

## SYDNEY NORTH PLANNING PANEL HORNSBY COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2017SNH056
<b>DA Number</b>	DA/394/2015/A
<b>LGA</b>	Hornsby Shire Council
<b>Proposed Development</b>	Section 4.55(2) application to modify the design and staging of an approved seniors housing development comprising a residential care facility comprising 122 beds and five buildings containing a total of 168 independent living units.
<b>Street Address</b>	Lot 3 DP 1122662 No. 32 McAuley Place, WAHROONGA NSW 2076
<b>Applicant / Owner</b>	Catholic Healthcare Limited
<b>Date of DA Lodgement</b>	29 May 2017
<b>Number of Submissions</b>	Three submissions from two property owners
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b>	Section 4.55(2) application to Regional Development Application. Original cost of works is over \$30 million.
<b>List of All Relevant s4.15 Matters</b>	<ul style="list-style-type: none"> <li>• List all of the relevant environmental planning instruments: 4.15(1)(a)(i) <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> </ul> </li> <li>• List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s4.15(a)(ii) <ul style="list-style-type: none"> <li>• Nil</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>List any relevant development control plan: s4.15(1)(a)(iii) <ul style="list-style-type: none"> <li>Hornsby Development Control Plan</li> </ul> </li> <li>List any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iiia) <ul style="list-style-type: none"> <li>Nil</li> </ul> </li> <li>List any relevant regulations: s4.15(1)(a)(iv) <ul style="list-style-type: none"> <li>Environmental Planning and Assessment Regulation 2000</li> </ul> </li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>S4.55 Architectural and Floor Plans (March 2018)</li> <li>S4.55 Proposed Site Analysis Plan (March 2018)</li> <li>S4.55 Elevation Plans (April 2018)</li> <li>S4.55 Site, Staging and Floor Plans (February 2018)</li> <li>S4.55 Shadow Diagrams (March 2018)</li> <li>Approved Site and Staging Plans (Approved 2-12-15)</li> <li>Approved Floor Plans (Approved 2-12-15)</li> <li>Approved Elevation and Cafe Plans (Approved 2-12-15)</li> <li>Approved Landscape plans (Approved 2-12-15)</li> <li>Approved Landscape Details (Approved 2-12-15)</li> <li>Approved Shadow Diagrams (Approved 2-12-15)</li> </ul>
<b>Report prepared by</b>	Debra Clydsdale
<b>Report date</b>	29 May 2018

<p><b>Summary of s4.15 matters</b></p> <p>Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?</p>	<p><b>Yes</b></p>
<p><b>Legislative clauses requiring consent authority satisfaction</b></p> <p>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?</p> <p><i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i></p>	<p><b>Yes</b></p>
<p><b>Clause 4.6 Exceptions to development standards</b></p> <p>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?</p>	<p><b>N/A</b></p>
<p><b>Special Infrastructure Contributions</b></p> <p>Does the DA require Special Infrastructure Contributions conditions (S7.24)?</p> <p><i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i></p>	<p><b>No</b></p>
<p><b>Conditions</b></p> <p>Have draft conditions been provided to the applicant for comment?</p> <p><i>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</i></p>	<p><b>Yes</b></p>

## ASSESSMENT REPORT AND RECOMMENDATION

### EXECUTIVE SUMMARY

Council is in receipt of a Section 4.55(2) application from Catholic Health Care Ltd seeking approval for design modifications to an approved seniors living development.

Development application No. 359/2015 was approved by the Joint Regional Planning Panel (Sydney West Region) on 2 December 2015, for the demolition of existing structures and the erection of a residential care facility for 122 residents, five 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 development was approved in three stages. Stage 1 for the construction of the residential care facility has been completed and the demolition of other structures on the site has commenced.

The application proposes design changes to the five independent living unit buildings. The most significant change involves the increase in the height of Building C from 5 to 6 storeys. Other design changes to units are proposed to improve the design and functionality of the development. The proposal involves a change to the staging of the development to include Building C and internal road works in Stage 2. The proposal would not increase the number of units from the 168 approved on the site.

The proposal was made under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* and is consistent with the original assessment with regard to compliance with relevant development standard. The proposal complies with the design quality principles of *State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development*. The proposal is generally consistent with the prescriptive measures within the Apartment Design Guide. The proposal would not alter the original development's compliance with any other environmental planning instruments.

The development as modified is substantially the same development for which consent was originally granted. The design changes proposed under this consent are generally minor and would not intensify the development.

The development application is integrated development requiring General Terms of Approval from the NSW Rural Fire Service (RFS). The modified proposal was referred to the RFS for comment. No objections were raised to the modified proposal subject to minor changes to conditions applied by RFS under the original consent.

The modified proposal has been publically exhibited in accordance with the Hornsby Development Control Plan 2013. Three submissions from two nearby property owners were received. The issues raised in the submissions primarily relate to building height, loss of solar access, amenity, visual and acoustic privacy and local character. The matters raised in the submissions have been reviewed and do not warrant refusal of the application.

The originally development was determined by the Joint Regional Planning Panel RPP (now Sydney North Planning Panel) due to the Capital Investment Value of the development. Regional panels are also responsible for determining applications to modify a development consent for regionally significant.

The application is recommended for approval subject to revised conditions.

## **RECOMMENDATION**

THAT pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act, 1979, Development Application No. 394/2015 for a seniors housing development comprising a residential care facility comprising 122 beds and five buildings containing a total of 168 independent living units at Lot 3 DP 1122662 No. 32 McAuley Place, Wahroonga be amended as detailed in Schedule 1 of this report.

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## **BACKGROUND**

Catholic Healthcare Limited 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 comprising 40 beds, an aged care hostel containing 33 beds, 35 Independent Living Units and various support services for the aged including home based and carer programs and day care respite.

In 2007, a masterplan was approved for the site under Development Application No. 1109/2007. The approved development was 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 28,500m<sup>2</sup> 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 masterplan for the site was proposed in stages, with 172 dwellings proposed in Stages 2 to 9, in eight independent and assisted living units 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, noting that the height of the development in Stage 9 is yet to be determined. Minor works associated with DA/1109/2007 commenced which activated the 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 standard instrument 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*.

Development application No. 1109/2007 was superseded by the approval of Development Application No. 359/2015, which was approved by the Joint Regional Planning Panel (Sydney

West Region) on 2 December 2015. The approved development is for the demolition of existing structures and the erection of a residential care facility for 122 residents, five independent living unit buildings varying in height from three to five storeys containing 168 dwellings and 259 car parking spaces, community facilities, café and associated works. The development was approved in three stages. Stage 1 for the construction of the residential care facility has been completed and the demolition of other structures on the site has commenced.

On 29 May 2018, a Section 4.55(2) application was lodged to modify the design of the independent living unit buildings, including an increase in the height of Building C from five to six storeys. This height increase was proposed on the basis that the six storey height is consistent with the height in the approved masterplan under DA/1109/2007. The application proposed an additional four independent living units, increasing from 168 to 172. Building C was proposed with a 6m setback from the Pacific Highway instead of the 9-10m approved under the original DA and the masterplan. The amended proposal was publically exhibited for 14 days, during which time one submission was received from an adjoining property owner.

On 2 August 2017, Council requested additional information to address concerns over the setbacks of Building C, bulk and scale of the sixth floor, overshadowing, privacy and amenity impacts to southern adjoining residential properties.

On 13 September 2017, the application was briefed to the Sydney North Planning Panel.

On 21 September the applicant submitted additional information to justify the proposal as lodged. No amendments to the design were proposed to respond to the issues raised.

On 30 November 2017, a meeting was held with the applicant regarding the issues previously raised by Council and the response provided by the applicant. Council advised that proposal would not be supported in its current form as the height of Building C in conjunction with the reduced setback to the Pacific Highway would increase the bulk and scale of the development when viewed from Pacific Highway, increase the privacy, amenity and overshadowing impacts on the adjoining developments to the south and impact on significant trees along the Pacific Highway frontage. Following discussions, the applicant advised that amended plans will be provided to address the issues raised for Building C, which would include a reduction in the scale of the sixth floor, ensure the setback is consistent with the approved building setback, relocate balconies to address overlooking to southern adjoining properties and design changes to ensure overshadowing is not exacerbated as a result of the design changes.

On 14 March 2018, amended plans were submitted to Council and included design changes to Building C in line with previous discussions to address the issues raised by Council. The number of units proposed was reduced to 168, consistent with the original consent. The amended proposal was publically exhibited for 14 days, during which time two submissions were received.

## **THE 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 Northern end of the

site is gently sloping from the Pacific Highway to the South-West. 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%.

At the time of the original application in 2015, the site contained a nursing home and hostel containing 73 beds, 35 independent living units, three administration buildings housing the Mercy Community Care, administrative offices, chapel, day care, therapy centre and a day care respite centre. Currently, the majority of buildings on site have been demolished and the 122 bed residential care facility has been constructed in accordance with DA/359/2015.

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 HELP 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, 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 three storey residential aged care facility to the south-east, two storey multi-unit housing to the east and motor showrooms to the north-east.

## **APPROVED DEVELOPMENT**

The approved development is summarised below:

- Construction of a residential care facility building of two and three 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 residential care facility has been constructed and is presently operating in accordance with this consent.
- Construction of five buildings containing 168 independent living units varying in height from three to five storeys with 172 basement car parking spaces.
- Community facilities for the residents will be provided in the ground floor Building E, including hydrotherapy pool, cinema, gymnasium, dining room, lounge room and beauty salon and men's shed within the basement level.
- A café near the Pacific Highway frontage.
- Construction of internal access roads, providing for two new access driveways from the Pacific Highway, a new access from McAuley Place for egress from the residential care facility portico. 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. Stage 1 is for the residential care facility, Stage 2a is for Blocks D and E and Stage 2b, Blocks A, B and C.

A summary of the approved development is as follows:

Building	Storeys	Height	No. of units	GFA
A	5 storeys	RL197.600 (15.4 - 20.2m)	40	4442.8m <sup>2</sup>
B	5 storeys	RL200.800 (15-21m)	40	4442.8m <sup>2</sup>
C	5 storeys	RL204.000 (15 m - 21m)	40	4475.8m <sup>2</sup>
D	4 storeys	RL196.400(14.5m – 18m)	32	3554.4m <sup>2</sup>
E	3 storeys	RL190.600(12-14.8m)	16	1777.8m <sup>2</sup> (residential) 1108m <sup>2</sup> (facilities)
RACF	3 storeys	12m (constructed)	N/A	10708m <sup>2</sup>
Total			168 total	28910m <sup>2</sup> FSR 1:1

## PROPOSED MODIFICATIONS

The application proposes design changes to the five independent living unit buildings approved on the site. The main changes proposed include that to increase Building C from five to six storeys, modification to staging and design changes to the units.

The overall number of independent living units on the site remains the same as previously approved at 168. No changes are proposed to the residential care facility.

The proposed modification would retain the five independent living unit buildings in approximately the same locations approved on the site. The general site layout is not proposed to be significantly altered and the landscape context remains generally unchanged. There is no change to the location of the two vehicular entry points from the Pacific Highway to the subject site. The applicant submits that the purpose of the amendments is to generally improve the design and functionality of the development to meet expectations of residents.

A summary of the changes proposed is outlined below:

### Staging:

The application proposes to modify the staging of the approved development.

Stage	Approved	Proposal
Stage 1	Residential care facility now completed	No change proposed
Stage 2 (previously 2a)	Building D and E	Building C, D and E and internal roadworks
Stage 3 (previously 2b)	Building A, B and C, internal road works and the café	Building A and B and the café



### **Laundry Facilities:**

An external drying court is now proposed on each level of the five buildings, which will also include air conditioning plant equipment. The drying courts have been positioned generally on the internal side of the building and comprise screening to minimise visual impact.

These design changes have resulted in a revised building footprint for each of each of the buildings, which is generally longer and narrower than the previous design.

The approved 168 units include laundries within the main bathroom. The proposed modification includes design changes to include a laundry (separate to the bathroom) within each unit.

### **Building Height Increase**

Buildings A, B, C, D and E are proposed to be raised in height by 300-930mm than the previous design to accommodate the following:

- Diversion of the existing sewer main through the site under the basement car parking levels;
- Reduce bulk excavation for basement parking levels;
- Improve access to the basement levels from the central roadway;
- Improve the relationship between the eastern side units to the existing site levels along the Pacific Highway frontage.

### **Buildings A:**

- The building will be retained as five storeys containing 40 units.
- Design changes to the internal configuration of units and provision of a drying court on each level.
- Floor area of the building would increase by 12m<sup>2</sup>.
- Building height increase by 930mm.
- Dimensions of the building have been amended to be 3.36m longer and 810mm narrower than the approved footprint. The proposed dimension of the building is up to 44.16m long and up to 29.5m wide.
- Increase the building setback from the Pacific Highway from the approved 5.8m to 7.2m at the closest point.
- The unit mix has been amended. Generally studios units have been enlarged so that they can be a third bedroom.

### **Buildings B:**

- The design was approved and is proposed to be amended in the same as building A
- The building will be retained as five storeys containing 40 units.
- Design changes to the internal configuration of units and provision of a drying court on each level.
- Floor area would increase by 12m<sup>2</sup>.
- Building Height increased by 930mm.
- Dimensions of the building have been altered in the same way as Building A.

- Increase in the setback from Pacific Highway from 5.7 to 5.9m at the closest point.
- The unit mix altered in the same way as Building A.

#### **Buildings C:**

- The building will increase from five to six storeys.
- The building height would increase by 4.12 metres.
- The number of units will decrease from 40 to 38. (Note: two extra units will be included in Building E and therefore total number of units remains at 168).
- The sixth floor is to include three units. All other levels are to include 7 units (instead of the 8 units per floor as approved).
- Floor area increase of 45m<sup>2</sup>.
- Design changes including provision of laundries in all units and a drying court on each level.
- The building footprint is proposed to be reduced in width by 5 metres and increased in length by 1.5m. The approved building footprint is 30.5 metres wide (N-S) and 40.4 metres long (E-W). The building footprint of the modified proposal is 25.5m wide (N-S) and 41.9m long (E-W).
- Setbacks from the Pacific Highway are generally consistent with the approved, with the building setback 10m. Balcony setback from the Pacific Highway is proposed to be reduced from 8.6m to 8m.
- Setbacks from the southern property boundary are proposed to increase from the approved 10.9m to 12.1m (southern corner closest point).
- Unit mix altered to increase proportion of 3 bedroom units.

#### **Building D:**

- The building will be retained as four storeys with eight units on each floor for a total of 32 units.
- Design changes including provision of laundries in each unit, enlargement of studies and a drying court on each level.
- Building height increase of 308mm.
- Floor area increase of 57.6m<sup>2</sup>
- Unit mix altered to increase number of 3 bedroom units by enlarging studies.
- Dimensions of the building changed to be 2.15m longer and 78mm narrower (increased from approved 30.3m wide x 40.6m long, now proposed to be 42.75m long x 29.52m wide)
- Setbacks from boundaries unchanged.

#### **Building E:**

Building E contains residential and community facilities at ground level. The amendments proposed are as follows:

- The building will be retained as three storeys in height, comprising community facilities at ground level and two residential floors above.

- Two additional units are proposed within the building, increasing from the approved 16 units to 18 units. It is proposed to increase the number of units from 8 units per floor to 9 units per floor to accommodate this increase.
- The residential floors (Level 1 and 2) have increased in floor area due to the provision of an additional unit per floor. The floor area has increased by 261.4m<sup>2</sup>.
- Length of the residential floors has increased from 40m to 50m due to proposed additional units on each level.
- Unit mix modified to include 3 bed units.
- Community facilities at ground level have been reconfigured and increased in size (additional 67m<sup>2</sup>)
- Balconies on the western elevation of the ground level dining/billiards rooms are deleted to satisfy consent conditions for addressing privacy concerns.
- Setbacks from western property are consistent with approved.

#### **Car Parking and Roadworks:**

- The total number of car spaces for the Independent Living Units remains the same as previously approved at 172 car spaces within the basement.
- The basement car spaces have increased to 3.2m to improve access.
- Dedicated parking has been made available for resident caravan and boat storage and for an additional community bus on the site.
- Set down areas have been added adjacent to the entry for each of the Independent Living Unit buildings for improved access by residents;
- The central roadway between the buildings has increased in width to 6 metres to achieve a two way road and slightly altered to achieve improved access to each of the buildings.
- A covered porte-cochere has been added to the community Building E for improved access.
- Parking on the internal roads is proposed to reduce from 55 to 32 spaces to accommodate the above listed amendments.

The proposed modification is summarised in the following table:

<b>Building</b>	<b>Storeys</b>	<b>Height</b>	<b>No. of Units</b>	<b>GFA m<sup>2</sup></b>
A	5 storeys	RL198.530 (+930mm)	40	4454m <sup>2</sup> (+12m <sup>2</sup> )
B	5 storeys	RL201.730 (+930mm)	40	4454m <sup>2</sup> (+12m <sup>2</sup> )
C	6 storeys	RL208.123 (+4.12m)	38(-2)	4521.5m <sup>2</sup> (45m <sup>2</sup> )
D	4 storeys	RL196.708 (+302mm)	32	3612m <sup>2</sup> (+57.6m <sup>2</sup> )
E	3 storeys	RL191.108 (+508mm)	18(+2)	2039.2m <sup>2</sup> (+261m <sup>2</sup> – res.) 1175m <sup>2</sup> (+67m <sup>2</sup> ) comm. facilities
			168 total	Additional 454.6m <sup>2</sup> Total 29364.6m <sup>2</sup> FSR: 1:015:1

## **ASSESSMENT**

The development application has been assessed having regard to *Greater Sydney Region Plan - A Metropolis of Three Cities*, the '*North District Plan*' and the matters for consideration prescribed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

### **1. STRATEGIC CONTEXT**

#### **1.1 Greater Sydney Regional Plan – A Metropolis of Three Cities and North District Plan**

*The Greater Sydney Region Plan – A Metropolis of Three Cities* has been prepared by the NSW State Government to guide land use planning decisions for the next 40 years (to 2056). The Plan sets a strategy for accommodating Sydney's future population growth and identifies dwelling targets to ensure supply meets demand. 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. Council has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Manly, Mosman, North Sydney, Pittwater, Ryde, Warringah and Willoughby to form the North District. The Greater Sydney Commission has released the North District Plan which includes priorities and actions for the Northern District for the next 20 years. The identified challenge for Hornsby Shire will be to provide an additional 4,350 dwellings by 2021 with further strategic supply targets to be identified to deliver 97,000 additional dwellings in the North District by 2036.

The development as modified would be consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities and the North District Plan by providing 168 independent living units for seniors and would support a growing population.

### **2. STATUTORY CONTROLS**

Section s4.15(1)(a) requires Council to consider "*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations*".

#### **2.1 Environmental Planning and Assessment Act 1979 – Section 4.55(2)**

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Council may consider an application to amend development consent provided that, inter alia:

- a) *it is satisfied that the development to which the consent as modified relates is substantially the same development, and*
- b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has*

*not, within 21 days after being consulted, objected to the modification of that consent, and*

- c) it has notified the application in accordance with the regulations, and*
- d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations.*

With regard to Section 4.55(2)(a), the development as modified is substantially the same development for which consent was originally granted. The proposal as modified would retain the approved seniors living development, comprising Residential Aged Care Facility for 122 beds and five Independent Living Unit buildings comprising a total of 168 units.

The proposed modifications to Building C to increase from five to six storeys is considered a minor change to the approved design, given that the sixth floor would be recessed from the level below on the eastern (Pacific Highway) and southern elevation. Other design changes proposed under this consent are minor and would not significantly intensify the development approved on the site.

With regard to Section 4.55(2)(b), the development application is integrated development requiring General Terms of Approval from the NSW Rural Fire Service (RFS). The modified proposal was referred to the RFS for comment. No objections were raised to the modified proposal subject to minor changes to conditions applied by RFS under the original consent.

The modified proposal was not required to be referred to the Roads and Maritime Services (RMS) as the modified proposal would not alter the approved vehicular access points from the Pacific Highway and the modification would not increase the number of units on the site.

In accordance with Section 4.55(2)(c) and (d), the modified proposal has been publically exhibited and three submissions from two nearby property owners were received. The matters raised in the submissions have been addressed in the body of this report.

The originally development was determined by the JRPP (now SNPP) due to the Capital Investment Value of the development. Regional panels are also responsible for determining applications to modify a consent for regionally significant development.

## **2.2 Hornsby Local Environmental Plan 2013**

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

### **2.2.1 Zoning of Land and Permissibility**

The subject land is zoned R4 High Density Residential under the *HLEP*. The objectives of the R4 High Density Residential 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 development is defined as 'Seniors Housing.' Seniors Housing is prohibited under the *HLEP* in the R4 High Density Residential zone. Notwithstanding, the proposal is permitted pursuant to Clause 4 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors)* where land is zoned for urban purposes and where residential development is permitted. The provisions of *SEPP Seniors* prevail to the extent of any inconsistency with the *HLEP*. The proposed modification would have no impact on the permissibility of the development.

### **2.2.2 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.

### **2.2.3 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 trees of heritage value included cultural plantings and remnant Blue Gum trees and trees forming part of the Blue Gum High Forest (BGHF) which are primarily located along the property boundaries. The assessment of trees on and immediately adjacent to the site identified 78 trees of high BGHF heritage significance, 22 trees of low to moderate BGHF heritage significance and 4 ornamental plantings of cultural significance.

Along the Pacific Highway frontage there are 68 trees of heritage significance, of which 8 were approved to be removed under the original consent to accommodate vehicle entry points. The impacts of the development on the heritage significance of the site was assessed as acceptable under the original application.

The proposed modification has been designed so as to not necessitate the removal of any additional trees from the site. Adequate setbacks from significant trees are retained on the modified design to ensure tree protection, health and longevity. Conditions applied to the original consent require an Arborist to monitor the works and ensure compliance with the Australian Standard to mitigate any adverse impacts on significant trees.

The proposed modification would not adversely impact on the heritage significance of the site the proposal is acceptable on heritage grounds.

### **2.2.4 Earthworks**

Clause 6.2 of the *HLEP* states that consent is required for proposed earthworks on site. The proposed modification would not significantly alter the extent of earthworks required to

accommodate basement carparks. Conditions were applied to the original consent for sediment and erosion controls, excavation, landfill and environmental management. Subject to the original conditions applied, the proposed modification is acceptable with respect earthworks.

#### **2.2.5 Terrestrial Biodiversity**

Clause 6.4 of the *HLEP* applies to land identified as is mapped as 'biodiversity' on the Terrestrial Biodiversity Map.

A portion of the site (where) is mapped as 'biodiversity' on the Terrestrial Biodiversity Map. Consideration as to whether the development is likely to have an adverse impact on the condition, ecological value and significance of the flora and fauna of the land.

Council's ecological assessment concludes that the proposal as modified has been designed and sited to avoid any significant adverse environmental impact. Conditions applied to the original consent are applicable to the modified proposal and would ensure the protection of flora and fauna on the site.

#### **2.3 State Environmental Planning Policy (State and Regional Development) 2011**

Clause 20 and Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011* requires Council consent functions to be exercised by regional panels under the previous Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. The proposal is classified as General Development over \$30 million and therefore the Sydney North Planning Panel is the determining authority of the application.

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

Under the provisions of Clause 7 of *State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)*, a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated or requires remediation for the proposed use.

Appropriate conditions of consent were applied to the original consent been applied requiring verification that the site has been remediated in accordance with the remediation action plan provided (refer to condition No. 58). Subject to fulfilment of this condition, the site is suitable for residential development. The proposed modification would not alter the development's compliance with *SEPP 55*.

#### **2.5 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP BASIX)* applies to the development. A BASIX certificate has been provided which applies to the amended design. The amended BASIX certificates confirm that the amended proposal would satisfy the sustainability and energy performance requirements of *SEPP BASIX*.



## **2.6 State Environmental Planning Policy (Housing for Seniors or People with a Disability) (2004)**

The *SEPP Seniors* is the overriding planning instrument for the development of housing for aged and people with a disability in NSW and provides for hostels, residential care facilities (nursing homes) self-contained dwellings and multi-storey buildings.

*SEPP Seniors* 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 Seniors*. The *SEPP* prevails in the event of any inconsistency with any other environmental planning instrument, including the HLEP.

The development provides for a residential care facility, self-contained dwellings and serviced self-care housing as defined under *SEPP Seniors*, which are permissible uses under the terms of *SEPP Seniors*. There are other uses of the site including a café, chapel and support services which are permissible as ancillary uses to the *SEPP Seniors* development.

A detailed assessment of the proposal's compliance with *SEPP Seniors* was made in the assessment of the original application.

The assessment of the proposed modification in accordance with the relevant requirements of *SEPP Seniors* is commented on as follows:-

### **2.6.1 Clause 13 – Self-contained dwellings**

The amended application would maintain the approved 168 self-contained dwellings.

The *SEPP Seniors* defines self-contained dwellings as:

*‘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.’*

The proposal maintains compliance with the above definition.

### **2.6.2 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. Condition No. 76 was applied to the original consent to ensure compliance with this provision. No further consideration is required for the modified proposal.

### **2.6.3 Clause 22 – Fire sprinkler systems in residential care facilities for seniors**

Condition No. 8 was applied to the original consent requiring a fire sprinkler system. No further consideration is required for the modified proposal.

### **2.6.4 Clause 26 Location and access to facilities**

The development complies with the site requirements set out in Clause 26 of the HSPD. The proposed modification would not impact on the proposal's compliance with this clause.

#### **2.6.5 Clause 27 – Bush fire prone land**

A portion of the site is identified as bush fire prone land. The RFS provided conditions of consent during the assessment of the original application.

The modified proposal was accompanied by a bushfire report and referred to the RFS. The RFS raised no objections to the modified proposal subject to minor changes to the conditions applied under the original consent. The amended conditions have been applied in Schedule 1 of this report.

#### **2.6.6 Clause 28 – Water and Sewer**

The subject site is adequately provided with water and sewer services. Appropriate conditions for approval from Sydney Water were applied to the original consent. No further consideration is required under the modified proposal.

#### **2.6.7 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.*

The proposed modification is acceptable with respect to the natural environment. No additional trees are proposed to be removed as part of the modified proposal. The bush fire risk on the site can be mitigated by conditions prescribed by the RFS. With respect to the flooding constraint, this matter was addressed in the original application and drainage works have been completed on the site (as part of stage 1) to contain the overland flow path in the event of a flood.

In the assessment of the original application it was determined that the services and infrastructure are available to meet the demands of the development. The proposed modification would not intensify the development and would not increase the demands for services and infrastructure.

The bulk, scale and character of the development is appropriate given the current and approved use of the site and the adjoining development. The proposed increase in height of building C would not significantly alter on the visual impact of the development on the Pacific Highway and adjoining properties due to the recessed design and dense vegetation which softens the appearance of the development.

The proposed modification is acceptable with respect to the site suitability criteria of this clause.

#### **2.6.8 Clause 30 – Site Analysis**

A site analysis plan was submitted with the modified proposal which identifies the location of trees, the bush fire asset protection zone, location and heights of adjacent buildings, stormwater overland flow flooding and existing roads. The site analysis plan has been prepared in accordance with the requirements of *SEPP Seniors*.

#### **2.6.9 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 constructed three storey residential care facility to the south. The development as modified remains compatible with the character of the surrounding area in terms of use and level of activity.

The proposed modification would involve the increase of Building C from five to six storeys. The sixth floor has been designed to be recessive when viewed from the Pacific Highway and southern adjoining properties. Established trees along the Pacific Highway frontage will obscure the building's visibility from both street approaches. The established vegetation provides filtered views towards the subject site which contributes to the visual amenity of the locality.

The setback of Building C from the southern boundary has been slightly increased which would reduce the perception of the increase in height from the adjoining residential development. Vegetation along the southern boundary provides a buffer between the development and adjoining development to the south. The development as modified is acceptable with respect to neighbourhood amenity and streetscape.

The proposed modification would not alter the approved material and finishes of the development. Each of the buildings have well-articulated facades, comprise a range of building materials and colours and feature roof and blade elements. The upper portions of the buildings comprise lightweight cladding in parts to reduce building mass.

#### **2.6.10 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 in community submissions regarding the increase in the height of Building C and the impacts this would have on adjoining residents in terms of visual and acoustic privacy. Block C was approved with a setback of 10.5m to 18.5m from the southern boundary. The proposed modification increases the setback from 12.1 to 20 metres. A 3.5m wide public laneway is located between the site and the boundary shared with No. 8A and No. 10 Netherby Street, which each contain a dwelling-house. A number of other single level and two storey dwellings are located beyond the site's southern boundary on Netherby Street.

The approved design of Building C included two units per floor (total 10 units) orientated to the south, with living room windows and balconies orientated to the southern boundary. Two secondary balconies accessible from bedrooms were also orientated to the south.

The design of the modified proposal has been altered to minimise visual and acoustic privacy impacts to dwellings to the south. The modified design provides for one unit per floor (on levels 1-5) with living room windows and balconies orientated to the south. Secondary balconies off bedrooms have been deleted. On the proposed sixth floor, there are no living room windows or balconies orientated to the south. This modification would also minimise the privacy impacts on the north facing windows on the adjoining residential care facility located at 33 Pacific Highway.

Taking into account the setback, design and orientation of units, the amended proposal ensures an adequate level of privacy is afforded to the dwelling houses and residential care facility to the south. The separation of the proposed buildings in relationship with surrounding properties is sufficient to minimise the extent of any privacy impact. The retention of boundary vegetation assists in minimising any impact of the development to surrounding properties.

#### **2.6.11 Clause 35 -Solar access and design for climate**

Shadow diagrams have been submitted as part of the modified application addressing the impacts of overshadowing from the development on 21 June.

Consideration has been given to the shadow impacts of Building C on the residential properties to the south of the site accessed from Netherby Street (No. 8A, 8 and 10). These properties are separated from the site by a public footpath. The diagrams show that the addition of the sixth floor would not increase the overshadowing approved under the original development. The reduction in the over shadowing impacts is attributable to the increase in the building setback from the southern property boundary and the recession of the sixth floor.

The additional two units proposed within Building E would elongate the building and would result in a minor increase in the extent of overshadowing to the Grange located on the western adjoining property. There would be an increase in overshadowing prior to 10am, however this will not affect any dwellings or private open space areas on the adjoining site.

The development as modified would have an unreasonable impact of the solar access of adjoining properties and the impacts are generally consistent with the approved development.

#### **2.6.12 Clause 36 - Stormwater**

Amended civil drawings were submitted as part of the proposed modification to reflect the detail in the modified design, relating to driveway design and drainage pits and pipes. The civil drawings provide for additional water quality and quantity measures to accommodate the widening of the internal access road to 6m. Council's engineering assessment confirms the modified proposal maintains consistency with the approved stormwater management strategy for the site and is acceptable.

#### **2.6.13 Clause 37 - Crime prevention**

The unit buildings are oriented to provide passive surveillance over common areas. The development includes overhead and low level lighting to pathways and building entrances. Conditions applied to the original consent are relevant to the modified proposal and include a requirement for security measures for unit buildings and basement areas and for external lighting to be installed.

#### **2.6.14 Clause 40 - Development Standards – minimum sizes and height**

As the proposed development is being undertaken by Catholic Health Care, a social housing provider, there are no development standards applicable in relation to site requirements and building height under *SEPP Housing*.

The approved development provides for 3 x five storey buildings along the Pacific Highway frontage (buildings A, B and C). The roof ridge height of buildings A, B and C steps down from south to north to reflect the natural topography.

The application proposes to increase the height of Building C from five to six storeys. The applicant notes that vegetation along the Pacific Highway frontage is most dense at Building C, which would provide for screening when viewed from the street.

The applicant submits that Building C is generally consistent with the location of Stage 9 building of the masterplan approved under DA/1109/2007. The consent conditions for DA/1109/2007 advise that the height of the Stage 9 Building is yet to be determined, however approved plans show a built form of up to 6 storeys.

It is considered that the masterplan has been abandoned through the approval of DA/359/2015, which departs from the built form approved under the masterplan. In the absence of any applicable development standards for height under *SEPP Seniors*, the assessment of the building height is merit based.

Building C has a verge of dense vegetation along the Pacific Highway frontage, where vegetation in front of Building A and B is generally sparser. The recession of the sixth floor would minimise the perceived bulk and scale of the development when viewed from the east and south of the site. Balconies and living areas of units on the sixth floor are orientated to the north and east to maximise solar access and minimise privacy and amenity impacts to properties the south. Although Building C would be taller than other buildings on the site, the impacts of the proposal are considered reasonable and the proposal would create variety in the built form.

#### **2.6.15 Clause 41 - Standards for self-contained dwellings**

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

An access report was submitted with the original application demonstrated compliance with Clause 41, in terms of wheel chair access, security and pathway lighting, car parking and unit design. Condition No. 49 was applied requiring fulfilment of accessibility commitments

pertaining to the development as required by Clause 41 of *SEPP Seniors*. The modified proposal includes a revised access report which demonstrates accessibility requirements can be satisfied. The development as modified is acceptable with respect to this Clause subject to fulfilment of conditions.

#### **2.6.16 Clause 48 – Standards That Cannot be Used to Refuse Development Consent for Residential Care Facilities**

The proposed modification involves no change to the approved residential care facility that has been constructed on the site and no further assessment with respect to this Clause is required.

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

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

<b>SEPP Seniors Clause 50</b>					
<b>Clause</b>	<b>Control</b>	<b>Requirement</b>	<b>Approved</b>	<b>Proposal</b>	<b>Compliance</b>
50(a)	Building Height	8m 2 Storeys	3-5 Storeys	3-6 storeys	No
50(b)	Density and Scale	0.5:1	1:1	1.015:1	No
50(c)	Landscape d Area	35m <sup>2</sup> per dwelling	33.6m <sup>2</sup>	Unchanged	No
50(d)	Deep Soil Percentage Deep Soil	> 15% 2/3at rear >3m	25%	Unchanged	Yes
50(e)	Solar Access	70% 3hrs between 9am & 3pm	72%	Unchanged	Yes
50(h)	No. of car spaces	1 per 5 dwellings 34 Spaces	172 spaces within basements	172 spaces within basements	Yes

The provisions of Clause 50 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 within Sections 2.6 of this report.

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

The modified proposal requires consideration of the *State Environmental Planning Policy No. 65 (SEPP 65)*, which aims to raise the design quality of residential flat development across NSW through the application of a series of design principles.

*SEPP 65* applies to residential flat buildings comprising three or more storeys. Buildings A, B, C and D are greater than 3 storeys in height and therefore *SEPP 65* is applicable to the proposal.

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 Apartment Design Guide.

As per clause 50(1A) of the *Environmental Planning and Assessment Regulation 2000*, a Development Application for a residential flat building must be accompanied by a design verification statement prepared by a qualified architect verifying that the design quality principles set out in Part 2 of *SEPP 65* are achieved.

A design verification statement was provided in the original application and satisfactory addressed the provisions of *SEPP 65*. A revised statement verification statement, prepared by Morrison Design Partnership Architects has been provided to address the modified built form. The submitted Statement contains comments responding to each of the Design Quality Principles and concludes by stating that the development as modified generally meets the objectives and intent of the design quality principles set out in Part 2 of *SEPP 65*.

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.

Principle	Compliance
<b>1. Context and Neighbourhood Charter</b>	<b>Yes</b>
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. The proposed modification would achieve a development which is considered suitable with respect to the site context and neighbourhood character.	
<b>2. Built Form and Scale</b>	<b>Yes</b>
The modified proposal would not significantly increase the perceived bulk and scale of the approved development. Building C is proposed to increase from five to six storeys, however the proposed sixth floor is recessed and would be screened by established vegetation along	



<p>the Pacific Highway frontage.</p> <p>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> <p>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 materials and finishes would add to the visual interest of the development.</p>	
<b>3. Density</b>	<b>Yes</b>
<p>The proposed modification involves design changes to the unit buildings and would increase the proportion of three bedroom units. No increase in the approved number of units (168) is proposed.</p> <p>The modified proposal is 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.</p>	
<b>4. Sustainability</b>	<b>Yes</b>
<p>The applicant has submitted a BASIX Certificate for the amended 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.</p>	
<b>5. Landscape</b>	<b>Yes</b>
<p>The modified proposal would not necessitate the removal of any additional trees than approved under the original development consent. The proposal has been designed to facilitate the retention of significant trees as identified as a heritage item within the <i>HLEP</i>.</p> <p>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.</p>	
<b>6. Amenity</b>	<b>Yes</b>
<p>The modified proposal includes design changes to each of the units to include a laundry. The provision of a drying court on each level of the unit buildings forms part of the modified proposal. These changes have required minor design changes to the configuration of units</p>	

and the footprint of the buildings.

The amended proposal contains units 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.

**7. Safety**

**Yes**

The modified proposal would not alter the compliance of the original proposal with regard to the principle of safety.

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. Condition No. 69 was applied to the consent for safety and security measures to be installed in the unit buildings and this condition is relevant to the modified proposal.

**8. Housing Diversity and Social Interaction**

**Yes**

The modified proposal would not alter the development's compliance with this principle. The development responds to the social context in terms of providing a range of dwelling sizes with good access to social facilities and services. The development comprises a range of facilities including a café, swimming pool and communal areas to provide opportunities for social interaction among residents.

**9. Aesthetics**

**Yes**

The proposed modification would not alter the approved architectural treatments, materials and finishes. The articulation of the building, varying roof form, composition of building elements, textures, materials and colours would achieve a built form generally consistent with the design principles contained within the Apartment Design Guide.

## 2.8 State Environmental Planning Policy No. 65 – Apartment Design Code

At the time of the assessment of the original application, *SEPP 65* also required consideration of the Residential Flat Design Code. *SEPP 65* was amended 19 June 2015 and principally has the effect of replacing the Residential Flat Design Code (RFDC) with the Apartment Design Guide (ADG) amongst other amendments to the operation of the SEPP.

The following table sets out the proposal's compliance with the ADG.

<b>SEPP 65 - Apartment Design Guide</b>			
<b>Control</b>	<b>Proposal</b>	<b>Requirement</b>	<b>Compliance</b>
<b>Deep Soil Zone</b>	25% (As approved)	7%	Yes
<b>Communal Open Space</b>	29% (As Approved)	25%	Yes
<b>Ground Level Private Open Space</b>	>15m <sup>2</sup> min. depth 2.8m – 3m	15m <sup>2</sup> min. depth 3m	Yes No
<b>Solar Access (Living rooms and open space areas)</b>	2 hours for 75% of units	2 hours for 70% of units	Yes
<b>Natural Cross Ventilation</b>	72%	60%	Yes
<b>Minimum Dwelling Size</b>	1 br – 61– 73m <sup>2</sup> 2 br – 90 - 99m <sup>2</sup> 2 br + study – 108 - 116m <sup>2</sup> 3 br – 121 - 131m <sup>2</sup>	1 br – 50m <sup>2</sup> 2 br - 70m <sup>2</sup> 2 br - 70m <sup>2</sup> 3 br – 90m <sup>2</sup> +5m <sup>2</sup> for extra bathroom	Yes Yes Yes Yes Yes
<b>Habitable Room depth from a window for open plan layout</b>	8 – 9m 29 units (17%) exceed 8m	8m from a window (max)	No
<b>Living Room Width</b>	>4m	3.6m for 1 br 4m for 2/3 br	Yes
<b>Bedroom Size</b> Master bedroom Bedroom Minimum depth	>10m <sup>2</sup> >9m <sup>2</sup> >3m	10m <sup>2</sup> 9m <sup>2</sup> 3m	Yes Yes Yes
<b>Minimum ceiling and storey height</b>	2.7m(habitable rooms) 3.2m floor to floor	2.7m(habitable rooms) 3.1m floor to floor	Yes Yes
<b>Minimum Balcony Size (minimum depth 2m – 2.4m)</b>	1 br – 4.1m <sup>2</sup> 2 br – 11.9m <sup>2</sup> 2 br + study – min. 15.7m <sup>2</sup>	1 bed 8m <sup>2</sup> 2 bed 10m <sup>2</sup>	Yes Yes

	3 br – 20-66m <sup>2</sup> Depth - >2.4	3 bed 12m <sup>2</sup> Depth 2-2.4m	Yes Yes
<b>Maximum Number of Units on a Single Level</b>	Building E – 9 units	8 units off a circulation core	No
<b>Total Storage Area</b>	1 bed - 6m <sup>3</sup> (Min) 2 bed - 8m <sup>3</sup> (Min) 3 bed - 10m <sup>3</sup> (Min) 50% accessible from the apartments	1 bed - 6m <sup>3</sup> (Min) 2 bed - 8m <sup>3</sup> (Min) 3 bed - 10m <sup>3</sup> (Min) 50% accessible from the apartments	Yes Yes Yes Yes
<b>South facing units</b>	2.9% (5 units)	>15%	Yes
<b>Adaptable Housing</b>	100%	10%	Yes
<b>Building Separation</b>	Building A to B > 11.3m  Building B to C >11.5m  Building C to D >17.8m  Building D to E >14.3m  Building E to A > 14.5m  Building B to D > 15.2m	0 – 4 storeys– 12m 5 – 8 storeys – 18m  0 – 4 storeys– 12m 5 – 8 storeys – 18m  0 – 4 storeys– 12m 5 – 8 storeys – 18m  0 – 4 storeys– 12m 5 – 8 storeys – 18m  0 – 4 storeys– 12m 5 – 8 storeys – 18m	No No  No No  Yes N/A  Yes N/A  Yes N/A  Yes N/A

As detailed in the above table, the proposed development complies with the prescriptive measures within the ADG 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.

### 2.8.1 Ground Floor Apartments and Private Open Space

The ADG prescribes that apartments at ground level or on a podium or similar structure should have a minimum of 15m<sup>2</sup> of private open space with a minimum depth of 3m.

Due to the topography of the site with a general fall away from the Pacific Highway to the rear western boundary, the ground level of the unit buildings generally achieve a ground level private open space on the eastern elevation and elevated balconies at the west.

The ground level terraces comply with the minimum 15m<sup>2</sup> area control, however there is a minor non-compliance with the depth. Most of the ground level terraces have a depth of 2.8m instead of the required 3m depth (for units A104, A105, A106, B104, B105, B106, D104,). The proposed design is generally consistent with the areas and depths approved under the original consent. The 2.8m width is considered sufficient to provide for a useable area for residents and is supported.

### **2.8.2 Habitable Room Depth**

Out of the 168 units, 29 of the units contain habitable room depths where the back wall is marginally greater than 8m from a window but not more than 9m. The modified proposal is generally consistent with the extent of non-compliance approved under the original application. All units offer an open layout with natural ventilation and accordingly, the minor non-compliance is acceptable with respect to residential amenity.

### **2.8.3 Units from a circulation core**

Building E has 9 units off a circulation core on Levels 1 and 2. All other buildings comply with the maximum 8 units on each level. The design comprises wide corridors and sufficient common areas and accordingly, the minor non-compliance is acceptable.

### **2.8.4 Building Separation**

The proposed development complies with the required building separation to adjoining development, with minor variations proposed within the buildings on the site.

The approved development generally satisfies the building separation required to level 4, however the 5<sup>th</sup> levels of building A, B and C were not recessed to satisfy the building separation requirements for the fifth level and above. The building separation of the modified development is generally consistent with the separation approved under original application.

The minimum building separation required under the ADG for up to four levels is:

- 12m between habitable rooms and balconies
- 9m between habitable and non-habitable rooms
- 6m between non-habitable rooms.

On the fifth floor and above, the minimum building separation required under the ADG is:

- 18m between habitable rooms and balconies
- 12m between habitable and non-habitable rooms
- 9m between non-habitable rooms.

Discussion on the building separation with respect to the modified proposal is as follows:

### **Buildings A and B:**

Between Building A and B, the original proposal did not comply with the 12m building separation requirement between habitable rooms at one point of the building. The distance between balconies serving units in building A (A106, A206, A306, A406 and A506) and units in building B (B102, B202, B302 B402 and B502) was approved at 10.5m. This was supported on the basis that the balconies were not directly orientated towards each other. The modified proposal involves minor changes to the building footprint and would marginally increase this separation to 11.3m (Being 800mm more than originally approved). Although this is marginally below the 12m separation prescribed by the ADG the separation is an improvement for the privacy between the affected units and is therefore acceptable. The applicant has proposed to address this matter by erecting privacy screens on the southern elevation of the balconies serving A106, A206, A306, A406 and A506. This measure is considered appropriate given the balconies are orientated towards the east and screening would not impact on solar access or the amenity of units. A condition is recommended (No. 70A) to include the requirement for privacy screening on these units.

The ADG requires that the building separation on the fifth floor increase to 18m between habitable rooms and balconies. This requirement was also applicable under the RFDC. The original design did not comply with this measure as the fifth floor was not recessed from the floor below. The modified proposal maintains consistency with the approved built form and therefore this non-compliance is supported.

### **Building B and C:**

The original proposal achieved the 12m building separation requirement between habitable rooms. The minimum distance between balconies serving units in Building B (B106, B206, B306, B406 and B506) and units within Building C (C101/C102, C201/202, C301/302, C401/402, C501/502) was approved at 12.7m.

The proposed modification has reduced the separation between these balconies to 11.5m (being 1.2m less than originally approved). The proposed separation is marginally less than the 12m required under the ADG for buildings up to 4 storeys. The applicant has proposed to improve privacy between buildings by the erection of privacy screens on the southern elevation of the balconies in Building B. This measure is considered appropriate and is recommended in condition 70A.

The ADG requires that the building separation on the fifth floor increase to 18m between habitable rooms and balconies. The original design did not recess the fifth floor to comply with this measure (which applied under the RFDC). The addition of the units on the sixth floor of Building C would result in overlooking to the roof of Building B and would not present a privacy conflict with opposing units.

The amended proposal is similar in built form and design to the approved development and is acceptable with respect to visual privacy.

### **2.8.3 Apartment Size Layout**

The amended proposal incorporates a mix of single aspect and corner units comprising of one, two and three bedroom apartments. The majority of apartments would be well ventilated

with some corner units provided with dual aspect balconies. The unit layouts are well designed and functional with generous unit sizes for a majority of units.

#### **2.8.4 Storage**

The modified proposal maintains compliance with the minimum storage requirements of the ADG.

### **2.9 Sydney Environmental Planning Policy (Infrastructure) 2007**

The application has been assessed against the requirements of *State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)*. 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*.

#### **2.9.1 Clause 101 - 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. The original application was referred to Roads and Maritime Services (RMS) who reviewed the proposal having regard to its impact on the Pacific Highway and raised no objections subject to conditions of consent.

The modified proposed was not required to be referred to RMS as the proposal would not alter the two vehicular entry points from the Pacific Highway and the parking demands on the site are not increased as a result of the modified development. Council's traffic assessment concludes that the proposal as modified would not have any adverse impact on the safety, efficient and ongoing operation of Pacific Highway and is acceptable with respect to Clause 101.

#### **2.9.2 Impact of Vehicle Emission**

The modified proposal would maintain the approved setbacks of residential units from the Pacific Highway. The setbacks and established trees along the Pacific Highway frontage would ameliorate the impacts of emissions.

#### **2.9.3 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.

Notwithstanding, the proposal as modified is capable of achieving reasonable amenity and acoustic privacy. The modified proposal an Acoustic Assessment Report, detailing measures of minimise the impacts of noise including specifications for glazing, construction materials and finishes. The RMS recommended a condition under the original consent 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. Subject to compliance with this condition the proposal as modified is acceptable with respect to acoustic privacy.

#### **2.9.4 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 original proposal included a Traffic Assessment Report estimating traffic generating of the proposed development using Roads and Maritime Service (RMS) traffic generating rates. This assessment concluded that 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. The RMS raised no objections to the development.

The modified proposal would not increase the number of units approved on the site and would not increase the traffic generation associated with the development. The proposal as modified is acceptable subject to compliance with conditions originally applied.

#### **2.10 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 conditions applied to the original consent for the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposed modification would comply with the requirements of the Policy.

#### **2.11 Sydney Regional Environmental Plan (Vegetation in Non- Rural Areas) 2017**

The aim of this Policy is to protect the biodiversity values of trees and other vegetation and to protect the amenity of non-rural areas. The *SEPP* outlines the provisions for obtaining approval from the Native Vegetation Panel for clearing of native vegetation.

The proposed modification would not result in any additional tree removal than approved under the original consent, and therefore no further consideration of this Policy is required.

#### **2.12 Biodiversity Conservation Act 2016**

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) and Sydney Turpentine Iron Bark Forest (STIBF) which are listed as Critically Endangered Ecological Communities under the *Biodiversity Conservation Act 2016*.

The proposed modification would not necessitate the removal of any additional trees approved for removal under the original consent. The modified proposal would achieve adequate setbacks from significant trees to ensure the development would not adversely impact on the health and longevity of trees to be retained. Subject to tree protection

conditions being satisfied, the proposed modification would not adversely impact on the BGHF and the proposal is acceptable with respect to the *Biodiversity Conservation Act 2016*.

### **2.13 Hornsby Development Control Plan 2013**

The Hornsby Development Control Plan 2013(HDCP) applies to all land within Hornsby Shire. 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.

### **2.14 Development Contributions**

The requirement for a monetary development contribution is not applicable to the as the application is made by a social housing provider.

## **3. ENVIRONMENTAL IMPACTS**

Section 4.15(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**

The modification would not have any additional impact on the natural environment than that approved under the original consent.

### **3.2 Built Environment**

The proposed modification is acceptable with respect the built environment. The proposed sixth floor of building C has been recessed so as not to appear dominant on the streetscape or when viewed from adjoining properties.

### **3.3 Social Impacts**

The proposal as modified would have a positive social impact within the locality by providing for housing for seniors and associated community facilities.

### **3.4 Economic Impacts**

This proposal as modified would achieve a positive economic impact on the locality via employment generation and an increase in demand for local services.

## **4. SITE SUITABILITY**

Section 4.15(1)(c) of the Act requires Council to consider *“the suitability of the site for the development”*.

In this assessment of the original application it was determined that the site's attributes are conducive to the seniors development. The proposed modification would not have any impact with respect to the suitability of the site for the development. Relevant matters are addressed as follows:

#### **4.1 Flooding**

Engineering works to contain an overland flow path have been completed as part of stage 1 of the development. Council's engineering assessment confirmed that the proposed modified proposal is acceptable with respect to the flooding constraint of the site.

#### **4.2 Bush fire Risk**

As addressed in Section 2.6.5, the modified proposal is acceptable with respect to bush fire risk.

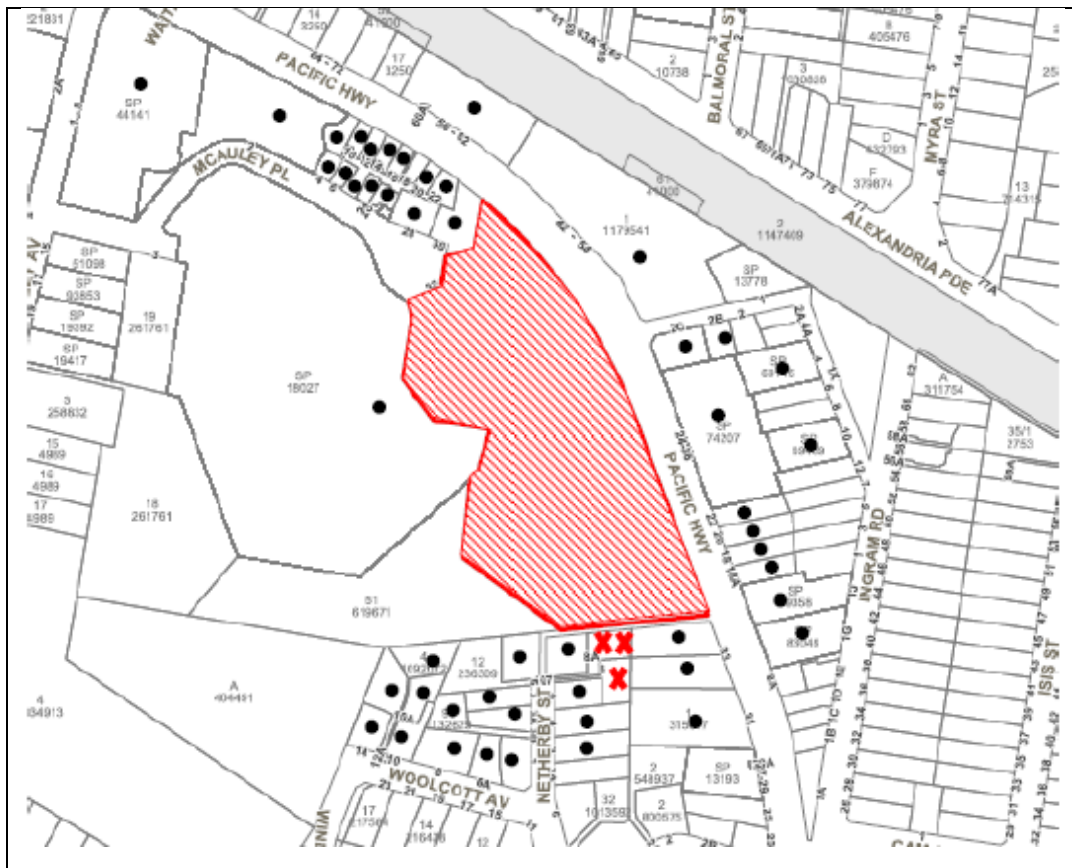
### **5. PUBLIC PARTICIPATION**

Section 4.15(1)(d) of the Act requires Council to consider *"any submissions made in accordance with this Act"*.



#### **5.1 Community Consultation**

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 15/06/2017 and 29/06/2017 in accordance with the Notification and Exhibition requirements of the HDCP. During this period, Council received one submission. Upon submission of amended plans in March 2018, the application was re-notified to adjoining and nearby properties between 22 March 2018 and 11 April 2018, during which time Council received two 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**

<ul style="list-style-type: none"> <li>• PROPERTIES NOTIFIED</li> </ul>	<p><b>X</b> SUBMISSIONS RECEIVED</p>	<p> PROPERTY SUBJECT OF DEVELOPMENT</p>	
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Three submissions objected to the development, generally on the grounds that:

- The additional height of Building C is not compatible with the scale of adjacent single and two storey residential development in Netherby Street.
- The development is not compatible with the character of the area.
- The development significantly overshadows adjoining properties;
- The development would adversely impact on the privacy of adjoining residential properties;
- The buildings should be built further away from adjoining residential properties;
- The buildings should be reduced to two storeys;
- Construction works would result in noise impacts, dust and inconvenience for adjoining properties;

- The statement of environmental effects fails to address the amenity impacts in detail;
- The development will adversely impact on the heritage significance on the 'Mercy Family Life Centre';

The matters raised in the community submission are addressed as follows:

#### **5.1.1 Character, scale and compatibility with adjoining residential development**

Concern was raised with respect to the scale of the development and the proposal's compatibility of scale with adjacent residential development. The site has been approved for a seniors housing development comprising 168 independent living units and a 122 bed residential care facility. The proposal is located near other seniors living developments to the south and west of the site.

The proposed modification would increase the height of Building C and increase floor area, however comparable to the scale of the development approved the modification is not considered to be a significant intensification of development on the site. The amended plans submitted in March 2018 included design changes to Building C to minimise privacy and overshadowing impacts to the adjoining property. As discussed in Section 2.6.9, the proposal as modified as considered acceptable with respect to residential character.

#### **5.1.2 Overshadowing**

Concerns were raised in community submission that the development would unreasonably over shadow adjacent residential properties in Netherby Street. As discussed in Section 2.6.11 of this report, the overshadowing impacts would not be increased as a result of the modified design.

#### **5.1.3 Privacy**

Concerns were raised in community submission that the development would unreasonably result in privacy impacts to residential properties in Netherby Street. As discussed in Section 2.6.10 of this report, the modified design of Building C has involved a reduction on the number of balconies and living room windows to the southern adjoining residential properties and setbacks from the southern boundary have increased. The modification would not exacerbate any privacy impact associated with the development.

#### **5.1.4 Noise during construction**

To minimise impacts on adjoining properties, conditions have been applied to limit hours of construction to 7 am to 5pm Monday to Saturday with no work permitted on Sundays or public holidays.

#### **5.1.5 Adequacy of Statement of Environmental Effects**

Concerns were raised in a community submission that the Statement of Environmental Effects did not adequately address the amenity impacts of the development. The SEE satisfies the requirements set out in the *Environmental Planning and Assessment Regulation 2000*. It is considered that the SEE and supporting plans and documentation provide sufficient

detail to enable Council to make an informed assessment of the proposal and the associated impacts to nearby properties.

#### **5.1.6 Heritage Significance**

The proposed modification would not adversely impact on the heritage significance of the site as discussed in Section 2.2.3 of this report.

### **5.2 Public Agencies**

The development application was referred to the following Agencies for comment:

#### **5.2.1 Roads and Maritime Services**

The modified proposal would not increase the number of units or alter the vehicular access points from the Pacific Highway to the site. In this regard, the modified proposal was not required to be referred to RMS for concurrence and the original RMS conditions applied to the consent are relevant to the modified proposal.

#### **5.2.2 Rural Fire Service**

The modified proposal was referred to the RFS for concurrence. The RFS raise no objections to the modified proposal and recommended minor changes to conditions originally applied to the consent. The modified conditions have been applied in schedule 1.

## **6. THE PUBLIC INTEREST**

Section 4.15(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 modified proposal would maintain the approval for a seniors housing development comprising 168 independent living units and a 122 bed residential care facility. The proposal is consistent with the *SEPP Seniors* and would increase housing supply for seniors in the Hornsby Shire. The modified proposal would result in a positive impact for the community and would be in the public interest.

## **CONCLUSION**

The application proposes a Section 4.55(2) modification to an approved seniors living development comprising a 122 bed residential care facility and five residential flat buildings comprising a total of 168 independent living units. Stage 1 of the development for the residential care facility has been completed.

The application proposes to design changes to independent living unit buildings to increase functionality, increase in Building C from 5 to 6 storeys and changes to the staging of the development.

The development is substantially the same development as the development for which consent was originally granted. The proposed modification is assessed as satisfactory with respect to the *SEPP Seniors* and the *HLEP*.

Three submissions from two nearby property owners were received during the public exhibition period. The matters raised in the community submission have been addressed in the body of this report and do not warrant refusal of the application.

Having regard to the circumstances of the case, approval of the application is recommended.

The recommended amendments to the consent have been applied in schedule 1 and are summarised as follows:

- Condition No. 1 is amended to reference amended plans that are recommended for approval and supporting documentation.
- Deletion of condition No. 2(a) which required changes to the driveway near Building C to accommodate waste vehicles. The required changes have been incorporated into the modifications.
- Deletion of condition No. 2(b) which required a balcony on the western elevation of the billiards room to be deleted and screening of a balcony serving the dining room. The amended proposal has addressed this matter.
- Condition No. 3 amended to modify the staging of permitted tree removal.
- Title of condition No. 5 amended to reference Stage 2 and 3 instead of 2a and 2b.
- Condition No. 31 amended to modify staging of tree protection fencing requirements.
- Condition No. 45 amended to modify staging of tree monitoring and protection requirements.
- Addition of Condition 70A for privacy screening.
- Conditions 83, 84 and 85 amended in accordance with the revised General Terms of Approval from RFS.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 10.4 of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning application.

**Attachments:**

- Attachment 1 – S4.55 Architectural and Floor Plans (March 2018)
- Attachment 2 – S4.55 Proposed Site Analysis Plan (March 2018)
- Attachment 3 – S4.55 Elevation Plans (April 2018)
- Attachment 4 – S4.55 Site, Staging and Floor Plans (February 2018)
- Attachment 5 – S4.55 Shadow Diagrams (March 2018)
- Attachment 6 – Approved Site and Staging Plans (Approved 2-12-15)
- Attachment 7 – Approved Floor Plans (Approved 2-12-15)
- Attachment 8 – Approved Elevation and Cafe Plans (Approved 2-12-15)
- Attachment 9 – Approved Landscape plans (Approved 2-12-15)
- Attachment 10 – Approved Landscape Details (Approved 2-12-15)
- Attachment 11 – Approved Shadow Diagrams (Approved 2-12-15)



## SCHEDULE 1

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<b>Date of this modification:</b>	27/05/2018
<b>Details of this modification:</b>	Section 4.55(2) application to modify the design and staging of an approved seniors housing development comprising a residential care facility comprising 122 beds and five buildings containing a total of 168 independent living units.
<b>Conditions Added:</b>	70A
<b>Conditions Deleted:</b>	2a and 2b
<b>Conditions Modified:</b>	1, 2, 3, 5, 31, 45, 83, 84 and 85

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## CONDITIONS OF APPROVAL

### 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:

*Approved Plans:*

<b>Plan No.</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Dated</b>
A-002 DA- 01	Existing site analysis plan	Morrison Design Partnership	14 Feb 2017
A-003 DA-02	Proposed Site Analysis Plan	Morrison Design Partnership	13 March 2018
A-020 DA- 01	Site Master Plan	Morrison Design Partnership	2 Feb 2017
A-031 DA- 01	Site Plan – Existing Building Survey Overlay	Morrison Design Partnership	2 Feb 2017



A- 060 DA-02	Site Plan and basement plans, Blocks D & E RL 175.800	Morrison Design Partnership	27 March 2017
A- 061 DA-01	Site Plan and Basement Plans, Block A & B 177.600, Block D & E RL 179.00	Morrison Design Partnership	27 March 2017
A- 062 DA-04	Site Plan & Basement Plan – Blocks A, B & C RL 184.000, Block D RL 182.2 & E RL 183.00	Morrison Design Partnership	13 March 2018
A- 063 DA-03	Site Plan – Block A & B RL 184, Block C & D RL 185.4-186.0	Morrison Design Partnership	13 March 2018
A- 064 DA-03	Site Plan – Block A, B & C RL 187.2 Block D RL 188.6 & Block E RL 186.2	Morrison Design Partnership	13 March 2018
A- 100 DA-01	ILU Block Floor Plans – Block A & B	Morrison Design Partnership	15-Feb-2017
A- 101 DA-05	ILU Block C Floor Plans	Morrison Design Partnership	13 March 2018
A- 102 DA-01	ILU Block D Floor Plans	Morrison Design Partnership	15-Feb-2017
A- 103 DA-01	ILU Block E Floor Plans	Morrison Design Partnership	15-Feb-2017
A-104 DA-01	Roof Plans Block A, B & D	Morrison Design Partnership	15-Feb-2017
A-105 DA-02	Roof Plan of Block C & E	Morrison Design Partnership	13 March 2018
A- 300 DA-03	Site Section 1, 2 & 3	Morrison Design Partnership	27/04/2018
A- 301 DA-03	Site Section 4, 5 & 6	Morrison Design Partnership	27/04/2018
A- 302 DA-03	Site Section 7, 8 & 9	Morrison Design Partnership	27/04/2018
A- 400 DA-03	Café	Morrison Design Partnership	15-Feb-2017
A-410 DA-01	Community Facilities Building Floor Plan	Morrison Design Partnership	15-Feb-2017
2842 AR- 100 DA-02	RACF Building Basement Floor Plan	Morrison Design Partnership	11 Aug 2015
2842 AR- 101 DA-02	RACF Building Ground Floor Plan	Morrison Design Partnership	11 Aug 2015
2842 AR- 102 DA-02	RACF Building First Floor Plan	Morrison Design Partnership	11 Aug 2015

2842 AR- 103 DA-02	RACF Building Roof Plan	Morrison Design Partnership	11 Aug 2015
2842 AR- 200 DA-03	Elevations and Sections RACF	Morrison Design Partnership	14 Aug 2015
000 Issue B	Landscape - Coversheet and Key Plan	Site Image	3/3/17
100 Issue B	Landscape Masterplan	Site Image	3/3/17
101 Issue B	Landscape Plan 1	Site Image	3/3/17
102 Issue B	Landscape Plan 2	Site Image	3/3/17
103 Issue B	Landscape Plan 3	Site Image	3/3/17
104 Issue B	Landscape Plan 4	Site Image	3/3/17
105 Issue B	Landscape Plan 5	Site Image	3/3/17
106 Issue B	Landscape Plan 6	Site Image	3/3/17
501 Issue B	Hardscape Details	Site Image	3/3/17
502 Issue B	Softscape Details	Site Image	3/3/17
503 Issue B	Softscape Details and Planting Schedule	Site Image	3/3/17
504 Issue B	Softscape Details and Planting Schedule	Site Image	3/3/17
001-013	Landscape DA Additional Information	Site Image	14/8/15

*Supporting Documentation (Section 4.55(2) application):*

<b>Document No.</b>	<b>Prepared by</b>	<b>Dated</b>
A-306 DA01 - Solar Study - Block C	Morrison Design Partnership	02/03/2018
A0010 DA04 – Shadow Diagram Sheet 1	Morrison Design Partnership	14/03/2018
A0011 – DA05 – Shadow Diagram Sheet 2	Morrison Design Partnership	14/03/2018
A0012 – DA05 – Shadow Diagram Sheet 3	Morrison Design Partnership	14/03/2018
2021768601C – Engineering Plans - Civil and Stormwater (17 pages)	Bonnaci Group Pty Ltd	December 2016
Statement of Environmental Effects, Amended Section 4.55(2) modification	BBC Consulting Planners	14/03/2018
S96 Modification Commentary	Morrison Design Partnership	14/03/2018
BASIX Certificate No. 596536M_04	Six b Design	4/05/2018
Architectural Design Report	Morrison Design Partnership	7/03/2018
S96 Amendment Schedule	Morrison Design Partnership	7/03/2018

2021768601C – Engineering Plans - Civil and Stormwater (17 pages)	Bonnaci Group Pty Ltd	December 2016
Stormwater Statement	Bonnaci Group Pty Ltd	8/03/2017
Waste Management Plan	Morrison Design Partnership	9/03/2017
Acoustic Review for s96	Acoustic Logic	22/03/2017
Traffic and Parking Assessment Letter for Section 96	The Transport Planning Partnership	21/03/2017
Bushfire Report –Section 96 modification	Blackash Bushfire Consulting	30/08/2017
Access Report	Accessible Building Solutions	24/03/2017
BCA Assessment Report (ref 160244)	Blackett Maguire Goldsmith	March 2017

*Supporting Documentation (original application):*

<b>Document No.</b>	<b>Prepared by</b>	<b>Dated</b>
Statement of Environmental Effects	BBC Consulting Planners	April 2015
Additional Information	BBC Consulting Planners	17 Aug 2015
Stormwater management Plan and Flood Report (R01266-SQF)	C & M Consulting Engineers	
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
Contamination Assessment	Environmental Investigations	26 Apr 2006
Remediation Action Plan	Environmental Investigations	25 Sept 2007

## 2. **Amendment of Plans**

- a) Deleted
- b) Deleted
- 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, 25, 26, 41, 47-51, 57-62, 67-71, 78-83, 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 2 – This development consent permits the removal of trees numbered 141, 147, 152, 175, 176, 177, 183, 202, 203, 204, 206, 254, 255, 261, 262, 291, 293, 339, 352, 354, 356, 358, 359, 391 and 394 as identified the Supplied Aboricultural Impact Assessment provided by Landscape matrix dated 9 April 2015 (D05287420).
- c) Stage 3 - This development consent permits the removal of trees numbered 202, 203, 204, 206, 254 and 255 as identified 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).

**3A. Retention of Trees 20, 21 and 93**

Tree Nos. 20, 21 and 93 are to be retained if the approved development is able to comply with the Australian Standard AS4970 – Protection of Trees on Construction Sites in relation to those trees. If the approved setback of the building means that the development cannot comply with AS4970 in relation to Trees 20, 21 and 93 then they are approved to be removed. The project arborist is to provide certification on the ability to comply with AS4970 prior to the issuance of a construction certificate.

**3B. Relocation of Trees**

That all efforts to made to satisfactorily relocate Tree No. 17 and 67 to a more suitable location on the site in conjunction with Council's Tree Management Team.

**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 undertaken by an Arborist holding an AQF level 3 certification in Arboriculture.

**5. Pruning Works – Stage 2 and 3**

- 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.

<b>REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE</b>
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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](http://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 30<sup>th</sup> 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.

**26A. Sandstone Wall with Foundation Stones**

The building foundation stones currently located on a low sandstone wall in a garden area close to the current entry to the site shall be protected and removed using appropriate techniques to allow for storage prior to construction commencing. The heritage elements shall be restored and reinstated in an appropriate prominent location within the property. The location of the foundation stones are to be identified on the construction certificate plans.

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS</b>
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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 2 - Tree protection fencing must be erected around trees numbered 289, 290 335, 338, 360-376 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 3 - Tree protection fencing must be erected around trees numbered 22, 24, 27, 30-39, 45, 46, 179, 180-189, 376-390 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.

<b>REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION</b>
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**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 2 - The project arborist must record the method(s) used to preserve the tree(s) 289, 290 335, 338, 360-376 for the duration of the proposed works and form part of final certification documentation
- e) Stage 3- The project arborist must record the method(s) used to preserve the tree numbered 22, 24, 27, 30-39, 45, 46, 179, 180-189, 376-390 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](http://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.*

**70A. Privacy Measures**

To minimise privacy impacts between buildings, privacy screens are to be erected as follows:

- a) A 1.8m high louvered privacy screen is to be erected on the southern elevation of balconies serving units A106, A206, A306, A406, A506 in Building A.
- b) A 1.8m high louvered privacy screen is to be erected on the southern elevation of balconies serving units B106, B206, B306, B406, B506 in Building B.

<b>OPERATIONAL CONDITIONS</b>
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**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 though 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**

- a) Internal Roads shall comply with the layout identified in the drawing titled 'Site Plan' prepared by Morrison Design Partnership Architects dated 02 February 2017 and referenced project No. 2954.
- b) New internal roads shall comply with the following requirements of Section 4.2.7 of 'Planning for Bushfire Protection 2006'.
  - i) Internal driveways shall be two wheel drive, sealed, all weather roads.
  - ii) Internal perimeter roads shall be provided with shoulders on each side, allowing traffic to pass in opposite directions.
  - iii) Traffic management devices shall be constructed to facilitate access by emergency service vehicles.
  - iv) A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches shall be provided.
  - v) Curves shall have a minimum inner radius of 6 metres and shall be minimal in number to allow for rapid access and egress.
  - vi) The minimum distance between inner and outer curves shall be 6 meters.
  - vii) Maximum grades shall not exceed 15 degrees and average grades shall not be more than 10 degrees.
  - viii) Roads shall be clearly signposted and bridges clearly indicate load ratings.
  - ix) The internal road surfaces and bridges shall have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).

84. **Bushfire Management- Evacuation and Emergency Management**

A Bushfire Emergency Management and Evacuation Plan shall be prepared consistent with 'Developing Planning – A Guide to Developing a Bushfire Emergency Management and Evacuation Plan December 2014' and Australian Standard AS3745 2010 'Planning for Emergencies in Facilities'.

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) New construction on the western and southern elevations of proposed Block D shall comply with section 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas -2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- b) New construction on the eastern and northern elevations of proposed Block D shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- c) New construction on the western and southern elevations of proposed Block E (community facilities) shall comply with section 3 and section 6 (BAL 19) *Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014'* as appropriate and section A3.7 Addendum Appendix 3 of *'Planning for Bush Fire Protection 2006'*.
- d) New construction on the eastern and northern elevations of proposed Block E (Community Facilities) shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of *'Planning for Bush Fire Protection 2006'*.
- e) New construction on all elevations of proposed Blocks A, B and C shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

#### **CONDITIONS OF CONCURRENCE – NSW ROADS AND MARITIME SERVICES**

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). (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.*

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](http://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](http://www.environment.nsw.gov.au)

[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)

[www.adfa.org.au](http://www.adfa.org.au)

[www.workcover.nsw.gov.au](http://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). (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.*

### **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](http://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.*