File Ref: DN20/0063

1 June 2022

Department of Planning Industry & Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Attn: Director Social and Infrastructure Assessment

Dear Sir/Madam

Development Referral No. DN20/0063
Proposal: Environmental Impact Statement (EIS) for alterations and additions to President Private Hospital (SSD-10320).
Property: 369-381 President Avenue, Kirrawee

I refer to the exhibition notice of state significant development application for alterations and additions to President Private Hospital. Council has several serious concerns with the application as currently proposed, which are detailed below.

Key Issues

Heritage
The site contains a dwelling known as Hotham House (65 Hotham Road) that is listed as a heritage item under Schedule 5 of the Sutherland Shire Local Environment Plan 2015 (SSLEP2016)

The findings of the GBA Heritage Impact Statement that the house at Hotham Road lacks significance is opposed. The GBA HIS report also shows an extensive list of Sutherland significant people and institutions related directly and indirectly to the house and the former farm (of which the house is the only remaining evidence). There is also an appreciation of the item by the community in general as a referent of the history of Gymea and the streetscape of the area.

The following reasons to conserve, interpret and re-use are provided below:

- The house was found of local heritage significance, supported by Heritage NSW, and listed after a Heritage Order was imposed to the house to allow time to research its heritage value.

- The research showed that the house is aesthetically significant and rare, has association with the typology of a farm, which was a typology of the Sutherland Shire. It has also social and historical significance and relates to important people and places of Sutherland as Hotham Farm, Arthur Tildesley, later owners Frederick Turner and Joe King and the Starr Bowkett Society.

- The community and the Sutherland Shire Historical Society have also interest in the conservation of the cottage as part of their history.

- The cottage at 65 Hotham Road is listed in the Schedule 5 of the SSLEP2015 and Cl 5 of the Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) supports and encourages the conservation of Sutherland's heritage. The proposed demolition contravenes the objectives of the Clause and it is not supported.

Given the heritage value of this dwelling to the local community, Council strongly opposes the demolition of the cottage. The cottage can and should be conserved and integrated into the proposal. Clause 5.10 of SSLEP2015 supports and encourages the conservation of Sutherland's heritage. The proposed demolition contravenes the objectives of the Clause.

Urban Design
The proposed retention of the heritage building in the manner shown is unacceptable as the resultant 'divorcing' of the existing building from its connection to the site creates a disjointed and unrelated composition of building characters that do not belong together in such a manner. The 'new' significantly overpowers and dominates the 'old'.

Essentially, there is a considerable lack of open space separating the new building form either from the existing heritage building or from the surrounding boundary areas. This greatly emphasises the bulk and scale of the proposed new works to an extent that it appears to state a complete ignorance of its lower scale neighbours. This contrast is likely to remain as such for some very long time due to the unlikely development of the surrounding sites being able to develop to the same scale as the proposal.

As the remainder of the proposed design remains much the same as previously reviewed the former comments on the appropriateness of the design remain unchanged.
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Stormwater Easement and Flood Risk Management
Under Sutherland Shire Development Control Plan 2015 (SSDCP2015) hospitals are classified as essential community facilities, which are unsuitable for development on land identified as flood affected. However, the DCP does not cover redevelopment of an existing essential community facility which is flood affected. On this basis, the development needs to comply with the objectives of the DCP along with some controls that may or may not be included in the prescriptive controls.

There is an existing trunk drainage in a stormwater easement that burdens the site as shown on the deposited plan. The easement was created to convey an existing 1200 mm concrete pipe. The submitted drawings show at least part of the proposed development over the existing easement. No structures are permitted on, or cantilevered over drainage easements as this may impact on Council's ability to maintain the infrastructure.

There is reason to believe that the stormwater pipeline may have been moved at some stage to the south of shown location, however there is limited information available to confirm if this occurred. Detailed survey of the underground pipeline should be undertaken prior to determination of the application. The easement should be amended and registered so that it falls over the location of the pipeline. Any proposed structures over the current location of the pipe should be removed.

The applicant may wish to consider relocating the pipeline altogether with the easement to facilitate the development. In such a case Council may consider relocation of its asset however the applicant must demonstrate through modelling using DRAINS software that the relocation does not impact on the capacity of the pipeline. The applicant must submit the DRAINS model and an accompanying design, and design report for review. The applicant must also undergo the access and easement realignment application process with Council's Property Services.

Earlier Council had requested for additional information including a flood risk management plan. Following Council's request, the applicant has submitted a preliminary flood risk assessment report and associated plans prepared by Martens Consulting Engineers and dated February 2022. The report documents flood modelling, a flood impact assessment, mitigations measures and a flood emergency response plan.

A review of the submitted report has been completed and a number of inconsistencies and lack of information has been identified. Specifically, these are:

1. The catchment area measured used for the hydrological assessment has failed to include the catchment from the brick pit precinct. Flows from this catchment are conveyed toward the site via stormwater pipes crossing the train line at Bath Road. Therefore the assessment has underestimated flows arriving at the site and possibly underestimated flood levels.
2. The assessment has assumed a 1050 mm diameter stormwater pipe within the site whereas Council records show a 1200 mm diameter pipe. Further information on this should be provided
3. The critical storm duration estimated for the hydrology model is too low. A rough calculation using the length of the catchment indicates that the critical duration would be >10 minutes. It should be noted that the critical duration used for the PMF is 15 minutes. It's expected that the duration for all storms should be the same.
4. The hydraulic model does not account for Council's requirement for all inlet pits to be assumed 50% blocked.
5. The flood maps show flooding of the proposed car park in the PMF. Given the proposed development is an essential facility, greater protection from flooding is required. Hence, the basement driveway crest must be raised to the PMF level.
6. The flood difference map does not definitively show that the development does not result in offsite flood impacts. The flood difference maps should be provided with levels in 0.01 m increments. Council considers any offsite flood impacts greater than 10 mm to be unacceptable.
7. The report required to include a map showing flood levels that correspond with each proposed building element. The finished floor level should be determined based on the flood level most representative of the building location.
8. The existing conditions versus the proposed conditions do not appear consistent. It is unclear how the wide floodway shown in the existing conditions is contained within the proposed swale/channel. It would be expected that diverting flows to the south at such a sharp angle would cause afflux onto properties to the west. The report should include more information about the assessment including P.O. lines from the model at critical locations, particularly at the south western corner of the site.
9. The flood maps show high hazard flooding of the proposed open car park in the PMF. Given the nature of the development the open car park should be elevated so that it is not exposed to hazard causing damage to vehicles, hence should not fall within a hazard category higher than H2.
10. The crest of the driveway providing access to the basement should be elevated to the PMF level to provide additional protection.
11. Details of the proposed channel/swale should be provided and must be consistent with what has been modelled. Additionally consideration should be made to continuing the channel to the east toward the intersection at Hotham Rd and President Ave. In doing so the channel should contain high hazard flooding within the property for an extended length before discharging onto the carriageway. In doing so the risk to life and property damage within President Avenue would be reduced. The applicant should consult with the SES and NSW Police to confirm that this would assist during a flood emergency.
12. The report has not referenced the permissibility of essential community facilities on flood affected land or the objectives of the DCP which should be used to assess the proposed development. The report must provide comment on this aspect.

The applicant should address all above comments and update the flood model, flood report and architectural drawings accordingly and submit for further review prior to determination of the application.

Trunk Stormwater Design
The submitted civil engineering plans show the Council drainage easement to be redirected over the pipeline. However, there is no information provided to support the easement relocation. The proposal to relocate the easement must be supported by empirical evidence of the location of the existing stormwater pipe including CCTV, site survey, and photographs.

The developer must submit an application for 'access and realignment' to Council's Property Services for relocation of the easement. The application must be approved and all easement registered prior to CC being issued.

Additionally, the plans show numerous structures over the proposed easement and existing stormwater line. The structures include retaining walls, private stormwater lines and other minor structure. Council will not accept any private structures over its easement.

The applicant has provided insufficient information on flooding and trunk stormwater drainage and therefore the proposed development is unsupportable. The applicant should submit a revised flood report, civil stormwater plans and architectural drawings that address the comments outlined in this email. It should be noted that the changes to the flood model and report may result in increases to the required finished floor level of the development and modifications to the layout in the south west corner of the site.

Traffic, Access and Car Parking
As part of original DA (DA02/1859) and subsequent DA (DA09/0929), a slip lane was considered necessary at the President Ave entry to the car park and a separate exit was proposed east of the car park. However, without a slip lane, an informal car park (without consent) has been operating since 2009 at this location with a capacity of around 10 parking spaces.

For above alterations and additions to President Private Hospital, it is estimated that traffic volume at the proposed combined entry/exit driveway off President Ave will be increased significantly to 37 vehicle trips per hour (30 inbound and 7 outbound) during the morning peak and 25 vehicle trips per hour (5 inbound and 20 outbound) during afternoon peak. As the hospital will operate 24/7, there will be continuous traffic volume using the proposed driveway off President Ave which will create potential risk during both peak and non-peak periods.

It is noted that where a site of this nature has frontages to both a primary (President Ave) and secondary road (Hotham Road) it is standard best practice (RMS Guide to Traffic related developments) for all ingress and egress to the site to be from the secondary road. President Avenue is a multi-lane arterial road with a downhill gradient at this location on close approach to traffic signals at Hotham Road. It is therefore considered imperative that should ingress and egress be allowed to and from President Avenue that appropriate measures are undertaken to mitigate the risk to motorists and pedestrians. Accordingly, it is recommended that a minimum 45m long slip lane be provided at the President Ave entry to the car park with a separate exit to President Avenue for the proposed site. Without a slip lane, access to the proposed parking from President Ave is a significant safety concern. Alternatively, access should be provided off Hotham Road only.

Landscaping and Tree Protection

- The site has thirty two trees described in the arborists report supplied. The majority of these trees (25x) are proposed to be removed as part of the expansion of the hospital facilities. Of the twenty five tree removals proposed, five of these would be considered

significantly contributing to the current site's amenity and layout, those being Tree 7, 10, 16, 17 and 25. Tree 10 being a Corymbia maculata – Spotted Gum, Trees 16 and 17 which are Melaleuca quinquinervia – Broad Leaved Paperbarks (now shown on latest plans for removal), Tree 25 a Quercus robur – English Oak and Tree 7 a Araucaria columnaris – Cook Island Pine. Of these five, the most significant being Trees 7 and 25.

- Tree 25 was discussed at the original meeting with Council back in September 2019 as a tree that was proposed to be removed, however at the time and following reasons put forward by me at t the time, its retention was to be looked at. The reasons for possible retention were: a) that the tree was significant in size and was already existing b) that the tree was sited adjacent to the boundary (providing opportunity to work with its space requirements) c) that the tree would provide a planting of appropriate scale prior to the building being built d) that the tree would screen the neighbours private open spaces helping with the amenity for the adjacent neighbours, and, e) that the tree would provide summer shade to the western façade of the building and winter sun during the winter. Unfortunately, this has not occurred and the tree is shown to be removed – This is a lost opportunity to improve the amenity for the one residential block that has two boundaries with the hospitals grounds.

- The latest landscape plans also show that Trees 16 and 17 have now been removed from the list of trees to be retained and that Tree 18 has been added to the list in their place.

- Tree 12 (a significant species of tree Eucalyptus pilularis – Blackbutt Gum, is shown to be retained and pruned back to a trunk and retained for it's current habitat hollow only. I recommended that it be retained with more of its canopy intact as removal of all of it will cause the tree to die prematurely. This has been indicated in the latest plans. I would suggest that a replacement tree of the same species be planted near it's base to be a new recruitment tree once this tree finally dies and is lost from this spot.

- Tree 7 Araucaria columnaris – Cook Island Pine is shown to be retained. I didn't believe that the levels shown on the earlier architectural plans would allow this tree to survive. The latest plans are more sympathetic to the existing levels and protect a larger area of this trees Tree Protection Zone.

- Having stated above in 1.5 that the levels around Tree 7 have improved, the landscape plan indicates that a stormwater line is proposed to be in close proximity to the eastern side of the retained Tree 7 and also along its southern side. This pipe system needs to be relocated so that it is divided into two distinct pipe systems. The pipe on the northern driveway should discharge directly into the Hotham Road system at the bottom of that driveway. The one that is servicing the southern driveway should be deleted or be re-located to the southern side of the driveway (away from the tpz of Tree 7) and similarly discharge directly into the Hotham Road stormwater pipe system at the bottom of its driveway. This will protect the root zone of Tree 7 and not undo the good work of adjusting the finished landscape levels as is shown in the latest landscape plans.

- The same could be said for retained Tree 18 that shows a stormwater line and two pits located within its northern tree protection zone. This needs to be re-configured with the Applicant's Arborist and stormwater engineer to avoid unnecessary encroachment into this zone.

- Appropriately sized street tree planting should be proposed for the President Avenue and Bidurgal Street frontages as well as what has been indicated for the Hotham Road

frontage. The species need to be endemic species which are less than 7 metres at mature height to allow for overhead wires.

- Tree planting between number 8 Bidurgal Street and the hospitals northern mental health unit building needs to be considered to provide good screening whilst not too much spread so that the majority of branches remain within the limitations of the hospital's grounds and don't encroach over the private property of 8 Bidurgal. Currently this area has not been specified in the set of landscape drawings and will need to have appropriate species nominated to achieve this goal in this location.

- The remainder of the plans appear to be acceptable although conceptual.

Waste Collection
With regard to waste management the following condition is recommended:

Waste Collection

A). **Design**
The waste collection point must be designed in accordance with the following requirements:

i) A loading bay to accommodate a Waste Collection vehicle must be provided in accordance with AS2890.2 within the subject property for waste collection use.
ii) The driveway and loading bay pavement must be designed to withstand the loads generated by fully laden waste collection vehicle.
iii) The maximum long and cross section grade of the designated loading area and temporary bin holding area must be ±5%.
iv) Clear and direct access must be provided from the bin holding areas to the loading area.
v) The permanent communal garbage and/or recycling storage area must have a smooth impervious floor that is graded to a floor waste. A tap and hose must be provided to facilitate regular cleaning of the bins and all waste water must be discharged to the sewer in accordance with the requirements of Sydney Water. Garbage bins must be designed to prevent the escape of any liquid leachate and must be fitted with a lid to prevent the entry of vermin.

B). **Before Construction**
Prior to the issue of any Construction Certificate a suitable qualified civil engineer must certify that the waste collection point has been design in accordance with part A. above. A copy of this certification must accompany the Construction Certificate.

C). **Before Occupation**
Prior to the occupation of the site or the issue of any Occupation Certificate a suitable qualified civil engineer must certify that the waste collection point has been constructed to their satisfaction and in accordance with part A. above. A copy of this certification must accompany the Occupation Certificate.

D). **On-going**

i) All ongoing management, maintenance and cleaning of all waste and recycling management facilities, including suitable collection arrangements and how bins are to be moved from waste storage area/s to collection area/s are to carried out in accordance with the approved Waste Management Plan for the development, *President Private Hospital 369 - 381 President Avenue, Kirrawee, Operational, Construction and Demolition Waste Management Plan, by Waste Audit and Consultancy Services, July 2020.*
ii) All waste and recycling bins must be stored wholly within the approved permanent waste and recycling bin storage area.

iii) All waste and recycling must be collected onsite directly from the waste and recycling bin storage area.

Public Domain

The location of the site zoned B1 carries specific requirements with respect to Public Domain upgrades for new developments. The uplift and traffic / pedestrian generation associated with the mixed use super market will require upgrades within the public domain which can be dealt with through the conditions of consent as provided below.

The site proposes access via a new roundabout with connection to Driscoll Place. The proposal and concept is accepted however further changes will be required to the civil design which can be completed as part of a Roads Act Application which can be lodged after the determination of the consent. This includes access for all sized vehicles to service the development and, pedestrian links adjacent to the site to New Illawarra Road and to the existing path to the south on Old Illawarra Road. This also includes the connection of kerb and gutter to existing and the upgrade of the stormwater system as required to cater for the new infrastructure.

The new linkage pathways within the road reserve are necessitated by the uplift of the site and pedestrian generation associated with its use. This includes a link to the existing shared path on New Illawarra Road which has a direct connection to the new subdivision at 310 New Illawarra Road and potential users of the development. Not providing this path will not doubt result in pedestrians / cyclists attempting to negotiate the roadway rather than take the “long way around” by crossing Old Illawarra Road down to the traffic signals and back across to the western side of Old Illawarra Road. This also applies for the linkage pathway between the site and existing path to the south adjacent to 150 Old Illawarra Road.

Street lighting and the potential for a pedestrian crossing also needs to be considered as part of the development and has been included as a condition of consent.

The proposed stormwater connection is via a headwall to an existing swale drain on New Illawarra Road. This is not accepted as the swale drain is designed to cater for existing sheet flow across the natural (grassed) surface, not the intensity of this development. The stormwater system within the New Illawarra Road corridor must be upgraded to a piped system with overland flow path to the satisfaction of Council’s Stormwater Engineer. This includes new pits and pipes connecting into the pit shown on Shire Maps as Pit ID #31553. A condition of consent has been included to this effect.

A condition is provided below reflecting the commentary provided in the above. Please notify be once confirmation has been provided by the other input officers so that it can be included as a condition of consent.

Design and Construction of Works in Road Reserve (Council Design)

A. Design

Council has determined that the proposed development generates a need for the following works to be undertaken by the applicant in the road reserve. To this end a Detailed Frontage Works application under the Roads Act 1993 must be submitted to Sutherland Shire Council, prior to the release of the Construction Certificate. The form is available on Council’s website. A fee applies for the relevant inspections, assessment, coordination, creation of design brief and the issue of permits providing consent to undertake frontage works. The design will be quoted separately by Council’s Design Services unit.

This design will generally comply with the approved architectural design drawings and

the current website version of Council's Public Domain Design Manual (PDDM) and Public Domain Technical Manual (PDTM) except where modified by/or addressing the following:

i) Property alignment/ boundary levels - establish the property alignment/ boundary levels and crossing profiles.

ii) Grades - regrade footpath verge across the full frontage of the site to final design levels including topsoil, turf, all associated soft landscaping and construction of pedestrian links.

iii) Vehicle Crossing & Roundabout – construct a new vehicle crossing and associated roundabout adjacent to Driscoll Place to service the new development entry. The roundabout must be designed and constructed to cater for access and egress to the development site for all service vehicles. This includes the construction of kerb, gutter, stormwater infrastructure, pedestrian crossing islands and raised thresholds / pedestrians crossings as required by Council.

iv) Kerb and Gutter - construct and realign kerb and gutter across the full frontage of the site including associated road pavement reconstruction. This kerb and gutter must be connected to the existing kerb & gutter adjacent to No.150 Old Illawarra Road.

v) Footpath – construct new footpath pavement across the full frontage of the site including links to the existing footpath pavement on New Illawarra Road and adjacent to No.150 Old Illawarra Road.

vi) Infrastructure Transitions - ensure there are adequate transitions between newly constructed and existing infrastructure as required.

vii) Retaining Structures - construct retaining/slope stability walls as required.

viii) Road Pavement - reconstruct road pavement as required by Council to facilitate new infrastructure provided in the Road Reserve.

ix) Stormwater Connection – construct a new piped system from the development site to Council's existing piped system on New Illawarra Road (Pit ID #31553). This includes provision of a swale drain above the pipeline to cater for existing overland flow.

x) Street Signage - alter existing and/or install new street signage and line marking as required by Council for the new infrastructure provided within the Road Reserve.

xi) Street Lighting - install new street lighting to provide compliance for the development within the Road Reserve. This includes the upgrade of existing lighting for the new roundabout and associated pedestrian crossings.

xii) Utility Services - adjust and relocate public services infrastructure as required.

xiii) NBN - the Australian Government has issued a new policy on the provision of telecommunication infrastructure in new developments. The policy is effective from 1 March 2015. Developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, developers need to contract a carrier to install and operate a telecommunications network.

NBN is the IPOLR (infrastructure provider of last resort) in developments of 100 lots or more within its fixed-line footprint and in new development where its fixed-line network is available, or the NBN rollout has been announced (www.nbnco.com.au/learn-about-the-nbn/rollout-map.html).

If you use NBN, you will need to provide six months' notice before your network needs to be available.

Evidence of the lodgement of this application must be provided to the PCA prior to the release of the Construction Certificate

B. Before Construction

Prior to the release of the Construction Certificate property alignment levels and crossing profiles must be obtained from Sutherland Shire Council.

C. Before Occupation

Prior to the occupation of the building or the issue of an Occupation/Subdivision Certificate the following certification must be provided to Sutherland Shire Council:

i) The supervising engineer must certify that the road frontage works were constructed in accordance with the development consent and associated approval under the Roads Act 1993 including the approved drawings and specification.

If you need any clarification of the above comments, please contact myself or Council's Development Assessment Officer Damon Kenny on 9710 0674 or email dkenny@ssc.nsw.gov.au and quote the application number in the subject.

Yours faithfully

Beth Morris
Manager Major Development Assessment
Shire Planning