

Requested Conditions of Consent on Opal Fernleigh DA:

The following conditions of consent are request to be included if the DA is approved. These have been prepared on behalf of the local community.

1. Restricted Intake of Residents - Conditions 15 to be amended.

In accordance with Clause 18 of the SEPP, and to justify acceptance of non-compliance with Clause 26 and the objective of the SEPP:

The following restriction as to residents to be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919:

Only the following groups of people may reside in the accommodation:

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

Notwithstanding the above condition, the following further restriction must also be registered against the title of the property:

Only residents who are frail and classified as “high care” under previous (immediately prior to June 30th 2014) Aged Care Assessment Team (ACAT) assessment guidelines can reside in the development.

The restriction on residency also applies to:

- a) Disabled persons of any age.
- b) Staff who want to reside in the facility.
- c) People who want to live with a resident admitted to the facility.

2. Restricted Intake of Residents - Condition 16 to be amended.

Further to the above condition, the “high care” assessment must be in writing and prepared by the resident’s regular health care provider who must not be employed directly or indirectly by the operator of the development.

This assessment is mandatory and will not be subject to changes in Government definitions of care or in relation to Government funding arrangements.

The resident or their carer must sign an agreement that they do not wish to have independent access to services and facilities outside of the development.

The operator of the development must include clear reference to this condition of acceptance to the facility in all their brochures and advertising.

Should a resident become capable of, or want to have, independent access outside the facility they cannot continue to reside there.

The restriction on entry and continuing residency shall be the responsibility of the facility operator.

The operator must retain records of compliance with the above restrictions and these must be made available to Council staff with a minimum 24 hours' notice.

3. Acoustics.

In response to amenity concerns of neighbours:

1. No open air intercom system for access to carpark.
2. All air conditioning plant to be concealed behind acoustic screens.
3. **Proposed Condition 60.** Requires amending. This condition requires an acoustic report to reduce the noise from the dementia ward and courtyard but the reduction is not quantified. The word reduce should be replaced by minimised and a standard should be provided by which this potential disturbance can be measured.
4. **Proposed Condition 117.** Change "7:30m" to 7:30pm
5. **Proposed Condition 137.** Restrict use of staff terrace on level one to same hours of restriction for terraces on other levels.

4. Carpark

1. Due to SEPP requirements re acoustics and amenity issues with neighbours, alternative arrangements to the proposed intercom and roller doors is required.
2. Roller doors to be opened and closed only once per day unless being opened after hours for an ambulance.
3. The doors shall be left open between the time of the morning staff change-over at 7:00am and closed at the last staff change in the evening and after visiting hours are completed.
4. Entrance to the carpark / loading dock to be supervised by a full time staff member to provide security and supervise crossing of the driveway by children and people visiting the facility. This staff member is to replace an intercom / security system.

5. Parking

1. Due to non-compliance with Clause 26 in the SEPP, parking requirements are to be assessed on merit rather than the formula in the SEPP which assumes compliance with proximity to public transport.
2. In addition to the current provision of:
 - 13 spaces for visitors
 - 27 spaces for staff
 - 1 disabled space
 - 1 ambulance bay
3. Additional 5 spaces for visiting community representative, health care professionals and others providing in-house services.
4. Additional 10 spaces required for staff running shops and recreational facilities.
5. Additional 27 spaces for visitors (including a total of 5 disabled spaces) to provide internal access to lift to comply with the provisions of Clause 38 re provision of safe and convenient pedestrian environment.
6. Increased staff parking due to higher staff to resident ratios required for "high care" patients.

6. Loading Dock and Driveway.

1. The loading dock is to function so that no trucks (including garbage trucks) will be parked in any other area than the loading dock for the purposes of delivering or making collections. Proposed loading location of garbage truck in aisle is unacceptable.
2. The entrance to the carpark and loading dock is to be designed so that any trucks entering or leaving will not cross over to the opposite side of the ramp or the western half of Mons Avenue.

7. Mons Avenue Footpath and Street Parking.

1. New footpath on the Western side of Mons Ave to be constructed before any site works (including demolition of existing buildings) is commenced so that pedestrians can safely use a paved footpath even when there is construction work and material loading on the proposed site for the two year period of the site works.
2. Parking spaces on Mons Avenue needs to be marked to manage visitor parking and to ensure cars are parked away from existing driveways.

8. Traffic Safety

1. Traffic calming devices to be installed on Mons Avenue to reduce speed of cars at blind hill crest on Mons Avenue.
2. Prevent entering the driveway from the west side of Mons Avenue to reduce possibility of collisions with cars coming over crest of hill on Mons Avenue.

9. Accessibility. To comply with intent of SEPP Clause 38:

1. Provide dedicated footpath from carpark entrance to basement lift lobby.
2. Two parking bays adjacent the car park lift lobby as drop off area for visitors. Bays to be same size as disabled parking bay.
3. Grades and cross falls on pathways between the drop-off point on Sherbrooke Road and main entrance not to exceed those specified in AS1428.1
4. Drop-off point on Sherbrooke Road to be located on the crest of the hill to minimise risk of car accidents.

10. Evacuation Area

Design and location to be approved by Fire Brigade and other relevant authorities.

11. Privacy screens

1. Provide privacy screen to west facing windows on the Mons Avenue façade to ensure there is no overlooking to the properties on the west side of Mons Avenue and also to protect these windows from direct summer sun.
2. Provide privacy screens to the staff terrace on level 1 to prevent overlooking to 84 Mons Avenue.
3. Provide screening along the pathway located in the south-western corner of the site near Mons Avenue to prevent overlooking to neighbours.

12. Lighting

Restrict the use of the communal terraces areas to day-time hours only (up to 6pm), due to potential lighting and noise impacts to surrounding residents that may occur with night-time use.

14. Vegetation

Mature trees to be planted for screening purposes along the shared boundary with 84 Mons Avenue. The plants should have a minimum pot size of 200L to provide immediate screening between the properties.

15. Heritage

1. The conditions for demolition make no reference to the proposed retention and incorporation of the original building into the design as mentioned in the DA.
2. The design and detail of the proposed re-use of historic material is to be documented and assessed by a Heritage Architect and approved by Ryde Council prior to demolition.

16. Construction – Proposed Condition 3

Due to the length of construction time and the fact that this is in a Low Density Residential Zone, work on Saturdays not to include the use of power tools and machinery unless inside the building once it has reached “lock up” stage.

17. Construction – Proposed Condition 13

Due to already limited street parking, construction parking to be limited to existing parking areas along the boundaries of the site. Current no parking areas to be maintained.