

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSNH-86
DA Number	MOD0017/20
LGA	Ku-ring-gai
Proposed Development	Section 4.55(2) modification to a development consent to demolish structures and construct a residential aged care facility, basement parking and landscaping works under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004.
Street Address	144, & 146 Killeaton Street, 1 Yarrabung Road and 1, 3 and 5, College Crescent, St Ives
Applicant/Owner	Estia Investments Pty Ltd C/O Peter Hamilton
Date of DA lodgement	14 February 2020
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	General development over \$20 million and variation to a development standard (building height) of more than 10%. The subject 4.55(2) modification application relates to a development proposal for which the SNPP was the consent authority.
List of all relevant s4.15(1)(a) matters	• SEPP 55 – Remediation of Land • SREP (Sydney Harbour Catchment) 2005 • SEPP (Housing for Seniors or People with a Disability) 2004 • Ku-ring-gai LEP (Local Centres) 2012 • Ku-ring-gai Local Centres DCP • Ku-ring-gai Contributions Plan 2010
List all documents submitted with this report for the Panel's consideration	Attachment A – Assessment cover letter dated 3 March 2020 Attachment B – Location Sketch Attachment C – Zoning Extract Attachment D – Elevation Plans Attachment E – Floor Plans Attachment F – Roof Plans Attachment G – Landscape Plans Attachment H – Civil Drawings
Clause 4.6 requests	A clause 4.6 request was approved under DA0341/16 for a building height variation, as this application is a modification a revised clause 4.6 request is not required, however the modification does include works at the roof/third floor level that do not comply with the 8m building height development standard, the merits of this modification have been considered in the assessment report.
Summary of key submissions	Nil
Report prepared by	Kelly Small – Executive Assessment Officer
Report date	10 July 2020

Summary of s4.15 matters

Yes

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

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

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not
Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

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

**Not
Applicable**

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

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

EXECUTIVE SUMMARY

RELEVANT HISTORY

DA0341/16 The Sydney North Planning Panel granted development consent to this application on 22 June 2017.

ASSESSMENT TIMELINE

Date	Event
14 February 2020	The application was submitted pursuant to Section 4.55(1A) of the Act.
25 February 2020	The applicant was requested to amend the application to a section 4.55(2) and to provide clarification on the plans to be amended as part of the application.
11 March 2020	Email received from the applicant contesting that the matter formed a section 4.55(2) modification and providing an amending planning report and amended plans.
25 March 2020	Advice provided to the applicant via email that the application is considered a modification under section 4.55(2) as per previous correspondence and that an additional fee is payable.
22 April 2020	Letter issued to the applicant clarifying the additional fees payable.
30 April 2020	The applicant provided an amended application under section 4.55(2) and provided a receipt for the payment of additional fees.
6 May 2020	The applicant received a letter advising of a new assessment officer.
8 May 2020	The application was notified for 14 days.
11 May 2020	The application was registered with the Sydney North Planning Panel.
June – July 2020	The applicant was requested to clarify a number of items, including the proposed changes to the landscaping design and clarification on the height limit. The applicant provided a diagram showing the changes to the landscaping in a clearer format and confirmed that the modification to the top of the building did not change the maximum height of the approved development.

THE SITE AND SURROUNDING AREA

The site:

Visual character study category	1945-1968
Easements/rights of way	easement for sewer and drainage – lots burdened 144 & 146 Killeaton Street and 1 Yarrabung
Heritage Item – Local	No
Heritage Item – State	No
Heritage conservation area	No
Within the vicinity of a heritage item	No
Bush fire prone land	No
Natural Resources Biodiversity	No
Natural Resources Greenweb	Yes: canopy remnant – 5 College Crescent
Natural Resources Riparian	No
Within 25m of Urban Bushland	No

The site is cleared and has three street frontages comprising of six separate parcels.

The prevailing character in the immediate vicinity is generally low density single dwellings in open landscaped gardens to the north (Killeaton Street), south (College Crescent) and east (Yarrabung Road). Immediately adjoining land to the west and south-west is zoned R3 Medium Density Residential with R4 High Density Residential zoned land further to the west. The R3 and R4 zoned land is in a transitional phase. Land to the north, east and south of the site is zoned R2 Low Density Residential.

THE APPROVED DA

DA0341/16 for the demolition of existing structures and construction of a 118 bed residential aged care facility, basement parking for 42 vehicles, associated infrastructure and landscaping works under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 (hereafter referred to as 'SEPP Seniors') was approved by the Sydney North Planning Panel on 22 June 2017. A Construction Certificate for the works approved by DA0341/16 is yet to be issued.

THE PROPOSAL

Under the provisions of section 4.55(2) of the Environmental Planning and Assessment Act 1979, consent is sought to modify the Development Consent to DA0341/16 as follows:

- i. Modifications to the internal layout of the development including the location of plant rooms, egress corridors.
- ii. Changes to residential care room layouts to improve operational efficiency with no change to the number of approved beds (includes reconfiguration of bedrooms with an overall impact of improving views from common areas to the internal courtyards.
- iii. Adjustments to the external façade, including colours and finishes and some materials within the approved colour and material palette.
- iv. Modification to the basement shape to improve tree retention and the functionality of the car park, increasing the number of car spaces from 42 to 47 including ambulance bay.
- v. Addition of a (library approximately 23sqm) to the northern end of the building and activity room approx. 25sqm in size at the southern end of the building (in the location of previous landscaped areas) at ground floor. Modification to increase the size and reconfigure the dining rooms with screening provided from communal areas to bedroom doors; addition of a 'Club Lounge' as additional floor space approx. 30sqm in size on the first floor.
- vi. Changes to window sizes and the provision of external louvres for solar control.
- vii. Provision of additional private balconies from bedrooms to the internal eastern elevation of the first floor level of Carehouse POD 1 and additional doors added to a

- selection of rooms to provide direct access to internal communal outdoor terrace areas in Carehouse POD 1 and 4 at Ground Level.
- viii. Changes to the stormwater system.
 - ix. Modification to the approved roof top communal area including the relocation of the lift to the west, deletion of the pergola and partial enclosure of the roof top terrace to create a sunroom.
 - x. Provision of more plant equipment on the roof to reduce the reliance on mechanical ventilation within the basement.

COMMUNITY CONSULTATION

The application was notified for 14 days in accordance with Community Participation Plan. No submissions were received.

INTERNAL REFERRALS

Engineering

Council's Development Engineer provided the following comments:

Water management

The civil / stormwater plans are consistent with the DA approved plans. The on-site detention tank has been increased by 9m³ whilst the retention tank volume remains the same. The stormwater systems, water quality measures and point of discharge are in-line with the Ku-ring-gai DCP Part 24.

Vehicle access and accommodation arrangements

The modified proposal does not change the location of the basement carpark entrance.

Parking space dimensions have been provided on the architectural plans, which is satisfactory.

The applicant has advised as part of the modification that up to 35 staff are expected to be working on-site at any given time. This information was requested as part of the modification.

Under the SEPP, the development requires one parking space per 10 beds, one parking space per two employees and one space for an ambulance. As such, a total of 31 spaces is required. The proposal includes 47 spaces including an ambulance and loading bay.

The approved number of spaces shown on the basement plan is 42 (there is no space 15) with an ambulance bay and loading bay. The proposal now seeks to reconfigure the basement layout to accommodate the tree protection zones. The basement now consists of 47 spaces with ambulance and loading bay, which complies with the SEPP.

The internal driveway gradients aisle widths and car space dimensions are compliant with Australian Standard 2890.1 (2004) "Off-Street car parking".

*The proposal is acceptable, subject to updating the stormwater plan references in **Condition 1** to reflect the new plans and deleting Condition 25 as it is no longer applicable.*

It is recommended that the approved Stormwater Plan, and Environmental Site Management Plans, prepared by Taylor Thomson Whitting and dated 6/4/17 listed in the consent, are to be replaced with the Early Works Plans Drawing No. C01, C02, C05, C10, C12, C20 and C21 all issue 'B' dated 4 February 2020 prepared by Taylor Thomson Whitting.

Ecology

Council's Ecological Assessment Officer provided the following comments:

Biodiversity Conservation Act 2016		
Section 7.3	Proposed	Complies
<i>The purpose of the Act is to maintain a healthy, productive and resilient environment</i>	<i>The College Crescent frontage contains remnant Sydney Turpentine Ironbark Forest (STIF) trees which are listed as a Critically Endangered Ecological Community (CEEC) under the Biodiversity Conservation Act 2016.</i> <i>The proposed modification does not adversely impact upon the long-term retention and viability of STIF trees. All STIF trees are to be retained as such no impact assessment (5-part test) is deemed to be necessary in this instance.</i> <i>The proposed modification will not result in significant impacts upon the STIF as such no biodiversity development assessment report is deemed necessary.</i>	YES

SEPP 19 – Bushland in Urban Areas		
Part 2 - Aims	Proposed	Complies
<i>The aim of the SEPP is to preserve bushland within urban areas</i>	<i>The subject property does not adjoin 'Urban Bushland' as such no further consideration deemed necessary under the SEPP.</i>	YES

KDCP COMPLIANCE TABLE		
Control	Proposed	Complies
Part 18 Biodiversity Controls		
<i>18.6 Category –Canopy Remnant</i>	<i>The proposed modification will not result in the removal of native vegetation as such it is considered that the proposal meets the relevant controls and objectives under these parts.</i>	YES

Landscaping

Council's Landscape & Tree Assessment Officer provided the following comments:

Tree impacts

Condition 24 of DA0341/16 required amendments in relation to the stormwater overland flow channel to the landscape and architectural plans to preserve tree 10 - Agathis robusta (Queensland Kauri Pine).

These amendments have not been indicated on the plans. As such, Condition 24 should remain as per the development consent.

Landscape plan

Substantial changes to the number and species of the proposed planting on the site have been made.

Overall, these changes are acceptable, however there are less medium to tall tree planting proposed for the site as follows:

tall tree planting

11 x Pyrus species (approved) reduced to 5

mid layer tree planting

13 x Elaeocarpus reticulatus (approved) reduced to 4

9 x Elaeocarpus eumundi (approved) reduced to nil

4 x Gordonia axillaris (approved) reduced to 1

The reduction in mid layer and tall tree planting is not acceptable as it will have an adverse impact on the landscape character of the area.

The approved tree planting will provide softening of the built form when viewed from the streetscape and adjoining properties as required by the design principles of SEPP Seniors Living.

Amendments required in accordance with consent DA0341/16

*The modified landscape plans are not in accordance with items i, ii, iii and iv of Condition 26. As such, a condition has been recommended (**Condition 25a**) to rectify this.*

Environmental Health

Council's Environmental Health Officer provided the following comments:

A further acoustic report was not provided with this application and it is unclear from the plans what mechanical equipment is proposed to be located on the roof platform. Given it is likely to be a mix of exhaust ventilation from the carpark, garbage, bathroom, laundry, commercial kitchen areas as well as air conditioning and other plant equipment, the acoustic impacts will need to be assessed.

*The previous application proposed to locate plant equipment in the basement where there would be less impact on adjoining properties. In order to protect the amenity of adjoining properties and with the potential for plant material to now be on the roof, further acoustic design work is needed. Design input will be required from an acoustic consultant at Construction Certificate stage to ensure that suitable enclosures or screening are provided to address any potential noise impacts and new conditions of consent have been added to reflect the need for this (**Conditions 43a, 98a, 106, 107 and 108**).*

STATUTORY PROVISIONS

Section 4.55(2) of the Environmental Planning and Assessment Act 1979 – Modification of consents

Part A: Substantially the same development

The development, as to be modified is substantially the same development as that approved. The proposed modifications do not alter the essence or character of the development in any materially significant way. The changes are design amendments and refinements which are

typical of a development of this scale and type.

Part B: Consultation with the Minister, public authority or approval body

The application was not required to be referred to the Minister or any public authority or approval body.

Part C: Notification

The application has been notified in accordance with the Community Participation Plan.

Part D: Submissions

There were no submissions received.

Part E: Section 4.15 considerations

This assessment report includes consideration of the matters specified in section 4.15 of the Act. The modified proposal has been assessed against the Seniors SEPP, Council's LEP and DCP and has been found to be acceptable.

Part F: Threatened species

The proposed modification does not relate to a development to which a bio-banking statement has been issued under the Threatened Species Conservation Act 1995.

Section 4.15 considerations

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

The application seeks consent to modify a Seniors Living development that was approved under the provisions of SEPP Seniors Living.

The development application was submitted pursuant to the SEPP and the relevant provisions were addressed under DA0341/16. The modified proposal does not detract from the intention of these principles, considered when development consent was granted.

The modification includes internal bedroom, common area and lift location changes that result in the centralisation of Lift 1 and 2 and the deletion of Lift 3. The reconfiguration of bedrooms allows for greater access and views to the landscaped courtyard areas from dining room and living areas, improving resident's connection with outdoor space, particularly in Carehouse POD 1 and 2 at Ground Level. Resident's amenity has been improved with the inclusion of a library and activity room at Ground Level and a 'Club Lounge' on the First Floor. These spaces are additional floor space, within previous landscaped areas or undeveloped floor space. These areas will provide lifestyle benefits to the residents and are intended to improve the liveability of the building whilst balancing this with the need for a range of different outdoor spaces.

The additional plant equipment to be added to the roof sits within an approved plant area that is screened on all sides. To ensure that acoustic nuisance is not created as a result, an acoustic consultant is to be consulted as per additional recommended conditions of consent **(Conditions 83, 43a and 98a)**.

The material palette has been adjusted, within the framework of the approved colours and materials and additional windows have been added to improve access to sunlight, particularly in common areas.

In regard to neighbourhood amenity and streetscape, the following additional comments are made:

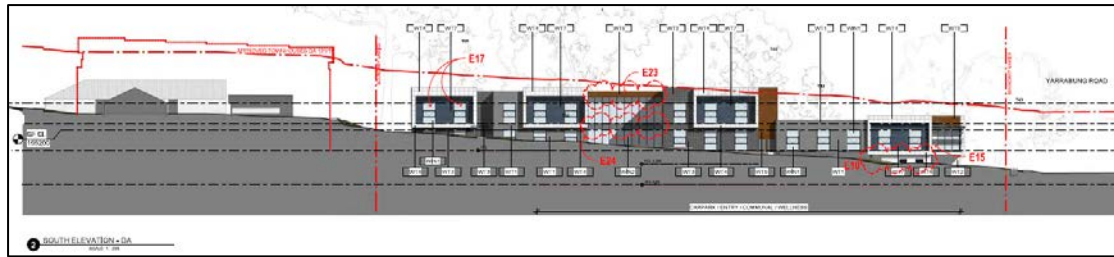


Figure 1.4 Modified South Elevation

The approved development included the retention of 31 trees, details of which are provided below:

- 11 trees on site – Trees 10, 33, 34, 36, 38, 48, 67, 68, 70 and
- 20 trees on the nature strip – Trees 1, 2, 6, 7, 8, 9, 23, 28, 30, 31, 32, 39, 40, 41, 43, 44, 45, 49, 50, 69

An additional 8 trees are now proposed to be transplanted – Trees 25, 29, 53, 54, 55, 56, 72, 73

The modified proposal does not seek any changes to the trees to be retained. The outcome of the changes to the shoring wall location of the basement is to increase the space around the tree protection zones of Trees 48 and 67 and to provide additional deep soil root zone for the retention of these trees. This is considered to be an improvement to the approved design.

In regard to Clause 34 'Visual and acoustic privacy' the modified proposal addresses these requirements, through the provision of additional privacy screening, maintaining existing landscaping and trees to street boundaries where possible and sensitive window locations into the plans.

The modifications seek to reduce the amount of proposed new planting on site. This is not acceptable and it is recommended to be addressed by way of a condition (**Condition 26**) which requires the reinstatement of the existing approved planting scheme.

In regard to Clause 40 Development Standards, the maximum building height of the modifications at the roof level remain at 8.9 metres which is consistent with the maximum height approved under the original DA0341/16 with the merits of the development standard variation previously dealt with and accepted under Clause 4.6 'Exceptions to development standards' of the LEP. The introduction of new windows to the top floor of the eastern elevation for the new sunroom is more visually dominant than the approved scheme. However, the reduced setback from the eastern boundary of the site will not result in an overall three storey presentation as the eastern elevation of the new sunroom represents a small section of the eastern presentation to the street. The western elevation remains the same, with the exception of window treatments, consistent with the changes to the other elevations.



Figure 1.5 Approved Eastern Elevation

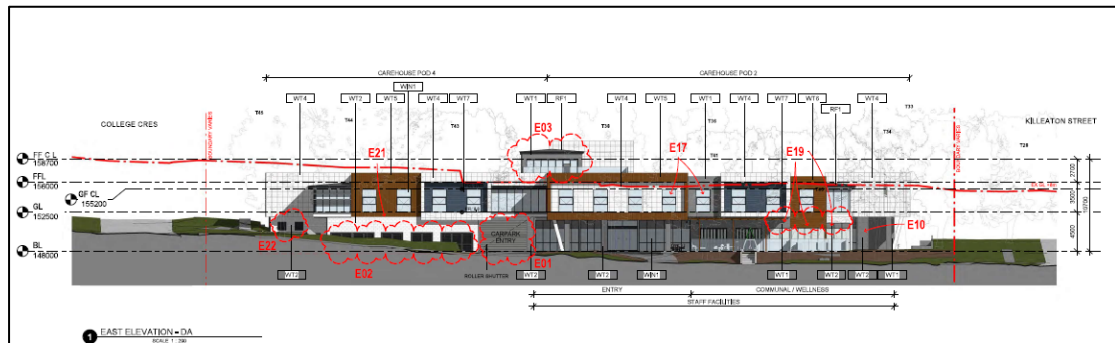


Figure 1.6 Modified Eastern Elevation

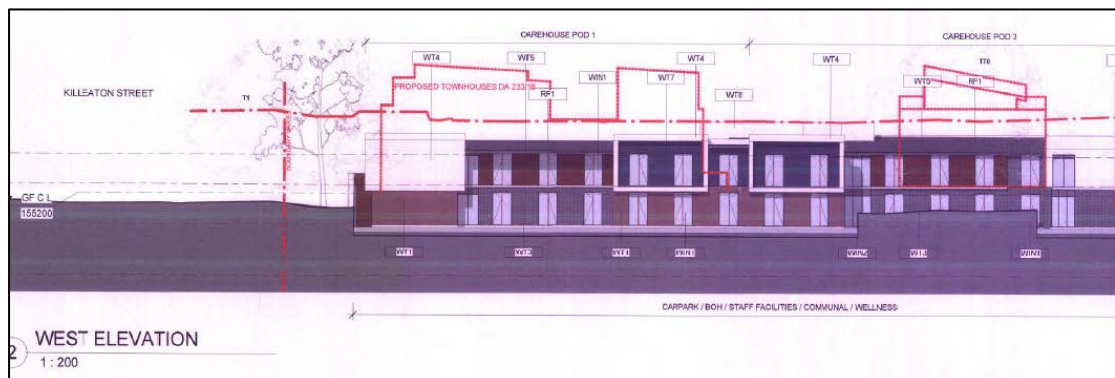


Figure 1.7 Approved Western Elevation



Figure 1.8 Modified Western Elevation

COMPLIANCE TABLE			
Clause	Provision	Comment	Complies
Part 4 – Development Standards to be complied with			
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.		
	Site size The size of the site must be at least 1,000 square metres.	7,066m ²	YES (no change)
	Site frontage The site frontage must be at least 20 metres wide measured at the building line.	North - 76.19m South - 76.7m (+9m splay corner) East – 74.65m (+ 8.5m splay corner)	YES (no change)

COMPLIANCE TABLE			
Clause	Provision	Comment	Complies
	Height in zones where residential flat buildings are not permitted:		
	the height of all buildings in the proposed development must be 8 metres or less, and	8.9m as approved under the consent to DA0341/17 with the height modification previously dealt with under Clause 4.6.	NO
	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	2 storeys maximum for elevations adjacent to site boundaries. 3 storeys maximum in the central part of the site in accordance with the DA consent	NO
	a building located in the rear 25% area of the site must not exceed 1 storey in height.	The site, having three street frontages, does not have a readily discernible rear.	N/A – The site has three street boundaries and a side boundary
Part 7 – Development standards that cannot be used as grounds to refuse consent			
46 Inter-relationship of Part with design principles in Part 3	Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.	In accordance with this clause the proposal is considered to satisfy the design principles in clause 33 'Neighbourhood amenity and streetscape' despite the proposal to which development consent was granted being non-compliant with the non-discretionary development standards in clause 48.	YES

Internal Site Amenity (Clause 50)

Under the modified proposal, the landscape area is reduced from 3,188m² to 3,123m² but remains above the required provision of 25m² per bed (which is 36.5 m² per bed under the modified proposal). Similarly, the gross floor area increases marginally from 6,513m² to 6,755m² with the floor space ratio remaining below 1:1 at 0.95:1. The increase in GFA occurs within the building extending into the courtyard are with the provision of enclosed sunrooms and other common areas for the amenity of residents.

This change does not increase the capacity of the development, which is for 118 beds and the changes improve the liveability of the development while balancing the amenity requirements of nearby properties.

Ku-ring-gai Local Environmental Plan 2015

Ku-ring-gai Local Environmental Plan 2015 is the statutory LEP for the subject site.

Permissibility

The site is zoned R2 Low Density Residential. The modification does not seek to change the approved *seniors housing* use which is a prohibited form of development in the R2 Low Density Residential zone. The proposal remains permissible under the provisions of SEPP Seniors Living.

Zone objectives

The objectives of the zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for housing that is compatible with the existing environmental and built character of Ku-ring-gai.*

The first two objectives are overridden by SEPP Seniors Living as Seniors Living housing is prohibited in the R2 zone and SEPP Seniors Living allows for development densities significantly greater than that ordinarily permitted by the floor space ratio controls for R2 zoned land. It is considered that, for the reasons detailed within this report, the proposed modification is consistent with the third objective of the R2 Low Density Residential zone.

Development standards

The development standards for building height (9.5m) and floor space ratio (0.3:1) in the LEP do not apply to the proposal as they are overridden by the standards for height and floor space ratio in SEPP Seniors Living.

LEP - Part 6 Additional local provisions

Clause 6.2 - Earthworks

Modifications at basement level include a reconciliation of service areas to increase the number of parking spaces and improve the functionality of the car park portion of the basement. The floor plate has been changed to increase the tree protection zones of two existing trees T48 and T67.

Clause 6.5 - Stormwater and water sensitive urban design

Council's Development Engineer is satisfied that the modifications have been designed to manage urban stormwater run-off as per the requirements of the LEP & DCP.

Ku-ring-gai Development Control Plan

The proposal has been assessed against the Ku-ring-gai Development Control Plan.

Part 22.1: Equitable Access

An updated Access Report, addressing the requirements of the Disability Discrimination Act 1992, was submitted with the application to ensure compliance with internal modifications. The Access Report findings are that the modified proposal is suitable. The building appears to have been designed with regard for equitable access and to cater for people with a disability.

Part 23.4: Materials and Finishes

The modifications retain the approved building materials and make changes to the location of these materials on some elevations. The most significant changes relate to the inclusion of more windows and a change from large scale vertical to predominately horizontally

proportioned windows, within the approved colour and material palette. As such, the proposed materials are in accordance with the existing development consent.

The modification includes minor changes to louvres, including the introduction of louvre doors to the storage and service areas (such as water metres) on the eastern elevation near the car park entry on Yarrabung Road. This is a practical approach to the screening of these areas while maintaining access.

Part 23.5 Roof Terraces and Podiums

The approved roof terrace layout has been amended with the proposed pergola deleted and a sunroom with east facing windows added by moving the lift to the west and enclosing part of the open area. The portion of the terrace that remains as an open area includes planting in accordance with the DCP.

Part 23.6: Building services

The proposal includes a change to the location of plant equipment and this includes moving some plant equipment from the basement to the roof. To ensure that any impacts resulting from this modification are appropriately addressed, a condition of consent requiring an updated acoustic report has been included in the recommendation (**Condition 43a**).

Ku-ring-gai Contributions Plan 2010

Section 7.11 (S.94) Development Contributions Plan 2010

The development consists of 118 non-private dwellings. The modification does not seek to change the number of non-private dwellings, accordingly no changes to the existing contributions condition (**Condition 45**) are required.

CONCLUSION:

Having regard to the provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979, the proposed modifications are considered satisfactory, therefore, it is recommended that the application be approved, subject to conditions.

RECOMMENDATION:

THAT the Sydney North Planning Panel having considered MOD0017/20 modify the development consent to DA0341/16 for land at 144 & 146 Killeaton Street, 1 Yarrabung Road and 1, 3 and 5, College Crescent, St Ives in the following manner:

The following conditions are to be modified:

Conditions 1, 26, 80, 84 and 85 are replaced with the following conditions:

1. Approved architectural plans and documentation (S4.55/S.56)

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp:

Plan no.	Drawn by	Dated
2919 A050 Demolition and Tree Removal Plan Rev DA03	Morrison Design Partnership	2017/04/06
2919 A303 Site Sections - 1 Rev DA04	Morrison Design Partnership	2017/04/06
2919 A304 Site Sections - 2 Rev DA02	Morrison Design Partnership	2016/07/22
2919 A305 Comparison Plan and Tree 10 Site Section DA01	Morrison Design Partnership	2017/04/06
Landscape plan LA01 Rev E	Taylor Brammer Landscape Architects Pty Ltd	07/04/17

Landscape plan LA05 Rev E	Taylor Brammer Landscape Architects Pty Ltd	07/04/17
Landscape plan LA06 Rev A	Taylor Brammer Landscape Architects Pty Ltd	27/06/2016
Landscape plan LA07 Rev A	Taylor Brammer Landscape Architects Pty Ltd	27/06/2016

Document(s)	Dated
Colours and finishes schedule 2919 A202, 203, 204 Morrison Design Partnership	2017/04/06
Revised arborist report (Stuart Pittendrigh)	April 2017
151553 Stormwater Report (Taylor Thomson Whitting NSW Pty Ltd)	06/04/17
160143 Acoustics Report (JHA services) Rev B	19/07/16
85320 Geotechnical Report (Douglas Partners)	February 2016
16062 Traffic and Parking Report (Transport and Traffic Planning Associates) Rev D	June 2016
160242 BCA Compliance Report (Blackett Maguire & Goldsmith) Revision 0	27 June 2016
Waste Management Plan (unsigned)	(undated)
Construction Management Plan (RJA Projects)	June 2016

Except where amended by that work shown in colour on the S.4.55 plans and the document endorsed with Council's stamp as listed below and except where amended by other conditions of this Development Consent:

Section 4.55 Plan no.	Drawn by	Dated
2919 A100 Basement Plan Rev DA05	Morrison Design Partnership	2020/01/21
2919 A101 Ground Floor Plan Rev DA05	Morrison Design Partnership	2019/12/06
2919 A102 First Floor Plan Rev DA05	Morrison Design Partnership	2020/03/03
2919 A103 Roof Plan Rev DA04	Morrison Design Partnership	2019/12/06
2919 A201A Proposed Streetscape Elevations - North Rev DA04	Morrison Design Partnership	2019/12/06
2919 A201B Proposed Streetscape Elevations - South Rev DA03	Morrison Design Partnership	2019/12/06
2919 A201C Proposed Streetscape Elevations - East Rev DA03	Morrison Design Partnership	2019/12/06
2919 A202 Proposed Elevations - 1 Rev DA04	Morrison Design Partnership	2019/12/06
2919 A203 Proposed Elevations - 2 Rev DA04	Morrison Design Partnership	2019/12/06
2919 A204 Typical Internal and Courtyard Elevations Rev DA04	Morrison Design Partnership	2019/12/06
2919 A301 Proposed Sections - 1 Rev DA04	Morrison Design Partnership	2020/03/03
2919 A302 Proposed Sections - 2 Rev DA04	Morrison Design Partnership	2020/03/03
Landscape plan LA02 Rev F	Taylor Brammer Landscape Architects Pty Ltd	04/02/20
Landscape plan LA03 Rev F	Taylor Brammer Landscape Architects Pty Ltd	04/02/20
Landscape plan LA04A Rev F	Taylor Brammer Landscape Architects Pty Ltd	04/02/20
Landscape plan LA04B Rev F	Taylor Brammer Landscape Architects Pty Ltd	04/02/20
Landscape plan LA04C Rev F	Taylor Brammer Landscape Architects Pty Ltd	04/02/20
Landscape plan LA04D Rev F	Taylor Brammer Landscape Architects Pty Ltd	04/02/20

Landscape plan LA04E Rev F	Taylor Brammer Landscape Architects Pty Ltd	04/02/20
151553 C01 Cover Sheet Rev B	Taylor Thomson Whitting	04/02/20
151553 C02 Erosion and Sediment Control Plan Rev B	Taylor Thomson Whitting	04/02/20
151553 C05 Siteworks and Stormwater Plan Rev B	Taylor Thomson Whitting	04/02/20
151553 C10 Bulk Earthworks Plan Rev B	Taylor Thomson Whitting	04/02/20
151553 C12 Bulk Earthworks Sections Rev B	Taylor Thomson Whitting	04/02/20
151553 C20 Detail Sheet 1 Rev B	Taylor Thomson Whitting	04/02/20
151553 C21 Detail Sheet 2 Rev B	Taylor Thomson Whitting	04/02/20

Section 4.55 Document(s)	Dated
216138 Access Report (Accessible Building Solutions) as updated by Vista Access Architects Report 19175	15/06/2016 updated 31/01/20

Reason: To ensure that the development is in accordance with the determination.

26. Amendments to approved landscape plan

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the approved landscape plan(s), listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this Development Consent:

Plan no.	Drawn by	Dated
LA02, LA04, LA04B, LA04C, LA04D, LA04E Revision F	Taylor Brammer	04/02/2020

The above landscape plan(s) shall be amended as follows:

- i. The mid canopy trees and tall tree planting shall be increased to reflect the planting approved in the development consent to DA0341/16 as follows;

Tall tree planting

Five (5) x *Pyrus* species increased to eleven (11)

Mid layer tree planting

Four (4) x *Elaeocarpus reticulatus* increased to thirteen (13)

Nil x *Elaeocarpus eumundi* increased to nine (9)

One (1) x *Gordonia axillaris* increased to four (4)

- ii. The above tree planting shall be evenly dispersed around the site.
- iii. The plans are to be amended in accordance with Items i, ii, iii and iv of Condition 26 of DA0341/16

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the landscape plan has been amended as required by this condition.

Reason: To maintain the existing treed landscape character

80. Acoustic measures – glazing and doors

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the acoustic measures for **glazing and doors** as recommended by JHA Services in Acoustic Report (Rev B) dated 19 July 2016 have been installed. Written advice from an acoustic engineer is to be submitted to the Principal Certifier, confirming that the acoustic measures achieve the noise objectives specified in the acoustic assessment.

Reason: To protect the amenity of occupants and surrounding residents.

84. Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifier shall be satisfied of the following prior to the issue of any Occupation Certificate:

1. The installation and performance of the mechanical systems complies with:

- The Building Code of Australia
- Australian Standard AS1668
- Australian Standard AS3666 where applicable

~~2. The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.~~

Reason: This section of the Condition has been replaced by the condition relating to 'Mechanical Noise Control'.

85. Microbial control (Legionella)

The installation of hot water and warm water systems shall be in accordance with the requirements of the Public Health Act and Regulations and AS/NZS 3666.1:2011

Prior to the issue of any Occupation Certificate and following completion, installation and testing of all hot water and warm water systems, the Principal Certifier shall be satisfied that systems meet with the requirements of the Public Health Act and Regulations and AS/NZS 3666.1:2011: ~~'Air Handling and Water Systems of Buildings – Microbial Control'.~~

Reason: Statutory requirement and to protect the health and amenity of the occupants of the premises.

The following conditions are to be deleted:

Condition 25

~~25. Amendments to approved stormwater plans~~

~~Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:~~

Plan no.	Prepared by	Dated
Job no: 151553 Drawing no: SKC04 Revision: P12	Taylor Thomson Whitting	06/04/17

The above plan(s) shall be amended as follows:

- i. ~~_____ To provide sufficient deep soil area for tree planting within the courtyard between Carehouse Pod 1 and 2, the notation in relation to "the fill" is to be deleted~~

~~Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the above plans have been amended as required by this condition.~~

Reason: ~~_____ To ensure adequate landscaping of the site.~~

Condition 34

34. _____ Noise from plant in residential zone

~~Where any form of mechanical ventilation equipment and plant including but not limited to car park/kitchen/garbage/toilet exhaust, roller shutter doors, air conditioners and lifts are proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 7.00 am) when measured at the boundary of the site.~~

Note: ~~_____ A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.~~

Reason: ~~_____ To comply with best practice standards for residential acoustic amenity.~~

~~**Reason** To comply with best practice standards for residential acoustic amenity this condition is deleted and a new condition added.~~

Condition 103

103. _____ Noise control – plant and machinery

~~All noise generating equipment associated with mechanical ventilation systems, plant and machinery shall be located and/or soundproofed so the equipment is not audible within a habitable room in any residential premises between the hours of 10.00pm and 7am. The operation of the equipment outside these restricted hours shall emit a noise level of not greater than 5dB above the background when measured at the nearest residential occupancy. The background (LA90, 15 min) level is to be determined without the source noise present.~~

Reason: ~~_____ To protect the amenity of surrounding residents.~~

The following new conditions are added:

25a. Amendments to approved landscape, architectural and stormwater plans

Prior to the issue of a Construction Certificate, the Certifier shall be satisfied and provide written documentation to the Certifier that the approved plans, listed below and endorsed with Council's

stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan no.	Prepared by	Dated
Landscape plans Job no: 16-088 Plan no's: LA02, LA04A, LA04B, LA04C, LA04D, LA04E Revision F	Taylor Brammer Landscape Architects P/L	04/02/20
Architectural plans Project no: 2919 Plan no's: A101 Revision DA05	Morrison Design Partnership Architects	12/06/19
Civil plans Job no: 151553 Drawing no: C05, C10, C12 Revision B	Taylor Thompson Whitting	04/02/20

The above plans shall be amended as follows:

- i. To minimise impacts on Tree 10 - *Agathis robusta* (Queensland Kauri Pine) the above plans are to be amended in accordance with Condition 24 of DA0341/16 regarding the proposed location of the overland flow path indicated on the stormwater plans SKC01 Revision P12 dated 06/04/17 and Section 3 of SKC06 Revision P1.
- ii. To preserve Tree 10 no changes in soil levels are permitted within the designated tree protection zone as indicated on the approved Bulk Earthworks Plan SKC04 Revision P6.

Prior to the issue of any Construction Certificate, the Certifier shall be satisfied that the above plans have been amended as required by this condition.

Reason: To ensure the protection of existing trees.

43a. Acoustic design report

An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier with the application for any Construction Certificate. The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including, but not limited to air conditioners, commercial kitchen exhaust, car park exhaust, bathroom/toilet and garbage room exhaust and lifts proposed as part of the approved development.

The acoustic design report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background (LA90, 15 min) level during the day and shall not exceed the background level at night (between 10.00pm - 7.00am) when measured at the boundary, balcony or external living area of the nearest potentially affected residential occupancies.

A Construction Certificate shall not be issued unless the Certifier is satisfied that the acoustic design report satisfies the requirements of this condition and that the proposal will be constructed in accordance with its requirements.

Reason: To comply with best practice standards for residential acoustic amenity.

98a. Mechanical noise control

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the mechanical ventilation systems and other plant, including but not limited to air conditioners, commercial kitchen exhaust, car park and garbage room exhaust and lifts when in operation either as an individual piece of equipment or in combination with other equipment will not

exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the boundary of the nearest potentially affected residential occupancies. The background (LA90, 15 min) level is to be determined without the source noise present. Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifier.

Reason: To protect the amenity of the occupants and neighbouring residents.

106. Noise control - plant and machinery

Noise levels associated with mechanical ventilation system/s shall not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and shall not exceed the background level at night (between 10.00pm - 7.00am) when measured at the boundary of the nearest potentially affected residential occupancies. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of surrounding residents.

107. Noise Control - Air Conditioning

Noise levels associated with air conditioning units shall not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and evening, when measured at the boundary of the nearest potentially affected residential occupancies and shall not operate at a noise level that is audible in habitable rooms of any adjoining residences at night (between 10pm and 7am). The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of surrounding residents.

108. Noise Control - mechanical exhaust ventilation

Noise levels associated with mechanical exhaust ventilation installed on the premises shall not exceed more than 5dB(A) above the background noise (LA90, 15 min) level during the day and evening when measured at the boundary of the nearest potentially affected residential occupancies and shall not operate at a noise level that is audible in habitable rooms of any adjoining residences at night (between 10pm and 7am). The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of surrounding residents.

Signed

Kelly Small
Executive Assessment Officer

Jonathan Goodwill
**Team Leader Development Assessment
Central**

Shaun Garland
Manager Development Assessment

Michael Miocic
Director Development & Regulation

Attachments:

Attachment A – Assessment cover letter dated 3 March 2020
Attachment B – Location Sketch
Attachment C – Zoning Extract

Attachment D – Elevation Plans
Attachment E – Floor Plans
Attachment F – Roof Plans
Attachment G – Landscape Plans
Attachment H – Civil Drawings
Attachment I – Statement of Environmental Effects