

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, further information received 6 July 2017 and 20 November 2017
APPLICANT	Leigh Place Retirement Housing
OWNERS	Leigh Place Retirement Housing (34 Skinner Avenue) Canterbury Bankstown Council (12-18 Leigh Avenue)
AUTHOR	Development Services (Peter Wells, external consultant)

SUMMARY REPORT

Sydney South Planning Panel previously deferred the determination of this Development Application for a residential aged care facility until clarification was sought as to whether the proposal qualified for a Section 94E exemption under the Ministerial Direction relating to imposition of contributions requirements for social housing providers.

BACKGROUND / HISTORY

Relevantly, Condition 1.3 in the recommendation stated as follows:

1.3 Payment of Section 94A Levy in accordance with Clause 25K of Environmental Planning and Assessment Regulations 2000 and Table 1.6 of Canterbury Development Contributions Plan 2013 of \$93,799.71, prior to the issue of the Construction Certificate.

On 12 September 2017 this matter was considered and deferred by the Sydney South Planning Panel as follows:

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

While the Panel supports the proposed development subject to amendment of Condition 35, the majority (B McDonald, N Gurran, P Smith and J Fielding) deferred the development application until additional information is received by Council from the applicant with respect to Section 94E exemption under the Ministerial Direction relating to the imposition of contributions requirements to social housing providers. If Council remains not satisfied with the exempt status of the applicant the Panel will seek confirmation from the Department of Planning & Environment. This matter will be determined electronically.

Mr Iemma would approve the application as he agrees with the reasons stated under, however he considers that the proposal qualifies for exemption of Section 94A contributions and would determine the matter subject to the deletion of the condition requiring such payment and additionally deletion of the condition requiring lot consolidation.

The applicant supplied documentation including:

- Certificate of Registered Charity from the Australian Charities and Not-for-profits Commission;
- Leigh Place Housing Strategic Plan 2014-2017;
- Constitution of Leigh Place Aged Care
- Resident and Accommodation Agreement;
- Correspondence from the CEO of Leigh Place Housing including references to the Deed of Management.

The Deed of Management and Deed of Variation were also requested however the applicant was unable to furnish these documents.

Council sought the advice of the Department of Planning and Environment with respect to Leigh Place's qualification for a Section 94E exemption under the Ministerial Direction relating to imposition of contributions requirements for social housing providers.

The Department responded on 8 December 2017 as follows:

"The advice sought is in relation to whether Leigh Place Housing (LPH) satisfies the definition of "social housing provider" pursuant to the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Based on the advice given to us by the legal team, we agree that Leigh Place Housing is a social housing provider for the purposes of the SEPP as it satisfies all four elements:

1. not for profit organisation;
2. that is a direct provider;
3. of rental housing
4. to tenants.

Summary of the advice: LPH is a social housing provider for the purposes of the SEPP as it is a not-for-profit organisation who provides direct rental housing to tenants.”

Both the Department of Planning and Environment and Council are now satisfied that Leigh Place Housing qualifies for a Section 94E exemption under the Ministerial Direction relating to imposition of contributions requirements for social housing providers. Accordingly, condition 1.3 in the recommendation may be removed.

In isolation to the s94 matter, it is noted the Panel recommends that condition 35 be amended with respect to consolidation of the existing allotments into one allotment.

In the recommendation the condition reads:

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.

To provide an alternative the Panel recommends the condition be altered to read:

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. Alternatively prior to the issue of the Occupation Certificate a form of agreement is required to be reached between the two owners with corresponding legal instruments placed on the two titles, to ensure that neither owner can alter or remove the structure without the consent of the other.

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 the deletion of condition 1.3 relating to Section 94A Levy and amendment of condition 35 (consolidation) as shown in the attached conditions of consent:

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. In addition to these requirements 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.

- 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.
- 1.3 ~~Payment of Section 94A Levy in accordance with Clause 25K of Environmental Planning and Assessment Regulations 2000 and Table 1.6 of Canterbury Development Contributions Plan 2013 of \$93,799.71, prior to the issue of the Construction Certificate.~~

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. Alternatively prior to the issue of the Occupation Certificate a form of agreement is required to be reached between the two owners with corresponding legal instruments placed on the two titles, to ensure that neither owner can alter or remove the structure without the consent of the other.

CONSTRUCTION TRAFFIC MANAGEMENT PLAN

36. A Construction traffic Management Plan must be submitted to Council and the Accredited Certifier and must be approved by Council prior to the issue of the Construction Certificate.

CONTAMINATION

37. 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

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

LANDSCAPING

39. 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-leafed 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 prior to the issue of a Construction Certificate 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. An acoustic survey must be undertaken on completion of the building to confirm that compliant noise levels are achieved within the Residential Aged Care Facility notwithstanding typical industrial activities occurring at the adjoining property. Any additional measures deemed as necessary to further attenuate and reduce noise from industrial activities as perceived from the Residential Aged Care Facility must be installed and tested for effectiveness and compliance prior to the issue of the Occupation Certificate.

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-Bankstown 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 associated 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-