

SYDNEY NORTH PLANNING PANEL - Supplementary Report

Panel Reference	2017SNH030
DA Number	DA/227/2017
LGA	Hornsby Shire Council
Proposed Development	Concept Development Application for a twelve-storey seniors living development
Street Address	Lot 78 DP3250, No. 18 Waitara Avenue, Waitara
Applicant	The Vasey Housing Association, NSW
Owner	The Vasey Housing Association, NSW
Date of DA Lodgement	15 March 2017
Number of Submissions	Twelve submissions from eleven residents
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	CIV > 20million (\$47,595,000)
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 - Remediation of Land • State Environmental Planning Policy (Housing or Seniors and People with a Disability) 2004 • State Environmental Planning Policy No.65 – Design Quality of Residential Flat Building • Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean (No. 2 - 1997) • Hornsby Local Environmental Plan 2013 • Hornsby Shire Council Section 94 Development Contributions Plan 2014 - 2024
List all documents submitted with this report for the panel's consideration	Concept building envelope plans, Solar Access Diagrams, Site Survey.
Report prepared by	Rod Pickles, Manager Development Assessments
Report date	10 November 2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **No**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application is for a Concept Development Application for a twelve-storey seniors living development comprising independent living units under Section 83B of the *Environmental Planning and Assessment Act 1979*.
- The proposed development is defined as 'Seniors Housing.' Seniors Housing is prohibited under the *Hornsby Local Environmental Plan 2013 (HLEP)* in the R4 zone. 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*.
- The proposal does not comply with *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* with regard to *Clause 26(2) (Distance to public transport)*. A submission to vary the development standard has been made in accordance with *Clause 4.6 of the HLEP* and is considered well-founded.
- The proposal would result in a 42.3 metre high, twelve storey residential development which would exceed the maximum permissible height shown for the land on the "Height of Buildings" map of the *HLEP*. The proposed height and density are acceptable as the development would result in a seniors living development with significant public benefits and a built form which is consistent with the desired future character of the area.
- The proposal complies with the design principles of *State Environmental Planning Policy No. 65* and the *Apartment Design Guide*.
- Clause 7 of *SEPP 55* states that Council must not consent to carrying out of any development unless it has considered if the land is contaminated and if so whether it is suitable or can be suitable (after remediation) for the proposed use. A site and building contamination assessment report has been prepared with the application.
- The site is within the catchment of the Hawkesbury-Nepean River. As such the land is subject to the provisions of *SREP 20*. The proposal is satisfactory having regard to the general planning considerations and the specific planning policies and recommended strategies listed in the instrument.
- The geotechnical report submitted with the application provides details of recommendations to be complied with during building works under future development applications.
- The application is supported by a Traffic Impact Assessment Report which concludes that the traffic generated by the development would not have any adverse impact on the local road network.
- The site is not identified as a bushfire prone land or flood prone land. The site is considered to be suitable for the development.

- Twelve submissions from eleven residents have been received in respect of the application.
- It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No. 227/2017 for a Concept Development Application for a twelve storey seniors living development at Lot 78 DP3250 No. 18 Waitara Avenue, Waitara be approved subject to the conditions of consent detailed in Schedule 1 of this report.

BACKGROUND

The subject application was lodged with Council on 15 March 2017 and was publicly notified till 20 April 2017.

Following an assessment of the application, Council sent a letter to the applicant on 11 May 2017 raising concerns regarding the height of the proposed building, built form strategy.

In response additional plans were lodged on 19 June 2017.

On 27 June 2017 Council officers met with the applicant to discuss the proposed amendments. At the meeting Council advised the applicant that the application cannot be supported on the basis of a judgement passed by the NSW Court of Appeal regarding staged development applications.

On 18 July 2017, the applicant submitted additional information to address Council's concerns regarding the height of the building and requested additional time to address the issue regarding staged development.

On 15 August 2017, the applicant provided legal advice to Council stating that the recent amendments to Section 83B of the *Environmental Planning and Assessment Act 1979* would allow the assessment of the application in its current form as a concept development application.

On 27 September 2017, the Planning Panel considered a Planning Report prepared by the Planning Division, Hornsby Shire Council recommending approval of the application. The Panel deferred determination of the application to enable the applicant to address recent amendments to the Environmental Planning Assessment Act, 1979 regarding Concept Development approvals. Specifically, clarification was sought concerning the detail of plans to be included in any approval and required the applicant to submit:

- Amended building envelope drawings to nominate the maximum building height and provide dimensions of proposed building envelopes at all levels. The amended envelopes are to include an allowance for the balconies and building articulation;
- Further shadow diagrams to demonstrate that the development satisfies the requirements of the Apartment Design Guidelines (ADG) with regard to solar access and natural ventilation to apartments and solar access to communal open space;
- A report addressing potential contamination of the site.

On 13 October 2017, the applicant submitted concept plans of the building including dimensions and setbacks, shadow diagrams to demonstrate compliance with the ADG with regard to solar access. An asbestos management plan, asbestos materials survey report and a site contamination assessment report were also submitted with the application.

SITE

The site comprises one allotment, Lot 78 in DP 3250 located at the corner of Park Lane and Waitara Avenue. The allotment has a trapezoidal shape with frontage of 67.06m to Park Lane (north) and 49.61 metres to Waitara Avenue (west). The subject site has an area 4,430m² and an average downward cross fall of 4.9% from the south-western corner to north-eastern corner (Park Lane frontage).

The current improvements on the site include a 2-storey seniors living development with basement, named the *Parkview Retirement Village*, operated by Vasey Housing Association. The facility has existed on the site since 1963 and accommodates 52 self-contained one-bedroom apartments and 3 self-contained studios.

The buildings comprise parallel wings of residential apartments with common balcony areas, intercepted by courtyards and open spaces. The buildings are well screened from both roads by dense screen planting along the frontages. Vehicular access to the site is provided from Waitara Avenue. Pedestrian access to the site is provided via the main reception area from Waitara Avenue and via two entrances from Park Lane.

Adjoining developments to the south and east comprise older style three storey residential flat buildings. The Hornsby PCYC facility, comprising an indoor sports and community facility complex, is located on the opposite side of Park Lane, to the north of the site. Vehicular access to this facility is provided via Park Avenue. Council has recently undertaken road improvements in Park Lane including one way traffic flow between Waitara Avenue and Park Lane, creation of a shared pedestrian vehicle zone and installation of 'No Stopping' signs and 'No Parking' signs.

Nine and ten storey residential flat buildings are located on the opposite side of Waitara Avenue, on the western side of the subject site. Waitara Park (Mark Taylor Oval) adjoins the northern side of the PCYC facility and extends for a distance of 300m with frontage to Edgeworth David Avenue to the north.

Waitara Avenue ends in a cul-de-sac with no vehicular connection to Edgeworth David Avenue, about 350m, north of the site. Pedestrian connection to the road is provided via footpaths. On street parking exists along Waitara Avenue catering to the local users and the Mark Taylor oval users. Sherbrook Road runs perpendicular to Edgeworth David Avenue, opposite the intersection with Waitara Avenue. This intersection is signalised to allow safe pedestrian access to the northern side.

The subject site is located within 100m of Waitara Railway station to the south. Traffic signals have recently installed at the intersection of Waitara Avenue and Alexandria Parade to facilitate pedestrian crossing at Alexandria Parade and for vehicular safety.

High density residential precincts with varying height limits are located to the east and west and the Asquith Leagues Club. Bus services to Hornsby Macquarie Park and the city are

located in Edgeworth David Avenue, approximately 330m north of the site. The site is also located 750 metres east of Westfield shopping centre, banks and medical services with pedestrian and vehicular connectivity to local shops, amenities and services.

PROPOSAL

The application seeks approval of a Concept development application for a twelve-storey seniors living development comprising independent living units with associated facilities, under Section 83B of the *Environmental Planning and Assessment Act 1979*. The applicant submits that a subsequent development application would be lodged for details of the works within the proposed building envelope.

The development specifics are provided below:

- A defined building envelope comprising a single storey podium at the ground level with an L-shaped eleven-storey tower along the two frontages;
- Vehicular access to a basement car park would be provided from Waitara Avenue;
- An ambulance bay, waste collection areas and garbage truck access is proposed from Park Lane;
- Car parking for the development would be provided in a basement car park comprising three basement levels accommodating up to 159 car spaces;
- The podium level would accommodate future ancillary services subject to a further Development Application.
- The tower level would accommodate up to 117 independent living units. Details of unit mix and layouts would be provided in a future development application. However, the submitted plans include concept layouts for each floor level which indicate that a maximum of 11 - 13 units would be proposed on each of the typical levels and a maximum of seven units would be proposed on the two upper levels;
- The potential unit mix would be 17 x 1 bed units, 90 x 2- bed units (including 2 bed + study) and 10 x 3 bed units; and
- Communal open space is proposed at the first floor level above the podium.

ASSESSMENT

This supplementary report should be read in conjunction with the assessment report submitted to the Sydney North Planning Panel on 27 September 2017.

1.1 Amended plans

In accordance with the Sydney North Planning Panel resolution of 27 September 2017, the applicant submitted amended plans for a concept building envelope for a 12 storeys seniors living development. The ground floor building envelope is approximately square in shape with an articulation zone to Waitara Avenue. The ground level building envelope has dimensions of 50.5m north to south and 48m east to west. Vehicular entry is proposed from the southern end of Waitara Avenue. The building envelopes for levels 1 to 9 are L-shaped in design comprising a 50m building length to Park Lane's and a 38m building length to Waitara

Avenue. Levels 10 to 11 comprise an L-shaped envelope that steps in 2 m from the levels below.

The concept building envelopes include areas nominated for balcony encroachment with a minimum setback of 7 metres proposed to Park Lane and 8 metres to Waitara Avenue. The balcony encroachments continue along the south-eastern corner of the building.

The amended plans include reduced levels to AHD indicating that the top floor of the building would be RL 213.30. A lift overrun is proposed to a height of RL 216.30.

The amended building envelopes comply with the provisions of the Hornsby DCP with regard to setbacks for residential flat buildings in the R4 High Density zone.

The height of the building exceeds the 32.5m height control (10-storeys) that applies to the site as specified in Clause 4.3 of the *HLEP* and the *HDCP*. The proposed building would result in a 42.3m high 12-storey building (including the lift overrun) which would not comply with this control. Council initially raised concerns regarding the appropriateness of the height exceedance and that it would create an undesirable precedent for the locality. Council's assessment in this regard concludes the following:

In accordance with Clause 50 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, a consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:

- (a) **building height:** if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),

The provisions of this clause do not impose any limitations on the grounds on which a consent authority may grant development consent. In this regard there is no maximum height limit for self-contained dwellings under the SEPP.

A comparative analysis has been undertaken by the applicant of a Hornsby DCP complying residential flat building development versus the subject proposal as follows:

- *The bulk and scale of the proposed built form is consistent with existing developments along Waitara Avenue and potential future developments in the precinct. The two upper levels are set back from the perimeter of the tower to emphasise the slender proportions of the taller built form and minimise impacts to adjoining properties. The smaller tower footprint ensures reduction in the perceived bulk from public domain areas and therefore appropriately offset the additional height of the building;*
- *The urban design report demonstrates that the 35m x 35m building footprint requirement of the HDCP would result in an outcome that would be contrary to the best practise principles and would result in a deep and bulky building. The current built form responds to the Apartment Design Guide (ADG) building depth and would provide a site specific built form; and*

- *Alternatively, two 10-storey towers could be proposed on this site. However, that would significantly compromise the relationship of a future building with the adjoining properties.*
- The submitted urban design report demonstrates that the proposed built form would address the street frontages appropriate by creating articulation zones and setting the two upper levels back, so that they are not discernible from the public domain.
- The additional height would not notably increase the overshadowing impacts on adjoining properties. The proposed built form would ensure that appropriate setbacks are maintained from the adjoining residential properties notwithstanding the additional height.
- The approval of the additional height would not result in an undesirable precedent for the locality as the proposal is unique in its context and does not propose a residential flat building development which would be otherwise proposed on the adjoining sites.

Due to the above reasons, the proposed height of the building is supported.

1.2 Solar Access to communal open space area

In accordance with Objective 3D-1 of the Apartment Design Guidelines, communal open space should have a minimum area equal to 25% of the site. Developments should achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).

A comparative analysis for solar access to the communal open space area has been submitted by GMU Urban Design and Architecture. The communal open space area is proposed on level 1, above the podium and adjoining the eastern side and south-eastern rear of the building as part of a deep soil landscaped area. The area of the communal open space, defined by a red broken line on the Solar Access Plan is 1110m², which equates to 25% of the total site area.

The solar access diagrams indicate that the proposed development is capable of achieving two hours direct solar access in midwinter to 444m² (40%) of the communal open space area. A future Development Application will need to include as part of the detailed building design details of the final location of the communal open space and building articulation. To achieve minimum 50% solar access to the communal open space, the applicant has advised that they would sculpt the building as part of the detail design process or provide communal open space of the roof.

A future development application would be capable of complying with the Apartment Design Guidelines design criteria for communal and public open space. A condition of consent is recommended in this regard.

1.3 Site contamination

An asbestos management plan, asbestos materials survey report and a site contamination assessment report have been submitted by the applicant.

The site contamination assessment prepared by Coffey included a detailed description of the ground conditions encountered at the site. Based on site observations and soil samples collected, ground conditions encountered at the site comprise a variable depth of topsoil and/or fill overlying residual soil and sandstone bedrock. The fill material generally comprised sandy gravel, silty sand/silty clay with thin gravel and sand layers ranging from 0.15m to 1.2m thick.

Residual soils encountered beneath the fill comprised a 2m to 3m thick layer of very stiff silty Clay. Fine grained, extremely to moderately weathered sandstone was encountered at depths between 1.8m and 4.5mbgs.

No hydrocarbon odours and/or staining were observed within the boreholes. No potential asbestos containing materials were observed within the borehole cuttings, or during a walkover survey covering the wider site during the geotechnical drilling programme.

RiskTech Pty Limited were engaged to undertake an Asbestos Materials Survey of the existing building located at 18 Waitara Avenue, Waitara NSW to assess the possible presence of Asbestos Materials used in the construction of the building on site. The survey identified asbestos cement materials (ACM) throughout the Subfloor Level, Asbestos cement awnings & ceilings, Level 1 Balconies, asbestos cement infill panels in the Laundry & Luggage room, below windows South Wing, Ground Level, Switch Room and eaves.

The report recommends the ACM be managed as follows:

- Restrict access to the subfloor areas as an interim measure. Remove asbestos containing fibre cement debris under controlled conditions in accordance with Safe Work Australia Code of Practice How to Safely Remove Asbestos, 2011 prior to access or works being required in the area.
- Asbestos materials identified on site should be managed through an Asbestos Management Plan. An Asbestos Management Plan has been developed by RiskTech for this site in conjunction with this report (Ref. VHA_AsbManPlan_Waitara NSW_Dec 14).
- Undertake an intrusive hazardous materials assessment prior to renovations. This helps identify asbestos/other hazardous materials which may be present in previously inaccessible areas (e.g. beneath carpet, above set ceilings etc).
- Engage an appropriately licenced Asbestos Removal Contractor to remove asbestos materials prior to renovations/demolition under controlled conditions in accordance with NSW Work Health and Safety Regulation 2011 and the Safe Work Australia Code of Practice How to Manage and Control Asbestos in the Workplace, 2011.

The proposed development is for a Concept Development Application that does not involve any physical works. Demolition and disposal of asbestos materials would be subject to a detailed assessment and appropriate conditions for the safe removal and disposal of the Asbestos Cement materials in accordance with WorkCover NSW requirements.

CONCLUSION

The Concept development application is for a twelve-storey seniors living development comprising independent living units with associated on-site support services at the ground floor, under Section 83B of the *Environmental Planning and Assessment Act 1979*. The applicant submits that a subsequent application for proposed works within the building envelope would be submitted for authorising demolition and construction works on the site.

The use is prohibited in the R2 zone pursuant to the *Hornsby Local Environmental Plan 2013*. 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 development would provide housing for seniors and therefore result in significant public benefits to the locality.

The proposal does not comply with *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* with regard to *Clause 26(2) (Distance to public transport)*. A submission to vary the development standard has been made in accordance with *Clause 4.6 of the HLEP* and is considered well-founded.

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*. The concept building envelope is generally designed to retain the neighbourhood amenity and enhance the streetscape character. The 12 storey building height in the precinct is acceptable having regard to the adjoining high density development in the precinct and surrounding areas. When compared with a complying 10 storey residential flat building development the proposal would result in a slender built form that minimises impacts to adjoining properties. The smaller tower footprint ensures reduction in the perceived bulk from public domain areas and therefore appropriately offset the additional height of the building;

Detailed assessment of the impact of the development on the natural and built environment of the locality would be considered under a future development application for building works within the approved building envelope on the site.

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.

.

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 Concept Plans

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

Concept Plans

Plan No.	Rev	Drawing Name	Drawn by	Dated
B-001	B	Building Envelope Basement – Revision B	GMU Urban Design	06/10/2017
B-002	B	Building Envelope Ground Floor – Revision B	GMU Urban Design	06/10/2017
B-003	B	Building Envelope Level 1 – Revision B	GMU Urban Design	06/10/2017
B-004	B	Building Envelope Levels 2- 3 – Revision B	GMU Urban Design	06/10/2017
B-005	B	Building Envelope Levels 4-9 – Revision B	GMU Urban Design	06/10/2017
B-006	B	Building Envelope Levels 10 - 11 – Revision B	GMU Urban Design	06/10/2017
B-007	B	Building Envelope Sections A and B –	GMU Urban Design	06/10/2017

		Revision B		
B-008	B	Building Envelope Sections C and D – Revision B	GMU Urban Design	06/10/2017

2. **Development consent**

- a) This development consent does not permit any demolition or construction works on the site, or the removal of any trees. The approved development is concept only. Separate development applications are required to be submitted for any building/drainage/infrastructure/tree removals works within the site.
- b) The development approves a maximum of 117 dwellings to be used for the purpose of “seniors housing” within the meaning of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*, with basement car parking.
- c) On-site support services must be provided at the ground level.
- d) The driveway to the basement is to be from Waitara Avenue.
- e) The service entry is to be from Park Lane.

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

A future development application must comply with the following:

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

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

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

4. **Building Envelope**

- a) The floor plans for the future development application on the site must incorporate the setbacks approved in the Building Envelope diagrams B001-B008 prepared by GMU Urban Design dated 06/10/2017.

- b) The maximum height of the building is permitted to be RL216.30 (AHD) to the lift overrun or 12-storeys as marked in the approved plans listed in Condition 1 of this development consent.

THE FOLLOWING INFORMATION (REFERRED TO IN CONDITIONS 5 - 17) IS TO BE SUBMITTED WITH A FUTURE DEVELOPMENT APPLICATION FOR BUILDING WORKS ON THE SITE ASSOCIATED WITH THIS CONSENT

5. Compliance with Apartment Design Guidelines

Any future development application is to demonstrate compliance with the requirements of the Apartment Design Guidelines, including, but not limited to, solar access and natural ventilation to apartments and solar access to communal open space.

6. Communal Open Space

Communal open space should have a minimum area equal to 25% of the site. A minimum of 50% direct sunlight is required to be provided the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). Communal open space may be provided on the roof level to meet the above requirements.

7. Geotechnical Report

A geotechnical Investigation Report is to be submitted to Council.

8. Contamination

A preliminary investigation of the proposed development site must be prepared by a suitably qualified environmental consultant for any land contamination. Such an investigation must be undertaken in accordance with NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites and Contaminated Sites – Sampling Design Guidelines.

Should you require further information regarding this request, please contact Hornsby Shire Council's Environment Health & Protection Team on 9847 6829.

9. Remedial Action Plan

A Remedial Action Plan (RAP) must be prepared by a suitably qualified environmental consultant and submitted to Council should the preliminary/detailed investigation reveal contamination exceeding criteria prescribed by the NSW Environment Protection Authority's Contaminated Sites – Guidelines for the NSW Site Auditor Scheme.

10. Acoustics

An acoustic report is to be prepared by a suitably qualified acoustic consultant detailing the predicted noise levels to be emitted from the noise of the vehicles, mechanical plants and the carpark and any proposed noise attenuation measures must be implemented so that background levels are not exceeded to comply with the *EPA's NSW Industrial Noise Policy (2000)*, *Hornsby Shire Council Policy and Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000)* and the *DEC's Noise Guide for Local Government (2004)*.

11. **Internal Driveway/Vehicular Areas**

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

- a) All car parking spaces within the basement level are to comply with AS2890.6.
- b) The number of car parking spaces to be provided must comply with the requirements of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*.
- c) All service areas are to comply with AS2890.2.
- d) A heavy rigid vehicle (HRV) standing area is to be provided within the site along the Park Lane frontage.
- e) Ambulance access from Park Lane is to be in accordance with the requirements of *ASNSW Ambulance Access* which can be found at <http://www.ambulance.nsw.gov.au/Media/docs/access-ea9412eb-1280-4dfa-a0ae-ba55d0ec0969-0.pdf>.

12. **Stormwater Drainage**

- a) The stormwater drainage system for the development must be designed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and be connected directly to Council's street drainage system.
- b) The proposed development must incorporate water sensitive urban design into the stormwater drainage design.
- c) *Note: The design of the stormwater management system must be supported with a MUSIC model.*

13. **On Site Stormwater Detention**

An on-site stormwater detention system must be designed by a Chartered Civil Engineer.

14. **Construction Traffic Management Plan**

In order 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 must be prepared and submitted to Hornsby Shire Council for approval according to the following requirements:

- a) The plans must detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.
- b) The Plan must 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;
- c) The plans must indicate traffic controls including those used during non-working hours and provide details of methods of providing pedestrian access and two-way traffic in the public road at all times.
- d) 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.

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

16. Waste Management

- a) 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.
- b) A bulky waste storage area of at least 8 square metres must be provided at the ground level.
- c) The waste facilities (a small room housing the garbage chute and 240L recycling bin) on each residential level must be accessible by persons with a disability while comfortably housing the garbage chute and one 240 L recycling bin.
- d) The waste collection facility at the basement must accommodate the bins as per the following rates:
 - i) Bins for residential use are required at a rate of 110L/dwelling/week for garbage and 50L/dwelling/week for recycling.
 - ii) Garbage is collected three times per week and recycling is collected twice per week.
 - iii) Garbage bins can be 660L or 1100L whereas recycling bins can be 240L or 360L.
- e) For the waste collection areas at the ground level:
 - i) The vehicular access to the waste collection area must be from Park Lane; and
 - ii) The waste collection area must be at the same level as the driveway; and
 - iii) The gradient of the driveway must not exceed 1:20 for the first 6 m of the driveway; and
- f) The waste vehicle standing area must not block the Ambulance Bay at any time.

17. Storage

Each dwelling within the development must have a minimum area for storage (not including kitchen and bedroom cupboards) of 6m³ for one bedroom units, 8m³ for two bedroom units and 10m³ for three bedroom units, where at least 50% is required to be located within the apartment and accessible from either the hall or living area.

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* require the lodgement and approval of a development application prior to any development on the site.

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). (HDCP 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.