffic driver for safety due to the channelised nature of the Left-OUT ONLY movement. These vehicles do not have to perform a 90° turn and in fact travel straight to transfer onto Wilson Parade. As described in Section 3.2.3 of the submitted traffic report and RMS Road Design Guide Section 4.7.4.4, this movement is characteristic of a merge and is completed safely with 3 seconds gap to the next vehicle. A 3 second gap for 35/40/45/50km/h is 29/33/38/42m based on the formula, $[Distance = \frac{Speed\ in\ kph}{3.6} \times Time]$. The vehicle speed measurements included in Annexure D1 of the submitted traffic report, measured the 85th percentile road frontage speed to be 36km/h and the legal speed is 50km/h. The ~45m of sight distance will be certainly adequate to complete the manoeuvre in a consistently safe and compliant manner based on the available sight distance. This is a significant improvement to the existing operation of 30m sight distance from the adjacent driveway currently.
- Passing Westbound Vehicle/Through Traffic** – Passing vehicles will no longer be required to account for the driveway/s at the Wilson Parade bend. If a car in front is turning into the site then there is adequate storage distance for the turning car such that the trailing/passing car can continue normally around the bend. If a car is exiting then the passing car is not required to slow down as it will have right-of-way based on a stop sign/line arrangement for exiting vehicles. This is a significant improvement over existing operation.
- Pedestrians** – A footpath will be connected between the proposed development and the existing footpath. This will cross the driveway at an offset to the intersection to improve sight distance and deceleration distance for pedestrians and vehicles approaching the driveway. The crossing is designed in accordance with accessible use with widths and gradients compliant for use by children and elderly people. A pedestrian refuge is also part of the current design and is provided nearer to the intersection to protect the pedestrians who would take the shorter walking route anyway for the purpose of convenience, despite the safety implications. This arrangement generally shifts pedestrians away from the bend on Wilson Parade to a significantly safer driveway crossing where pedestrians have priority, and otherwise provides additional protection for other pedestrians.

Construction Vehicle Parking

It has been advised that the construction vehicles and site offices have been moved from Nirimba Avenue onto the subject site. this resolves many of the Nirimba Avenue resident issues, which would not of necessarily been issues without the moving of the offices and parking.

In any case, Construction vehicle parking was not addressed in the submitted traffic report as it is typical that construction and traffic management for construction related works be conditioned as part of a development approval, and details are subject to an approved Construction Traffic Management Plan (CTMP) prior to issuance of a Construction Certificate (CC).

Safety and Amenity of Construction and Regular Service Vehicles on Nirimba Crescent

Resident submissions raised concerns over pedestrian and vehicular safety due to the increased number of heavy vehicles travelling on Nirimba Crescent during and post construction. It was suggested by residents also that the combination of residential, JPV and peak school parking movements can cause congestion in Nirimba Crescent. In regards to design, the existing available road width of Nirimba Crescent does allow heavy vehicles to travel between The Avenue and the JPV driveway with regular passing opportunities for potential opposing cars at the numerous driveways.

It is true though that an increase in truck movements may minorly increase the frequency of delays when cars are required to pass an opposing truck. The suggestion put forward by a resident to apply 'No Parking' along the western kerb of Nirimba Crescent should be explored on grounds of traffic flow efficiency, though potentially modified to 'No Stopping'. With parking restricted to the eastern side of the road, there would be two traffic lanes and one parking lane. This would significantly improve traffic flow; however any installation of parking restrictions would require the approval of the Local Traffic Committee who may determine there is a greater reduction in amenity by inclusion of the signage.

It is reasonable in this circumstance to apply for such a provision, subject to resident support, considering that less cars will attempt to park on Nirimba in the future due to JPV increasing on-site parking supply and hence reducing on-street parking demand. If this parking restriction occurred, Nirimba Crescent would remain a low level traffic environment, while recognising that there is congestion generally due to parking during peak school traffic times.

As analysed in Section 5.4 of the submitted traffic report, the amount of traffic using the Nirimba Crescent driveway will decrease by approximately 14% and so the level of pedestrian safety at this pedestrian pathway will remain the same or be improved, though a CTMP could be produced to ensure this level of safety is also maintained during construction periods.

Other Issues

Width of Wilson Parade Railway Bridge – The capacity of the railway bridge has been raised by a resident. Since the proposed development is analysed to only increase Wilson Parade traffic by a maximum of 18 vehicles trips in a peak hour, or 3% of bridge traffic, that an infrastructure upgrade of this nature would be excessively out of the scope of consideration.

Illegal Right-OUT from McDonalds – A resident has raised the illegal right turn out of the McDonalds restaurant on Wilson Parade. The issue then is with a different private development and while Council should consider the comment for their own road safety purposes, though the proposed development is not responsible for its resolution.

Heathcote Catholic Church – A resident has raised concern over the volume of on-street parking consumed by the Heathcote Catholic Church, especially during a funeral. It is understood that the church is not part of the subject development, though does share an operational relationship with JPV. Since the proposed development provides ALL parking on-site now, compared to an existing reliance on on-street parking, and so there will be certainly more parking available on-street during a funeral or other service now compared to previous.

The church provides an off-street carpark, accessed via the JPV driveway on The Avenue. It is anticipated that the proposed development will only improve the on-street parking situation at all times as it provides ALL parking on-site now, compared to an existing reliance on on-street parking.

Date of Traffic Count Data – Residents raised concern over use of traffic survey data in the submitted traffic report, stating that it was obtained during 2010 and was inaccurate as a result. While it is true that some traffic data was obtained in 2010, it is not true that it is inaccurate. The 2010 data was compared against the 2013 data for the Wilson Parade railway bridge, with the assumption that the single road in to Heathcote East is indicative of general traffic growth. Average daily traffic of 2010 was seen to decrease by ~1% in 2013 (1.1% AM & 1.3% PM) despite over 3 years between counts dates. The comparison further showed that daily traffic varied by up to 28% between any set of five (5) weekdays. Hence the peak 2010 data should be representative of the 2013. It is acknowledged that traffic will vary through the week and year and despite efforts to analyse a 'worst case', traffic conditions on any one day may be slightly different to that modelled though standard practice has been implemented throughout the submitted traffic report.

Conclusion

Generally the residents' submissions are in support of the development while also stating that full support relies upon the safe design of the Wilson Parade driveway. Utilising the Wilson Parade Driveway as an entry & exit will improve or retain the amenity on Nirimba Crescent & The Avenue. The proposed driveway is designed to be safer in regards to all traffic movements at that section of Wilson Parade including pedestrians.

Please contact the undersigned should you require further information or assistance.

Yours faithfully

M^cLAREN TRAFFIC ENGINEERING



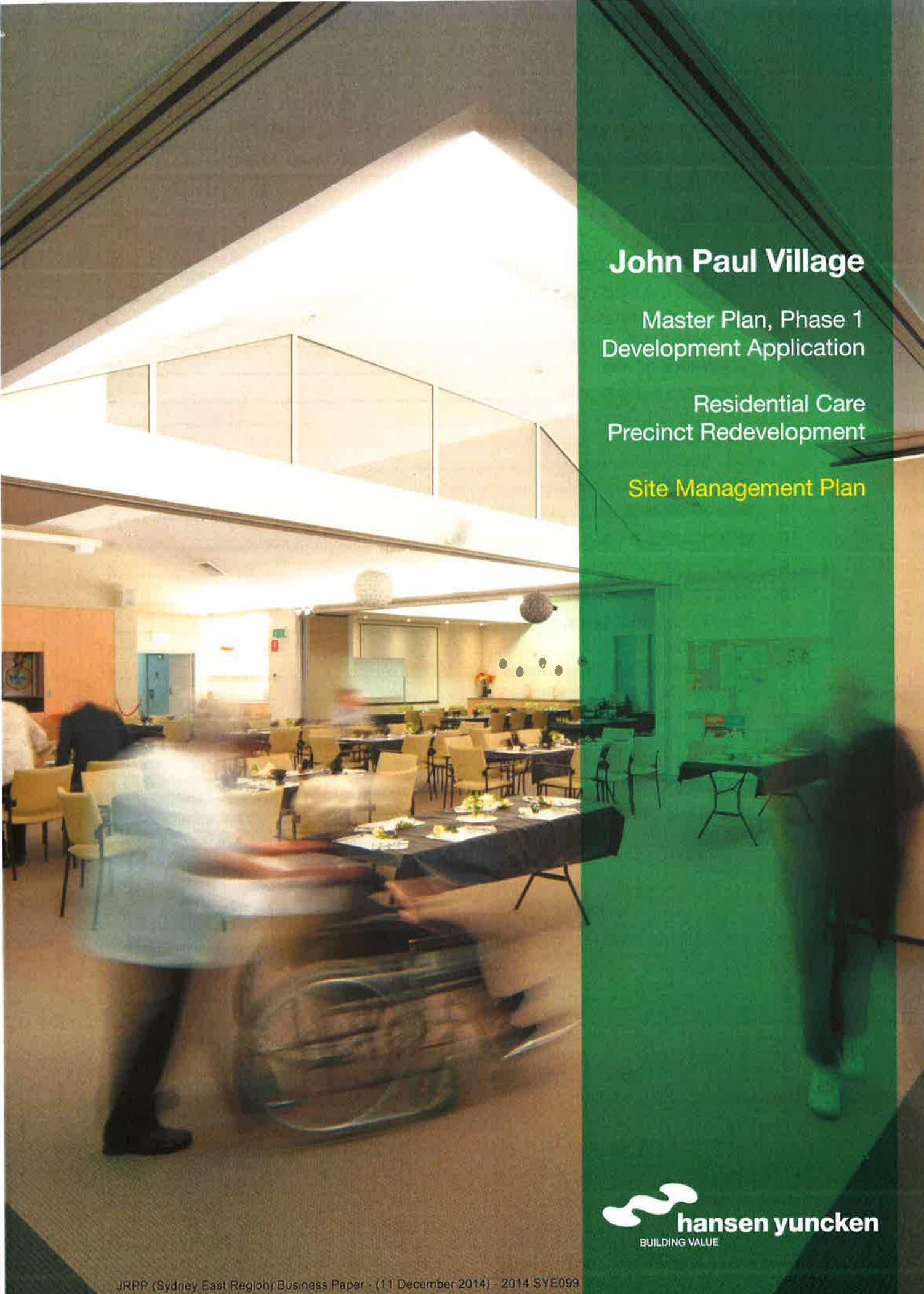
Craig M^cLaren

Director

BE Civil, Graduate Diploma (Transport Eng) MAITPM MITE [1985]

RMS Accredited Level 3 Road Safety Auditor

RMS Accredited Traffic Control Planner, Auditor & Certifier (Orange Card)



John Paul Village

Master Plan, Phase 1
Development Application

Residential Care
Precinct Redevelopment

Site Management Plan

SITE MANAGEMENT PLAN

John Paul Village



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SITE MANAGEMENT PLAN

John Paul Village



1 SITE & PROJECT DESCRIPTION

The subject site (John Paul Village) is situated at the north western corner of East Heathcote and is adjoined to the north by the Royal National Park. Adjoining to the east are low-density detached dwellings fronting Nirimba Crescent. Low density detached dwellings also adjoin to the south, on the opposite side of The Avenue, and then further to the South, Heathcote High School. Adjoining to the west and on the opposite side of Wilson Parade is the Illawarra Railway Line and then Princes Highway, further to the west of which are low density detached dwellings.

The new development is situated towards the north western corner of the site adjoining Wilson Pde.

The proposed development will be carried out in two (2) separate stages over a period of 3.5 years. The breakup of the stages is described below:

Stage 1: North Wing

Demolition of the existing single storey North Wing Nursing Home. Construct new basement car park with associated kitchen, laundry, services areas, amenities, workshop, storage area and garbage holding room. Three levels of residential care rooms are to be constructed above the basement with associated resident and staff areas.

Stage 2: South Wing, Kingfisher & Parkview

Demolition of the existing single storey South Wing Nursing Home. Construct new basement car park with two levels of resident care rooms above including café on the ground floor and 'wellness area' on the first floor. A new chapel will be constructed on the third floor. Alterations and additions are to be carried out to the existing staffroom above the Village Hub.

Internal alterations and refurbishment to the existing Kingfisher and Parkview Hostels across both floors.

2 HORDINGS & PROTECTION

2.1 Site Boundaries

Prior to the commencement of works the external site boundaries will be securely fenced off with min. 1800 high chain wire fencing for the extent of the site compound. Site compounds will be completely secured off from internal areas within the site. Fencing will be lined internally with shade cloth to help prevent dust and debris exiting the site.

SITE MANAGEMENT PLAN

John Paul Village



2.2 Scaffolding

During construction, it will be necessary to use different forms of scaffolding to carry out construction works on site. The methods of scaffolding and protection systems will be adapted as necessary during construction to maintain a safe working environment, all scaffolding will be located within the subject site.

All scaffolding used on this project will be erected and maintained in accordance with all relevant codes and standards.

3 COMMUNICATION

Site personnel will be equipped with hand held UHF radios pre-set to private channels for onsite communication assisting with all aspects of the construction process and acting as communications during an emergency.

4 MATERIALS HANDLING

4.1 Excavation

During the excavation works, trucks will be loaded within the site boundaries and exit via Wilson Pde or Nirimba Cres, depending on the stage of construction. Entry and exit points for construction vehicles are detailed further in the attached Site Management Plans.

The nominated civil/ excavation sub-contractor will be responsible for providing records in the form of soil test results for all fill taken to another site or EPA licensed facility tip dockets as per the EPA's requirements.

4.2 Cranage

All cranage for the project will be conducted with the use of either mobile cranes or a tower crane. Cranes will be used for materials handling throughout the site area and unloading of deliveries on-site. The Location of cranes on-site will vary during each stage of the project.

All cranage activities will be supervised at all times by qualified traffic controllers and they are to ensure that access is available at all times to the surrounding streets and buildings.

4.3 Standing Trucks

Unloading of all materials and equipment will be carried out on site whenever possible. If any on-street standing is required, (including from the carriage way, footpath or verge), all activities will be supervised at all times by qualified traffic controllers.

SITE MANAGEMENT PLAN

John Paul Village



4.4 Machinery

Various types and sizes of machinery will also be on site throughout different phases of the project. These include, but are not limited to, excavators, backhoes, rollers, boom lifts, scissor lifts, cranes, forklifts, and concrete pumps.

5 SITE STORAGE

Construction materials and waste containers for construction refuse will be stored within the site in an area not accessible to the public. The location for storage of these items will vary throughout construction due to changing site constraints. Dedicated storage areas will be established by way of the placement of lockable storage containers and installation of temporary fencing. No materials will be stored outside of the site boundary.

6 TEMPORARY EXCAVATION SUPPORT

Shoring wall supports will be required to construct the new basement below North and South Wings. Piles will be bored into the natural ground level prior to excavation commencing for the basement. The consulting structural engineer will be engaged to provide design and direction.

7 TREE PROTECTION

All trees on site that are nominated as being retained in the Arboricultural Assessment Report are to be protected throughout construction. In order to achieve this temporary 1.8m high chain wire fences with "tree protection zone" signage are to be installed around each tree, or cluster of trees, and will encompass the primary root zones where practicable. Any works to be carried out close to the trees nominated to be retained will be supervised by an experienced and qualified arborist.

8 WASTE MANAGEMENT

A separate Waste Management Plan has been prepared by Hansen Yuncken for the DA submission. The Waste Management Plan identifies the typical waste to be expected during the different phases of construction and explains the process by which waste will be stored and removed of site.

SITE MANAGEMENT PLAN

John Paul Village



9 TRAFFIC MANAGEMENT

9.1 Documents

The attached Site Management Plans in conjunction with this report describe the traffic management principals to be implemented for each stage of construction.

9.2 Heavy Vehicle Access Routes

The attached Site Management Plans detail the heavy vehicle construction traffic access route for each stage of construction. Vehicles entering and leaving the site will strictly adhere to this traffic route for the duration of the project. All construction vehicles will enter and leave the site in a forward direction.

The primary access and egress routes for heavy vehicles will be as follows:

Stage 1: North Wing

- Access will be off Wilson Pde in the north western corner of the site.
- Vehicles will turn left into the site.
- Vehicles will exit onto Wilson Pde under traffic control.
- Vehicles will use the existing u-turn bay on Wilson Pde.

Stage 2: South Wing, Kingfisher & Parkview

- Access will be off Wilson Pde in the north western corner of the site.
- Vehicles will turn left into the site.
- Vehicles will exit onto Nirimba Cres.

Approximate location of all gates and flow of traffic is shown on the attached Site Management Plans. All gates will be sign posted and at no times will heavy vehicles enter residential streets other than those nominated.

9.3 Vehicle Access & Parking

Vehicle access and parking for construction workers will be off Wilson Pde for all stages. Construction workers will park offsite in the public street parking available in Wilson Pde. At no time will vehicles be parked on the adjoining nature strip or in a manner that obstructs traffic flow or driveway access of surrounding residents.

SITE MANAGEMENT PLAN

John Paul Village



9.4 Pedestrian Management

As a safety provision for pedestrians, movement past site entries may be restricted during construction activities. Safety and directional signs will be provided during these periods. The footpaths around the site will remain unobstructed at all times.

Construction workers and personnel will enter the site via the north western entry off Wilson Pde. Construction personnel and visitors will sign in and out at the site office shed. Designated pedestrian paths will be provided between the site entry compound and site office sheds.

Unauthorised entry to the work site is prohibited, and signage will be in place to inform pedestrians of access restrictions and requirements.

9.5 Training

All site personnel will be inducted into the construction traffic management plan and accredited accordingly. All visitors must be in the company of an inducted person at all times whilst on site.

9.6 Monitoring

The project manager will report as required on the implementation of the Traffic Management Plan. The plan will be periodically updated to include:

- Access Points
- Location of parking areas
- Variations of traffic management plans
- Identifications of any safety or operational incidents and actions taken to address the conditions that caused the incidents.
- Monitoring complaints and corrective actions.
- Details of signage on internal & external roadways.

10 EROSION & SEDIMENT CONTROL

Sediment and erosion control measures are detailed on the attached plans prepared by Northrop engineers. The sediment control systems are designed to minimise erosion on-site and retain sediment eroded by water and wind. These control measures will be implemented across all stages of construction.

SITE MANAGEMENT PLAN

John Paul Village



11 SITE MANAGEMENT PLANS

The attached site management plans show the proposed locations for the site compound areas, pedestrian access, construction vehicle access, waste bin, material storage and set down areas across all stages.

The following site management plans have been included:

- Overall Site
- Stage 1 – North Wing
- Stage 2 – South Wing, Kingfisher & Parkview



PUBLIC SUBMISSIONS

Address	Date	Summary of Main Issues Raised
44 Parklands Ave Heathcote NSW 2233	17.8.14	• Vehicular access / egress from Wilson Parade • Traffic and pedestrian safety
35 Nirimba Crescent Heathcote NSW 2233	25.8.14	• Length of time of staged construction (6 years) • Use of 27-31 Nirimba to be used as site office / construction zone / permissibility and zoning • Noise and amenity • Adequacy of local road network
3 Bottleforrest Road Heathcote NSW 2233	28.8.14	• Vehicular egress onto Wilson Parade • Traffic and pedestrian safety – Entry only from Wilson Parade • Adequacy of local road network
18 Nirimba Crescent Heathcote NSW 2233	18.8.14	• Vehicular access / egress from Wilson Parade • Traffic and pedestrian safety • Adequacy of local road network • Length of time of staged construction (6 years) • Use of 27-31 Nirimba to be used as site office / construction zone / permissibility and zoning • Noise and amenity
41 Nirimba Crescent Heathcote	30.8.14	• Traffic and pedestrian safety • Adequacy of local road network • Use of 27-31 Nirimba to be used as site office / construction zone / permissibility and zoning
12 Nirimba Crescent Heathcote 2233	2.9.14	• Vehicular access / egress from Wilson Parade • Traffic and pedestrian safety • Adequacy of local road network • Length of time of staged construction (6 years)
14A Bottle Forest Rd Heathcote, NSW 2233	2.9.14	• Vehicular access / egress from Wilson Parade • Traffic and pedestrian safety • Adequacy of local road network • Bushfire Emergency access • Building height and compliance with SSLEP2006 • Environmental impacts including tree removal and runoff into National Park • Compatibility of development within Heathcote
50 BORONIA GROVE, Heathcote.	13.8.14	• Traffic and pedestrian safety • Adequacy of local road network
Unknown Submission / Address	17.08.2014	• Vehicular access / egress from Wilson Parade • Traffic and pedestrian safety • Adequacy of local road network



Office of
Environment
& Heritage

APPENDIX "E"

Your reference: DA14/0823
Our reference: DOC14/182452
Contact: Rachel Hannan
02 8837 6088

General Manager
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

Dear Sir/Madam

I refer to your correspondence received by the Office of Environment and Heritage (OEH) on 15 August 2014 regarding Development Application 14/0823 for 15 The Avenue, Heathcote. The application is for demolition works, construction of new works, alterations and additions to existing buildings, landscaping and external works at the residential aged care facility of John Paul Village.

The site immediately adjoins Royal National Park. OEH's main concern is to ensure that the proposed development has no adverse effect on the natural and cultural values of the national park.

To this end, OEH requests Council consider the *Guidelines for Developments adjoining Department of Environment and Climate Change Land* when assessing the development application: <http://www.environment.nsw.gov.au/protectedareas/developmentadjoiningdecc.htm>. This document provides guidance to avoiding impacts to the natural and cultural values of OEH land by consideration of a range of matters, including:

- fire and the location of asset protection zones,
- noise impacts and amenity,
- boundary encroachments,
- management implications, pests, weeds, edge effects,
- threats to ecological connectivity,
- erosion and sediment control, and
- stormwater runoff.

While all these issues should be considered, the key issues for this proposal are stormwater management and asset protection zones.

Fire and the location of asset protection zones

OEH's requirement is that asset protection zones should be provided within a development site and not extend into OEH land or rely on actions being undertaken by OEH.

OEH does not support the reliance of this proposal on an APZ on OEH land and requests that modifications to the John Paul Village retirement facility include measures to accommodate the APZ within the village.

Stormwater runoff

As detailed in *Guidelines for Developments adjoining Department of Environment and Climate Change Land* OEH's requirements in regard to stormwater runoff are:

- development proposals for areas adjacent to OEH land should incorporate stormwater detention and water quality systems (with appropriately managed buffer areas) within the development site,
- stormwater should be diverted to council stormwater systems or to infiltration and subsurface discharge systems within the development site, and
- the discharge of stormwater to OEH land, where the quantity and quality of stormwater differs from natural levels, must be avoided.

Stormwater discharges to the Park can significantly degrade Park values. OEH does not support discharge of stormwater or construction of stormwater infrastructure within OEH lands.

The information in the proposal (Section 1.9 of the Hydraulics and Stormwater Report) is insufficient for OEH to form an opinion about potential impacts to OEH land. OEH requests that the stormwater management for any proposal for John Paul Village complies with OEH's *Guidelines for Developments adjoining Department of Environment and Climate Change Land*.

If you have any queries regarding this matter please contact Rachel Hannan, Conservation Planning Officer, on 8837 6088.

Yours sincerely

S. Harrison 11/09/14

SUSAN HARRISON
Senior Team Leader Planning, Greater Sydney
Regional Operations Group

5th November 2014

Evan Phillips
Sutherland Shire Council
4-20 Eton Street
Sutherland NSW 2232

Level 6, 15 Bourke Road
Mascot NSW 2020
PO Box 409 Mascot 1460

T 02 9770 7600 F 02 9770 7601
sydney@hansenyuncken.com.au
www.hansenyuncken.com.au

Dear Evan,

Re: John Paul Village – Development Application No. DA14/0823, Response to Office of Environment & Heritage

I make reference to recent correspondence received from the Office of Environment and Heritage dated 11th Sep 14. The key issues raised in the letter relate to stormwater management and asset protection zones.

Our civil engineer's Northrop have since discussed the stormwater management comments with OEH and provide the attached written response (dated 8th Oct 14) closing out their concerns.

Our bushfire consultant Eco Logical Australia has also had discussions with OEH regarding the asset protection zone and provides the attached written response (dated 5th Nov 14) addressing their concerns.

I trust the attached responses are satisfactory and close out the key issues raised by the Office of Environment & Heritage.

Yours faithfully
HANSEN YUNCKEN PTY LTD



Danny Kataieh
Design Manager

Job No: 141062

8 October 2014

Hansen Yuncken
PO Box 409,
Mascot NSW 1460

Attention: Danny Kataieh – Design Manager

Dear Danny

**RE: JOHN PAUL VILLAGE – 15 THE AVENUE, HEATHCOTE
STORMWATER DRAINAGE**

I refer to correspondence from Office of Environment and Heritage (OEH) dated 11 September 2014 (Ref:DOC14/182452) and forwarded to us by email from Hanson Yuncken. In particular I refer to the stormwater drainage matters.

Upon review of this correspondence I am of the opinion that OEH has formed the view that stormwater will be discharged from the John Paul Village into the Royal National Park. All stormwater runoff from the development site will be collected by a formal pit and pipe drainage system and directed to Sutherland Shire Council's stormwater drainage system in The Avenue. The proposed drainage system follows the natural topography of the area where lands generally fall to the south. As the Royal National Park is located on the northern (or upstream) side of the development it is not feasible to drain site stormwater to the National Park.

In regard to stormwater detention and stormwater quality, a stormwater water detention system and stormwater treatment train is proposed prior to stormwater runoff being discharged to Council's drainage system.

Stormwater runoff from the development site will not be discharged to the Royal National Park. Thus the provision of further information as noted in the above correspondence is not required to allow OEH assessment of the proposed development.

I trust you find the above satisfactory. Feel free to contact me (mob 0405 534 259) to discuss any aspect.

Yours faithfully

Stephen Fryer
BE (Civil) MIEAust CPEng NPER
Principal/ Civil Engineer
Northrop Consulting Engineers

Mr Danny Kataieh
Hansen Yuncken Pty Ltd
Level 6, 15 Bourke Road
Mascot NSW 2020

Ref/Job No: 611

5 November 2014

Dear Danny,

RE: Request for additional information – Proposed redevelopment at John Paul Village DA14/0823

You requested Eco Logical Australia (ELA) to review the letter from Sutherland Shire Council (SCC) requesting additional information in regards to their assessment of the above DA (letter dated 15 October 2014). The letter raises concern from the Office Environment & Heritage (OEH) regarding the accommodation of the asset protection zone (APZ) for the development. The letter from OEH to SCC (dated 11 September 2014) states *"OEH does not support the reliance of this proposal on an APZ on OEH land and requests that modifications to the development be provided so as to include measures accommodating the APZ within the village"*.

It's important to note that the development does not rely on the APZ on OEH land to achieve compliance with *Planning for Bushfire Protection*, related legislation or NSW Rural Fire Service Policy (RFS). As the proposal is for the redevelopment of an existing facility, the key objective is to ensure the proposed habitable buildings do not extend closer to the bushfire hazard than the existing buildings. This is achieved by the proposed design, and there is no specific APZ to be created as a result of the development other than the continual maintenance of the land within the village between the buildings and the boundary with OEH land. This approach was approved by RFS at a pre-DA consultation meeting and within their general terms of approval (Bush Fire Safety Authority). Therefore the development layout does not need to be modified.

The Bushfire Attack Level (BAL) assessment of the proposed buildings does take into account the regular maintenance of the APZ on OEH land. The BAL relates to the choice of external building materials and construction methodologies permitted under AS 3959. The maintenance of OEH land is continued for the protection of the existing village, and any assessment of the replacement of a building within the village typically would include consideration of an adjacent APZ that is well managed and documented in reserve fire management planning. Consultation with park management (refer to attached letter regarding management of the 'East Heathcote APZ') has confirmed that OEH plans to continue the protection of East Heathcote and its residents by the management of the 'East Heathcote APZ' which borders the southern, eastern and northern

SUITE 5, BAKER ONE, 1-5 BAKER ST GOSFORD NSW 2250 T | 02 4302 1220 F | 02 4322 2897

ARMIDALE | BRISBANE | CANBERRA | COFFS HARBOUR | DARWIN | GOSFORD | MUDGEE | NAROOMA | NEWCASTLE
PERTH | ST GEORGES BASIN | SUTHERLAND | SYDNEY | WOLLONGONG

interface of East Heathcote including the village. In this instance it is considered reasonable to assume the APZ will continue to be managed, and that the BAL assessment can include the area of management. RFS have also approved the assumptions of the BAL assessment within their Bush Fire Safety Authority.

If you require further information in relation to this matter please contact me on the above number.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Peterson', written in a cursive style.

David Peterson

Principal Bushfire Consultant

FPAA BPAD Certified Practitioner No. BPD-L3-18882



NSW **National Parks
and Wildlife Service**

Eco logical Australia Pty Ltd
Suit 5 Baker One
1-5 Baker Street
Gosford 2250

04/00671 (WS)

David Peterson,

Re – proposed development Heathcote Hall - East Heathcote

I refer to your recent discussions with the Rural Fire Service in regard to Asset Protection Zone (APZ) requirements for the redevelopment of the above facility as an extension to the current John Paul Village at East Heathcote. As per your discussion with Bill Sullivan of this office the NPWS will be maintaining the APZ on the southern side of East Heathcote as per the requirements set out in the reserve fire management plan.

As mentioned in past correspondence the current Royal, Heathcote National Parks and Garawarra State Recreation Area Plan of Management indicates that one of the aims of the Service is 'to reduce the risk of bushfire damage to human life and property both within and immediately adjacent to areas where the Service has a statutory responsibility'.

The Plan also indicates that a strategy to minimise the threat to developed areas is through the use of APZs and SMZs. It also indicates that the Service plans to continue consolidation and improvement of such strategies. The plan also indicates a process for developing and management of APZs.

Should you wish to discuss any further issues please contact Bill Sullivan on telephone number 9542-0620.

Yours faithfully,

Michael Treanor
Area Manager
Royal National Park
8tht September 2011

Po Box 144 Sutherland 2232

Department of **Environment and Climate Change** NSW



7 November 2014

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

ATTENTION: Evan Phillips

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – DA14/0823
15 The Avenue, Heathcote**

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

As of 1 July 2014 the property functions of RailCorp have been transferred to Sydney Trains. Whilst RailCorp still exists as the legal land owner of the rail corridor, its concurrence function under the above SEPP has been delegated to Sydney Trains.

As such, Sydney Trains now advises that the proposed development has been assessed in accordance with the requirements of Clause 86(4) being:

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

In this regard, Sydney Trains has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in development application DA14/0823 subject to Council imposing the following deferred commencement condition provided in Attachment A and operational conditions listed in Attachment B that will need to be complied with upon satisfaction of the Deferred Commencement Condition.



Should Council choose not to impose the deferred commencement condition in Attachment A or the conditions provided in Attachment B (as written), then Sydney Trains concurrence has not been granted to the proposed development.

Please contact Mr Jim Tsirimiagos on 8575 0780 should you wish to discuss this matter. Finally, Sydney Trains requests that a copy of the Notice of Determination and conditions of consent be forwarded to Sydney Trains.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Kevin Sykes", is written over a faint, larger version of the same signature.

Kevin Sykes
General Manager Property

Deferred Commencement Condition

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

A1

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- 1. Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.*
- 2. Final Construction methodology with construction details pertaining to structural support during excavation.*
- 3. Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.*
- 4. Detailed Survey Plan showing the relationship of the proposed developed with respect to the rail corridor and rail infrastructure.*
- 5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.*

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Attachment B

- *If required by RailCorp, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.*
- *An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".*
- *Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principle Certifying Authority with the application for a Construction Certificate.*
- *The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.*

The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

- *If required by RailCorp, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.*
- *Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.*

- *If required by RailCorp, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to RailCorp for review and endorsement prior to the issuing of a Construction Certificate. The Principle Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from RailCorp advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.*
- *In relation to the portion of land owned by RailCorp that forms part of Wilson Parade and that is to be utilised as the entrance to the subject site, the following conditions will also apply:*
 - *The ability to undertake maintenance and emergency activities by Sydney Trains, Transport for NSW (TfNSW), or any entity authorised by Sydney Trains or TfNSW, shall not be hindered.*
 - *Access to the rail corridor gates and NPWS gates are to be unobstructed at all times unless written approved is obtained from the relevant entity.*
 - *As the proposed roadway works will also be providing access to the rail corridor which could be used by heavy vehicles, the proposed new road pavement and kerbing shall meet the requirements of Sydney Trains and NPWS.*
 - *Prior to the commencement of any road works John Paul Village or Sutherland Shire Council (preferred) shall enter into a License Agreement with RailCorp/Sydney Trains for the occupation of Wilson Parade involving these proposed road works.*

--oOo--

17 October 2014

Mr Will Somerville
Chief Executive Officer
John Paul Village
15 The Avenue
HEATHCOTE NSW 2233

Dear Mr Somerville,

**OWNERS CONSENT FOR THE LODGEMENT OF AN APPLICATION INVOLVING
ROADWORKS ON RAILCORP PROPERTY KNOWN AS WILSON PARADE,
HEATHCOTE.**

I refer to your request for land owner's consent for the lodgement of an application involving works on Wilson Parade which is in part owned by RailCorp.

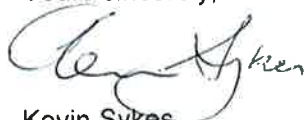
Your request has been reviewed and RailCorp hereby provides its land owner's consent for the lodgment of an application involving works on Wilson Parade, Heathcote, subject to the conditions listed in Attachment A.

Please note that the submittal of this letter with the consent authority will be considered as your acceptance of the conditions listed in Attachment A and your agreement to provide the required documentation at the intervals specified.

This land owner's consent does not constitute an approval for the commencement of works and RailCorp reserves the right to review and comment on the application once placed on public exhibition.

If you have any queries regarding this letter, please contact Jim Tsirimiagos 02 8575 0780 or by email to jim.tsirimiagos@transport.nsw.gov.au.

Yours sincerely,



Kevin Sykes
General Manager Property
Sydney Trains

as agent for RailCorp

Attachment A

1. *Land owner's consent is only provided for the works shown orange in Attachment B.*
2. *That a copy of this letter be included with your application to the Consent Authority.*
3. *The ability to undertake maintenance and emergency activities by Sydney Trains, Transport for NSW (TfNSW), or any entity authorised by Sydney Trains or TfNSW, shall not be hindered.*
4. *Access to the rail corridor gates and NPWS gates are to be unobstructed.*
5. *As the proposed roadway works will also be providing access to the rail corridor which could be used by heavy vehicles, the proposed new road pavement and kerbing shall meet the requirements of Sydney Trains and NPWS.*
6. *Prior to the commencement of any works John Paul Village or Sutherland Shire Council (preferred) shall enter into a License Agreement with RailCorp/Sydney Trains for the occupation of Wilson Parade involving these proposed roadworks.*

--oOo--

LEGEND



**John Paul Village
Development Application
115 The Avenue,
Heathcote,
Sutherland shire.**

ISSUE

A20

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433

APPENDIX "G"



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

Your Ref: DA14/0823
Our Ref: D14/2345
DA14081493377 PE

ATTENTION: Evan Phillips

9 September 2014

Dear Sir/Madam

Integrated Development for 15 the Avenue Heathcote

I refer to your letter dated 11 August 2014 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

1. Fire hydrants shall be provided within the site so that no part of any building is more than 70 metres from the nearest hydrant. New hydrants are to be installed as per Australian Standard AS 2419.1– 2005 'Fire Hydrant Installations' and are not to be located within any road carriageway or parking space.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

2. The Emergency and Evacuation Plan for the site is to be progressively updated for each stage of the development.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

3. New construction shall comply with Sections 7 (BAL 29), 6 (BAL 19), 5 (BAL12.5) and 3 of Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'. Construction shall be as per 'Figure 4:AS 3959-2009 Bushfire Attack Levels' of the Bushfire Protection Assessment report prepared by EcoLogical Australia, dated 18 July 2014.

Landscaping

4. There is to be no additional planting along the northern boundary of the site.

For any queries regarding this correspondence please contact Peter Eccleston on 1300 NSW RFS.

Yours sincerely



Catherine Ryland

A/Team Leader Development Assessment and Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006' , visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

Architectural Review Advisory Panel

Proposal:

Demolition Works, Construction of New Facilities, Alterations and Additions to Existing Buildings, Landscaping and External Works to the Residential Care Precinct of John Paul Village

Property:

15 The Avenue HEATHCOTE NSW 2233

Applicant:

Danny Kataieh

File Number:

DA14/0823

The following is the report of the Architectural Review Advisory Panel Meeting held on Thursday, 28 August 2014 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

2. Consideration of DA14/0823– Demolition Works, Construction of New Facilities, Alterations and Additions to Existing Buildings, Landscaping and External Works to the Residential Care Precinct of John Paul Village at 15 The Avenue, Heathcote

Council's Peter Brooker, Luke Murtas and Barbara Buchan outlined the proposal for the Panel, including providing details of Council's relevant codes and policies.

Danny Kataieh (Project Manager), Morris Rosenberg & Vicki Ip (architects) addressed the Panel regarding the aims of the proposal and the constraints of the site.

Description of the Site and Proposal

ADDRESS: 15 The Avenue, Heathcote.

The site is located on the eastern side of the Illawarra southern railway/Princes Highway corridor, and immediately south of a section of the Royal National Park with high visual/landscape values. Surrounding uses to the east and south are existing low density housing.

ZONING: Zone 12 – Special Uses (Seniors Housing) & Zone 3 – Environmental Housing (Bushland).

DESCRIPTION OF PROPOSAL: Alterations & Additions to John Paul Village. Demolish North & South Wing Nursing Home Buildings, Construct New 2-3 Storey Residential Aged Care Facility With Basement Car Parking, Alterations & Refurbishment of Kingfisher & Parkview Hostels and Replacement of Existing Driveway Off Wilson Parade.

NUMBER AND MIX OF UNITS: Not Applicable

RELEVANT COUNCIL CODES:

- Sutherland Shire LEP 2013 (Draft)
- Sutherland Shire LEP 2006
- Sutherland Shire DCP 2006

KEY OTHER DESIGN CODES:

- SEPP 65 (Residential Flat Design Code) 2002
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Affordable Rental Housing) 2009

Key built form controls include FSR 1:1, 8 metre maximum height (Seniors Housing SEPP), setbacks to DCP2006.

NOTE: Before providing comment, it is important that the Panel makes clear the context in which its comments are provided. In late 2013 Council made a decision to hold a public hearing in relation to DSSLEP 2013 before proceeding any further with the draft plan. This public inquiry has been held recently and Council is due to re-exhibit a draft LEP soon having regard to its recommendations. This process removed the imminence and certainty around the draft plan to the point where it cannot be given substantive weight in the assessment of development applications. For the time being, development applications will therefore be assessed giving Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006) determining weight.

Applicant's Submission

The Panel's comments on the design of the proposed development are as follows:

General comments

ARAP have reviewed this development previously as a pre-DA submission. While the proponent has attempted to address the issues previously raised, the panel is of the view that many of the concerns noted have not been adequately considered or resolved.

Masterplan

The lack of a Masterplan for the site remains a concern, as this would better inform each new proposal in the context of an overall long term vision for the entire Village.

The panel believes that the potential of the site is not being fully realised by the ad hoc manner in which each project is continuing or worsening problems, rather than resolving problems within the larger perspective of a guiding long term Masterplan, which would set out the conceptual basis for proper integration of access, circulation, built form and character, and take advantage of the opportunities of the site and context.

Access and Address

The panel remains concerned with the proposed primary two-way access to the northern part of the village off Wilson Parade, both from a traffic and way-finding point of view.

In addition to the traffic difficulties associated with this access, the proposal generates confusion for visitors about where to go, and how to get back to where they need (or are

directed) to go. The proposed solution involving signage and written information for new residents is far from ideal and not satisfactory.

The ideal should be a legible and connected street pattern providing access and address for residents, visitors, staff and services. The panel is not satisfied that this issue has been comprehensively investigated or satisfactorily resolved for the long term.

The northern frontage

The northern frontage, looking out to the Royal National Park, is an area of great potential for the village.

While the proponent has made adjustments to the pre-DA submission to accommodate more lounge areas to the north, the Panel believes that the proposal does not take full advantage of the potential of this threshold to the Royal National Park.

The existing conditions along this northern boundary – a street with existing buildings aligned to the boundary - together with the potential of this project, make the prospect of a well considered street at the edge of the national park a tantalising possibility: a built edge facing north across a well designed street to the national park.

Character, built form and architectural resolution

The panel previously noted a concern that the increase in bulk of the built form is shifting the general character from a friendly residential environment to a denser and more institutional character.

In general, the panel feels that the proposal still lacks formal clarity and appropriate character, which ideally would be grounded in use, amenity and context. The Chapel remains a wasted opportunity.

Principle 1 – Context

- The general context for the Village is suburban housing to the south and east, the railway and highway corridor to the west, and the northern frontage to the Royal National Park, potentially providing outstanding northern aspect and views.
- The internal context within the Village itself is made up of two primary types: independent living units (ILU's), a two level fabric of good Sydney School-like character, laid out to form a series of landscape courtyards; and RACF units, more recent and less successful in character, being two level double-loaded corridor buildings with small single occupancy units connected to larger communal spaces.
- The Royal National Park potentially provides outstanding northern aspect and views, however this is not fully exploited. The frontage at ground level is seen as a driveway, and is designed as a service area, with very little if any regard for the total picture. No attempt has been made to design this 'Northern Driveway' as a street, by for instance aligning the northern edge of the northern courtyard building with the Kingfisher Building and it's eastern neighbours, all of which recognise the alignment of the national park edge in their orientation.

Access and address remains a concern of the Panel. The existing northern service road is proposed as the primary two-way access to the northern part of the Village. This creates an issue with the clarity of circulation and way-finding – how will visitors understand where to go? If they use the main entry, they will then have to leave the

Village to access the new underground car-park, without turning right off Wilson Parade. These vehicles might still try and drive across the double yellow line creating a safety issue due to the restricted sight distance.

The proponent proposes an orientation pack for new residents and their families and clear signage for first time visitors. This amounts to an admission of defeat for a village of this scale.

Perhaps an additional access point to the car-park should be provided from the existing southern entry, or in the middle from Wilson Parade. In any case, the panel is not satisfied that all possibilities have been looked at in the context of an overall Masterplan.

The Seniors Housing SEPP makes specific reference to Accessibility, and the proposal should ensure that its objectives are fully met.

Principle 2 – Scale

The sense of domestic scale created by the original Sydney School buildings has been altered by subsequent RACF buildings with a larger, more institutional scale. In this part of the village, landscape has incrementally been reduced, and has moved from being dominant to marginal.

The increasing requirement for the more complex and intensive RACF building type results in a schism in scale between the two parts of the village - the simple, autonomous discrete dwelling units of the ILU's contrasts with the proposed sprawling, megastructure-like complex of large, joined and higher RACF buildings.

The proposal to some extent seems confused in its response to these two scales, lacking clarity in its attempt to break down the bulk of the larger footprints and increased scale of the RACF buildings. Refer to Built Form below.

Principle 3 – Built Form

The proponent advised the panel that the existing ILU residents wish to be seen as distinct from the RACF section of the village. Accepting this perceived desire of the residents to be seen as separate, as well as the difficulty in any event of reproducing the character of the ILU's, the proposal is nevertheless not consistent or fully convincing in its attempts to humanise the new buildings, reading at times more like applied camouflage than a resolution of form resulting from an integration of use, amenity, orientation, solar control, etc.

In particular:

- The north elevation of the northern courtyard building has a glass curtain wall treatment to both the bridge and the buildings on either side, not out of place in a commercial building. Yet the eastern and western facades of the same buildings are designed with small gable ends, intended to give the elevations, in the architects' words, a 'domestic' scale.

The northern bridge would be more successful designed as a separate element connecting two wings of the building, for example with solid spandrels, frameless glass infills and solar control distinguished from the building faces.

- The treatment of the bay windows is inconsistent and unclear. While those within the courtyards have been amended to individual bays allowing each room some northern orientation, those on the external elevation have not. This is due to the proponent's desire for the bays to be expressed as gables - an aesthetic conception, and an inappropriate one in the panel's view, working against amenity.

Bay windows have also been amended to include brick rather than glass spandrels. While reducing the area of glass is supported, the panel is not convinced that brick is the right choice, particularly with the glazing system below continuous around the corners. Perhaps a lightweight material would be more successful.

- While the balconies provided to the new south building will help with the character of the proposal, the floating gables above the balconies are poorly conceived and formally naive.
- There is no inclusion of appropriate solar control to glazed areas, which could inform variety and expression.
- The Chapel is disappointing, with no evidence in the drawings of any real quality or depth in its design. While an attempt has been made to make some sense of the roof monitor by making it a clerestory window, its location appears to have no relationship to the plan below, being bisected by the wall between the Chapel and the Chapel Lounge.

Principle 4 – Density

The proposed increase in density is broadly acceptable. However, the scale, built form and character need to be more successfully modulated, and meaningful quality open space provided, for the density to be suitably accommodated.

Principle 5 – Resource, Energy and Water Efficiency

The proponent advised that the proposal includes water retention for gardens and fire fighting; improved resource, energy and water efficiencies; and more solar panels on the north and south buildings. These are not evident in the submission, and should be documented and included.

Principle 6 – Landscape

The Landscape Plan needs to identify individual species, resolved planting designs should be provided.

Trees on the northern boundary T12,13,14 were identified for retention on the Arborist report. The proposed driveway into the car park impacts on up to 40% of the existing tree drip line, this will most certainly kill the trees, and the plan should be amended to reflect this.

Due to the location of the site in "Green Web Support" there needs to be an increase in the number of endemic plants on the Landscape Plan.

Principle 7 – Amenity

The design of window bay elements is supported, however they could be improved greatly by all of them avoiding the mirror reverse plan that faces every second window to the south.

The northern bridge element should be designed as a separate element to the building, as low as possible at the top to maximize solar penetration to the courtyard.

Principle 8 – Safety and Security

Acceptable, considering the natural surveillance of the ILU's, and 24hr staff presence and access control for RACF facilities.

Principle 9 – Social Dimensions

The mix of self care, low and high care facilities contributes to an important social need.

Principle 10 – Aesthetics

The Panel believe that the aesthetic quality of the proposal could be improved. The aim should be a clarity of form and character arising from an integration of good amenity, solar control and appropriate material selection.

For example:

- the eaves could be proportionally much broader with its lining carefully designed and selected.
- the bay windows could be rationalised to provide all rooms with a north side, detailed as a secondary attachment to the wall plane with the spandrels lined in a lightweight material.
- The elevations could be distinguished by differing requirements for solar control relating to orientation.
- the roof could be modulated to allow natural light and air into the corridors of the top level.
- the Chapel could be conceived as a special, spiritual space distinct from the amorphous lounges and endless corridors of the rest of the facility, reflected as such in its quality of space, light and materials.

Recommendations and Conclusions:

In summary, the panel believes that the proposal could be improved in a number of ways:

- There is a need for a Masterplan that takes an overview of the site for all future development.
- The access and circulation remains unconvincing.
- The potential of the northern frontage has not been fully realised.
- The built form, character and architectural resolution of the proposal could be greatly improved.
- Energy and water efficiency measures proposed should be documented.

Harry Levine
Deputy ARAP Chairman

12 September 2014

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Current State Environmental Planning Policies	Relevant
State Environmental Planning Policy (Rural Lands) 2008	X
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	X
State Environmental Planning Policy (State and Regional Development) 2011	X
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	X
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	X
State Environmental Planning Policy (Urban Renewal) 2010	X
State Environmental Planning Policy (Western Sydney Employment Area) 2009	X
State Environmental Planning Policy (Western Sydney Parklands) 2009	X
Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment	✓

5.1.1 State Environmental Planning Policy No 1—Development Standards

It has been established by a series of decisions in the Land and Environment Court that generally in order to maintain an objection that compliance with a standard is unreasonable or unnecessary, it is first necessary to discern the underlying object or purpose of the standard.

To found an objection it is then necessary to be satisfied that compliance with the standard is unnecessary or unreasonable in the circumstances of the case.

Although the court has urged a generous application of SEPP No. 1 and has repeatedly declined to attempt exhaustively to define the limits of the dispensing power and, in particular, what is embraced by the expression "*circumstances of the case*", it is now established that it is not sufficient merely to point to what is described as an absence of environmental harm to found an objection (cf *Wehbe v Pittwater*, *Memel Holdings* etc.).

Furthermore, the objection is not advanced by an opinion that the development standard is inappropriate in respect of a particular zoning.

In *Wehbe v Pittwater Council* [2007] NSWLEC 827 Preston CJ is very clear where he says:

"An objection would not be well founded by an opinion that the development standard is inappropriate in respect of a particular zoning (the consent authority must assume that standard has a purpose)."

Therefore, it is now established that although the discretion conferred by SEPP No. 1 is not to be given a restricted meaning and its application is not to be confined to those limits set by other tribunals in respect of other legislation, it is not to be used as a means to effect general planning changes throughout a local government area such as is contemplated by the plan making procedures set out in Part 3 of the *Environmental Planning and Assessment Act 1979*.

Again Preston CJ confirms this when he states in *Wehbe* that:

"The dispensing power under SEPP 1 also is not a general planning power to be used as an alternative to the plan making power under Part 3 of the Act."

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See also *Hooker Corporation Pty Limited v Hornsby Shire Council* (NSWLEC, 2 June 1986, unreported).

Objections must therefore justify the departure from a development standard having regard to the above principles. In *Winton Property Group Limited v North Sydney Council* (2001) NSW LEC 46 (6 April 2001) it was established that in order to apply the principles of the Hooker case five (5) questions should be asked. These questions form the basis of this process.

This objection under clause 4.6 of the LEP applies the "Varying development standards: a guide", published by the NSW Department of Planning and Infrastructure (DoPI) dated August 2011.

The DoPI guidelines require that the following questions be answered:

1. What is the name of the environmental planning instrument that applies to the land?

Sutherland Shire Local Environmental Plan 2006

2. What is the zoning of the land?

Zone 12 Special Uses (Predominantly and area subject to this proposal).

Note: Whilst a small portion of the site is Zone 3 no development is proposed within this portion of the site. Existing use rights also apply to the existing use as seniors housing within that portion of the site Zone 3.

3. What are the objectives of the zone?

1 Objectives of zone

The objectives of this zone are as follows:

- (a) to provide for a range of community facilities and services to meet the needs of the community,
- (b) to allow for development by public authorities,
- (c) to provide for a variety of development in accordance with local educational, religious or similar community demand,
- (d) to ensure the scale and nature of new development is compatible with the surrounding urban form and natural setting of the zone,
- (e) to recognise critical requirements, as identified by the Commonwealth, relating to the use of Commonwealth land for defence purposes.

4. What is the development standard being varied?

Number of Storeys and Height of Building

5. Under what clause is the development standard listed in the environmental planning instrument?

Clause 33(4) - Height of building generally—default position

A building must comply with each of the following:

- (a) the building must not comprise more than 2 storeys,
- (b) the building must not exceed the following:
 - (i) a height of 7.2 metres, as measured vertically from ground level to any point on the uppermost ceiling in the building,
 - (ii) a height of 9 metres, as measured vertically from ground level to the highest point of the roof of the building.

6. What are the objectives of the development standard?

The objectives of this clause are as follows:

- (a) to ensure the scale of buildings:
 - (i) is consistent with the desired scale and character of the street and locality in which the buildings are located, and
 - (ii) complements any natural landscape setting of the buildings,
- (b) to allow reasonable daylight access to all buildings and the public domain,
- (c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,
- (d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,
- (e) to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings on land in those zones..

7. What is the numeric value of the development standard in the environmental planning instrument?

7.2m to the uppermost ceiling height and 9m to the highest point of the roof.

8. What is proposed numeric value of the development standard in your development application?

The absolute maximum ceiling and roof heights are achieved by the Chapel element whilst the building is predominantly at lower RLs identified by the architectural plans.

The maximum roof height of the "Chapel Lantern apex" being a roof feature is RL 210.97m located in the centre of the site RACF precinct.

The maximum ceiling height of the Chapel measured at the spring point of the ceiling at the external wall of the Chapel is RL 204.52m

The lowest existing ground level beneath the highest ceiling and roof is RL 194.00m AHD.

Therefore the maximum proposed building heights are:

- The Lantern Roof Feature above the Chapel 16.97m (7.97m above 9.0m)
- The Chapel Ceiling 10.52m (3.32m above 7.2m)

Note: the ceiling height exceeds 8m under the Seniors SEPP and the SEPP 1 is required despite those provisions.

9. What is the percentage variation (between the proposal and the environmental planning instrument)?

- 50% variation to number of storeys
- 46.1% - Ceiling Height at the at the spring point of the ceiling at the external wall of the Chapel otherwise predominantly lower.
- 88.56% - Roof Height at the top of the roof feature otherwise predominantly lower.

10. How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

The development has been the subject of detailed architectural design to achieve the aims and objectives of the Act and relevant EPI (in particular the LEP). The skilful design (pitched roof form maintaining an architectural consistency with the existing buildings within JPV), the topography, juxtaposition to the Illawarra Railway Line and to the adjoining proposed enterprise corridor (west of the area subject to the proposal), and large buffer to the east, all combine to make compliance with the development standard unreasonable or unnecessary.

Strict compliance would result in a 2 storey built form thwarting the objective of providing additional high care – aged care facilities with a significantly greater foot print. The proposed 3 storey built form will transition to a 2 storey built form within the site before reaching the boundaries of the low density zone abutting the eastern boundary of the site. The raised topography associated with the bridge over the Illawarra Railway Line to Wilson Parade will result in the built form reading substantially as a two-storey building when viewed from the Railway Bridge or Wilson Parade. In addition the proposal will be well shielded by existing and proposed landscaping.

The building will be articulated in form and materials making the upper level recessive and not easily discernable from Wilson Parade.

11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act?

The objects of this Act are:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,

Strict compliance would result in the refusal of a development that through the extensive design process, already undertaken, demonstrates that the Act and LEP objectives will be achieved despite the additional storey. The Special Use nature of the site recognises the strategic planning importance of the site in the provision of seniors living.

A failure by Council to support this SEPP 1 objection would thwart the object contained within Section 5(a)(i) and (ii) of the Act and the objectives of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

12. Is the development standard a performance-based control?

The development standard in contention is not performance based.

13. Would strict compliance with the standard, in this particular case, be unreasonable or unnecessary? Why?

Applying Wehbe v Pittwater Council [2007] NSWLEC 827: any one or more of the following tests adequately justify why it is unreasonable and unnecessary to strictly comply with FSR development standards:

1. the objectives of the standard are achieved notwithstanding noncompliance with the standard;

Submission: The objectives seek to limit height of building to two storeys consistent with the low density single dwelling house subdivision to the east of the site. The site is large and the area proposed to be redeveloped at 3 storeys within the north-west corner of the site is separated from and buffered from the low density residential zone to the east by existing two storey buildings to be retained. The topography and juxtaposition of the proposal to the Illawarra Railway Line to the sites west and the proposed enterprise corridor further west (which has a proposed HOB of 16m and an FSR 1:1) will mean that a 3 storey element as proposed will be an appropriate transition to 5-6 storeys on the western site of the Illawarra Railway line. In short giving proper consideration to the existing LEP objectives and the proposed LEP objectives the proposal achieves the

relevant objectives. He proposed density is also well below the maximum 1:1 permissible with consent under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

2. the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

Submission: the height objectives are relevant consideration and have been addressed above and below.

3. the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

Submission: The objective of ensuring the scale of buildings is consistent with the desired scale and character of the street and locality in which the buildings are located would be defeated and thwarted and therefore compliance is unreasonable. The making of the draft LEP with respect to the likelihood of HOB 16m and FSR 1:1 immediately west of the site within the enterprise corridor is reasonably certain. The proposed enterprise corridor was among the least controversial aspects of the Draft LEP when considered through the public hearing process. Giving appropriate weight to the desired future character that will result, the proposal at 3 storeys will be an appropriate transition between 4-5 storeys west of the site and 2 storeys (low density) east of the site.

4. the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

Submission: There has been no detailed analysis of compliance or otherwise with the development standard as it applies to adjoining sites. It is noted however, that the height, shape bulk and external configuration of the proposal has been established through a detailed site analysis process to be compatible with neighbouring developments and the desired future character. We also note that the Moran Age Care facility at Engadine was cited in Council's strategic planning Council's Housing Strategy report noted council's own residential aged care facility at Engadine community centre was increased in height from 4 to 6 storeys primarily because the future commercial operator found that it would not be financially feasible at 4 storeys. We ask Council to note that JPV are at registered charity and JPV only seek a HOB increase to permit 3 storeys above ground on the north-western portion of the site. JPV are not a commercial entity and the economics are a minor driver. The major driver is the need for increased dementia care facilities within the boundaries of the existing site.

5. compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.

Submission: The site benefits from a special use. The site is subject to detailed submissions under the Draft LEP seeking increase HOB to permit 3 storeys and Council's statutory planning staff should consult with Council's

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strategic planning staff in this regard. It is submitted that the Draft LEP submissions have robustly challenged the current onerously low HOB. Given that the site currently has no FSR development standard, the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 allows an FSR of up to 1:1 and the proposed FSR is well below that the character of the low density housing zone east of the site will remain unaffected.

SEPP 1 Objection Summary

It is our opinion that the SEPP 1 represents a very robust justification for the variation to the height of the building and number of storeys development standard, in the context of the provision of increase high care – aged care facilities required in the broad public interest.

The urban form achieves design excellence and will meet the desired future character of the immediate locality including transitioning from the 4-5 storey FSR 1:1 buildings that will adjoin the site to its west within the enterprise corridor. Two storey buildings as existing are to be retained along the eastern boundary of the site. These will retain a low density with a consistent height with the single dwelling houses neighbouring and further east.

The Court has established on numerous occasions that it is insufficient merely to point to an absence of environmental harm in order to sustain an Objection under SEPP No.1 *Gergely & Pinter v Woollahra Municipal Council* (1984); *Hooker Corporation Pty Ltd v Hornsby Shire Council* (1986) *Winten Property Group Ltd v North Sydney Council* (2001) and *Memel Holdings Pty Ltd v Pittwater Council* (2001) and *Wehbe v Pittwater Council* [2007].

Rather it is necessary to demonstrate that the strict application of the development standard in question would actually hinder the attainments of the objects of the Act.

In other words, would the application of the standard result in a less optimal environmental or ecologically sustainable outcome than would occur in circumstances where the departure from the standard were permitted using the dispensing power of SEPP No. 1?

The submissions under question 13 above establishes that the application will attain the objects of the Act, relevant SEPP and the LEP and beyond this test will have no adverse environmental impacts.

It must be demonstrated, that there is a positive environmental or community outcome that arises directly out of the non-compliance. This SEPP 1 objection to the development standard and the highly competent architectural design of DEM demonstrates a better outcome in the achievement of addition and critically highly desirable aged housing with additional high care facilities meeting well documented demand for high care.

Once it has been established that there is a positive outcome associated with the area of non-compliance, and that compliance with the standard would hinder the

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attainment of that outcome then it is necessary to establish the impact of the non-compliance.

There are no adverse environmental impacts.
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There are no significantly different adverse impacts from the proposed height beyond those that would exist at 2 storeys. This SEPP 1 is not a merit assessment of the entire development and impacts that may arise from the purported non-compliance (cf Winton Properties/Memel Holdings).

Turning one's mind to the merits of the applicant's case for objecting to the development standard (not the absence of any environmental harm) and at this application stage, without the benefit of assessing any submissions that may be made, it is submitted that the impacts of the proposed 3 storey deliver a better environmental outcome, that the Council and the JRPP should accept this SEPP 1 objection and apply their mind to the pure merits of the proposal.

This SEPP 1 objection should prevail to the extent that it allows a merit assessment.

The rigour of the objection rests primarily upon the design excellence exhibited by the proposal, including the better environmental and operational outcomes within, to and from the development.

Assumed Concurrence From The Director General of the Department of Planning

Clause 7 of SEPP 1 states that:

Where the consent authority is satisfied that the objection is well founded and is also of the opinion that granting of consent to that development application is consistent with the aims of this Policy as set out in Clause 3, it may, with the concurrence of the Director, grant consent to that development application notwithstanding the development standard the subject of the objection referred to in clause 6.

In March 1989, Circular B1 advised councils that they may assume the Director-General of Planning & Infrastructure's concurrence under SEPP 1 in relation to all development applications, with the following exceptions:

- a. To erect a dwelling on an allotment of land zoned rural or non-urban or within the zones listed in Schedule A to Circular B1 (the WLEP does not contain any of the zones specified);
- b. To subdivide land which is zoned rural or non-urban or within the zones listed in Schedule A to this Circular B1 (again, the WLEP does not contain any of the zones specified).

Councils may assume the Director-General's concurrence under SEPP 1 in relation to these applications but only if;

- i. Only one allotment does not comply with the minimum area; and
- ii. That allotment has an area equal to or greater than 90 percent of the minimum area specified in the development standard.

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Circular PS 08-003 Variations to development standards, dated May 2008, confirm those arrangements, which stated;

"To avoid any doubt, this notification does not vary existing notifications to councils for assumed concurrence of the Director-General in respect of applications under SEPP 1. "

There is tension between Circular PS 08-0033, and PS08-014 - Reporting Variations to Development Standards dated 14 November 2008.

PS08-014 states under 'further requirements' that provided that any development application which involve a SEPP 1 related to a departure greater than 10% from a development standard should be determined by Council.

On the face of the planning circular (PS-08-014), it is my opinion that the requirement for any application seeking a variation greater than 10% in standards under SEPP 1 is a suggestion for 'good practice'. It is our view that this is not a fetter on Council's or JRPP's assumed concurrence under clause 64 of the *Environment Planning and Assessment Regulation 2000* ("the Regulation") because PS 08-03 explicitly confers assumed concurrence.

The applicant would request that Council and the JRPP take a conservative approach in addressing the above-confused circumstance, but nevertheless find that the concurrence exists.

The Department's intention that substantive departures (i.e. those which exceed 10%) from a development standard are determined in an open and transparent forum are supported by the Applicant and the JRPP is capable of delivering this outcome.

Conclusion

Development consent may be granted for development even though the development, would contravene the maximum number of storeys and the maximum heights under clause 33 of the LEP.

5.1.2 State Environmental Planning Policy No 55—Remediation of Land

SEPP 55 applies to the land and pursuant to section 79C is a relevant consideration for the Council.

Clause 7 of the SEPP 55 provides:

- " (1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is