Department of Planning Received 6 AUG 2014

Scanning Room



PCU54857

JOINT REGIONAL PLANNING PANEL

Sydney West

JRPP No	2014SYW060		
Application Number	MOD0066/14		
Local Government Area	Ku-ring-gai		
Proposed Development	S96(2) modification to DA0058/12 consent proposing various design modifications including increased basement (parking from 21 to 22 spaces) and increased bedrooms (from 54 to 57), relocation of administration area and ancillary external design changes		
Street Address	3-9 Woonona Avenue and 2-12 Neringah Avenue, Wahroonga		
Applicant/Owner	HammondCare		
Number of Submissions	1 objection		
Regional Development Criteria	Clause 21 State Environmental Planning Policy (State and Regional Development) 2011		
List of All Relevant s79C(1)(a) Matters	 S96(2) of the EP& A Act KPSO DKLEP 2013 SEPP 55 SREP 20 (Hawkesbury Nepean River) DCP 43 – Car Parking DCP 47 – Water Management 		
List all documents	 Amended architectural and landscape plans 		

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submitted with this report for the panel's consideration	
Recommendation	Approval
Report by	Adam Richardson

SECTION 96 APPLICATION

EXECUTIVE SUMMARY

Primary Property Lot & DP	2-10 Neringah Avenue South 3 – 9 Woonona Avenue South WAHROONGA Lots 52,54,55,56 DP 2666; Lot 2 DP585805; Lot 1 DP960051; Lots A & B DP420513; Lot 101 DP 844223
Additional Property(/ies)	No related Land
Lot(s) & DP (s) Proposal	No related Land S96(2) Modification to DA0058/12 consent proposing various design modifications including increased basement (parking from 21 to 22 spaces) and increased bedrooms (from 54 to 57), relocation of administration area and ancillary external design changes - Heritage Item
Development application no.	MOD0066/14
Ward	COMENARRA
Applicant	Hammondcare
Owner	Hammondcare
Date lodged	24/04/2014
Issues	None
Submissions	Yes (one objection)
Land & Environment Court	N/A
Recommendation	Approval
Assessment Officer	Adam Richardson

LEGISLATIVE REQUIREMENTS:

Zoning

Residential 2(c) & 2(d3)

Permissible under	KPSO
Relevant legislation	SEPP 55
	SREP 20 (Hawkesbury Nepean River)
	KPSO
	Draft KLEP 2013
	DCP 43 – Car Parking
	DCP 47 – Water Management
Integrated development	NO

PURPOSE OF REPORT

To consider and determine design modification to DA0058/12 pursuant of S96(2) of the Environmental Planning and Assessment Act 1979. The matter is reported to the Joint Regional Planning Panel as it was the consent authority for the original application and the scope of modification sought requires their consideration, having regard to Clause 21 of SEPP (State and Regional Development) 2011.

HISTORY

Development application history:

DA0058/12 – demolition of 5 structures and construction of a 3-4 storey dementia care facility comprising fifty-four (54) bedrooms over a basement car park and consolidation of all lots excluding Lot 1 DP 960051 and Lot 52 DP2666 – approved by the Sydney West JRPP on 16 August 2012

MOD0073/13 – S96(1) modification application to address plan error in Condition 1 – approved by Council under delegated authority 29 May 2013

THE SITE AND SURROUNDING AREA

The site

The development site compromises nine allotments between Woonona Avenue South and Neringah Avenue South, known as 3, 5 and 9 Woonona Avenue South and 4, 6, 8, 10 and 12 Neringah Avenue South.

The entire site is owned and occupied by Hammondcare, with the site currently serving as a small private hospital and respite facility. The bulk of the operations are within the existing hospital buildings which front Neringah Avenue South and is known as 'Neringah Hospital'. It is understood that the site has served as a hospital / respite centre since World War Two.

The site has a total area of 10,768sqm, with a 133.5m frontage to Neringah Avenue South and 84.52m to Woonona Avenue South. The site is roughly 'T' shaped, due to the larger frontage to Neringah Avenue South.

The site contains various buildings, including the main hospital building on the Neringah Avenue side as well as ancillary service buildings and four former dwelling houses that are used in conjunction with the site operations.

One of the dwellings that comprise the development site includes 3 Woonona Avenue South, a listed, local heritage item under the KPSO.

More specifically however, the portion of the site being developed as part of this scheme includes those properties fronting Woonona Avenue South (3, 5 and 9 Woonona Avenue South). That portion of the site is 4295sqm in area and currently contains three detached dwelling's that are not currently occupied or used for residential purposes.

The area surrounding 3 Woonona Avenue South contains cottage gardens consistent with its heritage setting, the rest of the area to be developed is generally devoid of any significant trees and vegetation. Notably, the street tree plantings of deciduous Liquidambers have resulted in a tree lined footway that is the defining feature of the streetscape. The site has as a substantial but consistent cross fall from the southern to the northern boundary as the site extends away from the ridgeline of the Pacific Highway.

Surrounding development

Surrounding development is a mixt of different architectural styles, landuses and densities.

On the Neringah Avenue South frontage, a mix of medium density development exists along with single dwellings on large, landscaped allotments. The local area is undergoing transformation into a medium density residential precinct consistent with the zoning as it is on the periphery of the Wahroonga Local Centre.

On the Woonona Avenue South frontage, development is of a lower density than on the Neringah Avenue South frontage and includes Abottsleigh Junior School on the opposite side of the road, just north of the development site.

No. 14 Woonona Avenue South, comprises a State listed heritage item, known as 'the Briars', which is a detached cottage built in 1895.

The below aerial photograph highlights the entire Neringah Hospital campus, with the circled area indicating the location of the proposed dementia facility.



Red line - development site; Blue circle approximate location of new dementia care facility.

THE PROPOSAL

Under the provisions of section 96(2) of the Environmental Planning and Assessment Act 1979, consent is sought to modify the development consent broadly in the following way(s):

- increase the number of bedrooms from 54 to 57
- increase the size of the basement and increase the number of parking spaces from 21 to 22
- relocation and reconfiguration of administration areas
- introduction of design improvements that have been utilised by the applicant in other similar facilitates that they have developed and operate
- provision of roofed pergolas to terraces rather than open structures
- modified landscaping scheme and associated landscaping plans
- modified stormwater system and associated stormwater plans

Annexure C highlights the degree of physical change that the modified development proposes over the approved scheme. **Annexure C** also provides a detailed list of the extent of changes sought to the approved development.

The proposed changes are brought about as a consequence of design and

process improvements that have been successfully implemented within HammondCare's other dementia care facilities in the metropolitan area.

Application history

24 April 2014	application lodged	
8 May 2014 to 10 June 2014	application notified	
5 & 6 June 2014	supplementary stormwater and landscaping plans submitted to Council	
25 July 2014	JRPP briefed	

COMMUNITY CONSULTATION

In accordance with Development Control Plan No. 56, owners of surrounding properties were given notice of the application and the modified development. In response to the notice, the following submission was made:

1. C & J Brooking – PO Box 751 Wahroonga NSW 2076

We refer to our submission made in respect of the original development application. We believe that the changes sought to the development will only exacerbate parking issues and that consistent with our recommendation, 2 hour parking in Woonoona Avenue is necessary.

The modified development has been considered by Council's engineers, where amongst other matters they have considered and commented upon car parking.

The changes sought to the proposed development do not place a greater strain upon or demand for on street car parking, with the development as proposed to be modified, providing for more car parking in its basement than required.

Amended plans

The amended plans relating to stormwater and landscaping were not notified to surrounding residents as the amendments to those plans do not result in a greater environmental impact than the original plans.

INTERNAL REFERRALS

Heritage

Council's Heritage Advisor commented on the proposal as follows:

Heritage status

The site at 3 Woonona Avenue is a listed heritage item in Schedule 7 of the KPSO.

The site is within the vicinity of a number of heritage items including:

- No 12 Woonona Avenue "The Briars" Local item and on State Heritage Register.
- 24 Woonona Avenue, "Poole House" within Abbotsleigh junior school.
- water Reservoir No 3 at 1635 Pacific Highway (brick tank). On S170 Register.
- water Reservoir 1678 Pacific Highway (elevated tank). On S 170 Register – and state Heritage Register.
- houses at No 12, 12 & 14 Warwilla Avenue.

Clause 61D (4) of the KPSO requires that before granting consent to the proposed works the consent authority must consider the effect of the works on the item, nearby items or conservation area concerned. Clause 61D (5) allows Council to require a HIS before consent is granted.

The sites rezoned under LEP 194 or LEP 200 for medium density development as 2d3 zone has statutory controls as a UCA within DCP 55. This applies to Nos 5 & 9 Woonona Avenue and Nos 2, 4, 6, 8, 10 & 12 Neringah Avenue.

Proposed works

This application is for minor alterations to an approved application -DA0058/12. It mainly involves internal changes to the layout of the building and some minor changes to the exterior. With regard to heritage issues it involves, an increase in the basement to the east side (no closer to the heritage building), an increase to the basement on a 12m long section on the south side by 700mm (near the heritage building), reducing the open garden area between the southern terrace and the north side of the heritage item up to 2.7m (roughly lining up with part of the basement), an additional solid awning (4.2m x 3m) over an entry to the terrace on the south eastern side of the building (near the heritage building), an increase in the width of a small glazed area 3.5m long projecting out a further 700mm towards the south east side of the building on all levels (near the heritage building), increase in the width of a first floor balustrade/planter on the south west side of the building by 400mm (near the heritage building), an increase in the western wall over a balcony area on the southern wing (about 12m in length) to all levels bringing it about 700mm closer to the street elevation, a reduction in the roof pitch and a reduction to part of the entrance on the second floor (southern elevation) by 1.7m.

The building is otherwise very similar to the approved version.

Heritage impact statement

The applicant has prepared a short HIS addressing the proposed changes. It provides comments on each of the changes and finds most proposed changes have no or very limited impact but the reduction in the area between the ground floor terrace and heritage building would have a minor intrusion into the open garden space but considers it to be minor and acceptable. It notes some changes would have a positive impact such as the reduction in the roof pitch and a reduction on the second floor repositioning part of a wall 1.7m further away from the heritage building.

Demolition

Demolition works on the site have already occurred and a photographic archival recording of the buildings was provided to Council prior to demolition in accordance with the conditions of the DA0058/12 consent.

Archaeology

The application involves considerable excavation into the site of the heritage item and the site in general for the basement level parking area. It is possible the site contains deposits or objects under the ground surface and the previous archaeological condition provided in the consent to DA0058/12 should be retained in any approval to this application.

Comments

The changes proposed in this application are relatively minor and would have minimal additional heritage impact on the heritage building "Woonona Cottage" which is retained on the site and will continue to be used as a respite care facility. This use should encourage its continued maintenance and future conservation. The reduction in roof pitch is a positive change which will reduce the overall height of the development and improve its relationship to "Woonona Cottage".

The minor changes in this application should have no adverse impact on other nearby heritage items.

The increase to the terrace area on the ground floor to the south side of the building reduces the open area between it and "Woonona Cottage" by up to 2.7m and would result in some loss it its garden setting. However, the additional loss of open space is not considered to be a critical issue as the terrace is below the level of the heritage building, the bulk of the hospital building above is largely unchanged and its understanding from the public realm will be retained. The amended landscape scheme does introduce some additional planting to the terrace planters.

Conclusion

The proposed amendments are relatively minor and would not result in adverse heritage impacts. The reduction in the roof pitch is a positive outcome in this amendment. The loss of open space between the heritage building and the southern terrace of the hospital building would have limited impact as the terrace is below the level of the item and the understanding of the item from the public realm would not be adversely affected.

Landscaping

Council's Landscape and Tree Assessment Officer commented on the proposal as follows:

The modifications include the extension of the basement car parking area on the eastern side. The approved landscape plan indicates planting above the proposed extension to the basement parking area, however no details on the depth of soil have been provided.

The architect for the project confirmed that there will be a retaining wall constructed parallel to the building that will provide sufficient soil depth. The wall was included on the draft drawings but was omitted from the final plans in error.

An amended condition is recommended requiring the construction of the retaining wall to allow sufficient depth of soil over the basement parking area.

Conclusion

The proposal is acceptable in relation to landscape issues subject to the following modified condition – **Condition 26**

Engineering

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

Water management

The detention tank has been lowered and therefore the connection to the kerb is to be made approximately 5 metres further down the street. Condition 24 refers to the installation of the outlet pipe by hand. This condition refers to an earlier stormwater plan and is updated (specified below) in accordance with the amended stormwater plans provided as part of the modification application.

Parking and traffic

An amended parking statement has been submitted, which states that 21 spaces, as well as one for the service vehicle and one ambulance space, are provided.

The number of beds has been increased to 57 but the number of staff has not been increased. The small increase in beds does generated additional carparking when considered against the previous calculation of 19 spaces under the KPSO or 13 spaces under the SEPP Seniors Living. The number of spaces in the basement carpark is compliant with these controls.

There are no engineering objections to the proposed modifications. **Condition 31** is to be deleted, as the amended stormwater plan will be stamped and the volume shown will therefore be approved without any need for a special condition.

Building / Health

Council's Environmental Health and Building Surveyor reviewed the modified

development and raised no objection or issue with the proposal.

Section 96 of the Environmental Planning and Assessment Act 1979

Part A: Substantially the same development

The development as modified is considered to be substantially the same development as that approved, for the following reasons:

- i. The character and function of the approved development is not altered by the modifications sought to the approved development, with the proposal being maintained as a dementia care facility. The external appearance of the development from the public domain is consistent with that or the original approval.
- ii. The height and bulk of the approved building essentially remains the same. Whilst a small increase in the building has resulted, this is inconsequential and nominal in its impact. It is noted that the increase in density proposed has resulted through the rationalisation of internal floor areas, particularly in the areas of administration.
- iii. The increase in the size of the basement has been isolated so as to not been externally visible and has not compromised the ability of the development to be extensively landscaped.

Part B: Consultation with the Minister

Consultation with the Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent is not required in the circumstances of this case.

Part C: Notification

The proposed section 96 modification has been notified in accordance with

the provisions of the regulations.

Part D: Consideration of submissions

The submission made to Council has been considered and is addressed in this report.

STATUTORY PROVISIONS

State Environmental Planning Policy No. 55 - Remediation of Land

The provisions of SEPP 55 require consideration of the potential for a site to be contaminated.

In accordance with SEPP 55 (clause 7), the consent authority must not grant consent on land unless,

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The development is supported by a comprehensive soil analysis that has investigated the potential for soil contamination on site. The original development identified the potential for contamination on parts of the site that were not in the vicinity of the proposed works (within the surrounds of the hospital building facing the Neringah Avenue frontage). The modified development does not encroach into the areas identified as having potential contamination. The modified development is assessed as being consistent with the matters for consideration prescribed by SEPP 55.

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River

SREP 20 applies to land within the catchment of the Hawkesbury Nepean River. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context. The Plan includes strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism.

The modified development is considered to achieve the relevant aims under this policy.

Ku-ring-gai Planning Scheme Ordinance

The modified development is generally consistent with the controls of the KPSO and the extent of departure accepted as part of the original application.

The modified development does seek to further encroach into the zone interface control of Clause 25L of the KPSO. The northern and southern boundaries of the site adjoin land that is not zoned 2(d3) and subsequently per the control, the third and fourth storey are to be set back 9metres from the boundary where the interface occurs.

The original development varied the setback control to both the north and south interfaces, with the departure substantiated through a SEPP No. 1 Objection. The objections were predicated on the fact that the departure with the zone interface setback control did not result in an impact on the adjoining properties and that the built outcome represented an acceptable bulk and scale which is less than could be realised with a residential flat development.

The modified development at the third floor seeks to further reduce the setback to the northern boundary (or zone interface) by 250mm for the sitting room. This reduced setback is isolated to the sitting room only with the remaining sections of the building being as approved. The increase in setback

is directly attributable to a minor increase in the floor area associated with the sitting room.

The applicant has lodged a SEPP No. 1 objection in support of the reduced setback.

As the departure from the development standard is associated with the modification application, SEPP No. 1 does not apply.

Therefore, the increased departure to the development standard is a matter of merit. As the reduced setback is 250mm difference from the approved scheme, isolated to the sitting room and on the northern façade of the building, it is of no greater impact to the adjoining property and acceptable in the instance proposed. Essentially, once constructed the extent of variation sought to the approved design would not be externally noticeable from that of the approved scheme.

Despite the reduction in the zone interface setback, the proposed development is assessed as being satisfactory with the other relevant controls and objectives of the KPSO.

Draft Ku-ring-gai Local Environmental Plan 2013

In February 2013, Council exhibited a Draft Ku-ring-gai Local Environmental Plan 2013.

The draft LEP seeks to repeal the KPSO, essentially converting its controls into a format consistent with the Standard LEP Instrument.

The draft instrument has been adopted by Council and is with the Department of Planning awaiting gazettal.

The LEP zones the site R4 and R2, with the R2 zoning applying to 3 Woonona Avenue, South. The development under the DKLEP 2013 remains permissible in the zones, however, would be defined as seniors living rather than a

hospital under the KPSO. As this is a modification application, no issue of permissibility results.

As to FSR and height, a minor increase in FSR results. The spilt zoning of the development site also attracts varying FSR and heights. No increase in height or FSR is proposed under the modified development on the lower yielding 3 Woonoona Avenue South property. A minor increase in FSR is proposed on the remainder of the site zoned R4, however the total FSR of the modified development is 0.96:1, less than the 1.3:1 maximum of the DLEP. In the case of height, it is reduced by 250mm from that approved and, whilst the building height exceeds the maximum height allowable on 3 Woonona Avenue South, it is nonetheless consistent with the height controls of the KPSO.

On merit the height and FSR of the development are acceptable in its context.

In the case of heritage considerations under the draft instrument, these considerations are similar to those of the KPSO and the proposed is considered acceptable by Council's Heritage Advisor.

The development, as to be modified is assessed as being satisfactory with regard to the controls of DKLEP 2013.

Development Control Plan 31 - Access

In the case of DCP 31, the proposed development is defined as a 'service' type development, with Section 10 of the DCP requiring the following areas to be accessible:

To and within all the areas of facilities of the building where there is a reasonable expectation of access by any owner, occupier, employee or visitor. This usually consists of the entrance floor and access to any other floor to which vertical access by way of a ramp, step ramp, kerb ramp, or passenger lift complying with the requirements of this plan have been provided. As with the original application, the required degree of access has been provided to and around all parts of the building, which satisfies the design criteria of DCP 31 and AS1428. It is noted that this access has been verified through an amended access report.

Development Control Plan 43 - Car Parking

DCP 43 applies to the site and development and in the case of hostels, nursing and convalescent homes requires the following amount of car parking:

1 space per 10 beds for visitors plus 1.5 spaces per 2 employees, plus 1 space for an ambulance

The modified development provides for 57 beds, and as with the original proposal maintains 17 staff during the day and 9 staff in the evening. This generates a car parking demand of 14 car spaces.

The modified basement layout provides for 21 car spaces, as well as a dedicated ambulance bay and loading dock. This, as with the original application is in excess of the requirements of DCP 43.

Development Control Plan 47 - Water Management

The modified development has been accompanied by a modified stormwater system design which is considered satisfactory by Council's Development Engineer.

Section 94 contributions plan

The approved development within broad terms is a high care residential facility for people with dementia.

Whilst having regard to the definitions of the KPSO it is a *hospital*, it nonetheless provides for full-time residential care. This residential care results in an increase in density on the site and subsequently attracts a 94

contribution under Council's 2010 Contribution's Plan, as the plan applies to 'all residential development'.

The original assessment report noted this and appropriately applied the required contribution. However, as the occupation of the dementia hospital is not of a type that generates a nexus for any additional services covered by a S94 contribution, the applicant successfully argued that a contribution should not be applied to the development, per the dispensations allowed for in the plan whereby a merit exemption can be sought subject to the following:

- Developments which provide a distinct community benefit on a notfor-profit basis;
- Development by or for not-for-profit or co-operative organisations which provide a distinct community benefit including community services or the like on a co-operative or not-for-profit basis;
- Development where it can be demonstrated to the satisfaction of Council that in any particular category of contributions that the development, by the particular nature of its use, in the unique circumstances of the case, does not generate a demand for, or derive benefit from, some or any of the types of facilities and amenities to be provided; and/or
- Development which involves the internal conversion of a dwelling recently used for commercial purposes, back to residential use (except as part of a larger redevelopment).

The original development satisfied three of the above criteria (a not-for-profit organisation), provides a distinct community benefit and has a limited nexus between the increase in services provided under a contribution and the type of occupation proposed). Further, consistent with the applicant's detailed submission, the development was approved fully suspending the payment of a S94 contribution whilst the building was used as a dementia facility.

Among other modifications, an increase in density of the development is proposed, with an increase from 54 to 57 beds. This increase in bed numbers increases the residential occupation of the development and the contribution amount that would be levied under Council's Contributions Plan.

As with the original application, the modified development is to be used as a dementia hospital. As the circumstances associated with the proposed occupation have not changed, it is acceptable that the modified development with its increase in density continue to be exempted from a S94 contribution whilst it is being used as a dementia hospital.

Subsequently, this is reflected in **Condition 47** as recommended to be amended.

LIKELY IMPACTS

As demonstrated by this assessment, the development as modified is assessed as having an acceptable impact upon the surrounding natural, social, economic and built environments.

SUITABILITY OF THE SITE

The site remains suitable for the proposed development, as modified.

ANY SUBMISSIONS

The submission made in response to the modified development has been considered and addressed in this report.

PUBLIC INTEREST

The approval of the modification application is considered to be in the public interest.

CONCLUSION

Having regard to the provisions of section 96 of the Environmental Planning and Assessment Act 1979, the modifications proposed to DA0058/12 are considered to be satisfactory. Therefore, it is recommended that the application be approved.

RECOMMENDATION

PURSUANT TO SECTION 80(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT the Sydney West Joint Regional Planning Panel, as the consent authority, grant consent to modification application MOD0066/14 to modify the consent to DA0058/12 for the demolition of eight (8) structures and construction of a 3 / 4 storey hospital comprising 54 bedrooms, with basement car parking and ancillary site works for use as a dementia care facility as well as the consolidation of all lots excluding Lot 1 DP960051 and Lot 52 DP2666 at 3,5 & 9 Woonona Avenue and 2,4,6,8 & 10 Neringah Avenue South, Wahroonga subject to the following amended conditions:

Condition 1 is amended to read as follows:

1. Approved architectural plans and documentation

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

Plan no.	Drawn by	Dated
Site Plan DA005 Issue N	Jackson Teece	28/06/2012
Lower Ground Floor Plan DA110 Issue O	Jackson Teece	28/06/2012
Ground Floor Plan DA111 Issue O	Jackson Teece	28/06/2012
First Floor Plan DA112 Issue N	Jackson Teece	28/06/2012
Second Floor Plan DA113 Issue O	Jackson Teece	28/06/2012
Roof Plan DA114 Issue H	Jackson Teece	28/06/2012
Typical Resident Room DA170 Issue D	Jackson Teece	28/06/2012
Proposed Elevations DA300 Issue O	Jackson Teece	28/06/2012

Proposed Elevations 2 DA350 Issue L	Jackson Teece	28/06/2012
Proposed Sections 1 DA400 Issue N	Jackson Teece	28/06/2012
Proposed Sections 2 DA401 Issue D	Jackson Teece	28/06/2012
LA04 Issue A	TaylorBrammer	21/12/2011
LA05 Issue A	TaylorBrammer	21/12/2011
LA06 Issue A	TaylorBrammer	21/12/2011
LA07 Issue A	TaylorBrammer	21/12/2011
LA08 Issue A	TaylorBrammer	21/12/2011
LA09 Issue A	TaylorBrammer	21/12/2011
LH9471 DA-C000 Revision 3	Cardno	13/02/2012
LH9471 DA-C001 Revision 3	Cardno	13/02/2012
LH9471 DA-C002 Revision 4	Cardno	29/06/2012
LH9471 DA-C003 Revision 3	Cardno	13/02/2012
LH9471 DA-C004 Revision 3	Cardno	13/02/2012
LH9471 DA-C005 Revision 3	Cardno	13/02/2012

Document(s)	Prepared by
Neringah Dementia Care Facility - Finishes Board	Jackson Teece

Except where amended by that work shown on the S.96 plans for MOD00 endorsed with Council's stamp, as listed below, and except where amended by other conditions of this consent:

s.96 plan no.	Drawn by	Dated
Demolition Plan DA04 Issue J	Jackson Teece	28/06/2012

Except where amended by that work shown on the S.96 plans for MOD0066/14 endorsed with Council's stamp, as listed below, and except where amended by other conditions of this consent:

s.96 plan no.	Drawn by	Dated
Demolition Plan S9603 –	Jackson Teece	16/04/14
Issue E	1	
Excavation Plan S9605 – Issue	Jackson Teece	16/04/14
E		

Site Plan S96001 – Issue E	Jackson Teece	16/04/14
Floor Plan Lower Ground	Jackson Teece	16/04/14
S96100 Issue E		
Floor Plan Ground S96101	Jackson Teece	16/04/14
Issue E		
Floor Plan First Floor S96102	Jackson Teece	16/04/14
Issue E		
Floor Plan Second Floor	Jackson Teece	16/04/14
S96103 Issue E		
Roof Plan S96154 Issue E	Jackson Teece	16/04/14
Elevations North and South	Jackson Teece	16/04/14
S96300 Issue E		
Elevations East and West	Jackson Teece	16/04/14
S96301 Issue E		
Sections S96400 Issue E	Jackson Teece	16/04/14
LA01 Rev P8	Taylor Brammer	14.04.2014
	Landscape	
	Architects Pty	
	Ltd	
LA02 Rev P9	Taylor Brammer	07.07.2014
	Landscape	
	Architects Pty	
	Ltd	
LA03 Rev P6	Taylor Brammer	14.04.2014
	Landscape	
	Architects Pty	
	Ltd	
LA04 Rev P5	Taylor Brammer	14.04.2014
	Landscape	
	Architects Pty	
	Ltd	
LA05 Rev P5	Taylor Brammer	14.04.2014
	Landscape	
	Architects Pty	

	Ltd	
LA06 Rev P6	Taylor Brammer	14.04.2014
	Landscape	
	Architects Pty	
	Ltd	
LA08 Rev P3	Taylor Brammer	14.04.2014
	Landscape	
	Architects Pty	
	Ltd	
LA09 Rev C	Taylor Brammer	14.04.2014
	Landscape	
	Architects Pty	
	Ltd	
Siteworks Plan 131031 C01	TaylorThomson	03.06.14
Rev P3	Whitting	
Details Sheet 131031 C03	TaylorThomson	23.04.14
Rev P2	Whitting	

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

Condition 3 is amended to read as follows:

3. Approved landscape plans

Landscape works shall be carried out in accordance with the following landscape plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated	
LA01 Rev P8	Taylor Brammer Landscape	14.04.2014	
	Architects Pty Ltd		
LA02 Rev P9	Taylor Brammer Landscape	07.07.2014	

	Architects Pty Ltd	
LA03 Rev P6	Taylor Brammer Landscape	14.04.2014
	Architects Pty Ltd	
LA04 Rev P5	Taylor Brammer Landscape	14.04.2014
	Architects Pty Ltd	
LA05 Rev P5	Taylor Brammer Landscape	14.04.2014
	Architects Pty Ltd	
LA06 Rev P6	Taylor Brammer Landscape	14.04.2014
	Architects Pty Ltd	
LA08 Rev P3	Taylor Brammer Landscape	14.04.2014
	Architects Pty Ltd	
LA09 Rev C	Taylor Brammer Landscape	14.04.2014
	Architects Pty Ltd	

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

Condition 24 is amended to read as follows:

24. Amendments to stormwater plans

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

Plan no.	Drawn by	Dated
131031 C01 – Revision P3	TaylorThomsonWhittin	03/06/14
	g	

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

i) The plans shall note that the trenches within the specified distance of the

trunks of the following trees shall be dug by hand and no roots greater than 30mm in diameter shall be injured or severed.

Species / Location Tree 1 – *Liquidambar styraciflua* (Liquidambar) / Woonona Avenue nature strip, northern side of driveway Radius From Trunk 4 metres

Reason: To protect existing trees.

Condition 25 is amended to read as follows:

25. Amendments to architectural plans

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

Plan no.	Drawn by	Dated
Demolition Plan 2010098	Jackson Teece Architect	16/04/14
S9603 Issue E		
Excavation Plan 2010098	Jackson Teece Architect	16/04/14
S9605 Issue E		
Site Plan 2010098 S96001	Jackson Teece Architect	16/04/14
Issue E		
Ground Floor Plan 2010098	Jackson Teece Architect	16/04/14
S96101 Issue E		
Lower Ground Floor Plan	Jackson Teece Architect	16/04/14
2010098 S96100 Issue E		

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

- Tree 10 - Ginkgo biloba (Maiden-hair Tree) shall be indicated on the

Lower Ground Floor Plan listed above. All other plans shall include the retention of Tree 10 and all trees numbered to reflect the numbering indicated on the approved landscape plans.

Reason: To protect existing trees.

Condition 26 is amended to read as follows:

26. Amendments to approved landscape plan

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

Plan no.	Drawn by	Dated
LA02 Revision P9	Taylor	14/04/14 & 07/07/14
LA03 Revision P6	Brammer	
LA09 Revision C		

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

• To enable the establishment of the planting above the basement extension a retaining wall is to be constructed parallel to the south eastern side of the building adjacent to rooms 4 to 6. The soil depth shall be a minimum of 600mm.

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

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

Reason: To ensure adequate landscaping of the site

Condition 31 is deleted

Condition 47 is amended to read as follows:

47. Section 94 Development Contributions – Wahroonga Local Centre

Were the proposed facility to be operated on a 'for profit basis', this development would be subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and local sporting facilities	\$375,454.45
Local recreation and cultural facilities;	\$64,251.93
Local social facilities	
Local Roads, Local Bus Facilities & Local	\$29,754.57
Drainage Facilities	
Total:	\$469,460.95

The whole of this contribution shall be **fully suspended** for so long as the dementia care facility the subject of this consent remains operated on a not-for-profit basis. In the event this facility becomes a 'for-profit' or a commercial operation, this contribution will become due and payable inclusive of full indexation to reflect changes in the consumer price index and housing price index from the date of calculation (March Quarter 2014) in accordance with Ku-ring-gai Contributions Plan 2010. These contributions will become due and payable at the elapse of one calendar month of the change of operation or ownership. Prior to payment, the new owner/operator is advised to contact Council directly to verify the current payable contributions. Ku-ring-gai Contributions Plan 2010 may be viewed online at www.kmc.nsw.gov.au and at the Council Chambers.

Adam Richardson	Selwyn Segall
Executive Assessment Officer	Team Leader Development Assessment

Corrie Swaneopoel Manager Development Assessment Michael Micoic Director – Development & Regulation

- Annexure A Locality Map
- Annexure B Objectors Map
- Annexure C Comprehensive List of Amendments
- Annexure D Excavation Plan
- Annexure E Site Plan
- Annexure F Floor Plan Lower Ground
- Annexure G Floor Plan Ground
- Annexure H Floor Plan First Floor
- Annexure I Floor Plan Second Floor
- Annexure J Roof Plan
- Annexure K Elevations North & South
- Annexure L Elevations East & West
- Annexure M Sections
- Annexure N Lower Ground Landscape Plan
- Annexure O Ground Level Landscape Plan
- Annexure P Stormwater Plan





Neringah Dementia Care Home - 3-9 Woonona Ave & 2-12 Neringah Ave - S.96(2) - Statement of Environmental Effects

PROPOSED MODIFICATIONS

The subject s.96 (2) application seeks to modify DA 58/2012 approved DA plans as summarised floor by floor in the Table below; Key changes include increased bedrooms (from 54 to 57, additional parking (loading) space (from 21 to 22 spaces) & increased basement size, relocation of administration areas and solid covers to the balconies in lieu of partially open coverings.

Level	Description of Proposed Modifications	Dwg. No.
Lower	Increase to basement size	
Ground	 Additional parking space (loading) & bicycle parking area 	S96 100
RL 199.60	Changes to layout of storage areas	(E)
(no change)	Increased garbage storage room size	
	• Relocate service lift to eastern (rear) end of basement (now terminating at ground floor level)	
	Changes to layout of resident entry and dining/lounge/kitchen area	
	New egress stair to the east	
	• Adjustment to visitor entry lobby from car park to enter from disabled share-zone	
	 Minor changes to bedroom layouts (total 9 beds – no change) 	
	 New linen store in bedroom hallway 	
Ground	Relocate service lift to eastern (rear) end	S96 101
Floor	• Minor adjustments to bedroom layouts (total 9 beds - no change)	(E)
	Changes to main entry including fire stairs	
	Minor adjustment to kitchen/service areas	
	Relocate laundry on northern terrace	
	• New egress stair to the east (rear) is to be external to avoid stair	
	pressurization	
First Floor	Modification to fire stairs	S96 102
	 Minor adjustments to bedroom layouts (total 18 beds – no change) 	(E)
	Add bathroom to the communal room accessed near main lobby	
	 Additional internal doors (vestibule) to lobby 	
	 Increased store room size adjacent to southern lounge/dining 	
	 Relocate laundry on both terraces 	
	 Partial (solid) covered terraces (north and south) 	
	 Tilt glass balustrades & modify planters/species to terraces 	
	 Increased parlour sizes 	
	Relocate accessible bathrooms	
Second	Modification to fire stairs	S96 103
Floor	 Provide admin area off lobby (relocated from northern wing) 	(E)
	 Replace parlour with hairdresser space accessed from WC off lobby 	(_)
	Provide vestibule entry between lobby and resident lounge	
	 Partial (solid) covered terraces (north) 	
	 Modify layout to lounge/dining/kitchen and storage areas 	
	• 3 x additional bedrooms to northern wing (total 12 beds -	
	increased from 9 beds to 12 bed wing)	
8	 Tilt glass balustrades& modify planter boxes/species to terraces 	
Roof	Main roof form amended to reduced height by up to 250mm	S96 154
	 Lift overrun moved to eastern (rear) end of roof but max height to 	(E)
	ridge is unchanged from original DA consent.	
	 Modify stair access to roof plant area 	
1	Reduced plant area	

Table 1 – Level by level of the proposed modifications

Smyth Levy & Associates Pty Limited trading as Smyth Planning ABN 64 783 407 127

1. Building Internal changes

1.1 Administration facilities on the second floor have moved to the South west corner and the Staff Facilities to the Lower Ground Floor. The administration offices and Staff Facilities were previously located at the Second Floor

Reason for Modification: HammondCare have determined that access to the Administration should be accessible to non-care staff and not via the back-of-house areas and that the staff facilities should be at the Lower Ground Level to permit staff to 'clock—on' and go straight to the floor they are to work on, rather than having to go to the second floor first.

The Administration is still on the Second Floor, but relocated to the southern side of the western frontage, where it is publicly accessible from the main lift.

A space for a hairdresser for residents only, has been introduced, adjacent the administration space on the second floor. The hairdresser typical comes to the site a couple of days a week.

The Staff Facilities have been relocated to the Lower Ground Floor, in the extended subground area.

Smyth Levy & Associates Pty Limited trading as Smyth Planning ABN 64783 407 127

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1. Building Internal changes cont.

1.2 The second floor cottage now has 3 additional rooms on the north wing in place of the Administration facilities

<u>Reason for Modification</u>: Relocation of the Administration and Staff Facilities has had the benefit of permitting the Lounge and Dining areas for 'cottage' on the Second Floor to move to the northern side of the building, improving access to natural light.

Three bedrooms have been added to the development, making use of the space available.

The Terrace area usable by residents has not been reduced.

The small terrace opening off the Lounge at the southern side of the western frontage remains unchanged.

2.	Building Changes to Building Footprint & Second Floor setbacks
2.1	The Southern side of the lower ground floor has increased in GFA by 132 m ² to allow for more storage.
lt is provi	proposed to extend the sub-ground portion of the Lower Ground Floor to the east to de for additional storage, as well as space for the staff facilities.
Staff	will now enter at this level, 'clock-on', use the facilities and move to their allocated floor.
	is all below ground level, apart from at the face of the staff room, where the ground down.
<u>Reas</u> requi	on for Modification: Closer examination of delivery, waste removal and servicing rements showed need for greater area for storage than previously provided.
22	The Northern and couthern wings have widened by 770 mm to show a

2.2 The Northern and southern wings have widened by 770 mm to ensure 1800mm clear internal circulation

<u>Reason for Modification</u>: It was found that the corridor spaces opposite the end rooms in each of the bedroom wings were not sufficient for ease of access for removal of beds. Accordingly the corridors have been widened to suit.

2.3 The pergola roof to the second floor northern terrace has been extended to optimise the external covered area for residents

<u>Reason for Modification</u>: Those with dementia are particularly susceptible to abrupt changes in light intensity. The extent of covered pergola to the Second Floor terrace has been extended to assist in providing a gradation of light intensity between inside and outside.

2.4 The first floor level sun room at the northern end is setback 5.1m instead of 5.35m

Reason for Modification: To achieve more useful sitting space for residents as an alternative to the main living room. Window treatments ensure that no privacy impacts occur. Accordingly, the change in setbacks to this building level (being a third storey) is considered to trigger an amended SEPP1 objection. Refer to Annexure 12.

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3. Building Changes to External Facade

3.1 A 200 mm reduction of planter wall height to facilitate views to the street by a resident when seated on the terrace

<u>Reason for Modification</u>: There are two differing thoughts on provision of outlook for those with dementia. Current thinking, favoured by HammondCare and The Dementia Centre, is that residents should be able to see out to more distant views, as long as they are not to items such as bus stops, which could cause anxiety, with a resident wanting to get on the bus. The planters lining the external faces of the terraces have been reduced in height by 200 mm to allow viewing over the top by residents.

3.2 Glass to balcony edges angled inward for resident safety

<u>Reason for Modification</u>: Glass balustrades on the inside face of those planters have been angled inward to the terraces to deter climbing over. There is otherwise no change to these.

3.3 Horizontal screening to pergolas are now removed. Lightweight roofing over pergolas are now provided following recommendations from a dementia specialist

<u>Reason for Modification</u>: The Dementia Centre has found strip screens or balustrades cause shadows on the floor plane which appear to those with dementia as steps and can cause anxieties. All horizontal battens to screens have been replaced.

3.4 Resident room windows are now all sliders and have reduced in area from 1430 wide x 1910 high to 1440 wide to 1500 high

<u>Reason for Modification</u>: HammondCare provides a bench seat along the window line and prefers to have a padded back to it. The previous window height did not allow for the back to fit under the window. Sliding windows are now preferred to permit a restricted opening width (now required under the National Construction Codes) at both sides, giving open ventilation at both sides, and easier operation by residents.

3.5 The windows to resident rooms have moved to now all align from floor to floor

<u>Reason for Modification</u>: The windows to resident rooms were previously staggered from floor to floor for the resultant façade pattern, however this meant that ensuites were not above one another, creating either plumbing difficulties or if the ensuites were aligned, the wardrobes to alternate floor would have been behind the bed and difficult to access. The green brick infill between pairs of windows, which was introduced to give a stronger horizontal accent to the facades, has been adjusted to remain as staggered to retain this aesthetic.

3.6 A privacy screen to the fire stair on the eastern facade has been added

<u>Reason for Modification</u>: As the fire stairs are external they will require louvers for weather protection, Hammondcare has also required a screen to prevent views from the east looking directly into the stairwell. A screen the same material as that to the west has been proposed.

4.1	Lower Ground Floor Landscape Plan changes (Drawing LA01)										
***	Lower Cround Floor Landscape Flan Changes (Drawing LAUT)										
	<u>Reason for Modification</u> : Amended basement to accord with the modified architectural drawings										
4.2	Ground Floor Landscape Plan changes (Drawing LA02)										
	 Steps added to terrace on south side to allow staff connection to "Woonona Cottage" (No 3) South-east corner of terrace updated Planters added to main entry Retaining wall shown extending off main entry and running parallel to boundary of Woonona Avenue Northern terrace updated to accord with amended architectural drawings Plant species changed 										
	<u>Reason for Modification</u> : Amended ground floor to accord with the modified architectural drawings and to enhance resident amenity to provide back of house access to Woonona Cottage by staff. Plant species changes accord with DA consent condition 26.										
	access to Woonona Cottage by staff. Plant species changes accord with DA consent condition 26.										
1.3	access to Woonona Cottage by staff. Plant species changes accord with DA consent condition 26. First Floor Landscape Plan changes (Drawing LA04)										
1.3	condition 26.										
1.3	 condition 26. First Floor Landscape Plan changes (Drawing LA04) Amended first floor plan to accord with the modified architectural drawings Revised layout of planters on balcony 										
1.3	 condition 26. First Floor Landscape Plan changes (Drawing LA04) Amended first floor plan to accord with the modified architectural drawings Revised layout of planters on balcony Revised plant species Reason for Modification: Amended first floor plan to accord with the modified architectural drawings and to enhance resident amenity. Plant species changes 										
	 condition 26. First Floor Landscape Plan changes (Drawing LA04) Amended first floor plan to accord with the modified architectural drawings Revised layout of planters on balcony Revised plant species Reason for Modification: Amended first floor plan to accord with the modified architectural drawings and to enhance resident amenity. Plant species changes accord with DA consent condition 26. 										

snai with of th	IL be satisfied the Council's stan	of a Construction Certificate, the I hat the approved landscape plans np, have been amended in accorc welt as other conditions of this c	s, listed below and lance with the rea	ondorsed						
	in no.	Drawn by		Dated						
	01 to 08 Rev A		chitects Pty Ltd	02/07/12						
	09 Rev A	Taylor Brammer Landscape Ar	chitects Pty Ltd	29/06/12	Comment					
The	above landscap	pe planis) shall be amended in th	e following ways:							
		kgo biloba (Maiden-hair Tree) sha			Disease all of the second					
	The 5 x Cerat	opetalum gummilerum (NSW Chr	istmas Bushi noo	posed to be	Plans adjusted to retain					
	Planted along Tristaniopsis Frangipanil or	the north eastern side of the driv laurina (Water Gum) or Hymenos Franklinia axillaris (Gordonia).	Replaced with 5 x Tristaniopsis laurina (water gum)							
•	A canopy tree on the eastern Tree 17.	that attains a minimum height of side of Woonona Cottage to repl	ace the recent re	moval of	A Calodendron capense (Cape Chestnut) has been specified					
	planted specin	bar styracillua (Liquidambar) to b removal of Tree 2 shall be includ nen shall have a minimum contai	1x75L liquidambar styraciflua has been added to the plant schedule							
,	Cercis Forest with evergreen To maintain th screen plantin	e existing landscape amenity of V Pansy'and 1 x (PS) Prunus pissa 1 species that will attain a minime e existing landscape amenity of V g that will attain a height of 4 me	<i>urdii 'Nigra</i> 'shall t um height of 8 me Voonona Cottage :	e replaced tres. additional	 These trees have been replaced by 2 Elaeocarpus Eumundi (Quandong) which wi reach 10m at maturity 					
	the southern e To minimise th trees shall be building. Speci floribunda [We Syzygium frant Tree] or Metro.	dge of the new building. te impacts of the development on planted within the front setback the es such as Syncarpia glamutifer, eping Lillypilly), Syzygium (Toribu- cisii (Francis Water Gum), Arbutu sideros excelsa (New Zealand Ch	the streetscape 3 orward of the pro 7 (Turpentine), <i>Wa</i> <i>Indum</i> (Weeping L <i>s unedo</i> (Irish Stra	evergreen posed terhousia illy Pilly), awberry	Additional screen planting including Carnellia sasanqua "Jennifer Susan" & Carnellia sasanqua "Setsugekka" that will attain a height of 4m have been specified to be planted along the souther edge of the new building.					
	used. The proposed p Dapanese Map	planting of 25 x (AS) Acer palmati le) within the planter boxes on th	3 x Arbutus unedo have been specified within the front setback forward of the proposed building							
	species that ca	are unlikely to survive. They are t n adapt to a confined soil area an	The proposed planting of 25 x (AS) Acer palmatum "Atropurpureum" (Japanese maple) have been removed and replaced with Callistemon salignus "Great Balls of Fire"							

Landscape Changes - Statement of Environmental Effects:- The changes to landscape largely are in response to the DA conditions which achieves an improved streetscape presentation at ground and upper building levels. The changes have no detrimental impacts on the development or neighbouring residential properties.

Neringah Dementia Care Home - 3-9 Woonona Ave & 2-12 Neringah Ave - S.96(2) - Statement of Environmental Effects

5. Civil Design changes

5.1 The 146m³ OSD tank has been lowered by 200mm

Reason for Modification: To accommodate the site's incoming stormwater pipes.

5.2 Relocate the connection from the tank to the street further down (north) along Woonona Avenue.

<u>Reason for Modification</u>: This has resulted from the lowering of the tank outgoing invert levels.

<u>Civil Plan Changes - Statement of Environmental Effects</u>:- The OSD tank remains a combined detention and retention tank of total volume 146m³ with 83.6m³ specifically for OSD and the remaining 62.4m³ for water re-use. There is no change to pollution control from that previously approved under DA consent 58/2012.

The modified connection from the tank to the street will have less impact on the roots of Tree 1 (street tree) as the connecting pipe will run underneath the reconstructed footpath.

The revised OSD calculation sheet per Council's DCP 47 and amended civil drawings are at Annexure 4.

























LOWER GROUND FLOOR LANDSCAPE PLAN 1:200





Alihernanihera dentata Aspidleria elektor Dodea aspidleria Hardenbergia violacea 'Nini Meema'	OUNDCOVERS	Syzigium paniculaium teogli: Viburnum sp.	Magnolla 'Little Gem' Spiraes carrioniensis	Lophomyrtus 'Kathryn'	Gardenia redicans	Cordyline stricts	Camelila sasanqua 'Lucinda' Camelila sasanqua 'Beatrica Emäy'	RUBS & PERENNIALS	Tristeniopsis isurina	Pyrus calleryane 'Frontier'	Nyssa sylvatica	Ceratopetalum gummlferum	EES	LANT SCHEDULE
Exhibition Border Cest Iron Plant Rasp Fem Purple Coral Pee		Viburnum	Magnolla Reeve's Spirses	Remerane	Gardenia	Australian cabbage tree	Camella Camella		Water Gum	Ornemental Pear	Tupelo	NSW Christmas Tree		COMMON NAME
200mm 500mm 500mm		2.5m	1,0m	1.5m	0.5m	2.0m	3m 1.5m		10m	10m	20m	1		SIZE AT MATURITY
150mm 150mm 150mm 150mm		45L	45 F	25L	25L	25L	45L 45L		100L	1001	200L	751		POT







-