

ITEM	12-18 Leigh Avenue and 34 Skinner Ave, Riverwood
	Demolition of existing structures and carpark and construction of a four storey 24-bed residential aged care facility under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
FILE	DA-77/2016 [2016SYE103]
ZONING	R3 Medium Density Residential
DATE OF LODGEMENT	1 March 2016
APPLICANT	Leigh Place Retirement Housing
OWNERS	Leigh Place Retirement Housing Canterbury Bankstown Council
ESTIMATED COST	\$10,317,968
CIV	\$9,379,971
AUTHOR	Development Services (Peter Wells, external consultant)

SUMMARY REPORT

This matter is reported to the Sydney South Planning Panel in accordance with the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*. The proposed development involves a Council interest (12-18 Leigh Avenue is owned by Council) and has an estimated Capital Investment Value (CIV) greater than \$5 million. Inlight of the Council interest the assessment of this application has been carried out by an external consultant.

Development Application No. DA-77/2016 proposes the demolition of existing structures and carpark and construction of a four storey 24-bed residential aged care facility under the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

DA-77/2016 has been assessed against State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy No. 55 – Remediation of Land, Canterbury Local Environmental Plan 2012 and Canterbury Development Control Plan 2012 and generally complies with the relevant provisions. The application is recommended for approval subject to the attached conditions of consent.

The development application was notified and advertised in accordance with the Canterbury Development Control Plan 2012 from 7 March to 30 March 2016. Three submissions were received raising concerns that:

1. The proposal is an overdevelopment of the site.
2. The proposal exceeds the requirements for height.
3. The setbacks of the proposal compound issues of land use conflict.
4. The development straddles land with different owners and requires to be rectified prior to the issue of Development Consent.
5. The proposed development becoming a sensitive noise receiver to the industrial use next door and the potential for future complaints.
6. Whether there will be adequate parking during the course of construction and for staff, residents and families during the life of the development.

The proposal was notified again between 19 August and 30 September 2016. There were no amendments to the proposal. Rather, this letter stated (where the previous notification letter didn't) that the application would be determined by the Sydney East Joint Regional Planning Panel (JRPP) because involves a Council interest with a CIV greater than \$5million.

Two submissions were raised to the second period of notification, raising the same issues listed above.

Ausgrid responded with general commentary about compliance with their Network Standards, Electricity Safety Rules. The proposal is not Integrated Development and there are no General Terms of Approval.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions of consent.

DA-77/2016 SECTION 79C ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The site is located at 12-18 Leigh Avenue and 34 Skinner Ave, Riverwood and includes the following titles:

- Lot 1 in DP775862 (12-18 Leigh Avenue)
- Lot 17 in DP 13607 (34 Skinner Ave).

12-18 Leigh Avenue is owned by Council and is subject to a 99-year lease to NSW Land and Housing Corporation ("LAHC"). The lease was commenced on 1 January 1989 and will expire on 31 December 2087. The existing residential aged care facility at 12-18 Leigh Avenue was constructed by LAHC who have sub-leased the property to Leigh Place Retirement Housing. On expiry of the lease ownership of the structures will revert to Council.

No. 12-18 Leigh Avenue has its primary frontage to Leigh Avenue and a secondary frontage to Skinner Avenue. No. 34 Skinner Avenue has frontage only to Skinner Avenue.

The total site area is approximately 8,799.4sqm with a combined frontage to Skinner Avenue of 24.18m. The lots, as consolidated, are irregular in shape. That part of the consolidated site that fronts Skinner Avenue is orientated north-south. The site slopes from north to south.

The existing main village is known as 'Leigh Place Retirement Housing' which currently operates as a 65-bed high care aged care facility. The 'pan-handle' part of the site (that fronts Skinner Avenue) is currently occupied by a carpark. No. 34 Skinner Avenue currently comprises a single dwelling and garage.

An easement for water supply traverses the site at the rear of 34 Skinner Avenue.

The site is located at the eastern end of the Riverwood industrial precinct and provides a transition between the industrial properties to its west (and north) and the low density residential housing and the public open space located to its east.

Industrial buildings along Skinner Avenue are typically 2-3 storeys in height and are box-like in form. Houses to the east of the existing 'Leigh Place Retirement Housing' site are single and two storey.

The site is regularly serviced by bus stops within 300m of the site which takes residents to Westfield Hurstville. Roselands Shopping Centre, which is approximately 750m walking distance away, is also serviced by a bus service (941

service) but the bus stop providing access to this shopping centre is approximately 480m walk. The site complies with the accessible requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The site locality is illustrated in the aerial photograph below.



Figure 1 | Aerial view of 12-18 Leigh Avenue and 34 Skinner Avenue; the entire site is indicated in yellow and the area of land proposed to be developed is indicated in red. Source: Google Maps



Figure 2 | Extract of the Zoning Map of the Canterbury Local Environmental Plan 2012 that shows it is zoned R3 Medium Density Residential and located between IN2 Light Industrial and RE1 Public Recreation

PROPOSED DEVELOPMENT

The Development Application proposes the following works:

- Demolish existing 15 space carpark on part 12-18 Leigh Avenue and the buildings on 34 Skinner Avenue and the removal of 10 trees.
- Construction of a four storey 24-bed residential aged care facility comprising a 12 bed Dementia specific ward (Level 1) and 12 bed Palliative care ward (Level 2), undercroft parking comprising 26 spaces plus an ambulance space and loading bay at the front of the site.
- Modification of the existing two driveways to Skinner Avenue to provide an entry to the undercroft parking and a one-way driveway as a truck loading space within the building setback.
- Provision of pedestrian linkage between the new residential aged care facility and the existing 65-bed aged care facility.
- Landscaping of the site including roof landscaping.

A perspective of the currently proposed development is provided below as Figure 3.



Figure 3 | A photomontage of the current proposal as viewed from Skinner Avenue (JSA Studio Architects)

SECTION 79C ASSESSMENT

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 79C(1)(a)(i)]

State Environmental Planning Policy (State and Regional Development) 2011

Part 4 (Regional Development) of the State Environmental Planning Policy (State and Regional Development) 2011 applies to this application as it is for the purposes of 'Council related development over \$5 million' as specified in Schedule 4A of the EP&A Act, 1979. Accordingly, the development application is to be determined by the Sydney South Planning Panel.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45(1)(b)(iii) of the State Environmental Planning Policy (Infrastructure) 2007 requires a development application to be referred to the electricity supply authority where the development is to be carried out within 5m of an exposed overhead electricity power line. A condition of consent that deals with Ausgrid's Technical Standards and statutory requirements is included in the recommendation to deal with this issue.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of Clause 7(1) of State Environmental Planning Policy No. 55 – Remediation of Land specifies that a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Environmental Investigation Services (EIS) has undertaken a Preliminary Phase 1 (Ref: E29038KGrpt1, dated 9 February 2016) and a Phase 2 Environmental Site Assessment (Ref: E29038KDrpt2, dated 27 June 2016).

EIS concludes that the site can be made suitable for the proposed development provided that the applicant prepares an asbestos management plan for the removal of the fill material from the site (where asbestos has been detected), undertake a Hazardous Materials Assessment for the existing buildings prior to the commencement of demolition work and that the site is inspected by an environmental scientist during earthworks. EIS further recommends that, in the event unexpected conditions are encountered during development work or between sampling locations that may pose a contamination risk, all works stop and an environmental consultant should be engaged to inspect the site and address the issue. Conditions are included in the consent that deal with these matters.

In conclusion the subject site is considered suitable for the proposed use and that the provisions of SEPP No. 55 have been satisfied.

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

Accessibility

Clause 26 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 requires the consent authority to be satisfied that residents of the proposed development have access to:

- (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and
- (b) community services and recreation facilities, and
- (c) the practice of a general medical practitioner.

Also required is that there is a public transport service available to the residents who will occupy the proposed development:

- (i) that is located at a distance of not more than 400m from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and
- (ii) that will take those residents to a place that is located at a distance of not more than 400m from the facilities and services referred to in subclause (1), and

(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),

The site is located less than 400m from a bus service that satisfies these frequency requirements.

Height

As per Clause 40(4)(a) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 the height of all buildings must be 8 metres or less. The height of the proposal is 12.46m (lift overrun) and 12.38m (main roof) and equates to departures of 55.75% and 54.75% respectively. A Clause 4.6 variation has been submitted to accompany the departures.

Storeys

As per Clause 40(4)(b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 a building that is adjacent to the boundary of the site must not be more than 2 storeys in height. The proposal is four storeys and a Clause 4.6 variation has been submitted to accompany the departure.

Clause 4.6 variation relating to height and number of storeys

The applicant's Clause 4.6 variation makes the following arguments for varying the standards for height and number of storeys:

- The site invites an appropriate degree of flexibility to the development control because to locate the additional floor space elsewhere on the site would cause greater impacts on the neighbouring industrial and residential premises, overshadowing of the communal open space of the existing main campus on the subject site and relocation of the ambulance space to a less appropriate location.
- Compliance with the 8m height standard is not necessary because there are no significant amenity impacts that arise.
- Contextually the site adjoins light industrial zoned lands where there is no height limit.
- There are sufficient environmental planning grounds to support the proposed height as the site is constrained by a water supply easement preventing the building footprint extending north and the general inappropriateness of excavating the site to lower its height based on drainage, ramp gradients and parking.
- The departures result in positive environmental planning outcomes including:
 - Replacing a smaller, uncovered car park with a larger covered car park that incorporates a covered ambulance bay (currently not provided on campus).

- Provision of a functional truck loading bay accessed from Skinner Avenue industrial precinct rather than Leigh Avenue (residential precinct).
- The existing residence on 34 Skinner Avenue offers little to no surveillance of Bennett Park but the proposal offers 24/7 surveillance which enhances the safety of park users and users of the public pathway along the eastern boundary of the Residential Aged Care Facility (RACF) site.
- Replacing a sensitive residential use in an industrial precinct with a less sensitive hospital type landuse. The proposed amalgamation of the battle-axe handle of 34 Skinner Avenue to 12-18 Leigh Avenue to achieve a single RACF development eliminates the alternative planning outcome for an R3 zone which may comprise a dual occupancy (on 34 Skinner Avenue) or multi-dwelling development (on the combined sites). The proposal results in a superior planning outcome that mitigates the potential for landuse conflicts between industrial and residential lands.
- Eliminates a current landuse conflict between a large uncovered carpark (operating 24/7) adjoining a single dwelling at 34 Skinner Avenue.
- Overall increase in landscaped area and recreational area across the combined sites for the benefit of residents or staff.
- Based on the underlying objectives of the 2-storey height control, which is to “..avoid an abrupt change in the scale of development in the streetscape” the applicant states that the surrounding sites are industrial zoned and have no height limits; there is a large industrial building to the west of the proposal which presents as a solid high wall along the full extent of the western wall of the proposal; adjoining the proposal to the north and north-east are 2-3 storeys with a high pitched roof and uphill resulting in a comparable height to that of the proposed RACF.
- The applicant states that the design achieves a high standard of architectural merit that successfully transitions the box-like higher built forms along Skinner Avenue to the green open spaces of Bennett Park. The applicant states that placing a 2 storey/8m high building on the same site would not achieve the same architectural outcome that successfully overcomes the existing abrupt scale of development between the building located on 28-32 Skinner Avenue and the park to the east.
- The applicant states that, in theory, the top level of the building could be inserted into the ‘gaps’ within the lower floors but this would defeat the underlying objects notably those which relate to achieving a

positive contribution to the streetscape, overshadowing and achieving high quality plantings.

- In streetscape character terms the proposal presents as three-storey when viewed from the street and is of comparable bulk and scale but creates more visual interest than neighbouring industrial developments to its west and south. The proposal avoids an abrupt change in scale of the development by not adopting a low scale 2-storey height.
- The applicant argues that strict compliance with the SEPP height controls is unreasonable and inappropriate due to the current environmental character of the 'finger' of land connecting the existing larger 12-18 Leigh Avenue site and Skinner Avenue. The applicant states that arguably this portion of the site should have been zoned industrial but for the historic lot shape of 12-18 Leigh Avenue, which would have otherwise attracted 1:1 FSR with no numerical controls.
- The reduced setbacks to the eastern boundary maximises solar access to the level 1 dementia resident garden and the location of the northern garden achieves sunlight during the winter solstice.
- The proposal achieves the objectives of the zone and the development standard objectives.
- The social and economic welfare of the community would not be promoted as it would thwart the construction of a much-needed 24-bed high-care RACF to complement the existing 65-bed aged care facility.
- If compliance were required it would cause the floorplate to increase and negatively impact on landscape provision and the amenity for occupants; locating this floorspace elsewhere on 12-19 Leigh Avenue would cause amenity impacts on adjoining properties; and utilising the existing site would cause the loss of use of aged care beds during the courses of construction.
- Reducing the provision of beds to reduce the size of the building would be not viable and not consistent with the Environmental Planning and Assessment Act which seeks to promote social welfare for the community. The dementia and palliative care beds cannot be located on the same floor and reducing the number of beds associated with each is not viable. The basement level cannot be excavated and the offices at the top floor are an integral component of the development.
- 34 Skinner Avenue cannot realise its medium density development potential and would at best achieve a dual occupancy to Skinner Avenue.
- The public benefit is best served by complying with the objectives of the SEPP height control rather than strictly complying with the numeric standard of the control.

Comment

The site is unique in that it presents as a 'finger' of residentially zoned land to Skinner Avenue, which is otherwise entirely zoned for industrial uses and where maximum 1:1 FSR controls apply with no height limit. This 'finger' comprises two parcels of land in different ownership. It is noted that each site in isolation is too narrow to comply numerically with minimum site width requirements for a dwelling house or dual occupancy under the Canterbury Development Control Plan 2012.

The proposal is a good planning outcome that combines both sites for a purpose with a high community benefit associated with the existing Residential Aged Care Facility (RACF) at 12-18 Leigh Avenue.

The proposal reduces the potential for landuse conflict to a suitable level because it replaces an existing sensitive residential use in an industrial precinct with a less sensitive use that incorporates attenuation measures for residents' rooms and orientates communal rooms to the adjoining reserve.

Aside from resulting in limited and acceptable impacts on the streetscape and adjoining properties the breach of the height and storey controls is appropriate in this case because the proposal provides a visually interesting bookend to Skinner Avenue that is enhanced by its scale and architectural treatment. A numerically compliant building would not have the same presence as the proposal and the departure to numerical height and storeys control is necessary to achieve this punctuation.

The proposal provides surveillance opportunities to Bennett Park that has public benefits as well as enhances the internal residential amenity for residents within the RACF.

If numerical compliance were required it would limit the promotion of social and economic welfare of the community. Numerical compliance would compromise the viability of the facility on economic grounds as there would be a loss of much needed beds for dementia patients. Numerical compliance would compromise the spatial needs of the facility, which requires that dementia and palliative care residents be sufficiently separated and live on different floors.

The applicant has sufficiently demonstrated that the development requires a breach of the height and storeys limit to be a viable option for the site.

The exceedance of these controls in the manner proposed is considered necessary in this case to achieve what is a superior design outcome and one with significant public benefit.

The Clause 4.6 variation is considered well founded in this case.

Standards that cannot be used to refuse development consent

Clause 48 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 provides standards that cannot be used to refuse development consent for residential care facilities.

Clause	Circumstance in which standard cannot be used to refuse development consent	Proposal	Complies
Clause 48(a) Building height	If all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys).	The proposal exceeds this height at 12.46m (lift overrun) and 12.38m (main roof) and is four storeys. A Clause 4.6 variation accompanies the departures and is well-founded.	Yes
Clause 48(b) Density and scale	If the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less	The proposed FSR is 0.69:1 and meets this requirement. This standard prevails over the CLEP 2012 FSR standard of 0.5:1.	Yes
Clause 48(c) Landscaped Area	If a minimum of 25 square metres of landscaped area per residential care facility bed is provided	The overall development requires 2225m ² and 2235m ² is provided (includes rooftop space at Level 3 of the proposal)	Yes
Clause 48(d) Parking for residents and visitors	if at least the following is provided: (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and	65 beds (existing) = 6.5 spaces 24 beds (new) = 2.4 spaces Subtotal = 8.9 spaces	Yes
	(ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and	25 staff (existing) = 12.5 spaces 6 staff (new) = 3 spaces Subtotal = 15.5 spaces	Yes

	(iii) 1 parking space suitable for an ambulance.	1 ambulance space provided	Yes
		Total required = 25 spaces Total provided = 27 spaces	Yes

State Environmental Planning Policy No 64—Advertising and Signage

Building identification sign means a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.

Clause 6 of this SEPP states that SEPP 64 applies to all signage:

*(a) that, under another environmental planning instrument that applies to the signage, can be displayed with or without development consent, and
(b) is visible from any public place or public reserve, except as provided by this Policy.*

Pursuant to Clause 3 of SEPP 64 the policy aims to:

(1) This Policy aims:

(a) to ensure that signage (including advertising):

(i) is compatible with the desired amenity and visual character of an area, and

(ii) provides effective communication in suitable locations, and

(iii) is of high quality design and finish, and

(b) to regulate signage (but not content) under Part 4 of the Act, and

(c) to provide time-limited consents for the display of certain advertisements, and

(d) to regulate the display of advertisements in transport corridors, and

(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

(2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

A sign is proposed to the car park entry that states “Leigh Place carpark entry”. The sign is intended to provide a clear direction for visitors arriving by car from Skinner Avenue. The applicant states that the sign is not intended to be visually dominant otherwise. An assessment of the signage is undertaken in accordance with Schedule 1 of SEPP 64 as follows:

SEP Provision	Comment
1 Character of the area - Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? - Is the proposal consistent with a particular theme for outdoor	The area of the site that is proposed to accommodate the new RACF and sign is an industrial precinct that adjoins a park. The site being zoned residential R3 is an anomaly in this industrial streetscape so that building signage is commonplace.

advertising in the area or locality?	
2 Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site adjoins a public park (Bennett Park) which abuts the western boundary of the new RACF building. The signage is not in view of adjoining residential housing.
3 Views and vistas - Does the proposal obscure or compromise important views? - Does the proposal dominate the skyline and reduce the quality of vistas? - Does the proposal respect the viewing rights of other advertisers?	The signage is minimal and will be affixed to the southern wall adjacent to the carpark entry. There will be no impact on views or vistas.
4 Streetscape, setting or landscape - Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? - Does the proposal contribute to the visual interest of the streetscape, setting or landscape? - Does the proposal reduce clutter by rationalising and simplifying existing advertising? - Does the proposal screen unsightliness? - Does the proposal protrude above buildings, structures or tree canopies in the area or locality? - Does the proposal require ongoing vegetation management?	The proposed signage is minimal given the context of the industrial streetscape location. The sign is affixed to the wall and will not protrude above the building. There will be minimal or no ongoing management required.
5 Site and building - Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? - Does the proposal respect important features of the site or building, or both? - Does the proposal show innovation and imagination in its relationship to the site or building,	The sign is compatible with the building scale and is located so as to facilitate safe/recognisable entry to the RACF carpark for visitors/staff.

or both?	
6 Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The sign is proposed to be illuminated by external lighting (directional spotlight) to assist visitors arriving at the RACF during non-daylight periods. The sign as visitation of residents and any service vehicles accessing the adjacent loading bay will occur predominantly during daylight hours.
7 Illumination - Would illumination result in unacceptable glare? - Would illumination affect safety for pedestrians, vehicles or aircraft? - Would illumination detract from the amenity of any residence or other form of accommodation? - Can the intensity of the illumination be adjusted, if necessary? - Is the illumination subject to a curfew?	The sign is not illuminated.
8 Safety - Would the proposal reduce the safety for any public road? - Would the proposal reduce the safety for pedestrians or bicyclists? - Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed sign is intended to provide clarity for visitors to the premises so that they have a clear visual cue where to enter the RACF. The sign is affixed to the wall so that there is no impact on visibility from/to the adjacent footpath that links to Bennett Park.

The proposal satisfies the requirements of SEPP 64.

Canterbury Local Environmental Plan 2012

Permissibility

The site is zoned R3 Medium Density Residential under Canterbury Local Environmental Plan 2012. Under Canterbury Local Environmental Plan 2012 “Residential Care Facility” means “accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, but does not include a dwelling, hostel, hospital or psychiatric facility. Residential care facilities are a type of 'seniors housing' which is permissible in the zone with consent.

Height of Buildings

A maximum height of buildings of 8.5m applies to the site as specified by Clause 4.3 of Canterbury Local Environmental Plan 2012. The requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 prevails over the CLEP 2012. A Clause 4.6 variation has been submitted for the departure to the development standard for height under that SEPP and is found to be satisfactory.

Floor Space Ratio

A maximum floor space ratio of 0.5:1 applies to the site as specified by Clause 4.4 of Canterbury Local Environmental Plan 2012 but Clause 48 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 states RACF developments cannot be refused on density and scale grounds if the FSR is 1:1 or less. The floor space ratio of the proposal is 0.69:1, comprised of the gross floor area of the new build (2414m²) and the existing building located on 12-18 Leigh Avenue (3680m²).

The floor space ratio of the development if the calculations exclude the existing larger site fronting Leigh Avenue (ie using only the 'finger' of land fronting Skinner Avenue) is 1.75:1. This quantum of development, its scale and the manner in which bulk is distributed on the site, is satisfactory. This is due to its context and relationship with adjoining industrial buildings and Bennett Park, the superior design response for the site, its limited impact, the optimisation of development density within an accessible area and the public benefit.

The proposal satisfies the requirements for floor space ratio.

Canterbury Development Control Plan 2012

Site and Envelope Controls

Part 2 of the Canterbury Development Control Plan 2012 deals with residential neighbourhoods but does not provide controls for residential aged care facilities. With respect to the objectives of the CDCP 2012 for residential neighbourhoods the following is considered:

Part 2.1.1 of the CDCP 2012 seeks that development avoid isolating undeveloped sites. This proposal achieves this as it appropriately utilises the adjoining site at 34 Skinner Avenue that would otherwise be unable to support medium density development.

Height

Part 2.1.3 of the CDCP 2012 seeks that "new buildings have a scale that is visually compatible with adjacent buildings, and the intended character of the zone".

The applicant argues that the unique location abutting industrial zoning and 2-3 storey height industrial built forms in the immediate vicinity invite a higher built form.

The adjoining industrial building at 28-32 Skinner Avenue is RL30.85 at the parapet and this proposal is RL35.65, meaning the subject proposal is 4.8m higher. The proposal is essentially a storey higher than this adjoining property.

It is noted that the proposal adopts a vegetated sloped roof design that is located 14m from the front boundary. A vertically projected element that peaks at RL35.65 (associated with the officer stations, lifts and toilets at the uppermost level) is located at a horizontal distance of 31.035m from the front allotment boundary. This spatial separation and the distribution of bulk successfully minimises the appearance of bulk when viewed from Skinner Avenue. The scale of the proposal is satisfactory when viewed from Skinner Avenue adjacent to 28-32 Skinner Avenue.

The ridgelines of the existing residential aged care buildings at 12-18 Leigh Avenue vary from approximately RL32.4 to RL34.05 and gable ends are RL31.35. The proposal is between 1.6m and 4.3m higher than these buildings but despite this the proposed building will be read satisfactorily from Bennett Park.

The objectives for height are satisfied by this proposal.

Depth/Footprint

Part 2.1.5 of the CDCP 2012 seeks to promote improved levels of residential amenity for new developments as well as existing, and preserve sunlight, privacy and general amenity for existing dwellings. Also, it seeks to ensure that new buildings have a scale and mass that would be visually compatible with the residential zone's desired character.

The applicant argues that the proposal is set within an industrial streetscape that features large industrial built forms of comparable footprints to the proposed RACF.

The site is unique in that it is an R3 Medium Density Residential zone sandwiched between an IN2 Light Industrial and RE1 Public Recreation zone. In many other situations the proposed height may have compromised the residential zone's desired character but in this case the proposal is a suitable response that appropriately punctuates the end of Skinner Avenue and provides a point of visual interest and surveillance for users of Bennett Park.

The proposal affords adequate levels of residential amenity for residents of the RACF and has a scale and mass that acceptable for its location.

Part 2.1.6 of the CDCP 2012 seeks to achieve the following objectives:

- O1. Establish the desired spatial proportions of the street and define the street edge.
- O2. Limit the scale and bulk of new building, appropriate to the location and use, by retaining landscaped open space around.
- O3. Contribute to the green landscape by retaining adequate space for new trees and conserving any existing trees that are visually prominent.
- O4. Provide sufficient separation between buildings and adjacent land to limit the visual, environmental and likely impacts of new development.

O5. Minimise stormwater run-off by retaining deep soil that allows rainwater infiltration.

The applicant argues that the street setbacks for the new RACF are 6m from Skinner Avenue which is consistent with the 6m setback requirement for multi-dwelling housing and the established pattern of front setbacks.

The applicant argues that the side setbacks of the proposal reflect the site's location in an industrial streetscape, which includes zero setbacks but incorporates elevated landscape gardens and extensive landscaped roof treatments.

The applicant has elected to locate the proposal closer to Bennett Park and provide greater setbacks to the adjoining site at 28-32 Skinner Avenue for the purposes of providing a dementia garden on the proposal's western side. The proximity of the proposal to Bennett Park is similar to existing industrial buildings in the surrounding area but in this case the provision of balconies to the eastern façade increases visual interest when viewed from the park and promotes passive surveillance of the park.

The proposal is considered to provide adequate spatial separation to boundaries to minimise impacts of the proposal and limit the appearance of bulk of the building.

The applicant submitted an amended (reduced) floor plate (Drawing SK3.02, Revision A) as an alternative approach for the uppermost level for the purposes of reducing the appearance of bulk only if deemed necessary by the Sydney South Planning Panel. It is not considered necessary to adopt this reduced floor plate as the proposal in its current form satisfactorily reduces the appearance of bulk from Skinner Avenue and reads appropriately from surrounding lands.

Acoustic

Part 2.3.2 of the CDCP 2012 requires that reasonable levels of acoustic privacy are available for residents, externally and internally, during the day and at night.

An acoustic report submitted by the applicant (Ref: TJ197-01F02 dated 27 July 2016 prepared by Renzo Tonin & Associates) stated that noise criteria is for the most part achieved but at times the internal noise level (within the residential aged care facility) will exceed the required levels as a result of the surrounding industrial development. This issue is a leading concern of the owners of the adjoining industrial property at 28-32 Skinner Avenue, who anticipate that the proposal will become a 'sensitive receiver' as a result of typical, ongoing and permissible practices within the industrial site at 28-32 Skinner Avenue.

At the briefing meeting in March 2017, the Sydney South Planning Panel requested that this acoustic matter be further investigated. The applicant commissioned a further acoustic report (TJ197-01F03 dated 9 May 2017 by Renzo Tonin & Associates) that makes recommendations for a 2-storey masonry acoustic wall to be constructed between the site and 28-32 Skinner Avenue (including a return wall within the development site) to provide satisfactory acoustic attenuation within the RACF notwithstanding any activities that can be reasonably predicted to occur at the adjoining industrial site.

In summary, a noise level no greater than 40dB(A) should be received within the residential aged care rooms. The current noise level from the industrial premises is up to 53dB(A) at the boundary between 7am -10pm and 44-47 dB(A) from 10pm - 7am (all day measurements). An accepted industry standard is that a loss of 10dB(A) occurs from the outside to the inside of a building (with windows open), which means the internal noise level requirements are achieved with windows open and without the proposed 2-storey acoustic masonry wall.

A 15 minute-interval “noisiest” measurement has been calculated at (up to) 62dB(A) between 7am – 10pm and 55dB(A) from 10pm -7am. The acoustic consultant has done this for the purposes of successfully attenuating for ‘worst case scenario’, although in real terms a resident may choose to close a window for a noisier approximate 15 minute interval. Nonetheless, the above noise levels are reduced by 20dB(A) by the accepted industry standard reduction of 10dB(A) through an open window and 10dB(A) by the 2-storey acoustic masonry wall, reducing the internal noise level (with windows open) to 42dB(A) between 7am – 10pm and 35dB(A) from 10pm -7am. The +2dB(A) between 7am -10pm can be further attenuated by closing the window for this short period, which will decrease by at least another 20dB(A). Mechanical ventilation is proposed in the development so closing the windows is a satisfactory option, particularly for shorter periods.

It is further noted that The National Construction Code Series 2016 – Volume 1, Building Code of Australia sets out acoustic provisions for Class 9c buildings (aged care buildings) which sets construction requirements to ensure floors and walls do not unreasonably transmit noise.

The two storey acoustic masonry wall is an appropriate design response and provides increased attenuation for the purposes of increased internal residential amenity for residents of the RACF. The proposed acoustic wall, while substantial, does not impede any outlook that may be afforded from the proposed facilities western elevation windows given these windows would look onto the existing industrial building at 28-32 Skinner Ave.

The proposal is satisfactory on acoustic grounds and the concerns of the adjoining landowners have been satisfied.

Design Controls

Part 2.2 of the CDCP 2012 seeks that “development on private land is coordinated with, and complements, the public domain to enhance the character and the image of the neighbourhood”. It also seeks that there be “good amenity for occupants of new and existing development, including reasonable sunlight, privacy, natural light and natural ventilation”.

The applicant states that the development has been designed to complement the industrial streetscape in Skinner Avenue and enhance the character of the building and neighbourhood when viewed from the public domain.

The proposal is considered to address design issues satisfactorily.

Visual privacy

The applicant states there adequate privacy is afforded to adjoining buildings and uses in the vicinity. The proposal is considered to address privacy issues satisfactorily.

Open Space

A communal (secure) garden is provided on Level 1 for residents. All rooms (except secure dementia rooms) have a balcony which is supplemented by large communal balconies accessed from the communal living room on each building level. The applicant also states that the adjoining park offers a diverse range of open space opportunities.

There is adequate open space provision on the site to meet the CDCP 2012 objectives.

Safety and security

The new 24-bed RACF offers good passive surveillance opportunities during the day and night. The proposal is considered to address safety and security satisfactorily.

Waste management

The proposal satisfies waste requirements of the CDCP 2012. The proposal is considered to address waste management satisfactorily.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

There are no draft environmental planning instruments applicable to the proposed development, and the provisions of Section 79C(1)(a)(ii) therefore do not apply to this development.

Planning agreements [section 79C(1)(a)(iiia)]

There are no planning agreements applicable to the proposed development.

The regulations [section 79C(1)(a)(iv)]

The proposed development is consistent with the relevant provisions of the *Environmental Planning and Assessment Regulation, 2000*.

Any coastal zone management plan [section 79C(1)(a)(v)]

The development site is located within the Georges River Estuary Coastal Zone Management Plan. The proposed development does not contravene any relevant provisions of the plan.

The likely impacts of the development [section 79C(1)(b)]

As discussed throughout this report, the proposed development is considered to be acceptable with regard to its likely environmental, social and economic impacts on the locality.

Suitability of the site [section 79C(1)(c)]

The proposed development is permitted with consent on the subject site, and represents a built form that will be easily absorbed into the existing urban fabric. The site is suitable in that it is an accessible site that is contiguous with Bennett Park, offering good visual amenity for residents and surveillance for users of the park. The site is suitable for delivering a high public benefit. The site is suitable for the proposal in architectural terms because the end of the street is punctuated with a higher built form without compromising the amenity of adjoining properties.

Submissions [section 79C(d)]

The development application was notified and advertised in accordance with the Canterbury Development Control Plan 2012 from 7 March to 30 March 2016. Three submissions were received raising concerns that:

1. The proposal is an overdevelopment of the site.
2. The proposal exceeds the requirements for height.
3. The setbacks of the proposal compound issues of land use conflict.
4. The development straddles land with different owners and requires to be rectified prior to the issue of Development Consent.
5. The proposed development becoming a sensitive noise receiver to the industrial use next door and the potential for future complaints.
6. Whether there will be adequate parking during the course of construction and for staff, residents and families during the life of the development.

The proposal was notified again between 19 August and 30 September 2016. There were no amendments to the proposal. Rather, this letter stated (where the previous notification letter didn't) that the application would be determined by the Sydney East Joint Regional Planning Panel (JRPP) because involves a Council interest with a CIV greater than \$5million.

Two submissions were raised to the second period of notification, raising the same issues listed above.

A response to these concerns is provided as follows:

1. The proposal is not considered an overdevelopment of the site as the scale and bulk is suitable for its location and provides visual interest to Skinner Avenue and Bennett Park, provides enhanced internal residential amenity for future residents and provides surveillance for Bennett Park.
2. The arguments for departure to the development standard for height are well-founded under the Clause 4.6 variation. The height is acceptable.
3. The setbacks of the proposal do not compound issues of land use conflict, evidenced by the acoustic reports which confirm that desired acoustic outcomes are achieved by the proposal.
4. The ownership of land at 12-18 Leigh Avenue and 34 Skinner Avenue is not an impediment to the issue of Development Consent. The conditions of consent require the consolidation of allotments.
5. The submitted acoustic report confirms that the proposed development will not become a sensitive noise receiver to the industrial use next door as attenuation measures have been incorporated into the development to successfully minimise the level of noise received to the development.

6. A Construction Traffic Management Plan is required by the conditions of consent. The proposal complies with the minimum parking spaces required.

The public interest [section 79C(1)(e)]

The proposed development is in the public interest because it delivers a much needed facility for dementia and palliative care. The visual amenity derived from Bennett Park enhances the quality of the facility and it is in the public interest to provide a high level of care for future residents of this facility.

The compliance of the facility with the objectives of the applicable controls is a good measure of its public interest, as the controls have been adopted to protect the desired future character of the locality and the amenity of adjoining residents. This proposal satisfies both, is a suitable development for the site and is in the public interest.

CONCLUSION

The Development Application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act, 1979* and the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*, *State Environmental Planning Policy (Infrastructure) 2007*, *State Environmental Planning Policy No. 55 – Remediation of Land*, *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, *Canterbury Local Environmental Plan 2012* and *Canterbury Development Control Plan 2012*.

The proposed development represents an appropriate built form for the site, provides a high demand residential aged care facility and satisfies the objectives of all the relevant planning controls.

Concerns were raised during the notification period however these concerns have been satisfactorily attended to.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions of consent.

RECOMMENDATION:

THAT

- A. The Clause 4.6 variations to the development standard relating to the Building Height within Clause 40(4)(a) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and relating to number of storeys under Clause 40(4)(b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 are well founded, and in this case varying the standard to permit the proposed development is acceptable for the following reasons:

- (a) A written request from the applicant has been submitted which justifies the

- contravention of the development standard;
- (b) The proposal is in the public interest as it meets the objectives of the development standard and the objectives for development within the R3 Medium Density Residential zone;
- (c) The concurrence of the Secretary of the Department of Planning and Environment has been obtained;
- (d) Requiring compliance with the standard would unreasonably constrain the development and the design response;
- (e) There are sufficient environmental planning grounds to justify contravening the development standard.

B. Development Application DA-77/2016 be **APPROVED** subject to the following conditions.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - 1.1. Details of:
 - Structural Engineering Plan excavation
 - Building Specifications
 - Fire Safety Schedule
 - Landscape Plan
 - Hydraulic Plan
 - Soil and Waste Management Plan
 - Ventilation of basement in accordance with AS 1668.2
 - Disability (Access to premises buildings) Standard 2010
 - 1.2. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent:
 - 2.1. Detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. You must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. You must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy).

DEMOLITION

3. Demolition must be carried out in accordance with the following:

- (a) Demolition of the building is to be carried out in accordance with applicable provisions of Australian Standard AS 2601-2001: The Demolition of Structures and the Construction Safety Act Regulations.
- (b) The demolition of a structure or building involving the removal of dangerous or hazardous materials, including asbestos or materials containing asbestos must be carried out in accordance with the requirements of the Workcover Authority of New South Wales.
- (c) Demolition being carried out in accordance with the requirements of the Work Health and Safety Regulation 2011.
- (d) A hoarding or fence must be erected between the building or site of the building and the public place, if the public place or pedestrian or vehicular traffic is likely to be obstructed or rendered inconvenient because of the carrying out of the demolition work.
- (e) Demolition of buildings is only permitted during the following hours:
7.00 a.m. – 5.00 p.m. Mondays to Fridays
7.00 a.m. – 12.00 noon Saturdays
No demolition is to be carried out on Sundays or Public Holidays.
- (f) Burning of demolished building materials is prohibited.
- (g) Adequate care is to be taken during demolition to ensure that no damage is caused to adjoining properties.
- (h) Soil and water management facilities must be installed and maintained during demolition in accordance with Council's Stormwater Management Manual. If you do not provide adequate erosion and sediment control measures and/or soil or other debris from the site enters Council's street gutter or road you may receive a \$1500 on-the-spot fine.
- (i) Council's Soil and Water Management warning sign must be displayed on the most prominent point on the demolition site, visible to both the street and site workers. The sign must be displayed throughout demolition.
- (j) The capacity and effectiveness of soil and water management devices must be maintained at all times.
- (k) During the demolition or erection of a building, a sign must be provided in a prominent position stating that unauthorised entry to the premises is prohibited and contain all relevant details of the responsible person/company including a contact number outside working hours.
- (l) A sign is not required where work is being carried out inside, or where the premises are occupied during the works (both during and outside working hours).
- (m) Toilet facilities must be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
- (n) Removal, cleaning and disposal of lead-based paint conforming to the current NSW Environment Protection Authority's guidelines. Demolition of materials incorporating lead being conducted in strict accordance with sections 1.5, 1.6, 1.7, 3.1 and 3.9 of Australian Standard AS2601-2001: Demolition of Structure. Note: For further advice you may wish to contact the Global Lead

Advice and Support Service on 9716 0132 or 1800 626 086 (freecall), or at www.lead.org.au.

- (o) Hazardous dust not being allowed to escape from the site. The use of fine mesh dust proof screens or other measures are recommended.
- (p) Any existing accumulations of dust (eg. ceiling voids and wall cavities) must be removed by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter. All dusty surfaces and dust created from work is to be suppressed by a fine water spray. Water must not be allowed to enter the street and stormwater systems. Demolition is not to be performed during adverse winds, which may cause dust to spread beyond the site boundaries.

SITE SIGNAGE

- 4. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 4.1. The name, address and telephone number(s) of the principal certifying authority for the work, and
 - 4.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 4.3. That unauthorised entry to the work site is prohibited.

GENERAL

- 5. The development being carried out in accordance with the plans, specifications and details set out in the table below except where amended by the conditions contained in this Notice and the following specific conditions:

Drawing No.	Drawing Title	Prepared by	Received by Council on
DA1.00 (Rev 1)	Site plan	JSA Studio	1/3/16
DA1.01 (Rev 1)	Demolition plan	JSA Studio	1/3/16
DA3.00 (Rev 1)	Ground floor plan	JSA Studio	1/3/16
DA3.01 (Rev 1)	Level 1 floor plan	JSA Studio	1/3/16
DA3.02 (Rev 1)	Level 2 floor plan	JSA Studio	1/3/16
DA3.03 (Rev 1)	Level 3 floor plan	JSA Studio	1/3/16
DA3.04 (Rev 1)	Roof Plan	JSA Studio	1/3/16
DA4.00 (Rev 1)	Vehicle Crossing details	JSA Studio	1/3/16
DA5.00 (Rev 1)	Sections	JSA Studio	1/3/16
DA5.01 (Rev 1)	Sections	JSA Studio	1/3/16
DA6.00 (Rev 1)	Elevation	JSA Studio	1/3/16
DA6.01 (Rev 1)	Elevation	JSA Studio	1/3/16
DA6.02 (Rev 1)	Elevations	JSA Studio	1/3/16

SK3.03 (Rev C)	Site Plan and Level 1 floor plan (masonry acoustic wall)	JSA Studio	1/3/16
SK3.03 (Rev C)	Section site Plan and Level 1 floor plan (masonry acoustic wall)	JSA Studio	1/3/16
Material Sample Board	-	JSA Studio	February 2016
DA/LA-01	Landscape Plan	CAB Consulting	1/3/16
DA/LA-02	Landscape Plan	CAB Consulting	1/3/16
S0.00, S0.01, S1.00, S.200, S3.00, S3.01	Stormwater details	John Matheson & Associates Pty Ltd	1/3/16
SK1 (Rev A)	100 year ARI Overland Flor	John Matheson & Associates Pty Ltd	3/8/16
SK2 (Rev A)	100 year ARI Overland Flor	John Matheson & Associates Pty Ltd	3/8/16
SK3.03 (Rev C)	Site plan and Level 1 floor plan (acoustic masonry wall)	JSA Studio	9/5/17
SK5.00 (Rev C)	Section height of north boundary wall	JSA Studio	9/5/17
Ref 7584DU180315	Site survey	True north Surveys	18/3/15

- 5A. The architectural plans must be amended to clearly show the 2-storey acoustic masonry wall as depicted on drawings numbered SK3.03 (Rev C) and SK5.00 (Rev C) prepared by JSA Studio.
6. A Dilapidation Report/photographic survey prepared by an appropriately qualified engineer is to be undertaken of the adjoining properties being 28-32 Skinner Avenue, Riverwood detailing the physical condition of the property, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items, shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. On completion of the excavation and building works and prior to occupation of the building, a certificate by an appropriately qualified engineer stating to the effect that no damage has resulted to adjoining premises is to be provided to the Principal Certifying Authority. If damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to occupation of the development. All costs incurred in achieving compliance with this condition shall be borne by the person entitled to act on this consent.
7. Twenty-six (26) off street car parking spaces being provided within the two basement levels and the ground floor level of the development. The driveways and car parking areas must be designed in accordance with AS2890.1-1993 (Off-street car parking).
8. The Residential Aged Care Facility must not be used in isolation of the existing aged

- care facility at 12-18 Leigh Avenue, Riverwood.
9. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
 10. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00 a.m. - 5.00 p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays. Remediation work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority' Environmental Noise Manual for the control of construction site noise.
 11. All building construction work must comply with the National Construction Code.
 12. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
 13. Provide a Surveyor's Certificate to the Principal Certifying Authority prior to the pouring of concrete at all levels and roof indicating the finished level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
 14. Council's warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
 15. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
 16. A copy of the Soil and Water Management Plan must be kept on site at all times and made available to Council officers on request.
 17. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
 18. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
 19. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
 20. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall be diverted to an approved sediment filter or trap by a bund or drain located above.
 21. The construction certificate plans must show the provision of one master TV antenna, to prevent numerous smaller antennas being installed on the roof or balconies.

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

22. WORKS REQUIRING A 'WORKS PERMIT'
 - a) Dig up, disturb, or clear the surface of a public footway or public road,
 - b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
 - c) Connect a road (whether public or private) to a classified road,
 - d) Undertake footway, paving, vehicular crossing (driveway), landscaping or

- stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website www.cbcity.nsw.gov.au

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

23. Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.
24. Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.
25. Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

26. The site is to be treated with anti-graffiti paint to deter graffiti offenders targeting the building and its perimeter. This will preserve the building and increase a sense of maintenance and ownership of the site.
27. Landscaping should be designed to increase surveillance and reduce concealment opportunities. Overhanging branches should be trimmed to prevent people using them to access other parts of the property, e.g. using a tree as a ladder to access an upper level balcony. Pathways should be designed so that it promotes surveillance opportunities.
28. Additional lighting should be installed in places of high pedestrian traffic.
29. Closed Circuit Television must be installed at entry/exit points. These should be monitored.
30. Where possible, transparent materials should be used to provide natural light during the day.
31. Access control measures should be put in place to control access to areas that are not safe for residents i.e. swipe card access for staff only areas.
32. Due to the increase in Fraud offences (i.e. identity theft) in Canterbury, it is recommended that letterboxes be set back and located under an awning or be made accessible only from a secure foyer area. This area should be under Closed Circuit Television surveillance.
33. The street number must be prominently displayed at the front of the complex to comply with Local Government Act, 1973, Section 124, Order 8.

AUSGRID

34. The developer is required to make a formal submission to Ausgrid by means of a duly completed Connection Application and/ or Preliminary Enquiry form to allow Ausgrid

to assess any impacts on its infrastructure and determine the electrical supply requirements for the development (e.g. whether a substation is required on site). In general, works to be considered by Ausgrid include, but are not limited to, the following:

- Changes in electrical load requirements
- Changes to Ausgrid's infrastructure (i.e. asset relocations, decommissioning substations etc.)
- Works affecting Ausgrid's easements, leases and/ or right of ways
- Changing the gradients of any roads or paths
- Changing the level of roads or foot paths
- Widening or narrowing of roads
- Closing roads or laneways to vehicles
- Land subsidence and vibration impact on Ausgrid assets as a result of excavation / reinforcement activities
- In all cases Ausgrid is to have an unimpeded 24 hour access to all its assets.

Any work undertaken near our assets needs to be done in accordance with various standards, rules and guidelines including:

- Ausgrid's Network Standards
- Ausgrid's Electrical Safety Rules.

The developer is to ensure that the proposed works do not contravene Ausgrid's Technical Standards and statutory requirements with regards to the safe and reliable operation and maintenance of its network.

CONSOLIDATION OF LOTS

35. The site is to be consolidated into one allotment. The plan of consolidation must be lodged and registered with the Land and Property Information NSW prior to the release of the Construction Certificate.

CONTAMINATION

36. In accordance with the Preliminary Phase 1 assessment report (Ref: E29038KGrpt1, dated 9 February 2016) and Phase 2 Environmental Site Assessment report (Ref: E29038KDrpt2, dated 27 June 2016) the applicant shall prepare an asbestos management plan for the removal of the fill material from the site (where asbestos has been detected), undertake a Hazardous Materials Assessment for the existing buildings prior to the commencement of demolition work and ensure the site is inspected by an environmental scientist during earthworks. Further, in the event unexpected conditions are encountered during development work or between sampling locations that may pose a contamination risk, all works must stop and an environmental consultant must be engaged to inspect the site and address the issue.

GEOTECHNICAL

37. The recommendations of the Geotechnical Report Ref: 29038Srpt dated 2 February 2016 prepared by JK Geotechnics must be strictly adhered to.

LANDSCAPING

38. The existing property trees T1 –T10 identified in the Arboricultural Impact Assessment Report (Appendix 4: Tree Impact Schedule) may be removed to

- accommodate construction. This is conditional on the replacement planting of 3 x 75ltr locally indigenous species trees with a mature height of 10 metres planted within the development site. Tree removal work shall be carried out in accordance with the Arboricultural Impact Assessment Report (prepared by Andrew Morton of Earthscape Horticultural Services and submitted to council on the 1st March 2016).
38. One street tree is to be provided on the nature strip adjoining the development in Skinner Avenue. This tree is to be 1 x *Melaleuca quinquenervia* (common name Broad-leaved paperbark) species and be provided in 75ltr size (container size). The planting of this tree is to be carried out upon the completion of construction by contractors in accordance with AUS-SPEC Specification 0257-Landscape – Roadways and Street Trees. This document is available for purchase from Council.
 39. The neighbouring trees T11-T12 identified in the Arboricultural Impact Assessment Report (Appendix 4: Tree Impact Schedule) are to be retained and protected in accordance with all the advice and recommendations provided in the Arboricultural Impact Assessment Report (prepared by Andrew Morton of Earthscape Horticultural Services and submitted to council on the 1st March 2016).
 40. The landscaping must be completed according to the submitted landscape plan (drawn by CAB Consulting, drawing no. DA/LA-01 and DA/LA-02, submitted to Council on 1st March 2016) except where amended by the conditions of consent.
 41. All the tree supply stocks shall comply with the guidance given in the publication *Specifying Trees: a guide to assessment of tree quality* by Ross Clark (NATSPEC, 2003).
 42. All scheduled plant stock shall be pre-ordered, prior to issue of Construction Certificate or 3 months prior to the commence of landscape construction works, whichever occurs sooner, for the supply to the site on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.
 43. An automatic watering system is to be installed in common areas at the applicant's cost. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or certifier prior to the issue of the Construction Certificate. The system is to be installed in accordance with the manufacturer's specification and current Sydney Water guidelines.
 44. The proposed planting to all podium levels shall comply with the following as required in the CDCP 2012 Part 6.6: Landscape:
Raised planters:
 - a. Use masonry or concrete construction;
 - b. Provide drainage for each planter box, and coordinate drainage details with hydraulics plan; and
 - c. Provide waterproofing to each planter box.Minimum soil depth:
 - d. 100-300mm for turf
 - e. 300-450mm for groundcovers;
 - f. 500-600mm for small shrubs;
 - g. 600-750mm for medium shrubs;

MEMOLA

- h. 750-900mm for small trees with approximate soil area of 3.5m x 3.5m;
- i. 1000mm for medium trees with approximate soil area of 6m x 6m; and
- j. 1300mm depth for large trees with approximate soil area of 10m x 10m.

45. An amended landscape plan to address the issues outlined below is to be submitted to Council or certifier prior to the issue of the Construction Certificate;
- 1. Provide a Maintenance Schedule including:
 - a. replacement strategy for failures in plant materials and built works,
 - a. maintenance schedule for watering, weeding and fertilizing during the establishment period
 - b. A maintenance period of 12 months is to be specified for this application. During this maintenance period, the landscaping must be maintained in accordance with the details specified on the submitted landscape plan.
 - 2. The landscape plan is to include adequate soil depths to all on podium beds and raised planter boxes and provide this information on the plan.
 - 3. Street tree to be provided on the nature strip adjoining the development is to be 1 x *Melaleuca quinquenervia* (common name Broad-leaved paperbark) species and be provided in minimum 75ltr container size.
 - 4. Replacement planting of 3 x 75ltr locally indigenous species trees (minimum 75ltr container size) with a mature height of 10 metres are to be provided within the development site.

ACCESSIBILITY

46. The applicant is to supply a report on the accessibility to confirm full compliance of the proposal under AS1428.1-2009. The report must confirm, inter alia, the following:
- a. Complying AS1428.1-2009 slip resistant paving
 - b. Complying AS1428.1-2009 ramp design
 - c. Complying AS1428.1-2009 pathway design
 - d. Lift dimensions
 - e. Complying AS1428.1-2009 Doorway clear opening
 - f. Complying AS1428.1-2009 Door hardware
 - g. Complying AS1428.1-2009 Doorway / door luminance contrast requirements
 - h. Wall / floor contrast requirements
 - i. BCA complying access to Common area access
 - j. BCA complying slip resistant flooring internal and external
 - k. Complying AS1428.1-2009 Floor levels at-grade internal and external
 - l. Provision of complying AS1428.1-2009 unisex Ambulant cubicles
 - m. Vertical clearance to accessible parking bays
 - n. Vertical clearance at accessible parking bays.
47. Trees in the dementia garden must have a vertical clearance of a minimum 2000mm where the canopy is on or over a pathway or any seating areas.

ACOUSTICS

48. The requirements of the acoustic reports (Ref: TJ197-01F02 dated 27 July 2016 prepared by Renzo Tonin & Associates) and (TJ197-01F03 dated 9 May 2017 by Renzo Tonin & Associates) must be fully complied with.

WASTE MANAGEMENT

49. Unobstructed and unrestricted access to the waste bin storage areas shall be provided for servicing from 5.00am on collection days.
50. Bins must not be presented on the road for collection. Instead, they will be collected and returned to the waste bin storage rooms by Council's waste collection contractor.
51. The waste bin storage areas are to be designed and constructed in accordance with clause 6.9.4.1 and 6.9.4.2 of Canterbury Development Control Plan 2012.

ENGINEERING

52. A stormwater drainage design prepared by a qualified practicing Civil Engineer must be provided prior to the issue of a Construction Certificate. The submitted design must be amended to make provision for the following:
 - a) The design must be generally in accordance with the plans, specifications and details received by Council on 1st March 2016; drawing number S0.00, S0.01, S1.00, S2.00, S3.00, and S3.01 supported by a flood risk management report prepared by John Matheson and Associates Pty Ltd.
 - b) All redundant pipelines within footpath area must be removed and footpath/kerb reinstated.
 - c) New pipelines within the footpath area that are to discharge to the kerb an gutter must be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0mm and a section height of 100mm.
53. All downpipes, pits and drainage pipes shall be installed to ensure that stormwater is conveyed from the site and into Council's stormwater system in accordance with AUSSPEC Specification D5 "Stormwater Drainage Design", AS/NZS3500.3 and Part 6.4 of Canterbury Council's DCP 2012.
54. The levels of the street alignment are to be obtained by payment of the appropriate fee to Council. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
55. The vehicular access and parking facilities shall be in accordance with Australian Standard AS 2890.1 "Off-street Parking Part 1 - Carparking Facilities". In this regard, the submitted plans must be amended to address the following issues:
 - a) The finished levels within the property must be adjusted to ensure that the levels at the boundary comply with those issued by Council for the full width of the vehicle crossing. The longitudinal profile must comply with the Ground Clearance requirements of AS/NZS 2890.1-2004.
 - b) The driveway grades shall be in accordance with Australian Standard AS 2890.1 "Offstreet Parking Part 1 - Carparking Facilities".
 - c) Minimum lines of sight for pedestrian safety must be provided in accordance

Figure 3.3 of AS/NZS 2890.1:2004.

- d) All gates if any must be inward opening within its own boundary, and must not obstruct the pedestrian pathway..
 - e) The Engineer must certify that the access and parking complies with current Australian Standards including AS/NZS 2890.1-2004 Parking Facilities - Off-Street Car Parking, AS2890.2-2002 Parking Facilities - Off-Street commercial vehicles facilities, AS/NZS 2890.6-2009 Off-street parking for people with disabilities and AS 2890.3-1993 Parking Facilities -Bicycle parking facilities.
56. The design and construction of the proposed development must strictly comply with the recommendations of the flood risk management report dated 4th July 2016, prepared by John Matheson and associates. The recommendations include additional controls, Building materials, Water proofing, Warning signs & Risk management.
57. A flood emergency response plan must be prepared and kept on site to be used when required.

PRIOR TO AND DURING CONSTRUCTION

58. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
59. A Work Permit shall be obtained for all works carried out in public or Council controlled lands. Contact Council's City Works Department for details.
60. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a maximum width of 7 metres at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
61. Driveways, parking and service areas are to be constructed or repaired in accordance with the appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254- Segmental Paving; C255-Bituminous Microsurfacing.

PRIOR TO OCCUPATION CERTIFICATE

62. That the stormwater system be constructed in general, in accordance with the plans, specifications and details submitted with the Construction Certificate and as amended by the following conditions.
63. Certification from an accredited engineer must be provided to certify that all works has been carried out in accordance with the approved plan(s), relevant codes and standards.
64. A Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the OSD system. The plan shall be prepared by a registered surveyor or an engineer. A construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plan(s), relevant codes and standards. The required certification must be

issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1st March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in Councils DCP 2012, Part 6.4.

65. Prior to the issue of an Occupation Certificate, the Principle Certifying Authority must ensure that Operation and Management Plans has been prepared and implemented for the OSD and basement pump out facilities. The Plan must set out the following at a minimum:
- a) The proposed maintenance regime, specifying that the system is to be regularly inspected and checked by qualified practitioners.
 - b) The proposed method of management of the facility, including procedures, safety protection systems, emergency response plan in the event of mechanical failure, etc. The Plan must be prepared by a suitably qualified professional and provided to the Principle Certifying Authority prior to the issue of an Occupation Certificate.
66. The Operation and Management Plan for the OSD and basement pump out facilities, approved with the Occupation Certificate, must be implemented and kept in a suitable location on site at all times.

PUBLIC IMPROVEMENTS

67. All redundant vehicular crossings shall be replaced with kerb and the footpath reserve made good by Council or an approved contractor, at the applicant's cost. The work is to be carried out in accordance with Council's "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".

SYDNEY WATER REQUIREMENTS

68. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For help either visit Sydney Water's web site at www.sydneywater.com.au/BuildingDeveloping/DevelopingYourLand , Water Servicing Coordinators, or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the final plan of subdivision.

CRITICAL INSPECTION

69. Class 2, 3 or 4 Buildings

The following critical stage inspections **must be** carried out by the Principal Certifying Authority (either Council or the Accredited Certifier)

- 69.1. prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
- 69.2. prior to covering any stormwater drainage connections, and
- 69.3. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Class 5, 6, 7, 8 or 9 Buildings

- 69.4. prior to covering any stormwater drainage connections, and
 - 69.5. after the building work has been completed and prior to any occupation certificate being issued in relation to the building.
70. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work, as nominated in this development consent.

To arrange an inspection by Council please phone 9707 9000 during normal office hours.

COMPLETION OF DEVELOPMENT

71. Obtain an Occupation Certificate/Interim Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE:

72. This application has been assessed in accordance with the National Construction Code.
73. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
74. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Air handling systems
 - Final fire safety certificate
 - Waterproofing
 - Glazing
 - Section J of the NCC
75. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
76. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation

areas.

77. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) will be permitted without our approval.
78. Compliance with the National Construction Code does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
79. The drawings and documentation submitted with this development application do not appear to indicate the location of air conditioning units. You are asked to note that the provision of AC units can be carried out through exempt development, however should you not be able to comply with the exempt development provisions a full development application may be required for the provision of AC units.
80. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
81. If you are not satisfied with this determination, you may:
 - 81.1. Apply for a review of a determination under Section 82A of the Environmental Planning and Assessment Act 1979. A request for review must be made and determined within 6 months of the date of this Notice of Determination and be accompanied by the relevant fee; or
 - 81.2. Appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979.

-END-