

UnitingCare Ageing
222 Pitt Street
SYDNEY 2000

Attention: Mr Graeme Fielden

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Issued under the Environmental Planning & Assessment Act 1979 Section 81(1)(a)

Being the applicant of Development Application No. 331/2012 (JRPP Reference 2012STH 027) for consent to the following development:

**STAGE 1 CONCEPT APPROVAL FOR SENIORS HOUSING DEVELOPMENT &
ANCILLARY NON RESIDENTIAL USES**

LOT 2 DP 1043053

WATTLE ROAD, SHELLHARBOUR CITY CENTRE

Determination date of consent **10 February 2014**

In accordance with section 83B of the Act the Development Application has been determined by the GRANTING OF CONSENT BY THE SOUTHERN REGIONAL JOINT REGIONAL PLANNING PANEL ON 10 FEBRUARY 2014 SUBJECT TO THE CONDITIONS DESCRIBED BELOW.

1 Concept Approval

Except where modified by conditions of this consent, the concept approval for the development comprises of:

- a. Building envelopes, inclusive of roof plants and articulation zones, for 11 separate buildings
- b. 456 on site car parking spaces^{NOTE A}
- c. Maximum gross floor area of 45,800m² made up of
 - i. Up to 352 self-contained dwellings for seniors housing^{NOTE B}
 - ii. Wellness Centre and Pool (626m²)
 - iii. Daycare Centre (respite care) (109m²)
 - iv. Consulting Rooms (48m²)
 - v. Therapist and Beauty Treatment Rooms (105m²)
 - vi. Cafe/retail (211.5m²)
 - vii. Church (1,211m²)
 - viii. Activity/Function Hall (305m²)

- ix. Village Office and Other Administration Areas (632m²)
- x. Mens Shed (104m²)
- xi. Library (113m²)
- xii. Staff and Resident Amenities (346m²)
- xiii. Maintenance (82m²).

Note A: The stated number of on site car parking spaces does not include the ambulance, 'drop off' or bus parking zones.

The stated number assumes that the community hall component of the church building is not for use by the wider community independent of church services and related activities. The proposed number of basement car parking spaces (37 spaces) meets the requirement for the church component only.

Note B: Housing pursuant to *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

2 Approved Plans & Documentation

The development shall generally be in accordance with the following plans except as otherwise modified by conditions of this consent.

Name of Plan	Prepared By	Drawing No./Revision	Drawing Date
Building Envelope Diagram	PTW Architects	-	18.02.2013
Floor (Indicative) Level 1 - Level 7 & Roof Plant Plans	PTW Architects	212.030 Revision A A-DA-01; A-DA-02; A-DA-03; A-DA-04; A-DA-05; A-DA-06 & A-DA-07	14.09.2012
Building Height Plans	PTW Architects	212.030 Revision A A-DA-09 212.030 -DA-26 & A-DA-27	14.09.2012 21.01.2013
Section 1-6 Plans	PTW Architects	212.030 Revision A A-DA-20; A-DA-21; A-DA-22; A-DA-23; A-DA-24 & A-DA-25	14.09.2012
Concept Drainage	Northrop	DA5.01-DA5.03 Rev 1	09.09.2012
Concept Bulk Earthworks Plan	Northrop	DA3.01-DA3.04 & DA3.11	09.09.2012
Concept Site Works Plan	Northrop	DA4.01 & DA4.02	09.09.2012
Statement of Environmental Effects	JBA Planning	12531, Volume 1 of 1	September 2012
Letter from Roads & Maritime Services	B Lefoe	Ref:STH12/00222	07.12.2012

3 Modifications to the Approved Plans

- a. The proposed road on the site is to be referred to as road no. 1 or similar. That is, the road is not to be identified as Park Street or by any other name. Separate application, and approval, will need to be made to Council for proposed street name/s for any new roads.
- b. No approval is given or implied under this consent for:
 - i. the pathways, steps and ramps located on adjoining land/s.
 - ii. the indented car parking bays on Wattle Road.
 - iii. structure/s forward of the approved building lines.
- c. Wattle Road front building line for the 4th and 5th levels of buildings R1, R3, R5, R7 and R9 must be increased by at least 2 metres with any encroachments limited to non-roofed terraces, unless otherwise demonstrated that the building has appropriate articulation and break up of building mass and satisfies *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development* and the accompanying *Residential Flat Design Code 2002* (or subsequent amendment).

4 Limits on the Consent

This consent does not authorise construction of any buildings or works of the Concept Approval to be carried out without further approvals or consents being obtained.

5 Future Development Requirements

- a. Where future development is to be staged, an indicative staging plan identifying the likely timing and sequence for each stage must be submitted with the first building stage and approved by Council. Each stage must provide the required on-site facilities to enable proper functioning of the development for that stage. The relocation and construction of the right of carriageway must be included with any Stage 1 application. The right of carriageway referred to is the easement firstly referred to in DP 1043053.
- b. Best practice Crime Prevention Through Environmental Design principles shall be incorporated into development design. This requirement includes the proposed relocation of the existing pedestrian public pathway to the pedestrian underpass.
- c. Visitor car parking shall be separate from the residential, employee and commercial parking needs of the development, and be easily identifiable and accessible. Visitor parking shall be located at various locations throughout the development.
- d. The Construction Management Plan for the applicable stage shall detail how:
 - i. pedestrians/cyclists will be able to continue to access the pedestrian underpass and/or detail alternate arrangements that continue to allow similar pedestrian/cyclist movement.
 - ii. vehicular access to the adjoining NSW Housing development will continue.
- e. The development shall demonstrate that clause 26 of *State Environmental Planning Policy (Housing for older People or People with a Disability) 2004* can be satisfied without relying on access pathways on adjoining land/s.
- f. The maximum depth of cut or fill on any portion of the allotment must be detailed in all subsequent development applications involving construction works and should be in

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accordance with the Concept Bulk Earthworks Plan drawing no. DA3.01-DA3.01, DA3.11, dated 9.09.2012.

- g. Detailed drainage designs of all subsequent development applications involving construction works approval must:
- i. be generally in accordance with Concept Stormwater Drainage Plan drawing no. DA5.01-DA5.03 Rev 1 prepared by Northrop dated 09.09.2012
 - ii. drain to the detention basin west of the site
 - iii. indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines
 - iv. be designed to cater for a 1 in 20 year Average Recurrence Interval storm event
 - v. provide overflow drainage paths which are designed to cater for 1 in 100 year Average Reoccurrence Interval storm event
- h. A Shared Use Path, minimum 2.4m in width, on Wattle Road extending from the south to the north of the lot, is to be included with the subsequent development application/s involving construction works. Such works will need to be undertaken by the developer and at not cost to Shellharbour City Council.
- i. All traffic and access to the site must be in accordance with the Concept Site Works Plan drawing no. DA4.01-DA4.02 prepared by Northrop dated 09.09.2012.
- All subsequent development application/s involving construction works must address the requirements detailed in the RMS correspondence ref: STH12/00222 dated 07.12.2012. In addition all road, pavement and carparking design must be in accordance with Council's *Subdivision Design Code* and Austroads Publications.
- j. The flood planning controls applicable to this site are:
- The Flood Planning Level (FPL)(100yr ARI + 900mm Freeboard) for buildings within this site is RL 29.52m AHD
 - The Flood Planning Level (FPL)(100yr ARI + 500mm Freeboard) for roads within this site is RL 29.12m AHD
 - The 100yr Average Re-occurrence Interval (ARI) flood level for this site is RL 28.62m AHD.

The development shall comply with the following restrictions:

- i. FLOOR LEVELS: All floor levels shall be equal to or greater than the FPL.
- ii. BUILDING COMPONENTS AND METHOD: All structures to have flood compatible components up to and including the FPL in accordance with Appendix 1 of Shellharbour City Council's *Floodplain Risk Management Development Control Plan*.
- iii. STRUCTURAL SOUNDNESS & ENGINEERS CERTIFICATE: An engineer's certificate certifying that structures to be built will withstand forces of floodwaters, debris and buoyancy up to and including the FPL.
- iv. STORAGE OF MATERIALS: External materials to be stored must be above the design floor level to minimise the risk of pollution or be potentially hazardous during PMF flood.

- k. Future development should incorporate ecologically sustainable development principles in its design, construction and ongoing operation phases, including water sensitive urban design measures, water re-use/recycling, energy efficiency, recycling and waste disposal.
- l. The community hall cannot be used simultaneously with the use of the church component of the building unless it can be demonstrated to Council's satisfaction that adequate parking can be provided on-site.
- m. The following additional matters are to be detailed in any Stage 1 DA:
 - i. Full details for the new pedestrian and vehicle access and egress arrangements.
 - ii. Full details of the proposed staging of the development, most particularly proposed access arrangements provided to LAHC's residents during construction.
 - iii. Confirmation of street and bollard pathway lighting and its directional attributes, and how that might affect tenants in LAHC properties.
 - iv. Confirmation that Uniting Care Ageing's development will not adversely affect electricity, gas and water services to LAHC's properties.

REASONS FOR THE IMPOSITION OF CONDITIONS

- 1. To minimise any possible adverse environmental impacts of the proposed development.
- 2. To ensure that the amenity and character of the surrounding area is protected.
- 3. To ensure that the design and siting of the development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
- 4. To ensure that the development does not conflict with the public interest.

Advisory Notes – General

AN1 Failure to Comply with Consent

Failure to comply with any of the conditions of consent may result in a Penalty Infringement Notice being issued against the owner/applicant/builder. Substantially greater penalties may be imposed by the Court for non compliance

AN2 Lapsing of Development Consent

In accordance with section 95 of the *Environmental Planning & Assessment Act 1979*, the development approval lapses five years after the approval date unless building, engineering or construction work relating to the building has physically commenced.

AN3 Right to Appeal

If you are dissatisfied with this decision, section 97 of the *Environmental Planning & Assessment Act 1979* gives you the right to appeal to the Land & Environment Court within six months after the date on which you receive this notice.

AN4 Review of Determination

If you are dissatisfied with this decision, section 82A of the *Environmental Planning & Assessment Act 1979* provides that you may request Council to review its determination. The request cannot be made after the time limit for making of an appeal under section 97 expires.

AN5 To Vary Development Consent

The plans and/or conditions of this consent are binding and may only be varied upon **application** to Council under section 96 of the *Environmental Planning & Assessment Act 1979*. The appropriate fee shall accompany the application and no action shall be taken on the requested variation **unless and until** the **written** authorisation of Council is received by way of an amended consent.

Cathy Bern
**Team Leader – Planning
City Development**

On behalf of Michael Willis, General Manager