

SYDNEY NORTH PLANNING PANEL

Panel Reference	2018SNH057
DA Number	DA/1613/2015/C
LGA	Hornsby Shire Council
Proposed Development	Section 4.55(2) Modification Staged Seniors Living Development
Street Address	Lot 1 DP 1242746, No. 9 Jasmine Road, Normanhurst
Applicant	The Uniting Church In Australia Property Trust
Owner	The Uniting Church In Australia Property Trust - Normanhurst
Date of DA Lodgement	14 September 2018
Number of Submissions	4
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	General development over \$30 Million
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • Section 4.55 EP&A Act • SEPP Infrastructure, SEPP Housing for Seniors or People with a Disability, SEPP 65 Design Quality Apartment Development, SEPP BASIX, SREP No. 20 Hawkesbury Nepean River, Hornsby Local Environmental Plan • Hornsby Development Control Plan
List all documents submitted with this report for the panel's consideration	Architectural Plans, Landscape Plan, Statement of Environmental Effects and Design Statement
Report prepared by	Stephen Dobbs
Report date	26 February 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**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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 (S7.22)? **No**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

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

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

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application is for modification of the approved staged development for the redevelopment of the Bowden Brae Retirement Village. The application proposes to consolidate approved construction Stages 2 and 3 into a single stage, reduction of 6 respite care beds, an increase of 3 independent living units, modify the internals and externals of Buildings B, C and D and the relocation of the café.
- The proposed modification is substantially the same development as approved pursuant to Section 4.55 of the *Environmental Planning and Assessment Act, 1979* and is generally satisfactory in respect to the design principles of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
- 4 submissions have been received in respect of the application from 2 objectors.
- 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/1613/2015 for the construction Seniors Living Development for four multi-storey buildings containing 140 independent living units and support facilities and integrated with existing residential care facility at Lot 1 DP 1242746, No. 9 Jasmine Road Normanhurst be amended as detailed in Schedule 1 of this report.

BACKGROUND

On 18 April 2013 the Sydney West Joint Regional Planning Panel approved the Staged Development Application DA/544/2012 for the redevelopment of the Bowden Brae Retirement Village at Normanhurst:

- Stage 1 is for the development concept and demolition of existing buildings.
- Stage 2 is subject to development application for further demolition and construction of four buildings ranging in height from three to six storeys and comprising 111 independent living units, basement car parking and facilities for Seniors Living residents.

On 14 July 2016, the Sydney West Joint Regional Planning Panel approved a Section 96(2) modification (DA/544/2012/A) to increase the number of units from 111 to 137 and to revise resident facilities, and approved DA/1613/2015 for Stage 2 Construction Seniors Living Development for four multi-storey buildings containing 137 independent living units and support facilities and integrated with existing residential care facility.

The approved Seniors Living development is for four multi-storey buildings containing 137 independent living units and support facilities and integrated with the existing residential care facility as follows.

- Building A is three storey and includes 39 independent living units (IDL units) comprising 1 x 1 bedroom, 25 x 2 bedroom and 13 x 3 bedroom units. The building's basement car park is accessed off Frith Avenue and includes 35 car parking spaces including 8 disabled spaces. Five visitor car parking spaces are proposed adjoining the driveway at the frontage.
- Building B is six storey and includes 37 IDL units comprising 4 x 1 bedroom, 20 x 2 bedroom and 13 x 3 bedroom units. The basement car park is accessed off Jasmine Road and includes 16 car parking spaces including 8 disabled spaces. The basement combines with the Building C basement.
- Building C is eight storey and includes 44 IDL units comprising 10 x 1 bedroom, 26 x 2 bedroom and 8 x 3 bedroom units. The basement car park is accessed via Building B's basement and access off Jasmine Road. The car park includes 72 spaces including 13 disabled spaces.
- Building D is seven storey attached to form the northern wing of Building C and includes 17 IDL units comprising 12 x 2 bedroom units and 5 x 3 bedroom units and five respite care suites with kitchen/dining facilities. The building forecourt is integrated with the adjoining residential care facility. A lift is approved for installation at the western elevation of the existing facility building. The basement is shared with Building C.
- A drop-off and visitor parking area provides access to the Building C forecourt and to the lobby of Building B off Jasmine Road. The approval includes upgrading of the existing car parking area accessed off Frith Avenue at the rear of the existing residential care facility and landscaping works to integrate the existing residential care facility.

The development is currently being constructed in stages to allow decanting of existing residents to new accommodation as follows:

Stage 1 Demolition of existing dwelling houses at Nos. 11, 13, 15 and 17 Frith Avenue together with the existing aged care hostel and construction of Building A. The stage includes construction of a temporary access road to the existing IDL units.

Stage 1 has now been completed.

Stage 2 Demolition of the existing community hall and construction of Building B, and a temporary road for access to the existing IDL units.

To be completed by October 2020.

Stage 3 Demolition of the existing IDL units and construction of Building C and Building D.

To be completed by January 2023.

The proposed landscaping and civil works for the development are to be completed at each construction stage.

On 14 February 2018, Council approved a Section 4.55(1A) application (DA/1613/2015/A) to delete one car parking space and retain Tree Nos. 38 & 39.

On 17 July 2018, the six lots of the subject development were consolidated into 1 registered lot.

On 13 November 2018, Council approved a Section 4.55(1A) application (DA/1613/2015/B) for the inclusion of a swimming pool and ancillary structures within the centre of the site.

SITE

The site is known as Bowden Brae Retirement Village which includes independent living units, a hostel and a residential care facility, operated by Uniting Care Ageing NSW in association with the Uniting Church. Bowden Brae has approximately 252 residents and employs approximately 120 staff.

The site comprised six existing lots including Lots 3 & 4 DP 1077836 and Lots 11-14 DP 27914 which have been consolidated into 1 lot (Lot 1 DP 1242746).

The site generally forms a uniform street block bounded by the northern side of Pennant Hills Road, Frith Avenue and Jasmine Road. The site has an area of 21,580m². The house at No. 19 Frith Avenue on the corner of Jasmine Road is the only allotment within the street block not part of the site.

The approved development (DA/1613/2015) is currently under construction (Stage 1). The former dwelling houses at Nos 9, 11, 15 & 17 Frith Avenue have been demolished together with the hostel building.

Vehicle access is off Frith Avenue and Jasmine Road.

The site includes numerous trees of indigenous and non-indigenous species located in the central part of the site, along the Pennant Hills Road frontage and along the Jasmine Road frontage.

The site is in the vicinity of two heritage items of local significance for Federation housing at No. 41 and No. 45 Pennant Hills Road, Normanhurst, opposite the site.

Pennant Hills Road carries significant traffic volumes (60,000+ vehicles per day). The intersections at Jasmine Road and at Hinemoa Road are controlled by traffic lights.

The site is not affected by the NorthConnex motorway tunnel construction underway 200m-300m north and east of the site.

THE MODIFICATION

The Section 4.55(2) application proposes to modify the approved development as follows:

- Consolidation of Stage 2 and 3 of the development into a single construction stage;
- The removal of five respite care units (6 beds) on Level 5 of Building D and the inclusion of an additional 3 independent living units (2x 2 bedroom and 1x 3 bedroom);
- A minor extension to the northern building envelope and revised layout of the upper levels (4-8) of Building B in order to provide more usable living areas and modify some two bedroom units to include a study.
- A minor extension to the northern building envelope and revised layout of the upper levels (5-10) of Buildings C and D in order to provide more usable living areas and modify some two bedroom units to include a study.
- Minor extension to the building envelope at the entry of Building C to accommodate an additional consulting room;
- Relocation of the free-standing pavilion café to Level 4 of Building C resulting in the reduction in size of the approved gym and hair salon; and
- A minor increase in the extent of the basement to Building C (Level 3) to the south-west in order to provide 3 additional car parking spaces.

The following conditions of consent in Schedule 1 would be modified:

Condition No. 1 (approved plans and supporting documentation) would be modified to reflect the amended architectural plans.

Condition No. 4(c) (amendment of plans) references Stages 1, 2 and 3 and will be required to reflect Stages 1 and 2 only.

Condition Nos. 20 and 21 (footpath) would be required to be consolidated into one condition to reflect the deletion of Stage 3.

Condition Nos. 23 and 24 (stormwater drainage) would be required to be consolidated into one condition to reflect the deletion of Stage 3.

Condition No. 82 (excavation works) would be required to be amended as it references Stage 3.

“Requirements prior to the issue of construction certificate – Stages 1, 2 & 3 as noted” would be amended to delete the reference to Stage 3.

“Requirements prior to the commencement of any works – Stages 1, 2 & 3” would be amended to delete the reference to Stage 3.

“Requirements during demolition and construction – Stages 1, 2 & 3” would be amended to delete the reference to Stage 3.

“Requirements prior to the issue of an occupation certificate – Stages 1, 2 & 3 and as noted” would be amended to delete the reference to Stage 3.

“Operational conditions – Stages 1, 2 & 3” would be amended to delete the reference to Stage 3.

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 proposed modification would be consistent with the approved development and *'A Metropolis of Three Cities'*, by providing additional dwellings and would contribute to housing choice in the locality for seniors and people with a disability.

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)

The proposal constitutes an amendment under 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.*

Subsections (1) and (1A) do not apply to such a modification.

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*
- (4) *The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*
- (5) *(Repealed)*

With respect to (a), it is considered that the proposal as amended is substantially the same as the development originally approved.

Council considers that the minor internal and external changes to buildings B, C and D and the relocation of the café would not significantly alter the approved built form. The consolidation of construction changes would not alter the overall development outcome. Council considers that the amended development is substantially the same as the original.

Section 4.5(2)(b) is not applicable as the development is not an integrated development or a State significant development.

In accordance with Section 4.5(2)(c) and (d), the amended application was advertised and four submissions were received from two objectors. The submissions are discussed within the body of this report.

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 R2 – Low Density Residential under the *Hornsby Local Environmental Plan 2013 (HLEP)*. The objectives of the zone are:

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

The proposed development is defined as 'Seniors Housing.' Seniors Housing is prohibited under the *HLEP* in the R2 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 Living)* 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*.

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 shown for the land on the Height of Buildings Map. The modification does not propose to amend the existing approved height of the development and no further assessment is required in this regard.

2.2.3 Heritage Conservation

Clause 5.10 of the *HLEP* sets out heritage conservation provisions for Council. The site does not include a heritage item and is not located in a heritage conservation area.

The site is in the vicinity of the following heritage items of local significance on the southern side of Pennant Hills Road:

- Item No. 685 – House – No. 45 Pennant Hills Road, Normanhurst
- Item No. 827 – “Chislehurst”, house – No. 41 Pennant Hills Road, Normanhurst

An assessment on the heritage impact of the proposal was considered in the original assessment of the application.

The proposed modifications to the northern facades of Buildings B, C and D would not be visible from the heritage items as they are oriented internally. As a consequence, no further assessment is considered necessary regarding heritage.

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.

The proposed modification would require a minor increase in the size of the basement of Building C in order to accommodate 3 additional car parking spaces. The minor increase in earthworks is not considered substantial and existing conditions relating to earthworks are recommended to be retained.

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

The *SEPP Seniors Living* is the prevailing planning instrument for the development of housing for aged and disabled persons in NSW and provides for hostels, residential care facility, self-contained dwellings and multi-storey dwellings, on land zoned for urban purposes.

The *SEPP Seniors Living* includes land use planning provisions, design principles, development standards and standards specific to meet the housing needs of seniors and people with a disability.

An assessment of the proposed modification for consolidation of construction Stages 2 and 3 into a single stage, the reduction in 6 respite care beds, 3 additional independent living units, minor modifications to the internals and externals of Buildings B, C and D and the relocation of the café against the relevant provisions of *SEPP Seniors Living* is provided below.

2.3.1 Vertical Villages

The original application was approved under the provisions of Clause 45 Vertical Village of the *SEPP Seniors Living*. A table is provided below with specific details of the proposed amendments.

Modification		
Element	Approved Stage 2 Development	Proposed Amendment
Site Area	21,580m ²	N/A – no change
Gross Floor Area (site-wide)	16,711m ²	17,207.6m ² (including DA/1613/2015/B)
Floor Space Ratio	1.06:1	1.08:1
No. Independent Living Units (ILU)	137	140
ILU mix	15 x 1 bed 83 x 2 bed 39 x 3 bed	16 x 1 bed 84 x 2 bed 40 x 3 bed
Affordable Housing	14 ILUs (10.2%)	14 ILUs (10%)
Landscaped Area	59%	60.1%
Deep Soil Zone	38%	37.75%
Car Parking	123 resident car spaces including 29 accessible spaces 12 visitor spaces	126 resident car spaces including 29 accessible spaces 12 visitor spaces

The proposed modification maintains the existing boundary setbacks and height of the approved development and is considered substantially the same as the original. The proposed modification is acceptable in respect to *SEPP Seniors* design principles pursuant to Clauses 33, 34 and 35 of the Policy. A discussion is provided below with relevant provisions of *SEPP Seniors Living*.

2.3.2 Height

The maximum height standard in the *SEPP Seniors Living* is 8 metres. No increase in height is proposed from what was originally approved.

2.3.3 Floor Space Ratio

The Stage 2 development was approved with an FSR of 1.06:1, while modifications approved under DA/1613/2015/B resulted in an increased FSR of 1.07:1. The proposed modifications would result in a

further increase in FSR to 1.08:1 due to a minor increase in the floor area of the upper floors of Buildings B, C and D on the northern elevation.

The additional floor area would not result in any reduction of landscaped area, a reduction in approved boundary setbacks or height increase and is therefore considered acceptable.

2.3.4 Landscaping and Deep Soil

The proposed modifications would result in a reduction in the original 38% deep soil area landscaped area to 37.5% in order provide 3 car parking spaces. The deep soil provision is considered satisfactory given *SEPP Seniors* requires a total provision of 15% of the site to be deep soil. Further, the proposal would result in a slight increase in total landscaping as a result of the removal of the café pavilion which is considered a positive outcome.

2.3.5 Car Parking

The original approved development included a total of 123 car parking spaces. One car space was deleted under DA/1613/2015/A and therefor the total number of spaces would be 125. The application notes that the additional spaces would cater for the 3 additional independent living units. The minor increase in car parking spaces is considered to be substantially the same as the original application and not anticipated to have any substantial adverse impacts to traffic generation.

2.4 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

SEPP 65 requires consideration of the Apartment Design Guideline (ADG). The ADG includes objectives and design principles.

The modification is supported by an Architectural Design and Verification Statement prepared by PTW Architects. The statement addresses the proposal against the nine design quality principles of *SEPP 65* including context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction and aesthetics. The statement concludes that the proposed amendments would not alter the fundamental relationships of the approved design, nor will it create any adverse impact on adjacent properties. Further, neither additional overshadowing nor visual impacts would be created.

The only numerical standard pursuant to *SEPP 65* applicable to this modification is a minor reduction in deep soil area as a result of the three additional car parking spaces. Notwithstanding, the proposed 37.75% deep soil area far exceeds the 7% required under the ADG.

2.5 State Environmental Planning Policy (Infrastructure) 2007

The site has a frontage to Pennant Hills Road which carries more than 60,000 vehicles per day and is subject to Clause 102(2) relating to noise impacts. Existing conditions of consent relate to noise mitigation measures and no changes are recommended in this regard.

The original application was referred to the NSW Roads and Maritime Services (RMS) pursuant to Schedule 3 as more than 75 dwellings were proposed within the vicinity of Pennant Hills Road.

The proposal would not result in changes to the vehicles access to Pennant Hills Road or the amendment of existing Conditions of Concurrence other than deletion of the reference to Stage 3. Accordingly, no further assessment is required in this regard.

2.6 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) commenced 25 August 2017 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.

A revised landscape plan was submitted with the application and indicates the removal of tree No. 46 (*Angophora floribunda*) located north of Building D. Council notes that the arborist report submitted with the original proposal, prepared by tree iQ provides contradictory advice regarding the tree. It notes that it has a life expectancy of less than 5 years and is a priority for removal, however it also recommends it be retained and protected.

Council raises no objections to its removal given its retention was most likely an error. It is recommended that Condition Nos. 2 and 41 be amended to include tree 46 for removal.

2.7 State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004

The application has been assessed against the requirements of *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*. The proposal includes a BASIX Certificate for the proposed and amended dwellings and is considered to be satisfactory.

2.8 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 original consent includes conditions relating to sediment and erosion control measures and is considered acceptable.

2.9 Clause 3.42 Environmental Planning and Assessment Act, 1979 - Purpose and Status of Development Control Plans

Clause 3.42 of the *Environmental Planning and Assessment Act 1979* states that a DCP provision will have no effect if it prevents or unreasonably restricts development that is otherwise permitted and complies with the development standards in relevant Local Environmental Plans and State Environmental Planning Policies.

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

2.10 Hornsby Development Control Plan 2013

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the *Hornsby Development Control Plan 2013 (HDCP)*. The proposal is considered substantially the same as the original development and no further assessment is required under the *HDCP*.

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 proposed modification would have a negligible impact on existing approved stormwater management and no further assessment is required.

A revised landscape plan was submitted with the proposal given the relocation of the free standing café. Overall, the revised landscape plan results in a slight increase in overall landscaped area and no objections are raised in this regard.

3.2 Social Impacts

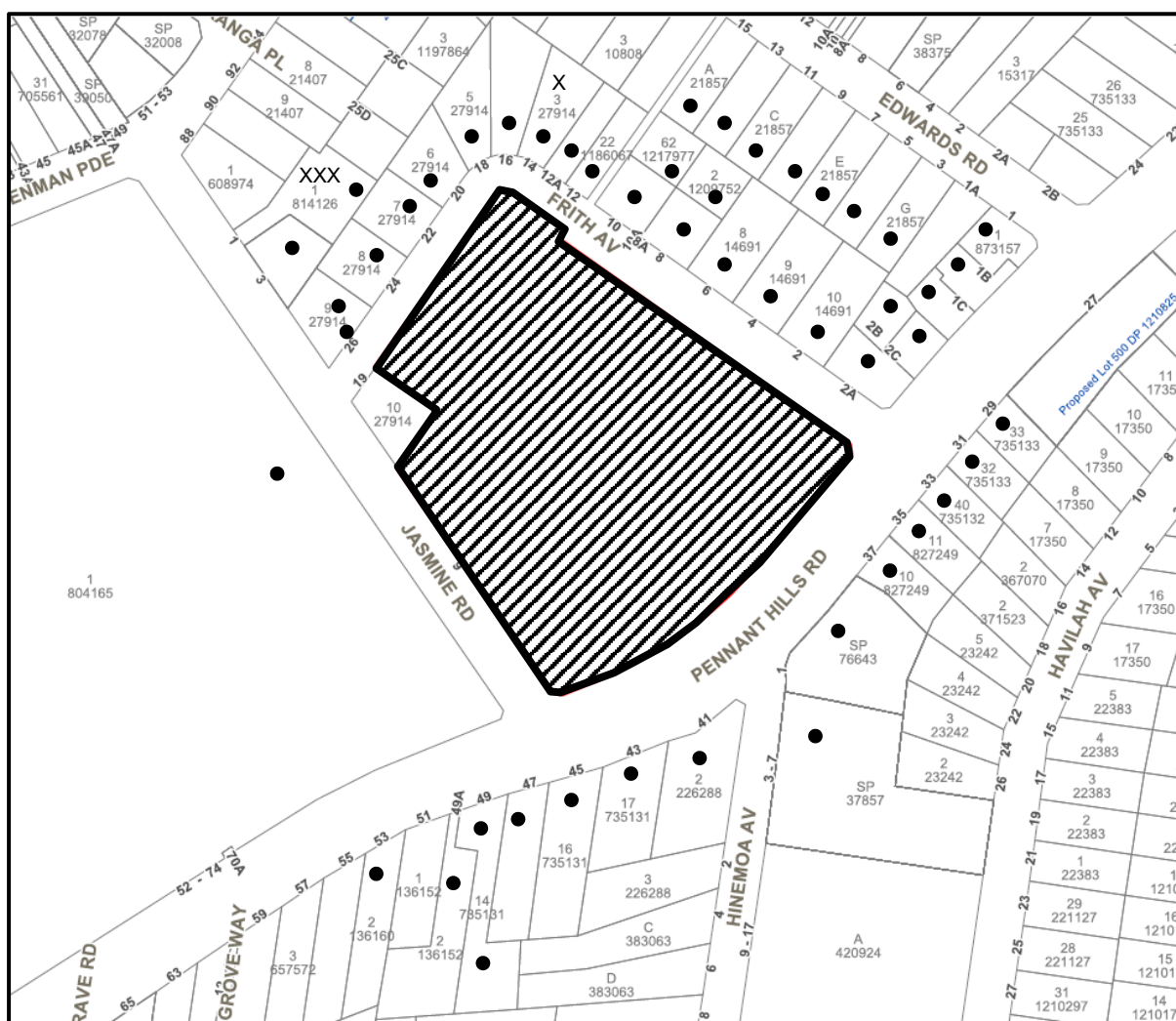
The proposal would continue to supply seniors housing with support and services and improved service delivery for the existing retirement village. The modified development would be of a positive social benefit for the wider community.

4. PUBLIC PARTICIPATION


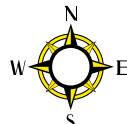
Section 4.15(1)(d) of the Act requires Council to consider *“any submissions made in accordance with this Act”*.

4.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 7 January 2019 and 24 January 2019 in accordance with the Notification and Exhibition requirements of the HDCP. Council received 4 submissions. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
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4 submissions objected to the development, generally on the grounds that:

4.1.1 Impact of the consolidation of constructed stages 2 and 3 and lack of car parking for construction vehicles

Submissions received raises concerns with the consolidation of the construction of Stages 2 and 3. Specifically, the submissions raise concerns with construction management and parking of construction vehicles.

In response to this concern, noise and vibration reports submitted with the original application did not specifically address construction stages. Further, the existing approved Construction Traffic Management Plan (CTMP) states that “the site manager will ensure that there is adequate on-site

parking available for employee, tradesperson and construction vehicles, where practical. Parking shall be provided in the basement car parking area as soon as is practicable. In addition, staff will be encouraged to carpool and utilise public transport which will minimise traffic and parking impacts as a consequence of the construction process. In this regard, Normanhurst Railway Station is situated approximately 600m walking distance west of the site."

Further, Condition No. 27 of the consent requires the preparation of a new CTMP prior to issue of a Construction Certificate for the new Stage 2. Vehicle access will be limited to and from Jasmine Road.

4.1.2 Unacceptable Floor Space Ratio

A submission has been received raising concerns with the overall floor space ratio (FSR) of the development.

It is noted that there is no maximum FSR development standard that applies to the site under *the SEPP Seniors Living*. The proposal would result in a minor increase in the Stage 2 from 1.06:1 to 1.08:1.

Council considers that the small increase would not result in any significant adverse impacts given no changes to building height or reduction in landscaping is proposed. The FSR is considered to be substantially the same as originally approved under DA/1613/2015 and the concept application DA/544/2012.

4.1.3 Unacceptable reduction in respite beds

The modification would result in the removal of 6 respite beds to be replaced with an additional 3 independent living units. The applicant has stated the following regarding the reduction:

With regard to the removal of the six (6) approved respite beds, we refer to the statement prepared by Uniting at Attachment 6 which addresses this issue. The statement confirms that changes to aged care legislation following approval of the concept DA mean that there is now a focus on enabling people to live independently in their home for as long as possible, thereby reducing demand for respite accommodation. Responding to these legislative reforms, Uniting ensures that all ILU developments, inclusive of Bowden Brae, incorporate a range of measures to enable "ageing in place". These measures are reflected in the design/adaptability of all ILUs and facilities and the provision of on-site support services for all residents. The provision of three (3) additional ILUs in lieu of the approved respite beds is considered to be appropriate in this context as it will provide additional homes for seniors within a development that fully supports the ability for residents to age in their own home. Furthermore, in the context of the scale of the seniors living development approved, in quantitative terms, the replacement of the respite beds with ILUs is considered to be acceptable and not of any consequence.

Council considers the removal of the respite beds minor in the context of the whole development. It is noted that sufficient on-site support services remain and independent living units are being provided in lieu of the respite beds which are designed to be adaptable for aging residents.

4.1.4 The removal of the Café

A submission received raises objections to the removal of the approved café.

In response to this concern, it is noted that the café is not proposed to be deleted but relocated internally within Building C. The relocation of the café enables additional landscaping between buildings C and D.

4.1.5 Lack of detail regarding affordable housing

A submission received raises concerns that the proposal is not clear about which units are considered “affordable housing”. It is noted that the allocation of affordable housing was documented in the approved Stage 2 DA and listed in Condition No. 77. The proposal would not reduce the number of affordable housing units.

4.1.6 Not substantially the same

A submission received raises concerns that the proposal is not substantially the same as the original development. This matter is discussed in Part 1.1 of this report.

4.1.7 Lack of notification

A submission received notes that appropriate notification has not been provided to nearby residents. In response to this concern, this application was notified in accordance with Part 1B.5 of the HDCP.

It is noted that the previous applications “DA/1613/2015/A” and “DA/1613/2015/B” did not require notification as they were lodged as a 4.55(1A) and considered to have a minor environmental impact.

4.1.8 Signage

A submission received notes that illuminated signage is not appropriate in a residential area. The proposal does not include any new signage or modifications to existing signage, accordingly the issue of illumination is not a matter for consideration in this assessment.

4.1.9 Street Numbering

A submission received raises concerns about street numbering. Street numbering is not a matter of consideration as part of this assessment.

4.1.10 Street Trees

A submission received notes that additional street trees should be planted.

Council considers that the original proposal included appropriate replacement tree planting. The application does not seek to modify tree replacement planting and therefore is not a matter of consideration as part of this assessment.

5. 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 application is considered to have satisfactorily addressed Council’s and relevant agencies’ criteria and would provide a development outcome that, on balance, would result in a positive impact

for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

CONCLUSION

The application proposes the consolidation of construction Stages 2 and 3 into a single stage, the reduction in the number of respite care beds and an increase in the number of independent living units, minor modifications to the internals and externals of Buildings B, C and D and the relocation of the café.

The development generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

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

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

Attachments:

1. Architectural Plans
2. Landscape Plans

SCHEDULE 1

Date of 1st modification:	14 February 2018
Details of 1st modification:	Section 4.55(1A): deletion of one car parking space to retain Trees Nos. 38 & 39.
Conditions Added:	Nil
Conditions Deleted:	Nil
Conditions Modified:	1

Date of 2nd modification:	13 November 2018
Details of 2nd modification:	Section 4.55(1A): modification to construct an enclosed in-ground swimming pool within the central communal open space area
Conditions Added:	Nil
Conditions Deleted:	Nil
Conditions Modified:	1 and 34(c)

Date of this modification:	13 March 2019
Details of this modification:	4.55(2): The consolidation of construction stages 2 and 3 into a single stage, the reduction of 6 respite care beds, the increase of 3 independent living units, minor modifications to the internals and externals of Buildings B, C and D and the relocation of the café.
Conditions Added:	Nil
Conditions Deleted:	21 and 24
Conditions Modified:	1, 2, 4, 20, 23, 41 and 82

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:

Plan No.	Plan Title	Drawn by	Dated	Council Reference
A-DA-000 Rev 01	Title Page & Drawing List	PTW Architects	25/11/15	D07007731
A-DA-000 Rev 03	Title Page and Drawing List Section 96 – For Pool	PTW Architects	23/02/2018	D07560288
A-DA-000 Rev 10	Title Page and Drawing List For Section 4.55	PTW Architects	12/09/2018	
A0012 Rev 10	Stage 1, 2 Construction Stages	PTW Architects	12/09/2018	
A0200 Rev 10	Stage 2 Construction Zone	PTW Architects	12/09/2018	
A-DA-004 Rev 01	Demolition Plan	PTW Architects	25/11/2015	D07007726
A-0201 Rev 15	Stage 2 Demolition Plan Section 96 – For Pool	PTW Architects	17/10/2018	D07560306
A0301 Rev 10	Stage 2 Demolition Plan	PTW Architects	12/09/2018	
A-DA-005 Rev 03	Staging To decanting Existing Buildings	PTW Architects	23/02/2018	D07560288
A-DA-006 Rev 03	Staging Of Building Works Plan	PTW Architects	23/02/2018	D07560288
A-DA-011 Rev 02	Area Schedule	PTW Architects	22/06/2016	D07007751
A-DA-100 Rev 04	Site Plan	PTW Architects	23/02/2018	D07560288
A0302 Rev 10	Stage 2 – Site Plan	PTW Architects	12/09/2018	
A0101 Rev 10	Site Plan	PTW Architects	12/09/2018	

A-DA-101 Rev 02	Building A Level 1 Floor Plan	PTW Architects	18/04/16	D07007751
A-DA-102 Rev 02	Building A Level 2 Floor Plan	PTW Architects	22/06/16	D07007751
A-DA-103 Rev 01	Building A & B Level 2 Floor Plan	PTW Architects	25/11/15	D07007751
A-DA-104 Rev 02	Building A Level 3 Floor Plan	PTW Architects	22/06/16	D07007751
A-DA-105 Rev 02	Building B & C & D Level 3 Floor Plan	PTW Architects	18/04/16	D07007751
A-DA-106 Rev 02	Building A Level 4 Floor Plan	PTW Architects	22/06/16	D07007751
A-DA-107 Rev 04	Building B & C & D Floor Plan	PTW Architects	23/02/2018	D07560288
A-DA-108 Rev 02	Building A Level 5 Floor Plan	PTW Architects	18/04/16	D07007751
A-DA-109 Rev 04	Building B & C & D Level 5 Floor Plan	PTW Architects	23/02/2018	D07560288
A-DA-110 Rev 01	Building A Level 6 floor Plan	PTW Architects	25/11/15	D07007751
A-DA-111 Rev 02	Building B & C & D Level 6 Floor Plan	PTW Architects	14/06/16	D07007751
A-DA-112 Rev 01	Building A Level 7 Floor Plan	PTW Architects	25/11/15	D07007751
A-DA-113 Rev 01	Building B & C & D Level 7 Floor Plan	PTW Architects	25/11/15	D07007751
A-DA-114 Rev 02	Building A Level 8 Floor Plan	PTW Architects	18/04/14	D07007751
A-DA-115 Rev 02	Building B & C & D Level 8 Floor Plan	PTW Architects	18/04/16	D07007751
A-DA-116 Rev 02	Building B & C & D Level 9 Floor Plan	PTW Architects	18/04/16	D07007751
A-DA-117 Rev 02	Building C & D Level 10 Floor Plan	PTW Architects	18/04/16	D07007751
A-DA-118 Rev 02	Building C & D Level 11 Floor Plan	PTW Architects	18/04/16	D07007751
A-DA-119 Rev 04	Building C Level 12 Floor Plan	PTW Architects	23/02/2018	D07560288
A-DA-120 Rev 02	Building A & B & C & D Roof Plan	PTW Architects	18/04/16	D07007751
A1018 Rev 10	Building B Level 2 – Floor Plan	PTW Architects	12/09/2018	
A1019 Rev 10	Building B Level 3 – Floor Plan	PTW Architects	12/09/2018	
A1020 Rev 10	Building B Level 4 – Floor Plan	PTW Architects	12/09/2018	
A1021 Rev 10	Building B Level 5 – Floor Plan	PTW Architects	12/09/2018	
A1022 Rev 10	Building B Level 6 – Floor Plan	PTW Architects	12/09/2018	
A1023 Rev 10	Building B Level 7 – Floor Plan	PTW Architects	12/09/2018	
A1024 Rev 10	Building B Level 8 – Floor Plan	PTW Architects	12/09/2018	
A1025 Rev 10	Building B Level 9 – Floor Plan	PTW Architects	12/09/2018	
A1026 Rev 10	Building B Level 10 – Roof Plan	PTW Architects	12/09/2018	

A1027 Rev 10	Building C Level 3 – Floor Plan	PTW Architects	12/09/2018	
A1028 Rev 10	Building C & D Level 3 – Floor Plan	PTW Architects	12/09/2018	
A1029 Rev 10	Building C Level 4 – Floor Plan	PTW Architects	12/09/2018	
A1030 Rev 10	Building C & D Level 4 – Floor Plan	PTW Architects	12/09/2018	
A1031 Rev 10	Building C Level 5 – Floor Plan	PTW Architects	12/09/2018	
A1032 Rev 10	Building C & D Level 5 – Floor Plan	PTW Architects	12/09/2018	
A1033 Rev 10	Building C Level 6 – Floor Plan	PTW Architects	12/09/2018	
A1034 Rev 10	Building C & D Level 6 – Floor Plan	PTW Architects	12/09/2018	
A1035 Rev 10	Building C Level 7 – Floor Plan	PTW Architects	12/09/2018	
A1036 Rev 10	Building C & D Level 7 – Floor Plan	PTW Architects	12/09/2018	
A1037 Rev 10	Building C Level 8 – Floor Plan	PTW Architects	12/09/2018	
A1038 Rev 10	Building C & D Level 8 – Floor Plan	PTW Architects	12/09/2018	
A1039 Rev 10	Building C Level 9 – Floor Plan	PTW Architects	12/09/2018	
A1040 Rev 10	Building C & D Level 9 – Floor Plan	PTW Architects	12/09/2018	
A1041 Rev 10	Building C Level 10 – Floor Plan	PTW Architects	12/09/2018	
A1042 Rev 10	Building C & D Level 10 – Floor Plan	PTW Architects	12/09/2018	
A1043 Rev 10	Building C Level 11 – Floor Plan	PTW Architects	12/09/2018	
A1044 Rev 10	Building C & D Level 11 – Floor/Roof Plan	PTW Architects	12/09/2018	
A1045 Rev 10	Building C Level 12 – Roof Plan	PTW Architects	12/09/2018	
A1046 Rev 10	Building C & D Level 12 – Floor/Roof Plan	PTW Architects	12/09/2018	
A1047 Rev 10	Building C Level 13 – Roof Plan	PTW Architects	12/09/2018	
A-DA-200 Rev 10	Street Elevations Sheet 1	PTW Architects	12/09/2018	
A-DA-201 Rev 10	Street Elevations Sheet 2	PTW Architects	12/09/2018	
A-DA-202 Rev 10	Building Section Elevations Sheet 1	PTW Architects	12/09/2018	
A-DA-203 Rev 10	Building Section Elevations Sheet 2	PTW Architects	12/09/2018	
A-DA-204 Rev 10	Building Section Elevations Sheet 3	PTW Architects	12/09/2018	
A-DA-205 Rev 10	Building Section Elevations Sheet 4	PTW Architects	12/09/2018	
A-DA-206 Rev 10	Building Section Elevations Sheet 5	PTW Architects	12/09/2018	
A-9150 Rev 10	Façade – Materials Board	PTW Architects	12/09/2018	

LA00 Rev E	Cover Sheet	Taylor Brammer Landscape Architects	21.05.2018	D07560331
LA01 Rev E	Tree Retention & Removal Plan	Taylor Brammer Landscape Architects	21.05.2018	D07560331
LA02 Rev P1	Landscape Masterplan	Taylor Brammer Landscape Architects	05.09.2018	D07528383
LA03 Rev C	Landscape Planting Plan Area 1	Taylor Brammer Landscape Architects	10.09.2018	D07528383
LA04 Rev C	Landscape Planting Plan Part 2	Taylor Brammer Landscape Architects	10.09.2018	D07528383
LA05 Rev B	Roof Top gardens & private Terraces Plan Buildings A, B & D	Taylor Brammer Landscape Architects	16.10.2015	D07007753
LA06 Rev B	Private Terraces Plan Building C	Taylor Brammer Landscape Architects	16.10.2015	D07007753
LA07 Rev E (2 Sheets)	Indicative Landscape Section/Elevation	Taylor Brammer Landscape Architects	21.05.2018	D07560331
LA08 Rev B	Indicative Landscape Section/Elevation BB	Taylor Brammer Landscape Architects	16.10.2015	D07007753
LA09 Rev B	Level 4 Buildings C & D Landscape and Architecture Interaction Plan	Taylor Brammer Landscape Architects	16.10.2015	D07007753
S96 S9601	Carpark Change for Section 96	Integrated Design Group	31/03/17	D07391212
A-DA-204 Rev 02	Building Elevations – Sheet 1 Section 96 – For Pool	PTW Architects	23/02/2018	D07560288
A-DA-206 Rev 02	Building Elevations – Sheet 2 Section 96 – For Pool	PTW Architects	23/02/2018	D07560288
A-DA-305 Rev 03	Façade – Materials Board Section 96 – For Pool	PTW Architects	23/02/2018	D07560288
A-DA-306 Rev 01	Pool Renders Section 96 – For Pool	PTW Architects	23/02/2018	D07560288

Supporting Documents:

Document Title	Prepared by	Dated	Council Reference
Access Report for Development Application Issue DA02	Funktion	02/12/2015	D06848437
Arboricultural Impact Assessment Report Rev D	Tree IQ	8/12/2015	D06848438
Addendum to Arboricultural Impact Assessment Report	Tree IQ	14/09/2018	D07549508
Updated Ecological Impact Assessment Ref: HSC 15-765	Keystone Ecological	Dec 2015	D06848439
Traffic and Parking Assessment Report Ref: 15519	Varga Traffic Planning	9/12/2015	D06848440
Construction Traffic Management Plan Ref: 15519	Varga Traffic Planning	26/10/2015	D06848441
DA Assessment Ref: 20151037.1/2310A/R2/RL	Acoustic Logic	23/10/2015	D06848442
Construction Noise & Vibration Management Ref: 20151037.5/1510A/R0/RL	Acoustic Logic	15/10/2015	D06848444

Document Title	Prepared by	Dated	Council Reference
Air Quality Assessment Report No. 151145_Air_Rev2	Benbow Environmental	30/10/2015	D06848445
Dust Management Plan Ref: 151186_Dust_Rev2	Benbow Environmental	30/10/2015	D06848446
Construction and Demolition Waste Management	Waste Audit	Oct 2015	D06848447
Operational Waste Management Plan (Revised)	Waste Audit	Oct 2015	D06924617
BASIX Certificate No. 662640M	JHA Consulting Engineers	9/12/2015	D06848453
BASIX Certificate No. 662744M	JHA Consulting Engineers	9/12/2015	D06848453
BASIX Certificate No. 648612M_02	JHA Consulting Engineers	12/09/2018	D07528386
Report on Geotechnical Investigation Project No. 72975.02	Douglas Partners	Sept 2015	D06848449
Building Code of Australia Assessment Report Ref: J150115	Vic Lilli & Partners	29/10/2015	D06848450
Fire Engineering Statement	MCD Fire Engineering	5/12/2015	D06848452

2. Removal of Existing Trees

- a) This development consent permits the removal of the 68 trees as identified for removal in the Arboricultural Impact Assessment Report Tree Protection Specification prepared by Tree IQ dated 8 December 2015 as well as Tree No. 46.
- b) The removal of any other trees requires separate approval in accordance with the Tree and Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

3. Pruning Works

- a) This development consent only permits the pruning of trees numbered 8, 10, 26, 46, 69 and 143 as identified on Page 8 of the Arboricultural Impact Assessment (AIA) prepared by Tree IQ dated 8 December 2015.
- b) Crown maintenance works must not exceed 15% of the total crown volume.
- c) The pruning works must be undertaken by a qualified Arborist (minimum AQF3) and certification must be supplied to the PCA within 7 days of the works being undertaken confirming compliance with AS4373-2007.

Note: The pruning of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan 2013 (HDCP).

4. Amendment of Plans

- a) To comply with Councils requirement in terms of residential amenity, the approved plans are to be amended as follows:
 - i) The Building D respite centre roof top garden balustrade is to be in translucent glass.

- ii) The breezeways of Building A and Building C to include design for fitting of awnings/screens/louvres or similar for protection of the breezeways (as required).
- b) To comply with Councils requirement in terms of waste management, the approved plans are to be amended as follows:
 - i) The bin cupboard on Level 3 of building B must have internal dimensions of no less than 1400 mm width by 900 mm deep.
Note: internal dimensions do not include wall thickness, door thickness, ventilation shafts etc., which must be added.
 - ii) The waste collection area on Jasmine Road must be increased from 4.1x7.4m to 4.1x8.4m (internal dimensions – wall thickness to be added).
- c) The approved floor plans, elevation plans and landscaping plans are to detail the Stage 1 and Stage 2 Construction Stages.
- d) The title of Drawing A-DA-103 to be corrected to read 'Building A & B Level 2 Floor Plan RL 179.1'.
- e) These amended plans must be submitted with the application(s) for the Construction Certificate(s).

5. 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.

6. Section 94 Development Contributions

The applicant is a social housing provider as defined by *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, being a not for profit organisation that is a direct provider of rental housing to tenants, and is therefore exempt from the requirement to make a monetary contribution in accordance with the Ministerial Direction dated 14 September 2007 issued under 94E of the *Environmental Planning and Assessment Act, 1979*.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – Stages 1 & 2 and as Noted

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. Accessibility

The construction certificate plans must be certified by an accredited access consultant in accordance with the recommendations and the requirements for ongoing design detailed in the Access Report for Development Application prepared by Funktion dated 02/12/15.

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. Notification of Home Building Act, 1989 Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a) In the case of work for which a principal contractor is required to be appointed:
 - i) The name and licence number of the principal contractor; and
 - ii) The name of the insurer by which the work is insured under Part 6 of that Act.
- b) In the case of work to be done by an owner-builder:
 - i) The name of the owner-builder; and
 - ii) If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

11. 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.

12. Dilapidation Report (Stages 1 & 2)

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of the adjoining property at No. 19 Frith Avenue, Normanhurst. The dilapidation report must be prepared by a suitably qualified structural engineer for inclusion with the application(s) of the Construction Certificate(s).

13. Excavation

A detailed geotechnical assessment of the site by a chartered structural engineer is to be undertaken for the design of the excavation, ground vibration, excavation support, design

parameters for support systems and anchor design, groundwater, foundation design and earthquake design.

14. Noise – Pennant Hills Road

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled 'DA Assessment', prepared by Acoustic Logic and dated 23/10/2015 and the requirements of the Department of Planning's *Development Near Rail Corridors and Busy Roads – Interim Guideline* and RailCorp's *Interim Guidelines for Applicants*.

Note: The Department of Planning's document is available at www.planning.nsw.gov.au (development assessments). The RailCorp document is available at www.railcorp.nsw.gov.au/publications.

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. 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**".

17. On Site Stormwater Detention (Stage 1)

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

- a) The on-site detention system is to be constructed generally in accordance with the plans prepared NORTHROP Consulting Engineers Job No WOO11257 Rev 2
- b) Have a surcharge/inspection grate located directly above the outlet;
- c) Discharge from the detention system must 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;

- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

18. 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. These levels are to be used to determine final car park floor levels.
- b) The driveway be a rigid pavement.

19. Footpath (Stage 1)

A concrete footpath must be designed across the full frontage of 9-19 Firth Av and Jasmin Av in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The existing footpath being removed.
- b) The land adjoining the footpath to be fully turfed.
- c) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

20. Footpath (Stage 2)

A concrete footpath must be designed across the full frontage of the Stage 2 portion in Jasmin Road and Pennant Hills Road in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The existing footpath being removed.
- b) Pouring of the concrete footpath to the full frontage of the subject site.
- c) The land adjoining the footpath to be fully turfed.
- d) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

21. ~~Footpath (Stage 3)~~

~~A concrete footpath must be designed across the full frontage of the subject site in Pennant Hills Rd and the remainder of Jasmin Road (end of Stage 2) in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:~~

- ~~a) The existing footpath being removed.~~
- ~~b) Pouring of the concrete footpath to the full frontage of the subject site.~~
- ~~c) The land adjoining the footpath to be fully turfed.~~

- ~~d) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.~~

22. Water Saving Urban Design (Stage 1)

A Water Saving Urban Design (WSUD) is to be constructed generally in accordance with the engineering report and plans prepared NORTHROP Consulting Engineers Job No WOO11257. The Water Quality Targets as detailed within the report and Hornsby Shire Councils DCP are to be achieved in the design and supported by a MUSIC model.

23. Stormwater Drainage (Stage 2)

The stormwater drainage system for the development must be designed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:

- a) Connected directly to the existing stormwater drainage system as built in Stage 1.

~~**24. Stormwater Drainage (Stage 3)**~~

~~The stormwater drainage system for the development must be designed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:~~

- ~~a) Connected directly to the existing drainage system in Stage 1.~~

25. Road Works (Stage 1)

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

- a) The existing kerb and gutter and redundant crossings across the full frontage of 9-19 Firth Av and Jasmin Av are to be removed and reconstructed.
- b) A concrete footpath to be constructed within the road verge with the remaining area turfed.
- c) Provision of pram ramps where required.
- d) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.

26. Road Works (Stage 2)

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

- a) The existing kerb and gutter and redundant access crossings in Jasmin Road are to be removed and reconstructed.
- b) Provision of pram ramps as required.
- c) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.

27. 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 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) In order 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.
- j) A Pedestrian Access Management Plan (PAMP) is to be included detailing how pedestrian movements will be changed and managed during various stages of development, particularly during any partial or total closure of footpaths. Council will review the PAMP, agree any modifications with the proponent and enforce the PAMP during construction.

28. Waste Management

- 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 at the basement level of each building (A, B and C/D).
- 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) Rest seating must be provided along the travel path between the independent living units in Building A and the waste facilities on each residential level.
- e) For the waste collection areas at the ground level:
 - i) There must be no step, raised kerb, wall, retaining wall or any other obstacle between the waste collection/bin holding area and the driveway; and
 - ii) The side adjoining the driveway must be fully open to the driveway. Screening to a height of no less than 1.5 m should be provided on the other three sides of the waste collection area.
 - iii) The waste collection area must be at the same level as the driveway; and
 - iv) The gradient of the driveway must not exceed 1:20 for the first 6 m of the driveway; and
 - v) If necessary, the edge of the driveway can be marked by paint (or similar means) for the length of the temporary bin standing area.
- f) The bin carting routes from each bin storage room (residential and commercial) to the relevant bin collection/holding area must be wholly within the site. The use of the public footpath to cart waste or bins is not permitted.
- 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.

29. 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 must be submitted with Construction Certificate plans.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS – Stages 1 & 2

30. 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.

31. 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.

32. 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*.

33. 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.

34. Tree Protection Barriers

- a) All trees retained on site must have tree protection measures for the ground, trunk and canopy installed in accordance with the Australian Standard 'Protection of Trees on Development Sites (AS 4970-2009).
- b) Tree protection measures must erected around retained trees as specified in Appendix 5 of the supplied Arboricultural Impact Assessment provided by tree iQ – Revision D dated 8 December 2015 Document Number – D06848438.
- c) Tree protection measures must erected around retained trees T26 and T41 as specified in Appendix 1 of the supplied Addendum to Arboricultural Impact Assessment Report by tree iQ dated 14 September 2018 Document Number – D07549508.

35. Tree Protection Certification

A certificate from the project arborist must be submitted to the Principal Certifying Authority and Council stating compliance with the relevant tree protection conditions of this consent.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION – Stages 1 & 2

36. 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.

37. 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.

38. Environmental Management

- a) 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.
- b) The following is to manage dust, noise and vibration emanating from the site during the construction of the development:
 - i) The site is to be managed in accordance with the Construction Noise and Vibration Management Plan prepared by Acoustic Logic dated 15/10/2015.
 - ii) The site is to be managed in accordance with the Dust Management Plan prepared by Benbow Environmental dated October 2015.

39. Street Sweeping

To protect the surrounding environment, street sweeping must be undertaken following sediment tracking from the site along Frith Avenue and Jasmine Road during Staged Construction 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.

40. Works Near Trees

- a) To maintain tree health the project arborist must monitor and record any necessary remedial actions for maintaining tree health and condition.
- b) For maintenance and monitoring of tree protection the appointed project arborist must monitor and record all changes or modifications to required tree protection measures for the period of construction.

41. Works Within Tree Protection Zones

During the relevant construction stage, trees Numbered 8, 10, 26, 35, 41, 46, 47, 49, 62, 69, 71, 73, 74, 76, 86, 103 and 143 are to be protected as follows:

- a) Root Pruning

All Root pruning must be recorded and undertaken as specified in Australian Standard AS 4970-2009 Sections 3.3.4, 4.5.4 and 4.5.5. Add Project Arborist.
- b) Pavements/Concrete Slabs
 - i) Pavement(s) construction must be built on existing grade excavation limited to 150mm.
 - ii) All imported material must be distributed by hand.
- c) Excavation

Any necessary excavation must be undertaken by sensitive methods such as pneumatic or by hand as prescribe in AS 4970-2007 Sections 4.5.5.

d) Changing of Grade

Existing grade must be retained within the TPZ of all trees being retained.

e) Installing Services

i) The installation of all services which enter or transects a designated TPZ must utilise sensitive methods of installation such as directional drilling or in manually excavated trenches.

ii) The process must be monitored by the project arborist to assess the likely impacts of boring and bore pits on retained trees.

iii) For manual excavation of trenches the project arborist must advise on roots to be retained and must monitor the works. Manual excavation may include the use of pneumatic and hydraulic tools. Refer Clause 4.5.3.

f) Installation of Scaffolding

Where scaffolding is required it must be erected outside the TPZ and in accordance with AS 4970-2009 section 4.5.6.

42. 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.

43. Works Near Trees Certification

The project arborist must submit to the principal certifying authority on a monthly a certificate that the works have been carried out in compliance with the approved plans and specifications for tree protection. Certification should include a statement of site attendance, the condition of the retained trees, details of any deviations from the approved tree protection measures and their impacts on trees. Copies of monitoring documentation may be required.

44. 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.

45. Landfill

Landfill must be constructed in accordance with Council's 'Construction Specification 2005' and the following requirements:

- a) Prior to fill material being imported to the site, a certificate shall be obtained from a suitable qualified environmental consultant confirming the fill wholly consists of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act, 1997* or 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) These certificates must be included with the application for an occupation certificate.

46. 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.

47. 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).

48. 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 records 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.

49. Traffic Control Plan Compliance

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

50. Maintenance of public footpaths

Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.

51. Construction Vehicles

All construction vehicles associated with the proposed development are to be contained on site or in a Local Traffic Committee (LTC) approved "Work Zone".

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE – Stages 1 & 2 and as Noted

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.

52. Fulfilment of BASIX Commitments

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

53. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from Sydney Water and submitted to the PCA..

Note: Sydney Water requires that s73 applications are to be made through an authorised Sydney Water Servicing Coordinator. Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

54. 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.

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 Occupation Certificate.

56. Unit Numbering

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

57. Maintain Canopy Cover

- a) An additional ten (10) trees to offset the loss of trees removed under this consent must be undertaken. The replacement planting must be species characteristic of Blue Gum High Forest (BGHF) such as *Syncarpia glomulifera* (Turpentine), *Allocasuarina torulosa* (Forest Oak), *Backhousia myrtifolia* (Grey Myrtle) or *Glochidion ferdinandi* var. *ferdinandi* (Cheese Tree).
- b) The planting details submitted in the supplied landscape planting plan (LA03 – Revision B) prepared by Taylor Brammer dated 16/10/15 (Document Number – D06848435) must be complied with.
- c) Location and Size of Plantings
 - i) Replacement trees must be located to the south of Building B (Jasmine Road frontage) and setback 4 metres or greater from the approved development.
 - ii) The pot size of the replacement tree(s) must be a minimum 25 litres and replacement tree(s) must be maintained until they reach the height of 3 metres.
 - iii) The replacement trees must reach a mature height greater than 15 metre.
 - iv) All tree stock must meet the specifications outlined in ‘*Specifying Trees*’ (Ross Clark, NATSPEC Books).
 - v) Planting methods must meet professional (best practice) industry standards
- d) The suitably qualified person holding a Certificate III in Horticulture must submit to the principal certifying authority a statement confirming all landscaping requirements has been completed in accordance with approved landscape plans and conditions of consent.

58. Final Certification Arborist

- a) The Project Supervisor must submit to the principal certifying authority all relevant certificates with the application for the occupation certificate stating compliance with all the conditions of this consent.
- b) The Project Arborist must submit to the principal certifying authority a certificate that all the completed works have been carried out in compliance with the approved plans and specifications for tree protection. Certification must include a statement of overall

site attendance, the condition of the retained trees, details of any deviations from the approved tree protection measures and their impacts on trees. Copies of monitoring documentation may be required.

59. 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.

60. Waste Management

- 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. as applicable to the development.

- b) 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

- v) 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.

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

- c) The residential component (independent living units) and non-residential components of the development must have separate and self-contained waste management systems, including separate bin storage rooms. Commercial (non-residential) tenants must be prevented (via signage, locked doors and other means) from using the residential waste/recycling bins and vice versa.
- d) The residential chute service rooms at levels 1 and 3 and the commercial bin storage room on level 4 must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surface, adequate lighting and ventilation, and must be lockable. The residential waste facilities on each residential level (small room housing garbage chute and recycling bin) must include sealed and impervious surface, adequate lighting and ventilation, and a robust door.
- e) Each independent living unit must be provided with an indoor waste/recycling cupboard for the interim storage of waste with two separate 20 litre containers, one each for general waste and recyclable materials.
- f) 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.
- g) The bin carting routes must be devoid of any steps and must be no less than 1.5 m wide.
Note: Ramps between different levels are acceptable
- h) Access to the automatic waste volume handling equipment (the 3 x 660L bin linear for buildings A and C/D, and the 2 x 660 L bin linear for building B) by unauthorised persons (including residents and waste collectors) must be prevented.
Note: Caging of the automatic volume handling equipment is acceptable.
- i) The volume handling equipment on the residential chute systems must not include compaction.
- j) A motorised bin cart, trolley or similar equipment must be provided to enable the site caretaker to safely cart the 660 L bins around the site. This equipment must be suitable for the ramp grades along the bin carting route.

61. Planter Boxes / On Slab Planting

On slab planter boxes must include waterproofing, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric) automatic irrigation, minimum 500mm planting soil for shrubs and minimum 1000mm planting soil for trees and palms and 75mm mulch to ensure sustainable landscape is achieved.

62. Completion of Landscaping

A certificate must be provided 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: Applicants are advised to pre-order plant material required in pot sizes 45 litre or larger to ensure nurseries have stock available at the time of install.

63. Project Arborist Certification

A certificate from the Project Arborist must be submitted to the Principal Certifying Authority stating compliance with the tree protection conditions of this consent.

64. Water Sensitive Urban Design

A Water Sensitive Urban Design (WSUD) is to be constructed generally in accordance with the engineering report and plans prepared NORTHROP Consulting Engineers Job No WOO11257. The Water Quality Targets as detailed within the report and the Hornsby Development Control Plan 2013 are to be achieved in the design and supported by a MUSIC model.

65. 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.

66. 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 applicant in accordance with Council's Civil Works Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

67. Consolidation of Allotments

All allotments the subject of this consent must be consolidated into one allotment.

Note: The applicant is recommended to submit the plan of subdivision to consolidate allotments to the NSW Department of Lands at least 4-6 weeks prior to seeking an occupation certificate.

68. Boundary Fencing

Lapped and capped timber fencing must be erected along the property boundaries with No. 19 Frith Avenue to a height of 1.8 metres.

Note: Alternative fencing may be erected subject to the written consent of the adjoining property owner(s).

69. Creation of Easements

The following easements are to be created on the title of the property in accordance with the *Conveyancing Act, 1919*:

- a) The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention/retention systems and WSUD facilities and outlet works, within the property in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system and WSUD facilities are to be clearly indicated on the documents;

- b) To register the OSD easement, the restriction on the use of land “works-as-executed” details of the on-site-detention system must be submitted verifying that the required storage and discharge rates 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. Any variations to the approved plans must be shown in red on the “works-as-executed” plan and supported by calculations;

Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

70. 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.

71. 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**”.

72. Construction of engineering works.

All engineering works identified in this consent are to be completed and a Compliance Certificate issued prior to the release of the Occupation Certificate(s).

73. Safety and Security

- a) Fire exit doors to the development must be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- b) Ground floor windows must be fitted with window locks that can be locked with a key.
- c) A graffiti management plan must be incorporated into the maintenance plan for the development for graffiti to be removed within a forty-eight hour period.
- d) The basement car park entry must be secured by security gates/roller shutters and controlled by secure access located at the top of the driveway.
- e) Lighting of pedestrian pathways throughout the development must comply with *Australia and New Zealand Lighting Standard 1158.1 – Pedestrian*.
- f) The entry foyer door Building A & Building B is to be a security door with access being restricted to an intercom, code or card lock system.
- g) The street numbers of the buildings are to be readily identifiable from the street frontage.
- h) Quality mail box doors and non-tamper proof locks must be fitted to mail boxes.

- i) Storage cages are to be constructed of quality steel mesh, welded to a sturdy metal frame and provided with a total of 3 hinges and 3 locking points. A secure locking loop bolted into the concrete floor is also required to be provided to enable use of padlocks.
- j) The internal portions of the basement(s) are to be illuminated in accordance with the *AS1158.1, AS1680 and AS2890.1*.
- k) Landscape vegetation located within the common circulation areas and at the street frontage is to be routinely maintained to ensure that vegetation does not obstruct sight lines from the street frontage.
- l) Each pedestrian entry and associated common areas are to be sufficiently illuminated during the evenings to facilitate lines of sight from common areas and private open space areas to the secured entry door.
- m) For resident safety exclusive staff access swipe card to service areas and plant rooms is to be provided.

74. Acoustic Environment

A certificate must be provided by a qualified acoustic consultant certifying that all required noise mitigation measures have been satisfactorily implemented in accordance with the conditions of this consent.

75. 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.

OPERATIONAL CONDITIONS – Stages 1 & 2

76. Waste Management

The waste management on site must be in accordance with the following requirements:

- a) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring the chute system and related devices are maintained in effective and efficient working order, decanting 240L garbage bins into the 660L garbage bins, managing the communal composting area(s), managing the bulky item storage areas, arranging the prompt removal of dumped rubbish and bulky waste, and ensuring all residents and commercial tenants are informed of the use of the waste management system. 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) The approved on-going waste management practise for the site must not be amended without consent from Council.

- c) All bins must be carted from the residential and commercial bin storage rooms to the collection holding areas along routes that are wholly within the site. Use of the public footpath to cart waste and recycling is not permitted.
- d) All commercial (non-residential) 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.

Note: commercial tenants include, but are not limited to, the chapel, men's shed, library, wellness centre, dementia day care centre, pool, café, gym, administration.

- e) All commercial tenants must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.

77. Affordable Housing

Units B3.01, B3.02, B3.03, B3.04, C5.06, C6.06 C7.06, C7.07, C8.06, C8.07, C9.06, C9.07, C10.06 and C10.07. are to be affordable housing units pursuant to Clause 45 of *State Environmental Planning Policy (Housing for Seniors Living) 2004*.

78. Noise

All noise generated by the proposed development must be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).

79. 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 Buildings A, B, C & D.

80. Car Parking and Road Safety

- 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.
 - i) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted;
 - ii) Car parking, loading and manoeuvring areas to be used solely for nominated purposes;
 - iii) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- b) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
- c) Residential parking spaces are to be secure spaces with access controlled by card or numeric pad.
- d) Visitors must be able to access the visitor parking spaces at all times.

- e) All parking for people with disabilities is to comply with *AS/NZS 2890.6:2009 Off-street parking for people with disabilities*.

81. 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 be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

CONDITIONS OF CONCURRENCE – ROADS AND MARITIME SERVICES (RMS)

The following conditions of consent are from the nominated State Agency pursuant to Section 4.13 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

82. Excavation Works

The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment and concurrence prior to the Stage 2 works for Buildings C and D. The developer is to meet the full cost of the assessment by the RMS.

This report would need to address the following key issues:

- a) The impact of excavation /rock anchors on the stability of Pennant Hills Road and detailing how the carriageway would be monitored for settlement.
- b) The impact of the excavation on the structural stability of Pennant Hills Road.

- 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 3 metres.

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.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Telecommunications Act 1997 (Commonwealth)

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

Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works, you are advised to seek advice and information prior to disturbing this material. It is recommended that a contractor holding an asbestos-handling permit (issued by *WorkCover NSW*) be engaged to manage the proper handling of this material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

Alternatively, telephone the *WorkCover* Asbestos and Demolition Team on 8260 5885.

Food Authority Notification

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

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

Council Notification – Food Premises

Prior to the commencement of the business, the operator is requested to contact Council's Environmental Health Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval.

Note: Council's Environmental Health Officer can be contacted on 02 9847 6745.