

**JOINT REGIONAL PLANNING PANEL
(Sydney West Region)**

JRPP No	2015SYW074
DA Number	DA/394/2015 (Lodged 13 April 2015)
Local Government Area	Hornsby
Proposed Development	Demolition of existing buildings and construction of a new residential care facility building for 122 residents, 5 independent living unit buildings varying in height from 3 to 5 storeys containing 168 dwellings and 259 car parking spaces, community facilities, café, and associated works
Street Address	Lot 3, DP 1122662, No. 28 McAuley Place Wahroonga
Applicant/Owner	Catholic Healthcare Limited
Number of Submissions	46
Regional Development Criteria (Schedule 4A of the Act)	General Development Over \$20 Million Cost of Construction proposed = \$119,037,600
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • <i>Hornsby Local Environmental Plan 2013</i> • <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) (2004)</i> • <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> • <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</i> • <i>Sydney Regional Environmental Plan (Infrastructure) 2007</i> • <i>Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> • <i>Threatened Species Conservation Act 1995</i> • <i>Hornsby Development Control Plan 2013</i>
List all documents submitted with this report for the panel's consideration	Locality Plan, Site Plan, Landscape Plan, Floor Plans, Elevations, Sections, Stormwater Flooding Plans, Shadow Plans, Photomontage from McAuley Place
Recommendation	Approval

Report by	Jillian Sneyd GLN Planning
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ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application involves demolition of existing buildings and construction of a new residential care facility building for 122 residents, 5 independent living unit buildings varying in height from 3 to 5 storeys containing 168 dwellings and 259 car parking spaces, community facilities, café, and associated works.
- Development Consent was granted in November 2007 for the staged development of the site for seniors housing (DA 1109/2007). This consent granted approval for a residential care facility of 105 beds and 8 independent living unit buildings varying in height from 3 to 6 storeys containing 193 units and 263 parking spaces.
- 38 submissions have been received in respect of the application, during the first notification period. A further 8 submissions were made in respect of the amended plans.
- It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No. 394/2015 for demolition of existing buildings and construction of a new residential care facility building for 122 residents, 5 independent living unit buildings containing 168 dwellings, community facilities, café, and associated works at Lot 3 DP 1122662, No. 28 McAuley Place Wahroonga be approved subject to the conditions of consent detailed in Schedule 1 of this report.

BACKGROUND

Catholic Healthcare Limited (CHL) have operated a range of aged care services from the site, following on from services operated by the Sisters of Mercy for over 100 years.

Prior to 2007, CHL operated aged care services and housing including a Residential Aged Care Facility (RACF) (nursing home) comprising 40 beds, an aged care hostel containing 33 beds, 35 independent living units (ILU) and various support services for the aged including home based and carer programs and day care respite.

In 2007, Development Application No. 1109/2007 was approved for the demolition of existing buildings, concept plan proposals for the redevelopment of the entire site and construction of Stage 1 involving the erection of a 105 bed residential Aged Care Facility and 21 Independent and Assisted Living Units and associated infrastructure. Development Consent was granted for a maximum of 28,500m² of floor space, within the proposed building zones, setbacks height planes, as identified in the approved plans. The building envelopes, heights, setbacks have been designed to retain existing trees and address the proposed central access through the site.

The Concept Plan for the site is proposed in stages, with one hundred and seventy-two (172) dwellings proposed in Stages 2 to 9, in eight (8) Independent and Assisted Living Units (IALU)

buildings, ranging in height from three to six storeys. Consent Condition No. 3 advised that separate Development Applications are to be lodged for Stages 2 to 9 as detailed on the approved Staging Plan DA3.05, noting that the height of the development in stage 9 is yet to be determined. The Development Consent 1109/2007 has been commenced and Development Applications could be submitted to Council for development under the terms of the 2007 consent.

At the time of the determination of DA/1109/2007 the subject land was zoned Special Uses A (Community Purposes) under the Hornsby Shire LEP 1994 (*HSLEP*). There were no applicable building height or floor space ratio controls for the Special Uses A zone under the *HSLEP*. When the Council prepared its comprehensive template LEP in 2013, the majority of Special Use zone sites were removed and the land rezoned to be consistent with the zoning of the adjacent properties. In this regard the subject site was zoned R4 (High Density Residential) under the *HLEP 2013*, with a maximum building height of 12 metres (3 storeys). The zoning controls reflected the zoning of the adjacent property The Grange under the *HSLEP* and the *HLEP*.

SITE

The site has an area of 2.891 hectares and is located on the western side of the Pacific Highway and the south-eastern side of McAuley Place, Wahroonga. The site is varied in topography, essentially due to the previous development on the site. The northern end of the site is gently sloping from the highway to the south-west, towards The Grange. The central part of the site is relatively flat and the southern end rises to a high point adjacent to the Pacific Highway. This area experiences slopes of approximately 10%.

The existing site contains a nursing home and hostel containing seventy-three (73) beds, thirty-five (35) Independent Living Units, three administration buildings housing the Mercy Community Care and administrative offices, chapel, day care and therapy centre and Day Care Respite Centre (Chantel).

The site contains a large number of trees, in particular around the perimeter, including remnant Blue Gum High Forest and trees that are listed within the Hornsby Local Environmental Plan 2013 as being of heritage value.

A number of restrictions exist on the title of the site, including an easement for support along a portion of the Pacific Highway frontage, a right-of-way off McAuley Place associated with access to an existing substation and a drainage easement and overland flow path.

The site is located 1.2km from the Hornsby Town Centre and approximately 300m from Waitara Station. The site is located within an area containing a variety of uses, including housing for the aged to the north-west and west, bushland to the west, low density one and two storey dwellings to the south, a RACF is under construction to the south-east, two storey multi-unit housing to the east and motor showrooms to the north-east.

PROPOSAL

Approval is sought for a seniors living development comprising the following:

- Construction of a residential care facility (RACF) building of 2 and 3 storeys with accommodation for 122 residents in 122 rooms, 26 car parking spaces in a basement, 2 service spaces and 5 car parking spaces adjacent to the portico. The RACF will provide for high level care and incorporate activities and support services for residents.
- Construction of 5 buildings containing 168 independent living units varying in height from 3 to 5 storeys with 175 basement car parking spaces, comprising the following
 - Block A – 40 units with 42 basement parking spaces
 - Block B – 40 units with 42 basement parking spaces
 - Block C – 40 units with 40 basement parking spaces
 - Block D – 32 units with 35 basement parking spaces
 - Block E – 16 units with 16 parking spaces
- Community facilities for the residents will be provided in the ground floor and basement of Building E.
- A café proposed near the Pacific Highway frontage.
- Construction of internal access roads, providing for 2 new access driveways from the Pacific Highway, a new access from McAuley Place for egress from the RACF portico, retention of access from McAuley Place. On-street parking for 55 vehicles is provided off the internal road system.
- On-site employment equivalent to 45 full time jobs in a range of skill areas of which approximately 30 staff would be on-site at any one time.
- The works are proposed to be undertaken in 3 stages, the first being the RACF, Stage 2a, Blocks D and E and Stage 2b, Blocks A,B and C.

ASSESSMENT

The development application has been assessed having regard to 'A Plan for Growing Sydney', 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 A Plan for Growing Sydney and (Draft) North Subregional Strategy

A Plan for Growing Sydney has been prepared by the NSW State Government to guide land use planning decisions for the next 20 years. The Plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 689,000 new jobs and 664,000 new homes by 2031. The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government will use the subregional planning process to define objectives and set goals for job creation, housing supply and choice in each subregion. Hornsby Shire has been

grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Manly, Mosman, North Sydney, Pittwater, Ryde, Warringah and Willoughby to form the North Subregion. The *Draft North Subregional Strategy* will be reviewed and the Government will set housing targets and monitor supply to ensure planning controls are in place to stimulate housing development.

The proposed development would be consistent with ‘*A Plan for Growing Sydney*’, by providing additional dwellings and would contribute to housing choice 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 Local Environmental Plan 2013

The proposed development has been assessed having regard to the provisions of the *Hornsby Local Environmental Plan 2013 (HLEP)*.

2.1.1 Zoning of Land and Permissibility

The subject land is zoned R4 High Density Residential - under the *HLEP*. The objectives of the zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development is defined as ‘Seniors Housing.’ Seniors Housing is prohibited under the *HLEP* in the R4 zone. Notwithstanding, the proposal is permitted pursuant to Clause 4 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 where land is zoned for urban purposes and where residential development is permitted. The provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 prevail to the extent of any inconsistency with the *HLEP*.

2.1.2 Height of Buildings

Clause 4.3 of the *HLEP* provides that the height of a building on any land should not exceed the maximum height for the land on the Height of Buildings Map. The maximum permissible height for the subject site is 12m. The proposal does not comply with this provision. As the application is seeking approval under the provisions of SEPP Seniors, Clause 5(3) of the Policy prevails to the extent of the inconsistency. Therefore, compliance with Clause 4.3 of the *HLEP* is not required.

2.1.3 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Hornsby Shire. The site includes a heritage item and is not located in a heritage conservation area. The subject

site is listed as item 757, being Lots 1 – 3, DP 1122662, Nos. 28 – 32 McAuley Place, Wahroonga, Mercy Life Centre – garden and trees. The inventory identifies a “*large site conserving fine group of mature Bluegums and garden trees including mature pines notable along Pacific Highway of local significance*”. The application was accompanied by a Landscape Heritage Assessment report and arborist assessment.

The assessment found that the trees of heritage value included cultural plantings and remnant Blue Gum trees and trees forming part of the Blue Gum High Forest (BGHF) community along the property boundaries. The assessment of trees on and immediately adjacent to the site identified 78 trees of high BHGF heritage significance, 22 trees of low to moderate BGHF heritage significance and 4 ornamental plantings of cultural significance.

The location of the heritage trees to be retained are identified on the Site Analysis Plan included at Attachment 2 to this report. The significant trees along the southern and south-western boundaries are not affected by the new layout, as the existing internal roadway in that location is not altered. Along the Pacific Highway frontage there are 68 trees of heritage significance, of which 8 are to be removed, as discussed below.

The southern driveway to the Pacific Highway frontage requires the removal of 4 trees assessed as high significance (Tree Nos. 355, 356, 357, 392). Council’s assessment has found that an additional 3 trees of high significance (Tree Nos. 352, 354, 359) would be significantly impacted from the driveway construction and require removal. The southern driveway is sited in a similar position as the driveway approved under DA/1109/2007 and therefore there is no significant difference in impact compared to that already approved.

The northern driveway to the Pacific Highway will necessitate the removal of Tree 25, a mature Blue Gum assessed as high significance as well as several Swamp Oaks (*Sasuarina glauca*) that are of no heritage significance. This is a new driveway that was not proposed as part of DA/1109/2007. During the assessment process Council considered if this secondary driveway could be relocated to avoid the impacts on Tree No. 25. The assessment found that relocating this driveway to the gap in the trees near the proposed café would result in impacts on a greater number of significant trees along the Highway. The benefit of providing a second driveway to the Pacific Highway frontage includes:

- It allows for direct access to the RACF building, that is to be constructed as Stage 1 of the development, thereby limiting the vehicles accessing the site via McAuley Place, and
- It provides an improved bushfire safety outcome for this Special Fire Protection Purpose development. The site was not mapped as bushfire prone when the existing approval for aged housing was determined in 2007.

Therefore, taking into account the benefit of the additional driveway to the Pacific Highway, the removal of Tree No. 25 is supported subject to consent conditions requiring replacement BGHF plantings in the existing gaps in the canopy along the Pacific Highway.

Concerns were initially raised in relation to the likely impact of the development upon the BGHF by the proposed location of the café and playground. The application has been amended to ameliorate the impact of the proposed development on the BGHF, by relocation

of the proposed café and playground further away from the Tree Protection Zones of the significant trees and removing unnecessary earthworks under the significant trees.

The applicant has clarified that the existing fencing on the Pacific Highway frontage is being replaced with a timber (1800mm) lapped and capped fence for the southern portion of the site to provide acoustic benefit and would be located behind trees with additional landscape treatment to the base of the trees. This would soften the appearance of the timber fencing on the streetscape. The two site entries would be flanked by masonry entry gateway walls (with identity signage). The existing aluminium palisade fencing treatment to the north is to be extended to increase a 'greener' boundary treatment. The proposed fencing is supported and consent conditions require an Arborist to monitor the works and ensure compliance with the Australian Standard to mitigate any adverse impacts on significant trees.

The proposed development is considered satisfactory on heritage grounds.

2.1.4 Earthworks

Clause 6.2 of the *HLEP* states that consent is required for proposed earthworks on site. Before granting consent for earthworks, Council is required to assess the impacts of the works on adjoining properties, drainage patterns and soil stability of the locality.

The application proposes extensive earthworks to sculpt the property through the middle of the site to accommodate the buildings, basements, provide for driveways to the Pacific Highway and provide for level access for the seniors that are to live in the premises. The Council's assessment has found that the extent of the earthworks is acceptable as:

- The proposed earthworks will result in the modification of storm water overland flow through the site that would mitigate the impacts on downstream properties as discussed at 3.1.3 of this report;
- The extent of earthworks is minimised in the vicinity of the significant trees identified on the site as previously discussed at 2.1.3 of this report;
- Consent conditions are recommended to address the quality of the fill to be exported and used on the site and require erosion and sediment control measures to be implemented during the construction phase.

Council's assessment of the proposed works and excavation concludes that the proposal is satisfactory.

2.1.5 Terrestrial Biodiversity

Clause 6.4 of the *HLEP* seeks to maintain terrestrial biodiversity. A small portion of the site at the rear adjacent to the Netherby Street reserve is identified on the terrestrial biodiversity map. There are no building works proposed within this affected area. The existing road and parking areas are proposed to be maintained in the current location and configuration. The proposed development will not have an impact upon the terrestrial biodiversity identified on the site.

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

The aim of the Policy is to encourage sustainable residential development. The submitted BASIX Certificate for the proposed development satisfies this requirement.

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

The *SEPP HSPD* 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. *SEPP HSPD* 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. *SEPP HSPD* also includes design guidelines for infill development.

SEPP HSPD applies to the subject land as it is zoned for urban purposes and the dominant use proposed are permitted on the land by the operation of *SEPP HSPD*. The *SEPP* prevails in the event of any inconsistency with any other environmental planning instrument, including the HLEP. The proposed development provides for a residential care facility, self-contained dwellings and serviced self-care housing as defined under *SEPP HSPD*, which are permissible uses under the terms of *SEPP HSPD*. There are other uses of the site including a café, chapel and support services which are permissible as ancillary uses to the *SEPP HSPD* development.

The assessment of the proposal in accordance with the relevant requirements of *SEPP HSPD* is commented on as follows:-

2.3.1 Clause 13 – Self-contained dwellings

The *SEPP HSPD* includes the following definitions for “self-contained dwellings”:

“General term: “self-contained dwelling

In this Policy, a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

For the purposes of assessment against *SEPP HSPD*, the ILU buildings are serviced self-care housing comprising 168 dwellings.

2.3.2 Clause 18 - Restrictions on occupation of seniors housing allowed under this Chapter

Restrictions exist on the occupants of this form of housing to ensure that only seniors and people with a disability are residents. Appropriate conditions are proposed to ensure compliance with this provision.

2.3.3 Clause 22 – Fire sprinkler systems in residential care facilities for seniors

Development for the purpose of the installation of a fire sprinkler system in a residential care facility for seniors may be carried out with development consent. Condition No. 8 is recommended requiring a fire sprinkler system is proposed.

2.3.4 Clause 26 Location and access to facilities

The applicant submitted an Access Assessment Report prepared by Accessible Building Solutions. The proposal includes an intra-site footpath network and internal and external links between the buildings and facilities on the site.

The residents will have access to shops, banks, retail and commercial services, community facilities, recreation facilities and a general medical practitioner by bus transport links on the Pacific Highway.

The general topography, proposed ramps and pedestrian footpaths will provide appropriate gradients that are well suited for older people and people with disabilities and readily complies with Clause 26 of *SEPP HSPD*.

2.3.5 Clause 27 – Bush fire prone land

A portion of the site is identified as bushfire prone land. A Bushfire Protection Assessment was submitted with the application addressing *Planning for Bushfire Protection*, as discussed in detail at 4.2 of this report. The RFS have reviewed the additional information submitted and approved the road widths described above.

2.3.6 Clause 28 – Water and Sewer

The subject site is adequately provided with water and sewer services. Appropriate conditions for approval from Sydney Water are recommended.

2.3.7 Clause 29 – Site Suitability

Where a site compatibility certificate is not required, Clause 29 requires consideration of:

- *Natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*
- *the services and infrastructure that are or will be available to meet the demands arising from the proposed development and any proposed financial arrangements for infrastructure provision,*
- *without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.*

As detailed elsewhere within this report, the site's natural environment site constraints including remnant Blue Gum High Forest vegetation, bushfire prone land and stormwater overland flow flooding. The site has historically been used for seniors housing and there is an existing development consent in place to intensify the land use. This proposal has been designed to appropriately manage the natural environment site constraints. In this regard the development is designed to minimise and mitigate the impacts on Blue Gum High Forest

Vegetation, as discussed at 2.1.3 and 2.1.5 of this report. As detailed at 4.2 of this report, the development seeks to achieve a better bush fire risk outcome than if the development did not proceed. Lastly, the stormwater overland flow through the site can be appropriately managed as discussed at 3.1.3 of this report.

The development of the site to include ILU and an RACF will ensure the opportunity for residents of the ILU to be assisted by staff. Adequate utility services are required to be provided via consent conditions.

The bulk, scale and character of the development is appropriate given the current and approved use of the site and the adjoining development.

2.3.8 Clause 30 – Site Analysis

The application includes a Site Analysis plan in accordance with the requirements of the *SEPP HSPD*. The Site analysis identifies the location of trees, the bushfire asset protection zone, location and heights of adjacent buildings, stormwater overland flow flooding and existing roads. The site plans submitted also provide an overlay of the existing buildings on the site and location of future buildings on the master plan approved under DA/1109/2007. The proposal is assessed as satisfactory in this regard.

2.3.9 Clause 33 – Neighbourhood Amenity and Streetscape

The subject site has been used for the purposes of Senior's housing for a number of years and is adjoined by the Grange development and recently approved RACF development to the south. The form and scale of the development has been developed having regard to the context of the site and is considered an appropriate form of development of the site.

2.3.10 Clause 34 - Visual and Acoustic Privacy

The proposed development has been designed to minimise visual and acoustic privacy impacts within the development by providing appropriate building setbacks, building separations, landscape treatment and appropriate building designs such as consideration of window placement and privacy screening. Concerns were raised by neighbouring residents about potential privacy impacts from the RACF building and Building E to The Grange units to the west, and ILU Block C to 8A Netherby Street, as discussed in the following.

The RACF building has a variable setback of 1.6m to 5.5m to the western boundary. The Grange Units to the west have a variable setback of 7.5m to 12m to the common boundary. At the western corner of the RACF building, near rooms 15 and 16, there is a small sitting room that is separated by 10.5m to the balconies of Units 136 and 137 at the Grange. The elevations indicate that the sitting room window is to be treated with external aluminium louvres to mitigate privacy impacts. On the upper level, the RACF building has been modified to set the external walls and windows further back. At its closest point on the first floor, a common balcony on the RACF building in the western corner is separated by 12.5m to the balconies of Units 136 and 137 at the Grange. This building separation complies with the requirements of the RFDC for 12 metres between habitable room windows and balconies.

Block E has a variable setback of 8.5m to 15.5m to the western boundary. Units 176 and 177 The Grange are located between the proposed RACF building and Block E. The ILU habitable room windows and balconies in Block E are separated by more than 12m to the windows and courtyards of Grange units 176 and 177. This building separation complies with the requirements of the RFDC.

Concerns were raised regarding the relationship of the communal facilities in Building E to the adjoining Grange development. The men's shed on the lower level of Block E is separated by 15m to the bedroom windows of Units 176 and 177. Communal facilities for the development's independent living units are located on the ground floor of Block E that is elevated above the finished floor level of The Grange Units 176 and 177 by 3.9m. Consent conditions are recommended to:

- Limit the hours of operation of the mens shed and communal facilities in Block E (Condition No. 72);
- Require acoustic testing after 60 days of operation to ensure noise emissions from the Block E communal facilities comply with appropriate standards;
- Require the removal of the billiards room balcony, as while it is removed from the floor plans it remains on the elevations; and
- Require the verandah to the west of the dining room to be treated with a 1.8m high privacy screen.

Block C is a 5 storey ILU building with a variable setback of 10.8m to 18.5m to the southern boundary. There is a low density residential development in Netherby Street near the site's southern boundary, with an intervening public laneway 3.5m wide. The ILU habitable room windows and balconies in Block C are separated by 16m to 20m to the northern property boundary of 8A Netherby Street. The unit in the south western corner of Block C is oriented with the living room and principle private open space to the west. Taking into account the setback and orientation of the building, an adequate level of privacy is provided to the dwelling houses to the south.

In summary, sufficient setbacks are provided to ensure appropriate levels of visual privacy are provided for the adjoining dwellings. Further conditions of consent are to be included to ensure community uses proposed within Building E provide for sufficient levels of acoustic privacy for both future and adjoining residents.

2.3.11 Clause 35 -Solar access and design for climate

The proposed development has been designed to comply with the solar access requirements of SEPP 65.

At the Winter Equinox there is some additional overshadowing to some dwellings to the west prior to 10am, after which solar access is available. Equally there is overshadowing to Unit No. 178 in the afternoon. It is noted that the quantum of overshadowing is similar to that envisaged under the 2007 development consent. In consideration of the solar impacts to adjoining buildings, the proposed development would not reduce sunlight to these private open spaces or living areas and the accepted requirement for three hours sunlight to be provided in mid-winter is achieved.

2.3.12 Clause 36 - Stormwater

This is addressed in detail at 3.1.3 of the report. Suitable conditions to address the stormwater management of the site are recommended within the conditions of consent.

2.3.13 Clause 37 - Crime prevention

Principles of CPTED have been considered in the design of the development. The unit buildings are oriented to provide passive surveillance over common areas. The application proposes to provide appropriate overhead and low level lighting to pathways and building entrances. Recommended consent conditions require appropriate security measures for the ILUs and basement areas and that external lighting to be design and installed in accordance with the Australian Standard.

2.3.14 Clause 40 - Development Standards – minimum sizes and height

As the proposed development is being undertaken by CHL, a social housing provider, there are no development standards applicable in relation to site requirements and building height under the SEPP. The building height proposed over the site respond to the site's context and the existing master plan approval of the site, as discussed in the following.

The RACF building has a height of 2 storeys above a basement with a maximum height of 8m to 12m. This building height is comparable to the height of the 3 storey apartment buildings adjacent at The Grange and consistent with the 12m height indicated for this site in the *HLEP* 2013.

Along the Pacific Highway frontage the buildings are 5 storeys in height with the roof ridge height stepping down from south to north to reflect the natural topography. The height is less than the maximum 6 storeys indicated in the masterplan approved by DA/1109/2007. The consent conditions for DA/1109/2007 advise that the height of the Stage 9 Building is yet to be determined. The Stage 9 building is in the location of Building C. Building C has a height of 5 storeys and a maximum roof ridge height of RL204m. The adjacent building Block B to the north has a proposed height of RL200.8m and the approved RACF building under DA/725/2013 on the property to the south at 33 Pacific Highway has an approved height of 3 storeys and RL201.63m. Although Building C is 3m taller than the adjacent buildings, it will be compatible with the context.

Along the western boundary Buildings D and E have a height of 3 to 4 storeys, with the building heights stepping down away from the Highway consistent with the principles in the approved masterplan. While Building D exceeds 3 storeys in height, it is well setback 15m to 25m to the southern property boundary.

In summary, the footprints of the ILU Blocks are sited to maximise the landscape setting and separation between the buildings, while providing a building height that is responsive to the site's context and the existing master plan approval.

2.3.15 Clause 41 - Standards for self-contained dwellings

This clause requires developments to comply with development standards contained within Schedule 3 of *SEPP HSPD* to ensure an adequate level of access for people with disabilities.

The application includes a Disability Access Assessment report that addresses the controls. Compliance with the controls is discussed below and reinforced by conditions of consent.

SEPP HSPD Schedule 3			
Clause	Provision	Comply	Comment
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. Site gradient should be less than 1:10	Yes	The internal road is considered a road for the purposes of access. Access is available from the road to all ILU.
2(3)	Security Pathway lighting.	Yes	Compliance would be achieved in accordance with condition No. 69.
2(4)	Letterboxes	Yes	Capable of compliance, condition included.
2(5)	Private Car Accommodation If car parking (not being car parking for employees) is provided: <ul style="list-style-type: none"> • car spaces must comply with AS2890, and • 5% of total number must be designed to enable width to be increased to 3.8 metres. • Garage with power operated doors 	Yes Yes NA	Parking spaces comply with AS2890.1
2(6)	Accessible Entry Every entry must comply with AS4299.	Yes	The Access Report advises that the units comply. Compliance can be enforced via conditions 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 enforced via conditions of consent.
2(8)	Bedroom	Yes	The Access Report advises that the

	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.		units comply with AS1428.1. Compliance can be enforced via conditions 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 enforced via conditions of consent.
2(10)	Toilet Provide a visitable toilet per AS429	Yes	Provided. Compliance can be enforced via a condition of consent.
2(11, 12 and 13)	Surface Finishes, Door Hardware, Ancillary Items Slip resistance surfaces	Yes	Compliance via condition of consent recommended and as per Access Report advice.
2(15)	Living Room and Dining Room Circulation space per AS4299.		Compliance via condition of consent recommended and as per Access Report advice.
2(16) and (17)	Kitchen and Access Circulation space per Cl.4.5.2 of AS4299. Width of door approaches of 1200mm. Fittings	NA Yes	NA Compliance via condition of consent recommended and as per Access Report advice.
2(18)	Lifts Lifts in multi-storey buildings	Yes	Yes
2(19)	Laundry Width of door approach to be 1200mm Clear space in front of appliances of 1300mm	Yes	Compliance via condition of consent recommended and as per Access Report advice.
2(15)	Storage for Linen Linen cupboard per AS4299	Yes	Compliance via condition of consent recommended and as per Access Report advice.

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.
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2.3.16 Clause 48 – Standards That Cannot be Used to Refuse Development Consent for Residential Care Facilities

The SEPP HSPD includes non-discretionary development standards whereby compliance cannot be used to refuse development consent for a Residential Care Facility. The following table sets out the proposal's RACF building's compliance with these standards.

SEPP HSPD Clause 48 (RACF Building)				
Clause	Control	Requirement	Proposal	Compliance
48(a)	Building Height	8m 2 Storeys	8m – 12m max 3 storeys	No No
48(b)	Density and Scale	1:1	1:1	Yes
48(c)	Landscaped Area	25m ² per bed	25m ² per bed	Yes
48(d)	No. of car spaces	27 spaces 1 space per 10 beds (122 beds) plus 1 space per 2 employees (30 employees)	31 spaces (26 basement + 5 portico)	Yes
		1 ambulance space	1 ambulance bay	Yes

Clause 48 of the SEPP HSPD does not contain development standards but are matters for which development consent cannot be refused for a RACF. The proposed RACF building is 2 storeys above a basement carpark. The applicable height limit under the HLEP is 12m. The proposed RACF is of a lesser height than the approved RACF and will provide a building of an acceptable height, bulk and scale.

2.3.17 Clause 50 - Standards That Cannot be Used to Refuse Development Consent for self-contained dwellings

The SEPP HSPD includes non-discretionary development standards whereby compliance cannot be used to refuse development consent. The following table sets out the proposal's compliance with these standards.

SEPP HSPD Clause 50				
Clause	Control	Requirement	Proposal	Compliance
50(a)	Building Height	8m 2 Storeys	Building A -5 Storeys 15.4 - 20.2m(max) Building B – 5 Storeys 15m - 21m (max) Building C – 5 Storeys 15 m - 21m Building D– 4 Storeys 14.5m – 18m Building E– 3 Storeys 12-14.8m	No No No No No
50(b)	Density and Scale	0.5:1	1:1	No
50(c)	Landscaped Area	35m ² per dwelling	33.6m ²	No
50(d)	Deep Soil Percentage Deep Soil	> 15% 2/3at rear >3m	25%	Yes
50(e)	Solar Access	70% 3hrs between 9am & 3pm	72%	Yes
50(h)	No. of car spaces	1 per 5 dwellings 34 Spaces	1 per 0.9 dwelling 183 spaces within basements	Yes

Clause 50 of the SEPP HSPD operates in the same manner as Clause 48. The provisions are not development standards that can be used to refuse development consent for self-contained dwellings..

The issues of building height, density and landscaped area are discussed in detail within Sections 3.1 and 3.2 of this report.

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

State Environmental Planning Policy No. 55 contains state-wide planning controls for the remediation of contaminated land. The Policy states that Council's must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and/or requires remediation for the intended land use.

A search of Council's records and aerial images reveals that the property has been used exclusively for residential purposes. In conjunction with the investigations carried out in support of the 2007 consent, an isolated area at the centre of the site was found to be contaminated by polyaromatic hydrocarbons and associate compounds at levels above the relevant site assessment criteria. A remediation action plan (RAP) was prepared and submitted to Council. The proposed development includes the demolition of existing buildings and a number of associated outbuildings/structures and substantial excavation works. A condition of consent is recommended regarding the appropriate disposal of demolition and construction waste (refer to Schedule 1).

The methods proposed in the submitted RAP are appropriate to address the site contamination issues identified and provide a methodology should any additional contamination be identified. Condition No. 58 requires verification that the site has been remediated in accordance with the remediation action plan.

2.5 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 (SEPP 65) aims to raise the design quality of residential flat development across NSW through the application of a series of design principles. The accompanying regulation, the Environmental Planning and Assessment Regulation 2000, requires the involvement of a qualified designer throughout the design, approval and construction stages for residential flat developments.

Clause 30(2) of SEPP 65 requires the consent authority, in determining a development application for consent to carry out residential flat development, to take into consideration the design quality of the residential flat development when evaluated in accordance with the 'Design Quality Principles', and the Residential Flat Design Code (RFDC).

As per clause 50 of the Environmental Planning and Assessment Regulation 2000, the Applicant has submitted a Design Verification Statement prepared by a qualified architect, Glen Ollerton of Morrison Design Partnership Architects. The submitted Statement contains comments responding to each of the Design Quality Principles and concludes by stating that the residential flat development generally meets the objectives and intent of the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

Council has reviewed the submitted Statement and agrees that the proposal satisfactorily addresses / incorporates the Design Quality Principles of SEPP 65. The design principles of SEPP 65 and the submitted design verification statement are addressed in the following table.

SEPP 65 also requires consideration of the *Residential Flat Design Code, NSW Planning Department 2002*. The *Code* includes development controls and best practice benchmarks for achieving the design principles of *SEPP 65*. The following table sets out the proposal's compliance with the *Code*:

Principle	Compliance
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1. Context	Yes
<p>Comment: The site is located within an area zoned for residential flat buildings in close proximity to Waitara Railway Station. The proposal responds to the desired future character of the precinct as envisaged by Council for residential flat buildings in landscaped settings with underground car parking.</p> <p>A detailed site and context analysis has been undertaken to develop the proposed scheme, which seeks to provide appropriate housing and care facilities recognising the environmental features and constraints of the site.</p> <p>The development responds to the natural features of the site, being vegetation around the perimeter, drainage/flooding through the central portion of the site, the height and built form of The Grange to the south.</p> <p>Once the development of the precinct is completed, the proposal would integrate with the surrounding sites and would be in keeping with the future urban form. The proposed building would contribute to the identity and future character of the precinct.</p>	
2. Scale	Yes
<p>Comment: The scale of the development is commensurate with that of the adjoining and nearby development. The development achieves a scale consistent with the desired outcome for well-articulated buildings that are set back to incorporate landscaping, open space and separation between buildings.</p>	
3. Built Form	Yes
<p>Comment: The proposed building achieves an appropriate built form for the site and its purpose, in terms of building alignments, proportions, and the manipulation of building elements. The building would appropriately contribute to the character of the desired future streetscape and includes articulation to minimise the perceived scale. The existing site is underdeveloped and currently provides a substantial amount of landscaped open space. This sense of openness has been further contributed to by the demolition of buildings on the McAuley Place frontage in anticipation of the works contained within the 2007 development consent.</p> <p>The proposed development will alter the current appearance of the site from McAuley Place, but the scale and form of the development will not be out of place with the existing development at The Grange.</p> <p>The massing of the buildings has been broken up by landscaped areas and the staggering of the buildings creates view lines for residents of the proposed development and through the site for the adjoining properties.</p> <p>Substantial areas of vegetation have been retained around the boundary of the site and</p>	

views orientated to the bushland on the adjoining site to the south.

The proposal results in a new gateway to McAuley Place, as well as addressing the new road along the central spine of the site.

The proposed materials and finishes would add to the visual interest of the development.

4. Density

Yes

Comment: The *HLEP* does not incorporate floor space ratio requirements for the site. The density of the development is governed by the height of the building and the required setbacks. The proposed density is considered to be sustainable as it responds to the regional context, availability of infrastructure, public transport, community facilities and environmental quality and is acceptable in terms of density.

5. Resource, Energy and Water Efficiency

Yes

Comment: The applicant has submitted a BASIX Certificate for the proposed development. In achieving the required BASIX targets for sustainable water use, thermal comfort and energy efficiency, the proposed development would achieve efficient use of natural resources, energy and water throughout its full life cycle, including demolition and construction.

6. Landscape

Yes

Comment: The application includes a landscape concept plan which provides landscaping along the street frontages, side and rear boundaries and includes deep soil landscaped area between the buildings. The proposal has been designed to facilitate the retention of significant trees as identified as a heritage item within the *HLEP*. The landscape design is based on the natural drainage through centre of the site, existing vegetation around the perimeter of the site and linking through to bushland to the west.

Large trees are proposed to be maintained along the Pacific Highway frontages intercepted by shrubs which would soften the appearance of the development when viewed from the street. Deep soil areas that incorporate canopy trees are provided around the building envelope which would enhance the development's natural environmental performance and provide an appropriate landscaped setting. The building footprint and provision of car parking under the buildings allows for increased landscaping, in particular deep soil planting. The proposed landscape scheme incorporates the existing trees and provides screening.

7. Amenity

Yes

Comment: The proposed units are designed with appropriate room dimensions and layout

to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All buildings incorporate accessible design, access to balconies is provided from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas. Storage areas have been provided within each unit and in the basement levels. The proposal would provide convenient and safe access via a central lift connecting the basement and all other levels.

Privacy of existing residents at The Grange and future occupants of the units is maintained by offsetting windows and orientation of habitable rooms away from adjoining development. The internal design of the units allows flexibility and adaptability for future occupants.

8. Safety and Security

Yes

Comment: The numerous frontages of all units allows for casual surveillance. The design orientates the balconies and windows of individual apartments towards the street, rear and side boundaries, providing passive surveillance of the public domain and communal open space areas. The pedestrian and vehicular entry points are secured and visibly prominent. The RACF would ensure staff are located on the site 24 hours a day.

The proposal includes an assessment of the development against crime prevention controls in the Statement of Environmental Effects (SEE). The SEE has regard to *Crime Prevention Through Environmental Design Principles (CPTED)* and includes details of surveillance, access control, territorial reinforcement and space management such as artificial lighting in public places; attractive landscaping whilst maintaining clear sight lines; security coded door lock or swipe card entry; physical or symbolic barriers to attract, channel or restrict the movement of people; security controlled access to basement car park; intercom access for pedestrians; and security cameras located at the entrance of the building. Appropriate conditions of consent are recommended to require compliance with the above matters.

9. Social Dimensions and Housing Affordability

Yes

Comment: The proposal is being developed by CHL and incorporates a range of unit sizes to cater for different housing needs. The development provides a component of adaptable housing in accordance with *SEPP HSPD* and a mix of 1 and 2 bedroom dwellings, some with studies. The development of the whole site provides a greater range of living opportunities and facilities for both residents and other elderly people who utilise the facilities. The siting and orientation of the common building is easily accessible by residents and interacts with RACF. The proposal responds to the social context in terms of providing a range of dwelling sizes with good access to social facilities and services as the site is located in close proximity to Waitara Railway Station.

10. Aesthetics

Yes

Comment: The architectural treatment of the buildings incorporates indentations and projections in the exterior walls with balcony projections to articulate the facades. The roof is low pitched to minimise building height and incorporates eaves which would cast shadows across the top storey wall. The articulation of the building, composition of building elements, textures, materials and colours would achieve a built form generally consistent with the design principles contained within the Residential Flat Design Code and the Hornsby DCP.

2.6 State Environmental Planning Policy No. 65 – Apartment Design Code

SEPP 65 was amended 19 June 2015 and principally has the effect of replacing the Residential Design Code with the Apartment Design Code amongst other amendments to the operation of the SEPP. Of relevance to the consideration of this application is the savings provision which operates to maintain the controls of SEPP 65 as effective prior to June 19 for all applications lodged prior to June 19, 2015. This application was lodged 20 April 2015 and is subject to the savings provision.

2.7 State Environmental Planning Policy No. 65 – Residential Flat Design Code

SEPP 65 as made prior to 19 June 2015 also requires consideration of the *Residential Flat Design Code, NSW Planning Department 2002*. The Code includes development controls and best practice benchmarks for achieving the design principles of SEPP 65. The following table sets out the proposal's compliance with the Code:

Residential Flat Design Code			
Control	Proposal	Requirement	Compliance
Deep Soil Zone	>25%	25%	Yes
Communal Open Space	29.2%	25-30%	Yes
Building Separation	Building A to B - 13m Building B to C 13m Building C to D - >19m Building D to E >17m Building E to A > 16m Building B to D > 16m	0 – 4 storeys– 12m 5 – 8 storeys – 18m Between Habitable rooms Lesser where non habitable spaces proposed	No No Yes Yes No No
Ground Level Private Open Space	20m ² Min Dimension 4m	25m ² Min Dimension 4m	No Yes
Minimum Dwelling Size	1 br – 68m ² -81m ² 2 br – 85.2m ² -121m ²	1 br – 50m ² 2 br – 70m ²	Yes Yes

Maximum Kitchen Distance	8 – 9m	8m	No
Minimum Balcony Depth	2.3m (min)	2m	Yes
Minimum Ceiling Height	2.7m	2.7m	Yes
Total Storage Area	1 bed - 8m ³ (Min) 2 bed - 11m ³ (Min)	1 bed - 6m ³ (Min) 2 bed - 8m ³ (Min) 50% accessible from the apartments	Yes Yes
Dual Aspect and Cross Ventilation	75%	60%	Yes
Adaptable Housing	100%	10%	Yes

As detailed in the above table, the proposed development complies with the prescriptive measures within the *Residential Flat Design Code (RFDC)* other than ground floor apartments and private open space, building separation and maximum kitchen distances. Below is a brief discussion regarding the relevant development controls and best practice guidelines.

2.7.1 Ground Floor Apartments and Private Open Space

The Code encourages separate entries for ground floor apartments and private garden areas at the ground floor area. The proposed ground floor unit open spaces include balconies/courtyards. These areas do not meet the prescriptive measures under the Code. However, the unit open space areas are considered appropriate for the respective ground floor units in respect to dwelling size, aspect, function, unit configuration and amenity. The non-compliance with the best practice of 25 square metre open space area with a minimum dimension of 4 metres is considered acceptable as large communal open space areas are available for use.

In addition the adaptable dwellings benefit from convenient access via continuous paths of travel and lifts to common outdoor open space areas. It is considered that the design of the proposed ground floor units is satisfactory in meeting the objectives of the Code.

2.7.2 Building Separation

The proposed building location and form varies from the previous development consent for the site, where more buildings were proposed on the site with a greater 6 storey height and

smaller footprint. The approved development presented a visually more dense development proposal. The current design proposes less buildings on the site, with reduced height to 5 storeys, increased separation between buildings and a more staggered site layout configuration. This has the effect of presenting visually less bulk on the site, whilst providing improved amenity for residents through increased view lines between buildings and improved privacy. The proposed development complies with the required setbacks to adjoining development, with minor variations proposed within the building on the site. Where there is a reduced building separation from that required by the *RFDC*. However, the buildings are offset and direct overlooking is avoided. This minor non-compliance is assessed as satisfactory.

2.7.3 Maximum Kitchen Distance

The *RFDC* requires that the back of a kitchen should be no greater than 8m from a window. The bulk of the units contain kitchens where the back wall is marginally greater than 8m from a window but not more than 9m. All units offer an open layout with natural ventilation and accordingly, the minor non-compliance is acceptable with respect to residential amenity.

2.8 Sydney Environmental Planning Policy (Infrastructure) 2007

The application has been assessed against the requirements of State Environmental Planning Policy (Infrastructure) 2007. This Policy contains State-wide planning controls for developments adjoining busy roads and railways. The development is located immediately adjacent a classified road (Pacific Highway). The following matters are required to be considered pursuant to the *SEPP*.

2.8.1 Development with Frontage to a Classified Road

The proposal has been assessed against the requirements of Clause 101 of *SEPP* (Infrastructure) as the site has frontage to the Pacific Highway. The objective of this Clause is:

- (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

The compliance of the proposal with the objectives of this Clause is discussed below.

2.8.2 Frontage to Classified Road

The subject site has frontage to Pacific Highway, which is a six lane divided State Road. The traffic volume on Pacific Highway is currently in the order of 34,000 vehicles on weekdays. RMS has reviewed the proposal having regard to its impact on the Pacific Highway and the future road widening and raises no objections subject to conditions of consent. It is considered that the proposed development would not have any adverse impact on the safety, efficient and ongoing operation of Pacific Highway.

2.8.3 Impact of Vehicle Emission

The proposed development would have frontages to Pacific Highway and the impact of vehicle emissions on the development is required to be considered.

The proposed development includes setbacks, landscaping, deep soil zones generally in accordance with the requirements of the HDCP which would ameliorate the impacts of noise and emissions.

As such, the design of the development responds to the site context, being in the vicinity of a busy road and is designed in accordance with the recommendations with the document "Development Near Rail Corridors and Busy Roads – Interim Guidelines 2008".

The application is assessed as satisfactory in this regard.

2.8.4 Impact of Noise

Assessment of the impact of road noise on a residential use is required pursuant to Clause 102 of SEPP (Infrastructure) where a development fronts a road with an annual average daily traffic volume of more than 40,000 vehicles. The daily traffic volume on Pacific Highway in the vicinity of the site is less than 40,000 vehicles and therefore this clause does not apply to the proposal.

The application is supported by an Acoustic Assessment Report. The report demonstrates that the development is capable of achieving reasonable amenity and acoustic privacy subject to the implementation of recommended specifications for glazing, construction materials and finishes.

Notwithstanding, the application was referred to the RMS who recommends a condition for the development to incorporate measures to mitigate against noise to habitable rooms in accordance with the criteria set out within clause 102(3) of the SEPP.

2.8.5 Traffic Generating Developments

The development is classified as a Traffic Generating Development in accordance with Clause 104 and Schedule 3 of SEPP (Infrastructure) as it would result in more than 75 dwellings fronting a classified road.

The applicant has submitted a Traffic Assessment Report estimating traffic generating of the proposed development using Roads and Maritime Service (RMS) traffic generating rates. The projected increase in traffic activities from the development is minimal when compared to the maximum number of vehicles that can be accommodated by the Pacific Highway, in the vicinity of the site. In addition to the new Pacific Highway driveways, the development provides for vehicular access off McAuley Place which complies with the intent of Clause 101 of the SEPP. Notwithstanding the above, the report concludes that the proposed development would result in a net reduction of 10 – 15 vehicle trips during am and pm commuter peak periods compared to the approved 2007 development that has not been constructed.

With the provision of a new entry/exit driveway to the development from Pacific Highway the traffic volume on McAuley Place and Yardley Avenue will be less than that for the 2007 development.

The proposed development has addressed the relevant matters in relation to traffic generation and is acceptable subject to conditions.

2.9 Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River

The site is located within the catchment of the Hawkesbury Nepean River. Part 2 of this Plan contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, recreation and tourism.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would comply with the requirements of the Policy.

2.10 Threatened Species Conservation Act 1995

The subject site and adjoining land is located in a mapped Endangered Ecological Community (EEC). The species is consistent with those of the Blue Gum High Forest (BGHF) or Sydney Turpentine Iron Bark Forest (STIBF) which are listed as Critically Endangered Ecological Communities under the Threatened Species Conservation Act 1995.

An assessment of the impact of the development on the BGHF is discussed in Section 3.1 of this report.

2.11 Clause 74BA Environmental Planning and Assessment Act, 1979 - Purpose and Status of Development Control Plans

Clause 74BA of the *Environmental Planning and Assessment Act, 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

The principal purpose of a development control plan is to provide guidance on the aims of any environmental planning instrument that applies to the development; facilitate development that is permissible under any such instrument; and achieve the objectives of land zones. The provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Consent authorities have flexibility to consider innovative solutions when assessing development proposals, to assist achieve good planning outcomes.

2.12 Hornsby Development Control Plan 2013

The Hornsby Development Control Plan 2013(HDCP) applies to all land within Hornsby Shire and came into effect on 11 October 2013. As discussed in Section 2.1 of this report, the development is prohibited within the R4 zone pursuant to HLEP. Accordingly, the HDCP provisions would not apply to this development.

Section 9.3 of the HDCP sets out development controls for heritage conservation areas within the Hornsby Shire. The matter has been assessed in detail under Section 2.1 of this report. No further assessment is required in this regard.

2.13 Section 94 Contributions Plans

Hornsby Shire Council Section 94 Contributions Plan 2012-2021 applies to the development as it would result in an additional 158 residential dwellings in lieu of the 35 existing residences. Accordingly, the requirement for a monetary Section 94 contribution is recommended as a condition of consent.

The contribution plans refers to the Ministerial Direction under S94E of the EP&A Act dated 14 September 2007 that exempt seniors housing provided by a social housing provider from Section 94 contributions. CHL is a not-for-profit organisation that provides housing to tenants. The housing provided by CHL remains the property of CHL and is made available to residents for a fee as rental housing to its tenants. Therefore, no contributions can be levied for this development.

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 Tree and Vegetation Preservation

An Arboricultural Impact Assessment has been provided with the proposal prepared by Landscape matrix and has identified 297 trees on or immediately adjacent to the site. The greater majority of these trees are remnant species and planted Australian species. The most common species are Sydney Blue Gum, Weeping Bottlebrush, Sydney Red Gum, Red Mahogany, Turpentine and Swamp Oak.

The proposed development would necessitate the removal of 139 trees from the site, the great majority of which are located in stage 1 in the vicinity of the RACF building and are not significant. A tree plan is included in the set of Landscape Plans at Attachment 3 to this report.

As previously discussed at 2.1.3 of this report, the site’s significant trees include trees forming part of the Blue Gum High Forest (BGHF) community along the property boundaries. The assessment identified 78 trees of high Blue Gum High Forest (BGHF) heritage significance, 22 trees of low to moderate BGHF heritage significance and 4 ornamental plantings of cultural significance. The significant BGHF trees along the southern and south-western boundaries are not affected by the new layout, as the existing internal roadway in that location is not altered. Along the Pacific Highway frontage there are 68 trees of heritage significance, of which 8 are to be removed.

The Landscape plan proposes to provide extensive new plantings throughout the site. Consent conditions require green offsets to be provided on the site for the 8 significant trees that are to be removed from the site.

Two trees on the adjacent property The Grange, Trees 63 and 64 are located in close proximity to the proposed works. During the assessment Council raised concerns about the impact of the RACF building on the neighbour’s trees. The applicant proceeded to undertake root mapping, resulting in modifications to the RACF building in the vicinity of Trees 63 and 64

to improve the setback. The root mapping assessment identified that, with the plan modifications, the development will encroach into the tree protection zone of these trees but it is unlikely the loss of roots would impact the tree's stability. The potential impacts to the canopy of tree 63 were also considered as it extended over the boundary to the building. The arborist report recommended pruning some tree branches to the collar. It is estimated that the removal of these branches would affect approximately 15% of the tree's live canopy and will not have an impact of the substance on the tree. Conditions are recommended to protect the trees in accordance with the arborist report. The applicant has advised that this pruning was required in order to construct the scaffolding during construction, therefore if owners consent from The Grange is not forthcoming to prune Tree 63 in accordance with Australian Standards, the applicant will use alternative construction methodology in this area to remove the requirement for scaffolding.

3.1.2 Threatened Species

The application is supported by a Flora and Fauna Assessment which recommends that

*"All Blue Gum High Forest would be conserved and indirect impacts to Blue Gum High Forest in the adjacent reserve would be minimised and mitigated by erosion and weed control measures and protection measures during construction. The potential impact of the proposal on threatened species and communities was assessed using Assessments of Significance (7-part test) pursuant to the NSW Environmental Planning and Assessment Act 1979 (EP&A Act). The potential impact on Blue Gum High Forest, *P. poliocephalus* and *C. dwyeri* was also assessed using EPBC Significant Impact Criteria. The 7-part tests conclude that there is not likely to be a significant impact on these species or communities and a Species Impact Statement under the TSC Act is not required. Similarly, the results of the application of the EPBC Significant Impact Criteria indicate that a referral to the Department of the Environment (DE) is not required for the federally listed species or communities."*

As previously discussed at 2.1.3 of this report, along the Pacific Highway frontage there are 68 trees of BGHF heritage significance, of which 8 are to be removed. Seven of the trees to be removed are associated with the southern driveway to the Pacific Highway that was approved in that location under DA/1109/2007. There is a net additional loss of Tree No.25, a mature Blue Gum located adjacent to the new northern entrance to the site. The loss of all 8 significant trees is addressed by condition No. 51 that requires green offsets to be planted on the site. Therefore the proposed development will not have any significant adverse impact upon threatened species.

3.1.3 Stormwater Management

A detailed stormwater management plan has been prepared, which addressed the quality and quantity of water travelling through the site. In relation to water quality, the application proposes to install stormwater filters, a bio-retention basin adjacent to the RACF building, and 100KL capacity rainwater tanks. In relation to water quantity, the application proposes to construct on-site stormwater detention (OSD) tanks. The engineering assessment of the application has found the measures proposed to be satisfactory, subject to appropriate consent conditions.

In addition to the above, the central area of the site is subject to flooding from stormwater overland flow. The applicant submitted a flood assessment report that illustrates that as a result of a sag point in the Pacific Highway adjoining the site and a second sag point in McAuley Place, two sources of stormwater overland flow exist and drain towards the low part of the site adjacent to the single storey Grange villas, Units 176 and 177 on the western boundary. The proposal relocates the existing overland flow path through the site so that it travels predominately down the new internal road system, away from the RACF building. The application originally proposed for the flow to pass under a portion of the RACF building, contrary to Council's engineering practice. The amended proposal would result in part of the 100 year ARI flow being provided through a pipe (in addition to Council pipe) to be laid under a road. As a result, the overland flow will reduce to a rate that would not pose any additional flooding risks to residents or property. The system is to be designed to ensure that impacts on downstream properties do not exceed pre development level. The proposal also complies with Council's freeboard requirements for habitable rooms.

3.2 Built Environment

3.2.1 Built Form

Concerns by adjoining property owners have been raised with respect to the proposed bulk, scale, density and setbacks of the development.

The character of the area is defined by the nearby and adjoining development. The adjoining development of the Grange was developed under floor space controls of a maximum FSR of 1.2:1. The proposed development has a FSR of 1:1.

The proposed RACF building now 2 storeys above basement/undercroft parking is of a lesser height than that approved under the 2007 consent which was 4 storeys. Similarly, the ILU building proposed within Stage 1 of the 2007 consent adjacent to the Grange provided for a 3 storey building in the location of the now proposed RACF.

Analysis of the shadow diagrams indicates that there is minimal overshadowing from the RACF building to the Grange apartments.

Concerns were raised as to the impacts of the communal facilities proposed within Building E upon the adjoining Grange development. Building E is located on a greater setback than the approved development and the perimeter road is to be maintained. Building E contains a men's shed at basement level and community rooms at first floor. Amendments have been incorporated to delete a balcony and ensure orientation of the community rooms is away from the Grange development. The operation of the men's shed is indicated as being primarily a meeting place. Condition No.72 is recommended to limit the hours of operation and noise levels to protect the residential amenity of the adjoining development.

The RACF building will be located at the end of McAuley Place. The applicant has provided photomontages of the development and in association with the proposed landscape scheme, the proposed development is considered an appropriate form of development within the existing streetscape.

The proposed development is considered appropriate having regard to its density and scale and is within the environmental capacity of the site.

3.2.2 Traffic

A traffic and parking assessment prepared by GTA Consultants has been submitted with the proposal which estimates that the proposed development would generate a net reduction in vehicular movements per day from that under the 2007 development consent.

Council's Traffic assessment concurs that trip generation of the proposed development would be 42 and 74 vehicle trips per hour for the AM and PM peak periods respectively. There is therefore an estimated increase in traffic generation of 11 to 14 vehicles in the AM and PM peak periods respectively.

With the provision of a new entry/exit driveway to the development from Pacific Highway the traffic volume on McAuley Place and Yardley Avenue will be less than that for the 2005 development.

As part of the proposal, it is proposed to construct a new vehicle access on the northern end of the site frontage to the Pacific Highway. The need for the additional access is a result of requiring alternate access for bushfire emergencies and staging of the development.

Council's Traffic Engineers initially raised concerns as to the potential of the site to operate as a "rat run" in the initial assessment of the application. The applicant has agreed to the installation of boom gate to be operated in conjunction with the RACF or by resident access passes to avoid the site becoming a vehicular thoroughfare.

Council's engineering assessment of the traffic impacts of the development concludes that traffic generation from the development can be accommodated by the surrounding road network and the addition of the new entry exit from the Pacific Highway would alleviate traffic impacts in Yardley Avenue and Unwin Road compared to the original approved development. The proposed development is satisfactory on traffic and safety grounds subject to recommended conditions in Schedule 1.

3.2.3 Waste Management

The proposal includes a waste management plan with details of waste management during the construction stage and use and on-going management of waste. Further details have been provided to ensure compliance with Council's requirements for the removal of waste. An alternative waste collection area has been provided for the RACF(car parking space) if the waste collection vehicle is not able to manoeuvre in the covered car park area. If the area is needed, then the parking space will need to be suitably sign-posted to ensure cars do not park there when the space is required for bin collection.

The Hornsby Development Control Plan states:

- e. *Buildings containing more than 3 storeys should incorporate a garbage chute system for waste and an interim recycling bin storage room on each floor.*
- f. *Where a required garbage chute system is unable to be provided, an interim waste storage room is to be provided on each floor that is serviced by a goods lift to transfer the waste to the communal waste storage facility in the basement.*

The plans have been amended to provide a waste facility on each residential level, consisting of a 240 L garbage bin and a 240 L recycling bin in a small room. A goods lift has not been provided. Staff will need to decant the 240 L garbage bins into the 660L bins and return the 240 L bin to the floor. A bin lifter will be required to decant the bins safely.

Subject to recommended conditions, the proposed development is satisfactory in respect to the waste management.

3.3 Social Impacts

The residential development for Seniors Living would improve housing choice in the locality by providing a housing for older persons and persons with disabilities. This is consistent with Council's Housing Strategy which identifies the need to provide a mix of housing options to meet future demographic needs in Hornsby Shire.

The location of the development is in close proximity to Waitara Railway Station enabling access to Hornsby commercial centre, recreational, health and education facilities for future residents.

3.4 Economic Impacts

The proposal would have a positive impact on the local economy in conjunction with other residential type development in the locality by generating an increase in demand for local services and employment to service the needs of future residents of the development.

4. SITE SUITABILITY

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

The site has long been used for community and aged and disable persons housing. The proposed development is consistent with the existing and approved use of the site. The development has been considered against the applicable provisions of the *HLEP* and *SEPP HSPD*, *SEPP 65* and the *RFDC* and is considered to be an appropriate form of development, which responds to the adjoining development and constraints of the site.

4.1 Flooding

Part of the land the subject of the development is identified as being affected by flooding by the 100 ARI overland flow. The applicant proposes an engineering solution to address this matter, which is detailed in Section 3.1.3 above. Suitable conditions to address the stormwater management of the site are recommended within the conditions of consent.

4.2 Bushfire Risk

The land is identified as being subject to bushfire risk. The RFS has assessed the proposal in relation to asset protection zones, water and utilities, access, evacuation and emergency management and design and construction.

As part of the development assessment, Council identified an inconsistency between the DA plans and the recommendations in the applicant's Bushfire report. The Bushfire report submitted to the RFS in April advised that an 8m wide road is provided through the site,

whereas road widths in the order of 6m wide are proposed on the DA plans. The access condition imposed by the RFS in their letter of 9 June 2015 required internal roads to comply with *section 4.2.7 of Planning for Bush Fire Protection 2006 (PBP)* which prescribes 8m wide roads. After this matter was identified, the applicant provided additional reports regarding the access through the site.

The RFS document *Planning for Bushfire Protection* recognises constraints associated with the redevelopment of existing Special Fire Protection Purpose (SFPP) development. PBP states that infill SFPP development *should also seek to achieve a better bush fire risk outcome (such as improved construction standards) than if the development did not proceed (PBP p 30)*. The applicant's bushfire report advised that the full suite of bushfire protection measures have been utilised in the design of the redevelopment to ensure that the Bushfire Protection Measures (BPM) in combination provide for a better bushfire outcome than currently exists on site.

The current aged housing development on the McQuoin Park site does not meet PBP in its existing form as:

- No direct access is provided onto the Pacific Highway and no through roads within the site.
- Road widths throughout the site are predominantly 4.5m
- The dead ends within the site terminate in constricted areas and do not provide turning areas for large vehicles to turn an exit the site in a forward direction.
- The road interface with the remnant bushland reserve is 4.5m wide.
- The existing road layout is tight and does not provide easy access for large vehicles.
- The narrow access way at the pinch point at the rear of the site near the bushland has no provision for the passing of cars or large fire appliances and has a guardrail that encroaches into the 4.5m wide paved areas.
- A large concrete retaining wall constricts movement.

In comparison, the application proposes a minimum 6m wide access loop road from two points on the Pacific Highway that is continued at the interface with the bushland area. The existing road will continue to be utilised as a perimeter road with roll-top kerbs provided along most of its length to widen the drivable surface to 8m, thereby meeting the RFS acceptable solutions of *Planning for Bushfire Protection*.

The internal one-way road between the ILU Buildings Blocks A,B,C,D and E is 4.2m wide. The central internal road does not provide access to potential bushfire areas, therefore this area can be a one way road and meet the acceptable solutions from PBP for one-way public access roads. PBP provides an acceptable solution: *"one way only public access roads are no less than 3.5 metres wide and provide parking within parking bays and locate services outside of the parking bays to ensure accessibility to reticulated water for fire suppression."* (PBP p 21)

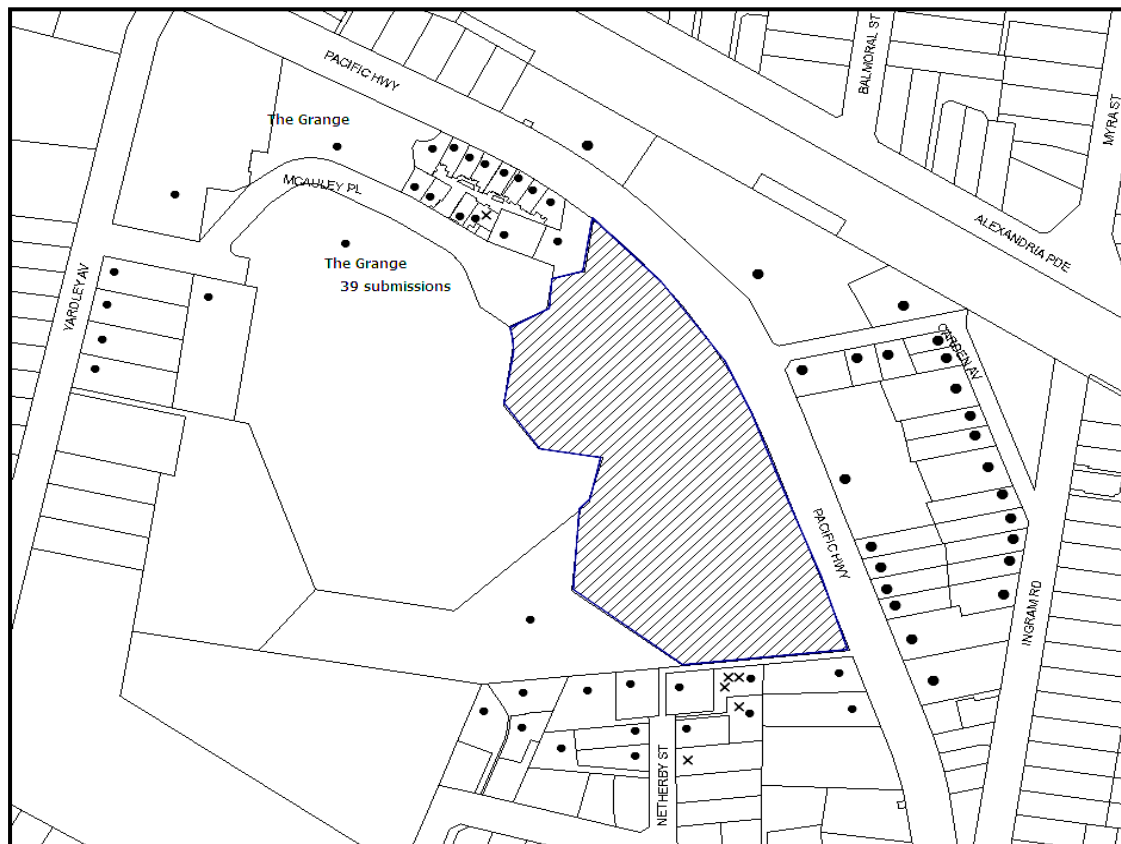
The proposal is acceptable in relation to RFS requirements and the requirements of *Planning for Bushfire Protection 2006*, subject to conditions of development consent as contained within Schedule 1.

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 originally placed on public exhibition and was notified to adjoining and nearby landowners between 15 May 2015 and 18 June 2015 in accordance with the Notification and Exhibition requirements of the HDCP. During this period, Council received 38 submissions. The application was amended and renotified from 25 August 2015 to 11 September 2015. During the notification of the amended plans, Council received 8 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	
1 SUBMISSION RECEIVED OUT OF MAP RANGE			

The objections to the development were generally on the grounds that the development would result in the following adverse impacts:

- Impacts to Trees
- Traffic, various issues including:
 - preventing access from McAuley Place;
 - increased traffic;
 - short cut to avoid Yardley and Unwin Rd; and

- safety of school children and elderly pedestrians.
- Parking
- Construction hours and impacts during construction
- Flooding
- Loss of privacy from communal uses located within Building E
- Impacts of Building E upon dwellings in The Grange
- Impacts of Building C upon dwellings in Netherby Place
- Insufficient setback of RACF building
- Overshadowing
- Non- compliance with Hornsby DCP.

The merits of the matters raised in community submissions have been addressed in the body of the report with the exception of access from McAuley Place. In consideration of the extent of public interest comments are made in respect of the issues raised as follows.

Trees – The Arboricultural Impact Assessment provided with the proposal identified 297 trees on or immediately adjacent to the site. The proposed development would necessitate the removal of 139 trees from the site, the great majority of which are located in stage 1 in the vicinity of the RACF building and are not significant. The site's significant trees include trees forming part of the Blue Gum High Forest (BGHF) community along the property boundaries. The significant BGHF trees along the southern and south-western boundaries are not affected by the new layout, as the existing internal roadway in that location is not altered.

Along the Pacific Highway frontage there are 68 trees of BGHF heritage significance, of which 8 are to be removed. Seven of the trees to be removed are associated with the southern driveway to the Pacific Highway that was approved in that location under DA/1109/2007. There is a net additional loss of Tree No.25, a mature Blue Gum located adjacent to the new northern entrance to the site. The loss of all 8 significant trees is addressed by condition No. 51 that requires green offsets to be planted on the site.

The Landscape plan proposes to provide extensive new plantings throughout the site. Consent conditions require green offsets to be provided on the site for the 8 significant trees that are to be removed from the site.

Suitable conditions to ensure the protection of trees and the ongoing management to ensure the landscape qualities are maintained have been suggested within the conditions of consent.

Traffic - Due to the location of the Grange development, the road treatment to McAuley Place and the underdeveloped extent of the subject site in recent years, McAuley Place has taken on a private road nature for the Grange development. A number of objections raised the point that vehicular access should be purely from the Pacific Highway. McAuley Place is a public road and the subject site has always gained access from McAuley Place. Additional access is being provided from the Pacific Highway and measures proposed to prevent the creation of a rat run through the site. Preventing access from McAuley Place is not reasonable and

these objections cannot be supported. The application is supported by a Traffic Assessment that has been reviewed by Council and the RMS as appropriate subject to conditions.

Parking –The proposed development provides sufficient parking on-site to meet the likely demand of the proposed development.

Construction hours - Standard conditions related to the operation of building sites have been suggested within the conditions of consent. There is likely to be some inconvenience and levels of increased noise that are associated with construction works. The conditions suggested will limit the likely impacts.

Flooding – The site is affected by an overland flow path. A hydraulic engineering assessment of the site has been undertaken by C & M Consulting Engineers in accordance with the Hornsby Council's Civil Works Specifications, 2005. The 100 year ARI overland flow path works are to be designed and constructed such that the post development flow depth velocity product and extent of flooding to downstream properties remain same as predevelopment or improved.

Council's Engineering assessment requires that all building/flood protection wall abutting the overland flow shall be constructed to a minimum 0.5m above the 100 year ARI flow level and flood proofed in accordance with Floodplain Management Manual of NSW government. Following completion of the works, a Chartered Professional Civil/ Hydraulic Engineer of the Institution of Engineers, is to provide a compliance certificate.

Council's engineering assessment has considered the proposed means of stormwater disposal and is of the view that there would be no increase in flooding impacts to adjoining properties and has recommended conditions of development consent.

Loss of Privacy from Building E – Concerns were raised with the applicant regarding possible amenity impacts as a result of the community uses located within proposed Building E. The applicant has addressed these concerns by amendments to the plans to delete a balcony adjacent to the billiards room. To further ensure the protection of amenity of the adjoining property owners, it is suggested to limit the hours of operation of the proposed men's shed.

Impacts of Building C upon dwellings in Netherby Place – The proposed development provides for setbacks in excess of those for the approved development in the vicinity of the Netherby Place dwellings. Sufficient setbacks in association with existing landscaping will ensure levels of residential amenity are protected.

Insufficient setback of RACF building – As the existing site is underdeveloped relative to adjoining development, the location of the RACF building will result in a variation to the appearance of the end of McAuley Place. The submitted photomontage indicates the proposed RACF will be consistent with the scale of adjoining development.

Overshadowing - Minor overshadowing of the adjoining properties to the west within the Grange will result from the proposed buildings. The extent of the overshadowing is consistent with that of the approved development and will not result in an unreasonable reduction in the level of solar access afforded.

Non- compliance with Hornsby DCP – The proposed development has been assessed having regard to the applicable planning controls contained in *SEPP HSPD*, *SEPP 65* and the *RFDC*. The provisions of the HDCP are not relevant to the form of the development as proposed.

5.2 Public Agencies

5.2.1 Roads and Maritime Services

The application was referred to the Roads and Maritime Services (RMS) for concurrence. No objections have been raised subject to recommended conditions. The RMS requests the imposition of conditions upon any development consent issued. The conditions are included within Schedule 1 of this report.

5.2.2 Rural Fire Service

The application was referred to the Rural Fire Service (RFS) for concurrence. No objections have been raised subject to recommended conditions included within Schedule 1 of this report.

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 application proposes the demolition of existing buildings and construction of a new residential care facility building for 122 residents, 5 independent living unit buildings varying in height from 3 to 5 storeys containing 168 dwellings and 259 car parking spaces, community facilities, café, and associated works

The proposed development is permissible under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and generally complies with the objectives and controls contained in the Policy.

The provisions of State Environmental Planning Policy 65 apply to the proposed independent living unit buildings which are of residential flat building design. The proposal is considered consistent with objectives and intent of the Policy controls.

The vegetation on the site is a listed heritage item under the Hornsby Local Environmental Plan 2013. The proposed works have been designed to limit the impact of the development upon the trees within the site.

The potential for adverse impacts as a result of the location of the community facilities within proposed Building E has been mitigated by design amendments and suggested conditions of consent are included to further protect the residential amenity of adjoining dwellings within the Grange development.

The proposal is assessed as satisfactory with regard to the matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979. Council received thirty eight submissions during the initial notification period and the proposal has been amended to address the concerns of the surrounding neighbours. A further 8 submissions were received.

Conditions of consent would ensure that proposal does not adversely impact on the natural and built environment of the locality. Having regard to the circumstances of the case, approval of the application is recommended.

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.

ATTACHMENTS

1. Locality Plan
2. Site Plan
3. Landscape Plans
4. Floor Plans
5. Elevations and Sections
6. Stormwater Flooding Plans
7. Shadow Diagrams
8. Photomontage

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:

Plan No.	Drawn by	Dated
2842 A-001 DA- 01	Morrison Design Partnership	26 Mar 2015
2842 A-002 DA- 01	Morrison Design Partnership	26 Mar 2015
2842 A-003 DA- 03	Morrison Design Partnership	17 Aug 2015
2842 A-020 DA- 02	Morrison Design Partnership	9 April 2015
2842 A-030 DA- 02	Morrison Design Partnership	9 April 2015
2842 A-031 DA- 02	Morrison Design Partnership	9 April 2015
2842 A- 0010 DA-01	Morrison Design Partnership	26 Mar 2015
2842 A- 0011 DA-01	Morrison Design Partnership	26 Mar 2015
2842 A- 0012 DA-01	Morrison Design Partnership	26 Mar 2015
2842 A- 0013 DA-01	Morrison Design Partnership	26 Mar 2015
2842 A- 0014 DA-01	Morrison Design Partnership	26 Mar 2015
2842 A- 0015 DA-01	Morrison Design Partnership	26 Mar 2015
2842 A- 060 DA-03	Morrison Design Partnership	13 Aug 2015
2842 A- 061 DA-03	Morrison Design Partnership	13 Aug 2015
2842 A- 062 DA-03	Morrison Design Partnership	13 Aug 2015

2842 A- 063 DA-02	Morrison Design Partnership	9 Apr 2015
2842 AR- 100 DA-02	Morrison Design Partnership	11 Aug 2015
2842 AR- 101 DA-02	Morrison Design Partnership	11 Aug 2015
2842 AR- 102 DA-02	Morrison Design Partnership	11 Aug 2015
2842 AR- 103 DA02	Morrison Design Partnership	11 Aug 2015
2842 AR- 104 DA-02	Morrison Design Partnership	26 Mar 2015
2842 AR- 300 DA-03	Morrison Design Partnership	10 Aug 2015
2842 AR- 301 DA-03	Morrison Design Partnership	10 Aug 2015
2842 AR- 302 DA-03	Morrison Design Partnership	14 Aug 2015
2842 A-400 DA-02	Morrison Design Partnership	14 Aug 2015
2842 AR- 100 DA-02	Morrison Design Partnership	11 Aug 2015
2842 AR- 101 DA-02	Morrison Design Partnership	11 Aug 2015
2842 AR- 102 DA-02	Morrison Design Partnership	11 Aug 2015
2842 AR- 103 DA-02	Morrison Design Partnership	11 Aug 2015
2842 AR- 200 DA-02	Morrison Design Partnership	14 Aug 2015
101 Issue B	Site Image	14/8/15
102 Issue B	Site Image	14/8/15
103 Issue B	Site Image	14/8/15
104 Issue B	Site Image	14/8/15
105 Issue B	Site Image	14/8/15
106 Issue B	Site Image	14/8/15
107 Issue B	Site Image	14/8/15
108 Issue B	Site Image	14/8/15
501 Issue B	Site Image	14/8/15
502 Issue B	Site Image	14/8/15
503 Issue B	Site Image	14/8/15
001-013	Site Image	14/8/15
01266_701 Rev 02	C & M Consulting Engineers	9 Sept 2014
01266_120 Rev 02	C & M Consulting Engineers	9 Sept 2014
01266_201 Rev 03	C & M Consulting Engineers	9 Sept 2014
01266_202 Rev 02	C & M Consulting Engineers	9 Sept 2014
01266_301 Rev 02	C & M Consulting Engineers	9 Sept 2014
01266_302 Rev 02	C & M Consulting Engineers	9 Sept 2014
01266_303 Rev 02	C & M Consulting Engineers	9 Sept 2014
01266_401 Rev 02	C & M Consulting Engineers	9 Sept 2014
01266_501 Rev 02	C & M Consulting Engineers	9 Sept 2014
01266_621 Rev 02	C & M Consulting Engineers	9 Sept 2014
01266_651 Rev 02	C & M Consulting Engineers	9 Sept 2014
01266_652 Rev 01	C & M Consulting Engineers	9 Sept 2014
01266_SK01	C & M Consulting Engineers	30 July 2015
01266_SK02	C & M Consulting Engineers	30 July 2015
01266_SK03	C & M Consulting Engineers	30 July 2015

Document No.	Prepared by	Dated
Statement of Environmental Effects	BBC Consulting Planners	April 2015
Additional Information	BBC Consulting Planners	17 Aug 2015
8580.21 Hazmat Asbestos & Lead Paint Risk Assessment Audit	Stokes Penna Building Compliance Pty Ltd	10 October 2012
Heritage Assessment of Endemic Trees	Mayne- Wilson & Associates	Feb 2015
Flora and Fauna Assessment	Ecological	3 Feb 2015
Arboricultural Impact Report	Landscape Matrix	9 April 2015
Traffic Impact Assessment	GTA Consultants	1 Apr 2015
Acoustic	Acoustic Logic	16 Jan 2015
Soil & Water Management Plan R01266-S&WMP Rev A	C & M Consulting Engineers	June 2015
Architectural Design Report	Morrison Design Partnership	8 Apr 2015
Access Report	Accessible Building Solutions	26 Feb 2015
Landscape Masterplan Design Report Issue B	Site Image	Aug 2015
Root Mapping Investigation	Landscape Matrix	12 Aug 2015
Waste Management Plan Rev 2	Morrison Design Partnership	12 Aug 2015
Bushfire Access Report	Blackash Bushfire Consulting	6 Aug 2015
Air Quality Assessment 70Q-15-0055-TRP-517880-0	Vipac Engineers & Scientists	9 March 2015
BCA Compliance	Blackett Maguire & Goldsmith	8 Apr 2015
Bushfire Assessment	Blackash Bushfire Consulting	21 Oct 2014
BASIX	Six b Design	6 Mar 2015
Contamination Assessment	Environmental Investigations	26 Apr 2006
Remediation Action Plan	Environmental Investigations	25 Sept 2007

2. Amendment of Plans

- a) To comply with Council's requirement in terms of movement of waste collection point, the approved plans are to be amended as follows:
 - i) The internal road near the driveway to ILU block C is to be widened to include the vehicle travel path of the 9.7m (5.5m wheelbase) waste collection vehicle.
 - ii) The distance between the trees at the hardstand area/ bin collection area for ILU building B is to be increased from 4.5 m to no less than 7.0 m

- b) To comply with Council's requirement in terms of minimising visual and privacy impacts from Block E to the neighbouring property, the approved plans are to be amended as follows:
 - i) Remove the billiards room balcony indicated on the western elevation plans on Block E
 - ii) Provide a 1.8m high privacy screen to the western elevation of the dining room verandah
- c) To comply with Council's requirement to provide adequate parking and facilities for each stage, the staging plan is to be amended as follows:
 - i) Stage 1, the RACF building, is to include the internal roadway and associated stormwater works to the south of the building. This is to ensure that the basement to the RACF building is available for use as part of Stage 1 and adequate flood mitigation and stormwater drainage works are completed.

These amended plans must be submitted with the application for the Construction Certificate.

3. Removal of Existing Trees

- a) Stage 1 - This development consent permits the removal of trees numbered 1, 6, 7, 11-16, 18, 20-21, 25, 26, 41, 47-51, 57-62, 67-71, 78-83, 93, 94, 96, 97, 109, 122, 129, 141, 147, 151, 171, 173, 174, 186, 190-192, 202-222, 225-235, 237-239, 246-253, 256, 257, 259, 273--277, 280-282, 285, 288, 291-293, 315, 318, 320, 321, 326A, 330, 353, 378, and 382 as identified in the Supplied Aboricultural Impact Assessment provided by Landscape matrix dated 9 April 2015 (D05287420).
- b) Stage 2A – This development consent permits the removal of trees numbered 141, 147, 152, 291 and 293 as identified in the Supplied Aboricultural Impact Assessment provided by Landscape matrix dated 9 April 2015 (D05287420).
- c) Stage 2B - This development consent permits the removal of trees numbered 175, 176, 177, 183, 202, 203, 204, 206, 254, 255, 261, 262, 339, 352, 354, 356, 358, 359, 391 and 394 as identified on page 33 Section 5 of Table 5 contained in the Supplied Aboricultural Impact Assessment provided by Landscape matrix dated 9 April 2015 (D05287420).
- d) The removal of any other trees requires separate approval in accordance with the Tree and Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

4. Pruning Works – Stage 1

- a) This development consent only permits the pruning of tree(s) numbered 63 and 64 as identified the Aboricultural Impact Report Assessment provided by Landscape matrix dated 9 April 2015 (D05287420).
- b) The recommended pruning works for tree/s numbered 63 and 64 will require the consent of the owner of that asset; No works are to be undertaken without that consent. Council acknowledges there is a requirement to provide scope to undertake the construction works. It is desirable that pruning works are only canopy lifting rather than excessive reduction.

All tree works consented will require supervision by a project Arborist (AQF5 qualified). All works are to be undertaken by an Arborist holding an AQF level 3 certification in Arboriculture.

5. Pruning Works – Stage 2A and 2B

- a) This development consent only permits the pruning of tree(s) numbered 34, 35 and 181 as identified the Aboricultural Impact Report Assessment provided by Landscape matrix dated 9 April 2015 (D05287420).
- b) The recommended pruning works must be in the form of the following:
 - i) General crown maintenance as outlined in AS4373-2007.
 - ii) Canopy lifting of equal to 10% as outlined in AS4373-2007.
- c) All tree works consented will require supervision by a project Arborist (AQF5 qualified). All works are to be undertaken by an Arborist holding an AQF level 3 certification in Arboriculture.

6. Construction Certificate

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.
- b) A separate Construction Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.
- c) A separate Construction Certificate must be obtained from Council for all works within drainage easements vested in Council.
- d) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

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

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

8. Fire sprinkler

A Fire sprinkler system is to be installed in the RACF building to meet the requirements of Clause 22 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) (2004)*.

9. Contract of Insurance (Residential Building Work)

Where 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, this contract of insurance must be in force before any building work authorised to be carried out by the consent commences.

10. Utility Services

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

- a) *Ausgrid (formerly Energy Australia)* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b) *Telstra* - a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

11. Sydney Water – Quick Check

This application must be submitted to a *Sydney Water* 'Quick Check Agent' or 'Customer Centre' for approval to determine whether the development would affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

Note: Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

12. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of Units 176 and 177 The Grange, 2 McAuley Place, Waitara.

13. Identification of Survey Marks

A registered surveyor must identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development shall be undertaken by a registered surveyor in accordance with Section 24 (1) of the *Surveying and Spatial Information Act 2002* and following the Surveyor General's Directions No.11 – "**Preservation of Survey Infrastructure**".

14. Construction Traffic Management Plan

To enable unencumbered movement of traffic in the public road during construction works, a Construction Management Plan, including a Traffic Management Plan and scaled construction plans prepared by a suitably Chartered and Qualified Chartered Civil Engineer and Qualified Worksite Traffic Controller shall be prepared and

submitted to Hornsby Shire Council for approval according to the following requirements:-

- a) A copy of the plans shall be submitted for consideration and written approval by Hornsby Shire Council prior to the release of the Construction Certificate.
- b) The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.
- c) The CTMP plans shall be in accordance with the approved Development Application plans and the Development Consent conditions.
- d) To prevent injury, accident and loss of property, no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
- e) The Plan shall be generally in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998" and detailing:-
 - i) Public notification of proposed works;
 - ii) Long term signage requirements;
 - iii) Short term (during actual works) signage;
 - iv) Vehicle Movement Plans, where applicable;
 - v) Traffic Management Plans;
 - vi) Pedestrian and Cyclist access and safety;
- f) The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times.
- g) The plans shall include the proposed truck routes to and from the site including details of the frequency of truck movements at the different stages of the development. The plan shall also include details of parking arrangements for all employees and contractors.
- h) The Applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
- i) If there is a requirement to obtain a Work Zone, partial Road Closure or Crane Permit an application to Hornsby Shire Council is to be made prior to the issue the Construction Certificate

15. 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. The Traffic

Management Plan shall be submitted and approved by Council's Manager Traffic and Road Safety prior to the issue of a construction certificate. 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; and
- f) Pedestrian and cyclist access/safety.

16. Pedestrian Access Management Plan

A Pedestrian Access Management Plan (PAMP) detailing how pedestrian movements will be changed and managed during various stages of development, particularly during any partial or total closure of footpaths on Pacific Highway. Council will review the PAMP, agree any modifications with the proponent and enforce the PAMP during construction.

17. Overland Flow

- a) The 100 year ARI flow path works are to be in accordance with the plans, Sk01 -03, revision 01, dated 30th July 2015, prepared by C & M Consulting Engineers and Hornsby Council's Civil Works Specifications, 2005. The outlet works shall be designed and constructed to ensure that the post development flow depth velocity product and extent of flooding to downstream properties remain same as predevelopment or improved.
- b) All building/flood protection wall abutting the overland flow shall be constructed to a minimum 0.5m above the 100 year ARI flow level and flood proofed in accordance with Floodplain Management Manual of NSW government. After completion of the works, a Chartered Professional Civil/Hydraulic Engineer of the Institution of Engineers, is to provide a compliance certificate.
- c) An overland flow risk management plan is to be submitted with a construction certificate application to Council.
- d) Fences across overland flow path shall be of swimming pool type fence or hinged at 0.5m above the 100 year ARI flood level.
- e) No trees are to be planted within the overland flow path.

Note: Council is the only authority that can issue a construction certificate for construction of a stormwater line that is to be maintained by Council

18. Stormwater Drainage

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained in accordance with the following requirements:

- a) Connected directly to a pit of Council's drainage system
- b) Be designed by a Chartered Professional Civil/ Hydraulic Engineer of the Institution of Engineers, Australia

19. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

- a) Storage capacity to accommodate volume from up to 20 years ARI (average recurrence interval) storms and a maximum discharge (when full) limited to 5 years pre development rate.
- b) Have a surcharge/inspection grate located directly above the outlet. Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- c) Where above ground system is proposed and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.
- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.
- e) Detail calculations are to be shown in construction certificate plan.
- f) An overflow/escape path shall be incorporated in the design.

20. Water Quality/Bio Retention System

- a) Stormwater discharging from the development site is to be treated to achieve the quality specified in Council's Development Control Plan 2012 (table 1C.1.2(b) Urban Stormwater Quality Targets) and a quality treatment system is to be constructed.
- b) Prior to occupation of the premises, a Chartered Civil/Hydraulic Engineer of the Institution of Engineers, Australia is to certify that works have been completed in accordance with the approved construction plan and the measures will achieve the targets specified in the condition.

21. Vehicular Crossing

A separate application under the *Local Government Act, 1993* and the *Roads Act 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design 2005* and the following requirements

- a) Design levels at the front boundary must be obtained from Council for the design on the internal driveway;
- b) Any redundant crossings must be replaced with integral kerb and gutter;
- c) The footway area must be restored by turfing;
- d) Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

22. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed, constructed and a Construction Certificate issued in accordance with *Australian Standards 2890.1, 2890.2, 3727* and the following requirements:

- a) Design levels at the front boundary shall be obtained from Council if a private accredited certifier is engaged to obtain a construction certificate for these works.
- b) The driveway be a rigid pavement.
- c) Conduit for utility services including electricity, water, gas and telephone be provided. All existing overhead assets including electricity and telecommunications cabling shall be relocated underground at no cost to Council. A certificate from an appropriately licensed contractor shall be submitted to the principal certifying authority certifying that the service conduits have been installed in accordance with the relevant utility provider and Australian Standards.
- d) Longitudinal sections along both sides of the access driveway shall be submitted to the principal certifying authority in accordance with the relevant sections of AS 2890.1. The maximum grade shall not exceed 1 in 4 (25%) with the maximum changes of grade of 1 in 8 (12.5%) for summit grades and 1 in 6.7 (15%) for sag grades. Any transition grades shall have a minimum length of 2 metres. The longitudinal sections shall incorporate the design levels obtained by Council.

23. Road Works

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

- a) Kerb and gutter shall be replaced along the frontage of Pacific Highway to the requirements of RMS.
- b) The existing footpath along Pacific Highway is to be removed and a new footpath constructed.

- c) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.
- d) The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.
- e) No work is to commence within the road reserve until approval under Section 138 of the Roads Act is obtained from Hornsby Shire Council. In this regard a construction certificate application is to be submitted to Council
- f) For all works along Pacific Highway, stamped plans from the authority shall be submitted to Council with a construction certificate application.
- g) Necessary road occupancy permit is to be obtained from RMS to carry out works in Pacific Highway.

24. Waste Management

The following waste management requirements must be complied with:

- a) The approved on-going waste management system must not be amended without the written consent of Council.
- b) A bulky waste storage area of at least 8 square metres must be provided for each ILU building.
- c) Storage space must be provided for all equipment required for the operation of the waste management system, including a bin lifter(s), motorised bin carting equipment.
- d) The kerb around the internal road must be roll kerb (not step kerb). There must be no garden beds, trees, shrubs or other raised object or landscaping feature within 1 metre of the side of the road – grass/lawn/footpath is acceptable.
- e) The median at the Pacific Highway entry to the site must be able to be driven over by waste collection vehicles.

Note: Marking by paint is acceptable Step kerb is not acceptable.

- f) The waste facilities (a garbage bin and recycling bin in a small room) on each residential level of each ILU building must be accessible by persons with a disability while comfortably housing one 240 L garbage bin and one 240 L recycling bin.

Note: 240 L recycling and garbage bins are 600 mm wide by 750 mm deep; allow for ease around the bin – 75 mm is recommended).

- g) A Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:

- i) An estimate of the types and volumes of waste and recyclables to be generated;
 - ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;
 - iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;
 - iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.
- h) Prior to the issue of a Construction Certificate, a Certificate from an appropriate qualified Traffic Engineer is to be submitted to the Principal Certifying Authority (PCA) certifying that the loading areas and garbage collection areas comply with AS 2890.2 and the approved Development Consent plans and conditions.

25. Appointment of a Project Arborist – All Stages

- a) A project arborist (AQF5 qualified) must be appointed to oversee the installation of tree trunk protection and tree protection zone fencing and must be in accordance with Australian Standard AS 4970-2009 (1.4.4). The details of the project arborist is to be provided to Council and the PCA prior to the issuance of a construction certificate.
- b) The project arborist must monitor the integrity of the tree protection methods, recording any modifications or alterations to the tree protection zone fencing for the duration of the construction period.

26. Traffic Management Boom Gate

A traffic management boom gate is to be located on Road No 4, between McAuley Place and the new internal road system. Details of the location of the boom gate is to be submitted to Council's Traffic Engineer for approval prior to the issuance of a construction certificate.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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27. Erection of Construction Sign

- a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:
 - i) Showing the name, address and telephone number of the principal certifying authority for the work;
 - ii) 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
 - iii) Stating that unauthorised entry to the work site is prohibited.

- b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

28. 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; and/or
- 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.

29. Toilet Facilities

- a) To provide a safe and hygienic workplace, toilet facilities must be available or be installed 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.
- b) Each toilet must:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) be a temporary chemical closet approved under the *Local Government Act 1993*; or
 - iii) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

30. Erosion and Sediment Control

To protect the water quality of the downstream environment, 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 may be issued for any non-compliance with this requirement without any further notification or warning.

31. Tree Protection Zone Fencing (TPZ)

- a) Tree barriers and protection zone fencing must be installed prior to the commencement of works on the site for each stage.

- b) Stage 1 - Tree protection fencing must be erected around trees numbered 1, 3, 4, 5, 24, 63, 64, 73, 85, 193, 194, 243, 242, 241, and 240 in accordance with required tree protection zones as identified in the Supplied Aboricultural Impact Assessment provided by Landscape matrix dated 9 April 2015 (D05287420).
- c) Stage 2A - Tree protection fencing must be erected around trees numbered 289, 290 in accordance with required tree protection zones as identified in the Supplied Aboricultural Impact Assessment provided by Landscape matrix dated 9 April 2015 (D05287420).
- d) Stage 2B - Tree protection fencing must be erected around trees numbered 22, 24, 27, 30-39, 45, 46, 179, 180-189, 335, 338, 360-390 in accordance with required tree protection zones as identified in the Supplied Aboricultural Impact Assessment provided by Landscape matrix dated 9 April 2015 (D05287420).

32. Tree Ground Protection – All Stages

All Tree Protection Zones must have a layer of wood-chip mulch installed prior to works commencing and must be maintained throughout the period of construction at a depth of 150mm – 300mm using material that complies with Australian Standard AS 4454.

33. Tree Protection Certification

The project arborist must submit to the Principal Certifying Authority a certificate/statement confirming that all tree protection measures have been installed in accordance with this consent and the specific requirements of Australian Standard AS4970-2009.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

34. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday (unless otherwise approved in writing by Council due to extenuating circumstances). No work is to be undertaken on Sundays or public holidays.

35. Construction Vehicles

All construction vehicles associated with the proposed development are to be contained on site or in an approved “Work Zone”.

36. Demolition

To protect the surrounding environment, 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 must 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* ;and
- c) On construction sites where any building contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

37. 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.

38. Street Sweeping

To protect the surrounding environment, Street sweeping must be undertaken following sediment tracking from the site along the roads adjacent to the site frontages during works and until the site is established.

The street cleaning services must undertake a street 'scrub and dry' method of service and not a dry sweeping service that may cause sediment tracking to spread or cause a dust nuisance.

39. Council Property

To ensure that the public reserve is kept in a clean, tidy and safe condition during construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

Note: This consent does not give right of access to the site via Council's park or reserve. Should such access be required, separate written approval is to be obtained from Council.

40. Disturbance of Existing Site

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

41. 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 suitably qualified geotechnical engineer verifying that the specified compaction requirements have been met.
- c) This compaction certificate must be included with the application for an occupation certificate.

42. Excavated Material

All excavated material removed from the site must be classified by a suitably qualified person in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* prior to disposal to an approved waste management facility and be reported to the principal certifying authority prior to the issue of an Occupation Certificate.

43. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority:

- a) Prior to the pouring of concrete at each level of the building certifying that:
 - i) The building, retaining walls and the like have been correctly positioned on the site; and
 - ii) The finished floor level(s) are in accordance with the approved plans.
- b) Confirming that the waste collection vehicle turning area complies with AS2890.1 – 2004 and AS20890.2 – 2002 for small rigid vehicles (SRV).

44. Traffic Control Plan Compliance

The development must be carried out in accordance with the submitted Traffic Control Plan (TCP).

45. Maintenance and Monitoring of Tree protection

- a) All required tree protection measures must be monitored by the appointed project arborist to ensure that they are maintained in good condition for the duration of the construction period.
- b) The project arborist must supervise and record all works, including driveways and retaining walls, on the subject or adjoining properties within 6 metres of any trees required to be retained.

- c) Stage 1 - The project arborist must record the method(s) used to preserve the tree(s) 63, 64 for the duration of the proposed works and form part of final certification documentation.
- d) Stage 2A - The project arborist must record the method(s) used to preserve the tree(s) 289 and 290 for the duration of the proposed works and form part of final certification documentation
- e) Stage 2B- The project arborist must record the method(s) used to preserve the tree numbered 22, 24, 27, 30-39, 45, 46, 179, 180-189, 335, 338, 360-390 for the duration of the proposed works and form part of final certification documentation.

46. Work within Tree Protection Zones

Consent is granted to undertake works within Tree Protection Zone of the trees prescribed at Condition 45 above with the following conditions:

- a) **Driveway/concrete slabs (no-strip footing)**
 - i) To facilitate the installation of the driveway, Tree protection fencing must only be adjusted to provide sufficient access and must minimise encroachment of a trees structural root zone.
 - ii) The driveway must be built on grade, with the use of piers to provide support to minimise compaction with the tree protection zone.
 - iii) Material being imported to the site to create level grade for driveway must be distributed by hand within the tree protection zone.
- b) **Foundation/ Footings**

Where the building foundation encroaches within the tree protection zone (of any retained tree), that portion of the foundation must be of a canter lever design.
- c) **Root Pruning**
 - i) The project arborist must monitor and assess the necessary root pruning in accordance with in Australian Standard AS 4970-2009 Sections 3.3.4, 4.5.4 and 4.5.5.
 - ii) The final certification submitted by the project arborist to the principal certifying authority must detail the methods used to preserve the trees e.g. application of nutrients/root development stimulants (fish emulsion).
- d) **Installing underground services**
 - i) The installation of any services within the nominated tree protection zone of any tree to be retained must utilise the thrust boring method.
 - ii) Thrust boring must be carried out so that 'top of pipe' is a minimum 600mm depth beneath existing ground level.

e) **Building materials and Site Waste**

The filling or stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, waste water or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent or the prescriptive measures of Part 1B.6.1 Tree Preservation of the Hornsby Development Control Plan, 2013, of any tree to be retained.

47. Waste Management

Waste management during the demolition and construction phase of the development must be undertaken in accordance with the approved Waste Management Plan. Additionally written record 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) Date and time of waste collection.
- d) A description of the waste (type of waste and estimated quantity).
- e) Details of the site to which the waste is to be taken.
- f) The corresponding tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
- g) 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.

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.

48. Fulfilment of BASIX Commitments

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

49. Fulfilment of Accessibility Commitments

The applicant must demonstrate the fulfilment of accessibility commitments pertaining to the development as required by Clause 41 of *SEPP (Housing for Seniors or People with a Disability) 2004*.

50. Damage to Council Assets

To protect public property and infrastructure any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the proponent in accordance with Council's Civil Works Specifications.

51. Maintain Canopy Cover

Replacement Tree Planting is required under the following conditions:

a) Green Offset Replacement Planting

- i) To offset the loss of 8 significant Blue Gum High Forest trees removed under this consent, replacement tree planting must be with the species characteristic of Blue Gum High Forest (BGHF) such as *Angophora floribunda*, *Syncarpia glomulifera*, *Eucalyptus saligna*.
- ii) The offset ratio for remnant EEC is 5:1, requiring 40 medium to large trees are to be planted on the site.

b) Location and Size of Plantings

- i) Tree plantings for must be located 4 metres or greater from the foundation walls of the approved development.
- ii) At least 12 of the trees should be planted along the Pacific Highway frontage.
- iii) The pot size of the replacement tree(s) must be a minimum 25 litres.
- iv) The replacement tree(s) must be maintained until they reach the height of 3 metres.
- v) The replacement trees must be native to Hornsby Shire and must reach a mature height greater than 15 metres.
- vi) All tree stock must meet the specifications outlined in '*Specifying Trees*' (Ross Clark, NATSPEC Books).
- vii) Planting methods must meet professional (best practice) industry standards

52. Completion of Landscaping

A certificate must be submitted to the PCA 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.

53. Project Arborist Certification

A certificate from the appointed project arborist must be submitted with the application for the occupation certificate to the principal certifying authority stating compliance with the relevant conditions of this consent.

54. Retaining Walls

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

55. External Lighting

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.
- b) Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Construction Certificate.

56. 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.

57. Unit Allotment Numbering

The allocation of unit numbering must be authorised by Council prior to the numbering of each unit in the development.

58. Site Remediation Verification

The applicant must provide documentation from a suitably qualified environmental consultant verifying that the site has been remediated in accordance with the NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites, the Contaminated Sites- Sampling Design Guidelines Contaminated Sites – Guidelines for the NSW Site Auditor Scheme and the recommendations of the Remedial Action Plan , Report No E807.1.1AA prepared by Environmental Investigations dated 25 September 2007.

59. Preservation of Survey Marks

A certificate by a Registered Surveyor must be submitted to the Principal Certifying Authority, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development or otherwise the re-establishment of damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No.11 – **"Preservation of Survey Infrastructure"**.

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 pavement, kerb & gutter, public drainage systems, driveways and on-site detention system. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

61. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88B of the *Conveyancing Act, 1919*:

- a) A restriction over the flow path for a 100 year average recurrence interval storm. The *"Restriction on the Use of Land"* over the affected lots is to prohibit the alteration of the final floodway shape and the erection of any structures, including fencing, in the floodway without the written permission of Council. The terms of this restriction must be obtained from Council;
- b) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention and water quality treatment systems and outlet works, within the lot/s in favour of Council in accordance with Council's prescribed wording. The positions of the on-site detention system and water quality treatment system are to be clearly indicated on the title.
- c) To register the positive covenant and the restriction on the use of land, *"works-as-executed"* details of the on-site-detention system and water quality treatment system must be submitted verifying that the required storage and discharge rates and water quality treatment measures have been constructed in accordance with the design requirements. The details must show the invert levels of the on-site system together with pipe sizes and grades and details of water quality treatment measures. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations

62. Certification of WSUD Facilities

Prior to the issue of an Occupation Certificate a certificate from a Civil Engineer is to be obtained stating that the WSUD facilities have been constructed and will meet the water quality targets as specified in the Hornsby Shire Councils DCP.

63. Completion of Works and Compliance Certificate

All engineering works identified in this consent are to be completed and a Compliance Certificate issued prior to the release of occupation permit.

64. 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 20010 and the Food Standards Code developed by Food Standards Australia New Zealand*. *Food Standards 3.3.1. 3.2.2 and 3.2.3* are mandatory for all food businesses.

Note: Walls are to be of solid construction.

65. 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)*'.

66. 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*.

67. Provision for National Broadband Network (NBN)

Provision must be made for fibre ready passive infrastructure (pits and pipes) generally in accordance with NBN Co's pit and pipe installation guidelines to service the proposed development. A certificate from NBN Co or Telstra must be submitted to the PCA that the fibre optic cabling provided for the development complies with MDU Building Design Guides for Development.

68. 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.

An acoustic assessment of noise emissions from plant within the RACF building and community facilities in Block E is to be undertaken by a suitably qualified environmental consultant within 60 days of occupying the site in accordance with the *Environment NSW Industrial Noise Policy (2000)*, *Council's Policy and Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000)* and the *DECC's Noise Guide for Local Government (2004)*. The assessment must be submitted to Council for review. Should the assessment find that noise from the

premise exceeds 5dB(A) appropriate measures must be employed to rectify excessive noise.

69. Safety and Security

This site must include the following elements:

- a) The entry doors to the pedestrian foyers are to be constructed of safety rated glass to enable residents a clear line of site before entering or exiting the residential apartments.
- b) Lighting is to be provided to pathways, building foyer entries, driveways and common external spaces.
- c) Security gate access is to be provided to the car parking areas allowing residents-only access to private car spaces.
- d) The driveway and basement car parking must be illuminated with low luminance at all times.
- e) Security deadlocks are to be provided to each apartment door.
- f) Peep holes are to be provided to individual apartment doors to promote resident safety.

70. Waste Management Details

The following waste management requirements must be complied with:

- a) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council.

Note: Waste and recycling management facilities includes everything required for on-going waste management on the site. For example the garbage chute system, volume handling equipment, bin lifter, motorised bin trolley or similar, recycling bin storage on each residential level, bin storage areas, bulky waste storage area, bin collection area, waste collection vehicle access, doors wide enough to fit the bin through, etc.

- b) The bin storage room(s) (residential and commercial) for each building must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door, sealed and impervious surface, adequate lighting and ventilation, and must be lockable. The residential waste facility at each residential level of each ILU building must include sealed and impervious surface, adequate lighting and ventilation.
- c) A report must be prepared by an appropriately qualified person, certifying the following:

- i) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.

Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report

- ii) *That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled.*

Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.

- iii) *All waste was taken to site(s) that were lawfully permitted to accept that waste.*

- d) Each unit must be provided with an indoor waste/recycling cupboard for the interim storage of a minimum two day's waste generation with separate containers for general waste and recyclable materials.

- e) Space must be provided for either individual compost containers for each unit or a communal compost container;

Note: The location of the compost containers should have regard for potential amenity impacts.

- f) The bin carting routes must be devoid of any steps.

Note: Ramps between different levels are acceptable

- g) Signs stipulating "No parking" between specified times must be erected to prohibit parking in parking spaces required to be used as waste collection areas.

- h) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by HRV waste collection vehicle, must be carried out by a registered surveyor and submitted to the principal certifying authority. Written confirmation must be submitted to the Principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for heavy rigid vehicles no less than 9.7 m long with 5.5 m wheelbase.

Note: encroachments of the vehicle turning path and low speed manoeuvring clearance (300 mm both sides) into parking spaces cannot be tolerated.

- i) Site security measures implemented on the property, including electronic gates, must not prevent access to the collection point(s) by waste removal services.
- j) Motorised bin lifting equipment must be provided to assist the site caretaker in the safe decanting of the 240 L garbage bins into the 660 L garbage bins.
- k) Motorised bin carting equipment must be provided to assist the site caretaker in the safe transfer of bins between the basement and ground levels.
- l) The means must be in place to prevent Commercial tenants from using the residential bins and prevent residents from using the commercial bins.

Note: Separate lockable bin storage rooms/cages are acceptable. The Residential Aged Care Facility, communal facilities and café will have commercial bins, while the independent living units will have residential bins.

OPERATIONAL CONDITIONS

71. Use of Premises

The development approved under this consent shall be used for residential care facility building for 122 residents, independent living unit containing 168 dwellings associated car parking, community facilities, café, and not for any other purpose without Council's separate written consent.

72. Hours of Operation

The hours of operation of the mens shed in Block E and the loading dock in the RACF building is restricted to those times listed below:

Monday to Saturday	9 am to 5 pm
Sunday & Public Holidays	No work

The hours of operation of the communal facilities on the ground floor in Block E and the cafe and is restricted to those times listed below:

Monday to Sunday	8 am to 10 pm
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73. Car Parking and access

- a) All car parking must be constructed and 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.
- b) All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted;
- c) Car parking, loading and manoeuvring areas to be used solely for nominated purposes;

- d) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- e) All vehicular entry on to the site and egress from the site shall be made in a forward direction.
- f) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
- g) All parking for people with disabilities is to comply with AS/NZS 2890.6:2009 Off-street parking for people with disabilities. In particular note that clearance height 2500 min. is to be maintained from entry to parking space. Figure 2.7 of AS/NZS 2890.6:2009
- h) A parking place for an ambulance, designed in accordance with Ambulance Service of NSW Ambulance Access requirements is to be located adjacent to the RACF.

74. Operation of the Traffic Management Boom Gate

- a) A traffic management boom gate is to be located on Road 4.
- b) An intercom system must be installed at the gate to enable visitors to enter and egress the premises at all times.
- c) Residents and staff are to be provided with a swipe card or similar to provide for access at all times.
- d) The boom gate is to be managed by the RACF building or caretaker.
- e) The boom gate is to operate in at the morning and afternoon school peak traffic periods and at other times subject to monitoring and evidence of use by through traffic.

75. 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.

76. 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; and

- 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.

77. Waste Management

- a) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, decanting the 240 L garbage bins into the 660 L garbage bins, managing the communal composting area(s), managing the bulky item storage areas, arranging the prompt removal of dumped rubbish, ensuring the commercial waste and recycling is kept separate from the residential waste and recycling (and vice versa), ensuring all residents and commercial tenants are informed of the use of the waste management system, and managing the parking spaces that are also used as waste collection areas. The site caretaker must be employed for a sufficient number of hours each week to allow all waste management responsibilities to be carried out to a satisfactory standard.
- b) All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.
- c) The commercial tenants must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.

78. Landscape Establishment

The landscape works must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This must include but not limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

79. Maintenance of Wastewater Device

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

80. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

GENERAL TERMS OF APPROVAL – NSW RURAL FIRE SERVICE

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 91A of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

81. Bushfire Management - Asset Protection Zones

At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document Standards for asset protection zones

82. Bushfire Management - Water and Utilities

Water, electricity and gas are to comply with the following requirements of section 4.1.3 of *Planning for Bush Fire Protection 2006*.

83. Bushfire Management -Access

New internal roads shall comply with Figure 2 of the report by Blackash Bushfire Consulting dated 19/10/2015

84. Bushfire Management- Evacuation and Emergency Management

Arrangements for emergency and evacuation are to comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*

85. Bushfire Management – Design and Construction

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

- a) The development proposal is to comply with the layout/site plan identified on the drawing prepared by Morrison Design Partnership, project No.: 2842, Drawing No.: A-020 revision: DA-02 09/04/2015.
- b) The western and southern faces of proposed building D shall comply with section 7 (BAL 29) *Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas"* and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.
- c) The eastern and northern faces of proposed building D shall comply with section 6 (BAL 19) *Australian Standard AS3959-2009. "Construction of buildings in bush fire-prone areas"* and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.
- d) The western and southern faces of proposed building E shall comply with section 6 (BAL 19) *Australian Standard AS3959-2009. "Construction of buildings in bush fire-prone areas"* and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.

- e) The eastern and northern faces of proposed building E shall comply with section 5 (BAL 12.5) *Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas"* and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.
- f) Proposed buildings A, B and C shall comply with section 5 (BAL 12.5) *Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas"* and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.

CONDITIONS OF CONCURRENCE - RMS

The following conditions of consent are from the nominated State Agency pursuant to Section 79B of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

86. Easement for Support

Roads and Maritime has previously resumed and dedicated a strip of land as road along the Highway frontage of the subject property, as shown by grey colour on the attached Aerial - "X". Roads and Maritime has previously resumed an easement for support as shown by brown colour on the attached Aerial - "X" (Dealing H553494)..(*Detailed in RMS letter dated 14 May 2015 Doc:D05612178*)

Roads and Maritime has no other approved proposal that requires any part of the subject property for road purposes.

The subject property is within an area currently under investigation in relation to the proposed NorthConnex Project. In this regard NorthConnex can be contacted for further information - enquires@northconnex.com.au or by call 1800997057.

Therefore:

- All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Highway boundary and clear of the identified easement.
- Access to Roads and Maritime easement is not denied; and
- The integrity of the easement is not compromised.

87. Northern Driveway Design and Construction

The design and construction of the northern driveway on Pacific Highway shall be in accordance Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works State-wide Delivery, Parramatta (Ph: 8849 2138).

Detailed design plans of the proposed driveway are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

88. Deceleration Lane Pacific Highway

The deceleration lane for northern access along Pacific Highway shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans. Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

89. Detailed Design Plans Required

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973
Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax 8849 2766.

90. Sight Distance

The layout of the proposed car parking areas associated with the subject development (including, driveways, grades turn paths, sight distance requirements in relation to landscaping and/or fencing aisle widths aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

91. Road Traffic Noise

The proposed development should be designed such that road traffic noise from Pacific Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007.

92. Construction zone restrictions

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pacific Highway.

- 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 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 and Vegetation Preservation

In accordance with Clause 5.9 of the *Hornsby Local Environmental Plan 2013* a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the Hornsby Development Control Plan 2013 without the authority conferred by a development consent or a permit granted by Council.

Notes: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than three metres (3M). (HDGP 1B.6.1.c).

Tree protection measures and distances are determined using the Australian Standard AS 4970:2009, "Protection of Trees on Development Sites".

*Fines may be imposed for non-compliance with both the Hornsby Local Environmental Plan 2013 and the Hornsby Development Control Plan 2013.***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.

Telecommunications Act 1997 (Commonwealth)

If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works, you are advised to seek advice and information prior to disturbing this material. It is recommended that a contractor holding an asbestos-handling permit (issued by *WorkCover NSW*) be engaged to manage the proper handling of this 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 *WorkCover* Asbestos and Demolition Team on 8260 5885.

Tree and Vegetation Preservation

In accordance with Clause 5.9 of the *Hornsby Local Environmental Plan 2013* a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the *Hornsby Development Control Plan 2013* without the authority conferred by a development consent or a permit granted by Council.

Notes: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than three metres (3M). (HDGP 1B.6.1.c).

Tree protection measures and distances are determined using the Australian Standard AS 4970:2009, "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with both the Hornsby Local Environmental Plan 2013 and the Hornsby Development Control Plan 2013.

Advertising Signage – Separate DA Required

This consent does not permit the erection or display of any advertising signs. Most advertising signs or structures require development consent. Applicants should make separate enquiries with Council prior to erecting or displaying any advertising signage.

Food Authority Notification

The *NSW Food Authority* requires businesses to electronically notify the Authority prior to the commencement of its operation.

Note: NSW Food Authority can be contacted at www.foodnotify.nsw.gov.au.

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.