

# Statement of Environmental Effects

Section 4.55(2) Modification Application

43-53 Oxford Street, Epping NSW 2121  
Seniors Housing Development

Submitted on behalf of Uniting (NSW.ACT)



### 'Gura Bulga'

Liz Belanjee Cameron



'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.

By using the green and blue colours to represent NSW, this painting unites the contrasting landscapes. The use of green symbolises tranquillity and health. The colour cyan, a greenish-blue, sparks feelings of calmness and reminds us of the importance of nature, while various shades of blue hues denote emotions of new beginnings and growth. The use of emerald green in this image speaks of place as a fluid moving topography of rhythmical connection, echoed by densely layered patterning and symbolic shapes which project the hypnotic vibrations of the earth, waterways and skies.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

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*Ethos Urban*

# 1.0 Introduction

This Statement of Environmental Effects (SEE) has been prepared by Ethos Urban on behalf of Uniting to accompany a modification application pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks to modify Development Consent 646/2019 relating to an approved 16-storey mixed-use seniors living tower (the project) at 43-53 Oxford Street, Epping (the site). Development consent 646/2019 was approved *under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

The application seeks consent for the following modifications to the approved development.

- A minor increase in building height from RL149.05 to RL150.75 (or 1.7m), so that floor-to-ceiling heights comply with the reformed design parameters set out in the *Design and Building Practitioners Act 2021*).
- reconfigure the accommodation layouts by:
  - Moving the approved residential care facility from levels 3, 4 and 5 to levels 1 and 2.
  - Removing the Assisted Living Apartments (ALAs) and Care Apartments (CAs) as accommodation models offered at the site and replacing them with Independent Living Units (ILU).
- Reducing the overall number of apartments proposed from 130 to 116.
- Revision of unit mix by increasing the offering of 3-bedroom units on the development's upper levels.
- Minor modifications to each elevation's façade as a result of redesigning floor plates, including:
  - Amendment to non-trafficable areas to either be deleted or converted into usable balconies (with privacy measures) on level 3 and between levels 6 and 14.
- Relocation of previously approved air conditioning condensers from apartment balconies to the rooftop.
- Conversion of the rooftop level function room use with a 'cinema / multi-purpose room' use.
- Amendment of two approved signage zones located on the northern and eastern elevations to seek approval for detailed content business identification sign displaying 'Uniting' logo and branding within the ground floor signage zone.
- Overall gross floor area (GFA) reduction of 289m<sup>2</sup> across the development due to a reduced building footprint between levels 3 and 5 to comply with ADG 2F controls (building separation).

The development as modified, is substantially the same as the development for which consent was originally granted for the following reasons.

- The modified development generally retains the approved built form under the original consent with a minor increase in building height and a minor reduction in GFA.
- The land use mix remains consistent with that of the approved development.
- No changes are proposed to the approved parking numbers.
- The anticipated environmental impacts are consistent with the originally approved development.
- The modified building height remains consistent with the reasons for the approved Clause 4.6 variation request.

The development as proposed to be modified is therefore both essentially and materially the same as that of the approved development. The modification of the development consent can therefore be lawfully made under section 4.55(2) of the EP&A Act.

The modification application is based on the amended Architectural Plans provided by Turner (see **Appendix A**) and other supporting technical information appended to the Report (see Table of Contents). This SEE describes the site, its environs and the proposed modification, and provides an assessment of the environmental impacts and identifies the steps to be taken to protect or lessen the potential impacts on the environment.

The application is recommended for approval given the following reasons:

- The modified development will not result in unacceptable environmental impacts. In particular, the amendment to the approved building height (previously supported via cl4.6) will not result in adverse overshadowing or visual impacts.
- The modified development remains consistent with the applicable land use objectives and the development standards, site-related requirements, and design requirements listed in Part 5 of *State Environmental Planning Policy (Housing) 2021*. It is also compatible with both the existing and desired future character context for the Epping Town Centre.
- The modified development will comply with reformed design parameters set out in the *Design and Building Practitioners Act 2021*.
- The amendments proposed under this Section 4.55(2) modification seek to improve residential amenity across the site by enhancing accommodation offerings and private open space provisions by relocating air conditioning units from unit balconies to the rooftop. It also enables services to be consolidated in one location, which assists with maintenance.
- The replacement of the rooftop level function room with a cinema / multipurpose room will provide residents with an improved facility for recreation, socialising and events.



## 2.0 Background

### 2.1 Uniting

Uniting is responsible for the social justice, community services and chaplaincy works of the Uniting Church in NSW and the ACT, providing care and support for people through all ages and stages of life and with a focus on the vulnerable, disadvantaged and isolated.

Uniting operates more than 200 aged care services, with more than 14,000 clients in residential and community care programs and employs over 3,500 full time equivalent staff across NSW and the ACT. Uniting is the single largest provider of aged care services in NSW and ACT.

Uniting offers care in a range of accommodation settings, including residential aged care (RACs), retirement or independent living units (ILUs), community care (CC), day centres, wellness centres, private nursing and respite care, amongst others. The organisation continually strives to develop services, knowledge, respond to and meet community expectations and develop innovative approaches that provide the best possible care for its clients.

Their aim is to develop “age-friendly” socially inclusive communities. This will mean moving away from age-segregated communities. Uniting will also become more specialised in these areas of service delivery and will mean a growing capability and a greater focus on social and community planning.

#### Uniting Service Model

Uniting's values, vision and service model provides a context for what services are offered, their configuration, the target users, stakeholders and a delivery framework.

The Uniting Service Model supports people as they age by providing a range of services in the places where the clients would like to receive those services. Places may be a community setting, home, independent living unit, serviced apartment or residential aged care facility. Central to the model is that services will be provided to support wellness and healthy ageing and to sustain independence and choice.

The target market for mainstream services is people in the middle to lower-income range. There are six foundation principles that underpin Uniting services model:

1. Independence and wellbeing - Uniting supports older people to be independent and active in older age.
2. Social Justice - Uniting operate in accordance with their social justice principles and use their surpluses to support people most in need and to increase advocacy for social justice and effective public policy.
3. Social Inclusion - Through their services and advocacy, Uniting expects to challenge and change the negative stereotypes of older people so that they continue to feel a part of the society and are included in all aspects of community life.
4. Separation of housing and care - When older people need support, Uniting works with them and their carers to find the best way to bring housing and services together so they continue to have a sense of happiness and wellbeing.
5. Recognising the value of carers - Uniting respect that for many older people, not having a carer often precipitates the need to enter residential care. Uniting therefore work collaboratively with older people and their carers to facilitate and enable dignity and choice for the older person.
6. Client choice and involvement - Uniting expects their clients want to be involved (either directly or indirectly through a carer or advocate) about when they need support and how this is done so they can live with dignity and maximum independence in the accommodation setting of their choice.

The modification application aligns with Uniting's service model by increasing their flexibility and ability to offer care to their residents.

### 2.2 Consent to be Modified

Development consent DA646/2019 was granted by the Sydney Central City Planning Panel on 7 September 2020 for a seniors living development. It approved the construction of a:



16 storey mixed use seniors living tower comprising 14 assisted living apartments, 20 care apartments, 60-bed residential aged care facility, 96 independent seniors living units and ancillary offices/retail; 155 car parking spaces in 4 basement levels; signage zones; landscaping; site amalgamation; public domain works; demolition of existing buildings and tree removal.

This senior's living development was proposed pursuant to *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. This SEPP has since been incorporated in *State Environmental Planning Policy (Housing) 2021* and as such the modifications assessed against the provisions of this document. The DA was subject to two (2) RFIs and the process of the Design Excellence Panel, where it was subsequently amended following an extensive post lodgement process.

This is the first modification to the development consent for DA646/2019.

## 2.3 Reasons for the Modification

The proposed modifications are made partially in response to the findings of the Royal Commission into Aged Care Quality and Safety (the Royal Commission) in their *Final Report: Care, Dignity and Respect* published on 1 March 2021. Some modifications, in particular the change in unity mix and type, are also a response to Uniting's evolving definition of *Assisted Living*, which has developed since the original development application (D/646/2019) was lodged in 2019.

**Table 1** below provides Uniting's reasoning for each proposed modification.

**Table 1** Reasons for the Proposed Modification

Modification	Reason for the Modification
Replacement of assisted living apartments (ALAs) <sup>1</sup> and care apartments CAs <sup>2</sup> with ILUs and increased proportion of 3-bedroom ILUs	<p>The increased proportion of 3-bedroom units provides Uniting with increased flexibility in offering care and how their residents use their units.</p> <p>The modified development continues to comply with the housing diversity control in the <i>Hornsby Development Control Plan 2013</i> by providing a minimum of 10% of 1-, 2- and 3-bedroom apartments.</p> <p>Specifically, the modified development provides</p> <ul style="list-style-type: none"> <li>• 57 x 1-bedroom residential care units</li> <li>• 10 x 1-bedroom ILUs (67 total 1-bedroom units representing 39% of all units),</li> <li>• 66 x 2-bedroom ILUs (39% of all units)</li> <li>• 38 x 3-bedroom ILUs (20% of all units).</li> </ul> <p>Accordingly, the development includes a mix of 1-, 2- and 3-bedroom units, with at least 10% of each dwelling type provided.</p>
Relocation of the residential care facility to levels 1 and 2	<p>The proposed relocation for the residential care facility ensures that it is more accessible to the development's back of house facilities and services on the ground floor.</p> <p>The facility will continue to provide support services for residents to age-in-place throughout the development.</p>
Increase in Building Height	<p>The reformed design parameters set out in the <i>Design and Building Practitioners Act 2021</i> has imposed new obligations on design practitioners, including increasing the floor to ceiling heights to 3.2m. Accordingly, an additional 100mm has been added to number of level's floor-to-ceiling heights throughout the development, totalling 1.1m.</p> <p>The additional 0.6m height variation also results from the visual screen surrounding the relocated air condition units on the rooftop.</p>
Reduction of GFA	<p>The overall reduction in GFA of 289m<sup>2</sup> is primarily driven by a reduced footprint on the development's western side for levels 3 to 5 to achieve building separation compliance with the ADG.</p>
Replacement of the rooftop level function room with a	<p>A cinema / multipurpose room provides residents with an improved facility for recreation, socialising and events.</p>

<sup>1</sup> the assisted living units, residents are provided with assistance with some household activities such as cleaning but remain generally independent.

<sup>2</sup> In a care apartment, residents are more reliant on assistance and have a lower level of independence. They may be provided with assistance for daily living activities such as bathing, dressing and cooking.

Modification	Reason for the Modification
cinema / multipurpose room.	

## 2.4 Pre-Lodgement Advice

The Applicant and the consultant team attended a pre-lodgement application meeting with the City of Parramatta dated 13 April 2022. Following the meeting, Council issued pre-lodgement advice which resolved to support the proposal for lodgement in principle and provided matters to address in the application.

**Table 2** on the following page denotes these matters and where they are addressed in the application.

**Table 2** Pre-lodgement Advice

Advice	Response
While Clause 4.6 variations are not required for modifications, the SEE should detail how the further height breach is consistent with the approved Clause 4.6 variation and does not lead to any further impacts. Regard should be given to the adjoining residential units.	<b>Section 5.6</b> outlines how the proposed modification is consistent with the approved Clause 4.6 variation request and will not result in further impacts on the surrounding area.
Confirmation should be provided regarding compliance with the communal open space provisions of the ADG.	Whilst SEPP 65 does not apply to this separately defined land use, <b>Section 5.4</b> provides an assessment of the modified development against the provisions of the ADG. It confirms compliance with the communal open space provisions.
Consideration and compliance with the visual privacy provisions of the ADG should be demonstrated for the new balconies on the southern and western elevations.	<b>Section 5.7.1</b> provides an assessment of the modified developments against the visual privacy provisions of the ADG. The modified development is generally consistent with the ADG separation requirements. Where a setback does not comply with the ADG, privacy is achieved by offsetting windows, opaque glazing, screening elements and providing dual aspects for outlook from the affected apartments.
Compliance with the minimum car parking rates of the Housing SEPP should be demonstrated.	<b>Section 5.8</b> outlines the modified development's compliance with the minimum parking rates under the Housing SEPP for residential care facilities and ILUs. It demonstrates that the retained 155 car parking spaces meet the required 48 parking spaces under the Housing SEPP.
The Housing SEPP design requirements should be addressed further in the SEE.	<b>Appendix B</b> provides an assessment of the modified development against the design requirements of the Housing SEPP.
The following items are to be submitted with any future DA: Section 4.55(2) Modification Statement of Environmental Effects	This SEE comprises a Section 4.55(2) Modification Statement of Environmental Effects.
<ul style="list-style-type: none"> <li>Revised overshadowing impact drawings, which show the approved and revised overshadowing impacts.</li> </ul>	The architectural plans provided at <b>Appendix A</b> include overshadowing plans comparing the overshadowing impact of the approved and revised design.
<ul style="list-style-type: none"> <li>Revised architectural plans</li> </ul>	Revised architectural plans are provided at <b>Appendix A</b> .
<ul style="list-style-type: none"> <li>Revised Traffic Statement</li> </ul>	Taylor Thomson Whitting has prepared a Traffic Impact Assessment to supplement the assessment they prepared for DA 646/2019. It is provided at <b>Appendix C</b> .
<ul style="list-style-type: none"> <li>Revised BASIX Plans and report</li> </ul>	A revised BASIX Report is provided at <b>Appendix D</b>
<ul style="list-style-type: none"> <li>Revised ESD Statement</li> </ul>	A revised ESD Statement is provided at <b>Appendix E</b> .
<ul style="list-style-type: none"> <li>Revised landscape plans</li> </ul>	Revised landscape plans are provided at <b>Appendix F</b> .

Advice	Response
<ul style="list-style-type: none"> <li>An Access Report</li> </ul>	<p>Funktion has prepared an Access Review Statement to supplement the Access Review Report they prepared for DA 646/2019. It is provided at <b>Appendix G</b>.</p>

## 3.0 Proposed Modifications to the Consent

The proposed modifications to the development consent comprises:

- A minor increase in building height from RL149.05 to RL150.75 (resulting in a total a height increase of 1.7m).
- Alter the accommodation type offerings on different floors by:
  - Moving the approved Residential Care Facility from levels 3, 4 and 5 to levels 1 and 2.
  - Removing the Assisted Living Apartment (ALA) and Care Apartments as accommodation models offered at the site and replacing them with Independent Living Units (ILU).
  - Reducing the overall number of apartments proposed from 130 to 116, a reduction of 14 apartments.
- Revision of unit mix yield by increasing the offering of 3-bedroom units on the development's upper levels.
- Overall gross floor area (GFA) reduction of 289m<sup>2</sup> across the development because of a reduced building footprint between levels 3 and 5 to comply with ADG 2F controls.
- Alter each elevation's façade design as a result of redesigning floor plates to respond to the modified accommodation typologies and their requirements, including:
  - Amendment to non-trafficable areas to either be deleted or converted into usable balconies (with privacy measures) on level 3 and between levels 6 and 14.
- Replacement of the rooftop level function room with a 'cinema / multi-purpose room'.
- Relocation of previously approved air conditioning condensers from apartment balconies to the rooftop.
- Amending the two approved signage zones located on the northern and eastern elevations to measure 7.4m(W) x 1.8m(H) and inserting a business identification sign displaying the 'Uniting' name and logo at the ground floor signage zone.

The proposed modifications are depicted in the architectural plans prepared by TURNER and included at **Appendix A. Table 3** details the modifications proposed to each floor of the approved development.

**Table 3** *Level by level description of the proposed modifications*

Level	Description of Proposed Modifications
Basement	<ul style="list-style-type: none"> <li>• No change</li> </ul>
Ground	<ul style="list-style-type: none"> <li>• Removal of the storage area adjacent to the staff room, and the expansion of the staff room into that area.</li> <li>• Relocate the gas meter underneath the deck along the building's eastern façade and integrate the meter with plantings and seating.</li> <li>• Replacement of the ground floor connection to 2-4 Chester Street with outdoor amenity.</li> </ul>
Level 1	<ul style="list-style-type: none"> <li>• Reconfiguration to enable the relocation of the residential care facility to levels 1 and 2 and replacement of ALA and Care Apartments with 57 residential aged care beds.</li> </ul>
Level 2	
Level 3	<ul style="list-style-type: none"> <li>• Relocation of the residential care facility to levels 1 and 2 and its replacement with 33 independent living units across levels 3 to 5.</li> <li>• Relocation of balcony air conditioner condensers to the rooftop.</li> <li>• Inclusion of terrace balconies.</li> <li>• Reduction of building envelope on the development's western side to comply with the provisions of Part 2F of the ADG.</li> <li>• Expansion of the vertical garden area on levels 3 to 5.</li> </ul>
Level 4	
Level 5	
Levels 6 - 7	
Level 8	<ul style="list-style-type: none"> <li>• Apartment 6.02 reconfigured from 2 to 3 bedrooms.</li> <li>• Relocation of balcony air conditioner condensers to the rooftop.</li> </ul>
Level 8	<ul style="list-style-type: none"> <li>• Two one-bedroom units reconfigured into one three-bedroom unit.</li> </ul>

Level	Description of Proposed Modifications
	<ul style="list-style-type: none"> <li>Non-trafficable roof located along the development's southern and eastern façade replaced with terraces.</li> <li>Relocation of balcony air conditioner condensers to the rooftop.</li> </ul>
Levels 9 - 12	<ul style="list-style-type: none"> <li>Replacement of two one-bedroom units (six total) with one three-bedroom unit per floor (three total).</li> <li>Relocation of balcony air conditioner condensers to the rooftop.</li> </ul>
Levels 13 - 14	<ul style="list-style-type: none"> <li>Replacement of two one-bedroom units (four total) with one three-bedroom unit per floor (two total).</li> <li>Relocation of balcony air conditioner condensers to the rooftop.</li> </ul>
Level 15 – Roof Terrace	<ul style="list-style-type: none"> <li>Replacement of the function room located at the south-eastern corner of the roof terrace with an enlarged cinema and multi-purpose room.</li> <li>Minor internal changes to the centrally located storeroom.</li> </ul>
Level 16 – Plant Roof	<ul style="list-style-type: none"> <li>Installation of air conditioner condensers screened and setback from the edge of the development's rooftop to minimise visual impact.</li> </ul>

### 3.1 Modification to conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in ~~**bold strike through**~~ and words to be inserted are shown in ***bold italics***.

#### General Matters

##### Planning

##### *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:

##### Architectural Drawings (Turner Project No. 17011)

Plan No.	Issue	Plan Title	Dated
DA-000-000	<del>4</del> <b>5</b>	Cover Sheet	<del>28/05/20</del> <b>27/05/22</b>
DA-000-001	<del>4</del> <b>5</b>	Drawing List	<del>28/05/20</del> <b>27/05/22</b>
DA-101-001	3	Demolition Plan	13/03/20
DA-110-004	3	Basement 04	13/03/20
DA-110-005	3	Basement 03	13/03/20
DA-110-006	3	Basement 02	13/03/20
DA-110-007	3	Basement 01	13/03/20
DA-110-008	<del>4</del> <b>6</b>	Ground Level	<del>28/05/20</del> <b>27/05/22</b>
DA-110-010	<del>4</del> <b>6</b>	Level 01	<del>28/05/20</del> <b>27/05/22</b>
DA-110-020	<del>4</del> <b>6</b>	Level 02	<del>28/05/20</del> <b>27/05/22</b>
DA-110-030	<del>4</del> <b>6</b>	Level 03	<del>28/05/20</del> <b>27/05/22</b>
DA-110-040	<del>4</del> <b>6</b>	Level 04	<del>28/05/20</del> <b>27/05/22</b>
DA-110-050	<del>4</del> <b>6</b>	Level 05	<del>28/05/20</del> <b>27/05/22</b>

DA-110-060	4 6	Level 06 – ILU Typical L6-7	28/05/20 27/05/22
DA-110-080	4 6	Level 08 – ILU Typical L8-14	28/05/20 27/05/22
<b>DA-110-090</b>	<b>6</b>	<b>Level 09-12</b>	<b>27/05/22</b>
<b>DA-110-130</b>	<b>6</b>	<b>Level 13-14</b>	<b>27/05/22</b>
DA-110-150	4 6	Level 15 – <b>Roof Terrace</b>	28/05/20 27/05/22
DA-110-160	4 6	Level 16 – <b>Plant Roof</b>	28/05/20 27/05/22
DA-190-020	3	Alignment Plans - Sections	13/03/20
DA-250-001	5 8	East Elevation	16/07/20 27/05/22
DA-250-002	4 7	North Elevation	16/07/20 27/05/22
DA-250-003	5 8	South Elevation	16/07/20 27/05/22
DA-250-004	5 8	West Elevation	16/07/20 27/05/22
DA-350-001	5 7	Section 01	16/07/20 27/05/22
DA-350-002	4 6	Section 02	16/07/20 27/05/22
<del>DA-350-003</del>	<del>5</del>	<del>Section 03</del>	<del>16/07/20</del>
DA-620-001	1	Window Type Elevations	28/05/20
DA-830-010	3	Pre and Post Adaptable Layouts	13/03/20
DA-830-020	3	Pre and Post Adaptable Layouts	13/03/20
DA-830-030	3	Pre and Post Adaptable Layouts	13/03/20
DA-830-040	3	Pre and Post Adaptable Layouts	13/03/20
DA-830-050	3	Pre and Post Adaptable Layouts	13/03/20
DA-830-060	3	Pre and Post Adaptable Layouts	13/03/20
DA-830-070	3	Pre and Post Adaptable Layouts	13/03/20
DA-840-010	4	Materials & Finishes	28/05/20
DA-850-010	5	Façade Section Details	16/07/20
DA-850-020	5	Façade Section Details	16/07/20
DA-850-030	5	Façade Section Details	16/07/20
DA-850-040	5	Façade Section Details	16/07/20
DA-850-050	5	Façade Section Details	16/07/20
DA-850-060	4	Façade Section Details	28/05/20
DA-900-010	4	North-East Corner Street View	28/05/20
DA-900-020	4	South-East Main Entry View	28/05/20
DA-900-030	3	South-West Communal Open Space View	16/07/20
DA-900-040	3	Roof Terrace View	16/07/20

#### Landscape Drawings (Arcadia Project)

Plan No.	Issue	Plan Title	Dated
6	F B	Masterplan	June 2020 May 2022
7	F B	Ground Level Program	June 2020 May 2022
8	F B	Ground Level Plan	June 2020 May 2022
9	F B	Ground Level Activation	June 2020 May 2022
10	F B	Ground Level Section 01	June 2020 May 2022
11	F	Ground Level Section 02	June 2020

	<b>B</b>		<b>May 2022</b>
12	F <b>B</b>	Ground Level Section 03	June 2020 <b>May 2022</b>
13	F <b>B</b>	Ground Level Section 04	June 2020 <b>May 2022</b>
14	F <b>B</b>	Ground Level Section 05	June 2020 <b>May 2022</b>
15	F <b>B</b>	Ground Level Section 06	June 2020 <b>May 2022</b>
16	F <b>B</b>	Ground Level Northern Elevation	June 2020 <b>May 2022</b>
17	F <b>B</b>	Ground Level Design Diagrams	June 2020 <b>May 2022</b>
18	F <b>B</b>	Site Grading	June 2020 <b>May 2022</b>
19	F <b>B</b>	Ground Level Character	June 2020 <b>May 2022</b>
<b>20</b>	<b>B</b>	<b>L1 Terrace</b>	<b>May 2022</b>
20 <b>21</b>	F <b>B</b>	L2 Terrace	June 2020 <b>May 2022</b>
21 <b>22</b>	F <b>B</b>	L3 Terrace	June 2020 <b>May 2022</b>
22 <b>23</b>	F <b>B</b>	Sky Garden Diagrams	June 2020 <b>May 2022</b>
23 <b>24</b>	F <b>B</b>	Sky Gardens Typical Plans	June 2020 <b>May 2022</b>
24 <b>25</b>	F <b>B</b>	Sky Gardens Typical Sections	June 2020 <b>May 2022</b>
25 <b>26</b>	F <b>B</b>	Sky Gardens Character	June 2020 <b>May 2022</b>
26 <b>27</b>	F <b>B</b>	Rooftop Terrace Plan	June 2020 <b>May 2022</b>
27 <b>28</b>	F <b>B</b>	Rooftop Terrace Section 01	June 2020 <b>May 2022</b>
28 <b>29</b>	F <b>B</b>	Rooftop Terrace Section 02	June 2020 <b>May 2022</b>
29 <b>30</b>	F <b>B</b>	Rooftop Character	June 2020 <b>May 2022</b>
30 <b>31</b>	F <b>B</b>	Planting Palette	June 2020 <b>May 2022</b>
31 <b>32</b>	F <b>B</b>	Planting Schedule	June 2020 <b>May 2022</b>
SK1	F <b>B</b>	Planting Plan Ground Level	June 2020 <b>May 2022</b>
<b>SK2</b>	<b>B</b>	<b>Planting Plan Level 1</b>	<b>May 2022</b>
SK2 <b>SK3</b>	F <b>B</b>	Planting Plan Level 2	June 2020 <b>May 2022</b>
SK3 <b>SK4</b>	F <b>B</b>	Planting Plan Level 3	June 2020 <b>May 2022</b>
SK4 <b>SK5</b>	F <b>B</b>	Planting Plan Sky Gardens	June 2020 <b>May 2022</b>
SK5 <b>SK6</b>	F <b>B</b>	Planting Plan Rooftop	June 2020 <b>May 2022</b>
SK6 <b>SK7</b>	F <b>B</b>	Landscape Details	June 2020 <b>May 2022</b>
SK7 <b>SK8</b>	F <b>B</b>	Landscape Specifications	June 2020 <b>May 2022</b>



## Specialist Reports

Document	Ref No.	Issue	Prepared by	Dated
Arboricultural Development Impact Assessment Report	N/A	B	Birds Tree Consultancy	12/06/19
<del>Design Report</del>	<del>N/A</del>	<del>N/A</del>	<del>Turner</del>	<del>Sept 2019</del>
Preliminary Public Art Plan	N/A	N/A	Milne Stonehouse	Sept 2019
BASIX Report	<del>WD680-10F03</del> <b>N/A</b>	<b>6</b> <b>N/A</b>	<del>Windtech</del> <b>Integral</b>	<del>12/08/20</del> <b>03/6/2022</b>
Traffic Impact Assessment	171114-TAAC	N/A	TTW	25/09/19
<b>Section 4.55 Traffic Impact Assessment</b>	221071-TAAA	<b>N/A</b>	<b>TTW</b>	<b>29/04/2022</b>
Preliminary Green Travel Plan	171114-TAAC	N/A	TTW	30/09/19
DA Stage Acoustic Assessment	20171146.1/0603A/R1/MF	1	Acoustic Logic	17/06/19
Access Review	N/A	2	Funktion	25/09/19
<b>Access Review Statement</b>	<b>N/A</b>	<b>N/A</b>	<b>Funktion</b>	<b>26 May 2022</b>
Civil Engineering Report	171114-TAAC	N/A	TTW	02/08/19
Pedestrian Wind Amenity Memo	WD680-07F03	0	Windtech	15/08/19
DTS Section J Report	WD680-10F04	0	Windtech	29/05/20
Solar Light Reflectivity Study	WD680-10F02	0	Windtech	29/05/20
Operational Waste Management Plan	N/A	N/A	Waste Audit	May 2020
BCA Assessment Report	170110	N/A	Blackett Maguire & Goldsmith	Aug 2019
Hazardous Material Inspection Predemolition Report	N/A	N/A	Healthy Buildings International	Oct 2018
Social Impact Statement	2190494	N/A	Ethos Urban	30/09/19
Preliminary Site Investigation	ES7402	2	Aargus	23/11/18
Geotechnical Investigation Report	GS7402	1A	Aargus	23/11/18
Pedestrian Wind Environment Study	WD680-09F02	0	Windtech	13/02/20
Demolition and Construction Management Plan	N/A	N/A	Waste Audit	Oct 2018

## Traffic

11. The number of car parking spaces provided on site shall comply with the following requirements:

- i. A minimum of ~~31~~ **29** visitor spaces (including at least 3 accessible spaces) to be shared between the housing typologies (these spaces are not to be used for staff);
- ii. A minimum of 20 staff spaces for the residential aged care facility;
- iii. A minimum of 2 spaces with electric car charging capabilities;
- iv. A minimum of 5% of total car parking spaces must be capable of being increased in width to 3.8m; and
- v. Minimum of 1 car share space

## 4.0 Substantially the Same Development

Section 4.55(2)(a) of the EP&A Act states that a consent authority may modify a development consent if “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)”.

The development consent for DA646/2019 approved a:

*16 storey mixed use seniors living tower comprising 14 assisted living apartments, 20 care apartments, 60-bed residential aged care facility, 96 independent seniors living units and ancillary offices/retail; 155 car parking spaces in 4 basement levels; signage zones; landscaping; site amalgamation; public domain works; demolition of existing buildings and tree removal.*

The development, as proposed to be modified, is substantially the same development, both quantitatively and qualitatively, as that originally approved for the following reasons.

- The approved use of the development as 16-storey mixed use seniors living tower above 4 basement levels is retained. Ancillary uses are retained, including the ground floor integrated food and drink premises, hairdresser, gym and indoor pool.
- The three approved signage building identification signage zones are retained.
- The modified development maintains the approved 155 parking spaces across the four approved basement levels.
- Generally, the modified development retains the built form approved under the original consent with a minor increase in building height and a minor reduction in GFA (see **Table 4**).
- As discussed in **Section 5.6**, the modified building height remains consistent with the reasons for the approved Clause 4.6 variation request submitted with the original development.
- The environmental impacts of the proposed modification are consistent with the originally approved development. Specifically:
  - As discussed in **Section 5.7.3**, the modified development’s visual impact is comparable with the approved development, with the relocated air conditioning units screened and setback on the development’s rooftop to mitigate their visual impact.
  - The modified development does not generate the need for additional parking spaces.
  - As discussed in **Section 5.7.2**, the additional overshadowing caused by the increased height is found to have a negligible impact.

**Table 4 Comparison between the proposed, as modified development and the original approval**

Element	Original Development Consent	Proposed Section 4.55(2) modification	Difference
Site Area	2,778m <sup>2</sup>	2,778m <sup>2</sup>	No change
Building height	54.1m	55.8m	+ 1.7m
Accommodation Mix	96 Independent Living Units (ILUs) 60 Residential aged care beds 20 Care apartments (CAs) 14 Assisted living apartments (ALAs)	116 ILUs 57 Residential aged care beds	+ 20 ILUs - 3 Residential aged care beds - 20 CAs - 14 ALAs
ILU Bedroom Mix	<b>1-bedroom:</b> 19% (18 ILUs) <b>2-bedroom:</b> 62% (54 ILUs) <b>2-bedroom: + study:</b> 7% (13 ILUs) <b>3-bedroom:</b> 11% (11 ILU)	<b>1-bedroom:</b> 9% (10 ILUs) <b>2-bedroom:</b> 48% (56 ILUs) <b>2-bedroom: + study:</b> 10% (12 ILUs) <b>3-bedroom:</b> 33% (38 ILU)	<b>1-bedroom:</b> - 8 ILUs <b>2-bedroom:</b> + 2 ILUs <b>2-bedroom: + study:</b> - 1 ILUs <b>3-bedroom:</b> + 27 ILUs
Car parking spaces	155	155	No change
Deep Soil Area	16% (446m <sup>2</sup> ) of site area.	16% (445m <sup>2</sup> ) of site area	No percentage change

In summary, the modification application remains consistent with the description for the approved development application as it continues to comprise a 16 storey mixed use senior living tower with ancillary offices/retail; 155 car parking spaces in 4 basement levels; signage zones; landscaping; site amalgamation; public domain works and the demolition of existing buildings and tree removal.

## 5.0 Planning assessment

Section 4.55(3) of the EP&A Act requires a consent authority to 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 and the reasons given by the consent authority for the grant of the original consent.

The planning assessment of the proposed modified development remains generally unchanged with respect to the above matters. The following matters however warrant further assessment.

### 5.1 Compliance with statutory plans

#### 5.1.1 State Environmental Planning Policies

**Table 5** Summary of consistency with State Environmental Planning Policies

Plan	Comments
SEPP (Resilience and Hazard)	<p>Section 4.6 of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> states that a consent authority must consent to the carrying out of any development on land unless it:</p> <ul style="list-style-type: none"> <li>• has considered whether the land is contaminated, and</li> <li>• if contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.</li> </ul> <p>A Preliminary Site Investigation prepared by Aargus accompanied the development application for the original development. It concluded that the risks associated with soil contamination at the site are negligible and that the site is suitable for the proposed development.</p>
SEPP (Industry and Employment)	<p>Section 3.6 of the <i>State Environmental Planning Policy (Industry and Employment) 2021</i> (SEPP (Industry and Employment)) stipulates that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied that:</p> <ul style="list-style-type: none"> <li>• the signage is consistent with the objectives as set out in Section 3.1(1)(a), and</li> <li>• the signage satisfies the assessment criteria specified in Schedule 5 of the SEPP.</li> </ul> <p>The modification application seeks to amend the approved signage zones that were assessed as complying with the assessment criteria as part of the original development application. <b>Appendix L</b> provides an assessment of the revised signage against Section 3.1(1)(a) and Schedule 5 of the SEPP, and confirms that it continues to comply with assessment criteria. The findings of this assessment are summarised in <b>Section 5.2</b>.</p>
SEPP 65	<p>Whilst SEPP 65 does not apply to this separately defined use, a Design Verification Statement prepared by Turner that addresses the principles of SEPP 65 is included at <b>Appendix I</b>. Consideration of the NSW Apartment Design Guideline is set out at <b>Section 5.4</b>.</p>
SEPP (Infrastructure)	<p>The original development was referred to Transport for NSW for concurrence as it is a traffic generating development. Council's pre-lodgement notes that there is no change to the approved ISEPP assessment.</p>
SEPP (BASIX)	<p>A revised BASIX Certificate is located at <b>Appendix D</b>.</p>
SEPP (Planning Systems)	<p>The proposed modifications include a further increase the 12% height variation approved under the original consent. As this is more than a 10% departure from the height control, the application will be determined by the SCCPP.</p>
SEPP (Housing)	<p>The proposed modification seeks to amend an approved development that contains a <b>residential care facility</b> and <b>independent living units</b>, both of which are a subset of <b>seniors housing</b> accommodation types. Accordingly, as the site is in a prescribed land use zone under the Housing SEPP (being R4 High Density Residential land use zone), the development standards, site-related requirements, and design requirements listed in Part 5 of the Housing SEPP apply to the development. <b>Appendix B</b> provides an assessment of the modified development against these controls. The findings of this assessment are summarised in <b>Section 5.3</b>.</p>

## 5.1.2 Local Environmental Plan

**Table 6** Assessment against Hornsby Local Environmental Plan 2013

Clause	Provision / Standard	Proposal	
Clause 2.3 Zone Objectives and Land Use Table	R4 High Density Residential	<b>Seniors housing</b> comprising a <b>residential care facility</b> and <b>independent living units</b> .	<p>The development of <b>seniors housing</b> is prohibited in the R4 High Density Residential land use zone under the <i>Hornsby Local Environmental Plan 2013</i>. However, the development of <b>seniors housing</b> is permitted with consent in the R4 High Density Residential land use zone under Section 81 of the Housing SEPP.</p> <p>The proposed retail (hairdresser), café, swimming pool and gym will continue to be operated ancillary to the development. These spaces are vital to Uniting's service model, fostering exercise, communal gathering and meeting spaces for residents.</p> <p>The proposed modified development remains consistent with the objectives of the zone as it:</p> <ul style="list-style-type: none"> <li>• Provides for the housing needs of the community within a high density residential environment.</li> <li>• Provides a greater variety of housing types within a high density residential environment.</li> <li>• Enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>
Clause 4.3 – Height of Buildings	48m	55.8m	<p>The proposed modification results in an overall building height increase of 1.7m (from that approved), which exceeds the maximum permitted building height of 48m by 7.8m.</p> <p>While a Clause 4.6 variation request is not required for a modification application, <b>Section 5.6</b> of this SEE details how the further height exceedance is consistent with the originally approved Clause 4.6 variation and does not lead to any further impacts.</p>
Clause 4.4 – Floor Space Ratio	N/A	N/A	There is no maximum permitted FSR development standard that applies to the site.
Clause 5.10 – Heritage Conservation	The site is not a heritage item, nor is it within a heritage conservation area. However, it is near the local heritage item known as 'Chester Street Uniting Church and Grounds' (Item No. 1395), located 30m northeast of the site. The proposed modified development will continue to have a minor impact on the setting of this heritage item due to the change in scale of development. However, this impact has been previously considered during the formulation of the planning controls for the Epping Town Centre and was found to be acceptable. The podium is at three storeys which provides a scale relationship with development across the road.		
Clause 6.2 – Earthworks	<p>This clause outlines matters for consideration before the granting of consent for earthworks.</p> <p>The proposal will not alter any previously considered assessment or approval on drainage patterns and soil stability, amenity of adjoining properties, waterways or drinking water catchments, or the potential for future redevelopment of the Site.</p>		
Clause 6.8 – Design Excellence	Following the modification application's lodgement, the modified development may be referred to the Design Excellence Advisory Panel to determine if it exhibits design excellence.		

## 5.2 SEPP (Industry and Employment) 2021 Signage Assessment

The development consent approved three (3) building identification signage zones, one alongside the development's main pedestrian entrance and two top of building signage zones on the development's northern and eastern elevations.

The two top of building signage zones measure 3.2m(L) x 0.9m(H), while the signage zone near the entrance measures 2m(L) x 3m(H).

This modification application seeks to amend the two signage zones located on the northern and eastern elevation to a revised measurement of 7.4m(W) x 1.8m(H). These revised signage zones will displaying business identification signs portraying the 'Uniting' name and logo in the ground floor signage zone. **Table 7** illustrates the proposed amendments to the approved signage zones.

Table 7Existing and Proposed Signage Zones

Original Development Consent	Modified Development
Ground Floor – Eastern Frontage	Ground Floor – Eastern Frontage
	
Top of Building - East Elevation	Top of Building - Eastern Elevation
	
Top of Building - Northern Elevation	Top of Building - Northern Elevation
	

Chapter 3 of the SEPP (Industry and Employment) applies to all signage that can be displayed with or without development consent and is visible from any public place or public reserve. The revised signage will continue to comply with the aims and objectives of Section 3.1(1)(a) of SEPP (Industry and Employment) as they are compatible with the

proposed development, will provide effective communication, are integrated into the proposed building design and will be of a high-quality design and finish.

**Appendix L** assesses the consistency of the revised signage with the assessment criteria contained in Schedule 5 of the SEPP. It demonstrates that the proposed signage meets all criteria as:

- The revised signage zones and proposed ground floor business identification sign is compatible with the existing and desired character for buildings within the surrounding locality with a focus on the future of the Epping Town Centre.
- The revised signage zone sizes on the northern and eastern elevations are compatible with the modified development's scale and facade design.
- The installation of the proposed 'Uniting' business identification sign is consistent with the approved ground floor signage zone.
- The revised top of building signage zones do not protrude above the development's maximum building height. Therefore, they will not have an ability to dominate the skyline or reduce the quality of any existing vistas.
- The revised signage zones and proposed ground floor sign are positioned to ensure that they will not distract from essential sight lines for road users, pedestrians and cyclists. Instead, they contribute to the building's identification and wayfinding.

### 5.3 SEPP Housing

**Appendix B** provides an assessment of the modified development against the development standards, site-related requirements, and design requirements listed in Part 5 of the Housing SEPP apply to the development. It demonstrates that:

- The modified development continues to provide 16% (445m<sup>2</sup>) of the total site area as deep soil zone. 44% (195m<sup>2</sup>) of this zone features a deep soil width of 6m metres or more, which is consistent with the deep soil zones provided for the approved development.
- The proposed 116 ILUs require a minimum of 4060m<sup>2</sup> of landscaped area. A total of 1258m<sup>2</sup> of landscaped area is proposed, which is lower than the non-discretionary development standard, but is consistent with the approved development.
- The original development relied upon providing 70% of dwellings with access to at least 2 hours of direct solar access between 8.30am and 3pm at mid-winter in living rooms and private open spaces – a minor variation from the 9am to 3pm timeframe. The modified development is consistent with this standard, with 75% of dwellings achieving a minimum of 2 hours of solar access from 8:30am to 3pm.

Therefore, the development either complies or is consistent with the approved development standards, site-related requirements, and design requirements related to Part 5 of the Housing SEPP.

### 5.4 SEPP 65: NSW Apartment Design Guide

Although not strictly applicable to the proposed development, the DCP notes a requirement to meet the objectives of the NSW Apartment Design Guide. As shown in **Table 8** below, the proposal is generally consistent with the Objectives and Design Criteria in the ADG and will achieve a high level of residential amenity.

**Table 8** Consistency with the NSW Apartment Design Guide

Objectives and Design Criteria	Consistent
<b>Part 3 Siting the Development</b>	
3D Communal and Public Open Space	
Objective An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	✓
<b>Design Criteria</b> Communal open space has a minimum area equal to 25% of the site.	✓
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).	✓



Objectives and Design Criteria			Consistent
3E Deep Soil Zones			
Objective Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.			✓
Design Criteria Deep soil zones are to meet the following minimum requirements:			
Site Area	Minimum Dimensions	Deep Soil Zone (% of site area)	
Less than 650m <sup>2</sup>	-	7%	✓ 16%
650m <sup>2</sup> – 1,500m <sup>2</sup>	3m		
Greater than 1,500m <sup>2</sup>	6m		
Greater than 1,500m <sup>2</sup> with significant existing tree cover	6m		
3F Visual Privacy			
Objective Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.			✓
Design Criteria Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:			✗ Alternative Solutions: The modified development is generally consistent with the ADG separation objectives (see <b>Section 5.7.1</b> ).
Building Height	Habitable rooms and balconies	Non-habitable rooms	
Up to 12m ((ground floor to level 3)	6m	3m	Where a setback does not comply with the ADG, privacy is achieved by offsetting windows, opaque glazing, screening elements and providing dual aspects for outlook from the affected apartments.
Up to 25m (Levels 4 -7)	9m	4.5m	
Over 25m (Levels 8+)	12m	6m	
3K Bicycle and Car Parking			
Objective Car Parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.			✓
Design Criteria For development in the following locations:			
<ul style="list-style-type: none"><li>on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or</li><li>on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre</li></ul>			
The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.			N/A. Car parking is provided in accordance with the rates set out in the Housing SEPP (See <b>Section 5.8</b> ).
The car parking needs for a development must be provided off street.			
Part 4 Designing the Buildings			
4A Solar and Daylight access			
Objective			

Objectives and Design Criteria		Consistent										
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.		✓										
<b>Design Criteria</b> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.		<p>The original development relied upon providing 70% of dwellings with access to at least 2 hours of direct solar access between 8.30am and 3pm at mid-winter in living rooms and private open spaces – a minor variation from the 9am to 3pm timeframe.</p> <p>The modified development is consistent with this standard, with 75% of dwellings achieving a minimum of 2 hours of solar access from 8:30am to 3pm.</p>										
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.		✓										
4B Natural Ventilation												
<b>Objective</b> The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.		✓										
<b>Design Criteria</b> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.		<p>✓</p> <p>60% of apartments within the first nine storeys of the building continue to achieve compliance with this provision. Apartments above ten storeys are deemed to be cross ventilated.</p>										
4C Ceiling Height												
<b>Objective</b> Ceiling height achieves sufficient natural ventilation and daylight access.		-										
<b>Design Criteria</b> Measured from finished floor level to finished ceiling level, minimum ceiling heights are:												
<table><tr><th colspan="2">Minimum ceiling height</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>If located in mixed use areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>		Minimum ceiling height		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use	✓
Minimum ceiling height												
Habitable rooms	2.7m											
Non-habitable	2.4m											
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area											
If located in mixed use areas	3.3m for ground and first floor to promote future flexibility of use											

Objectives and Design Criteria		Consistent
These minimums do not preclude higher ceilings if desired.		
4D Apartment Size and Layout		
Objective	The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity	✓
Design Criteria		All ILUs provide the minimum internal area required for the number of bedrooms provided.
Apartments are required to have the following minimum internal areas:		
Apartment Type	Minimum internal area	
Studio	35m <sup>2</sup>	
1 bedroom	50m <sup>2</sup>	
2 bedroom	70m <sup>2</sup>	
3 bedroom	90m <sup>2</sup>	
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each.		
A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each.		
Objective	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	✓
Objective	Environmental performance of the apartment is maximised.	✓
Design Criteria		✓
Habitable room depths are limited to a maximum of 2.5 x the ceiling height.		
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.		
Objective	Apartment layouts are designed to accommodate a variety of household activities and needs.	✓
Design Criteria		✓
Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space).		
Bedrooms have a minimum dimension of 3m (excluding wardrobe space).		
Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments.		
4E Private Open Space and Balconies		
Objectives	Apartments provide appropriately sized private open space and balconies to enhance residential amenity.	✓
Design Criteria		✓ ✓ ✓ ✓ ✓
All apartments are required to have primary balconies as follows:		
Dwelling Type	Minimum Area	
Studio apartment	4m <sup>2</sup>	
1 bedroom apartment	8m <sup>2</sup>	
2 bedroom apartment	10m <sup>2</sup>	
	Minimum depth	

Objectives and Design Criteria			Consistent
3+ bedroom apartment	12m <sup>2</sup>	2.4m	
The minimum balcony depth to be counted as contributing to the balcony area is 1m.			
4F Common Circulation and Spaces			
Objective Common circulation spaces achieve good amenity and properly service the number of apartments.			✓
<b>Design Criteria</b> The maximum number of apartments off a circulation core on a single level is eight.			✓
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.			✓ 4 lifts have been provided for 116 ILUs
4G Storage			
Objective Adequate, well designed storage is provided in each apartment.			✓
<b>Design Criteria</b> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:			
Dwelling Type	Minimum Area		✓
Studio apartment	4m <sup>2</sup>		✓
1 bedroom apartment	6m <sup>2</sup>		✓
2 bedroom apartment	8m <sup>2</sup>		✓
3+ bedroom apartment	10m <sup>2</sup>		✓
			The conditions of consent for DA-646/2019 require compliance with this requirement.
At least 50% of the required storage is to be located within the apartment.			

## 5.5 Development Control Plans

On 12 May 2016, the Local Government (City of Parramatta and Cumberland) Proclamation 2016 was gazetted, creating the City of Parramatta. Hornsby Development Control Plan 2013 still applies to the land previously within the Hornsby Shire Council.

The proposed development is consistent with the objectives of the Hornsby Development Control Plan (DCP). As required under Section 4.15(3A) of the EP&A Act, a consent authority is required to apply DCP provisions flexibly and allow reasonable alternative solutions that achieve the objects of those standards. Where alternate solutions to the provisions are proposed, they are identified in **Table 9** and discussed in the following sections of this environmental assessment.

**Table 9** Variations to DCP Controls

Control	Modified Development	Assessment Location
<b>Control 3.5.4 Height</b> <i>Sites with the following maximum building heights under Clause 4.3 of the HLEP should comply with the maximum number of storeys in Table 3.5.4(a).</i>  15 Storeys	16 storeys (exceedance of 1 storey)	<b>Section 5.6</b>
<b>Control 3.5.4(a) Setback</b>	Refer to <b>Section 5.7.1.</b>	<b>Section 5.7.1.</b>
<b>Control 3.5.6 Building Form and Separation &amp; Control 4.6.9 Privacy and Security</b> <i>Building separation should comply with Part 2F Building Separation of the SEPP 65 Design Quality of Apartment Development, Apartment Design Guide.</i>	Refer to <b>Section 5.7.1.</b>	<b>Section 6.7.1.</b>

## 5.6 Built Form

The maximum permitted building height under Clause 4.3 of the Hornsby LEP 2013 is 48m. The original DA-646/2019 development application proposed a maximum building height of 54.1m, representing a variation of 6.1m (or 12.7%). Accordingly, the original development application was accompanied by a Clause 4.6 variation request, which demonstrated that:

- Compliance with the development standard is unreasonable or unnecessary.
- There are sufficient environmental planning grounds to justify contravening the development standard.
- The proposed development is in the public interest because it is consistent with the objectives of the R4 High Density Residential Zone and the height of building development standard.

This modification application seeks to increase the development's proposed building height by 1.7m to a total height of 55.8m, representing an overall variation to the height of building standard by approximately 7.8m (or 16.25%). This increase in height is necessitated by reformed design parameters set out in the *Design and Building Practitioners Act 2021*, which requires design practitioners to increase floor to ceiling heights to 3.2m, and the relocated air conditioning units.

While a modification application does not require a Clause 4.6 variation request, the following subheadings demonstrate that the modified building height remains consistent with the approved Clause 4.6 variation request.

### Clause 4.6(3)(a): Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The original Clause 4.6 variation request relied on the following method established in *Wehbe v Pittwater Council* [2007] NSW LEC 827 to demonstrate that compliance with the development standard is unreasonable or unnecessary.

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard.*

The objective of the height of building development standard is "to permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality". The modified development continues to achieve this objective as:

- The proposed development's scale remains appropriate for the site's constraints, given its town centre location and the scale of approved and constructed developments on adjoining sites.
- The proposed 16-storey building continues to provide a suitable height transition from the concept approved mixed-use tower at 37-41 Oxford Street (30-storeys) to the constructed building at 2-4 Chester Street (15-storeys).
- The proposed development maximises the development potential of the site by providing seniors housing in a highly accessible location. This outcome is consistent with the Greater Cities Commission's Central City District Plan, which seeks a diversity of housing in strategic centres such as Epping.
- The proposed development will increase public transport patronage and can still be accommodated within the infrastructure capacity of the locality.

Accordingly, the modified development remains consistent with the objective of the height of building development standard, demonstrating that compliance is unreasonable or unnecessary.

#### **Clause 4.6(3)(b): There are sufficient environmental planning grounds to justify contravening the development standard**

Clause 4.6(3)(b) of the Hornsby LEP 2013 requires "*that there are sufficient environmental planning grounds to justify contravening the development standard*". The proposed modification continues to rely on the following grounds to justify contravening the development standard.

##### **Ground 1: Site Specific Design Constraints**

The initially proposed maximum building height of 54.1m was a result of the following design constraints:

- Compliance with the ADG floor to ceiling heights.
- The natural slope of the land and a need to increase the ground floor level height in order to achieve universal access into the main entrance of the building from the public domain.
- The need to provide rooftop amenities such that a variety of spaces which achieve varying levels of solar access are provided.

As discussed, the further increase in height is necessitated by reformed design parameters set out in the *Design and Building Practitioners Act 2021*, which require a floor-to-ceiling height of 3.2m, and the relocated air conditioning units from the approved balconies to the rooftop level. Therefore, the modified building height is a result of design constraints rather than additional GFA.

##### **Ground 2: No Unacceptable Environmental Impacts**

The planning assessment for the initial development determined that notwithstanding the additional height, the proposed development does not generate any unacceptable environmental impacts by way of traffic generation or overshadowing, given the emerging high-density environment. As demonstrated further in **Sections 5.6** and **5.7**, the additional 1.7m of building height will not result in unacceptable environmental impacts as:

- The additional overshadowing resulting from the increased height is negligible compared to the level of overshadowing approved for the original development.
- Air conditioning units relocated to the development's rooftop are screened and setback from the edge of the rooftop to mitigate visual impact from the surrounding public domain.
- The modified development will not generate additional traffic demand as the additional variation to the height of building standard does not come about from additional GFA being proposed.
- Visual privacy is retained for adjoining developments through offsetting windows, opaque glazing, screening elements and providing dual aspects for outlook from the affected apartments.

##### **Ground 3: Improved Urban Design Outcome**

The provision of additional height is still considered to deliver a better urban outcome as it will result in more varied heights on the block bound by Chester, Oxford and Cambridge Streets. It also provides a better transition from the adjacent 30-storey building at 37-41 Oxford Street to the surrounding residential neighbourhood across Chester Street. The development will serve as a landmark building located at the gateway to the Epping Town Centre.

**Clause 4.6(4)(a)(ii): In the public interest because it is consistent with the objectives of the zone and development standard and the objectives for development within the zone**

The modified development remains consistent with the objectives of the height of building development standard as demonstrated above. The development also remains consistent with the objective of the R4 High Density Residential Zone, as outlined in **Table 10** below.

**Table 10 Analysis of the Proposal's Consistency with the Objectives of the R4 Zone**

Objective of R4 High Density Zone	Modified Development
To provide for the housing needs of the community within a high density residential environment.	<p>Urbis undertook a market analysis for the original DA-646/2019 proposed development, which included an analysis of the existing population within the catchment of the proposed development and an assessment of the likely demand for seniors housing and aged care services.</p> <p>The analysis revealed that the over 65 aged population will be the fastest-growing cohort in the catchment area and will expand by 17,900 people by 2036. There is also a strong trend towards downsizing in this age group, with occupancy of detached housing falling from 82% in the 65-69 age group to 42% in the 85+ age group, supporting the provision of smaller dwellings for the aged.</p> <p>The above analysis is consistent with the statistics contained within the Central City District Plan, which notes that <i>'as the District's 2016 population of around 970,000 increases, it is ageing. By 2036, the number of residents over 65 is expected to grow by 106 per cent (an additional 122,100 people)'</i>.</p> <p>The modified development will continue to provide seniors housing to address this strong demand. Furthermore, the development complements the surrounding high-density neighbourhood character of the block bound by Chester, Oxford and Cambridge Streets.</p>
To provide a variety of housing types within a high-density residential environment	<p>The replacement of ALAs and CAs with ILUs aligns with the aged care industry's move away from formalised low care accommodation, with Community Care replacing this accommodation type to deliver care services into a resident's accommodation of choice. The ILUs will enable residents to age in place whilst having access to support services available in the basement, ground floor and the Residential Aged Care Facility on levels 1 and 2. The increased provision of 3-bedroom ILUs (see <b>Table 4</b>) also offers more flexibility for how residents use their apartments and provides Uniting with the ability to offer more care.</p> <p>Accordingly, the revised modified development provides a diversity unit of types to meet residents need.</p>
To enable other land uses that provide facilities or services to meet the day to day needs of residents	<p>The modified development continues to incorporate a ground floor café, hairdresser, pool, gym and communal facilities that will meet the day-to-day needs of residents.</p>

## Summary

This section demonstrates that:

- Compliance with the height of building development standard remains unreasonable or unnecessary because the proposed development remains appropriate with its surrounding context, site's constraints, development potential and the infrastructure capacity of the locality.
- There are sufficient environmental planning grounds to justify contravening the development standard as the proposed height variation maintains a suitable height transition and will not result in adverse overshadowing, privacy or visual impacts.
- The modified development will improve the provision of seniors housing to meet the changing needs of the community.



Therefore, the proposed modification is in the public interest, and it is requested that the Council grant development consent for the modified development even though it contravenes the height of building development standard.

## 5.7 Impact on Adjoining Properties

### 5.7.1 Building Separation & Visual Privacy

The modified development includes the reduction of development's envelope at levels 3 to 5 to achieve compliance with the ADG building separation requirements. Building setbacks are shown in **Table 11** below.

**Table 11** Proposed building setbacks

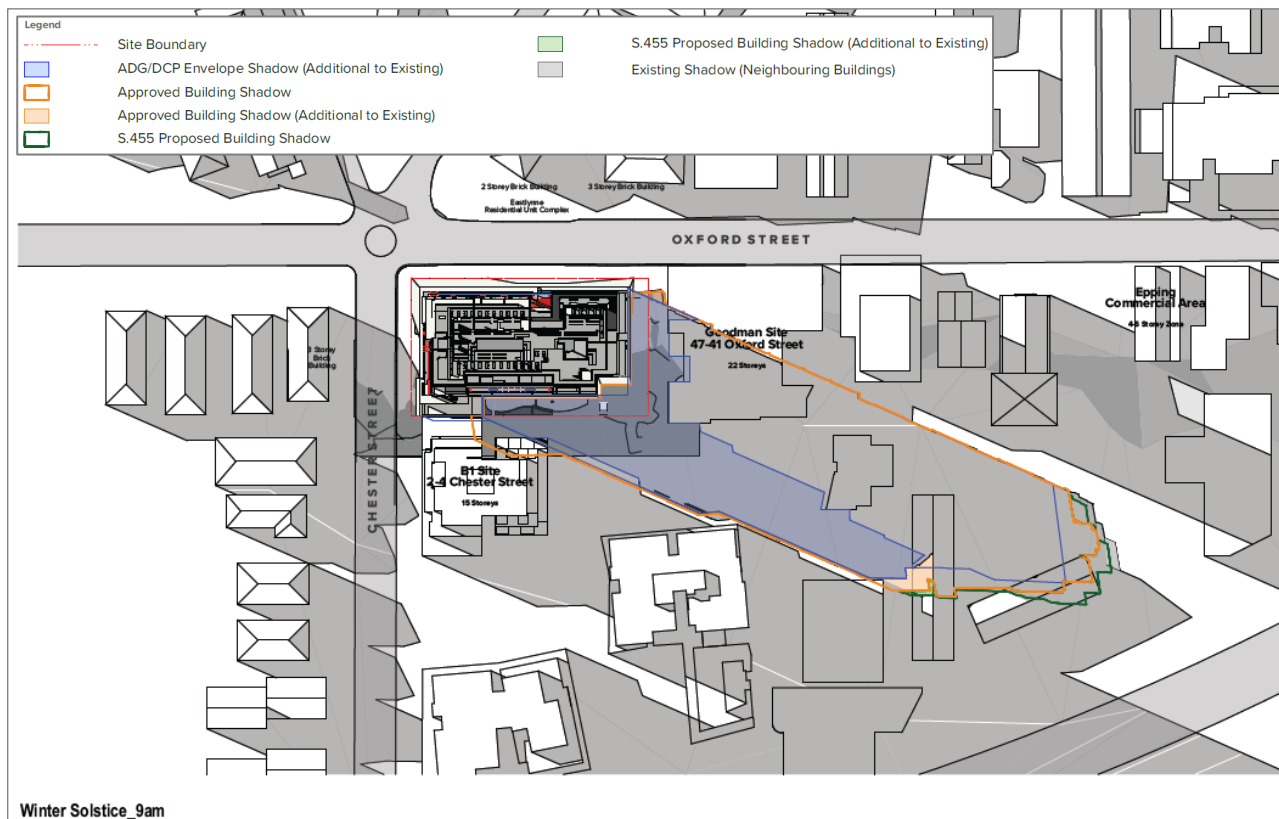
Setback	DCP Requirement	ADG Requirement	Original Development	Modified Development	Compliance
<b>Basement Setbacks</b>					
North	3m	-	3m	No change	Yes
South	6m	-	6m	No change	Yes
East	3m	-	3m	No change	Yes
West	6m	-	6m (partial)	No change	No. A full 6m setback to the western boundary is not proposed, due to the provision of vehicular entry driveway closer to the boundary to lessen the impact on the streetscape and façade. This design is consistent with the approved development consent and the adjoining development, which is also built to the boundary at the podium level. It is worth noting that this non-compliance was previously assessed and approved on the basis that it would not project any adverse impacts to the amenity of neighbouring development.
<b>Podium Boundary Setbacks (ground floor and levels 1 and 2)</b>					
North	3m	-	3m	No change	Yes
South	6m	-	6m	No change	Yes
West	6m	-	6m (partial)	No change	Yes, partially, with the exception of the north-western corner of the building. This is consistent with the approved development consent.
East	3m	-	3m	No change	Yes
<b>Tower Setbacks (Level 3 and above)</b>					
North	6m (which can be reduced to 4m for a maximum of 1/3 of the building width)	-	6m with 4m encroachment zone	6m with a significantly reduced 4m encroachment zone for levels 3 to 5	Yes
South	Half of the required building separation	Habitable rooms and balconies: <ul style="list-style-type: none"> <li>6m (up to Level 3)</li> <li>9m (Level 4 - 7)</li> </ul>	<b>Up to level 7:</b> 6m <b>Level 8 - 15:</b> 9m	<b>Up to level 7:</b> No change <b>Level 8:</b> 6m <b>Level 9 – 15:</b> No change	No, but this is considered acceptable as alternative privacy measures are proposed to ensure privacy mitigation is maintained,

Setback	DCP Requirement	ADG Requirement	Original Development	Modified Development	Compliance
		<ul style="list-style-type: none"> <li>12m (Level 8+)</li> </ul> Non-habitable rooms: <ul style="list-style-type: none"> <li>3m (up to Level 3)</li> <li>4.5m (Level 4 - 7)</li> <li>6m (Level 8+)</li> </ul>			including offsetting windows, using opaque glazing, installing screening elements and providing dual aspects for outlook from the affected apartments.
West	Half of the required building separation		<b>Up to level 5:</b> 6m <b>Level 6 – 7</b> 9m with a minor 6m encroachment zone. <b>Level 8 - 15:</b> 12m with a minor 9m encroachment zone	<b>Up to level 2:</b> No change <b>Level 3 - 7:</b> 9m with a minor 6m encroachment zone. <b>Level 8:</b> 9m with a minor 6m encroachment <b>Level 9 - 115:</b> No change	No, but this is considered acceptable as alternative privacy measures are proposed to ensure privacy mitigation is maintained, including offsetting windows, using opaque glazing, installing screening elements and providing dual aspects for outlook from the affected apartments.
East	6m (which can be reduced to 4m for a maximum of 1/3 of the building width)		6m with 4m encroachment zone	No change	Yes
Top-Storey Setback	3m additional setback for exterior wall of the top-most two storeys, measured from the walls of the 4 <sup>th</sup> storey.	-		No change	No

As shown in **Table 11** above, building separations generally comply with the ADG distance requirements. Where these dimensions are less than those recommended by the ADG, privacy mitigation offerings will continue to be achieved by offsetting windows, using opaque glazing, installing screening elements and providing dual aspects for outlook from the affected apartments.

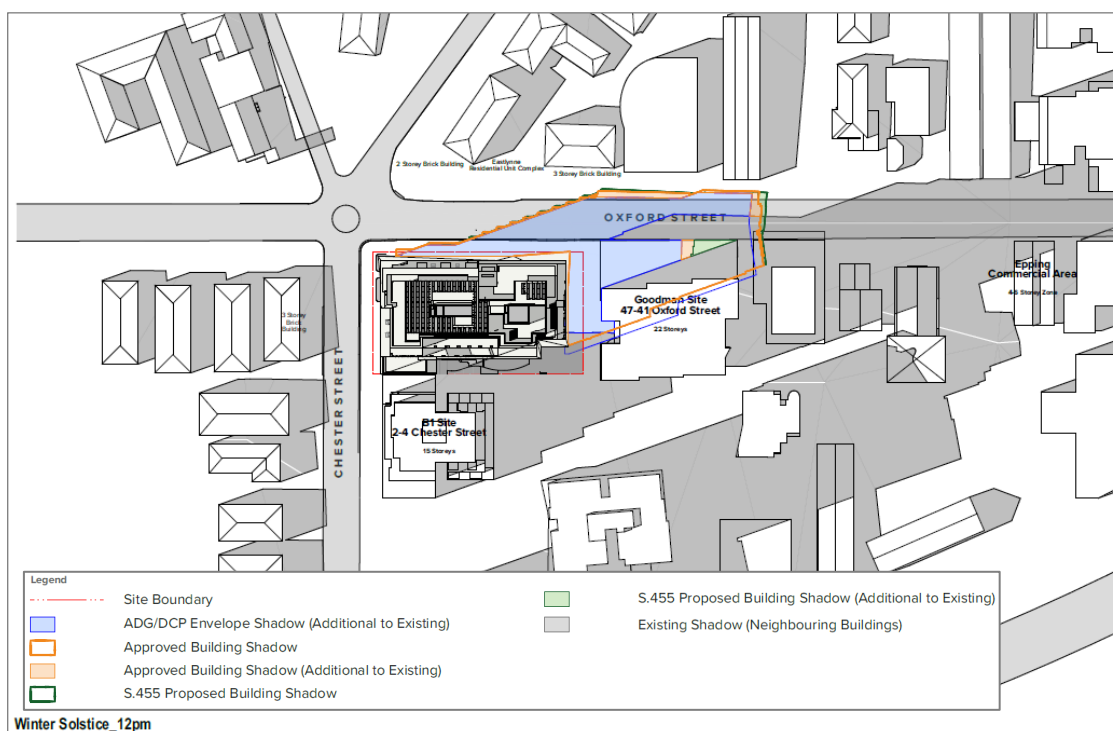
## 5.7.2 Overshadowing

The modification application is accompanied by shadow diagrams prepared by Turner (**Appendix A**), which compares the shadow cast by the original approved development and the modified development. As shown in **Figures 1 to 3**, the additional shadow cast by the modified development is negligible compared to the approved development.



**Figure 1** Shadow Diagram at Winter Solstice 9am

Source: Turners Architects

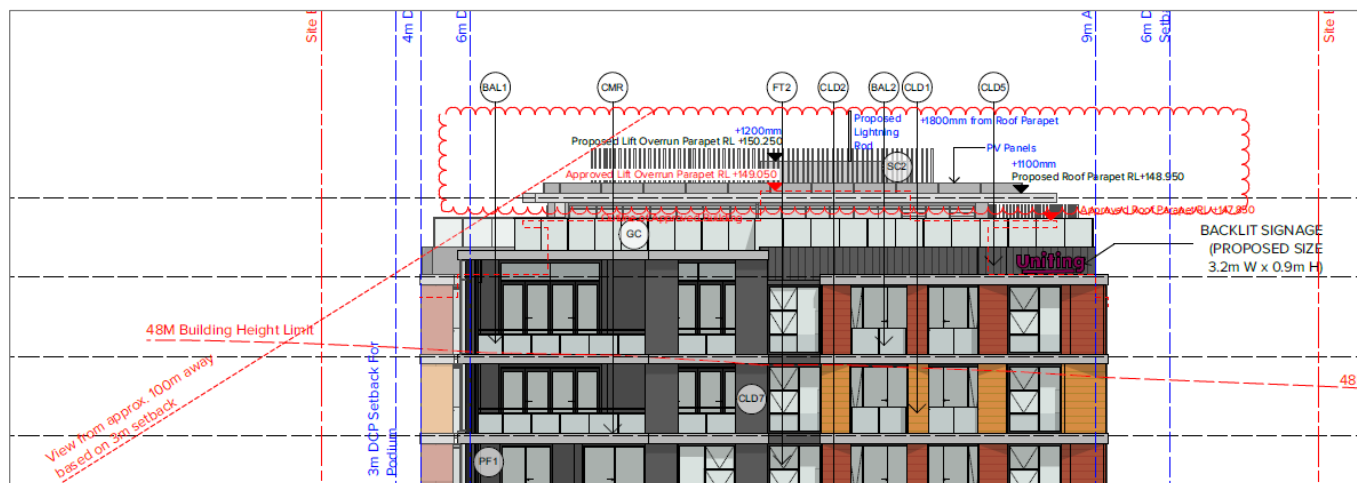


**Figure 2** Shadow Diagram at Winter Solstice 12pm

Source: Turners Architects

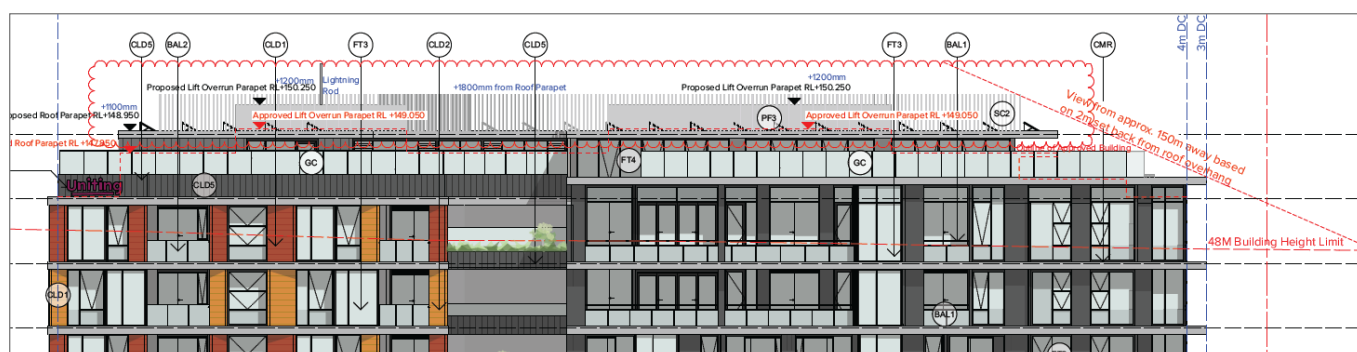
### 5.7.3 Visual Impact

The potential visual impact of the relocated air conditioning units on the rooftop is mitigated through screening and the setting back of these units from the roof overhang. As shown in the below figures, the units are setback to screen their view within 150m to the north and 100m to the east. Beyond this distance, the air conditioning units will remain unseen due to the proposed screening. The increased building height will still enable a significant portion of the residents at 37-41 Oxford Street, located above level 18, to continue to benefit from northern views, given that site's approval for a substantially taller built form.



**Figure 4 North Elevation**

Source: Ethos Urban



**Figure 5 East Elevation**

Source: Ethos Urban

## 5.8 Transport and Accessibility

A revised Traffic Impact Statement has been prepared by Taylor Thomson Whitting (TTW) and is included at **Appendix C**.

The approved DA-646/2019 development included 155 parking spaces comprising 103 resident spaces, 21 staff spaces and 31 visitor spaces. No change is proposed to the overall number of car parking spaces; however, the unit typology mix has been adjusted to provide 105 resident spaces (+2), 21 staff spaces (no change) and 29 visitor spaces (-2) in line with unit typology changes.

Section 107(2)(h) - (j) of *State Environmental Planning Policy (Housing) 2021* (the Housing SEPP) outlines that a consent authority cannot refuse an application for a residential care facility on the grounds of parking if at least the following parking is provided:

- (h) for a residential care facility—at least 1 parking space for every 15 beds in the facility,
- (i) at least 1 parking space for every 2 employees who are on duty at the same time,
- (j) at least 1 parking space for the purpose of ambulance parking.

Meanwhile, Section 108(2)(j) provides the following non-discretionary parking standard for independent living units:

- (j) for a development application made by, or made by a person jointly with, a social housing provider—at least 1 parking space for every 5 dwellings,

As shown in **Table 12** below, sufficient parking is maintained to be provided to meet these requirements. Therefore, the modification application cannot be refused on the grounds of parking.

**Table 12** Required Parking Under the Housing SEPP

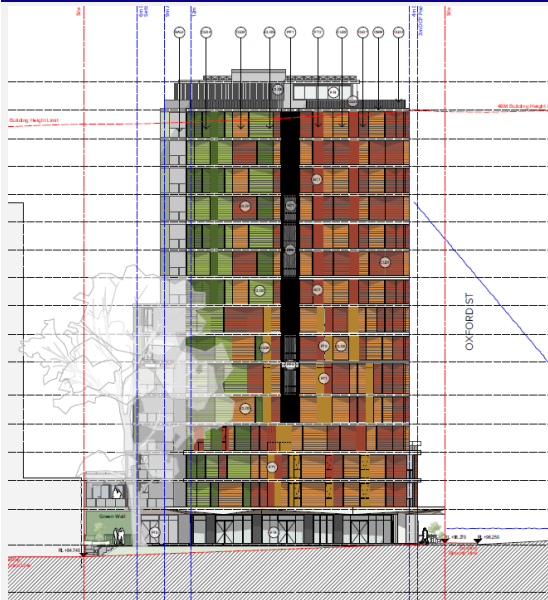
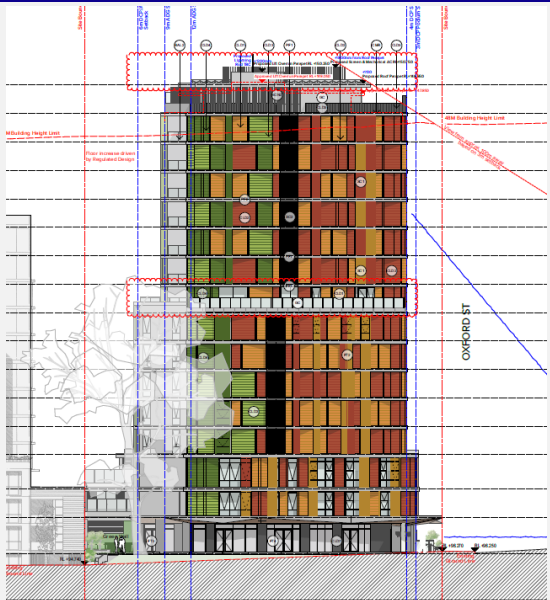
Land Use	Parking Rate	Units / beds / staff / GFA	Required Parking	Proposed Parking
ILU	1 space / 5 units	116	24	105 resident spaces and 23 visitor spaces
Residential Care Facility	1 space / 15 beds	57	4	6 visitor spaces, 20 staff spaces and 1 ambulance space
	1 space / 2 employees	38	19	
	1 space for ambulance parking	-	1 ambulance space	
Retail	1 space / 60sqm GFA	47m <sup>2</sup>	1	1 staff parking
<b>Total</b>			<b>48 spaces and 1 ambulance spaces</b>	<b>155 spaces and 1 ambulance space</b>

In addition to meeting the minimum parking requirements provided under the Housing SEPP, the modified development continues to provide additional residential and visitor spaces to service the ILUs and residential care facility.

## 5.9 Façade Amendments

The modification application moderately amends the development's approved façades. These amendments include the proposed terrace and balustrades on level 8 and the relocation of window openings to suit revised internal floor plans. As shown in **Table 13**, the revised façade designs retain the key architectural elements of the approved development's facades, including materiality and colour, the vertical sky garden and the distinction between the podium and tower above. Furthermore, the revised facade design continues to provide varied arrangements and proportions for windows, contributing to the animated patterning of each facade.

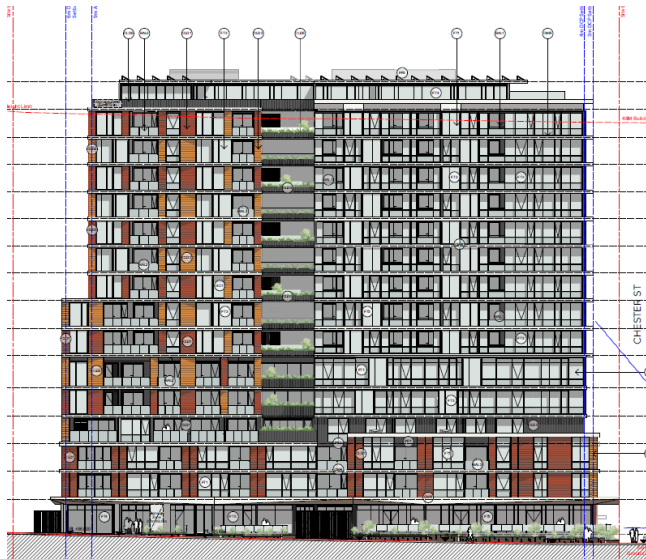
**Table 13** Existing and Proposed Facades

Original Development Consent	Modified Development
 <p><b>South elevation</b></p>	 <p><b>South elevation</b></p>

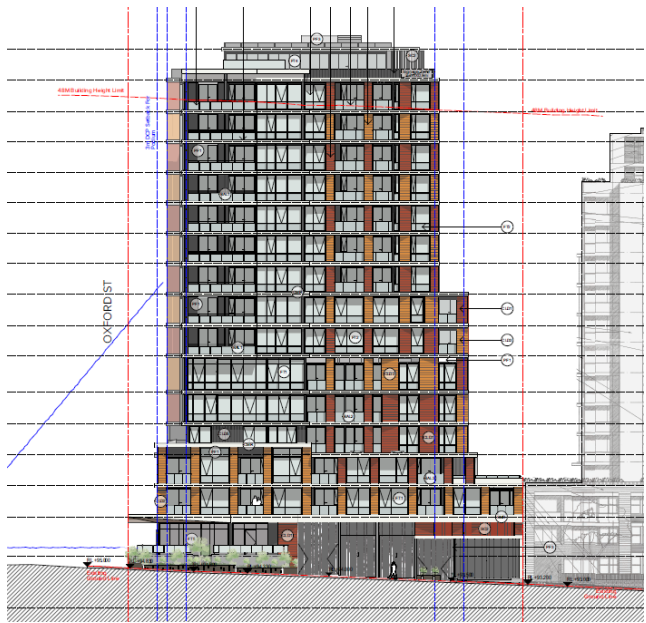


## Original Development Consent

East Elevation



North Elevation

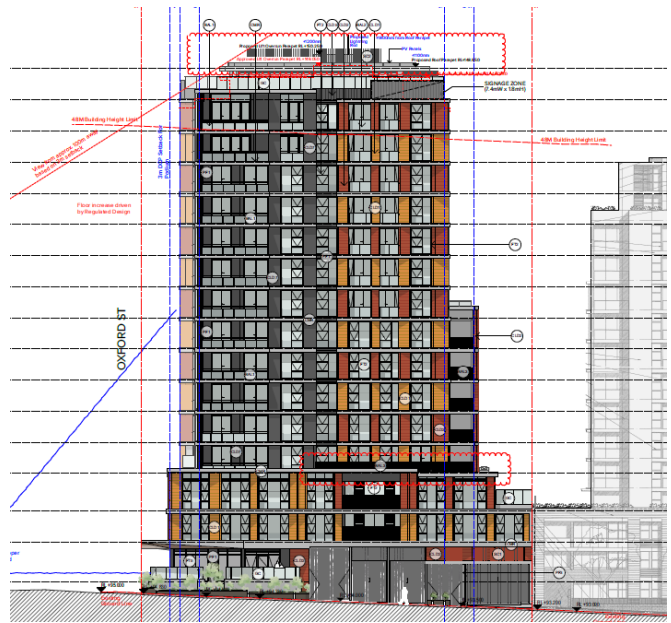


## Modified Development

East Elevation



North Elevation



## 5.10 Environmentally Sustainable Design

The modification application is accompanied by an ESD Statement prepared by Integral (**Appendix E**), which confirms that the modified development continues to meet all necessary sustainability criteria. This includes the BASIX requirements for water, thermal comfort and energy, with the development in line with the Green Star requirements for thermal comfort and energy.

The development adopts a range of ESD measures, including:

- Best in class energy efficiency (7 star NatHERS).
- Provision of on-site renewable energy generation.



- Inclusion of operable windows to make use of the prevailing wind patterns, allowing for night-time flushing to reduce cooling loads and daytime natural ventilation to reduce HVAC loads and increase thermal comfort and amenity.
- Inclusion of shading and window screening as an integral part of building design for thermal comfort and cooling load reduction.
- Provision of a highly landscaped ground plane and vertical gardens on each ILU level.

### 5.10.1 BASIX

The modified development has been designed to ensure that a high level of sustainability is achieved. A revised BASIX Certificate (Certificate Number: 1307777M) has been prepared for the seniors living development and is included at **Appendix D**.

## 5.11 Contributions

Uniting is a registered community housing provider as accredited by National Regulatory System for Community Housing (refer to **Appendix K**). A Ministerial Direction for local infrastructure contributions was issued on 14 September 2007 which denotes exemptions of payment of a contribution for development carried out under the Seniors Living SEPP where undertaken by a social housing provider.

The modified development as proposed under this Section 4.55(2) is maintained to be for seniors housing as defined by the current Housing SEPP (and the previous Seniors Housing SEPP), which will be provided by a Social Housing Provider (refer to **Appendix K**). The proposed development is therefore exempt from payment of Section 7.11 (previously Section 94) contributions pursuant to the 2007 Ministerial Direction.

## 5.12 Site Suitability

The site remains suitable for the following reasons:

- it is appropriately zoned to enable the development of seniors housing under the Housing SEPP.
- It is of a suitable size and orientation for the scale of development proposed.
- It is in an appropriate location, having a high level of accessibility to local shops, services and public transport.
- It is located in an area where there is a high demand for seniors housing.

## 5.13 Public Interest

As described in **Section 2.3**, the proposed modifications are partially made in response to the findings of the Royal Commission into Aged Care Quality and Safety as in their *Final Report: Care, Dignity and Respect* published on 1 March 2021. The modifications, in particular the change in unit typology mix, are also a response to Uniting's evolving definition of *Assisted Living*, which has developed since the original development application (DA-646/2019) was lodged in 2019. The change in unit typology will assist Uniting in providing homes for residents to age in place with access to services located on the ground floor and in the residential care facility on levels 1 and 2.

The modified development will continue to improve the productive use of an existing seniors housing village and provide increased housing choice for seniors in the community. The development will enable elderly residents to live independently and with dignity in their local area. Moreover, this SEE demonstrates the proposed modifications will not result in any unacceptable outcomes, including adverse overshadowing, traffic, privacy and visual impacts. The proposal supports the relevant Council objectives and is compatible with existing and planned land use and development in the surrounding area. Overall, the proposal is likely to have positive social and economic benefits and is, therefore, in the public interest.

## 6.0 Conclusion

This modification application seeks to modify Development Consent 646/2019 relating to an approved 16-storey mixed use seniors living tower at 43 Oxford Street, Epping. Specifically, the application seeks consent for the following modifications to the approved development.

- A minor increase in building height from RL149.05 to RL150.75 to.
- Alter the accommodation type offerings on different floors by:
  - Moving the approved Residential Care Facility from levels 3, 4 and 5 to levels 1 and 2.
  - Removing the Assisted Living Apartment (ALA and Care Apartments as accommodation models offered at the site and replacing them with Independent Living Units (ILU).
  - Reducing the overall number of apartments proposed from 130 to 116, a reduction a 14 apartments.
- Alter each elevation's façade design as a result of redesigning floor plates to respond to the modified accommodation typologies and their requirements.
- Amendment to previously approved non-trafficable areas to either be deleted or converted into usable balconies (with privacy measures) between levels 6 and 14.
- Revision of unit mix yield by increasing the offering of 3-bedroom units on the development's upper levels.
- Overall gross floor area (GFA) reduction of 289m<sup>2</sup> across the development because of a reduced building footprint between levels 3 and 5 to comply with ADG 2F controls.
- Replacement of the rooftop level function room with a 'cinema / multi-purpose room'.
- Relocation of previously approved air conditioning condensers from apartment balconies to the development's rooftop.
- Amending the two signage zones located on the northern and eastern elevations to measure 7.4m(W) x 1.8m(H) and inserting a sign displaying 'Uniting' in the ground floor signage zone.

In accordance with section 4.55(2) of the EP&A Act, Council may modify the consent as:

- The modified development will not result in unacceptable environmental impacts. In particular, the additional building height and relocated air conditioning units will not result in adverse overshadowing or visual impacts.
- The modified development supports the relevant Council objectives and is compatible with existing and planned land use and development in the surrounding area.
- The modified development will comply with reformed design parameters set out in the *Design and Building Practitioners Act 2021*.
- The relocation of air conditioning units from unit balconies to the rooftop will improve the amount of useable balcony space and, therefore, the amenity and function of these spaces. It also enables services to be consolidated in one location, which assists with maintenance.
- The replacement of the rooftop level function room with a cinema / multipurpose room will provide residents with an improved facility for recreation, socialising and events.

In light of the above, we therefore recommend that the proposed modification is supported by Council.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification.

## Appendix A Architectural Plans

## Appendix B Housing SEPP Assessment

**Table 14** Assessment against Chapter 3, Part 5 of State Environmental Planning Policy (Housing) 2021

Provision	Compliance
<b>Division 3 Development Standards</b>	
<b>Section 84 – Development Standards – General</b>	
(2) Development consent must not be granted for development to which this section applies unless—	
(a) the site area of the development is at least 1,000m <sup>2</sup> , and	<b>Complies</b> The site features an area greater than 1000m <sup>2</sup> (approx. 2,778m <sup>2</sup> ).
(b) the frontage of the site area of the development is at least 20m measured at the building line, and	<b>Complies</b> The frontage of the site area of the development is significantly greater than 20m measured at the building line
<b>Section 85 - Development standards for hostels and independent living units</b>	
(1) Development consent must not be granted for development for the purposes of a hostel or an independent living unit unless the hostel or independent living unit complies with the relevant standards specified in Schedule 4.	Refer to <b>Table 15</b> below.
(2) An independent living unit, or part of an independent living unit, located above the ground floor in a multi-storey building need not comply with the requirements in Schedule 4, sections 2, 7–13 and 15–20 if the development application is made by, or by a person jointly with, a social housing provider.	<b>Complies</b> As Uniting is a registered Social Housing Provider (refer to <b>Appendix K</b> ), Schedule 4, sections 2, 7–13 and 15–20 of the Housing SEPP does not apply to the development.
<b>Section 88 – Restrictions on occupation of seniors housing</b>	
(1) Development permitted under this Part may be carried out for the accommodation of only the following— b. seniors or people who have a disability, c. people who live in the same household with seniors or people who have a disability, d. staff employed to assist in the administration and provision of services to housing provided under this Part.	<b>Complies</b> The proposed development will be occupied by persons referred to in subsection (1).
(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.	
<b>Section 91 – Fire sprinkler systems in residential care facilities</b>	
(1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system.	<b>Complies</b> The proposed development continues to include a fire sprinkler.
<b>Division 4 Site-Related Requirements</b>	
<b>Section 93 - Location and access to facilities and services – independent living units</b>	<b>Complies</b> The site has access to a transport service that provides adequate access to facilities and services. The nearest bus stop is located immediately north of the site on the corner of Oxford and Chester Streets within 50m of the site. It provides regular services to Epping, which contains shops, community services, a general medical practitioner and recreational facilities.
<b>Section 94 - Location and access to facilities and services – residential care facility</b>	
<b>Section 95 - Water and sewer</b>	<b>Complies</b>

Provision	Compliance
	The proposed development will be connected to a reticulated water system and adequate sewerage disposal is provided.
<b>Section 96 – Bushfire prone land</b>	<b>Complies</b> The proposal is not located on bushfire prone land.
<b>Division 6 Design Principles</b>	
<b>Section 99 – Neighbourhood amenity and streetscape</b>	
(a) recognise the operational, functional and economic requirements of residential care facilities, which typically require a different building shape from other residential accommodation, and	<b>Complies</b> The relocation of the residential aged care facility to levels 1 and 2 enables these floors to be purpose-built to meet the operational, functional and economic requirements of such a facility.
(b) recognise the desirable elements of— i. the location's current character, or ii. for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area, and	<b>Complies</b> The proposed development has been designed having regard to the desired future character outlined for Epping Town Centre, as outlined in the Hornsby DCP 2013.
(c) complement heritage conservation areas and heritage items in the area, and	<b>Complies</b> The proposed modification retains the approved three-storey podium, which provides a scale relationship with heritage Item No. 395, <i>Chester Street Uniting Church and Grounds</i> located across the road.
(d) maintain reasonable neighbourhood amenity and appropriate residential character by— i. providing building setbacks to reduce bulk and overshadowing, and ii. using building form and siting that relates to the site's land form, and iii. adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and iv. considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and	<b>Complies</b> The modified development continues to be compatible with the scale of adjacent buildings, including the 15-storey building immediately west at 2-4 Chester Street and the 30-storey building envisioned immediately south of the site at 37-41 Oxford Street.  The proposed modifications include amendments to the built form of levels 3 to 5 to achieve the building separation requirements of the Australian Design Requirements.  Boundary impacts have been carefully considered, with ongoing discussions with the neighbouring landowners during design development.  The shadow diagrams provided at <b>Appendix A</b> demonstrate that the overshadowing impacts of the modified development are compatible with the approved development.
(e) set back the front building on the site generally in line with the existing building line, and	<b>Complies</b> No change is proposed to the approved setbacks for the podium. They remain as originally assessed and approved under the original DA-646/2019 development consent.
(f) include plants reasonably similar to other plants in the street, and	<b>Complies</b> The modified development retains the type of plants approved for the original development.
(g) retain, wherever reasonable, significant trees, and	<b>Complies</b> It was noted in the pre-DA for the original development application that the large Sydney Blue Gum located in the southwestern corner of the site should be retained. The modified development continues to retain this significant tree.  The modified development will continue to necessitate the removal of three trees, as already assessed and approved

Provision	Compliance
	under the original DA-646/2019 development consent. This impact was determined to be acceptable in the planning assessment for the original development application.
(h) prevent the construction of a building in a riparian zone.	N/A
<b>Section 100 – Visual and acoustic privacy</b>	
Seniors housing should be designed to consider the visual and acoustic privacy of adjacent neighbours and residents by—	
(a) using appropriate site planning, including considering the location and design of windows and balconies, the use of screening devices and landscaping, and	<p><b>Complies</b></p> <p>The built form has been suitably screened from nearby residences through appropriate site planning, with the appropriate setback provided to adjoining sites.</p> <p>Building separations generally complies with the ADG distance requirements. Where these dimensions are less than those recommended by the ADG, privacy is achieved by offsetting windows, installing opaque glazing, offering screening elements and providing dual aspects for outlook from the affected apartments.</p>
(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	<p><b>Complies</b></p> <p>The modified development continues to have acceptable noise levels.</p>
<b>Section 101 – Solar access and design for climate</b>	
(a) for development involving the erection of a new building—provide residents of the building with adequate daylight in a way that does not adversely impact the amount of daylight in neighbouring buildings, and	<p><b>Complies</b></p> <p>The SEPP 65 ADG amenity guidelines have been adopted as a benchmark to provide amenity to new dwellings. Solar access of the modified development satisfies these ADG objectives.</p>
(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction.	<p><b>Complies</b></p> <p>Refer to BASIX Certificate and Report included at <b>Appendix D</b>.</p>
<b>Section 102 – Stormwater</b>	
(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and	<p><b>Complies</b></p> <p>The proposed stormwater system Was been designed in accordance with the Hornsby DCP 2013 as part of the original development application. An assessment of the proposed stormwater system was undertaken by TTW as part of the original development application. It confirmed the suitability of the system to minimise the disturbance and impacts of stormwater runoff on adjoining properties.</p>
(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.	<p><b>Complies</b></p> <p>On site stormwater detention has been provided.</p>
<b>Section 103 – Crime Prevention</b>	
(a) be designed in accordance with environmental design principles relating to crime prevention, and	<p><b>Complies</b></p> <p>The proposed development has been designed in accordance with the principles of CPTED. This includes:</p> <ul style="list-style-type: none"> <li>• providing potential for surveillance between buildings and landscaped areas.</li> <li>• Implementing a card/key controlled entry for access to levels above the ground floor.</li> <li>• Providing an activated ground floor, increasing the potential for residents to meet and interact, heightening perceived levels of safety.</li> <li>• Clearly delineating between private and public space.</li> </ul>

Provision	Compliance
(b) provide personal property security for residents and visitors, and	<b>Complies</b> Each unit is secure and provides personal property security for residents and visitors.
(c) encourage crime prevention by— <ul style="list-style-type: none"><li>i. site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins the area, driveway or street, and</li><li>ii. providing shared entries, if required, that serve a small number of dwellings and that are able to be locked, and</li><li>iii. providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</li></ul>	<b>Complies</b> All the proposed dwellings will be entranced via the main lobby, which will be subject to surveillance from the street and the active ground floor uses. A concierge desk is located on the ground floor to monitor people entering the development and can inform residents of visitors without the need for them to open their front door.
<b>Section 104 – Accessibility</b>	
(a) have obvious and safe pedestrian links from the site that provide access to transport services or local facilities, and	<b>Complies</b> The Accessibility Review Statement ( <b>Appendix H</b> ) prepared by Funktion confirms: <ul style="list-style-type: none"><li>• provision has been made for continuous accessible paths of travel throughout the modified areas of the development.</li><li>• The altered ILUs can comply with the accessibility requirements in Schedule 3 – Standards concerning accessibility and usability for hostels and independent living units.</li><li>• The additional Residential Aged Care will continue to be subject to the performance solution as documented in the access review report issued by Funktion for the original development.</li></ul>
(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.	
<b>Section 105 – Waste Management</b>	
Seniors housing should include waste facilities that maximise recycling by the provision of appropriate facilities.	<b>Complies</b> An Operational Waste Management Plan was prepared by Waste Audit and was submitted as part of the original development application. The Plan addressed the appropriate segregation, containment and disposal of waste required, with waste avoidance being the primary focus.
<b>Division 7 Non-discretionary development standards</b>	
<b>Section 107 - Non-discretionary development standards for hostels and residential care facilities</b>	
The object of this section is to identify development standards for particular matters relating to development for the purposes of hostels and residential care facilities that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	
(a) <b>Building Height:</b> no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building.	<b>N/A</b> The application relies on a variance to the maximum height development standard contained within the Hornsby LEP.
(c) <b>FSR:</b> the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less.	<b>N/A</b> No FSR development standard applies to the site under the Hornsby LEP.
(d) <b>Communal Open Space:</b> internal and external communal open spaces with a total area of at least 10m <sup>2</sup> for every bed.	<b>Complies</b> The proposed 57 beds require a minimum of 570m <sup>2</sup> of communal open space. 1555m <sup>2</sup> of communal open space is proposed comprising 742m <sup>2</sup> of non-landscaped communal open space and 813m <sup>2</sup> of landscaped communal open space.
(e) <b>Landscaped Area:</b> at least 15m <sup>2</sup> of landscaped area for every bed.	<b>Complies</b> The proposed 57 beds require a minimum of 855m <sup>2</sup> of landscaped area. 1258m <sup>2</sup> of landscaped area is proposed

Provision	Compliance
	comprising 445m <sup>2</sup> of deep soil zones and 813m <sup>2</sup> of landscaped communal space.
<b>(f) Deep Soil Zone:</b> a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site.	<b>Consistent with the original development consent</b> The modified development continues to provide 16% (445m <sup>2</sup> ) of the total site area as deep soil zone. 44% (195m <sup>2</sup> ) of this zone features a deep soil width of 6m metres or more, which is consistent with the deep soil zones provided for the original development.
<b>(h) Car Parking:</b> at least 1 parking space for every 15 beds in the facility.	<b>Complies</b> The modified development proposes 57 beds, requiring four parking spaces. As outlined in <b>Section 5.8</b> of the SEE, the proposed 155 spaces are sufficient to meet the parking needs for both the residential care facility and independent living units. Accordingly, the consent authority cannot require a more onerous standard for car parking.
<b>(i) Employee Car Parking:</b> at least 1 parking space for every 2 employees who are on duty at the same time	<b>Complies</b> See <b>Section 5.8</b> .
<b>(j) Ambulance Parking:</b> at least 1 parking space for the purpose of ambulance parking.	<b>Complies</b> See <b>Section 5.8</b> .
<b>Section 108 - Non-discretionary development standards for independent living units</b> The object of this section is to identify development standards for particular matters relating to development for the purposes of independent living units that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	
<b>(a) Building Height:</b> no building has a height of more than 9.5m, excluding servicing equipment on the roof of a building.	<b>N/A</b> The application relies on a variance to the maximum height development standard contained within the Hornsby LEP.
<b>(c) FSR:</b> the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less.	<b>N/A</b> No FSR development standard applies to the site under the Hornsby LEP.
<b>(d) Landscaped Area:</b> for a development application made by a social housing provider—at least 35m <sup>2</sup> of landscaped area per dwelling,	<b>Consistent with the original development consent</b> The proposed 116 ILUs require a minimum of 4060m <sup>2</sup> of landscaped area. A total of 1258m <sup>2</sup> of landscaped area is proposed, which is lower than the non-discretionary development standard, but is consistent with original development.
<b>(f) Deep Soil Zone:</b> a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 3m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site.	<b>Complies</b> The modified development continues to provide 16% (445m <sup>2</sup> ) of the total site area as deep soil zones.
<b>(g) Solar Access:</b> at least 70% of the dwellings receive at least 2 hours of direct solar access between 9am and 3pm at mid-winter in living rooms and private open spaces.	<b>Consistent with the original development consent</b> The original development relied upon providing 70% of dwellings with access to at least 2 hours of direct solar access between 8.30am and 3pm at mid-winter in living rooms and private open spaces – a minor variation from the 9am to 3pm timeframe. The modified development is consistent with this standard, with 75% of dwellings achieving a minimum of 2 hours of solar access from 8:30am to 3pm.
<b>(i) Balcony:</b> for a dwelling in a multi-storey building not located on the ground floor—a balcony accessible from a living area with minimum dimensions of 2m and an area of at least 10m <sup>2</sup> , or for each dwelling containing 1 bedroom—an area of at least 6m <sup>2</sup> .	<b>Complies</b> All 1-bedroom ILUs are provided with a balcony of at least 6m <sup>2</sup> , while all 2 and 3-bedroom ILUs are provided with a balcony of 10m <sup>2</sup> .
<b>(j) Car Parking:</b> for a development application made by, or made by a person jointly with, a social housing provider—at least 1 parking space for every 5 dwellings.	<b>Complies</b> The modified development proposes 116 ILUs, requiring 24 parking spaces. As outlined in <b>Section 5.8</b> of the SEE, the proposed 155 spaces are sufficient to meet the parking needs for both the residential care facility and independent



Provision	Compliance
	living units. Accordingly, the consent authority cannot require a more onerous standard for car parking.

**Table 15**      *Schedule 4 Housing SEPP*

Development standards	Compliance
<b>2 Siting standards</b>	
Wheelchair access:	
<ul style="list-style-type: none"> <li>If the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road.</li> </ul>	✓
<ul style="list-style-type: none"> <li>If the whole of the site does not have a gradient of less than 1:10: <ul style="list-style-type: none"> <li>the percentage of dwellings that must have wheelchair access must equal the proportion of the site that has a gradient of less than 1:10, or 50%, whichever is the greater, and</li> <li>the wheelchair access provided must be by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road or an internal road or a driveway that is accessible to all residents.</li> </ul> </li> </ul>	N/A
Common areas:	
<ul style="list-style-type: none"> <li>Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.</li> </ul>	✓
<b>3 Security</b>	
Pathway lighting:	
<ul style="list-style-type: none"> <li>must be designed and located so as to avoid glare for pedestrians and adjacent dwellings, and</li> </ul>	✓
<ul style="list-style-type: none"> <li>must provide at least 20 lux at ground level.</li> </ul>	✓
<b>4 Letterboxes</b>	
<ul style="list-style-type: none"> <li>must be situated on a hard standing area and have wheelchair access and circulation by a continuous accessible path of travel (within the meaning of AS 1428.1), and must be lockable, and must be located together in a central location adjacent to the street entry or, in the case of self-contained dwellings, must be located together in one or more central locations adjacent to the street entry</li> </ul>	✓
<b>5 Private car accommodation</b>	
If car parking (not being car parking for employees) is provided:	
<ul style="list-style-type: none"> <li>car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and</li> </ul>	✓
<ul style="list-style-type: none"> <li>5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and</li> </ul>	✓
<ul style="list-style-type: none"> <li>any garage must have a power-operated door, or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date.</li> </ul>	✓
<b>6 Accessible entry</b>	
<ul style="list-style-type: none"> <li>Every entry (whether a front entry or not) to a dwelling, not being an entry for employees, must comply with clauses 4.3.1 and 4.3.2 of AS 4299.</li> </ul>	✓
<b>7 Interior: general</b>	
<ul style="list-style-type: none"> <li>Internal doorways must have a minimum clear opening that complies with AS 1428.1.</li> </ul>	✓
<ul style="list-style-type: none"> <li>Internal corridors must have a minimum unobstructed width of 1,000 millimetres.</li> </ul>	✓
<ul style="list-style-type: none"> <li>Circulation space at approaches to internal doorways must comply with AS 1428.1.</li> </ul>	✓



Development standards	Compliance
<b>15 Living room and dining room</b>	
<ul style="list-style-type: none"> <li>A living room in an independent living unit must have               <ul style="list-style-type: none"> <li>A circulation space in accordance with clause 4.7.1 of AS 4299, and</li> <li>a telephone adjacent to a general power outlet.</li> </ul> </li> <li>A living room and dining room must have wiring to allow a potential illumination level of at least 300 lux.</li> </ul>	Can be secured via a condition of consent
<b>16 Kitchen</b>	
<p>A kitchen in an independent living unit must have—</p> <ul style="list-style-type: none"> <li>a circulation space in accordance with clause 4.5.2 of AS 4299, and</li> <li>a circulation space at door approaches that complies with AS 1428.1, and</li> <li>the following fittings in accordance with the relevant subclauses of clause 4.5 of AS 4299               <ul style="list-style-type: none"> <li>benches that include at least one work surface at least 800 millimetres in length that comply with clause 4.5.5(a)</li> <li>a tap set (see clause 4.5.6)</li> <li>cooktops (see clause 4.5.7), except that an isolating switch must be included</li> <li>an oven (see clause 4.5.8)</li> </ul> </li> <li>“D” pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards</li> <li>general power outlets               <ul style="list-style-type: none"> <li>at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and</li> <li>one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.</li> </ul> </li> </ul>	Can be secured via a condition of consent
<b>17 Access to kitchen, main bedroom bathroom and toilet</b>	
In a multi-storey independent living unit, the kitchen, main bedroom, bathroom and toilet must be located on the entry level.	N/A
<b>18 Lifts in multi-storey buildings</b>	
In a multi-storey building containing separate independent living units on different storeys, lift access must be provided to dwellings above the ground level of the building by way of a lift complying with clause E3.6 of the Building Code of Australia.	✓
<b>19 Laundry</b>	
<p>An independent living unit must have a laundry that has—</p> <ul style="list-style-type: none"> <li>a circulation space at door approaches that complies with AS 1428.1, and</li> <li>provision for the installation of an automatic washing machine and a clothes dryer, and</li> <li>a clear space in front of appliances of at least 1,300 millimetres, and</li> <li>a slip-resistant floor surface, and</li> <li>an accessible path of travel to any clothes line provided in relation to the dwelling.</li> </ul>	✓  Can be secured via a condition of consent
<b>20 Storage for linen</b>	
An independent living unit must be provided with a linen storage in accordance with clause 4.11.5 of AS 4299.	✓  Can be secured via a condition of consent
<b>21 Garbage</b>	
A garbage storage area must be provided in an accessible location.	✓

## Appendix C    Supplementary Traffic Impact Assessment

## Appendix D      BASIX Certificate

## Appendix E   ESD Statement

## Appendix F   Landscape Plans

## Appendix G    Survey Plan



## Appendix H    Access Review Statement

## Appendix I SEPP 65 Design Verification Statement

# Appendix J     Hornsby DCP Assessment

**Table 16     Summary of consistency with the Hornsby Development Control Plan 2013**

Control	Comments
<b>Part 3</b>	
<b>3.5.2 Design Quality – SEPP 65</b>	<p><b>Complies</b></p> <p>A SEPP65 Design Verification Statement has been prepared for the modified development and is included at <b>Appendix I</b>. As demonstrated in <b>Section 5.4</b>, the proposal is consistent with the objectives of the SEPP 65 Apartment Design Guide.</p>
<b>3.5.3 Site Requirements</b>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>• The site's width along Chester and Oxford Street is greater than 40m.</li> <li>• The modified development will not result in the isolation of an adjoining site.</li> <li>• The proposed basement does not prevent the development from providing sufficient deep soil zones and landscaped area.</li> </ul>
<b>3.5.4 Height</b>	<p><b>Partial Compliance</b></p> <ul style="list-style-type: none"> <li>• At 16 storeys, the proposed development exceeds the 15-storey height limit set under Control 3.5.4(a). Refer to <b>Section 5.6</b>.</li> <li>• The 16-storey development appropriately facilitates a transition in height from the approved 30-storey building at 37-41 Oxford Street to the adjoining land to the north and east zoned for 5 storeys.</li> <li>• The topmost storey is recessed to visually screen the relocated air conditioning units and plant equipment.</li> <li>• The modified development continues to feature a three-storey podium, complying with Control 3.5.4(g).</li> <li>• The modified development features a flat roof design to minimise the height of exterior walls.</li> </ul>
<b>3.5.5 Setbacks</b>	<p><b>Partial Compliance</b></p> <p>Refer to <b>Section 5.7.1</b>.</p>
<b>3.5.6 Building Form and Separation</b>	<p><b>Partial Compliance</b></p> <p>Materials and Finishes The modified facades incorporate a variety of materials and finishes which:</p> <ul style="list-style-type: none"> <li>• accentuate the articulation of building forms,</li> <li>• provide varied arrangements and proportions for windows contribute to the animated patterning of each facade,</li> <li>• act as design elements, and contribute to residential amenity (e.g exterior screens),</li> <li>• were previously subject to review of the Parramatta Council DEAP process, which underwent several design iterations and rounds of reviews and was ultimately approved.</li> <li>• do not depart from the key façade designs as approved in principle by the DEAP and seek to maintain the design of the façade in a slightly altered format to respond to the changing floorplates.</li> </ul> <p>Floorplates</p> <ul style="list-style-type: none"> <li>• The podium at ground level provides for continuity in the building alignment, with minimal lengths of gaps in the street wall.</li> </ul> <p>Separation</p> <ul style="list-style-type: none"> <li>• As described in <b>Section 5.7.1</b>, building separation generally complies with Part 2F Building Separation of the <i>SEPP 65 Design Quality of Apartment Development</i>, Apartment Design Guide, or alternative privacy measures are proposed in instances of variation to the recommended design criteria.</li> </ul>

Control	Comments
	<p>Articulation</p> <ul style="list-style-type: none"> <li>• The modified development has a distinctive podium (ground floor to level 2), middle (levels 3 to 14) and top (level 15 &amp; 16).</li> <li>• The vertical garden located on levels 3 and above separates each floor into two distinct areas, preventing floor plan symmetry and improving articulation.</li> <li>• The development's entrance on Oxford Street is visually prominent.</li> <li>• The modified development increases the number of balconies provided, further preventing exterior walls that are long and straight. These balconies are a variety of shapes and patterns and do not extend continuously along the full width of any façade.</li> </ul>
<b>3.5.7 Landscaping</b>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>• Basement car parking was originally designed to provide opportunities for deep soil areas. The basement design is not proposed to be altered under this modification application.</li> <li>• The modified development extends the proposed vertical garden into levels 3 -5, complementing control 3.5.7(a).</li> <li>• Podium planting is proposed with the appropriate soil depth and width outlined by the DCP.</li> </ul> <p>Landscaped areas adjoining the south and west property boundaries:</p> <ul style="list-style-type: none"> <li>• Achieve a minimum width of 4 metres for majority length of the boundary, and</li> <li>• Do not propose fencing.</li> <li>• Landscaped areas adjoining the southern boundary accommodate canopy trees that will reach a mature height of 10m.</li> </ul>
<b>3.5.8 Open Spaces</b>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>• Every proposed ILU has been provided with a principal private open space in accordance with the ADG, and is consistent with the objectives and design guidelines within the Hornsby DCP.</li> <li>• The DCP dictates that each dwelling should have an external air clothes drying area that is separate from the principal private open space area. This facility is to be screened from public places and communal areas. The proposed development continues to provide separated dedicated laundry space (including a clothes dryer) within each dwelling (except for RACF beds), which is considered satisfactory to allow for the drying of clothes separate to the private open space.</li> </ul> <p>The principal communal open space area has been provided as follows:</p> <ul style="list-style-type: none"> <li>• located at ground level, and rooftop terrace,</li> <li>• both open space areas have a minimum area of 50m<sup>2</sup>,</li> <li>• both open space areas have a minimum dimensions greater than 6m,</li> <li>• landscaped for active and/or passive recreation and encourage social interaction between residents,</li> <li>• The rooftop terrace achieves more than a minimum 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter),</li> <li>• located to provide direct sight lines and convenient access from the building lobby, and</li> <li>• sited and designed to protect the amenity of adjacent dwellings.</li> </ul>
<b>3.5.9 Privacy and Security</b>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>• Habitable areas have been orientated primarily towards the front and rear of the Site to promote privacy to dwellings, with consideration given to the SEPP65 ADG building separation design controls.</li> </ul>

Control	Comments
	<ul style="list-style-type: none"> <li>• The commercial and residential component of the development is maintained to provide distinguished building entries and private, communal and public open space.</li> <li>• Safe, clear and direct pedestrian entrance to the building has been maintained from Oxford Street.</li> <li>• Private open spaces and living room windows have been maintained to be designed and oriented to overlook the street and communal open spaces on the Site.</li> <li>• Communal hallways, including access to entrance foyers, are limited in length and provide glass sliding doors to access the 'Skygardens'.</li> <li>• A separate and secure entrance with a concierge is provided to the development's residential care facility and ILUs.</li> </ul>
<b>3.5.11 Sunlight and Ventilation</b>	<b>Complies</b> <ul style="list-style-type: none"> <li>• On 22 June, 80 percent of ILU's receive 2 or more hours of unobstructed sunlight access to at least half of the dwellings principal living room windows and principal private open space area between 8:30am and 3pm. It is noted that while the DCP dictates the sun access calculation be from 9am to 3pm, the proposed calculation has been extended slightly to be calculated from 8:30am to 3pm instead. This minor difference of half an hour is considered acceptable given the orientation of the site. The modification does not alter compliance to achieve adequate solar access to apartments.</li> <li>• Every habitable room has a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</li> <li>• A window is visible from any point in a habitable room.</li> <li>• At least 60 percent of dwellings have dual aspect and natural cross ventilation.</li> </ul>
<b>3.5.12 Housing Choice</b>	<b>Complies</b> <ul style="list-style-type: none"> <li>• The modified development provides 57 x 1-bedroom residential care units and 10 x 1-bedroom ILUs (67 total 1-bedroom units representing 39% of all units), 66 x 2-bedroom ILUs (39% of all units) and 38 x 3-bedroom ILUs (20% of all units). Accordingly, the development includes a mix of 1-, 2- and 3-bedroom units, with at least 10% of each dwelling type provided.</li> <li>• All dwellings are Universal Design Housing in accordance with the Liveable Housing Guidelines (2012) silver level design features and are therefore equitably distributed.</li> </ul>
<b>3.5.13 Vehicle Access and Parking</b>	<b>Complies</b> <ul style="list-style-type: none"> <li>• Resident and visitor parking are maintained to be provided within the approved basement car parks. The driveway to this parking is located within 2 metres of a side boundary; however, this was determined to be acceptable for the approved development under DA-646/2019.</li> <li>• All ramps are designed as two way ramps in accordance with AS 2890.1 and AS 2890.2</li> <li>• All ramps are designed in accordance with the exits and entry widths of AS 2890.1 and AS 2890.2.</li> <li>• Driveways and garage entrances do not visually dominate any street or facade that faces a communal area upon the Site.</li> <li>• Parking for service and delivery vehicles are integrated with the design of driveways and surrounding landscaped verges, and do not visually dominate any street frontage.</li> <li>• Separate dedicated and secure storage areas for each dwelling is provided in basement car parks suitable to accommodate larger items such as sporting equipment.</li> </ul>

Control	Comments
<b>3.5.14 Public Domain and Traffic Management Works</b>	<b>Complies</b> <ul style="list-style-type: none"> <li>No public domain works form part of this modification application.</li> </ul>
<b>Part 4</b>	
<b>4.6.2 Design Quality – SEPP65</b>	<b>Complies</b> <p>A SEPP65 Design Verification Statement has been prepared for the modified development and is included at <b>Appendix I</b>. As demonstrated in <b>Section 5.4</b>, the proposal is consistent with the objectives of the SEPP 65 Apartment Design Guide (ADG).</p>
<b>4.6.3 Site Requirements</b>	<b>Complies</b> <ul style="list-style-type: none"> <li>The site's widths are greater than 30m.</li> <li>The site's area is sufficient to accommodate a development that can meet the objectives of the setback requirements in the DCP and ADG.</li> <li>The modified development will not result in the isolation of an adjoining site.</li> </ul>
<b>4.6.4 Scale</b>	<b>Complies</b> <ul style="list-style-type: none"> <li>The approved development included residential floorplates with a GFA greater than 700m<sup>2</sup> above the podium. The modified development continues residential floorplates with a GFA greater than 700m<sup>2</sup> above the podium however, the overall GFA has been reduced to achieve compliance with the ADG.</li> <li>The modified development continues to feature a 3-storey podium.</li> <li>The 16-storey development appropriately facilitates a transition in height from the approved 30-storey building at 37-41 Oxford Street to the adjoining land to the north and east zoned for 5 storeys.</li> </ul>
<b>4.6.5 Setbacks</b>	<b>Partial Compliance</b> <ul style="list-style-type: none"> <li>Refer to <b>Section 5.7.1</b>.</li> </ul>
<b>4.6.6 Design Details</b>	<b>Complies</b> <ul style="list-style-type: none"> <li>The modified development features a delineated rooftop to visually terminate the building.</li> <li>The building's façade design continues to avoid large extents of blank walls.</li> <li>A balance in the design of the façade is continued to be provided between horizontal and vertical elements.</li> <li>The development's design features a dual frontage and a splayed corner.</li> <li>Roof fixtures, air conditioning units, lift overruns and services are screened on the rooftop.</li> <li>The building's materials harmonise with surrounding developments.</li> </ul>
<b>4.6.7 Open Space</b>	<b>Complies</b> <p>The principal communal open space area has been provided as follows:</p> <ul style="list-style-type: none"> <li>located at ground level, and rooftop terrace,</li> <li>both open space areas have a minimum area of 50m<sup>2</sup>,</li> <li>both open space areas continue to provide minimum dimensions greater than 6m,</li> <li>landscaped spaces for active and/or passive recreation are continued to be provided will encourage social interaction between residents,</li> <li>The rooftop terrace continues to achieve more than a minimum 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid-winter),</li> <li>located to provide direct sight lines and convenient access from the building lobby, and</li> <li>sited and designed to protect the amenity of adjacent dwellings.</li> </ul>

Control	Comments
<b>4.6.8 Landscaping</b>	<b>Complies</b> <ul style="list-style-type: none"> <li>Landscaping is included building setback areas.</li> <li>No fencing is proposed along the primary or secondary street frontage.</li> </ul>
<b>4.6.9 Privacy and Security</b>	<b>Partial Compliance</b> <ul style="list-style-type: none"> <li>Dwellings living rooms and principal private open space areas are primarily orientated towards the south and west of the site to promote privacy to dwellings.</li> <li>Refer to <b>Section 5.7.1</b> regarding building separation.</li> <li>A safe, clear and direct pedestrian entrance is continued to be provided on Oxford Street to maximise natural surveillance and maintain clear sightlines to the entrance of the building</li> <li>The design of the modified development incorporated CPTED principles.</li> </ul>
<b>4.6.10 Sunlight and Ventilation</b>	<b>Complies</b> <ul style="list-style-type: none"> <li>On 22 June, 70 percent of ILU's receive 2 or more hours of unobstructed sunlight access to at least half of the dwellings principal living room windows and principal private open space area between 8:30am and 3pm. It is noted that while the DCP dictates the sun access calculation be from 9am to 3pm, the proposed calculation has been extended slightly to be calculated from 8:30am to 3pm instead. This minor difference of half an hour is considered acceptable given the orientation of the site.</li> <li>Every habitable room has a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.</li> <li>A window is visible from any point in a habitable room.</li> <li>At least 60 percent of dwellings have dual aspect and natural cross ventilation.</li> </ul>
<b>4.6.11 Housing Choice</b>	<b>Complies</b> Refer to 3.5.12 above.
<b>4.6.12 Vehicle Access and Parking</b>	<b>Complies</b> Refer to 3.5.13 above.
<b>4.6.13 Public Domain and Traffic Management Works</b>	<b>Complies</b> Refer to 3.5.14 above.
<b>4.6.14 Key Development Principles</b>	<b>Complies</b> The proposed modified development will continue to have a minor impact on the setting of the adjacent heritage item due to the change in scale of development. However, this impact on neighbouring items of heritage has already been previously considered during the formulation of the planning controls for the Epping Town Centre and was found to be acceptable. The podium is at three storeys which provides a scale relationship with development across the road.

## Appendix K    Certificate of Registration



# Appendix L SEPP (Industry and Employment) 2021 Signage Assessment

Assessment Criteria	Comments	Compliance
<b>1 Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The revised signage zones and proposed ground floor business identification sign is compatible with the existing and desired character for buildings within the surrounding locality with a focus on the future of the Epping Town Centre.	✓
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No outdoor advertising is proposed or was previously approved on site.	N/A
<b>2 Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The revised signage zone sizes on the northern and eastern elevations are compatible with the modified development's scale and facade design. Furthermore, the installation of the proposed 'Uniting' business identification sign is consistent with the approved ground floor signage zone. Accordingly, the revised signage will not detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.	✓
<b>3 Views and vistas</b>		
Does the proposal obscure or compromise important views?	The revised top of building signage zones will continue to be integrated with the development's facade design. These zones will not protrude above the development's maximum building height. Therefore, the revised signage will not obscure or compromise important views.	✓
Does the proposal dominate the skyline and reduce the quality of vistas?	As noted, the revised top of building signage zones do not protrude above the development's maximum building height. Therefore, they will not have an ability to dominate the skyline or reduce the quality of any existing vistas.	✓
Does the proposal respect the viewing rights of other advertisers?	The revised signage zones or ground floor signage will not impact other advertisers' viewing rights.	✓
<b>4 Streetscape, setting or landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	While the modification application seeks to increase the size of the top of building signage zones to 13.32m <sup>2</sup> each, these zones continue to occupy a moderate portion of the development's facade near its roof parapet. The revised design allows future top of building signage to be legible whilst still being appropriate in scale, proportion and form for the development's streetscape, setting and landscape. The proposed ground floor signage is contained within the extent of the approved signage zone.	✓
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed top of building signage zones will continue to contribute to the visual interest of the development and streetscape. Importantly, the ground floor sign will aid visitors and residents of the Residential Care Facility and ILUs in identifying the building.	✓
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A – the proposed signage strategy proposes new signage for a new building. It does not intend to rationalise existing advertising.	N/A
Does the proposal screen unsightliness?	The intention of the revised signage zones and proposed ground floor sign is not to screen sightlessness.	✓

Assessment Criteria	Comments	Compliance
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The revised top of building signage zones do not protrude above the building.	✓
Does the proposal require ongoing vegetation management?	The revised signage zones and proposed ground floor sign will not require ongoing vegetation management.	✓
5 Site and Building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The scale and proportion of the revised signage zones are compatible and compliments the surrounding high-density character of the Epping Town Centre.	✓
Does the proposal respect important features of the site or building, or both?	The proposed ground floor 'Uniting' business identification sign is modest in design and sympathetic to the architectural features of the ground floor façade in this location. The top of building signage zones are appropriately located in the top corner of the northern and eastern facades. This location is legible and does not disrupt the design of both facades.	✓
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	N/A – the ground floor 'Uniting' business identification sign is modest in design, reflecting the name and logo of the Uniting branding. It will assist in wayfinding towards the site and help communicate the main entrance into the building. It will not include any innovative tools or technologies to communicate the sign's purpose or function. i	N/A
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The ground floor 'Uniting' business identification sign simply displays the Uniting brand to provide clear building identification and assist with wayfinding	✓
7 Illumination		
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	Any illumination associated with the proposed business identification sign is unlikely to result in unacceptable glare. Nor is it likely that it would impact any standards of safety that would risk pedestrians, vehicles or aircraft movement. The illumination will be regulated by backlit devices and will be able to be adjustable.	✓
Would illumination detract from the amenity of any residence or other form of accommodation?		✓
Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?		✓
8 Safety		
Would the proposal reduce safety for any public road?	The revised signage zones and proposed ground floor sign are positioned to ensure that they will not distract from essential sight lines for road users, pedestrians and cyclists. Instead, they contribute to the building's identification and wayfinding.	✓
Would the proposal reduce safety for pedestrians/cyclists?		✓
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The revised signage zones and proposed ground floor sign are integrated with the development's design and do next protrude to obscure sightlines.	✓

