



**Family &
Community Services**
Land & Housing Corporation

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Your Ref: DA15/0273

Our Ref: LGEN15/2396

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

Attention: Ms Charlotte Lowe

Dear Ms Lowe,

Crown Development Application No: DA15/0273

Proposal: Demolition of existing structures, construction of a new seniors housing development and consolidation into one lot

Property: 46-58 Seventh Avenue, Jannali

Thank you for your letter dated 3 July 2015 advising of the draft conditions Council wishes to impose on its consent to the above development application. The following comments on the draft conditions are made pursuant to Section 89 of the Environmental Planning and Assessment Act:

The Land & Housing Corporation (LAHC) agrees to the majority of draft conditions subject to changes for legislative and practical reasons, or in response to Council's suggested design changes.

Key conditions which remain outstanding are in relation to the need for a catchment area plan (conditions 15 and 16). As indicated in the revised Site Stormwater Drainage Layout Plan C01 Revision A dated 13.07.2015 (copy attached), LAHC considers that the hydraulic calculations provided indicate that the proposed development would not impact on Council's stormwater infrastructure. To the contrary, it might result in improved capacity and efficiency of Council's stormwater system. While LAHC questions the efficacy of a catchment area plan, it is willing to prepare such a plan. Should the plan require modifications to the hydraulic plans, this could be addressed by way of a Section 96 application.

Draft Condition No.	Response
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| 1. | Approved plans and documents
Agreed subject to the replacement of "Project No. BGGHH – Sheet 01 of 04 Stormwater Drainage Plan Dated 20 October 2014" with "Site Stormwater Drainage Layout Plan C01 |
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Revision A dated 13.07.2015" in the table.

Also, agreed with the exception of i) and ii) in the note to the draft condition:

- (i) Not agreed. Pursuant to S.109R of the Act, the Land & Housing Corporation, as a Crown authority, is authorised to certify its own building works as complying with the state's building laws (i.e. the Building Code of Australia) and is therefore not required to appoint a Principal Certifying Authority or obtain a Construction Certificate.
- (ii) Not agreed for the reasons stated above.

2.

A. Before construction

- (i)-(ii) Replace these conditions with the following condition:

"The following design changes must be implemented:

- The finished floor level of Unit 7 is to be 56.39m AHD
- The finished floor level of Unit 12 is to be 57.17m AHD
- The finished floor level of Unit 13 is to be 57.59m AHD
- The lowest point of Car Park 1 is to be 56.39m AHD
- The lowest point of Car Park 2 is to be 58.71m AHD.
- The finished floor level of Units 1, 3 and 5 is to be 56.97m AHD
- The finished floor level of Units 8 and 10 is to be 57.73m AHD
- The finished floor level of Units 14 and 16 is to be 58.87m AHD
- The finished floor level of Units 18, 20 and 22 is to be 60.22m AHD."

- (iii) Agreed.

The last paragraph of this condition is to be amended as follows:

"Prior to commencement of construction, copies of the revised plans are to be provided to Council."

3. Agreed subject to rewording of the final sentence: "Prior to commencement of construction, a copy of the detailed plans are to be provided to Council" for the reasons stated previously.

4. Not agreed. The bin storage areas are conveniently located at the front of the site for the intended residents, being for seniors and people with a disability, and are adequately screened from the public domain with the provision of 1 metre deep planter beds. It is requested that the bin storage areas remain in the locations proposed and that this condition be deleted.

5. Agreed subject to deletion of "A separate approval under the

Roads Act will be required from Council to undertake any proposed work in road reserve". Clause 5 of Schedule 2 of the savings, transitional and other provisions of the Roads Act 1993 provides that a Public Authority, such as the Land & Housing Corporation, does not require consent from a Road Authority to exercise its functions in respect of an unclassified road that is not a Crown road; and "or PCA" for reasons stated previously.

6. **A&B.** Agreed subject to modification of the draft condition as follows: "The cost of repairing any damage caused to the council for the area's assets in the vicinity of the subject site as a result of demolition/ construction works associated with the approved development is to be met in full by the building contractor." The development is being undertaken by LAHC, a Crown authority. As such, payment of bonds is not considered to be appropriate.

7. **A.** Not agreed for reasons stated previously. Deletion of the draft condition is therefore requested.

8. **A. Design:** Agreed subject to rewording of the first paragraph as follows: "A road frontage design drawing, prepared generally in accordance with the approved architectural design drawings is to be submitted to Land & Housing Corporation and a copy provided to Council addressing the following:" The Land and Housing Corporation, as a Crown authority, is not required to obtain an approval under the Roads Act or obtain a Construction Certificate for the reasons stated previously.

Also, delete the final paragraph for the same reasons.

B. Before Construction: Agreed subject to rewording as follows for the reasons stated previously: "Prior to commencement of construction, property alignment levels and crossing profiles must be obtained from Sutherland Shire Council."

C. Before Occupation: Agreed subject rewording of the first paragraph as follows: "Prior to the occupation of the building, the following certification must be provided to Sutherland Shire Council". Pursuant to S.109M (2) of the Act, LAHC, as a Crown authority, is exempt from the requirement to obtain an Occupation Certificate.

i)-ii) Agreed subject to deletion of "and associated Roads Act consent" for the reasons stated previously.

9. **A.** Agreed subject to rewording of the first paragraph as follows: "Prior to demolition and/ or commencement of works, an Environmental Site Management Plan and a Demolition Site Management Plan must be submitted to Sutherland Shire Council. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2006....."

- i)-iv) Agreed.
B. Agreed.
10. A. i)-iii) Agreed subject to deletion of "the Principal Certifying Authority" for the reasons stated previously.
11. A. Agreed.
B. i)-iii) Agreed.
Final paragraph to be reworded as follows: "Certification that these design requirements have been met must be provided to Land & Housing Corporation and a copy provided to Council" for the reasons stated previously.
12. A. Agreed.
13. A. Agreed.
14. A&B. Agreed.
C. i)-ii) Agreed subject to deletion of "and to their satisfaction", for the reasons stated previously.
15. A. i)-iii) Agreed
iv) Agreed. However, refer to the cover page of this response in relation to the need for the preparation of a catchment area plan.
B. i)-ii) Agreed.
C. i)-iii) Agreed.
16. A. i)-ii) Agreed.
iii) Not agreed. The Land and Housing Corporation, as a Crown authority, is not required to obtain the further approval of Council for the required stormwater works. Deletion of this draft condition is requested.
B. i) Agreed.
ii) Agreed subject to deletion of 'and associated Local Government Act Consent' for the reasons stated above.
17. A. Agreed subject to rewording as follows: "The Plan of Subdivision for the consolidation of Lots 484 to 490 in Deposited Plan No. 17524 into one lot shall be lodged with Land & Property Information."
18. A. i) Agreed subject to rewording of the first sentence: "Prior to occupation, street numbers must be clearly displayed" for the reasons cited previously.
ii)-iii) Agreed.
19. A. Design. Agreed.
i)-ii). Agreed.
iii) Not agreed. Porous paving minimises maintenance for

tenants who will be seniors and people with a disability. It is noted that landscaped open space provision is provided in accordance with the Seniors Housing SEPP. Deletion of this draft condition is requested.

iv) Not agreed. Due to their size at maturity, Scribbly Gum trees within the front setback area would likely result in maintenance issues for LAHC due to proximity to proposed stormwater pipelines, paving and other structures within the front setback area. Eleven new trees are proposed within the front setback area to compensate for the loss of these trees and are of an appropriate scale for the development and have been selected for their low maintenance. LAHC would accept a condition of consent requiring that all new trees within the front setback area are to be suitable alternative indigenous trees selected in consultation with Council. Deletion of this draft condition is requested.

v). Not agreed. LAHC proposes to relocate the existing sewer pipeline to run within the rear setback area and parallel to the sites rear boundary as shown on the attached, revised Site Stormwater Drainage layout Plan C01 Revision A dated 13.07.2015. Therefore, large tree plantings would not be suitable for this area due to the likely impact on sewer infrastructure. LAHC would accept a condition of consent requiring that all new trees/ shrubs within the rear setback area be suitable alternative indigenous species selected in consultation with Council. Deletion of this draft condition is requested.

vi). Agreed subject to replacement of "two (2) indigenous canopy trees" with "one (1) indigenous canopy tree." An additional mature canopy tree would likely cause maintenance issues for LAHC as there is limited space in the landscaped area between Units 8, 10 and 12 due to the proximity of proposed stormwater pipelines.

vii) Not agreed. LAHC does not provide irrigation systems as they pose maintenance issues. LAHC would accept a condition of consent requiring lockable, manually operated taps to be provided within the common areas. Deletion of this draft condition is requested.

viii) Not agreed. Residents will have a tap within their private open spaces, but will not be provided with a removable water key as these pose a maintenance issue for LAHC. Deletion of this draft condition is requested.

ix). Agreed.

B. Agreed subject to rewording as follows: "The Detailed Landscape Plan is required to comply with 'A' above, and is to be submitted to LAHC and a copy provided to Sutherland Shire Council" for the reasons stated previously.

C. Agreed.

D. Agreed subject to deletion of references to the need to obtain an Occupation Certificate. Pursuant to S. 109M (2) of the Act, LAHC, as a Crown authority, is exempt from the requirement to obtain an Occupation Certificate.

E. Agreed.

20.

A. i)-iv) Agreed.

B. Agreed subject to deletion of "plus the additional trees conditioned as part of the Detailed Landscape Plan (ENV2005) – items iii)-v)" for the reasons stated and as agreed to under draft condition 19.

C. Agreed.

21.

A. Agreed subject to amendment of the table as follows:

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.
Not numbered	<i>Cupressus glabra</i> (Smooth Bark Cypress)	In front of No. 58 Seventh Avenue at the southern end of the site.

B. Agreed subject to deletion of "Prior to the issue of the Construction Certificate" for the reasons stated previously.

22.

A. Before works Agreed.

i)-v) Agreed.

B. i)-ii) Agreed.

23.

A. Agreed.

B. Agreed subject to deletion of "form part of the documentation accompanying the applications for a Construction Certificate" and replace with 'be submitted to LAHC and a copy provided to Sutherland Shire Council' for the reasons stated previously.

C. Agreed subject to rewording as follows: "The works must be completed prior to occupation" for the reasons stated previously."

D. Agreed.

24.

A&B. Not agreed. Residential air conditioning/ heat pump water heaters are not proposed. Deletion of this condition is requested.

25. **A&B.** Agreed.
26. **A.** Agreed subject to rewording as follows: "Prior to commencement of construction, plans demonstrating compliance with the recommendations of the Access Review report, prepared by AE&D Access Pty Ltd, dated October 2014, shall be submitted to LAHC and a copy provided to Council."
27. **A.** Not agreed. The condition is to be reworded as follows: "Prior to construction, confirmation from a suitably qualified person must be provided to LAHC and a copy provided to Sutherland Shire Council, that the Standards concerning accessibility and usability for self contained dwellings, contained within Schedule 3, Part 1 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are complied with."
28. **A.** Agreed subject to deletion of "approved as part of the Construction Certificate" from the first sentence for the reasons stated previously.
- B.** Agreed subject to deletion of "must be submitted to Council by the Principal Certifying Authority" for the reasons stated previously, and as LAHC has the responsibility to satisfy Sydney Water requirements under Section 73.
- 29-31. **A.** Agreed.
32. **A.** Agreed.
- B.** Agreed subject to deletion of "accompany the application for a Construction Certificate" and replace with 'be submitted to LAHC and a copy provided to Council.'
33. **A&B.** Agreed.

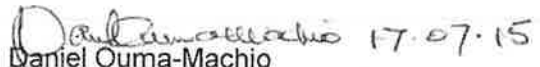
END OF CONDITIONS

PRESCRIBED CONDITIONS

- S98** Not agreed. By virtue of S.109R of the Act, the Land & Housing Corporation is required to comply with the state's building laws (i.e. the Building Code of Australia) regardless of conditions of consent. Pursuant to Clause 103E of the *Home Building Act 1989*, the Land & Housing Corporation is exempt from Part 6 (Insurance) of that Act. Deletion of the prescribed condition is requested.
- S98A** Not agreed by virtue of subclause (5) of this clause.
- S98B** Not agreed by virtue of subclause (4) of this clause.
- S98E** Agreed.

Any enquiries or correspondence concerning this development should initially be directed to Howard Taylor, Planner, who can be contacted by telephone on 9354-1882 or by email at howard.taylor@facs.nsw.gov.au

Yours sincerely

 17.07.15
Daniel Ouma-Machio
A/ Director, Technical Services
Land & Housing Corporation