
DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	95-97 STANHOPE ROAD, KILLARA – CONSTRUCTION OF 18 SELF CONTAINED DWELLING UNITS FOR SENIORS LIVING AND ASSOCIATED WORKS INCLUDING UPGRADING EXISTING FACILITIES
WARD:	Roseville
DEVELOPMENT APPLICATION N^o:	495/10
SUBJECT LAND:	95-97 Stanhope Road, Killara
APPLICANT:	Aevum Ltd C/- Willana Associates
OWNER:	Aevum Ltd
DESIGNER:	Hill Thalys – Architecture and Urban Projects Pty Ltd
PRESENT USE:	Residential – Senior's living
ZONING:	Residential 2(b)
HERITAGE:	No
PERMISSIBLE UNDER:	SEPP (Housing for seniors or people with a disability) 2004
COUNCIL'S POLICIES APPLICABLE:	KPSO, DCP31 – Access, DCP40 – Construction and demolition waste management, DCP43 – Car parking, DCP47 – Water Management, DCP56 – Notification
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 1 – Development standards, SEPP19 – Bushland in urban areas, SEPP 55 – Remediation of land, SEPP 65 (Design quality of residential flat buildings), SEPP (Building sustainability index: BASIX) 2004, SEPP (Housing for seniors or people with a disability) 2004, SEPP (Infrastructure) 2007, SREP (Sydney Harbour catchment) 2005
COMPLIANCE WITH GOVERNMENT POLICIES:	No
DATE LODGED:	19 July 2010
40 DAY PERIOD EXPIRED:	29 August 2010
PROPOSAL:	Construction of 18 self contained dwelling units for seniors living and associated works, including upgrading of existing facilities
RECOMMENDATION:	Approval

DEVELOPMENT APPLICATION N^o 495/10
PREMISES: 95-97 STANHOPE ROAD, KILLARA
PROPOSAL: CONSTRUCTION OF 18 SELF CONTAINED DWELLING UNITS FOR SENIORS LIVING AND ASSOCIATED WORKS INCLUDING UPGRADING EXISTING FACILITIES
APPLICANT: AEVUM LTD C/- WILLANA ASSOCIATES
OWNER: AEVUM LTD
DESIGNER: HILL THALIS – ARCHITECTURE URBAN PROJECTS PTY LTD

PURPOSE FOR REPORT

To determine Development Application No. 0495/10 for the construction of 18 self contained dwelling units for seniors living and associated works, including upgrading of existing facilities.

The application is required to be determined by the Sydney West to the Joint Regional Planning Panel as the cost of works (CIV) exceeds \$10 million.

EXECUTIVE SUMMARY

Issues:	No. of storeys, building height, private open space, bush fire protection
Submissions:	19
Land & Environment Court	
Appeal:	No
Recommendation:	Approval

HISTORY

Site history

Prior to the development of the site for the purpose of a senior's living village, the site was occupied by a hospital operated by the Missionary Sisters of the Society of Mary (MSSM) since 1945.

On 13 March 1981, Local Environmental Plan No. 5 (LEP No. 5) relating to the subject site was gazetted. Prior to 1981, a large portion of the site was reserved for County Open Space. The effect of LEP No. 5 was to amend the Ku-ring-gai Planning Scheme Ordinance (KPSO) to set aside the reservation of much of the site for open space purposes and to allow for the development of an Aged Persons Retirement Village.

Development application history

DA282/82	The staged development of the site for the purpose of a seniors living development approved on 24 May 1982.
-----------------	---

DA699/84	The construction of a 44 bed nursing home approved on 14 December 1984. Modification of the approved development for the increase of beds from 44 to 48 was approved on 8 July 1995.
DA756/84	The construction of a community centre to serve the residents of the development was approved on 14 December 1984.
DA1120/86	The extension of an existing hostel to provide an additional 36 rooms was refused by Council on 12 April 1988. The application was later approved on appeal to the Land and Environment Court.
DA0550/01	The extension of an existing nursing home located adjacent to the Stanhope Road frontage of the site was approved on 11 September 2001. Modification of the approved development to allow for the inclusion of a covered walkway and chef's kitchen was approved on 27 August 2004.
DA0575/04	The installation of two 90cm satellite dishes was approved on 1 July 2004.
DA0078/06	The enclosure of two existing car parking spaces to create a covered outdoor courtyard connected to the existing nursing home was approved on 18 May 2006.
DA1143/07	The construction of a colourbond carport was approved on 7 February 2008.
DA0042/09	The refurbishment of an existing garage, construction of new garages and the creation of two (2) visitor parking spaces was approved on 1 May 2009.
DA0274/10	The construction of an elevated access walkway was approved on 22 June 2010.

Pre-DA consultation

A Pre-DA meeting to discuss the proposed construction of 26 new, self-contained dwellings providing additional senior's living accommodation with basement car parking and new vehicular access to Stanhope Road was held at Council on 17 February 2010. The key issues raised by Council officers at the meeting related to:

- the need to comply with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- impacts on neighbouring amenity, streetscape, visual and acoustic privacy and the provision of adequate solar access
- consideration of the constraints presented by the identification of the site as bushfire prone land
- the need to provide adequate plan details and information to allow for a comprehensive assessment

Current application DA0495/10

19 July 2010	Application lodged
21 July 2010	Application reviewed by Council's Development Review Unit
23 July 2010	Council officers request additional information primarily relating to the submission of additional elevations (Note: As the above information was critical in terms of the public's interpretation of the proposal, the application was not notified until this information was submitted)
28 July 2010	Additional information submitted in response to Council's letter of 23 July 2010
6 August 2010	Notification commences
31 August 2010	Integrated referral response is received from NSW Rural Fire Service
6 September 2010	Notification concludes
17 September 2010	Applicant advised of the following: <ul style="list-style-type: none">• lack information to allow for an assessment against applicable development standards, particularly in relation to floor space ratio, landscaping areas, car parking provision, solar access and building height• the need to demonstrate compliance with the

site specific planning controls outlined within the KPSO

- owner's consent for the lodgement of the application had not been provided
- potential streetscape impacts
- accessibility to local services
- insufficient private open space and storage area
- privacy impacts on the neighbouring western property
- acoustic amenity to the proposed units
- parking design
- inadequate waste collection information
- the absence of a geo-technical report
- the absence of a construction management plan
- inadequate stormwater management information
- impacts on trees
- landscape planting types
- inadequate survey and site plan information

27 September 2010 Meeting with the applicant to discuss issues raised in Council's letter of 17 September 2010

28 October 2010 Additional plans and information in response to the issues raised within Council's letter, dated 17 September 2010, are submitted

11 November 2010 Amended proposal is notified for a period of 14 days

3 December 2010 Response received from Energy Australia

13 December 2010 Applicant advised of the following outstanding issues:

- insufficient solar access
- insufficient private open space
- inaccurate content within the submitted SEPP1 objection
- insufficient information relating to wheelchair accessibility
- insufficient information relating to car parking provisions
- inaccessibility for waste collection vehicles
- insufficient information to confirm compliance with the applicable deep soil landscaping requirements
- incorrect information relating to the proposed BASIX Certificate landscaping commitments

20 December 2010	Updated Integrated referral is received from NSW Rural Fire Service in response to the amended plans lodged on 28 October 2010
19 January 2011	Council officers met with the applicant to discuss issues raised in Council's letter of 13 December 2010
28 January 2011	Additional plans and information lodged in response to Council's letter, dated 13 December 2010
1 March 2011	Further Integrated referral is received from NSW Rural Fire Service in response to the amended plans lodged on 28 January 2011

THE SITE

Zoning:	Residential 2(b)
Visual Character Study Category:	1920-45
Lot Number:	Lot 2 in DP611692 (95 Stanhope Road) Lot 21 in 634645 (97 Stanhope Road)
Area:	52,909m ²
Side of Street:	Southern
Cross Fall:	North to south
Stormwater Drainage:	To the existing system
Heritage Affected:	No
Integrated Development:	Yes – Special Fire Protection Purpose – Rural Fires Act 1997
Bush Fire Prone Land:	Yes – Bush Fire Prone Vegetation Buffer
Endangered Species:	Yes – Blue Gum High Forrest (no impacts)
Urban Bushland:	Yes – Remnant bush land (no impacts)
Contaminated Land:	No

THE SITE AND SURROUNDING AREA

The site

The site comprises two allotments and is located on the southern side of Stanhope Road, Killara. The site is irregular in shape with an area of 52,909m². The northern boundary of the site fronts Stanhope Road. This staggered frontage exceeds 380 metres in length. To the east and south, the site is bounded by land reserved for open space purposes (known as Seven Little Australians Park forming part of Garigal National Park). To the west, the site is bounded by open space and residential allotments. The depth of the site varies greatly. Towards the centre of the property, the rear boundary is approximately 265 metres from the Stanhope Road frontage. The predominant fall of the site is towards the rear boundary, with the site at this boundary being approximately 13 metres lower than the land at the street frontage.



Figure 1: 95-97 Stanhope Road Killara also known as “Lourdes Village”.

The site is currently occupied by a large senior’s living development known as Lourdes Retirement Village. The information submitted with the application notes that a wide range of building types, services and facilities are currently located on the site, including:

- 108 Strata titled independent living units (self-contained dwellings) consisting of 31 x1 bedroom units, 55 x 2 bedroom units and 22 x 3 bedroom units
- 51 serviced apartments
- 19 hostel apartments
- 63 high care beds
- a variety of parking facilities
- various social facilities including an indoor pool, café, indoor bowling green and chapel
- facilities for medical personnel and administrative services
- private bus transport

The built form on the site generally comprises single and two storey buildings. The administrative services, hostel, high care beds, serviced apartments and community centre buildings are located towards the Stanhope Road frontage of the site while the self-contained dwellings are concentrated towards the south and south-east. These buildings sit among an established landscape setting consisting of garden beds, tree plantings of varying heights, pathways and formal landscape features such as a croquet lawn and a rose garden. Both covered and uncovered parking is provided on-site, including at basement level.

The proposed development is to be concentrated towards the north-western sector of the site. As outlined below, the application is for the construction of three new buildings in separate locations. A description of each area to be developed is as follows:

Area of Stanhope Building

This part of the site, to the west of the existing chapel and north-west of the existing community centre building, is currently occupied by several trees and an open car parking area with a bitumen surface. The area has a gentle cross-fall towards the western boundary and to the rear of the site.

Area of South-West Building

This area, to the south-west of the existing community centre building, is also currently occupied by several trees and an open parking area. The area has a fall of approximately 4 metres towards the rear of the site.

Area of Croquet Building

This area, to the east of the existing community centre building and to the west of the existing croquet lawn, is currently occupied by a garden, paved "grotto" and a sealed driveway leading to an underground parking facility. The area supports several trees and has a fall of approximately 2 metres towards the rear of the site.

Surrounding development

To the north and west, the site is predominantly surrounded by low density residential development comprising a mixture of single and two storey detached dwellings. The dwelling at 91 Stanhope Road (adjoining the western boundary of the site) is occupied by a split single and two storey building with a covered deck area attached to the rear and a detached garage within the site's front setback.

The site is surrounded by relatively dense bushland to the north-east, east and south. This bushland is void of any significant development other than a Scout Hall located at 120 Stanhope Road (to the north-east).

THE PROPOSAL

The proposal, as amended, is for the construction of 18 new, self contained dwelling units for seniors living and associated works, including upgrading of existing facilities.

The 18 proposed self contained dwellings are to be contained within three separate buildings. The details of each of these buildings are as follows:

Stanhope Building

Basement, RL101.60

10 resident car spaces, 5 visitor / staff car spaces, garbage room, storage areas, plant rooms and lift and stair access

Ground floor, RL104.74 5 units (1 x 1 bedroom, 2 x 2 bedrooms, 2 x 2 bedrooms plus study) and a new courtyard connecting to the community centre building

Level 1, RL107.74 5 units (1 x 1 bedroom, 2 x 2 bedrooms, 2 x 2 bedrooms plus study)

Vehicular access to the basement level car park of this building will be provided by a new driveway connecting to Stanhope Road.

South-West building

Basement, RL98.60 4 resident car spaces, garbage room, storage areas, a plant room and lift and stair access

Ground floor, RL101.81 2 units (1 x 1 bedroom, 1 x 3 bedroom)

Level 1, RL104.915 2 units (1 x 1 bedroom, 1 x 3 bedroom)

Vehicular access to the basement level car park of this building will be provided by a new driveway connecting to an existing internal access road. Two external visitor spaces to be used in connection with this building are also proposed.

Croquet Building

Basement, RL103.50 4 resident car spaces, a garbage room, storage areas and lift and stair access

Ground floor, RL106.70 2 units (2 x 2 bedrooms plus study)

Level 1, RL109.70 2 units (2 x 2 bedrooms plus study)

Vehicular access to the basement level car park of this building will be provided by a new driveway connecting to an existing internal access road. Additionally, the basement level will provide through vehicle access to an existing under ground parking area located below the existing croquet lawn.

The application also proposes the following works to the existing community centre building located adjacent to the proposed Stanhope and South-West Buildings:

- a new activities rooms
- a new entry connection to the proposed South-West Building
- a new lift
- enlargement of the existing café and kitchen
- upgrading of the existing café terrace, including the introduction of a new pergola to the building's western elevation

- a new library and seating area

The following landscaping is proposed:

- upgrading of the existing landscaping within the Stanhope Road setback, including the introduction of pathways, a pergola, 1.8 metres high plinths aligning the street frontage, village identification signage and new plantings
- upgrading of the existing grotto located adjacent to the proposed Croquet Building with new paved areas, pathways, retaining walls and garden beds
- upgrading of the existing rose garden to provide improved accessibility and a new pergola
- relocation of several established trees currently located within the new building footprints of the proposed development

CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP, owners of adjoining properties were given notice of the application on 6 August 2010. In response, Council received nine (9) submissions from the following:

- | | |
|--|-------------------------------|
| 1. Patricia Clarke | 82 Stanhope Road, Killara |
| 2. Neil Clarke (3 submissions) | 82 Stanhope Road, Killara |
| 3. Catherine and Philip Killen (2 submissions) | 84 Stanhope Road, Killara |
| 4. Peter Marston on behalf of the Lourdes Village Residents Committee | 95 Stanhope Road, Killara |
| 5. Chris and Carmela Evans | 78 Stanhope Road, Killara |
| 6. Webb Thom & Associates on behalf of the owners of 91 Stanhope Road, Killara | 1012 Victoria Road, West Ryde |

The following petition has also been received:

- A petition objecting to the proposal containing one hundred and forty-two (142) signatures of the residents of Lourdes Retirement Village, presented within the submission of Peter Marston (referenced above)

The submissions raised the following issues:

Inconsistency with the design principles of SEPP65 and SEPP (Housing for seniors or people with a disability) 2004

For the reasons outlined within this report, the proposed development is considered to be satisfactory with regard to the design principles of SEPP65 and SEPP (Housing for seniors or people with a disability) 2004.

Excessive building bulk

For the reasons outlined within this report, the building bulk of the proposed development is assessed as being acceptable. This conclusion notes the consistency of the proposed buildings setbacks with the defined building line of Stanhope Road, the plantings to be introduced within these setbacks and the articulation to be incorporated within the building facades.

The proposed building design and materials are inconsistent with the surrounding streetscape character, including the character of the existing buildings of Lourdes Village

While being of a more contemporary design and appearance than the predominant character of the existing buildings within Lourdes Village (predominantly constructed in the 1980's), the proposed development is assessed as being adequately compatible with the character of the surrounding streetscape. The proposed buildings incorporate materials and finishes that represent a transition between existing architectural character of the site and its surrounds (such as face brick work commonly used within neighbouring developments) and emerging architectural trends (such as rendering and metal roofing). Additionally, the application has been referred to Council's Urban Design Consultant who considers the proposal to be satisfactory with regard to the urban design principles outlined within SEPP65.

Inadequate separation / spacing between the existing and proposed buildings of the site

For the reasons outlined in this report, the proposed development incorporates sufficient separation between the existing and proposed buildings to retain adequate amenity to neighbouring properties and maintain consistency with the streetscape character.

Undue overshadowing upon neighbouring properties

As outlined in detail below, the proposed development will maintain compliant levels of solar access to neighbouring properties.

Insufficient front building setbacks to Stanhope Road

The setbacks of the proposed Stanhope Building to the street frontage are consistent with the defined building line and retain sufficient area for landscape plantings (including canopy trees) such that it will positively contribute to streetscape character.

Additional screen plantings (of an appropriate, ever-green species) within the building setbacks areas are needed to retain streetscape character and neighbouring residential amenity

Subject to the use of appropriate tree species (that will not compromise compliance with the requirements of the NSW RFS for bush fire safety), Council's Landscape Development Officer is satisfied that the proposed plantings within the setback areas of the site will positively contribute to the retention of streetscape character and neighbouring residential amenity.

Excessive building height as demonstrated through the failure to comply with the maximum building heights permissible set out under SEPP (Housing for seniors or people with a disability) 2004

Insufficient justification within the submitted building height SEPP1 objection

The proposed development will be of an acceptable building height for the reasons outlined in this report. It is also considered that the applicant has successfully demonstrated that strict application of the building height development standards is unnecessary and unreasonable in this instance.

Insufficient information regarding the details of neighbouring properties and of the development itself

The applicant has provided sufficient information to allow Council to undertake an informed assessment of the proposed development. This has been supplemented by Council's own inspections of the subject site and the surrounding environment.

Insufficient information regarding the relocation of parking for vehicles currently occupying the area of the site to be developed (such as parking for the mini-bus that services the residents of Lourdes Village)

The applicant has confirmed that sufficient parking will be provided on site to meet the needs of the senior's living village and which complies with the applicable planning controls. Council's Development Engineer is satisfied with the alternate, on-site location for the parking of the existing mini-bus service.

Inconsistent information regarding tree removal

Removal of existing vegetation

In response to issues raised by Council, the applicant has submitted additional arborist information which clarifies which trees are to be removed and indicates the impacts of the development on those trees to be retained. Subject to conditions relating to the protection of trees during construction and the retention of trees deemed to be significance, Council's Landscape Development Officer is satisfied the proposed tree removal is acceptable.

Absence of details with regard to apparent fencing between the proposed plinths to align the Stanhope Road frontage

Undue impacts on streetscape character associated with the proposed 2.3 metres high plinths aligning the Stanhope Road frontage

The applicant has provided additional plan information clarifying the details of the proposed plinths. No fencing between these plinths is proposed. As outlined below, it is recommended that a condition be imposed (**Condition 19**) limiting the height of these plinths to a maximum of 1.5 metres so as to maintain consistency with streetscape character.

Insufficient information regarding the proposed pedestrian crossing across Stanhope Road and potential impacts on car parking, vehicle and pedestrian movements associated with the introduction of the crossing

The pedestrian crossing shown on the submitted plans is not contained within the subject site and is conceptual only. In this regard, Council's Development Engineer has advised that any such crossing within the adjoining road reservation will require a separate application to Council pursuant to the Road's Act 1993. In summary, should consent ultimately be granted to DA0495/10, the pedestrian crossing will not form part of the consent. It is also noted that the introduction of the pedestrian crossing is not critical in terms of the application satisfying any relevant matters for consideration.

Undue visual privacy impacts

For the reasons outlined within this report, the proposed development will not unreasonably impact on the visual privacy of neighbouring residencies.

Insufficient transport connections to local services to accommodate the proposed increase in the population of Lourdes Village

The proposed development will be serviced by a public transport connection to local services which complies with the requirements of SEPP (Housing for seniors or people with a disability) 2004, as is discussed in further detail, below.

Resident safety risks associated with a potential bush fire emergency

A perimeter road for fire fighting purposes should be incorporated into the proposal

The application has been referred to the NSW Rural Fire Service for comment and to fulfil the 'Integrated Development' requirements of the Environmental Planning & Assessment Act, 1979. Having reviewed the proposal (as amended), the NSW RFS resolved to issue a 'bush fire safety authority' as required under Section 100b of the Rural Fires Act 1997, subject to appropriate consent conditions (**Conditions 68-73**). These conditions require the applicant to ensure that the development complies with the requirements of applicable bush fire planning policies (including 'Planning for Bushfire Protection 2006') both prior to the issue of the Occupation Certificate and throughout the life of the development. Subject to compliance with these conditions, the NSW Rural Fire Service is satisfied the proposed development and the occupants of the site will be adequately protected from the threat of bushfire.

Undue acoustic privacy impacts, including that associated with air-conditioning units and car park ventilation outlets

Subject to a conditions requiring the appropriate attenuation of the noise generating plant equipment (**Conditions 76 and 86**), Council's Environmental Health Officer is satisfied the operation of such equipment will not unduly impact on neighbouring residential amenity.

Undue traffic impacts, including undue impacts on vehicle movements within the internal road network of the site

Undue impacts upon pedestrian safety, both within the site and the surrounding road network

Council's Development Engineer is satisfied the proposed development will not unduly impact on existing vehicle movements, either on or off the site, with relatively minimal additional vehicle movements likely to occur. The small number of additional vehicle movements is not considered likely to impact on pedestrian safety.

Inappropriate loss of existing, on-site visitor parking spaces***Additional demand for on-street parking within the surrounding road network***

The applicant has submitted a breakdown of existing and proposed parking spaces to be provided on the site. Council's Development Engineer is satisfied that the on-site parking to be provided will accommodate the demand of the village following the implementation of the proposed development (discussed in detail below).

Undue impacts on neighbouring bushland

For the reasons outlined in the assessment of the proposal against the provisions of SEPP19, below, the proposed development will have no unreasonable impact on the bush land that surrounds the subject site.

Undue impacts upon neighbouring residential amenity during the construction period

It is recommended that conditions be imposed (**Conditions 35, 38 and 40**) to ensure the construction of the proposed development is undertaken in a manner that respects the amenity of neighbouring residential properties. Additionally, the applicant will be required to submit a construction management traffic plan to Council for approval prior to any works commencing on the site.

Loss of treed outlook

Specifically, the concern relates to the loss of existing trees within the area of the subject site to be occupied by the proposed Stanhope Building.

While it is acknowledged that the current open outlook of this area will be altered, the proposed development provides sufficient setbacks to allow for landscaping and canopy tree plantings that will soften the appearance of the development. In this respect, a treed outlook to neighbouring properties will be retained.

Reduction of local property value

Impacts on property values are not valid matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979.

Should the application be amended in a manner that reduces the cost of works below \$10 million, the authority to issue consent should be removed from the Joint Regional Planning Panel and given to Ku-ring-gai Council

The application has not been amended in any manner considered likely to reduce the cost of works below that quoted within the Quantity Surveyor's report submitted with the application.

Non-compliance with Clause 38A of the KPSO

This is a clause that applies to the Lourdes Village site which was added to the KPSO in March 1981. As outlined in the assessment of the application against the provisions of the KPSO, below, the applicant does not seek to rely on the provisions of this clause to facilitate the proposed development. The development is proposed pursuant to SEPP (Housing for Seniors or People with a Disability) 2004.

The applicant has not fulfilled the resident consultation obligations set out under the Retirement Villages Act 1999 in terms of the development of the existing senior's living village

The objector raises concern that the proposed development and the resultant loss of existing services and facilities (such as the parking areas to be occupied by the development) does not meet the requirements set out under the Retirement Villages Act 1999. Specific concern is raised that consent has not been obtained from the Residents Committee of the village for these services and facilities to be removed. However, such consent is not necessary for the lodgement of the Development Application. The relevant consent required under the Environmental Planning and Assessment Act, 1979 and Regulation has been submitted. Moreover, obtaining consent from the Residents Committee for the carrying out of the development is a civil matter.

Undue impacts upon the amenity of existing residences within Lourdes Village

For the reasons outlined in this report, the proposed development will retain adequate amenity to the existing residences within Lourdes Village.

The application should be amended to reduce the number of units within the proposed Croquet Building and delete the proposed South-West Building

It is not considered necessary to require the deletion of units or buildings from the development. As detailed within this report, the proposed development is largely compliant with all relevant assessment criteria. Where the development has not achieved compliance, sufficient justification has been provided by the applicant to demonstrate that such non-compliances are acceptable on merit.

Amended plans and information received 28 October 2010

In accordance with DCP56, the amended plans and information were also notified. In response, Council received 10 submissions from the following:

- | | |
|---|---------------------------|
| 1. Catherine and Philip Killen (3 submissions) | 84 Stanhope Road, Killara |
| 2. Mark Wilson | 94 Stanhope Road, Killara |
| 3. Neil Clarke (3 submissions) | 82 Stanhope Road, Killara |
| 4. Peter Marston on behalf of the Lourdes Village Residents Committee (2 submissions) | 95 Stanhope Road, Killara |
| 5. Chris and Carmela Evans | 78 Stanhope Road |

The submissions raised the following additional issues:

The additional solar access information provided is insufficient in outlining the impacts of the proposal on the existing facilities of the site

The applicant has submitted sufficient information to demonstrate that compliant levels of solar access will be available to neighbouring dwellings. While the objector raises concern that solar access to several community facilities within the village will be reduced, these areas are not protected by the applicable planning policies. Notwithstanding this, it is considered that reasonable solar access to surrounding facilities will be maintained.

Insufficient parking due to the misrepresentation of bedrooms (that affect parking space provisions) as study rooms (that do not affect parking space provisions)

Several of the proposed units incorporate rooms listed as possible for use as either bedrooms or study rooms. The calculations undertaken by Council's Development Engineer have concluded that, if these rooms were to be taken as bedrooms, the proposed development will continue to provide compliant on-site parking. It should be noted that calculating the Section 94 contribution is not affected by bedroom numbers.

The proposed development is inconsistent with the existing use of the site

For the reasons outlined throughout this report, the proposed development is considered to be consistent and compatible with the existing use of the site.

CONSULTATION – EXTERNAL TO COUNCIL

Rural Fire Service – Integrated Development

NSW Rural Fire Service (RFS) – Bush Fire Prone Land

The site is classified as Bush Fire Prone Vegetation Buffer and as such, is identified as being bush fire prone land.

Section 91 of the Environmental Planning & Assessment Act, 1979 identifies certain development that is deemed to be "Integrated Development" within the meaning provided under Part 3A of the Act. Section 100B of the *Rural Fires Act, 1997* requires that a Bush Fire Safety Authority (BFSA) be obtained before bush fire prone land is developed for a Special Fire Protection Service (SFPS). SFPSs include senior's housing as defined within SEPP (Housing for Seniors or People with a Disability) 2004.

Pursuant to Section 100B of the *Rural Fires Act, 1997*, the application (as amended), has been referred to the RFS for consideration as to whether a BFSA may be issued to the proposed development. In response, the RFS have agreed to issue a BFSA subject to conditions (**Conditions 68-73**) relating to the following:

- provision of adequate asset protection zones
- construction of the proposed development in a manner that reduces the threat of bush fire attack
- implementation of access provisions, water, utilities and landscaping consistent with the requirements of 'Planning for Bush Fire Protection 2006'
- provision of suitable emergency and evacuation arrangements for the occupants of the development

CONSULTATION - WITHIN COUNCIL

Urban Design

As outlined below, all three proposed buildings are identified as 'residential flat buildings' by SEPP65. As such, the application has been referred to Council's Urban Design Consultant for consideration of development's satisfaction of the design quality principles set out under Part 2 of the SEPP. The consultant has commented as follows:

The existing and desired future character for the local area is predominantly two storey residential uses set in bush land on large lots. The boundaries of the existing retirement village are surrounded by bush land and existing two storey residential development.

The proposed buildings are well integrated into the existing retirement village and are generally sensitive in their impact on adjoining properties. 91 Stanhope Road is most affected visually and may receive some overshadowing from the proposed Stanhope development. Generally, detached dwellings (78-84) on large lots across the other side of Stanhope Road will 'see' the new Stanhope Building.

The Stanhope Building fronts Stanhope Road, which is the only street frontage for the proposal.

The proposal presents a high quality and well integrated development complementing an existing retirement village.

Principle 1: Context

Comment: *The existing and desired future context is predominantly two storey residential dwelling houses set into a garden setting on generally large lots. The proposed development is part of an established seniors living community. The proposed new dwellings fit well into this context, where they can be seen from Stanhope Road, and from within the existing development itself.*

As the existing retirement village is located on a large site and is comprised of many existing buildings, any impacts from the additional three proposed buildings, which are largely 'additions' will impact primarily on the existing retirement village itself.

There will be a significant visual change for 91 Stanhope Road, particularly from its south eastern edge looking toward the proposed Stanhope building. The proposed South-West Building aligns with 91 Stanhope's backyard. The design is generally suited to the particular site conditions and appropriately addresses the public and internal street.

Generally, the proposed additions are well integrated into the site and context.

Principle 2: Scale

Comment: *It is noted that a SEPP 1 objection has been lodged in regard to the height and number of storeys of the proposed buildings.*

The proposed development predominantly adopts the height of the existing development. The streetscape retains the two storey character of the existing streetscape. The three storey element is generally on only one portion of the development at the location of the entry to the car park. This is an element that is characteristic of the remainder of the development. The impacts are considered appropriate and the scale is generally supported.

The site is predominantly its own context. Stanhope is the only building of the three proposed that can be seen more 'in the round' from the street, (Croquet can be viewed from Stanhope Road from the retirement village entry point only and is well set back), and the proposed built form is approximately two and a half storeys in height. The proposal consists of small floor plate buildings that are consistent with the existing character.

The proposed 'additions' are generally acceptable and well scaled in terms of bulk and height. The additions generally suit the scale of the street and existing and desired future character.

Principle 3: Built form

Comment: *The proposed built form is well considered in terms of its relationship to existing built form on the site and to the immediate local context. The manipulation of built elements is appropriate and legible within the context of the existing retirement village and the proposed buildings enhance the sense of place.*

Considering the size of the subject site and that the most impact will result on the existing dwelling at 91 Stanhope Road, it would have been a positive gesture to locate the entry ramp for the basement car park further away from 91 Stanhope Road, to reduce the impact to this property.

The architectural expression and the palette of materials and form blends with the existing character of the remainder of the existing development.

Principle 4: Density

Comment: *Appropriate to the context and the services available in the locality.*

Principle 5: Resource, energy and water efficiency

Comment: *Passive solar and ventilation have been designed into the proposed buildings. Energy use is reduced by the quality design of these proposals.*

The development is BASIX compliant.

Principle 6: Landscape

Comment: *Acceptable. The landscape knits together and integrates the existing built form and the proposed 'additions'.*

The landscape provides the semi private public domain for the village. The connective paths and courtyards set within landscape further integrate the proposed building into the existing site.

All basements are located under the building footprint to maximize deep soil planting opportunities.

Principle 7: Amenity

Comment: *Acceptable. The compact planning, relatively shallow plan depth and location of windows will provide the future occupants with good cross ventilation. Proposed dwellings have acceptable outdoor space with amenity from their location, solar access and privacy. Generally each dwelling has its own entry which promotes identity and ownership.*

Although SEPP 65 is referenced with the SEE and further detail is given in the design statement, it is difficult to assess if the proposal has the 70% solar to private open space and living spaces for the required 3 hours mid-winter. Of the eighteen dwellings, two living spaces face east (Stanhope) and a further four living spaces within the South-West Building face south.

In the context of the development being of quality design, Council's town planner should verify this requirement and be satisfied that SEPP 65 requirements have been met.

The overshadowing on 91 Stanhope Road is minimal in extent and has been reduced by the setback of the proposed building from the boundary and from the street.

Principle 8: Safety and security

Comment: *Acceptable. As the project consists of additions to an existing retirement village, safety and security are satisfactory. Overlooking of the public spaces is afforded from within the dwellings to provide passive surveillance. The entrances are visible from the public spaces.*

Principle 9: Social dimensions

Comment: *Acceptable. The local area is in need of this form of housing, as is Sydney Metro Area generally, due to an aging population. This project represent a quality housing choice for this demographic.*

Principle 10: Aesthetics

Comment: *The scale and use of materials is appropriate for the context and is complementary to the existing development on the site. The facades are finely detailed and provide appropriate articulation that responds to the environmental qualities of the building and the context.*

Recommendation

1. *That further detailed information in regards to the 3 hours requirement for direct sun on June 22nd be provided and verified by Council's development assessment officer.*
2. *That subject to the above verification the proposal is satisfactory when assessed against the Design Quality Principles of SEPP 65.*

Planning comment: The applicant has submitted detailed solar access diagrams confirming that 72% of the proposed dwellings will receive a minimum 3 hours direct solar access during the winter solstice. As such, the development complies with the solar access requirements of SEPP (Housing for Seniors or People with a Disability) 2004 and SEPP65.

Additionally, given the relatively low number of vehicle trips that associated with the proposed Stanhope Building, it is not considered that the proposed basement car parking entry will have any unreasonable impact on the amenity of the neighbouring property (91 Stanhope Road).

Landscaping

Council's Landscape Development Officer, commented on the proposal as follows:

Site characteristics

The site is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and grassed expanses. Some existing planting predates the existing retirement home complex, inclusive of the avenue planting of Canary Island Date Palms. The site is bushfire prone land.

Tree impacts

The development proposes the removal of numerous trees and shrubs across the site to accommodate the development works. Landscape Services raises the following;

- The removal of a mature and outwardly healthy NSW Christmas Bush within the site frontage cannot be supported. The tree is located outside of the development area, and a pedestrian path can be designed to accommodate the subject tree. The tree's retention can be conditioned (**Condition 19**). It is noted that the tree has been misidentified within the arborist's report.*
- Additional tree removal and pruning is detailed to comply with NSW RFS vehicular access in the event of a fire. Additional tree works can be supported by Landscape Services and will be conditioned (**Conditions 12-16 and 52-61**).*

Landscape services can support the remainder of the nominated tree removal subject to tree replenishment planting being undertaken and landscape amenity maintained/enhanced.

Arborist's reports

An amended arborist's report has been submitted addressing Council's previous concerns.

Landscape plan / tree replenishment

An amended landscape plan has been submitted. Landscape Services provides the following comments;

- Changes to the landscape plan are minor and can be conditioned as necessary, without impacting the overall design and in compliance with the NSW RFS Inner Protection Area requirements.*

Stormwater plan

Landscape Services can support the proposed drainage works.

BASIX

Landscape commitments have been made within BASIX certificate #20962M dated 29/06/2010, for 115sqm of low water use/indigenous plant species to be planted in association with the development proposed (the BASIX certificate has not been amended from the original submission). The submitted landscape plan (as amended) proposes the area adjacent to the western site boundary as being the nominated area of low water use/indigenous plant species and an area associated with the grouping of existing Turpentine adjacent to the site frontage. Landscape Services concurs with the areas included within the low water use/indigenous

commitment. It has been conditioned for the high water use plantings beneath the Turpentine grouping to be amended to a low water use species (**Condition 19**).

Landscape area / deep soil zone

SEPP (Housing for Seniors or People with a Disability) 2004 has definitions and minimum requirements for deep soil landscape areas for the development. The SEPP requires a minimum of 30% of the site area is to be landscaped. Landscaped area is defined as 'that part of the site area that is not occupied by any building and includes so much of that part as is used or to be used for rainwater tanks, swimming pools, or open air recreation facilities, but does not include so much of that part as is used or to be used for driveways or parking areas'.

Deep soil zones are defined as 'to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the site area (the deep soil zone). Two thirds of the deep soil zone should preferably be located at the rear of the site and each forming part of the zone should have a minimum dimension of 3.0m'.

The applicant has provided a deep soil and landscape area compliance plan in response to previous concerns raised. By the applicant's calculations, the site after development will have a deep soil landscape area of 10,522sqm or 19.9% of the site area, and a landscape area of 23,758sqm or 44.9% including the deep soil landscape area. Landscape services are satisfied that the site complies with the minimum deep soil and landscape area requirements of the SEPP.

Fire

The site is identified as bushfire prone land. NSW RFS have recommended / required that the site in its entirety be maintained as an Inner Protection Area and that landscape works comply with Appendix 5 of Planning for Bushfire Protection 2006. The applicant's fire consultant has also recommended that;

- No tree or tree canopy is to occur within 2.0m of the new building rooflines.
- Shrub planting is to be spread out and not to form a continual canopy
- Shrub species are not those that retain dead material, or deposit excessive quantities of ground fuel in a short period or in a danger period
- Shrub planting material is located far enough away from the building so that they will not ignite the building by direct flame contact or radiant heat emission.
- Any landscaping or planting should preferably be local endemic mesic species or other low flammability species.

The requirements of the NSW RFS and the recommendations made by the applicant's fire consultant can be met on site while providing landscape amenity. It is considered that there are elements of the landscape design that do not comply with these requirements, including;

- *The proposed planting adjacent to the western site boundary (Stanhope Building). A tree species capable of attaining a height of 10-12m has been proposed as a continual planting that may create a hazard to both the development and neighbouring property due to their close proximity. This species will require amendment which can be conditioned (**Condition 24**).*
- *Shrub species have been proposed beneath the canopies of existing trees that at maturity will not provide a sufficient separation that may result in a 'vertical fire ladder'. It can be conditioned for these shrub species to be amended for low growing plant species (**Condition 19**).*

The NSW RFS requirements regarding landscape works for the site can be satisfactorily conditioned.

Other issues and comments

Masonry piers

*The submitted plans indicate that masonry piers are proposed along the Stanhope Road site frontage. The landscape plans indicate that these isolated piers are proposed to be 1.8m high. The height of the piers is out of character with the existing or future desired streetscape and landscape character of Stanhope Road, and are not supported. The isolated piers shall have a maximum height of 1.5m and only be proposed at site entry/exit points and corners. This has been conditioned (**Condition 19**).*

CONCLUSION

The application can be supported by landscape services, with conditions.

Engineering

Council's Development Engineer, commented on the proposal as follows:

Stormwater disposal

The stormwater plans submitted detail a system which complies with Council's Development Control Plan DCP No.47 in relation to on-site detention and retention, water quality and discharge from the site. The design shows the approximate location of the existing stormwater infrastructure and flow regime which deal appropriately with stormwater disposal for the site.

It was requested by Council that the overall stormwater disposal system for the site be provided showing location of all existing pipe work, pits and the detention basin with supporting calculations of the existing swale. Details to that effect have been submitted and are satisfactory.

From the assessment, it was determined that no requirements were applicable under Section 6.4 of DCP No.47 for rainwater tanks and furthermore, no BASIX

water commitments have been nominated. However, the design has incorporated rainwater reuse tanks with storage volume capturing the first 20mm of all roof run-off on the site with the overflow from the tanks directed to the existing system consisting of vegetated swales, piped systems and detention structures before being directed offsite into the bushland.

It has been conditioned that discharge to the existing swale is acceptable provided that supporting calculations and detailed sections be submitted to determine that the system will handle flows from the upstream, post development catchment (**Condition 23**). Details are to be submitted at construction certificate stage.

The stormwater disposal system for the site is considered satisfactory for this development.

Traffic generation

The traffic report submitted predicts a traffic generation potential of approximately up to 4 vehicle trips per hour during peak periods (or 40 trips per day) for the 18 units proposed. The 'Stanhope' basement would be expected to have up to 7 trips per hour, including 2 new resident trips and up to 5 staff and visitor trips. It is noted that the staff/visitor trips are existing trips associated with the use of the current car park and are not a net increase on existing conditions.

The net increase is minimal and would not have any unacceptable traffic implications in terms of road network capacity or surrounding residents.

Vehicle access and accommodation arrangements

In summary, the development seeks to provide an additional 18 independent living units (ILU) across three distinct areas within the Lourdes Village as follows:

Stanhope Building

- new basement access to Stanhope Road
- total of 10 ILU (2 x 1bd + study, 4 x 2bd and 4 x 2bd + study)
- new basement car park with 15 spaces in total (10 resident spaces + 5 visitor staff spaces).

Croquet Building

- new basement car park, accessed from the internal road system
- total of 4 ILU (4 x 2bd + study)

South-West Building

- new basement car park
- total of 4 ILU (2 x 1bd + study, 2 x 3bd + study)

A breakdown of all the parking on the site has been provided in the traffic report. The parking provisions have been determined using SEPP (Housing for Seniors or People with a Disability) 2004 which requires a minimum provision of 0.5 spaces per bedroom to be provided. The parking allocation of the new development proposes 25 spaces which is in excess of the 17 required under the SEPP and Council's DCP. It can be concluded that each independent unit is provided with a single parking space with additional shared parking provided for visitors and staff.

In addition, Council requested evidence of compliance of the existing parking arrangements by providing a breakdown of the parking requirements of all the facilities and services currently available on site. The breakdown was tabulated within the report prepared by Traffix. The table included ILU, serviced apartments, hostel beds, nursing home beds and staff with their respective parking rates. It is noted that there are unassigned spaces on the site which are available for use by both residents and visitors.

In summary, SEPP (Housing for Seniors or People with a Disability) 2004 requires the following parking provisions based on the number of the various accommodation and staffing rates of the facility, once altered by the proposed development:

- 157 parking spaces for the residents of the village (with this figure incorporating the various types of accommodation provided)*
- 12 parking spaces for staff*
- 1 parking space for an ambulance*

Once developed, the site will provide parking for 180 vehicles, exceeding the minimum required by 10 spaces. While SEPP (Housing for seniors or people with a disability) 2004 does not specifically set out a number of spaces required for visitor parking, the additional 10 spaces will be available for this purpose.

The parking layout for disabled spaces has been redesigned to comply with Australian Standards AS 2890.6 (2009) which requires a space width of 2.4m plus a 'shared area' of an additional 2.4m for a single space.

Waste collection

The internal design of all parking areas generally satisfies the requirements of AS 2890.1 and AS 2890.6 following discussion between the applicant and Council's Waste Manager. A plan titled 'Waste Collection and storage' DWG No. DA7.5 has been submitted. The plan details both existing and proposed arrangements for waste collection points and truck routes.

The vertical clearance of 2.2m within the Stanhope car park is non-compliant with the minimum height clearance requirement of 2.6m for internal waste collection. An alternative pickup point has been provided having the bins picked up from Stanhope Road (it is understood this is the current arrangement) and is acceptable to Council's Waste Services Manager.

Construction management

*Due to the scale of works and expected construction vehicle movements, it will be conditioned that a detailed construction traffic management plan (CTMP) be submitted for review by Council Engineers prior to the commencement of any works on site (**Condition 10**).*

*The Construction Management Plan submitted by EPM Projects Pty Ltd suggests that, from time to time, the delivery into the site of exceptionally large building materials may necessitate the usage of on-street parking areas on Stanhope Road. It has been conditioned that a work zone shall be provided along the street frontage which is to be approved by Council (**Condition 11**)*

Impacts on Council infrastructure

A new footpath and ramp is proposed along the site frontage. Design details have been provided by Northrop Engineers and are noted on the civil and landscape plans. The arborist has reviewed the levels and the path location in relation to the trees and raises no concerns. Detailed design drawings for these works will be assessed by Council's Development Engineer for approval under the Roads Act. No final certificate will be issued until the works are completed to the satisfaction of Council.

Geotechnical investigation

Construction for the Stanhope Building will require bulk excavation for the basements generally down to between 2 metres to 3.5 metres below existing surface levels. The South-West Building will have graded excavations varying from less than 1 metre at its south-west end to about 4 metres at its northern end.

Boreholes were auger drilled using crawler mounted drilling rig. The boreholes generally encountered existing pavements or topsoil over residual silty clay and clayey sand that grade into weathered sandstone bedrock at depths between 1.3 metres and 2 metres below existing levels.

The geotechnical report recommends that prior to demolition and construction a dilapidation report is carried out on the neighbouring buildings and structures.

*A more detailed assessment will be required for the excavation of the basement layout as conditioned (**Condition 8**). All other recommendations during the construction phase including complete dilapidation surveys, quantitative monitoring of transmitted vibrations during rock excavation, inspect footing excavations and the like shall be carried out as specified within the report.*

Recommendation

From an engineering perspective there are no objections to this application, subject to appropriate conditions.

Building

Council's Senior Building Surveyor, has advised that the application is satisfactory, subject to conditions requiring compliance with the Building Code of Australia and the provision of adequate fire safety measures and mechanical ventilation.

Health

Council's Environmental Health Officer, has been consulted regarding the proposed changes to the café facility within the existing community centre building. Subject to the imposition of conditions relating to the provision of safe food preparation and storage areas and the attenuation of noise generating plant equipment (**Conditions 76 and 86**), the officer raised no objection to the proposed development.

STATUTORY PROVISIONS

State Environmental Planning Policy No. 19 – Bushland in urban areas

SEPP19 exists to ensure proposed development does not unduly impact upon remnant bushland vegetation. The site is surrounded by relatively dense bushland to the north-east, east and south. As such, the provisions of SEPP19 require Council to assess the potential impacts of the proposal upon this remnant bushland against the aims set out within Clause 2. The specific matters for consideration include the need to protect remnant plant communities, wildlife corridors, vegetation links, geological features, existing landforms and the recreational and educational potential of the bushland.

The proposed development will not require the removal of any remnant bushland from the site. In this respect, it is noted that the proposed vegetation to be removed is not considered to be remnant of the bushland that occupied the property prior to the original development of the site. Furthermore, the proposal will not have any material impact upon the vegetation of the adjoining bushland areas, subject to relevant consent conditions (**Conditions 25, 40 and 51**). For the reasons outlined in this report, the visual impact of the proposal when viewed from the adjacent bush-land area is considered to be acceptable. Council's Development Engineer is also satisfied that the stormwater management measures to be utilised will not negatively impact this bush-land.

Therefore, in respect of the above, the proposed development is assessed as being satisfactory having regard to the matters for consideration set out by SEPP19.

State Environmental Planning Policy No. 55 – Remediation of land

Clause 7 of SEPP55 requires the consent authority to consider whether the site is contaminated and if so, whether the site is suitable or will be suitable after remediation for the purpose of the development.

There is no evidence to suggest that the site was used for any potentially contaminating land use prior to the purchase and development of the site for the purpose of a hospital after World War 2. Having consideration of this previous use of the site, hospitals are not listed as potentially contaminating land uses (under the relevant land contamination

guidelines) and therefore, it is unlikely that any contamination or potentially contaminating activities operated from the site.

Additionally, the site is currently used for senior's living accommodation. The proposed development will continue this use. **Condition 37** is recommended to address the potential issues of the removal of asbestos and lead based paints during the demolition process.

Therefore, in respect of the above, the proposed development is assessed as being satisfactory having regard to the matters for consideration set out in SEPP55.

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development RFDC)

By virtue of the sub-floor parking areas of all three proposed buildings protruding greater than 1.2 metres above the existing ground level (thereby creating a third storey), these developments are identified to be 'residential flat buildings' by the SEPP. As such, an assessment against the provisions outlined within this SEPP must be undertaken.

SEPP65 aims to improve the design quality of residential flat buildings across NSW and provides an assessment framework, the Residential Flat Design Code (RFDC), for assessing 'good design'.

Clause 50(1A) of the EPA Regulation 2000 requires the submission of a design verification statement from the building designer at lodgement of the development application. This documentation has been submitted and is satisfactory.

The SEPP requires the assessment of any development application for residential flat development against 10 principles contained in Clauses 9-18 and Council is required to consider the matters contained in the publication "Residential Flat Design Code".

As such, the following consideration has been given to the requirements of the SEPP and Design Code.

Residential Flat Design Code Compliance Table

Pursuant to Clause 30(2) of SEPP 65 in determining a development application for a residential flat building the consent authority is to take into consideration the Residential Flat Design Code (RFDC). The following table is an assessment of the proposal against the guidelines provided in the RFDC.

	<i>Guideline</i>	<i>Consistency with Guideline</i>
PART 02 SITE DESIGN		
Site Configuration		
<i>Deep Soil Zones</i>	A minimum of 25 percent of the open space area of a site should be a deep soil zone; more is desirable.	The landscaping area requirements of SEPP (Housing for seniors or

	Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.	people with a disability) 2004 override this requirement of the Code
<i>Open Space</i>	The area of communal open space required should generally be at least between 25 and 30 percent of the site area. Larger sites and brown field sites may have potential for more than 30 percent.	YES The subject site provides large areas of communal open space that includes a croquet lawn, rose garden, walking paths and landscape gardens, satisfying the objectives of this requirement.
	The minimum recommended area of private open space for each apartment at ground level or similar space on a structure, such as on a podium or car park, is 25m ² .	The private open space area requirements of SEPP (Housing for seniors or people with a disability) 2004 override this requirement of the Code
<i>Planting on Structures</i>	In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. The following are recommended as minimum standards for a range of plant sizes: Medium trees (8 metres canopy diameter at maturity) - minimum soil volume 35 cubic metres - minimum soil depth 1 metre - approximate soil area 6 metres x 6 metres or equivalent	YES The landscape plan shows a mixture of small and medium trees set amongst shrubs and ground cover. Trees are located along the boundaries and shrubs and turf confined to the areas above the basement with planting on slabs having adequate soil depths to accommodate growth.
<i>Safety</i>	Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings.	N/A Less than 20 new dwellings are proposed
<i>Visual Privacy</i>	Refer to Building Separation minimum standards - up to four storeys/12 metres - 12 metres between habitable rooms/balconies - 9 metres between	NO The Stanhope Building is located within 6 metres of the habitable rooms of No. 91 Stanhope Road. Refer to consideration below.

	habitable/balconies and non-habitable rooms - 6 metres between non-habitable rooms	
<i>Pedestrian Access</i>	Identify the access requirements from the street or car parking area to the apartment entrance.	YES Defined pedestrian entries are proposed from street frontage and car parking areas
	Follow the accessibility standard set out in Australian Standard AS 1428 (parts 1 and 2), as a minimum. Provide barrier free access to at least 20 percent of dwellings in the development.	YES A lift has been provided from the basement to each level of the development.
<i>Vehicle Access</i>	Generally limit the width of driveways to a maximum of six metres.	YES The proposed driveway entrance from Stanhope Road is less than 6 metres
	Locate vehicle entries away from main pedestrian entries and on secondary frontages.	YES The entries to the proposed buildings have been acceptably separated from the vehicle entries. The site only has one street frontage.
PART 03 BUILDING DESIGN		
Building Configuration		
<i>Apartment layout</i>	Single-aspect apartments should be limited in depth to 8 metres from a window.	N/A No single aspect apartments are proposed
	The back of a kitchen should be no more than 8 metres from a window.	N/A The back walls of all kitchens are within 8 metres from a window
	The width of cross-over or cross-through apartments over 15 metres deep should be 4 metres or greater to avoid deep narrow apartment layouts.	YES The minimum width of the crossover apartments within the development is greater than 4 metres

	<p>If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability: (apartment size is only one factor influencing affordability)</p> <ul style="list-style-type: none"> - 1 bedroom apartment 50m² - 2 bedroom apartment 70m² - 3 bedroom apartment 95m² 	<p>YES</p> <p>The proposed apartments satisfy the minimum dimensional requirements.</p>
<i>Apartment Mix</i>	<p>Include a mixture of unit types for increased housing choice.</p>	<p>YES</p> <p>The proposal includes: 4 x 1 bed, 4 x 2 bed, 8 x 2 bed + study, 2 x 3 bed units</p>
<i>Balconies</i>	<p>Provide primary balconies for all apartments with a minimum depth of 2 metres. Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context-noise, wind – can be satisfactorily mitigated with design solutions.</p>	<p>The balcony size requirements of SEPP (Housing for seniors or people with a disability) 2004 override this requirement of the Code</p>
<i>Ceiling Heights</i>	<p>The following recommended minimum dimensions are measured from finished floor level (FFL) to finished ceiling level (FCL).</p> <ul style="list-style-type: none"> - in residential flat buildings or other residential floors in mixed use buildings: - in general, 2.7 metres minimum for all habitable rooms on all floors, 2.4 metres is the preferred minimum for all non-habitable rooms, however 2.25m is permitted. 	<p>YES</p> <p>All habitable rooms have a floor to ceiling height greater than 2.7m.</p>
<i>Ground Floor Apartments</i>	<p>Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.</p>	<p>NO</p> <p>Combined entrances to the ground floor apartments of all three residential buildings are provided. Refer consideration below.</p>
	<p>Provide ground floor apartments with</p>	<p>Yes</p>

	access to private open space, preferably as a terrace or garden.	All ground floor apartments have access to private open space
<i>Internal Circulation</i>	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.	YES Lift provides access to a maximum of 8 units.
<i>Storage</i>	In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: <ul style="list-style-type: none"> - studio apartments 6m³ - one-bedroom apartments 6m³ - two-bedroom apartments 8m³ - three plus bedroom apartments 10m³ 	<u>Stanhope Building:</u> YES 76m ³ ancillary storage area needed – 112m ³ provided (minimum 11.2m ³ storage space per unit available) <u>South-West Building:</u> YES 32m ² ancillary storage area needed – 35m ³ provided (minimum 8.75m ³ storage space per unit available) <u>Croquet Building:</u> YES 32m ² ancillary storage area needed – 56m ³ provided (minimum 14m ³ storage space per unit available)
Building Amenity		
<i>Daylight Access</i>	Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid winter.	YES Detailed solar access study has been submitted which demonstrates that a 72% (13 units) will receive solar access to both 50% of their private open space and window to the main living area between 9am and 3pm mid winter.
	Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed.	N/A No single aspect apartments are proposed
<i>Natural Ventilation</i>	Building depths, which support natural ventilation typically range from 10 to	YES

	18 metres.	Building depths within the range of 10 to 18 metres
	Sixty percent (60%) of residential units should be naturally cross ventilated.	YES
Building Performance		
<i>Waste Management</i>	Supply waste management plans as part of the development application submission as per the NSW Waste Board.	YES
<i>Water Conservation</i>	Rainwater is not to be collected from roofs coated with lead- or bitumen-based paints, or from asbestos-cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	YES

Building separation and visual privacy

The following separation distances between buildings are required under the RFDC for five storey buildings up to five storeys in height:

- 12 metres between habitable rooms/balconies
- 9 metres between habitable/balconies and non-habitable rooms
- 6 metres are provided between non-habitable rooms.

The objectives of the suggested dimensions are to provide visual and acoustic privacy for existing and new residents, control overshadowing and ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings, to allow for the provision of open space and deep soil zones.

The living rooms (sunroom and kitchen of Unit 01) of the proposed Stanhope Building are within 6.2 metres of the living room windows of 91 Stanhope Road. Additionally, the non-habitable rooms of the proposed Stanhope Building are within 5.4 metres of the non-habitable rooms of this adjacent dwelling.

While failing to achieve these separation requirements, the proposed development:

- will retain sufficient privacy, solar access and general amenity to neighbouring residencies
- is of a comparable building height to surrounding built form (being predominantly a maximum two storeys in height)
- incorporates sufficient architectural articulation within the building's facades
- provides sufficient separation between the buildings will be retained for tree planting purposes
- retains adequate private and communal private open space will be retained for residents

Therefore, the proposed separation between buildings is deemed to be acceptable in this instance.

Ground floor apartment entries

The RFDC seeks to optimise the number of ground floor units with separate entrances. The objectives of this requirement are to ensure the development positively contributes to the creation of active, safe streets and the desired streetscape character.

Combined dwelling entrances are provided to all ground floor units in all three proposed buildings. These combined entries service a maximum of three units. However, the only entrances visible from the streetscape will be those servicing the proposed Stanhope Building. The street facing façade of this building is well articulated and provides sufficient visual interest to positively contribute to streetscape character. Additionally, the configuration of the dwellings within this building will allow for casual surveillance of the site and the adjacent public realm.

Therefore, the proposed configuration of building entrances is deemed to be acceptable in this instance.

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

Clause 2 (Aims of Policy) of SEPP (Housing for Seniors or People with a Disability) 2004 states the Aims of the Policy. Specifically, the Policy aims to:

- *increase the supply of housing that meets the needs of seniors and people with a disability;*
- *make efficient use of existing infrastructure and services; and*
- *be of a good design.*

The manner in which the Aims of the Policy are to be achieved is defined by the assessment criteria specified within the provisions of the SEPP.

As concluded in the following assessment, the proposed development incorporates sufficient accessibility measures to meet the needs of the intended occupants while maintaining a harmonious relationship with the surrounding built environment and retaining amenity to neighbouring residential properties. Therefore, the proposal is deemed to be consistent with the stated Aims of the Policy.

Clause 4 – (Land to which the Policy applies) of SEPP (Housing for Seniors or People with a Disability) 2004 identifies the land on which development permissible under the Policy may be carried out.

The Residential 2(b) zoning of the subject site permits dwelling houses. By virtue of this, development may be carried out on the site pursuant to SEPP (Housing for Seniors or People with a Disability) 2004.

Clause 13 (Self contained dwellings) specifies the various types of Self contained dwellings permissible as senior's living accommodation within the provisions of the SEPP. The proposed development consists of more than two (2) dwellings and does not provide any services. Therefore, the proposed development constitutes "in-fill self-care housing" in accordance with the definition provided by this Clause.

Chapter 3 of the environmental planning instrument provides the circumstances in which Council may grant consent to a development application for senior's living accommodation made pursuant to SEPP (Housing for Seniors or People with a Disability) 2004. Clauses 14 to 50 are contained within this Chapter.

Clauses 15 and 16 (Development consent required) of the SEPP state that development may be carried out only with development consent unless another planning instrument allows the development without consent. The proposed development requires the consent of Council pursuant to the provisions of the Ku-ring-gai Planning Scheme Ordinance.

Clause 18 (Restrictions on occupation of seniors housing allowed under this Chapter) of the SEPP states that Council must not grant consent to a development application for senior's living accommodation made pursuant to Chapter 3 unless conditions relating to the type of people who may occupy the development are imposed. The imposition of the relevant condition to satisfy the requirements of this clause is recommended (**Condition 83**).

Clause 26 (Location and access to facilities) of the SEPP specifies that Council must not grant consent to a development application made pursuant to Chapter 3 unless it is satisfied by written evidence that certain site related requirements have been met. Compliance with the requirements of Clause 26(1) and (2) is indicated in the table below.

COMPLIANCE TABLE		
Clause	Requirement	Compliance
Clause 26(1)	Access to shops, bank service providers, other retail and commercial services, community services and the practice of a general medical practitioner.	YES
Clause 26 (2-b)	In the case of a proposed development on land in a local government area within the Sydney Statistical Division (that includes the Ku-ring-gai LGA), there is a public transport service available to the residents who will occupy the proposed development:	
	<ul style="list-style-type: none"> That is located a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway 	YES
	<ul style="list-style-type: none"> That will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1) 	YES
	<ul style="list-style-type: none"> That is available both to and from the proposed 	YES

Joint Regional Planning Panel Assessment Report for 95-97 Stanhope Road, Killara

Clause 28 (Water and sewer), states that consent must not be granted to a development application made pursuant to Chapter 3 unless satisfied by written evidence that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewerage. The site is connected to the sewer system and reticulated water is provided.

Clause 29 (Consent authority to consider certain site compatibility criteria for development applications to which clause 24 does not apply), states that consent must not be granted to a development application made pursuant to Chapter 3 unless the following has been considered:

- the impact of the development upon the natural environment
- the compatibility of the development with the existing uses, approved uses and possible future uses of land in the vicinity of the site
- the ability of local services and infrastructure to accommodate the demand that will arise as an outcome of the development
- the impact of the bulk, scale, built form and character of the development

For the reasons outlined throughout this report, the proposed development is considered to be consistent with these matters for consideration. The proposed development:

- will not unduly impact on the natural environment, including the surrounding bushland
- is compatible with the existing use of the site as a senior's living village
- is consistent with the predominantly residential use of land surrounding the subject site and the likely continuing use of this land for residential purposes in the future
- has access to sufficient services and infrastructure, including water and utilities as well as access to transport services
- is of an acceptable bulk, scale and built form character in the context of the surrounding development

Clause 30 (Site analysis), requires a site analysis be carried out and submitted to the consent authority as part of the Development Application. A site analysis, prepared by an architect, has been submitted to Council. This analysis, together with the accompanying documentation of the application, provides all the necessary information for assessment purposes under this clause.

Clause 31 (Design of in-fill self-care housing), states that, in the assessment of a development application made pursuant to Chapter 3 for in-fill self-care housing, the consent authority must take into consideration the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development*, published by the Department of Infrastructure, Planning and Natural Resources in March 2004.

The guidelines contained within this document are designed to assist applicants and consent authorities in the implementation and interpretation of the design principles specified by Division 2 of SEPP (Housing for Seniors or People with a Disability) 2004.

Primarily, these guidelines seek to ensure that new development provides a high level of amenity for both new and existing residents. The document requires due consideration be given to:

- the streetscape
- the local context
- site planning and design
- impacts upon neighbours
- internal amenity

These considerations have been taken into account during the assessment of the application. The proposed development has sufficiently demonstrated consistency with the guidelines of this document and therefore, as outlined below, satisfies the design principles specified by Division 2 of the SEPP.

Clause 32 (Design of Residential Development), requires that consent must not be granted unless the consent authority is satisfied that adequate regard has been given to the following principles:

Neighbourhood amenity and streetscape

The proposed development adequately responds to the established streetscape character of Stanhope Road.

In terms of streetscape character, it is noted that only the proposed Stanhope Building will be visible from Stanhope Road. The remaining new buildings of the proposal are significantly set back from the street frontage and will be screened from view by the existing structures and established vegetation of the site.

The Stanhope Building has been designed to reflect the predominant character of developments both on and within the vicinity of the subject site. In this regard, the building is of a predominant two storey presentation to the street, with the exception of a small three storey element associated with the basement car parking entrance. The building incorporates varied set backs (between 9-15 metres) to the individual units that are generally consistent with or exceed the building line defined by neighbouring developments and those anticipated for residential development. These setbacks provide sufficient area for landscape plantings that will positively contribute to the tree canopy of the area.

The elevations of the building visible from Stanhope Road have been well articulated through the inclusion of spatial separation between units, varying balcony designs and planter boxes that will also soften the building's façade.

Further to the comments provided by Council's Landscape Development Officer, **Condition 19** is recommended to ensure that the proposed front boundary plinths are a maximum 1.5 metres in height, consistent with that of fencing aligning the front boundaries of neighbouring sites.

In terms of neighbouring amenity, for the reasons outlined below, the proposed development will retain sufficient solar access and privacy to adjoining residential dwellings. Generous separation between the proposed buildings (exceeding 5 metres in all instances) and neighbouring residencies has been provided to ensure the development does not unduly impact on visual amenity. Additionally, the proposed development will not unduly impact upon any existing views.

Visual and acoustic privacy

In order to negate any undue overlooking from the west-facing windows associated with the internal living areas (kitchen and sunroom) of Unit 01 and Unit 06 into the sensitive areas of 91 Stanhope Road, it is recommended that these windows incorporate a sill height of 1.6 metres above the finished floor level (**Condition 18**).

In incorporating the above measure, it is considered that the proposed development will retain adequate visual privacy between the units of the proposed development and to the existing surrounding residencies. This conclusion notes the configuration and location of windows and balconies in a manner that will not afford undue outlook or cross-looking. This has been supplemented through the use of privacy screening and screen plantings where necessary. As previously mentioned, generous separation will exist between the proposed buildings and the existing surrounding residencies of the subject site.

Adequate separation has been achieved between bedrooms and living areas of adjoining dwellings to maximise acoustic privacy. Separation between bedrooms and driveways / pathways has also been provided where feasible and practical.

Solar access and design for climate

Clause 35 of the SEPP states that development must maintain adequate daylight to the main living areas of the neighbours in the vicinity and adequate sunlight to substantial areas of private open space. The SEPP states that AMCORD may be referred to in establishing adequate solar access and dwelling orientation to climatic conditions.

Element 5.10 of AMCORD specifies that three (3) hours of sunlight must be provided to north-facing windows of living areas between 9am and 5pm. The proposed development will retain solar access compliant with this requirement to the existing dwellings located on the subject site.

With regard to neighbouring properties, it is noted that only 91 Stanhope Road may be potentially overshadowed by the proposed development. However, the proposal will not cause any shadow impact on the north-facing windows of this dwelling (located along the building's street facing façade). While several windows are located along the eastern elevation of this neighbouring dwelling, the shadow impacts of the proposal are not beyond those which may be reasonably expected within a residential area. This conclusion notes the generous separation that will exist between the dwelling of 91 Stanhope Road and the proposed Stanhope Building (in excess of 5 metres) and that the overshadowing impacts of the proposal will cease to occur after approximately 12pm during the winter solstice. Additionally, extensive overshadowing of the windows along the eastern elevation of 91

Stanhope Road already occurs due to the nature and location of the existing common boundary fencing.

Stormwater

Council's Development Engineer has reviewed the proposal and is satisfied with the stormwater management measures to be implemented.

Crime prevention

All dwellings of the development have been designed in a manner that allows for casual surveillance across the site, the approaches to the new dwellings and to the public areas beyond. The shared entrances to the buildings will be lockable.

Accessibility

The proposed entrance paths provide obvious and safe pedestrian links from the development to Stanhope Road. Accessible paths are available between the proposed buildings and the bus stop that provides access to the services and facilities of the Lindfield commercial precinct (referred to in clause 26). Accessible paths are also available from the proposed buildings to the community facilities within the site.

Parking for residents and visitors is conveniently located within or in close proximity to the basement level car park. The dwellings can be accessed from the car park via the proposed stairs and lift.

Waste management

The proposal features waste management rooms within each building that will be accessible by all occupants within the development. This room is to contain Council's standard waste and recycling bins, satisfying the requirements of this clause.

Clause 40 (Development standards), provides that a consent authority must not grant consent to a development application made pursuant to Chapter 3 unless the proposed development complies with the standards specified in this clause. The compliance demonstrated by the development application with these standards is indicated in the table below.

COMPLIANCE TABLE		
Development standard	Proposed	Compliance
Clause 40 (2) (Site area): 1000m ² (min)	52,909m ²	YES
Clause 40 (3) (Site frontage): 20m (min)	>350m to Stanhope Road	YES

Clause 40 (4-a) (Height in zones where residential flat buildings are not permitted): 8m (max)	<u>Stanhope Building:</u> 8.41m within the raised roof area of Unit 07 <u>South-West Building:</u>	NO – SEPP1
	9.95m within the raised roof area of Unit S3 <u>Coquet Building:</u> 10.34m within the raised rood area of Unit C3 and 10.23m within the raised roof area of Unit C4	
Clause 40 (4-b) (Height): 2 storey (max) adjacent to a boundary of the site	Stanhope and Southwest Buildings 3 storeys in height adjacent to western property boundary	NO – SEPP1
Clause 40 (4-c) (Height): A building located in the rear 25% area of the site must not exceed 1 storey in height	No proposed development within the rear 25% of the site	N/A

Clause 40(4-a) - Height in zones where residential flat buildings are not permitted

Building height

The Residential 2(b) zoning of the subject site does not permit the erection of residential flat buildings. As such, Clause 40(4-a) of the SEPP restricts the height of all proposed buildings to a maximum of 8 metres. This development standard is also stated within Clause 50(a). As detailed in the compliance table above, all three proposed buildings breach this requirement.

The applicant's SEPP 1 objection is considered against the following provisions:

Whether the planning control to be varied is a development standard

Clause 40(4-a) is a development standard as defined by Section 4 of the Environmental Planning and Assessment Act, 1979.

The underlying objective or purpose of the standard

There are no objectives specified for Clause 40 (4-a) of the SEPP. However, the clause in which the development standard is contained relates to senior's living developments to be constructed in residential zones where residential flat buildings are not permitted. It is noted that an 8 metres height limit is a commonly occurring development control applied to detached residential dwellings that essentially seeks to achieve a residential building height typical of suburban Sydney. In this regard, it can be assumed that the underlying objective of the development standard is to achieve a development that incorporates a consistent building height with that of surrounding residential character. Due consideration should also be given to the acceptability of the development's bulk, scale, privacy and solar access impacts as these matters are directly associated with building height.

Whether compliance with the standard is consistent with the aims of the policy and whether compliance hinders the attainment of the objectives specified in Section 5(a) (i) and (ii) of the Environmental Planning and Assessment Act, 1979

The aim of SEPP 1 is to:

Provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objectives specified in Section 5 (a) (i) and (ii) of the Act.

In this regard, the objects of Section 5 (a) (i) and (ii) of the Act are:

- (a) *To encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land*

It is concluded that the non-compliance with the development standard is consistent with the aims of SEPP 1 as compliance is unreasonable and unnecessary in this instance (as discussed below). In this particular circumstance, compliance with the development standard would hinder the attainment of the objectives specified in Section 5(a) (i) and (ii) of the Act.

Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The following provides a summary of the arguments advanced by the applicant within the submitted SEPP 1 objection.

The Stanhope Building is the only building that will be materially visible from the streetscape. Strict compliance with the standard is unnecessary in that this building is

largely of a two storey presentation to the streetscape (excluding the limited section of the building that incorporates the basement level car park entrance).

The Stanhope Building is also of a consistent overall height with the nearest adjoining residential property of 91 Stanhope Road. This building also adopts a consistent height with the existing adjacent structures of the subject site, particularly the adjacent chapel and administration building to the east. The consistency between these respective building heights provides for a balanced built form on the site and an effective integration with the broader streetscape (detailed in **Figure 2**, below).



Figure 2: Comparison of the proposed Stanhope building with existing adjacent development.

The Stanhope Building footprint is set back 3.5 metres to 5 metres from the nearest boundary shared with a residential property, being 91 Stanhope Road. The proposed building will not unduly overshadow this dwelling and general amenity will be retained through landscaping embellishment measures.

The proposed South-West and Croquet Buildings are located towards the centre of the site and largely not visible from the public domain or adjoining properties. In this regard, although the need to achieve a typical suburban built form is lessened, these buildings adopt the form and height of existing surrounding buildings, resulting in an acceptable outlook from within the site.

While located adjacent to the common boundary shared with 91 Stanhope Road, the 3 metres set back is sufficient to off-set any undue impacts upon this property.

It is considered unreasonable and unnecessary in this circumstance to comply with the development standard. Further to the points raised by the applicant, it is noted that the non-compliant building heights are predominantly a product of the sloping nature of the subject site and, as such, are largely technical breaches. In many respects, the intention of SEPP1 is to provide flexibility in circumstances such as this where compliance with a prescribed development standard would unnecessarily hinder the attainment of a reasonable, practical and viable development outcome. It is also noted that the development standard relates to the ceiling heights of the buildings and that the use of a standard flat ceiling (as opposed to the proposed vaulted design) would lessen the extent of the non-compliances without any material change to visual presentation.

It is accepted that the proposed non-compliant building heights will be of negligible impact on streetscape character and that the non-compliances will not unduly impact on the amenity of residential properties both within and surrounding the subject site. Additionally, the proposed breaches will not result in any undue impact on the natural environment.

Whether the objection is well founded

After considering the arguments raised by the applicant, particularly those outlining the absence of any material impacts upon streetscape character or the amenity of neighbouring properties and a merit assessment of the proposal, it is concluded that the application of the development standard is both unreasonable and unnecessary in this particular circumstance and accordingly, the SEPP1 objection is well founded.

Number of storeys

Clause 40(4-b) of SEPP restricts all proposed buildings adjacent to the boundaries of the site to a maximum of two storeys. As detailed in the compliance table above, both the proposed Stanhope and South-West buildings incorporate three storey elements where the basement level car parking extends above the existing ground level. These three storey elements will be visible along the western elevations of the buildings that are within 3 metres of the common boundary of the site. The applicant's SEPP 1 objection is considered against the following provisions:

Whether the planning control to be varied is a development standard

Clause 40(4-b) is a development standard as defined by Section 4 of the Environmental Planning and Assessment Act, 1979.

The underlying objective or purpose of the standard

The note provided with Clause 40(4-b) of SEPP (Housing for Seniors or People with a Disability) 2004 states:

"The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape"

In this respect, the intention of the development standard is to ensure the visual height presentation of the proposed development is consistent with that of surrounding residential buildings.

Whether compliance with the standard is consistent with the aims of the policy and whether compliance hinders the attainment of the objectives specified in Section 5(a) (i) and (ii) of the Environmental Planning and Assessment Act, 1979

The aim of SEPP 1 is to:

Provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those

standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objectives specified in Section 5 (a) (i) and (ii) of the Act.

In this regard, the objects of Section 5 (a) (i) and (ii) of the Act are:

(b) To encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land*

It is concluded that the non-compliance with the development standard is consistent with the aims of SEPP 1 as compliance is unreasonable and unnecessary in this instance (as discussed below). In this particular circumstance, compliance with the development standard would hinder the attainment of the objectives specified in Section 5(a) (i) and (ii) of the Act.

Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The following provides a summary of the arguments advanced by the applicant within the submitted SEPP 1 objection.

The Stanhope Building is the only building that will be visible in the streetscape. In this building it is primarily the north and north-eastern elevations that contribute to the Stanhope Road streetscape. Along these elevations, the building is largely two storeys, excluding the limited section of the building that incorporates the basement level car park entrance and towards the rear of the north-eastern elevation, where the site slopes away from the street frontage.

The Stanhope Building is of a consistent overall height with the nearest adjoining residential property at 91 Stanhope Road. This building also adopts a consistent height with the existing adjacent structures of the subject site, particularly the adjacent chapel and administration building to the east. In this regard, the building adopts the heights of neighbouring developments, avoiding abrupt changes in building scale, and rather, providing for a consistent streetscape.

It is considered unreasonable and unnecessary in this circumstance to comply with the development standard. Again, it is noted that the 3 storey elements of the proposed Stanhope and South-West Buildings are predominantly a product of the sloping nature of the subject site and as such, are largely technical non-compliances. As outlined by the applicant, the development has been designed in a manner that maintains consistency with the prevailing building height of surrounding developments so as to retain the character of Stanhope Road. The 3 storey elements along the north-eastern elevations of the Stanhope and South-West Buildings will only be visible when viewed through a very

narrow corridor (less than 4 metres in width) when standing at the Stanhope Road frontage.

Whether the objection is well founded

Upon considering the arguments raised by the applicant, particularly those confirming that the proposed development will not result in any abrupt change in scale within the streetscape, it is concluded that the application of the development standard is both unreasonable and unnecessary in this particular circumstance. Accordingly, the SEPP1 objection is well founded.

Part 7 – Development standards that cannot be used as grounds to refuse consent

Part 7 of SEPP (Housing for Seniors or People with a Disability) 2004 stipulates standards which cannot be used to refuse development for residential care facilities, hostels and self-contained dwellings.

The application is limited to seeking consent for 18 self-contained dwellings. However, the subject site currently supports residential care facilities and hostels, as well as self-contained dwellings. The proposed development will alter the development indices of the site, particularly in terms of floor space ratio, car parking and landscaping areas. In this respect, it is prudent to provide an assessment of the proposed development against the development standards prescribed for residential care facilities, hostels and self-contained dwellings. The compliance demonstrated by the development application with these standards is indicated in the following tables:

Residential care facilities

Compliance Table		
Development standard	Proposed	Compliance
Clause 48(a) (building height) Height to be less than 8.0 metres	No residential care facility building's are proposed	N/A
Clause 48(b) (density and scale) 1.1:1 (52,909m ²)	Calculated to be 0.45:1 (23,561m ²)	YES
Clause 48(c) (landscaped area) Minimum 25m ² per residential care bed – 1575m ² landscape area required	44.9% (23,758m ²) of the site is to be landscaped	YES
Clause 48(d) (parking for residents and visitors) • 1 parking space per 10 beds / 1	7 spaces available	YES

<p>parking space per 15 beds if the facility only provides care for dementia patients (7 spaces required)</p>	12 spaces available	YES
<ul style="list-style-type: none"> 1 parking space for each 2 persons employed and on duty at any one time (12 spaces required) 	Ambulance parking available on site	YES
<ul style="list-style-type: none"> 1 parking space suitable for an ambulance 		

Hostels

Compliance table		
Development standard	Proposed	Compliance
Clause 49(a) (building height) Height to be less than 8.0 metres	No hostel building's are proposed	N/A
Clause 49(b) (density and scale) 1.5:1 (79,363.5m ²)	Calculated to be 0.45:1 (23,561m ²)	YES
Clause 49(c) (landscaped area) Minimum 25m ² per hostel bed provided 475m ² landscape area required	44.9% (23,758m ²) of the site is to be landscaped	YES
Clause 49(d) (parking) <ul style="list-style-type: none"> 1 space for each 5 dwellings in the hostel (4 spaces required) 1 parking space for each 2 persons employed and on duty at any one time (12 spaces required) 	4 spaces available 12 spaces available Ambulance parking available on site	YES YES YES

<ul style="list-style-type: none"> 1 parking space suitable for an ambulance 		
---	--	--

Self-contained dwellings

Compliance Table		
Development standard	Proposed	Compliance
Clause 50(a) (building height) Height to be less than 8.0 metres	<u>Stanhope Building:</u> 8.41m within the raised roof area of Unit 07 <u>South-West Building:</u> 9.95m within the raised roof area of Unit S3 <u>Coquet Building:</u> 10.34m within the raised road area of Unit C3 and 10.23m within the raised roof area of Unit C4	NO – SEPP1
Clause 50(b) (density and scale) 0.5:1 (26,454.5m ²)	Calculated to be 0.45:1 (23,561m ²)	YES
Clause 50(c) (landscaped area) Minimum 30% (15,872.7m ²) of the site to be landscape area	44.9% (23,758m ²) of the site is to be landscaped	YES
Clause 50(d) (deep soil zones) 15% site area (7,936.35m ²) with two thirds (5,326.5m ²) preferably being located at the rear of the site with a minimum dimension of 3m.	19.9% (10,522m ²) of the site is to be deep soil zone	YES
	Deep soil zones have a minimum dimension of 3m.	YES
	Less than two thirds (4,326.5m ²) are located at the rear of the site	NO
Clause 50(e) (solar access) Minimum of 70% of dwellings receive minimum 3 hours direct sunlight between 9am-3pm in mid-winter.	72% (13 units) receive a minimum 3 hours direct sunlight between 9am-3pm midwinter	YES

<p>Clause 50(f) (private open space)</p> <ul style="list-style-type: none"> Single level or ground floor dwellings = 15m² (incl. Area 3m x 3m accessible from living area) All other dwellings = balcony min. 10m² (not less than 2m in length and accessible from a living area) 	<p><u>Stanhope Building:</u> 11.5m² to Unit 1</p> <p><u>South-West Building:</u> 10m² to Unit S1 & minimum 2.7m depth</p> <p>10m² to Unit S2 & minimum 2.7m depth</p> <p><u>Croquet Building:</u> Minimum 2.45m dimension to Unit C2</p> <p>All other dwellings provided with min. 10m² balconies of min. 2m dimensions</p>	<p>NO-SEPP1</p> <p>YES</p>
<p>Clause 50(h) (parking)</p> <p>(i) 0.5 car spaces for each bedroom where the application is made by a person other than a social housing provider (or 8 spaces)</p> <p>- 146 spaces required</p>	<p>156 spaces available for resident parking</p>	<p>YES</p>

Clause 50(a) Building height

Clause 50(a) re-iterates the building height restrictions of Clause 40 (4-a) of SEPP (Housing for Seniors or People with a Disability) 2004. The applicant has also submitted a SEPP1 objection to the proposed departures from this development standard. The merits of the non-compliant building heights have been considered against the provisions of SEPP1, above.

Clause 50(d) Deep soil zones

The proposal complies with the minimum deep soil zone development standard, resulting in a deep soil zone of 19.9% of the total site area.

Clause 50(d) states that it is preferable, though not essential, for two thirds of the deep soil zone to be located towards the rear of the site. The proposed development locates

only 55.5% of the deep soil zone in the rear site area and does not satisfy this requirement.

Nonetheless, the terms of Clause 50(d) are such that development could be carried out under the controls notwithstanding that it does not comply with the Clause. Indeed, the note to Clause 50 specifically states 'the provisions of this clause do not impose any limitations on the grounds on which a consent authority may impose consent'.

In this instance, the distribution of deep soil planting area across the site is deemed to be consistent with the pattern of development in the locality. It is noted that a substantial proportion of this area is to be located within the Stanhope Road front setback, maintaining consistency with the existing visual presentation of the subject site to the streetscape.

The proposed development provides sufficient deep soil zones for the establishment of significant canopy trees (13 metres and greater) across the site to contribute to the tree canopy of the locality.

Therefore, despite the non-compliance with this requirement, the proposal adequately addresses the landscaping requirements of SEPP.

Clause 50(f) Private open space

Clause 50(f) prescribes that all ground floor units are to provide a minimum 15m² of private open space with a minimum dimension 3 metres. As detailed in the compliance table above, four of the proposed 18 units do not achieve compliance with this development standard. The applicant's SEPP 1 objection to these proposed non-compliances is considered against the following provisions:

Whether the planning control to be varied is a development standard

While clause 50 is titled 'Standards that cannot be used to refuse development consent for self-contained dwellings', it should be acknowledged that the note provided to the development standards set out under this clause states:

"The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent"

This note could be taken to infer that, subject to the demonstration of sufficient merit, consent may be issued to a development entailing non-compliance with the standards outlined under clause 50 without the need to consider a SEPP1 objection. However, for doubt and caution SEPP1 objection was submitted by the applicant and considered in the assessment of the application.

The underlying objective or purpose of the standard

There are no specific objectives specified for Clause 50(f) of the SEPP. However, having regard to the nature of this development standard, it may be reasonably assumed that the purpose of the standard is to ensure sufficient private open space will be available for the occupants of the development. The larger size requirement for ground floor units is

considered to relate to the additional opportunities available for additional open space to be provided at ground level.

Whether compliance with the standard is consistent with the aims of the policy and whether compliance hinders the attainment of the objectives specified in Section 5(a) (i) and (ii) of the Environmental Planning and Assessment Act, 1979

The aim of SEPP 1 is to:

Provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objectives specified in Section 5 (a) (i) and (ii) of the Act.

In this regard, the objects of Section 5 (a) (i) and (ii) of the Act are:

(c) *To encourage:*

- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment*
- (ii) *the promotion and co-ordination of the orderly and economic use and development of land*

It is concluded that the non-compliance with the development standard is consistent with the aims of SEPP 1 as compliance is unreasonable and unnecessary in this instance (as discussed below). In this particular circumstance, compliance with the development standard would hinder the attainment of the objectives specified in Section 5(a) (i) and (ii) of the Act.

Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The following provides a summary of the arguments advanced by the applicant within the submitted SEPP 1 objection.

Increasing the size of the non-compliant private open space area for Unit 1 within the Stanhope Building would detrimentally impact on the quality, amenity, useability and casual surveillance of the adjacent communal courtyard. While undersized in terms of area, the dimensions of private open space provided to this unit comply with the stated requirement. The usability of this private open space area is also enhanced by the adjacent communal courtyard.

The engineering requirements needed to provide a 3 metres wide cantilevered balcony to Units S1 and S2 of the South-West Building over the basement car parking area below are unreasonably onerous. The private open space available to these units will also have access to an open, vegetated outlook.

While failing to comply with the minimum 3 metre dimensions, the area of private open space provided to Unit C2 of the Croquet Building notably exceeds the specified requirement at 19.2m². This amount of private open space area exceeds that which is typically found in apartment type developments.

The large size of the subject site provides ample landscaping and alternative forms of recreational areas.

It is considered unreasonable and unnecessary in this circumstance to comply with the development standard. The private open space of all four units that do not comply with the requirements of this clause are considered to be of a sufficient size to allow for functional and practical passive recreation (such as the placement of tables and chairs). It is accepted that the substantial size of the subject site, numerous communal facilities and vast landscaping areas will provide ample opportunities for alternative recreation to the residents of the development and that all private open space areas of the development will be benefited by vast, open and vegetated outlooks.

Whether the objection is well founded

For the reasons indicated above, the objection is considered to be well founded.

Schedule 3 (standards concerning accessibility and useability for hostels and self-contained dwellings)

This schedule sets out the on-site accessibility standards that apply to any senior's living accommodation consisting of self-contained dwellings. **Clause 41 (Standards for hostels and self-contained dwellings)**, provides that a consent authority must not consent to development application made pursuant to Chapter 3 unless the proposed development complies with the standards specified in Schedule 3 for such development. Compliance with the requirements of Clause 26(1) and (2) is indicated in the table below.

COMPLIANCE TABLE		
Development standard	Comment	Compliance
Clause (wheelchair access) <ul style="list-style-type: none"> The percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater The wheelchair access provided must be by a 	<p>The access report confirms that all eighteen (18), or 100% of dwellings are proposed to have wheelchair access by a continuous path of travel complying with AS1428.1 to the entrances of the site and links within the site to common areas and facilities.</p>	<p>YES</p>

<p>continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents</p> <ul style="list-style-type: none"> Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development. 		
<p>Clause 3 (security): Pathway lighting must be designed and located to avoid glare.</p>	<p>Lighting will be designed and located so as to avoid glare and provide at least 20 lux at ground level.</p>	<p>YES</p>
<p>Clause 4 (letterboxes): Must be lockable and situated on a hard standing area and be wheelchair accessible.</p>	<p>The letterboxes are to be provided for all three residential buildings, in a wheelchair accessible location. The letterboxes will be lockable.</p> <p>The letterboxes are adjacent to the Stanhope Road street entry and the internal roads that circulate the site.</p>	<p>YES</p>
<p>Clause 5 (private car accommodation): Car parking spaces must:</p> <p><input type="checkbox"/> comply with the requirements for parking for persons with a disability set out in AS 2890.</p>	<p>The access report confirms all car spaces meet the functional requirements for width and length required by AS2890.1.</p> <p>56% of spaces capable of being increased to 3.8m</p>	<p>YES</p> <p>YES</p>

<input type="checkbox"/> 5% of the total number of car parking spaces (or one [1] space if fewer than 20 are provided) must be designed to enable the width to be increased to 3.8m <input type="checkbox"/> any garage must have a power-operated roller door, or a power point to allow the above at a later date	width Development designed to allow for implementation of a power operated roller door	YES
Clause 6 (accessible entry): Every entry must comply with clauses 4.3.1 & 4.3.2 of AS 4299	The access report confirms that the entries to all units are to include complying accessible paths of travel with clear door openings at a single leaf of 850mm to comply with AS1428.1	YES
Clause 7 (interior general): Widths of internal corridors and circulation at internal doorways must comply with AS 1428.1	The access report confirms that the proposed dwellings will comply with the width requirements of the Australian Standard.	YES
Clause 8 (bedroom) At least one bedroom within the dwelling must have: <input type="checkbox"/> an area sufficient to accommodate a wardrobe and a queen sized bed, with an area at least 1200mm wide at the foot of the bed, 1,000 millimetres wide beside the bed between it and the wall, wardrobe or any other obstruction and 2 double general power outlets adjacent to the head of the bed <input type="checkbox"/> 1 general power outlet	The access report confirms that each unit has a bedroom that complies with these requirements.	YES

<p>on the wall opposite the bed</p> <ul style="list-style-type: none"> <input type="checkbox"/> a telephone outlet and power outlet next to the bed on the side closest to the door <input type="checkbox"/> wiring to allow a potential illumination of 300 lux 		
<p>Clause 9 (bathroom): At least one bathroom within a dwelling must be on the ground (or main) floor and have the following facilities arranged within an area that provides for circulation space for sanitary facilities in accordance with AS 1428.1:</p> <ul style="list-style-type: none"> • an area that complies with AS 1428 • a slip resistant floor • a shower that complies with AS 1428.1 except that the following must be provided: <ul style="list-style-type: none"> o a grab rail o portable shower head o folding seat o can accommodate a folding seat • an illuminated wall cabinet • a double power outlet beside the mirror 	<p>The access report confirms that each unit is to have a bathroom that complies with these requirements.</p>	<p>YES</p>
<p>Clause 10 (toilet): A dwelling must have at least one toilet on the ground (or main) floor and be a visitable toilet that complies with the requirements for sanitary facilities of AS 4299.</p>	<p>The access report confirms that each unit has a toilet that is visitable in accordance with the area and special requirements of AS 4299.</p>	<p>YES</p>
<p>Clause 11 (surface</p>		

finishes) • balconies and external paved areas must have slip-resistant surfaces	The proposed balconies are to incorporate a slip-resistant surface.	YES
Clause 12 (door hardware) Door hardware for all doors must be provided in accordance with AS 4299.	The proposed door handles are to be provided in accordance with AS 4299.	YES
Clause 13 (ancillary items): Switches and power points must be provided in accordance with AS 4299.	The proposed switches and power points are to be provided in accordance with AS 4299.	YES
Part 2 Additional Standards for self-contained dwellings		
Clause 15 (living room and dining room): A living room must have (a) a circulation space in accordance with clause 4.7.1 of AS 4299 and (b) a telephone adjacent to a general power outlet The living and dining rooms must have wiring to allow a potential illumination level of 300 lux.	The access report confirms that the proposed development complies with these requirements.	YES
Clause 16 (kitchen): A kitchen in a self contained dwelling must have: (a) a circulation space in accordance with clause 4.5.2 of AS4299 (b) a width at door approaches complying with clause 7 of this schedule (c) the following fittings in accordance with the relevant sub-clauses of clause 4.5 of AS 4299: (i) benches that include at least one work surface of	The access report confirms that the proposed development complies with these requirements.	YES

at least 800mm in length (ii) a tap set (iii) cooktops with an isolating switch (iv) an oven (d) D" pull cupboard handles (e) general power outlets at least one is a double outlet within 300mm of the front of a work surface and one which is for a refrigerator which can be readily accessed once installed		
Clause 17 (access to kitchen, bedroom, bathroom & toilet): A kitchen, main bedroom, bathroom and toilet must be provided on the ground floor of a multi level dwelling.	All proposed dwellings are a single storey. All nominated facilities are provided within these dwellings.	YES
Clause 18 (lifts in multi-storey buildings): Lift access provided to all dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the BCA.	Lift access is to be provided to all dwellings and car spaces by way of a lift complying with clause E3.6 of the BCA.	YES
Clause 19 (laundry): A self contained dwelling must have a laundry which has: <ul style="list-style-type: none"> • provision for the installation of a washing machine and clothes dryer • a clear space in front of appliances of 1300mm • a slip resistant floor surface • an accessible path of travel to any external clothes line 	The access report confirms that the proposed development complies with these requirements.	YES
Clause 20 (storage for		

linen): A self-contained dwelling must be provided with a linen cupboard in accordance with clause 4.11.5 of AS 4299.	The access report confirms that the proposed development complies with this requirement.	YES
Clause 21 (garbage): An outside garbage storage area must be provided in an accessible location.	The access report confirms an accessible path of travel to the garbage disposal area in the basement is indicated via the lift and a doorway meeting the functional requirements of AS1428.1.	YES

State Environmental Planning Policy Infrastructure 2007 (SEPP 2007)

Clause 45 of SEPP 2007 requires the consent authority to consult the applicable electricity supply authority where it is proposed to excavate within 2 metres of an electricity distribution pole and within 5 metres of an exposed overhead power line.

The proposed driveway entrance to the Stanhope Building will require excavation within 2 metres of an existing electricity distribution pole. Additionally, various works of the proposal will take place within 5 metres of the overhead powerlines that align Stanhope Road. As such, the application was referred to Energy Australia for comment.

Energy Australia have advised that, prior to the undertaking of the proposed development, the electricity distribution pole will require re-location away from the new driveway entrance (**Condition 28**).

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid BASIX certificate, 320962M, dated 29 June 2010, has been submitted.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Matters for consideration under SREP 2005 include biodiversity, ecology and environmental protection, public access to and scenic qualities of foreshores and waterways, maintenance of views, control of boat facilities and maintenance of a working harbour. The proposal is not in close proximity to, or within view, of a waterway or wetland and is considered satisfactory. Engineering conditions are recommended in accordance with DCP 47, which will minimise the impact on downstream waterways (**Conditions 25, 40 and 51**).

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Clause 33 (a) – Aesthetic appearance

Clause 33(a) of the KPSO requires consideration of the aesthetic appearance of the land the subject of the proposed works as viewed from public spaces, including public reserves zoned Open Space - Recreation Existing 6(a).

The proposed development will be substantially separated from the common boundary shared with the open space reserve at the rear of the site (in excess of 70 metres). Additionally, visibility of the proposed development from the reserve will be largely screened by the existing structures and plantings of the subject site. Therefore, with respect to these factors, the proposed development is considered acceptable.

Clause 38A – Lourdes Village

Clause 38A prescribes certain developments and uses that may be undertaken on the subject site without the consent of Council. Such uses include housing for aged persons. However, the applicant does not seek to rely on these provisions of the KPSO to facilitate the proposed development. Instead, the applicant seeks to utilise the provisions of SEPP (Housing for seniors or people with a disability) 2004. As noted above, the nature of the proposed development requires consent under this Policy.

Clause 38B – Services

Clause 38B states that consent must not be issued to the carrying out of development on land unless access to a water supply, drainage and a sewerage system will be available.

The site is connected to the sewer system and reticulated water is provided.

Clause 61D and 61E – Development of and within the vicinity of heritage items

The subject site is not heritage listed and is not located within the vicinity of heritage items or within any gazetted Urban Conservation Area.

Schedule 9 – Aims and objectives for residential zones

The 'Aims and Objectives for residential zones' outlined in Schedule 9 of the KPSO essentially seek ensure a proposed development will retain the streetscape character and amenity to neighbouring residential properties. The matters for consideration outlined within these aims and objectives are covered under the provisions SEPP (Housing for Seniors or People with a Disability) 2004. As the proposed development satisfies these provisions of the SEPP, it is considered acceptable in this regard.

POLICY PROVISIONS

Development Control Plan No. 31 Access

The aim of DCP 31 is to ensure access for all to public buildings, community facilities and new developments, excluding dwelling houses and dual occupancies but including all buildings and facilities owned or leased by Council and to ensure that people with a

disability have equal access to employment opportunities by way of affording access to facilities, services and opportunities to meet their specific needs.

The provisions of SEPP (Housing for Seniors or People with a Disability) 2004 override Council's controls with regard to accessibility. The proposed development complies with the requirements of the SEPP and is acceptable in this regard.

Development Control Plan No. 40 - Construction and Demolition Waste Management

The key objectives of this DCP are to encourage building design and construction techniques which will minimise waste generation, implement the principles of the waste hierarchy of avoiding, reusing and recycling building and construction materials, and commercial waste, minimise the environmental impacts of waste, promote the principles of ecologically sustainable development, meet Council's responsibilities in relation to the Northern Sydney Regional Waste Plan and assist in achieving the Federal and State Government's waste minimisation targets.

A waste management plan demonstrating compliance with the requirements of the DCP has been submitted and is deemed to be acceptable, subject to recommended conditions relating to the management of waste materials (**Conditions 17 and 47**).

Development Control Plan No. 43 - Car Parking

In relation to the number of car parking spaces, the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 override any other parking requirements where in conflict. As detailed earlier in this report, the proposed development complies with the relevant provisions of the SEPP with regard to the number of car parking spaces required.

Council's Development Engineer has noted that the proposed development provides adequate vehicle manoeuvrability area.

Development Control Plan No.47 - Water Management

The proposed development has been assessed against DCP47 and complies with all relevant provisions.

Section 94 Plan

The development attracts a section 94 contribution of \$154,970.82 which is required to be paid prior to the issue of the Construction Certificate (**Condition 33**).

Housing for Older People and People with a Disability Development Control Code (DCC)

Council's Code for Housing for Older People and People with a Disability is a companion document to the former SEPP 5. This Code essentially provides additional information intended to better reflect the needs of the elderly and disabled residents within Ku-ring-gai.

SEPP 5 has been repealed, and has been superseded by SEPP (Housing for seniors or people with a disability) 2004. Whilst the Code relates to SEPP 5, the principles of the Code are relevant to SEPP (Housing for seniors or people with a disability) 2004. Nonetheless, it is noted that the Code has no statutory weight under the Environmental Planning and Assessment Act 1979 and is considered by Council as a guide only. The proposal has been considered against the code, as follows:

Driveway: The proposed driveway is constructed from an appropriate material and complies with the relevant Australian Standard.

Facades: The facades of the development that face Stanhope Road are well articulated and are not of an excessive height. The façade of the development is appropriate in terms of bulk and scale.

Entry: The entrances to the development are clearly identifiable from both street frontages. An accessible path connects the three pedestrian entrances of the site to all dwellings proposed.

Setbacks: The proposed front setbacks to Stanhope Road are consistent with predominant building line of adjoining developments.

Fences and walls: Subject to **Condition 19**, the proposed plinths that will align the street frontage are of a height and design that is compatible with the existing streetscape.

Front gardens: The proposed gardens to be contained within the front setback to Stanhope Road are suitably landscaped and feature a mixture of trees, shrubs and groundcovers.

Private open space: The proposed areas of private open space are sufficiently level and sized to adequately serve the needs of future occupants.

Common open space: a variety of common open space areas (such as the Rose Garden and croquet lawn) are sited away from the street frontage of the site to maximise amenity. This area is appropriately landscaped and accessible.

Landscaping: The proposed landscaping incorporates a variety of plant species that will attain various heights.

Car parking: Car parking is located at basement level and can be accessed by stairs or a lift. The proposed driveway is acceptably integrated into the landscaping of the site and will not adversely impact upon streetscape character.

Energy efficiency: The proposal is appropriately designed with regard to energy efficiency.

Privacy: The proposed development will not result in any unreasonable privacy impacts to adjoining properties. Building setbacks, screen planting and privacy screens have been utilised to maximise privacy to adjoining residential properties.

Access: An access report has been submitted. The report states that the proposal is satisfactory with regard to the access requirements of SEPP (Housing for seniors or people with a disability) 2004.

Lighting: Lighting has been addressed in the submitted access report.

Utilities: Waste collection facilities are to be provided in accordance with Council's DCP40. Kerbside collection for waste and re-cycling bins is acceptable in this circumstance.

Adaptable housing: The development complies with SEPP (Housing for seniors or people with a disability) 2004 with regard to adaptable housing.

Interior design: Each dwelling has been designed to maximise usability and functionality for the intended occupants.

Support services: The site of the proposed development is accessible to the services and facilities deemed necessary to support seniors living accommodation by SEPP (Housing for seniors or people with a disability) 2004.

LIKELY IMPACTS

The proposal will not have any significant impact on the local environment, landscape or scenic quality of the locality, threatened species, populations or ecological communities or their habitats or any other protected fauna or protected native plants.

The site is not within a wilderness area, nor an area of critical habitat.

The site can be adequately landscaped and conditions relating to soil erosion are recommended.

SUITABILITY OF THE SITE

The site is zoned for residential use and is suitable for the proposed development, being a residential development for seniors or people with a disability.

The site is appropriately located with regard to local facilities and public transport and is suitable for housing for seniors or people with a disability.

ANY SUBMISSIONS

The matters raised in the submissions have been addressed in this report.

PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment are minimised. The proposal has been assessed against the relevant environmental planning instruments and is deemed to be acceptable. Accordingly, the proposal is recommended for approval.

ANY OTHER RELEVANT CONSIDERATIONS

There are no other relevant matters for consideration.

CONCLUSION

This application has been assessed under the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies. The proposal is considered to be generally consistent with the relevant Council statutory and policy controls. Where strict compliance has not been achieved, the proposal has been considered with respect of the control outcomes and supported on merit.

The proposal has been supported by four SEPP 1 objections, seeking variation to the maximum permissible building height (two objections required for separate development standards), number of storeys and private open space development standards. The assessment has considered these SEPP 1 objections to be well founded.

RECOMMENDATION

- A. That the Joint Regional Planning Panel, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No.1 – Development Standards to Clause 40(4-a) – maximum building height of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is well founded. The Joint Regional Planning Panel is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case.
- B. That the Joint Regional Planning Panel, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No.1 – Development Standards to Clause 40(4-b) – 2 storey maximum building height of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is well founded. The Joint Regional Planning Panel is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case.
- C. That the Joint Regional Planning Panel, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No.1 – Development Standards to Clause 50(a) – maximum building height of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is well founded. The Joint Regional Planning Panel is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case.
- D. That the Joint Regional Planning Panel, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No.1 – Development Standards to Clause 50(f) – private open space of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is well founded. The Joint Regional Planning Panel is also of the opinion that strict compliance with the

development standards is unreasonable and unnecessary in the circumstances of this case.

AND

- E. That the Joint Regional Planning Panel, as the consent authority, being satisfied that the objections under SEPP1 are well founded and also being of the opinion that the granting of consent to DA0495/10 is consistent with the aims of the Policy, grant development consent to DA0495/10 for the construction of 18 self contained dwelling units for seniors living and associated works, including the upgrading of existing facilities on land at 95-97 Stanhope Road, Killara for a period of five (5) years from the date of the Notice of Determination, subject to the following conditions:

Conditions that identify approved plans:

1. Approved architectural plans and documentation (new development)

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
DA.00	Hill Thalys	28 January 2011
DA.01	Hill Thalys	2 July 2010
DA.02	Hill Thalys	15 October 2010
DA.03	Hill Thalys	15 October 2010
DA.04	Hill Thalys	15 October 2010
DA1.1	Hill Thalys	28 January 2011
DA1.2	Hill Thalys	28 January 2011
DA1.3	Hill Thalys	15 October 2010
DA1.4	Hill Thalys	25 October 2010
DA1.5	Hill Thalys	28 January 2011
DA1.6	Hill Thalys	28 January 2011
DA1.7	Hill Thalys	15 October 2010
DA1.8	Hill Thalys	28 January 2011
DA2.1	Hill Thalys	15 October 2010
DA2.2	Hill Thalys	15 October 2010
DA2.3	Hill Thalys	15 October 2010
DA2.4	Hill Thalys	15 October 2010
DA3.1	Hill Thalys	28 January 2011
DA3.2	Hill Thalys	28 January 2011
DA3.3	Hill Thalys	28 January 2011
DA3.4	Hill Thalys	15 October 2010
DA3.5	Hill Thalys	28 January 2011
DA4.1	Hill Thalys	29 June 2010
DA4.2	Hill Thalys	15 October 2010
DA4.3	Hill Thalys	15 October 2010

DA6.1	Hill Thalys	25 June 2010
EMP.01	Hill Thalys	25 June 2010
DA7.1	Hill Thalys	15 October 2010
DA7.2	Hill Thalys	15 October 2010
DA7.3	Hill Thalys	15 October 2010
DA7.4	Hill Thalys	21 January 2011
DA7.5	Hill Thalys	18 January 2011
AEV02-DD-101-D	Sym Studio	28 January 2011
AEV02-DD-102-D	Sym Studio	28 January 2011
AEV02-DD-103-C	Sym Studio	18 October 2010
AEV02-DD-401-B	Sym Studio	28 January 2011
AEV02-DD-402-B	Sym Studio	28 January 2011
AEV02-DD-501-D	Sym Studio	28 January 2011
AEV02-DD-502-B	Sym Studio	28 January 2011
AEV02-DD-503-A	Sym Studio	28 January 2011
21338 (survey plan)	Norton Survey Partners	28 October 2010

Document(s)	Dated
Accessibility report (Morris-Goding Accessibility Consulting) v2	12 October 2010

Reason: To ensure that the development is in accordance with the determination.

2. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Reason: To ensure that the development is in accordance with the determination.

3. No demolition of extra fabric

Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Reason: To ensure compliance with the development consent.

Conditions to be satisfied prior to demolition, excavation or construction:

4. Road opening permit

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

Reason: Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

5. Notice of commencement

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

6. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

7. Dilapidation survey and report (public infrastructure)

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure, has been completed and submitted to Council:

Public infrastructure

- Full road pavement width, including kerb and gutter, of Stanhope Road over the site frontage,
- All driveway crossings and laybacks opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

Note: A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any excavation works.

Reason: To record the structural condition of public infrastructure before works commence.

8. Dilapidation survey and report (private property)

Prior to the commencement of any demolition or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures upon the following lands, has been completed and submitted to Council:

Address

- Southern and western sides of the adjacent community facilities building and chapel (located on the site)
- The existing basement parking facility (under the croquet lawn) and western side of the residential building adjacent to the proposed Croquet Building (located on the site)
- 91 Stanhope Road, Killara

The dilapidation report must include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members shall be carried out to the recommendations of the Geotechnical Investigation Report prepared by Jeffery and Katauskas). The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report.

In the event that access for undertaking the dilapidation survey is denied by a property owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

Reason: To record the structural condition of likely affected properties before works commence.

9. Structural adequacy (alterations and additions)

Prior to commencement of any development or excavation works, the Principal Certifying Authority shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process.

C1. Note: Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifying Authority.

Reason: To ensure that the development can be undertaken in accordance with

accepted construction practices as indicated on the endorsed development plans, without the need for modification of the consent.

10. Construction and traffic management plan

The applicant must submit to Council a Construction Traffic Management Plan (TMP), which is to be approved prior to the commencement of any works on site.

The plan is to consist of a report with Traffic Control Plans attached.

The report is to contain commitments which must be followed by the demolition and excavation contractor, builder, owner and subcontractors. The TMP applies to all persons associated with demolition, excavation and construction of the development.

The report is to contain construction vehicle routes for approach and departure to and from all directions.

The report is to contain a site plan showing entry and exit points. Swept paths are to be shown on the site plan showing access and egress for an 11 metre long heavy rigid vehicle.

The Traffic Control Plans are to be prepared by a qualified person (red card holder). One must be provided for each of the following stages of the works:

- Demolition
- Excavation
- Concrete pour
- Construction of vehicular crossing and reinstatement of footpath
- Traffic control for vehicles reversing into or out of the site.

Traffic controllers must be in place at the site entry and exit points to control heavy vehicle movements in order to maintain the safety of pedestrians and other road users.

When a satisfactory TMP is received, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved TMP as well as any conditions in the letter issued by Council. Council's Rangers will be patrolling the site regularly and fines will be issued for any non-compliance with this condition.

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

11. Work zone

A work zone shall be provided along the Stanhope Road site frontage. The applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the work zone. Work zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work zones will generally

not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site.

If the work zone is approved by the Local Traffic Committee, the applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit this to the Principal Certifying Authority prior to commencement of any works on site.

Where approval of the work zone is resolved by the Committee, the necessary work zone signage shall be installed (at the cost of the applicant) and the adopted fee paid prior to commencement of any works on site. At the expiration of the work zone approval, the applicant is required to remove the work zone signs and reinstate any previous signs at their expense.

In the event the work zone is required for a period beyond that initially approved by the Traffic Committee, the applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

Reason: To ensure that appropriate measures have been made for the operation of the site during the construction phase.

12. Tree protection fencing

To preserve the following tree/s, no work shall commence until the area beneath their canopy is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Schedule

Tree/Location	Radius in metres
#1 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary	2.0m on eastern side 3.6m elsewhere
#14 Acer palmatum (Japanese Maple) Adjacent to western site boundary in neighbouring property	4.5m
#17 Araucaria hetrophylla (Norfolk Island Pine) Adjacent to northern site boundary	5.0m
#22 – 25 Syncarpia glomulifera (Turpentine) grouping Adjacent to northern site boundary	5.0m
#29 Magnolia grandiflora (Bull Bay Magnolia) Within site frontage	9.6m
#30 Araucaria hetrophylla (Norfolk Island Pine)	10.0m

Within site frontage	3.0m
#31 <i>Ceratopetalum gummiferum</i> (NSW Xmas Bush) Within site frontage	3.0m
#52 & 53 <i>Phoenix canariensis</i> (Canary Is Date Palm) Adjacent to Village Central Open Space	4.0m
#54 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to Village Central Open Space	3.0m
#66 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to proposed Croquet Building	4.0m
#67 <i>Lophostemon confertus</i> (Brushbox) Adjacent to proposed Croquet Building	4.0m
#68 <i>Lophostemon confertus</i> (Brushbox) Adjacent to proposed Croquet Building	3.0m
#71 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to Village Community Building	5.0m
#79 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western site boundary	4.5m
#80 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western site boundary	4.5m
#89 <i>Eucalyptus sideroxylon</i> (Red Ironbark) Adjacent to western site boundary in neighbouring property	4.0m
#90 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to western site boundary in neighbouring property	

Reason: To protect existing trees during the construction phase.

13. Tree protective fencing type galvanised mesh

The tree protection fencing shall be constructed of galvanised pipe at 2.4 metre spacing and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres in height prior to work commencing.

Reason: To protect existing trees during construction phase.

14. Tree protection signage

Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

Tree protection zone.

- This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted.
- Any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report.
- The arborist's report shall provide proof that no other alternative is available.
- The Arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council.
- The name, address, and telephone number of the developer.

Reason: To protect existing trees during the construction phase.

15. Tree protection – avoiding soil compaction

To preserve the following tree/s and avoid soil compaction, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed:

Schedule

Tree/Location

#1 Syncarpia glomulifera (Turpentine)
Adjacent to western site boundary

#17 Araucaria hetrophylla (Norfolk Island Pine)
Adjacent to northern site boundary

Reason: To protect existing trees during the construction phase.

16. Tree fencing inspection

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

Reason: To protect existing trees during the construction phase.

17. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

Note: The plan shall be provided to the Certifying Authority.

Reason: To ensure appropriate management of construction waste.

Conditions to be satisfied prior to the issue of the construction certificate:

18. Privacy

The west facing windows of the kitchens and sunrooms within Unit 01 and Unit 06 of the proposed Stanhope Building are to have sill heights of 1.6 metres above the finished floor level. The details of this requirement are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To retain visual privacy to the neighbouring property.

19. Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved landscape plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
#AEV02-DD-103 Issue C	Sym.studio	18/10/10
#AEV02-DD-401 Issue B		28/01/11
#AEV02-DD-402 Issue B		28/01/2011

The above landscape plan(s) shall be amended in the following ways:

- The pedestrian path is to be realigned to enable the retention of Tree 31 *Ceratopetaum gummiferum* (NSW Xmas Bush) which is located within the site frontage.
- The proposed plinths adjacent to the Stanhope Rd site frontage are to be reduced to a maximum height of 1.5m.
- An additional *Syncarpia glomulifera* (Turpentine) with a minimum pot size of 45 litres is to be planted adjacent to the northern site boundary to replace the removal of Tree 20.
- The mass planting of *Clivea miniata* (Clivea) beneath the Turpentine grouping (Tree #'s 22-25) is to be replaced with a low water use species eg *Dianella*.
- The proposed mass planting of *Clivea miniata* beneath Tree 32 within the Stanhope Rd nature strip is to be deleted.
- The proposed planting of 10 x *Pistacia chinensis* (Chinese Pistacio) is to be amended to be 10 x *Franklinia axillaris* (Gordonia).
- Proposed plantings of *Lavendula* and *Leucophyta* adjacent to the Stanhope Rd site frontage are to be deleted and replaced with evergreen screening shrubs

- capable of attaining a minimum height of 2.0m eg Murraya.
- The proposed planting of 13 x *Acmena smithii* adjacent to the eastern site boundary is to be amended to be a Lillypilly hybrid shrub species that attains a minimum height of 3.0m and no greater than 4.5m.

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the landscape plan has been amended are required by this condition.

Note: An amended plan, prepared by a landscape architect or qualified landscape designer shall be submitted to the Certifying Authority.

Reason: To ensure adequate landscaping of the site

20. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

21. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

Reason: Statutory requirement.

22. Outdoor lighting

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Note: Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.

Reason: To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.

23. Stormwater management plan

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- exact location and reduced level of discharge point to the public drainage system
- layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)
- location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided
- specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments
- the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design)
- supporting calculations and detailed sections shall be submitted to determine that the existing swale could handle flows from the upstream, post development catchment

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the **Stormwater Drainage Plan C00 & C01 DA dated 14 October 2010** prepared by **Northrop Consulting Engineers Pty Ltd** submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

Reason: To protect the environment.

24. Location of plant (residential flat buildings)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement.

C1. Note: Architectural plans identifying the location of all plant and equipment shall be provided to the Certifying Authority.

Reason: To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

25. Drainage of paved areas

All new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details of such measures shall be shown on the Construction Certificate drawings, to the satisfaction of the Certifying Authority.

Reason: To control surface run off and protect the environment.

26. Vehicular access and garaging

Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”. Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that parking spaces are in accordance with the approved development.

27. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council’s Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Stanhope Road:

- A new footpath / ramp along the site frontage

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

Reason: To ensure that the plans are suitable for construction purposes.

28. Energy Australia requirements

Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

The existing power pole adjacent to the proposed driveway that will service the Stanhope Building is to be relocated as per the requirements of Energy Australia.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirements of Energy Australia.

29. Utility provider requirements

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

Reason: To ensure compliance with the requirements of relevant utility providers.

30. Underground services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the

issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

31. Construction of food preparation areas

Plans and specifications complying with the requirements of the Food Act 2003 and Regulations, Australian Standard AS 4674 - 2004, AS 1668 Parts 1 and 2 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. Plans and specifications shall address the following:

- floor plans, showing the layout of the fixtures and fittings, food storage and staff personal effects storage areas
- elevations and sections showing floor, wall and ceiling construction and finishes
- elevations and sections showing the installation of fixtures and fittings
- cool room/freezer construction
- external garbage storage area
- external grease trap area
- all proposed mechanical ventilation systems

Reason: To ensure compliance with standards for food premises.

Conditions to be satisfied prior to the issue of the construction certificate or prior to demolition, excavation or construction (whichever comes first):

32. Infrastructure restorations fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and

also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.

e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure.

33. Section 94 Contribution – Commercial Development (outside Town Centres)

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Council's Section 94 Contributions Plan No. 1 for the services detailed in Column A and for the amount detailed in Column B is required.

Column A	Column B
Parks and sporting facilities	\$130,880.70
Recreational, social and cultural facilities	\$24,090.12
Total contribution is:	\$154,970.82

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of a Construction Certificate (whichever comes first). The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index. Prior to payment, you are advised to check the contribution amount required with Council.

Reason: To ensure the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of the development.

Conditions to be satisfied during the demolition, excavation and construction phases:

34. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- ☐ The work must be carried out in accordance with the requirements of the Building Code of Australia
- ☐ In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

35. Hours of work

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 7.30am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon 1.00pm.

Where it is necessary for works to occur outside of these hours (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by the RTA from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site, approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

Note: Failure to obtain a permit to work outside of the approved hours will result in on the spot fines being issued.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

36. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

Reason: To ensure that the development is in accordance with the determination.

37. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

38. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

Reason: To ensure reasonable standards of amenity to neighbouring properties.

39. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

40. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from

generating dust

- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

Reason: To protect the environment and amenity of surrounding properties.

41. Post-construction dilapidation report

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council at the completion of the construction works.

Reason: Management of records.

42. Compliance with submitted geotechnical report

A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee excavation.

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control
- support and retention of excavated faces
- hydro-geological considerations

must be undertaken in accordance with the recommendations of the **Geotechnical Investigation Report** prepared by **Jeffery and Katauskas Pty Ltd** Ref:

24367VTrpt dated 22 October 2010. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

43. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

44. Guarding excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Reason: To ensure public safety.

45. Toilet facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement.

46. Protection of public places

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any hoarding, fence or awning is to be removed when the work has been completed.

Reason: To protect public places.

47. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

Reason: To facilitate recycling of materials.

48. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

49. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Reason: To ensure safe public footways and roadways during construction.

50. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants' full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

51. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion and sedimentation.

52. Arborist's report

The tree/s to be retained shall be inspected, monitored and treated by a qualified Arborist during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work:

Schedule

Tree/Location

#1 Syncarpia glomulifera (Turpentine)
Adjacent to western site boundary

#17 Araucaria hetrophylla (Norfolk Island Pine)
Adjacent to northern site boundary

#22 – 25 Syncarpia glomulifera (Turpentine)
grouping
Adjacent to northern site boundary

#29 Magnolia grandiflora (Bull Bay Magnolia)
Within site frontage

#30 Araucaria hetrophylla (Norfolk Island Pine)
Within site frontage

#31 Ceratopetalum gummiferum (NSW Xmas Bush)
Within site frontage

#52 & 53 Phoenix canariensis (Canary Is Date
Palm)
Adjacent to Village Central Open Space

#54 Eucalyptus pilularis (Blackbutt)
Adjacent to Village Central Open Space

#71 Cedrus deodar (Himalayan Cedar)

Time of inspection

* Immediately before
the start of any
works on site.

* Immediately after
excavation and/or
regrading works

* At four monthly
intervals during
construction

* At the completion
of all works on site

Adjacent to Village Community Building

#79 Jacaranda mimosifolia (Jacaranda)
Adjacent to western site boundary

#80 Jacaranda mimosifolia (Jacaranda)
Adjacent to western site boundary

#107 Sapium sebiferum (Chinese Tallowwood)
Adjacent to internal road

Reason: To ensure protection of existing trees.

53. Trees on nature strip

Removal of the following tree/s from Council's Stanhope Rd nature strip shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$10,000,000:

Schedule

Tree/Location

#33 Liquidambar styraciflua (Sweet Gum)

#86 Jacaranda mimosifolia (Jacaranda)

#87 Acacia baileyana (Wattle)

#88 Eucalyptus robusta (Swamp Mahogany)

Reason: To ensure protection of existing trees.

54. Canopy/root pruning

Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees.

Schedule

Tree/Location

#1 Syncarpia glomulifera (Turpentine)
Adjacent to western site boundary

Tree works

Pruning as specified in
Construction Impact
Assessment by Botanics dated
January 2011.

#54 Eucalyptus pilularis (Blackbutt)
Adjacent to internal road

As above

#91 Syzigium spp (Lillypilly) Centrally located on site	As above
#92 Alnus jorullensis (Evergreen Alder) Centrally located on site	As above
#95 Corymbia gummifera (Red Bloodwood) Adjacent to perimeter road	As above
#96 Pittosporum undulatum (Native Daphne) Adjacent to perimeter road	As above
#97 Tristania laurina (Water Gum) Adjacent to eastern site boundary in road reserve	As above
#100 Melaleuca quinquenervia (Paperbark) Adjacent to internal road	As above
#101 Melaleuca quinquenervia (Paperbark) Adjacent to internal road	As above
#102 Pittosporum undulatum (Native Daphne) Adjacent to perimeter road	As above
#105 Prunus spp (Plum) Adjacent to internal road	As above
#107 Eucalyptus microcorys (Tallowood) Adjacent to internal road	As above
#108 Eucalyptus punctata (Grey Gum) Adjacent to internal road	As above
#109 Angophora costata (Sydney Redgum) Adjacent to internal road	As above
#110 Pittosporum undulatum (Native Daphne) Adjacent to internal road	As above

Reason: To protect the environment.

55. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees.

Reason: To protect existing trees.

56. Cutting of tree roots

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s shall be severed or injured in the process of any works during the construction period. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees:

Schedule

Tree/Location	Radius from trunk
#1 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary	2.5m on western side 3.6m
#14 Acer palmatum (Japanese Maple) Adjacent to western site boundary in neighbouring property	4.5m
#17 Araucaria hetrophylla (Norfolk Island Pine) Adjacent to northern site boundary	5.0m
#22 – 25 Syncarpia glomulifera (Turpentine) grouping Adjacent to northern site boundary	5.0m
#29 Magnolia grandiflora (Bull Bay Magnolia) Within site frontage	9.6m
#30 Araucaria hetrophylla (Norfolk Island Pine) Within site frontage	10.0m
#31 Ceratopetalum gummiferum (NSW Xmas Bush) Within site frontage	3.0m
#52 & 53 Phoenix canariensis (Canary Is Date Palm) Adjacent to Village Central Open Space	4.0m
#54 Eucalyptus pilularis (Blackbutt) Adjacent to Village Central Open Space	4.0m on south side 7.0m elsewhere
#66 Pittosporum undulatum (Native Daphne) Adjacent to proposed Croquet Building	3.0m
#67 Lophostemon confertus (Brushbox) Adjacent to proposed Croquet Building	4.0m
#68 Lophostemon confertus (Brushbox) Adjacent to proposed Croquet Building	4.0m

#71 Cedrus deodar (Himalayan Cedar) Adjacent to Village Community Building	6.0m
#79 Jacaranda mimosifolia (Jacaranda) Adjacent to western site boundary	5.0m
#80 Jacaranda mimosifolia (Jacaranda) Adjacent to western site boundary	4.5m
#89 Eucalyptus sideroxylon (Red Ironbark) Adjacent to western site boundary in neighbouring property	4.5m
#90 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary in neighbouring property	4.0m

Reason: To protect existing trees.

57. Approved tree works

Approval is given for the following works to be undertaken to trees on the site:

Schedule

Tree/Location	Approved tree works
#2 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary	Removal
#3 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary	Removal
#4 Eucalyptus robusta (Mahogany) Adjacent to western site boundary	Removal
#5 Melaleuca bracteata (Black Tea Tree) Adjacent to western site boundary	Removal
#6 Syragus comosa (Cocos Palm) Adjacent to existing carpark	Removal
#7 Casuarina glauca (She oak) Adjacent to western site boundary	Removal
#8 Melaleuca bracteata (Black Tea Tree) Adjacent to western site boundary	Removal
#9 Melaleuca bracteata (Black Tea Tree) Adjacent to western site boundary	Removal

#10 Eucalyptus robusta (Mahogany) Adjacent to western site corner	Removal
#11 Eucalyptus robusta (Mahogany) Adjacent to northwest site corner	Removal
#12 Eucalyptus robusta (Mahogany) Adjacent to northwest site corner	Removal
#13 Fraxinus spp (Ash) Adjacent to northwest site corner	Removal
#15 Olea Africana (African Olive) Adjacent to northern site boundary	Removal
#16 Erythrina sykesii (Coral Tree) Adjacent to northern site boundary	Removal
#18 Phoenix canariensis (Canary Is Date Palm) Adjacent to car park	Transplant
#19 Melaleuca bracteata (Black Tea Tree) Adjacent to northwest site corner	Removal
#20 Cuppressus macrocarpa (Cypress pine) Adjacent to northern site boundary	Removal
#21 Syncarpia glomulifera (Turpentine) Adjacent to northern site boundary	Removal
#26 & 27 Syragus comosa (Cocos Palm) Adjacent to car park	Removal
#28 Acacia elata (Black Wattle) Adjacent to car park	Removal
#33 Liquidambar styraciflua (Sweet Gum) Stanhope Rd nature strip	Removal
#59 Melaleuca linarifolia (Snow in Summer) Centrally located on site	Removal
#60 Pittosporum undulatum (Native Daphne) Centrally located on site	Removal
#61 Lophostemon confertus (Q'ld Brushbox) Centrally located on site	Removal
#62 Lophostemon confertus (Q'ld Brushbox)	Removal

Centrally located on site

#63 Angophora costata (Sydney Redgum) Centrally located on site	Removal
--	---------

#64 Angophora costata (Sydney Redgum) Centrally located on site	Removal
--	---------

#65 Eucalyptus gummifera (Red Bloodwood) Centrally located on site	Removal
---	---------

#69 Cupressus macrocarpa (Monterey Cypress) Centrally located on site	Removal
---	---------

#70 Phoenix canariensis (Canary Is Date Palm) Centrally located on site	Removal
--	---------

#72 melaleuca quinquenervia (Paperbark) Adjacent to existing community building	Removal
--	---------

#73 Callistemon viminalis (Bottlebrush) Adjacent to existing community building	Removal
--	---------

#74 Acer negundo (Box Elder) Adjacent to existing community building	Removal
---	---------

#75 Melaleuca quinquenervia (Paperbark) Adjacent to existing community building	Removal
--	---------

#76 Pittosporum undulatum (Native Daphne) Adjacent to existing community building	Removal
--	---------

#77 Jacaranda mimosifolia (Jacaranda) Adjacent to existing community building	Removal
--	---------

#81-83 Melaleuca quinquenervia (Paperbark) Adjacent to western site boundary	Removal
---	---------

#84 Jacaranda mimosifolia (Jacaranda) Adjacent to western site boundary	Removal
--	---------

#85 Araucaria hetrophylla (Norfolk Is Pine) Adjacent to western site boundary	Removal
--	---------

#86 Jacaranda mimosifolia (Jacaranda) Stanhope Rd nature strip	Removal
---	---------

#87 Acacia baileyana (Wattle)	Removal
-------------------------------	---------

Stanhope Rd nature strip

#88 Eucalyptus robusta (Swamp Mahogany) Stanhope Rd nature strip	Removal
#93 Leptospermum petersonii (Tea Tree) Adjacent to perimeter road	Removal
#94 Prunus x blireana (Flowering Plum) Adjacent to perimeter road	Removal
#98 Casuarina glauca (Swamp Oak) Adjacent to internal road	Removal
#99 Casuarina glauca (Swamp Oak) Adjacent to internal road	Removal
#103 Jacaranda mimosifolia (Jacaranda) Adjacent to perimeter road	Removal
#104 Callistemon viminalis (Bottlebrush) Adjacent to perimeter road	Removal
#106 Acacia mearnsii (Black Wattle) Centrally located on site	Removal
#1 Syncarpia glomulifera (Turpentine) Adjacent to eastern site boundary	Pruning as specified in Construction Impact Assessment by Botanics
#54 Eucalyptus pilularis (Blackbutt) Adjacent to internal road	As above
#91 Syzigium spp (Lillypilly) Centrally located on site	As above
#92 Alnus jorullensis (Evergreen Alder) Centrally located on site	As above
#95 Corymbia gummifera (Red Bloodwood) Adjacent to perimeter road	As above
#96 Pittosporum undulatum (Native Daphne) Adjacent to perimeter road	As above
#97 Tristania laurina (Water Gum) Adjacent to eastern site boundary in road reserve	As above

#100 Melaleuca quinquenervia (Paperbark) Adjacent to internal road	As above
#101 Melaleuca quinquenervia (Paperbark) Adjacent to internal road	As above
#102 Pittosporum undulatum (Native Daphne) Adjacent to perimeter road	As above
#105 Prunus spp (Plum) Adjacent to internal road	As above
#107 Eucalyptus microcorys (Tallowood) Adjacent to internal road	As above
#108 Eucalyptus punctata (Grey Gum) Adjacent to internal road	As above
#109 Angophora costata (Sydney Redgum) Adjacent to internal road	As above
#110 Pittosporum undulatum (Native Daphne) Adjacent to internal road	As above

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order. All trees are to be clearly tagged and identified by number consistent with the Construction Impact Assessment Report by Botanics dated January 2011, prior to ANY tree works being undertaken.

Reason: To ensure that the development is in accordance with the determination.

58. Excavation near trees

No mechanical excavation shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Schedule

Tree/Location	Radius from trunk
#1 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary	2.5m on western side 3.6m
#17 Araucaria hetrophylla (Norfolk Island Pine) Adjacent to northern site boundary	5.0m
#22 – 25 Syncarpia glomulifera (Turpentine) grouping Adjacent to northern site boundary	5.0m
#29 Magnolia grandiflora (Bull Bay Magnolia)	

Within site frontage 9.6m

Reason: To protect existing trees.

59. Hand excavation

All excavation within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Schedule

Tree/Location	Radius from trunk
#1 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary	2.5m on western side 3.6m elsewhere
#14 Acer palmatum (Japanese Maple) Adjacent to western site boundary in neighbouring property	4.5m
#17 Araucaria hetrophylla (Norfolk Island Pine) Adjacent to northern site boundary	5.0m
#22 – 25 Syncarpia glomulifera (Turpentine) grouping Adjacent to northern site boundary	5.0m
#29 Magnolia grandiflora (Bull Bay Magnolia) Within site frontage	9.6m
#30 Araucaria hetrophylla (Norfolk Island Pine) Within site frontage	10.0m
#31 Ceratopetalum gummiferum (NSW Xmas Bush) Within site frontage	3.0m
#52 & 53 Phoenix canariensis (Canary Is Date Palm) Adjacent to Village Central Open Space	4.0m
#54 Eucalyptus pilularis (Blackbutt) Adjacent to Village Central Open Space	4.0m on south side 7.0m elsewhere
#66 Pittosporum undulatum (Native Daphne) Adjacent to proposed Croquet Building	3.0m
#67 Lophostemon confertus (Brushbox) Adjacent to proposed Croquet Building	4.0m
#68 Lophostemon confertus (Brushbox) Adjacent to proposed Croquet Building	4.0m
#71 Cedrus deodar (Himalayan Cedar)	6.0m

Adjacent to Village Community Building

#79 Jacaranda mimosifolia (Jacaranda)	5.0m
Adjacent to western site boundary	

#80 Jacaranda mimosifolia (Jacaranda)	4.5m
Adjacent to western site boundary	

#89 Eucalyptus sideroxylon (Red Ironbark)	4.5m
Adjacent to western site boundary in neighbouring property	

#90 Syncarpia glomulifera (Turpentine)	4.0m
Adjacent to western site boundary in neighbouring property	

Reason: To protect existing trees.

60. Thrust boring

Excavation for the installation of any services within the specified radius of the trunk/s of the following tree/s shall utilise the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system:

Schedule

Tree/Location	Radius from trunk
#1 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary	2.5m on western side 3.6m
#17 Araucaria hetrophylla (Norfolk Island Pine) Adjacent to northern site boundary	5.0m
#22 – 25 Syncarpia glomulifera (Turpentine) grouping Adjacent to northern site boundary	5.0m
#29 Magnolia grandiflora (Bull Bay Magnolia) Within site frontage	9.6m
#30 Araucaria hetrophylla (Norfolk Island Pine) Within site frontage	10.0m
#31 Ceratopetalum gummiferum (NSW Xmas Bush) Within site frontage	3.0m
#52 & 53 Phoenix canariensis (Canary Is Date Palm) Adjacent to Village Central Open Space	4.0m
#54 Eucalyptus pilularis (Blackbutt) Adjacent to Village Central Open Space	7.0m

#71 Cedrus deodar (Himalayan Cedar) Adjacent to Village Community Building	6.0m
#79 Jacaranda mimosifolia (Jacaranda) Adjacent to western site boundary	5.0m
#80 Jacaranda mimosifolia (Jacaranda) Adjacent to western site boundary	4.5m
#89 Eucalyptus sideroxylon (Red Ironbark) Adjacent to western site boundary in neighbouring property	4.5m
#90 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary in neighbouring property	4.0m

Reason: To protect existing trees.

61. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

62. Tree planting on nature strip

The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along (enter street). The tree/s used shall be a minimum 25 litres container size specimen/s:

Schedule

Tree/Species	Quantity	Location
Franklinia axillaris (Gordonia)	10	Evenly spaced within Stanhope Rd nature strip between the main vehicular entry and the northwest site corner

Reason: To provide appropriate landscaping within the streetscape.

63. Tree removal on nature strip

Following removal of the Jacaranda, Wattle, Liquidambar and Eucalypt from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council.

Reason: To protect the streetscape.

64. Supervision of transplanting

Transplanting of the following trees/shrubs shall be directly supervised by an experienced arborist/horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate.

Schedule

Species/From

#18 Phoenix canariensis (Canary Is Date
Palm)
Existing car park

To

As shown on landscape
plan/s

Reason: To protect the trees during transplanting.

65. Removal of refuse

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Reason: To protect the environment.

66. Canopy replenishment trees to be planted

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

Reason: To maintain the treed character of the area.

67. On site retention of waste dockets

All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
- This information is to be made available at the request of an Authorised Officer of Council.

Reason: To protect the environment.

Conditions to be satisfied prior to the issue of an Occupation Certificate:

68. Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- At the commencement of building works and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' - with the exception of the three nominated trees of value as detailed within the statement prepared by Ecological Pty Ltd, dated 15 October 2010.

Reason: To protect the property from bushfire threat.

69. Water and utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- Water, electricity and gas are to comply with Sections 4.1.3 and 4.2.7 of 'Planning for Bushfire Protection 2006'.

Reason: To protect the property from bushfire threat.

70. Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents accessing or egressing an area. To achieve this, the following condition shall apply:

- Internal roads shall comply with Section 4.2.7 of 'Planning for Bushfire Protection 2006'

Reason: To protect the property from bushfire threat.

71. Evacuation and emergency management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following condition shall apply:

- Arrangements for emergency and evacuation are to comply with Section 4.2.7 of 'Planning for Bushfire Protection 2006'

Reason: To protect the property from bushfire threat.

72. Design and construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- New construction shall comply with Section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bushfire prone areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bushfire Protection 2006'.
- The existing buildings throughout the site that directly interface with areas of unmanaged vegetation shall be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub-floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
- Roofing to all new buildings and those to be upgraded with ember protection shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures - Test for Flammability of Materials'.

Reason: To protect the property from bushfire threat.

73. Landscaping

Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bushfire Protection 2006' (with the exception of the three nominated trees of value as detailed within the statement prepared by Ecological Pty Ltd, dated 15 October 2010).

Reason: To protect the property from bushfire threat.

74. Construction of food preparation and storage areas

The construction of all food preparation and storage areas shall be in accordance with the requirements of the Food Act 2003, Food Standards Code 3.2.3 *Food Premises and Equipment* and Australian Standard 4674-2004 *Design, Construction and Fit-out of Food Premises*.

Reason: To ensure compliance with standards for food premises.

75. Compliance with BASIX certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 320962M have been complied with.

Reason: Statutory requirement.

76. Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the

Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:

1. The installation and performance of the mechanical systems complies with:
 - The Building Code of Australia
 - Australian Standard AS1668
 - Australian Standard AS3666 where applicable
2. The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

Note: Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To protect the amenity of surrounding properties.

77. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

78. Certification of drainage works

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the components of the new drainage system have been installed by a licensed contractor in accordance with the National Plumbing and Drainage Code AS3500.3 (2003) and the Building Code of Australia
- the stormwater drainage works have been completed in accordance with the approved Construction Certificate drainage plans and Ku-ring-gai Water Management DCP 47

Note: Evidence from the plumbing contractor or a qualified civil/hydraulic engineer confirming compliance with this control is to be provided to Council prior to the issue of an Occupation Certificate.

Reason: To protect the environment.

79. WAE plans for stormwater management and disposal

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and dimensions of all retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site
- the achieved storage volumes of the installed retention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

Reason: To protect the environment.

80. Certification of as-constructed driveway / carpark

Prior to issue of an Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” and the Seniors Living State Environment Planning Policy in terms of minimum parking space dimensions
- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area

- the vehicular headroom requirements of:
 - o Australian Standard 2890.1 – “Off-street car parking”,
 - o The Seniors Living SEPP (as last amended) for accessible parking spaces,

Note: Evidence from a suitably qualified and experienced traffic/civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure that vehicular access and accommodation areas are compliant with the consent.

81. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

82. Fire safety certificate

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

Note: A copy of the Fire Safety Certificate must be submitted to Council.

Reason: To ensure suitable fire safety measures are in place.

83. Restriction on land title – seniors living development

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that restriction as to use of land under Section 88E of the Conveyancing Act 1919, has been created restricting the occupation of the premises to:

- ☐ people 55 or over or people who have a disability
- ☐ people who live with people 55 or over or people who have a disability
- ☐ staff employed to assist in the administration of and provision of services to housing provided in this development

Reason: To ensure that the development meets the provisions of the Seniors Living SEPP.

84. SEPP Seniors living advertising

All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP Seniors Living development and that at least one occupier shall be aged 55 years or over or have a disability.

Reason: To ensure that the development meets the provisions of the Seniors Living SEPP

Conditions to be satisfied at all times:

85. Outdoor lighting

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To protect the amenity of surrounding properties.

86. Noise control – plant and machinery

All noise generating equipment shall be located and/or soundproofed so the equipment is not audible within a habitable room in any residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of all noise generating equipment outside these restricted hours shall emit a noise level of not greater than 5dB(A) above the background when measured at the nearest boundary.

Reason: To protect the amenity of surrounding residents.

S Ratcliff
**Senior Development
Assessment Officer**

S Garland
Team Leader

C Swanepoel
**Manager
Development Assessment Services**

M Miocic
**Director
Development & Regulation**

Attachments: Locality Map
Zoning Extract
Plans
Traffic and parking study
Access report