

SYDNEY SOUTH PLANNING PANEL

Panel Reference	2016SSH001
DA Number	DA16/1620
LGA	Sutherland Shire
Proposed Development:	Seniors housing development comprising independent living units, a health services facility and associated uses, and boundary adjustment of 2 existing lots
Street Address:	Lot 11 DP 1103619, Lot 200 DP 1110295 - 99R Acacia Road, Sutherland, 42 Auburn Street, Sutherland
Applicant/Owner:	Bupa Aged Care Australia Pty Ltd
Date of DA lodgement	29/11/16
Number of Submissions:	
Recommendation:	Approval Subject to Conditions
Regional Development Criteria (Schedule 4A of the Act)	General Development over \$20 million
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • Sutherland Shire Local Environmental Plan 2015 • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • NSW Planning & Environment – Apartment Design Guide • Sutherland Shire Development Control Plan 2015 • Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment • Draft planning agreement that has been entered into under section 93F
List all documents submitted with this report for the Panel's consideration	
Report prepared by:	Pemberton L, Planner Sutherland Shire Council
Report date	

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes / No / Not Applicable**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Not Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **No**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Assessment Report and Recommendation Cover Sheet

EXECUTIVE SUMMARY

REASON FOR THE REPORT

Pursuant to the requirements of State Environmental Planning Policy (Major Development) 2005, this application is referred to the Sydney South Planning Panel (SSPP) as the development has a capital investment of more than \$10,000,000. The application submitted to Council nominates the value of the project as \$43,227,636.000.

PROPOSAL

The proposal is for the construction of a Seniors Housing development on the eastern side of the site adjoining Acacia Road. The development comprises 80 independent / self-contained living units located within two residential apartment towers. The development also includes a café, health and wellbeing, indoor pool, hair salon and various multi-purpose rooms on the ground floor. These are primarily intended as supporting residents within the development. The wellness centre is proposed to also be accessed by the general public.

Vehicular access is proposed from Acacia Road, with two levels of basement car parking including accessible, ambulance and ancillary storage provisions. The basement connects to the basement of the existing residential care facility on the western side of the site.

The land is proposed to be subdivided (Torrens Title) to separate the existing RACF to the west operating under federal legislation including the Aged Care Act 1997 from the proposed independent living units which are proposed to be managed under the NSW Retirement Villages Act 1999. The applicant advises that the existing RACF and the proposed development will share the facilities proposed as part of this development.

The development also includes a land-swap/ boundary adjustment with the small Council reserve to the north. This facilitates a more rational land parcel for the developer and both a regular land shape for Council's reserve and the embellishment of the reserve as a public park (under a Planning Agreement, as discussed below).

THE SITE

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

ASSESSMENT OFFICER'S RECOMMENDATION

THAT:

- 1) Pursuant to the provisions of Clause 4.6 of Sutherland Shire Local Environmental Plan 2015, the written submissions in relation to the requested variations detailed below satisfy the relevant provisions of Clause 4.6 and are therefore supported in respect of Building A only. It is recommended that the provisions of Clause 4.6 be invoked and these development standards be varied as detailed below, in respect to this application.

Development Standards	Clause	Requirement	Proposal	% Variation
Building Height	4.3	20m	26.02m max (Building A)	30.1%

- 2) That Development Application No. DA16/1620 for Seniors Housing on Lot 11 DP 1103619, Lot 200 DP 1110295 99R Acacia Road, Sutherland, 42 Auburn Street, Sutherland be approved, subject to the draft conditions of consent detailed in Appendix "A" of the Report, including a requirement to enter into a Planning Agreement with Council regarding the land swap and delivery of the reserve embellishment.

ASSESSMENT OFFICER'S COMMENTARY

1.0 DESCRIPTION OF PROPOSAL

The proposal is for the construction of a seniors housing development on the eastern side of the site at the northwest corner of the Old Princes Highway and Acacia Road. The development comprises 80 independent /self - contained living units located within two residential buildings:

- Building A contains 43 units (a mix of 2 and 3 bedroom dwellings) and is located toward the corner of Old Princes Highway and Acacia Road, and is 8 storeys in height
- Building B contains 37 units (a mix of 1, 2 and 3 bedroom dwellings) and is to the north of Building A, addressing Acacia Road and the proposed reserve on adjoining the northern side boundary. Building B is 7 storeys in height.

The development also includes a café, wellness centre, indoor pool, hair salon, landscaping and various multi-purpose rooms on the ground floor. These are primarily intended as supporting residents within the development. The wellness centre is proposed to also be accessed by the general public.

Two vehicular crossings (northern entry driveway and southern entry driveway) are proposed to

access the development from Acacia Road. Two levels of basement car parking accommodating 88 residential spaces and 5 spaces for the wellness centre, the basement also includes including ambulance bay, garbage bay and ancillary storage. The basement connects to the basement of the existing residential care facility on the western side of the site.

The land is proposed to be subdivided (Torrens Title) to separate the existing RACF operating under federal legislation including the Aged Care Act 1997 from the proposed independent living units which are proposed to be managed under the NSW Retirement Villages Act 1999.

The proposal also includes a land transfer between associated with a Council owned reserve and the subject site in order to regularise the lot shape of the site and adjacent reserve (see *Background* and Figures 1, 5 and 6 below) the applicant has offered to enter into a Planning Agreement for the land transfer and the embellishment of the reserve.

Figure 1 below identifies the draft plan of subdivision, indicating the Council reserve (proposed lost 302), a lot with the existing RACF (proposed lot 301) and a lot with the proposed independent living facility (proposed lot 303).

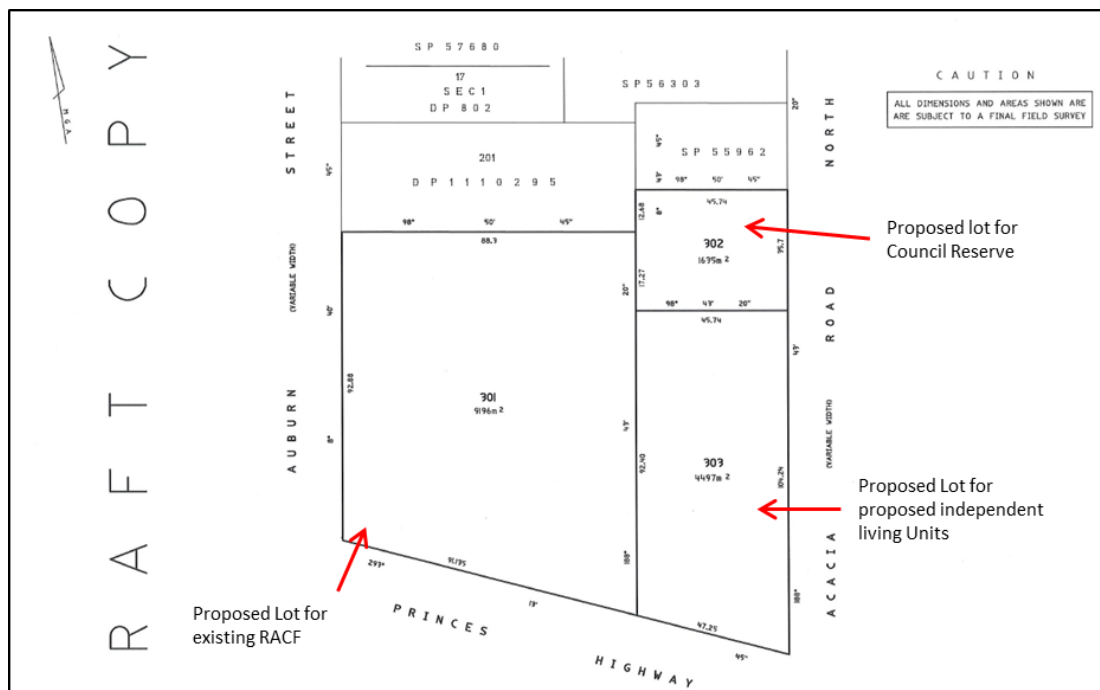


Figure 1: Proposed plan of subdivision

The applicant advises that the existing RACF and the proposed development will share the facilities at ground level such as the pool and café. The proposal will be constructed in the following stages:

Phase 1

- Land transfer of Part Lot 11 DP1103619 and Part Lot 200 DP1110295 in accordance with the terms of the Planning Agreement.

Phase 2

- Construction of all basement levels, including link to existing BUPA Aged Care facility at 42 Auburn St, Sutherland (Lot 200 DP 1110295);
- Embellishment of the adjacent Council reserve works subject to terms of the Planning Agreement.
- Construction of all common ground floor facilities, including links to existing BUPA Aged Care facility at 42 Auburn St, Sutherland (Lot 200 DP 1110295);
- Construction of Southern Residential Tower (Building A);
- Porte Cochere, and vehicular access to the site and basement;
- Landscape surrounding tower A and adjacent to the Porte Cochere.
- Works in the public domain (including footpath and landscaping)
- Drainage

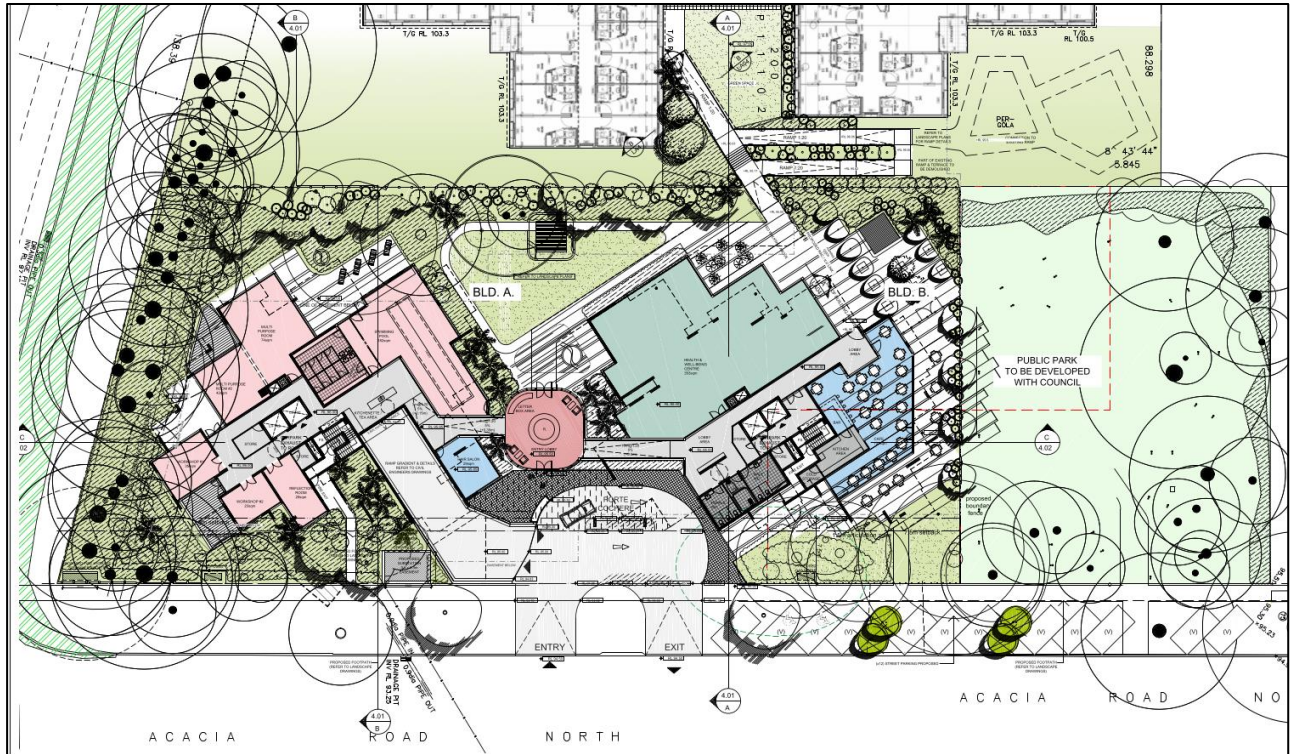
These works must be complete prior to the issue of any occupation certificate for this Phase 2.

Phase 3

- Construction of Northern Residential Tower (Building B)
- Drainage
- Subdivision of residual Lot 200 DP1110295
- Works in the public domain (including footpath and landscaping)
- Landscaping

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

A site plan is show below



2.0 SITE DESCRIPTION AND LOCALITY

The subject land is located at 99R Acacia Road, Sutherland and 42 Auburn Street, Sutherland. The site is currently occupied by a two storey 'seniors housing' development - residential aged care facility (RACF). This RACF is 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 and has a total area of 13,690m². The land falls away from Princes Highway, generally in a northerly direction, with 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 along the street frontages and, to a lesser extent, along the northern site boundary and a small cluster in the middle of the site. The subject site contains remnants of the Sydney Turpentine-Ironbark Forest, which is an Endangered Ecological Community.

Some major trees also exist to the south of the site along the Old Princes Highway and extend to the eastern boundary. These trees straddling the southern boundary and Council verge are identified as local Heritage items under the Sutherland Shire LEP 2015 (SSLEP 2015), and provide effective screening to the existing development.

The streetscape and urban environment in the immediate vicinity of the subject land, and in particular the development area, are characterised predominantly by low and medium density residential

development. To the west of the site across Auburn Street are 3 storey residential flat buildings. To the east of the site across Acacia Road are predominantly single storey detached dwelling houses. To the north of the development site is an L-shaped public reserve. Immediately to the north of the existing RACF and to the west of the existing Council reserve are a Telstra exchange building and telecommunications tower. Beyond the public reserve to the north are 3 storey residential flat buildings facing Acacia Road. To the south of the site across Princes Highway are motor showrooms. An aerial plan showing the existing lot configuration and Council reserve is included in Figure 3, and a locality plan of the site can be seen in Figure 4 below.



Figure 3- Aerial Plan



Figure 4 Locality Plan

3.0 BACKGROUND

A history of the development proposal is as follows:

- The subject development application DA was lodged on 29 November 2016.
- A Pre-Application Discussion (PAD) was held with Council on 2 November 2016, which was followed by a Pre- DA ARAP on 17 November 2016 (a copy of the letter is attached at Appendix B)
- *Planning Proposal* - An application was accepted by Council as a Planning Proposal (PP) for the reconfiguration of land boundaries between the development site and Council's reserve adjacent to the north. The PP involved a reciprocal land transfer and associated rezoning and reclassification of the southern portion of the 'L' shaped land owned by Council zoned R1 Public Recreation to R4 High Density Residential (see Figure 5 below).

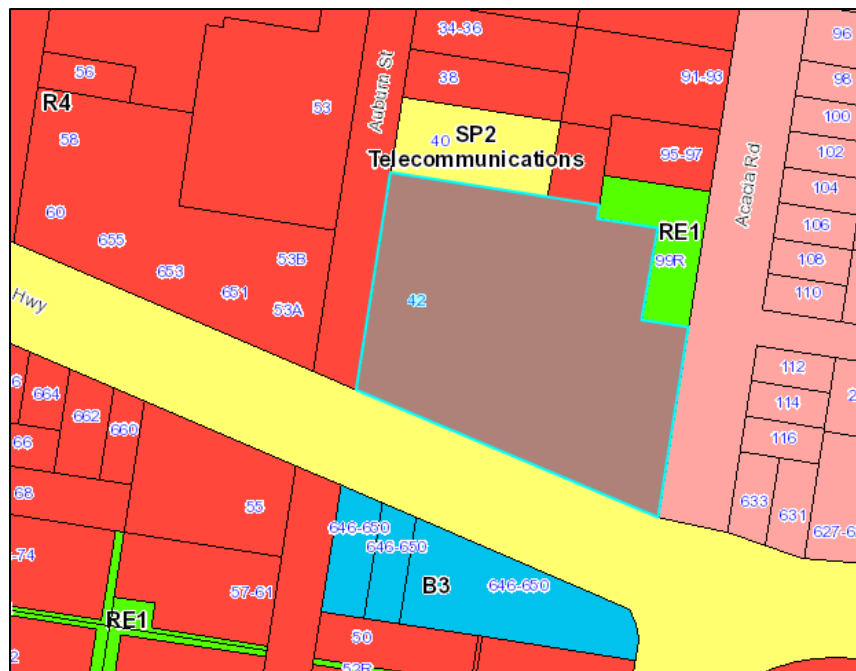


Figure 5: Zoning at time of DA lodgment

Amendment 10 to the SSLEP2015 (formerly known as the Planning Proposal for 99R Acacia Road and 42 Auburn Street, Sutherland) was made on Friday 8 September 2017. As seen in Figure 6 below.

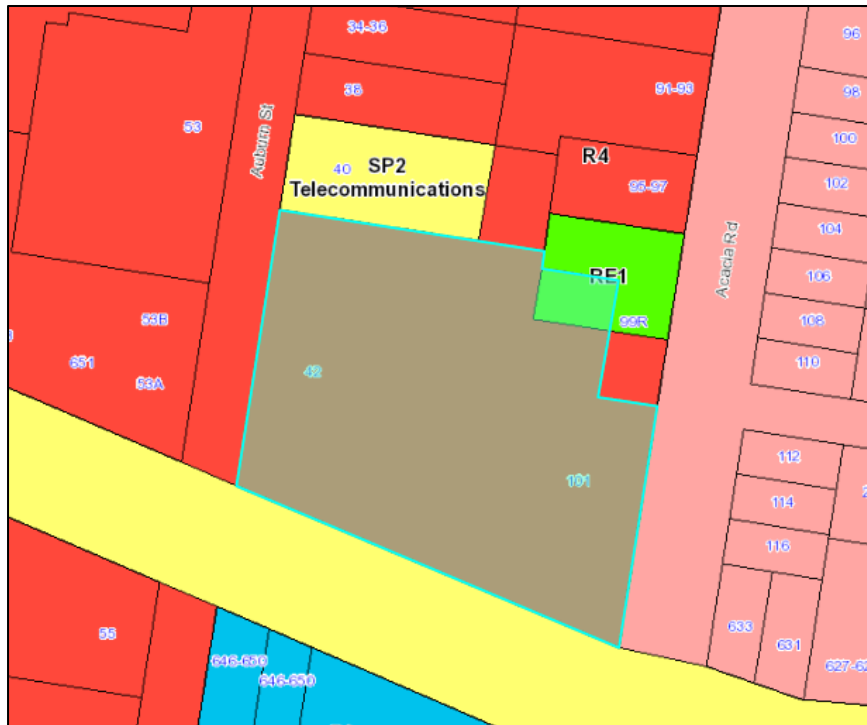


Figure 6: Rezoning as per Amendment 10 to SSLEP 2015

- Land transfer/ reserve embellishment – The boundaries of the site and Council owned RE1 land will be adjusted to align with the zones as per Amendment 10 and Figure 6 above, in order to regularise the shape of both allotments, this will occur via a Planning Agreement. As part of the land transfer the applicant has offered to embellish the reserve (see [Appendix E](#) for indicative reserve embellishment plans) owned by Council through the Planning Agreement. The Planning Agreement will require separate exhibition for a period of 28 days.
Council resolved to accept and exhibit the Planning Agreement on 20 November 2017. Works to the reserve include rehabilitation and revegetation of the EEC (through a Vegetation Management Plan), and embellishment, including play equipment.
- Historically (DA06/1503) the reserve was to be dedicated to Council and embellished by a previous developer/ applicant. The reserve was dedicated to Council however the reserve was not embellished (as per a Deed of Agreement). This Deed runs with the land which currently contains a BUPA Residential Aged Care facility in the west of the site.
- The application was placed on exhibition with the last date for public submissions being 31 January 2017. Council has received 38 written submissions in response (including 1 petition). A summary of main issues is provided below.
- An Information Session was held on 17 January 2017 and 21 people attended.
- The SSPP Briefing session was held on 23 May, 2017. The Panel recommended that an Independent review undertaken of Council's Assessment Report. This independent review is being undertaken. The review will be finalised prior to the SSPP Determination meeting, and provided to the Panel for consideration.

- Council wrote to the applicant on 12 August 2016 advising of concerns regarding building mass; character of the area; neighbourhood amenity; street scape; height and FSR; requesting a reduction in the bulk of building B, including the deletion of two dwellings; requesting an increase in the setback from the reserve; querying the permissibility of café and hair dresser; parking; amenity of a number of unit layouts; privacy issues between Building A and B; retention of a number of trees (STIF).
- Council officers met with the Applicant and their consultants on various occasions to discuss amendments to the proposal, the Planning and Agreement, land transfer and embellishment/delivery of the reserve.
- A full set of amended plans and supporting information was lodged by 25 October 2017.
- The amended plans were renotified, with submissions closing on 13 September 2017.
- The application was considered by Council's Submissions Review Panel on 28 November 2017.

4.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, plans and other documentation submitted with the application or after a request from Council, the applicant has provided adequate information to enable an assessment of this application, including a Clause 4.6 requesting a variation to the height standard.

5.0 PUBLIC PARTICIPATION

The application was advertised in accordance with the provisions of Sutherland Shire Development Control Plan 2015 (SSDCP 2015). The proposal was also re-notified after an amended proposal had been submitted. In addition to the statutory requirements of the Act and Regulations, Council extended the notification period over the Christmas/ New Year's period, with the notification period commencing 12 December 2016 and closing 31 January 2017.

493 adjoining or affected owners were notified of the proposal and 38 submissions (including one petition with 104 signatures) were received as a result of the first exhibition period. As part of the notification of amended plans 527 people were notified and 17 objections were received.

A full list of the locations of those who made submissions, the dates of their letters and the issues raised is contained within Appendix "D" of this report.

Relevant issues are discussed below:

Issue 1: Urban Design and Site Suitability

Overdevelopment of the area, the development does not respond to the existing streetscape and scale of surrounding development (incompatible with R2 Low Density Residential zone to the east), bulk and height is excessive and no transition in built form.

Comment: This matter is discussed below in the assessment section.

Issue 2: Non Compliances

The proposed buildings are above the Council's SSLEP 2015 height limit, SSDCP 2015 (setbacks and building separation).

Comment: This matter is discussed below in the assessment section.

Issue 3: Traffic, Parking, Waste and Pedestrian Safety

Adequacy of parking provision (including visitor, resident and staff) within the site and impact upon the surrounding road network to accommodate increase in population and traffic / pedestrian movements. Suggestion that Acacia Road be made a 'no through' road to the Princes Highway. Waste management and bin collection from the street.

Comment: This matter is discussed below in the assessment section.

Issue 4: Residential Amenity

Overshadowing and overlooking of adjoining properties. Safety and security (increased crime) and privacy.

Comment: This matter is discussed below in the assessment section.

Issue 5: Construction

Impacts on surrounding development from construction and excavation works, including construction traffic.

Comment: This matter is discussed below in the assessment section.

Issue 6: Public participation and adequacy of applicant's submission

Comment: This matter is discussed below in the assessment section.

Issue 7: Impact upon the natural environment

Loss of vegetation, including habitat for native animals, the vegetation acts as a noise buffer to adjacent development, the site contains an Endangered Ecological Community.

Comment: This matter is discussed below in the assessment section.

Issue 8: Delivery of the proposed reserve and privatisation of the park for private BUPA use

The reconfiguration of the site and the Council reserve will not have any community benefit, but only a private benefit to the applicant. Concern that the reserve won't be embellished/ delivered to the benefit of the community once the development is complete, and that the reserve will be privatised by BUPA.

Comment: This matter is discussed below in the assessment section.

Issue 9: Additional Uses

Impacts of Café, hair salon and Health and wellbeing centre - these uses should have separate development applications lodged.

Comment: This matter is discussed below in the assessment section.

Issue 10: Contamination

Concern that the site is contaminated, and that asbestos and other particles may become airborne during construction.

Comment: This matter is discussed below in the assessment section.

Issue 11: Use as Seniors Housing

Seniors Housing – concerns that the development will not only be occupied by “Over 55’s”, and how this can be controlled.

Comment: A covenant will be placed on the title of the site in accordance with the Seniors SEPP to ensure that the residents using the site are consistent with the requirements of the Seniors SEPP.

Issue 12: Evacuation of the site during a fire from the upper levels

Comment: There are relevant Building Code of Australia standards applicable to fire safety for buildings. Any development must comply with the BCA.

Issue 13: Infrastructure Capacity

Council should ensure that the area is adequately supporting by concurrent growth or provision on infrastructure due to the growth occurring in this part of Sutherland/ Kirrawee.

Comment: The site is located close to the Sutherland Centre which is well serviced by public transport and has good access to civic services and health and recreation facilities.

Issue 14: Downstream Flooding

A resident has raised concerns that this development may exacerbate “flooding” in the area downstream of the site that may impact 22 Gilmore Avenue.

Comment: Council’s Assessment Engineer has assessed the stormwater management design for the site and possible impacts upon neighbouring properties, including 22 Gilmore Avenue. The Engineer formed the view that the post development peak discharge will most likely be reduced when compared to the pre-development discharge. A recommend condition of consent will require the development to have appropriate stormwater and retention and detention measures in place,

Issue 15: Construction impacts

Impacts of construction traffic, parking and noise.

Comment: Appropriate conditions of consent will be imposed including hours of construction, and measures to minimise dust and control traffic movement.

Issue 16: Facility will not comply with its policies on disease and hygiene.

Concerns that there will be increases in the spread of communicable diseases as the operator does not adhere to its own policies regarding hygiene and waste storage and removal.

Comment: The proposed independent facility is not a 'nursing home' where medical/ healthcare is provided to residents within their home/ unit. Council will impose conditions regarding hygienic operations in relation to ground floor uses such as the hair salon, café, pool and wellbeing centre.

Issue 17: Wildlife on site

A number of cats to live on the subject site, concerns for their safety during construction.

Comment: This is not a matter for planning consideration. Ordinary requirements for the protection of native species under relevant legislation will apply to the construction phase and ongoing operation of the development.

6.0 STATUTORY CONSIDERATIONS

The subject land is located within *Zone R4 High Density Residential* pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being a Seniors Housing development, is permissible within the zone with development consent.

The following Environmental Planning Instruments (EPI's), Development Control Plans (DCP's), Codes or Policies are relevant to this application:

- *Sutherland Shire Local Environmental Plan 2015*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- *State Environmental Planning Policy 55 – Remediation of Land*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development*
- *Sutherland Shire Development Control Plan 2015*
- *NSW Planning & Environment – Apartment Design Guide*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment*

The applicant seeks consent pursuant to the provisions of the State Environment Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP). However based on an assessment of the proposal (see Section 7 below) the proposal does not satisfy Clause 15 of the Seniors SEPP as the development is not carried out in accordance with the policy. In particular, the design significantly exceeds the development standards identified in Clause 50 of the Seniors SEPP (height, density and landscaped area, among others) .

Nonetheless, as the development is permissible within the zone the proposal will be assessed pursuant to the development controls within the SSLEP 2015 and the SSDCP 2015. However as *Self Contained Dwelling* housing for Seniors is proposed as defined in the Seniors SEPP, standards within the SEPP are used as a guideline where Council's controls are silent and a covenant will be placed on title to restrict the use of the development in accordance with Clause 18 of the Seniors SEPP.

7.0 COMPLIANCE

The statement of compliance below contains a summary of applicable development standards and controls and a compliance checklist relative to these:

7.1 Local Controls – SSLEP 2015 and SSDCP 2015

The table below details the main standards / controls within SSLEP2015 & SSDCP2015 relevant to this application.

Sutherland Shire Local Environmental Plan 2015			
Clause	Standard	Proposed	Complies
4.3	Height of Buildings - 20m	Building A (Highway corner) = 26.02m (to lift overrun) Building B= 22.65m (to lift overrun)	No Building A= +6.02m Building B= +2.65m (up to 30.1%) See discussion below
4.4	Floor Space Ratio Max – 1.5:1 1.8:1 - <i>Bonus</i> 0.3:1 for Area 12	Pre-subdivision=1.27:1 Post subdivision=FSR 2.2:1	Yes No – Variation <u>23.6%</u> See discussion below
6.14	Landscaped Area (deep soil) 30%	Pre-subdivision=34% Post subdivision=32%	Yes

Sutherland Shire Development Control Plan 2015			
Clause	Standard	Proposed	Complies
Chapter 5 – R4 Residential Flat Buildings			
1.2.1	Minimum frontage width 26m	Proposed Development Site (based on proposed subdivision) Old Princes Highway= 47.25m wide Acacia Road= 104.24m	Yes
1.2.5	1m landscaped setback to driveway to basement	Yes	Yes
2.2.1	Street Setback - 7.5m (permitted to encroach 1.5m for 1/3 of façade)	7.5m (articulation zone)	
2.2.4	3m landscape strip along frontage where courtyards located in setback	N/A	N/A
3.2.4	Basement setback – 3m	2.5m min from the Acacia Road frontage 9.3m from the Old Princes Highway boundary	No (but acceptable) Yes
4.2.11 and 4.2.12	Communal open space 100m ² where FSR is less than 2:1 and with a minimum dimension of 3m or 25% of the site where the FSR of >2:1	Min 100m ² or 35%	Yes
6.2.2	70% units to receive 2 hours sunlight between 9am – 3pm mid winter	71%	Yes
6.2.5	Sunlight to 10m ² of usable POS of adjoining dwellings must not be reduced to less than 2 hours between 9am – 3pm mid winter	No impact	Yes

10.2.1	Parking 1 space per 1 bed (5 spaces) 1.5 spaces per 2 bed (100.5 spaces) 2 spaces per 3 bed (16 spaces) TOTAL= 122 spaces	88	No – 28.6% variation - see discussion below
	Visitor Park 1space per 4 units 20 spaces required	Nil	No – see discussion below
10.2.6	Car wash bay 1 for 10 units 1 per 20 where > 30 units (4 Required)	None Proposed	No - 4 carwash bays to be provided via condition of consent
10.2.8	Minimum crossing / driveway width is 4m for separate with 3m separation	Yes	Yes
11.2.8	On site MRV waste collection required units exceeding 50.	Yes in Basement level 1	Yes
Chapter 36 – Roads, Access, Traffic, Parking and Bicycles			
1.2.1	Business Premises (Hair salon) in a business zone. 1 space per 30m ² GFA (Hair salon 29m ² = nil car parking requirement)	N/A	N/A
1.2.1	Retail (café) in a business zone. 1 space per 30m ² GFA (Café 131m ² = 4 spaces)	Nil	N/A café for use by residents and visitor only
1.2.1	Medical Centre (health and well being centre) in a business zone 1 space per 30m ² GFA (Proposed GFA 353m ² = 12 spaces)	5	No – See discussion below
1.2.7	Motorcycle Parking 1 space per 25 car spaces.	None shown on plan	No – Scooter Charging Spaces provided in basement.
2.2.1	Dimensions in accordance with AS2890.1 and AS2890.6	No	See Discussion Below

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

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004			
Objective	Design Criteria	Proposal	Complies
Part 2. 26(2)(b) Location and Access to Facilities 26(2)(b)(i) 26(2)(b)(ii)	400m This transport will take residents	Approximately 165m to the nearest bus stop at the corner of Clio St and Acacia Road, Sutherland (969 Bus route to Sutherland, and Cronulla via Miranda)	Yes

	to within 400m of services and facilities	Yes	Yes
“Cannot refuse standards” Clause 50			
Cl.50(a) Building Height	8m	>8m (Building A= 23.02m Buildings B= 22.65 Height to lift overrun)	Reason for refusal NOTE: Does not comply with the SSLEP2015.
Cl. 50(b) Building Density	0.5:1	Pre-subdivision= 1.3:1 Post-subdivision= 2.2:1	Reason for refusal
Cl. 50(c) Landscaped Area	30% landscaped	Pre-subdivision= 48% Post-subdivision= 42%	Yes Yes
Cl 50(d) Deep Soil	Not less than 15%	Pre-subdivision=35% Post-subdivision= 34%	Yes Yes
Cl. 50(e) Solar Access	Minimum of 70% of living areas and private open space to receive a minimum of 3hrs sunlight between 9am and 3pm in mid-winter.	Min 70%	Yes
CL 50(f) Private open space	There is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,	Min 10m ²	Yes
CL 50(h)	0.5 car spaces for each bedroom (163 bedrooms total) min 82 residential spaces	88 Residential spaces and 5 Wellbeing centre spaces	Yes
“Part 1 of Schedule 3 Standards Concerning Accessibility and useability for hostels and self – contained dwellings			
General (1)-(21)	Accessibility, Facilities and Fixtures standards	Able to comply	Recommend appropriate conditions of consent
(5) Private Car accommodation	(a) 95% of spaces to comply - Car parking to comply with parking for persons with a disability set out in AS2890 (b) 5% of the total number of car parking spaces must be designed to enable the width of spaced to be increased to 3.8metres (3) any garage to have a power operated door, or be able to be fitted with one.	No Design to be modified Yes	See discussion below See discussion below Yes

Clause 33 Neighbourhood Amenity and streetscape

The height of both buildings exceeds the permitted 20m height control as per the SSLEP 2015, see discussion below in “Assessment”. Whilst Building A exceeds the height limit set by the SSLEP 2015, it is considered that the additional bulk at the corner is an acceptable architectural treatment as it is adjacent to the highway and removed from the majority of the low-density residential land to the north. Impacts such as overshadowing, dominance and privacy are reduced by the siting and orientation of Building A at the southern corner of the site.

Building A proposes an appropriate response to its context and setting in relation to the highway. The scale of Building A is consistent and relates to development across the highway to the south, which is set in a similar context to this portion of the subject site. The buildings to the south across the highway include a Seniors Living (previous iteration of the SEPP) development on the south eastern corner of the Princes Highway and a 'big box' Car Showroom on the south western corner. These existing developments provide a gateway-type entrance to the part of the Sutherland Shire, the proposed Building A will continue this scale in its proposed location.

The proposed northern building B is at the interface of a Council reserve and existing residential flat buildings of 3 storeys in height. To the east and west of it are low rise buildings, being the houses across Acacia road and the existing Bupa RACF. It is considered that in order for this proposal to address the streetscape and rationally transition to adjacent development including the public open space in accordance with the SEPP 'neighbourhood' Clause, that Building B be reduced to 6 storeys in height (down from 7 storeys as proposed). This is recommended via a condition of consent.

This design change will reduce the bulk and scale of the northern building, and will provide an improved response to the landform, where the site slopes down towards the north. The interface between the new buildings and the development in the lower density zones surrounding it will be improved, whilst only resulting in a small reduction in yield to the developer. It is noted that both proposed towers are over the height limit as proposed and, whilst Council will support the two storeys variation on the highway side, the variation at the sensitive residential interface does not have a strong planning justification and cannot be supported.

Subject to the above, the development is consistent with Clause 33.

Clause 34 Visual and acoustic privacy

A number of balconies that face onto bedroom windows and other balconies between Building A and B require privacy treatment given their reduced separation and direct offset. A condition of consent is recommended which requires privacy screens to north-facing balconies on Building A.

The balustrading on the eastern façade of both Building A and B is made up of solid masonry and glazing. In order to improve the privacy of future occupants of the proposed development, as well as to mitigate impacts upon the lower density dwellings to the east, a condition of consent is recommended which requires the eastern facing balustrades on both buildings be of solid masonry or opaque glass.

Clause 34 also requires the development 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*. It is recommended that a condition of consent require compliance with these standards.

Subject to the above, the proposal is satisfactory relating to this Clause.

Clause 35 Solar Access and design for climate

The proposal complies with the solar access requirements of the Apartment Design Guide (see assessment below). In addition to this the proposal complies with the solar access requirements of Council's 2015 DCP. The dwellings are appropriately sited with 74% of the dwellings receiving a minimum of 3 hours direct sunlight between 9am and 3pm mid-winter.

In addition, 86% of the apartments are natural ventilated.

The application has also submitted a BASIX certificate which sets requirements for achieving energy and water uses mitigation/ minimisation measures upon this development.

Clause 37 Crime Prevention

The proposed development provides for adequate surveillance of the street, and to internal common open space. The development also provides for adequate surveillance over the adjacent Council reserve to the north.

There is a shared secure entry central to the proposed residential buildings A and B.

The proposal was referred to the NSW Police who have under taken an assessment of the proposal and provided recommendations; their recommendations are to be imposed as conditions of consent.

Clause 38 Accessibility

The application has a clearly identifiable entry via a pedestrian path and driveway to a *port cochere* and residential entry foyer of Acacia Road.

There are safe pedestrian links to public transport, and to the Sutherland Centre. The applicant will be providing paved footpaths along the frontage of the development.

Access to parking for residents will be via a driveway to the basement, this includes parking for users of the health and wellbeing centre. There is on-street parking along Acacia Road.

Statutory accessibility standards have been largely demonstrated on the submitted plans and are to be imposed as a requirement as a standard condition of consent.

7.3 State Environmental Planning Policy (Infrastructure) 2007

The proposed *Health and Wellbeing Centre*– for use by residents and the public – is a permissible land use under the SEPP (Infrastructure) 2007. An assessment has been undertaken below:

SEPP (Infrastructure) 2007			
Clause	Standard	Proposed	Complies
Part 3 - Division 10C1 57 – Development permitted with consent	Development for the purpose of health services facilities may be carried out by any person with consent on land in a prescribed zone.	R4 Zone	Yes – ‘wellbeing centre’

The following provisions of State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007) apply to the development.

Clause 101 - Development with frontage to classified road

The development site has a direct frontage to an arterial road, being Princes Highway. The development will have direct vehicular access from Acacia Road. The Roads and Maritime Service is proposing to widen the Princes Highway adjacent to the site as part of its planned upgrades to the highway.

The proposed development is appropriately sited and designed to ensure no adverse amenity impacts will arise as a result of its proximity to the Princes Highway. Building A is setback approximately 7.1m its boundary with the Princes Highway, with the ground floor presenting a defensive elevation to the highway, and the residential dwellings appropriately located and designed. The applicant has submitted an acoustic report, and appropriate conditions are recommended to provide appropriate acoustic attenuation measures.

Clause 102 - Impact of road noise or vibration on non-road development

This clause requires the consideration of the impact of road noise or vibration on the proposed development. Proposed Building A fronts the Princes Highway which is an arterial road. The applicant has submitted an Acoustic Report prepared by JHA Services to demonstrate the assessment criteria against which the proposed development has been assessed. The acoustic report concludes that the building will comply with the internal noise criteria of 35 dBA and 40 dBA as per Clause 102. On this basis an acceptable acoustic environment and compliance with SEPP 2007 can be achieved.

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

State Environmental Planning Policy (Building Sustainability Index) 2004 (BASIX) aims to establish a scheme to encourage sustainable residential development across New South Wales. BASIX certificates accompany the development application addressing each building within the development. The proposal achieves the minimum performance levels / targets associated with water, energy and thermal efficiency.

7.4 **State Environmental Planning Policy No. 55 - Remediation of Land**

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) requires a consent authority to consider whether the land is contaminated and, if so, whether the land will be remediated before the land is used for the intended purpose.

A site inspection and search of Council records has revealed that the subject site is partially remediated. Council's Environmental Science Officer has undertaken a review of historic information, and supporting documents submitted with this application. The Officer has advised that the site is suitable for its proposed use, subject to recommended condition of consent regarding the preparation of a site audit statement regarding both the subject site and Council reserve.

7.5 Greater Metropolitan Regional Environmental Plan No. 2- Georges River Catchment

Greater Metropolitan Regional Environmental Plan No. 2 (GMREP2) includes a number of aims and objectives for the environment and water quality within the catchment. Appropriate stormwater management and water quality measures are proposed and there are minimal likely adverse impacts on the Georges River, catchment and tributaries. Council is of the view that with the implementation of the recommended conditions of consent the proposal would be consistent with the aims and objectives of GMREP2.

7.6 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development – Design Quality Principles (SEPP 65)

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying Apartment Design Guide (ADG) seeks to improve the design quality of residential flat development. The proposal is affected by SEPP 65. Sutherland Shire Council engages its Architectural Review Advisory Panel (ARAP) to guide the refinement of development to ensure design quality is achieved in accordance with SEPP 65. ARAP comments are included in Annexure 'B' to this report.

An assessment against the ADG is included in the table below:

Apartment Design Guide			
Objective	Design Criteria	Proposal	Complies
3D-1 (1)(2) Communal Open Space (COS)	Communal open space has a minimum area equal to 25% of the site.	Pre-subdivision= Min 4514m ² - 32%	Yes
	Post-subdivision= Min 1124m ² required	Post-subdivision= 1916m ² provided or 42%	Yes
	Developments achieve a minimum of 50% sunlight to COS for min. 2 hrs 9am-3pm mid winter	Yes	Yes
3E-1(1) Deep Soil Zones	Sites > 1500m ² = Minimum dimension 6m 7% of site area	Min 34% deep soil	Yes

2F - 3F-1(1) Building Separation & Visual Privacy	<u>Internal Separation</u> <u>Up to 4 storeys(approx 12m)</u> <i>12m between habitable rooms/balconies</i> <i>9m between habitable and non-habitable rooms</i> <i>6m between non-habitable rooms</i>	min 13.7m	Yes
	<u>Up to 25m (5-8 Storeys)</u> <i>18m between habitable rooms/balconies</i> <i>12m between habitable and non-habitable rooms</i> <i>9m between non-habitable rooms</i>	min 14m (including balcony to balcony and balcony to bedroom)	No – Condition recommends privacy screens to affected balconies.
	<u>Boundary Setbacks</u> <u>Up to 4 storeys(approx 12m)</u> <i>6m habitable rooms/balconies</i> <i>3m non-habitable rooms (+3m at zone interface)</i> <u>Up to 25m (5-8 Storeys)</u> <i>9m habitable rooms/balconies</i> <i>4.5m non-habitable rooms (+3m at zone interface)</i>	Building A: 8.3m to proposed rear western boundary 7m to southern boundary (side) <u>Building B:</u> min 7.5 to proposed western boundary (rear) Ground Level: 5.1m to the northern side boundary (to Council Reserve) Level 1-4: 3m to north boundary (to Council Reserve) <u>Building A:</u> 8.3m to western boundary (rear) 6.3m to southern boundary (side) <u>Building B:</u> min 10.3m to proposed rear western boundary 3m to north boundary (setback to public park)	Yes Yes Yes No - See discussion below No – See discussion below No – See discussion below Yes No – See discussion below
4A-1(1)(3) Solar and Daylight Access	Living rooms and private open spaces of at least 70% of apartments receive min. 2 hrs sunlight 9am-3 pm midwinter (56 units)	57 Units - 71%	Yes
	Max. 15% apartments building receive no sunlight 9am-3pm midwinter (12)	10 apartments receive no sunlight - 12.5%	Yes
4B-3(1) (2) Natural ventilation	At least 60% of apartments are naturally cross ventilated.	86% are cross ventilated	Yes

4C-1(1) Ceiling heights	Habitable rooms 2.7m	2.7m	Yes
4D-1(1)(2) Apartment Size & Layout	1br bedroom – 50m ² 2br Bedroom – 70m ² 3br Bedroom – 90m ² (+5m ² for 2 bath)	Yes	Yes
4D-2 (1)(2) Room Depth	In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Maximum 8m	Yes
4D-3(1)(2)(3)(4) Living Room Depth	Master bedrooms - min area of 10m ² other bedrooms 9m ² (excluding wardrobe space) Bedrooms to have min dimension of 3m. Living rooms or combined living/dining rooms have a min width of: <ul style="list-style-type: none"> • 3.6m for 1 bedroom • 4m for 2 and 3 bedroom 	Yes	Yes
4E-1(1)(2) Private Open Spaces / Balconies	1br = 8m ² / depth 2m 2br = 10m ² / depth 2m 3br = 12m ² / depth 2.4m	All apartments meet the minimum area and depth requirements	Yes
4F-1(1)(2) Common Circulation and Spaces	Maximum apartments of single circulation core = 8	Level 1-5 Max 7 dwellings Level 6 – Max 6	Yes
4G-1(1) Storage	1br apartment = 6m ³ 2br apartment = 8m ³ Storage 3br apartment = 10m ³ At least 50% of storage to be located within the apartments	Min 6m ³ Min 8m ³ Min 10m ³ Min 50% Storage within Apartments	Yes Yes Yes

SEPP 65 and the ADG also aim to improve development through the application of a series of 9 design principles. A brief assessment of the proposal having regard to the design quality principles of SEPP 65 is set out below:

DESIGN QUALITY PRINCIPLES	ASSESSMENT
Principle 1: Context & Neighbourhood Character	This proposal is an appropriate response to the desired future character of Sutherland. The design has responded to the context of the locality of the site on the corner of the Princes Highway through the introduction of a higher residential tower (Building A) on the corner of the site, and a lower tower (Building B) closer to a council reserve and lower scale residential development. A further condition of consent will lower the height of Building B in order to improve the relationship with the adjacent open space and lower scale residential development to the north and east.
Principle 2: Built Form & Scale	The proposed development achieves an appropriate form in terms of scale, proportions and building composition envisaged for the south eastern corner of the site adjacent to the corner of the Princes Highway and Acacia Road, being Building A. Building A incorporates articulation and materials in the composition of the

	<p>facades which serves to break up the visual scale and bulk of the development, reducing the apparent building mass.</p> <p>Building B, whilst architecturally matched to Building A, is located away from the highway and in closer vicinity to lower scale residential development and a Council reserve. Building B is 7 storeys in height. A condition of consent recommends that this building be reduced to 6 storeys in order to improve the transition to the reserve and existing residential development.</p> <p>Overall the development will provide a contemporary building, reinforce the desired future character of the area and enhance the amenity of the locality.</p>
Principle 3: Density	The unit areas and proportions are in keeping with the rules of thumb in the Apartment Design Guide, and provide a level of openness and amenity. The proposed density is distributed appropriately across the site.
Principle 4: Sustainability	The development incorporates BASIX requirements and sustainability measures into its overall design so as to enhance water and energy efficiency and to provide suitable amenity to the building's future occupants.
Principle 5: Landscape	Trees on the neighbouring properties will be protected through the provision of adequate tree protection zones. Deep soil areas within the rear communal open space and along the southern, western and western boundaries will contribute to preserving the existing landscaped character. Further planting and appropriate species selection will reinforce the existing and desired future character of the locality. In addition to the Council's reserve to the north of the site the applicant proposes to rehabilitate the Endangered Ecological Community of the Sydney Turpentine-Ironbark Forest and embellish other parts of the reserve with paths and pay equipment.
Principle 6: Amenity	The proposal adequately satisfies the provisions of the Apartment Design Guide in terms of residential amenity, including appropriate building and floor plan layout, acceptable building separation distances, visual/acoustic privacy and solar access.
Principle 7: Safety	The proposed development incorporates suitable Crime Prevention Through Environmental Design (CPTED) Principles in the design.
Principle 8: Housing Diversity & Social Interaction	The proposal provides a mix of apartment types. The Seniors Housing 'product' within the development is delivered without compromising design quality or housing standards. The facility will interact with the neighbourhood as an RFB-style development.
Principle 9: Aesthetics	An appropriate composition of building elements, proportions, textures, materials and colours within the development has been achieved.

8.0 SPECIALIST COMMENTS AND EXTERNAL REFERRALS

The application was referred to the following internal and external specialists for assessment and the following comments were received:

8.1 NSW Police Force

The NSW Police Force has been notified in accordance with Council's crime prevention Protocol. Crime prevention through environmental design recommendations have been made.

8.2 Architectural Review Advisory Panel

Council engages an independent panel for review of medium to large projects. The ARAP considered this application on 2 February 2017, and they raised a number of significant concerns associated with the development scheme including site layout / planning, non compliance with building height, architectural expression and form, public domain interface, resident amenity and viability if vegetation including heritage trees along the Old Princes Highway frontage. The applicant has been made aware of ARAP's comments and has been requested to directly address these issues and provide amendments to the development proposal. A full copy of the ARAP report is attached at Appendix "C".

8.3 Engineering

Council's development engineer has undertaken an assessment of the application and has advised that the car parking should comply with AS2890.6 (2009). The Engineer has provided suitable conditions of development consent with respect to other matters including access, drainage and waste management.

8.4 Landscape Architect

Council's Landscape Architect has undertaken an assessment of the application has provided suitable conditions of development consent regarding landscaping, tree planting and tree protection.

8.5 Architect

Council's Architect has undertaken an assessment of the application has provided comments including regarding privacy between the proposed buildings A and B. The architect has also recommended the reduction in height of Building B to provide a transition to adjoining development and reduce the bulk of this building to Acacia Road.

Privacy screens will be recommended to be erected via a condition of consent.

8.6 Environmental Scientist

Council's Environmental Scientist has reviewed historic and current documents regarding the subject site. As discussed above, regarding SEPP 55 the Officer has advised that the site is suitable for its intended use, and recommends an up-to-date site audit statement be prepared as a condition of consent.

The Officer has also reviewed the Vegetation Management Plan in conjunction with Council's Greenweb Officer, and has recommended a number of amendments to be made via a recommended condition of consent. Including that the VMP be incorporated into the Planning Agreement, planting densities, and on-going maintenance.

8.7 Traffic Engineer and Public Assets Engineer

Council's Traffic Engineer and Public Assets Engineer have undertaken an assessment of the application and have advised that the driveway is in a suitable location. Final detail design of the

footpath, driveway and other works within the road reserve are recommended subject to consent under the Roads Act, and a condition of consent is recommended to this effect.

The RMS is proposing to widen the road along the Princes Highway as part of its Gateway to the South Pinch Point Program as can be seen below in Figure 8. Councils Traffic and Public Asset Engineer have advised that any long term changes to access to and from the Highway at this intersection will be subject to the RMS.



Figure 7 Road widening as per the RMS Gateway to the South Pinch Point Program

9.0 ASSESSMENT

Following a detailed assessment of the application having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 and the provisions of relevant environmental planning instruments, development control plans, codes and policies, the following matters are considered important to this application.

9.1 Height of Buildings

The proposed development fails to comply with the development standard for height. Clause 4.3 of SSLEP 2015 stipulates a maximum height of 20m for this site.

The objectives of the height of buildings development standard set out in clause 4.3 (1) of SSLEP 2015 are as follows:

- (a) to ensure that the scale of buildings:
 - (i) is compatible with adjoining development, and
 - (ii) is consistent with the desired scale and character of the street and locality in which the buildings are located or the desired future scale and character, and

- (iii) complements any natural landscape setting of the buildings,*
- (b) to allow reasonable daylight access to all buildings and the public domain,*
- (c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion,*
- (d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserves,*
- (e) to ensure, where possible, that the height of non-residential buildings in residential zones is compatible with the scale of residential buildings in those zones,*
- (f) to achieve transitions in building scale from higher intensity employment and retail centres to surrounding residential areas.*

In response to Council's preliminary assessment and advice to delete two dwellings from level 7 of Building B in order to address bulk and scale, the applicant removed the two dwellings from Building B and added them to Building A. This was achieved by increasing Building A from 7 storeys to 8 storeys in height, keeping the overall dwelling yield at 80.

The applicant submitted amended plans and documents supporting their proposed amendments.

As such, the bulk and scale of the overall development has not significantly reduced due to the addition of an eighth floor to Building A.

Council considers that the bulk at the Princes highway is acceptable, but considers that Building B with a closer relationship to surrounding development needs to be reduced in height to further address the bulk issue arising from the amendment. A recommended condition of consent proposes to reduce the height of Building B to 6 storeys in height, this is discussed further below.

The two residential towers are a greater height than the permissible 20m as per the SSLEP 2015, and the development overall is inconsistent with the desired future character of the area. However with a reduction in height of Building B the proposal provides a transition to the Council reserve to the northern and existing lower scale residential development to the north and east.

When assessing the general scale of buildings in the vicinity of the site and Sutherland centre, it is considered that the bulk of Building A (the southern tower) in the corner of the site adjacent to the Princes Highway is appropriate when viewed in the context of the surrounding area. The applicant has provided block modelling for the site and the surrounding area including the Sutherland Centre, and Kirrawee Brick Pit development. The block modelling is identified below in Figure 8 and is based on the SSLEP 2015.

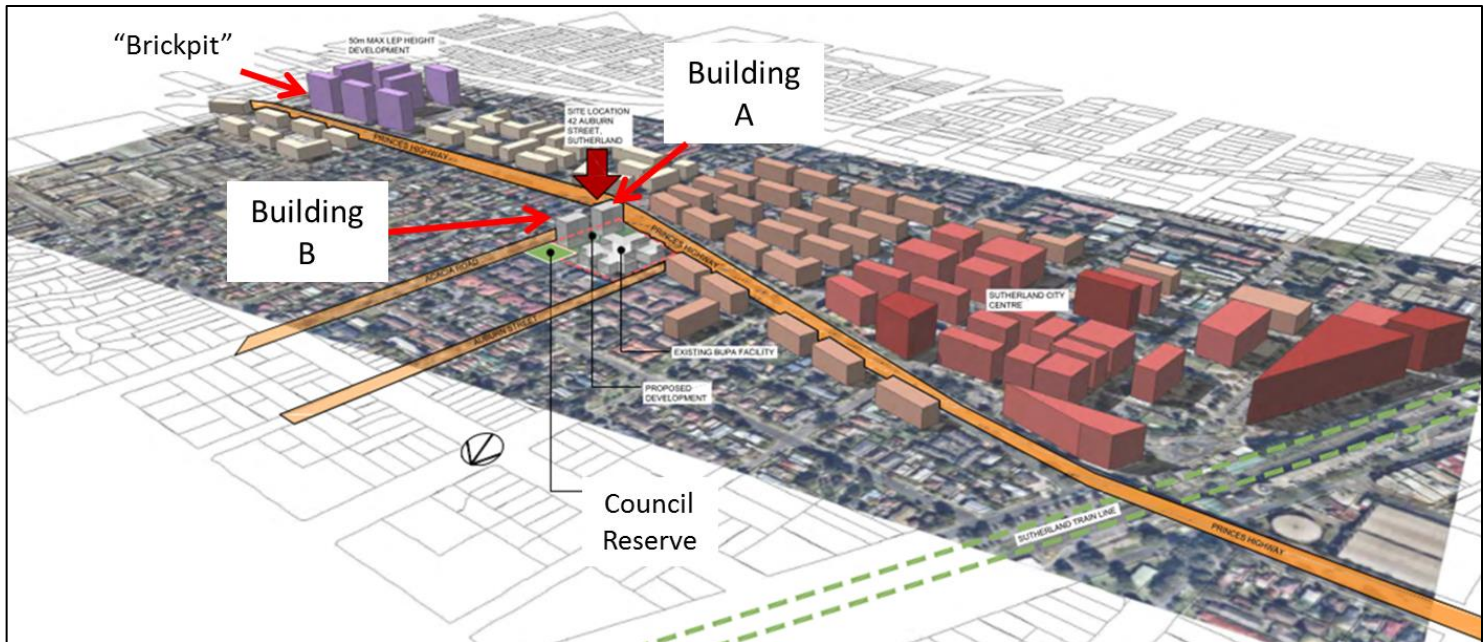


Figure 8 Block modelling of the site and parts of Sutherland.

As indicated above Building A provides a scale that relates to adjacent development across the highway and to the west of the site. The shadows from Building A would fall essentially onto the highway roadway, and other bulk and dominance impacts would be concentrated towards the south, which is largely occupied by an eight lane roadway and commercial buildings. Building B however adjacent the reserve should have a more sympathetic bulk and scale to adjacent development and should provide a transition in accordance with the SSLEP 2015 height and zoning objectives.

Based on this it is considered that Building B should have an improved relationship with the scale of the surrounding development whilst still satisfying the desired future character of this area. In this case it is recommended that Building B be reduced in height to be no greater than 6 storeys (ie. complying) in height. A design change condition is recommended to this effect.

The proposed development is located within zone R4 High Density Residential. The objectives of this zone are as follows:

Zone R4 High Density Residential

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the supply of housing that meets the needs of the Sutherland Shire's population, particularly housing for older people and people with a disability.*
- *To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features.*
- *To minimise the fragmentation of land that would prevent the achievement of high density*

residential development.

The development does provide a variety of housing types within a high density environment resulting in a mix of 1 to 3 bedroom dwellings within two residential towers. This development is to provide housing for Seniors. In addition, the development provides facilities and services that meets the needs of residents including a health and wellbeing centre for both residents and the wider community close to the Sutherland centre as well as services such as a hair dressing salon and café for senior citizens.

The applicant has lodged a written request in accordance with the requirements of clause 4.6 of SSLEP 2015. A full copy of this request is on the file and the most relevant section is reproduced below:

“The proposal specifically addresses all the objectives of the R4 zone, as in as much as: -

- The buildings provide high density housing;*
- The proposal provides for a mix of unit types suitable for use by seniors;*
- A variety of ancillary facilities and services are provided within the development to that will meet the day to day needs of residents;*
- The proposed accommodation and services are purpose built for older people and people with a disability;*
- The proposal retains and enhances adjoining landscape features (the trees on its perimeter and the park to the north) and provides a high standard of urban design; and*
- The proposal seeks to consolidate the services already provided on the site by BUPA with additional facilities and self-contained accommodation”.*

“The streetscape along Old Princes Highway is characterised by the row of heritage listed trees which provide a visual screen to development on the site. The site is located at a transitional point between the lower density residential dwellings to the east and north and the higher density residential buildings along Auburn Street and to the west. This transition point is reflected in Council's current planning controls introducing higher residential densities around the Sutherland commercial centre.”

“The site is located on a prominent corner of the Old Princes Highway and opposite the main road (Acacia Road south) to Wollongong and beyond. The site is also located in the Sutherland commercial centre precinct and can be considered a gateway site and a point of arrival to Sutherland with the character of the Princes Highway changing at this point with the main traffic flow turning to the south.”

“The proposed development makes efficient use of an underutilised site being land specifically prepared and serviced for redevelopment and in this regard is consistent with the objects of the EP&A Act 1979 to promote the orderly and economic use and development of land. The development provides a much needed seniors housing in the area.”

Based on an assessment of the proposal and Clause 4.6 variation, the applicant's written submission demonstrates that compliance with the height development standard is unreasonable or unnecessary in the circumstances of the case of Building A, but not in the case of Building B. It also demonstrates sufficient environmental planning grounds to justify varying this development standard in relation to Building A. The urban design arguments reflecting the transitional, gateway nature of the site and its current underutilisation carry weight in respect of Building A's height variation. However, in respect of Building B it is the very aspect of a transition between zones, land uses and building densities that fails to sustain a reasonable argument to breach the height limit for Building B.

Subject to the lowering of height of Building B to a compliant 6 storeys, the proposed development is in the public interest as the proposal satisfies the objectives for both building height and the R4 zone.

The proposed variation does not raise any matters of State or regional environmental planning significance. In addition there is no public benefit to maintain the height development standard in the circumstances of this case for Building A.

There is a public benefit to maintain the height development standard of Building B (northern tower) in the circumstances of this case. Building B will be required to be reduced to 6 storeys in height in order to provide for a transition in bulk and scale down to the adjacent reserve to the north, and across the road to the existing residential development to the east.

In conclusion:

- the variation to the height development standard satisfies all relevant parts of clause 4.6 regarding Building A and therefore the variation can be supported for this Building A.
- the variation to the height development standard for Building B fails to satisfy all relevant parts of clause 4.6 and therefore the variation cannot be supported.

9.2 Urban Design, Massing and Floor Space Ratio

The development proposes a FSR of 1.27:1 which complies with the SSLEP 2015 control of 1.5:1, based on the existing site area, which includes the residential aged care facility on the western portion of the site. As the application is proposing subdivision, the proposed eastern lot containing this development would measure approximately of 4497m² (see Figure 1 above), resulting in an FSR of 2.2:1. Concern has been raised that the proposal represents an overdevelopment of the 'development portion' of the site.

Of course, the FSR control applies across the consolidated site and the applicant should not be deprived of their reasonable expectation to develop the land up to its potential. By the same token, the development subject to this proposal is massed up against a zone boundary with the R2 low density zone and over the height limit – circumstances where the FSR is likely to be curtailed.

The objectives of the floor space ratio development standard set out in clause 4.4(1) of SSLEP 2015 are as follows:

- (a) *to ensure that development is in keeping with the characteristics of the site and the local area,*
- (b) *to ensure that the bulk and scale of new buildings is compatible with the context of the locality,*
- (c) *to control development density and intensity of land use, taking into account:*
 - (i) *the environmental constraints and values of the site, and*
 - (ii) *the amenity of adjoining land and the public domain, and*

- (iii) *the availability of infrastructure to service the site, and*
- (iv) *the capacity of the road network to accommodate the vehicular and pedestrian traffic the development will generate, and*
- (v) *the desirability of retaining the scenic, visual, and landscape qualities of the area.*

Following the discussion above regarding height, including the recommendation to reduce the height of Building B to 6 storeys, it is considered that the development is acceptable in this case relating to Floor Space Ratio, which is a control above all else of building bulk. The massing of the two towers is acceptable as Building A articulates the street corner and concentrates impacts on the highway; whilst Building B with a reduced height is preferred as a transition to the lower density lands to the north and east. The development satisfies the objectives of Clause 4.4 of the SSLEP 2015, in particular as the development takes into account the environmental constraints of the site and the amenity of the public domain, in particular through the provision of adequate landscaping, including the rehabilitation of the EEC and the embellishment of the reserve, as a public benefit resulting from this application.

The development has been assessed as being acceptable in relation to the road network, including the proximity of the site to the Princes Highway. A foot path will be provided along the front of the site and the reserve to facilitate pedestrian movement.

Clauses 6.16 and 6.17 of SSLEP 2015 contain certain matters of consideration relating to urban design. The relevant matters have been considered as a part of the above consideration of the application and the proposal is considered to be acceptable.

The proposed development promotes a high standard of urban design; it also provides a variety of housing types, including housing for seniors and persons with a disability. The proposal is consistent with the objectives of the zone. The recommended reduction in building height to Building B will result in a small reduction in FSR which will bring the built form into greater sympathy with the lower density development in the adjacent zone.

9.3 Setbacks

The side setback of Building B to the northern boundary with the Council reserve is non-compliant with the ADG controls for all but the ground level of this 7 storey building. Building B provides surveillance over the reserve and the setback from the boundary is acceptable in this instance, with the northern façade being well articulated on its northern façade.

It should be noted that the building elevation steps in-and-out along this edge. When coupled with the articulation, surveillance and the reduction in height of Building B (as discussed above) the non-compliance with setback is acceptable in this case.

9.4 Parking

Parking is proposed across two basement levels, with a total of 88 spaces are allocated for residents and 5 spaces for users of the Health and Wellbeing Centre.

The application does not provide sufficient parking numbers as per the SSDCP 2015 as discussed above in the *Compliance* section, however the subject site is close to bus services connecting to Sutherland, Miranda and Cronulla, and is within easy walking distance of the Sutherland Centre which contains substantial civic and health services and dining and recreation facilities.

It is considered that whilst the application provides a sufficient number of parking spaces in accordance with the Seniors SEPP, these parking space dimensions do not accord with the current dimension standards within AS2890.6 and with the parking dimension requirements of Schedule 3 Part 1 Seniors SEPP for 95% of the parking. Council requested clarification from the applicant regarding compliance of the development with Schedule 3 Part 1 Seniors SEPP which specifies “*car parking spaces must comply with the requirements for parking for persons with a disability set out in AS2890*”.

The applicant responded with supplementary information advising that the proposal complies with the Australian Standard current at the time Seniors SEPP was made in 2004; being AS2890.1 (1993) as the appropriate parking code for “*parking for persons with a disability*”.

Council’s Engineer has advised that the appropriate current Standard specifically relating to “*parking for persons with a disability*” is AS2890.6:2009.

Given that the proposal is assessed as being made under Council’s LEP rather than under the SEPP, this requirement to provide 95% of parking in accordance with AS2890.6:2009 is not taken to strictly apply and is very demanding in any case.

However, given that older residents will occupy the building and will age-in-place (and many will suffer mobility impairment), it is considered appropriate to push for as many disabled-standard spaces on site as possible. A condition of consent is recommended that at least 25% of the parking spaces comply with AS2890.6 (2009) – Off Street Parking for People with a Disability.

The applicant proposes to provide parking on the street along Acacia Road; this however cannot be solely relied upon, or set aside for exclusive use by the proposed development.

Whilst the parking rates for commercial development do not apply to an R4 zone, as the centre is permitted by the Infrastructure SEPP, “Medical Centre” parking rates from the SSDCP have been applied in the absence of any other parking rates within the Infrastructure SEPP or Seniors SEPP. The rates have been applied as a guide to the health and wellbeing centre, as this facility will be open to the public, as well as residents. Based upon an assessment of the parking rates in the SSDCP for the

health and wellbeing centre will generate the need for 12 spaces, 5 spaces are proposed in the basement. A condition of consent will also recommend that an additional 7 parking spaces be provided in the basement to accommodate parking for the wellness centre.

There are no requirements in the Seniors SEPP for visitor or staff parking. However, as the site is not a care facility as such but a cluster of apartment-style independent living units, staff numbers are likely to be minimal.

9.5 Traffic and Pedestrian Safety

As discussed above the number of parking spaces is compliant with the Seniors SEPP, however the dimensions of the spaces are not in accordance with the Seniors SEPP or the current AS2890.6. Additional parking will be required to be provided in the basement via a recommended condition of consent for the health and wellbeing centre, with an additional 7 spaces required.

Council's traffic engineer has reviewed the proposal in terms of traffic, and requested that the driveway be reconfigured to address safety in the vicinity of the Gilmore Avenue intersection. The changes to the driveway are noted on the plans and are considered acceptable.

The preparation of a construction management plan is recommended via a condition of consent, addressing a number of site management matters including traffic and vehicular movement during the construction phase.

The proposal will involve the construction of a pedestrian footpath along the frontage of the site, improving pedestrian access and safety in the vicinity of the site.

The works at the intersection of the Princes Highway and Acacia Road are part of the RMS *Gateway to the South Pinch Point Program* as discussed above. Any changes to this intersection, including restricting the movement of traffic to/ from Princes Highway into Acacia road will be dependent on the RMS.

9.6 Delivery of the proposed reserve/ use of park

The land transfer will be required to occur as Phase 1 of the development, prior to the issue of a Construction Certificate. A recommended condition of consent specifies the delivery of the park, time of delivery and that the delivery of the reserve, including embellishment, is to occur in accordance with the Planning Agreement. This will enable the regularisation of the reserve allotment, and the embellishment of the reserve.

In order to ensure that the reserve is embellished Council and the applicant will enter into a Planning Agreement for the delivery and embellishment, this agreement will also include a bond to secure the works should the applicant fail to deliver all or part of the reserve.

The reserve will be required to be delivered prior to the issue of any occupation certificate for Phase 2 of the development as the embellishment of the reserve did not occur historically (as discussed above). This is recommended as a condition of consent. The park is a public reserve. There will be low fencing to the Acacia Road frontage to prevent vehicular entry. There will also be regulatory and information signage erected in the reserve.

9.7 Additional/ Ancillary Uses

These uses are ancillary to the Seniors Housing development. The café and hair dressing salon will be for use by residents only and visitors of residents. Given that standalone cafes or retail premises are not permissible in the zone, they will not be opened to the public, and a condition of consent is recommended to restrict use of these facilities. Hours of operation are also recommended as a condition of consent, including for the outdoor seating associated with the café.

There are also additional conditions of consent recommending the maximum number of indoor and outdoor seating for the café.

A condition of consent also recommends hours of operation for the Health and Wellbeing Centre in order to minimise impacts upon the neighbourhood.

9.8 Infrastructure capacity to support growth in Sutherland/ Kirrawee.

Under the Sutherland Shire LEP 2015 the site is in the R4 High Density Residential zone where seniors housing and residential flat buildings are permissible. The site is within an area of the Sutherland Shire which has been granted a priority uplift in zoning, including changes to permissible development types, including those types of development that result in increased residential density such seniors housing and residential flat building. The proposed development is in keeping with the desired future character of its immediate surrounds.

The site is within close proximity to the Sutherland Centre which has good public transport links and access to civic services and recreation and health facilities.

9.9 Earthworks

The proposal includes earthworks and clause 6.2 of SSLEP 2015 requires certain matters to be considered in deciding whether to grant consent. These matters include impacts on drainage; future development; quality and source of fill; effect on adjoining properties; destination of excavated material; likely disturbance of relics; impacts on waterways; catchments and sensitive areas and measures to mitigate impacts. The relevant matters have been considered and the application is acceptable.

9.10 Stormwater Management

Clause 6.4 requires Council to be satisfied of certain matters in relation to stormwater management prior to development consent being granted. These matters include maximising permeable surfaces; on-site stormwater retention minimising the impacts on stormwater runoff. These matters have been

addressed to Council's satisfaction.

9.11 Terrestrial biodiversity

The subject land is identified as "Biodiversity" on the Terrestrial Biodiversity Map and the provisions of clause 6.5 are applicable.

Clause 6.5 requires Council's assessment to consider certain matters. Council must consider the impact of the development on flora; fauna; vegetation; biodiversity and habitat and any appropriate mitigation measures. The relevant matters have been considered as part of the assessment of this application and the proposal is acceptable in this regard.

Further, clause 6.5 requires Council to be satisfied of certain matters prior to development consent being granted. These matters include the design of the development to avoid or minimise impact; management to minimise the impact if it cannot be avoided and mitigation if the impact cannot be minimised. These matters have been addressed to Council's satisfaction.

9.12 Threatened Species

Threatened species are particular plants and animals that are at risk of extinction and include threatened populations and endangered ecological communities. Threatened species, populations and ecological communities are protected by the NSW Threatened Species Conservation Act 1995, NSW Fisheries Management Act 1994 and the commonwealth Environmental Protection and Conservation of Biodiversity Act 1999.

Council has mapped the known threatened species, populations and ecological communities. The site contains remnants of the Endangered Ecological Community (EEC) of Sydney Turpentine-Ironbark Forest. An assessment of the Vegetation Management Plan (VMP) submitted with this application has been undertaken by Council's Environmental Assessment Officer and Environmental Scientist. Further the Office of Environment and Heritage has reviewed and is satisfied with the report submitted by the applicant. Relevant conditions of consent will be imposed regarding this EEC.

9.13 Heritage

There is a stand of trees which straddle the southern boundary and Council land identified as heritage items on the SSLEP 2015. Council's Heritage Officer has advised that according to the Heritage inventory that the trees on private land are of very low Heritage Significance. The Officer advised that the impact of the proposed works upon these trees is acceptable in this instance, and that the trees should be examined as part of any landscape strategy due to their low significance from a heritage stance.

9.14 Archaeological Sensitivity

Council records indicate that the subject site is rated low in terms of Archaeological Sensitivity. A site inspection did not reveal any evidence of shell material or significant sandstone features within the

development zone. The proposal does not warrant an Archaeological Study being undertaken.

9.15 Access to the Site

Vehicular access to the site will be via a separate driveway on Acacia Road. Pedestrian access will be via Acacia Road. To the rear of the proposed development pedestrian access to the existing RACF to the west is also proposed.

9.16 Waste Management

Waste collection will occur wholly within the site from within the basement.

10.0 SECTION 94 CONTRIBUTIONS

The proposed development will introduce additional residents to the area and as such will generate Section 94 Contributions in accordance with Council's adopted Contributions Plans. These contributions include:

Open Space: \$696,413.43

Community Facilities: \$115,575.76

Land within the Sutherland Centre: \$276,771.53

These contributions are based upon the likelihood that this development will require or increase the demand for local and district facilities within the area. It has been calculated on the basis of 78 new residential units with a concession of 1 existing allotment.

11.0 DECLARATION OF AFFILIATION

Section 147 of the Environmental Planning and Assessment Act, 1979 requires the declaration of donations/gifts in excess of \$1000. In addition Council's development application form requires a general declaration of affiliation. In relation to this development application no declaration has been made.

12.0 CONCLUSION

The proposed development is for Seniors Housing at 42 Auburn Street and 99R Acacia Road Sutherland.

The subject land is located within *Zone R4 High Density Residential* pursuant to the provisions of Sutherland Shire Local Environmental Plan 2015. The proposed development, being Seniors Housing is a permissible land use within the zone with development consent.

The application was placed on public exhibition on two (2) separate occasions and in response to public exhibition, submissions were received from a total of 56 objections were received including one petition with 104 signatures. The matters raised in these submissions have been discussed in this report and include bulk and scale, character, parking and contamination.

The proposal includes a variation to height. This variation has been discussed and is acceptable for Building A only. The proposal is considered acceptable subject to the reduction in the height of Building B by one storey (to an LEP-compliant 6 storeys) in order to provide an appropriate transition to the lower density lands to the north and east.

The application has been assessed having regard to the Heads of Consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979 and the provisions of Sutherland Shire Local Environmental Plan and all relevant Council DCPs, Codes and Policies. Following detailed assessment it is considered that Development Application No. DA16/1620 may be supported for the reasons outlined in this report.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is:

Author: Mark Adamson, Manager (LP)

APPENDIX A Conditions

See Objective folder



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Office Hours
8.30am to 4.30pm
Monday to Friday

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

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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'.

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

Clause 26 of the Seniors Housing SEPP requires applicants to demonstrate that residents will have suitable access from the development to a range of necessary services and facilities. This can be achieved directly via sealed footpaths with appropriate gradients or public transport services, or by a combination of both, in accordance with set distance criteria.

In Council's experience, other major development (that has been determined by the JRPP) within the Sutherland Shire and elsewhere in Sydney has struggled to adequately satisfy these requirements. In some cases this is because the application fails to demonstrate that the criteria are met, or because inadequate provision is made on or around the site for access to the services. Although somewhat of a 'technicality' given that a substantial RACF exists on the site already, the application must be accompanied by an analysis which fully demonstrates how the proposal can achieve the relevant accessibility criteria from the SEPP.

4. Permissibility / Mix of Land Uses

The concept scheme incorporates a café, community space, hair salon, pool, prayer room, medical and well being centre and other multi-purpose spaces. The application will need to demonstrate that these are ancillary to the core use of the site as a senior's housing development, or are otherwise permissible within the zone.

5. Urban Design and Architectural Merit

The orientation of the building is appropriate in that the quantum of units which obtain solar access is increased enhancing amenity for future occupants. The architect explained the rationale behind the scheme and the ADG principles that had been incorporated into the building design. In particular, the buildings had been rotated off-axis to maximise solar access and improve internal privacy. The buildings have a strong street presence and a close connection with the park, but it must be shown that overall, this is the best result for not only the development site and the Bupa facility itself, but for the public domain surrounding it.

That is to say, oversized buildings at a reduced and continuous setback to a lower-density zone in a relatively quiet residential street are not necessarily in keeping with the Planning Principle for development at the zone interface or the new requirements within the ADG, which add increased setbacks at the boundary with lower density zones. The design incorporates a marginal setback to the Council reserve and less than the ordinary required separation between buildings under the ADG. However, it is acknowledged that there are sensitive pockets of vegetation on the site to plan around, vehicle and pedestrian access, and views into and from the existing RACF to incorporate into the design.

Viewed as a whole, the design seems to have balanced the internal needs and constraints (as well as opportunities) of the Bupa site well, but in parts this seems to be at the expense of the surrounding public domain. The park may need to be given more generous setbacks from such a large building, and a continuous wall of 9 storey buildings along Acacia Road where the site has an interface with a lower density zone has not been clearly demonstrated to be an appropriate response.

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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

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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

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- 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

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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 Pre-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

APPENDIX D Submission Summary

DA 16/1620 - SUBMISSIONS TABLE ADDRESS: 42 AUBURN STREET AND 99R ACACIA ROAD			
Address	Date Issue	Comments (To first notification period)	Re-exhibition comments
Petition (104 signatures)	27/1/17	<ul style="list-style-type: none"> Height Make Acacia Road a no through road to Princes Highway Overshadowing Pedestrian safety 	
18 Orana Street, Kirrawee	22/12/2016	<ul style="list-style-type: none"> Existing character of Kirrawee Traffic issues especially on Acacia Road Commented on need for infrastructure to be further developed around Kirrawee 	
Not provided	7/01/2017	<ul style="list-style-type: none"> Objection made with regards to the consultation period and timing of information session 	
Not provided	12/01/2017	<ul style="list-style-type: none"> Building height proposed doesn't fit in with existing character of Kirrawee Overshadowing Privacy issues Traffic issues caused by visitors during holidays FSR should be calculated on new development site (post subdivision) not whole site which includes the existing RACF. 	<ul style="list-style-type: none"> Height Out of Character Overshadowing Proposed café impacts upon residents of 95-95 Acacia Road Impact upon traffic caused by visitors during holidays Excavation impacting upon trees FSR should be calculated on new development site (post subdivision) not whole site which includes the existing RACF. Exposure of contaminants during construction/excavation.
6 Weemala Avenue	19/01/2017 7/9/17	<ul style="list-style-type: none"> Building height proposed doesn't fit in with existing character of Kirrawee Size of development Parking and traffic issues Safety issues for seniors in a multi-storey building 	Height

		<ul style="list-style-type: none"> • Possible site contamination from former use as a tile factory • Comment made that parking seems inadequate and recommends another level of basement parking 	
Not provided	23/01/2017	<ul style="list-style-type: none"> • Parking 	
22 Gilmore Avenue, Kirrawee	25/01/2016 (Same submissionx3 - 9/9/17 and 10/9/17, 13/9/17)	<ul style="list-style-type: none"> • Parking • Safety for pedestrians • Infrastructure • Building height proposed doesn't fit in with existing character of Kirrawee • Overshadowing • Loss of trees • Request made to redesign building to fit in with existing building heights 	<ul style="list-style-type: none"> • Inadequate parking, additional parking to be provided in a third basement level/impact upon on street parking • Excessive Height • Excessive FSR • Out of character • Overshadowing • Tree loss • No foot paths of Gilmore Avenue, pedestrians walk on the road. • Flooding
Not provided	31/01/2016 12/9/17	<ul style="list-style-type: none"> • Parking issues • Traffic issues • Safety poised by large gum tree • Extend angle parking to the corner of Acacia Road North and Waratah Street • Remove access to Acacia Road North from Old Princes Highway • Recommends the removal angled gum on the nature strip in front of 95-97 Acacia Road North 	<ul style="list-style-type: none"> • Insufficient parking • Including residential and staff • Traffic safety at the intersection of Acacia Road and the Princes highway due to increased number of cars using this intersection • Recommends the removal angled gum on the nature strip in front of 95-97 Acacia Road North
106 Acacia Road Kirrawee	27/01/2017 13/9/17	<ul style="list-style-type: none"> • Parking • Traffic congestion at the intersection of Acacia Rd and Princes Highway • Building height • The reserve adjacent to BUPA development • Environmental concerns on the site due to previous demolition of a building that was used to fill in the site, that there is asbestos contamination that will pose a risk to residents 	<ul style="list-style-type: none"> • Insufficient resident parking • No visitor/staff parking • Impact upon on-street parking • Development requires an addition of 3rd level of basement parking • Building height/LEP non-compliance • Overshadowing • Privacy • Impact upon existing lower scale streetscape • The reserve was previously not delivered as part of original DA for the existing RACF. Wants the reserve constructed and assurances that the

			<ul style="list-style-type: none"> reserve will be delivered first. Requests Acacia Road be made a dead end with no through traffic to/from Princes Highway Asbestos exposure during construction
102 Acacia Road, Kirrawee	27/01/2017 20/9/17	<ul style="list-style-type: none"> Building height Traffic Noise pollution Delivery of the reserve Impacts upon existing infrastructure. 	<ul style="list-style-type: none"> Insufficient resident parking No visitor/staff parking Impact upon on-street parking Development requires an addition of 3rd level of basement parking Building height/LEP non-compliance Overshadowing Privacy Impact upon existing lower scale streetscape the reserve was previously not delivered as part of original DA for the existing RACF. Wants the reserve constructed and assurances that the reserve will be delivered first. Requests Acacia Road be made a dead end with no through traffic to/from Princes Highway Asbestos exposure during construction
116 Acacia Road, Kirrawee	30/01/2017 13/9/17	<ul style="list-style-type: none"> Street character issues – scale, building height of surrounding area Parking issues Overshadowing and privacy issues Tree loss 	<ul style="list-style-type: none"> Height Out of scale/ character Inadequate parking Parking for facilities open to the public (hair salon, café and wellness centre) Query regarding hours of trade for the hair salon, café and wellness Centre. Overshadowing Impact upon trees adjacent to Acacia Road and Princes Highway Amenity Impacts: Privacy and Noise
11 Rata Place Sutherland NSW 2232	30/01/2017 12/9/17	<ul style="list-style-type: none"> Street character issues – scale, building height of surrounding area Parking Site adjoining significant bush land and heritage value The development will benefit more from the proposed land swap for reserve than the greater 	<ul style="list-style-type: none"> Height Impact upon on street parking Insufficient onsite parking for resident, staff and visitors Overshadowing Out of character with surrounding residential

		community <ul style="list-style-type: none"> Height 	development <ul style="list-style-type: none"> Impact upon EEC The development will benefit more from the from proposed land swap for reserve than the greater community Over development Recommends a maximum 3 storey development with smaller building footprint and more parking be provided.
18 Gilmore Avenue, Kirrawee	30/01/2017	<ul style="list-style-type: none"> Non- compliant with relevant codes and policies Loss of amenity in respect to privacy, overshadowing Traffic and parking issues 	
	30/01/2017 12/9/17	<ul style="list-style-type: none"> Overshadowing Street character issues – scale, building height of surrounding area Traffic and parking congestion Loss of trees in an ecologically sensitive area Lack of privacy Reduction of amenity Over development of area 	<ul style="list-style-type: none"> Street character issues – scale, height of surrounding area, poor transition Loss of trees (heritage and endangered ecological communities) Previous controls on the land limited height on building Traffic and parking congestion, insufficient parking, including the on street parking proposed BUPA has not directly consulted with the residents Impact upon residential amenity including noise, overshadowing and privacy issues Cumulative impact of larger developments in the vicinity upon parking including Brick Pit and 32-34 Clio and 36-38 Clio St. Impact of construction work/ noise. Traffic. Site contamination impacts during construction The proximity of the development to the reserve seems to be privatizing the reserve for BUPA's own use. How can it be ensured that this development will be used by Seniors only?
Not provided	30/01/2017 12/9/17	<ul style="list-style-type: none"> Overshadowing Street character issues – scale, building height of surrounding area Traffic and parking congestion 	<ul style="list-style-type: none"> Street character issues – scale, height of surrounding area, poor transition Loss of trees (heritage and endangered ecological communities)

		<ul style="list-style-type: none"> • Loss of trees in an ecologically sensitive area • Lack of privacy • Reduction of amenity • Over development of area 	<ul style="list-style-type: none"> • Previous controls on the land limited height on building • Traffic and parking congestion, insufficient parking, including the on street parking proposed • BUPA has not directly consulted with the residents • Impact upon residential amenity including noise, overshadowing and privacy issues • Cumulative impact of larger developments in the vicinity upon parking including Brick Pit and 32-34 Clio and 36-38 Clio St. • Impact of construction work/ noise. Traffic. • Site contamination impacts during construction • The proximity of the development to the reserve seems to be privatising the reserve for BUPA's own use. • How can it be ensured that this development will be used by Seniors only?
17/91 Acacia Road, Sutherland	30/01/2017 12/9/17	<ul style="list-style-type: none"> • Consultation period over holiday time • Street character issues – scale, height of surrounding area, poor transition • Overshadowing and privacy issues • Loss of trees (heritage and endangered ecological communities) • Previous controls on the land limited height on building • Traffic and parking congestion 	<ul style="list-style-type: none"> • Street character issues – scale, height of surrounding area, poor transition • Loss of trees (heritage and endangered ecological communities) • Previous controls on the land limited height on building • Traffic and parking congestion, insufficient parking, including the on street parking proposed • BUPA has not directly consulted with the residents • Impact upon residential amenity including noise, overshadowing and privacy issues • Cumulative impact of larger developments in the vicinity upon parking including Brick Pit and other residential flat buildings on Clio St. • Impact of construction work/ noise. Traffic. • Site contamination impacts during construction • The proximity of the development to the reserve seems to be privatising the reserve for BUPA's own use. • How can it be ensured that this development will be

			used by Seniors only?
, 91-93 Acacia Road, Sutherland	30/01/2017	<ul style="list-style-type: none"> • Consultation period over holiday time • Street character issues – scale, height of surrounding area, poor transition • Overshadowing and privacy issues • Loss of trees (heritage and endangered ecological communities) • Height • Traffic and parking 	
Not provided	30/01/2017	<ul style="list-style-type: none"> • Parking issues • Recommends additional level of underground parking. 	
Unit 12/91-93 Acacia Road, Kirrawee	30/01/2017 13/9/17	<ul style="list-style-type: none"> • Street character issues – facing R2 low density residential area consisting of mainly single storey houses • Over shadowing and privacy loss • Traffic congestion and parking issues 	<ul style="list-style-type: none"> • Street character issues – facing R2 low density residential area consisting of mainly single storey houses • Over shadowing and privacy loss • Traffic congestion • Insufficient parking issues
21/10-19 Clio Street, Sutherland	31/01/2017	<ul style="list-style-type: none"> • Street character issues – not consistent with single storey dwellings surrounding site • Height concerns • Concern of the impact on the proposed reserve • Traffic and parking concerns 	
3/95-97 Acacia Road, Kirrawee	31/01/2017	<ul style="list-style-type: none"> • Scale • Parking • Environmental impact • Impact on street character • Environmental risk of a contaminated site • Lack of community consultation 	
108 Acacia Avenue, Kirrawee	31/01/2017	<ul style="list-style-type: none"> • Street character issues – not consistent with existing height of buildings in area • Parking issues • Traffic congestion • Recommends building height limited to 3 storeys 	
10 Gilmore Avenue, Kirrawee	31/01/2017	<ul style="list-style-type: none"> • Overshadowing • Street character issues – not consistent with existing height of buildings in area • Traffic congestion and parking issues 	

		<ul style="list-style-type: none"> • Safety concern 	
Not provided	1/02/2017	<ul style="list-style-type: none"> • Street character issues – not consistent with existing height of buildings in area • Traffic and parking issues taking into consideration that the area is within 200m of a school zone 	
43 Auburn Street, Sutherland	30/01/2017	<ul style="list-style-type: none"> • Parking issues • Traffic congestion 	
Not provided	3/02/2017	<ul style="list-style-type: none"> • Street character issues – not consistent with existing height of buildings in area • Parking issues • Reserve not delivered as part of previous development • Recommends building height limited to 3 storeys 	
41 Auburn Street, Sutherland	3/02/2017	<ul style="list-style-type: none"> • Street character issues – not consistent with existing height of buildings in area • Traffic issues • Parking issues 	
Not provided	3/02/2017	<ul style="list-style-type: none"> • Street character issues – not consistent with existing height of buildings in area • Recommends building height limited to 3 storeys • Requests to revoke R4 zoning of the land and surrounding streets 	
23 Weemala Avenue, Kirrawee	3/02/2017	<ul style="list-style-type: none"> • Street character issues – not consistent with existing height of buildings in area • Traffic and parking issues • Delivery of the reserve 	
11 Gilmore Avenue, Kirrawee	6/02/2017	<ul style="list-style-type: none"> • Overlooking and overshadowing • Increased noise pollution • Traffic and parking issues • Tree removal 	
Not provided	8/02/2017 13/9/17	<ul style="list-style-type: none"> • Parking and traffic issues • Height • Overshadowing • Environmental contamination (asbestos) from previous building onsite from the 1950's • Recommends building height limited to 3 storeys • Requests extensive asbestos testing of area prior to 	<ul style="list-style-type: none"> • Insufficient resident parking • No visitor/staff parking • Impact upon on-street parking • Development requires an addition of 3rd level of basement parking • Building height/LEP non-compliance • Overshadowing

		commencing any work	<ul style="list-style-type: none"> • Privacy • Impact upon existing lower scale streetscape • The reserve was previously not delivered as part of original DA for the existing RACF. Wants the reserve constructed and assurances that the reserve will be delivered first. • Requests Acacia Road be made a dead end with no through traffic to/from Princes Highway • Asbestos exposure during construction
16 Gilmore Avenue, Kirrawee	4/02/2017 12/9/17	<ul style="list-style-type: none"> • Parking and traffic issues • Street character issues – not consistent with existing height of buildings in area • Overshadowing • Privacy • Safety issues • Environmental contamination (asbestos) from previous building onsite from the 1950's • Recommends building height limited to 3 storeys • Requests for the reserve (from the proposed land swap) to be built by Council • Requests extensive asbestos testing of area prior to commencing any work 	<ul style="list-style-type: none"> • Street character issues – not consistent with existing height of buildings in area • Parking and traffic issues in local surrounding streets • Impact upon trees
114 Acacia Road, Kirrawee	5/02/2017	<ul style="list-style-type: none"> • Parking and traffic issues • Street character issues – not consistent with existing height of buildings in area • Overshadowing • Privacy issues • Safety issues • Environmental contamination (asbestos) from previous building onsite from the 1950's • Recommends building height limited to 3 storeys • Requests for the reserve (from the proposed land swap) to be built by Council • Requests extensive asbestos testing of area prior to commencing any work 	
13 Gilmore Avenue,	8/02/2017	<ul style="list-style-type: none"> • Parking and traffic issues 	<ul style="list-style-type: none"> • Street character issues – not consistent with existing

Kirrawee	13/9/17	<ul style="list-style-type: none"> • Street character issues – not consistent with existing height of buildings in area • Overshadowing • Privacy issues • Safety issues • Environmental contamination (asbestos) from previous building onsite from the 1950's • Recommends building height limited to 3 storeys • Delivery of the reserve • Requests extensive asbestos testing of area prior to commencing any work 	<p>height of buildings in area</p> <ul style="list-style-type: none"> • Overshadowing • Privacy • Parking and traffic issues • Add a third level of basement parking • Pedestrian Safety • Make Acacia Rd a no through road. • Ensure that the reserve is delivered • Asbestos contamination exposure during excavation
114 Acacia Road, Kirrawee	5/02/2017	<ul style="list-style-type: none"> • Parking and traffic issues • Street character issues – not consistent with existing height of buildings in area • Overshadowing • Privacy • Safety issues • Environmental contamination (asbestos) from previous building onsite from the 1950's • Recommends building height limited to 3 storeys • Requests for the reserve (from the proposed land swap) to be built by Council • Requests extensive asbestos testing of area prior to commencing any work 	
Not provided	5/02/2017	<ul style="list-style-type: none"> • Parking and traffic issues • Safety concerns • Street character issues – not consistent with existing height of buildings in area • Overshadowing • Recommends building height limited to 3 or 4 storeys 	
110 Acacia Road (North), Kirrawee	5/02/2017 13/9/17	<ul style="list-style-type: none"> • Parking and traffic issues • Street character issues – not consistent with existing height of buildings in area • Overshadowing • Privacy issues • Safety issues • Environmental contamination (asbestos) from previous 	<ul style="list-style-type: none"> • Insufficient resident parking • No visitor/staff parking • Impact upon on-street parking • Development requires an addition of 3rd level of basement parking • Building height/LEP non-compliance • Overshadowing

		<ul style="list-style-type: none"> building onsite from the 1950's • Recommends building height limited to 3 storeys • Delivery of the reserve • Requests extensive asbestos testing of area prior to commencing any work 	<ul style="list-style-type: none"> • Privacy • Impact upon existing lower scale streetscape • The reserve was previously not delivered as part of original DA for the existing RACF. Wants the reserve constructed and assurances that the reserve will be delivered first. • Requests Acacia Road be made a dead end with no through traffic to/from Princes Highway • Asbestos exposure during construction
9 Gilmore Ave, Kirrawee	29/1/17	<ul style="list-style-type: none"> • Parking and traffic issues • Street character issues – not consistent with existing height of buildings in area • Commitment to deliver the reserve • Contamination • Pedestrian safety 	
16 Weemala Ave, Kirrawee	30/1/17 5/9/17	<ul style="list-style-type: none"> • Height • Scale • Traffic • Parking • Overshadowing • Loss of privacy • Residential amenity 	<ul style="list-style-type: none"> • Traffic • Parking • Overshadowing • Height • Scale
PO Box 204 Brighton NSW 2216	13/9/17	-	<ul style="list-style-type: none"> • BUPA does not follow its own policies regarding infectious diseases management and storage of contaminated waste. Concerns that the wider community will be affected by infectious diseases due to poor facility management. • Impose Section 94 contributions to upgrade certain Council facilities. • Contamination (asbestos) • Compliance with BCA • Requests that BUPA present its business model to the Council and SSPP to examine the purchase/contractual arrangements between BUPA and any future occupant. • Existing cats living on site, concern for their wellbeing should consent be granted.

APPENDIX E - Indicative reserve Embellishment Plan

