

JOINT REGIONAL PLANNING PANEL
(Sydney West Region)

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| JRPP No.: | 2012SYW024 |
| Development Application No. | DA/58/2012 |
| Description of Proposal: | Demolition of existing structures and construction of a Seniors Living development comprising 115 units, community facilities, health centre, cafe and basement car parking |
| Property Description: | Lot 1 DP 177433, Lot 2005 DP 1088072 and Lot 74 DP 1067989 Nos. 146-200 David Road and No. 284 Castle Hill Road, Castle Hill |
| Applicant: | Anglican Retirement Villages - Castle Hill C/- Neustein Urban |
| Owner: | Anglican Retirement Villages - Castle Hill |
| Statutory Provisions: | <p>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</p> <p>State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land</p> <p>State Environmental Planning Policy No. 44 – Koala Habitat Protection</p> <p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</p> <p>State Environmental Planning Policy – Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River</p> <p>Hornsby Shire Local Environmental Plan 1994 – Residential A (Low Density) Zone and Special Uses A (Community Purposes) Zone</p> |
| Estimated Value: | \$65,853,000 |
| Number of submissions | 10 |
| Recommendation | Approval |
| Report Author: | Caroline Maeshian – Senior Town Planner |
| Instructing Officers: | <p>Rodney Pickles – Manager, Assessments</p> <p>James Farrington – Group Manager, Planning Division</p> |

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

1. The application proposes demolition of existing structures, construction of a Seniors Living development comprising 115 units, community facilities, health centre, cafe and basement car parking.
2. The proposal complies with the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* and *State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development*.
3. Council received ten submissions upon notification of the application.
4. It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No. 58/2012 for demolition of existing structures, construction of a Seniors Living development comprising 115 units, community facilities, health centre, cafe and basement car parking at Lot 1 DP 177433, Lot 2005 DP 1088072 and Lot 74 DP 1067989 Nos. 146-200 David Road and No. 284 Castle Hill Road, Castle Hill be approved subject to the conditions of consent detailed in Schedule 1 of this report.

HISTORY OF THE SITE

The site has been used as a retirement village since 1959. The Anglican Retirement Village at Castle Hill supports a range of independent living units plus a range of residential aged care facilities for residents needing low and high care services.

The residents in the independent living units at Anglican Retirement Village (ARV) at Castle Hill are supported by a 24 hour medical clinic, therapy centre, chapel, library, hairdressers, bowling green, kiosks, community halls, hydrotherapy pool, café, restaurant, leisure centres, gymnasium, workshops, better balance centre and village bus.

THE SITE

The site is generally known as ARV Castle Hill and has an area of approximately 43.672 ha. It comprises 13 separate land titles including property Nos. 146-150 David Road (Lot 74 DP 1067989), No. 284 Castle Hill Road (Lot 1 DP 177433, Lot 2005 DP 1088072, Lot B DP 410898, Lot 1 DP 654242, Lot 2 DP 309991, Lot D DP 369584, Lot 72 DP 1067989 and Lot 73 DP 1067989), No. 284A Castle Hill Road (Lot 10 DP 135926), No. 296 Castle Hill Road (Lot E DP 369584), Nos. 300 - 302 Castle Hill Road (Lot C DP 369584), and No. 304 Castle Hill Road (Lot A DP 410898).

Of the above allotments, only three allotments Lot 1 DP 177433, Lot 2005 DP 1088072 and Lot 74 DP 1067989, comprising an area of approximately 3.8 ha is affected by this application (the Site). The site is bound by Hilliard Drive and Western Road, which are private roads within the estate.

The site currently contains a number of existing buildings including independent living units, residential care facility, one storey villas, café, kiosk, medical clinic, bowling green and a Chapel.

The ARV site, known as the Mowll Village group, is listed as a heritage item of local significance under the provisions of Schedule D (Heritage Items) of the *Hornsby Shire Local Environmental Plan (HSLEP) 1994*. The significant elements within the property include “Lober House”, “Tower House”, “Gate House,” entry gates, dairy, stables, garden buildings and grounds.

The south-western corner of the site has been mapped by Hornsby Shire Council as containing *Blue Gum High Forest*, an Endangered Ecological Community.

The Anglican Retirement Village is bound on the east by David Road, on the west by Old Northern Road and on the south by Castle Hill Road.

THE PROPOSAL

The proposal involves the demolition of existing buildings and construction of a Seniors Living development comprising 115 units, community facilities, health centre, cafe and basement car parking.

The details of the development are as follows:

- Demolition of all existing buildings excluding Lober House, Tower House and The Annexe and Pine Lodge.
- Demolition of all existing roads and paths within this zone with the exception of the road directly in front of Lober House.
- The proposed development would have a gross floor area of 19,542.1 m².
- Retention of the existing chapel.
- New one way drop off road between the proposed bowling green and the existing chapel.

New Residential Buildings

Construction of 109 independent living units (ILUs) which are to be located within six, three to four storey buildings with basement parking. The ILUs would include the following unit mix:

| Building | One Bed | Two Bed | Three Bed | Total Units |
|--------------------|----------------|----------------|------------------|--------------------|
| Building 1A | 6 | 9 | 5 | 20 |
| Building 1B | 2 | 7 | 6 | 15 |
| Building 2A | 3 | 10 | 5 | 18 |
| Building 2B | 6 | 12 | 6 | 24 |
| Building 3A | 4 | 10 | 6 | 20 |
| Building 3B | 3 | 6 | 3 | 12 |
| Total | 24 | 54 | 31 | 109 |
| Percentage | 22% | 50% | 28% | |

One car parking space would be allocated to each unit.

The proposal involves the construction of six single storey ILU villas. This includes the following types:

| ILU Villas | |
|-------------------------------|---|
| Two Bed Villa | 3 |
| Three Bed Villa Type A | 2 |
| Three Bed Villa Type B | 1 |
| Total | 6 |

Two car parking spaces would be allocated to each villa.

In total, the proposed development would provide 115 ILUs.

Facilities and Services

Community Centre

- Two storey building consisting of four community use rooms, two function rooms, common room, kitchen, toilets and lift.
- Four 50m² retail tenancies on ground floor, to include a hairdresser, second hand furniture store, book store and bric-a-brac store.
- Common room for retail staff.
- Two function rooms on level 1 with associated heat and serve kitchen and sanitary facilities.

Health Centre

- Two to three storey building consisting of a leisure pool, hydrotherapy pool, gym, therapy centre and Sisson Medical Clinic.
- The leisure gym and pool would be located on the lower ground floor and be used by the residents of Lober Square only.

- A Hydrotherapy pool, physiotherapy and therapy gyms are proposed to be located on the ground floor servicing residents of the entire village as well as occasional visitors from outside the ARV Castle Hill village.
- Medical clinic consulting rooms and offices on level 1.
- Basement parking at the end of ILU building 2A car park for seventeen visitors.

Café

- Two storey building consisting of a café on the first floor and storeroom on the ground floor.
- One of the storerooms would be utilised by the bowling green.
- The proposed café would cater for up to eighty guests with indoor and outdoor seating. The cafe would occasionally be used for functions such as ‘movie night’ dinners for up to eighty people.

Bowling

- A new bowling green fronting Hilliard Drive is to be constructed above the new community basement car park.

Parking

Parking is to be provided as follows:

- One hundred and twenty one spaces for the residential ILUs and villas (basement parking for the ILUS);
- double garages for the villas;
- car wash bays;
- seventeen spaces for the ARV Health Centre (basement parking);
- Sixty-two spaces for community uses (basement parking under the bowling green); and
- fifty-eight on street spaces (excluding parking in Western Avenue and Clarke Road).

In addition, there are eight accessible spaces in the ARV Health Centre and community car parks.

Modifications to Heritage Buildings

Lober House

The proposal involves internal alterations and reuse of Lober House for resident community facilities, including library, function rooms, computer club and men's club.

External works include:

- Removal of existing aluminium window infills and reinstatement of open verandah and balcony on east elevation.
- Removal of existing fire stair on north elevation.
- Removal of 1950s connecting gallery between Lober House and Café Wills and reinstatement of north elevation.
- Reconstruction of three existing windows and one door on south elevation to west wing.

Internal works include:

- Internal reconstruction of range opening in former kitchen and restoration of original fabrics including original joinery, fireplaces fitting and fixtures.
- Demolition of internal walls in the dormer of the west wing.
- Construction of new openings in walls of former maid's sitting room and laundry between former staff rooms and between former guest bedrooms to create new larger rooms.
- Construction of new accessible toilet in former dairy and butler pantry.
- Construction of new accessible toilet in former bathroom adjoining the former nanny room.
- Construction of a new passenger lift.

Pine Lodge

The proposal involves internal alterations and an external addition to Pine Lodge for use as a chaplaincy. The internal layout would comprise six offices, reception, kitchen, meeting room and toilet.

The proposed works include:

- Demolition of the 1959 period fabric such as the internal partition walls and glazed infills to the arched openings on the entrance verandah.
- Restoration of the existing metal sheet wall linings in the original toilet.
- Restoration of the existing fireplaces and chimney.
- Construction of a new addition on the south elevation.

Tower House

Internal alterations and addition of new deck to Tower House for use as a day respite centre. The proposed works include:

- Demolition of existing recent flat roof addition on the north elevation.
- Demolition of the 1959 period fabric including the remnant glazing, infilling the original washing area openings on the east and west elevations.
- Removal of the masonry partition walls in former garage and workshop and the elevated terrace on west elevation.
- Demolition of existing recent dormer, egress door and landing on the west elevation and re-construction of original roof configuration.
- Construction of new full height glazing in original openings around the washing area.
- Construction of new accessible toilet and new kitchenette.

The Annexe

Minor internal works are proposed to The Annexe to create a new community space and toilet.

ASSESSMENT

The development application has been assessed having regard to the '*Metropolitan Plan for Sydney 2036*', the '*North Subregion (Draft) Subregional Strategy*' and the matters for consideration prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Metropolitan Plan for Sydney 2036 and (Draft) North Subregional Strategy

The *Metropolitan Plan for Sydney 2036* is a broad framework to secure Sydney's place in the global economy by promoting and managing growth. It outlines a vision for Sydney to 2036; the challenges faced, and the directions to follow to address these challenges and achieve the vision. The *Draft North Subregional Strategy* acts as a framework for Council in its preparation of the *Comprehensive LEP* by the end of 2012.

The *Draft North Subregional Strategy* sets the following targets for the Hornsby LGA by 2031:

- Employment capacity to increase by 9,000 jobs; and
- Housing stock to increase by 11,000 dwellings.

The proposed development would be consistent with the *draft Strategy* by providing additional residential units for seniors and would improve housing choice in the locality. The development also includes an employment generating component in the form of the health centre and café that would provide additional jobs in the locality.

2. STATUTORY CONTROLS

Section 79C(1)(a) requires Council to consider “*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations*”.

2.1 Hornsby Shire Local Environmental Plan 1994

The subject land is zoned part Residential A (Low Density) Zone and part Special Uses A (Community Purposes) Zone under *Hornsby Shire Local Environmental Plan 1994 (HSLEP)*. The existing buildings are located on the Special Uses A (Community Purposes) Zone portion of the site.

The objectives of the Special Uses A (Community Purposes) Zone are:

- (a) *to provide for the cultural needs of the community.*
- (b) *to identify land for the provision of community services and facilities.*
- (c) *to ensure that community uses are compatible with the amenity of the area in which they are located.*

The proposed development is defined as ‘*housing for the aged or differently abled persons*’ under the *HSLEP* and is permissible in the zone with Council's consent. The

proposed development is located within the existing ARV estate and complies with the objectives of the zone.

Certain provisions under the *HSLEP* are not applicable to the proposal as *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, prevails to the extent of any inconsistency with the Policy.

2.1.1 Clause 18 – Heritage

Clause 18 of the *HSLEP* sets out heritage conservation provisions for Hornsby Shire. The property, known as the Mowll Village group, is listed as a heritage item of local significance under the provisions of Schedule D (Heritage Items) of the *HSLEP*. The listed heritage items within the property include “*Lober House, Tower House, Gate House, entry gates, dairy, stables, garden buildings and grounds.*” The applicant has submitted a Heritage Impact Assessment.

Council’s Heritage Advisory Committee considered the application and noted that aspects of the proposal are consistent with the recommendations of the *Conservation Management Plan (CMP)* prepared by Paul Davies Architects for the site in 2001, such as restoration of Lober House. The *CMP* identifies Pine Lodge, Petticoat Lane and the Bank Building as having heritage significance. The Committee acknowledged that the proposal provides an opportunity to remove the unsympathetic café addition and to reinstate the rear façade of the building. In addition, the application proposes demolition of a number of existing unsympathetic buildings as suggested by the *CMP* including:

- Hermon Slade House, located immediately to the east of Lober House and obscuring the east-west view corridor recognised in the *CMP* as an important vista;
- Fairfax House, located generally to the south of Lober House and impinging on views to, and from, the front of “Lober House”; and
- Mowll Kiosk, providing an opportunity to open up the north-south view corridor and entry to Lober House.

However, the Committee expressed concerns with regard to demolition of Petticoat Lane and the impact that the widening of Slade Avenue and accessway to Lober House (that is part of Broughton Avenue) and the associated provision of additional car parking spaces would have on the historic formal garden. Council requested the applicant to address the concerns raised by the Committee. The applicant submitted the following response to concern raised regarding to the proposed demolition of Petticoat Lane:

“Maintaining a suitable curtilage for the most important heritage building on the site, Lober House, has been the most prominent objective of a substantial program of heritage works to be undertaken within the subject DA. Protection of views to Lober House, generally across its front lawn from the south, has necessitated the placement of buildings beyond the alignment of the original gravel tracks which led to the house. The location of these buildings allows

only a relatively limited space between buildings. There is virtually no room to relocate the Health Centre which straddles that part of the site currently occupied by Petticoat Lane, a minor storage outhouse of the same era as Lober House. Having regard to the lack of function of this complex of small seed stores, the slope of the ground which prevents universal access and the location of the Health Centre, Petticoat Lane is proposed for demolition.

In recognition of its heritage significance, but also obsolescence, it is proposed to salvage brickwork from the building and to reconstruct its outline within the road and footpath paving immediately outside the wall of the new Health Centre. The building will be interpreted by graphic material printed onto the glass wall of the health centre, so that visitors and residents can understand the relationship of Petticoat Lane to the main house."

In addition, the applicant submitted amended plans with regard to the car parking concern on Slade Avenue and an Interpretation Strategy for Petticoat Lane prepared by Jackson Teece Architects. In summary, the interpretation measures comprise:

- Markers of bricks in the footpath and roadway showing the outline and position of the demolished building.
- Bricks salvaged from the demolished buildings would be used as outline markers; and
- The interpretive story of the known history of Petticoat Lane accompanied by imagery applied to the glazed wall of the new Health Centre building behind.

The Committee considered the amended plans and additional information submitted by the applicant and noted the main changes to the proposal are as follows:

- Deletion of car parking spaces along the eastern side of Slade Avenue and retention of avenue planting of pines; and
- Amendment of the Heritage Impact Statement to incorporate an Interpretation Strategy for Petticoat Lane.

However, the Committee reiterated previous concerns raised particularly in relation to the demolition of Petticoat Lane and the provision of additional car parking spaces along the accessway to Lober House.

The proposal provides modern aged care housing and facilities to meet the demands of an ageing population. The proposed development would address the needs of the population of the site and the locality. Furthermore, the proposal includes works to improve the most significant heritage building on the site, namely, Lober House. These benefits should be balanced against the impacts associated with the loss of Petticoat Lane. Therefore, it is considered that the application should be supported subject to the imposition of conditions of consent requiring implementation of the Interpretation Strategy, engagement of a heritage architect and archaeologist to assist in project management of the construction works, submission of relevant

applications/notifications with the *Office of Environment and Heritage* and deletion of the car parking proposed along the accessway to Lober House. The deletion of parking along the accessway and in Slade Avenue will reduce on street parking from 58 to 47 spaces.

2.2 Draft Comprehensive Hornsby Local Environmental Plan

Council, at its meeting in March 2012, endorsed the draft *Comprehensive Local Environmental Plan (HLEP)* for public exhibition. The draft HLEP is currently being exhibited for public comments. The relevant provisions of the draft *HLEP* that apply to the site are outlined below:

2.2.1 Zoning

The site is proposed to be zoned R2 – Low Density Residential under the *Draft Hornsby Local Environmental Plan (HLEP)* currently on exhibition. The proposed development is defined as ‘Seniors Housing.’ Whilst Seniors Housing is prohibited under the *Draft Hornsby Local Environmental Plan*, the proposal is permissible under the *State Environmental Planning Policy - Housing for Seniors or People with a Disability 2004*.

2.2.2 Height of Building

Clause 4.3 of the draft *HLEP* provides that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 8.5 metres. The proposal would not comply with this provision.

2.3 State Environmental Planning Policy No. 44 Koala Habitat Protection

The provisions of *State Environmental Planning Policy No. 44 Koala Habitat Protection* apply as the site is greater than one hectare in size. The site, however, does not represent a potential or core koala habitat and consequently, no further consideration of the Policy is required.

2.4 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of *State Environmental Planning Policy No. 55 - Remediation of Land* requires Council to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated, Council must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, Council must be satisfied that the land will be remediated before the land is used for that purpose.

Given the site has a history of residential use, it is not likely that the site has experienced any significant contamination, and further assessment under *SEPP 55* is not required.

2.5 State Regional Environmental Plan No. 20 – Hawkesbury Nepean River

The application has been assessed against the requirements of *Sydney Regional Environmental Plan No. 20 (SREP-20)*. This Policy provides controls to protect the environment of the Hawkesbury-Nepean system, including its water quality. The Plan addresses matters related to water quality, significant vegetation habitats, extraction, environmental heritage and scenic quality, recreation and tourism, and agriculture.

The proposed development includes a satisfactory stormwater management plan and is consistent with the objectives of the *SREP-20* subject to implementation of conditions regarding erosion and sediment control measures on site.

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

The aim of this Policy is to ensure consistency in the implementation of the *BASIX* scheme throughout the State.

A *BASIX* Certificate for the residential component of the development has been submitted. The Certificate confirms that the proposed development meets the NSW Government's requirements for sustainability. The development meets the water and energy performance targets, achieves a pass for thermal comfort, and includes provision for 4500L rainwater tanks for each of the ILU buildings and 1000L water tanks for the individual villa units.

2.7 State Environmental Planning Policy – Housing for Seniors or People with a Disability 2004

The Policy prevails to the extent of any inconsistency with any other environmental planning instrument.

The *SEPP* is the overriding planning instrument for the development of housing for aged and disabled people in NSW and provides for hostels, residential care facilities (nursing homes) self contained dwellings and multi-storey buildings. The *SEPP* is comprehensive in scope including land use planning provisions, design principles, development standards and standards specifically to meet the housing needs of aged and disabled people. Relevant clauses of the *SEPP* are addressed below.

2.7.1 Location and access to facilities (Clause 26)

The proposed development is located within ARV's broader village at Castle Hill which has an established range of facilities to cater to the needs of the existing seniors living population.

The existing facilities include a 24 hour medical clinic, therapy centre, chapel, library, hairdressers, bowling green, kiosks, community halls, hydro therapy pool, café restaurant, leisure centres, on site gymnasium, and wood/metal workshop.

The site is serviced by a regular and frequent bus service within 400 metres of the proposed development. There are existing bus shelters located on Hilliard Drive and Western Road adjacent to the site. The pathways are proposed to be upgraded to ensure compliant grades.

The proposal complies with the provisions of Clause 26 of the *SEPP*.

2.7.2 Neighbourhood amenity and streetscape (Clause 33)

The proposed development is located within the bounds of the ARV site and is screened from Castle Hill Road and David Road by existing Seniors Living development and the established vegetation.

The proposal has addressed the neighbourhood amenity and streetscape within the site so as to be compatible with the existing natural and built environment. This has been achieved through the concentration of the proposed residential buildings around the periphery of the site, the use of articulated built form, significant setbacks to adjoining buildings and retention and improvement of views to Lober House. The proposal provides significant landscape coverage of the site.

The proposal complies with the provisions of Clause 33 of the *SEPP*.

2.7.3 Visual and acoustic privacy (Clause 34)

Visual privacy to new and existing dwellings is achieved by appropriate layout and design of the units, window location and position of private open space areas.

The proposed landscaping and the siting of the proposed buildings allow for adequate separation from the adjoining residential properties to ensure the privacy of the existing development and neighbouring buildings is maintained.

The proposal complies with the provisions of Clause 34 of the *SEPP*.

2.7.4 Solar Access and Design for climate (Clause 35)

The siting of the buildings would not result in excessive overshadowing of adjoining residential units. The units are designed and oriented to provide solar access to private open space areas and to living areas. A *BASIX* certificate has been submitted with the application to ensure the design minimises energy/water use.

The proposal complies with the provisions of Clause 35 of the *SEPP*.

2.7.5 Stormwater (Clause 36)

In compliance with the *SEPP*, the proposal includes rainwater storage for recycled water use. Adequate arrangements are proposed for the management of stormwater.

Stormwater for the proposed development would be collected in a series of pits and pipes prior to being discharged into the existing drainage system via an onsite detention system. The stormwater management plan shows that the proposal is

divided into three sub-catchments. The catchment proposed to drain to the western side, requires access to a three metre wide easement through Oakhill College. This easement favours Lot 1 DP177433 (which is part of ARV). However, the western catchment also includes parts of Lot 2005 DP 1088072 and Lot 74 of DP 1067989 both ARV lots on which the proposal is sited.

As since the easement through Oakhill College favours only one of the lots, the applicant was requested to provide owner's consent from Oakhill College stating that no objection is raised to draining parts of the other lots. The applicant has submitted owner's consent from Oakhill College. Council's engineering assessment raises no objections to the proposal subject to conditions of consent.

2.7.6 Crime Prevention (Clause 37)

The development would achieve appropriate passive and active surveillance, access control, territorial reinforcement and space management.

2.7.7 Accessibility (Clause 38)

The development has been designed to achieve 100% wheelchair accessibility within units, between units and to the community facilities. The proposed development has obvious and safe pedestrian links from the site to public transport services. Adequate access and parking is provided for residents and visitors.

2.7.8 Waste Management (Clause 39)

Council's Waste Management assessment identified concerns with regard to the location of the bin storage area for ILU building 2B. The proposed bin bay for this building is located at a distance of fifty metres from the building entrance which means garbage has to be carted more than fifty metres from each unit in this building.

The *SEPP* requires that "*a garbage storage area must be provided in an accessible location.*" One aspect of "accessible location" is the distance between each unit and the bin room. Council's *Waste Minimisation and Management Development Control Plan* requires the distance between each unit and the bin room to be no more than seventy-five metres, however this was written with only able bodied persons in mind. The *Better Practice Guide for Waste Management in Multi-unit Dwellings* requires that for aged persons and persons with a disability, the distance between each unit and the bin room should be no more than fifty metres.

The other ILU buildings have only a small number of units which are over fifty metres from a bin bay. No units are over sixty metres walking distance from a bay. Therefore, a condition is recommended requiring each allocated bin storage room to be located less than sixty metres walking distance from the entry of each ILU. Furthermore, an additional condition is recommended requiring a site caretaker to be employed to transfer waste and recycling from individual ILUs for residents unable to manage the distance.

2.7.9 Development Standards (Clause 40)

The site area of 3.8 hectares exceeds the minimum area of 1000 sq metres in Clause 40(1)(2). The property has frontage to Castle Hill Road which is well in excess of the minimum of 20 metres in Clause 40(1)(3).

The Policy prescribes maximum height controls of 8 metres and 2 storeys for developments in residential zones where residential flat buildings are not permitted. This clause does not apply as the site is zoned Special Uses A. Furthermore, a residential flat building is permissible on this site given that multi-unit housing and strata subdivision are permissible land uses with consent.

2.7.10 Standards for hostels and self contained dwellings (Clause 41)

This clause provides development standards to ensure an adequate level of access for people with disabilities. The application includes an Access Report that addresses the controls in the *SEPP*. The Access Report advises that the units comply with AS1428.1. Compliance can be achieved via conditions of consent.

| Clause | Provision | Compliance | Comments |
|----------|--|-----------------------------------|---|
| 2(1)&(3) | Wheelchair access: 100% of the units must have wheelchair access by a continuous path of travel to an adjoining public road and to common areas. | Yes | The levels are designed to provide a continuous accessible path from the units to the community facilities, internal driveway and public road. Lifts/ramps are provided in ILU buildings. |
| 2(3) | Security: Pathway lighting. | Yes | Low level lighting is proposed adjacent to all pathways, courtyards and dwelling entrances. |
| 2(4) | Letterboxes: | Yes | Provided in central locations and accessible to all units. |
| 2(5) | Private car accommodation If car parking (not being car parking for employees) is provided: (a) car spaces must comply with AS2890, and (b) 5% of total number must be designed to enable width to be increased to 3.8 metres. (c) Garage with power operated doors | Yes Yes Yes | The Access Report advises that the units comply. Compliance can be achieved via conditions of consent. |
| 2(6) | Accessible entry Every entry must comply with AS4299. | Yes | The Access Report advises that the units comply. Compliance can be achieved via condition of consent. |
| 2(7) | Interior: general | | |

| | | | |
|------------------|--|-----|--|
| | Widths of internal corridors and circulation at internal doorways must comply with AS1428.1. | Yes | The Access Report advises that the units comply with AS1428.1. Compliance can be achieved via conditions of consent. |
| 2(8) | Bedroom One bedroom to accommodate a wardrobe and queen-size bed and a clear area of at least 1200mm at the foot of the bed and 1000mm wide beside the bed and the wall. | Yes | The Access Report advises that the units comply with AS1428.1. Compliance can be ensured via condition of consent. |
| 2(9) | Bathroom At least 1 bathroom to comply with AS1428.1 | Yes | The Access Report advises that the units comply with AS1428.1. Compliance can be ensured via condition of consent. |
| 2(10) | Toilet Provide a visitable toilet per AS4299. | Yes | The Access Report advises that the units comply with this provision. Compliance can be ensured via condition of consent |
| 2(11, 12 and 13) | Surface finishes, Door hardware, Ancillary items Slip resistance surfaces. | Yes | Compliance via a condition of consent recommended. |
| 2(15) | Living room and dining room Circulation space per AS4299. | Yes | The Access Report advises that the units comply with this provision. Compliance can be ensured via condition of consent. |
| 2(16 and 17) | Kitchen and Access Circulation space per Cl.4.5.2 of AS4299. Width of door approaches of 1200mm. | Yes | The Access Report advises that the units comply with this provision. Compliance can be ensured via condition of consent. |
| 2(18) | Lifts Lifts in multi-storey buildings | Yes | Lifts proposed in all ILU buildings. |
| 2(19) | Laundry Width of door approach to be 1200mm Clear space in front of appliances of 1300mm. | Yes | The Access Report advises that the units comply with this provision. Compliance can be ensured via condition of consent. |
| 2(20) | Storage for Linen Linen cupboard per AS4299. | Yes | Linen cupboards provided. |
| 2(21) | Garbage A garbage storage area must be provided in an accessible location. | Yes | An accessible path of travel is provided to the garbage storage rooms. Compliance can be ensured via condition of consent. |

2.7.11 Standards that cannot be used to refuse development consent for self contained dwellings (Clause 50)

| Clause | Provision | Compliance |
|----------|--|---|
| 50(a) | Building Height Maximum 8 metres from ceiling to pre-development ground level. | No – The proposed development comprises six ILU buildings in landscaped setting, with a building height ranging from three to four storeys. The siting of the proposed buildings provides for the retention of “ <i>Lober House</i> ” and its curtilage. |
| 50(b) | Density and Scale Maximum FSR 0.5:1. | Yes 0.5:1 |
| 50(c) | Landscaped Area Min 30% of the site area. | Yes 63% |
| 50(d) | Deep Soil Zone Min 15% of the site area. | Yes 29% |
| 50(e) | Solar Access 70% of units’ living rooms and private open space receive 3 hours of direct sunlight in mid-winter. | Yes <i>ILU buildings and villas</i> Shadow diagrams and solar access tables provided for the ILU buildings and villas demonstrate that greater 70% of the units would comply with this requirement. |
| 50(f) | Private Open Space Ground floor unit, min 15sqm with min dimensions of 3 * 3. All other units, min balcony area of 10sqm with dimension of 2m. <i>Note: This development standard applies to infill self care housing.</i> | N/A This clause does not apply to serviced self-care housing developments. Notwithstanding the above, it is noted that the single storey villas include private open space areas which generally comply with the 15 sq metres requirement. The apartment units generally comply with the minimum of 10 sq metres. There is ample communal open space within the site to cater for the residents. Therefore this is considered acceptable. |
| 50(h)(i) | Parking Minimum of 0.5 car spaces for each bedroom. | A minimum of 120 car parking spaces are required for the development. A total of 121 spaces are proposed. |

2.8 State Environmental Planning Policy No. 65: Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 (SEPP 65) establishes design criteria for the assessment of residential flat developments and for residential components of mixed developments. The primary aim of *SEPP 65* is to “*improve the design quality of residential flat development in New South Wales*”. Part 2 of *SEPP 65* requires that consideration be given to ten principles. The following section of the report includes an assessment of the proposed development against these principles.

2.8.1 Principle 1: Context

The site is located in the north western portion of the ARV Castle Hill estate. The development is located within the bounds of the ARV estate and would not be visible from a public place.

The majority of the land use surrounding the site includes existing independent living units in the form of one and two storey villas and two storey townhouses. To the north, the site adjoins an existing one and two storey residential aged care facility and to the south there is an existing four storey residential aged care facility. The site is bounded by private roads namely, Hilliard Drive and Western Road.

In determining the context of the site, consideration has been given to the siting of the three to four storey independent living unit buildings around the north western and south eastern periphery of the site. The single storey independent living villas are proposed be located in the south western corner of the site, adjacent to the existing single to two independent living villas to the south. The proposed two storey community facilities are to be located adjacent to Lober House.

Generous setbacks have provided between the buildings allowing the establishment of extensive landscaping and communal open space areas. The proposed new road and the pathways would enable the on-site residents to access the proposed open space areas and facilities. The proximity of the site to existing services, facilities and public transport makes the site suitable for the proposal.

It is considered that the proposed development responds suitably to the ‘Context’ principle of *SEPP 65*. The application is assessed as satisfactory in this regard.

2.8.2 Principle 2: Scale

The proposed ILUs comprise six buildings, three to four storeys in height and six single storey ILU villas. Four of ILU buildings are to be located along the north western boundary and two are to be located in the south eastern boundary of the site. Consideration of the overall height of the proposed buildings on the site has been based on the height of Lober House. The site topography and the design of the roofs allow all the new buildings to be lower than the ridge height of Lober House.

From the internal new road, ILU buildings 1A, 1B and 2B would appear as two storeys. The height of the Health Centre and Community building when viewed from the new road are two storeys in height. The southern portion of the Health Centre has a sloped roof and is single storey in height. A transition in height has been provided across the site between the ILU villas located in the southern portion to the ILU buildings located along the north eastern boundary.

The ILU buildings 3A and 3B would appear as three storeys from the new road and three to four storeys from Hilliard Drive. Separation has been provided between ILU buildings 3A and 3B to reduce the bulk of the buildings. The buildings allow for the view corridor to Lober House to be maintained from Broughton Avenue, which is identified as an important vista in the *CMP*. The removal of Hermon Slade House would allow the creation of an important vista (as identified in the *CMP*) from Gough Drive. Proposed ILU building 3A would only restrict this view by a minor and insignificant amount.

The proposed new café would be single to two storeys in height. The proposed bowling green with underground car park and the new café, would restrict views of Lober House from Hilliard Drive. However, the height of the proposed bowling green is comparable with the height of the existing bowling green. The widening and realignment of the access road to the chapel would allow views of the northern elevation of Lober House from Hilliard Drive.

The massing of ILUs has been broken up by providing appropriate separation and landscape areas between the proposed buildings. The buildings are considered proportional in scale to the site and maintain an adequate curtilage for Lober House. Therefore, the scale of the proposed development is appropriate in the context of the site.

2.8.3 Principle 3: Built Form

The buildings are of good design with contrasting solid and glazed elements, including windows and balconies that add visual interest to the elevations. The overall scale and bulk has been reduced by breaking up the built form into six separate ILU buildings and limiting the height of the community facility buildings adjacent to the Lober House to a maximum of two storeys in height. Further, the landscape elements, including existing and proposed vegetation would considerably break up the built form.

The materials and finishes proposed to be utilised in the design of the ILUs would be consistent with the surrounding developments.

The proposal complies with the 'Built Form' principle of *SEPP 65*.

2.8.4 Principle 4: Density

The development complies with the floor space ratio requirement contained within the *SEPP (Housing for Seniors or People with a Disability 2004)*. The matter has been discussed previously in this report. It is considered that the proposed density is sustainable as it responds to the context of the site, availability of infrastructure, public transport, community facilities and environmental quality.

The proposal complies with the 'density' principle of *SEPP 65*.

2.8.5 Principle 5: Resource, Energy and Water Efficiency

The proposed development includes a BASIX certificate and complies with the requirements with regard to water, thermal comfort and energy. The proposal also complies with the natural ventilation and solar access requirements within the *Residential Flat Design Code (RFDC)*. The details of the above matters are discussed in section 2.7.11 of this report.

2.8.6 Principle 6: Landscape

The application includes a landscape concept plan which provides details of the proposed landscaping within the site. The historic formal garden is to be refurbished and the existing avenue planting of pines along Slade Avenue is to be retained.

The landscaping treatment involves the retention of mature trees. The proposed plant species reflect a variety of planting types with cultural planting focused around the heritage listed Lober House and provision of a mixture of native species along the periphery of the site.

The provision of basement car parking allows for increased landscaping to be provided between the buildings. The design provides appropriate opportunity for deep soil planting and the establishment of extensive communal open space areas. The landscaped forecourts and the courtyards of the ground level residential units would also incorporate sufficient landscaping to soften the built form.

It is considered that the proposal satisfies the intent of the 'Landscaping' principle of *SEPP 65*.

2.8.7 Principle 7: Amenity

The application has been assessed against the 'Building Amenity' criteria within the *RFDC* and is discussed in detail in section 2.7.11 of this report.

Visual privacy has been achieved by appropriate layout and design of the units, window location and position of courtyard areas and balconies. Privacy screens have been provided to some of the windows to minimise any potential for overlooking.

The proposed development has been designed to maximise solar access to the ILUs. Over seventy percent of the units would achieve two hours of sunlight to living areas and private open spaces area in mid winter. The design and location of windows within each unit provides would provide sufficient cross ventilation.

The proposal provides convenient and safe access to the residential components of the development via centrally located lifts connecting the basement and all other levels.

The application is assessed as satisfactory against the 'Amenity' principle of *SEPP 65*.

2.8.8 Principle 8: Safety and security

The residential component of the development incorporates balconies and living areas addressing the street frontage or communal areas, wherever possible, to increase the level of observation and ‘eyes on the street’. The pathways have been designed to provide safe pedestrian movement within the site and to the individual units utilising appropriate grading. Security lighting is proposed to be provided to all open space areas and entry points. The communal open spaces and the private courtyard of the ground floor units are proposed to be clearly defined.

The design has regard to ‘*Crime Prevention through Environmental Design (CPTED)*’ principles. The applicant has indicated that in accordance with the requirements of the *CPTED*, appropriate lighting, gates and other security measures would be implemented to ensure that safety and security is maintained on the site. The site would be secured at night and 24/7 security is to be provided.

2.8.9 Principle 9: Social dimensions

The site is serviced by the local private bus route through the village and runs regular services to nearby rail stations and shopping centres, such as Castle Hill, Hornsby and Pennant Hills. The proposed development is located within an estate which has established a range of facilities to cater to the needs of the seniors living population.

The proposal provides a reasonable mix of dwelling types and sizes which complies with the requirements within the RFDC in improving housing choice in the locality.

The development is assessed as satisfactory with regard to social dimensions.

2.8.10 Principle 10: Aesthetics

The proposal is generally consistent with the design principles contained within the *RFDC*. The details of the assessment of the built form and the aesthetics of the development are contained in section 2.7.11 of this report.

2.9 The Residential Flat Design Code

Clause 30(2) of *SEPP 65* requires consent authorities to consider the design quality of the residential flat development when evaluated in accordance with the design quality principles, and the Department of Planning’s *Residential Flat Design Code (RFDC)*. The following is an assessment of the proposal against the requirements of the *RFDC*:

| Residential Flat Design Code | | | |
|------------------------------|---------------|--------------|-----------------------|
| Site Design | | | |
| Issue | Rule of Thumb | Provided | Compliance & Comments |
| Building Depth | 10-18 metres | 10-29 metres | No |

| | | | |
|--|--|---|---|
| | | | |
| Building Separation | Separation for buildings up to four storeys in height: <ul style="list-style-type: none"> - 12m between habitable rooms/balconies - 9m between habitable rooms/balconies and non-habitable rooms. - 6m between non-habitable rooms. | 9.45 metres between ILU 1A – ILU 1B 12.05 metres between ILU 1A and ILU 2B 7.560 metres between ILU 2A and ILU 2B. 9.05 metres between ILU 3A and 3B | No Yes No No |
| Deep Soil (Res D Zone) | Min 25% | 29% (11,299 sq metres) | Yes |
| Communal open space | 25-30% | >30 % | Yes |
| Private Open Space (POS) for Ground floor units | Min 25m ² for each unit | All POS for ground floor units >25m ² | Yes |
| Min Dimension for POS at Ground Level | 4 m minimum in one direction | 4m | Yes |
| Pedestrian Access | 20% of the dwellings should have barrier free access | Continuous path of travel via lifts provided from street to all units | Yes |
| Unit Depths | | | |
| Issue | Rule of Thumb | Provided | Compliance |
| Apartment Depth | Single aspect apartments should be limited in depth to 8 metres from a window. | 9.8 metres | No The single aspect units have a depth of 9.8 metres. The non-compliance with regard to depth of the units is acceptable as habitable spaces in these instances would receive |

| | | | | |
|--------------------------------------|--|--|---|-----|
| | | | adequate light and ventilation. No single south aspect apartments are proposed within the development. | |
| Back of Kitchen | The back of a kitchen should be no more than 8 metres from a window. | Type 6 (1 Bed) – 9.2 metres Type 4 (3 Bed) – 8.9 metres Type 10 (3 Bed) – 9.05 metres | No The majority of the kitchens are no more than 8 metres from a window. The non-compliance is considered minor and does not result in any residential amenity impacts. As such, the variation is supported. | |
| Minimum Apartment Sizes | | | | |
| One units | Bedroom | 50 m ² min | 50 m ² min | Yes |
| Two units` | bedroom | 70 m ² min | 70 m ² min | Yes |
| Three units | Bedroom | 95 m ² min | 95 m ² min | Yes |
| Building Configuration | | | | |
| Issue | Rule of Thumb | Provided | Compliance | |
| Balconies | One primary balcony/courtyard and secondary balconies to bedrooms | One primary balcony/courtyard provided to living areas. Secondary balconies provided where possible. | Yes | |
| Depth of balconies | Minimum depth 2m for primary balconies | 2 m for primary balconies/courtyards | Yes | |
| Ceiling heights - Residential floors | 2.7 m minimum height | 2.7 m | Yes | |
| No. of units | Maximum 8 | Maximum 6 | Yes | |

| | | | |
|--|---|---|--------------------------------|
| accessed from double corridors | | | |
| Corridors | Short and clear sights Avoid tight corners | Corridors lengths are optimised with sufficient foyer spaces No corners provided | Yes Yes |
| Total Storage area - One bedroom units | 6 m ³ (minimum) | >6 m ³ provided. | Yes |
| Total Storage area - Two bedroom units | 8 m ³ (minimum) | > 8 m ³ for all units. | Yes |
| Total Storage area - Three bedroom units | 10 m ³ (minimum) | > 10 m ³ for all units. | Yes |
| Ground Floor Apartments | Consider separate entries and accessible units | Separate entries provided | Yes |
| Building Amenity | | | |
| Issue | Rule of Thumb | Provided | Compliance |
| Solar access | 70% receive 2 hrs direct sunlight | 78.7% receive more than 2 hrs sunlight | Yes – 63 units out of 80 units |
| No of single aspect units with SW-SE aspect | 10% maximum | There are no single aspect units that are located to the south, SW or SE. | Yes |
| Cross ventilated units | 60% | 71.5% | Yes– 54 units out of 80 units |
| Kitchen with access to natural ventilation | 25% | 52 % | Yes |

As detailed in the above table, the proposed development does not comply with some 'rules of thumb' within the *RFDC*. The matters of non-compliance have been discussed in the above table and/or below as well as a brief discussion on compliance with relevant performance standards.

2.9.1 Building Depth

The proposal does not comply with the required 10 to 18 metres maximum building depth. The *RFDC* prescribes that the control over the building depth is important as non-compliance with the above could result in overshadowing and lack of cross-ventilation to the residential units.

The proposed buildings generally have an east-west orientation apart from ILU building 1B which is oriented north-south. The applicant has demonstrated that 71.5% of the units are cross-ventilated and 78.7% of the units would receive 2 hours of direct solar access during winter solstice. The submitted shadow diagrams indicate that the building would not unreasonably overshadow the private open space areas and the living areas of the adjoining developments due to the building layout and separation. Further, the proposed buildings have been designed to maximise corner and cross through apartments.

Accordingly, it is considered that the proposed development achieves the objective of the 'Building Depth' control within the *RFDC* and is acceptable in its current form.

2.9.2 Building Separation

The *RFDC* requires that the building separation between two adjoining developments to be a minimum of 12 metres to allow adequate solar access and privacy. As indicated in the table above, the proposed development does not strictly comply with building separation requirements between the proposed ILU buildings. In particular, these include:

- The main bedroom window of Units 22, 28 and 34 in ILU 1A and the balcony of Units 5, 10 and 15 have a building separation of 9.45 metres.
- The main bedroom window of Units 47, 53 and 59 and the balcony of Units 63, 69 and 75 have a building separation of 7.56 metres.
- The main bedroom window of Units 82, 88, 94 in ILU 3A and the main bedroom window Units 98, 102 and 106 have a building separation of 9.05 metres.

To address the non-compliance with the building separation requirement of 12 metres, the applicant proposes to provide privacy louvers to the windows of the affected units to minimise visual and acoustic privacy impacts. The proposed design element is considered acceptable as it would provide adequate amenity to the future residents of the units.

2.9.3 Acoustic Privacy

The internal layouts of the ILUs are designed such that noise generating areas would mainly adjoin each other. Storage or circulation zones would act as a buffer between units. Bedrooms and service areas such as kitchens, bathrooms and laundries would be grouped together wherever possible. Continuous walls are proposed to ground

level courtyards. Measures to reduce noise transmission from common corridors have been provided within the unit layouts.

The proposal complies with the 'Acoustic Privacy' requirements within the *RFDC* and is assessed as satisfactory.

2.10 Heritage Development Control Plan

The primary purpose of the DCP is to manage heritage in Hornsby Shire and to provide guidance and outline specific controls for development relating to heritage items. Issues relating to heritage have been discussed in detail in Section 2.1.1 of this report.

2.11 Cherrybrook Development Control Plan

The primary purpose of this DCP is to provide controls for the Cherrybrook Precinct. The subject site is included within the precinct and complies with the provisions of the DCP, particularly the residential strategy which seeks '*to provide a variety of housing types and other compatible land uses and protection of residential amenity.*'

2.12 Car Parking Development Control Plan

Council's *Car Parking Development Control Plan (Car Parking DCP)* has the following parking requirements for the aged or differently abled persons:

- 0.5 spaces for dwellings <55m²,
- 0.85 spaces for dwellings > 55m² but <85m², and
- 1 space for dwellings >85m².

In accordance with the requirements of the *Car Parking DCP*, a total of 100 car parking spaces are required to be provided. The proposal includes the provision of 121 car parking spaces for the ILU buildings and the villas. The proposed development complies with the requirements of the *Car Parking DCP*.

2.13 Access and Mobility Development Control Plan

The proposed buildings are designed for housing and service facilities for the aged. The submitted access consultant's report includes the following statement:

"For people with disabilities, the proposal provides:

- *Footpaths providing an accessible path to each building from the street.*
- *Basement car parking and street parking in accordance with AS2890.6.*
- *Kerb ramps to AS 1428.1 to provide access from the road to the footpath level.*

- *Access to all levels to each building by way of a lift complying with BCA 2011.*
- *Access to communal facilities.*

It is noted that site gradient is quite steep in some areas and access may not be available along the pathways. Where possible, an accessible path by way of ramps has been provided and also, common areas, lifts have been provided.

The proposal would provide appropriate access for people with disabilities throughout the development."

It is considered that the proposed development satisfies the requirements of the *Access and Mobility Development Control Plan*.

2.14 Waste Minimisation and Management Development Control Plan

The proposal includes a waste management plan and details of on-going waste management on site. The design of the development incorporates a common waste storage area at the ground level for ILU buildings, in addition to temporary waste cupboards being provided for each unit.

The application complies with the requirements of Council's *Waste Management and Minimisation Development Control Plan*.

2.15 Sustainable Water Development Control Plan

The DCP aims to achieve the implementation of sustainable water practices into the management of development in the Hornsby Shire. The application includes water sensitive urban design elements including rain water tanks. Subject to provision of erosion and sediment control measures during the demolition and construction phases of the development, the proposal would satisfy the provisions of the DCP.

2.16 Section 94 Contributions

The proposal involves the demolition of 36 ILUs and construction of 115 new ILUs within the development site. This would result in an increase of the total number of dwellings across the entire ARV Castle Hill estate from 803 to 882. This is 36 dwellings in excess of the Section 94 trigger threshold of 846 dwellings. Therefore, Section 94 contribution would apply to the 36 additional dwellings. This requirement is proposed to be levied as a condition of consent.

3. ENVIRONMENTAL IMPACTS

Section 79C(1)(b) of the Act requires Council to consider "*the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*".

3.1 Natural Environment

3.1.1 Threatened Species

The south-western corner of the site has been mapped by Hornsby Shire Council as containing *Blue Gum High Forest*, an Endangered Ecological Community as listed under the Threatened Species Conservation Act 1995. The applicant submitted an Assessment of Significance (7 part test) prepared by *Ambrose Ecological Services* which includes impact assessments for:

- Blue Gum High Forest Critically Endangered Ecological Community; and
- Gang-gang Cockatoo.

The proposal involves the planting of eight Sydney Blue Gums within the grounds of ARV to offset the removal of two Sydney Blue Gums that would be removed from the site. The ecological assessment undertaken by Council concludes that the proposal is unlikely to have a significant impact on threatened species, populations, communities and their habitat as listed under the *Threatened Species Conservation Act 1995*, subject to the implementation of appropriate measures.

3.1.2 Tree Preservation

The proposal involves the removal of 34 exotic trees and 12 native trees. The application has been supported by an Arborist report. The applicant was requested to address the impact of proposed ILU Villa 6 and ILU building 1B on the significant group of trees located in the south western corner of the site. A further Arborist report was submitted addressing the encroachment from the proposed ILU Villa 6 and ILU building 1B within the nominated Tree Protection Zones (TPZ) of 4 significant trees (Nos. 2297, 2299, 2302 and 2303). The report concludes that Villa 6 and ILU building 1B can be constructed subject to appropriate construction methods to minimise the impact on the TPZs.

Further, the plans show proposed on-grade car parking and demolition of existing buildings along the western side of Western Road. However, the existing trees in the vicinity of the demolition works and parking along the Western Road have not been marked on the plans nor included in the Arborist report. Therefore, the proposed demolition and parking on Western Road have been excluded from consideration as part of this application. The applicant's traffic assessment confirms that with the removal of the parking spaces, the proposal would have adequate car parking in accordance with the requirements of Council's *Car Parking DCP* and *SEPP (Housing for Seniors or People with a Disability 2004)*.

It is considered that the removal of the trees is acceptable, as there is sufficient area on-site to provide replacement tree planting and appropriate conditions are recommended to be imposed.

3.2 Built Environment

3.2.1 Traffic

The application includes a Traffic and Parking Report which indicates that the proposed development would generate a maximum of 35 vehicular trips per hour during peak. Council's traffic engineering assessment of the application concludes that the existing road network would be able to support the additional traffic generation associated with the development.

In addition, the application was referred to Roads and Maritime Service for comments. No objections have been raised with regard to traffic generation.

3.3 Social Impacts

The proposal would provide suitable additional housing stock for seniors and would have a positive social impact.

3.4 Economic Impacts

The economic impact of the proposed development on the locality is considered minimal and the provision of accommodation for older people would have a positive impact on the local economy.

4. SITE SUITABILITY

Section 79C(1)(c) of the Act requires Council to consider "*the suitability of the site for the development*".

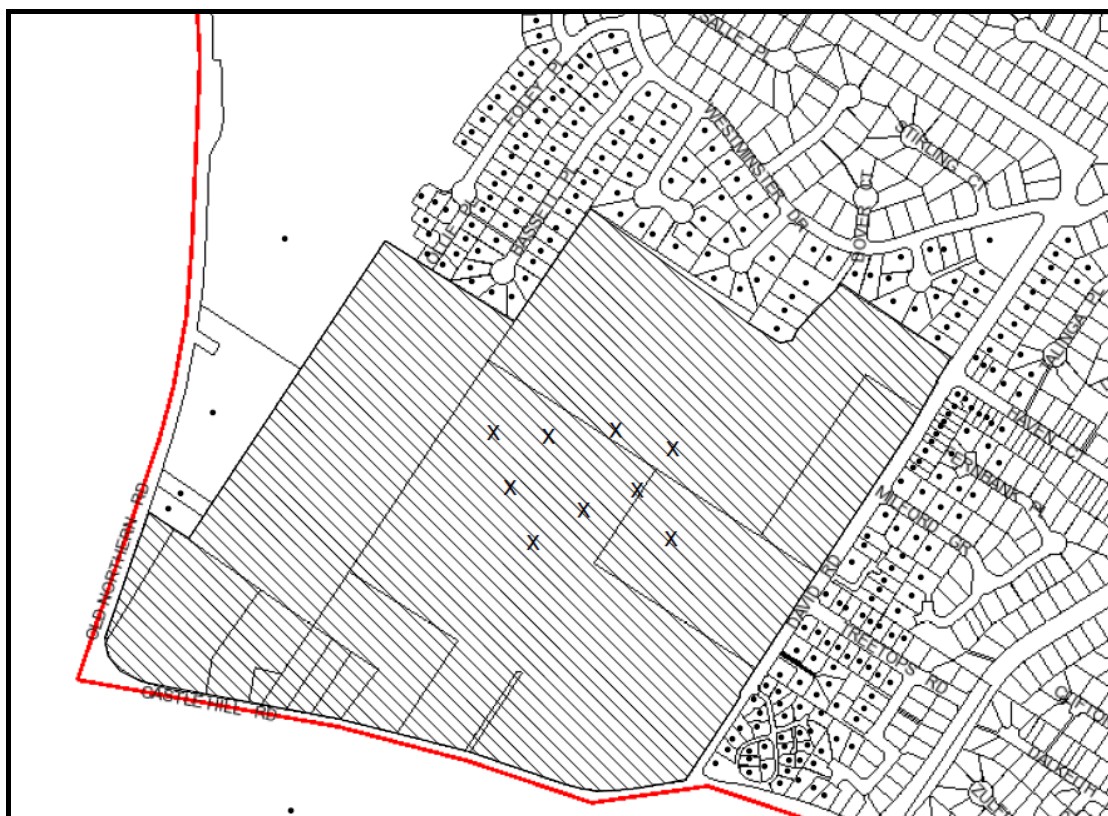
The site does not constitute flood prone or bushfire prone land and is considered to be suitable for the development.

5. PUBLIC PARTICIPATION


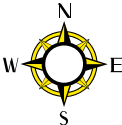
Section 79C(1)(d) of the Act requires Council to consider "*any submissions made in accordance with this Act*".

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 3 February 2012 and 28 February 2012 in accordance with Council's *Notification and Exhibition Development Control Plan*. During this period, Council received ten submissions. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

| | | | |
|---|------------------------|---|---|
| • PROPERTIES NOTIFIED | X SUBMISSIONS RECEIVED |  PROPERTY SUBJECT OF DEVELOPMENT |  |
| ONE SUBMISSIONS RECEIVED OUT OF MAP RANGE | | | |

Ten submissions objected to the development, generally on the grounds that the development would result in:

- Unacceptable traffic on local streets;
- The new two way road would create vehicle and pedestrian conflicts;
- Unacceptable overshadowing of adjoining properties;
- Unacceptable removal of Leumeah garden wall, Petticoat Lane and Bank Building;
- The removal of trees and historic garden;
- Adverse impact of new buildings on Lober House; and
- Adverse privacy impacts.

The merits of the matters raised in community submissions have been addressed in the body of the report with the exception of the following matter:

5.1.1 Removal of Leumeah garden wall

The existing garden wall located to the rear of Petticoat Lane and adjacent to the Leumeah nursing home is not listed as an item of heritage significance under Schedule D of the *HSLEP*. The garden wall has not been identified in the *CMP* as requiring conservation.

5.2 Public Agencies

The development application was referred to the Roads and Maritime Service (RMS) for comment. The RMS raised no objections to the proposal.

6. THE PUBLIC INTEREST

Section 79C(1)(e) of the Act requires Council to consider “*the public interest*”.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council’s and relevant agencies’ criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

CONCLUSION

The proposal involves demolition of existing structures and construction of a Seniors Living development comprising 115 units, community facilities, health centre, statement and basement car parking.

The proposed development has been assessed having regard to the provisions of *Section 79C of the Environmental Planning and Assessment Act 1979*, *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, *State Environmental Planning Policy (Design Quality of Residential Flat Development)* and *Hornsby Shire Local Environmental Plan 1994*.

The proposal complies with the provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* and *State Environmental Planning Policy (Design Quality of Residential Flat Development)* and would provide additional self care housing and facilities to meet the demands of an ageing population. The proposed development is considered satisfactory and is recommended for approval.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 147 of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning application.

SCHEDULE 1

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

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

Architectural plans prepared by Jackson Teece Architecture

| <i>Plan No.</i> | <i>Issue</i> | <i>Title</i> | <i>Dated</i> |
|------------------------|---------------------|---------------------------------------|---------------------|
| DA004 | B | Demolition Plan | 01-06-2012 |
| DA099 | B | Masterplan – Lower Ground Floor | 01-06-2012 |
| DA100 | B | Masterplan – Ground Floor | 01-06-2012 |
| DA101 | B | Masterplan – Level 1 Plan | 01-06-2012 |
| DA102 | B | Masterplan – Level 2 Plan | 01-06-2012 |
| DA103 | B | Masterplan – Roof Plan | 01-06-2012 |
| DA110 | A | Site Elevations | 20.12.2011 |
| DA115 | A | Site Sections | 20.12.2011 |
| DA199 | B | ILU Block 1 – Lower Ground Floor Plan | 23.03.2012 |
| DA200 | B | ILU Block 1 – Ground Floor Plan | 23.03.2012 |
| DA201 | A | ILU Block 1 – Level 1 Plan | 20.12.2011 |
| DA202 | A | ILU Block 1 – Level 2 Plan | 20.12.2011 |
| DA203 | A | ILU Block 1 – Roof Plan | 20.12.2011 |
| DA210 | A | ILU Block 1 – Elevations | 20.12.2011 |
| DA211 | A | ILU Block 1 – Elevations & Section | 20.12.2011 |

| | | | |
|-------|---|---|------------|
| DA299 | B | ILU Block 1 – Lower Ground Floor Plan | 23.03.2012 |
| DA300 | B | ILU Block 2 – Ground Floor Plan | 23.03.2012 |
| DA301 | A | ILU Block 2 – Level 1 Plan | 20.12.2011 |
| DA302 | A | ILU Block 2 – Level 2 Plan | 20.12.2011 |
| DA303 | A | ILU Block 2 – Roof Plan | 20.12.2011 |
| DA310 | A | ILU Block 2 – Elevations | 20.12.2011 |
| DA311 | A | ILU Block 2 – Elevation & Section | 20.12.2011 |
| DA399 | B | ILU Block 3 – Lower Ground Floor Plan | 23.03.2012 |
| DA400 | B | ILU Block 3 – Ground Floor Plan | 23.03.2012 |
| DA401 | A | ILU Block 3 – Level 1 Plan | 20.12.2011 |
| DA402 | A | ILU Block 3 – Level 2 Plan | 20.12.2011 |
| DA403 | A | ILU Block 3 – Roof Plan | 20.12.2011 |
| DA410 | A | ILU Block 3 – Elevations | 20.12.2011 |
| DA411 | A | ILU Block 3 – Elevation & Section | 20.12.2011 |
| DA500 | A | Villa Site Plan | 20.12.2011 |
| DA501 | A | Villa Roof Plan | 20.12.2011 |
| DA502 | A | Villa Types 2, 3A & 3B Plan/Elevs/Sections | 20.12.2011 |
| DA600 | A | ARV Health Centre – LG/Ground Floor Plan | 20.12.2011 |
| DA601 | A | ARV Health Centre – Level 1 & Roof Plan | 20.12.2011 |
| DA610 | A | ARV Health Centre – Elevations & Sections | 20.12.2011 |
| DA700 | A | Community – Plans & Elevations & Section | 20.12.2011 |
| DA799 | A | Community Carpark Plan | 20.12.2011 |
| DA800 | A | Café and Bowling Green, Ground, Lower Ground and Roof Plan | 20.12.2011 |
| DA810 | A | Café & Bowling Green Elevations & Sections | 20.12.2011 |
| DA900 | B | Lober House Ground Floor Plan Conservation Works | 01.06.2012 |
| DA901 | A | Lober House First Floor Plan Conservation Works | 20.12.2011 |
| DA905 | A | Lober House Conservation Works Elevations | 20.12.2011 |
| DA910 | A | Pine Lodge Chaplaincy Plan Conservation Works | 20.12.2011 |
| DA915 | A | Pine Lodge Chaplaincy Elevations & Conservation Works | 20.12.2011 |
| DA920 | A | Tower House Respite Area Plan & Conservation Works | 20.12.2011 |
| DA925 | A | Tower House Respite Conservation Works Elevations | 20.12.2011 |

Landscape Plans prepared by Taylor Brammer

| <i>Plan No.</i> | <i>Issue</i> | <i>Title</i> | <i>Dated</i> |
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|------|---|--|------------|
| LA01 | B | Landscape Masterplan | 07.03.2012 |
| LA02 | A | Existing Conditions and Landscape Masterplan Overlay | 15.03.2012 |

Supporting Documents

| <i>Document Title.</i> | <i>Prepared by</i> | <i>Dated</i> |
|--|---------------------------|---------------------|
| External Finishes ILU Blocks 1-3 (Reference No. DA1000 Issue A) | Jackson Teece | 20.12.2011 |
| External Finishes – ARV Health Centre (Reference No. DA1001 Issue A) | Jackson Teece | 20.12.2011 |
| External Finishes Community & Café (Reference No. DA1002 Issue A) | Jackson Teece | 20.12.2011 |
| External Finishes Schedule (Reference No. DA1003 Issue A) | Jackson Teece | 20.12.2011 |
| FSR Calculations (Reference No. DA1100 Issue B) | Jackson Teece | 01.06.2012 |
| Landscape & Open Space Calculations – Units (Reference No. DA1105 Issue C) | Jackson Teece | 01.06.2012 |
| Private Open Space Calculations – Villas (Reference No. DA1106 Issue B) | Jackson Teece | 23.03.2012 |
| Shadow Diagram – Winter Solstice June 22 (Reference No. DA1200 Issue A) | Jackson Teece | 20.12.2011 |
| Shadow Diagrams – Equinox March 21 (Reference No. DA1201 Issue A) | Jackson Teece | 20.12.2011 |
| Photomontage 01 – South-East View (Reference No. DA1300 Issue A) | Jackson Teece | 20.12.2011 |
| Photomontage 02 – North-East View (Reference No. DA1301 Issue A) | Jackson Teece | 20.12.2011 |
| Building Depth and Separation (Reference No. DA1400 Issue B) | Jackson Teece | 23.03.2012 |
| Building Separation – Detail (Reference No. DA1500 Issue B) | Jackson Teece | 23.03.2012 |
| Typical Apartment Layouts | Jackson Teece | 23.03.2012 |

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| ILU 1A, 2A, 3A, 3B (Furniture & Storage) (Reference No. DA1600 Issue B) | | |
| Typical Apartment Layouts (Reference No. DA1601 Issue B) | Jackson Teece | 23.03.2012 |
| Kitchen Depth Calculations (Reference No. DA1602 Issue B) | Jackson Teece | 23.03.2012 |
| Natural Ventilation – ILU Block 1 Typical Floor Plan (Reference No. DA1700 Issue B) | Jackson Teece | 23.03.2012 |
| Natural Ventilation – ILU Block 2 Typical Floor Plan (Reference No. DA1701 Issue B) | Jackson Teece | 23.03.2012 |
| Natural Ventilation – ILU Block 3 Typical Floor Plan (Reference No. DA1702 Issue B) | Jackson Teece | 23.03.2012 |
| Natural Ventilation Calculations (Reference No. DA1703 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 1A – Lower Ground Winter Solstice June 22 (Reference No. DA1800 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 1A – Ground Floor Winter Solstice June 22 (Reference No. DA1801 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 1A – Level 1 Winter Solstice June 22 (Reference No. DA1802 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 1A – Level 2 Winter Solstice June 22 (Reference No. DA1803 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 1B – Lower Ground Winter Solstice June 22 (Reference No. DA1805 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 1B – Ground Floor Winter Solstice June 22 (Reference No. DA1806 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 1B – Level 1 Winter Solstice June 22 | Jackson Teece | 23.03.2012 |

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| (Reference No. DA1807 Issue B) | | |
| Solar Access – ILU 1B – Level 2 Winter Solstice June 22 (Reference No. DA1808 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 2A – Ground Floor Winter Solstice June 22 (Reference No. DA1810 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 2A – Level 1 Winter Solstice June 22 (Reference No. DA1811 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 2A – Level 2 Winter Solstice June 22 (Reference No. DA1812 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 2B – Lower Ground Winter Solstice June 22 (Reference No. DA1815 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 2B – Ground Floor Winter Solstice June 22 (Reference No. DA1816 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 2B – Level 1 Winter Solstice June 22 (Reference No. DA1817 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 2B – Level 2 Winter Solstice June 22 (Reference No. DA1818 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 3A – Lower Ground Winter Solstice June 22 (Reference No. DA1820 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 3A – Ground Floor Winter Solstice June 22 (Reference No. DA1821 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 3A – Level 1 Winter Solstice June 22 (Reference No. DA1822 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 3A – Level 2 Winter Solstice June 22 (Reference No. DA1823 Issue B) | Jackson Teece | 23.03.2012 |

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| Solar Access – ILU 3B – Ground Floor Winter Solstice June 22 (Reference No. DA1825 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 3B – Level 1 Winter Solstice June 22 (Reference No. DA1826 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 3B – Level 2 Winter Solstice June 22 (Reference No. DA1827 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – ILU 3B – Level 2 Winter Solstice June 22 (Reference No. DA1827 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – Villa Winter Solstice June 22 (Reference No. DA1830 Issue B) | Jackson Teece | 23.03.2012 |
| Solar Access – Calculations Winter Solstice June 22 (Reference No. DA1835 Issue B) | Jackson Teece | 23.03.2012 |
| Site Reference Plan & Staging Diagram (Reference DA003 Issue B) | Jackson Teece | 01.06.2012 |
| Site Analysis & Lot/DP Diagram (Reference DA002 Issue A) | Jackson Teece | 20.12.2011 |
| Drawing List Location Plan ILU Yield and Mix (Reference DA001 Issue C) | Jackson Teece | 01.06.2012 |
| BCA Compliance Statement | Blackett Maguire and Goldsmith | 15 December 2011 |
| Waste Management Plan | Anglican Retirement Village | Received by Council on 23 January 2012 and 27 March 2012 |
| Stormwater Concept Plan (Drawing No. 296785CDA01 – Revision B) | Mott MacDonald Hughes Trueman Pty Ltd | 15.12.2011 |
| Stormwater Management Report | Mott MacDonald Hughes Trueman Pty Ltd | December 2011 |
| Road Longitudinal Section (Drawing No. 296785CDA02 – Revision B) | Mott MacDonald Hughes Trueman Pty Ltd | 15.12.2011 |

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| Erosion and Sediment Control Plan (Drawing No. 296785CDA03 – Revision B) | Mott MacDonald Hughes Trueman Pty Ltd | 15.12.2011 |
| Erosion and Sediment Control Concept Notes and Details (Drawing No. 296785CDA03 – Revision B) | Mott MacDonald Hughes Trueman Pty Ltd | 15.12.2011 |
| ABSA Assessor Certificate (No. 63297515) | Basix Certificate Centre | 22.12.2011 |
| BASIX Certificate (No. 409711M) | Basix Certificate Centre | 22.12.2011 |
| Design Verification Statement | Jackson Teece Architects | 4 January 2012 |
| Statement of Environmental Effects | Neustein Urban | January 2012 |
| Statement of Heritage Impact | Jackson Teece Architects | January 2012 |
| Addendum to Statement of Heritage Impact | Jackson Teece Architects | June 2012 |
| Tree Report | Stuart Pittendrigh | December 2011 |
| Addendum to Tree Report | Stuart Pittendrigh | June 2012 |
| Proposed Development and Tree Removals (Reference No. LE03-2 Revision A) | Taylor Brammer | 27.06.2012 |
| Non-Destructive Ground Penetrating Radar Investigation to Map Tree Roots at the Anglican Retirement Village Castle Hill | GBG Australia | 6 November 2011 |
| Proposed Development and Tree Removal (Drawing No. LE03-2 Revision A) | Taylor Brammer | 27.06.2012 |
| Seven Part Test of Significance, Blue Gum High Forest, Sydney Turpentine Ironbark Forest and Gang-Gang Cockatoo | Ambrose Ecological Service Pty Ltd | 23 December 2011 |
| Access Statement of Compliance | Accessible Building Solutions | 15.12.2011 |
| Assessment of Traffic and Parking Impacts (Reference No. 11054r) | Transport and Urban Planning | 14 December 2011 |
| Supplementary Parking Advice | Transport and Urban Planning | 26.06.2012 |
| Quantity Surveyor Certificate of Cost | Rider Levett Bucknall | 15 December 2011 |
| Plan of Detail and Level of | Lockley Land Title Solutions | 13.12.2011 |

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| Survey (Reference No. 33880DT Sheet 1) | | |
| Plan of Detail and Level of Survey (Reference No. 33880DT Sheet 2) | Lockley Land Title Solutions | 2.11.2011 |
| Plan of Detail and Level of Survey (Reference No. 33880DT Sheet 3) | Lockley Land Title Solutions | 13.12.2011 |
| Plan of Detail and Level of Survey (Reference No. 33880DT Sheet 4) | Lockley Land Title Solutions | 18.10.2011 |
| Plan of Detail and Level of Survey (Reference No. 33880DT Sheet 5) | Lockley Land Title Solutions | 2.11.2011 |
| Plan of Detail and Level of Survey (Reference No. 33880DT Sheet 6) | Lockley Land Title Solutions | 18.10.2011 |
| Plan of Detail and Level of Survey (Reference No. 33880DT Sheet 15) | Lockley Land Title Solutions | 13.12.2011 |

2. Amendment of Plans

The approved plans are to be amended as follows:

- a. Provision of fixed privacy louvers to the main bedroom windows of Unit Nos. 22, 28, 34, 47, 53, 59, 82, 88, 94, 98, 102 and 106.
- b. Deletion of car parking along Western Road and Clarke Road.
- c. Deletion of the existing buildings shown to be demolished along the western side of Western Road.
- d. Deletion of the car parking provided along the accessway to Lober House, to maintain the heritage values of the historical garden setting.

3. Interpretation Strategy

The recommendations of the Interpretation Strategy provided in the Addendum to Statement of Heritage Impact prepared by *Jackson Teece* dated June 2012 must be implemented as part of the development, unless amended by way of condition of consent.

4. Removal of Existing Trees

This development consent only permits the removal of tree(s) as identified in Tree Report prepared by Stuart Pittendrigh dated December 2011, plan No. LA02 Issue A titled Existing Conditions and Landscape Masterplan Overlay prepared by Taylor Brammer dated 15 March 2012 and plan No. LE03-2 Revision A titled Proposed Development and Tree Removals prepared by

Taylor Brammer dated 27 June 2012. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

Note: No trees will be permitted to be removed along the western side of Western Road as part of this application.

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| REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE |
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5. Building Code of Australia

All building work must be carried out in accordance with the requirements of the Building Code of Australia.

6. Contract of Insurance (Residential Building Work)

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 building work authorised to be carried out by the consent commences.

Note: This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Act, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Act, or to the erection of a temporary building.

7. Notification of Home Building Act, 1989 Requirements

Residential building work within the meaning of the *Home Building Act, 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. The name and licence number of the principal contractor.
 - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. The name of the owner-builder.
 - ii. If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not

being Council) has given Council written notification of the updated information.

8. Water/Electricity Utility Services

The applicant must submit written evidence of the following service provider requirements:

- a. *Energy Australia* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b. *Sydney Water* – the submission of a ‘Notice of Requirements’ under s73 of the *Sydney Water Act 1994*.

Note: Sydney Water requires that s73 applications are to be made through an authorised Sydney Water Servicing Coordinator. Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

9. Bin Storage Room

The bin storage room must be designed in accordance with the *Waste Minimisation and Management Development Control Plan* with regards to water/hose for cleansing, graded floors with drainage to sewer, robust door(s), sealed/impervious surfaces, adequate lighting and ventilation.

10. Location of Bin Storage Room

Each Bin storage room must be located less than 60m walking distance from the entry of each individual independent living unit/dwelling allocated that bin storage room for use.

11. Car Parking and Deliveries

All car parking must be constructed in accordance with *Australian Standard AS 2890.1 – 2004 – Off Street Car Parking* and *Australian Standard 2890.2 - 2002 – Off Street Commercial* and the following requirement:

- a. All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- b. All parking spaces for people with disabilities must be constructed in accordance with *Australian Standard AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*.

In accordance with Schedule 3 part 5 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, 5% of the total number of car parking spaces must be designed to enable the width of the spaces to be increased to 3.8 metres

12. Access and Mobility

The Construction Certificate drawings for each stage of the development must demonstrate compliance with the standards concerning accessibility and useability for self contained dwellings in Schedule 3 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* and the Access report prepared by Accessible Building Solutions dated 15 December 2011.

13. Stormwater Drainage

The stormwater drainage system for the development must be designed and constructed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:

- a. The drainage and stormwater plan must be generally accordance with Stormwater Management Report by Mott MacDonald Hughes Trueman dated December 2011.
- b. The detention systems must be designed and constructed in accordance with the Stormwater Management Report abovementioned and Council's On-Site Detention Specification 1991.
- c. The roof and stormwater drainage system from the existing buildings to remain to be connected to the proposed drainage system.

14. Road and Pathway Works

All road works necessary under this consent must be constructed in accordance with Council's *Civil Works Design and Construction Specification, 2005* and the following requirements:-

- a. All pavements to be designed and constructed by a suitably qualified engineer, noting incorporating requirements of *Australian Standards 2890.1, 2890.2* for internal roadway and parking module design and *AS 3727* for concrete pavements.
- b. All pavements, parking and pathway areas must be drained to the internal drainage system.

15. Easement To Drain Water

The registration and creation of additional easements to drain water from Lot 74 DP1067989 and Lot 2005 DP 1088072 covering the site of the development over the downstream property Lot 1370 DP 1063007 to provide interallotment drainage of internal drainage systems to the natural watercourse. Copies of the registered Transfers Granting Easement and compiled plans must be submitted with Construction Certificate plans.

16. Parking Spaces

All parking spaces for people with disabilities must be constructed in accordance with *Australian Standard AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*.

17. Traffic Control Plan

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the *Roads & Traffic Authority's Traffic Control at Worksites Manual 1998* and *Australian Standard 1742.3* for all work on a public road and be submitted to Council. The TCP must detail the following:

- a. Arrangements for public notification of the works.
- b. Temporary construction signage.
- c. Permanent post-construction signage.
- d. Vehicle movement plans.
- e. Traffic management plans.
- f. Pedestrian and cyclist access/safety.

18. Concrete Median Island

A detailed design for the triangular concrete median island, in Broughton Avenue at Castle Hill Road must be provided to Council and Roads and Maritime Service (RMS) for approval by RMS. The design of the facilities must be in accordance with the RMS guidelines, technical directions and Austroads standards.

19. Heritage Architect

A heritage architect must be nominated for the construction project. An archaeologist must also be nominated for the construction project. The name and experience of these consultants must be submitted to Council prior to the application for the Construction Certificate.

20. Archaeological Work

The scope of archaeological work on the site must be further discussed with the Office of Environment and Heritage. An application under either Section 140 or Section 139(4) of the *Heritage Act* must be submitted and approved by the Office of Environment and Heritage before the construction certificate is issued.

21. Project Arborist

A Project Arborist must be appointed in accordance with AS 4970-2009 (1.4.4) to provide monitoring and certification throughout the development process.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

22. Erection of Construction Sign

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a. Showing the name, address and telephone number of the principal certifying authority for the work,
- b. Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours, and
- c. Stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

23. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a. Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.
- b. Could cause damage to adjoining lands by falling objects.
- c. Involve the enclosure of a public place or part of a public place.

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

24. Toilet Facilities

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

- a. be a standard flushing toilet connected to a public sewer; or
- b. be a temporary chemical closet approved under the *Local Government Act, 1993*; or

- c. have an on-site effluent disposal system approved under the *Local Government Act, 1993*

25. Erosion and Sediment Control

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.

26. Tree Protection Barriers

Tree protection fencing must be erected around trees to be retained in accordance with and as identified in plan No. LA02 Issue A titled Existing Conditions and Landscape Masterplan Overlay prepared by Taylor Brammer dated 15 March 2012, plan No. LE03-2 Revision A titled Proposed Development and Tree Removals prepared by Taylor Brammer dated 27 June 2012 and Appendix C of Tree Report prepared by Stuart Pittendrigh dated December 2011. The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence' or star pickets spaced at 2 metre intervals, connected by a continuous high-visibility barrier/hazard mesh at a height of 1 metre.

To avoid injury or damage, trees to be retained must have trunks protected by 2 metre lengths of 75mm x 25mm hardwood timbers spaced at 80mm secured with galvanised wire (not fixed or nailed to the tree in any way).

27. Nominated Heritage Architect

- a. The building contract selected for the project must ensure that the nominated heritage architect has a contractual role as administrator of the contract for works, driveway and gardens, with the ability to issue instructions to the contractor.
- b. Suitable clauses, prepared in consultation with the nominated heritage consultants, must be included in all contractor and subcontractor contracts to ensure that on-site personnel are aware of their statutory obligations in relation to the relics provisions of the *NSW Heritage Act, 1977* and the *National Parks and Wildlife Act, 1974* concerning Aboriginal archaeology in the event that any material is disturbed or exposed during site works.

28. Archaeological Remains

Prior to the commencement of the proposed works, all contractors and relevant personnel involved must be made aware of the existence of potential and

historical archaeological remains at the site by way of an induction process undertaken by the nominated archaeologist. The induction must also make the personnel aware of the possibility that more as yet unidentified archaeological remains may still exist and of the requirements of the *NSW Heritage Act, 1977* in relation to archaeological relics in the event that they are uncovered.

REQUIREMENTS DURING CONSTRUCTION

29. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

30. Demolition

All demolition work must be carried out in accordance with *Australian Standard 2601-2001 – The Demolition of Structures* and the following requirements:

- a. Demolition material is to be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan.
- b. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*.
- c. On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

31. Environmental Management

The site must be managed in accordance with the publication '*Managing Urban Stormwater – Landcom (March 2004)*' and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures to prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

32. Works near Trees

All works (including driveways and retaining walls) within the nominated Tree Protection Zones identified in plan No. LA02 Issue A titled Existing Conditions and Landscape Masterplan Overlay prepared by Taylor Brammer

dated 15 March 2012, plan No. LE03-2 Revision A titled Proposed Development and Tree Removals prepared by Taylor Brammer dated 27 June 2012, Appendix C of Tree Report prepared by Stuart Pittendrigh dated December 2011 and Addendum Tree Report prepared by Stuart Pittendrigh dated June 2012 of any trees required to be retained (whether or not on the subject property, and pursuant to this consent or the *Tree Preservation Order*), must be carried out under the supervision of an 'AQF Level 5 Arborist' and a certificate submitted to the principal certifying authority detailing the method(s) used to preserve the tree(s).

All required tree protection measures are to be maintained in good condition for the duration of the construction period.

Note: Except as provided above, the applicant is to ensure that no excavation, filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants is to occur within the nominated tree protection zones of any tree to be retained.

33. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The public reserve is to be kept in a clean, tidy and safe condition at all times.

34. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, (including vegetation, soil and watercourses) must not be altered unless otherwise nominated on the approved plans.

35. Landfill

Landfill must be constructed in accordance with Council's '*Construction Specification, 2005*' and the following requirements:

- a. All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.
- b. A compaction certificate is to be obtained from a geotechnical engineer verifying that the specified compaction requirements have been met.

36. Excavated Material

All excavated material removed from the site must be classified in accordance with the *NSW Environment Protection Authority's Environmental Guidelines – Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal to an approved waste management facility and reported to the principal certifying authority.

37. Survey Report – Finished Floor Level

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the buildings certifying that:

- a. The building, retaining walls and the like have been correctly positioned on the site.
- b. The finished floor level(s) are in accordance with the approved plans.

38. Removal of Waste

Written records of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works:

- a. The identity of the person removing the waste;
- b. The waste carrier vehicle registration;
- c. A description of the waste (type of waste and estimated quantity);
- d. The site to which the waste is to be taken;
- e. The corresponding tip docket/receipt from the site to which the waste was transferred (noting date and time of delivery, description (type and quantity) of waste);
- f. Whether the waste is expected to be reused, recycled or go to landfill.

Note: In accordance with the *Protection of the Environment Operations Act 1997*, the definition of waste includes any unwanted substance, regardless of whether it is reused, recycled or disposed to landfill.

39. Archaeological Deposits and/or Relics

The applicant must ensure that if substantial intact archaeological deposits and/or relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

40. Monitoring Archaeologist

The monitoring archaeologist must make periodic inspections as required of the ground disturbance associated with the proposed building and landscaping works or as directed by the Office of Environment and Heritage.

41. Aboriginal Objects

The applicant must ensure that should any Aboriginal 'objects' be uncovered by work, excavation or disturbance of the area is to stop immediately and the Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act, 1974* (as amended). Aboriginal 'objects' must be managed in accordance with an approved Aboriginal heritage impact permit under Section 90 of the *National Parks and Wildlife Act, 1974*.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.

42. Fulfilment of BASIX Commitments

The applicant must demonstrate the fulfilment of BASIX commitments pertaining to the development.

43. Garbage Collection Easement

For the purpose of waste collection, an easement entitling Council, its servants and agents and persons authorised by it to enter upon the subject land and to operate thereon, vehicles and other equipment for the purposes of garbage collection must be granted to Council by the owner of the land.

Note: The easement must be in a form prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the subject land or any part thereof or to any property located therein or thereon by reason of the operation thereon of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner for the time being of the subject land shall indemnify the Council, its servants, agents and persons authorised by it to collect garbage against liability in respect of any such claims made by any person whomsoever.

44. Waste/recycling Cupboard

Each dwelling/kitchen must be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's waste/recycling generation with separate containers for general waste and recyclable materials.

45. Composting

Space must be provided for either individual compost containers for each dwelling or a communal compost container; the siting of which will have regard for potential amenity impacts.

46. Lighting of Service Areas

Sufficient lighting must be provided to the service areas of the ground floor including the garbage room and the communal open space.

47. Completion of Landscaping

A certificate must be provided by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans.

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at www.hornsby.nsw.gov.au.

48. Retaining Walls

All required retaining walls must be constructed as part of the development.

49. Installation of Air Conditioner

To protect the amenity of adjacent properties, the condenser unit for the air conditioner must be sited a minimum of 3 metres from the property boundary of any adjoining residential premises unless a certificate has been prepared by a suitably qualified person confirming that the unit has been tested for heating and cooling on the highest settings and that the noise levels generated do not exceed 5 dB(A) above background noise levels when tested at the property boundary between 8 pm and 10 pm.

50. Restriction on Occupation – Housing for Seniors or People with a Disability

A restriction as to user must be created under s88B of the *Conveyancing Act 1919* and registered, requiring the dwellings approved under this consent to be solely used for the accommodation of:

- a. Seniors (55+ age) or people with a disability.
- b. People who live within the same household as seniors or people with a disability.
- c. Staff employed to assist the administration and provision of services to housing provided under *SEPP (Housing for Seniors or People with a Disability) 2004*.

Note: The restriction must nominate Council as the authority to release, vary or modify the restriction.

51. External Lighting

All external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*. Certification of compliance with the Standard must be obtained from a suitably qualified person.

52. Cooling Towers

All cooling towers must be designed and installed in accordance with the Public Health Act 1991, the Public Health (Microbial Control) Regulation 2000 and Australian/New Zealand Standard AS/NZS 3666 – Air-Handling and Water Systems of Buildings. Certification of compliance with the Standard must be obtained from a suitably qualified person.

Note: Under clause 15 of the Public Health (Microbial Control) Regulation 2000 the occupier of the part of premises where a regulated system is installed must notify the Council of the following particulars:

- a. *Type of system.*
- b. *The address of the premises on which the system is installed.*
- c. *The name, and the residential and business addresses, of the owner of the premises.*
- d. *If the operation area on the premises is occupied otherwise than by the owner, those particulars in relation to the occupier the telephone numbers at which, during business hours and after business hours, the person or persons referred to in the above point may be contacted.*

53. s94 Infrastructure Contributions

The payment to Council of a contribution of \$360,835.10 for thirty-six additional dwellings towards the cost of infrastructure identified in Council's *Development Contributions Plan 2007-2011*.

*Note: * The contribution is calculated at the rate of \$10,023.20 x 36 Seniors Housing as calculated at the 9 July 2012. In the event that this Direction is repealed or amended, Council will apply the value of the contribution from the date of this consent, adjusted from this date in accordance with the underlying consumer price index for subsequent financial quarters.*

It is recommended that you contact Council to confirm the value of the contribution prior to payment.

54. Food Premises

The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance

with *Australian Standard 4674-2004 – Design and fit out of food premises*, the *Food Act 2003*, and the *Food Regulation 2004*.

Note: Reference should also be made to the Food Safety Standards and the 'Safe Food Australia - A guide to the Food Safety Standards 2nd Edition January 2001'.

55. Grease Trap & Dry Basket Arrestor Installation

An application must be submitted to *Sydney Water* for the installation of a grease trap and dry basket arrestor (floor and sink) in accordance with the *'Guidelines for the On-Site Pre-Treatment of Trade Wastewater Discharges – Sydney Water (May 2004)'*.

56. Kitchen Exhaust Installation

A kitchen exhaust system must be designed and installed to effectively prevent air pollution in accordance with the *Protection of the Environment Operations Act 1997*.

57. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from *Sydney Water*.

58. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

59. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88E of the *Conveyancing Act 1919*:-

- a. An inter-allotment drainage easement(s) over each burdened lot.
- b. The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.

Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

60. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road assets, internal pavements, kerb & gutter, drainage systems, on-site detention systems, driveways, services and service conduits.

61. Concrete Median Island

A triangular concrete median island, in Broughton Avenue at Castle Hill Road, must be constructed, subject to detailed design and approval process by the Roads and Maritime Service and Council.

62. Footpaths

Footpaths must be in accordance with relevant Austroad Guidelines, and allow wheel chairs to pass.

63. Pedestrian Crossings

All pedestrian crossings on the subject site must be clearly sign posted and marked on the road to ensure safety for pedestrians.

64. Pedestrian Crossings

All pedestrian crossings on the subject site must be clearly sign posted and marked on the road to ensure safety for pedestrians.

65. Sight Lines

Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the proposed access driveways to motorists, pedestrians and cyclists.

66. Pedestrian Crossings

All pedestrian crossings on the subject site must be clearly sign posted and marked on the road to ensure safety for pedestrians.

67. Native landscaping of Site

All landscaping must be undertaken in accordance with the approved *Landscape Masterplan* prepared by *Taylor Brammer Pty Ltd Drawing LA01*. This specifically includes the compensatory planting of Blue Gum High Forest canopy species including a minimum of eight (8) *Eucalyptus saligna* (Sydney Blue Gum). All native tree stock (minimum of 25L pot size) must be obtained from a recognised native nursery that propagates from locally collected seed. Planted trees must be a minimum of 4 metres from all building structures and protected with tree guards.

A copy of receipts for purchased plant stock must be provided to Council's Bushland and Biodiversity Team.

All other plants used for landscaping must comprise a minimum of 70% locally native species including Blue Gum High Forest that is known to occur on site.

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at www.hornsby.nsw.gov.au

68. Final Arborist Certification

The project arborist must assess the condition of trees and their growing environment and make recommendations for, and if necessary carry out remedial actions.

Following the final inspection and the completion of any remedial works, the project arborist must submit to the Principal Certifying Authority documentation stating that the completed works have been carried out in compliance with the approved plans and specifications for tree protection and AS 4970-2009.

OPERATIONAL CONDITIONS

69. Site Caretaker

A site caretaker must be employed and be responsible for moving bins to and from the bin storage area(s) and the waste collection point if required, washing bins and maintaining storage areas, managing the communal composting area, arranging the prompt removal of dumped rubbish, ensuring all residents are informed of the waste management system, and providing a service to transfer waste and recycling from individual dwellings to the bins in the bin storage area should such a service be requested.

70. Noise – Plant and Machinery

The level of total continuous noise emanating from operation of all the plant, including air conditioning units and processes in all buildings (LA10) (measured for at least 15 minutes) in or on the above premises, must not exceed the background level by more than 5dB(A) when measured at all property boundaries.

71. Swimming Pool Requirements

The construction and operation of the swimming pool must comply with the provisions of the *Swimming Pool Act 1992*, the *Swimming Pool Regulation, 1998*, *Australian Standards 1926.1-3 – Swimming Pool Safety* and the following requirements:

- a. All waste water from the pool's filtration system must be piped to *Sydney Water's* sewer system. In the event that *Sydney Water's* sewer system is not provided, a filtration system that does not require backwashing must be provided.
- b. The filtration motor and pump, or spa heater and blower unit must be housed in a soundproofed structure. Sound from the equipment must not exceed 5(dBA) above ambient noise levels at any residential property boundary.

- c. The swimming pool is to be located a minimum of 6 metres from any existing wastewater disposal area as outlined in the *Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households (1998)*.
- d. The applicant must participate in the 'Static Water Supply Project' initiative of the NSW Fire Brigades and make available the water in the swimming pool for use as a static water supply for fire fighting purposes by the NSW Fire Brigades or the NSW Rural Fire Service.

Note: On completion of the swimming pool, the applicant is to contact the local NSW Fire Brigade Station or NSW Rural Fire Service Station to arrange the installation of a static water supply identification plate.

72. Car Parking

All car parking must be operated in accordance with *Australian Standard AS/NZS 2890.1:2004 – Off-street car parking* and *Australian Standard AS 2890.2:2002 – Off-street commercial vehicle facilities*.

- a. Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- b. Vehicles awaiting loading, unloading or servicing must be parked on site and not on adjacent or nearby public roads.
- c. All vehicular entry on to the site and egress from the site must be made in a forward direction.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act, 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act, 1979 Requirements

The Environmental Planning and Assessment Act, 1979 requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Services Branch on 9847 6760.

- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the *Long Service Payments Corporation* or *Hornsby Council*.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, it is an offence to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the approved building envelope without the prior written consent from Council.

Note: A tree is defined as a single or multi-trunked wood perennial plant having a height of not less than three (3) metres, and which develops many branches, usually from a distance of not less than one (1) metre from the ground, but excluding any plant which, in its particular location, is a noxious plant declared as such pursuant to the Noxious Weeds Act 1993. This definition of 'tree' includes any and all types of Palm trees.

All distances are determined under Australian Standard AS4970-2009 "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with Council's *Tree Preservation Order*.

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the applicant.

Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Asbestos Notification

Should asbestos or asbestos products be encountered during demolition or construction works you are advised to seek advice and information should be prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by *WorkCover NSW*) be engaged to manage the proper handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

Alternatively, telephone the *Work Cover* Asbestos and Demolition Team on 8260 5885.

House Numbering

House numbering can only be authorised by Council. Before proceeding to number each premises in the development, the allocation of numbers is required to be obtained from Council's Planning Division. The authorised numbers are required to be displayed in a clear manner at or near the main entrance to each premise.

Council Notification – Food Premises

Prior to the commencement of the business, the operator is requested to contact Council's Environmental Health Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval.

Note: Council's Environmental Health Officer can be contacted on 02 9847 6745.

No cost to Roads and Maritime Service (RMS)

All works and regulatory signage are to be at no cost to RMS.