

2015SYE053 – Nos. 46-58 Seventh Avenue, Jannali

DA15/0273

ASSESSMENT REPORT APPENDICES

Appendix	A	Draft Conditions of Consent
	B	Pre Application Discussion (PAD) Letter dated 11 July 2014
	C	Report of the Architectural Review Advisory Panel Meeting dated 7 August 2014.
	D	Report of the Architectural Review Advisory Panel Meeting dated 23 April 2015.

DRAFT CONDITIONS OF CONSENT
Development Application No. 15/0273

1. Approved Plans and Documents(UN12

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>
Project No. BGGHH - Sheet 02 of 15	Demolition Plan	Barry Rush & Associates Pty Ltd	Prepared 14 November 2014
Project No. BGGHH - Sheet 03 of 15 Rev A	Site/Ground Floor Plan (Sheet 1)	Barry Rush & Associates Pty Ltd	Prepared 16 June 2014
Project No. BGGHH - Sheet 04 of 15 Rev A	Site/Ground Floor Plan (Sheet 2)	Barry Rush & Associates Pty Ltd	Prepared 16 June 2014
Project No. BGGHH - Sheet 05 of 15 Rev A	First Floor Plan (Sheet 1)	Barry Rush & Associates Pty Ltd	Prepared 16 June 2014
Project No. BGGHH - Sheet 06 of 15 Rev A	First Floor Plan (Sheet 2)	Barry Rush & Associates Pty Ltd	Prepared 16 June 2014
Project No. BGGHH - Sheet 07 of 15 Rev A	Roof Plan (Sheet 1)	Barry Rush & Associates Pty Ltd	Prepared 16 June 2014
Project No. BGGHH - Sheet 08 of 15 Rev A	Roof Plan (Sheet 2)	Barry Rush & Associates Pty Ltd	Prepared 16 June 2014
Project No. BGGHH - Sheet 09 of 15 Rev A	Elevations (Sheet 1)	Barry Rush & Associates Pty Ltd	Prepared 16 June 2014
Project No. BGGHH - Sheet 10 of 15 Rev A	Elevations (Sheet 2)	Barry Rush & Associates Pty Ltd	Prepared 16 June 2014
Project No. BGGHH - Sheet 11 of 15 Rev A	Sections (Sheet 1)	Barry Rush & Associates Pty Ltd	Prepared 16 June 2014
Project No. BGGHH - Sheet 12 of 15 Rev A	Sections (Sheet 2)	Barry Rush & Associates Pty Ltd	Prepared 16 June 2014
Project No. BGGHH - Sheet 01 of 04	Stormwater Drainage Plan	Barry Rush & Associates Pty Ltd	20 October 2014

Project No. BGGHH - Sheet 02 of 04	Erosion and Sediment Control Plan	Barry Rush & Associates Pty Ltd	20 October 2014
Project No. BGGHH - Sheet 03 of 04	Stormwater Details	Barry Rush & Associates Pty Ltd	20 October 2014
Project No. BGGHH - Sheet 04 of 04	Stormwater Details/Erosion and Sediment Control Details	Barry Rush & Associates Pty Ltd	20 October 2014
Project No. BGGHH - Sheet LA01 Rev. D	Landscape Plan	Barry Rush & Associates Pty Ltd	18 June 2015
Project No. BGGHH - Sheet LA02 Rev. D	Landscape Details and Specification	Barry Rush & Associates Pty Ltd	18 June 2015

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) Building Certification plans and documents to the satisfaction of the Crown Certifier or PCA.
- 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.

2. Design Changes Required(UNI2

A. Before Construction

The following design changes must be implemented:

- i) The finished floor levels of Unit 7, Unit 12 and Unit 13 must be reduced to be a maximum of 400mm above natural ground level. This is to be achieved by reducing the grades of the ramps to be 1:14 (or similar) in accordance with AS 1428.1.
- ii) The height out of ground of Car Park 1 and Car Park 2 must be reduced to have a maximum height out-of-ground of a maximum of 400mm. This is to be achieved by reducing the grades of the driveways to be 1:14 (or similar) in accordance with AS 1428.1.
- iii) The two 5.5m wide vehicle crossings within the Road Reserve of Seventh Avenue are to be relocated northward to ensure a minimum clearance to the street power poles of 600mm.

Details of these design changes must be provided with the Building Certification plans and documents to the satisfaction of the Crown Certifier or PCA.

3. Security Lighting - NSW Police Force (UNI9004)

Security lighting is to be installed to the front of each dwelling to light the entry/exit points of each dwelling. These lights are to be evenly distributed so as not to result in glare onto adjoining dwellings and dwellings opposite the sites, sensor lights should be considered. Low-level downward-directed pathway and driveway lighting should also be installed. Details are to be provided with the Building Certification plans and documents to the satisfaction of the Crown Certifier or PCA.

4. Bin Storage Areas

The bin storage areas must be relocated to be wholly behind the front building line and located adjacent to the proposed car parking areas. Details are to be provided with the Building Certification plans and documents to the satisfaction of the Crown Certifier or PCA

5. Pedestrian Access to Public Transport / Facilities

Detailed information and plans shall be submitted to Sutherland Shire Council to ensure that safe pedestrian link / access footpath from the subject site to Georges River Road near the junction of Fifth Avenue and The Circle to access public transport services or local facilities can be constructed as agreed with Sutherland Shire Council. A separate approval under the Roads Act will be required from Council to undertake any proposed works in road reserve. This information shall be submitted prior to issue of Building Certification to the satisfaction of the Crown Certifier or PCA.

6. Public Place Environmental, Damage & Performance Security Bond

A. Before Construction

Prior to the issue of Building Certification to the satisfaction of the Crown Certifier or PCA, 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 \$14,200.

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.

7. Approvals Required under Roads Act or Local Government Act (ENG1005)

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.

8. Design and Construction of Works in Road Reserve (Council Design) (ENG2005)

A 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. To this end an application under the Roads Act shall be submitted to Sutherland Shire Council, prior to the release of Building Certification to the satisfaction of the Crown Certifier or PCA, 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 (a or two or more) vehicle crossing/s,
- iii) Construct retaining / slope stability walls where required,
- iv) Road pavement construction,
- v) Kerb & gutter/edge strip where required,
- vi) Alter / install street signage where required,
- vii) Regrade, topsoil, turf and landscape the footpath verge to final design levels,
- viii) Adjust public services infrastructure where required,
- ix) Remove (number of or specific) street trees,
- x) Install two (2) *Corymbia gummifera* (Bloodwood) and two (2) *Eucalyptus punctata* (Grey Gum) in the spaces between existing trees but not under away overhead wires. Two (2) of these trees must be located between the two (2) most northern driveway areas in a location that they provide screening to the electrical sub-station.
- xi) Ensure there are adequate transitions between newly constructed and existing infrastructure.

Evidence of the lodgement of this application must be provided to the PCA prior to the release of the Building Certification plans and documents to the satisfaction of the Crown Certifier or PCA.

B. Before Construction

Prior to the release of the Building Certification to the satisfaction of the Crown Certifier or PCA, property alignment levels and crossing profiles must be obtained from Sutherland Shire Council.

C. Before Occupation

Prior to the occupation of the building or the issue of an Occupation/Subdivision Certificate the following certification must be provided to Sutherland Shire Council:

- i) 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.
- ii) 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.

9. Site Management Plan (ENG2010)

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the application for Building Certification plans and documents to the satisfaction of the Crown Certifier or PCA. If demolition is to commence prior to the issue of Building Certification to the satisfaction of the Crown Certifier or PCA 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.

10. Pre-commencement Inspection (ENG3015)

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.

11. Internal Driveway Profile (ENG4015)

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) Comply with AS2890.1(2004) in relation to the design of vehicular access, parking and general manoeuvring for the B85 vehicle.

Certification by an appropriately qualified person to the effect that these design requirements have been met must accompany the Building Certification plans and documents to the satisfaction of the Crown Certifier or PCA.

12. Noise Control During Construction and Demolition (ENG6010)

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.

13. Public Utilities - Subdivision (ENG7005)

This condition is imposed to facilitate the provision of services to the subdivision and reduce conflicts between services and lot boundaries, buildings or associated facilities.

A. Before Construction

Suitable arrangements must be made with all relevant utility service providers to ensure the development is appropriately serviced by electricity, gas, telecommunications and the like, and any necessary underground conduits are provided.

Note: Should these requirements result in any significant change to the approved design an application must be made to modify the consent under s.96 of the Environmental Planning and Assessment Act.

14. Supervising Engineer

A. Before Construction

The applicant must engage an appropriately qualified Accredited Certifier in civil engineering works or a Charter Civil Engineer to supervise construction of the Road frontage works and construction / installation of the stormwater drainage / rainwater harvesting / rainwater reuse facilities.

B. During Construction

The engineer must supervise the aforementioned works to ensure compliance with all relevant conditions of development consent.

C. Before Occupation

- i) The supervising engineer must certify the Works-As-Executed drawings prepared for the stormwater / rainwater harvesting / rainwater reuse system works that the works has been carried out in accordance with the requirements of this Development Consent and to their satisfaction.
- ii) The supervising engineer must certify the Works-As-Executed drawings prepared for the Road frontage works that the works has been carried out in accordance with the requirements of this Development Consent and to their satisfaction.

15. Stormwater Drainage, Rainwater Harvesting & Reuse System

A. Design

The stormwater drainage, rainwater harvesting and rainwater reuse systems shall be designed and constructed in accordance with the approved stormwater drainage design drawings, Australian Standard AS3500.3:2003 and the BASIX Certificated issue against this development, except where modified by the following;

- i) At the connect point of the drainage system of the development and Council's pipeline within the Reserve an inlet / junction pit must be constructed in accordance with Sutherland Shire Council's Specifications.
- ii) The rate of discharge of stormwater from the site to Council's stormwater drainage pipeline must be controlled so that it does not exceed the pre-development rate of discharge.
- iii) A 2m easement to drain water over No.44R Seventh Avenue must be created under s.88B of the Conveyancing Act to allow discharge of stormwater from the development site to Council's stormwater drainage pipeline.
- iv) A total catchment analysis is required for Council's drainage system from the first upstream street pit outside No.59 Seventh Avenue to the street pit on the western side of Eighth Avenue. The stormwater drainage analysis is required to ensure Council's drainage system is not overwhelmed from the point of connection of the development's drainage system. The catchment analysis must be supported by a catchment area plan and detail the hydraulic grade line.

B. Before Occupation

- i) A Works-As-Executed drawing (WAED) of the stormwater drainage system shall be prepared by a Registered Surveyor. This drawing must detail the alignment of pipelines, pits, detention facility and the rainwater tanks. An original or a colour copy shall be submitted to Sutherland Shire Council.

- ii) The Supervising Engineer must certify the WAED of the stormwater drainage system that the stormwater drainage works, rainwater harvesting facility and rainwater reuse systems were constructed to their satisfaction and in accordance with the Development 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.

C. Ongoing

The stormwater detention facility shall be:

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

Note: Upon submission of the Works-As-Executed drawing for the stormwater drainage system a notation will be added to the section 149(5) certificate advising future owners that their property is burdened by a stormwater detention facility.

16. Design and Construction of Works in Council Reserve

A. Design

- i) The required total catchment analysis (as required by sub-condition A(iv) of condition 'Stormwater Drainage, Rainwater Harvesting & Reuse System') of Council's drainage system may require Council's stormwater drainage system within No.44R Seventh Avenue to be upgraded / augmented.
- ii) Construct a stormwater drainage pit, to enable a private drainage system to connect to Council's stormwater drainage pipeline.
- iii) To this end an application under the Local Government Act shall be submitted to Sutherland Shire Council for Consent to undertake the required stormwater works.

B. Before Occupation

- i) Any required drainage works within Council's Reserve as detailed in the Local Government Act must be completed to the satisfaction of the supervising engineer and Sutherland Shire Council's Stormwater Management Branch, Manager.
- ii) The Supervising Engineer must certify the aforementioned stormwater drainage Works were constructed to their satisfaction and in accordance with the Development Consent and associated Local Government 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.

17. Endorsement of Linen Plan of Subdivision for Consolidation

A. Occupation

The Plan of Subdivision for the consolidation of Lots 484 to 490 in Deposited Plan No.17524 into one lot shall be registered with the Land Titles Office.

18. Street Numbering and Letter Box Facilities

A. Before Occupation

- i) Prior to an Occupation Certificate being issued, street numbers must be clearly displayed. Numbers should be a minimum size of 100 mm and clearly visible from the road and should not be in conflict with any other number displayed in the road.
- ii) Suitable Letter Box Facilities must be provided in accordance with Australia Post specifications.

- iii) The dwellings must have the following street address format; proposed dwelling one shall be No.1/52 Seventh Avenue Jannali through to proposed dwelling twenty four shall be No.24/52 Seventh Avenue Jannali.

19. Detailed Landscape Plan (ENV2005)

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).

The Detailed Landscape Plan must be based on the Concept Landscape Plan prepared by Greenland Design (Dwg. Nos. LA01 and LA02, Issue D, dated 18/06/2015) and must also include the following:

- i. Tree Protection Zones for all trees to be retained and protected;
- ii. The four (4) concrete driveways and two (2) parking areas shall be broken up with banding and /or coloured paving to reduce glare and to provide a strong visual cue that these areas are shared vehicular/pedestrian zones.
- iii. Porous paving shall be confined to areas with a width less than 2.0m. Porous paved areas wider than 2.0m shall be turfed.
- iv. Four(4) additional *Eucalyptus haemastoma* (Scribbly Gum) shall be planted along the front boundary.
- v. A minimum number of ten (10) indigenous canopy trees, including *Eucalyptus haemastoma* (Scribbly Gum), *Eucalyptus capitellata* (Brown Stringybark) and *Angophora costata* (Smooth Barked Apple), that will attain a minimum mature height of six metres, must be planted along the rear boundary of the site, in consultation with neighbouring properties.
- vi. The seat on the eastern side of Unit 5 shall be relocated at right angles to the seat in the Common Open Space area in front of Unit 12 and two (2) indigenous canopy trees shall be planted to provide shade to both seats.
- vii. The communal open space areas and all planter boxes on slab must be provided with a water-efficient irrigation system, connected to a pump and the rainwater tank, to enable effective landscape maintenance.
- viii. The private open space of each dwelling must be provided with one tap with a removable water key, connected to a pump and the rainwater tank.
- ix. 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 Building Certification plans and documents to the satisfaction of the Crown Certifier or PCA.

C. During Construction

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 plant 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. An inspection must be carried out by Council's landscape officer prior to occupation or an occupation certificate to ensure 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. To arrange an inspection please phone 9710-0333. An inspection fee of \$225 is required to be paid, prior to the inspection.

E. Ongoing

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

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

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

20. Removal of Trees (Private Land) (ENV2030)

A. Design

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

- i) Trees identified on the Concept Landscape Plan Dwg. No.LA01 prepared by Greenland Design Issue D, dated 18/06/2015 as "existing tree to be removed";
- ii) Trees growing within the 3 metres of the building footprint of the approved structures.
- 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 the tree selection table below OR from Council's 'Native Plant Selector' available on Council's

website (<<http://www.sutherlandshire.nsw.gov.au>> and search for Native Plant Selector).

All trees within the site trees are approved for removal as part of this consent. In order to satisfy the replanting requirement, 28 replacement trees are required to offset this loss. This requirement is satisfied by the trees shown in the Concept Landscape Plan prepared by Greenland Design (Dwg. No.LA01 Issue D, dated 18/06/2015) plus the additional trees conditioned as part of the Detailed Landscape Plan (ENV2005) - Items iii) - v).

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 Boulevarde, Gympie
Ph: 02 9524 5672

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

21. Removal of Trees (Council Land)

A. Design

The following tree as shown on the Concept Landscape Plan Dwg. No.LA01 prepared by Greenland Design Issue D, dated 18/06/2015 as "existing tree to be removed" has been approved for removal within the road reserve:

Tree No.	Tree Species (botanical and common name)	Location
Not numbered	<i>Eucalyptus</i> spp. (Ironbark)	In front of No. 48 Seventh Ave at the northern end of the site

Council has preferred supplier agreements in place with a number of arborists who have approved work method statements and public liability insurance. Removal of the tree listed above must only be undertaken using Council's preferred supplier at the applicant's expense. The applicant is responsible for contract management and payment of the arborist.

You can select from Council's list of preferred suppliers by accessing council's website and searching for Tree Removal - Preferred Supplier.

B. Before Construction

Prior to the issue of the Building Certification to the satisfaction of the Crown Certifier or PCA, the applicant must pay Council the scheduled fee for the replacement of four (4) trees within the road reserve in accordance with Council's adopted replacement policy (Sutherland Shire Council's Development Control Plan - Amendment 11) which is required at a rate of 4 to 1.

22. Tree Retention and Protection (ENV2040)

A. Before Works

Before the commencement of any works on the site a supervising Arborist must be engaged to oversee the measures for the protection of existing trees as listed below.

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

Before the commencement of any works on the site the following trees as marked on the Concept Landscape Plan Dwg. No.LA01 prepared by Greenland Design Issue D, dated 18/06/2015 must be retained and protected:

Tree No.	Tree Species (botanical and common name)	Location on site
Not numbered	<i>Eucalyptus</i> spp.	Road reserve in front of No.56 Seventh Ave at the southern end of the site
Not numbered	<i>Agonis flexuosa</i> (Willow Myrtle)	Road reserve in front of No.54 Seventh Ave in the middle of the site
Not numbered	<i>Eucalyptus</i> spp.	Road reserve in front of No.52 Seventh Ave in the middle of the site
Not numbered	Not identified.	All trees along eastern boundary in neighbouring properties

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

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

B. During Construction

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

23. Garbage, Recycling and Green-waste Storage Area (HLT3015)

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 be provided with Building Certification plans and documents to the satisfaction of the Crown Certifier or PCA.

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. Noise Control - Residential Air Conditioning Unit / Heat Pump Water Heater

To minimise the noise impact on the surrounding environment:

A. Design

The unit must be designed and/or located so that noise generated does not cause an LAeq (15min) sound pressure level in excess of 5 dB(A) above the ambient background level when measured on or within any residential property.

B. Ongoing

- i) The unit must be operated in accordance with 'A' above.
- ii) Between the hours of 10.00pm and 8.00am on weekends and public holidays and 10.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.

25. Demolition Work (HLT5015)

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.

26. Design Requirements for Disabled Access

A. Design

Plans shall be included with the Building Certification plans and documents to the satisfaction of the Crown Certifier or PCA, demonstrating compliance with the recommendations of the Access Review report, prepared by AE&D Access Pty Ltd, dated October 2014.

27. Design Requirements for Adaptable Housing

A. Design

A report prepared by a suitably qualified Adaptable Housing Specialist must be submitted with the Building Certification plans and documents to the satisfaction of the Crown Certifier or PCA, demonstrating that the development complies with the requirements of AS4299 - Adaptable Housing. The report must contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C Adaptable House.

28. Sydney Water - Quick Check & Compliance Certificate

A. Prior to Construction

The plans approved as part of the Building Certification to the satisfaction of the Crown Certifier or PCA, 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.

B. Before Occupation / Prior to issue of Subdivision Certificate

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.

Sydney Water Advice on Compliance Certificates:

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.

29. Dial Before You Dig (ORD4050)

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.

30. Permitted Hours for Building and Demolition Work (ORD5005)

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.

31. 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:

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

32. Containment of Fill

A. Design

Fill must not extend beyond the perimeter of the building. (The use of a dropped edge beam is a method of complying with this condition.)

B. Before Construction

Details of the finished levels around the perimeter of the building must accompany the Building Certification plans and documents to the satisfaction of the Crown Certifier or PCA.

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

A. Before Occupation

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

B. Ongoing

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

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

“Seniors” are any of the following:

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

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

END OF CONDITIONS

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

PRESCRIBED CONDITIONS

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

S98 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

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

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

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

S98A Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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

S98B Notification of Home Building Act 1989 requirements

- (1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
 - (a) the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
 - (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

S98E Condition relating to shoring and adequacy of adjoining property

- (1) For the purposes of section 80A (11) of the Act, it is a prescribed condition of development consent that if the development involves an excavation that extends below

the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
 - (b) where necessary, underpin the adjoining premises to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

Greg Hansell - 9710 0844
File Ref: PAD14/0041

11 July 2014

NSW Land & Housing Corporation
Locked Bag 4009
ASHFIELD BC 1800 NSW 2131

Dear Sir/Madam

Pre-Application Discussion No. PAD14/0041

Proposal: Seniors Housing Development Comprising 25 Dwellings

Properties: 46-58 Seventh Avenue, Jannali

Council refers to the pre-application meeting (PAD) held on 20 June 2014 regarding the above development proposal. Luke Murtas (Team Leader) and Greg Hansell (Planner) 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 (SSDCP2006).

The Site and Proposal:

The site is located off the eastern side of Seventh Avenue, mid-way between First Avenue and The Circle. The site comprises 7 lots and has an area of 3940m². Each of the lots is currently occupied by a modest single storey dwelling. The site slopes away from the street frontage generally north-eastwards. Several major trees exist within the road reserve fronting the site.

Development in the immediate vicinity of the site comprises of a mixture of detached dwelling houses and duplexes. A Council drainage reserve adjoins the northern boundary of the site. The wider locality is predominantly residential in character and comprises mainly of detached dwelling houses.

The proposal involves the demolition of the existing buildings and construction of a seniors housing development comprising 25 dwellings. These dwellings are designed

as single level villas with private courtyards or single level apartments with courtyards or balconies.

The dwellings are arranged throughout seven (7) proposed buildings. The three (3) buildings addressing the street are two (2) storeys in scale and designed in the form of walk-up residential flat buildings. The remaining four (4) buildings within the rear half of the site are single storey in scale and designed in the form of villa houses.

The buildings feature external walls of masonry and light weight cladding and metal skillion roofs. The proposal includes a front fence of partially open form design and masonry/metal construction.

Relevant Planning Controls:

The site is within Zone 4 – Local Housing under the provisions of Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006). The proposed seniors housing is a permissible form of development within the local housing zone.

The proposed seniors housing is also permissible on 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:

- Location & Access to Facilities (clause 26)
- Water & Sewer (clause 28)
- Site Analysis (clause 30)
- Design of In-Fill Self-Care Housing (clause 31)
- Design Principles (clauses 33-39)
- Standards concerning Accessibility and Useability (clause 41)

The properties are proposed to be rezoned R2 – Low Density Residential under Draft Sutherland Shire Local Environmental Plan 2013 (Draft SSLEP 2013). The proposed seniors housing is a permissible 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 application is to be lodged by the Crown and have a capital investment value of more than \$5 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 built form, residential amenity, solar access, accessibility and the like.

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 ample size and dimensions of the site, existing major canopy trees within the adjacent road reserve and easterly district views available from the site 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, deep soil, solar access, private open space and parking as contained in Clause 50 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 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.

More particularly, the following elements of the proposal should be reviewed:

- The location of bin stores within front setback areas is not supported. The bin stores should be located behind the street building line in conveniently accessible locations or otherwise integrated with free-standing architectural elements such as porticos or the like. It is important that the bin stores do not become a feature.
- The finished floor levels of the dwellings adjacent to the rear boundary should be sited as close as practicable to the existing levels of the site, to minimise potential visual and aural privacy impacts on adjoining residential properties. Ideally, the floor levels of these dwellings should be no higher than 0.5 metres above existing site levels. At the same time, it is recognised that this objective must be carefully balanced with other requirements such as the need to provide accessible paths of travel to the dwelling entries.

- Pedestrian circulation throughout the site needs to be rationalised, particularly in the ramps and communal open space adjacent to dwellings 12, 13 & 14. This space is congested with pathways and steps to the extent that they dominate the space. Soft landscaping elements should dominate this space.
- The driveways and car parking areas should be treated such that they read as pedestrian friendly spaces. To this end, consideration should be given to soft landscaping and paving/driveway materials.
- The provision of passenger lifts to service the upper floor dwellings is desirable given the age groups of the intended occupants. The lack of these facilities limits opportunities for 'aging in place'.
- The main living areas of many of the dwellings could benefit from some enlargement in terms of their dimensions and sizes, so as to provide better amenity for the intended occupants. A disproportionately large amount of the floor area of these dwellings is devoted to bedroom/bathroom accommodation as opposed to living areas, whereas the reverse situation is usually the practice.

2. Landscaping & Trees

The development application must be accompanied by a landscape plan that includes details of all external surface treatments and proposed tree, shrub and groundcover plantings including species and planting densities. New indigenous canopy trees should be planted wherever possible (apart from within 3 metres of buildings) to provide a leafy framework and shade in summer for the buildings and car parking areas. A well developed communal open space that caters for group activities where seniors can gather and socialise would be significantly beneficial to the development.

The proposal includes the removal of an existing street tree and all existing trees within the site. Having regard to the ample size and dimensions of the site and the design opportunities afforded by these circumstances, every effort should be made to retain these trees. The small trees located adjacent to the northern boundary that currently provide screening should be retained. A significant opportunity exists for the planting of clusters of street trees within the adjacent road reserve, having regard to the ample width of the verge and lack of overhead wires.

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 on the site and adjacent road reserve must be provided. The report must also indicate which trees are proposed to be removed, retained, relocated or pruned. Adequate replacement plantings should be provided to complement the character of the Jannali locality and these should be chosen using Council's Native Plant Selector.

3. Car Parking Demand

The car parking provision as detailed on the concept plans appears to be consistent with that prescribed by the Seniors Housing SEPP. However, in Council's local experience, this provision is likely to be insufficient based on the car ownership rates of the intended occupants and having regard to the limited public transport options in

the immediate locality. The car parking rate prescribed in the Seniors Housing SEPP is a generic requirement that has no regard for variations between local government areas in terms of car ownership rates and public transport accessibility.

If sufficient car parking facilities to meet resident needs are not provided on the site, there is likely to be overflow parking in the adjacent street. This may become a contentious issue for local residents when the development application undergoes public exhibition. Given the circumstances, it would be in your interest to provide further information, including car ownership rates for similar developments in the locality, to demonstrate the adequacy of the on-site car parking provision.

The potential for recessed parking bays within the road reserve adjacent to the site could also be explored, with a view to ensuring that any overflow parking within the street does not unduly interfere with two-way traffic flow. Consultations with Council's Civil Assets officers will be necessary if you wish to pursue this concept further.

4. Stormwater Drainage & Vehicular Access

The site drains naturally in a north-easterly direction. Abutting the northern boundary of the site is a Council Drainage Reserve with an associated drainage pipeline and pit. The proposal to discharge stormwater to Council's pit within this reserve is supported in principle. Given the size of the development and the connection point, there may be a need to amplify Council's 375mm diameter reinforced concrete pipeline to a 525mm diameter reinforced concrete pipeline, through to Eighth Avenue. Further consultations with Council's Stormwater Management Branch are recommended in this respect.

On-site detention is required, as it is understood that the pervious area is being significantly reduced. Given the anticipated potable water demand for the development, it is strongly recommended that rainwater harvesting and reuse is maximised. Any required detention facility may be off-set by retention vessels under clauses 5.e.1 & 5.e.2 of Chapter 8 of SSDCP 2006.

The car parks and associated access ways must be designed to comply with Australian Standards AS2890.1:2004 and AS2890.6:2006, assuming a B85 car. Having a widened passing bay over the footpath verge and just within the property is acceptable.

5. Social Impacts & Accessibility

The development application must be accompanied by a social impact comment ('SIC') 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 SIC.

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 Jannali 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.

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 Seniors Housing SEPP, 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 provisions must accompany any subsequent development application. The local footpath network will need to be enhanced and upgraded to provide for an accessible path of travel between the site and the bus services in Georges River Road, in accordance with the provisions of the Seniors Housing SEPP.

Conclusion:

The proposal is supported in principle subject to the issues raised in this letter being fully addressed by way of design changes and/or further information, particularly the issues relating to site planning and built form. 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 seniors housing projects.

Meaningful engagement and consultations with adjoining residents 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

Architectural Review Advisory Panel

Proposal:

Demolition of Existing Dwellings and the Construction of a Two (2) Storey Senior Housing Development Containing 24 Dwellings

Property:

50 Seventh Avenue JANNALI NSW 2226

52 Seventh Avenue JANNALI NSW 2226

54 Seventh Avenue JANNALI NSW 2226

56 Seventh Avenue JANNALI NSW 2226

58 Seventh Avenue JANNALI NSW 2226

48 Seventh Avenue JANNALI NSW 2226

46 Seventh Avenue JANNALI NSW 2226

Applicant:

Land & Housing Corporation

File Number:

ARAP14/0006

The following is the report of the Architectural Review Advisory Panel Meeting held on Thursday, 7 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 ARAP14/0006 – Pre-DA Proposal for a Seniors Housing Development at 46-58 Seventh Avenue, Jannali.

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.

Barry Rush (Architect) and Abhay Dave (Project Manager Housing NSW) addressed the Panel regarding the aims of the proposal and the constraints of the site.

Description of the Site and Proposal

The site is located on the eastern side of Seventh Avenue, mid-way between First Avenue and The Circle. The site comprises 7 lots and has a total area of 3,940sqm. Each of the lots is currently occupied by a modest single storey dwelling. The site slopes away from the street frontage generally north-eastwards. Several major trees exist within the road reserve fronting the site.

The site is within Zone 4 – Local Housing under the provisions of Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006). The proposed seniors housing is a permissible form of development within the local housing zone: it is also permissible on the site by virtue of the provisions of SEPP (Housing for Seniors or People with a Disability) 2004. The permissible height is 8 metres, the permissible FSR is 0.5:1 and the required landscape area is 35sqm per unit.

The proposal involves the demolition of the existing buildings and construction of a senior housing development comprising 24 dwellings, comprising single level villas with private

courtyards or single level apartments with courtyards or balconies. The project has 12 x 1 bed and 13 x 2 bed dwellings.

Before providing comment, it is important that the Panel makes clear the context in which its comments are provided. Following a public hearing and independent review in relation to DSSLEP 2013, Council has decided to re-exhibit the draft plan. This decision removes the imminence and certainty around the draft plan to the point where it cannot be given substantive weight in the assessment of development applications until it has been gazetted. For the time being, development applications will therefore be assessed giving Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006) determining weight.

Applicant's Submission

Context

- The site is within a residential context of small detached dwellings. There are two major canopy trees in the road reserve in front of the site. The site is one block away from the Green Web, so there is potential to reinforce the street and rear tree planting. The site also has easterly views.
- The proposal responds reasonably well to the context. With two-storey buildings facing the street and single-storey buildings to the rear, it will have little impact on the neighbours on either side. However, there will be some impacts on rear properties due to the falling topography which should be addressed with privacy screening to balconies.
- For such a large site with a broad street frontage, communal open space is at a premium with the proposed site design. Is a single central vehicle access to rear parking possible? Consideration of a more formalised, long, linear, mews-style open space of 9 or 10 metres width between the front and rear buildings should be considered. With the rationalisation of levels, appropriate landscape, outdoor furnishing and cross privacy measures, this could be an intimate, central social space for residents. Driveway crossings of this space should be raised and differentiated to become part of the communal pedestrian environment.
- The rear units at each end could also be slightly replanned to 'close-down' the ends of the mews space and give it a more enclosed and intimate character.

A strong, continuous evergreen landscape edge should be provided along the rear boundary to terminate vistas into the carparking courts and provide a measure of visual privacy between this development and the existing houses behind.

Whilst the site has an appreciable diagonal cross fall, there nevertheless appears to be a predominance of ramps. The ramps should be rationalised further. Is it intended to construct a footpath across the site frontage?

Scale

While the site is generous there is inadequate communal space. The space behind the front units would benefit from a more formalised approach by removing some car parking spaces and creating continuity from one side to the other; this would relieve the density currently felt within the proposal and provide some communal open space.

Built Form

The desire for two storey buildings at the front and single storey buildings at the rear has generated complex access issues between front and rear buildings. The numerous entries from the street, while providing a sense of address for the front units, have nevertheless generated access problems because of the need for steps.

The resolution of this by introducing extra paths to the bin storage results in a significant loss of open space across the front of the site. The built form of the numerous bin storage areas are intrusive, and together with the numerous entries, proliferation of walls and substation, have resulted in a cluttered and incohesive frontage. It is suggested that the substation is moved away from the centre of the street frontage and that bins are stored either at the rear or more rationally grouped to reduce the number of areas negatively impacted. An alternative layout, with the rear four dwellings incorporated into the front two storey buildings, would be another way to address the access issues referred to above.

The overall site plan and arrangement of built form is symmetrical. While the Panel accept this, it is suggested that the change of level at the central axis is expressed (or disguised) in a more considered way than currently proposed. The building forms are quite conventional, but well suited to this setting and brief. The roof forms are well handled to create visual interest and avoidance of over-repetition, except at the junction of the two groups of dwellings at the middle of the site.

Density

While the proposal complies with density requirements, the open space within the site is uncomfortable and awkward – refer to Built Form.

Resource, Energy and Water Efficiency

Generally complies.

Landscape

Existing Trees and Green Web

The arborist report was not submitted. It would appear that more trees could be retained than indicated on the plan, such as the *Eucalyptus crebra* on the north-west corner of the site. The lack of overhead power lines means there is the opportunity to plant many more trees on the street and along the site boundaries, enabling potential connections to the Green Web to the east.

Driveways

The lack of coherent presentation across the front of the development is exacerbated by the shotgun driveways to the rear carparking. It is possible to create a sense of threshold with the two main driveways at the front by reworking the paving and tree-planting? The large area of impervious pavement should be replaced with porous pavement.

Garbage bin storage

The current location of the bin storage at the entries of the front buildings is most unfortunate. It is possible to re-align the bin storage parallel to a low front wall, set back by say 600mm with the space between the low front wall and wall of bin storage acting as a planter?

Street entries to units 20, 16, 10 and 5

While recognising the desire for street addresses for units, the compromised open space and accessibility to units 20, 16, 10 and 5 suggests that the front path should be limited to an on-grade curved or diagonal path from the main entrance to the buildings. The resulting open space could then be free of steps and walls, similar to units 18 and 8.

Proliferation of ramps

The space between the front, two storey buildings and rear, single storey buildings is almost unusable because of the proliferation of ramps. The levels on the landscape plan do not seem to require the amount of ramping indicated. It is suggested that these areas should be reworked. It would be possible to remove car spaces 10, 5, 6 and 11; and connect all the space behind the front buildings thus reducing the ramps and providing an attractive open space which would receive north sun.

Landscape sections

The extensive use of walls and ramps require detailed sections to show how these are resolved and whether they are planting boxes.

Plant species and layout

There is no indication of the structure or intent of the planting design. Simple lists of plant species are not adequate for landscape plans. The planting boxes along the street frontage need particular attention.

Proposed substation

The location and access to the substation needs to take in consideration the existing healthy street tree.

Lack of communal open space

Refer to Context and Amenity.

Amenity

Although units are provided with generous private open spaces, the lack of communal open space which is so important for seniors housing acts against the social dimensions of the proposal. On this site, the north-west areas would provide the most amenity. The space released, by removing the front paths for units 16 and 5, could create a small green area associated with both driveway entries. These small pockets of open space, with attractive canopy trees and seats, could be integrated with the reworked thresholds for the two driveways.

The unit plans are generally well conceived. There is a concern that the primary living space in some of the street front apartments is too small: can this be addressed by making the bedrooms slightly smaller if minimum standards permit? A number of street front ground level units lack an appropriate entry threshold from their street entry. The provision for stair climbers and universal design is commendable.

The proximity of the bin storage areas to bedrooms is a concern, particularly in relation to noise and odour.

The rear units are well planned, and generally all units and villas offer high levels of access to natural light, sun and cross ventilation.

Safety and Security

To create greater safety as well as pedestrian comfort and amenity, the pedestrian circulation needs to be reconsidered from the street to each unit, especially to the rear units. Unless these are better integrated within a pleasant landscaped environment, their access could appear unsafe, especially at night.

Social Dimensions

Where is the social impact assessment? The lack of landscape sections means that privacy issues for the neighbours adjoining the east of the site are not considered. The landscape plan needs to show how this has been addressed.

Aesthetics

In an attempt to create a sense of identity and diversity in the units, the roofs have been alternately sloped to the side and front. This pattern breaks down in the middle section of roof, which steps uncomfortably to accommodate a change in level. Without more rigour and simplicity, the resulting street elevation risks becoming cluttered and incoherent.

There could be more variety in the treatment of the external skins of the buildings, beyond coloration of front doors and solid balustrades. Consider introduction of darker bricks in some areas, or perhaps a markedly different architectural approach for one or two of the street front buildings in order to provide some visual interest and diversity.

Recommendations and Conclusions:

The Panel is generally supportive of initiatives for more affordable housing options in Sutherland and Sydney. The mix of street oriented and garden villa units in the proposal is also supported as this provides variety and housing choice.

The Applicant is requested to respond to the suggestions of this ARAP report as part of the resolution of design quality issues arising from its submission. The Applicant's response should be descriptive and adopt a format of Panel suggestion and response, clearly transcribing the suggestion from the report, followed by the Applicant's response under each Principle.

Frank Stanisic
ARAP Chairman

18 August 2014

Architectural Review Advisory Panel

Proposal:

Demolition of Existing Structures, Construction of a New Seniors' Housing Development and Consolidation Into One Lot

Property:

46, 48, 50, 52, 54, 56 & 58 Seventh Avenue JANNALI NSW 2226

Applicant:

NSW Land and Housing Corporation

File Number:

DA15/0273

The following is the report of the Architectural Review Advisory Panel Meeting held on 23 April 2015 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

"3. DA15/0273 – Demolition of the Existing Structures, Construction of a New Seniors Housing Development and Consolidation Into One (1) Lot at 46-58 Seventh Avenue, Jannali – JRPP Application

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

Barry Rush, Abhay Dave and Bao Ly addressed the Panel regarding further development of the proposal and how they have addressed the issues raised by the Panel at the previous meeting.

Description of the Site and Proposal

The proposal is for 24 seniors dwelling units located in six individual buildings and 18 on-grade car-parking spaces, on a consolidated site of seven existing single dwelling lots at 46-58 Seventh Avenue Jannali.

The proposal was previously presented to ARAP on 07 August 2014. A number of the issues raised in ARAP's Report from that meeting have now been satisfactorily addressed by the applicant.

The site is within SSLEP 2006 Zone 4 (Local Housing) and DSSLEP 2013 Zone R2 (Low Density Residential). The development is designated as a Seniors Housing Development and will be determined by the JRRP.

Key Existing Controls:

Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006)

Sutherland Shire Council Development Control Plan 2006 (SSDCP 2006)

State Environmental Planning Policy 65 (SEPP 65)

Residential Flat Design Code (RFDC)

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

Key Draft Controls:

Draft Sutherland Shire Local Environmental Plan 2013 (DSSLEP 2013)

Draft Sutherland Shire Council Development Control Plan 2015 (DDCP 2015)

In 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 decision 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 by Council giving Sutherland Shire Local Environmental Plan 2006 (SSLEP 2006) determining weight.

Until such time that these circumstances are resolved, the Panel will consider and make comments in relation to the proposal based on either the existing controls OR the proposed controls, depending on the type and context of the application.

Applicant's Submission

In respect of this application, the applicant is advised that the following comments made by ARAP are provided in the context of the provisions of SSLEP 2006 and SSDCP 2006.

Context

The site's existing context is 1 and 2 storey detached housing and villa development, including a similar nearby development at 35-47 Seventh Avenue.

The site falls from the south-west to the north-east corner away from the street by approximately 6m and 4m to the north along the street frontage. A narrow Council easement is adjacent to the north-east boundary.

Scale

The scale of two storeys to the street and one storey along the rear of the site is appropriate in the context, particularly since the streetscape is articulated and clustered into three groups. Carports at either side boundary further soften the scale in the street and give domestic character.

Built Form

It is suggested that the legibility of building and apartment entries from the street should be further considered.

The four common entries across the frontage of the project are reasonably consistent with the frequency of entries in the surrounding single dwelling subdivision, and therefore it is suggested that removal of individual entries to street front units will allow a number of improvements to the scheme:

- It will reduce ambiguity in the entry arrangements.
- It will result in more useable private open spaces for street front units.
- It will assist in planning more discreet bin stores and substation.
- It will allow a more generous arrangement for the primary living spaces and improved connection with their private outdoor spaces.

The linear access space at the rear has improved with resolution of levels, and the architect is encouraged to further develop this with a clearer representation of its formal type, which is a communal space in the form of an intimate street or mews with well-considered detail, good address to the rear units, good lighting and appropriate landscape.

Density

The proposed density is acceptable.

Resource, Energy and Water Efficiency

Low maintenance material choices are commended, as are underground rainwater storage tanks. Solar power and hot water should also be provided.

Landscape

The units adjacent to Seventh Avenue suggest that the front courtyards are designated as private outdoor courtyard type spaces, yet the landscape plan indicates that these courtyards are almost completely planted out. In a number of instances they are also utilised as major access points to front doors, as noted above. It is recommended that the design be amended to incorporate at least 15 sqm of paving to make the areas more furnishable and usable.

The internal central core of open space should incorporate seating areas for residents.

Substantial tree planting at the rear of the carports would provide shading to cars and provide a visual buffer to properties to the east.

Amenity

Further refinement to the planning and screening of garbage areas should be incorporated so that they are less obvious from the common access pathways. Alternatively these areas could be relocated with the driveways.

For weather protection, letterboxes would be better positioned under the entry canopies on Seventh Avenue, rather than facing the street as presently shown.

For improved way-finding, the plans of the rear villas could be flipped to align their entries with the access through the street front buildings (levels permitting).

Entries to bathrooms located directly off kitchen/dining areas should be relocated to the entry area for improved privacy.

Living and dining areas in the front units would appear more spacious if the dividing wall is reduced to refrigerator height.

The rear patio fences could include gates for rear exits.

Safety and Security

There is good surveillance of the street and common circulation areas.

Careful consideration should be given to the external lighting plan for the rear communal access spaces.

Social Dimensions

The applicant noted that generally they are not in favour of providing communal open space. Notwithstanding this, it is suggested that the design could encourage opportunities for spontaneous social contact in the common spaces - for example, by widening paths in relevant places such as path meeting locations.

Access provisions have been well considered in this proposal as all ground floor units will be able to accommodate people in wheelchairs, thereby allowing residents to age in place.

Aesthetics

Where the buildings step in plan to accommodate a change in level, the middle sections of the elevations are not as well resolved as other areas.

The Panel feels that the upper lightweight clad areas below the skillion roofs are over-scaled, resulting in a top-heavy visual appearance.

As previously recommended by ARAP, the applicant has introduced variations in the materials and colours of the street facades and changes in roof directions to express identity for individual units, though this may now be a little overdone. It is suggested that the proposed palette of three face brick colours is sufficient without the use of concrete block as well. The brick-metal datum line could be varied in more units than just Unit 10, for more vertical emphasis.

Recommendations/Conclusions

This proposal is comfortable in its context and provides high quality, well-designed, accessible and affordable housing in the LGA. Site planning is sensitive to neighbours and provides well considered internal privacy and solar access. If addressed, the matters raised above would further raise the design quality of this development.

Tony Caro
Acting ARAP Chairman"

18 May 2015