

41. Design Requirements for Disabled Access

A. Design

A report prepared by a suitably qualified Access Consultant must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS1428 - Design for Access and Mobility.

B. Before Occupation

A suitably qualified Access Consultant must certify prior to the issue of any Occupation Certificate that the development has been constructed in accordance with the requirements of AS1428 - Design for Access and Mobility. A copy of the required certification must accompany the Occupation Certificate.

42. Design Requirements for Adaptable Housing

A. Design

A report prepared by a suitably qualified Adaptable Housing Specialist must be submitted with the Construction Certificate, demonstrating that the development complies with the requirements of AS4299 - Adaptable Housing. The report must contain a completed checklist (Appendix A - AS4299) demonstrating compliance with the requirements of a Class C Adaptable House.

B. Before Occupation

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

43. Verification of Design for Construction - SEPP 65

A. Design

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

B. Before Occupation

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

44. External Walls and Cladding Flammability

A. Design

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

B. Before Construction

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

C. Before Occupation

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

45. Certification Requirement of Levels

A. During Construction

At the following stages of construction:

- i) Prior to the pouring of each floor or roof slab,
- ii) Upon completion of the roof frame.

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

B. Before Occupation

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

46. Sydney Water Requirements & Section 73 Compliance Certificate

A. Before Any Works

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

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

B. Before Occupation / Subdivision Certificate

Prior to the issue of an Occupation Certificate or a Subdivision Certificate a Compliance Certificate under Section 73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges. This assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to the mains.

Sydney Water Advice on Compliance Certificates:

Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Please make early contact with the Coordinator, since building of water / sewer extensions can be time-consuming and may impact on other services as well as building, driveway or landscaping design.

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

47. Dial Before You Dig

A. Before Construction

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

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

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

A. During Works

To minimise the noise impact on the surrounding environment and the threatened Shorebird Community:

- i) The LAeq sound pressure level measured over a period of 15 minutes when the construction or demolition site is in operation, must not exceed the ambient background level (LA90 15min) by more than 10dB(A) when measured at the nearest affected premises.
- ii) Loud intermittent noises" (such as, but not limited to, pile driving or jackhammering) associated with the construction of the building and ancillary facilities that are likely to disturb the threatened Taren Point Shorebird Community or other migratory and/or wading/wetland birds in the area, are not permitted.
- iii) All building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work must be carried out on Sundays and Public Holidays.

49. Toilet Facilities

A. During Works

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

Each toilet must:

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

50. Certification - of Approved Ground Levels

Verification of approved ground levels

A. Before Occupation

Upon completion of the development certification must be provided by a registered surveyor verifying that the ground levels of the site are in accordance with the approved plans.

51. Housing for Seniors or People with a Disability - Restriction as to User

A. Before Occupation

A Restriction as to User must be registered against the title of the property in accordance with section 88E of the Conveyancing Act 1919. This restriction must limit the use of the approved accommodation to the kinds of people referred to under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

B. Ongoing

Specifically, only those people who meet the following criteria may occupy this accommodation:

- i) seniors or people who have a disability,
- ii) people who live within the same household with seniors or people who have a disability,
- iii) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

"Seniors" are any of the following:

- a) people aged 55 or more years,
- b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,
- c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

"People with a disability" are people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

52. Graffiti Removal and Vandalism

A. Design

- a) Exterior fixtures and fittings must be made from robust and vandal resistant materials;
- b) In order to improve sight-lines and maximise opportunities for surveillance, shrubs and low hedges should be no higher than 600mm and high canopied vegetation should not have branches hanging lower than 2m from the ground at maturity; except where planting is for green screening;
- c) All entry points to the dwellings and windows accessible from the ground floor must be fitted with appropriate access control devices;
- d) All access control devices proposed by the applicant must be installed by a licensed security professional to meet or exceed AS 4806-2008;
- e) Lighting must meet AS 1158.3.1;
- f) All aspects of the development should comply with AS 1428.1 - 2009, be consistent with the Building Code of Australia and abide by the Disability and Discrimination Act 1992.

Details of the above requirements must be submitted with the application for Construction Certificate

B. Ongoing

- a) Graffiti is to be removed within 7 days;

53. Unexpected Finds - Heritage

A. During Works

If any archaeological remains are uncovered during excavation, then works in the affected area must cease and NSW Office of Environment and Heritage is to be immediately informed in accordance with the requirements of the Heritage Act 1977. Works cannot resume until permits or exemptions are in place.

54. Covenant on Title - Control of Domestic Animals

A. Before Occupation

An instrument must be registered on the title of the land in accordance with the Conveyancing Act 1919 requiring the restriction on the use of land for the control of dogs and cats.

The instrument must nominate Sutherland Shire Council as the only authority empowered to release, vary or modify the terms of the covenant and must include the following:

- i) A maximum of 2 cats may be kept in any dwelling at any time.
- ii) Any cat must be kept within the dwelling or in a cattery or cat run within the dwelling curtilage at all times.
- iii) A maximum of 2 dogs may be kept in in any dwelling at any time.
- iv) Any dog must be kept in a fenced or caged enclosure, physical restraint or within the dwelling between sunset and sunrise each day.
- v) Any dog must not be permitted to enter areas of any foreshore public reserve unless the dog is restrained on a leash.

B. Ongoing

Any plan or policy related to the ongoing management of the facility must incorporate the restrictions in "A" above.

55. Street Numbering and Provision of Letter Box Facilities

A. Before Occupation

- i) Street / unit must be clearly displayed.
- ii) Suitable letterbox facilities must be provided in accordance with Australia Post specifications.
- iii) The dwellings must be addressed in accordance with the approved architectural plans for 25 Bay Road identified in Condition 1 of this consent.
- iv) Dwelling numbers must be unique across each floor of the development with the 'Block' letter as the suffix to the street number, as follows;

Ground Floor

- Block A units to be numbered G01 - G03 / 25A Bay Road, Taren Point
- Block C units to be numbered G04 - G06 / 25C Bay Road, Taren Point
- Block D unit to be numbered G07 / 25D Bay Road, Taren Point
- Block E units to be numbered G08 - G09 / 25E Bay Road, Taren Point

First Floor

- Block A units to be numbered 101 - 108 / 25A Bay Road, Taren Point
- Block B units to be numbered 109 - 116 / 25B Bay Road, Taren Point
- Block C units to be numbered 117 - 124 / 25C Bay Road, Taren Point
- Block D units to be numbered 125 - 130 / 25D Bay Road, Taren Point
- Block E units to be numbered 131 - 137 / 25E Bay Road, Taren Point

Second Floor

- Block A units to be numbered 201 - 208 / 25A Bay Road, Taren Point
- Block B units to be numbered 209 - 216 / 25B Bay Road, Taren Point
- Block C units to be numbered 217 - 224 / 25C Bay Road, Taren Point
- Block D units to be numbered 225 - 230 / 25D Bay Road, Taren Point
- Block E units to be numbered 231 - 237 / 25E Bay Road, Taren Point

Third Floor

- Block A units to be numbered 301 - 308 / 25A Bay Road, Taren Point
- Block B units to be numbered 309 - 316 / 25B Bay Road, Taren Point
- Block C units to be numbered 317 - 324 / 25C Bay Road, Taren Point
- Block D units to be numbered 325 - 330 / 25D Bay Road, Taren Point
- Block E units to be numbered 331 - 337 / 25E Bay Road, Taren Point

Fourth Floor

- Block A units to be numbered 401 - 408 / 25A Bay Road, Taren Point
- Block B units to be numbered 409 - 416 / 25B Bay Road, Taren Point
- Block C units to be numbered 417 - 424 / 25C Bay Road, Taren Point
- Block D units to be numbered 425 - 428 / 25D Bay Road, Taren Point
- Block E units to be numbered 429 - 435 / 25E Bay Road, Taren Point

Fifth Floor

- Block A units to be numbered 501 - 506 / 25A Bay Road, Taren Point
- Block B units to be numbered 507 - 512 / 25B Bay Road, Taren Point
- Block C units to be numbered 513 - 518 / 25C Bay Road, Taren Point
- Block E units to be numbered 519 - 525 / 25E Bay Road, Taren Point

END OF CONDITIONS



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1102262

Issue date of GTA: 12 January 2018

Type of Approval: Controlled Activity

Description: Construction of Seniors Housing Development comprising 5 Apartment buildings, residential aged care facility and community and recreational facilities

Location of work/activity: 25 Bay Road Taren Point 2229

DA Number: DA17/1144

LGA: Sutherland Shire Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources

The GTA issued by DPI Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to DPI Water for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
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Design of works and structures

GT0009-00004	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Crown Lands and Water Division, and obtained, for a controlled activity approval under the Water Management Act 2000.
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Plans, standards and guidelines

GT0002-00096	A. This General Terms of Approval (GTA) only applies to the proposed activities described in the plans and associated documents found in Schedule 1, relating to Development Application DA17/1144 provided by Council to Crown Lands and Water Division. B. Any amendments or modifications to the proposed activities may render the GTA invalid. If the proposed controlled activity is amended or modified, Crown Lands and Water Division, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0003-00033	The application for a activities; controlled activity approval must include the following document(s): - site plan, map and/or surveys; watercourse crossings; outlet structures; Erosion and Sediment Control Plan; Soil and Water Management Plan; Vegetation Management Plan; Acid Sulfate Soils Management Plan.
GT0004-00002	A. A security deposit must be provided, if required by Crown Lands and Water Division. B. The deposit must be: i. a bank guarantee, cash deposit or equivalent, and ii. equal to the amount required by Crown Lands and Water Division for that controlled activity approval.
GT0008-00008	A. Before the proposed activities can commence, a riparian corridor must be clearly marked, protected and maintained in accordance with a plan submitted as part of the controlled activity approval, and approved by Crown Lands and Water Division. B. The corridor must extend for: i. a width of 40 m, measured horizontally landward from the mean high water level of the estuary, and ii. the length of the site directly affected by the controlled activity.
GT0030-00001	The application for a controlled activity approval must include plans prepared in accordance with Crown Lands and Water Division's guidelines located on the website as follows: http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity .

Rehabilitation and maintenance

Level 11, 10 Valentine Avenue, Parramatta, NSW 2124 | LOCKED BAG 5123, Parramatta, NSW 2124
water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au



General Terms of Approval

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Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources

GT0007-00003 When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Crown Lands and Water Division.

GT0023-00001 Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

Reporting requirements

GT0016-00002 The consent holder must inform Crown Lands and Water Division in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by DPI Water for integrated development associated with DA17/1144 as provided by Council:

- 1) SEE_23.08.17_#8231;
- 2) Landscape Master Plan Development_16.08.17_#NBL201703Woollooware;
- 3) Ecological & Riparian Issues & Assessment Report_07.17;
- 4) Sediment and Erosion Control Plan_05.17_#16644-D1-SE01;
- 5) Construction Management Plan_10.07.17_#884-/ML/17642/1.

Our Ref: IDA17/79

Your Ref: DA17/1144

20 October 2017

Sutherland Shire Council
(Attn: Slavco Bujaroski)
Locked Bag 17
SUTHERLAND NSW 1449
c/o: ssc@ssc.nsw.gov.au

Dear Mr Bujaroski,

Proposal: IDA referral for construction of a seniors housing development comprising 5 apartment buildings, residential aged care facility and community and recreational facilities

Property: 25 Bay Road, Taren Point – Woollooware Bay

Thank you for your referral of 22 September 2017 seeking comment on this proposal from DPI Fisheries, a division of NSW Department of Primary Industries.

DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is no net loss of key fish habitats upon which they depend. To achieve this, DPI Fisheries ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (FM Act) (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act, respectively), and the associated *Policy and Guidelines for Fish Habitat Conservation and Management (2013)*. In addition, DPI Fisheries is responsible for ensuring the sustainable management of commercial, recreational and Aboriginal cultural fishing, aquaculture, marine parks and aquatic reserves within NSW.

DPI Fisheries has reviewed the proposal in light of those provisions and has no objections, subject to the proponent meeting the General Terms of Approval that follow. As per s.91A(3) of the *Environmental Planning and Assessment Act 1979*, any consent issued by Council must be consistent with these GTAs.

1. Environmental safeguards (silt curtains, booms etc.) are to be used during construction to ensure that there is no escape of turbid plumes into the aquatic environment. Turbid plumes have the potential to smother aquatic vegetation and have a deleterious effect on benthic organisms.

If Council or the proponent requires any further information, please do not hesitate to contact me on 4222 8342.

Yours sincerely,



Carla Ganassin
Fisheries Manager, Aquatic Ecosystems



TELEPHONE: (02) 93946627
EMAIL: development@ausgrid.com.au
REFERENCE: TRIM 2017/39/27

ATTN: Slavco Bujarowski
Environmental Assessment Officer
Locked Bag 17
Sutherland NSW 1499

570 George Street
Sydney NSW 2000
All mail to GPO Box 4009
Sydney NSW 2001
T +61 2 131 525
F +61 2 9269 2830
www.ausgrid.com.au

Re: DA17/1144 - 25 Bay Rd, Taren Point - Seniors Housing Development.

I refer to Sutherland Shire Council development application DA17/1144.

This letter is Ausgrid's response under clause 45(2) of the State Environmental planning Policy (Infrastructure) 2007.

The assessment and evaluation of environmental impacts for a new development consent (or where a development consent is modified) is undertaken in accordance with requirements of Section 79C of the Environmental Planning and Assessment Act 1979. One of the obligations upon consent authorities, such as local councils, is to consider the suitability of the site for the development which can include a consideration of whether the proposal is compatible with the surrounding land uses and the existing environment.

In this regard, Ausgrid requires that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

With Regard to: Seniors Housing Development at 25 Bay Rd, Taren Point

- D-F0011 Building F Section Issue 1
- D-E-0001 Building E Sections Issue 1
- B-E-GA-GF Building E GA Plan Ground Level Issue 2
- B-F-GA-GF Building F GA Plan Ground Level Issue 2
- DA-1000 Notification Plan Issue 2

Ausgrid consents to the above mentioned development subject to the following conditions:-

Method of Electricity Connection

The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.

Supply of Electricity

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- The existing network can support the expected electrical load of the development
- A substation may be required on-site, either a pad mount kiosk or chamber style and;
- site conditions or other issues that may impact on the method of supply.

Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.

Conduit Installation

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

Proximity to Existing Network Assets

Overhead Powerlines

There are existing overhead electricity network assets within the easement the crosses through the site.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

Based on the design of the development provided, it is expected that the "as constructed" minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

For Activities Within or Near to the Electricity Easement:

Purpose Of Easement

This easement was acquired for the 132,000 volt transmission assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the transmission assets and to provide adequate working space along the route of the lines for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the transmission lines which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.

The Following Conditions Apply for any Activities Within the Electricity Easement:

1. All construction works on or near the easement and/or powerlines must adhere to the Safework NSW – Work Near Overhead Powerlines: Code of Practice, 2006
2. No metallic pipes or any other kind of MEN bonded conductors (eg LV supply, air-conditioners, metallic fences bonded to MEN etc) are to be placed on the outside of a building, where a person standing on bare soil could touch these MEN bonded metallic conductors at distances of less than 20m from the legs of the adjacent transmission tower. This exclusion zone does not apply within the the building.
3. Ausgrid is not responsible for the reinstatement of any finished surface within the easement site.
4. Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid's infrastructure, a suitable right of access at least 5m wide must be provided to each asset.
5. Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne.
6. Access gates, minimum 4.5 metres wide, may be required in all fences crossing the transmission line easement.
7. No vehicles, plant or equipment having a height exceeding 4.6 metres are to be brought into the easement site without written approval from Ausgrid.
8. Vehicles brought into the easement, with a height less than 4.6m but having an extension capable of extending greater than 4.6m above ground, must not have that extension operated at all whilst within the easement.
9. No buildings/structures or parts thereof constructed may encroach the easement.
10. No obstruction of any type shall be placed within 10 metres of any part of a transmission line structure except where installed to protect transmission structure from vehicle impacts when Ausgrid has approved such structures.
11. The flying of kites, model aircraft etc. is not permitted within the easement site.
12. Any change to ground levels must be submitted to Ausgrid for approval.
13. Trees, shrubs, or plants which have a mature height of greater than 3.0m, or climbable portions greater than 2.5m above ground, are not permitted within the easement. The planting of other vegetation is to ensure Ausgrid's access and maintenance requirements are maintained.
14. Electric power should not be connected to the easement site without permission from Ausgrid, however electric power may be run through the easement under the conditions in the following point.

15. Ausgrid is to be indemnified from all actions, suits, claims and demands of whatsoever nature, which Ausgrid may incur as a result of the encroachment/s.

16. Ausgrid reserves the right, by written notice, to require the owner of the property, at the owner's expense, to implement further safety measures, removal or modification of any encroachments not specifically approved by Ausgrid should this be necessary in the future for the safe and continued operation or upgrade of the network asset.

Please do not hesitate to contact Adam Bradford on Ph: (02) 93946627 (please quote our ref: Trim 2017/39/27) should you require any further information.

Regards, Adam

Adam Bradford
Portfolio Manager - Asset Protection
Ausgrid - Field Services
Ph: (02) 93946627



Slavco Bujaroski - 9710 0167
File Ref: PAD16/0036

9 June 2016



Anglican Retirement Villages
62 Norwest Boulevard
BAULKHAM HILLS NSW 1765

Administration Centre
4-20 Eton Street, Sutherland
NSW 2232 Australia

Please reply to:
General Manager,
Locked Bag 17,
Sutherland NSW 1499
Australia

Tel 02 9710 0333
Fax 02 9710 0265
DX4511 SUTHERLAND
Email ssc@ssc.nsw.gov.au
www.sutherlandshire.nsw.gov.au

ABN 52 018 204 808

Office Hours
8.30am to 4.30pm
Monday to Friday

Dear Sir/Madam

Pre-Application Discussion No.PAD16/0036

Proposal: Construction of a seniors living facility including individual retirement living units, residential care facility and ancillary community facilities including landscape and parking

Property: 31 Bay Road, Taren Point

Council refers to the pre-application meeting (PAD) held on 3 May 2016 regarding the above development proposal. The attendees on behalf of Council were as follows:

Carolyn Howell	Team Leader
Slavco Bujaroski	Development Assessment Officer
Leanne Mariani	Environmental Scientist
James Gogoll	Development Assessment Engineer
Mark Chigwidden	Traffic Engineer
Bruce Powe	Traffic and Transport Services Manager
Barbara Buchanan	Landscape Architect
David Jarvis	Architect

The attendees on behalf of the applicant were as follows:

Peter Paltoo	ARV
Steven Ball	ARV
David Edbrooke	ARV
Damian Barker	Jackson Teece
Connie Argyrou	Jackson Teece
Rob Player	Don Fox Planning
Martin Moore	Morgan Moore & Associates

The purpose of this letter is to provide a summary of the issues discussed at the meeting and provide information that will assist you should you proceed with preparing a development application (DA). Council cannot provide you with certainty on the determination of the proposal until a DA has been lodged and assessed.

Your DA will need to be supported by a Statement of Environmental Effects addressing all relevant Environmental Planning Instruments, and the detailed planning controls contained in Council's Draft Development Control Plan.

Note that Schedule 4A of the Environmental Planning & Assessment Act 1979 requires that the Joint Regional Planning Panel (JRPP) to exercise the consent authority functions of Sutherland Shire Council for development that has a capital investment value of more than \$20 million.

The Site and Proposal:

The site is an internal lot whose entrance is located off the northern side of Bay Road and accessed via a right of carriageway. The entrance to the site is approximately 340m east of the intersection of Bay Road and Alexander Avenue and approximately 160m west of the intersection of Bay Road and Atkinson Road.

The site is an irregular shaped allotment being a subdivided portion of whole allotment comprising 31 Bay Road. The site is approximately 31,800m² in area and is the result of a 4 lot subdivision approved by Council on 2 December 2014 (DA13/1086). A transmission line easement forms the southern boundary and the majority of the northern boundary adjoins a Council Reserve with part of the northern boundary adjoining a narrow strip of private land (though it is still zoned as RE1 Public Recreation). Further to the north is Woollooware Bay.

The land is generally flat, having minor falls to the northern and western boundaries. There is a narrow man made channel along the western boundary which has been populated with mangroves over time. There is no other significant vegetation on the site.

The proposal is to develop a seniors housing facility, being an extension of the Anglican Retirement Village (ARV) adjoining the proposed development site to the west. The proposal presented for the meeting is in the early concept stages, and comprises 4 separate buildings. The 2 buildings proposed along the northern edge of the site comprise self contained dwellings, under cover car parking and servicing areas on the ground floor level with each building having 2 x 5 storey residential towers situated on top (noted as Blocks A, B, C and D on the plans). These 2 buildings also propose basement parking. Block E comprises a 6 storey residential building with ground level open car parking spaces. A single storey residential care facility (RCF) is also proposed within the south east corner of the site and a bowling green and community facilities proposed between the RCF and Block E. A bridge is also proposed to connect the proposed development with the existing ARV facility to the west.

Statutory Considerations:

The property is within Zone 'B7 Business Park' under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). The property also has the benefit of an additional permitted use under Item 21 in Schedule 1 of SSLEP 2015 whereby 'seniors housing' is permitted on the land. The proposed 'seniors housing'

development is therefore a permissible form of development within this zone with development consent.

The key building form development standards under SSLEP 2015 for the proposed development are as follows:

Building Height: 16m maximum
Floor Space Ratio: 1.5:1
Landscaped Area: 10% (refer also to SEPP Seniors Housing requirements)

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors Housing) applies to the proposal by the application of Chapter 1.4 of the policy. While Chapter 1.4(6)(a) excludes land described in Schedule 1 (Environmentally Sensitive Land) of the policy, SSLEP 2015 does not describe the subject land in any of the terms specified by Schedule 1 and, therefore, the policy applies. Accordingly, the future proposal will be assessed against all relevant requirements of SEPP Seniors Housing.

State Environmental Planning Policy No.65 (SEPP65), and the associated 'Apartment Design Guide' (ADG), applies to the proposal as well as the specific requirements under SEPP Seniors Housing. The proposal must address these specific EPIs.

SSLEP2015 indicates that the site is mapped as being flood affected, being contaminated land not suitable for residential purposes, affected by a foreshore building line (FBL), subject to a riparian zone and comprises Class 2 / 3 acid sulphate soils. These specific characteristics of the site will need to be taken into consideration when preparing your DA.

Comments on the Proposal:

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

1. Design Concept

It was acknowledged that the concept plans presented for the meeting were at the very early stages. In general terms, the strategy of orienting the buildings toward Woollooware Bay and therefore attempting to maximise views is reasonable. In conjunction with this, further development of the proposal is required to demonstrate that the buildings satisfy the requirements of the ADG.

The plans indicate that the proposal comprises 6 storey buildings by indicating that levels 1-5 have the same floor plans. As noted above, the maximum building height for the site is 16m. Assuming a 3m floor to floor level generally, a 3.3m top floor to roof level and an increased above ground floor level (in response to 1% AEP flood levels), the buildings are anticipated to be approximately 3m above the maximum height. A breach to the maximum permissible height of this extent is considered significant. Any breach to this development standard must be accompanied by a cl.4.6 variation. The merits of exceeding the building height will be assessed having regard to the zone and building height objectives in this context. In addition to this, the building form and

height will be assessed in terms of how the proposal relates to the visual qualities of the Woollooware Bay waterfront and possible future redevelopment of adjoining land.

Regarding the proposed single storey residential aged care facility, the submitted sketch plans under utilise a significant portion of the site with regard to building bulk. There is an opportunity to locate self contained dwellings above this ground floor use so as to redistribute building bulk on the site and take some pressure off other areas on the site. It is acknowledged, however, that these 2 uses will require unique and separate access requirements which are considered able to be managed successfully.

In terms of building setbacks, the western setback will be governed by the 10m wide 'easement to drain water' in addition to the existing easement running along the western boundary. No buildings are to encroach within this area.

The setback of buildings to the northern boundary is required to be outside the mapped riparian zone. Refer to Item 4(b) below for further information regarding this setback. In addition to this, Block D is within 7m of the adjoining building to the north, creating a poor juxtaposition between the sensitive residential use and adjoining industrial use. An increased setback, respecting the riparian zone requirements, and providing screen tree planting is required to alleviate visual quality issues, particularly for the lower floor units.

The minimum eastern boundary setback indicated on the sketch plans scales at 10m, which is reasonable in the context. In general terms, this setback will be assessed against the built form controls contained in the ADG. This setback will also be considered relative to any future redevelopment of adjoining land.

2. Engineering Matters

The original land subdivision will create a 10m wide 'easement to drain water' abutting, and to the east of, the existing stormwater drainage easement adjacent to the western boundary of the property. The concept plans indicate that the buildings would encroach significantly into this 10m wide easement. The proposed buildings are required to be located outside of this easement.

As a concept, there is no objection to the proposed new bridge crossing over to the existing ARV facility. However, if the proposed bridge is to have supports within the existing drainage easements, and the aforementioned additional 10m wide easement, a flood study must be prepared to ensure there are no adverse impacts upon surrounding properties and that the flood level does not rise. Flood mitigation works may be required on the recommendations of the flood study.

In terms of vehicular access ways and parking, all car parks and associated access-ways must be designed in accordance with AS2890.1:2004. Also, all loading docks, garbage retrieval areas and associated truck access-ways must be designed to AS2890.2:2002. Heavy vehicle access-way must be via the right of carriageway to Bay Road.

3. Flooding

At the time of the land subdivision, the required finished floor levels of future developments were to be no less than 2.6m AHD. Since then, Council has engaged

consultants to assist in modelling sea level rise and climate change and this has resulted in the preparation of the 'Draft Sea Level Rise Policy'. Council has endorsed this draft policy for public exhibition, whose period will be from 22 June 2016 and extend until 21 July 2016. It is anticipated that finished floor levels will be lifted to 3.1m AHD. It is recommended that you contact Jogarao Jayanti (Council's Acting Stormwater Manager) on 02 9710 0484 once the Sea Level Rise Policy has been adopted by Council.

4. Environmental Matters

The site is constrained by significant environmental factors which must be addressed in the design.

a) Integrated development

Any future development application on the site will be Integrated Development as the works proposed are defined as a '*controlled activity*' under the Water Management Act 2000, being the '*erection of a building*' on '*waterfront land*'. A '*controlled activity approval*' will therefore be required and the application will be referred to the Department of Primary Industries (NSW Office of Water) for their general terms of approval.

b) Riparian land

The NSW Office of Water has issued guidelines for controlled activity approvals on waterfront land, which includes acceptable uses able to be located within a riparian zone. The extent of the riparian zone is taken to be 40m from the Mean High Water Mark (MHW). The proposed buildings encroach into the Council mapped riparian zone along the northern boundary and would not be acceptable when assessed against this guideline. While Council recommends buildings to be located outside the riparian zone, any encroachment by 'non-riparian uses', such as buildings, is required to be consistent with the 'averaging rule' outlined in the NSW Office of Water's 'Guidelines for riparian corridors on waterfront land'.

It is also strongly advised that you contact the NSW Office of Water to determine specific requirements under the *Water Management Act 2000*, including obtaining requirements regarding significant de-watering of the site that may be required for basement levels. These requirements may impact the form of the proposed development. Contact: Jeremy Morice, Water Regulation Officer, NSW Office of Water – ph 02 4224 9736.

Clause 6.7 of SSLEP2015 also applies to the proposal, specifically relating to the riparian zone affecting the land. The requirements of cl.6.7 of SSLEP 2015 and Chapter 38 of DSSDCP 2015, with respect to 'wetland and waterway' controls, must also be addressed.

c) Terrestrial biodiversity

Clause 6.5 – *Terrestrial biodiversity*, of SSLEP 2015, relates to the estuarine mangroves that exist along the western property boundary. Chapter 38 of DSSDCP2015, stipulates a 40m buffer zone from mangrove wetlands. However, in this instance, the western property boundary is not deemed to be a mangrove wetland but rather a drainage channel that has been re-populated by mangroves. Advice from the Department of Primary Industries (Fisheries NSW) indicates that the mangroves

growing within the drainage channel are not considered to be key fish habitat and therefore NSW Fisheries has no specific buffer zone requirements in this regard. Notwithstanding the above, it is advised that you contact NSW Fisheries to determine any specific requirements under the *Fisheries Management Act 1994*, that may impact the proposal. Contact: Carla Ganassin, Fisheries Manager, Fisheries NSW– ph 02 4224 8342.

d) Contaminated Land

Council is in receipt of "Site Audit Statement no. KJL058R" by Kylie Lloyd (Zoic Environmental Pty Ltd) 26 August 2015. This statement verifies that the site is suitable for commercial/ industrial use subject to the 'Environmental Site Management Plan, 31 Bay Road, Taren Point" by JBS Environmental Pty Ltd, October 2012.

The purpose of this Environmental Management Plan (EMP) is to ensure continued suitability of the site for commercial use and it addresses potential risks associated with methane soil gas, contaminated soil and contaminated groundwater.

As the proposed land use is residential, Council must be satisfied that the land is suitable in its contaminated state, or can be made suitable following remediation, for the proposed residential development in accordance with the requirements of SEPP 55 – Remediation of Land. Council advises you to engage an environmental consultancy to undertake a review of all relevant contaminated land documentation with a view to determining an appropriate course of action to ensure the site can be made suitable for the proposed residential development.

Furthermore, as this proposal changes the land use to a more sensitive residential use, Council requires a NSW EPA accredited site auditor to be engaged by the applicant early in the planning process to ensure that risks identified in the EMP are appropriately addressed and managed.

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

- Environment Institute of Australia & New Zealand (EIANZ) 'Certified Environmental Practitioner (CEnvP) Scheme.
- Site Contamination Practitioners Australia (SCPA).

e) Acid sulfate soils

The majority of the site is located in an area identified as Class 3 Acid Sulfate Soils on the Acid Sulfate Soil Risk Maps with a small portion of the north east of the site identified as Class 2. Development proposals for this site must address the acid sulfate soil objectives of cl.6.1 of SSLEP 2015, and, in particular, have regard for the depth and volume of any proposed excavation (such as basement levels) required as part of the development.

f) Air Quality

An air quality assessment comprising an audit of existing uses adjoining / near to the site is required to be submitted. The purpose of the assessment is to determine the potential for adverse air quality impacts from surrounding land uses on the proposal

and to develop and implement appropriate management measures to ameliorate any adverse effects.

g) Potential impacts on migratory birds

The site adjoins land mapped as 'Taren Point Shore Bird Community'. Details of potential impacts on migratory birds from activities and factors that contribute to excessive noise and light spill must be submitted.

5. Access and Safety and Security

An Accessibility Report is required to be submitted, prepared by a suitably qualified consultant, and demonstrating compliance with the provisions of AS1428.1 and AS1428.3 Design for Access and Mobility. The proposal is also to demonstrate that CPTED principles (Crime Prevention Through Environmental Design) have been incorporated into the design. As this is not a high crime area, the entire facility should be designed for ageing in place and accessibility.

6. Section 94 Contributions

The current 2005 Shire Wide Open Space and Recreation Facilities Plan and 2003 Community Facilities Plan both apply to residential development, including Seniors Housing. Such residential development is considered to increase the Shire's population (as a whole) and accordingly create an increase in demand for open space and recreation facilities and community facilities within the Sutherland Shire.

Council may consider a proposal to exempt a development from Section 94 Contributions, or the applicant may offer a material public benefit in lieu of a contribution. The applicant must demonstrate that they either meet the tests for an exemption set out in the plan.

Applications for an exemption will need to include a "*comprehensive submission arguing the case for exemption and include details of the mechanism ensuring that such housing is, and will remain in the form proposed*". Council may also consider works in kind (material public benefit) in lieu of a Section 94 contribution, as per the provisions of the plan.

7. Woollooware Bay Shared Pathway

Council has, for many years, been negotiating with property owners to secure the final links in this important regional facility. Council sees that there is an opportunity for part of this 'missing link' to be provided on your site. This would enable the occupants of your site to link with the facility provided on the neighbouring ARV site and to the shared pathway at large. Details on the desired location of the shared pathway can be obtained from Council's Traffic Engineer, Mark Chigwidden (02 9710 0130).

8. Landscaping

The site is located in a Greenweb - Restoration area which requires that 100% of trees planted be indigenous trees and 50% indigenous species to understory plantings. Suitable species are able to be selected from Council's 'Native Plant Selector' located on Council's website at the following address:

(<http://www.sutherlandshire.nsw.gov.au/Outdoors/Environment/Plants-and-Bushland/Native-Plant-Selector>).

All trees and clusters of vegetation on the site and in close proximity to the site boundaries are to be surveyed and included on the architectural and landscape concept plans. Species must be also be identified. This can be undertaken by an arborist or a landscape architect.

A landscape concept plan is required to be submitted prepared by a suitably qualified Landscape Architect or Landscape Designer. Note: A Landscape Designer is a person eligible for membership of the Australian Landscape Designers and Managers and a Landscape Architect is a person eligible for membership of the Australian Institute of Landscape Architects as a Registered Landscape Architect.

There are opportunities in the proposal to provide a range of outdoor spaces and uses for residents within the spaces between buildings. For example, there is potential to incorporate a community garden for resident use. Suitable outdoor furniture is required to be specified on the landscape concept and the landscape concept must include details of how it is intended to connect to Council's cycleway network which was presented at the meeting.

In terms of tree planting, screen tree planting is recommended along the eastern and part of the northern boundary to soften the appearance of the neighbouring industrial buildings. There are also opportunities to line the internal east-west road with street trees. Rainwater tanks of sufficient size will also be required to irrigate landscaped areas.

9. Utilities and Infrastructure

You are advised to make enquiry early with the various infrastructure and utility providers to ensure relevant considerations for the provision of services have been taken into account early in the building design. Urban infrastructure and utilities are reaching, or have reached maximum capacity in some localities. Electricity substations are required on occasion to ensure sufficient power to buildings and to meet flow requirements for sprinkler systems; NSW Fire have required substantial water tanks in other instances. Infrastructure to support these requirements will not be approved in the front boundary set back, or at the expense of landscaping or parking requirements.

Conclusion:

In principle, Council has no objection to the proposal on this site. The environmental and engineering related issues affecting the site are significant and must inform the development of the buildings and their relationship to each other and the context. In this regard, the site constraints may drive an alternative solution to that presented, particularly for the 2 buildings located at the northern end of the site. It is recommended that you submit a further pre-DA, and, subsequent to that, a pre-DA ARAP discussion, once the design is further developed and prior to lodgement of a development application.

It is important to note that the information provided in this letter is based on the planning instruments applicable at the time of writing. You should make yourself aware of any subsequent changes to legislation or local planning controls before lodging your development application.

For detailed information about how to prepare and lodge a development application, please refer to the "Development" section of Council's website (www.sutherlandshire.nsw.gov.au).

On the web page a "DA Guide" is available and an online tool called "Development Enquirer" which searches the applicable planning instruments for the planning controls relevant to your site and development.

Please make an appointment with Council's Development Enquiry Officers on 9710 0520 when you are prepared to lodge your application. Requests for appointments can also be made via Council's website.

Please contact Council if you believe any of the above information to be incorrect or if you need clarification of the advice provided. Your initial point of contact should be Slavco Bujaroski (9710 0167) as this is Council's development assessment officer who will most likely be responsible for the assessment of your DA.

Yours faithfully

Mark Adamson
Manager – Projects and Development Assessment

Administration Centre
4-20 Eton Street, Sutherland
NSW 2232 Australia

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Monday to Friday

Slavco Bujaroski - 9710 0167
File Ref: PAD17/0034

13 June 2017

Anglican Community Services
Po Box 284
CASTLE HILL NSW 1765

Dear Sir/Madam

Pre-Application Discussion No. PAD17/0034

Proposal: Pre-Application Discussion

Property: 25 Bay Road, Taren Point

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

Council refers to the pre-application meeting (PAD) held on 2 May 2017 regarding the above development proposal. The attendees on behalf of Council were as follows:

Carolyn Howell	Team Leader
Slavco Bujaroski	Development Assessment Officer
Leanne Mariani	Environmental Scientist
Peter Anderson	Senior Development Engineer
Mark Chigwidden	Traffic Engineer
Bruce Powe	Traffic and Transport Services Manager
Barbara Buchanan	Landscape Architect
David Jarvis	Architect
Ginamarie Ross	Community Projects Officer

The attendees on behalf of the applicant were as follows:

David Edbrooke	Anglicare
Damian Barker	Jackson Teece
Nik Dunoski	Jackson Teece
Rob Player	Don Fox Planning
Martin Moore	Morgan Moore & Associates

The purpose of this letter is to provide a summary of the issues discussed at the meeting and provide information that will assist you complete a development

application (DA). Council cannot provide you with certainty on the determination of the proposal until a DA has been lodged and assessed.

Your DA will need to be supported by a Statement of Environmental Effects addressing all relevant Environmental Planning Instruments, and the detailed planning controls contained in Council's Draft Development Control Plan.

Note that Schedule 4A of the Environmental Planning & Assessment Act 1979 requires that the Joint Regional Planning Panel (JRPP) to exercise the consent authority functions of Sutherland Shire Council for development that has a capital investment value of more than \$20 million.

The Site and Proposal:

The site is an internal lot whose entrance is located off the northern side of Bay Road and accessed via a right of carriageway. The entrance to the site is approximately 340m east of the intersection of Bay Road and Alexander Avenue and approximately 160m west of the intersection of Bay Road and Atkinson Road.

The site is an irregular shaped allotment being a subdivided portion of whole allotment comprising 31 Bay Road. The site is approximately 31,800m² in area and is the result of a 4 lot subdivision approved by Council on 2 December 2014 (DA13/1086). A transmission line easement forms the southern boundary and the majority of the northern boundary adjoins a Council Reserve with part of the northern boundary adjoining a narrow strip of private land (though it is still zoned as RE1 Public Recreation). Further to the north is Woollooware Bay.

The land is generally flat, having minor falls to the northern and western boundaries. There is a channel along the western boundary which has been populated with mangroves over time. There is no other significant vegetation on the site.

The proposal is to develop a seniors housing facility, being an extension of the Anglicare Retirement Village (ARV) adjoining the proposed development site to the west. The proposal presented for the meeting is a developed design following discussions with Council over 2016 and 2017.

The proposal is best described as comprising 4 separate buildings comprising a total of 181 self-contained dwellings, 48 high care rooms and parking for 195 cars. The 2 buildings proposed along the northern edge of the site each comprise 2 towers over a single storey podium level. The towers include 2 and 3 bedroom self-contained dwellings over 4 and 5 storeys and are located over a podium level which comprises car parking and servicing areas. The towers are noted as Blocks A, B, C and D on the plans. Blocks A and B contain 76 units with 78 car spaces and Blocks C and D contain 63 units with 65 car spaces.

Block E has a similar configuration to Blocks A, B, C and D in that a 5 storey residential building is located over a podium level. The podium level is single storey and comprises car parking spaces, 2 ground floor dwellings, the men's shed and a community centre. Block E contains 42 dwellings with 41 car spaces.

Block F comprises the residential aged care facility component of the development. This building contains 48 beds over 3 storeys sitting on a podium level comprising parking areas and administration and support areas. Block E and Block F are arranged such that they wrap around a bowling green.

A road is proposed dividing the site into two, connecting the existing facility to the west with the existing right of carriageway accessed off Bay Road. A bridge is proposed to connect the proposed development with the existing ARV facility to the west and is part of a separate development application (DA17/0048).

Statutory Considerations:

The property is within Zone B7 Business Park under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). The proposed 'seniors housing' development is prohibited within this zone, however, the site has the benefit of an additional permitted use under Schedule 1 Item 21 which permits 'seniors housing' development with consent from Council

The key building form development standards under SSLEP 2015 for the proposed development are as follows:

Building Height:	16m maximum
Floor Space Ratio:	1.5:1
Landscaped Area:	10% (SSLEP 2015) 25m ² per bed = 7,535m ² (SEPP Seniors Housing)

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors Housing) does not apply to the proposal as the land is considered to be environmentally sensitive and therefore excluded under Chapter 1.4(6)(a) of the SEPP. Notwithstanding, as Council does not have any other controls for seniors housing in its DCP, it will be guided by the provisions contained in SEPP Seniors Housing and will use it in the assessment of any future development application for seniors housing on the land.

State Environmental Planning Policy No.65 (SEPP65), and the associated 'Apartment Design Guide' (ADG), applies to the proposal. The proposal must address these specific EPIs.

SSLEP2015 indicates that the site is mapped as being flood affected, being contaminated land not suitable for residential purposes, affected by a foreshore building line (FBL), subject to a riparian zone and comprises Class 2 / 3 acid sulphate soils. These specific characteristics of the site will need to be taken into consideration when preparing your DA.

Comments on the Proposal:

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

1. Design

The proposed facility has developed into a well-considered proposal and generally follows the intentions of the previously submitted sketch plans. There are, however, 2 matters which Council considers significant and require either further refinement or additional information to gain support.

Firstly, the ground level layout of the carparking areas for Blocks A/B and Blocks C/D and the proposed treatment of the facades is problematic in terms of activation at ground level. Attempts to overcome this with scattered apartments, facilities and planted mounds around the edges of the carparks are likely to be unsuccessful. The approach taken in the existing buildings to the west is much better.

Secondly, the breach to the maximum permissible height of at least 4.35m (27% variation) is considered significant and must be accompanied by a cl.4.6 variation. The merits of exceeding the building height will be assessed having regard to the zone and building height objectives in this context. In addition to this, the building form and height will be assessed in terms of how the proposal relates to the visual qualities of the Woollooware Bay waterfront and possible future redevelopment of adjoining land as well as whether the increased height introduces amenity issues for the proposed dwellings.

In addition to the above, the following is required to be addressed:

- i) The plans submitted for a development application must indicate room uses for every internal space proposed.
- ii) The paths adjoining Men's shed and Block A podium wall are to be removed from the drainage easement. This will require a reconfiguration of the path and building entry to Block A.
- iii) The end of the bridge where it connects into the site must co-ordinate with the bridge proposal currently under consideration by Council. The curved portion of hardstand where it extends beyond the bridge shape and over the drainage easement must be cantilevered.
- iv) Facilities for Block F and the Men's shed are not shown, e.g. kitchen, amenities.
- v) Details of the treatment at the edges of the site must be included as the proposal includes filling of approximately 800mm across the majority of the site.
- vi) Larger scale elevations of each building at 1:200 must be included in the documentation for a future development application.

2. Engineering Matters

- i) A waste management plan is required to be submitted with the development application detailing garbage pick-up locations, type of truck proposed and proposed path of travel.

- ii) SEPP Seniors Housing requires 5% of car spaces for private car accommodation to be able to be increased to 3.8m in width. The SEPP also requires that other spaces comply with AS2890.
- iii) The floor levels shown on the floor plan are not consistent with GHD's climate change simulation report received by Council on 30/08/2016 and must be amended. The effect of filling the land must also be taken into account.
- iv) There is a question regarding the servicing of Block F particularly with regard to headroom and type of vehicle required to service the building.
- v) A dedicated small rigid vehicle space is recommended to be provided adjacent to the men's shed.

3. Landscaping

- i) The proposed landscape layout between Blocks A, B, C and D needs a strong programme to create useful, interesting spaces that support resident activity, not just generic areas of paths, grass and trees. These spaces will also need wind breaks and shade structures to make them comfortable and useable.
- ii) It is unclear how soil depths will be achieved in the two podium courtyards between Blocks A and B and D and C. Mounding of soil is not recommended because trees in these locations will be subject to wind throw. A combination of setting down the slab where trees are proposed, planter boxes and manipulation of the floor plane will achieve a more stable and more interesting landscape.
- iii) Landscape sections are needed to show clearly how the spaces between buildings will be designed and how soil depths on the podiums will be achieved.
- iv) The preliminary plant schedule is acceptable. As the site is mapped as a Greenweb 'Restoration' zone, note that 100% of trees and at least 50% of the understorey planting must be indigenous species. This includes any podium plantings.
- v) There is an opportunity to create an avenue or spine of indigenous trees along the central roadway and perhaps along a walkway connecting Block E and the waterfront through the courtyard between Blocks B and C. This would help to establish precincts within the site, improve shelter, reduce the scale of the buildings and improve connectivity.
- vi) The existing factory wall along the southern boundary would be best screened by mixed indigenous tree plantings which will be large in scale, inexpensive, long-lived, relatively maintenance free and will provide a pleasant outlook for Block F. To achieve this, the planting bed along the southern boundary adjoining the factory should be a minimum width of 2.5m, not 1.5m as shown on the plans.
- vii) The landscaped area, including the podiums and bowling green, is large and will require a lot of water for irrigation. Thought should be given at this early stage to

provide sufficient rainwater storage to irrigate the gardens throughout the hot summer months.

4. Environmental Matters

The site is constrained by significant environmental factors which must be addressed in the design:

- i) **Integrated development**
As previously advised, any future development application on the site will be Integrated Development and will therefore be required to be referred to the NSW Department of Primary Industries - Water (DPI – Water) for their general terms of approval. Refer to DPI – Water guidelines for controlled activities on waterfront land with specific requirements for riparian corridors.
- ii) **Riparian land**
The requirements of cl.6.7 of SSLEP 2015 and Chapter 38 of SSDCP 2015, with respect to 'wetland and waterway' controls, must also be addressed.
- iii) **Terrestrial biodiversity**
As previously advised, development proposals for this site will be referred to DPI – Fisheries for their consideration.
- iv) **Contaminated Land**
It is understood by Council that further contaminated land investigations have been undertaken including the preparation of a site specific environmental management plan. Council was also informed that a NSW EPA accredited site auditor has been engaged to review the new contaminated land documentation.

Therefore, any recent contaminated land documentation is to be submitted with a development application. This will enable Council to undertake an assessment of contaminated land matters to determine that the land is suitable, or can be made suitable, for the proposed residential land use in accordance with the requirements of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).
- v) **Acid sulfate soils**
The bulk of the site is located in an area identified as Class 3 Acid Sulfate Soils on the Acid Sulfate Soil Planning Maps with a small portion of the north east of the site identified as Class 2. Development proposals for this site must address the acid sulfate soil objectives of c6.1 of SSLEP 2015.
- vi) **Potential impacts on migratory birds**
The foreshore area to the north of the site is mapped as the 'Taren Point Shore Bird Community', which is listed as an endangered ecological community under the Threatened Species Conservation Act 1995. An ecological assessment is required which considers potential impacts on migratory birds including factors such as, but not limited to, noise, light spill and bird strike.

5. Access and Safety and Security

An Accessibility Report is required to be submitted, prepared by a suitably qualified consultant, and demonstrating compliance with the provisions of AS1428.1 and AS1428.3 Design for Access and Mobility. The proposal is also to demonstrate that CPTED principles (Crime Prevention Through Environmental Design) have been incorporated into the design. As this is not a high crime area, the entire facility should be designed for ageing in place and accessibility. In addition to the above, the residential aged care facility must be designed as being dementia friendly.

A Social Impact Evaluation must be submitted with any future development application addressing the requirements set out in Chapter 40 of Draft Sutherland Shire Development Control Plan 2015 and can incorporate details relating to access and mobility and safety and security.

6. Woollooware Bay Shared Pathway

As discussed, Council has finalised the design of the majority of this important regional facility and has commenced construction. There is, however, a part of the path that will be temporary where it traverses the area used by the Fisherman's club. Council sees that there is an opportunity to work together collaboratively to ensure that the whole of the pathway successfully integrates into this part of the Woollooware Bay foreshore. For further discussions, please contact Council's Traffic Engineer, Mark Chigwidden (02 9710 0130).

7. Utilities and Infrastructure

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

You are encouraged to make enquiries and plan in advance so that infrastructure to support these requirements is located appropriately.

Conclusion:

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

While the proposal displays some merit, it is unfortunate that the proposed 1 for 1 allocation of parking spaces for self-contained dwellings has resulted in a ground level experience which is largely devoid of active uses. The ground plane must be significantly improved so as to be a successful component in the experience of the facility. In addition, the building heights proposed are significantly over the maximum heights and must be accompanied by a visual analysis demonstrating minimal waterway impacts and that internal amenity of the facility is not compromised.

It is important to note that the information provided in this letter is based on the planning instruments applicable at the time of writing. You should make yourself

Please reply to:

LOCKED BAG 17 SUTHERLAND NSW 1499 AUSTRALIA

SSPP (Sydney South) Report Appendices - (2017SSH033)

PHONE (02) 9710 0333 DX4511 SUTHERLAND

ABN 52 018 204 808 ADMINISTRATION FAX: (02) 9710 0265

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aware of any subsequent changes to legislation or local planning controls before lodging your development application.

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

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

To make sure lodgement of your application is quick and easy, make an appointment with Council's Development Enquiry Officers on 9710 0520 when you are ready to lodge. Requests for appointments can also be made via Council's website.

Please contact Council if you believe any of the above information to be incorrect or if you need clarification of the advice provided. Your initial point of contact should be Slavco Bujaroski (9710 0167) as this is Council's development assessment officer who will most likely be responsible for the assessment of your DA.

Yours faithfully

Mark Adamson
Manager – Projects and Development Assessment



planning consultants

23 August 2017
Our Ref: 8231C.CLAUSE4.6

General Manager
Sutherland Shire Council
4-20 Eton Street
SUTHERLAND NSW 2232

Dear Sir

**RE: WRITTEN REQUEST FOR EXCEPTION TO A DEVELOPMENT STANDARD
CLAUSE 4.3 HEIGHT OF BUILDINGS DEVELOPMENT STANDARD FOR
PROPOSED SENIORS HOUSING DEVELOPMENT
AT 25 BAY ROAD, TAREN POINT**

1.0 Introduction

DFP has been commissioned by Anglicare to prepare a request pursuant to clause 4.6 of *Sutherland Shire Local Environmental Plan 2015* (SSLEP 2015) in respect of the proposed seniors housing development at 25 Bay Road Taren Point.

This request for an exception to clause 4.3 Height of Buildings development standard in the SSLEP 2015 concludes that:

- The proposal is consistent with the objectives of the height of building development standard, the objectives of the B7 zone and the provisions of SSLEP 2015 and Sutherland Shire Development Control Plan 2015 (SSDCP 2015) relating to building form;
- The proposed development easily satisfies the 1.5:1 maximum Floor Space Ratio development standard under clause 4.4 of SSLEP 2015 with an FSR of 0.95:1;
- The proposed development will not adversely impact on the heritage significance of the adjacent local heritage item (Item 2508 under Schedule 5 of SSLEP 2015);
- The proposed seniors housing development is considered to demonstrate good urban design and is not excessive in terms of height, bulk and scale and provides a positive, high quality architectural residential built form in a landscaped setting to the Taren Point precinct;
- The site is classified as flood prone land by Council with a flood planning level of RL 2.8 AHD. A new ground level for the site has been established at the flood planning level of RL 2.8 AHD. All development on site is located above the flood planning level including carparking. A floor to floor height of 3.7m is provided for the ground floor, which permits flexibility of building use on this level and 2.5m clearance for all accessible parking spaces. The floor to floor height for the floors above is 3.2 metres to comply with the 2.7m minimum floor to ceiling height control under SEPP 65 and the ADG.

- The site is affected by site contamination, acid sulfate soils and a high water table. This precludes major excavation of the site for basement or semi-basement car parking. Car parking is located on the ground floor and is sleeved by active uses including apartments and community facilities.
- The proposed seniors housing development provides for over 50% of the site as landscaped area, this includes a deep soil zone that is equivalent to 25% of the site area. This exceeds the requirements for site landscaping area under Sections 3D (Communal and Public Open Space) and 3E (Deep Soil Zones) of the ADG. It also exceeds the requirement for 10% minimum site landscaped area under Clause 6.14 of SSLEP 2015.
- As noted in the Gunninah Ecological Report (see **Appendix 12**) the proposed development will enhance the aquatic and riparian biodiversity, including for migratory bird species in the vicinity of the site by providing native vegetation along the western and northern riparian corridor areas which are well separated from the proposed residential buildings and other structures; and by improving the quality of stormwater discharged from the site into the canal and Woollooware Bay compared to the existing site conditions.
- Anglicare is a social housing provider for seniors living accommodation in NSW. The proposed development will meet a significant demand for a mix of 1,2 and 3 bedroom self-care dwellings and a residential aged care facility to meet the seniors living needs of the local community in the Sutherland Shire LGA and the projected future demographic profile of an ageing population.
- The alternative to developing the site for a high quality proposed seniors housing development in a landscaped setting would likely be for an industrial and/or commercial office development, which is unlikely to achieve as good an environmental outcome for the site, particularly in relation to the desired future character, landscaping treatment of the site and visual presentation to Woollooware Bay.

2.0 Sutherland Shire Local Environmental Plan 2015

2.1 Subclause 4.6(1) – Flexibility and Better Outcomes

Subclause 4.6(1) of the SSLEP 2015 states the objectives of the clause are as follows:

- “(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.”*

Our response to these provisions is contained within this submission.

2.2 Subclause 4.6(2) – Consent may be granted

Subclause 4.6(2) provides that:

- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

The Clause 4.3 building height development standard in the SSLEP 2015 is not expressly excluded from the operation of Clause 4.6 and accordingly, consent may be granted.

2.3 Subclause 4.6(3) – Written Request

Subclause 4.6(3) relates to the making of a written request to justify an exception to a development standard and states:

- "(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard."*

The proposed development does not comply with the height of buildings development standard pursuant to clause 4.3 of SSLEP 2015 however, strict compliance is considered to be unreasonable and unnecessary in the circumstances of this case as justified in this written request.

2.4 Subclause 4.6(4) – Written Request

Subclause 4.6(4) provides that consent must not be granted for development that contravenes a development standard unless:

- "(a) the consent authority is satisfied that:*
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Director-General has been obtained."*

Furthermore, subclause 4.6(5) provides that in deciding whether to grant concurrence, the Director-General must consider:

- "(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence."*

The remainder of this written request for exception to the 16.0 metre maximum building height development standard addresses the matters required under subclauses 4.6(4) and 4.6(5) of the LEP.

2.5 The Nature of the Variation

Clause 4.3 of SSLEP 2015 sets out the building height development standard as follows:

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The maximum height of building shown on the Height of Buildings Map for 25 Bay Road, Taren Point is 16 metres.

The LEP defines building height (or height of building) as follows:

- "(a) in relation to the height of a building in metres – the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) in relation to the RL of a building – the vertical distance from the Australian Height Datum to the highest point of the building.*

Including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like"

The highest point of the roof of Building A, B, C and E has been established at RL 24.39. The highest point of the roof for Building D has been established at RL 21.19. The highest point of the roof of Building F has been established at RL 18.19. Jackson Teece Architects have advised that the proposed development will have the following maximum breaches of the 16 metre building height development standard under the SSLEP 2015 (as measured from exiting ground levels from the site survey):

Building A	- 6.39 metres
Building B	- 6.26 metres
Building C	- 6.44 metres
Building D	- 3.23 metres
Building E	- 6.30 metres
Building F	- Nil

2.6 The Objectives of the Development Standard

Clause 4.3(1) of the SSLEP states the objectives of the Height of Buildings development standard are as follows:

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

2.7 The Objectives of the Zone

Clause 2.3 of the SSLEP 2015 states the objectives of the B7 Business Park Zone are as follows:

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To prevent the fragmentation of large sites and to realise their economic strategic advantage.
- To provide opportunities for the erection of buildings requiring large floor areas and to discourage small-scale uses unless they are of an ancillary or service nature.
- To enhance the visual appearance of the employment area by ensuring new development achieves high architectural and landscape standards.
- To minimise the impact of development within the zone on areas of environmental or heritage significance.

2.8 The Grounds of the Objection

The proposed variation to the 16.0 metre maximum building height development standard has been considered in light of the abovementioned objectives and potential environmental impacts

and strict compliance is considered to be unreasonable and unnecessary for the following reasons:

1. The proposal is consistent with the objectives of the height of building development standard, the objectives of the B7 zone and the provisions of SSLEP 2015 and Sutherland Shire Development Control Plan 2015 (SSDCP 2015) relating to building form:

Table 1: Review against relevant Objectives

Objective	Comment
Clause 4.3 Height of Buildings	
(a) to ensure that the scale of the buildings	The scale of the proposed seniors housing development is compatible with the scale of the adjoining industrial and commercial development and the existing four storey residential buildings in the Woollooware Shores Village.
(i) is compatible with adjoining development	
(ii) is consistent with the desired scale and character of the street and locality in which the buildings are located or the desired future scale and character, and	The proposed seniors housing development is an extension to the existing Woollooware Shores Retirement Village. The proposed scale and character of the proposal is consistent with the scale and character of the existing Woollooware Shores Retirement Village. It is also consistent with the existing and future commercial and industrial development within the B7 Business Park zone of Taren Point.
(iii) complements any natural landscape setting of the building	The proposed seniors housing development has been set back behind the 40m riparian zone. A landscape transition riparian corridor zone comprising mostly indigenous tree and plant species has been provided between the proposed development and the Woollooware Bay public foreshore areas as well as a landscaped riparian corridor zone to Production Canal to the west of the site. This complements and enhances the revegetation and rehabilitation of Woollooware Bay's estuarine setting.
(b) to allow reasonable daylight access to all buildings and the public domain	The siting, design and orientation of the six residential buildings will achieve satisfactory daylight and solar access to all adjoining properties. In accordance with the requirements of SEPP 65 and the Apartment Design Guide, more than 70% of apartments within the proposed seniors housing development will achieve a minimum of 2 hours of daylight access between 9am and 3pm on 21 June. The proposed residential aged care facility building will also have good solar access due to its orientation and design.
(c) to minimise the impacts of new buildings on adjoining or nearby properties from loss of views, loss of privacy, overshadowing or visual intrusion	The proposed seniors housing development will not result in adverse amenity impacts relating to loss of views, loss of visual and acoustic privacy, overshadowing or visual intrusion.
(d) to ensure that the visual impact of buildings is minimised when viewed from adjoining properties, the street, waterways and public reserve.	The proposed seniors housing development will have a positive impact in respect to the visual impact of the residential buildings when viewed from adjoining properties and Woollooware Bay compared to the existing unattractive and underutilised vacant brownfield site (see Figure 1). The top storey of Blocks A, B, C and D are set back from the north-east elevation, which reduces the bulk of the proposed apartment buildings as viewed from Woollooware Bay and the public foreshore. Furthermore, all six residential buildings have strongly articulated front, side and rear elevations and 18 metres (or more) building separation which complies with SEPP 65 and the ADG.
(e) to ensure, where possible, that the height of the non-residential buildings in residential zones is compatible with the scale of residential buildings in those zones	Not relevant to the development application.

Table 1: Review against relevant Objectives

Objective	Comment
(f) to achieve transitions in building scale from higher intensity employment and retail centres to surrounding residential areas.	<p>The proposed seniors housing development provides an appropriate transition in built form and scale between the adjoining commercial and industrial development to the south and east of the site, and the adjoining Woollooware Shores retirement village to the west of the site.</p> <p>The architectural design proposes residential buildings with well-defined roof forms that accentuate the variety in height and forms. In addition, the proposed buildings respond to the different contextual situations by having a range of different heights and roof forms to provide greater diversity as a group of buildings but also responding to the bulk and scale of neighbouring buildings at each site boundary.</p>
Clause 2.3 Zone Objectives Zone B7 Business Park	
To encourage employment opportunities	The proposed development provides employment opportunities in the short term during the construction stage and in the long term with the day to day operation of the proposed seniors housing development forming an integrated part (Stage 6) of the Woollooware Shores Retirement Village.
To prevent the fragmentation of large sites and to realise their economic strategic advantage.	The proposed seniors housing development prevents the fragmentation of a large site. The proposed development addresses strategic planning objectives for Sutherland Shire by providing a diverse mix of housing that responds to the changing and ageing demographics of the LGA.
To enhance the visual appearance of the employment area by ensuring new development achieves high architectural and landscape standards.	The proposed seniors housing development provides contemporary and well designed seniors housing buildings set within an attractive, functional and extensive landscaped areas and with landscaped riparian corridors to the north and west site boundaries.
To minimise the impact of development within the zone of areas of environmental or heritage significance.	The proposed seniors housing development is designed to minimise the impacts of development on the environmental and heritage significance of the B7 Business Park zone and surrounding areas, particularly the riparian corridor zones of Production Canal and Woollooware Bay and the adjoining public foreshore area.



Figure 1: View of proposed development from Woollooware Bay

- The proposed development easily satisfies the 1.5:1 maximum Floor Space Ratio development standard under clause 4.4 of SSLEP 2015;

The proposed seniors housing development provides a total Gross Floor Area of 30,177m². This is equivalent to a Floor Space Ratio of 0.95:1.

- The proposed development will not adversely impact on the heritage significance of the adjacent local heritage item (Item 2508 under Schedule 5 of SSLEP 2015);

The proposed seniors housing development does not impact upon the heritage curtilage of the adjacent Oyster Jetty heritage item. It is setback from the riparian zone with new indigenous planting providing a landscape and visual buffer between the proposed seniors housing development and the heritage item. The proposed landscaping will enhance the estuarine setting of the Oyster Jetty heritage item. The development does not impact upon views to and from the heritage item.

4. The proposed seniors housing development is considered to demonstrate good urban design, is not excessive in terms of height, bulk and scale and provides a positive residential built form within a mostly indigenous landscaping screen setting to the Taren Point precinct.

The proposed seniors housing development has been designed with regard to the nine (9) design quality principles established by SEPP 65 and the Apartment Design Guide (see SEPP 65 Design Verification Statement of Jackson Teece Architects at **Appendix 3** of the SEE).

5. The site is classified as flood prone land by Council with a flood planning level of RL 2.8 AHD. A new ground level for the site has been established at the flood planning level of RL 2.8 AHD. All development on site is located above the flood planning level including carparking including a 2.5 metre for all accessible parking spaces. A floor to floor height of 3.7m is provided for the ground floor, which permits flexibility of building use on this level. The floor to floor height for the floors above is 3.2 metres to comply with the 2.7m minimum floor to ceiling height control under SEPP 65 and the ADG.
6. The site is affected by site contamination, acid sulfate soils and a high water table. This precludes major excavation of the site for basement or semi-basement car parking. Car parking is located on the ground floor and is sleeved by active uses including apartments and community facilities.
7. The proposed seniors housing development provides for over 50% of the site area as landscaped area, this includes a deep soil zone that is equivalent to 25% of the site area. This exceeds the requirements for landscape under Sections 3D (Communal and Public Open Space) and 3E (Deep Soil Zones) of the ADG. It also exceeds the requirement for 10% minimum landscaped area under Clause 6.14 of SSLEP 2015.
8. Anglicare is a social housing provider for seniors living accommodation in NSW. The proposed development will meet a significant demand for a mix of 1,2 and 3 bedroom self-care dwellings and a residential aged care facility to meet the seniors living needs of the local community in the Sutherland Shire and the demographic profile of an ageing population in the LGA.
9. The alternative to developing the site for a proposed seniors housing development would likely be for an industrial and/or commercial office development, which is unlikely to achieve as good an environmental outcome for the site, particularly in relation to the desired future character, landscaping treatment of the site and visual presentation to Woollooware Bay and the adjoining public foreshore area.

2.9 Director-General's Considerations

As indicated above, subclause 4.6(5) of the LEP also requires the Director-General, in deciding whether to grant concurrence, to consider the following: