

SYDNEY NORTH PLANNING PANEL HORNSBY COUNCIL ASSESSMENT REPORT

Panel Reference	2018SNH031
DA Number	DA/227/2017/A
LGA	Hornsby Shire Council
Proposed Development	Section 4.55(2) Application to modify the approved concept development for seniors housing by altering the building envelope
Street Address	Lot 78 DP 3250, No. 18 Waitara Avenue Waitara
Applicant	EPM Projects Pty Ltd
Owner	The Vasey Housing Association NSW
Date of DA lodgement	2 May 2018
Number of Submissions	Two submissions in support of application
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	No change to original CIV >30 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Housing or Seniors and People with a Disability) 2004 • State Environmental Planning Policy No.65 – Design Quality of Residential Flat Building • Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean (No.2 - 1997) • Hornsby Local Environmental Plan 2013 • Hornsby Shire Council Section 94 Contributions Plan 2014 - 2024
List all documents submitted with this report for the Panel's consideration	<ol style="list-style-type: none"> 1. Locality Plan 2. Proposed Building Envelope Plans 3. Solar Access Diagrams 4. Proposed Access Arrangements Plan 5. Approved Envelope Plans
Report prepared by	Caroline Maeshian
Report date	10 April 2019

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)?	No
Conditions Have draft conditions been provided to the applicant for comment?	Yes

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The Section 4.55(2) application involves modification of the approved concept development for seniors housing by altering the building envelope.
- At its meeting on 29 November 2017, the Sydney North Planning Panel approved Development Application No. DA/227/2017 for a concept development for seniors housing comprising 117 self-contained dwellings at No. 18 Waitara Avenue, Waitara. The approved development involves a concept application for a twelve-storey seniors housing development comprising independent living units with associated facilities.
- The application proposes design changes including the relocation of the communal open space to ground level at the site's north eastern corner, and marginal enlargement of the approved communal open space, relocation of emergency and service access to Waitara Avenue, alteration to the approved boundary setbacks, increased height of the roof and alterations to the widths of the tower. The proposal would not increase the number of units from the 117 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 relevant design quality principles of *State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development*. 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 would not intensify the development.
- The modified proposal has been publically exhibited in accordance with the *Hornsby Development Control Plan 2013*. Two submissions from two nearby property owners were received. The submissions are in support of the proposed modifications.
- The original development was determined by the Sydney North Planning Panel due to the Capital Investment Value of the development. Regional panels are also responsible for determining Section 4.55(2) applications to modify a development consent.
- It is recommended that the application be approved.

RECOMMENDATION

THAT pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Development Application No. DA/227/2017/A for a concept development for seniors housing comprising 117 self-contained dwellings at No. 18 Waitara Avenue, Waitara be amended as detailed in Schedule 1 of this report.

BACKGROUND

- At its meeting on 29 November 2017, the Sydney North Planning Panel approved Development Application No. DA/227/2017 for a concept development for seniors housing comprising 117 self-contained dwellings at No. 18 Waitara Avenue, Waitara.

The approved development involves a concept application for a twelve-storey seniors living development comprising independent living units with associated facilities.

- A subsequent development application (DA/1016/2018) has been lodged for the detailed works within the proposed building envelope.
- On 2 May 2018, a Section 4.55(2) application was lodged to modify DA/227/2017 by altering the approved building envelope. The modified development was exhibited between 22 May 2018 and 31 May 2018. During the notification period, Council received no submissions.
- On 24 August 2018, the applicant submitted amendments to the architectural plans including the inclusion of residential units in the south east corner of the ground floor level, additional roof height to accommodate services and extra floor-to-floor height at ground floor level, and an amended envelope to clarify the ground level podium and the provision of a porte cochere access from Waitara Avenue. The amended plans were placed on exhibition between 6 September 2018 and 21 September 2018. During the notification period, Council received two submissions in support of the proposal.
- On 12 September 2018, the Sydney North Planning Panel was briefed by Council officers concerning the modified development. At the briefing, the Panel acknowledged and supported the concerns raised by Council in respect to the likely additional overshadowing impacts to adjoining properties to the south due to repositioning of the 'leg' of the approved L-shaped envelope.
- On 2 October 2018, Council requested additional information to address concerns regarding the additional overshadowing impacts, the porte-cochere, building indentation provided along the southern façade and non-compliance with the building length control along the eastern boundary.
- On 29 October 2018, the applicant submitted additional information to address the above issues raised by the Panel and Council.
- On 5 December 2018, Council wrote to the applicant raising concerns that the submitted shadow diagrams do not provide sufficient information and that the solar impacts for neighbouring apartment dwellings require further detailed investigation.
- On 2 January 2018, the applicant submitted additional solar access analysis.

SITE

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

The site previously contained a 2-storey seniors housing development with basement, named the *Parkview Retirement Village*, operated by Vasey Housing Association. The facility existed on the site since 1963 and accommodated 52 self-contained one-bedroom apartments and 3 self-contained x

studios. The existing buildings on the site have been demolished in accordance with Complying Development Certificate No. CDP/1481/2016.

Adjoining developments to the south and east comprise older style three storey residential flat buildings. The Hornsby PCYC facility, comprising an indoor sports and community facility complex under construction, is located on the opposite side of Park Lane, to the north of the site. Vehicular access to this facility is provided via Park Avenue. Nine and ten storey residential flat buildings are located on the opposite side of Waitara Avenue, on the western side of the subject site. Waitara Park (Mark Taylor Oval) adjoins the northern side of the PCYC facility and extends for a distance of 300m with frontage to Edgeworth David Avenue to the north.

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

The subject site is located within 100m of Waitara Railway station to the south, high density residential precincts with varying height limits to the east and west and the Asquith Leagues Club. Bus services to Hornsby Macquarie Park and the city are located in Edgeworth David Avenue, approximately 330m north of the site. The site is also located 750 metres east of Westfield shopping centre, banks and medical services with pedestrian and vehicular connectivity to local shops, amenities and services.

APPROVED DEVELOPMENT

The approved application involves a Concept development for a twelve-storey seniors housing development comprising independent living units with associated facilities. A subsequent development application has been lodged for detailed works within the proposed building envelope.

The approved development specifics are provided below:

- A defined building envelope comprising a single storey podium at the ground level with an L-shaped eleven-storey tower along the two frontages;
- Vehicular access to a basement car park would be provided from Waitara Avenue;
- An ambulance bay, waste collection areas and garbage truck access is proposed from Park Lane;
- Car parking for the development would be provided in a basement car park comprising three basement levels accommodating up to 159 car spaces;
- The podium level would accommodate the ancillary services including a multi- purpose hall, administrative offices, entrance foyer, waste collection services, health consulting services, hair dresser and beauty salon;
- The proposal may incorporate a future neighbourhood shop at the ground level;
- The tower level would accommodate up to 117 independent living units. Details of unit mix and layouts would be provided in a future development application.
- The potential unit mix would be 17 x 1bd units, 90 x 2-bd units (including 2b + s) and 10 x 3bd units; and
- Communal open space is proposed at the first floor level above the podium.

MODIFIED DEVELOPMENT

The Section 4.55(2) application seeks to modify the approved building envelope as follows:

- Rotation of the eastern 'leg' of the tower form on Levels 1-11 further to the south to orientate the communal open space to the north, facing Park Lane;
- Amended podium envelope to provide communal open space and associated landscape features on the ground level instead of the first floor podium level. The communal open space is proposed to be located at the north east corner of the site;
- Relocation of the emergency and service access from Park Lane to Waitara Avenue;
- Extension of the building envelope towards the southern boundary on ground floor level to accommodate vehicular entries and service access ramps off Waitara Avenue;
- Addition to the ground floor envelope in the south east corner to accommodate residential units (the total number of units remains at 117);
- Additional roof height of 800mm to accommodate services and extra floor to floor height at ground floor level. This increases the roof level height from RL213.3m to RL 214.1m;
- There is no change to the overall building height of RL216.3m;
- A porte-cochere is proposed to be provided on the ground floor fronting Waitara Avenue. The proposed porte-cochere would allow for pick-up and drop-off for residents and allow an ambulance to park on the site.

The table below compares details of the approved development and proposed modifications:

	Approved development	Proposed modifications
Uses	Independent living units plus ancillary uses	No change
Site density or yield	Approved 117 apartments	No change
Heights: Lift overrun Roof slab / parapet Residential storeys podium	216.3 AHD (overall height) 213.3 AHD (roof slab/parapet) 12 storeys	No change 214.1 AHD (+800mm) 12 storeys
Basement parking	3 levels access from Park Lane and Waitara Avenue	2 levels all access from Waitara Avenue
Footprint	Trapezoidal Substantial site coverage	L-shaped 'backs' to Waitara Avenue and southern boundary
Upper floorplates storey	L-shaped	L-shaped

	Approved development	Proposed modifications
	'backs' to Waitara Avenue and Park Lane 21m - 22.5m floorplate depths	'backs' to Waitara Avenue and southern boundary 22.5m floorplate depths
Deep soil setbacks	7m to street frontages 6m to side boundaries	No change
Tower setbacks	Street frontages: 7m to balconies / 10m to walls Side boundaries: 6m to balconies + southern walls (levels 1 to 3 – then 9m above), 7m to eastern walls SE corner: maximum setbacks 34m by 42m	Street frontages: no change Side boundaries: southern - 9m, eastern - no change SE corner: maximum setbacks 21m by 7m NE corner: 34.5m by 33m
Communal open space	South-eastern corner on level one above podium: approximately 20m by 27.5m	North-eastern corner at ground level: approximately 23m by 26m (potentially plus portions of the adjoining setbacks)

ASSESSMENT

The development application has been assessed having regard to *the 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 Region Plan – A Metropolis of Three Cities and North District Plan

A Metropolis of Three Cities has been prepared by the NSW State Government to guide land use planning decisions to the year 2056. The population of Greater Sydney is expected to grow by 3.2 million people by 2056. The Plan sets a strategy for accommodating Sydney's future population growth and demographic change, while improving liveability.

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 District planning process to define objectives and set goals for job creation, housing supply and choice in each District. The *North District Plan* is a 20 year plan to manage growth in the context of economic, social and environmental matters to achieve the 40 year vision for Greater Sydney.

Council has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Northern Beaches, Ryde, and Willoughby LGAs to form the North District. The *North District Plan* will be reviewed and the Government will set housing targets and monitor supply to ensure planning controls are in place to stimulate housing development. The *Metropolis of Three Cities* sets a District 20 year strategic housing target of 92,000 dwellings over the next 20 years.

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 117 independent living units for seniors and would support a growing population.

2. STATUTORY CONTROLS

Section 4.15(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 as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- b) *it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) 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:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- d) *it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

In relation to 4.55(2)(a), the development as modified would be substantially the same development as that originally approved. It is noted that:

- The main modification involves the rotation of the approved building envelope through 90 degrees in order to accommodate a north-facing communal open space opposite the park on the ground level.
- Dimensional changes to the approved envelope are relatively minor, and are unlikely to impose parameters for the detailed design of facades or interiors which would differ substantially from the approved concept development.

- Relocation of emergency and service access to Waitara Avenue and the southern boundary do not represent a material departure from the approved concept development.

With regard to Section 4.55(2)(b), the original development application was not integrated development and therefore, the application was not required to be referred to any public agencies.

In accordance with Section 4.55(2)(c) and (d), the modified proposal has been publically exhibited and two submissions in support of the proposed modification from nearby property owners were received.

The original development was determined by the SNPP due to the Capital Investment Value of the development. Regional panels are also responsible for determining Section 4.55(2) applications.

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 HSPD)* where land is zoned for urban purposes and where residential development is permitted. The provisions of *SEPP HSPD* 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 is not to exceed the maximum height shown for the land on the Height of Buildings Map. The maximum permissible height for the site is 32.5m (10 storeys). The approved development has a maximum height of 39.3m above ground (12 storeys). The modified development involves a minor increase of the height of the main roof above the top-most residential level by 800mm. The matter has been discussed in detail in Section 2.3 of this report.

2.2.3 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Council. The property is located within the vicinity of the heritage listed park, Mark Taylor Oval at No. 20X Waitara Avenue (Item No. 783) identified to be of local significance under Schedule 5 (Environmental heritage) of the *Hornsby Local Environmental Plan 2013 (HLEP)*.

The proposed relocation of the communal open space would have a positive impact on the adjacent heritage item, substantially increasing the building setback from Mark Taylor Oval and Park Lane. It would enhance the visual landscape qualities of the streetscape and permit public domain views to the site's future interior tree canopy. The proposed modifications would have an improved heritage outcome on the setting and visual backdrop of the heritage item in the vicinity.

The modified development is for the building envelope only. Submission of elevations and plans showing the desired articulation of the building and landscape features within the site would be assessed under the subsequent development application.

2.2.4 Earthworks

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

This matter was assessed at the time of the original approval. The modified proposal does not include any further excavation. Accordingly, no further assessment in this regard is necessary.

2.3 Design Excellence

Clause 6.8 of the *HLEP* sets out matters for consideration to determine whether a proposed development exhibits a high standard of design. This Clause applies to development proposals on land with a permitted height limit over 29.5m (10 storeys or more), which includes the subject site. Clause 6.8 states that development consent must not be granted to development to which this Clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.

To enable the implementation of 'Clause 6.8-Design Excellence' in the *HLEP*, Council has established a panel of suitably qualified architecture and urban design professionals to undertake a review of the design quality of relevant developments.

In accordance with the above provisions, the modified development was referred to an Urban Design Consultant to undertake an independent urban design review of the proposal. The urban design review initially raised the following issues regarding the modified development:

- *The building indentation provided along the southern facade does not comply with the SEPP 65 required minimum ratio of 2:1 and therefore does not appear to provide natural ventilation for 50% of the living space. Further façade modulation will be required to the detailed building to improve the natural ventilation for this apartment.*
- *The proposed building length with a 7m set back along the eastern boundary of the site exceeds 1/3 of the building width when viewed from the neighbouring property to the east of the site. The modified development does not comply with the side setback requirement of the HDCP.*
- *The shadow diagrams submitted with the Section 4.55 modification illustrates overshadowing of the adjacent neighbour properties in plan view only. The neighbouring buildings at Nos. 47-49 Alexandria Parade do not appear to have balconies for private open space, and rely on receiving solar access to the existing living room windows.*
- *The shadow diagrams submitted do not indicate the existing location of communal open space within the adjacent properties of Nos. 47-49, 51 and 53-55 Alexandria Parade.*

The applicant submitted amended plans to address the issues raised by the urban design consultant. Council's urban design consultant reviewed the amended plans and raised the following additional issues with respect to amended proposal.

- *The shadow diagrams do not accurately compare approved and proposed shadows and, as a consequence, accurate evaluation of nett additional impacts is not possible. Detailed information regarding shadow impacts is necessary in order to confirm whether nett impacts of the modified envelope would be acceptable.*

The shadow diagrams should primarily identify impacts of the approved envelope, with reduced or increased impacts of the proposed modification shown colour coded (increases) or in dotted outline (decreases).

- *The impacts for neighbouring apartment dwellings require detailed investigation. At the very least, apartment layouts should be estimated by reference to windows (living rooms have balconies and/or big windows, bedrooms have smaller windows, and bathrooms have much smaller windows).*
- *3D images at hourly intervals and comprehensive tabulation are required to be submitted.*
- *The envelope drawings require minor clarifications in order to confirm important aspects of the proposed modifications:*
 - a) *Sections should indicate basement levels in order to confirm the extent of deep soil along all of the site's boundaries;*
 - b) *Nature of the articulation zone which is shown on plan views should be specified;*
 - c) *The difference between articulation zones and balcony encroachments should be clarified;*
 - d) *Dimension of the deep soil setback between the loading dock driveway and the southern boundary should be noted on the ground floor plan;*
 - e) *Southern boundary setbacks to the tower and loading dock should be noted on Section C; and*
 - f) *Plan dimensions of the lift-override should be noted on the level 11 plan.*

On 2 January 2019, the applicant submitted additional information in response to the urban design issues including provision of an amended envelope, shadow plans, 3D 'eye-of-sun' views and shadow elevation views.

Comment: An urban design assessment of the additional information and amended plans has been conducted and the following is concluded:

- a) The additional shadow diagrams confirm that impacts of the proposed modification would not exceed limits which are specified by Section 3B-2 of the ADG:
 - i. Sections 3D and 4A of the ADG specify two hours daily sunlight during midwinter for:
 - a) *half of the useable portion of any neighbouring communal open spaces,*
 - b) *for the living areas and private open spaces in 70% of the dwellings in any neighbouring building; and*

c) if neighbours currently receive lesser amounts of sunlight, then that sunlight should not be reduced by more than 50%.

d) The proposed modification would affect sunlight to the following neighbours:

- 47 to 49 Alexandria Parade: a complex of five older-style apartment buildings, each containing three storeys, without balconies or defined communal open spaces;
- 51 Alexandria Parade: a three storey apartment building which has balconies and no defined communal open space; and
- 3 Park Avenue: a three storey apartment building which has balconies and no defined communal open space.

However, the additional shadow diagrams confirm that impacts of the proposed modification would be acceptable based on the following reasons:

47 to 49 Alexandria Parade:

Living room windows in buildings A, B and E would receive midwinter sunlight from 1pm until 3pm, and would not be affected by the proposed modification.

West-facing living room windows in buildings C and D would receive midwinter sunlight from noon or 1pm until 3pm, there would be a zero nett effect for apartments in building C with two units losing sun at noon while two units would gain sun at 1pm (relative to the approved development), and building D would not be affected by the proposed modification.

51 Alexandria Parade:

East-facing living room windows and balconies would receive sunlight until 9.30am while north-facing windows and balconies would receive sunlight from 9am until at least noon or 1pm.

There would be a minor nett reduction in sunlight at 2pm when three apartments would lose sun, while sunlight would be regained by two apartments that are overshadowed by the approved envelope.

3 Park Avenue:

North-east facing windows and balconies on levels two and three would receive sunlight between 9am and 1pm, and generally would not be affected by the proposed modification.

However, at 2pm sunlight would be regained by three apartments that are overshadowed by the approved envelope.

In summary, more than two hours of daily sunlight during midwinter would be retained by all neighbouring apartments. Additional sunlight would be available to five apartments which are overshadowed by the approved envelope and there are no dedicated communal open spaces which would be overshadowed by the approved envelope or the proposed modification.

Furthermore, the amended envelope has responded to the following original urban design recommendations:

- a) Sections include basement levels and confirm the extent of deep soil along all of the site's boundaries.
- b) Nature of the articulation zone has been confirmed:

“the zone within which some floor space, balconies, terraces, porches, bay windows, canopies and the like are permitted”.

- c) As a consequence, differences between articulation zones and balcony encroachments have been clarified.
- d) Dimension of the deep soil setback between the loading dock driveway and the southern boundary has been noted on the ground floor plan.
- e) Southern boundary setbacks to the tower have been noted on Section C.
- f) Although southern boundary setbacks to the loading dock have not been noted on Section C, they are shown clearly by the amended ground floor plan.
- g) Plan dimensions of the lift-overrun have been noted on the level 11 plan.

The urban design consultant has recommended the following additional conditions to be imposed requiring the envelope plans to be further amendments to avoid or eliminate any possible misunderstanding (refer to Condition 18):

- i. The proposed envelope drawings should include a definition of articulation zones:

“Articulation zones are the zone within which some floor space, balconies, terraces, porches, bay windows, canopies and the like are permitted”.

- ii. On section drawings, the current annotation of articulation zones as “balcony encroachments” should be deleted to avoid confusion with the hatched elements and legends.

Given the above, it is considered that the modified building envelope would not have an adverse impact on the built environment of the locality. However, a further detailed assessment of the proposal against the Design Excellence Clause would be conducted under development application (DA/1016/2018) for the building works on the site.

In accordance with the requirements of Section 4.24 of the *Act*, assessment of the proposal against the provisions of the Apartment Design Guide can only be conducted under the development application for the detailed building works.

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

The *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD)* is the overriding planning instrument for the development of housing for aged and disabled people in NSW and provides for hostels, residential care facilities (nursing homes) self-contained dwellings and multi-storey buildings. *SEPP HSPD* is comprehensive in scope including land use planning provisions, design principles, development standards and standards specifically to meet the housing needs of aged and disabled people. *SEPP HSPD* also includes design guidelines for infill development.

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

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

2.4.1 Clause 13 - Self Contained Dwellings

The *SEPP HSPD* includes the following definitions for "Self-contained dwellings":

"General term: "self-contained dwelling"

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

Example: "in-fill self-care housing"

In this Policy, in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care. "

For the purposes of assessment against *SEPP HSPD*, the modified development is defined as 'in-fill self-care housing' and maintains the approved number of 'self-contained dwellings'.

2.4.2 Clause 26 Location and Access to Facilities

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

2.4.3 Clause 30 – Site Analysis

A site analysis plan prepared the Applicant's urban design consultant was submitted with the original proposal. The modified development is assessed as satisfactory on this regard.

2.4.4 Clause 33 – Neighbourhood Amenity and Streetscape

The subject site is located in a high density residential precinct. The site adjoins land zoned R4 High Density Residential to the east and south with applicable height limits of 32.5m. To the north, the site adjoins the PCYC sports facility and the Mark Taylor Oval. Nine-storey residential flat buildings (approximately 26.5m) are located to the west on the opposite side of Waitara Avenue extending between Edgeworth David Avenue (north) and Alexandria Parade (south). The locality is undergoing change due to substantial number of residential flat buildings being constructed nearby. The impacts of the proposed modified built form on the neighbourhood and streetscape have been considered in the context of the existing developments, the desired future character of the area, the visual privacy requirements of the *Apartment Design Guide (ADG)* and the local development controls under that apply to the site.

Council's assessment in this regard concludes that the modified building envelope would fit into the existing character of the locality and would not have an unreasonable impact on the neighbourhood and streetscape due to the following reasons:

- The proposed narrowing of the approved Park Lane 'street wall' by approximately half would significantly reduce the streetscape impact of this prominent backdrop to Waitara Oval.
- The configuration of the tower's modified southern facade would not significantly alter streetscape impact of the approved development relative to Waitara Avenue.

- The proposed relocation of the communal open space to adjoin deep soil setbacks along Park Lane and the eastern boundary would allow for a substantial landscaping to be established at a prominent corner of the site, which should contribute to positive streetscape impacts.
- The tapering of the podium floorplate in order to accommodate communal open space at ground level would have positive streetscape impacts for Park Lane and the Waitara Oval.
- The proposed increased height of the top roof or parapet would be imperceptible from ground level vantage points.

Therefore, based on the above reasons the modified development is acceptable with respect to neighbourhood amenity and streetscape.

2.4.5 Clause 34 - Visual and Acoustic Privacy

The proposed setbacks would allow adequate area for the effective landscape settings along the boundaries of the development and separation between neighbouring buildings.

The location of the individual private open space areas having regard to privacy impacts would be assessed under the detailed development application (DA/1016/2018). The development is to be used for seniors housing and therefore, would be a low noise generating development.

The approved communal open space area is proposed to be relocated from the first floor podium level to the ground floor level fronting Park Lane. Taking into account the setback, design and orientation of building, the amended proposal ensures an adequate level of privacy is afforded to the neighbouring buildings.

2.4.6 Clause 35 - Solar Access and Design for Climate

Shadow diagrams have been submitted for the modified application addressing the impacts of overshadowing from the development on the following neighbouring properties at Nos. 47 to 49 Alexandria Parade, No. 51 Alexandria Parade and 3 Park Avenue.

A detailed discussion has been provided under Section 2.3 of this report. The development as modified would have an unreasonable impact of the solar access of adjoining properties.

2.4.7 Clause 36 - Stormwater

Details of the stormwater system would be assessed under the development application submitted for the building works. Council's engineering assessment confirms the modified proposal maintains consistency with the approved stormwater management strategy for the site and is acceptable.

2.4.8 Clause 37 - Crime prevention

The accessway design, pedestrian linkages and orientation of dwellings ensures casual surveillance of the development and separation of public and private areas. The modified concept proposal is satisfactory in respect to crime prevention.

2.4.9 Clause 38 – Accessibility

The modified concept envelope diagrams demonstrate that the development can be designed to be fully accessible in accordance with the applicable standards of the *Building Code of Australia* and the

Disability Discrimination Act. Conditions of consent have been included in the consent requiring all parking spaces within the basement comply with the provisions of AS2890.6.

2.4.10 Clause 39 - Waste Management

The amended development involves the relocation of the waste vehicle access from Park Avenue to Waitara Avenue. A separate waste collection driveway with a width of 3.5m would facilitate light and heavy vehicle access to the loading dock located on the ground floor. Swept path analysis has been provided to demonstrate that the development would accommodate a vehicle up to the size of an 8.8m Medium Rigid Vehicle. The applicant would seek the services of a private waste contractor instead of relying on Council's waste collection vehicle.

Councils' waste management assessment has concluded that should Council's services be required, there is sufficient area within the loading dock to accommodate a 10.5m truck.

Given that the plans are concept only, the proposed waste servicing facilities and design are considered acceptable.

2.4.11 Clause 40 - Development Standards - Height

Clause 40(4) specifies height requirements in zones where residential flat buildings are not permitted. However, "Residential flat buildings" are permissible in the R4 High Density Residential zone and therefore Clause 40(4) is not applicable. Consequently, it is evident that the suitability of the proposed height of a building should be assessed on its merits and in relation to the context of the site.

A 32.5m height control (10-storeys) applies to the site as specified in Clause 4.3 of the *HLEP* and the *HDGP*. The approved building would have a height of 39.3m high (12-storey) building which would not comply with this control. The modified development seeks an additional roof height of 800mm to accommodate services and extra floor to floor height at ground floor level. This increases the roof level height from RL213.3m to RL 214.1m. However, there is no change to the overall building height of RL216.3m to the top of the lift overrun. It is considered that the minor increase of the height would have minimal environmental impacts compared with the approved development.

2.4.12 Clause 41 – Standards Regarding Accessibility and Useability

This clause requires developments to comply with development standards contained within Schedule 3 of *SEPP HSPD* to ensure an adequate level of access for people with disabilities. It is considered that a detailed assessment having regard to compliance with the controls would be conducted under the development application on the site for the detailed building works. No further assessment is required at this stage of the development.

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

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

SEPP HSPD Clause 50					
Clause	Control	Requirement	Approved	Proposal	Compliance
50(a)	Building Height	8m 2 Storeys	12 Storeys	No change	No
50(b)	Density and Scale	0.5:1	3.15:1	3.24:1	No
50(c)	Landscaped Area	30%	50.7%	40%	Yes
50(d)	Deep Soil Percentage Deep Soil	> 15%	25%	19%	Yes
50(e)	Solar Access	70% 2hrs between 9am & 3pm	72%	72%	Yes
50(h)	No. of car spaces	0.5 car spaces per bedroom	159 spaces within basements	154 spaces within basements	Yes

The relevant matters and compliance of the proposal with Clause 50 of the *SEPP HSPD* are discussed below:

2.4.13.1 Building Height and Density

Given that the proposed building is to be located in a high density residential precinct, compliance with the above standards is unreasonable. The modified building form is acceptable as discussed previously in this report.

2.4.13.2 Landscaping and Deep Soil Zones

The proposed relocation of the communal open space to adjoin deep soil setbacks along Park Lane and the eastern boundary would allow for substantial areas of landscaping to be provided at a prominent corner of the site. The details of planting and street trees would be assessed under the detailed development application.

The amended concept landscaping is satisfactory in providing for streetscape amenity and communal open space areas.

2.4.13.3 Solar Access

The above solar access calculations are based on the concept floor plans only. Detailed assessment of the units would be conducted under the detailed development application.

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

The Policy provides for design principles to improve the design quality of residential flat development and for consistency in planning controls across the State. The proposal is for a concept building envelope of a twelve storey seniors living development.

In accordance with Clause 70B of the *Environmental Planning and Assessment Regulation 2000* a design verification statement is not required as details of the first stage of the development are not included in the application. An assessment of the modified development against the design principles of *SEPP 65* has been conducted as a guide and addressed in the following table.

Principle	Compliance
1. Context	Yes
<p>Comment: The site is located within a precinct planned for 12-storey residential flat buildings of varying heights in close proximity to Waitara Railway Station and the Hornsby Town Centre. The amended development responds to the desired future character of the precinct as envisaged by Council for residential flat buildings in landscaped settings with underground car parking.</p> <p>Once the development of the precinct is completed, the proposal would integrate with the surrounding sites and would be in keeping with the future urban form. The amended building would contribute to the identity and future character of the precinct.</p>	
2. Built Form and Scale	Yes
<p>Comment: The scale, bulk and height of the modified development are appropriate for the desired future character within the precinct as discussed previously in this report.</p>	
4. Density	Yes
<p>Comment: The <i>HLEP</i> does not incorporate floor space ratio requirements for the site. In this precinct, the density of the development is governed by the height of the building and the required setbacks. The proposed density is considered to be sustainable as it provides significant public benefit via affordable seniors housing development on the site.</p>	
5. Sustainability	Yes
<p>Comment: The modified concept layouts demonstrate that the units would be able to achieve natural cross ventilation and sunlight for amenity, liveability of residents.</p> <p>A BASIX Certificate has been submitted with the development application for the detailed building works.</p>	

6. Landscape	Yes
Comment: The modified development includes adequate landscaping areas along the street frontages, side and rear boundaries. A communal open space is proposed on the ground floor level fronting Park Lane.	
7. Amenity	Yes
Comment: The modified development demonstrates that the units can achieve natural ventilation, solar access and acoustic privacy, incorporate balconies accessible from living areas. Privacy can be achieved through appropriate design and orientation of balconies and living areas. The matter would be assessed in detail under the development application for the building works.	
8. Safety	Yes
Comment: The accessway design, pedestrian linkages and orientation of modified building envelope ensures casual surveillance of the development and separation of public and private areas. The modified development is satisfactory in respect to crime prevention. This matter would be assessed in detail under the development application for the building works.	
9. Housing Diversity and Social Interaction	Yes
Comment: The modified development responds to the social context in terms of providing a range of dwelling sizes for seniors and people with a disability with good access to social facilities and services as the site is located in close proximity to Waitara Railway Station and Hornsby town centre. The proposed communal open space located on the ground floor level with seating arrangements and lawn areas would provide opportunities for social interaction amongst the residents.	
10. Aesthetics	Yes
Comment: The aesthetics of the building would be assessed under the submitted detailed development application.	

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

Clause 28(2)(c) of *SEPP 65* requires the consent authority to take into consideration the *Apartment Design Guide (ADG)* when determining a development application for a residential flat building. Whilst the development is a seniors housing, the built form is similar to a residential flat building. Accordingly, an assessment of the development is required to be undertaken against the design guidelines within the *ADG*.

The proposal involves the modification of an approved concept development application only. A detailed assessment against the *ADG* would be undertaken under the development application lodged for the building works. However, the modified building envelope generally complies with the

design guidelines relating to visual privacy, solar access, deep soil zones and communal open space as discussed in Section 2.4 of this report.

2.7 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.

The matter was assessed in under the original application. The proposed modifications would not alter the compliance of the development with *SREP 20*.

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

The application has been assessed against the requirements of *State Environmental Planning Policy No. 55*. This Policy provides State-wide planning controls requiring that consent must not be granted 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.

The matter was assessed in detail under DA/227/2017. Condition No. 8 of Development Consent No. DA/227/2017 requires the applicant to submit a detailed site contamination report. The proposed modifications would not alter the compliance of the development with *SEPP 55*.

2.9 Section 7.11 Contributions Plans

Hornsby Shire Council Section 94 Contributions Plan 2014 - 2024 would apply to the development as it would result in additional dwellings on the site. The requirement for a monetary contribution would be levied under the development application for the detailed building on the site.

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

3.1.1 Tree and Vegetation Preservation

The site does not accommodate any significant vegetation. The proposed concept development application would not necessitate the removal of any trees from the site.

Council's assessment of the modified development included a detailed examination of the existing trees on site and the adjoining properties and concludes that the proposal would not have adverse impact on any significant vegetation in the locality.

The application is assessed as satisfactory having regard to its impact on the natural environment.

3.2 Built Environment

3.3 Built Form

The building would be located within a precinct identified for future high density residential developments of varying heights with a network of open spaces, continuous podiums and underground car parking.

As discussed in this report, the resultant modified built-form would be consistent with the desired future character of the precinct. The proposal is assessed as satisfactory with regard to its impact on the built environment of the locality.

3.3.1 Traffic and Access

The modified development involves the relocation of the ambulance and service vehicle access from Park Lane to Waitara Avenue and the provision of a porte cochere access from Waitara Avenue. The port cochere would allow the ambulance to park at the front entry of the building. Access to the basement and the service area would be via two separate driveways. Council's traffic engineering assessment has concluded that the proposed service vehicle access from Waitara Avenue and the porte cochere are acceptable.

3.4 Social Impacts

The modified development would make a positive social contribution to the local community by providing housing for older persons and persons with disabilities.

3.5 Economic Impacts

The modified development would have a minor positive impact on the local economy in conjunction with other residential type development in the locality by generating an increase in demand for local services.

4. SITE SUITABILITY

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

The subject site has not been identified as bushfire prone or flood prone land. The site is considered to be capable of accommodating modified development. The suitability of the design of the modified development would be assessed in detail under development applications for building works on the site.

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 modified development was notified to adjoining and nearby landowners between 22 May 2018 and 31 May 2018 in accordance with the Notification and Exhibition requirements of the *HDCA*. During the notification period, Council received no submissions. The amended envelope plans were notified between 27 August 2018 and 21 September 2018. During this period, Council received two submissions in support of the application. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
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5.2 Public Agencies

The development application was not referred to any Public Agencies for comment.

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 development is considered to have satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the modified development would be in the public interest.

CONCLUSION

The application proposes a Section 4.55(2) modification to an approved concept development application for a twelve-storey seniors living development comprising 117 independent living units with associated on-site support services.

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 HSPD* and the *HLEP*.

Two submissions from two nearby property owners were received, in support of the proposed modification, during the public exhibition period.

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.

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:

1. Locality Plan
2. Proposed Building Envelope Plans
3. Solar Access Diagrams
4. Proposed Access Arrangements Plan
5. Approved Envelope Plans

SCHEDULE 1

Date of this modification:	10 April 2019
Details of this modification:	Section 4.55(2) Application to modify the approved concept development for seniors housing by altering the building envelope
Conditions Added:	18
Conditions Deleted:	11(d)
Conditions Modified:	1, 2(e), 4, 6, 11(e), 16(e)(i)

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Concept Plans

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

Concept Plans

Plan No.	Rev	Drawing Title	Drawn by	Dated	Council Reference
SK120	P8	Proposed Building Envelope - Basement Levels	WMK Architecture	17/12/2018	D07637817
SK123	P13	Proposed Building Envelope - Ground Floor Level	WMK Architecture	17/12/2018	D07637817
SK124	P9	Proposed Building Envelope - Level 01-03	WMK Architecture	17/12/2018	D07637817
SK127	P8	Proposed Building Envelope - Level 04-09	WMK Architecture	17/12/2018	D07637817
SK133	P8	Proposed Building Envelope - Level 10-11	WMK Architecture	17/12/2018	D07637817

SK601	P9	Proposed Building Envelope – Section AA & BB	WMK Architecture	17/12/2018	D07637817
SK602	P10	Proposed Building Envelope –Section CC & DD	WMK Architecture	17/12/2018	D07637817

2. Development Consent

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

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

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

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

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

4. Building Envelope

- a) The floor plans for the future development application on the site must incorporate the setbacks approved in the Building Envelope diagrams prepared by WMK Architecture dated 17/12/2018.
- b) The maximum height of the building is permitted to be RL216.30 (AHD) to the lift overrun and RL214.10 (AHD) to top of roof.

5. Compliance with Apartment Design Guidelines

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

6. Communal Open Space

Communal open space should have a minimum area equal to 25% of the site. A minimum of 50% direct sunlight is required to be provided to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter). Communal open space shall not be provided on the top roof level to meet the above requirements. Details to be provided with the relevant development application for building work.

7. Geotechnical Report

A geotechnical Investigation report is to be submitted to Council with the first development application.

8. Contamination

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

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

9. Remedial Action Plan

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

10. Acoustics

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

11. Internal Driveway/Vehicular Areas

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

- a) All car parking spaces within the basement level are to comply with AS2890.6.

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

Details to be provided with the relevant development application.

12. **Stormwater Drainage**

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

Details to be provided with the relevant development application.

13. **On Site Stormwater Detention**

An on-site stormwater detention system must be designed by a Chartered Civil Engineer. Details to be provided with the relevant development application.

14. **Construction Traffic Management Plan**

In order to enable unencumbered movement of traffic in the public road during construction works, a Construction Management Plan, including a Traffic Management Plan and scaled construction plans prepared by a suitably Chartered and Qualified Chartered Civil Engineer and Qualified Worksite Traffic Controller must be prepared and submitted to Hornsby Shire Council for approval according to the following requirements:

- a) The plans must detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.
- b) The Plan must be generally in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998" and detailing:-
 - i) Public notification of proposed works;
 - ii) Long term signage requirements;
 - iii) Short term (during actual works) signage;
 - iv) Vehicle Movement Plans, where applicable;

- v) Traffic Management Plans;
- vi) Pedestrian and Cyclist access and safety;
- c) The plans must indicate traffic controls including those used during non-working hours and provide details of methods of providing pedestrian access and two-way traffic in the public road at all times.
- d) The plans shall include the proposed truck routes to and from the site including details of the frequency of truck movements at the different stages of the development. The plan shall also include details of parking arrangements for all employees and contractors.

Details to be provided with the relevant development application.

15. **Traffic Control Plan**

A future development application must provide a Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the Roads & Traffic Authority's Traffic Control at Worksites Manual 1998 and Australian Standard 1742.3 for all work on a public road. The TCP must detail the following:

- a) Arrangements for public notification of the works;
- b) Temporary construction signage;
- c) Permanent post-construction signage;
- d) Vehicle movement plans;
- e) Traffic management plans; and
- f) Pedestrian and cyclist access/safety.
- g) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

16. **Waste Management**

- a) A future development application must provide a Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:
 - i) An estimate of the types and volumes of waste and recyclables to be generated;
 - ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;
 - iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;
 - iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

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

17. **Storage**

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

18. **Amendment of Envelope Drawings**

- a) The approved envelope drawings prepared by WMK Architecture and dated 17/12/2018 should include a definition of articulation zones:

“Articulation zones are the zone within which some floor space, balconies, terraces, porches, bay windows, canopies and the like are permitted”.
- b) On approved section drawings prepared by WMK Architecture and dated 17/12/2018, the current annotation of articulation zones as “balcony encroachments” should be deleted to avoid confusion with the hatched elements and legends.

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 4.17 of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* require the lodgement and approval of a development application prior to any development on the site.

Tree and Vegetation Preservation

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

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

Tree protection measures and distances are determined using the Australian Standard AS 4970:2009, "Protection of Trees on Development Sites". Fines may be imposed for non-compliance with both the Hornsby Local Environmental Plan 2013 and the Hornsby Development Control Plan 2013.

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the applicant.