

2016SSH001 – 99R Acacia Road and 42 Auburn Street,
Sutherland

DA16/1620

ASSESSMENT REPORT APPENDICES

Appendix	A	Draft Conditions of Consent
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	C	Architectural Review Advisory Panel Report dated 2 February 2017
	D	Submission Summary
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Sutherland Shire
COUNCIL



DEVELOPMENT CONSENT

Environmental Planning and Assessment Act 1979

Application Number: DA16/1620

Authority: Sydney South Planning Panel

APPLICATION DETAILS

Applicant: Bupa Aged Care Australia Pty Ltd
Level 14
255 George Street
SYDNEY NSW 2000

Land Description: Lot 11 DP 1103619
Lot 200 DP 1110295
99R Acacia Road, Sutherland, 42 Auburn Street, Sutherland

Proposed Development: Seniors housing development comprising independent living units, a health services facility and associated uses, and boundary adjustment of 2 existing lots

Date of Determination:

Date of Operation:

Date of Lapsing:

Under Section 80 of the Environmental Planning and Assessment Act 1979, Sutherland Shire Council has determined DA16/1620 as described above, by the granting of development consent subject to the conditions specified in this notice.

The following conditions of consent have been imposed to reduce or eliminate any detrimental effects that the proposed development might have on the environment or the amenity of the area.

CONDITIONS OF CONSENT

GENERAL CONDITIONS

These general conditions are imposed to ensure that the development is carried out in accordance with the development consent, having regard to the environmental circumstances of the site.

1. Approved Plans and Documents

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

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
DA1.03 Revision P5	Site Plan	Marchese Partners	7/9/17
DA2.01 Revision P9	Ground Floor Plan	Marchese Partners	6/9/17
DA2.02 Revision P6	Level 1-5 Floor Plan	Marchese Partners	As amended by Council 24 November 2016
DA2.03 Revision P6	Level 6 Floor Plan	Marchese Partners	2/5/17
DA2.03- B Revision P1	Level 7 Floor Plan	Marchese Partners	28/4/17
DA2.05 Revision P3	Roof Floor Plan	Marchese Partners	20/6/17
DA2.06 Revision P6	B1 Floor Plan	Marchese Partners	21/6/17
DA2.07 Revision P6	B2 Floor Plan	Marchese Partners	21/6/17
DA2.08 Revision P3	Post Adaptable Layouts PG1	Marchese Partners	10/7/17
DA2.09 Revision P3	Post Adaptable Layouts PG2	Marchese Partners	10/7/17
DA2.10 Revision P3	Post Adaptable Layouts PG3	Marchese Partners	10/7/17
DA3.01 Revision P7	East (Acacia Rd) Elevation	Marchese Partners	4/5/17
DA3.02 Revision P6	North Elevation	Marchese Partners	27/6/17
DA3.03 Revision P5	South Elevation	Marchese Partners	4/5/17
DA3.04 Revision P4	West Elevation	Marchese	4/5/17

		Partners	
DA3.05 Revision P2	East Elevation 1-100	Marchese Partners	4/5/17
DA3.06 Revision P2	East Elevation 1-100	Marchese Partners	4/5/17
DA3.07 Revision P2	North Elevation 1-100	Marchese Partners	4/5/17
DA3.08 Revision P2	South Elevation 1-100	Marchese Partners	4/5/17
DA3.09 Revision P2	West Elevation 1-100	Marchese Partners	4/5/17
DA3.10 Revision P2	West Elevation 1-100	Marchese Partners	4/5/17
DA3.11 Revision P1	North Elevation Building A	Marchese Partners	20/11/17
DA3.12 Revision P1	South Elevation Building B	Marchese Partners	20/11/17
DA4.01 Revision P3	Section AA and BB	Marchese Partners	19/6/17
DA4.02 Revision P3	Section CC	Marchese Partners	19/6/17
DA7.01 Revision P2	Finishes Schedule	Marchese Partners	22/6/17
DA7.02 Revision P2	Section Detail 1-50	Marchese Partners	22/6/17
DA1.01 Revision 4 Job 166214	Civil Engineering Package: Coversheet Drawing Schedule and Locality Plan	Northrop	7/7/17
DA1.10 Revision 1 Job 166214	Civil Engineering Package: General Arrangement Plan	Northrop	7/7/17
DA2.01 Revision 4 Job 166214	Civil Engineering Package: Concept Sediment and Erosion Control Plan	Northrop	7/7/17
DA2.02 Revision 4 Job 166214	Civil Engineering Package: Sediment and Erosion Control Details	Northrop	7/7/17
DA3.01 Revision 6 Job 166214	Civil Engineering Package: Concept Stormwater Management Plan	Northrop	25/10/17
DA4.01 Revision 4 Job 166214	Civil Engineering Package: Driveway Longsections	Northrop	7/7/17
DA4.02 Revision 1	Civil Engineering Package: Driveway Longsections Vertical Template	Northrop	25/10/17

DA5.01 Revision 3 Job 166214	Civil Engineering Package: Details - Sheet 1	Northrop	7/7/17
DA5.02 Revision 4 Job 166214	Civil Engineering Package: Details - Sheet 2	Northrop	7/7/17
DA6.01 Revision 4 Job 166214	Civil Engineering Package: Catchment Plan	Northrop	7/7/17
LA01 Revision B	Context Plan and Cover Sheet	Taylor Brammer	7/7/17
LA02 Revision C	Tree Retention and Removal Plan	Taylor Brammer	7/7/17
LA03 Revision A	Design Precedent and Planning Style	Taylor Brammer	22/11/16
LA04 Revision C	Landscape Plan - Whole Site	Taylor Brammer	7/7/17
LR01 Revision A	Roof Plan	Taylor Brammer	7/7/17
LA05 Revision B	Planting Plan	Taylor Brammer	7/7/17
LA06 Revision A	Landscape Plan	Taylor Brammer	7/7/17
LA07 Revision A	Landscape Section	Taylor Brammer	7/7/17
LA08 Revision A	Landscape Details	Taylor Brammer	22/11/16
Sheet 1 of 1 Surveyors Ref: 7100-11	Plan of Subdivision of Lot 200 in DP 1110295 and Lot 11 in DP 1103619	Geometra Consulting	23/11/16
Sheet 1 of 1 Surveyors Ref: 7100-7	Plan of Subdivision of Lot 200 in DP 1110295 and Lot 11 in DP 1103619	Geometra Consulting	31/8/16

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 or subdivision work.

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

Under section 109E(2) of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifying Authority for all subdivision works.

2. Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i. The northern residential tower (Building B) must be no greater than 6 storeys in

- height. Dwellings X.01 and X.02 and all communal and private open space must be deleted from proposed level 6 of Building B. The total number of dwellings must not increase above 78, and the additional gross floor area lost as a result of deleting Dwellings X.01 and X.02 from level 6 must not be added to Building A.
- ii. 25% of all parking spaces within the basement must comply with the dimensions of AS2890.6 (2009) and Figure 2.2 and Figure 2.3 of AS2890.6 (2009) *Off-street parking for people with disabilities*; and *Schedule 3 Part 1 (5) of the State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004*. The minimum number of 82 parking spaces must be provided for residential parking. In order to comply with these parking requirements an additional level of basement parking may be required. Any amendments to the basement parking must not result in a loss of deep soil landscaping. A further 5% of all parking spaces must comply with *Schedule 3 Part 1 (5) of the State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004*.
 - iii. A total of 12 parking spaces for the visitors to the Wellbeing Centre must be provided within the basement.
 - iv. 4 car wash bays must be provided at basement level.
 - v. Any amendments to the basement parking as a result of (ii) and (iii) above must not result in a loss of deep soil landscaping, or decrease in side setbacks of the basement from any boundary.
 - vi. The paved area at ground level adjacent to the Café must not extend into the Council reserve, or into any area identified as the Sydney Turpentine Ironbark Endangered Ecological Community.
 - vii. As identified in green on Level 1-5 Floor Plan Revision P6, prepared by *Marchese Partners and as Amended by Council, 24 November 2017* - fixed louvered privacy screens, with a height of 1.7m from finished floor level must be added to the following balconies at levels 1 to 5, in order to minimise the impacts upon privacy of adjacent dwellings:
 - a. Building A - Dwellings X.01, X.02, X.05, X.06 and X.07 at levels 1-5.
 - viii. All east facing balustrading on Buildings A and B must be solid masonry or fitted with opaque glazing.

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

3. Voluntary Planning Agreement - Design and Embellishment of Public Reserve (Part Lot 11 DP 1103619)

1) Voluntary Planning Agreement - Design and Embellishment of Public Reserve

Council notes that the Applicant has offered to enter into a Voluntary Planning Agreement to exchange land with Council and to provide a public park on Acacia Road.

The Applicant shall enter into a Voluntary Planning Agreement with Council that requires:

- a) That the Applicant is to provide a Park within the Public Reserve on Part Lot 11 DP1103619 and Part Lot 200 DP1110295. This Park shall be designed and embellished in Consultation with Council. Council is to approve the plans and specifications for Park and the Applicant shall build the park prior to the release of any occupation certificate for Phase 2 of the development (as outlined in condition 4 below).
- b) The provision of facilities within the Park shall include but is not limited to children's

- playground/play structures, lighting, pathways, fencing, landscaping, including revegetation/ rehabilitation of the Endangered Ecological Community of the Sydney Turpentine -Ironbark Forest, and any seating or other structures as agreed by Sutherland Shire Council, Manager, Parks and Reserve Assets. The approved plans and specifications shall be contained within the Voluntary Planning Agreement.
- c) The Applicant shall comply with the requirements of the Vegetation Management Plan prepared by Ecological Australia, dated 28 February 2017 (and as amended by any conditions in the Development Consent for DA16/1620), and this must form part of the Planning Agreement.
 - d) The park shall be developed in accordance with the approved plans and specifications prior to the release of any occupation certificate for the first construction Phase 2 of the development.
 - f) The site audit statement to be prepared in accordance with Condition 10 to ensure that the land swap is suitable for both Seniors Living and a Council Reserve.
- 2) The Voluntary Planning Agreement complying with (1) above shall be entered into and publicly exhibited prior to the release of the Subdivision Certificate for Phase 1 Land Transfer for Seniors Housing and the Public Reserve
 - 3) The Voluntary Planning Agreement shall be registered on the title of the Applicant's Land (to Part Lot 11 DP1103619 and Part Lot 200 DP1110295).
 - 4) The park shall be developed and completed in accordance with the Voluntary Planning Agreement and the approved plans and specifications prior to the release of any occupation certificate for Phase 2 or prior to occupation of Phase 2 for the development, whichever is earlier.

4. Phasing of Works

Phase 1 Land Transfer

- i. Land transfer of Part Lot 11 DP1103619 and Part Lot 200 DP1110295 in accordance with the terms of the Voluntary Planning Agreement.
- ii. Amendment to the Vegetation Management Plan including endorsement by the Sutherland Shire Council, Manager Environmental Science.

Point (ii) above must be complete prior to the issue of any Subdivision Certificate for the Phase 1 Land Transfer, and in accordance with the Voluntary Planning Agreement.

Phase 2 First Construction Phase

- i. Construction of all basement levels, including link to existing BUPA Aged Care facility at 42 Auburn St, Sutherland (Lot 200 DP 1110295);
- ii. Embellishment of the adjacent Council Park works subject to terms of the Voluntary Planning Agreement and the Vegetation Management Plan.
- iii. Construction of all common ground floor facilities, including links to existing BUPA Aged Care facility at 42 Auburn St, Sutherland (Lot 200 DP 1110295);
- iv. Construction of Southern Residential Tower (Building A);
- v. Porte cochere, and vehicular access to the site and basement;
- vi. Landscape surrounding tower A and adjacent to the porte cochere.
- vii. Works in the public domain (including, but not limited to footpath and landscaping) as per the *Roads Act application and approval made to Sutherland Shire Council*.
- viii. Drainage

These works must be complete prior to the issue of any occupation certificate for Phase 2.

Phase 3 Second Construction Phase

- i. Construction of Northern Residential Tower (Building B)
- ii. Drainage
- iii. Subdivision of residual Lot 200 DP1110295
- iv. Works in the public domain (including, but not limited to footpath and landscaping) as per the *Roads Act application and approval made to Sutherland Shire Council*.
- v. Landscaping

These works must be complete prior to the issue of any occupation certificate for Phase 3.

5. Transfer of Land

Prior to the issue of a Construction Certificate for Phase 2 the transfer of land known as part Lot 11 DP 1103619 and part Lot 200 DP1110295 to achieve the adjusted boundaries shown on *Plan of Subdivision of Lot 200 in DP 1110295 and Lot 11 in DP 1103619, Sheet 1 of 1 Surveyors Ref: 7100-11 prepared by Geometra Consulting, dated 23/11/16* must occur, and be registered with NSW Land and Property Information.

6. Park Embellishment

Prior to the issue of any Occupation Certificate for Phase 2, the park embellishment is to be completed to standards in accordance with agreed Voluntary Planning Agreement and associated plans to the satisfaction of Sutherland Shire Council, Manager, Parks and Reserve Assets.

7. Hairdressing Salon

The Hairdressing Salon is to be used by the residents of the facility only and the adjoining residential age care facility at 42 Auburn St, Sutherland.

8. Use of the Cafe

The Café is for use by the residents of the facility, the residential aged care facility at 42 Auburn St Sutherland and visitors to residents of the facility only. The café must not be open for sale to the General Public.

9. Road Dedication- Splay Corner

A. Before Construction

Evidence of a registered 3m x 3m splayed corner road dedication at corner of Acacia Road and Princes Highway must be provided to Council prior to the release of any construction certificate.

10. Site Audit Statement

A. Prior to Land Transfer

- i. A site audit statement and report must be prepared by a NSW EPA Accredited Site Auditor in accordance with the requirements of the NSW EPA 'Guidelines for the NSW Site Auditor Scheme (3rd Edition), October 2017' to certify that

- Part Lot 11 DP1103619; and

- Part Lot 200 DP1110295

are both suitable for the proposed (ie. post-subdivision) land uses (seniors housing development and public open space) without the requirement for implementation of an environmental management plan.

The site audit statement and report must be submitted to the satisfaction of Sutherland Shire Council, Director Shire Services, prior to the registration of the Phase 1 Land Transfer with the NSW Land and Property Information.

- ii. If the NSW EPA accredited site auditor requires additional investigation or works to be undertaken prior to the finalisation of the required site audit statement (as required by A(i) above, then such works must be undertaken by the applicant to the satisfaction of the accredited site auditor, prior to the registration of the Phase 1 Land Transfer with the NSW Land and Property Information.

B. Prior to Construction of Seniors Housing Component

- i. A site audit statement and report must be prepared by a NSW EPA Accredited Site Auditor in accordance with the requirements of the NSW EPA 'Guidelines for the NSW Site Auditor Scheme (3rd Edition), October 2017' to certify that residual Lot 200 DP1110295 is suitable for the proposed land use (seniors housing) development without the requirement for implementation of an environmental management plan.

The site audit statement and report must be submitted to the satisfaction of Sutherland Shire Council, Director Shire Services, prior to the issue of a Construction Certificate for any part of the Seniors Housing component (including the basement).

- ii. If the NSW EPA accredited site auditor requires additional investigation or works to be undertaken prior to the finalisation of the required site audit statement (as required by B(i) above, then such works must be undertaken by the applicant to the satisfaction of the accredited site auditor, prior to the issue of a Construction Certificate for any part of the Seniors Housing component (including the basement).

11. Crime Prevention Through Environmental Design (U

A. During Construction

- i. Security lighting and/or a security company shall be incorporated to protect the site during the construction phase.

B. Before Occupation

To minimise the opportunity for crime, and in accordance with Crime Prevention Through Environmental Design (CPTED) principles, the development shall incorporate the mitigation measures identified in the CPTED Assessment prepared by NEAL Consulting Solutions dated 22 November 2016, in addition to the following:

- i. A CCTV system shall be installed with a focus on monitoring the common areas, including the front entry/ Port Cochere, reception area, bicycle room, basement storage room, basement garbage room basement car park, delivery areas and all other common areas. The basement storage room shall be well lit and locked at all times.
- ii. Lighting to be installed around the premises to illuminate all areas, particularly access points for residents
- iii. Clear signage and marking shall indicate the pedestrian crossing areas within the car park and where vehicular traffic is directed to enter the property.
- iv. Clear signage, markings and lighting shall be used along the footpath indicating the width of the footpath and safe walkway. External lighting must satisfy AS1158.3.1
- v. Security lighting shall be installed to the entry and exit points, pathways, footpaths and car parking areas.
- vi. Access/ exit driveways shall be adequately lit to improve visibility.
- vii. Any lighting used shall be directed towards pathways and gates.
- viii. Treatment of heavily vegetated area in order to minimise concealment shall occur including provision of lighting and other treatment.
- ix. The basement entry shall have security shutters/ doors installed. The security door shall permit only one vehicle to enter or exit at a time. Entry and exit lanes must be clearly line marked.
- x. The basement shall be clearly marked with good visibility for patrons. Any opportunities for concealment located in the car park area in void spaces shall be identified.
- xi. Any doors to Medicine rooms/ cupboards shall be alarmed and lockable.
- xii. Fencing shall have a minimum fence height of 1.8m on the side and rear boundaries.
- xiii. Emergency evacuation plans to be prepared and implemented.

12. Public Place Environmental, Damage & Performance Security Bond

A. Before Issuing of any Construction Certificate

Prior to the issue of a Construction Certificate or the commencement of any works on site, whichever occurs first, the person acting on this consent must provide security to Sutherland Shire Council against damage that may be 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 2 days prior to the commencement of works.

In the event that the dilapidation report is not submitted 2 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 \$20,200.00.

Note: Bond amount includes a non refundable administration fee which must be paid separately if security is provided by way of a deposit with Council or a bank guarantee.

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 multiple 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.

SECTION 94 CONTRIBUTIONS

The following dedication of land and/or monetary contributions have been levied in relation to the proposed development pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

The Contributions Plan may be viewed on line on Council's web page (search for S94 Contributions Plan). A copy may also be viewed or purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

13. Monetary Contribution for Shire-Wide Open Space and Recreational Facilities

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan - Shire Wide Open Space and Recreation Facilities 2005, a monetary contribution of \$696,413.43 must be paid to Sutherland Shire Council toward the cost of land identified for acquisition and works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Shire Wide Open Space and Recreation Facilities 2005, Contribution Plan on the basis of 78 dwellings, with a concession for 1 allotment.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate.

14. Community Facilities, Shire Wide 2003 Plan

A. Before Construction

A monetary contribution of \$115,575.76 must be made for the cost of providing community facilities.

This contribution has been assessed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Sutherland Shire Contributions Plan - Community Facilities in the Sutherland Shire, after identifying the likelihood that this development will require or increase

the demand for community facilities within the shire. It has been calculated on the basis of 78 proposed dwellings, with a concession for 1 existing allotment.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate

15. S94 - Sutherland Centre 2006

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan - Sutherland Centre 2006, a monetary contribution of \$276,771.53 must be paid to Sutherland Shire Council toward the cost of works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Sutherland Centre 2006, Contribution Plan on the basis of 78 dwellings, with a concession for 1 allotment.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate.

16. Approvals Required under Roads Act or Local Government Act

A. Before Construction

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993. These approvals must be to the satisfaction of Council for the required development works and may include but are not limited to the following:

- Detailed Frontage Works including construction of a driveway, footpath, etc.
- Road openings and restoration to provide services to the development.
- Work Zones and Hoardings.
- Skip Bins.
- Shoring / Anchoring.
- Standing of cranes, concrete pumps, etc.

Note: All Plans and Permits are required to be on site, at all times and may be requested by council officers at any time.

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.

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

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 a Detailed Frontage Works application under the Roads Act 1993 must be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate. The form is available on Council's website. A fee applies for the relevant inspections, assessment, coordination, creation of design brief and the issue of permits providing consent to undertake frontage works. The design will be quoted separately by Council's Design Services unit.

This design will generally comply with the approved architectural design drawings and the current website version of Council's Public Domain Design Manual (PDDM) and Public Domain Technical Manual (PDTM) except where modified by/or addressing the following:

- i) Property alignment/ boundary levels - establish the property alignment/ boundary levels and crossing profiles.
- ii) Grades - regrade footpath verge to final design levels including topsoil, turf and all associated soft landscaping.
- iii) Vehicle Crossings - construct 2 vehicle crossings measuring 6m wide each.
- iv) Redundant Laybacks and Crossings - remove redundant laybacks and vehicle crossings and replace with kerb and gutter (including associated road reconstruction works).
- v) Stormwater Connection - construct new stormwater infrastructure as required to facilitate drainage for the proposed development.
- vi) Footpath - install new footpath pavement along full frontage of site.
- vii) Infrastructure Transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.
- viii) Retaining Structures - construct retaining/slope stability walls as required.
- ix) Road Pavement - construct road pavement as required.
- x) Kerb and Gutter - construct kerb and gutter/edge strip including associated road reconstruction to facilitate new kerb alignment and parking bays as required.
- xi) Street Signage - alter existing and/or install new street signage as required.
- xii) Trees - remove existing trees and install a mixture of new *Eucalyptus paniculata* (Grey Ironbark) and *Syncarpia glomulifera* (Turpentine) street trees as required by Council.
- xii) Undergrounding - provide replacement of existing local distribution power lines and other overhead utilities with subsurface utilities.
- xiv) Street Lighting - install new street lighting in conjunction with the undergrounding

of local distribution power lines and other utilities as required.

- xv) Utility Services - adjust public services infrastructure as required.
- xvi) NBN - the Australian Government has issued a new policy on the provision of telecommunication infrastructure in new developments. The policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network.

NBN is the IPOLR (infrastructure provider of last resort) in developments of 100 lots or more within its fixed-line footprint and in new development where its fixed-line network is available, or the NBN rollout has been announced (www.nbnco.com.au/learn-about-the-nbn/rollout-map.html).

If you use NBN, you will need to provide six months' notice before your network needs to be available.

Evidence of the lodgement of this application must be provided to the PCA prior to the release of the Construction Certificate

B. Before Construction

Prior to the release of the Construction Certificate 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 that the road frontage works were constructed in accordance with the development consent and associated approval under the Roads Act 1993 including the approved drawings and specification.
- 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.

18. Site Management Plan

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the application for a Construction Certificate. If demolition is to commence prior to the issue of a Construction Certificate the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2015 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.

19. Pre-commencement Inspection

A. Before Works

A Pre-commencement Inspection/meeting is to be convened by the Applicant on-site a minimum 5 days prior to any demolition and/or construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of Council's Public Domain 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.

20. Supervising Engineer

A. Before Construction

The applicant must engage an Accredited Certifier in civil engineering works or a Charter Civil Engineer to supervise construction of any:

- i) Road frontage works.
- ii) Construction / installation of stormwater drainage.
- iii) Rainwater harvesting & reuse.
- iv) All other works that form part of a subdivision.

B. During Construction

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

- i) All relevant conditions of development consent.
- ii) Any Consent issued under the Roads Act for this development.

C. Before Occupation

The supervising engineer must certify the works required in "A" above were undertaken and

completed in accordance with the requirements of this Development Consent and to their satisfaction.

21. Internal Driveway, Parking and Manoeuvring

A. Design

The internal driveway profile, parking and manoeuvring areas must be designed in accordance with the approved architectural plans except where modified by the following:

- i) Align with Access and Alignment levels issued by Council's Public Domain Unit.
- ii) The ingress and egress crossing must be clearly identified by signage.
- iii) The internal driveway and car parking area must be paved or concreted and must be finished in materials other than plain or exposed aggregate concrete.
- iv) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- v) The maximum longitudinal grade of the driveway must not exceed 25%.

B. Construction

Certification from an appropriately qualified engineer to the effect that the design requirements of "A" above have been met must accompany the Construction Certificate.

C. Occupation

Prior to the occupation of the development or the issue of any occupation certificate a suitably qualified engineer must certify that the works required in "A" above were undertaken and completed to their satisfaction and in accordance with the requirements of this Development Consent. This certification must be provided to the PCA and a copy also provided to Council.

D. On-going

The approved parking must be used exclusively for car parking as approved for the life of the development.

22. Basement Car Park Design & Construction

A. Design

The basement car park must be designed in accordance with the approved architectural drawings, subject to the following modifications:

- i) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position in accordance with clause 5.3 of AS2890.1.
- ii) Parking bays must not be enclosed, caged or a door provided.
- iii) All parking bays must provide a minimum clear parking envelop in accordance with figure 5.2 of AS2890.1.
- iv) Any single garage accessing off a 6.2m aisle must have a minimum width of 3m with a minimum door opening of 2.75m wide x 2.2m high clear of any necessary hinges, jambs or fixtures required for the operation of garage doors or any services within the garage area.
- v) Any double garage accessing off a 6.2m aisle must have a minimum width of 5.4m with a minimum door opening of 5.15m wide x 2.2m high clear of any necessary hinges, jambs or fixtures required for the operation of garage doors or any services within the garage area.

- vi) A parking bay within each adaptable garage must have a clear width of 3.8m, a clear length of 5.4m and a head height clearance of 2.5m, except where this space is occupied by a remote controlled roller door.
- vii) Parking bays provided for adaptable units must have the minimum clear dimensions of 3.8m wide by 5.4m long or comply with AS2890.6.
- viii) The security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.

B. Prior to Construction

Certification from a Chartered Civil Engineer or a Registered Surveyor, to the effect that the car park layout and vehicle access-way design has been prepared in accordance with A above must accompany the application for the Construction Certificate.

C. Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate a Chartered Civil Engineer or a Registered Surveyor must certify that the works required in "A" above have been completed to their satisfaction and in accordance with the requirements of this Development Consent. This certification must be provided to the PCA and a copy provided to Council.

D. On-going

The approved parking must be used exclusively for car parking as approved for the life of the development.

23. Drainage Design - Detailed Requirements

A. Design

The stormwater drainage system must be designed in accordance with the approved stormwater drainage design drawing, Australian Standard AS3500.3:2003 and the BASIX Certificate issued for this development. Except where modified by the following:

- i. A 20,000 litre rainwater tank must be provided; the increase in volume shall not reduce deep soil. The rainwater tank may be relocated under the driveway.
- ii. In order to protect Trees 151-157 (inclusive) on the north eastern corner and trees 199, 203 and 204 in the south western corner of the site, the outer edge of the trench for the stormwater pipes, must be no greater than 1 metre from the external wall of the basement.
- iii. A detailed drainage design supported by a drainage calculation.
- iv. ii. A longitudinal section of the pipeline within the road reserve including existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.
- v. The rate of discharge of stormwater from the site to a drainage system under Council's control must be controlled so that it does not exceed the pre-development rate of discharge.
- vi. All levels reduced to Australian Height Datum.
- vii. The pipeline within the footpath verge must be a hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres or reinforced concrete.
- viii. Reconstruct the kerb inlet pit within the subject frontage of Acacia Road to enable appropriate connection of the development to Council's stormwater

drainage infrastructure.

B. Before Construction

- i) Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the drainage design is to their satisfaction and satisfies the design requirements in "A" above must accompany the application for a Construction Certificate.

C. Before Occupation

Prior to the issue of an Occupation Certificate:

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

D. Ongoing

- i) The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.
- ii) The stormwater detention / absorption facility must be:
 - Kept clean and free from silt, rubbish and debris.
 - Be maintained so that it functions in a safe and efficient manner.
 - 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.

24. Stormwater Treatment

A. Before Construction

An appropriate stormwater treatment measure, selected from the Environment Protection Authority's document "Managing Urban Stormwater - Treatment Techniques, November 1997", must be provided as part of the permanent site stormwater (water quality) management system. Details must accompany the application for a Construction Certificate.

B. Before Occupation

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

C. Ongoing

The stormwater treatment measure must be maintained in accordance with the manufacturers' specification.

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

25. Damage to Adjoining Properties

A. Before Works

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

B. During Works

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

26. Public Utilities

This condition is imposed to facilitate the provision of services to the development 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 (including NBN) and the like, and any necessary underground conduits are provided.

The Australian Government has issued a new policy on the provision of telecommunications infrastructure in new development. This policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network. NBN is the IPOLR (infrastructure provider of last resort). NBN require 6 months' notice in order to make the network available.

B. Before Occupation/Subdivision

Prior to Issue of any occupation/subdivision certificate certification must be provided from each utility service provider/approved agent to the effect that each lot has been serviced to their satisfaction.

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.

27. Linen Plan of Subdivision of the Residual lot to conform with Development Consent

A. Before Subdivision

The Linen Plan of Subdivision must conform with this development consent.

The land subdivision shall accord with the approved Plan of Subdivision, including the land transfer.

The Plan of Subdivision must be registered by the NSW Government Land & Property

Information services prior to the issue of the subdivision certificate.

28. Parking Layout and Vehicle Access

A Design

The vehicular access-way and car park layout shall comply with the approved architectural design drawings, Australian Standard AS2890.1:2004, Australian Standard AS2890.2:2002 and Australian Standard AS2890.6:2009, except where modified by the following;

- i). Align with Council's issued vehicular crossing levels,
- ii). Parking bays must not be caged or enclosed,
- iii). All parking bays must be line marked,
- iv). 25% of the residential parking bays must be designed to comply with AS2890.6:2006. 5% of the residential parking bays must be designed to comply with AS2890.1:2004, except for the clear width which must be 3.8m,
- v). The vertical alignment of the vehicle access-way must comply with AS2890.1:2004 for a B85 vehicle, and
- vi). The vertical alignment of the truck / ambulance access-way must comply with AS2890.2:2002 for a MRV vehicle.

B Before Construction

Certification from an Accredited Certifier or a Chartered Civil Engineer or a Registered Surveyor, to the effect that the car park layout and vehicle access-way design was prepared having regard to the conditions of development consent, shall accompany the application for the Construction Certificate.

C Before Occupation

A Civil Engineer or Registered Survey must certify the car park was 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.

Note: Be advised that this condition is based on a B85 vehicle (Ford Falcon Sedan). This condition will not necessarily protect exotic or altered cars from "scraping" the vehicular access-way.

29. Landscaping Works

A. Design

The landscaping works must be designed in accordance with the approved Landscape Plan except where modified by the following:

- i) Provide a detailed landscape plan that clearly shows all retaining walls, steps, ramps, walls, fencing, paving, furniture, lighting and other hardworks including existing and new levels.
- ii) Ensure that all new perimeter fencing including posts and footings are designed to protect existing trees to be retained. Where required step the fence around the tree to prevent damage to the tree trunk or roots.
- iii) Provide a detailed planting plan showing exact species, numbers and density of

plants.

- iv) Show clearly in plan and section how suitable soil depths for the proposed grassed and planting areas over the basement carpark will be achieved.
- v) Show the Tree Protection Zones (TPZ) fencing more clearly on plan for all existing trees to be retained and protected.
- vi) Provide minimum soil depths in planter boxes as follows:
 - o 1200mm for large trees.
 - o 900mm for small trees and tall shrubs.
 - o 600mm low shrubs.
 - o 450mm grass and ground covers
- vii) As the subject site contains remnant STIF vegetation, all new plant species used in both front setbacks, along the western boundary and adjoining the public park 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).

Substitute the following tree species:

- 4x *Glochidion ferdinandi* (Cheese Tree) for 4x *Pittosporum undulatum* (Sweet Pittosporum);
- 4x *Acacia implexa* (Hickory) for 4x *Acacia parramattensis* (Sydney Green Wattle);
- 2x *Eucalyptus globoidea* (White Stringybark) for 2x *Eucalyptus acmenoides* (White Mahogany);
- 6 *Backhousia myrtifolia* (Grey Myrtle) for 6x *Melaleuca decora* (White Feather Honey Myrtle).
- a mixture of tree species chosen from 'Native Plant Selector' for the 25x *Cupaniopsis anacardiodes* (Tuckeroo).

Use 200mm-300mm pot size for all indigenous trees.

Provide much greater biodiversity in the understorey layer (refer 'Native Plant Selector' for suitable species) and ensure that plant numbers achieve a density of 4 plants per square metre. All plant species must be mixed and planted at irregular spacings to achieve an informal, bushland appearance.

- viii) Each unit must be provided with a clothes line on a balcony. Ensure that clothes lines are not visible above the balustrade.
- ix) All landscaped areas and all planter boxes on slab must be provided with a water-efficient irrigation system and taps at minimum centres of 25m, connected to a pump and the rainwater tank, to enable effective landscape maintenance.

The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a Construction Certificate.

Notes:

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.

If demolition works to occur prior to the Construction Certificate being issued, tree protection measures must be installed prior to commencement of demolition.

B. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above by a landscape contractor with Bush Regenerator qualifications or a landscape contractor who engages an appropriately qualified Bush Regenerator to carry out the landscape work within STIF areas around the perimeter of the site.

A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an Occupation Certificate (interim or final). This certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with 'A' above and other conditions within this consent, and that all new indigenous plants on the site and within the road reserve are the correct species.

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of \$230 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$103 each.

Note: An appropriately qualified and experienced Bush Regenerator must be certified by the Australian Association of Bush Regenerators or demonstrate an equivalent standard.

C. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date. Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP 2015 Chapter 38).

Any plants found faulty, damaged, diseased or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenance seed may be available from:

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

30. Vegetation Management Plan (VMP)

A. Design

The following plan: "BUPA Aged Care Development, Vegetation Management Plan" by EcoLogical Australia, 28 February 2017 [16SUT-5770] must be amended by an appropriately qualified and experienced Ecologist or Bush Regenerator to address the following (as below):

The Vegetation Management Plan (VMP) must form part of the Voluntary Planning

Agreement as per Condition 4 for DA16/1620 and applies to the proposed Council Reserve property only, as per the Land Transfer.

- i) The VMP must be amended to reflect the proposed Land Transfer and must apply to the proposed Council Reserve property only. Specifically, "Figure 4: Vegetation Management Zone", must be amended to ensure that the management zones (Zones 1 and 2) coincide with the proposed property boundary as per the Land Transfer. Therefore, the isolated section of Zone 1: Core Bushland, which is shown as being separated from the main area of the zone, on Acacia Road, must not form part of the VMP.

This isolated area of Zone 1 will be addressed and managed as part of the landscaping requirements for the development as per Condition 29 *Landscaping Works*.

- ii) "Table 2: Planting areas and densities per zone" must be amended as follows:

- a. Zone 1: revegetation densities for shrubs must be $1/2\text{m}^2$ and groundcover/grasses must be $1/1\text{m}^2$.
- b. Zone 2: revegetation densities for trees must be $1/7\text{m}^2$, shrubs must be $1/1\text{m}^2$ and groundcover/grasses must be $1/1\text{m}^2$.

- iii) "Table 4.1 Implementation Schedule" must be amended as follows:

- a. The proposed 'Establishment' phase must be referenced as "Year 1 - Establishment Phase". The subsequent proposed "maintenance periods" must be renumbered to Year 2, Year 3 and Year 4 consecutively.

- iv) "Table 4: Performance Criteria" must be amended as follows:

- a. The following statement is to be deleted "At the end of each year, a minimum of 85% survival rate of all vegetation strata planted in each zone (eg. tree, shrub and groundcover)."
- b. For all zones the area stipulated for localised plant failure must be altered from 2m x 2m to 1m x 1m. Therefore, the relevant statement must read as follows "Any localised plant failure within planting area are addressed with no area larger than 1m x 1m without surviving plants at the end of each year."
- c. The performance criteria for both Zone 1 and Zone 2 must comply with the amended planting densities as required by A (i) a. & b, above, at the end of the establishment phase.
- d. The performance criteria for both Zone 1 and Zone 2 must be amended as follows:
 - i. Native groundcover vegetation of no **less** than 80% of the zone at the end of the fourth year maintenance period.
 - ii. Exotic groundcover vegetation for no **more** than 5% of the zone at the end of the fourth year maintenance period.

B. Prior to Land Transfer

The following actions are to be finalised to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to the release of any subdivision certificate for the

land transfer:

- i) Amended Vegetation Management Plan

The amended Vegetation Management Plan (as required by 'A' above) must be submitted for endorsement by Sutherland Shire Council, Manager Environmental Science.

C. Prior to Occupation Certificate for Phase 2 of Development

- i) Implementation of Vegetation Management Measures

The following vegetation management measures as outlined in the amended Vegetation Management Plan (as endorsed by Council), must be implemented and completed by an appropriately qualified and experienced Ecologist or Bush Regenerator.

- a) Establishment Phase actions:

- Seed collection and propagation.
- Nest box installation and pre-clearance works.
- Revegetation in all zones.

- ii) Reporting of Vegetation Management Measures

On completion of the vegetation management measures stipulated in C)(i) above, a report outlining the progress of the vegetation management works must be submitted for endorsement by Sutherland Shire Council, Manager Environmental Science, within 1 month of the completion of the works.

- iii) Inspection of Vegetation Management Measures

Following the reporting of the vegetation management works; a final vegetation management inspection (also referred to as landscape inspection) must be carried out and a certificate issued by Council's Landscape or Greenweb Officer to ensure that the required vegetation management measures of the amended Vegetation Management Plan have been completed, prior to the issue of the occupation certificate for Phase 2 of the development.

To arrange a final vegetation management inspection, please contact Sutherland Shire Customer Service on ph 9710 0333, 48 hours prior to the required inspection date. An inspection fee of \$230 is required to be paid, prior to the inspection.

D. Ongoing

- i) Maintenance, Monitoring and Reporting

- a) The ongoing monitoring and management measures required by the amended Vegetation Management Plan must be undertaken under the supervision of an appropriately qualified and experienced Ecologist or Bush Regenerator. The measures/works must commence by the date of registration of the subdivision certificate and be undertaken for a minimum 4 year period.
- b) Copies of progress reports required by the amended Vegetation Management Plan must be submitted annually to the satisfaction of Sutherland Shire Council, Manager Environmental Science. The progress reports must be provided annual during the

2016SSH001 – 99R Acacia Road and 42 Auburn Street,
Sutherland

DA16/1620

ASSESSMENT REPORT APPENDICES

Appendix	A	Draft Conditions of Consent
	B	Pre-Application Discussion dated 28 November 2016
	C	Architectural Review Advisory Panel Report dated 2 February 2017
	D	Submission Summary
	E	Indicative Embellishment Plan
	F	Architectural Plans

Administration Centre, 4-20 Eton Street, Sutherland NSW 2232
Locked Bag 17, Sutherland NSW 1499
Tel 02 9710 0333 Fax 02 9710 0265

Sutherland Shire
COUNCIL



DEVELOPMENT CONSENT

Environmental Planning and Assessment Act 1979

Application Number: DA16/1620
Authority: Sydney South Planning Panel

APPLICATION DETAILS

Applicant: Bupa Aged Care Australia Pty Ltd
Level 14
255 George Street
SYDNEY NSW 2000

Land Description: Lot 11 DP 1103619
Lot 200 DP 1110295
99R Acacia Road, Sutherland, 42 Auburn Street, Sutherland

Proposed Development: Seniors housing development comprising independent living units, a health services facility and associated uses, and boundary adjustment of 2 existing lots

Date of Determination:

Date of Operation:

Date of Lapsing:

Under Section 80 of the Environmental Planning and Assessment Act 1979, Sutherland Shire Council has determined DA16/1620 as described above, by the granting of development consent subject to the conditions specified in this notice.

The following conditions of consent have been imposed to reduce or eliminate any detrimental effects that the proposed development might have on the environment or the amenity of the area.

CONDITIONS OF CONSENT

GENERAL CONDITIONS

These general conditions are imposed to ensure that the development is carried out in accordance with the development consent, having regard to the environmental circumstances of the site.

1. Approved Plans and Documents

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

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
DA1.03 Revision P5	Site Plan	Marchese Partners	7/9/17
DA2.01 Revision P9	Ground Floor Plan	Marchese Partners	6/9/17
DA2.02 Revision P6	Level 1-5 Floor Plan	Marchese Partners	As amended by Council 24 November 2016
DA2.03 Revision P6	Level 6 Floor Plan	Marchese Partners	2/5/17
DA2.03- B Revision P1	Level 7 Floor Plan	Marchese Partners	28/4/17
DA2.05 Revision P3	Roof Floor Plan	Marchese Partners	20/6/17
DA2.06 Revision P6	B1 Floor Plan	Marchese Partners	21/6/17
DA2.07 Revision P6	B2 Floor Plan	Marchese Partners	21/6/17
DA2.08 Revision P3	Post Adaptable Layouts PG1	Marchese Partners	10/7/17
DA2.09 Revision P3	Post Adaptable Layouts PG2	Marchese Partners	10/7/17
DA2.10 Revision P3	Post Adaptable Layouts PG3	Marchese Partners	10/7/17
DA3.01 Revision P7	East (Acacia Rd) Elevation	Marchese Partners	4/5/17
DA3.02 Revision P6	North Elevation	Marchese Partners	27/6/17
DA3.03 Revision P5	South Elevation	Marchese Partners	4/5/17
DA3.04 Revision P4	West Elevation	Marchese	4/5/17

		Partners	
DA3.05 Revision P2	East Elevation 1-100	Marchese Partners	4/5/17
DA3.06 Revision P2	East Elevation 1-100	Marchese Partners	4/5/17
DA3.07 Revision P2	North Elevation 1-100	Marchese Partners	4/5/17
DA3.08 Revision P2	South Elevation 1-100	Marchese Partners	4/5/17
DA3.09 Revision P2	West Elevation 1-100	Marchese Partners	4/5/17
DA3.10 Revision P2	West Elevation 1-100	Marchese Partners	4/5/17
DA3.11 Revision P1	North Elevation Building A	Marchese Partners	20/11/17
DA3.12 Revision P1	South Elevation Building B	Marchese Partners	20/11/17
DA4.01 Revision P3	Section AA and BB	Marchese Partners	19/6/17
DA4.02 Revision P3	Section CC	Marchese Partners	19/6/17
DA7.01 Revision P2	Finishes Schedule	Marchese Partners	22/6/17
DA7.02 Revision P2	Section Detail 1-50	Marchese Partners	22/6/17
DA1.01 Revision 4 Job 166214	Civil Engineering Package: Coversheet Drawing Schedule and Locality Plan	Northrop	7/7/17
DA1.10 Revision 1 Job 166214	Civil Engineering Package: General Arrangement Plan	Northrop	7/7/17
DA2.01 Revision 4 Job 166214	Civil Engineering Package: Concept Sediment and Erosion Control Plan	Northrop	7/7/17
DA2.02 Revision 4 Job 166214	Civil Engineering Package: Sediment and Erosion Control Details	Northrop	7/7/17
DA3.01 Revision 6 Job 166214	Civil Engineering Package: Concept Stormwater Management Plan	Northrop	25/10/17
DA4.01 Revision 4 Job 166214	Civil Engineering Package: Driveway Longsections	Northrop	7/7/17
DA4.02 Revision 1	Civil Engineering Package: Driveway Longsections Vertical Template	Northrop	25/10/17

DA5.01 Revision 3 Job 166214	Civil Engineering Package: Details - Sheet 1	Northrop	7/7/17
DA5.02 Revision 4 Job 166214	Civil Engineering Package: Details - Sheet 2	Northrop	7/7/17
DA6.01 Revision 4 Job 166214	Civil Engineering Package: Catchment Plan	Northrop	7/7/17
LA01 Revision B	Context Plan and Cover Sheet	Taylor Brammer	7/7/17
LA02 Revision C	Tree Retention and Removal Plan	Taylor Brammer	7/7/17
LA03 Revision A	Design Precedent and Planning Style	Taylor Brammer	22/11/16
LA04 Revision C	Landscape Plan - Whole Site	Taylor Brammer	7/7/17
LR01 Revision A	Roof Plan	Taylor Brammer	7/7/17
LA05 Revision B	Planting Plan	Taylor Brammer	7/7/17
LA06 Revision A	Landscape Plan	Taylor Brammer	7/7/17
LA07 Revision A	Landscape Section	Taylor Brammer	7/7/17
LA08 Revision A	Landscape Details	Taylor Brammer	22/11/16
Sheet 1 of 1 Surveyors Ref: 7100-11	Plan of Subdivision of Lot 200 in DP 1110295 and Lot 11 in DP 1103619	Geometra Consulting	23/11/16
Sheet 1 of 1 Surveyors Ref: 7100-7	Plan of Subdivision of Lot 200 in DP 1110295 and Lot 11 in DP 1103619	Geometra Consulting	31/8/16

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 or subdivision work.

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

Under section 109E(2) of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifying Authority for all subdivision works.

2. Design Changes Required

A. Before Construction

The following design changes must be implemented:

- i. The northern residential tower (Building B) must be no greater than 6 storeys in

- height. Dwellings X.01 and X.02 and all communal and private open space must be deleted from proposed level 6 of Building B. The total number of dwellings must not increase above 78, and the additional gross floor area lost as a result of deleting Dwellings X.01 and X.02 from level 6 must not be added to Building A.
- ii. 25% of all parking spaces within the basement must comply with the dimensions of AS2890.6 (2009) and Figure 2.2 and Figure 2.3 of AS2890.6 (2009) *Off-street parking for people with disabilities*; and *Schedule 3 Part 1 (5) of the State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004*. The minimum number of 82 parking spaces must be provided for residential parking. In order to comply with these parking requirements an additional level of basement parking may be required. Any amendments to the basement parking must not result in a loss of deep soil landscaping. A further 5% of all parking spaces must comply with *Schedule 3 Part 1 (5) of the State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004*.
 - iii. A total of 12 parking spaces for the visitors to the Wellbeing Centre must be provided within the basement.
 - iv. 4 car wash bays must be provided at basement level.
 - v. Any amendments to the basement parking as a result of (ii) and (iii) above must not result in a loss of deep soil landscaping, or decrease in side setbacks of the basement from any boundary.
 - vi. The paved area at ground level adjacent to the Café must not extend into the Council reserve, or into any area identified as the Sydney Turpentine Ironbark Endangered Ecological Community.
 - vii. As identified in green on Level 1-5 Floor Plan Revision P6, prepared by *Marchese Partners and as Amended by Council, 24 November 2017* - fixed louvered privacy screens, with a height of 1.7m from finished floor level must be added to the following balconies at levels 1 to 5, in order to minimise the impacts upon privacy of adjacent dwellings:
 - a. Building A - Dwellings X.01, X.02, X.05, X.06 and X.07 at levels 1-5.
 - viii. All east facing balustrading on Buildings A and B must be solid masonry or fitted with opaque glazing.

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

3. Voluntary Planning Agreement - Design and Embellishment of Public Reserve (Part Lot 11 DP 1103619)

1) Voluntary Planning Agreement - Design and Embellishment of Public Reserve

Council notes that the Applicant has offered to enter into a Voluntary Planning Agreement to exchange land with Council and to provide a public park on Acacia Road.

The Applicant shall enter into a Voluntary Planning Agreement with Council that requires:

- a) That the Applicant is to provide a Park within the Public Reserve on Part Lot 11 DP1103619 and Part Lot 200 DP1110295. This Park shall be designed and embellished in Consultation with Council. Council is to approve the plans and specifications for Park and the Applicant shall build the park prior to the release of any occupation certificate for Phase 2 of the development (as outlined in condition 4 below).
- b) The provision of facilities within the Park shall include but is not limited to children's

- playground/play structures, lighting, pathways, fencing, landscaping, including revegetation/ rehabilitation of the Endangered Ecological Community of the Sydney Turpentine -Ironbark Forest, and any seating or other structures as agreed by Sutherland Shire Council, Manager, Parks and Reserve Assets. The approved plans and specifications shall be contained within the Voluntary Planning Agreement.
- c) The Applicant shall comply with the requirements of the Vegetation Management Plan prepared by Ecological Australia, dated 28 February 2017 (and as amended by any conditions in the Development Consent for DA16/1620), and this must form part of the Planning Agreement.
 - d) The park shall be developed in accordance with the approved plans and specifications prior to the release of any occupation certificate for the first construction Phase 2 of the development.
 - f) The site audit statement to be prepared in accordance with Condition 10 to ensure that the land swap is suitable for both Seniors Living and a Council Reserve.
- 2) The Voluntary Planning Agreement complying with (1) above shall be entered into and publicly exhibited prior to the release of the Subdivision Certificate for Phase 1 Land Transfer for Seniors Housing and the Public Reserve
 - 3) The Voluntary Planning Agreement shall be registered on the title of the Applicant's Land (to Part Lot 11 DP1103619 and Part Lot 200 DP1110295).
 - 4) The park shall be developed and completed in accordance with the Voluntary Planning Agreement and the approved plans and specifications prior to the release of any occupation certificate for Phase 2 or prior to occupation of Phase 2 for the development, whichever is earlier.

4. Phasing of Works

Phase 1 Land Transfer

- i. Land transfer of Part Lot 11 DP1103619 and Part Lot 200 DP1110295 in accordance with the terms of the Voluntary Planning Agreement.
- ii. Amendment to the Vegetation Management Plan including endorsement by the Sutherland Shire Council, Manager Environmental Science.

Point (ii) above must be complete prior to the issue of any Subdivision Certificate for the Phase 1 Land Transfer, and in accordance with the Voluntary Planning Agreement.

Phase 2 First Construction Phase

- i. Construction of all basement levels, including link to existing BUPA Aged Care facility at 42 Auburn St, Sutherland (Lot 200 DP 1110295);
- ii. Embellishment of the adjacent Council Park works subject to terms of the Voluntary Planning Agreement and the Vegetation Management Plan.
- iii. Construction of all common ground floor facilities, including links to existing BUPA Aged Care facility at 42 Auburn St, Sutherland (Lot 200 DP 1110295);
- iv. Construction of Southern Residential Tower (Building A);
- v. Porte cochere, and vehicular access to the site and basement;
- vi. Landscape surrounding tower A and adjacent to the porte cochere.
- vii. Works in the public domain (including, but not limited to footpath and landscaping) as per the *Roads Act application and approval made to Sutherland Shire Council.*
- viii. Drainage

These works must be complete prior to the issue of any occupation certificate for Phase 2.

Phase 3 Second Construction Phase

- i. Construction of Northern Residential Tower (Building B)
- ii. Drainage
- iii. Subdivision of residual Lot 200 DP1110295
- iv. Works in the public domain (including, but not limited to footpath and landscaping) as per the *Roads Act application and approval made to Sutherland Shire Council*.
- v. Landscaping

These works must be complete prior to the issue of any occupation certificate for Phase 3.

5. Transfer of Land

Prior to the issue of a Construction Certificate for Phase 2 the transfer of land known as part Lot 11 DP 1103619 and part Lot 200 DP1110295 to achieve the adjusted boundaries shown on *Plan of Subdivision of Lot 200 in DP 1110295 and Lot 11 in DP 1103619, Sheet 1 of 1 Surveyors Ref: 7100-11 prepared by Geometra Consulting, dated 23/11/16* must occur, and be registered with NSW Land and Property Information.

6. Park Embellishment

Prior to the issue of any Occupation Certificate for Phase 2, the park embellishment is to be completed to standards in accordance with agreed Voluntary Planning Agreement and associated plans to the satisfaction of Sutherland Shire Council, Manager, Parks and Reserve Assets.

7. Hairdressing Salon

The Hairdressing Salon is to be used by the residents of the facility only and the adjoining residential age care facility at 42 Auburn St, Sutherland.

8. Use of the Cafe

The Café is for use by the residents of the facility, the residential aged care facility at 42 Auburn St Sutherland and visitors to residents of the facility only. The café must not be open for sale to the General Public.

9. Road Dedication- Splay Corner

A. Before Construction

Evidence of a registered 3m x 3m splayed corner road dedication at corner of Acacia Road and Princes Highway must be provided to Council prior to the release of any construction certificate.

10. Site Audit Statement

A. Prior to Land Transfer

- i. A site audit statement and report must be prepared by a NSW EPA Accredited Site Auditor in accordance with the requirements of the NSW EPA 'Guidelines for the NSW Site Auditor Scheme (3rd Edition), October 2017' to certify that
 - Part Lot 11 DP1103619; and

- Part Lot 200 DP1110295

are both suitable for the proposed (ie. post-subdivision) land uses (seniors housing development and public open space) without the requirement for implementation of an environmental management plan.

The site audit statement and report must be submitted to the satisfaction of Sutherland Shire Council, Director Shire Services, prior to the registration of the Phase 1 Land Transfer with the NSW Land and Property Information.

ii. If the NSW EPA accredited site auditor requires additional investigation or works to be undertaken prior to the finalisation of the required site audit statement (as required by A(i) above, then such works must be undertaken by the applicant to the satisfaction of the accredited site auditor, prior to the registration of the Phase 1 Land Transfer with the NSW Land and Property Information.

B. Prior to Construction of Seniors Housing Component

i. A site audit statement and report must be prepared by a NSW EPA Accredited Site Auditor in accordance with the requirements of the NSW EPA 'Guidelines for the NSW Site Auditor Scheme (3rd Edition), October 2017' to certify that residual Lot 200 DP1110295 is suitable for the proposed land use (seniors housing) development without the requirement for implementation of an environmental management plan.

The site audit statement and report must be submitted to the satisfaction of Sutherland Shire Council, Director Shire Services, prior to the issue of a Construction Certificate for any part of the Seniors Housing component (including the basement).

ii. If the NSW EPA accredited site auditor requires additional investigation or works to be undertaken prior to the finalisation of the required site audit statement (as required by B(i) above, then such works must be undertaken by the applicant to the satisfaction of the accredited site auditor, prior to the issue of a Construction Certificate for any part of the Seniors Housing component (including the basement).

11. Crime Prevention Through Environmental Design (U

A. During Construction

- i. Security lighting and/or a security company shall be incorporated to protect the site during the construction phase.

B. Before Occupation

To minimise the opportunity for crime, and in accordance with Crime Prevention Through Environmental Design (CPTED) principles, the development shall incorporate the mitigation measures identified in the CPTED Assessment prepared by NEAL Consulting Solutions dated 22 November 2016, in addition to the following:

- i. A CCTV system shall be installed with a focus on monitoring the common areas, including the front entry/ Port Cochere, reception area, bicycle room, basement storage room, basement garbage room basement car park, delivery areas and all other common areas. The basement storage room shall be well lit and locked at all times.
- ii. Lighting to be installed around the premises to illuminate all areas, particularly access points for residents
- iii. Clear signage and marking shall indicate the pedestrian crossing areas within the car park and where vehicular traffic is directed to enter the property.
- iv. Clear signage, markings and lighting shall be used along the footpath indicating the width of the footpath and safe walkway. External lighting must satisfy AS1158.3.1
- v. Security lighting shall be installed to the entry and exit points, pathways, footpaths and car parking areas.
- vi. Access/ exit driveways shall be adequately lit to improve visibility.
- vii. Any lighting used shall be directed towards pathways and gates.
- viii. Treatment of heavily vegetated area in order to minimise concealment shall occur including provision of lighting and other treatment.
- ix. The basement entry shall have security shutters/ doors installed. The security door shall permit only one vehicle to enter or exit at a time. Entry and exit lanes must be clearly line marked.
- x. The basement shall be clearly marked with good visibility for patrons. Any opportunities for concealment located in the car park area in void spaces shall be identified.
- xi. Any doors to Medicine rooms/ cupboards shall be alarmed and lockable.
- xii. Fencing shall have a minimum fence height of 1.8m on the side and rear boundaries.
- xiii. Emergency evacuation plans to be prepared and implemented.

12. Public Place Environmental, Damage & Performance Security Bond

A. Before Issuing of any Construction Certificate

Prior to the issue of a Construction Certificate or the commencement of any works on site, whichever occurs first, the person acting on this consent must provide security to Sutherland Shire Council against damage that may be 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 2 days prior to the commencement of works.

In the event that the dilapidation report is not submitted 2 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 \$20,200.00.

Note: Bond amount includes a non refundable administration fee which must be paid separately if security is provided by way of a deposit with Council or a bank guarantee.

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 multiple 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.

SECTION 94 CONTRIBUTIONS

The following dedication of land and/or monetary contributions have been levied in relation to the proposed development pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

The Contributions Plan may be viewed on line on Council's web page (search for S94 Contributions Plan). A copy may also be viewed or purchased at the Customer Service Counter in Council's Administration Centre, Eton Street, Sutherland during office hours.

13. Monetary Contribution for Shire-Wide Open Space and Recreational Facilities

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan - Shire Wide Open Space and Recreation Facilities 2005, a monetary contribution of \$696,413.43 must be paid to Sutherland Shire Council toward the cost of land identified for acquisition and works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Shire Wide Open Space and Recreation Facilities 2005, Contribution Plan on the basis of 78 dwellings, with a concession for 1 allotment.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate.

14. Community Facilities, Shire Wide 2003 Plan

A. Before Construction

A monetary contribution of \$115,575.76 must be made for the cost of providing community facilities.

This contribution has been assessed pursuant to s.94 of the Environmental Planning and Assessment Act, and the Sutherland Shire Contributions Plan - Community Facilities in the Sutherland Shire, after identifying the likelihood that this development will require or increase

the demand for community facilities within the shire. It has been calculated on the basis of 78 proposed dwellings, with a concession for 1 existing allotment.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate

15. S94 - Sutherland Centre 2006

A. Before Construction

Pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 and Sutherland Shire Council's Contributions Plan - Sutherland Centre 2006, a monetary contribution of \$276,771.53 must be paid to Sutherland Shire Council toward the cost of works contained in the Works Programme of the Contributions Plan.

This contribution has been assessed and calculated in accordance with the Sutherland Centre 2006, Contribution Plan on the basis of 78 dwellings, with a concession for 1 allotment.

The contribution will be indexed on 1 July in each year in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings, with amended rates being available from Council.

Payment must be made prior to the issue of the Construction Certificate.

16. Approvals Required under Roads Act or Local Government Act

A. Before Construction

No occupation or works are to be carried out on public land (including a road or footpath) or access provided over a public reserve adjacent to the development site without approval being obtained from Sutherland Shire Council and the necessary fee paid under the Roads Act 1993 and/or the Local Government Act 1993. These approvals must be to the satisfaction of Council for the required development works and may include but are not limited to the following:

- Detailed Frontage Works including construction of a driveway, footpath, etc.
- Road openings and restoration to provide services to the development.
- Work Zones and Hoardings.
- Skip Bins.
- Shoring / Anchoring.
- Standing of cranes, concrete pumps, etc.

Note: All Plans and Permits are required to be on site, at all times and may be requested by council officers at any time.

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.

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

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 a Detailed Frontage Works application under the Roads Act 1993 must be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate. The form is available on Council's website. A fee applies for the relevant inspections, assessment, coordination, creation of design brief and the issue of permits providing consent to undertake frontage works. The design will be quoted separately by Council's Design Services unit.

This design will generally comply with the approved architectural design drawings and the current website version of Council's Public Domain Design Manual (PDDM) and Public Domain Technical Manual (PDTM) except where modified by/or addressing the following:

- i) Property alignment/ boundary levels - establish the property alignment/ boundary levels and crossing profiles.
- ii) Grades - regrade footpath verge to final design levels including topsoil, turf and all associated soft landscaping.
- iii) Vehicle Crossings - construct 2 vehicle crossings measuring 6m wide each.
- iv) Redundant Laybacks and Crossings - remove redundant laybacks and vehicle crossings and replace with kerb and gutter (including associated road reconstruction works).
- v) Stormwater Connection - construct new stormwater infrastructure as required to facilitate drainage for the proposed development.
- vi) Footpath - install new footpath pavement along full frontage of site.
- vii) Infrastructure Transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.
- viii) Retaining Structures - construct retaining/slope stability walls as required.
- ix) Road Pavement - construct road pavement as required.
- x) Kerb and Gutter - construct kerb and gutter/edge strip including associated road reconstruction to facilitate new kerb alignment and parking bays as required.
- xi) Street Signage - alter existing and/or install new street signage as required.
- xii) Trees - remove existing trees and install a mixture of new *Eucalyptus paniculata* (Grey Ironbark) and *Syncarpia glomulifera* (Turpentine) street trees as required by Council.
- xii) Undergrounding - provide replacement of existing local distribution power lines and other overhead utilities with subsurface utilities.
- xiv) Street Lighting - install new street lighting in conjunction with the undergrounding

of local distribution power lines and other utilities as required.

- xv) Utility Services - adjust public services infrastructure as required.
- xvi) NBN - the Australian Government has issued a new policy on the provision of telecommunication infrastructure in new developments. The policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network.

NBN is the IPOLR (infrastructure provider of last resort) in developments of 100 lots or more within its fixed-line footprint and in new development where its fixed-line network is available, or the NBN rollout has been announced (www.nbnco.com.au/learn-about-the-nbn/rollout-map.html).

If you use NBN, you will need to provide six months' notice before your network needs to be available.

Evidence of the lodgement of this application must be provided to the PCA prior to the release of the Construction Certificate

B. Before Construction

Prior to the release of the Construction Certificate 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 that the road frontage works were constructed in accordance with the development consent and associated approval under the Roads Act 1993 including the approved drawings and specification.
- 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.

18. Site Management Plan

A. Before Commencement of Works including Demolition

An Environmental Site Management Plan must accompany the application for a Construction Certificate. If demolition is to commence prior to the issue of a Construction Certificate the applicant must submit to Sutherland Shire Council a separate Demolition Site Management Plan. These plans must satisfy the Objectives and Controls of Sutherland Shire Development Control Plan 2015 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.

19. Pre-commencement Inspection

A. Before Works

A Pre-commencement Inspection/meeting is to be convened by the Applicant on-site a minimum 5 days prior to any demolition and/or construction activity and between the hours of 8.00 am and 4.30 pm Monday to Friday. The meeting must be attended by a representative of Council's Public Domain 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.

20. Supervising Engineer

A. Before Construction

The applicant must engage an Accredited Certifier in civil engineering works or a Charter Civil Engineer to supervise construction of any:

- i) Road frontage works.
- ii) Construction / installation of stormwater drainage.
- iii) Rainwater harvesting & reuse.
- iv) All other works that form part of a subdivision.

B. During Construction

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

- i) All relevant conditions of development consent.
- ii) Any Consent issued under the Roads Act for this development.

C. Before Occupation

The supervising engineer must certify the works required in "A" above were undertaken and

completed in accordance with the requirements of this Development Consent and to their satisfaction.

21. Internal Driveway, Parking and Manoeuvring

A. Design

The internal driveway profile, parking and manoeuvring areas must be designed in accordance with the approved architectural plans except where modified by the following:

- i) Align with Access and Alignment levels issued by Council's Public Domain Unit.
- ii) The ingress and egress crossing must be clearly identified by signage.
- iii) The internal driveway and car parking area must be paved or concreted and must be finished in materials other than plain or exposed aggregate concrete.
- iv) Provide adequate sight distance for the safety of pedestrians using the footpath area.
- v) The maximum longitudinal grade of the driveway must not exceed 25%.

B. Construction

Certification from an appropriately qualified engineer to the effect that the design requirements of "A" above have been met must accompany the Construction Certificate.

C. Occupation

Prior to the occupation of the development or the issue of any occupation certificate a suitably qualified engineer must certify that the works required in "A" above were undertaken and completed to their satisfaction and in accordance with the requirements of this Development Consent. This certification must be provided to the PCA and a copy also provided to Council.

D. On-going

The approved parking must be used exclusively for car parking as approved for the life of the development.

22. Basement Car Park Design & Construction

A. Design

The basement car park must be designed in accordance with the approved architectural drawings, subject to the following modifications:

- i) A minimum headroom of 2.2m measured from the parking floor to the underside of any beam, ventilation duct or service conduit, or to the underside of any door including a security door and fittings when those doors are in an open position in accordance with clause 5.3 of AS2890.1.
- ii) Parking bays must not be enclosed, caged or a door provided.
- iii) All parking bays must provide a minimum clear parking envelop in accordance with figure 5.2 of AS2890.1.
- iv) Any single garage accessing off a 6.2m aisle must have a minimum width of 3m with a minimum door opening of 2.75m wide x 2.2m high clear of any necessary hinges, jambs or fixtures required for the operation of garage doors or any services within the garage area.
- v) Any double garage accessing off a 6.2m aisle must have a minimum width of 5.4m with a minimum door opening of 5.15m wide x 2.2m high clear of any necessary hinges, jambs or fixtures required for the operation of garage doors or any services within the garage area.

- vi) A parking bay within each adaptable garage must have a clear width of 3.8m, a clear length of 5.4m and a head height clearance of 2.5m, except where this space is occupied by a remote controlled roller door.
- vii) Parking bays provided for adaptable units must have the minimum clear dimensions of 3.8m wide by 5.4m long or comply with AS2890.6.
- viii) The security door fitted to the car parking area entrance must be independently mounted on rubber pads to prevent vibration noise transmission through the concrete walls and / or columns.

B. Prior to Construction

Certification from a Chartered Civil Engineer or a Registered Surveyor, to the effect that the car park layout and vehicle access-way design has been prepared in accordance with A above must accompany the application for the Construction Certificate.

C. Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate a Chartered Civil Engineer or a Registered Surveyor must certify that the works required in "A" above have been completed to their satisfaction and in accordance with the requirements of this Development Consent. This certification must be provided to the PCA and a copy provided to Council.

D. On-going

The approved parking must be used exclusively for car parking as approved for the life of the development.

23. Drainage Design - Detailed Requirements

A. Design

The stormwater drainage system must be designed in accordance with the approved stormwater drainage design drawing, Australian Standard AS3500.3:2003 and the BASIX Certificate issued for this development. Except where modified by the following:

- i. A 20,000 litre rainwater tank must be provided; the increase in volume shall not reduce deep soil. The rainwater tank may be relocated under the driveway.
- ii. In order to protect Trees 151-157 (inclusive) on the north eastern corner and trees 199, 203 and 204 in the south western corner of the site, the outer edge of the trench for the stormwater pipes ,must be no greater than 1 metre from the external wall of the basement.
- iii. A detailed drainage design supported by a drainage calculation.
- iv. ii. A longitudinal section of the pipeline within the road reserve including existing natural surface levels, design surface levels, design invert levels of the proposed pipeline and the location, size and reduced level of all services to AHD where those services cross the proposed drainage line.
- v. The rate of discharge of stormwater from the site to a drainage system under Council's control must be controlled so that it does not exceed the pre-development rate of discharge.
- vi. All levels reduced to Australian Height Datum.
- vii. The pipeline within the footpath verge must be a hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres or reinforced concrete.
- viii. Reconstruct the kerb inlet pit within the subject frontage of Acacia Road to enable appropriate connection of the development to Council's stormwater

drainage infrastructure.

B. Before Construction

- i) Certification from an Accredited Certifier in Civil Engineering or a Chartered Civil Engineer, to the effect that the drainage design is to their satisfaction and satisfies the design requirements in "A" above must accompany the application for a Construction Certificate.

C. Before Occupation

Prior to the issue of an Occupation Certificate:

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

D. Ongoing

- i) The operation of all devices or appliances installed within the development approved by this consent as required by conditions pertinent to rainwater harvesting and rainwater reuse must be maintained in good operating order at all times.
- ii) The stormwater detention / absorption facility must be:
 - Kept clean and free from silt, rubbish and debris.
 - Be maintained so that it functions in a safe and efficient manner.
 - 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.

24. Stormwater Treatment

A. Before Construction

An appropriate stormwater treatment measure, selected from the Environment Protection Authority's document "Managing Urban Stormwater - Treatment Techniques, November 1997", must be provided as part of the permanent site stormwater (water quality) management system. Details must accompany the application for a Construction Certificate.

B. Before Occupation

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

C. Ongoing

The stormwater treatment measure must be maintained in accordance with the manufacturers' specification.

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

25. Damage to Adjoining Properties

A. Before Works

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

B. During Works

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

26. Public Utilities

This condition is imposed to facilitate the provision of services to the development 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 (including NBN) and the like, and any necessary underground conduits are provided.

The Australian Government has issued a new policy on the provision of telecommunications infrastructure in new development. This policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network. NBN is the IPOLR (infrastructure provider of last resort). NBN require 6 months' notice in order to make the network available.

B. Before Occupation/Subdivision

Prior to Issue of any occupation/subdivision certificate certification must be provided from each utility service provider/approved agent to the effect that each lot has been serviced to their satisfaction.

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.

27. Linen Plan of Subdivision of the Residual lot to conform with Development Consent

A. Before Subdivision

The Linen Plan of Subdivision must conform with this development consent.

The land subdivision shall accord with the approved Plan of Subdivision, including the land transfer.

The Plan of Subdivision must be registered by the NSW Government Land & Property

Information services prior to the issue of the subdivision certificate.

28. Parking Layout and Vehicle Access

A Design

The vehicular access-way and car park layout shall comply with the approved architectural design drawings, Australian Standard AS2890.1:2004, Australian Standard AS2890.2:2002 and Australian Standard AS2890.6:2009, except where modified by the following;

- i). Align with Council's issued vehicular crossing levels,
- ii). Parking bays must not be caged or enclosed,
- iii). All parking bays must be line marked,
- iv). 25% of the residential parking bays must be designed to comply with AS2890.6:2006. 5% of the residential parking bays must be designed to comply with AS2890.1:2004, except for the clear width which must be 3.8m,
- v). The vertical alignment of the vehicle access-way must comply with AS2890.1:2004 for a B85 vehicle, and
- vi). The vertical alignment of the truck / ambulance access-way must comply with AS2890.2:2002 for a MRV vehicle.

B Before Construction

Certification from an Accredited Certifier or a Chartered Civil Engineer or a Registered Surveyor, to the effect that the car park layout and vehicle access-way design was prepared having regard to the conditions of development consent, shall accompany the application for the Construction Certificate.

C Before Occupation

A Civil Engineer or Registered Survey must certify the car park was 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.

Note: Be advised that this condition is based on a B85 vehicle (Ford Falcon Sedan). This condition will not necessarily protect exotic or altered cars from "scraping" the vehicular access-way.

29. Landscaping Works

A. Design

The landscaping works must be designed in accordance with the approved Landscape Plan except where modified by the following:

- i) Provide a detailed landscape plan that clearly shows all retaining walls, steps, ramps, walls, fencing, paving, furniture, lighting and other hardworks including existing and new levels.
- ii) Ensure that all new perimeter fencing including posts and footings are designed to protect existing trees to be retained. Where required step the fence around the tree to prevent damage to the tree trunk or roots.
- iii) Provide a detailed planting plan showing exact species, numbers and density of

plants.

- iv) Show clearly in plan and section how suitable soil depths for the proposed grassed and planting areas over the basement carpark will be achieved.
- v) Show the Tree Protection Zones (TPZ) fencing more clearly on plan for all existing trees to be retained and protected.
- vi) Provide minimum soil depths in planter boxes as follows:
 - o 1200mm for large trees.
 - o 900mm for small trees and tall shrubs.
 - o 600mm low shrubs.
 - o 450mm grass and ground covers
- vii) As the subject site contains remnant STIF vegetation, all new plant species used in both front setbacks, along the western boundary and adjoining the public park 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).

Substitute the following tree species:

- 4x *Glochidion ferdinandi* (Cheese Tree) for 4x *Pittosporum undulatum* (Sweet Pittosporum);
- 4x *Acacia implexa* (Hickory) for 4x *Acacia parramattensis* (Sydney Green Wattle);
- 2x *Eucalyptus globoidea* (White Stringybark) for 2x *Eucalyptus acmenoides* (White Mahogany);
- 6 *Backhousia myrtifolia* (Grey Myrtle) for 6x *Melaleuca decora* (White Feather Honey Myrtle).
- a mixture of tree species chosen from 'Native Plant Selector' for the 25x *Cupaniopsis anacardiodes* (Tuckeroo).

Use 200mm-300mm pot size for all indigenous trees.

Provide much greater biodiversity in the understorey layer (refer 'Native Plant Selector' for suitable species) and ensure that plant numbers achieve a density of 4 plants per square metre. All plant species must be mixed and planted at irregular spacings to achieve an informal, bushland appearance.

- viii) Each unit must be provided with a clothes line on a balcony. Ensure that clothes lines are not visible above the balustrade.
- ix) All landscaped areas and all planter boxes on slab must be provided with a water-efficient irrigation system and taps at minimum centres of 25m, connected to a pump and the rainwater tank, to enable effective landscape maintenance.

The applicant must engage a suitably qualified Landscape Designer or Landscape Architect to oversee any design changes to the approved Landscape Plan and amendments required above. Details of these design changes must be included in the documentation submitted with the application for a Construction Certificate.

Notes:

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.

If demolition works to occur prior to the Construction Certificate being issued, tree protection measures must be installed prior to commencement of demolition.

B. Prior to Occupation/Occupation Certificate

The landscape works must be completed in accordance with the approved Landscape Plan and amendments required by 'A' above by a landscape contractor with Bush Regenerator qualifications or a landscape contractor who engages an appropriately qualified Bush Regenerator to carry out the landscape work within STIF areas around the perimeter of the site.

A Final Landscape Inspection must be carried out and a certificate issued by Council's landscape officer prior to occupation or the issue of an Occupation Certificate (interim or final). This certificate is required to ensure that all tree protection measures, landscaping works, replacement tree planting and the deep soil percentage requirements have been carried out in accordance with 'A' above and other conditions within this consent, and that all new indigenous plants on the site and within the road reserve are the correct species.

To arrange a Final Landscape Inspection please phone 9710-0333 48 hours prior to the required inspection date. An inspection fee of \$230 is required to be paid, prior to the inspection. Additional inspections will be charged at a rate of \$103 each.

Note: An appropriately qualified and experienced Bush Regenerator must be certified by the Australian Association of Bush Regenerators or demonstrate an equivalent standard.

C. Ongoing

All landscaping works required by 'A' above must be maintained for 12 months following the final landscape inspection date. Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP 2015 Chapter 38).

Any plants found faulty, damaged, diseased or dead shall be replaced with the same species in the same sized container within one month with all costs borne by the owner.

Note: If difficulty is experienced sourcing suitable indigenous plants from other suppliers, plants grown from locally provenance seed may be available from:

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

30. Vegetation Management Plan (VMP)

A. Design

The following plan: "BUPA Aged Care Development, Vegetation Management Plan" by EcoLogical Australia, 28 February 2017 [16SUT-5770] must be amended by an appropriately qualified and experienced Ecologist or Bush Regenerator to address the following (as below):

The Vegetation Management Plan (VMP) must form part of the Voluntary Planning

Agreement as per Condition 4 for DA16/1620 and applies to the proposed Council Reserve property only, as per the Land Transfer.

- i) The VMP must be amended to reflect the proposed Land Transfer and must apply to the proposed Council Reserve property only. Specifically, "Figure 4: Vegetation Management Zone", must be amended to ensure that the management zones (Zones 1 and 2) coincide with the proposed property boundary as per the Land Transfer. Therefore, the isolated section of Zone 1: Core Bushland, which is shown as being separated from the main area of the zone, on Acacia Road, must not form part of the VMP.

This isolated area of Zone 1 will be addressed and managed as part of the landscaping requirements for the development as per Condition 29 *Landscaping Works*.

- ii) "Table 2: Planting areas and densities per zone" must be amended as follows:
 - a. Zone 1: revegetation densities for shrubs must be $1/2\text{m}^2$ and groundcover/grasses must be $1/1\text{m}^2$.
 - b. Zone 2: revegetation densities for trees must be $1/7\text{m}^2$, shrubs must be $1/1\text{m}^2$ and groundcover/grasses must be $1/1\text{m}^2$.
- iii) "Table 4.1 Implementation Schedule" must be amended as follows:
 - a. The proposed 'Establishment' phase must be referenced as "Year 1 - Establishment Phase". The subsequent proposed "maintenance periods" must be renumbered to Year 2, Year 3 and Year 4 consecutively.
- iv) "Table 4: Performance Criteria" must be amended as follows:
 - a. The following statement is to be deleted "At the end of each year, a minimum of 85% survival rate of all vegetation strata planted in each zone (eg. tree, shrub and groundcover)."
 - b. For all zones the area stipulated for localised plant failure must be altered from 2m x 2m to 1m x 1m. Therefore, the relevant statement must read as follows "Any localised plant failure within planting area are addressed with no area larger than 1m x 1m without surviving plants at the end of each year."
 - c. The performance criteria for both Zone 1 and Zone 2 must comply with the amended planting densities as required by A (i) a. & b, above, at the end of the establishment phase.
 - d. The performance criteria for both Zone 1 and Zone 2 must be amended as follows:
 - i. Native groundcover vegetation of no **less** than 80% of the zone at the end of the fourth year maintenance period.
 - ii. Exotic groundcover vegetation for no **more** than 5% of the zone at the end of the fourth year maintenance period.

B. Prior to Land Transfer

The following actions are to be finalised to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to the release of any subdivision certificate for the

land transfer:

- i) Amended Vegetation Management Plan

The amended Vegetation Management Plan (as required by 'A' above) must be submitted for endorsement by Sutherland Shire Council, Manager Environmental Science.

C. Prior to Occupation Certificate for Phase 2 of Development

- i) Implementation of Vegetation Management Measures

The following vegetation management measures as outlined in the amended Vegetation Management Plan (as endorsed by Council), must be implemented and completed by an appropriately qualified and experienced Ecologist or Bush Regenerator.

- a) Establishment Phase actions:

- Seed collection and propagation.
- Nest box installation and pre-clearance works.
- Revegetation in all zones.

- ii) Reporting of Vegetation Management Measures

On completion of the vegetation management measures stipulated in C)(i) above, a report outlining the progress of the vegetation management works must be submitted for endorsement by Sutherland Shire Council, Manager Environmental Science, within 1 month of the completion of the works.

- iii) Inspection of Vegetation Management Measures

Following the reporting of the vegetation management works; a final vegetation management inspection (also referred to as landscape inspection) must be carried out and a certificate issued by Council's Landscape or Greenweb Officer to ensure that the required vegetation management measures of the amended Vegetation Management Plan have been completed, prior to the issue of the occupation certificate for Phase 2 of the development.

To arrange a final vegetation management inspection, please contact Sutherland Shire Customer Service on ph 9710 0333, 48 hours prior to the required inspection date. An inspection fee of \$230 is required to be paid, prior to the inspection.

D. Ongoing

- i) Maintenance, Monitoring and Reporting

- a) The ongoing monitoring and management measures required by the amended Vegetation Management Plan must be undertaken under the supervision of an appropriately qualified and experienced Ecologist or Bush Regenerator. The measures/works must commence by the date of registration of the subdivision certificate and be undertaken for a minimum 4 year period.
- b) Copies of progress reports required by the amended Vegetation Management Plan must be submitted annually to the satisfaction of Sutherland Shire Council, Manager Environmental Science. The progress reports must be provided annual during the

minimum 4 year maintenance and monitoring period.

Note: An appropriately qualified and experienced Ecologist or Bush Regenerator must be certified by one of the following certification schemes or demonstrate an equivalent standard:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner' (CEnvP) Scheme.
- Ecological Consultants Association (NSW) Certification Scheme.
- Australian Association of Bush Regenerators accreditation.

31. Tree Removal on Private and Council Land (Projects Dual Occupancies and Larger)(ENV2030)

Prior to the removal or pruning of any trees on site, the Consulting Arborist and Council's Tree Officer must confirm the list of trees to be removed/pruned in the 'Existing Vegetation Schedule' on the Approved Landscape Plan and tag all trees to be removed/pruned on site.

THE FOLLOWING TREES SHOWN TO BE REMOVED ON THE APPROVED LANDSCAPE PLAN MUST BE RETAINED AND PROTECTED:

Tree No.	Tree Species (botanical and common name)	Location
162	<i>Eucalyptus paniculata</i> (Ironbark) (Note: shown as <i>E.microcorys</i> in arborist report)	Front boundary/Acacia Road North road reserve next to public park
203	<i>E.microcorys</i> (Tallowwood)	Southwest corner of site

The applicant must ensure that all noxious plants are properly identified and controlled/removed.

Any tree species exempted by the Sutherland Shire Local Environmental Plan 2015 may be removed without approval.

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

A. Tree Replacement

- 25 trees are approved for removal as part of this consent. Where trees are proposed to be removed Sutherland Shire Council requires indigenous replacement canopy tree planting at a ratio of 8:1 (Council Resolution EHR003-17 of 18 July 2016).
- 150 replacement trees are required to be planted.
In determining this application, the extent of compensatory planting has been reduced as the development has been sensitively designed to maintain existing bush land or trees such that it makes a positive contribution to the local landscape character.
- A minimum number of 120 indigenous trees must be planted on the site and the street. Replacement trees within the site must be planted in accordance with the approved Landscape Plan.

- iv) Trees must have a minimum container size of 5 litres.

Note: For the remaining 30 replacement trees required by "B ii)" above, Council offers offsite planting under a 'Deed of Agreement' as an alternative to on site planting, at a cost of \$100 per tree. Offsite planting will be undertaken as part of Council's Green Street Program. 'Deed of Agreement' forms can be downloaded from Council's website at www.sutherlandshire.nsw.gov.au/Development/Development-Applications/Off-Site-Tree-Replacement-and-Deed-of-Agreement. A completed form and payment must be submitted to Council prior to the release of the Construction Certificate.

B. Tree Removal on Council Land

Council has preferred supplier agreements in place with arborists who are approved to carry out arbor works on Council land. Removal / pruning of the trees on Council land 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 prior to works being undertaken.

Select from Council's list of preferred suppliers listed on Council's website: <http://www.sutherlandshire.nsw.gov.au/Residents/Trees/Trees-on-Council-or-Public-Land>. Payment of the quoted amount provided must be made prior to any works commencing on site.

C. Prior to Occupation/Occupation Certificate

The replacement tree planting must be completed in accordance with the approved Landscape Plan/ required street tree planting. Certification will be provided as part of the Final Landscape Inspection by Council's landscape officer (refer Condition - Approved Landscape Plan).

D. Ongoing

Trees required by this condition must be maintained and protected until they are covered by Council's Controls for Preservation of Trees and Bushland Vegetation (SSCDP2015 Chapter 38). 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 local provenance seed may be 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).

32. Tree Retention and Protection

The following condition applies to all trees on the subject site, trees on the adjoining sites (which are potentially affected by the development works), as well as trees on the adjoining Council land that are not approved for removal.

A. Before Works

Prior to the commencement of any demolition, excavation, construction or pruning works on site the applicant must engage a suitably qualified and experienced Supervising Consulting Arborist to oversee the measures for the protection of existing trees as listed below.

Note: A Consulting Arborist is a person with a current membership of the Institute of Australian Consulting Arboriculturalists (IACA) or alternatively a person who has obtained an Australian Qualifications Framework AQF Level 5 in Arboriculture.

All trees not approved for removal 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 approved Landscape Plan and the Arborist report prepared by Tree IQ dated 23rd November 2016. Signage must be erected on the fence with the following words clearly displayed "TREE PROTECTION ZONE, DO NOT ENTER".
- iii) 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.
- iv) 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.
- 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.
- vi) Tree trunk/branch batten protection boards are to be installed as per 4.5.2 of Australian Standard (AS4970-2009) - Protection of Trees on Development Sites.

B. During Works

- i) The tree protection measures detailed in 'A' above must be maintained during construction.
- ii) The supervising Consulting Arborist must be present during any approved hand excavation or under boring works within the Tree Protection Zone (TPZ) of any tree identified for retention and protection and have the authority to direct works to ensure the trees long term preservation.
- iii) The supervising Consulting Arborist must strictly supervise that there is no disturbance or severing of roots greater than 50mm diameter and to cleanly cut those roots between 10-50mm in diameter.
- iv) 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 tree/s and recommend action to be

taken.

- v) The supervising Consulting Arborist must inspect the tree protection measures and maintain a record throughout the construction process. As a minimum an inspection must be undertaken at each hold point listed below:

Hold Point	Task	Responsibility	Certification	Timing of Inspection
1.	Indicate clearly with spray paint trees approval for removal only	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment
2.	Establishment of tree protection fencing	Principal Contractor	Supervising Arborist	Prior to demolition and site establishment
3.	Supervise all excavation works proposed within the TPZ	Principal Contractor	Supervising Arborist	As required prior to the works proceeding adjacent to the tree
4.	Inspection of trees by Project Arborist	Principal Contractor	Supervising Arborist	Bi-monthly during construction period
5.	Final inspection of trees by project Arborist	Principal Contractor	Supervising Arborist	Prior to issue of interim/final Occupation Certificate

C. Before Occupation

Prior to the occupation of the development or the issue of any Occupation Certificate the supervising Consulting Arborist must provide final certification that the tree protection measures required by this condition have been maintained throughout the construction process including that the inspections required by B(v) above have been undertaken. The final certification must be provided to the PCA and a copy must be provided to Council's Landscape Officer at the time of the final landscape inspection.

33. Supervising Environmental Consultant

A. Before Construction

The applicant must engage an appropriately qualified and experienced environmental consultant to supervise all aspects of environmental management including, but not limited to, waste classification/ management and site remediation as required.

B. During Remediation

The environmental consultant must supervise all aspects of the works in accordance with relevant environmental management plans and relevant NSW EPA guidelines.

Note: An appropriately qualified and experienced environmental consultant must be certified by one of the following certification schemes; or demonstrate an equivalent standard:

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner' (CEnvP) - Contaminated Land Specialist.
- Soil Science Australia (SSA) 'Certified Professional Soil Scientist' (CPSS) - Contaminated Site Assessment & Management.
- Site Contamination Practitioners Australia (SCPA) 'Certified Practitioner'.

34. Unexpected Finds Protocol

A. Before Construction and Issue of a Construction Certificate

An Unexpected Finds Protocol (UFP) must be prepared by an appropriately qualified and experienced environmental consultant to manage the discovery of unexpected land or groundwater contaminants which may be encountered during excavation and/or construction works.

The Unexpected Finds Protocol must be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science, prior to the issue of any construction certificate.

B. During Works

If unexpected contaminants are encountered during excavation and/or construction works, the situation is to be assessed and managed in accordance with the Unexpected Finds Protocol, under the supervision of the supervising environmental consultant.

C. Prior to recommencement of works

If unexpected contaminated soil or groundwater is treated and/or managed onsite; the supervising environmental consultant must verify that the situation was appropriately managed with regard to the Unexpected Finds procedure and in accordance with relevant NSW EPA guidelines.

The verification documentation must be provided to the satisfaction of the Principal Certifying Authority (PCA) and Sutherland Shire Council, Manager Environmental Science, prior to the recommencement of any works

35. Management of Site Soil/ Fill Material

A. During Works

i) Disposal of Site Soils

Any soils to be excavated and disposed of from the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with relevant NSW EPA guidelines including the "Waste Classification Guidelines" 2014, prior to off-site disposal.

Excavated material is to be transported to an appropriately licensed waste facility by an EPA licensed waste contractor in accordance with relevant NSW EPA guidelines.

ii) Reuse of soils

Any existing soils excavated to be reused on the site must be analysed and classified by an appropriately qualified and experienced environmental consultant, in accordance with relevant NSW EPA guidelines including the 'National Environment Protection Measure - Assessment of Site Contamination (amended 2013)', to verify that the material is suitable for the intended land use.

iii) Importation of Fill Material

Any fill material that is imported onto the site must comprise Virgin Excavated Natural

Material (VENM), Excavated Natural Material (ENM) or other suitable material in accordance with the relevant Resource Recovery Exemption issued under the *Protection of the Environment Operations (Waste) Regulation 2014*.

36. Dental and Medical Practices

A. Design

Dental and Medical practices must include the following facilities:

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

B. Before Construction

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

C. Ongoing

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

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

37. Cleanliness and Maintenance of Food Preparation and Storage Areas

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

A. Design

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

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

- vii) AS 1668 Part 1- 1998.
- viii) AS 1668 Part 2 - 1991.

B. Before Construction

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

C. Before Occupation

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

38. Premises Undertaking Skin Penetration Procedures

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

A. Design

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

- i) The Local Government (General) Regulation 2005.
- ii) The Building Code of Australia.
- iii) The NSW Health Guidelines on Skin Penetration.
- iv) Public Health Regulations 2012.

B. Before Construction

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

C. Before Occupation

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

39. Garbage, Recycling and Green-waste Storage Area

To ensure the proper storage of waste from the premises:

A. Design

The garbage and recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of

Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

All waste and recycling bins must be stored wholly within the approved waste storage area. The bins must only be put out for collection in the evening prior to pick-up and returned to the storage area as soon as possible after pick-up. The collection of waste shall not occur prior to 7am or after 8pm Monday to Saturday and not prior to 9am or after 7pm Sundays and Public Holidays.

40. Construction and Hygienic Operation of Retail Meat Premises

To ensure that adequate provision is made for the cleanliness and maintenance of all retail meat premises.

A. Design

All building work must be designed in accordance with the requirements of:

- i) NSW Standard for the Construction & Hygienic Operation of Retail Meat Premises.
- ii) Food Regulation 2010
- iii) Food Safety Standards 3.1.1, 3.2.2 and 3.2.3
- iv) AS 4674 - 2004 (Design, construction and fit-out of food premises)
- v) Sydney Water Corporation - Trade Waste Section,
- vi) Protection of the Environment Operations Act 1997,
- vii) The Building Code of Australia.

B. Before Construction

Details of the design satisfying 'A' above must accompany the application for a Construction Certificate.

C. Before Occupation

Occupation of the premises must not occur until the use has been registered by the NSW Food Authority.

41. External Lighting - (Amenity)

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

A. Design

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

B. Ongoing

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

42. Noise from Road and / or Rail

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

A. Design

The building design must be in accordance with the recommendations of the acoustic report by JHA dated 18 November 2016 approved as part of this application.

B. Before Construction

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

C. Before Occupation

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

43. Noise and Vibration Control - Residential Car Park

To minimise noise and vibration from use of the security door in the car park:

A. Design

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

B. Before Occupation

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

44. Building Ventilation

To ensure adequate ventilation for the building:

A. Design

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

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

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

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

45. Car-Park Ventilation - Alternate System

To ensure adequate ventilation for the car park:

A. Design

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

B. Before Construction

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

C. Before Occupation

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

D. Ongoing

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

46. Demolition Work

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

A. Before Commencement

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

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) SafeWork 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 NSW EPA to accept asbestos waste. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. More information can be found at <https://wastelocate.epa.nsw.gov.au>.

47. Noise - Plant, mechanical systems, equipment and similar (HLT9001)

To minimise the impact on nearby residents:

A. Design

- (i) All plant, equipment, machinery ventilation system, air conditioners, etc (in use between the hours of 8.00am and 10.00pm Saturday, Sunday or Public Holiday and 7.00am and 10pm on any other day) must be designed and/or located and shielded so that noise when measured at the most affected point on the property boundary is not more than (5 dB LAeq, 15 minutes) above prevailing background (LA90, 15 minutes) level. Outside of those hours the noise shall be inaudible to persons within a habitable room of a dwelling on another property.

B. Before Construction

- (i) Selection of plant, equipment, etc shall be made in consultation with the acoustic engineer in order to meet the above specification. If attenuation is required it shall be designed and working drawings prepared by the acoustic engineer. Nominated plant and attenuation measures (if required) shall be provided in documentation for a Construction Certificate.

C. Before Occupation

- (i) Before issue of an Occupation Certificate, certification is to be obtained from the acoustic engineer that installed plant, equipment etc and any attenuation measures have been installed in accordance with 'B' above.

D. Use and Ongoing

- (i) All plant, equipment etc must be operated and maintained to comply with 'A' above.

48. Swimming Pool

A. On-going

The swimming pool must be maintained and operated in accordance with the provisions of the Public Health Regulation 2012. The swimming pool is to be registered with NSW Health.

49. Acoustics

To minimise the impact on acoustics privacy on the occupants:

A. Design

The building design must comply with the Australian and New Zealand Standard entitled *AS/NZS 2107-2000, Acoustics-Recommended design sound levels and reverberation times for building interiors* and the Australian Standard entitled *AS 3671-1989, Acoustics-Road traffic noise intrusion-Building siting and construction*.

B. Before Construction

Details of compliance must accompany the documentation forming part of the Construction Certificate.

C. Before Occupation

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

50. Dilapidation Report - Adjoining Properties

A. Before Works

To assist in the resolution of any future disputes about damage to properties adjoining the development site, prior to commencement of any work on site the Applicant or principal contractor must provide dilapidation reports on the adjacent buildings at the existing Residential Aged Care Facility at 42 Auburn Street, Sutherland; 40 Auburn Street Sutherland; and 95-97 Acacia Rd, Sutherland, including any basements and ancillary structures. The reports must be provided to the Principal Certifying Authority and to the owners of the properties that are the subject of the report.

The reports must be prepared by a suitably qualified and experienced person, such as a structural engineer.

51. Design Requirements for Adaptable Housing

A. Design

A report prepared by a suitably qualified Adaptable Housing Specialist must be submitted with the Construction Certificate, 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.

B. Before Occupation

A suitably qualified Adaptable Housing Specialist must certify prior to the issue of any Occupation Certificate that the development has been constructed in accordance with the requirements of AS4299 - Adaptable Housing for a Class C Adaptable House. A copy of this

certification must accompany the Occupation Certificate.

52. Verification of Design for Construction - SEPP 65

A. Design

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

B. Before Occupation

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

53. External Walls and Cladding Flammability

A. Design

The external walls of the building, including attachments, must comply with the relevant requirements of the *National Construction Code (NCC)*. This includes the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels

B. Before Construction

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

C. Before Occupation

Certification, including an appropriate level of detail to demonstrate compliance with the NCC as built, must be provided by an appropriately accredited professional that external finishes of the building complies with "A" above.

54. Fire Safety - Upgrade of Existing Building

A. Before Construction

The alteration to the existing building authorised by this Development Consent is subject to the implementation of the following fire safety upgrade works considered necessary for the buildings new proposed use in accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000:-

The construction/opening between the carpark areas of the existing aged care building and the proposed buildings shall be protected in accordance with Performance Requirement CP2 of the Building Code of Australia.

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

55. Certification Requirement of Levels

A. During Construction

At the following stages of construction:

- i) Prior to the pouring of each floor or roof slab,

- ii) Upon completion of the roof frame.
- iii) Prior to the pouring / installation of the swimming pool shell

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

B. Before Occupation

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

56. Sydney Water Requirements & Section 73 Compliance Certificate

A. Before Any Works

Prior to the commencement of any works on site, including demolition or excavation, the plans approved as part of the Construction Certificate must also be approved by Sydney Water. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Customers will receive an approval receipt which must be included in the Construction Certificate documentation.

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

B. Before Occupation / Subdivision Certificate

Prior to the issue of an Occupation Certificate or a Subdivision Certificate a Compliance Certificate under Section 73 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. This assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to the mains.

Sydney Water Advice on Compliance Certificates:

Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. 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.

Go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

57. Dial Before You Dig

A. Before Construction

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

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

58. Noise Control and Permitted Hours for Building and Demolition Work

A. During Works

To minimise the noise impact on the surrounding environment:

- i) 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.
- ii) 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.

For the purpose of pouring large floor or roof slabs, work may be carried out on the site from 7.00am to 8pm Monday to Friday, excluding Public Holidays on a week day.

In order to activate the extended hours of operation both Council and affected neighbours must be notified a minimum of 48 hours prior to commencement. Affected neighbours include those in the immediate vicinity, adjacent or adjoining the development site.

Notification must be by way of written advice including:

- Date/s the extended hours will be utilised.
- The purpose of the extended hours - pouring large slab.
- Address of the development works / site.
- Contact name and number of appropriate site officer (supervisor or manager) for enquiries.

Notification to Council must include a copy of the letter and a map or list identifying those affected neighbours who have been notified.

59. Toilet Facilities

A. During Works

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

Each toilet must:

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

60. Street Numbering and Provision of Letter Box Facilities

A. Before Occupation

- i) Street / unit / shop numbers must be clearly displayed.
- ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications.
- iii) The dwellings must have the following street address format: Ground Floor - proposed Wellness Centre shall be Shop 1/101 Acacia Road Sutherland, proposed Café shall be Shop 2/101 Acacia Road Sutherland, other proposed ancillary rooms shall be Shop 3/101 Acacia Road Sutherland. Level One - proposed dwellings shall

be known as 101/101, 102/101, etc Acacia Road Sutherland. Level Two - proposed dwellings shall be known as 201/101, 202/101, etc Acacia Road Sutherland.

61. Loading and Unloading

To preserve the amenity and ensure the safety of the public:

A. Ongoing

All loading and unloading of vehicles must be carried out within the site and not from the public roadway. All service/delivery vehicles must enter and leave the site in a forward direction.

62. 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 prior to the issue of any Occupation Certificate. 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.

63. Hours of Operation -Cafe

To minimise the impact of the development on the surrounding environment:

A. Ongoing

i) Trading Hours

The trading hours of the premises shall be restricted to the following:

Indoor Seating:	Monday to Sunday and Public Holidays: 9am - 5pm
Outdoor Seating	Monday to Sunday and Public Holidays: 10am to 4pm

ii) Occupation of the site

The premises must not be occupied by staff or contractors beyond 1 hour after the cessation of trading on any day.

iii) Maximum No. of Seats

The number of seats provided must not exceed:

Indoor Seating: 80 Seats

Outdoor Seating: 28 Seats

iv) Patron Behaviour

The operator must accept full responsibility for the behaviour of their patrons while on the premises and in the adjoining streets. The operator must take all steps necessary to ensure that no noise nuisance occurs from persons entering or leaving the premises.

v) Cafe Operation

The café must not be open for sale to the General Public.

vi) Liquor Supply

There must be no sale or supply of liquor on the premises.

x) Cleaning Operations

To minimise the noise impact of the development on the surrounding environment the premises must not be occupied by staff or contractors beyond one hour after the cessation of trading nor before 8am on any day.

64. General Deliveries / Loading / Waste Management

A. Ongoing

- i). The hard stand waste collection bay must be clearly signposted.
- ii). Waste Management for the development must satisfy the following:
 - Waste collection must be managed by Private Contractors,
 - The garbage truck servicing this development shall be a SRV sized vehicle, as defined in AS2890.2:2004, or a MRV provided the height of the vehicle is fit for purpose given the 3.5m head height clearance.

65. Car Parking Allocation

A. Before Subdivision

Parking must be allocated on the following basis:

- i). Residential dwellings: total of 82 spaces.
- ii). Waste loading area: 1 space.
- iii). Ambulance area: 1 space.
- iv). Wellbeing Centre: total of 12 spaces.

B. Ongoing

The parking provided must only be used in conjunction with the development and not for any other purpose.

66. Hours of Operation - Hairdressing Salon

The Hairdressing Salon must operate between the hours of 9am to 6pm Monday to Saturday only.

67. Hours of Operation -Health and Wellbeing Centre

The Health and Wellbeing Centre must be open between the following hours only:

Monday to Saturday 9am - 6pm

Sundays and Public Holidays: Closed

68. Pathway Lighting

A. Design

- i) Pathway lighting must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and
- ii) Pathway lighting must provide at least 20 lux at ground level.

B. Before Construction

Details of compliance must accompany the documentation forming part of the Construction Certificate.

C. Before Occupation

Details of pathway lighting must accompany the application for a Construction Certificate in accordance with 'A' above and must include any post construction validation test results.

69. Compliance with Schedule 3 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

A. Design

The building design must comply Schedule 3 of the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

B. Before Construction

Details of compliance must accompany the documentation forming part of the Construction Certificate.

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.

1. The cutting down, lopping, injury and destruction of trees is regulated by Sutherland Shire Local Environmental Plan 2015 and Sutherland Shire Development Control Plan 2015. A person who contravenes, causes or permits the controls in relation to trees to be contravened is guilty of an offence. Trees designated to be removed on the approved plans under this consent may be removed unless specified otherwise in the conditions in this consent. All other trees on the site covered by Council's controls referred to above must be retained.
2. Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from this determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development Integrated Development or any applications determined by the Sydney South Planning Panel or the Land and Environment Court.

3. Division 8 (Appeals and Related Matters) Part 4 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
4. This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 95 of the Environmental Planning and Assessment Act 1979 as amended.

DECISION

Pursuant to the provisions of Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, Development Application No DA16/1620 is determined by the granting of approval subject to the conditions outlined in the Development Assessment Report attached to Council's file.

Signed: Lisa Pemberton
(Delegated Officer)

Date: 28 November 2017

DRAFT



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Evan Phillips – 02 9710 0333
File Ref: PAD16/0116

28 November 2016

Bupa Aged Care
C/-BBC Consulting Planners, PO BOX 438
BROADWAY NSW 2007

Dear Sir/Madam

Pre-Application Discussion No. PAD16/0116

Proposal: Seniors housing comprising independent living units and health service facility

Property: 42 Auburn Street, Sutherland

Council is committed to achieving quality built outcomes for the benefit of residents and the broader community. The Pre-Application (PAD) process is intended to assist in this goal and I appreciate you taking the time to attend.

The PAD held on 2 November 2016 regarding the above development proposal was attended by Luke Murtas (Team Leader), Evan Phillips (Development Assessment Officer) and Lani Richardson (Property Services Manager) who 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 complete 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 Council's Draft Development Control Plan.

The Site and Proposal:

The subject land is known as No. 42 Auburn Street, Sutherland. The site is currently occupied by a 'seniors housing' development / residential aged care facility, generally sited in the western two-thirds of the site adjacent to Auburn Street. The eastern third of the site is currently undeveloped.

The site has frontages of 92.88 metres to Auburn Street, 81.93 metres to Acacia Road and 138.37 metres to Princes Highway. The site has a total area of 13,690m². The site falls away from Princes Highway, generally in a northerly direction. There is an approximate change of levels between the highest and lowest points of the site of 4.3 metres.

There are numerous mature trees located throughout the site, mainly situated adjacent to the three (3) street frontages and, to a lesser extent, along the northern site boundary and in the middle of the site. Some major trees also exist within the adjoining footpath area to the south of the site.

The streetscape and urban environment in the immediate vicinity of the subject land are characterised predominantly by low density residential development. To the west of the site across Auburn Street are three (3) storey residential flat buildings. To the east of the site across Acacia Road are predominantly single storey detached dwelling houses. To the south of the site across Princes Highway are motor showrooms.

Immediately to the north of the site are a Telstra exchange building and telecommunications tower and an L-shaped public reserve. Beyond the public reserve to the north is a three (3) storey residential flat building.

The property is within Zone R2 - High Density Residential under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). The proposed 'Seniors Housing' development containing self contained dwellings is a permissible form of development within this zone.

The proposal is also permissible with consent under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ('Seniors Housing SEPP') and this policy would prevail over SSLEP2006 to the extent of any inconsistency between their provisions if an application is made under the SEPP.

Comments on the Proposal:

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

1. Planning Proposal

A Planning Proposal for the reconfiguration of land boundaries between the development site and Council's reserve to the north is currently underway. The Planning Proposal is supported by Council and involves the rezoning and reclassification of the affected parts of the site and parkland, as well as a reciprocal land swap. The proposal has received in principle support from Council and would make the development site (and Council's reserve) into a more regular shape which provides a more rational space for both recreation and residential aged care.

As discussed, the Development Application may be lodged at the same time and may be reliant on the proposed rezoning/reclassification and boundary adjustment given the advanced status of the Planning Proposal. However, Council would not be in a position to grant a favourable determination to the proposal, even in the event that all

of the merits issues in this letter are resolved, until the zoning of the land is formally gazetted or that process is virtually complete.

As discussed at the meeting, a detailed Development Application which relies on a significant departure from the height limit applicable to the site and surrounding land should 'bundle' this uplift into the Planning Proposal. The merits and relevant considerations for height are discussed below.

2. Building Height and Character

Council's recently gazetted LEP sets a maximum height limit for the site and the immediately surrounding land on the R4 – High Density area on the northern side of Old Princes Highway at 20m (6 storeys). Land opposite the site to the east, within Zone R2 – Low Density Residential is limited in height to 8.5m (2/3 storeys). The concept proposal presented at the pre-DA discussion exceeds this height significantly, with two 9 storey towers.

Council has made clear public statements about major variations to its recently adopted planning controls and would expect that development benefitting from the recent uplift complies with all development standards. By the same token, an important part of Council's long-term strategic plan is to increase the supply of aged care in the Sutherland Shire.

It was argued that the height standard would not technically apply under the Seniors SEPP and would become a 'cannot refuse' provision. It was also argued that the site as a large lot benefits from the bonus floor space provisions in Council's LEP (taking maximum FSR up from 1.5:1 to 1.8:1).

However, development for 'self contained dwellings' could, in fact, be refused in relation to height where the development exceeds 8m. Arguably too, the buildings on the portion of the site actually being developed have an FSR of much closer to 3:1, which indicates that they are greatly in excess of the building bulk, as well as scale, envisaged by the new Sutherland Shire LEP.

The site is in a precinct which is cut off from the Sutherland Centre by a major roadway, where there is a significant building scale transition down to a (new) maximum of 6 storeys. It is also important to have mind to the transition between zones and building densities/typologies surrounding the site, where there is lower-density land directly across the street to the east and around 150m to the north.

'Twin towers' of a matched, oversized scale may not be the most appropriate response to the site. The architect explained that the proposal gave some sense of symmetry without being identical and also allowed for good internal separation for resident privacy and solar access. However, perhaps a differentiation in scales between the buildings or a more prominent podium of townhouse-scale buildings which relate to the surrounds might have been a better response.

The application should be accompanied by an analysis against the relevant principles of SEPP 65 and the Apartment Design Guide (ADG), which should be applied and guide the design of 'Independent Living Units'.

It is strongly recommended that the applicant seek a pre-lodgement meeting with Council's Architectural Review Advisory Panel (ARAP) to revisit the site planning and refine the urban design logic of the building mass having regard to the design principles of SEPP65 and the ADG.

6. Environmental Heritage and Landscape Design

The tree cluster, consisting of *Eucalyptus microcorys* (Tallow Wood), *Eucalyptus pilularis* (Blackbutt) and *Eucalyptus saligna* (Sydney Blue Gum) along the southern edge of 101 Acacia Road and within the adjacent road reservation on northern side of Old Princes Highway is identified as items of Environmental Heritage (Item No. 3601) in Schedule 5 of SSLEP2015. Further portions of the site and development zone are mapped as accommodating an Endangered Ecological Community (Sydney Turpentine Ironbark Forrest). These specific characteristics of the site will need to be taken into consideration when preparing your DA.

All existing trees including those in the road reserve and adjoining sites that may be affected by the development must be surveyed in detail and an arboreal/ ecological report provided. As the proposed excavation for the basement carpark will have a great impact on the existing trees, including those in the park to the north, this must also be addressed in the arborist report.

In general the building layout can be supported but the basement may require a re-configuration to retain and protect the cluster of trees located in the middle of the site adjoining the existing open space west of Wing 02 (part of the existing building). This cluster provides a strong planting framework for the outdoor space off Wing 02, screening of the new development and will provide important shade and shelter for the proposed open space next to Building A. The trees in the park to the north must also be retained and protected by reconfiguring the basement carpark.

The site is zoned R4 so the low voltage overhead wires in Acacia Street North will be required to be ABC bundled as part of the works.

As the verge is very wide, the proposal to have angled parking along Acacia Street North can be supported provided the parking layout is coordinated with the existing power poles and retains the existing large Paperbark street tree near the corner of the Old Princes Highway. All the other street trees, which are located under wires and have been badly pruned, can be removed. A footpath and other accessibility links will need to be provided following coordination with Council's Civil Assets section.

7. Engineering Concerns

A detailed stormwater plan must be undertaken by a suitably qualified civil engineer and this must include OSD calculations. The connection must be made to the existing piped system within Acacia Road. No OSD offset will be supported in this location.

In terms of the basement carpark and entries, driveway access must be in accordance with AS2890.1 and/or AS2890.2. Parking rates must comply with Council's DCP rates for a Residential Aged Care Facility. Reduced rates will not be supported given the physical and functional disconnect between the site and both Sutherland and

The footpath pavement must be redesigned to reduce the sunken/ dip section within the Old Princess Highway frontage.

8. Contamination

Council records indicate that the land has been 'partially' remediated from a previous land use and the 149 Planning Certificate indicates that a Contaminated Validation Report had been previously prepared. Any future application must adequately address the provisions of SEPP55 and demonstrate that the land if contaminated is capable of remediation before the land is used for the intended purpose.

9. Submission of Physical Model

Council no longer requires a physical massing model to be submitted with the development application; however the submission of a model may assist in the public consultation and exhibition processes. Your meeting with Council's ARAP will require the preparation of a 3D model in 'Google sketchup' format.

9. Utilities and Infrastructure

You are advised to make enquiry early with the various infrastructure and utility providers to ensure relevant considerations for the provision of services have been taken into account early in the building design. Urban infrastructure and utilities are reaching, or have reached maximum capacity in some parts of the Shire. Electricity substations are required on occasion to ensure sufficient power to buildings and NSW Fire have required substantial water tanks in some instances to meet flow requirements for sprinkler systems.

Infrastructure to support these requirements in the front boundary set back at the expense of landscaping or parking requirements is not likely to be acceptable. You are encouraged to make enquiries and incorporate any changes into the architectural plans in advance.

Conclusion:

Council supports quality, well considered development and the comments provided are intended to help you work toward this outcome.

At first impression, the proposal exceeds the height limit by too great a degree to be supported, particularly given its location at the interface with a low density residential zone and the degree of variation to the height standard proposed. However, Council strongly supports residential aged care and so a scheme which can resolve the issues raised in this letter and also demonstrate design excellence (including engaging in a productive dialogue with Council's ARAP) may begin to mount a stronger case to vary the height control to a limited degree.

The general parameters should be:

- more rational site planning which acknowledges the external constraints on height and bulk and the logical locations on the site for increased height (not just spreading the increase broad-brush across the site)
- protection of the existing significant vegetation on and around the site and incorporating it into the design (including basement)
- sensitive treatment of the edges and the public domain

- more variation in building mass, typology and materials, and some sense of relationship with the neighbourhood.

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.

It is noted that plans were submitted to the Architectural Review Advisory Panel shortly after the Pre- Application Discussion meeting whereby the height of the buildings were reduced to 7 storeys in height to align with the provisions of SSLEP2015. The design change has not informed this written advice.

Council strongly recommends that you distribute this letter to all professionals within your design team including architects, landscape architects and engineers.

For detailed information about how to prepare and lodge a development application, please refer to the "Development" section of Council's website (www.sutherlandshire.nsw.gov.au). A "DA Guide" is available and an online tool called "Development Enquirer", which searches the applicable planning instruments for the planning controls relevant to your site and development.

To make sure lodgement of your application is quick and easy, make an appointment with Council's Development Enquiry Officers on 02 9710 0333 when you are ready to lodge. Requests for appointments can also be made via Council's website.

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 Evan Phillips (02 9710 0333) 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 – Projects and Development Assessment

Architectural Review Advisory Panel

Proposal: Seniors housing development comprising independent living units, a health services facility and associated uses, and boundary adjustment of 2 existing lots

Property: 99R Acacia Road SUTHERLAND NSW 2232

42 Auburn Street SUTHERLAND NSW 2232

Applicant: Bupa Aged Care Australia Pty Ltd

File Number: DA16/1620

The following is the report of the Architectural Review Advisory Panel Meeting held on Thursday, 2 February 2017 at the Administration Centre, Sutherland Shire Council, Eton Street, Sutherland. The report documents the Panel's consideration of the proposed development described above.

"2. DA16/1620 – SENIORS HOUSING DEVELOPMENT COMPRISING INDEPENDENT LIVING UNITS, A HEALTH SERVICES FACILITY AND ASSOCIATED USES, AND BOUNDARY ADJUSTMENT OF TWO EXISTING LOTS AT 42 AUBURN STREET & 99R ACACIA ROAD NORTH SUTHERLAND

Council's Peter Brooker, Evan Phillips and Barbara Buchanan outlined the proposal for the Panel, including providing details of Council's relevant codes and policies

Dan Brindle (town planner); Steve Zappia (Architect); Axel Klein (Architect); Kathryn Wilson (applicant-BUPA); Byron Williams (Project Manager); Corey Taylor (Project Manager); Matthew Taylor (Landscape architect – Phone) addressed the Panel regarding the aims of the proposal and the constraints of the site.

Description of the Site and Proposal

Proposal: Development application for Seniors housing development comprising independent living units, a health services facility and associated uses, and boundary adjustment of two existing lots

Project Address: 42 Auburn Street & 99R Acacia Road North Sutherland

Zoning: R4 High Density Residential

Applicant: Kathryn Wilson (Bupa Aged Care Australia Pty Ltd)

Meeting Date: 2 February 2017

PAD: Yes (PAD16/0116)

ARAP Pre-DA: Yes (ARAP16/0026)

Responsible Officer/

Team Leader: Evan Phillips/ Luke Murtas

Consent Authority: Sydney South Planning Panel

Key Controls

Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015).

Sutherland Shire Council Draft Development Control Plan 2015 (SSDDCP 2015)
 Apartment Design Guide (ADG)
 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Applicant's Submission

The Development Application was considered in the context of an Architectural Review Advisory Panel report that was prepared following a Pr-DA meeting on 17 November 2016. The recommendations and conclusions were:

- *The existing and projected urban setting needs more thorough analysis.*
- *The replication of two identical forms in plan, height and alignment seems hard to justify, given the differing conditions and opportunities across this large site.*
- *A study of alternative built form options should be undertaken for consideration by Council and the Panel. This should explore opportunities for creating better scale relationships with adjacent interfaces and more legible spatial typologies, for example, a street, a park, a courtyard, a green and the like.*
- *The buildings need to relate better to their urban setting, particularly the lower levels along Acacia Road and the new edge to the park at the north.*
- *A more contextualised site layout would likely create useable outdoor spaces around the existing trees along the western edge of the site portion.*
- *The serrated plan form if pursued will need further work to achieve a convincing, aesthetic outcome.*
- *The Acacia Road frontage is car dominated, more work is required to give it a friendlier and safer pedestrian character.*
- *Any additional height proposed above the height limit cannot be supported until it is clearly demonstrated that this site layout and built form is superior to other options.*

SEPP65/ADG Design Quality Principles

The Panel Report also addressed the nine SEPP65/ADG Design Quality Principles. The comments below provide advice in relation to the revised design approach and other related issues identified during the meeting with the Applicant.

PRINCIPLE 1 – CONTEXT AND NEIGHBOURHOOD CHARACTER

The previous Panel Report described the site and context. The Panel remains concerned about the contextual fit of the proposal given the low-density zoning and built form on the eastern side of Acacia Road and the loss of the leafy character that the site presently contributes to the existing context.

The oblique siting of the two buildings continues to alienate the proposal from the surrounding street and built context. The Panel observed that there is a general conformance within the precinct where built form at all scales aligns to streets and boundaries, and that this should also apply to this proposal. As it stands the oblique alignment of the forms creates indeterminate spatial interfaces with the street, the proposed park and surrounding buildings. It does not assist with retention of existing vegetation, particularly in the

southern portion of the site. The Panel noted the architect's contention that the plan forms have been adjusted to address this, however the actual response seems forced and remains unconvincing.

As also noted previously by the Panel, the two almost identical buildings do not sufficiently explore the differing conditions at the various boundaries to the site (north to sun and park vs south to shade and busy road for example) that may yield a more site responsive design solution.

The Panel is also concerned about the impact on the grove of mature indigenous trees within the site along the Old Princes Highway frontage. The proximity of the built form and two-storey basement is likely to destroy a substantial portion of this heritage vegetation as identified by the applicant. The heavy landscape screening of built form as portrayed in the provided documentation is considered misleading and unlikely to eventuate.

The Panel highlighted the importance of the design of the interface between the proposed development (particularly the café) and the park. There is a risk that the Park will seem privatised to the wider public. The development interface and public access within and to the park must be clear in this regard.

The Panel does not support the proposed diagonal parking along the Acacia Rd frontage to the site and the Park. It will disrupt the unity of the street, highlight the difference in the scale of the development, impact existing landscape and constrain the growing environment for the trees.

The Panel supports the land-swap for the adjacent public park through a Voluntary Planning Agreement (VPA), assuming that it will be dedicated to Council. However, the proposal is presently ambiguous in both the definition of this new public domain and in the relationship of the cafe to the street and the park. It is important that the new park is not perceived as being a part of the development. The cafe should be clearly accessible from Acacia Rd, and the building separated from the park with a legible pedestrian interface. Again, the oblique plan form is resistant to a clear resolution of this requirement.

PRINCIPLE 2 – SCALE AND BUILT FORM

Whilst the Panel has and continues to offer conditional support for a seven storey built form with some height non-compliance, this was on the proviso that other matters raised in the Report were addressed so that the perceived scale of the development was adequately mitigated. As this has not eventuated, the Panel recommends that the development proposal in its present form should comply with the permissible height limit.

The Panel continues to question the oblique built form layout that has been pursued for both buildings, which results in a series of irregularly shaped pockets of fragmented open space to all interfaces.

The buildings continue to offer serrated extrusions of the oblique plan form. This type of plan is inherently resistant to an easy horizontal ordering of the elevations, and inevitably generates vertical articulation of each facade. This is unsympathetic to the scale of the single storey houses opposite on Acacia Rd, and

presents a quite severe, indeterminate edge to the new park as demonstrated in the sketch-up model. The scale is further exaggerated by 7-storey vertical panels of brick set diagonally along the facades, deemed necessary to ensure privacy between units. The arbitrary manner in which some balconies are truncated at the required setback line demonstrates the problems of this layout, and is a consequence of the oblique/serrated strategy. The built form consequence would be diffused and compromised as a result.

As previously suggested, the opportunity for built form to step down within the subject site to better transition the scale towards the one and two storey dwellings on the eastern side of Acacia Road has not been pursued. Despite references to the importance of maintaining the mature trees in Acacia Road, the drawings clearly show a substantial loss of existing vegetation within the site and the road reserve through introduction of substantial areas of angled parking within the road reserve to help service the proposed development and the proposed public park. This will further amplify the height and scale disparity. The Panel recommends that the architects respond more substantially to ADG requirements for scale transition at zoning interfaces.

Whilst planning of the central access at ground level has been improved by turning the car ramp into the building, it remains confusing, institutional in character, and potentially unsafe. The pedestrian entry continues to share the same space with the porte-cochere and vehicular access, pedestrians being required to walk along and cross the driveway to access the entry.

The Panel considers that the "character test" of compatible character and scale with adjacent development as required by the Seniors SEPP has not been satisfactorily addressed, particularly at the public interfaces.

PRINCIPLE 3 – DENSITY

The Panel considers that the problems of scale and context identified above are exacerbated by this final stage of the overall development attempting to capture all of the unused, available FSR across the entire site. This results in an "over-development" of this part of the site to compensate for the under-development of the existing Residential Aged Care Facility (RACF).

For clarity the Panel suggests that a table summarising the individual stages and overall site yield and density is prepared (including Seniors Housing provisions). The ad hoc approach to planning across this entire site to date demonstrates the benefits that an end-state master plan provides for orderly long-term development.

The previous Panel Report advised that the proposed density may be acceptable provided that the identified urban design and amenity issues were addressed. As noted, this has not been satisfactorily achieved.

PRINCIPLE 4 – SUSTAINABILITY

No further details were provided on proposed sustainability measures. This is a problem for a proposal of this scale and it is recommended that Council be provided with this information prior to finalisation of assessment.

PRINCIPLE 5 – LANDSCAPE

The Panel noted the apparent inconsistency between the deemed retention of all existing trees facing Auburn Road/Old Princes Highway and the significant overlap between the drip line of a substantial number of the trees and the proposed built form of the development.

The arboricultural assessment acknowledges that works are proposed within the APZ areas of a significant number of trees and also provides recommendations about potential methods that might be used to minimise the impact. The report does not appear to address the significant modification of the trees that would be required to provide appropriate clearances both during the construction period and on completion.

Similarly, the extent of level changes proposed within tree protection zones is not clear from the drawings submitted. The interface between the building, the excavation required, and the existing trees needs to be more thoroughly investigated and resolved with a view to retaining the trees to support the amenity of both the development and the public domain.

The Panel also noted the proposed removal of a significant number of trees which are located within the Acacia Road reserve rather than within the development site.

Although the significant additional visitor parking shown on the western side of Acacia Road does not form part of the formal development application, it would have a significant impact on the existing character of Acacia Road. There does not appear to be any justification for the loss of existing trees within the road reserve to provide for the substantial continuous parking.

The Panel recommends that detailed consideration be given to the quantum of on-street parking required and the importance of providing trees, for shade and environmental purposes, to maintain the existing character of the Acacia Road environment.

As noted elsewhere, it is important that the relationship between the proposed development and the park is agreed with Council to ensure the successful operation of both.

PRINCIPLE 6 – AMENITY

Whilst apartments were well planned internally and benefit from solar access and natural cross-ventilation, the serrated form results in numerous balconies having poor cross-privacy. This will not be simple to resolve.

The proposal does not adequately provide for meaningful natural light and ventilation to common circulation spaces on typical floors

PRINCIPLE 7 – SAFETY

As noted in the previous ARAP report, communal open spaces at ground level should be securely fenced and separated from publicly accessible areas. It is not clear where security fencing would be located, particularly in relation to the interface with the park, the eastern edge of the northern building and the external spaces adjacent to the southern building.

PRINCIPLE 8 – HOUSING DIVERSITY AND SOCIAL INTERACTION

The recommendations and comments outlined in the previous ARAP report remain relevant.

PRINCIPLE 9 – AESTHETICS

As noted in Principle 2 – Scale and Built Form, the Panel is not convinced that the serrated form of facades to both buildings is inherently suited to this development and location.

RECOMMENDATIONS

The Panel makes the following recommendations.

- Ensure long-term retention of existing heritage trees to the Old Princes Highway frontage. This will require revision to the south building and its basement.
- Ensure long-term retention of existing mature trees along the Acacia Rd frontage. Relocate required parking within the basement to avoid domination of the Acacia Rd streetscape.
- Development above the 20m permissible height limit is not supported for the current proposal.
- The public interface between the proposed built form and common facilities of the northern building with the proposed park is ambiguous and poorly formed.
- The public domain interfaces around the perimeter of the site are generally unsuccessful, and require the input of an experienced urban designer.
- The proponent's rationale for the oblique siting of the buildings remains unconvincing. Compliant solar access and a sympathetic relationship with context are possible on this site, and both should be provided.
- The vertically articulated architectural expression is not successful for the squat, large footprint built forms and a non-serrated, horizontal compositional strategy should be considered.
- The recommendations of the pre-DA ARAP report remain substantially applicable to this DA proposal, and it is recommended that the applicant re-visit this. A site layout that is more consistent with the prevailing urban morphology is strongly recommended, for the various reasons described in this Report"

Tony Caro
ARAP Chairman
15 February 2017