

COUNCIL ASSESSMENT REPORT

SYDNEY NORTH PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSNH-262 – DA/1024/2021
PROPOSAL	Seniors housing development including: demolition; remediation, site excavation and earthworks; removal of trees and vegetation; construction of 3 x three storey residential flat buildings, 13 single storey detached and semi-detached dwellings, 1x two-storey administrative building and a single storey community building with self-serve cafe (a total of 66 dwellings are proposed); upgrades to the existing road network; carparking; associated infrastructure to support the development; and landscaping
ADDRESS	284 Castle Hill Road, 411-415 Old Northern Road and 417-419 Old Northern Road, Castle Hill (14 Allotments make up the subject site, works is primarily undertaken within Lot 1 DP 654242, Lot 1 DP 177433 and Lot 2005 DP 1088072)
APPLICANT	Mr Joe Baynie - DFP Planning
OWNER	Anglican Community Services
DA LODGEMENT DATE	1 October 2021
APPLICATION TYPE	Development Application, Integrated (Section 138 of <i>Roads Act 1997</i>)
REGIONALLY SIGNIFICANT CRITERIA	Clause 3 Schedule 7 of the SRD SEPP: General development over \$30 million.
CIV	\$ 81,995,000.00
CLAUSE 4.6 REQUESTS	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 – Section 40(4)(b)
KEY SEPP/LEP	<ul style="list-style-type: none"> State Environmental Planning Policy No. 55 Remediation of Land State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Building State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Hornsby Local Environmental Plan 2013

TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	1
DOCUMENTS SUBMITTED FOR CONSIDERATION	As listed in Attachments and Approved Plans in Condition No. 2
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	N/A
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes – response from applicant will be provided to the SNPP prior to determination meeting.
SCHEDULED MEETING DATE	14 September 2022
PLAN VERSION	Various - See Condition 2 for full list of approved documentation
PREPARED BY	Ben Jones, Senior Town Planner - Hornsby Shire Council
DATE OF REPORT	7 September 2022

EXECUTIVE SUMMARY

The proposal seeks consent for a seniors housing development including demolition; site remediation, site excavation and earthworks; removal of trees and vegetation; construction of 3x three storey residential flat buildings, 13 single storey detached and semi-detached dwellings, 1x two-storey administrative building and a single storey community building with self-serve café. A total of 66 dwellings are proposed, which after demolition equates to a net loss of 1 dwelling across the development site.

The site is known as Anglicare Castle Hill which extends over an area of 43.672 hectares and comprises a number of retirement villages across a large campus. Anglicare Castle Hill is bounded by Castle Hill Road, Old Northern Road and David Road at Castle Hill.

Within the confines of the site that is subject of this DA includes Kilvinton Village (south of Tom Thumb Lagoon) and Dorothy Mowll Court (along Barker Drive) with areas of open space, Tom Thumb Lagoon and extensive landscaping.

The site contains remnant vegetation consistent with the Blue Gum High Forest vegetation community. This vegetation is located on the corner of Castle Hill Road and Old Northern Road and scattered throughout the extensive landscaping around Tom Thumb Lagoon.

The site is contaminated, with submitted contamination documentation listing contaminants of concern as being Aldrin + Dieldrin (organochlorine pesticides or OCPs) at a single central area of the site, and asbestos, which was located in areas impacted by historic filling.

A remedial action plan was submitted by the applicant that outlines that the preferred remediation option for asbestos-impacted soils and OCPs is removal to a licenced landfill.

The proposed development is generally compliant with relevant environmental planning instruments, with the exception of Section 40(4)(b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The development proposes the introduction of three storey building elements adjacent to site boundaries, which is non-compliant with the two storey maximum development standard contained within Section 40(4)(b). The applicant submitted a Clause 4.6 written request to vary the development standard which is considered well founded and Council supports the contravention of the development standard in this instance.

The application is recommended for approval as a deferred commencement consent. The reason for the deferred commencement is that the application seeks to relocate a drainage easement from within the road reserve of Castle Hill Road, which currently benefits Transport for New South Wales (TfNSW). TfNSW provided general terms of approval under Section 138 of the *Roads Act 1993* for these works however requested that the applicant provide detailed designs prior to the consent being activated.

Council publicly advertised the proposed development which included directly mailing 191 adjoining neighbours. Only 1 submission was received which is addressed in the body of this report.

1. THE SITE AND LOCALITY

1.1 The Site

Anglicare Castle Hill extends over an area of 43.672 hectares and comprises a number of retirement villages across a large campus. Anglicare Castle Hill is bounded by Castle Hill Road, Old Northern Road and David Road at Castle Hill, encompassing 14 separate land titles and seven different addresses including the following:

- **No. 284 Castle Hill Road** (Lot 1 DP 177433, Lot B DP 410898, Lot 1 DP 654242, Lot 2 DP 309991, Lot D DP 369584, Lot 10 DP 135926, Lot 2005 DP 1088072, Lot 72 DP 1067989, Lot 73 DP 1067989),
- **No. 296 Castle Hill Road** (Lot E DP 369584),
- **No. 300-302 Castle Hill Road** (Lot C DP 369584),
- **No. 304 Castle Hill Road** (Lot A DP 410898),
- **No. 146-200 David Road** (Lot 74 DP 1067989),
- **No. 411-415 Old Northern Road** (Lot 100 DP 1101146), and
- **No. 417-419 Old Northern Road** (Lot 3 DP 1047222)

Part of the site has been used as a retirement village since 1959. The campus supports a range of independent living units plus a range of residential aged care facilities for residents needing low and high care services. The residents in the independent living units at Anglicare Castle Hill are supported by a 24-hour medical clinic, therapy centre, chapel, library, hairdressers, bowling green, kiosks, community halls, hydrotherapy pool, café, leisure centres, gymnasium, workshops and village bus.

There are no SEPP Seniors consents at Nos. 411-415 and 417-419 Old Northern Road, Castle Hill. Rather, in December 2010, Council approved DA/701/2010 for the erection of a 2-3 storey affordable rental housing development comprising 15 units at Nos. 413-415 Old Northern Road. This development did not proceed. Nos. 411-415 Old Northern Road is currently used as a carpark which is accessed via Clarke Road and Nos. 417-419 contains a dwelling house.

The supplied Statement of Environmental Effects prepared by DFP, provides the following figure outlining the extent of the development area, with reference to the “overall site”. It is noted that the figure below considers the overall site to be all allotments that are impacted by the development, which is less than the total area occupied by the wider Anglicare site.



Figure 1: The development site compared to the “overall site” area. Note that the Anglicare village extends to the north east of the blue lined site area.

The portion of the site that would be impacted by the development is equal to 78,159m² as is denoted by the red lined area in Figure 1 above.

The allotments that comprise the “overall site” area include:

- **No. 284 Castle Hill Road** (Lot 1 DP 177433, Lot B DP 410898, Lot 1 DP 654242, Lot 10 DP 135926, Lot 2005 DP 1088072)
- **No. 411-415 Old Northern Road** (Lot 100 DP 1101146), and
- **No. 417-419 Old Northern Road** (Lot 3 DP 1047222)

The impacted site area is generally bounded by Old Northern Road to the west, Castle Hill Road to the south, Western Road to the east (with the exception of the south eastern protrusion which follows the southern side of Barker Drive) and Clarke Drive to the north.

The site slopes away from Castle Hill Road and Old Northern Road towards a dam located in the centre of the site named Tom Thumb Lagoon. Tom Thumb Lagoon drains to the north of the site, which eventually drains to Pyes Creek.

Within the confines of the site that is subject of this DA includes Kilvinton Village (south of Tom Thumb Lagoon) and Dorothy Mowll Court (along Barker Drive) with areas of open space, Tom Thumb Lagoon and extensive landscaping.

The site contains remnant vegetation consistent with the Blue Gum High Forest vegetation community. This vegetation is located on the corner of Castle Hill Road and Old Northern Road and scattered throughout the extensive landscaping around Tom Thumb Lagoon.

The site is burdened by a drainage easement that extends from Castle Hill Road to the southern edge of Kilvinton Village. The easement benefits Transport for New South Wales.

The site is not bushfire prone.

The site is flood prone, generally around the Tom Thumb Lagoon and the drainage path from the lagoon to Pyes Creek off site.

The site is identified as a heritage listed item of local significance as identified in Schedule 5 of the Hornsby Local Environmental Plan 2013. The Item, No. 255 is described as: "Mowll Village group including "Lober House", "Tower House", "Gate House" entry gates, dairy, stables and grounds".

1.2 The Locality

The locality can be defined as two distinct areas, being the area within the Anglicare Castle Hill development and the areas outside of the development.

The Anglicare Castle Hill development site comprises of a mix of detached, multi-unit or town house style development and residential flat buildings. All buildings within the site are dedicated to aged care or the administration of this land use. Generally, higher densities are located towards the centre of the Anglicare site, with townhouses and multi-unit housing of a 1 or 2 storey scale being located around the peripheries of the site. A church building is located in the centre portion of the site.

Beyond the confines of the Anglicare site, to the north and east is extensive low density residential development comprising of large sized, one and two storey dwelling houses on landscaped allotments. To the south of the site is residential development and remnant bushland. To the west is a small commercial centre located on the corner of Castle Hill Road and Old Northern Road, with medium density development being located along Old Northern Road.

The closest commercial centre is Castle Hill which is located approximately 1km to the south west of the Anglicare development.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for a seniors housing development including demolition; site remediation, site excavation and earthworks; removal of trees and vegetation; construction of 3x three storey residential flat buildings, 13 single storey detached and semi-detached dwellings, 1x two-storey administrative building and a single storey community building with self-serve café.

The Statement of Environmental Effects (SEE) provides a detailed explanation of the development in Section 3. A summary of the development as reproduced from section 3.1 of the SEE is provided below:

- Demolition of 67 buildings and dwellings including:
 - Seventeen (17) self-contained dwellings in Hunter Terraces, Kilvinton Village (the remaining 45 self-contained dwellings are retained and intended to be continued to be used as seniors housing).
 - 44 dwellings in Dorothy Mowll Court (a 2 storey donut shaped building) located on the southern side of Barker Drive).

- 6 single dwellings on the southern side of Barker Drive.
- The existing building (former dwelling house) at 417-419 Old Northern Road.
- Two administration buildings located on the western side of Western Road (i.e. Care Information Centre, Property Office)
- Remediation, site excavation and earthworks;
- Removal of trees and vegetation;
- Construction of seniors housing comprising:
 - Three (3) three storey buildings providing 53 apartment style self-contained dwellings comprising 3x 1 bedroom, 30x 2 bedroom and 20x 3 bedroom apartments
 - 13 single storey detached and semi-detached villa style self-contained dwellings;
 - One two-storey administration building; and
 - Single storey café/community building.
- A total of 66 self-contained dwellings (apartments and villas) are proposed which represents a net loss of 1 dwelling after demolition is taken into account;
- Realignment of James Cook Drive;
- Removal of the southern road access to Donnington Court (off Clarke Drive) to accommodate the new administration building. Access to the car park for Donnington Court will be retained at the northern access off Clarke Drive;
- The at grade car parks to the south of Donnington Court Lodge will both be enlarged to provide an additional 17 car parking spaces.
- A total of 107 car parking spaces are proposed comprising basement carparking beneath the apartment buildings, one garage for each villa + one space forward of the garage and carparking spaces adjacent to the administration building.
- Associated infrastructure to support the development including upgrades to stormwater management and new substations.
- Upgrades to landscaping and new pathways around Tom Thumb Lagoon, augmentation of the existing landscaping along Castle Hill Road and Old Northern Road, and creation of new open space accessible links to the broader Anglicare Castle Hill site.

The key development data is provided in **Table 1**.

Table 1: Key Development Data

Control	Proposal
Site area	43.672 hectares (entire Anglicare Site), 25.705 hectares (Allotments involved in proposed development) 7.8159 hectares (Disturbed area)
GFA*	Proposed 10,333m ² Existing 82,362m ²

FSR* (retail/residential)	0.361:1
Clause 4.6 Requests	Yes, S40(4)(b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
No of dwellings	66 dwellings proposed, comprising: <ul style="list-style-type: none"> • 53 “apartment style” self-contained dwellings • 13 “villa style” attached and detached dwellings
Max Height	6.6m Administration Centre 8m Residential Flat Buildings
Landscaped area	71% of the site.
Car Parking spaces	107 – 66 required for residential component.
Setbacks	Minimum 23 metres to frontages, 9.5 metres side setbacks. Setbacks to internal roads generally 9m or greater.

**GFA and FSR are calculated from the area of all allotments involved in the proposed development as defined under Section 1.1.*



Figure 2: Buildings marked in yellow comprise the proposed development. All buildings in grey represent the built improvements on the Anglicare Site.

2.2 Background

The development application was lodged on **1 October 2021**. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
12 October 2021	DA referred to external agencies
19 October 2021	Exhibition of the application
16 December 2021	Request for information from Council to applicant
19 October 2021	Panel Kick Off Briefing
16 November 2021	Design Excellence Panel meeting
1 March 2022	Amended plans lodged detailing the following: <ul style="list-style-type: none">• Architectural and landscape plan amendments to address commentary of Design Excellence Panel.• Amended stormwater detail• Site Audit Statement for contamination issues• Updated contamination reports including detailed site investigation report, additional contamination testing and remedial action plan.
10 March 2022	Sydney Metro provides response to development application including recommended conditions of development consent.
23 March 2022	Panel Assessment Briefing
31 March 2022	TfNSW provides comment under Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 and general terms of approval under Clause 138 of the Roads Act 1993.
20 April 2020	Applicant provides a response to Council requesting that the consent authority consider amending the General Terms of Approval. This response is discussed in the Key Issues section of this report.
6 May 2022	Council requests additional detail from the applicant regarding contamination issues on site. It was considered that the supplied contamination data was insufficient, with borehole sampling not meeting NSW EPA's Sampling Design Guidelines. Further sampling and analysis was recommended.
3 August 2022	Applicant provides amended contamination detail to satisfy Council's 6 May request.

2.3 Site History

Applications of relevance to this development include:

- On 20 December 2020, Development application DA/315/2019 for the Demolition of Existing Structures and Construction of Seniors Housing incorporating a 92 Bed Residential Care Facility, 156 Independent Living Units, and ancillary works and facilities including office, café,

earthworks and landscaping was refused. Reasons for refusal for this application included non-compliance with Roads and Maritime Service requirements for Old Northern Road, as well as non-compliance with height of buildings development standards under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

- On 20 August 2021 DA/648/2021 was approved for the demolition of Kilvinton Village and associated structures. The Kilvinton Village is centrally located within the development site and comprises single level terrace housing.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c) *the suitability of the site for the development,*
- d) *any submissions made in accordance with this Act or the regulations,*
- e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be:

- Integrated Development (s4.46) (Section 138 of the *Roads Act 1993*)
- Requiring concurrence/referral (s4.13) (Section 86 and Section 104 State Environmental Planning Policy (Infrastructure) 2007)

These matters are further considered below.

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- State Environmental Planning Policy No. 55 Remediation of Land
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Building
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Hornsby Local Environmental Plan 2013

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable State Environmental Planning Policies
(Preconditions in **bold**)

EPI	Matters for Consideration	Comply (Y/N)
SRD SEPP	<ul style="list-style-type: none"> Section 20(1) declares the proposal as regionally significant development pursuant to Section 2 of Schedule 7. The senior's housing development does not meet the criteria for State Significant Development under Section 28 of Schedule 1 (no RACF proposed). 	Y
SEPP 65	<ul style="list-style-type: none"> Section 30(2) - Design Quality Principles and relevant design criteria of the ADG- The proposal is consistent with the design Quality Principles outlined in Schedule 1 of the SEPP. An Urban Design Report Accompanies the development application. The proposal is generally consistent with the relevant requirements of the ADG. 	Y
SEPP 55	<ul style="list-style-type: none"> Section 7 – Contamination Reports have been submitted, as well as a Remedial Action Plan and an independent Site Audit Report has been completed that concludes that the site can be made suitable subject to implementation of the RAP and site audit conditions. Council's environmental protection team have reviewed the documentation and consider that the application can be supported subject to conditions of development consent. 	Y
Infrastructure SEPP	<ul style="list-style-type: none"> Section 86 - Excavation in, above, below or adjacent to rail corridors – No issues identified by Sydney Metro. Conditions of development consent provided. Section 87 - Impact of rail noise or vibration on non-rail development. The metro line is at a depth of over 30 metres from the existing ground level. No noise impacts are expected from the ordinary operation of the metro. Vibration is expected to be negligible. Section 101 Development with frontage to classified road – Transport for NSW have reviewed the application and provided recommended conditions of development consent. Section 102(2) Impact of road noise or vibration on non-road development – The application was accompanied by an acoustic report which demonstrated compliance was possible. Section 104(3) - Traffic-generating development - Transport for NSW have reviewed the application and provided recommended conditions of development consent 	Y
Seniors Housing SEPP	<ul style="list-style-type: none"> Part 3 Design Requirements – The application is generally consistent with the design requirements, with reference to the site and its context. Part 4 Development Standards - Application does not comply with Section 40(4)(b). A Clause 4.6 variation request has been submitted which is discussed in more detail in Part 3.1 of this report. Part 7 Development standards that cannot be used as grounds to refuse consent – No concerns with regard to 	N

	the requirements of Section 50.	
BASIX SEPP	BASIX certificates supplied for both residential flat buildings and villas. No compliance issues identified subject to imposition of conditions on any consent granted.	Y
Vegetation SEPP	Vegetation removal is proposed, with 55 trees to be removed to facilitate the development. 139 trees representative of the Blue Gum High Forest community and 172 other native trees (a total of 311 native trees) would be planted on site.	Y

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 20(1) of SRD SEPP, the proposal is a regionally significant development as it satisfies the criteria in Section 2 of Schedule 7 of the SRD SEPP as the proposal is development that has a CIV over \$30 million.

The application does not meet the criteria for state significant development under Section 28 of Schedule 1 as no RACF is proposed under this application. All proposed units are independent living units.

Accordingly, the Sydney North Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

State Environmental Planning Policy No. 55 Remediation of Land

The provisions of State Environmental Planning Policy 55 Remediation of Land (SEPP 55) have been considered in the assessment of the development application. Clause 7(1) of SEPP 55 requires consent authorities to consider whether the land is contaminated, and if the land is 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.

The applicant undertook a number of studies into on-site contamination, including:

1. Sampling and Analysis Quality Plan for Proposed Detailed Site Investigation (Contamination), prepared by Douglas Partners Pty Ltd, dated 29 July 2022, reference 86630.03.R.006.Rev1
2. Site Management Plan, prepared by Douglas Partners Pty Ltd, dated 29 July 2022, reference 86630.03.R.009.Rev1
3. Remediation Construction Traffic Management Plan Rev A, prepared by Stantec, dated 11 July 2022, reference 301401185
4. Remediation Action Plan, prepared by Douglas Partners Pty Ltd, dated 29 July 2022, reference 86630.03.R.004.Rev6.Remediation Action Plan
5. EPA Auditor Interim Advice 04, prepared by Geosyntec Consultants Pty Ltd, dated 1 August 2022, reference 122004 IA4 1Aug22
6. Detailed Site Investigation (Contamination), prepared by Douglas Partners Pty Ltd, dated 29 July 2022, reference 86630.03.R.007.Rev1

7. Asbestos Management Plan, prepared by Douglas Partners, dated 29 July 2022, reference 86630.03.R.008.Rev1
8. RFI Contamination Letter, prepared by DFP Planning Pty Ltd, dated 3 August 2022, reference 9890D.5DK_RFI#4_Contamination

The documents above outline that the site contains contamination comprising asbestos and organochlorine pesticides (OCPs) being detected in site soils. Locations in which contamination were encountered are shown on Figure 3 below.



Figure 3: Soil samples containing asbestos (red lettering) and organochloride pesticides (orange lettering) in relation site area.

The detailed site investigation, prepared by Douglas Partners summarises the extent of contamination identified as follows:

Based on the findings of this investigation, it is considered that the majority of the samples were within the SAC with the exception of the following where remediation is required in order to make the site suitable for the proposed development. This includes soil remediation of:

- OCP as aldrin and dieldrin identified in fill at (previous) BH12;
- Asbestos identified in fill at (previous) test pits TP4 and TP6 (Geotechnique, 2010);
- Asbestos identified in fill at (previous) boreholes BH101, BH106 and BH109;
- Asbestos identified in fill at test pits TP201, TP205, TP207, TP226; and

- *Asbestos identified in fill at boreholes BH304, BH311, BH315, BH317 and BH318.*

It noted that the remediation may not be limited to the above-listed locations given that the observed fill at the site is heterogeneous / variable in nature and therefore may contain (unknown) contamination between sampling points that is revealed during site redevelopment works.

A remediation action plan (RAP) was developed in order to make the site suitable for the proposed development. The preferred remediation strategy outlined in the RAP is as follows:

Based on the current information, the contaminants of concern are Aldrin + Dieldrin (OCPs) at the location of BH12 and asbestos at locations TP4, TP6, BH101, BH106, BH109, TP201, TP205, TP207, TP226, BH304, BH311, BH315, BH317 and BH318. The OCPs are persistent and would best be dealt with by removal to a licenced landfill, incorporating pre-treatment at a suitable facility if it is required following confirmatory waste classification testing. The remediation strategy for OCP described below has been developed on this basis.

The preferred remediation option for asbestos-impacted soils is removal to a licenced landfill.

The rationale for adopting the preferred remedial strategy is that for the relatively small volume of waste soil affected by Aldrin + Dieldrin and asbestos disposal to landfill would remove the risk to future site users and be economically acceptable.

Council's review of the supplied documentation listed above identifies that sufficient detail has been provided to identify the extent of contamination on site, and to create a sufficient remedial action plan to rehabilitate the site and make it fit for purpose.

The proposal is considered to be consistent with SEPP 55, subject to imposition of relevant conditions of consent in relation to remediation works to be undertaken prior to and during construction on any consent granted.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) applies to the proposal with Section 86, 87, 101 102 and 104 being applicable to the development. The application was referred to TfNSW and Sydney Metro for comment. Both agencies provided conditions of concurrence.

As outlined within the compliance table located in Appendix 3 of this report, the proposed development is considered to be acceptable, with respect to the matters of consideration outlined in the SEPP. Conditions are recommended to be applied to ensure compliance with the relevant matters of consideration.

State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Building

State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development (SEPP 65) provides the planning controls for the design of residential apartment buildings. The three storey buildings B8, B9a and B9b satisfy the definition of a residential flat building as they comprise development that is at least 3 storeys and will provide more than 4 self-contained dwellings.

The application was accompanied by a design statement, prepared by Jackson Teece architects that stated:

We confirm that the development has been designed by Jackson Teece and that the intent of the design quality principles as set out in Part 2 of the SEPP No.65 - Design Quality of Residential Apartment Development has been achieved for this development

An assessment of the SEPP 65 numerical controls applicable to the development is provided at Appendix 3 of this report.

As outlined in the compliance tables contained within Appendix 3 the proposed residential flat buildings are compliant with the relevant numerical requirements of the Apartment Design Guide and are consistent with the Design Quality Principles contained within Schedule 1 of the SEPP.

Section 28 - Determination of development applications

Section 28 of the SEPP provides that a consent authority is to send a development application to the relevant design review panel for comment, and the commentary of the Panel is to be considered in determining the development application.

The application was referred to the Hornsby Council Design Excellence Panel (DEP) for review. The DEP provided commentary as follows:

The Panel commends the applicant and their consultant team on the legibility and overall design quality of the submission. It also acknowledges the work that has taken place, between the applicant and Council, to refine the scheme from its first beginnings. The Panel believes that this process has yielded a positive result.

The Panel provided a number of design recommendations that the applicant considered, with amended plans being prepared where the recommendations of the Panel could be incorporated into the design.

The commentary of the DEP is attached to the end of this document for review, and the amended plans prepared by the applicant in response to the comments of the Panel are recommend for approval.

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

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

It is noted that on the 26 November 2021, State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 was repealed and relevant provisions were transferred into State Environmental Planning Policy (Housing) 2021. However, Schedule 7A applied savings provisions stating that the Housing SEPP did not apply to a development application made, but not yet determined on or before the commencement date. As a consequence, the relevant requirements of SEPP Seniors continue to apply to this development application.

For the purposes of assessment against SEPP Seniors, the proposed development is defined as a 'Self-contained dwelling'. The assessment of the proposal in accordance with the relevant requirements of SEPP Seniors is provided in Appendix 3 of this document.

As outlined in Appendix 3, the proposed development is compliant with the matters for consideration outlined in SEPP Seniors, with the exception of Section 40(4)(b). The development would include 3 storey building elements adjacent to the side boundaries of the site, which contravenes the development standard.

This matter is discussed in further detail in Section 3.1 of this report.

With the exception of Section 40(4)(b), the development would be compliant with the relevant requirements of SEPP Seniors and is considered acceptable.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP) applies to the proposal. The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

The application is accompanied by BASIX Certificates for both the residential flat building components and the villas. The Certificates demonstrate the proposed development satisfies the relevant water, thermal and energy commitments as required by the BASIX SEPP. The proposal is consistent with the BASIX SEPP subject to the recommended conditions of consent.

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

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

Part 3 of the Vegetation SEPP states that a development control plan may make a declaration in any manner relating to species, size, location and presence of vegetation. Accordingly, Part 1B.6.1 of the Hornsby Development Control Plan 2013 (HDCP) prescribes works that can be undertaken with or without consent to trees.

Section 3.6 of this report provides an assessment in accordance with Part 1B.6.1 of the HDCP.

Sydney Regional Environmental Policy No. 20 Hawkesbury-Nepean River

The site is located within the catchment of the Hawkesbury Nepean River. Part 2 of this Plan contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, recreation and tourism.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the proposal would comply with the requirement of the Policy.

Hornsby Local Environmental Plan 2013

The relevant local environmental plan applying to the site is the Hornsby Local Environmental Plan 2013 ('the LEP'). The aims of the LEP are listed in Part 1.2.

The proposed development is not considered to be inconsistent with the aims of the LEP.

Zoning and Permissibility (Part 2)

The subject land is zoned R2 Low Density Residential under the LEP. The objectives of the R2 zone are:

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

Seniors housing is prohibited under the LEP in the R2 Low density residential zone. Notwithstanding, the subject site meets the criteria specified in Clause 4 of SEPP Seniors where land is zoned for urban purposes and where residential development is permitted. This includes Nos. 411-415 and 417-419 Old Northern Road, Castle Hill, which have previously not had seniors housing developments approved on these allotments. The provisions of SEPP Seniors prevail to the extent of any inconsistency with the LEP.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	N/A no subdivision proposed	N/A	N/A
Height of buildings (CI 4.3(2))	N/A - building height development standards prescribed in Clause 40 of SEPP Seniors. Pursuant to Clause 5 of SEPP Seniors, the provisions of SEPP Seniors prevail to the extent of any inconsistency with the HELP. Consequently, the HLEP Height of Buildings Development Standard does not apply.	N/A	N/A
FSR (CI 4.4(2))	No FSR for site	N/A	N/A
Land acquisition (CI 5.1/5.1A)	N/A	N/A	N/A
Heritage (CI 5.10)	The property is listed as a heritage item ("Mowll Village group including "Lober House", "Tower House", "Gate House" entry gates, dairy, stables and grounds") of Local significance Schedule 5 (Environmental heritage) of the HLEP.	Council's Heritage Assessment raises no objections to the proposed development. Proposed demolition does not include any listed items and proposed construction would have negligible impact on	Yes

		continued heritage significance or settings of the listed items	
Earthworks (CI 6.2)	Ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The development proposes extensive earthworks along the site including the creation of basement areas, an amphitheatre, road works and works related to remediation of contaminated lands. As outlined in Appendix 3 the matters for consideration listed under Section 6.2(3) are adequately addressed by the applicant's submitted information. Appropriate conditions have been recommended in Schedule 1 of this report.	Yes
Acid sulphate soils (CI 6.1)	N/A	N/A	N/A
Flood planning (CI 6.3)	Development must be compatible with the flood hazard of the land.	Site not identified as a flood control lot. Local flood impacts identified around existing Tom Thumb Lagoon and drainage channel to the north. Proposed dwellings are not located within the area of the site impacted by overland flows.	Yes
Design Excellence (CI 6.8)	Did not apply at time of lodgement design considerations assessed in Section 3.1 of this report.	N/A	N/A

The proposal is considered to be generally consistent with the LEP as outlined above.

Clause 4.6 Request

The development application does not comply with Section 40(4)(b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The development standard states the following:

- 4) *Height in zones where residential flat buildings are not permitted*** *If the development is proposed in a residential zone where residential flat buildings are not permitted—*
- (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and*

Note—

The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

The written request to contravene the development standard prepared by DFP Planning Consultants, describes the extent of the contravention as follows:

For the purposes of clause 40(4)(b) the 'boundary of the site' is taken to apply to the boundary of the land to which the development application applies, as delineated by cadastral boundaries (whether that is a boundary to Old Northern Road and Castle Hill Road, or to another lot forming part of the existing Anglicare Village). The boundary of the site (red line) relative to the proposed development is shown in Figure 1 and extends beyond the red line shown in the diagram. Figure 1 also illustrates the location of the three buildings that depart from the 2 storey building height development standard.

The departures from the two storey height control are:

- *Building 8 (Apartment) = 3 storeys*
- *Building 9A (Apartment) = 3 storeys; and*
- *Building 9B (Apartment) = 3 storeys.*

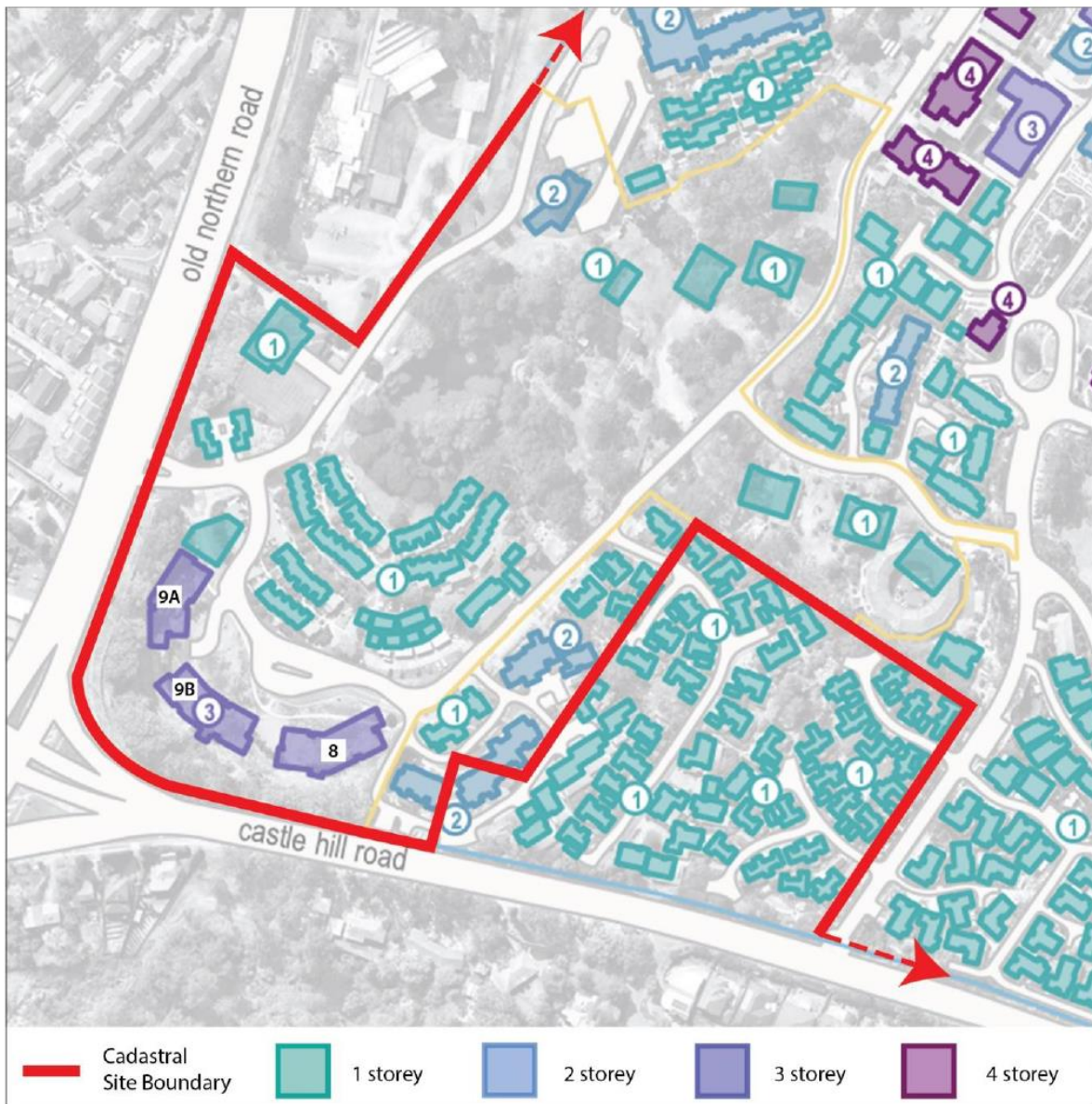


Figure 4: "Figure 1" extract from Clause 4.6 request showing offending buildings 8, 9A and 9B in purple at the bottom left of the image. Site boundary is shown in red. Buildings are setback at 17m or greater to the site boundaries.

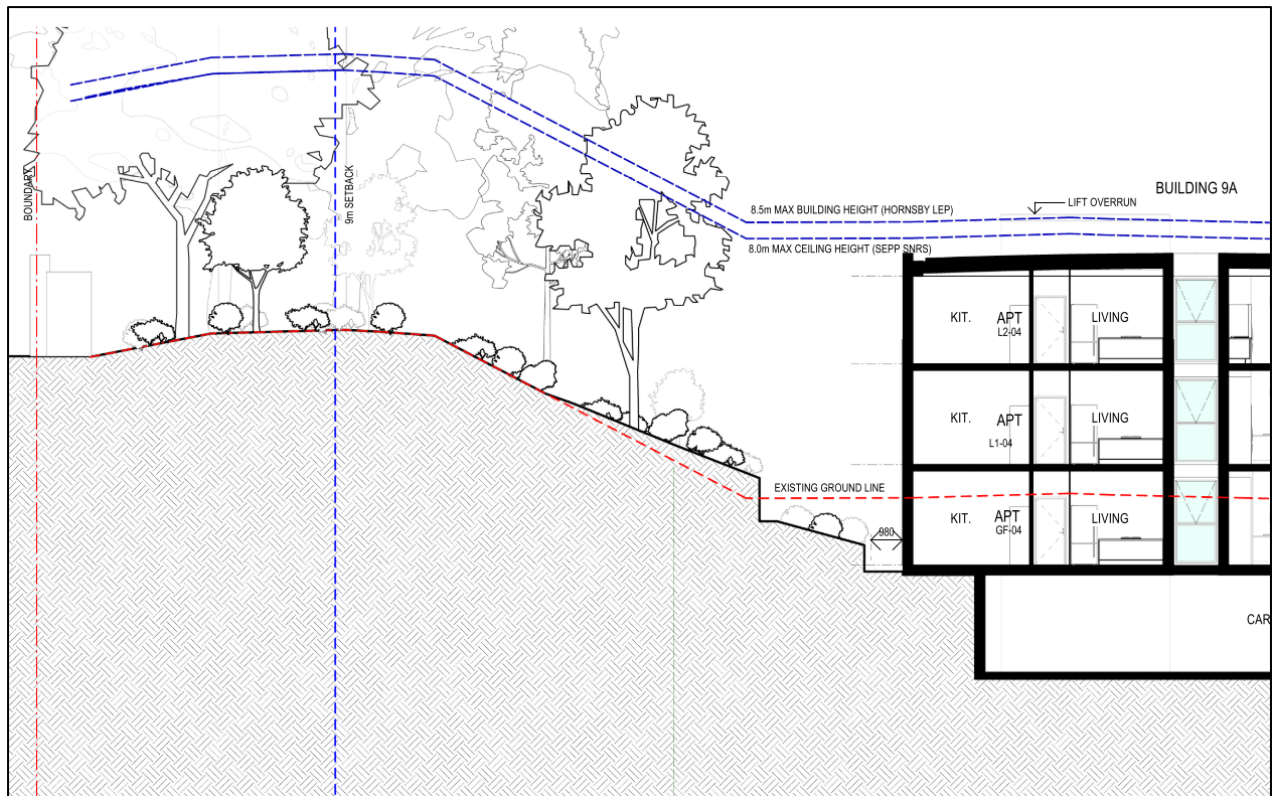


Figure 5: Typical section showing three storey building B9A adjacent to boundary (left of image). Note topography between building location and boundary. Section Plan shows 26m setback from boundary.

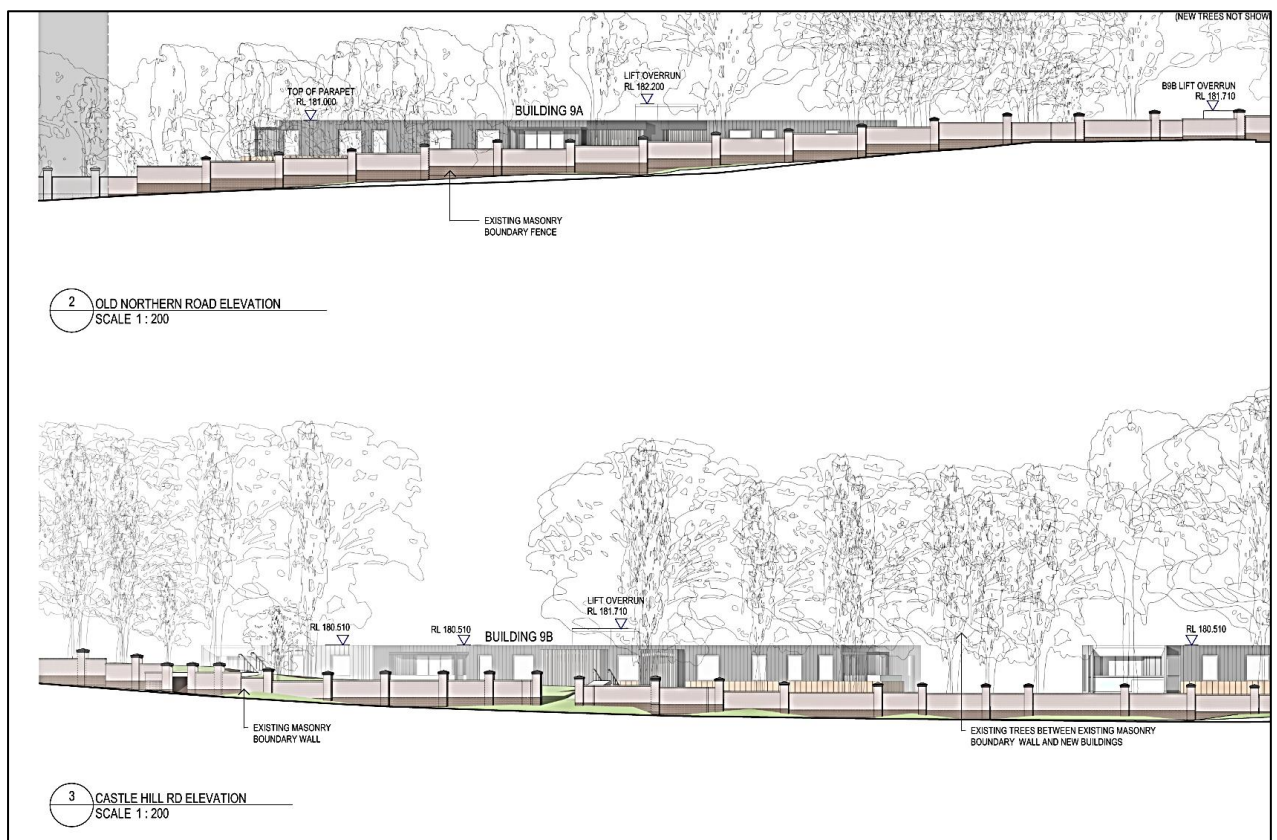


Figure 6: Elevations as viewed from Castle Hill Road and Old Northern Road of buildings 9A and 9B

The application has been assessed against the requirements of Clause 4.6 of the LEP. This clause provides flexibility in the application of the development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tender to hinder the attainment of the objectives of the zone. In particular, Clause 4.6 provides criteria that must be satisfied prior to a consent authority granting consent to development that contravenes a development standard. These criteria demonstrated under Clause 4.6(3) are as follows:

- (a) *That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *That there are sufficient environmental planning grounds to justify contravening the development standard.*

A discussion regarding the criteria provided at Clause 4.6(3), with respect to the development application is provided below.

Unreasonable or Unnecessary Clause 4.6(3)(a)

There are five common methods by which an applicant can demonstrate that compliance with a development standard is unreasonable or unnecessary in the circumstances of the development. Initially proposed for objections under clause 6 of SEPP 1 in the decision of *Wehbe v Pittwater Council* [2007] NSWLEC 827 Pearson C summarised and applied these methods to written requests made under Clause 4.6 in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 [61-62]. These five methods are generally as follows:

- The objectives of the development standard are achieved notwithstanding non-compliance with the standard.
- The underlying objective or purpose is not relevant to the development.
- That the objective would be defeated or thwarted if compliance was required.
- That the development standard has been virtually abandoned or destroyed by the Council's own actions in departing from the standard.
- The zoning of the land is unreasonable or inappropriate.

It is not required to demonstrate that a development meets multiple methods as listed above, and the satisfaction of one can be adequate to demonstrate that the development standard is unreasonable or unnecessary.

The written request prepared by DFP Planning Consultants adequately demonstrates that the objectives of the development standards are achieved notwithstanding non-compliance with the standard. Section 40(4)(b) helpfully provides a note which outlines the objective of the development standard, being *"The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape."*

In demonstrating that the purpose or objective of the development standard has been achieved, the written request to vary the standard notes the following:

- *Buildings 8, 9A and 9B have an apparent height of 1 to 2 storeys when viewed from the public domain of Old Northern Road and Castle Hill Road.*

- *The 'visible' height appears consistent with the height of development in the R2 zone (on the opposite side of Castle Hill Road) and the medium density residential development on the opposite side of Old Northern Road.*
- *Setbacks of the three buildings to Old Northern Road and Castle Hill Road are between 23m to 34m. Therefore, they are substantially separated from the roads and development beyond, and as such will not impact on visual or acoustic amenity, privacy or solar access of surrounding development or the public domain.*
- *The retention of vegetation and the masonry wall along the Old Northern Road and Castle Hill Road frontages together with additional landscaping will substantially obscure the proposed development when viewed from the public domain.*

Council's assessment of the proposal concurs with the statements provided by DFP planning and notes the significant role that the existing topography plays in reducing overall perceived bulk. Consequently, it is considered that the written request to contravene the height of buildings development standard adequately demonstrates that the objectives of the development standard are achieved, notwithstanding contravention of the development standard.

Environmental Planning Grounds - Clause 4.6(3)(b)

In addition to demonstrating that compliance is unreasonable or unnecessary, Clause 4.6(3)(b) requires that there are sufficient environmental planning grounds to justify contravening the development standard. In demonstrating that sufficient environmental planning grounds exist it must be demonstrated that the planning grounds are particular to the circumstances of the development on the subject site (summarised from *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 [60]).

The applicant provided detailed planning grounds for the contravention of the development standard which can be summarised as:

- The development is consistent with the character of the Anglicare site.
- Condensing building footprints assists in minimising vegetation impacts on the site and reduces site coverage.
- The proposed scale is appropriate for the site and its surroundings.
- The development is quality and designed to reduce amenity impacts and comply with relevant requirements of the ADG and the Seniors Housing SEPP.

Council's review of the environmental planning grounds presented by the applicant raises no points of contention, and it is considered that the consolidation of the building footprint to be a reasonable built environment outcome, both within the subject site, and to the adjoining industrial development. Further, Council notes the lack of negative environmental planning outcomes resulting from the non-compliance with Section 40(4)(b), both to the existing independent living units on site and existing built form to the west and south of the site. Council considers that the proposal demonstrates that the design has sufficient environmental planning merit and regard to the constraints of the site.

Council is therefore satisfied that Clause 4.6(3) of the LEP is adequately addressed.

Public Interest and Clause 4.6(4)

Clause 4.6(4) states that development consent must not be granted for development that contravenes a development standard unless:

- (a) *The consent authority is satisfied that:*
 - (i) *The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *The concurrence of the Planning Secretary has been obtained.*

With regard to part (a)(i), the written request is considered to adequately address the matters required to be demonstrated as outlined above.

With regard to part (a)(ii), the proposed development is considered to be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

With regard to (b), on 21 February 2018, the Secretary of the Department of Planning and Environment issued a Notice under cl. 64 of the Environmental Planning and Assessment Regulation 2000. The Secretary's concurrence may not be assumed by a delegate of council if:

- The development contravenes a numerical standard by greater than 10%.
- The variation is to a non-numerical standard.

Planning Panels constituted under the EP&A Act exercise consent authority functions on behalf of a Council and are not delegates of Council. Therefore, Planning Panels may determine a development application notwithstanding, a numerical non-compliance in excess of 10%.

Therefore, the exceedance of the height of buildings development standard is supported in this instance.

3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

On 1 March 2022, the following State Environmental Planning Policies (SEPPS) were gazetted.

- State Environmental Planning Policy (Primary Production) 2021
- State Environmental Planning Policy (Resources and Energy) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021

These SEPPs now form matters for consideration under Section 4.15 of the *EP&A Act*. However general savings provisions apply to development applications that have been made but not yet determined, on or before the commencement date as confirmed in the NSW Government Planning Circular PS21-007 which provided the following;

Savings and Transitions Arrangements

The savings and transitional provisions in the SEPPs being repealed will not be transferred to the new consolidated SEPPs because all savings and transitional provisions continue to have effect despite their repeal pursuant to sections 5(6) and 30(2)(d) of the Interpretation Act 1987.

As this development application was lodged on 1 October 2021, this development application is considered to have been made prior to the commencement date of the SEPPs. The existing legislation in force at time of lodgement of the development application, prevails to the extent of any inconsistency.

Notwithstanding, the approval of the development application would not adversely affect the objectives of the newly adopted SEPPs.

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Hornsby Development Control Plan 2013 ('the DCP')*

The DCP applies to all land within Hornsby Shire and came into effect on 11 October 2013. As discussed in Section 2.1 of this report, Seniors Housing is prohibited within the R2 zone pursuant to LEP and therefore the built form controls within Part 3 of the DCP are not applicable. However, the relevant general provisions within Part 1 of the DCP are applicable to the development. This includes provisions relating to stormwater management, waste management, tree and vegetation protection, biodiversity and earthworks. These matters are considered throughout this report.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Hornsby Shire Council S7.11 Development Contributions Plan 2020-2030*

Hornsby Shire Council Section 7.11 Contributions Plan 2020-2030 applies to development that involves additional residential dwellings. However, as the application is made by a social housing provider, a contribution is unable to be levied in accordance with the Ministerial Directions.

3.4 Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Clause 92(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, comprising the following:

- If demolition of a building proposed - provisions of AS2601;

These provisions have been considered and addressed in the draft conditions (where necessary).

3.6 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting - As outlined in Appendix 3 of this report, the proposed seniors housing development is considered to appropriately respond to its context and setting and represents a development that is appropriate for the constraints of the site and the surrounding built environment.
- Access and traffic - The proposed development would not detrimentally impact on traffic around or through the site, as detailed in the supplied Traffic Impact Assessment prepared by Stantec. The development represents a net loss of 1 independent living unit. Access to the site has not been modified by the proposed development.
- Public Domain - The proposed development would have negligible impact on the public domain surrounding the site, despite its non-compliance with the height of buildings development standard contained within SEPP Seniors. With respect to the internal area of the site, whilst it is noted that the village is not “public” land, access into the site is not restricted. The proposed development would be compatible with the existing internal built environment and would contribute positively to streetscape character. The proposed modifications to open space areas would assist in creating more useable spaces for residents, as well as increase canopy cover across the site.
- Utilities - The proposed development would require the relocation of an existing stormwater drainage easement from Castle Hill Road to Tom Thumb Lagoon. This relocation is discussed in further detail in the Key Issues section of this report. No other public utilities would be impacted by the development. There is sufficient space on site for the augmentation of required utilities, such as electricity substations, stormwater devices, sewer and water requirements.
- Heritage - As discussed in Table 4 of this report, the proposed development would not impact on the continued conservation of heritage items on site, their interpretation, settings or views.
- Water/air/soils impacts - Contamination of soils is discussed in the body of this report.

With respect to air quality impacts, it is noted that the Air Quality Report, prepared by SLR to support the proposal concludes that with respect to pollution impacts from Castle Hill and Old Northern Roads, air quality at the development site is expected to be similar to that experienced by any other residential receptors in the area, due primarily from the setback distances provided to roadways.

With respect to groundwater, it is noted that the bore holes undertaken in conjunction with the detailed site investigation prepared by Douglas Partners did not identify any ground water seepage in any of the bore hole locations.

- Flora and fauna impacts - The proposed development would remove 55 trees however 188 trees would be replaced on site. In addition to the 188 trees, further exotic trees would be

planted on the subject site, as well as extensive shrubbery and ground covers. 15% of the existing tree canopy would be impacted however 317 trees or 85% of trees on the development site would be retained.

The proposed tree removal and replanting is not objected to by Council's Tree Management and Natural Resources Teams, as the replanting of species is primarily concerned with replacement species to offset impacts on remnant Blue Gum High Forest on site as well as provide for amenity trees and vegetation to integrate the built form on site.

- Natural environment - The proposed development has been sited to have a minimal impact on the environment, with the bulk of buildings proposed to be located in a clear and level section of the site. Earthworks are limited to what is required to establish the site and remove contamination. Extensive landform modification is avoided, and existing drainage lines are preserved.
- Noise and vibration - Noise and vibration associated with construction impacts are expected and can be mitigated via the imposition of appropriate conditions of development consent. As discussed elsewhere in this report noise and vibration impacts to proposed dwellings have been considered and appropriate conditions are recommended to be applied to the development.
- Natural hazards - The site is flood prone, around the Tom Thumb Lagoon and spillway. No development is proposed in these areas and no alteration of the Lagoon or flood way is proposed.
- Safety, security and crime prevention - As outlined in Appendix 3 of this report, CPTED Principles have been considered into the design and no concerns are raised.
- Social impact - The proposed development would have a positive social impact by providing housing for seniors in a configuration that meets the current market demands and trends, A number of differing housing option is available including free standing dwellings, 1, 2 and 3 bedroom units.
- Economic impact - The proposed development would have a positive economic impact by providing employment opportunities during construction as well as operation. The proposal also increases desirable seniors housing stock which may assist in freeing up large-scale free-standing homes in the area for re-use by families. Addition of further population in a well serviced area is also a positive economic factor.
- Site design and internal design - As detailed in this report and the detailed assessment provided in Appendix 3, the proposed development is suitable for the constraints of the site and is of an appropriate internal design.
- Construction - Construction impacts can be adequately controlled via the imposition of conditions recommended at the end of this report. Due to the scale of the construction proposed a full construction and traffic management plan (CTMP) is required. The applicant has provided an initial CTMP which has been assessed by Council. No objections are raised to the initial CTMP document.
- Cumulative impacts - The proposed development would not result in any cumulative impacts. The development represents a net loss of 1 independent living unit across the site.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.7 Section 4.15(1)(c) - Suitability of the site

The site is considered suitable for the proposed development as outlined in the body of this report and as assessed in Appendix 3.

3.8 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 5 of this report.

3.9 Section 4.15(1)(e) - Public interest

The proposal is considered to be in the public interest as it would create modern seniors housing stock to cater for market demand in a manner that has minimal impacts on the surrounding built environment, including onsite residential living units. It is considered to be in the public interest to permit the construction of seniors housing development that is consistent with planning controls, or where variations are required, where those variations do not permit the generation of unacceptable impacts on the existing built or natural environments.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for concurrence/referral as required by the EP&A Act and outlined below in Table 5.

The outstanding issues raised by Agencies are considered in the Key Issues section of this report unless discussed below.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Environment Agency Head (Environment, Energy & Science Group within DPIE)	S7.12(2) - <i>Biodiversity Conservation Act 2016</i>	No referral required - supplied Flora and Fauna Assessment report prepared by ecoplanning concludes that: <i>Impacts to threatened species and ecological communities including BGHF, Grey-headed Flying-fox, Powerful Owl and threatened microbats have been assessed against relevant assessments of significance, including relevant guidelines. These assessments concluded that the potential impacts would not be significant. No referral to the Commonwealth DoE is required for the proposed development. Additionally, the proposed development does not</i>	N/A

		<i>trigger the biodiversity offset scheme under the BC Act or the requirement for a Koala plan of management under SEPP 44. Replacement planting of 139 locally native canopy species forms part of the landscaping plan for the proposed development to mitigate the impacts of the proposed development.</i>	
Rail authority for the rail corridor	CI 86(3) - State Environmental Planning Policy (Infrastructure) 2007	<p>Application referred to Sydney Metro for comment. On 10 March 2022 Sydney Metro responded that:</p> <p><i>On the basis of the information contained in the DA documents, Sydney Metro has determined that no concurrence role is triggered in respect of the Metro North West Line rail corridor by the DA under clause 2.98 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, because the proposed development does not involve excavation in excess of 2 metres below ground level.</i></p> <p><i>Notwithstanding the above, if the consent authority determines to grant consent to the DA, Sydney Metro requests that the recommended conditions in Attachment A be imposed on the development consent.</i></p> <p>Conditions recommended by Sydney Metro are recommended conditions of consent attached to this report.</p>	Yes
Referral/Consultation Agencies			
RFS	S4.14 - EP&A Act Development on bushfire prone land	Not bushfire prone	N/A
Electricity supply authority	CI 45 - Infrastructure SEPP Development near electrical infrastructure	Clause not triggered	N/A
Rail authority	CI 85 - Infrastructure SEPP Development land that is in or adjacent to a rail corridor.	Clause not triggered	N/A
Transport for NSW	CI 104 - Infrastructure SEPP Development that is deemed to be traffic generating development in Schedule 3.	<p>Referred to TfNSW as traffic generating development as >50 car parking spaces are proposed, and site has direct connection to classified road.</p> <p>TfNSW did not object under CI 104 and provided conditions of</p>	Yes

		development consent that are recommended in the conditions attached to this report.	
TfNSW	CI 18 - SEPP 64 Advertisement within 250m of classified road any part of which is visible from the classified road and subject to CI 17.	No advertisements proposed	N/A
Design Review Panel	CI 28(2)(a) - SEPP 65 Advice of the Design Review Panel ('DRP')	As discussed in this report. The application was referred to Council's design excellence panel who provided design considerations for the applicant. The applicant supplied amended plans in response to the advice of the panel and these plans are deemed to be sufficient.	Yes
Integrated Development (S 4.46 of the EP&A Act)			
RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	Not bushfire prone	N/A
NRAR	S89-91 - <i>Water Management Act 2000</i> water use approval, water management work approval or activity approval under Part 3 of Chapter 3	No Activity approval required. Tom Thumb Lagoon and spillway are not mapped water courses.	N/A
TfNSW	S138 - <i>Roads Act 1993</i>	TfNSW assessed the application and provided concurrence as a deferred commencement condition. The applicant disputes the condition which is discussed in the Key Issues section of this report.	Yes – Subject to deferred commencement condition

4.2 Council Referrals (internal)

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Development Engineer reviewed the submitted stormwater concept plan and considered that there were no objections subject to conditions.	Yes

Traffic	Council's Traffic Engineering Officer reviewed the proposal and raised no concerns in relation to traffic generation and car parking, subject to conditions.	Yes
Building Certifications	No objections subject to conditions of development consent.	Yes
Environmental Compliance	As detailed in the body of this report, no objections are raised by Council's environmental compliance team in relation to on-site contamination of construction impacts subject to conditions.	Yes
Waste	Council's waste management team reviewed the proposed waste management arrangements and raised no concerns subject to conditions	Yes
Heritage	Council's Heritage Officer reviewed the proposed development and raised no objections subject to conditions.	Yes
Natural Resources	Council's arborists and environmental scientists reviewed the proposed and raised no objections to the development subject to conditions.	Yes

4.3 Community Consultation

The proposal was notified in accordance with Council's Community Participation Plan from 6 October 2021 until 2 November 2021. The notification included the following:

- A sign placed on the site;
- Notification letters sent to adjoining and adjacent properties (191 letters sent);
- Notification on the Council's website.

The Council received a total of one unique submission, comprising an objection. The issues raised in these submissions are considered in **Table 7**.

Table 7: Community Submissions

Issue	No of submissions	Council Comments
Privacy Impacts to properties in Ollie Place Castle Hill The submission raised concern the development will impact on privacy of dwellings on Ollie Place.	1	The building closest to dwellings in Ollie Place would be the administration building B19. This building would be located over 175 metres from the adjoining dwellings on Ollie Place. Between the Administration Building and Ollie Place are numerous existing aged care buildings. No privacy impacts are expected to any adjoining residential development.
Emissions Reduction The submission raised concerns that the construction work would release greenhouse emissions	1	The environmental impact of the development in regard to emission generation is not considered to be any worse than that of any other construction site. Some mitigating factors include the colocation of seniors housing in a location that is already well serviced thus reducing travel requirements to access services, the comparatively small number of trees required to be removed to facilitate the

		development, replanting of trees on site at over 3:1 ratio, building siting and design to maximise northern light exposure and the use of residential flat buildings to reduce development footprint. It is further noted that the proposal is capable of complying with BASIX requirements.
Traffic Impacts The submission raised concerns regarding traffic impacts with a particular interest in Treetops Road	1	It is noted that Section 6.2.2 Net Traffic Generation of the Applicant's Traffic Impact Assessment Report, prepared by Stantec, outlines that there is no net change in vehicle movements around the site as the proposed development would result in a net loss of 1 unit.
Oakhill College Oakhill College is currently building additional teaching facilities. Concerns were raised to both construction projects being undertaken simultaneously.	1	Conditions of development consent are recommended including a comprehensive construction traffic management plan to be approved prior to the undertaking of any works. It is also noted that Oakhill College is advanced in its construction and it is unlikely that both projects would have significant overlap.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Clause 4.6 Written Request - Height of Buildings in Zones Where Residential Flat Buildings Not Permitted

The development application does not comply with Section 40(4)(b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 as detailed in Section 3.1 of this report. The development standard requested to be varied states the following:

- 4) *Height in zones where residential flat buildings are not permitted*** *If the development is proposed in a residential zone where residential flat buildings are not permitted—*
- (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and*

Note—

The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

The written request to contravene the development standards prepared by DFP Planning Consultants is considered to adequately respond to the requirements of Clause 4.6 of the HLEP and is considered well founded.

Consequently, Council considers that the contravention of Section 40(4)(b) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is acceptable and recommends the application for approval.

5.2 Deferred Commencement - TfNSW General Terms of Approval

As detailed in this report, the proposed development is integrated under cl 138 of the *Roads Act 1993*. The reason that application is integrated development is that the proposal would reroute an existing TfNSW easement that connects Castle Hill Road with Tom Thumb Lagoon as illustrated in the below figure:

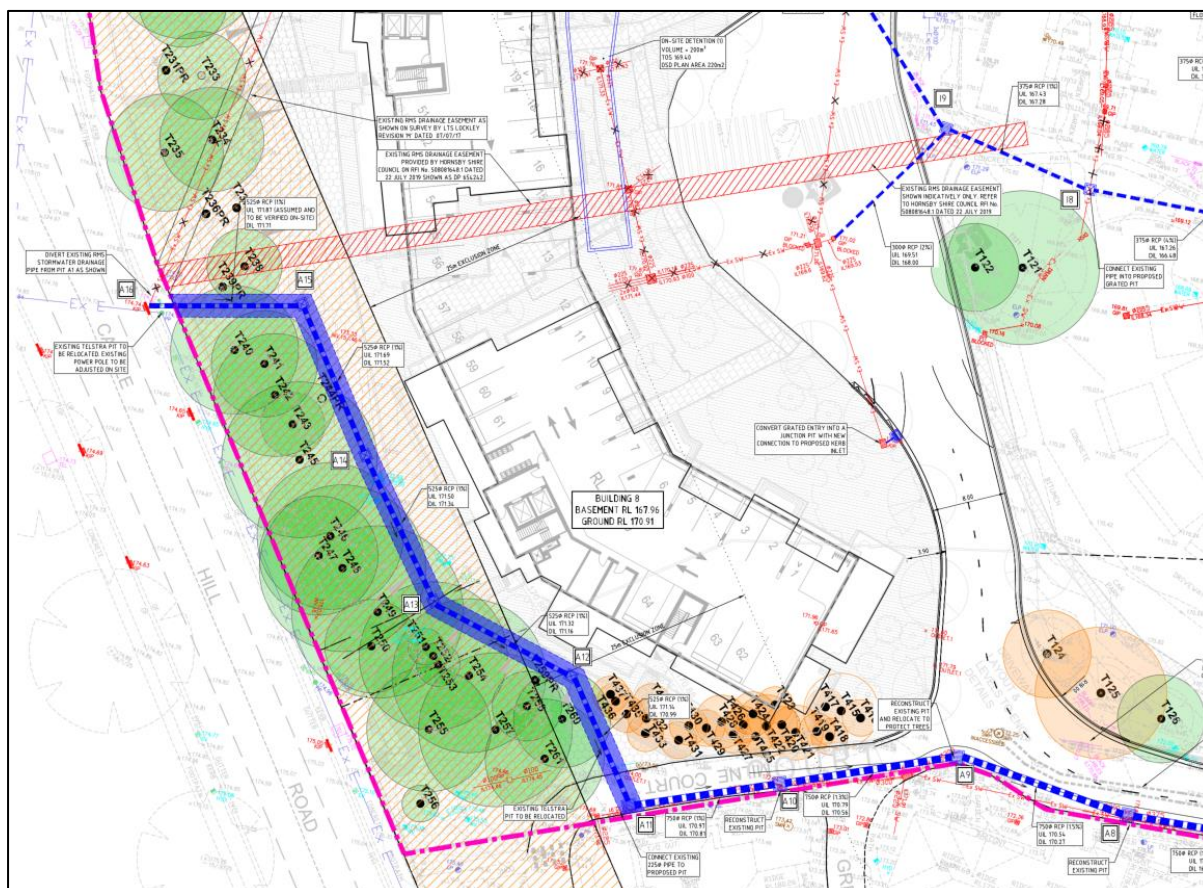


Figure 7: Relocated easement pathway shaded in blue above. Existing easement shown red hatched.

TfNSW reviewed the plans and elected to grant deferred commencement to the application, subject to the following deferred commencement condition:

Deferred Commencement Conditions

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Any changes to the state road drainage network shall be supported by drainage calculations, modelling and pre and post development stormwater impacts clearly identified.

Please send all documentation to development.sydney@transport.nsw.gov.au.

The applicant has reviewed the above condition and has provided a detailed response to the conditions provided by TfNSW which is attached in Attachment F of this report.

To summarise the applicant's position. The applicant notes that the application was referred to TfNSW for concurrence under Section 104 Traffic Generating Development of the Infrastructure SEPP. The applicant contends that the TfNSW only has a concurrence role under Section 104 in relation to the application and as such an approval as integrated development is not required. With respect to the applicants position at this time, Council notes the following:

- The application was lodged as not requiring integrated development approval by the applicant on the eplanning portal.
- The application was referred to TfNSW for review under the SEPP, with subsequent discussion between Council and TfNSW identifying physical works being located in Castle Hill Road, which is listed as state road No. 156 by TfNSW. The extent of works required within the road reserve are identified in Figure 8 below.

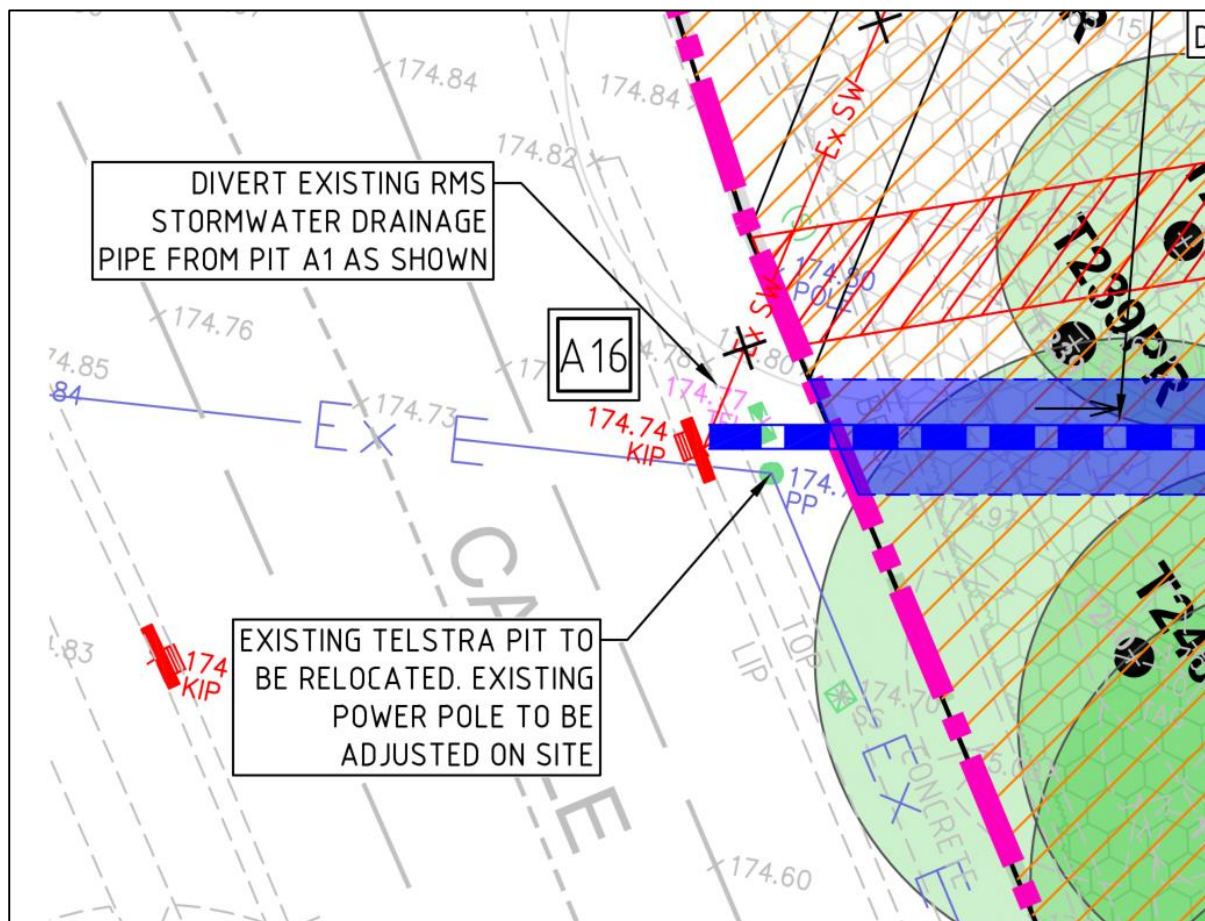


Figure 8: Works within Castle Hill Road Reserve

- The applicant was subsequently assessed by TfNSW as requiring approval under Section 138 of the *Roads Act 1993*. This was reported to the SNPP in the assessment briefing report.
- TfNSW has provided concurrence under Section 104 of the Infrastructure SEPP as well as Section 138 of the *Roads Act 1993*. The conditions provided by TfNSW do not differentiate between which conditions are conditions of concurrence and which conditions are general terms of approval.
- Council notes that the EP&A Act prevents the consent authority from varying the general terms of approval for integrated development under Section 4.50(4).
- Council further notes that the deferred commencement condition in question reads like a requirement that could be satisfied prior to the issue of a construction certificate. Despite the wording of the condition, it is not considered to be a condition that the applicant would be unable to comply with or a condition that would prevent the applicant from progressing the development application. The condition appears compliant with the requirements of Section

4.16(3) of the Act, and Section 95 of the Environmental Planning and Assessment Regulations 2000.

- Relocation of the TfNSW easement is a fundamental part of the project and consequently Council would suggest that the completion of the hydraulic design before “any other works” is appropriate, given that extensive earthworks are proposed across the alignment of the existing easement.

Resolution: Council would suggest that the application be approved as deferred commencement as TfNSW has provided general terms of approval for works within the Castle Hill Road reserve pursuant to Section 138 of the *Roads Act 1993*.

5.3 Contamination

As detailed in this report, the site is contaminated with contamination identified as follows:

Based on the findings of this investigation, it is considered that the majority of the samples were within the SAC with the exception of the following where remediation is required in order to make the site suitable for the proposed development. This includes soil remediation of:

- OCP as aldrin and dieldrin identified in fill at (previous) BH12;
- Asbestos identified in fill at (previous) test pits TP4 and TP6 (Geotechnique, 2010);
- Asbestos identified in fill at (previous) boreholes BH101, BH106 and BH109;
- Asbestos identified in fill at test pits TP201, TP205, TP207, TP226; and
- Asbestos identified in fill at boreholes BH304, BH311, BH315, BH317 and BH318.

Council's initial review of contamination documentation submitted in support of the development application identified that insufficient boreholes were undertaken across the site. Consequently, Council could not be certain as to the extent of contamination across the site. Council requested additional contamination detail from the applicant, including additional bore hole testing. In response to Council's request for further information, the applicant commissioned the comprehensive set of contamination documentation listed in Section 3.1 of this report.

Council's further review of the additional contamination detail provided by the applicant identified that sufficient detail had been provided to identify contamination across the site and that the supplied RAP was sufficient to ensure that the site can be made fit for the intended use.

Conditions of development consent are recommended in Schedule 1 of this report in regard to the remediation of the site. As remediation works need to occur prior to construction on site, a Validation Report is required to accompany any application for a construction certificate.

Council is of the opinion that the development application complies with the relevant requirements of SEPP 55 subject to the imposition of the recommended conditions contained within Appendix A of this report.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulation as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application No. DA/1024/2021 for Seniors housing development including: demolition; remediation, site excavation and earthworks; removal of trees and vegetation; construction of 3 x three storey residential flat buildings, 13 single storey detached and semi-detached dwellings, 1x two-storey administrative building and a single storey community building with self-serve cafe (a total of 66 dwellings are proposed); upgrades to the existing road network; carparking; associated infrastructure to support the development; and landscaping at 284 Castle Hill Road, 411-415 Old Northern Road & 417-419 Old Northern Road, Castle Hill (14 Allotments make up the subject site, works is primarily undertaken within Lot 1 DP 654242 Lot 1 DP 177433 and Lot 2005 DP 1088072) be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Hornsby Design Excellence Panel Meeting Minutes
- Attachment C: Tables of Compliance
- Attachment D: Architectural Plans
- Attachment E: Clause 4.6 Request
- Attachment F: Applicant Response to TfNSW Conditions

Attachment A: Draft Conditions of Consent

1. Deferred Commencement

Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, this consent does not operate until written confirmation of the satisfaction of the following requirements is issued by the consent authority:

- a) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Any changes to the state road drainage network shall be supported by drainage calculations, modelling and pre and post development stormwater impacts clearly identified.

Please send all documentation to: development.sydney@transport.nsw.gov.au.

- b) Such information must be submitted within 36 months of the date of this notice.

Upon Council's written satisfaction of the above information, the following conditions of development consent apply:

GENERAL CONDITIONS

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

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

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

2. Approved Plans and Supporting Documentation

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

Approved Plans

Plan No.	Plan Title	Drawn by	Dated	Council Reference
DA-020 Issue 1	Existing and Demolition Plan West	Jackson Teece	10/17/18	
DA-021 Issue 1	Existing and Demolition Plan East	Jackson Teece	01/23/20	
DA-030 Issue 2	Site Plan	Jackson Teece	10/17/18	

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Council Reference</i>
DA-035 Issue 2	Site Accessibility Plan – Buildings 8-28	Jackson Teece	01/09/20	
DA-036 Issue 1	Site Accessibility Plan – Buildings 12, 19, 21-27	Jackson Teece	01/09/20	
DA-050 Issue 2	Building Separation and Visual Privacy Plans Buildings 8, 9A and 9B	Jackson Teece	10/26/18	
DA-052 Issue 2	Section Cross References	Jackson Teece	10/01/19	
DA-053 Issue 1	Section Cross References	Jackson Teece	10/18/19	
DA-109 Issue 1	Floor Plan Basement Levels	Jackson Teece	10/17/18	
DA-110 Issue 2	Floor Plan Ground Level	Jackson Teece	10/17/18	
DA-111 Issue 2	Floor Plan Levels 1 and 2 Typical	Jackson Teece	10/17/18	
DA-112 Issue 2	Roof Plan	Jackson Teece	10/17/18	
DA-114 Issue 2	Floor Plan Ground Level	Jackson Teece	10/17/18	
DA-115 Issue 2	Floor Plan Level 1 and 2 Typical	Jackson Teece	10/17/18	
DA-117 Issue 2	Roof Plan	Jackson Teece	10/17/18	
DA-127 Issue 1	Floor Plan	Jackson Teece	10/17/18	
DA-128 Issue 1	Roof Plan	Jackson Teece	11/26/18	
DA-160 Issue 1	Floor Plan	Jackson Teece	10/17/18	
DA-161 Issue 1	Roof Plan	Jackson Teece	11/02/18	
DA-162 Issue 1	Floor Plan	Jackson Teece	11/16/18	
DA-163 Issue 2	Roof Plan	Jackson Teece	11/16/18	
DA-164 Issue 1	Floor Plan	Jackson Teece	10/17/18	
DA-165 Issue 2	Roof Plan	Jackson Teece	10/17/18	
DA-200 Issue 2	Street Elevations	Jackson Teece	10/17/18	

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Council Reference</i>
DA-206 Issue 2	Elevations	Jackson Teece	10/17/18	
DA-216 Issue 1	Elevations	Jackson Teece	11/26/18	
DA-251 Issue 2	Plan Section and Elevations	Jackson Teece	11/15/18	
DA-252 Issue 2	Plan, Section and Elevations	Jackson Teece	11/21/18	
DA-253 Issue 2	Plan, Section and Elevations	Jackson Teece	11/21/18	
DA-255 Issue 2	Plan, Section and Elevations	Jackson Teece	11/21/18	
DA-256 Issue 2	Plan, Section and Elevations	Jackson Teece	11/21/18	
DA-257 Issue 2	Plan, Section and Elevations	Jackson Teece	11/21/18	
DA-258 Issue 2	Plan, Section and Elevations	Jackson Teece	10/17/18	
DA-300 Issue 2	Site Sections	Jackson Teece	10/17/18	
DA-301 Issue 2	Site Sections	Jackson Teece	10/17/18	
DA-351 Issue 2	DA Detailed Sections	Jackson Teece	09/19/19	
DA-352 Issue 1	DA Detailed Sections	Jackson Teece	09/20/19	
DA-353 Issue 1	DA Detailed Sections	Jackson Teece		
DA-354 Issue 1	DA Detailed Sections	Jackson Teece		
DA-355 Issue 2	DA Detailed Sections	Jackson Teece	09/23/19	
DA-356 Issue 2	DA Detailed Sections	Jackson Teece	09/23/19	
DA-357 Issue 1	DA Detailed Sections	Jackson Teece	09/23/19	
DA-358 Issue 1	DA Detailed Sections	Jackson Teece	09/23/19	
DA-359 Issue 1	DA Detailed Sections	Jackson Teece	09/23/19	
DA-360 Issue 1	DA Detailed Sections	Jackson Teece	09/23/19	

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Council Reference</i>
DA-368 Issue 1	DA Detailed Sections	Jackson Teece	19/12/19	
DA-500 Issue 2	Plans Apartment Types	Jackson Teece	10/26/18	
DA-501 Issue 1	Plans Apartment Types	Jackson Teece	10/26/18	
DA-502 Issue 1	Plans Apartment Types	Jackson Teece	10/17/18	
DA-510 Issue 1	Plans Apartment Types	Jackson Teece	10/17/18	
DA-511 Issue 1	Plans Apartment Types	Jackson Teece	10/17/18	
DA-512 Issue 1	Plans Apartment Types	Jackson Teece	10/17/18	
LD_DA002 Rev 1	Legend and Notes	Land Form Studios	07/09/21	
LD_DA003 Rev 1	Landscape Character and Materials	Land Form Studios	07/09/21	
LD_DA004 Rev 1	Planting Character	Land Form Studios	07/09/21	
LD_DA010 Rev 1	Tree Management Plan 1	Land Form Studios	07/09/21	
LD_DA011 Rev 1	Tree Management Plan 2	Land Form Studios	07/09/21	
LD_DA100 Rev 1	Landscape Plan Sheet 1	Land Form Studios	07/09/21	
LD_DA101 Rev 2	Landscape Plan Sheet 2	Land Form Studios	15/02/22	
LD_DA200 Rev 1	Planting Plan Legend Notes	Land Form Studios	07/09/21	
LD_DA201 Rev 2	Planting Schedules	Land Form Studios	15/02/22	
LD_DA202 Rev 1	Planting Plan 1	Land Form Studios	07/09/21	
LD_DA203 Rev 1	Planting Plan 2	Land Form Studios	07/09/21	
LD_DA204 Rev 1	Planting Plan 3	Land Form Studios	07/09/21	
LD_DA205 Rev	Planting Plan 4	Land Form Studios	07/09/21	
LD_DA206 Rev 1	Planting Plan 5	Land Form Studios	07/09/21	

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Council Reference</i>
LD_DA207 Rev 2	Planting Plan 6	Land Form Studios	15/02/22	
LD_DA400 Rev 1	Typical Sections	Land Form Studios	15/02/22	
C005 Rev P3	Soil and Water Management Plan Sheet 1	Ptc.	August 2021	
C006 Rev P2	Soil and Water Management Details	Ptc.	August 2021	
C007 Rev P1	Soil and Water Management Control Details	Ptc.	August 2021	
C008 Rev P3	Soil and Water Management Plan Sheet 2	Ptc.	August 2021	
C009 Rev P2	Soil and Water Management Plan Sheet 3	Ptc.	August 2021	
C010 Rev P3	Bulk Earthworks Plan	Ptc.	August 2021	
C011 Rev P4	Bulk Earthworks Plan Sheet 2	Ptc.	August 2021	
C012 Rev P3	Bulk Earthworks Plan Sheet 3	Ptc.	August 2021	
C020 Rev P2	Bulk Earthworks Longitudinal Sections Sheet 1	Ptc.	August 2021	
C021 Rev P2	Bulk Earthworks Longitudinal Sections Sheet 2	Ptc.	August 2021	
C022 Rev P2	Bulk Earthworks Longitudinal Sections Sheet 3	Ptc.	December 2018	
C023 Rev P2	Bulk Earthworks Longitudinal Sections Sheet 4	Ptc.	August 2021	
C025 Rev P2	Bulk Earthworks Longitudinal Sections Sheet 5	Ptc.	August 2021	
C030 Rev P3	General Arrangement Plan	Ptc.	August 2021	
C031 Rev P3	Siteworks and Stormwater Drainage Plan Sheet 1	Ptc.	August 2021	
C032 Rev P1	Siteworks and Stormwater Drainage Plan Sheet 2	Ptc.	August 2021	

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Council Reference</i>
C033 Rev P3	Siteworks and Stormwater Drainage Plan Sheet 3	Ptc.	August 2021	
C034 Rev P1	Siteworks and Stormwater Drainage Plan Sheet 4	Ptc.	August 2021	
C035 Rev P3	Siteworks and Stormwater Drainage Plan Sheet 5	Ptc.	August 2021	
C036 Rev P3	Siteworks and Stormwater Drainage Plan Sheet 6	Ptc.	August 2021	
C037 Rev P1	Siteworks and Stormwater Drainage Plan Sheet 7	Ptc.	August 2021	
C038 Rev P1	Siteworks and Stormwater Drainage Plan Sheet 8	Ptc.	August 2021	
C039 Rev P1	Siteworks and Stormwater Drainage Plan Sheet 9	Ptc.	August 2021	
C040 Rev P1	Siteworks and Stormwater Drainage Plan Sheet 10	Ptc.	August 2021	
C041 Rev P2	Siteworks and Stormwater Drainage Plan Sheet 11	Ptc.	August 2021	
C042 Rev P2	Siteworks and Stormwater Drainage Plan Sheet 12	Ptc.	August 2021	
C043 Rev P2	Siteworks and Stormwater Drainage Plan Sheet 13	Ptc.	August 2021	
C044 Rev P2	Siteworks and Stormwater Drainage Plan Sheet 14	Ptc.	August 2021	
C045 Rev P2	Siteworks and Stormwater Drainage Plan Sheet 15	Ptc.	August 2021	
C050 Rev P2	Siteworks and Stormwater Drainage Details Sheet 1	Ptc.	August 2021	
C051 Rev P2	Siteworks and Stormwater Drainage Details Sheet 2	Ptc.	August 2021	
C052 Rev P2	Siteworks and Stormwater Drainage Details Sheet 3	Ptc.	August 2021	
C055 Rev P3	Proposed Stormwater Catchment Plan	Ptc.	August 2021	
C060 Rev P3	Overall Pavement Plan	Ptc.	August 2021	
C065 Rev P2	Typical Road Cross Sections	Ptc.	August 2021	
C070 Rev P2	Pavement Details Sheet 1	Ptc.	August 2021	
C071 Rev P2	Pavement Details Sheet 2	Ptc.	August 2021	
C080 Rev P2	Stormwater Drainage Longitudinal Sections	Ptc.	August 2021	

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
DA Noise Impact Assessment	Acoustic Logic	3/09/2021	D08261048
BASIX Certificate No. 1116364M_02	JHA Consulting Engineers (NSW) Pty Ltd	14/09/2021	D08260968
BASIX Certificate No. 1116722M_02	JHA Consulting Engineers (NSW) Pty Ltd	14/09/2021	D08260971
Arboricultural Impact Assessment	Tree Wise Men	16/09/2021	D08260960
Sampling and Analysis Quality Plan for Proposed Detailed Site Investigation (Contamination) 86630.03.R.006.Rev1	Douglas Partners Pty Ltd	29/07/2022	D08467940
Site Management Plan 86630.03.R.009.Rev1	Douglas Partners Pty Ltd	29/07/2022	D08467942
Remediation Construction Traffic Management Plan Rev A reference 301401185	Stantec	11/07/2022	D08467939
Remediation Action Plan 86630.03.R.004.Rev6	Douglas Partners Pty Ltd	29/07/2022	D08467937
EPA Auditor Interim Advice 04 reference 122004 IA4 1Aug22	Geosyntec Consultants Pty Ltd	1/08/2022	D08467922
Detailed Site Investigation (Contamination) 86630.03.R.007.Rev1	Douglas Partners Pty Ltd	29/07/2022	D08467911
Asbestos Management Plan	Douglas Partners Pty Ltd	3/08/2022	D08467910
Conservation Management Plan	Paul Davies Architects	Feb 2019	D08261036
Potential Impacts of Proposed Development on Sydney Metro Tunnels	Douglas Partners	7/09/2021	D08261034
Geotechnical Investigation and Waste Classification	Douglas Partners	Sept 2021	D08261032
Flora and Fauna Assessment	Ecoplaning	17/09/2021	D08261030
Construction Management Plan	RJA Projects	6/09/2021	D08261981
Construction Traffic Management Plan	Stantec	16/09/2021	D08260984
BCA Assessment Report	Blackett Macguire and Goldsmith	Sept 2021	D08260974
Air Quality Assessment	SLR	Sept 2021	D08260953
Statement of Compliance Access for People with a Disability	Accessible Building Solutions	14/09/2021	D08260950

Document Title	Prepared by	Dated	Council Reference
Waste Management Plan	UFD	15/09/2021	D08260949
Waste Management Plan	Applicant	13/09/2021	D08260948
Stormwater Management Report	Ptc.	15/09/2021	D08260944

3. Removal of Trees

This development consent permits the removal of 55 trees as identified in the “Attachment A Tree Schedule” and as identified on the Tree Protection Plan contained within the Arboricultural Impact Assessment prepared by Tree Wise Men, dated 16 September 2021.

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

4. Construction Certificate

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any construction works under this consent.
- b) The Construction Certificate plans must be consistent with the Development Consent plans.

PRIOR TO COMMENCEMENT OF ANY REMEDIATION WORKS

5. Site Management Plan (SMP)

Prior to the commencement of any remediation works, the Site Management Plan (SMP), prepared by Douglas Partners Pty Ltd, dated 29 July 2022, reference 86630.03.R.009.Rev1 (TRIM: D08467942) is to be amended and submitted to Council for approval, including the following:

- a) Environmental Management Plan (EMP)

An Environmental Management Plan (EMP) is to be prepared by a suitably qualified Environmental Consultant in association with the certified land contamination consultant as recognised under the Certified Environmental Practitioners Scheme - Site Contamination (CEnvP(SC)) or the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification, detailing the actions that will be taken to protect the environment for the duration of remediation works, and all responsible parties ensuring compliance with the document. The Plan is to be in accordance with the publication ‘Managing Urban Stormwater – Landcom (March 2004)’ and the Protection of the Environment Operations Act 1997 by way of implementing appropriate measures, and should include but not be limited to:

- i) Water quality and soil management, including but not limited to sediment and erosion control measures;
- ii) Air quality;

- iii) Noise management, including excavation noise mitigation measures will be implemented;
 - iv) Waste Management.
- b) Construction Management Plan (CMP)

A Construction Management Plan, including a Construction Traffic Management Plan (CTMP) and scaled construction plans is to be prepared by a suitably qualified traffic engineer and endorsed by the certified land contamination consultant as recognised under the Certified Environmental Practitioners Scheme - Site Contamination (CEnvP(SC)) or the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification, detailing the following:

 - i) A copy of plans shall be submitted to Council detailing the proposed stages of remediation and arrangement of all construction machines and vehicles being used at the same time during all remediation stages.
 - ii) The CMP plans shall be in accordance with all associated contamination reports provided to Council.
 - iii) The plan shall include site plans for remediation works including the location of site sheds, unloading and loading areas, waste and storage areas being used.
 - iv) The plan shall include details of parking arrangements for all employees and contractors, including layover areas for large trucks during remediation. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
 - v) In order to prevent injury, accident and loss of property, a statement must be included within the Plan confirming that no building materials, work sheds, vehicles, machines or the like shall remain in the road reserve area during remediation without the written consent of Hornsby Shire Council.
 - vi) Survey plan showing site sheds, concrete pump location, crane location and existing survey marks during remediation.
 - vii) The Plan shall be in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998".
 - viii) The plan shall include the proposed truck routes to and from the site including details of the frequency of truck movements during remediation works.
 - ix) The plan shall include swept path analysis for ingress and egress of the site during remediation.
 - x) The plan shall include the total volume of fill to be imported to the subject site during remediation.
 - xi) The plan shall include the total volume of fill to be exported at the subject property during remediation.

- xii) The plan shall include the total quantity and size of trucks for all importation and exportation of fill on site during remediation works, and a breakdown of total quantities of trucks.
- xiii) The plan shall include the number of total truck movements to and from the site during remediation.
- xiv) The plan shall include the number of weeks trucks will be accessing and leaving the site with excavated or imported fill material during remediation works.
- xv) The plan shall include the maximum number of trucks travelling to and from the site on any given day for the duration of remediation works.
- xvi) The plan shall include the maximum number of truck movements on any given day during peak commuting periods during remediation works.
- xvii) The plan must include but not be limited to the location details of the licensed waste facility where excavated material required for removal will be disposed to.
- xviii) The plan must include the location details of the source site of any proposed fill to be imported for site remediation purposes.
- xix) The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Certifying Authority or Hornsby Shire Council in order to ensure remediation works are undertaken in accordance with the CMP.
- xx) The plan must include a tree protection plan, prepared by a minimum AQF 5 arborist, where remediation works intersect with the tree protection zone of any tree to be retained.
- xxi) Confirmation that a street 'scrub and dry' service will be in operation during remediation works.

REQUIREMENTS DURING REMEDIATION WORKS

6. Implementation of the Remediation Action Plan

The site must be remediated in accordance with the Remedial Action Plan, prepared by Douglas Partners Pty Ltd, dated 29 July 2022, reference 86630.03.R.004.Rev6.Remediation Action Plan (TRIM: D08467937), including the following:

- a) The applicant must engage a certified consultant as recognised under the Certified Environmental Practitioners Scheme - Site Contamination (CEnvP (SC)) and the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification to supervise all aspects of site remediation and validation in accordance with the approved Remediation Action Plan.
- b) Should unidentified contamination which alters previous conclusions about site contamination be identified during site works, Council and the Principal Certifying Authority must be immediately notified.

- c) Should any variations to the approved Remediation Action Plan be required, an addendum Remediation Action Plan must be prepared by a certified consultant as recognised under the Certified Environmental Practitioners Scheme - Site Contamination (CEnvP (SC)) and the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification and be provided to Council for approval.

7. Compliance with the Remediation Action Plan (RAP)

The Council approved Remediation Action Plan, prepared by Douglas Partners Pty Ltd, dated 29 July 2022, must be complied with for the duration of works, unless otherwise approved by Council.

8. Compliance with Site Management Plan (SMP)

The Council approved Site Management Plan (SMP) must be complied with for the duration of works, unless otherwise approved by Council.

9. Waste Transport and Disposal Records

Records must be always maintained on site in a dedicated Waste Register in accordance with the Site Management Plan and Remediation Action Plan. In addition to the record keeping requirements listed in the Site Management Plan and Remediation Action Plan, the register must note as a minimum:

- a) Truck registration numbers for trucks importing and exporting waste from the site,
- b) Time and date of truck access to the site,
- c) Waste dockets detailing the type and quantity of waste being imported or exported,
- d) Copies of tipping dockets received from the licensed waste facility, Waste Classification Certificates for waste imported and exported from site,
- e) Records of waste disposal obtained from NSW EPA's 'Waste Locate' system.

All records must be made available to Council upon request.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE
--

10. Building Code of Australia

Detailed plans, specifications and supporting information is required to be submitted to the certifying authority detailing how the proposed building work achieves compliance with the *National Construction Code - Building Code of Australia*. All building work must be carried out in accordance with the requirements of the *National Construction Code - Building Code of Australia*.

11. Contract of Insurance (Residential Building Work)

Where residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, this contract of insurance

must be in force before any building work authorised to be carried out by the consent commences.

12. Notification of Home Building Act 1989 Requirements

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

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

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

13. Erosion and Sediment Control Plan (ESCP)

In order to protect the adjoining land and downstream water quality from sedimentation, an Erosion and Sediment Control Plan (ESCP) is to be prepared by a suitably qualified consultant in accordance with the *Managing Urban Stormwater – Soils & Construction, 2004 Manual*, and submitted to Council for approval. The ESCP is to detail the sediment and erosion control measures to be implemented during all stages of construction and is to be submitted incorporating a plan to scale of 1:500 or larger and supporting information.

The following must be addressed within the ESCP:

- a) Site survey which identifies contours and approximate grades and the direction(s) of fall;
- b) Locality of site and allotment boundaries;
- c) Location of adjoining road(s) and all impervious surfaces;
- d) Existing vegetation and site drainage;
- e) Nature and extent of clearing, excavation and filling;
- f) Location and type of proposed erosion and sediment control measures;
- g) Location of site access and stabilisation of site access;
- h) Provision for the diversion of run off around disturbed areas;
- i) Location of material stockpiles;
- j) Proposed site rehabilitation and landscaping; staging of construction works; and

- k) Maintenance program for erosion and sediment controls measures.

All design criteria and calculations used to size sediment and erosion control measures should be shown, and construction standard drawings are to be provided on each type of sediment and erosion control measure proposed.

14. Waste Transport and Disposal Records

Prior to the issue of a Construction Certificate, all relevant documentation to satisfy all regulatory requirements related to the transportation of waste must be provided to the Principal Certifying Authority and Council, including but not limited to transport certificates, consignment numbers and records of waste disposal through NSW EPA's 'Waste Locate' system.

15. Validation Report

- a) Prior to the issue of a Construction Certificate, a Validation Report must be prepared by a certified consultant as recognised under the Certified Environmental Practitioners Scheme - Site Contamination (CEnvP (SC)) and the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification, verifying that the site has been remediated in accordance with the NSW Environment Protection Authority's *Contaminated Sites Guidelines*, the *National Environment Protection (Assessment of Site Contamination) Measure 2013 (NEPM)* and the recommendations of the Council approved Remediation Action Plan. The Validation Report must state that the site has been remediated and is suitable for its approved use.
- b) The Validation Report must be submitted to the Principal Certifying Authority and a copy provided to Council prior to the issue of a Construction Certificate.
- c) Waste Transport and Disposal Records must be appended to the Site Validation Report.

16. Site Audit Report / Site Audit Statement

A Site Auditor accredited under the NSW EPA's Site Auditor's Scheme must be appointed to independently review the Site Validation Report and submit to Council a Site Audit Report identifying whether the site has been appropriately remediated in accordance with the NSW Environment Protection Authority's *Contaminated Sites Guidelines*, the *National Environment Protection (Assessment of Site Contamination) Measure 2013 (NEPM)* and the recommendations of the Council approved Remediation Action Plan and meets the standard appropriate for the proposed land use.

Note: A list of accredited site auditors under the Contaminated Land Management Act 1997 is available on NSW EPA's website at: <https://www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme/accredited-site-auditors>.

17. Long Term Environmental Management Plan

- a) Where the Validation Report identifies the need for implementation of a Long Term Environmental Management Plan (LTEMP), the plan must be prepared by a certified consultant as recognised under the Certified Environmental Practitioners Scheme -

Site Contamination (CEnvP (SC)) and the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification and be submitted to Council for approval prior to the issue of the Construction Certificate.

- b) The LTEMP must detail the nature and location of the contamination and prescribe how the contaminants will be managed and/or monitored, and the parties responsible for the long term management and/or monitoring of the site.
- c) If the Validation Report identifies that on site containment of contamination is required, the LTEMP must specifically outline the construction details, and the management and monitoring requirements of the containment cell to ensure it is maintained appropriately, its integrity remains intact and to avoid migration of contamination, inclusive of a contingency plan in the event that the containment cell fails.
- d) The LTEMP must be prepared in accordance with:
 - i) NSW Contaminated Land Planning Guidelines,
 - ii) Relevant Environment Protection Authority (EPA) endorsed guidelines,
 - iii) National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

18. Acoustic and Vibration Certification

- a) To ensure an acceptable level of Acoustic Amenity within residential spaces, certification is to be provided by a suitably qualified Acoustic Consultant confirming that the construction certificate plans are compliant with the recommendations listed in Part 4.6 Complying Constructions of the DA Noise Impact Assessment Report, prepared by Acoustic Logic, dated 3/09/2021.
- b) If, during the course of preparation construction certificate documentation, it becomes evident that a complying construction recommendation listed in section 4.6 of the DA Noise Impact Assessment Report, prepared by Acoustic Logic, dated 3/09/2021, cannot be met, an alternate solution is permitted ONLY if accompanied by certification from a suitably qualified Acoustic Consultant that the alternate solution will comply with the requirements of Section 102(3) of State Environmental Planning Policy (Infrastructure) 2007.
- c) Certification is to be provided to the PCA with the application for the construction certificate.

19. Utility Services

The applicant must submit written evidence of the following service provider requirements:

- a) *Ausgrid (formerly Energy Australia)* - a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b) *Telstra* - a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

20. Sydney Water – Approval

This application must be submitted to Sydney Water for approval to determine whether the development would affect any Sydney Water infrastructure, and whether further requirements are to be met.

Note: Building plan approvals can be obtained online via Sydney Water Tap in™ through www.sydneywater.com.au under the Building and Development tab.

21. Identification of Survey Marks

A registered surveyor must identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development shall be undertaken by a registered surveyor in accordance with Section 24(1) of the *Surveying and Spatial Information Act 2002* and following the Surveyor General's Directions No.11 Preservation of Survey Infrastructure.

22. Appointment of a Project Arborist

- a) To ensure the trees that must be retained are protected, a project arborist with AQF Level 5 qualifications must be appointed to assist in ensuring compliance with the conditions of consent and provide monitoring reports as specified by the conditions of consent.
- b) Details of the appointed project arborist must be submitted to Council and the PCA with the application for the construction certificate/subdivision works certificate.

23. Fire Safety Schedule

A schedule of all proposed essential fire safety measures to be installed in the building (e.g. hydrants, hose reels, emergency warning systems etc.) shall be submitted with the construction certificate application.

24. Retaining Walls

To ensure the stability of the site, structural details of all required retaining walls must be submitted with the application of the Construction Certificate.

25. Stormwater Drainage

The stormwater drainage system for the development must be designed in accordance with with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

- a) Connected directly to an on-site detention and water quality treatment system and subsequently the internal drainage system;
- b) Existing depressions and watercourses proposed to convey catchment areas from upstream shall be designed and constructed to contain the major overland 100-year Average Recurrence Interval (ARI) storm event, assuming all pipelines are blocked;
- c) All proposed habitable floor levels and basement walls sited in depressions shall be protected with a surface drainage system capable of draining at least the 100 year ARI storm event and disposing of same in a downstream piped drainage system;

- d) All habitable floor levels and openings in buildings proposed adjacent any depression shall have a minimum freeboard of 500 mm above the design 100 year ARI storm flow level. Details to be provided on construction plans;
- e) The RMS drainage system shall be piped to contain the 20 year Average Recurrence Interval storm event with a 100 year ARI overland flow provided above them.;
- f) Accessible pathways within areas of concentrated design flow shall be designed and constructed to ensure they comply with Category H2 or better, from the hazard design requirements of AIDR Guideline 7-3, Flood Hazard, to ensure safe access. Hydrologic and hydraulic design, calculations and details are to be submitted with construction plans and provided to the access expert for consideration and approval;
- g) The lagoon shall have weirs designed and constructed to cater for outflows of the 100-year Average Recurrence Interval storm from upstream catchments, to ensure a minimum 500 mm freeboard to adjacent habitable floor levels or berm crest levels as applicable, and a minimum 300 mm freeboard to adjacent basement ramp crest levels;
- h) Internal drainage systems be piped to contain the 20-year Average Recurrence Interval storm event;
- i) The roof and stormwater drainage system from any existing building proposed to remain to be connected to the proposed internal drainage system.

26. On Site Stormwater Detention

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

- a) Be designed and constructed in accordance with the plans and report prepared by PTC Consulting Engineers;
- b) Have a surcharge/inspection grate located directly above the outlet;
- c) Discharge from the detention system must be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system;
- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

27. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed and Construction Certificate issued in accordance with Australian Standards AS2890.1, AS2890.2, AS3727, AS 2890.6 and the following requirements:

- a) The driveway be a rigid pavement.
- b) Retaining walls required to support the carriageway and the compaction of all fill batters to be in accordance with the requirements of a chartered structural engineer.

- c) The provision of safety rails where there is a level difference more than 0.3 metres and a 1:4 batter cannot be achieved.
- d) The driveway and parking areas must be constructed prior to issue of the Occupation Certificate.

28. Waste Management Details

The following waste management requirements must be complied with:

- a) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that all bin carting routes have been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:
 - i) Must be smooth hard surface;
 - ii) Must be no less than 2.0m wide (including through any gates or doors);
 - iii) Must be devoid of steps;
 - iv) Must have a gradient no steeper than 1:14 for 240L bins and 1:30 for 660L or 1100L bins except where motorised bin carting equipment is to be used;
 - v) Must be an accessible path of travel for persons with a disability in accordance with Australian Standards AS1428 Design and access for mobility except where motorised bin carting equipment is to be used.
- b) For each residential flat building (Buildings B8, B9A, B9B) there must be a dedicated bulky waste storage area of at least 8 square metres internal area provided at the basement level.
- c) A suitably sized lockable storage space must be provided for the motorised bin carting equipment (bin tug and trolley).
- d) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that all waste storage room(s) for the residential flat buildings have been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:
 - i) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;
 - ii) The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface coved at all intersections;
 - iii) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned;
 - iv) The room is to be provided with artificial light controllable within the room and adequate ventilation;
 - v) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - vi) The doors are to be robust and lockable, with a door opening of no less than 2m. The doors must be able to be opened from inside the room without a key.

- e) The communal bin storage rooms for Buildings B8, B9A and B9B at the basement level must:
- i) Be accessible by persons with a disability (in accordance with AS1428 Design and access for mobility) after the garbage bins and recycling bins are installed; and
 - ii) Comfortably house the required number of bins (17 of 240 L bins for Building B8; 14 of 240 L bins for Building B9A; 15 of 240L bins for Building B9B) with every bin being accessible (no stacking of bins 2 or more deep); and
 - iii) Have door(s) wide enough and positioned so that the largest bin (240L) can fit through; and
 - iv) Be located no more than 30 m walking distance from each dwelling. The walking path from each dwelling to the bin storage room must be an accessible path of travel.

Note: 240L bins are 600mm wide by 750mm deep; allow for ease around the bin – 75mm is recommended. The door must be wide enough and positioned such that all the bins can fit through. Aisle width of 1.55m is required for accessibility. Every bin must be able to be accessed (no stacking of bins two or more deep).

- f) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the waste storage area for each villa has been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:
- i) The bin storage must be integrated into the overall design of the development and landscaping to minimise impact on the streetscape, and include screening to a height of no less than 1.5 m;
 - ii) The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface coved at all intersections;
 - iii) The walls and any ceilings must be finished with smooth faced non-absorbent material capable of being cleaned;
 - iv) The bin storage is to be provided with artificial light controllable within the room and adequate ventilation;
 - v) The internal dimensions of the bin storage must be no less than 0.9m deep x 2.0m wide. Internal dimensions do not include wall thickness, support columns, ventilation shafts etc for which additional space must be allowed with consideration of the bin dimensions and layout.
 - vi) The bin storage area must be accessible by persons with a disability in accordance with *AS1428 Design for Access and Mobility*.
 - vii) The door(s) must be wide enough and positioned so that all three bins can fit through with ease. (240L bins can only move forwards and backwards, not sideways. Sideways movements require the bin to be lifted. Bins must not have to be lifted into position);

- g) The temporary bin holding area for Building B12 (Community Pavilion) located at Building B19 (administration building) must have sufficient space for the 4 of 240L bins for B12 and must not impede access to the 5 of 240L bins for B19.
- h) A design certificate from a qualified traffic engineer and detailed plans are to accompany the Construction Certificate application that confirms that the waste can be directly collected from the loading bay as detailed in the Waste Management Plan and the Traffic Report. The design certificate is to specifically confirm that the:
 - i) Waste collection vehicle is able to enter the site in a forward direction, adequately manoeuvre into position near the bins, load bins and exit the site in a forward direction
 - ii) Vertical clearance of 4.5m is provided along the entire route of travel of the waste collection vehicle on site and loading bay
 - iii) The installation of ceiling mounted cable trays, pipes, ducting, lights, signs etc will not reduce the vertical clearance of the waste collection vehicle travel path on site to less than 4.5m.
 - iv) The waste collection vehicle must be able to manoeuvre on site with limited need for reversing
 - v) The grades along the entire travel path of the waste collection vehicle on site must not exceed the maximum grades of AS2890.2 for a heavy rigid vehicle
 - vi) The vehicle ground clearance is sufficient to prevent scraping
 - vii) All pavement has been designed to carry the load of the heavy rigid vehicle.
- i) A Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:
 - i) An estimate of the types and volumes of waste and recyclables to be generated;
 - ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;
 - iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;
 - iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

Note: the site(s) to which the waste materials are taken must be legally able to accept those wastes.

29. Certification of Traffic Engineer

Prior to the issue of a Construction Certificate, a Certificate from an appropriate qualified Traffic Engineer is to be submitted to the Principal Certifying Authority (PCA) certifying that the parking modules, loading areas and garbage collection areas comply with AS2890.1, AS2890.2 and the approved Development Consent plans and conditions.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION OR CONSTRUCTION WORKS

30. Erection of Construction Sign

- a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:
 - i) Showing the name, address and telephone number of the principal certifying authority for the work;
 - ii) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
 - iii) Stating that unauthorised entry to the work site is prohibited.
- b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

31. Heritage Requirements – Photographic Archival Recording

To document the history of the site, the following actions must occur prior to the commencement of any works on site:

- a) The completion of a photographic archival recording of the buildings to be demolished prior to the commencement of demolition works.
 - i) The photographic archive must be undertaken in accordance with Heritage NSW guidelines for archival photographic recording, and the archive submitted to Hornsby Shire Council.
 - ii) Buildings demolished in the Kilvinton Village previously recorded under DA/648/2021 are not required to be re-archived. Copies of previous reports are to be provided to the PCA and Hornsby Shire Council.

32. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
- b) Could cause damage to adjoining lands by falling objects; and/or
- c) Involve the enclosure of a public place or part of a public place; and/or
- d) Have been identified as requiring a temporary hoarding, fence or awning within the Council approved Construction Management Plan (CMP).

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

33. Installation of Tree Protection Measures

To protect the health and longevity of trees to be retained as identified in the Tree Protection Plan, prepared by Tree Wise Men, dated 16 September 2021 must have tree protection measures for the ground, trunk and canopy installed by the project arborist as follows:

- a) Tree protection fencing for the trees to be retained must be installed by the engaged AQF 5 project arborist and consist of 1.8m high temporary fencing panels installed in accordance with Australian Standard AS4687-2007 Temporary fencing and hoardings.
- b) The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates and liquids from entering the tree protection zone.
- c) The location of fencing and setback to trees to be retained is to be determined by the project arborist in accordance with the Tree Protection Plan
- d) Any tree crown protection measures required and must be installed by the AQF 5 project arborist.
- e) The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.
- f) Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.
- g) All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm unless otherwise directed by the project arborist.

34. Toilet Facilities

- a) To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.
- b) Each toilet must:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) be a temporary chemical closet approved under the *Local Government Act 1993*; or
 - iii) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

35. Erosion and Sediment Control

To protect the water quality of the downstream environment, erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

36. Waste Management Details

- a) Prior to the commencement of each stage of works, the on-going waste collection service to the buildings to be demolished must be cancelled and the bins retrieved by the waste collection service provider.
- b) The on-going collection of waste from occupied buildings must not be impeded by construction works.

37. Garbage receptacle

- a) A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.
- a) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
- b) The receptacle lid must be kept closed at all times, other than when garbage is being deposited.
- c) Food scraps must be placed in the garbage receptacle and not in demolition and construction waste bins.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION
--

38. Construction Work Hours

All works on site, including demolition and earth works, must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

39. Demolition

To protect the surrounding environment, all demolition work must be carried out in accordance with Australian Standard AS2601-2001 Demolition of structures and the following requirements:

- a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan; and
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *SafeWork NSW* in accordance with the *Work Health and Safety Regulation 2017* and be appropriately transported and disposed of in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*; and
- c) On construction sites where any building contains asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

40. Environmental Management

To prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction, the site must be managed in accordance with the publication *'Managing Urban Stormwater – Landcom (March 2004)* and the *Protection of the Environment Operations Act 1997*.

41. Waste Management Details

Requirements of the approved Waste Management Plan shall be complied with during all site preparation works, demolition and throughout all construction works. When implementing the Waste Management Plan, the developer is to ensure:

- a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*
- b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the *Protection of Environment Operations Act 1997*
- c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by SafeWork NSW
- d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it
- e) All materials and resources that are to be stored on site during construction works are contained on the site. The provisions of the *Protection of Environment Operations Act 1997* must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses
- f) The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works
- g) Additionally, written records of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works:
 - i) The identity of the person removing the waste.
 - ii) The waste carrier vehicle registration.
 - iii) Date and time of waste collection.
 - iv) A description of the waste (type of waste and estimated quantity).
 - v) Details of the site to which the waste is to be taken.
 - vi) The corresponding weighbridge tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).

- vii) Whether the waste is expected to be reused, recycled or go to landfill.

Note: In accordance with the Protection of the Environment Operations Act 1997, the definition of waste includes any unwanted substance, regardless of whether it is reused, recycled or disposed to landfill.

42. Compliance with Environmental Management Plan

The Council approved Environmental Management Plan must be complied with for the duration of works, unless otherwise approved by Council.

43. Compliance with Construction Management Plan

The Council approved Construction Management Plan must be complied with for the duration of works, unless otherwise approved by Council.

44. Street Sweeping

- a) During works and until exposed ground surfaces across the site have been stabilised, street sweeping must be undertaken following sediment tracking from the site along any adjoining road.
- b) The street cleaning service must utilise a 'scrub and dry' method and be undertaken for the full extent of any sediment tracking.

45. Bushland Protection During Construction

To ensure the protection of bushland during construction, the applicant must:

- a) install tree protection fencing as required by this consent; and
- b) clean machinery of soil and debris before entering the site to prevent the spread of weeds and fungal pathogens.

Note: The site contains Blue Gum High Forest which is listed as an 'Endangered Ecological Community' under the 'Threatened Species Conservation Act 1995'. The Act prohibits the disturbance to threatened species, endangered populations and endangered ecological communities, or their habitat, without the approval of the 'Department of Environment and Climate Change' where such activities are not authorised by a development consent under the 'Environmental Planning and Assessment Act 1979'.

Actions such as tree removal, understorey slashing or mowing, removal of dead trees within this vegetation would likely impact upon this endangered ecological community. Such action would qualify as illegally picking or disturbing the habitat and could render any person who carried out such action as LIABLE FOR PROSECUTION.

46. Council Property

To ensure that the public reserve is kept in a clean, tidy and safe condition during construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

47. Landfill

- a) Prior to fill material being imported to the site, a Waste Classification Certificate shall be obtained from a suitably qualified environmental consultant confirming the fill wholly consists of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the NSW Environment Protection Authority's Resource Recovery Orders and Exemptions.
- b) The required Waste Classification Certificate must be obtained by the Principal Contractor prior to fill being imported to the site and made available to Council as its request.

48. Excavated Material

All excavated material removed from the site must be classified by a suitably qualified environmental consultant in accordance with the NSW Environment Protection Authority's *Waste Classification Guidelines* and *Protection of the Environment Operations (Waste) Regulation 2014* prior to disposal to a licensed waste management facility. Tipping dockets for the total volume of excavated material that are received from the licensed waste management facility must be provided to the principal certifying authority prior to the issue of an Occupation Certificate.

49. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority:

- a) Prior to the pouring of concrete at each level of the building certifying that:
 - i) The building, retaining walls and the like have been correctly positioned on the site; and
 - ii) The finished floor level(s) are in accordance with the approved plans.
- b) Confirming that the waste collection vehicle turning area complies with Australian Standard AS2890.1-2004 and AS20890.2-2002 for small rigid vehicles (SRV).

50. Waste Management

- a) All work must be carried out in accordance with the approved waste management plan.
- b) Stockpiling, cutting and sanding must be performed a minimum of 10 metres from Tom Thumb Lagoon and be screened by sediment fencing.

51. Maintenance of Public Footpaths

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

52. Unexpected Finds

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during any stage of works, the applicant must immediately notify the PCA and Council.

53. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, including natural rock-outcrops, vegetation, soil and watercourses must not be altered unless otherwise nominated on the approved plans.

54. Prohibited Actions within the Fenced Tree Protection Zone

The following activities are prohibited within the approved fenced tree protection zones unless otherwise approved by Council:

- a) Soil cutting or filling, including excavation and trenching
- b) Soil cultivation, disturbance or compaction
- c) Stockpiling storage or mixing of materials
- d) The parking, storing, washing and repairing of tools, equipment and machinery
- e) The disposal of liquids and refuelling
- f) The disposal of building materials
- g) The siting of offices or sheds
- h) Any action leading to the impact on tree health or structure

55. Maintaining the Health of Trees Approved for Retention

The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for trees to be retained.

56. Maintaining Tree Protection Measures

Tree Protection Measures must be maintained to the satisfaction of the project arborist for the duration of works.

57. Approved Works within Tree Protection Zone Incursions

- a) Where tree root pruning is required for the installation of piers, driveway or underground services, the pruning must be overseen by the AQF 5 project arborist and must be undertaken as follows:
 - i) Using sharp secateurs, pruners, handsaws or chainsaws with the final cut being clean.
 - ii) The maximum diameter of roots permitted to be cut is 50mm.
- b) Where the building footprint enters or transects the Tree Protection Zones of trees to be retained, sensitive construction techniques in the form of screw pilings or piers, cantilevered or suspended slab design must be employed to create a 100mm

clearance above existing soil grade unless the project arborist provides certification to the PCA that such measures are not required to protect tree health and longevity.

- c) Approved excavations within the Tree Protection Zone of trees to be retained not associated with installation of services must be undertaken as follows:
 - i) Excavations associated with the basement and building footprint and within the Tree Protection Zone of trees to be retained must be overseen by the AQF 5 project arborist for the first 1m and be undertaken to locate roots and allow for pruning in accordance.
- d) No changes of grade within the Tree Protection Zone of trees to be retained is permitted, unless expressly identified on the approved plans.
- e) Grade changes in the form of filling, are permissible outside the Structural Root Zone in conjunction with piers.
- f) To minimise impacts within the Tree Protection Zone (TPZ) of trees to be retained, the installation of services must be undertaken as follows:
 - i) The AQF 5 project arborist must be present to oversee the installation of any underground services which enter or transect the tree protection.
 - ii) The installation of any underground services which either enter or transect the designated TPZ must utilise directional drilling only
 - iii) OR
 - iv) The installation of any underground services which either enter or transect the designated TPZ must be undertaken manually.
 - v) For manually excavated trenches the AQF 5 project arborist must designate roots to be retained. Manual excavation may include the use of pneumatic and hydraulic tools.
- g) Where scaffolding is required, ground protection must be installed beneath the scaffolding in the following order:
 - i) Installation of a 100mm deep layer of woodchip and;
 - ii) Installation of geotextile fabric ground covering and;
 - iii) Installation of scaffold boarding above the woodchip and geotextile fabric.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

58. Fulfilment of BASIX Commitments

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

59. Certification of Internal Driveways and Parking Areas

Prior to the issue of the Occupation Certificate a certificate is to be obtained by an appropriately qualified Traffic Engineer certifying that the access ways, loading areas and parking areas comply with Australian Standards AS 2890.1, AS 2890.2 and AS 2890.6.

60. Sydney Water – s73 Certificate

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

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

61. Certification of WSUD Facilities

Prior to the issue of an Occupation Certificate a certificate from a Civil Engineer is to be obtained stating that the WSUD facilities have been constructed and will meet the water quality targets as specified in the Hornsby Development Control Plan 2013.

62. Completion of Landscaping

A certificate must be submitted to the PCA by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans.

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at www.hornsby.nsw.gov.au.

63. Replacement Tree Requirements

- a) The trees approved for removal under this consent, must be offset through replacement planting of a minimum of 188 trees.
- b) All replacement plantings must be species selected from the 'Trees Indigenous to Hornsby Shire (as of 1 September 2011)' document available for viewing on the Hornsby Council's website <http://www.hornsby.nsw.gov.au/environment/flora-and-fauna/tree-management/indigenous-trees> or be trees listed on the approved landscaping plans.
- c) The location and size of tree replacement planting must comply with the following:
 - i) The pot size of the replacement trees must be a minimum 45 litres.
 - ii) All replacement trees that have the potential to grow to more than 8 metres in height must be a minimum of 3 metres in height at planting.

64. Final Certification

The AQF 5 Project arborist must submit to the Principal Certifying Authority a certificate that includes the following:

- a) All tree protection requirements complied with the as approved tree protection plan for the duration of demolition and/or construction works; and
- b) All completed works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans; and
- c) Dates, times and reasons for all site attendance; and
- d) All works undertaken to maintain the health of retained trees; and
- e) Details of tree protection zone maintenance for the duration of works.

Note: Copies of monitoring documentation may be requested throughout the development works.

65. Safety and Security

To ensure safety and security of residents, the development must include the following elements:

- a) An intercom system must be installed at gate locations to ensure screening of persons entering the units.
- b) The entry doors to the pedestrian foyer is to be constructed of safety rated glass to enable residents a clear line of site before entering or exiting the residential apartments.
- c) Wayfinding signage is to be provided within the ground floor lobby indicating the direction of the front entrance, any communal open space and lift.
- d) Lighting is to be provided to pathways, building foyer entries, driveways and common external spaces.
- e) Security gate access is to be provided to the car parking areas allowing residents only access to private car spaces.
- f) CCTV cameras must be installed at the entry and exit points to the building (including the front entrance and basement entry and the around the mailbox.
- g) The communal open spaces within the site must be illuminated with high luminance by motion sensor lighting.
- h) The driveway and basement car parking must be illuminated with low luminance at all times.
- i) Storage cages provided within basements must have floor to ceiling non transparent mesh material (or other suitable non transparent material) attached to the inside of the cages to prevent views into storage cage areas.
- j) Security deadlocks are to be provided to each apartment door.
- k) Peep holes are to be provided to individual apartment doors to promote resident safety.

66. Unit Numbering

All units are to be numbered consecutively commencing at No.1. The strata plan lot number is to coincide with the unit number, e.g Unit 1 = Lot 1. The allocation of unit numbering must be authorised by Council prior to the numbering of each units in the development.

67. Car Parking

All car parking must be constructed and operated in accordance with Australian Standard AS/NZS2890.1:2004 Off-street car parking and Australian Standard AS2890.2:2002 Off-street commercial vehicle facilities.

- a) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted

- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes
- c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads
- d) All vehicular entry on to the site and egress from the site shall be made in a forward direction
- e) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpaths
- f) Bicycle parking spaces are to be designed in accordance with AS2890.3-1993 Bicycle parking facilities.
- g) Motorcycle parking spaces are to be designed in accordance with AS/NZS2890.1:2004 Figure 2.7.

68. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions). Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

69. Creation of Easements

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

- a) A drainage easement over the relocated RMS pipeline in accordance with the requirements of the TfNSW.
- b) A drainage easement over the overland flow path associated with the RMS easement for a 100 year average recurrence interval storm.
- c) The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention/retention systems, water quality system and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention and water quality systems is to be clearly indicated on the title.
- d) To register the OSD easement, the restriction on the use of land "*works-as-executed*" details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on-site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the "*works-as-executed*" plan and supported by calculations.
- e) For the purpose of waste collection, an easement entitling Council, its servants and agents and persons authorised by it to enter upon the subject land and to operate thereon, vehicles and other equipment for the purposes of waste collection must be granted to Council by the owner of the land. The waste collection easement must be

registered with the NSW Land Registry Services prior to issue of the occupation certificate.

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

Note: The easement must be in a form prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the subject land or any part thereof or to any property located therein or thereon by reason of the operation thereon of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner for the time being of the subject land shall indemnify the Council, its servants, agents and persons authorised by it to collect garbage against liability in respect of any such claims made by any person whomsoever.

70. Submission of Excavated Material Tipping Dockets to Principal Certifying Authority

Tipping dockets for the total volume of excavated material that are received from the licensed waste facility must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

71. Waste Management Details

a) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must ensure arrangements are in place for delivery of bins for the on-going use of the site and for regular scheduled commercial waste collection services to commence within 7 days of occupation.

b) A report must be prepared by an appropriately qualified person, certifying the following:

i) A comparison of the estimated quantities of each demolition and construction waste type against the actual quantities of each waste type.

Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report

ii) That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled.

Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.

iii) All demolition and construction waste was taken to site(s) that were lawfully permitted to accept that waste.

c) The bin carting routes must be devoid of any steps and must be wholly within the site.

Note: Ramps between different levels are acceptable. The use of the public footpath is not acceptable.

- d) Every kitchen must be provided with an indoor waste/recycling cupboard for the interim storage of waste with two separate 15-20 litre containers installed, one each for general waste and recyclable materials.
- e) The bin storage room(s) for the residential flat buildings must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surfaces, robust door(s), adequate lighting and ventilation, and must be lockable.
- f) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by the waste collection vehicle, must be carried out by a registered surveyor and submitted to the principal certifying authority and to Council. The survey is to include dimensions, gradients and vertical clearance. Written confirmation must be submitted to Council and to the Principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for Heavy rigid vehicles (for layout, dimensions, manoeuvring clearances, gradients, rates of change of grade, vertical clearance, vehicle ground clearance).
- g) A motorised bin cart, trolley or similar equipment must be provided to enable the site caretaker to safely cart the bins around the site. This equipment must be suitable for the ramp grades along the bin carting route and the approved bin sizes.

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

A restriction as to user must be created under s88E of the *Conveyancing Act 1919* and registered, requiring the dwellings approved under this consent to be solely used for the accommodation of:

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

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

73. External Lighting

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with Australian Standard AS4282 Control of the obtrusive effects of outdoor lighting.
- b) Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Occupation Certificate.

74. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and

on-site detention system. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

75. Redundant RMS Easement

The redundant RMS drainage easement is to be extinguished.

76. Demolition of Structures

All structures identified for demolition on the approved demolition plans must be demolished prior to the issue of an occupation certificate.

77. Preservation of Survey Marks

A certificate by a Registered Surveyor must be submitted to the Principal Certifying Authority, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development or otherwise the re-establishment of damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No.11 Preservation of Survey Infrastructure.

78. Construction of Engineering Works.

All engineering works identified in this consent are to be completed and a Compliance Certificate issued prior to the release of the Occupation Certificate or Subdivision Certificate

79. Fire Safety Schedule

A schedule of all proposed essential fire safety measures to be installed in the building (e.g. hydrants, hose reels, emergency warning systems etc.) shall be submitted with the construction certificate application.

80. Provision for National Broadband Network (NBN)

Provision must be made for fibre ready passive infrastructure (pits and pipes) generally in accordance with NBN Co's pit and pipe installation guidelines to service the proposed development. A certificate from NBN Co or Telstra must be submitted to the PCA that the fibre optic cabling provided for the development complies with MDU Building Design Guides for Development.

OPERATIONAL CONDITIONS

81. Noise

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

82. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' certifying each essential service installed in the building.

83. Compliance with Long Term Environmental Management Plan

The Council approved Long Term Environmental Management Plan must be complied with for the duration of works, unless otherwise approved in writing by Council.

84. Waste Management

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

- a) The approved Waste Management Plan is to be implemented throughout the ongoing use of the development.
- b) There must be a sufficient number of bins on site to contain the volume of waste and recycling expected to be generated between collection services.
- c) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas and signage, maintaining and checking all waste management equipment (e.g. bin cart), managing the loading dock to ensure that it is sufficiently available for all necessary waste collection services to take place, managing the communal composting area and worm farm, managing the bulky item storage area(s), managing the clothing/donation bins, arranging collections where the service is not provided by Council (e.g. clothing bins, e-waste), arranging the prompt removal of dumped rubbish, arranging for shopping trolleys to be promptly returned to the local shopping centre(s), ensuring the recycling bins are free of contamination (which includes but is not limited to garbage, plastic bags, clothing, etc.), ensuring the commercial waste and recycling is kept separate from the residential waste and recycling (and vice versa), addressing overflowing bins and pest infestations, liaising with Council on waste matters, and ensuring all residents and commercial tenants are informed and kept up to date on the use of the waste management system. The site caretaker must be employed for a sufficient number of hours each week to allow all waste management responsibilities to be carried out to a satisfactory standard.
- d) Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin. Signage is also to be provided in locally appropriate culturally and linguistically diverse (CALD) community languages.

Note: Council may be able to assist with signage.
- e) All equipment required in the operation of the approved waste management system must be regularly checked and maintained in effective and efficient working order in accordance with the manufacturer's instructions by trained service technicians.

- f) All surfaces trafficable by the waste collection vehicle must be kept in good and substantial repair.
- g) Vegetation adjacent to the driveway/accessway/roadway must be regularly pruned to maintain a 4.5m vertical clearance over the driveway/accessway/roadway and to ensure the vegetation does not encroach on the vehicular travel path.

GENERAL TERMS OF APPROVAL - TRANSPORT FOR NEW SOUTH WALES

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

85. General

- a) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- b) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
- c) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Castle Hill Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

86. Prior to issue of any Construction Certificate

- a) All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Castle Hill Road boundary, access to the TfNSW easements are not to be denied; and the integrity of the TfNSW easements are not to be compromised.
- b) The civil works on Castle Hill Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.
- c) Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.
- d) A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.
- e) The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.
- f) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.

- g) The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.
- h) If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
- i) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.
- j) A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
- k) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.

87. Prior to issue of any Occupation Certificate

A stormwater easement in favour of TfNSW shall be created within the private lots allowing TfNSW future access for maintenance of the stormwater infrastructure.

CONDITIONS OF CONCURRENCE - SYDNEY METRO

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

88. Engineering

- a) All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:
 - i) Report on Geotechnical Investigation and Waste Classification (Doc No. R.001, Revision 2) prepared by Douglas Partners dated 14 September 2021.
 - ii) Geotechnical Tunnel Impact Assessment - Potential Impacts of Proposed Development on Sydney Metro Tunnels (Doc No. 86630.03.R.003.Rev0, Revision 0) prepared by Douglas Partners dated 7 September 2021.
 - iii) Structural Plan Certification (Doc No. 214955_1) prepared by LTS dated 25 November 2021.
 - iv) RFI Response Letter (Ref No. 9890D.2DK_RFI#1-Sydney Metro) prepared by DFP Planning Consultants dated 29 November 2021.

- v) Structural Assessment (Ref No. 2021920) prepared by Bonacci Group (NSW) Pty Ltd dated 26 November 2021.
- vi) Cross section drawings prepared by Jackson Teece:
 - a. (i) Dwg No. SK-500 (Issue 1) dated 23 November 2021.
 - b. (ii) Dwg No. SK-501 (Issue 1) dated 23 November 2021.
 - c. (iii) Dwg No. SK-502 (Issue 1) dated 23 November 2021.

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

- b) The Certifier must not issue a Construction Certificate for the development until the Certifier has confirmed which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

89. Electrolysis

Prior to the issue of a Construction Certificate, the Applicant must incorporate in the development all the measures recommended in the Electrolysis Risk Report (CCE Ref: W21460/NSW-P000675, Revision 0) prepared by Corrosion Control Engineering dated 5 November 2021. A copy of the electrolysis report is to be provided to the Certifier with the application for a Construction Certificate. Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

- END OF CONDITONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with *the Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.

- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the Long Service Payments Corporation or Hornsby Council.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree and Vegetation Preservation

Hornsby Development Control Plan 2013 Tree and Vegetation Preservation provisions have been developed under Council's authorities contained in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and the *Environmental Planning and Assessment Act 1979*.

In accordance with these provisions a person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, lop or otherwise remove a substantial part of the trees or vegetation to which any such development control plan applies without the authority conferred by a development consent or a permit granted by Council.

Fines may be imposed for non-compliance with the *Hornsby Development Control Plan 2013*.

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

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act 1992*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act 1992*. This is the sole responsibility of the applicant.

Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.

Dial Before You Dig

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

Telecommunications Act 1997 (Commonwealth)

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

Asbestos Warning

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

www.environment.nsw.gov.au

www.adfa.org.au

www.safework.nsw.gov.au

Alternatively, telephone the *SafeWork NSW* on 13 10 50.

Attachment C - Tables of Compliance

State Environmental Planning Policy (Infrastructure) 2007

State environmental Planning Policy (Infrastructure) 2007 (ISEPP) applies to the development as the North-West Metro rail corridor is located within a stratum beneath the site parallel to Castle Hill Road. The application was referred to Sydney Metro pursuant to Clause 86 and 87 of the ISEPP.

The site adjoins Old Northern Road and Castle Hill Road, both of which are classified roads, and the application was referred to TfNSW pursuant to Clause 101, 102 and 104 of the ISEPP.

The table below addresses the assessment of the proposal against the relevant clauses of the ISEPP.

State Environmental Planning Policy (Infrastructure) 2007	
<p>Section 86 - Excavation in, above, below or adjacent to rail corridors</p> <p>(2) Before determining a development application for development to which this clause applies, the consent authority must—</p> <p>(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</p> <p>(b) take into consideration—</p> <p>(i) any response to the notice that is received within 21 days after the notice is given, and</p> <p>(ii) any guidelines issued by the Secretary for the purposes of this clause and published in the Gazette.</p>	<p>The requirements of Section 86 have been satisfied. The application was referred to Sydney Metro for comment under Section 86.</p> <p>Sydney Metro identified that the extent of works proposed did not trigger clause 86 and provided recommended conditions of development consent. The conditions provided by Sydney Metro are considered to be appropriate and are recommended for inclusion with the conditions of development consent.</p>
<p>Section 87 - Impact of rail noise or vibration on non-rail development</p> <p>(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p> <p>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,</p> <p>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</p>	<p>The applicant supplied a DA Noise Impact Assessment Report, prepared by Acoustic Logic that assessed the impact of rail noise and vibration on the proposed development. As the metro line is located at a depth of over 30m from the surface of the site, noise and vibration impacts are expected to be negligible and no additional mitigation measures are required.</p>
<p>Section 101 - Development with frontage to classified road</p> <p>(2) The consent authority must not grant consent to development on land that has a frontage</p>	

<p>to a classified road unless it is satisfied that -</p> <p>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</p> <p>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</p> <p>(i) the design of the vehicular access to the land, or</p> <p>(ii) the emission of smoke or dust from the development, or</p> <p>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</p> <p>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</p>	<p>Vehicular access to the site is not proposed to be modified by the proposal. Vehicular access would continue to be provided from the site to the wider road network via previously approved points of access. The access point closest to the site is the intersection with Clarke Drive and Old Northern Road. It is not practical to provide a new access to the proposed dwellings from any other road.</p> <p>Council's Traffic and Road Safety team reviewed the proposal and identified that due to the net loss of one independent living unit, there would be negligible impact on traffic generation from the development. Consequently, the proposed development would not impact on the efficiency or ongoing operation of adjoining classified roads.</p> <p>With regard to the emission of smoke or dust from the development, it is considered that emissions would only be a potential problem during the construction phase of the development. Upon establishment, there would be no ongoing impacts in relation to these matters. Conditions of development consent for the implementation of a construction management plan are recommended to control dust and construction impacts.</p> <p>The development is designed to reduce impacts from the classified roads adjoining the site. This includes placing residential living units at a setback from property boundaries and retaining the existing brick boundary fence to reduce acoustic impacts and provide a physical barrier for vehicle emissions.</p>
<p>Section 102(2) Impact of road noise or vibration on non-road development</p> <p>(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p> <p>(a) in any bedroom in the residential accommodation—35 dB(A) at any</p>	<p>The applicant supplied a Noise Impact Assessment Report, prepared by Acoustic Logic that assessed the impact of road noise on the proposed residential development.</p> <p>In Part 4.6 of the report, the consultant identified compliant construction materials to reduce noise to internal areas in line with the requirements of Section 102.</p> <p>The construction materials outlined in the report are not considered to be unreasonable and would</p>

<p>time between 10 pm and 7 am,</p> <p>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</p>	<p>be able to be accommodated by the development.</p> <p>A condition of development consent is recommended for acoustic certification to accompany the application for the construction certificate, and for further certification that sufficient standards have been met during construction to accompany the occupation certificate to ensure compliance with Section 102.</p>
<p>Section 104(3) - Traffic-generating development</p> <p>Before determining a development application for development to which this clause applies, the consent authority must—</p> <p>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</p> <p>(b) take into consideration—</p> <p>(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</p> <p>(ii) the accessibility of the site concerned, including—</p> <p>(a) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</p> <p>(b) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</p> <p>(iii) any potential traffic safety, road congestion or parking implications of the development</p>	<p>Written notice was provided to TfNSW.</p> <p>TfNSW provided conditions of development consent, which are included in the recommended conditions accompanying this report.</p> <p>Council's Traffic and Road Safety team reviewed the proposal and identified that due to the net loss of one independent living unit, there would be negligible impact on traffic generation from the development. Consequently, the proposed development would not impact on the efficiency or ongoing operation of adjoining classified roads.</p> <p>Council's Traffic and Road Safety team reviewed the proposal and no safety issues have been identified. Sufficient parking is available on site for the independent living units provided.</p>

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

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

For the purposes of assessment against SEPP Seniors, the proposed development is defined as a 'Self contained dwellings'. The assessment of the proposal in accordance with the relevant requirements of *SEPP Seniors* is provided as follows:

An assessment of the proposal with respect to the other relevant clauses of SEPP Seniors is provided in the table below:

Clause 30: Site Analysis	
A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause	The application is accompanied by a comprehensive Urban Design Report prepared by Kennedy Associates Architects which satisfies the requirements of this clause.
Clause 33: Neighbourhood amenity and streetscape	
(a) Recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and	<p>The prevailing character of the immediate locality is that of the Anglicare village. The Urban Design Report details that the Anglicare retirement village has been in operation for over 60 years and contains a number of buildings that have been constructed over the life of the site. The heritage listed Lober house (constructed circa 1925) is the oldest building on the site and would not be impacted by the proposed development.</p> <p>The majority of buildings on the site are attached or detached seniors housing developments that have been constructed from 1970 to present day. The scale of these development are inconsistent with the surrounding residential environment, with numerous examples of medium density terrace and row houses, as well as residential flat buildings.</p> <p>The Anglicare village is visually separated from the surrounding low density residential environment via existing topography and the boundary wall, which comprises a 1.8m brick fence.</p> <p>The Anglicare site is expansive and covers over 4.2</p>

<p>(b) Retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</p> <p>(c) Maintain reasonable neighbourhood amenity and appropriate residential character by:</p> <p>(i) Providing building setbacks to reduce bulk and overshadowing, and</p> <p>(ii) Using building form and siting that relates to the site's land form, and</p>	<p>hectares, all dedicated to seniors housing. The desired future character of the Anglicare site is that of continued use for seniors housing. The proposed elements adequately respond to the constraints of the site and provide a development form that is consistent with the internal Anglicare character, whilst minimise visual and amenity impacts on the surrounding lower scale residential environment.</p> <p>As discussed in the body of this report, it is considered that the proposed development would be compatible with the surrounding heritage items.</p> <p>Shadow diagrams provided by the applicant show that all shadowing impacts are confined to the internal site areas. Shadowing impact from the larger buildings B8, B9A, B9B and B19 do not overshadow any adjoining existing independent living units to an extent that would be considered unacceptable, with existing units enjoying over three hours of sunlight access.</p> <p>The proposed buildings adequately respond to the landform of the site.</p> <p>Buildings B8, B9A and B9B are located in a previously cleared area and at the base of an embankment that rises to Castle Hill Road and Old Northern Road. Siting the building in this location reduces environmental impacts associated with landform modification and vegetation clearing and utilises the existing topography to reduce the visual impact of the buildings from the adjoining public realm. Internally, Buildings B8 B9A and B9B are setback from James Cook Drive and provided with a vegetated buffer from the internal roadway, which reduces the overall scale and integrates the development appropriately into the site.</p> <p>Buildings B21B, B22, B23, B25, B26, B27 and B28 are located to the north and east of Buildings B8 B9A and B9B. The established character to the north and east is that of attached or detached single level independent living units. Buildings B21B, B22, B23, B25, B26, B27 and B28 respond to the existing low scale character and are of a duplex or detached 1-2 level form appropriate for their individual settings.</p> <p>Building B19, which would act as an administration</p>
--	--

<p>(iii) Adopting building heights at the street frontage that are compatible in scale with adjacent development, and</p> <p>(iv) Considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</p> <p>(d) Be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</p> <p>(e) Embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</p> <p>(f) Retain, wherever reasonable, major existing trees, and</p> <p>(g) Be designed so that no building is constructed in a riparian zone</p>	<p>building, is sited in the centre of the site and would have negligible impact on any adjoining residential living units.</p> <p>Buildings B8, B9A and B9B are located in the closest proximity to street frontages and have a three-storey built form. These buildings are considered to be of an appropriate height, as the existing embankment to Castle Hill Road and Old Northern Road reduces the perceivable scale of the buildings to a single level as viewed from the adjoining public domain.</p> <p>No buildings would be located on the boundaries of the site.</p> <p>The setbacks of all proposed buildings are appropriate for the site. Generally, all buildings are setback at greater distances than existing development.</p> <p>Proposed landscaping within the street frontages is considered to be acceptable and sympathetic to the vegetated streetscapes of Castle Hill Road and Old Northern Road. Additionally, the majority of existing vegetation in site peripheries is retained by the development. Overall there would be a net increase in vegetation across the site.</p> <p>The proposal would retain trees where possible on the site. Where tree removal is required, there is a proposed replacement ratio of greater than 3:1.</p> <p>Compliant.</p>
Clause 34: Visual and acoustic privacy	
<p>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</p> <p>(a) Appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</p> <p>(b) Ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways,</p>	<p>The proposed building design would not permit the generation of any unacceptable privacy impacts.</p> <p>Buildings are orientated to have views over public domain areas internal to the site.</p> <p>Bedrooms of dwellings are located away from noise sources, where site conditions permit. The applicant supplied a Noise Impact Assessment Report, prepared</p>

parking areas and paths.	<p>by Acoustic Logic that assessed the impact of road noise on the proposed residential development.</p> <p>The report concluded that noise levels in units would be acceptable, subject to implementation of construction materials. Conditions of development consent are recommended to ensure compliance with the recommendation of the Noise Impact Assessment Report.</p>
Clause 35: Solar access and design for climate	
<p>The proposed development should:</p> <p>(a) Ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</p> <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>	<p>Shadow diagrams indicate compliance.</p> <p>The proposed villas and RFB style independent units have been designed with regard to northern solar exposure as well as the relevant BASIX requirements. The site planning and dwelling designs are considered to be appropriate with respect to the constraints and opportunities of the site.</p>
Clause 37: Crime prevention	
<p>The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:</p> <p>(a) 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 any such area, driveway or street, and</p> <p>(b) Where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and</p> <p>(c) Providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.</p>	<p>The supplied statement of environmental effects provides commentary on the CPTED principals applied to the development, including methods for passive surveillance, access control to building areas and territorial reinforcement via the use of consistent boundary fencing, building design and landscaping. Council considers that the proposed development adequately addresses the requirements listed under Clause 37 and considers the proposal acceptable in this regard.</p>

Clause 38: Accessibility

The proposed development should:

- (a) Have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and
- (b) Provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.

The development is presently well connected with internal pathways and public transport routes that enter and service the site. The existing bus turnaround and stop area on James Cook Drive will be retained by the proposed development for use of existing and new residents.

The development site is well serviced by the existing road network. Works to upgrade the existing road network to cater for additional demand have been proposed under this application, including the alignment of James Cook Drive and minor modifications to Clarke Drive. The applicant has demonstrated that the modifications do not impact on the ability of buses to service the site, and sweep paths have been provided that show compliance.

Pedestrian accessibility would be retained and enhanced by the proposed development. With the existing accessible pedestrian network across the site being maintained and augmented to suit the proposed works. No through site pedestrian linkages would be severed by the proposal.

Clause 39: Waste Management

The proposed development should be provided with waste facilities that maximize recycling by the provision of appropriate facilities.

The proposed development includes a fully enclosed loading dock with bin room for waste management for buildings B8, B9A and B9B. The administration building No. 19 would be serviced via a waste enclosure, with villas being serviced by kerbside pickup.

Council's assessment raises no objection subject to the imposition of the conditions recommended in this report.

Clause 40: Development Standards- minimum sizes and building height

A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.

- (2) Site size: must be at least 1,000 sqm
- (3) Site frontage: must be at least 20 metres wide measured at the building line.
- (4) Height in zones where residential flat buildings are not permitted

If the development is proposed in a

N/A - Social Housing Provider - Complies regardless

N/A - Social Housing Provider - Complies regardless

<p>residential zone where residential flat buildings are not permitted:</p> <p>(a) The height of all buildings in the proposed development must be 8 metres or less, and</p> <p><i>Note. Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height. See clauses 48 (a), 49 (a) and 50 (a).</i></p> <p>(b) A building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and</p> <p><i>Note. The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.</i></p> <p>(c) A building located in the rear 25% area of the site must not exceed 1 storey in height.</p> <p>(5) Development applications to which clause does not apply - Subclauses (2), (3) and (4) (c) do not apply to a development application made by any of the following:</p> <p>(a) The Department of Housing,</p> <p>(b) Any other social housing provider.</p>	<p>All buildings compliant.</p> <p>Non-compliant – see discussion in this report.</p> <p>N/A – Social Housing Provider</p> <p>As noted above the applicant meets the definition of a social housing provider.</p>
<p>Clause 50: Standards that cannot be used to refuse development consent for self-contained dwellings</p> <p>(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),</p>	<p>Complies</p>

<p>(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,</p>	<p>Complies – FSR of 0.361:1.</p> <p>It is noted that the “site area” for FSR calculation only includes the portion of the site impacted by the development as shown on (Plan No. DA-003 be Jackson Teece), and not the site as a whole. This approach is consistent with previous development applications on site, including DA/52/2012 and DA/315/2019 (albeit DA/315/2019 was not supported, but density was not identified as a reason for development refusal).</p>
<p>(c) landscaped area: if—</p> <p>(i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or</p> <p>(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,</p>	<p>Part (i) is applicable. 2,310m² is required and 55,600m² is provided - Compliant.</p>
<p>(d) Deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,</p>	<p>>50% deep soil provided across site area.</p>
<p>(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,</p>	<p>The supplied solar access diagrams, as well as solar view and shadow diagrams prepared by Jackson Teece Architects show that 48 out of 66 dwellings, or 72.7% of dwellings proposed achieve complaint solar access requirements to both internal living rooms and private open spaces.</p> <p>It is also noted that if the villas are removed from the calculation, and only Buildings B8, B9A and B9B are included, the overall number of units that achieve</p>

	<p>complaint solar access drops to 66%. In assessing this factor, it is noted that 81% of units achieve complaint solar access to private open spaces areas, with the 66% figure being that a number of units do not achieve solar access to living rooms. This is not considered to be an unacceptable result, as when compared to the less stringent SEPP 65 solar access requirements for RFB buildings, 81% compliance is achieved for living spaces and POS receiving a minimum 2 hours solar access.</p> <p>Additionally, it is noted that in a limited number of units, skylights are provided to achieve solar access requirements. No objections are raised to the use of skylights, as they are utilised in a limited number of apartments, and the seniors SEPP does not restrict their use in achieving solar access requirements.</p>
<p>(f) private open space for in-fill self-care housing: if—</p> <p>(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and</p> <p>(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,</p>	<p>All self care housing units are compliant</p>
<p>(h) parking: if at least the following is provided—</p> <p>(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or</p> <p>(ii) 1 car space for each 5 dwellings where the development application is</p>	<p>Part (ii) complies - The proposal provides 90 car spaces</p> <ul style="list-style-type: none"> • 53 for the apartments • 11 visitors (basement) • 26 for the villas <p>In addition, there are 17 car parking spaces associated with the administration building making a total of 107 car parking spaces.</p>

made by, or is made by a person jointly with, a social housing provider.	
--	--

Location and access to facilities (Clause 26)

The proposed statement of environmental effects describes the proposal's compliance with Clause 26 as follows:

The site is serviced with public buses operated by Hills Bus that pass through the site. The relocated Clarke Drive has been designed to accommodate the public buses. Some of the existing bus stops in Clarke Drive and Western Road will be relocated. The location of the bus stops is shown on DA-035 and DA-036 prepared by Jackson Teece. The following two bus routes service the site:

- *Route 632 - Pennant Hills to Rouse Hill via Norwest and Castle Hill*
- *Route 635 - Castle Hill to Beecroft via West Pennant Hills.*

Drawings DA-035 and DA-036 demonstrate that the main pedestrian entrances of the apartment buildings and villas are all within 400m walking distance of the bus stops in both the forward and return journeys. The gradients of the footpaths have also been noted on the plans and the majority of pathways are designed to a 1:20 gradient with some at 1:14 gradient where it was not possible to achieve the shallower 1:20 gradient. The travel distance and gradients comply with clause 26 (including the proposed buildings on 411-415 Old Northern Road and 417-419 Old Northern Road which have not previously been used for seniors housing).

Both bus services operate on Monday to Friday between approximately 5.30-6.00am and 9.00-10.00pm with multiple services in the morning and afternoon satisfying the hours and frequency of clause 26(2)(ii) - refer to bus timetables submitted with the DA. All bus services are wheelchair accessible.

The statement outlines that all of the services required by Clause 26 are available via either on site use or via the bus services described above. Further, accessible paths of travel are available on site, and at the destination end, being the Castle Hill Shopping centre.

The proposed development complies with the requirements of Clause 26.

Hornsby Local Environmental Plan Section 6.2 - Earthworks

The objective of Clause 6.2 Earthworks of the HLEP is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

An assessment of the requirements listed under Clause 6.2(3) of the HLEP is required to be undertaken before development consent is granted. An assessment of these requirements is provided in the table below;

Matter for Consideration	Comment
(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development	The proposed excavation on site would have negligible impact on any drainage patterns in the locality. Soil stability would be unimpacted upon completion of the proposed works, as basement walls and landscaping retaining walls would retain soils.
(b) the effect of the development on the likely future use or redevelopment of the land	The proposed excavation is required to facilitate the use of the site as a retirement village. The proposed earthworks would create additional communal open space uses and remove contaminated soils from the site, assisting the in future desired use of land as a retirement village.
(c) the quality of the fill or the soil to be excavated, or both	Appropriate conditions are recommended in Schedule 1 of this report for the classification of all excavated material prior to disposal off site. Any material imported to the site will be conditioned to comprise of virgin excavated natural material only.
(d) the effect of the development on the existing and likely amenity of adjoining properties	Amenity impacts as a result of the excavation would largely be defined to the construction period. Appropriate conditions of development consent are recommended to control amenity impacts during construction. Post construction, during the buildings operation phase, negligible impacts are expected as a result of the proposed excavation.
(e) the source of any fill material and the destination of any excavated material	Appropriate conditions are recommended for the classification of all excavated material prior to disposal off site. Any material imported to the site will be conditioned to comprise of virgin

	excavated natural material only.
(f) the likelihood of disturbing relics	Council has no records that would indicate that relics are likely to be discovered on the subject site in the areas of excavation proposed.
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area	The development site is not in close proximity to any waterway, drinking water catchment or environmentally sensitive area.
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development	Appropriate measures to avoid, minimise and mitigate the impacts of the excavation are recommended as conditions.

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

The Policy provides for design principles to improve the design quality of residential flat development and for consistency in planning controls across the State.

The SEPP adopts the Apartment Design Guide which prevails in the event of any inconsistency with a Development Control Plan. The SEPP includes objectives to meet housing and population targets, affordable housing and to facilitate timely and efficient assessment of development applications. The SEPP makes further provision for design review panels; include additional provisions for the determination of development application and for standards for car parking, visual privacy, solar and daylight access, common circulation and spaces, apartment size and layout, ceiling heights, private open space and balconies, natural ventilation and storage, which cannot be used as grounds for refusal of development consent.

Design Quality Principles

The applicant has submitted a “Design Verification Statement” prepared by a qualified Architect stating how the proposed development achieves the design principles of *SEPP 65*. The design principles of *SEPP 65* and the submitted design verification statement are addressed in the following table.

Assessment of the proposal against the design quality principles contained within Schedule 1 of the SEPP is provided below:

SEPP 65 - Schedule 1 Assessment	
Principle	Compliance
1. CONTEXT AND NEIGHBOURHOOD CHARACTER	Yes
<p>Comment: The site is located in an existing large scale retirement village, as described in the Architectural Design Verification Statement provided by Jackson Teece Architects; existing <i>buildings are made up of varying characters in terms of typologies, heights, scales and architectural expression. It includes modern architecture (much of which Jackson Teece have designed) and older developments. The new proposed development forms part of this diverse character of the site.</i></p> <p>In recognition of the development context, the residential flat building component of the development is located in section of the site that would have negligible impact on existing lower scale development typologies. Appropriate setbacks are provided to existing dwellings and internal roadways which further allow for the building to be landscaped and integrated into the existing character of the area.</p> <p>The design is considered to adequately respond to the context of the site and existing neighbourhood character and is considered acceptable in this regard.</p>	
2. BUILT FORM AND SCALE	Yes
<p>Comment: Despite the height noncompliance, it is considered that the proposed development achieves a scale, bulk and height appropriate to the existing or desired future character of the retirement village and surrounding buildings. The building presents as highly articulated and of appropriate proportions and materiality. The concept would contribute to the character of the streetscape and offer residents a high level of amenity.</p>	

3. DENSITY	Yes
<p>Comment: The HLEP does not incorporate floor space ratio requirements for the site. The density of the development is governed by the height of the building and the required setbacks. The proposed density is considered to be sustainable as it responds to the regional context, availability of infrastructure, public transport, existing community facilities on site and environmental constraints and is acceptable in terms of density.</p>	
4. SUSTAINABILITY	Yes
<p>Comment: The development complies with the relevant BASIX requirements for the residential flat building components. Cross ventilation, solar access, and predominate northerly orientation of buildings provide passive sustainability gains, whilst the use of skylights assists in naturally lighting some top floor apartments. Tree and vegetation replacement across the site is proposed at a rate of 3 to 1 to offset vegetation loss associated with the development.</p>	
5. LANDSCAPE	Yes
<p>Comment: Landscaping is provided within all setback areas, with provision for deep soil and planted garden beds. Amenity trees and vegetation will assist in integrating the development with the existing character of the area.</p>	
6. AMENITY	Yes
<p>Comment: The proposed units are designed with appropriate room dimensions and layout to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units incorporate balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas.</p>	
7. SAFETY	Yes
<p>Comment: The design orientates the balconies and windows of individual apartments towards the street, rear and side boundaries, providing passive surveillance of the semi-public domain within the Anglicare site and communal open space areas. Both the pedestrian and vehicular entry points to the Anglicare site are obvious and reinforce a sense of place.</p> <p>A future development would be capable of compliance with <i>Crime Prevention Through Environmental Design Principles (CPTED)</i>.</p>	
8. HOUSING DIVERSITY AND SOCIAL INTERACTION	Yes
<p>Comment: As outlined Architectural Design Verification Statement provided by Jackson Teece Architects;</p> <p><i>Anglicare is a social housing provider for seniors housing developments in NSW. The proposed development will meet a significant demand for a mix of self-care dwellings in modern, architecturally well-designed and articulated apartment style buildings to meet the seniors living needs of the local community in the Hornsby LGA.</i></p>	

The general intent of the apartment mix is to cater for a range of household types. Anglicare's research however indicates there is little demand in this area for smaller, one-bedroom apartments, with most future residents down-sizing from houses and seeking at least two to three bedrooms.

The provision of modern seniors housing will assist in catering for current market demand, as well as freeing existing larger housing stock in the area for use by new and established families. The housing diversity provided is therefore considered to be acceptable.

The development includes enhancement of existing social interaction opportunities for both existing and future residents, and includes an amphitheatre for events and seating, as well as an enhancement of the existing established gardens on site. The residential flat buildings are located in a section of the site that offers little opportunity for social interaction.

9. AESTHETICS

Yes

Comment: The architectural treatment of the building incorporates indentations and projections in the exterior walls with balcony projections to articulate the facades. The roof is flat to minimise building height and reduce the extent of any height non-compliance. The articulation of the building, composition of building elements, textures, materials and colours would achieve a built form generally consistent with the design principles contained within the Residential Flat Design Code and the Hornsby DCP.

Apartment Design Guide

Amendment No. 3 of the *SEPP 65* also requires consideration of the *Apartment Design Guide, NSW Department of Planning and Environment 2015*. The *Guide* includes development controls and best practice benchmarks for achieving the design principles of *SEPP 65*. The following table sets out the proposal's compliance with the ADG:

Apartment Design Guide			
Control	Proposal	Requirement	Compliance
Communal Open Space (3D-1)	>25% provided within the Anglicare site	25% of site area	Yes
Solar Access (Communal open space areas) (3D-1)	>50% achieved	50% direct sunlight access for 2 hours	Yes
Deep Soil Zone (3E)	>50	7% of site area	Yes
Building Separation (3F-1)	11m between building 9a and 9b 11m between building 9b and Building 8	6m between habitable windows and balconies. 3m to non-habitable (G-Level 3.)	Yes
Car Parking (3J-1)	N/A – SEPP Seniors provides parking rate See discussion in body of assessment report.	N/A	N/A
Solar Access (4A-1) - <i>Living rooms and Private Open Space</i>	75%, 100% and 72.2% for Buildings 8, 9A and 9B respectively	2 hours for 70% units	Yes
No Solar Access allowable for units (4A-1)	15%, 0% and 11.1% for buildings 8, 9A and 9B respectively	15% of units (max)	Yes
Natural Cross Ventilation (4B-3)	70%	60%	Yes
Ceiling Height (4C-1)	Complaint	2.7m for habitable rooms 2.4 for non-habitable rooms	Yes
Minimum Dwelling Size (4D-1)			

- 1 Bed units	62m ²	50m ²	Yes
- 2 bed units	90m ²	70m ²	Yes
- 3 bed units	106m ²	90m ²	Yes
- 3 bed +5m ² for additional bathrooms	None provided	95m ²	N/A
Minimum Window Size (4D-1)	>10% provided as openable windows	10% of the floor area of the room	Yes
Habitable Room Depth (4D-2)	<8m	8m from a window (max)	Yes
Minimum Balcony Size (4E-1)			
- 1 Bed units	13m ²	8m ² / 2m depth	Yes
- 2 bed units	12m ²	10m ² / 2m depth	Yes
- 3 bed units	>14m ²	12m ² / 2m depth	Yes
Maximum Number of Units on a Single Level (4F-1)	7	8 units off a circulation core	Yes
Storage (4G-1)			
- Studio	N/A	4m ³	N/A
- 1 Bed units	6.02m ³	6m ³	Yes
- 2 bed units	8.7m ³	8m ³	Yes
- 3 bed units	13m ³	10m ³	Yes
- % located in unit	>50%	50%	Yes