



Neringah Seniors Housing & Hospital

State Significant Development

SSD-45121248

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Glossary

Abbreviation	Definition
ACH NSW	Aboriginal Cultural Heritage New South Wales
ACHAR	Aboriginal Cultural Heritage Assessment Report
ACNC	Australian Charities and Not-for-profits Commission
ADG	Apartment Design Guide issued under SEPP 65
AHD	Australian Height Datum
AMP	Asbestos Management Plan
BCA	Building Code of Australia
CIV	Capital Investment Value
CPP	Community Participation Plan
CPTED	Crime Prevention through Environmental Design
Council	Ku-ring-gai Council
DCP	Development Control Plan
Department	Department of Planning and Environment
DPI	Department of Primary Industries, DPE
DSI	Detailed Site Investigation
EHG	Environment and Heritage Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW

Heritage	Heritage NSW, Department of Planning
HNAML	Highly Noise Affected Management Level
ICNG	Interim Construction Noise Guideline 2009
IRUA	Infrastructure Requirements and Utility Assessment
KLEP	Ku-ring-gai Local Environmental Plan 2015
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
NML	Noise Management Level
NPWS	National Parks & Wildlife Service, DPE
NVIA	Noise and Vibration Impact Assessment
OSD	On-site stormwater detention
RAP	Remediation Action Plan
RMS	Roads and Maritime Services, TfNSW
RRFI	Response to Request for Further Information by the Department following receipt of the RtS
RSA	Road Safety Audit
RtS	Response to Submissions
SDRP	State Design Review Panel
SEA	Specialist Engineering Assessment
SEARs	Planning Secretary's Environmental Assessment Requirements
Planning Secretary	Secretary of the Department of Planning and Environment
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
SCC	Site Compatibility Certificate under the Seniors SEPP
SEPP	State Environmental Planning Policy
SEPP 65	State Environmental Planning Policy no 65 – Design Quality of Residential Apartment Development
Seniors SEPP	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (repealed)

SSD	State Significant Development
Stage 1	Development Consent DA0058/12 for demolition of redundant buildings, consolidation of lots and construction of a 54-bed dementia facility between 3 and 4 storeys - 2-12 Neringah Avenue South; 3 - 9 Woonona Avenue, Wahroonga, including its modifications as constructed.
TPZ	Tree Protection Zone
TfNSW	Transport for NSW
WMP	Waste Management Plan

Executive Summary

This report provides an assessment of a State Significant Development (SSD) seeking consent for demolition of the existing hospital building, kiosk and ancillary structures and construction of an integrated seniors housing and health services facility at the Neringah Hospital, at 4-12 Neringah Avenue South, Wahroonga. The site is located within the Ku-ring-gai local government area (LGA).

The proposal is the second, and final, stage of the Neringah Hospital redevelopment. Stage 1 is located at 2-12 Neringah Avenue South and 3 - 9 Woonona Avenue, Wahroonga and comprises of a three to four storey dementia facility providing 54 beds.

The proposed development includes two five-storey buildings comprising 12 residential aged care facility beds, 18 palliative care hospice beds, 57 self-contained dwellings for seniors, healthcare services, outpatient care, administration facilities, and an ancillary café, salon, pharmacy and chapel. The proposal also provides 130 car parking spaces, landscaping and public domain works including the upgrade of the pedestrian walkway, Archdale Walk, to provide an accessible connection to Wahroonga town centre.

The development is predicted to generate up to 89 construction jobs, 15 operational jobs and has a capital investment value (CIV) of \$82,690,000.

The applicant and landowner of the site is HammondCare which is registered with the Australian Charities and Not-for-profits Commission (ACNC). HammondCare is a social housing provider as defined in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) as it is a not-for-profit organisation that is a direct provider of rental housing to tenants.

The proposal is SSD as it provides for seniors housing in the Greater Sydney region with a CIV of more than \$30 million, it includes a residential care facility and there are no prohibited components of the development under an environmental planning instrument.

Engagement

The Department of Planning and Environment (the Department) publicly exhibited the proposal for 28 days between 14 February 2023 to 13 March 2023. In response, the Department received eight unique public submissions (five objections), an objection from Ku-ring-gai Council and advice from 11 government agencies.

Council objected to the proposal on the basis that it does not comply with the Site Compatibility Certificate (SCC) and therefore cannot be approved. Council also raised concerns about the lack of owners' consent for the upgrade of Archdale Walk, floor space ratio, building height, urban design, amenity, landscaping and deep soil, accessibility and excessive car parking.

The key issues raised in the public submissions included traffic and parking, noise impacts, privacy impacts and insufficient landscaped setbacks and deep soil.

The Applicant submitted a Response to Submissions (RtS) and additional information to address the issues raised by Council, Government agencies and public submissions.

Key amendments made to the proposal include increased northern setback, changes to tree species in the front setback, retention of approximately half of the existing sandstone wall along Neringah Avenue South, revised pedestrian and vehicular access layout, relocation of the substation, and minor design changes including an additional lift, changes to improve amenity and additional privacy and acoustic treatments.

The Applicant also made a clause 4.6 exception request relating to non-compliance with the building height development standard under the Ku-ring-gai Local Environmental Plan 2015 (KLEP).

Council maintained its objection primarily on the grounds of incompatibility of the design with the character of the locality, amenity, deep soil and landscaping.

Government agencies provided further comments and advice which informed the Department's recommended conditions in **Appendix F**.

Assessment

The Department has considered the merits of the proposal in accordance with section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the issues raised in the submissions, and the Applicant's response.

The Department considers the proposal is acceptable for the following reasons:

- it is permissible with consent in the R4 High Density Residential zone under the Seniors SEPP and the SEPP (Transport and Infrastructure) 2021
- it is consistent with the Greater Sydney Region Plan and the North District Plan as it will provide services and infrastructure to meet the changing needs of an ageing population and create opportunities for older people to continue living in their community, close to family, friends and established health and support networks
- it is consistent with the requirements imposed on the determination in the SCC dated 13 April 2022 and meets the relevant requirements set out in the Seniors SEPP as outlined in **Appendix C**
- the minor building height exceedance of 1.42m (8.0%) for the North Building and 2.6m (14.9%) for the South Building would result in no perceivable difference to the bulk and scale of the development or impacts to surrounding properties.
- the 5-storey built form is appropriate for the site and the surrounding context as it is below the maximum floor space ratio (FSR) for the site, is separated into two highly articulated buildings which follow the topography of the site and provides a front landscaped setback to Neringah Avenue South.
- the proposed open space network would support the recreation needs of future residents while increasing tree canopy coverage from 15.5% to 26% and providing 15.7% of the site deep soil zones to contribute to the landscaped character of Wahroonga
- it will achieve a high level of amenity for future residents which generally reflects consistency with the principles and design criteria of the ADG
- potential traffic impacts are manageable, and the car parking provision is appropriate to cater for the needs of future staff and residents while minimising impacts on on-street parking. The

design of the service entry and loading bay will suitably mitigate noise impacts to surrounding properties subject to conditions

- the proposal is consistent with ESD principles as it would achieve a minimum 4-star Green Star rating and a bronze WELL rating, together with water sensitive urban design and photovoltaic cells being incorporated in the design
- it would provide significant public benefits, including the upgrade of Archdale Walk to improve accessibility, a new through site link connecting Archdale Park to Balcombe Park and creation of 89 construction jobs and 15 full time equivalent operational jobs.

The Department's assessment concludes the proposal is consistent with the strategic planning framework, is of an appropriate height, density and scale, and would not result in adverse amenity impacts subject to the recommended conditions. For these reasons, the Department's assessment concludes the proposal is in the public interest and is approvable, subject to the recommended conditions.

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1 Introduction

1.1 Overview

- 1.1.1 This report provides an assessment of a State significant development (SSD) application (SSD-45121248) for the demolition of the existing hospital building, kiosk and ancillary structures and construction of an integrated seniors housing and health services facility at the Neringah Hospital, at 4-12 Neringah Avenue South, Wahroonga.
- 1.1.2 The Applicant is HammondCare who own and operate the Neringah Hospital on the site. HammondCare is registered with the Australian Charities and Not-for-profits Commission (ACNC) and is a social housing provider as defined in the Seniors SEPP as it is a not-for-profit organisation that is a direct provider of rental housing to tenants.
- 1.1.3 The proposal is the second, and final, stage of the Neringah Hospital development. Stage 1 is located at 2-12 Neringah Avenue South and 3-9 Woonona Avenue, Wahroonga and comprises a three to four storey dementia facility providing 54 beds constructed in 2016 under Development Consent DA0058/12 issued by Sydney West Joint Regional Planning Panel.
- 1.1.4 This application (known as Stage 2 of the Neringah Hospital redevelopment) seeks approval for:
- Demolition of existing hospital building, kiosk and ancillary structures.
 - Clearing of vegetation, bulk earthworks and remediation and some landscaping.
 - Construction and operation of an integrated seniors housing and health services facility across two five storey buildings, to include:
 - Two basement car park levels with 130 car parks and one car wash bay
 - 12 residential aged care facility beds
 - 18 palliative care hospice beds
 - 57 self-contained dwellings for seniors
 - Community healthcare services, including outpatient palliative care, centre for positive ageing and Hammond at Home
 - On-site administration, amenities and ancillary operations, including café, salon, pharmacy and chapel.
 - Ground level and on-building landscape works with a through-site pedestrian link connecting Archdale Park to the east and Balcombe Park to the west.
 - Public domain works including the upgrade of the pedestrian walkway, Archdale Walk, to provide an accessible connection to Wahroonga town centre.

1.2 The Site and surrounds

The Site

- 1.2.1 The site is located at 2-12 Neringah Avenue South, Wahroonga and is legally described as Lot 52 DP 2666, Lot 1 DP 1199937 and Lot 1 DP 960051, within the Ku-ring-gai local government area.
- 1.2.2 The site is located approximately 19 kilometers (km) north-west of the Sydney CBD, 2km south-east of Hornsby CBD (**Figure 1**) and 150 meters (m) west of Wahroonga town centre. The site is approximately 175m walking distance from Wahroonga train station and approximately 400m from the M1 motorway (**Figure 2**).

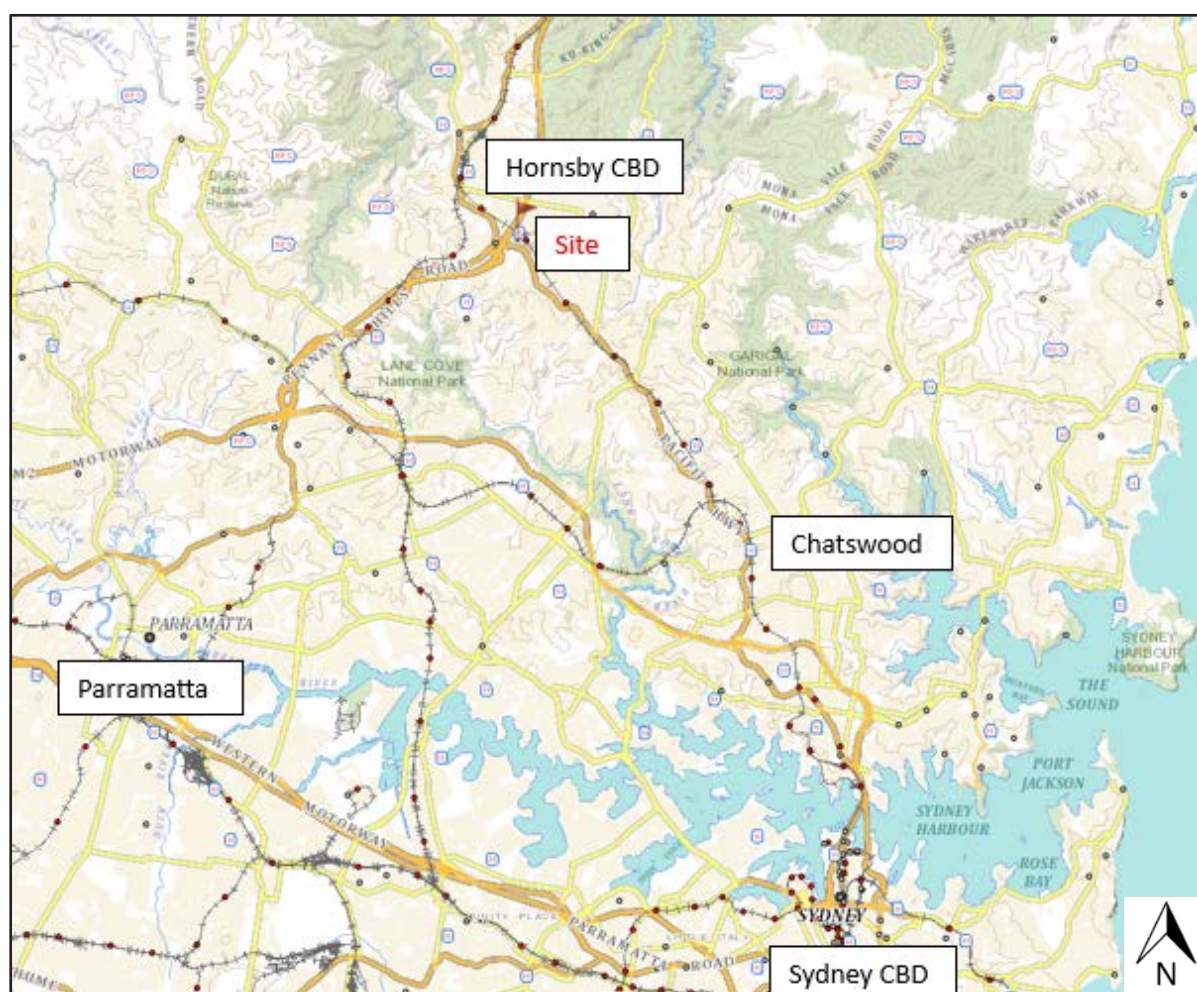


Figure 1 | Regional Context Map (Source: Six Maps NSW)



Figure 2 | Local Context Map (Source: Six Maps NSW)

- 1.2.3 The site has an area of 10,730m², and is irregular in shape with a frontage of approximately 133m to Neringah Avenue South to the east and 84m to Woonona Avenue to the west. The site has a fall of approximately 12m from south to the north-east.
- 1.2.4 The site is currently operated by HammondCare as Neringah Hospital which provides palliative care services.
- 1.2.5 The western portion of the site contains Stage 1 of the hospital redevelopment which was approved by Sydney North Planning Panel on 16 August 2012 (DA0058/12) and completed in 2016. The Stage 1 development comprises 54 additional residential aged care beds and a specialist dementia care facility.
- 1.2.6 The site contains Woonona Cottage is a locally listed heritage item (I1009) under KLEP and is used by HammondCare for administration purposes.
- 1.2.7 The eastern portion of the site is the Stage 2 site, which is the subject of this application. The Stage 2 site includes a dated four storey brick hospital building, at grade car parking, a small kiosk, and ancillary services. The Stage 2 site includes a sandstone wall approximately 1.2m high along approximately half the eastern (street) boundary.
- 1.2.8 The site contains 51 trees with a further 62 trees beyond the boundaries but associated with the Proposal – a total of 113 trees potentially affected. An *Angophora costata* (Sydney redgum) (Tree 32) is located in the north-east corner of the site near the existing staff car park and boundary with the Sirius residential development to the north.

1.2.9 The site is not flood affected or bushfire prone. Further investigations are proposed to determine whether there will be groundwater take and groundwater interception.

Surrounding development

1.2.10 The site is bound by:

- the Sydney Water heritage listed reservoir under KLEP (listing I972) and a two-storey dwelling at 1 Woonona Avenue to the south
- a five-storey residential flat building at 14-18 Neringah Avenue South (the Sirius development) and a two-storey residential flat building at 15-17 Woonona Avenue to the north
- Archdale Park, an approximately 1,600m² landscaped neighbourhood park, and Archdale Walk, a pedestrian through-link owned by Council which provides access between Neringah Avenue South and Wahoonga town centre, to the east
- “The Briars”, a heritage listed dwelling under KLEP (listing I1011) at 14 Woonona Avenue, and Balcombe Park, an approximately 1,000m² neighbourhood park, opposite the Stage 1 development on Woonona Avenue to the west.

1.2.11 The remaining surrounding development is generally 2-3 storey residential developments. The area is characterised by large trees and established gardens. Abbotsleigh Junior School (a private girls’ school) is approximately 50m to the north-west of the site on Woonona Avenue. Abbotsleigh Senior School is across the Pacific Highway approximately 85m to the south.

1.2.12 Neringah Avenue South is a two-way vehicular street, with parking on both sides. The street also has a significant fall from south to north and narrows in width towards the north which restricts two-way traffic when both sides of the on-street parking are occupied.

1.2.13 Photographs of the site and surrounds are provided at **Figure 3** to **Figure 8** below.



Figure 3 | Existing main entry to Neringah Hospital looking north-west from Neringah Avenue South

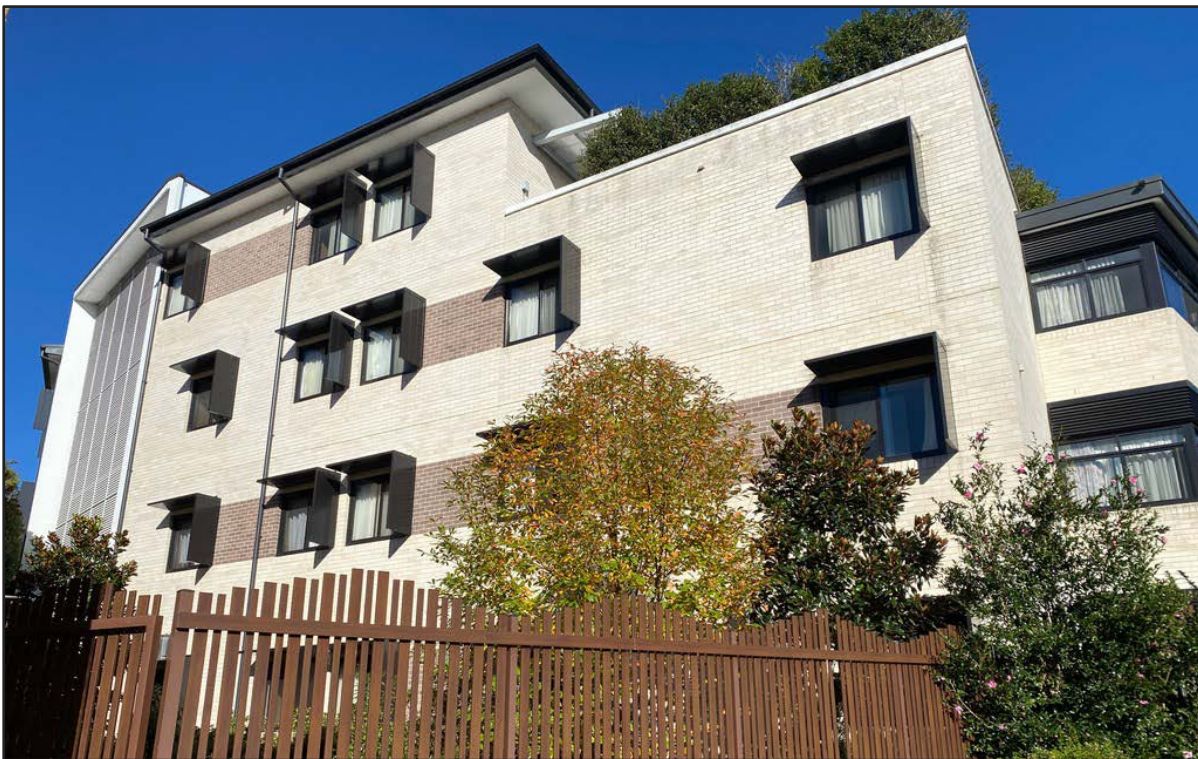


Figure 4 | Interface with Stage 1 development to the west taken from the northern staff car park



Figure 5 | *Angophora costata* Tree 32 in the north-east corner of the site with the Sirius residential building to the right



Figure 6 | Sydney Water heritage listed reservoir to the south of the site



Figure 7 | Archdale Walk from near Coonanbarra Road looking west towards Neringah Avenue South with the Wahroonga Post Office on the right



Figure 8 | Archdale Walk about half-way along with Archdale Park to the left, looking west

2 Proposal

2.1 Key Components

2.1.1 This SSD application seeks approval for the demolition of the existing Neringah Hospital building, kiosk and carparks, the clearing of vegetation, bulk earthworks and remediation and the construction and operation of an integrated seniors housing and health services facility. The key components of the proposal are outlined in **Table 1** and shown in **Figure 9** to **Figure 11**.

Table 1 | Main Components of the Proposal

Aspect	Description
Demolition and site preparation	Demolition of the existing Neringah Hospital building, kiosk and car parks, clearing of vegetation, bulk earthworks and remediation.
Built form	<p>Construction and operation of an integrated seniors housing and health services facility across two buildings up to five storeys above ground, to include:</p> <ul style="list-style-type: none"> • 12 residential aged care facility beds • 18 palliative care hospice beds • 57 self-contained dwellings for Seniors • Community healthcare services, including outpatient palliative care, centre for positive ageing and Hammond at Home • On-site administration, amenities and ancillary operations, including café, salon, pharmacy and chapel • Connection to the existing Stage 1 development with a new library and staff area.
Landscaping and public domain works	<p>Ground level and on-building landscape works which integrate with the Stage 1 development.</p> <p>A publicly accessible through-site pedestrian link connecting Archdale Park to the east and Balcombe Park to the west via a “green spine” between the North Building and South Building, and between Stage 1 and Woonona Cottage.</p> <p>Off-site public domain works including the upgrade of the pedestrian walkway Archdale Walk (Council owned) to provide an accessible connection to Wahroonga village centre as required by clause 26(2) of the Seniors SEPP.</p> <p>Extension and augmentation of infrastructure and services.</p>
Parking	<p>A 2-level basement with 130 car parking spaces comprising:</p> <ul style="list-style-type: none"> • 57 spaces for the self-contained dwellings (including 10 accessible spaces) • 54 HammondCare staff spaces • 19 visitor spaces (including two accessible spaces) • One car wash bay • One ambulance parking space • One loading dock • Nine bicycle spaces.

Access	<ul style="list-style-type: none"> • Access to basement from a new driveway opposite the Archdale Walk • Service driveway on northern boundary. • Pedestrian main entry under the building opposite Archdale Walk. • Additional pedestrian entry to the south of the main driveway linking through the green link to Woonona Avenue.
Gross floor area (GFA)	<p>Proposed Stage 2 GFA - 10,984m² Existing Stage 1 GFA – 3,375.3m² Total GFA -14,359.7m²</p>
Building height	<p>North building 18.15m South building 19.6m</p>
Building height in storeys	5 storeys
Landscaping	<p>Protection and retention of 81 trees, including Tree 32 Removal of 32 trees Tree canopy - 26% of the site Overall landscaped area (including planters and rooftop) - 69% of the site Total deep soil - 21.4% of the site Deep soil with a minimum dimension of 3m - 15.7% of the site</p>
Communal spaces	<p>3,210m² (29.91% of the site) comprising:</p> <ul style="list-style-type: none"> • 2 x rooftop areas – 520m² • Ground landscaped areas 2,690m², including: <ul style="list-style-type: none"> • a green spine through-link between Neringah Avenue South and Woonona Avenue • Resident courtyard in the north of the site • a linear park in the south of the site • a ‘secret garden’ and pocket park near Woonona Cottage.
Setbacks	<p>North: 6m to dwellings, 9m to Level 2, 1.634m to green lid over loading bay South: Variable 8-17m East (street): 10m to dwellings, 3.841m to South Building basement West (Stage 1): 7.78m at a minimum</p>
Employment	Up to an additional 55 full time equivalent jobs and 89 temporary construction jobs
Capital Investment value	\$82,690,000
Hours of operation	<p>Hospital and health facility: 24-hour operation seven days a week Green spine public accessibility: 24 hours seven days a week. Loading dock hours for waste collection: 7am to 6pm Monday to Saturday and 8am to 6pm Sundays. Café, shop and salon:</p> <ul style="list-style-type: none"> • 8am - 5pm Mondays to Fridays • 9am – 4pm Saturdays • 9am – 4pm Sundays and public holidays.

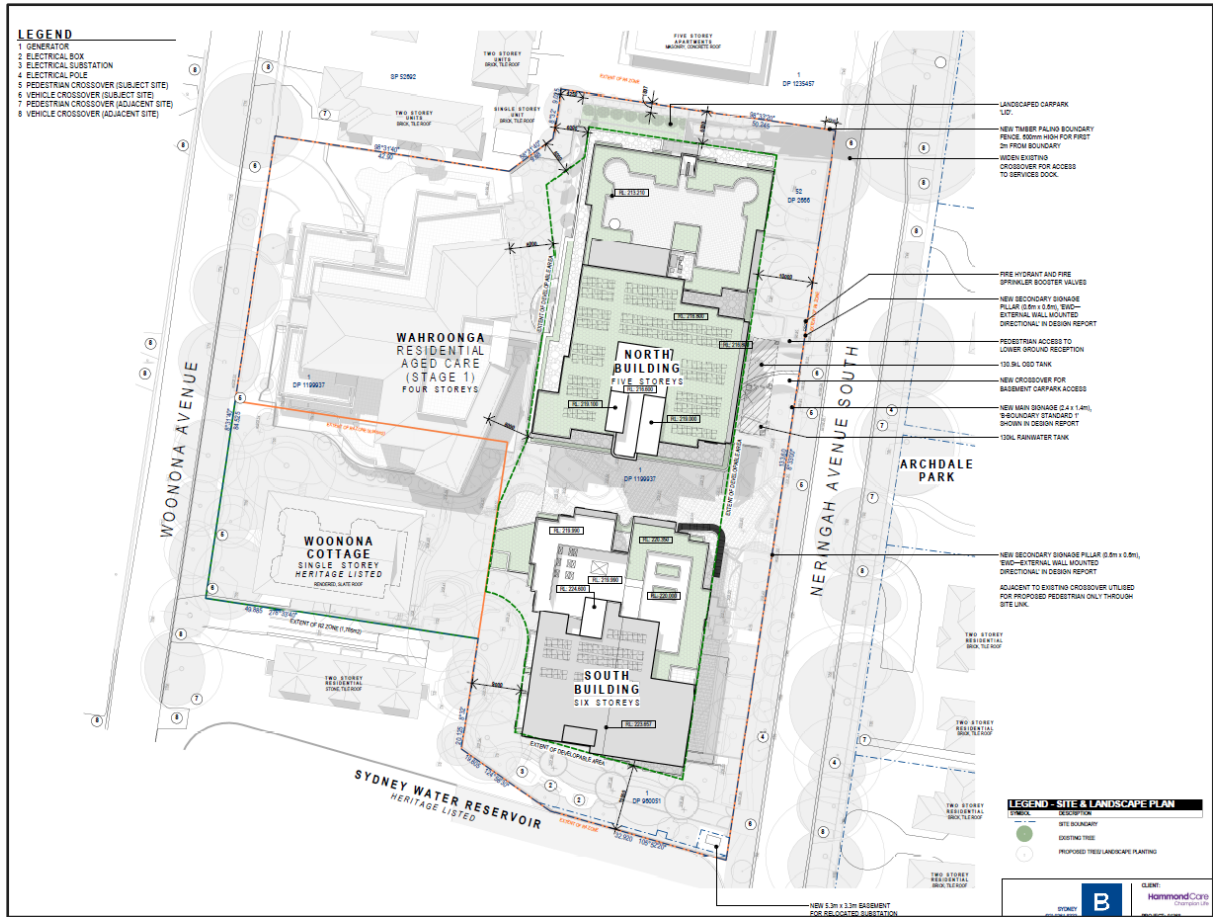


Figure 9 | Site Plan (Source: Applicant's Plans issued July 2023)

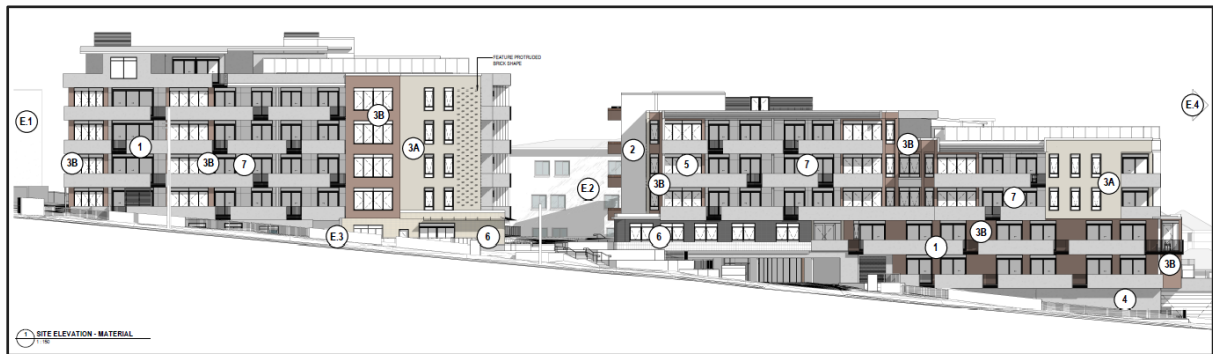


Figure 10 | Street Elevation (Source: Applicant's Plans issued July 2023)



Figure 11 | Isometric View of north Building from Neringah Avenue South looking south (Source: Ethos Urban RRFI 31 July 2023)

3 Strategic context

3.1 Greater Sydney Region Plan

- 3.1.1 The Greater Sydney Region Plan: A Metropolis of Three Cities sets out the NSW Government's vision, through the Greater Sydney Commission (GSC), for Sydney to be "...a metropolis of three cities where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services, and great places."
- 3.1.2 The proposal is consistent with the Greater Sydney Region Plan, as the proposal provides:
- 57 seniors self-contained dwellings and 12 aged-care facility beds that contribute to greater housing diversity
 - well-located integrated health services for 18 palliative care beds that are easy for people to access.

3.2 North District Plan 2018

- 3.2.1 The Greater Sydney Commission has prepared five district plans that give effect to The Greater Sydney Region Plan. The site is located within the North District.
- 3.2.2 The North District Plan projects the proportion of people aged 65 and over will grow from 16% in 2016 to 20% in 2036. The proposal will provide 57 self-contained dwellings, 12 residential care beds and 18 palliative care beds, which provides services and infrastructure to meet the changing needs of an ageing population and create opportunities for older people to continue living in their community, where being close to family, friends and established health and support networks improves people's wellbeing.

3.3 State Infrastructure Strategy 2022-2042

- 3.3.1 Infrastructure NSW is required to review and submit a revised 20-year State Infrastructure Strategy to the Commonwealth Minister for Infrastructure every five years. The 20-year Strategy recommends reforms, policies and projects that respond to NSW's changing economic, social and environmental outlook.
- 3.3.2 Recommendation 14 of the Strategy is to improve efficiency and service quality in the social infrastructure sectors through co-location, and divestment of legacy assets. The co-location of the seniors self-contained dwellings with the residential dwellings care and palliative care beds enables efficiency in provision of services to residents on a needs basis as required, allowing for efficiencies in staffing and providing more immediate assistance to the residents. The proposal replaces an ageing dementia facility with a modern facility of superior quality in social infrastructure.
- 3.3.3 Recommendation 44 of the Strategy is to deliver more housing, jobs, amenities and services in locations where there is spare capacity in existing and planned infrastructure. The proposal provides 57 additional self-contained dwellings, 12 additional residential care beds, an

additional 15 jobs, additional amenities for the residents with the shop, salon, library and other ancillary facilities such as the café and chapel.

3.4 Ku-ring-gai Local Strategic Planning Statement (LSPS)

3.4.1 The Ku-ring-gai LSPS came into effect on 17 March 2020. The statement sets out the 20-year vision for land use planning for the Ku-ring-gai LGA with 4 key themes which are infrastructure and collaboration, liveability, productivity, and sustainability.

3.4.2 The proposal is consistent with the priorities as:

- it provides housing to assist in accommodating Ku-ring-gai's projected 49% increase in population aged 65 and above by 2036, by providing 57 self-contained dwellings for seniors, 12 residential care beds and 18 palliative care beds.
- the co-location of the levels of care allows for ageing in place
- it supports the health care and social assistance sector in the LGA which makes up 24% of total employment in the LGA.

3.5 Ku-ring-gai Housing Strategy

3.5.1 The Ku-ring-gai Housing Strategy sets out a broad vision and makes recommendations for housing provision in the Ku-ring-gai LGA for the 20-year period from 2016 to 2036. The Ku-ring-gai Housing Strategy notes that the forecast growth rate for people over 65 is going to require approximately 387 additional aged care places to 2036 and 3,820 new apartments to service the ageing population to 2036. The proposal is consistent with the Housing Strategy as:

- it would provide a variety of housing types and sizes to suit the changing needs of the community, including 57 self-contained dwellings of 9 x 1 bed units, 43 x 2 bed units and 5 x 3 bed units, and 12 residential care beds
- the co-location of the 57 self-contained dwellings with the 12 residential care beds and the 18 palliative care beds enables people to live in the area through changing life stages and circumstances
- the 57 self-contained dwellings enable people to continue to live independently, close to networks and age in place
- it provides new housing within a 10-minute walk to frequent train services, with the Wahroonga train station being less than 400m from the site
- it provides key services and facilities to support and engage the ageing community, such as on-site care, a café, chapel, salon, library and shop.

4 Statutory Context

4.1 State significance

- 4.1.1 The proposal is SSD under section 28 of Schedule 1 of the Planning Systems SEPP as:
- it provides for seniors housing with a capital investment value (CIV) in the Greater Sydney region of more than \$30 million
 - it includes a residential care facility
 - there are no prohibited components of the development under an environmental planning instrument (**Section 4.3**).
- 4.1.2 Section 2.6 of the Planning Systems SEPP confirms that where a single proposed development comprises development that is only partly SSD, the remainder of the development is also declared to be SSD, unless the Planning Secretary considers that development is not sufficiently related. The Department is satisfied in this case that the health care facility component and ancillary uses (pharmacy, salon, chapel and café) form part of the one integrated seniors housing facility and therefore that the entire development application is SSD.

4.2 Consent authority

- 4.2.1 In accordance with section 4.5 of the EP&A Act and section 2.7 of the Planning Systems SEPP, the Independent Planning Commission (the Commission) is declared the consent authority for the application, as Ku-ring-gai Council objected to the development.

4.3 Permissibility

- 4.3.1 The site is zoned R2 Low Density Residential and R4 High Density Residential under the KLEP.
- 4.3.2 The proposed development is wholly permissible under:
- Section 15(a) of the Seniors SEPP which prescribes seniors housing as a permissible use on lands zoned primarily for urban purposes provided it is carried out in accordance with the Seniors SEPP; and
 - Section 2.59 of SEPP (Transport and Infrastructure) 2021 which identifies an R4 High Density Residential zone as a prescribed zone, and section 2.60 which allows for development for the purpose of health services facilities to be carried out by any person with consent in a prescribed zone.
- 4.3.3 The public domain works and uses such as the café, salon, chapel and pharmacy are considered to be ancillary to the characterised development of seniors housing and a health services facility.

4.4 Other approvals

- 4.4.1 Under section 4.41 of the EP&A Act, other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained.
- 4.4.2 Under section 4.42 of the EP&A Act, if specified further approvals are required, they cannot be refused if they are substantially consistent with any development consent for the proposal.

Section 4.42(1)(f) of the EP&A Act provides as follows:

4.42 Approvals etc legislation that must be applied consistently

(1) An authorisation of the following kind cannot be refused if it is necessary for carrying out State significant development that is authorised by a development consent under this Division and is to be substantially consistent with the consent—

(f) a consent under section 138 of the Roads Act 1993,

- 4.4.3 Under section 4.42(f), Council cannot refuse to grant consent to an application for upgrade works to Archdale Walk under section 138 of the *Roads Act 1993*.
- 4.4.4 The Department has consulted with relevant Government agencies and the Council responsible for integrated and other approvals, considered their advice in its assessment of the proposal, and included suitable conditions in the recommended conditions of consent (**Appendix F**).

4.5 Planning Secretary's Environment Assessment Requirements

- 4.5.1 On 24 June 2022, the Department notified the Applicant of the Industry Specific Planning Secretary's Environmental Assessment Requirements (SEARs) that apply to the proposal. The Department is satisfied that the EIS, the RtS and the RRFI adequately address the requirements of the SEARs to enable the assessment and determination of the application.

4.6 Seniors SEPP Site Compatibility Certificate

- 4.6.1 The Applicant made an application for a SCC under the former (now repealed) State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) on 28 June 2021.
- 4.6.2 On 13 April 2022 the Sydney North Planning Panel issued a SCC under clause 25(4) of the Seniors SEPP certifying that:
- the site was suitable for more intensive development
 - the development described in Schedule 1 of the certificate is compatible with the surrounding environment, and
 - development for the purposes of seniors housing as proposed is compatible with the surrounding land uses only if it satisfies certain requirements specified in Schedule 2 of the certificate.
- 4.6.3 The SCC expires on 12 April 2024.

4.6.4 The project description in Schedule 1 was for a seniors housing development across two buildings to include a mix of 60 self-contained dwellings, nine residential aged care facility beds, 18 palliative care beds, 90 parking spaces and associated amenities and landscaping.

4.6.5 The requirements in Schedule 2 were:

- The land area subject to the FSR uplift (**Section 4.8**) is restricted to exclude Woonona House and the R2 zoned lands
- The through-site link between Neringah Avenue South and Woonona Avenue is to be publicly accessible
- Consideration of access to off-site facilities including modifications to Archdale Walk or existing footpath gradients to be completed to the satisfaction of Ku-ring-gai Council
- Consideration of SEPP 65 and the ADG to the independent living units
- Consideration of encroachment into the front setback to mitigate impacts to the streetscape
- Consideration of the bulk and scale and its relationship to the heritage item and its curtilage.

4.6.6 The Department has considered the requirements of the SCC and is satisfied that the development is generally in accordance with the project description in Schedule 1.

4.6.7 The Department has also considered the requirements imposed in Schedule 2 of the certificate in **Appendix C** and is satisfied that those requirements have been met.

4.7 Continued application of State Environmental Planning Policy (Housing for Seniors or People with a Disability) (2004)

4.7.1 The State Environmental Planning Policy (Housing 2021) (Housing SEPP) commenced on 26 November 2021 which repealed the Seniors SEPP. However, the Seniors SEPP continues to apply to this application in accordance with the transitional provisions in section 3 of Schedule 7A of the Housing SEPP as:

- the application for a SCC was made, but not determined before the commencement date of the Housing SEPP; and
- the development application, while made after the commencement date of the Housing SEPP, relies upon a SCC under the Seniors SEPP for which the application for the certificate was made on, or before the Housing SEPP commencement date.

4.8 FSR uplift under the Seniors SEPP

4.8.1 Section 45 of the Seniors SEPP allows for an uplift in the FSR of 0.5:1 above the FSR permitted under another environmental planning instrument, subject to provision of on-site services and affordable places, and residential flat buildings being permissible on the site.

4.8.2 Section 24(1)(b) of the Seniors SEPP requires a SCC if an applicant seeks to take advantage of the FSR uplift under section 45 where seniors housing is not permissible under the zoning

instrument. Seniors housing is not permissible in the R4 zone under KLEP, however residential flat buildings are permissible on the part of the site zoned R4.

- 4.8.3 A SCC was sought and obtained to provide for an uplift in the FSR from 1.3:1 under KLEP to 1.8:1. The part of the site on which the majority of works are proposed are zoned R4 High Density Residential under the KLEP. Ancillary landscaping works will be conducted on R2 Low Density Residential zoned lands near Woonona Cottage and Stage 1.

4.9 Mandatory Matters for Consideration

- 4.9.1 Section 4.15(1) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters are the:

- provisions of any environmental planning instruments (including draft instruments), development control plans, planning agreements, and the Environmental Planning and Assessment Regulation 2021
- likely environmental, social, and economic impacts of the development
- suitability of the site for the development
- any submissions
- public interest, including the objects in the EP&A Act
- principles of ecologically sustainable development (ESD).

- 4.9.2 The Department has considered all of these matters in its assessment of the proposal, as well as the Applicant's EIS, RtS and RRFI, as summarised in **Section 6**, and **Appendix C**.

4.10 Biodiversity Development Assessment Report

- 4.10.1 Section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act) requires all applications for SSI and SSD to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values and waive this requirement.

- 4.10.2 On 28 October 2022 the delegated Agency Head in the Biodiversity and Conservation Division of the Department's Environment and Heritage Group (EHG) granted a waiver for a BDAR.

- 4.10.3 On 15 November 2022 the Department determined that the development was not likely to have any significant impact on biodiversity values and that a BDAR was not required, noting that amendments to the development may require a further waiver to be sought and issued.

5 Engagement

5.1 Department's engagement

- 5.1.1 In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the application for 28 days from 14 February 2023 until 13 March 2023. The application was published on the Department's website, and the Department notified adjoining landholders and relevant State and local government authorities in writing.
- 5.1.2 Nine submissions were received in response to the exhibition of the EIS, comprising:
 - One submission from Ku-ring-gai Council objecting to the proposal
 - Eight submissions from the public, including five objections.
- 5.1.3 Advice was received from nine government agencies in response to the exhibition of the EIS.
- 5.1.4 The Department also published the Applicant's RtS on its website and notified Council and relevant public authorities.
- 5.1.5 Five responses were received relating to the RtS, including four pieces of advice from government agencies and a further submission from Council maintaining its objection. EHG and Council both provided further comments in response to further information provided by the Applicant.
- 5.1.6 The key issues raised are summarised in **Sections 5.2, 5.3 and 5.4**. Copies of the submissions may be viewed in **Appendix A**.
- 5.1.7 The Department has considered the comments raised by the community, Government agencies and Council during the assessment of the application and where appropriate has recommended conditions of consent (**Appendix F**) to minimise the impacts of the development.

5.2 Summary of advice received from Government agencies

- 5.2.1 A summary of the Government agencies who provided advice is in **Table 2**.

Table 2 | Summary of Agency Advice to the EIS, RtS and RRFI

Department of Planning and Environment (DPE) – Water	
EIS	DPE Water requested that the Applicant provide additional information: <ul style="list-style-type: none">• quantifying the maximum annual volume of water take due to aquifer interference activities required for the project both during construction and operation, and• demonstrating sufficient entitlement can be acquired in the relevant water source unless an exemption applies.• assessing of the dewatering activities against the 'minimal impact considerations' of the NSW Aquifer Interference Policy (AIP) and

estimates of groundwater take during construction and/or operation phase of the development using appropriate modelling techniques.

- confirming the basement design (tanked or drained).

DPE Water also advised of post approval requirements in relation to sufficient water entitlement and the requirement for water access licence/s.

RtS

DPE Water reviewed the additional information provided and recommended conditions in relation to groundwater impact assessment, water licencing and dewatering. These matters have been incorporated in the conditions of development consent.

Ausgrid**EIS**

Ausgrid required that consideration be given to the compatibility of the proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development. Ausgrid encouraged the Applicant to continue to discuss their requirements directly with Ausgrid as needed.

**Environment and Heritage Group (EHG)
Biodiversity and Conservation****EIS**

EHG advised that the BDAR waiver issued on 28 October 2022 is no longer valid as there are additional proposed impacts to the Tree Protection Zone (TPZ) of Tree 32 that were not assessed as part of the BDAR waiver process.

EHG recommended that:

- a revised BDAR Waiver Request or BDAR is provided that considers all proposed impacts to trees proposed for retention.
- the development is redesigned so that no driveway/access is provided within the Tree Protection Zone (TPZ) of Tree 32 during both the construction and operational phase of the development.
- the majority of the TPZ of Tree 32 is reverted to a natural state without significant changes to existing ground levels.
- no major services, such as stormwater, are run from the building or along this boundary and out to the street within the TPZ of Tree 32.
- regrading or excavation within the TPZ of Tree 32 is restricted.
- all trees identified for retention are protected in accordance with the Australian Standard AS4790-2009 Protection of trees on development sites.
- the submitted Arboricultural Impact Assessment Report assesses all impacts including those associated with construction (placement of scaffolding etc), landscaping works (placement of soil, installation of plants, fencing, sandstone retaining walls) and in the case of Tree 32, impacts associated with land remediation works are also considered. Measures to reduce impacts associated with such works should also be specified.
- root mapping and further details on pruning works for Tree 1 to fully assess potential impacts and to further demonstrate that the tree will remain viable
- the Landscape Plan is amended to maximise the use of locally indigenous species, specify maintenance requirements, and to exclude

the use of *Olea europaea subsp. Europea*, which is a major environmental weed.

- a preliminary flood risk assessment be undertaken in consultation with Council to determine whether the site is affected by overland flooding for the full range of flooding up to and including the Probable Maximum Flood (PMF).

RtS EHG advised that:

- Further information, including root mapping, and accurate details of encroachments into the TPZ is required to demonstrate that Tree 32 will remain viable. EHG noted that failing this, a redesign to avoid impacts, new BDAR waiver request or possibly a BDAR will be required.
- Amendments had been made to the Landscape Concept Plan to include locally indigenous species.
- The flooding issues had been addressed and no further flooding issues are raised.

RRFI EHG reviewed the root mapping and did not raise any further comments or concerns in relation to the proposed development.
EHG recommended conditions to ensure the ongoing protection of the retained trees and biodiversity values within the site.

Heritage NSW (HNSW)

EIS HNSW supported the findings of the Heritage Impact Statement and Historical Archaeological Assessment.
HNSW recommended that an unexpected finds procedure should be implemented.
HNSW agreed with the management recommendations submitted with the DA within the Heritage Impact Statement and Historical Archaeological Assessment.

RtS HNSW confirmed that no further referrals are required.

Heritage NSW – Aboriginal Cultural Heritage (ACH)

EIS Heritage NSW (ACH) confirmed the Aboriginal Cultural Heritage Assessment Report (ACHAR) is prepared in reference to the relevant Heritage NSW guidelines as required by the SEARs.
Heritage NSW (ACH) agreed with the management recommendations in the assessment and had no additional comments and did not require any further agency consultation.

NSW Fire & Rescue (FRNSW)

EIS FRNSW submitted no comments or recommendations for consideration, nor any requirements beyond that specified by applicable legislation. While there is currently no requirement for a Fire Safety Study, FRNSW may recommend one be undertaken at a later stage should information be provided such that the development is deemed to pose special problems of firefighting or special hazards exist that require additional fire safety and management measures.

Environment Protection Authority (EPA)

EIS The EPA reviewed the EIS and had no comments.

Sydney Water

EIS	Sydney Water noted that Wahroonga Reservoir, which is a critical asset, lies adjacent to the site to the south. Sydney Water recommended the Applicant conduct a Specialist Engineering Assessment (SEA) to ensure that the proposed construction works does not impact this the reservoir and associated Sydney Water assets.
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Transport for NSW

EIS	TfNSW submitted that the construction of the proposed development had the potential to impact the surrounding classified road network and therefore recommended the inclusion of a preliminary construction traffic and pedestrian management plan in consultation with Council and TfNSW.
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RtS	Reiterated the advice and requested for the condition previously requested.
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5.3 Summary of advice received from Council

5.3.1 Council's submissions are summarised in **Table 3 | Summary of Council Advice**.

Table 3 | Summary of Council Advice

Ku-ring-gai Council

EIS	<p>Council objected to the proposed development primarily on the grounds that it did not comply with the SCC due to:</p> <ul style="list-style-type: none">○ insufficient information to demonstrate the application of the FSR uplift under the Seniors SEPP○ lack of owner's consent and information in relation to the Archdale Walk upgrade○ non-compliances with the SEPP 65 and ADG○ the encroachment of the basement into the front setback○ the proposed external materials and relationship with heritage items.
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Council considered the proposal should comply with the Ku-ring-gai DCP in order to demonstrate that it is compatible with the streetscape and desired future character as required by the Seniors SEPP.

Council also raised concerns in relation to:

- building height, exceeding the KLEP standard and need for a 4.6 variation
- the size and scale of proposed signage
- insufficient deep soil and tree planting in setbacks
- insufficient building separation
- visual and acoustic privacy
- vehicular and pedestrian access conflicts
- less than 60% of apartments achieving natural cross ventilation
- apartment depths
- number of units off the circulation core
- the location of the service driveway within the northern side setback
- the location of the basement and on-site stormwater detention (OSD) within the front setback

- excessive car parking and potential to reallocate staff spaces to the self-contained units
- driveway gradients, sight lines and vehicle clearances
- the proposed removal and reconstruction of parts of the existing sandstone wall
- feasibility of proposed canopy tree planting
- impacts to Tree 32
- potential noise impacts from roof top plant, and preference for plant to be located in the basement
- additional information required:
 - GFA plans
 - site analysis
 - design verification statement
 - view from the sun diagrams to substantiate solar access
 - driveway gradients, sight lines and vehicle clearances
 - pedestrian access gradients within Archdale Walk and within the site to the main pedestrian entry
 - civil works
 - stormwater and OSD.

Council recommended a deferred commencement condition in relation to approval to upgrade Archdale Walk under the *Roads Act 1993*, noting that this is required to comply with clause 26 of Seniors SEPP and the conditions of the SCC.

Council also recommended a raised pedestrian crossing be provided across Neringah Avenue South.

Council recommended conditions in relation to construction management, including that no construction vehicle movements be permitted during school zones.

RtS

Council retained its objection to the development and advised that all previously raised concerns remain outstanding **except:**

- the application of the FSR uplift under the Seniors SEPP
- Owner's consent from Australia Post
- correct identification of the site area and GFA diagrams
- provision of the Design Verification Statement
- location of the driveway and pedestrian pathway
- Tree 32 is adequately protected with a condition of consent
- construction details for Archdale Walk can be in the *Roads Act 1993* application
- Conditions of consent provided for the kerb inlet, civil engineering matters, construction management, stormwater management, geotechnical investigation, acoustic issues with the plant room and contamination.

RRFI

Council retained its objection to the development and referred to its previous comments on most issues.

Council maintained key concerns in relation to the following:

- non-compliances with the SEPP 65 and ADG
 - lack of deep soil and tree planting within the street and northern setbacks
 - privacy to the south-eastern unit of the south building on level 1
 - cross ventilation
-

- building depth
- number of units off the circulation core
- feasibility of proposed tree planting in the setback and impacts to existing trees
- retention of the sandstone wall should be maximised
- excessive carparking
- construction traffic should be restricted at school drop off and pick up times.

Council provided recommended conditions of consent including the following key conditions:

- a deferred commencement condition in relation to approval to upgrade Archdale Walk under the *Roads Act 1993*
- privacy screens be provided on the western edge of the north facing balconies on Level 1 and Level 2 to ensure privacy
- tree protection
- the face brick work should have a red/orange tone, similar to the Reservoir
- no construction vehicle movements be permitted during school zones
- air conditioning condensers located in the basement.

5.4 Key issues raised by the public

5.4.1 During the EIS exhibition period, the Department received a total of eight unique submissions on the proposal from the public, (with two submissions from one member of the public) comprising:

- three submissions in general support of the proposal, however raising concerns about traffic and other impacts
- five submissions objecting to the proposal including one submission on behalf of the Owners of Strata Plan 100500 (the Sirius development to the north of the site at 14-18 Neringah Avenue South).

5.4.2 All community members who made a submission live within 5km from the proposal.

5.4.3 A summary of the submissions is provided in **Table 4** below.

Table 4 | Summary of public submissions

Issue	No. of Submissions	% of Submissions
Traffic congestion, assessment and parking	6	75%
Noise from north driveway	3	37.5%
Northern setback (including driveway)	3	37.5%

Insufficient visual privacy to the north	2	25%
Insufficient landscape setback (north) and deep soil	1	25%
Removal of through site link during the Stage 1 development	1	12.5%
Pedestrian crossing to Archdale Park is required for traffic calming	1	12.5%

5.5 Response to submissions and Government Agency advice

5.5.1 Following the exhibition of the EIS, the Department placed copies of all submissions received on its website and requested the Applicant to provide a response to the issues raised.

5.5.2 On 26 May 2023, the Applicant provided its RtS, which included additional information (including a clause 4.6 request under KLEP), and justification in response to the issues raised during the public exhibition.

5.5.3 Key amendments made to the proposal since lodgement of the EIS include:

- the fifth storey on the northern boundary (known as Level 2) is setback further (to 9m) to comply with the design criteria in Part 3F-1 of the ADG. The northern balconies on this level are also amended. Privacy treatments to the north and west are included
- changes to the vehicular and main pedestrian entry to avoid the need for pedestrians to cross the driveway entry and improve the set down area and the entry legibility
- reallocation of seniors self-contained dwelling, visitor and staff parking
- provided further details on letterboxes, separation distances, substations, landscaping, roof RLs
- minor amendments to improve ventilation
- tree species in the front setback have been revised
- approximately half of the length of the existing sandstone front boundary wall has been retained, although reduced in height
- an additional lift is added to the North Building
- privacy treatments and other amendments are made to the south-eastern unit in the south building to improve privacy, including a reduction in the length of the service road to its south
- end of trip facilities provided in the bicycle storage area, with the number of bicycle spaces reduced from 14 to nine
- inclusion of a ramp in Basement 1 to provide ambulance access to the lifts
- relocation of the substation (from near the north-east corner adjacent to Neringah Avenue South to the south-east corner near the southern service driveway)

- addition of a signage plan.

5.5.4 The Applicant also provided evidence of Australia Post's landowner's consent for works relating to the upgrades to Archdale Walk.

6 Assessment

6.1 Key assessment issues

6.1.1 The Department has considered the Applicant's EIS, RtS, and RRFI and issues raised in submissions, in its assessment of the proposal. The Department considers the key issues associated with the proposal are:

- Built form and design
- Open space, public domain, landscaping and trees
- Accessibility
- Residential amenity
- Traffic and parking

6.1.2 These key issues are discussed in **Sections 6.2 to Section 6.6**. Other issues considered during the assessment are discussed at **Section 6.7**.

6.2 Built form and design

Height, bulk and scale

6.2.1 The proposal seeks consent for two, five storey buildings with a maximum height of 19.15m and 19.6m and a total GFA of 14,360.09m² (which equates to an FSR of 1.61:1).

6.2.2 The proposal complies with the maximum FSR of 1.8:1 (being the maximum of 1.3:1 under KLEP plus the additional 0.5:1 under the vertical villages provisions under section 45 of the Seniors SEPP). However, both buildings exceed the maximum building height development standard of 17.5m in the KLEP as described in **Table 5** below.

Table 5 | Proposed variations to the maximum building height of 17.5m

Location	Height Control	Proposed Height	Variation
North Building	17.5m	18.92m	1.42m (8.1%)
South Building	17.5m	20.1m	2.6m (14.9%)

6.2.3 In both buildings the variations are limited to parapets and glazed wind barriers for the rooftop open space, rooftop plant and equipment, solar panels, planter walls, pergolas, stairwells and the lift core. No habitable GFA is included within the building height exceedance. **Figure 12** illustrates the extent of the protrusion above the KLEP height plane. The Applicant clarified that the bulk and scale of the development will not compromise the solar access of neighbouring sites.

6.2.4 The Applicant originally sought to rely on the definition of height in clause 3(1) of the Seniors SEPP to contend that there was no breach of the height limit. That definition is:

height in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

6.2.5 The Department advised the Applicant that:

- this definition applies only where residential flat buildings are not permitted (clause 40(4)) or for buildings less than 8m high (clauses 48 and 50)
- the KLEP definition of height applies to clause 4.3 of the KLEP

6.2.6 In response, the applicant provided a clause 4.6 exception request under KLEP. The Applicant considers that the proposed variation is justified as:

- the variations are limited to lift overruns and stairs, mechanical plant, acoustic barriers, parapets, transparent glazed wind barriers and pergolas which provide wind protection and amenity to the rooftop communal open space
- the proposal is consistent with the prevailing character of the area in particular the Sirius building to the north
- the Site Compatibility Certificate concluded that a building of this scale does not compromise the amenity of the surrounding environment
- the exceedances allow for equitable access to rooftop communal open space and for the provision of housing choice and supply in accordance with the North District Plan principles and the Ku-ring-gai Local Strategic Planning Statement.

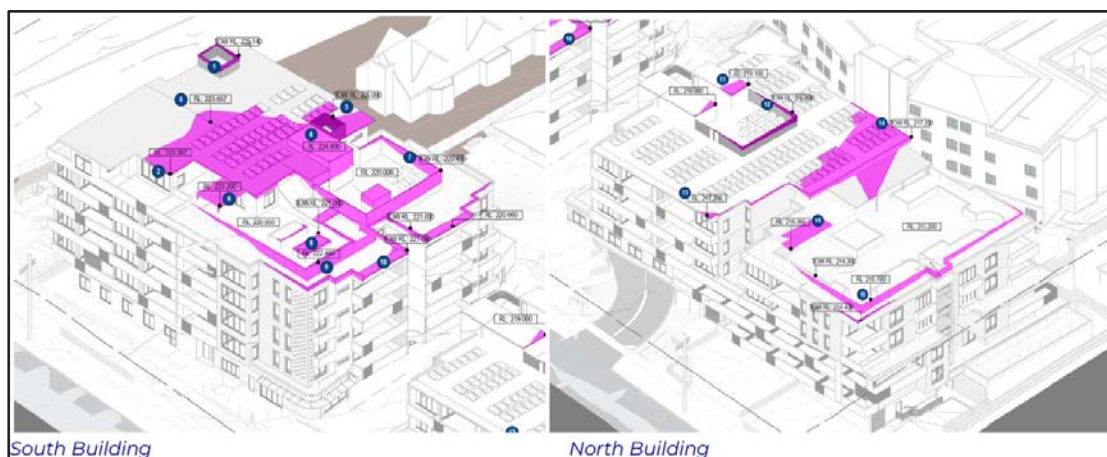


Figure 12 | Extent of protrusion above the KLEP height plane – the pink area shows the exceedance to the building height (Source: clause 4.6 request)

6.2.7 Council is also of the view that the KLEP definition of height of building applies and that a clause 4.6 variation is required. Council did not raise any concerns in relation to the clause 4.6 exception request. One public submission raised concern that the proposed size and scale of the development would contribute to overdevelopment.

6.2.8 The Department has considered the Applicant's clause 4.6 request in **Appendix D**.

6.2.9 The Department considers the height, bulk and scale of the development is appropriate for the site as:

- the development is below the maximum FSR for the site
- the built form is split into two separate buildings with an activated green spine to clearly delineate a separation within the built form. The buildings are setback 10m from Neringah Avenue South which will include substantial landscaping (**Section 6.3**) which assists in mitigating the bulk of the buildings
- the building form of both buildings is highly articulated by balconies, varied window shapes and facade materials
- the North Building features a deep notch to assist in breaking up the length of the buildings to Neringah Avenue South
- the built form responds to the topography of the site by stepping down with the slope of the land and is consistent with the five storey building storeys control in the KDCP (**Figure 13**)
- the minor height exceedance of 1.42m (8.0%) for the North Building and 2.6m (14.9%) for the South Building is limited to lift overruns, stairwells, mechanical services and building elements such as parapets, glazed wind barriers, parapets and pergolas which do not include GFA
- the minor height exceedances relating to the lift, stair and plant do not cause any adverse visual impacts or overshadowing impacts as they are generally limited to the centre of the two buildings, away from the edges of the site which adjoin neighbouring properties
- the minor exceedances relating to the glazed balustrades and wind barriers at the edges of the building are lightweight and do not significantly contribute to the bulk of the building
- the proposal provides an appropriate relationship with the surrounding sites and would not cause any adverse overshadowing or privacy impacts or other amenity impacts to neighbouring development.

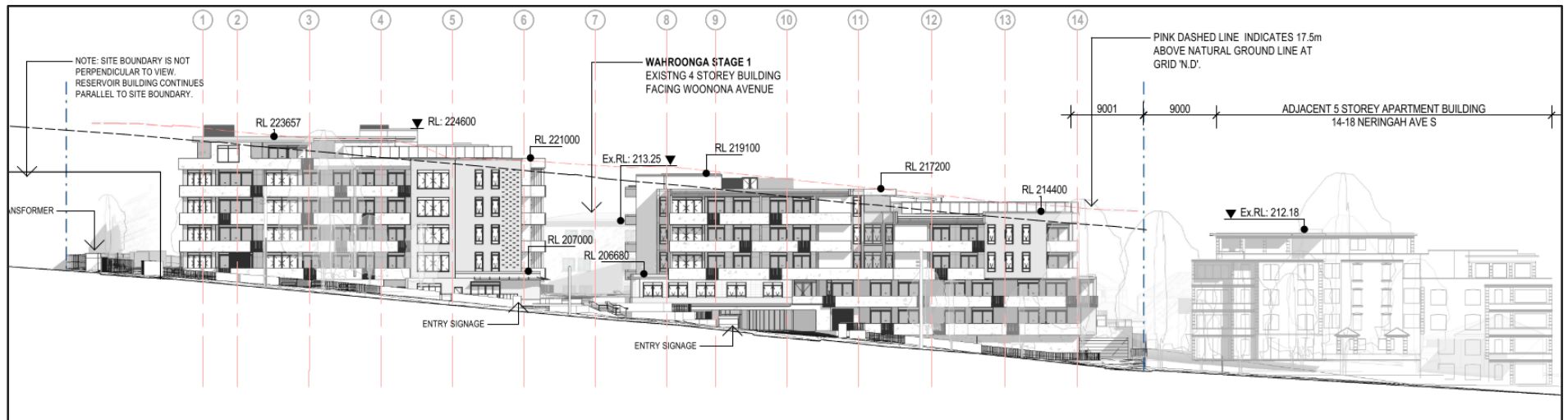


Figure 13 | Street context - Existing 5 storey Sirius building to the right (Source: Applicants Architectural Plans)

Design quality

- 6.2.10 The KLEP does not include any design excellence requirements for the site. However, the SEARs require the Applicant to address the objectives for good design in Better Placed and for the proposal to be reviewed by the State Design Review Panel (SDRP).
- 6.2.11 The Applicant provided an Architectural Design report which responds to the seven objectives for good design in Better Placed and also presented the proposal to the SDRP for design review prior to lodgment.
- 6.2.12 The proposal was reviewed by the SDRP on two occasions (6 July 2022 and 23 November 2022).
- 6.2.13 The SDRP was supportive of the proposal overall, in particular the following elements of the design:
- design principles of the model of care
 - the open and accessible green link pedestrian crossing between Woonona Avenue and Neringah Avenue South that connect to surrounding parks
 - generous apartment sizes
 - connecting the development to the built heritage of the area
 - use of extensive brick to connect the development to the adjacent heritage reservoir
- 6.2.14 The SDRP provided advice and recommendations in relation to the location of the chapel, access and entry to buildings, shading, wind barriers and materiality.
- 6.2.15 Council did not provide any detailed comments on the design of the development but raised concerns with the proposed brick work and suggested the brickwork should have a red/orange tone to complement the Sydney Water Reservoir to the south.
- 6.2.16 In response to the SDRP advice, the Applicant contends that the chapel should be retained in a central location for both symbolic and practical reasons. It notes that the chapel provides a flexible, multi-denominational space for residents and their visitors to gather in a central location. It is intended as a contemplative, inward facing space primarily used by people on the site.
- 6.2.17 The Applicant made the following amendments in response to the SDRP and Council advice:
- amended the location of the pedestrian entry to the main building entry at the Lower Ground Floor to increase pedestrian safety
 - included wind barriers and pergola structures to provide shade for the habitable green roofs
 - incorporated multiple tones of brick, sandstone and render features to sympathetically link with the surrounding urban context.
- 6.2.18 The Department has carefully considered the advice of the SDRP, the proposed design and the Applicant's responses. The Department is satisfied that the proposal provides a good architectural design response for the following reasons:
- the chapel's current location in the centre of the site is appropriate as:
 - it would encourage communal events and interactions as a multi-use space.

- the proposed chapel is intended to service the residents and visitors of the site and will not operate a standalone place of worship or as a public community facility
- There are five churches, eight school campuses, a scout hall, two large public parks and a number of pocket parks (including Archdale Park and Balcombe Park) all within a 1km radius of the site which remove any necessity for the chapel to act as a general community facility for the public
- the proposed café, main entry to the building, and green site link between Woonona Avenue to Neringah Avenue South all provide activation of the Neringah Avenue South
- the increase in glazing and improvement in access to the lower ground level entry has improved presentation and legibility
- the seniors units have been designed to achieve a good level of residential amenity, having regards to ADG recommendations in relation to building separation, solar access and ventilation, as discussed in **Section 6.5**
- adequate wind and shading have been provided to the green roof areas with undercover seating and dining areas on the North Building and wind barriers for the rooftops as recommended in the wind impact assessment
- the proposal includes extensive brickwork in both building facades and landscaping to respond to the Stage 1 development to the west, the Sirius building to the north and the heritage listed Reservoir to the south. The lighter brick tones complement the surrounding urban form, while providing a distinct identity to the development
- the proposal meets the design requirements of the Seniors SEPP as assessed in detail in **Appendix C**.

6.2.19 The Department therefore concludes that through the SDRP review process the proposal has evolved to provide an appropriate architectural response to the surrounding residential development while delivering high amenity for occupants.

6.3 Open space, public domain, landscaping and trees

6.3.1 The proposal seeks to create a landscape setting for the site, with a range of open spaces for residents, staff and visitors and a new publicly accessible through site link.

6.3.2 The key features of the landscape strategy (**Figure 14**) include:

- an accessible through site pedestrian Link through the central spine of the development
- an Entry Plaza to create arrival point with views across the street to Archdale Park
- a Main Plaza which will serve as the circulation hub for residents, visitors and outpatients.
- Woonona 'Pocket Park', Secret Garden and Linear Park including a lawn area to the east of Woonona Cottage and landscaped path providing a loop around the South Building
- a private residential courtyard in the north-western corner of the site

- rooftop landscaping and an accessible rooftop terrace on top of each building providing space for private events and a community garden.

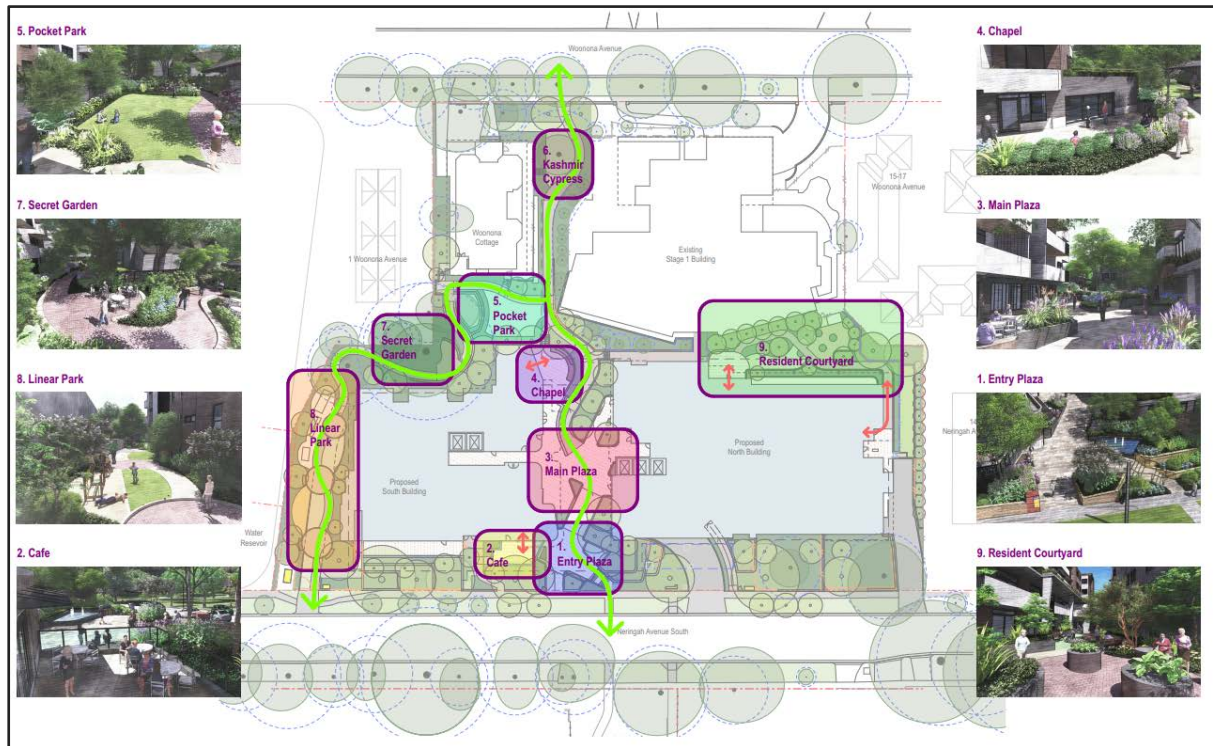


Figure 14 | Landscape Strategy (Source: Applicant's Architectural Design Report)

6.3.3 The Department considers the key assessment issues to be:

- open space design and function
- landscaping
- tree removal and retention
- retention of the sandstone wall.

Open space design and function

6.3.4 The SDRP supported the open and accessible green link pedestrian connection between Woonona Avenue and Neringah Avenue South that connect to surrounding parks.

6.3.5 The SDRP advised the green link should be a destination with legible sight lines, more seamless level changes to Neringah Avenue South, more gathering spaces, wayfinding and lighting to promote 24/7 access and activation. The SDRP also recommended that the paving treatment for the southern driveway promotes safe vehicular and pedestrian use.

6.3.6 In response to the SDRP advice, the Applicant notes:

- the chapel and café to activate and promote the green link as a destination and gathering space with built in timber seating and regular rest places for passive interaction within the green link

- the positioning of letterboxes at building entries close to the green spine also promotes additional foot traffic and gathering
- the green link and all open spaces are accessible to all, with all paths having a maximum gradient of 1:20 gradient ramps to meet accessibility requirements under the Seniors SEPP
- the proposal promotes intuitive wayfinding through strong visual sightlines and one single primary entrance point, supported by wayfinding signage
- the existing asphalt access road for the southern driveway will be renewed as a usable landscape space for residents, while still enabling infrequent vehicular access for servicing.

6.3.7 The Department is satisfied that the proposed open space is acceptable as:

- the through site link will connect the site with adjacent open space in Archdale Park and Balcombe Park and improve accessibility for the Wahroonga community
- it provides a range of open spaces to provide opportunities for residents, visitors and staff to engage in passive and low intensity outdoor recreation as well as spaces that can be used for occasional events or gatherings
- it responds to level changes and ensures the entire site is accessible, by incorporating a range of flat areas and pathways with a maximum gradient of 1:20 to promote independent movement which meets, and represents a better outcome than, the minimum accessibility requirements of Seniors SEPP (1:14)
- the rooftop open space provides additional private communal open space for residents and includes both shallow and deep-soil planters to accommodate a range of plantings including trees to provide shade and canopy coverage over the rooftop open space
- although the main plaza and adjacent portions of the through site link will largely be in shade for most of the day in mid-winter, more than 50% of the open space throughout the site receives 5 hours solar access in mid-winter
- the existing southern service access driveway will be embellished to provide a usable landscaped space including seating areas and exercise equipment while still allowing the infrequent vehicular access for servicing of the infrastructure
- it would increase tree canopy coverage from 15.5% to 26%. In addition, 54% of the overall site (including the Stage 1 development) will be landscaped
- it provides 15.7% of the site as deep soil zone, which meets the non-discretionary development standard in the Seniors SEPP and a further 5% of the site has deep soil with a dimension of less than 3m
- the open space network provides intuitive wayfinding for future residents and visitors which will be supplemented by proposed signage.

6.3.8 Overall, the Department considers the proposal would provide a series of high quality and amenity open spaces which will meet the needs of future residents and the new through site link will improve amenity and connectivity for the existing community.

6.3.9 The Department recommends conditions of consent in relation to lighting, signage, and requiring 24-hour public access seven days per week from Woonona Avenue to Neringah Avenue South.

Landscaping

6.3.10 The SDRP recommended prioritising deep soil planting areas and preserving mature trees where possible.

6.3.11 Council raised concerns about landscaping and insufficient deep soil in the front and northern setback. In particular Council is concerned about:

- below ground elements, including the basement, OSD and rainwater taken encroach into the 10m front setback and impacting on deep soil (**Figure 15**)
- the northern service vehicle access driveway being located within the side setback which compromises deep soil planting and the growth of tall trees in the setback (**Figure 16**).

6.3.12 The Owners Corporation from the Sirius development to the north also raised concerns about the narrow building setback reducing the capacity to accommodate deep soil planting for tall trees.



Figure 15 | Part lower ground floor plan showing the basement and OSD encroachment into the front setback (Base Image Source: Architectural Plans)

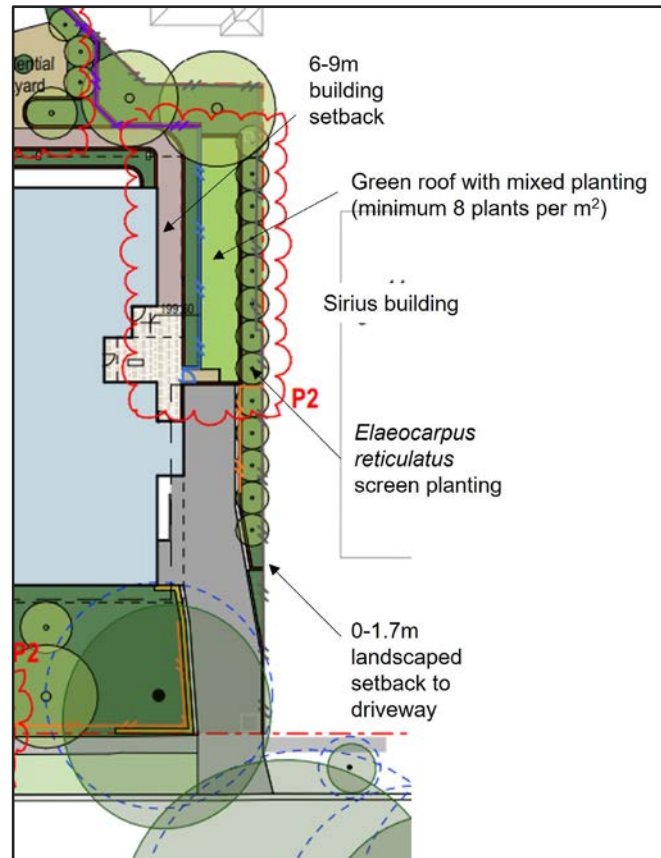


Figure 16 | Proposed 0-1.7 m landscaped setback to the northern boundary (Base Image Source: Landscape Plans)

6.3.13 In response, the Applicant revised the location and species of trees in the front setback, while still using trees listed as part of the Blue Gum High Forest Community, to ensure adequate soil volumes for trees to survive and prosper.

6.3.14 The Applicant also notes the proposed service vehicle access is located at the lowest part of the site, in the location of the existing driveway within the northern boundary setback. It also notes that neighbouring residents will look down over the green roof and landscaped side setback which is an improved outlook when compared to the existing car park.

6.3.15 The Department has carefully considered the concerns raised by Council and in public submissions and the Applicant's response.

6.3.16 The Department is satisfied that proposal provides sufficient front and side landscaped setbacks for the following reasons:

- the Applicant's Landscape Architect has confirmed that the proposed *Eucalyptus saligna* (Sydney Blue gum), *Eucalyptus globoidea* (White stringybark) and other canopy trees within the front setback have been located in parts of the setback which have sufficient soil volumes for the trees to grow and survive (**Figure 17**)
- the proposal retains two of the current 13 trees in the front setback and an additional 24 trees will be planted in the front setback, of which 20 exceed eight metres in height at maturity

- the proposed green roof, raised planter and *Elaeocarpus reticulatus* screen planting will provide a landscaped outlook for existing residents of the Sirius building compared to the existing driveway and open at grade car parking area in this location
- the proposal increases canopy coverage from approximately 15% to 26% which will improve the landscape setting of the site
- 15.7% of the site is provided as deep soil which meets the non-discretionary development standard within Clause 50 of the Seniors SEPP, and therefore the consent authority may not require a more onerous requirement.

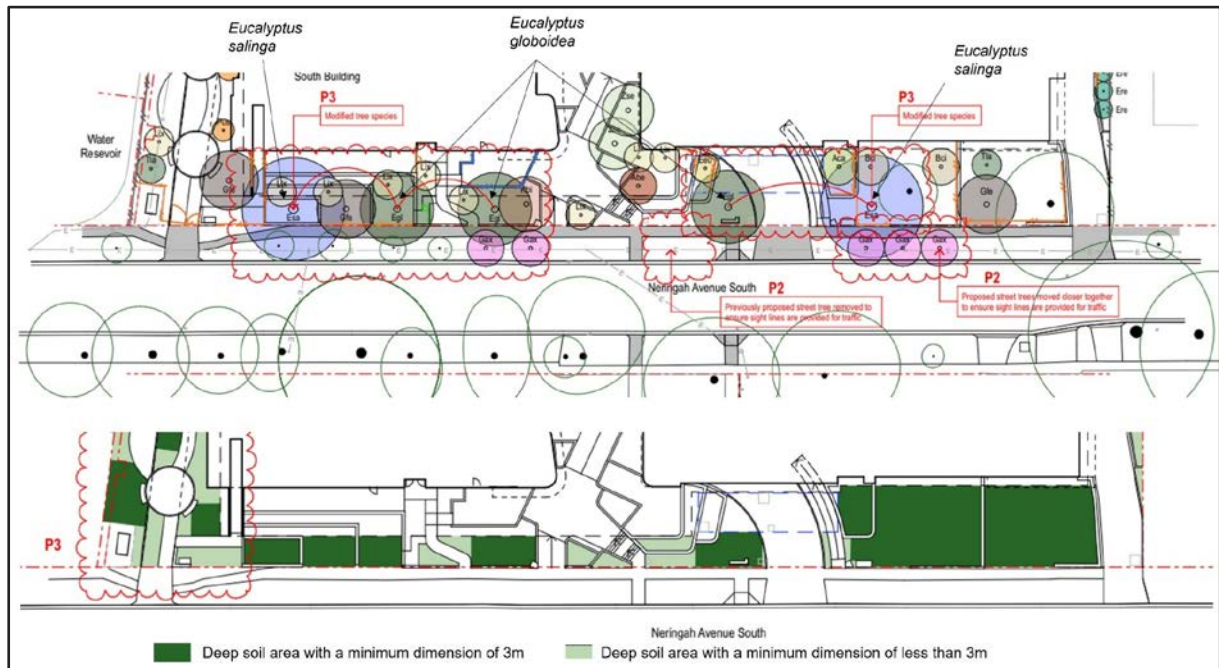


Figure 17 | Part Tree Planting Plan and Deep soil plan showing the *Eucalyptus salinga* and *Eucalyptus globoidea* located within deep soil area with a minimum dimension of at least 3m (Base Image Source: Landscape Plans)

Tree removal and retention

6.3.17 The north-east corner of the site is mapped by KLEP as having biodiversity value (**Figure 18**).

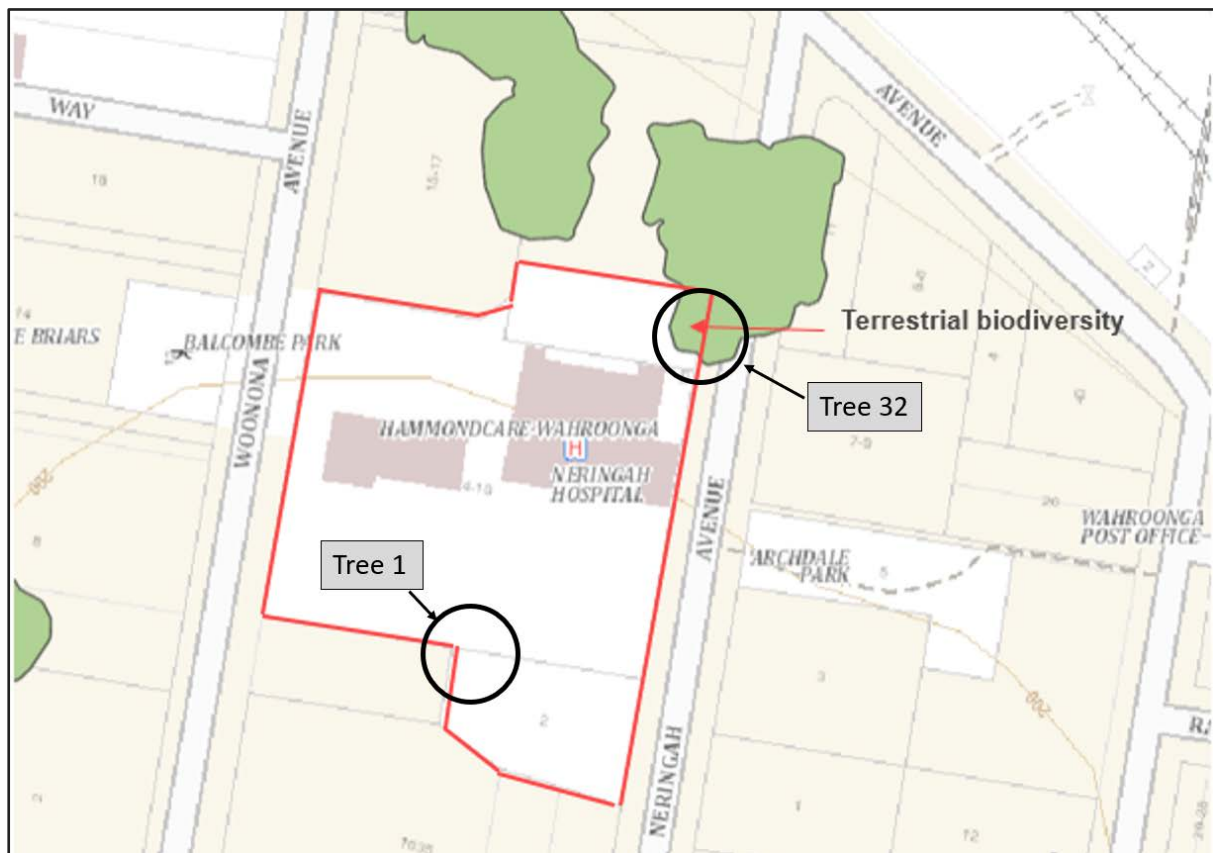


Figure 18 | Terrestrial Biodiversity Mapping Ku-ring-gai LEP 2015 and the approximate location of Tree 1 and 32 (Base Image Source: Ku-ring-gai Council)

6.3.18 The site contains 51 trees, with an additional 62 trees located outside the site boundary. 14 trees were identified as having high retention value, including the following eight trees representative of the endangered Blue Gum High Forest and cultural plantings associated with Woonona Cottage:

- Tree 32 an *Angophora costata* (Smooth-barked Apple) on the north-eastern corner of the site
- Tree 47, Tree 48 and Tree 49 are large *Eucalyptus saligna* (Sydney Blue Gum) street trees, across Neringah Avenue South from Tree 32.
- Tree 63 a *Cupressus cashmeriana* (Kashmir Cypress), is a cultural planting associated with the Woonona Cottage curtilage.
- Tree 66 a *Cedrus deodara* (Himalayan cedar) is a cultural planting associated with the Woonona Cottage curtilage.
- Tree 1 & Tree 6 are *Lophostemon confertus* (Brush Box) trees which form part of the setting of Woonona Cottage.

6.3.19 The proposal retains 81 trees and seeks approval to remove 32 trees, including 23 trees within the building footprint. The proposal retains all 14 trees of high retention value, five of which are on the site and nine outside the site. Of the 32 trees to be removed, 25 are of low or very low retention value.

6.3.20 The proposed works encroach on the tree protection zone (TPZ) of several trees to be retained as outlined in **Table 6**.

Table 6 | TPZ incursions and surface impacts to retained trees

Tree No	Species	Common Name	TPZ incursion
T1	<i>Lophostemon confertus</i>	Brushbox	17%
T6	<i>Lophostemon confertus</i>	Brushbox	9%
T22	<i>Ulmus minor</i>	Field Elm	9%
T28	<i>Brachychiton acerifolius</i>	Illawarra Flame tree	9%
T32	<i>Angophora costata</i>	Smooth-barked Apple	8%
T98	<i>Quercus palustris</i>	Pin Oak	8%
T100	18 x <i>Elaeocarpus eumundi</i>	Eumundi Quandong	Only roots less than 40mmø expected to be encountered
T63	<i>Cupressus cashmeriana</i>	Kashmir Cypress	Surface impacts from path construction only



Figure 19 | Tree T1 *Lophostemon confertus* (Arterra Consulting Arboriculture 4 May 2023)



Figure 20 | Tree 32, the remnant *Angophora costata* (Smooth-barked Apple), Arterra Consulting Arboriculture 4 May 2023

6.3.21 Council initially requested further information regarding the impact of the service vehicle driveway on the structural root zone of Tree 32.

6.3.22 EHG reviewed the Applicant's Arboricultural Impact Assessment Report and raised concern about impacts to Tree 1 and 32 and noted that the proposal was inconsistent with the

recommendations made within the Applicant's BDAR waiver request report. EHG initially recommended that the proposal is amended to avoid works within the TPZ of Tree 32 and requested further information about the impact to Tree 1.

6.3.23 In response to EHG's concerns, the Applicant engaged an experienced AQF5 consulting arborist to supervise exploratory trenching of Trees 1 and 32 to determine whether there are significant roots which would be affected by the proposed works. (**Figure 21** and **Figure 22**).



Figure 21 | Root investigations around T32 illustrating no significant tree roots (Arterra Consulting Arboriculture 4 July 2023)



Figure 22 | Root investigations around T1 in line with the basement extent illustrating no significant tree roots (Arterra Consulting Arboriculture 4 July 2023)

6.3.24 The trenching revealed:

- only one very small tree root and some services around Tree 32

- numerous services, the driveway and footpath are in the TPZ of Tree 32. There are no driveway or footpath fractures or cracks in the vicinity indicating surface tree roots.
- one small root for Tree 1 was found to be non-living, and electrical services were also found in the TPZ of T1.

6.3.25 The testing concluded that:

- the driveway works can occur with minimal impact to Tree 32's root system
- the incursion into Tree 1's nominal TPZ is acceptable provided demolition and other work is undertaken sensitively and in accordance with certain mitigation measures.

6.3.26 Following receipt of this investigative work EHG did not raise any further comments or concerns and recommended conditions of consent to ensure the ongoing protection of retained trees and biodiversity values within the site.

6.3.27 Council also did not raise any further concerns.

6.3.28 The Department is satisfied that the proposal has been designed to retain all high value trees, including trees representative of the endangered Blue Gum High Forest and cultural plantings associated with Woonona Cottage.

6.3.29 The Department has considered the advice of EHG and Council and the results of the exploratory trenching and is of the view that the proposed works are unlikely to adversely affect the retention Trees 1 and 32 given that no significant roots were encountered during testing.

6.3.30 On this basis, the Department considers that Trees 1 and 32 can both be retained with the management techniques and conditions recommended by EHG.

6.3.31 To ensure that all works are carried out in a manner to ensure the protection and long-term survival of Trees 1 and 32, the Department recommends conditions in accordance with EHG advice requiring:

- tree protection during construction
- requiring certification by an AQF 5 certified arborist that the works have been carried out according to the recommendations of the Arboricultural Impact Assessment Report and the Results of Exploratory Trenching
- trenching and excavation within the TPZ of trees to be retained will be done by an AQF 5 certified arborist
- Trees 1 and 32 be subject monitoring for 18 months following completion of works with remedial works to be undertaken where necessary.

6.3.32 The Department concludes that the potential impacts to trees are acceptable because:

- all trees of high retention value will be retained
- 25 of the 32 trees to be removed (78%) are of low or very low retention value
- Tree 1 and Tree 32 will be retained with conditions recommended to ensure their retention and monitoring

- the proposal includes substantial new landscaping which will overall increase tree canopy coverage from approximately 15% to 26%.

Sandstone wall

6.3.33 The site features an existing sandstone wall of variable height (approximately 1.2m) for approximately 60m of the 133.60m frontage to Neringah Avenue South (**Figure 23**).



Figure 23 | Sandstone wall on Neringah Avenue South looking north-west from the south-east boundary of the site

6.3.34 The Applicant originally proposed the removal of the sandstone wall in its entirety and to reuse the blocks within the landscaping.

6.3.35 Council recommended the Applicant retain as much as possible of the sandstone wall.

6.3.36 In response, the Applicant amended the proposal to retain sections of the original sandstone wall (**Figure 24 and Figure 25**). It proposes to reduce the height of the wall to better relate to the adjacent walls. The remainder of the front boundary will include a mix of new stone walls, vertical palisade slat fencing and low scale sandstone 'log' walls.

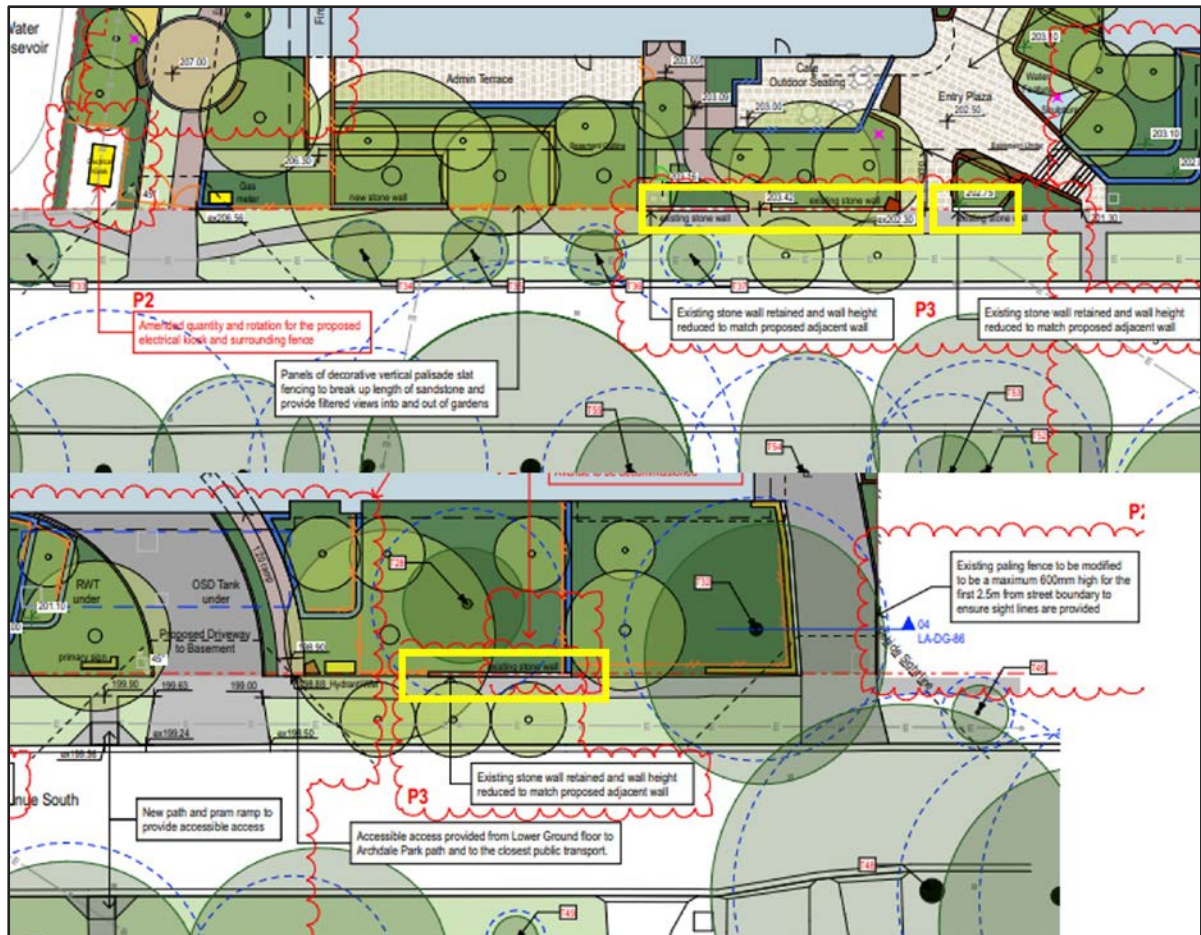


Figure 24 | Proposed retention of sections of the existing sandstone wall along Neringah Avenue South (Base Image Source: Applicant's landscape plans)



Figure 25 | Indicative perspective of the Green Spine Entry with sections of the sandstone wall retained but reduced in height (Base Image Source: Applicant's landscape plans)

6.3.37 The Department acknowledges Council's request for retention of as much of the sandstone wall as possible and the amendments made by the Applicant to retain approximately 30m or 50% of the wall in situ.

6.3.38 The Department notes that although the wall does not have any heritage significance it is a significant feature within the streetscape. The Department therefore supports the partial retention of the wall in its existing location.

6.3.39 The Department supports the Applicant’s approach to reduce the height of sections of the wall to provide a more cohesive presentation to the street. Further, the Department considers the introduction of new stone walls, palisade panel slat fencing and low scale sandstone logs will reinforce the boundary of the site, while improving visual transparency between the site and the footpath.

6.3.40 The Department recommends a condition which requires the Applicant to provide the methodology for the retention and alteration of the sandstone wall to the Planning Secretary for approval and implement this methodology to ensure the wall is retained and incorporated into the renewed landscaping and other fence types proposed within the front setback.

6.4 Accessibility

Archdale Walk

6.4.1 Archdale Walk is a public footpath opposite the site which leads directly to the Wahroonga village centre and on to the Wahroonga train station. Archdale Walk is primarily located on Council land but also partly on land owned by Australia Post (**Figure 26**).



Figure 26 | Archdale Walk looking west from Coonanbarra Road with the Australia Post on the right

6.4.2 The Applicant has provided Australia Post’s landowner’s consent to the upgrade works and proposes to undertake the following works under section 138 of the *Roads Act 1993* (**Figure 27**):

- installation of approximately 20m of new concrete footpath to achieve a maximum gradient of 1:12
- extension of existing and new handrails where necessary
- demolition of a portion of the existing brick wall adjacent to the post office landing (**Figure 27**)
- kerb ramps on each side of Neringah Avenue South.

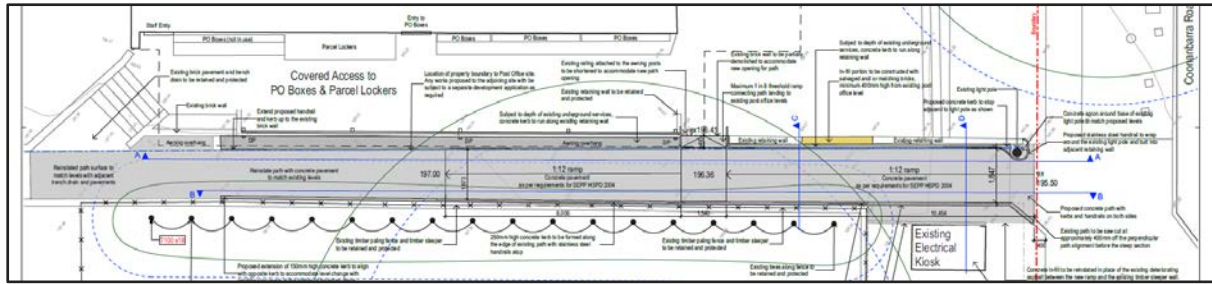


Figure 27 | Archdale Walk upgrade plans (Applicants EIS)

- 6.4.3 Clause 26 of the Seniors SEPP requires the consent authority to be satisfied that residents will be within 400m of shops, bank service providers, retail and commercial services, community services and recreation facilities, a general medical practitioner and/or within 400m of public transport which will take residents to within 400m of those services. The Seniors SEPP provides average and maximum gradients that must be met.
- 6.4.4 The SCC requires consideration of access provisions in accordance with clause 26 of the Seniors SEPP including any modifications to Archdale Walk or existing footpath gradients to be completed to the satisfaction of Council.
- 6.4.5 Council notes that the upgrade of Archdale Walk is required to comply with clause 26 of the Seniors SEPP and the conditions of the SCC. Council recommends that a deferred commencement condition is imposed on any consent issued to provide certainty that all necessary approvals are obtained before the consent is operative.
- 6.4.6 Council also recommends a raised pedestrian crossing is installed over Neringah Avenue South. Council considers a raised crossing would improve safety for residents by providing a level crossing point without the need for residents and mobility impaired people to negotiate a kerb ramp and a steep cross fall to cross the road.
- 6.4.7 In response, the Applicant notes it is not opposed to a raised pedestrian crossing but advises it is outside the scope of the development and is not warranted for the purposes of compliance with clause 26 of the Seniors SEPP or on a traffic flow basis.
- 6.4.8 The Department has carefully considered the requirements of the Seniors SEPP and the SCC, and is satisfied that the proposal meets the accessibility requirements as:
- the site is within 400m walking distance of shops, bank service providers, retail and commercial services, community services and recreation facilities, a general medical practitioner in Wahroonga centre
 - the site is within 350m walking distance of Wahroonga railway station
 - the Applicant has submitted architectural, landscape and survey plans which demonstrate that the gradient along this access meets the requirement of the Seniors SEPP as it has:
 - an average gradient of 1:14, which complies with the maximum average gradient of 1:14 in the Seniors SEPP
 - a maximum gradient of 1:12, for a maximum length of 10.45 m at a time which complies with section 26(2)(a)(i) of the Seniors SEPP.

- the Applicant has provided owners consent for the works on Australia Post's land
 - Council is unable to refuse an application under section 138 of the *Roads Act 1993* for the proposed works on Council land under section 4.42(1)(f) of the EP&A Act 1979.
- 6.4.9 The Department acknowledges Council's position that a raised pedestrian crossing would provide a safe, accessible and mid-block priority crossing point between the site and Archdale Walk.
- 6.4.10 Given the proposal will increase the residential population of the site, including ageing residents, the Department considers that the Applicant should investigate further measures to improve access and safety across Neringah Avenue South.
- 6.4.11 The Department therefore recommends conditions requiring the Applicant undertake a Road Safety Audit (RSA) to inform whether any pedestrian safety measures, such as a raised pedestrian crossing, are necessary, and if so, require these to be implemented by the Applicant as part of the development prior to occupation.
- 6.4.12 The Department concludes that the development meets the requirements of the Seniors SEPP and the SCC and will improve pedestrian accessibility between the site and Wahroonga centre through the works to Archdale Walk, subject to implementation of any further measures identified in the RSA.

Pedestrian entries

- 6.4.13 Clause 26 of the Seniors SEPP requires the proposed development to meet accessibility requirements for suitable access with the overall average gradient of no more than 1:14.
- 6.4.14 The proposal originally sought to provide the accessible entry to the site via the carpark driveway under the building.
- 6.4.15 The Department, Council and the SDRP raised concern that this arrangement was unsafe due to potential conflicts between pedestrians and vehicles.
- 6.4.16 In response, the Applicant amended the lower ground floor entry to the North Building to place the pedestrian entry ramp to the north of, and separate from, the carpark entry driveway. The plans also increased the level of glazing to the lobby.
- 6.4.17 The Department considers the amended design satisfies the requirements for a safe entry to the building as:
- the entrance, and all open spaces throughout the site, has a maximum gradient of 1:20, which provides a better level of safety and accessibility than the maximum average gradient of 1:14 in Section 26 of the Seniors SEPP
 - the increased glazing to the entry has improved legibility of the entry from the street
 - pedestrian access is now separated from vehicular access with adequate sight lines proposed to improve safety.

6.5 Internal Amenity

- 6.5.1 State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development and the ADG provide planning guidance and principles to ensure acceptable levels of internal amenity are provided to residential apartments.
- 6.5.2 The Applicant submitted a design report which provides a detailed analysis of the proposal's compliance with the design criteria and design guidance of the ADG. The Applicant also provided a Design Verification Statement which outlines how the development addresses the Design Quality Principles of SEPP 65.
- 6.5.3 The Department has considered the quality of future internal amenity as part of its assessment and is satisfied the proposal, is generally consistent with the key ADG amenity standards. A full assessment of the proposal against the ADG amenity criteria is provided at **Appendix C**. The Department has assessed the departures from the ADG in relation to:
- building separation
 - cross ventilation
 - apartment depths
 - balconies
 - the number of apartments off a circulation core.

Building separation

- 6.5.4 The ADG recommends 6m setbacks for development of four storeys and below and 9m setbacks for development from the fifth level and above to provide separation of 12 – 18m between buildings.
- 6.5.5 The proposal includes the following setbacks to neighbouring properties as shown in **Figure 28** and listed below:
- 6m – 9m to the boundary of the Sirius building at 14-18 Neringah Avenue South
 - 7.7m to the boundary of 15-17 Woonona Avenue
 - 14m between the North and South building
 - 7.7m between the North building and the Stage 1 development to the west
 - 9.5m between the South building and 1 Woonona Avenue.

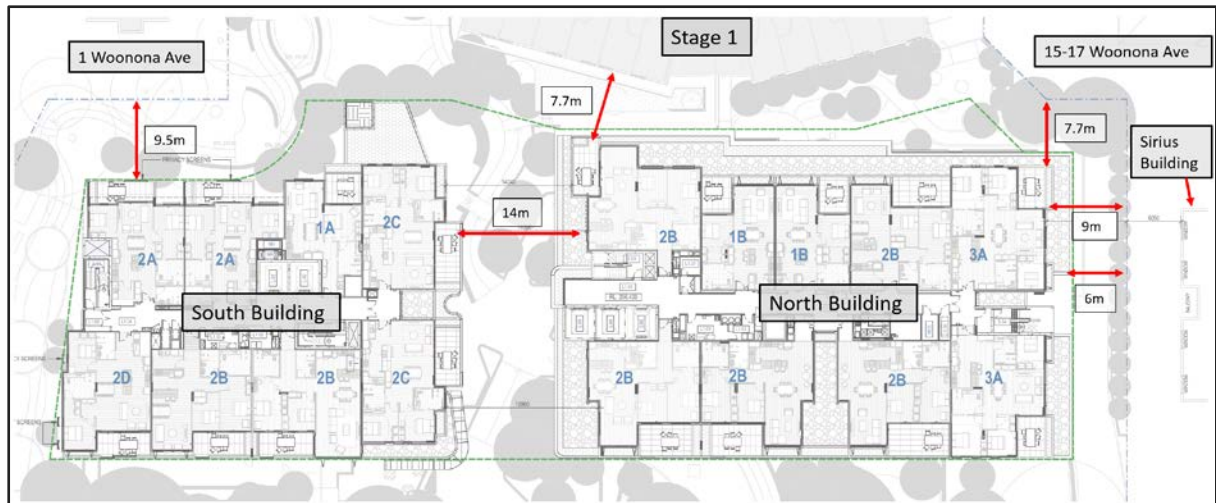


Figure 28 | Building Separation (Base Image Source: Applicants Architectural Plans)

- 6.5.6 As 15-17 Woonona Avenue is zoned R2 (a lower density), the ADG recommends a separation distance of 9m to the private open space for that site.
- 6.5.7 Council raised concern about the building separation to the private open space of 15-17 Woonona Avenue and recommended screening the western edge of the balconies to provide adequate privacy.
- 6.5.8 The Owner's Corporation for the Sirius building to the north raised concerned about the northern setback impacting on visual privacy.
- 6.5.9 The Department is satisfied that the building separation to the Sirius building to the north and between the North and South buildings complies with the ADG.
- 6.5.10 The Department notes that the building separation of 7.7m to 15-17 Woonona Avenue is less than the 9m recommended by the ADG but considers this acceptable as it relates to the north-western corner of the North Building only.
- 6.5.11 Notwithstanding, the Department agrees with Council that privacy screens should be provided to the north-western units on Level 1 and 2 of the North Building to ensure adequate visual privacy is maintained.
- 6.5.12 The Department also considers the building separation between the North Building and the Stage 1 development is acceptable as:
- the proposal has been designed to limit west facing windows from western facade of the south-west units closest to the Stage 1 building
 - planter boxes have been included to the west facing balconies of the North Building.
- 6.5.13 The Department therefore concludes the proposal provides for acceptable building separation to its neighbours and the existing Stage 1 development subject to conditions requiring screening of the north-western units on Level 1 and 2 of the North Building.

Cross ventilation

- 6.5.14 The ADG recommends that at least 60% of apartments are naturally cross ventilated.

6.5.15 The Applicant contends that 34 of 57 units (60%) achieve natural cross ventilation in accordance with the ADG including:

- 30 dual aspect corner units
- a further four units centrally located on the eastern side of the North Building on Level 1 and 2 which rely on a 2.9m wide 'notch' or 'building indentation' in the facade to achieve cross ventilation (**Figure 29**).

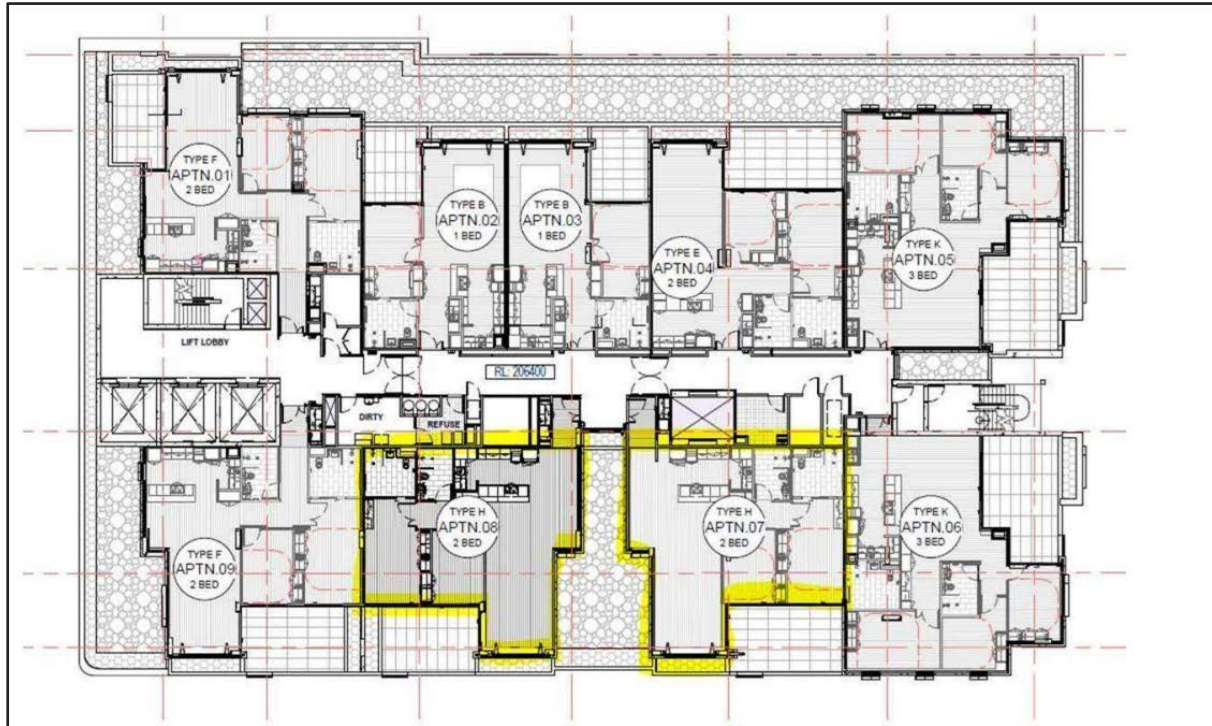


Figure 29 | Example apartments relying on a 'notch' or 'building indentation' for natural ventilation (Source: Applicant's Supporting Natural Ventilation Statement)

6.5.16 The Applicant provided advice from a sustainable building engineer which contends the notches, when combined with suitably sized openings, provide successful cross ventilation by creating differential pressure on adjacent apartment facades.

6.5.17 Council raised concern that apartments which rely on notches or building indentation should not be considered as naturally cross ventilated.

6.5.18 The Department acknowledges Council's concern that the Applicant is relying on four single aspect apartments to meet the ADG recommendation, and that if these were excluded only 52% of apartments would achieve natural cross ventilation.

6.5.19 However, the Department is satisfied that the four apartments will achieve good levels of natural ventilation through the additional window openings provided within the generously sized 2.9m wide notches.

6.5.20 On this basis, the Department is satisfied that the proposal provides good levels of natural ventilation and meets the intent of the ADG, despite not strictly complying with the cross-ventilation recommendations.

Apartment depths

6.5.21 The ADG recommends a maximum habitable room depth of 8m for open plan layout apartments, however, notes that greater ceiling heights can allow for increases in room depth. In the case of 2.9m ceilings, a maximum depth of 8.7m is considered acceptable.

6.5.22 Council raised concern that four units in the South Building (the units second from the north on the eastern side) have a depth of greater than 8m from a window (**Figure 30**).

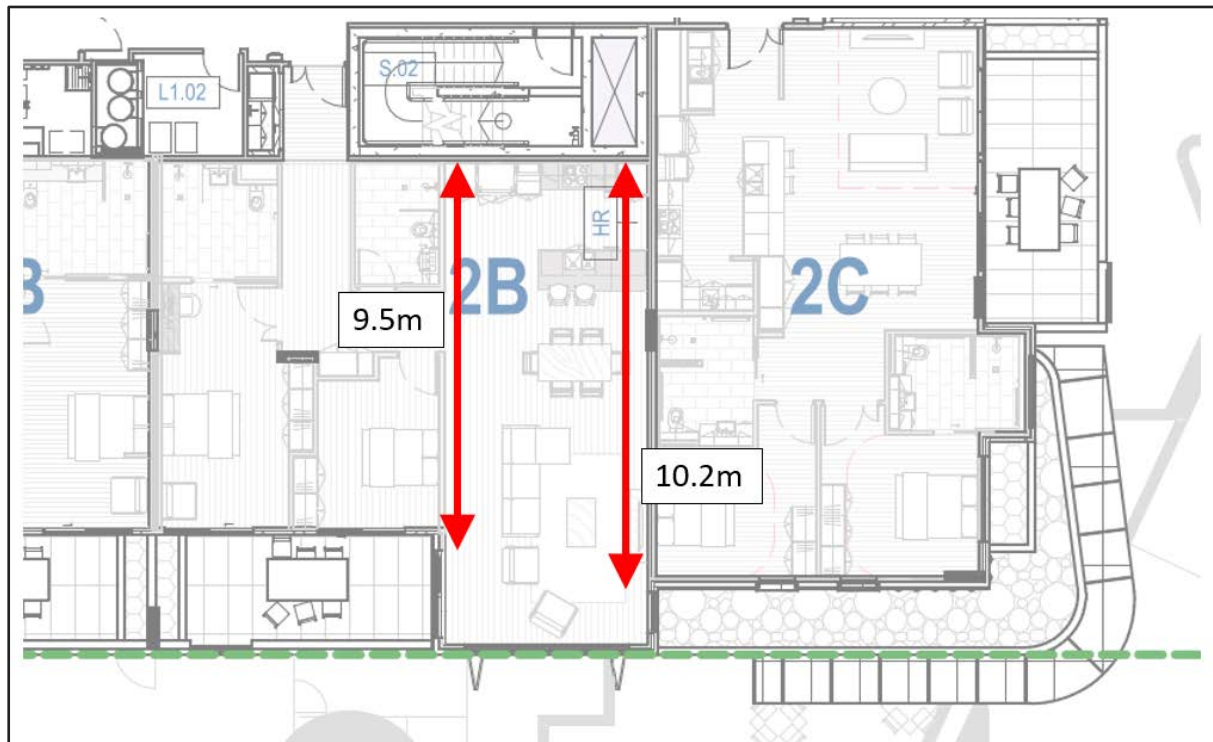


Figure 30 | Example apartment (one of four), which have a room depth of up to approximately 9.5m - 10.2m

6.5.23 The Department has carefully considered Council's concerns about the apartment depth, and notes that that the back wall of the kitchen is approximately 0.8m greater depth than the ADG recommendation.

6.5.24 The Department considers that this minor variation is acceptable given that the apartments have an open plan layout, are provided with 2.9m ceiling heights and generously sized glazed windows and doors to maximise daylight and ventilation.

Balconies

6.5.25 The ADG recommends that apartments at the ground level or on a podium are provided with a private open space area with a minimum area of 15m² and a minimum depth of 3m, instead of a balcony.

6.5.26 Two units located on Level 1 on the south-west of the South Building will have balconies although the finished floor level of the units will be similar to the adjacent landscaping.

6.5.27 The Department is satisfied that the use of balconies is appropriate in this instance as:

- the balconies are generously sized with a depth of 2.43m and an area of 14m², which is only marginally smaller than the private open space requirements
- the balconies provide enhanced amenity for future occupants, compared to a private open space area, through the use of the privacy screens.

Privacy

6.5.28 The ADG provides guidance in relation to increasing privacy without compromising access to light and to balance outlook and views from habitable rooms and private open spaces.

6.5.29 To the south of the South Building is an existing asphalt service driveway providing access to existing services. The Applicant identified that the service drive would be reduced in size and replaced with a series of landscape treatments to complete a pedestrian pathway from the eastern part of the green spine. The pathway includes an exercise station and seating options whilst maintaining a 4m wide area for service vehicles (**Figure 31**).

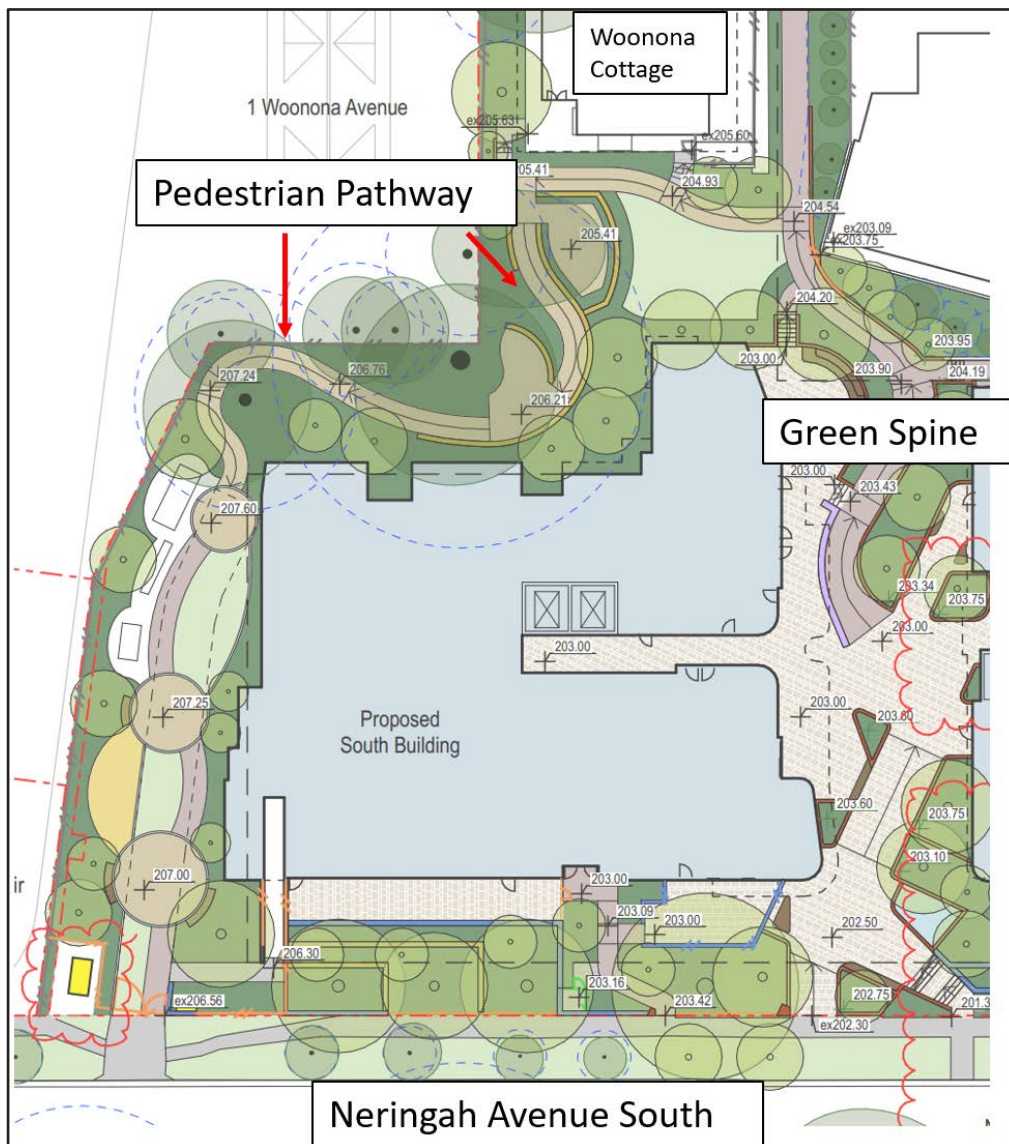


Figure 31 | Pedestrian pathway from existing service driveway connecting to Woonona Cottage and the green spine

6.5.30 Council raised concern that the habitable rooms for the south-west units of the South Building and Level 1 is compromised by the proximity of the path leading to Woonona Cottage.

6.5.31 In response, the Applicant shortened the driveway, increased landscape screening and provided the following additional privacy treatments (**Figure 32** and **Figure 33**):

- translucent glazing for the highlight bathroom window of the “2D” unit on Level 1
- aluminium privacy screens to south facing bedroom windows of the “2A” and “2D” units on Level 1
- aluminium privacy screens to the south facing balconies of the “2A” units on Level 1 to Level 5
- full height plantation style privacy screens to the level 1 balconies on the western elevation for the two “2A” units in the south-west corner which appear fixed in location opposite the living rooms
- a timber paling fence between the path and the western balconies of the “2A” units.

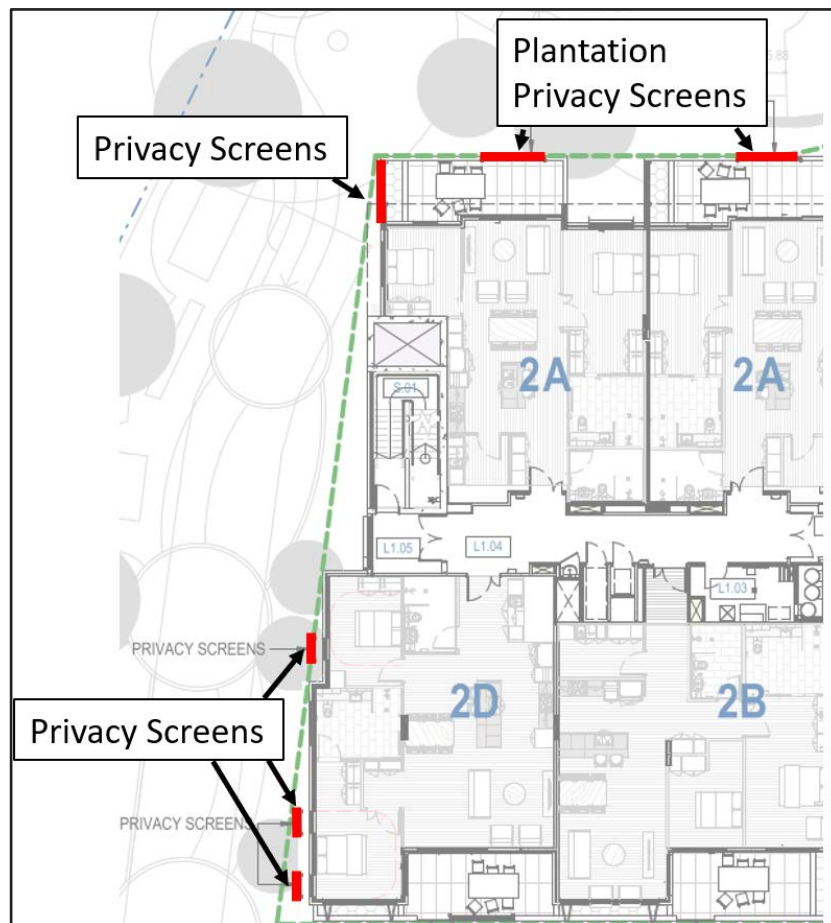


Figure 32 | Locations of plantation privacy screens and aluminium privacy screens (Base Image Source: Applicant’s Architectural Plans)

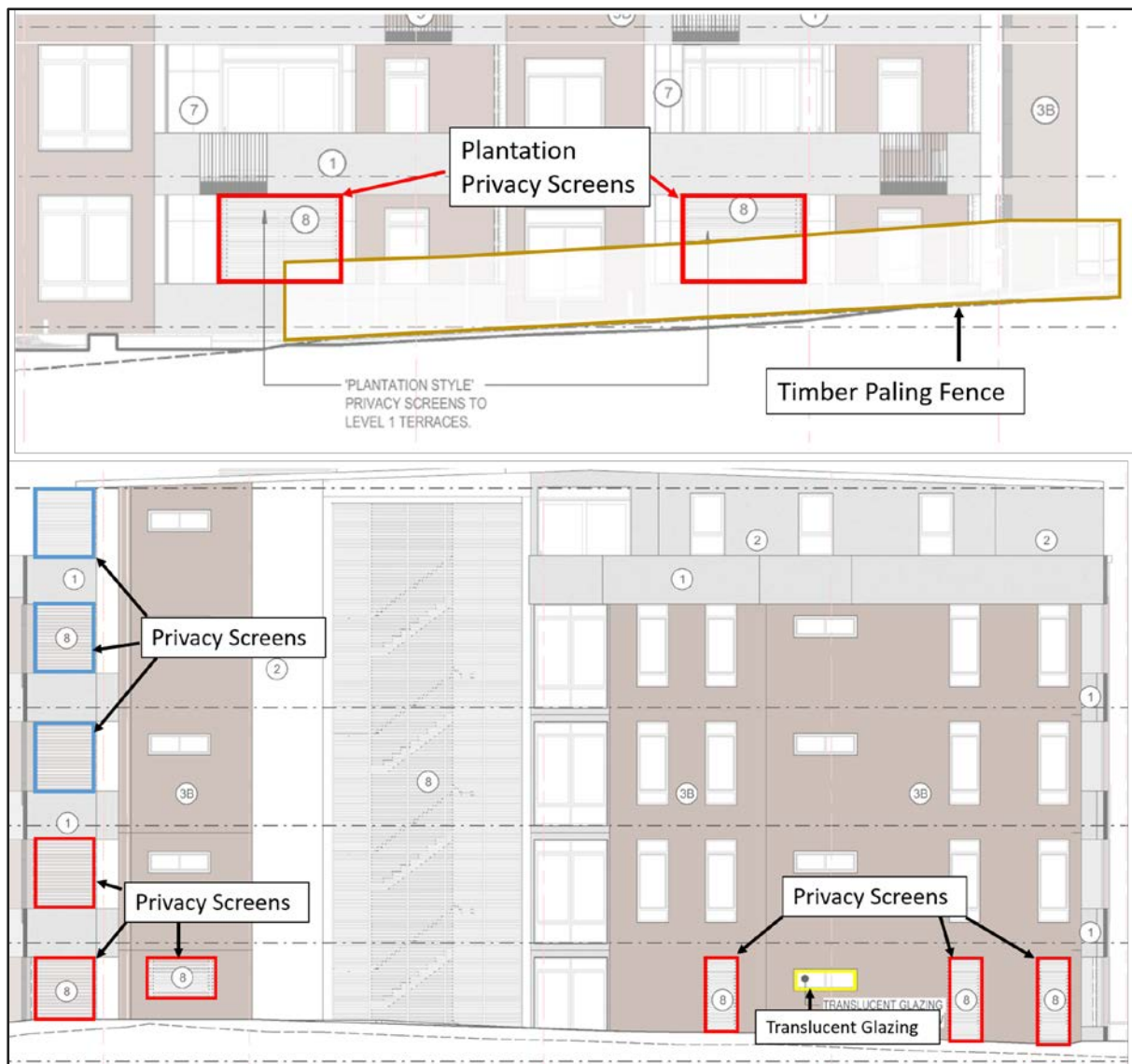


Figure 33 | Western (above) and southern (below) elevation of the South Building showing the proposed privacy screens outlined in red and blue, translucent glazing in yellow and timber paling fence in brown (Base Image Source: Applicant’s Architectural Plans)

6.5.32 Notwithstanding these changes, Council remains concerned about the proximity of the pathway to the habitable rooms for the south-western units of the south building. Council raised concerns that the proposed privacy screens would restrict daylight and the outlook of the units.

6.5.33 The Department has considered Council’s concern however considers the proposed amendments to increase landscaping and include privacy screens are generally acceptable and will ensure that the use of the open space within the linear park to the south of the Southern Building does not adversely impact on resident’s privacy, particularly at the lower levels of the building.

6.5.34 However, the Department recommends that the privacy screens to the western elevation of two “2A” units (highlighted in red in **Figure 33**) are amended to be a series of three or four panels which can stack and slide along the length of the terraces to provide greater control of sunlight and privacy to the occupants.

- 6.5.35 The Department also considers that the privacy screening shown for the south-west corner on the Level 3, 4 and 5 unit "2A" balconies on the south elevation (highlighted blue in **Figure 33**) is unnecessary because they are elevated above ground level and recommends that these be deleted to enhance amenity for the private open space.
- 6.5.36 On this basis, the Department is satisfied that privacy and amenity can be satisfactorily balanced.
- 6.5.37 The Department recommends conditions requiring the removal of privacy screens on levels 3, 4 and 5 of the south elevation of the South Building; and the requirement for sliding panelled privacy screens on the west facing balconies of the two Level 1 units in the south-west of the South Building.

Number of apartments off a circulation core

- 6.5.38 The ADG recommends a maximum of eight apartments per level be accessed off a circulation core.
- 6.5.39 The ADG design guidance principles for when achievement of the design criteria may not be possible. In essence, the ADG requires a high level of amenity for common lobbies and corridors including access to daylight and natural ventilation, common areas for seating and gathering and generous ceiling heights.
- 6.5.40 The North Building provides nine apartments off the circulation core and the South Building provides eight apartments off the circulation core.
- 6.5.41 Council raised concerns with the northern building exceeding the ADG recommendation.
- 6.5.42 The SDRP recommended the Applicant consider simplifying the alignment of residential corridors and opening up the ends of the corridors to increase natural light.
- 6.5.43 In response, the Applicant provided an additional lift to the northern building circulation core to improve amenity and accessibility (**Figure 34**).



Figure 35 | Neringah Avenue South looking north (Source: Google Maps)

6.6.2 The Applicant provided a Traffic Impact Assessment (TIA) with the EIS which assesses the traffic impacts of the proposal. The Applicant undertook traffic surveys at the intersections of Neringah Avenue South and Pacific Highway and Neringah Avenue South and Warwilla Avenue which demonstrated that both intersections were operating at a level of service of “A” or “B” in the weekday AM and PM peak, with low delays and spare capacity.

6.6.3 The TIA estimates that the proposal will generate 28 trips in the AM and PM peak which it estimates can be accommodated within the road network with no change to the level or service at the two affected intersections. The TIA therefore concludes the proposed development can process with no additional road infrastructure or mitigation measures required.

6.6.4 Council and TfNSW did not raise any concerns about operational traffic impacts. However, public submissions raised concern about the traffic impacts from the development. In particular:

- the narrowing of Neringah Avenue South immediately to the north of the site to Warwilla Avenue which creates an area of one-way traffic and consequent congestion
- safety concerns, noting morning and afternoon school traffic already creates gridlock
- demand for on-street parking for commuters and school traffic.

6.6.5 In response, the Applicant acknowledges that the carriageway narrows in width to a single lane between parked cars. However, the Applicant’s traffic engineer considers there is adequate visibility within the carriageway for cars to pass and further notes the proposed development would not add significant traffic volumes to the street. The Applicant does not consider that removal of any on-street spaces or other mitigation measures are required.

6.6.6 The Department has considered the Applicant’s TIA, the concerns raised in submissions and the Applicant’s response.

6.6.7 The Department concludes that the proposal is unlikely to cause adverse traffic impacts because:

- the minor increase in traffic (estimated 28 trips in the AM and PM peak) is unlikely to cause any material traffic impacts on the performance of the nearest intersections
- the proposal will not alter the existing carriageway width, the Applicant's traffic engineer has advised that there is adequate visibility for cars to pass and Council has not raised any concerns about any safety issues
- the expected traffic is unlikely to cause any material change to existing short-term congestion caused during peak commuter or school drop-off and pick up periods
- the proposal provides sufficient on-site parking for staff, residents and visitors to minimise the demand for on-street parking.

Car parking

6.6.8 The proposal includes parking for 130 vehicles, comprising:

- 57 spaces for the self-contained dwellings for seniors (10 of which are accessible)
- 54 spaces for HammondCare staff
- 19 visitor spaces (2 of which are accessible).

6.6.9 The proposal also provides:

- one car wash bay
- one ambulance parking space
- one loading dock
- nine bicycle spaces.

6.6.10 Clause 48 and 50 of the Seniors SEPP provides development standards for parking for residential care facilities and self-contained dwellings respectively. A consent authority must not refuse consent to an application on the grounds of car parking if it complies with these minimum requirements.

6.6.11 The KDCP also provides for minimum parking rates for seniors housing, residential care facilities and hospitals.

6.6.12 The proposal's consistency with the car parking rates is outlined in **Table 7** below.

Table 7 | Car parking

Use	Seniors SEPP		KDPC		Proposal
	Rate (minimum)	Requirement	Rate (minimum)	Requirement	
Residential Care Facility (12 beds / 34 staff)					
Visitor	1 space per 10 beds	1.2	1 space per 10 beds	1.2	0
Staff	1 space per 2 employees on duty	17	1.5 spaces per 2 employees	25.5	26
Ambulance	1 ambulance space	1	1 ambulance space	1	1
Palliative care (18 beds / 32 day staff (including shift overlaps)/ 4 night staff)					
Visitor	1 space per 10 beds	1.8	1 space per 3 beds	6	0
Staff	1 space per 2 employees on duty	16	1 space per 2 employees (Day shift including shift overlaps)	16	24
Staff	-	-	1 space per overnight staff (Night shift)	4	4
Ambulance	-	-	1 ambulance space	1	0
Self contained dwellings (57 units)					
Residents	1 space per 5 self contained dwellings	11.4	2 spaces per 3 units	38	57
Visitor	-	-	1 visitor space per 5 units	11.4	19
Total		48 + 1 ambulance		102 + 2 ambulance	130 + 1 ambulance

6.6.13 Council considers that the proposed car parking provision is excessive and recommends that fewer car spaces are provided for the self-contained dwellings which could improve affordability. Council also notes that a smaller basement would enable increased deep soil, particularly in the front setback as discussed in **Section 6.3**.

6.6.14 The Department has carefully considered the proposed car parking provision and allocation and Council's concerns about excessive car parking and the extent of basement extending into the front setback. On balance, the Department considers that the car parking provision is acceptable for the following reasons:

- although the provision of one space per self-contained dwelling exceeds both the Seniors SEPP and KDCP rates, it is appropriate in this circumstance given the likely levels of car ownership and limited availability of on-street parking
- the 19 visitor spaces shared between the self-contained units, palliative care, and the residential care facility generally aligns with the visitor parking requirements under the KDCP and will ensure adequate on-site parking given the limited availability of on-street parking
- 54 staff car parking spaces are provided for the 66 day staff and four night staff, which generally aligns with the KDCP staff parking requirements and will ensure that sufficient on-site parking is provided for staff who cannot use public transport, while avoiding overflow of staff parking onto the street
- one ambulance space is provided, to service both the residential care facility and the palliative care beds, in line with the Seniors SEPP and KDCP
- the reduction of car parking to reduce the basement from the front setback is not warranted as the proposal complies with the deep soil requirements of the Seniors SEPP and the encroachment does not cause any adverse impacts the ability to provide canopy trees and other landscaping which contributes to the streetscape as discussed in **Section 6.3**.

6.6.15 The Department recommends conditions of consent to require compliance with applicable Australian Standards for driveways and parking facilities and to require car parks be exclusively used by occupants, visitors, and staff of the building.

Construction traffic management

6.6.16 The Applicant's TIA notes that a detailed construction traffic management would be required prior to construction commencing.

6.6.17 One public submission raised concerns about the increased heavy vehicle usage during construction including trucks transporting machinery and materials and those removing soil and fill from excavations.

6.6.18 TfNSW recommended a condition for a Construction Traffic and Pedestrian Management Plan.

6.6.19 Council raised concern about safety during school drop-off and pick-up periods and recommended a condition requiring all construction vehicle movements to be restricted along Neringah Avenue South and surrounding local roads during school drop off (8.00am - 9.30am) and pick up (2.30pm - 4.00pm).

6.6.20 The Department agrees that the TfNSW condition is appropriate. However, the Department does not agree that the complete restriction of construction traffic during school hours is workable or reasonable because:

- it will have the effect of requiring construction traffic to cease for 3 hours per weekday working day during school terms which will add to the cost of the development and extend the time of construction (hence the time during which the construction impacts will be felt)
- it is potentially unworkable during times such as concrete pours.

6.6.21 The Department however recommends that the Construction Traffic and Pedestrian Management Plan detail potential impacts and mitigation measures during school zones and be prepared in consultation with Abbotsleigh Junior School to ensure that it considers any impacts on school pedestrian and vehicle movements and any management and mitigation measures required.

6.6.22 The Department also recommends conditions in relation to construction vehicle parking and off-street parking for heavy vehicles during construction.

6.7 Other issues

Other issues raised in the EIS or in submissions are considered in **Table 8**.

Table 8 | Other Issues

Issue	Findings	Recommendations
Heritage	<ul style="list-style-type: none"> • The Applicant provided a Heritage Impact Statement (HIS) which assesses the impact of the proposal on the following heritage listed items: <ul style="list-style-type: none"> ○ locally heritage listed Woonona Cottage (House) located on this site. It is currently used for administration ○ State and locally heritage listed “The Briars” at 14 Woonona Avenue located on the western side of Woonona Avenue opposite the Stage 1 development ○ locally heritage listed “Warrina” at 8 Woonona Avenue ○ locally heritage listed Sydney Water Reservoir item 1972, which is a substantial tan/orange brick structure immediately to the south of the site. • The Applicant’s HIS concludes the proposal will not adversely affect the heritage significance of Woonona Cottage as: <ul style="list-style-type: none"> ○ the proposal does not involve any changes to the use, which will remain legible, and the form and features of the cottage will be retained unaltered ○ the retention of the grassed interface will create a visual buffer and retain the curtilage of the cottage ○ the open link will retain views to the cottage. • The Applicant’s HIS recommends that any further changes to Woonona Cottage should require an update to the 2013 Conservation Management Plan and that the interpretation panel on the metal fence on Neringah Avenue South be updated. • The Applicant’s HIS also concludes that the proposal will not cause any adverse heritage impacts to The Briars, Warrina and the Reservoir as it will not visually dominate the heritage items. • The Department is satisfied that the proposal is unlikely to result in any adverse heritage impacts as no changes are proposed to Woonona Cottage and the curtilage and views to the item are retained. • The Department notes that as no works are proposed to Woonona Cottage, there is no requirement to update the Conservation Management Plan as part of this application. The Department however recommends a condition requiring the Applicant to update the interpretation panel on the 	<p>The Department recommends a condition to require an update of the interpretation panel on the fence on Neringah Avenue South prior to occupation.</p>

Issue	Findings	Recommendations
Aboriginal cultural heritage	<p>fencing on Neringah Avenue South prior to issue of an Occupation Certificate.</p> <ul style="list-style-type: none"> • The Applicant provided an Aboriginal Cultural Heritage Assessment Report (ACHAR) which assessed the Aboriginal cultural heritage and the potential archaeological resources within the development site. The ACHAR concluded: <ul style="list-style-type: none"> ○ the site does not contain any sites listed on the Aboriginal Heritage Information Management System ○ the site does not contain any previously recorded Aboriginal sites or objects ○ the study area is heavily disturbed and that the study area has nil to low potential to retain archaeological deposits that may contain Aboriginal objects. ○ the National Parks and Wildlife Act 1974 provides protection for unexpected finds. ○ no further archaeological assessment is required. • The ACH branch of Heritage NSW agrees with the management recommendations in the report and noted that it did not require any further agency consultation in relation to the project. • Council recommended the Applicant undertake an archaeological survey prior to commencement of works. • The Department has considered the findings of the Applicant's ACHAR and the advice provided by the ACH and Council. • The Department is satisfied that the proposal is unlikely to affect Aboriginal Cultural Heritage as the site has a nil to low potential of containing archaeological deposits that contain Aboriginal objects. • The Department is therefore satisfied that no further archaeological survey is required and that the recommendations of the ACHAR for an unexpected finds protocol adequately mitigate against any potential impacts to the Aboriginal archaeological and cultural significance of the site. 	<p>The Department recommends a condition requiring an unexpected finds protocol to manage unexpected archaeological disturbance.</p>
Connecting with Country	<ul style="list-style-type: none"> • The Applicant has considered the GANSW Connecting with Country framework to guide the proposal. • The Applicant notes that the site response for the broader Neringah Hospital site was developed pre Stage 1 in 2017, and therefore has not been informed to date by way of 'walking Country' with Aboriginal knowledge holders. However, the Applicant has consulted with Aboriginal groups who identified the nearby Waitara Creek and Spring Gully Creek provided room for camping, hunting and gathering and care should be taken when digging trenches. • The Applicant has considered opportunities to connect to Country in its landscape design including: <ul style="list-style-type: none"> ○ accessibility and universal access to landscape ○ visual connection from inside spaces to outside land ○ providing gardens and vegetable planters that are freely accessible to residents ○ retention of existing trees and planting endemic plant species to regenerate the endemic plant communities of the Blue Gum High Forest ○ multiple pockets of green and diverse open space for gathering. 	<p>The Department recommends a condition requiring educational design installations in the building and landscaped areas which have been informed by discussions with relevant First Nations groups.</p>

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> The Applicant also proposes to incorporate 'walking Country' with Aboriginal knowledge holders as part of a linguistic study, which would be augmented by storytelling and educational installations throughout the proposal. The Applicant also notes that First Nations language cards have been created for staff and HammondCare has released its first Indigenous language guide to support staff in the effective and respectful delivery of care. The SDRP recommended the Applicant engage with the local Aboriginal knowledge holders, through a process of 'walking Country' to understand and develop designs which move beyond the superficial applied patterning and language references to a wholistic and embedded approach to design development of the landscape and built form. The Department has considered the SDRP's comments relating to Connecting with Country and concludes that the ongoing commitment to the linguistic approach will assist with Connecting with Country. The Department recommends a condition requiring educational design installations in the building and landscaped areas which have been informed by discussions with relevant First Nations groups. 	
Contamination and remediation	<ul style="list-style-type: none"> The Applicant provided a Detailed Site Investigation (DSI) which identifies that: <ul style="list-style-type: none"> the site is affected by asbestos elevated zinc concentrations were encountered in imported fill a concentration of total recoverable hydrocarbons which was above the ecological site assessment criteria concentrations of heavy metals and perfluorooctanesulfonic acid were found in groundwater above the ecological site assessment criteria. The DSI confirms that the site can be made suitable for the proposed development and makes recommendations to: <ul style="list-style-type: none"> prepare and implement an Asbestos Management Plan (AMP) prepare a Remediation Action Plan (RAP) undertake a validation assessment during remediation works. The Applicant also provided a RAP which details how the site can be remediated and made suitable for the development. The Applicant's RAP includes remediation strategies for soil and asbestos-impacted fill. The RAP also includes a contingency plan for remediation with site management procedures and an Unexpected Finds Protocol to be implemented during remediation. Upon completion of the remediation activities, the RAP requires a site validation report to be submitted to the consent authority to demonstrate that the site is suitable for the proposed development. The Department accepts the findings and recommendations of the Applicant's DSI and RAP and is satisfied the site can be made suitable for the proposed use, subject to conditions requiring the implementation of the RAP, preparation and implementation of an asbestos management plan and a validation report. 	<p>The Department recommends conditions requiring the implementation of an AMP, RAP, and the submission of a validation report upon completion of the remediation activities to demonstrate that the site is suitable for the proposed development.</p>
Demolition and	<ul style="list-style-type: none"> The proposal seeks approval for construction from 7am to 6pm Mondays to Fridays and between 8am and 1pm Saturdays, which generally align with the recommended 	<p>The Department recommends conditions requiring:</p>

Issue	Findings	Recommendations
<p>construction noise impacts</p>	<p>construction hours within the Interim Construction Noise Guideline 2009 (ICNG) or Council's recommended construction hours.</p> <ul style="list-style-type: none"> • The application was accompanied by a Noise and Vibration Impact Assessment (NVIA), which confirms the background noise at the nearest residential receiver is 44 dB(A) and provides an adopted Noise Management (NML) for the project of 49 dBA (background +5 dB(A)). It also identifies a highly noise affected threshold of 75 dB(A). • The Applicant's NVIA identifies that the noisiest works, particularly where they are carried out close to the site boundaries have the potential to exceed the NML and the Highly Noise Affected Management Level (HNAML). Certain activities during the demolition, excavation and construction stages of the project, from the use of pneumatic hammer attachments on excavators, the use of electric hammer drills, circular saws, concrete pumps and trucks may exceed the HNAML by up to 3-13 dB(A). • Concerns were raised in public submissions about noise impacts during construction. • Council recommended conditions requiring the implementation of a Noise and Vibration Management Plan. • The Department has considered the findings of the Applicant's NVIA and concerns raised in public submissions. • The Department considers that given the surrounding residential context and proximity to neighbouring properties, some noise exceedances during construction would be unavoidable. Notwithstanding this, given that the proposal adjoins the existing Stage 1 development and residential development, the Department considers the following additional measures are necessary to mitigate impacts to the nearest residential properties: <ul style="list-style-type: none"> ○ preparation and implementation of a Construction Noise and Vibration Management Plan incorporating additional mitigation measures to reduce noise impacts including complaints handling, equipment selection and maintenance, materials handling and work site training ○ limiting the construction hours to Council's standard condition hours of 7am-5pm Monday to Friday and 8am to 12pm on Saturdays. ○ all construction vehicles only to arrive to the work site within the permitted hours of construction ○ all noisy work which exceeds the HNAML may only be undertaken in three continuous hour blocks with 1 hour respite between blocks of work. • On this basis, the Department is satisfied that reasonable and feasible mitigation measures are in place to ensure construction works can be appropriately managed within the proposed construction hours to minimise disruption to nearby amenity. 	<ul style="list-style-type: none"> • restrictions on the hours of work in line with Council's standard hours • requirement for 1 hour respite between 3 hour blocks of work for all noisy works exceeding 75dB(A) • preparation and implementation of a Construction Noise and Vibration Management Plan. • preparation and implementation of a complaints handling processes.
<p>Utilities and servicing</p>	<ul style="list-style-type: none"> • The Applicant provided an Infrastructure Requirements and Utility Assessment (IRUA) which considers the servicing requirements of the site and impacts on utilities. • The Applicant's IRUA identifies that the site contains two Ausgrid transformers. However, the existing kiosk transformer is insufficient for the proposed building and will need to be replaced. • The Applicant's IRUA notes that there are no telecommunications companies in the vicinity and no issues are envisaged with connections which could be either: 	<p>The Department recommends conditions requiring relevant approvals from public utility service providers; and the written advice from providers prior to the commencement of works those satisfactory arrangements have been</p>

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> ○ connected directly to the authority network as a new service, or ○ linked back to the IT network of the Stage 1 building. ● Ausgrid advised that sufficient power supply is available for the development. Ausgrid raised no issues other than requiring ongoing consultation and a 'Before You Dig Australia' search and compliance with the requirements of NS156: Working Near or Around Underground Cables. ● The Department has considered the Applicant's IRUA and the advice provided by Ausgrid. ● The Department considers the new location for the electrical kiosk in the south-eastern corner of the site near the existing service way as this will improve the street presentation near the main entrance to the site. ● The Department concludes that adequate service and utility provisions will be available to the site, subject to conditions. 	<p>made for service provision to be completed prior to occupation certificate.</p>
Sydney Water reservoir	<ul style="list-style-type: none"> ● The site adjoins the locally heritage listed Wahroonga Reservoir to the south. ● Sydney Water notes that Wahroonga Reservoir, is a critical asset. In response, Sydney Water has provided a requirement to undertake a Specialist Engineering Assessment (SEA) to ensure the protection of the Reservoir. ● The SDRP recommended the Applicant review of the extent and depth of excavation in relation to any 'angle of repose' constraints that may apply to the adjacent Sydney Water Reservoir. ● In response, the Applicant's preliminary structural and geotechnical advice identified suitable options for structural retention systems which take into account the proximity to the reservoir structure, zones of influence and depth of excavation for construction of the basement structure. The advice also noted the requirement to seek advice from Sydney Water on the requirements of a SEA. ● The Department has considered the Applicant's structural and geotechnical advice and recommends Sydney Water's condition for a SEA to be carried out prior to the first construction certificate, to ensure the construction works do not impact on the reservoir and associated assets. 	<p>The Department recommends Sydney Water's condition requiring a SEA to ensure the construction works do not impact on the reservoir.</p>
Groundwater and water licensing	<ul style="list-style-type: none"> ● The Application provided an assessment of groundwater impacts and water licencing requirements for the proposal. ● DPE Water initially requested the Applicant: <ul style="list-style-type: none"> ○ provide an estimate of groundwater take ○ demonstrate sufficient entitlement can be acquired in the relevant water source unless an exemption applies ○ provide an assessment of dewatering activities ○ confirm whether the basement would be tanked. ● The Applicant consulted with DPE Water and it was agreed that a risk based approach could be taken given the low risk of the development impacting groundwater. ● Following advice on that risk, DPE Water recommendations: <ul style="list-style-type: none"> ○ a dewatering management plan be provided to DPE Water prior to construction commencing, including the findings of a detailed geotechnical investigation ○ a Water Access Licence under the <i>Water Management Act 2000</i> may need to be obtained if groundwater is intercepted (unless exempted). 	<p>The Department recommends conditions requiring the applicant to provide detailed geotechnical investigations and details regarding groundwater dewatering and provide a Dewatering Management Plan; a construction monitoring programmed for groundwater; and compliance with the <i>Water Management Act 2000</i> for water access licences if groundwater is intercepted.</p>

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> The Department recommends that DPE Water's recommendation are included as condition of consent to ensure adequate arrangements are in to manage groundwater during and post construction. 	
Operational Noise and Vibration	<ul style="list-style-type: none"> The Applicant provided a Noise and Vibration Impact Assessment (NVIA) which identifies that the largest noise impacts associated with the proposal include noise from the use of the loading dock, the use of the driveway/carpark spaces at the northern boundary of the site and the mechanical plant. The proposal seeks to limit noise impacts by locating the pump room, mechanical plant room and exhaust fan room in basement Level 2, providing a landscaped 'green lid' above the service driveway to act as an acoustic treatment for service deliveries and the use of an electronic roller door. Concerns were raised in public submissions about noise associated with the use of the loading dock and driveway at the site's northern boundary impacting on residential neighbours at No.14-18 Neringah Ave. Council raised concern that the architectural plans show two mechanical fan plant rooms on the roof however no acoustical assessment was determined on whether their locations are suitable and are not impactful to neighbouring properties. Council recommended that mechanical plant rooms should be located in the basement where possible. The Applicant provided an addendum acoustic report as well as a supporting acoustic letter in response to Council's comments and community concerns, which notes: <ul style="list-style-type: none"> any noise output from the mechanical plant rooms can be resolved from a detailed acoustic review of the mechanical plant design prior to CC (which is consistent with standard industry practise) to ensure compliance with the Noise Policy for Industry criteria predicted noise levels at the 'Sirius' building will be 2 dB(A) below the allowable noise management level (NML) of 49 dB(A) and will comply with the Noise Policy for Industry criteria the proposed green lid and other mitigation measures will limit noise associated with the loading dock to a level which marginally lower than the existing carpark operations The Applicant's NVIA and supplementary advice concludes the proposal will not cause adverse noise impacts, subject to: <ul style="list-style-type: none"> restricting waste collection to between 7am and 6pm Monday to Saturday and 8am to 6pm on Sundays limit the size of vehicles medium rigid vehicles and small vans only one vehicle is expected to utilise the loading dock in a typical 15 minutes requiring trucks to switch off engines during loading and unloading within the loading dock speed humps provided along the driveway and within the loading dock loading dock floor finish to avoid excess tire squeal. specific design requirements to limit noise impacts from the operation of the roller door 	<p>The Department recommends conditions requiring:</p> <ul style="list-style-type: none"> the details of mechanical plant noise mitigation prior to the issue of a construction certificate to comply with the Noise Policy for Industry the recommendations of the NVIA and supplementary advice are implemented the operational management controls relating to the loading bay to be included in the Operational Waste Management Plan

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> The Department has considered the recommendations of the acoustic assessment and concerns raised by Council and the public submissions. The Department is satisfied that the Applicant's NVIA and supplementary advice has demonstrated that noise from the operation of the service driveway, loading dock and plant and equipment is unlikely to adversely affect the amenity of the neighbouring residential properties as: <ul style="list-style-type: none"> the loading dock operations are predicted to comply with the Noise Policy for Industry criteria subject to implementation of the recommended mitigation measures mechanical plant will be subject to a detailed acoustic review prior to issue of a construction certificate and appropriate mitigation measures can be implemented to ensure impacts do not exceed the Noise Policy for Industry criteria. The Department recommends conditions to ensure all impacts are mitigated. 	
Stormwater and drainage	<ul style="list-style-type: none"> The Applicant provided a flood assessment which concluded that the site is not: <ul style="list-style-type: none"> within a flood precinct planning area subject to mainstream or overland flow flood risk located within or adjacent to existing watercourses or overland flow paths. The Applicant also provided a Stormwater Management Plan which provides for OSD storage volume and discharge using Council's OSD Calculation Sheet and a rainwater tank with a minimum capacity of 130kL. A stormwater inlet pit is also proposed at the front boundary to capture flows from the landscaped areas that by-pass the OSD tank. Council has recommended conditions in relation to stormwater and drainage. The Department is satisfied that stormwater and drainage can be appropriately managed subject to Council's stormwater and drainage conditions. 	<p>The Department recommends conditions requiring:</p> <ul style="list-style-type: none"> a construction soil and water management plan management of stormwater and drainage in line with Council's recommended conditions.
CPTED	<ul style="list-style-type: none"> The Applicant submitted a Crime Prevention through Environmental Design (CPTED) assessment. The assessment concludes that the development would provide a high level of natural surveillance and site activation by co-locating the chapel, hair salon, pool and gym which will all address the proposed green spine with the site. The Applicant's CPTED assessment includes several recommendations relating to surveillance, lighting, territorial reinforcement, environmental maintenance, space management and access. With the implementation of these mitigation measures, the site's crime risk is expected to be low. Council did not raise any issues in relation to CPTED. The Department has reviewed the Applicant's CPTED assessment and is satisfied the proposal would suitably incorporate appropriate CPTED measures subject to conditions requiring compliance with the CPTED assessment report. 	<p>The Department recommends a condition requiring implementation of the CPTED management and mitigations measures outlined in the report.</p>
Waste Management	<ul style="list-style-type: none"> The Applicant submitted a combined Operational, Demolition and Construction Waste Management Plan (WMP) which outlines the management procedures for the various waste streams including residential and clinical waste. 	<p>The Department recommends conditions including:</p> <ul style="list-style-type: none"> limiting the waste collection hours

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> • The proposal provides separate residential, clinical wastes and bulky waste storage areas within the basement. Waste and recycling will be transferred from the dedicated bin rooms on each level of the buildings by dedicated garbage chutes. • Collections will occur from the loading dock adjacent to the northern boundary of the site between 7am to 6pm Monday to Saturday and 8am to 6pm Sundays. General waste is expected to be collected three times per week for health services and one per week for the seniors housing. • All residential waste other non-residential waste will be collected by a private waste contractor. • The WMP also outlines management procedures for handling of clinical wastes, including anatomical, laboratory and sharps wastes; cytotoxic, pharmaceutical and radioactive wastes; and chemical wastes. • Council did not raise any concerns in relation to waste management and recommended conditions in relation to waste management, waste and recycling facilities, waste collection clearance and path of travel. • The Department is satisfied that sufficient waste storage areas are provided, and appropriate access is available within the loading dock for collection by Council and private contractors. • The Department is satisfied that construction and operational waste would be appropriately managed subject to conditions as recommended by Council. 	<ul style="list-style-type: none"> • requiring details of waste areas • requiring a 2.6m height clearance
Wind	<ul style="list-style-type: none"> • The Applicant provided a Wind Impact Assessment which concluded: <ul style="list-style-type: none"> ○ wind conditions in the ground level footpaths and access ways are expected within the walking comfort criterion ○ building entrances are expected within the standing comfort criterion ○ seated areas would be within the sitting criterion, subject to: <ul style="list-style-type: none"> ▪ a 1.5m high windscreen/landscaping for the eastern side of the café area of the South Building ▪ 1m high solid balustrades for the green roof of the North Building. ○ the terraces and balconies are within the walking criterion ○ wind conditions for the development would fulfil the safety criterion. • The Department considers the proposed wind mitigation measures including solid balustrades and landscaping are appropriate to ensure comfort in sitting areas. • The Department also recommends the wind mitigation measures are installed and effective prior to issue of any Occupation Certificate. 	<p>The Department recommends conditions requiring construction of the mitigation measures to be installed prior to issue of an Occupation Certificate.</p>
Signage	<ul style="list-style-type: none"> • The proposed development includes the installation of building identification signs at the two primary entry points fronting Neringah Avenue South; and include: <ul style="list-style-type: none"> ○ the main signage to the immediate south of the entry driveway (2.4m x 1.4m above a 400mm plinth) ○ external wall mounted directional secondary signage pillars (450mm x 900mm) – located at the pedestrian entry to the north of the main driveway 	<p>The Department recommends that the signage plan DG-02-02 Rev P2 dated October 2023 be approved subject to corrections to the plans which have been conditioned.</p>

Issue	Findings	Recommendations
	<p>and at the ramp entry of the through site link near the café.</p> <ul style="list-style-type: none"> • These signs will replace the existing signage at the site and have been designed for wayfinding and building identification purposes. No illumination is proposed. • Council has requested that the proposed signage should form part of the architectural plans and include a sufficient level of detail suitable for stamping and referencing in the development consent. • In response, the Applicant provided additional signage details with the amended Architectural Design report including a proposed signage plan. • The Department has considered Council's concern and is satisfied with the additional level of detail provided by the Applicant, however, notes that there is a minor inconsistency with the dimensions as shown for the external wall mounted directional sign in the elevations in the signage plan (450mm x 900mm) compared to the location plan also on that page (600mm x 600mm). • The Department has also undertaken an assessment of the signage assessment criteria in the SEPP (Industry and Employment) 2021 in Appendix C and concludes that the signage is acceptable for the streetscape and setting of the proposed development. • On this basis, the Department recommends that the signage plans be approved, subject to corrections to the plans to resolve the minor inconsistency which can be conditioned. 	
<p>Section 7.11 Contributions</p>	<ul style="list-style-type: none"> • Council recommended that conditions are imposed requiring the payment of Section 7.11 local infrastructure contributions under the Ku-ring-gai Contributions Plan 2010. • The Department has considered the applicability of Section 7.11 contributions to the proposal and notes: <ul style="list-style-type: none"> ○ the Ministerial Direction of the then Minister for Planning dated 14 September 2007 under Section 94E of the EP&A Act provides that conditions for contributions for public amenities or services cannot be imposed on any development consent to carry out any form of seniors housing under the Seniors SEPP if the application is made by a social housing provider ○ section 1.30 of the Ku-ring-gai Contributions Plan 2010 provides that contributions are payable for developers of aged and disabled persons housing that do not meet the definition of a social housing provider ○ the Applicant, HammondCare is a social housing provider as defined in the Seniors SEPP as it is a not-for-profit organisation that is a direct provider of rental housing to tenants. • The Department therefore concludes that section 7.11 contributions under the EP&A Act not applicable for this proposal as the Applicant is a social housing provider. • The Department also notes that the new Housing and Productivity Contribution does not apply to the proposal as it was lodged prior to commencement of the Ministerial Planning Order on 1 October 2023. 	<p>No conditions are recommended.</p>

Issue	Findings	Recommendations
Affordable Housing	<ul style="list-style-type: none"> The Seniors SEPP requires 10% of the self-contained dwellings (six units) to be designated affordable places. The applicant has provided four units on the ground floor and two units on the second floor that will be owned and managed by a Community Housing Provider. The Department is satisfied that the Applicant complies with the Seniors SEPP requirements and that six affordable places will be owned and managed by a Community Housing Provider. 	<p>The Department recommends that the affordable places plans DG-03-05 Rev P13 dated October 2023 and DG-03-06 Rev P11 dated October 2023 be approved and an easement on the title confirming the self-contained dwellings designated as affordable places.</p>
Fit out and operation of the café	<ul style="list-style-type: none"> The Applicant proposed a café located on the ground floor of the southern building. The application, however, did not provide detailed fit out or sufficient information regarding operational or environmental health requirements of the café. The Department therefore recommends a limit on the approval that the fit out and operation requires separate approval, unless it is exempt of complying development. This will require a separate development application to be made to Council to enable the detailed fit out and operation to be assessed and ensure all building and health related requirements in relation to the food and drink preparation activities are assessed and managed appropriately. 	<p>The Department recommends a limit on the consent requiring separate approval for the fit out and operation of the café.</p>

7 Evaluation

7.1.1 The Department has considered the merits of the proposal in accordance with relevant matters under section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the principles of Ecologically Sustainable Development, and the issues raised in all submissions.

7.1.2 The Department considers the proposal is acceptable for the following reasons:

- it is permissible with consent in the R4 High Density Residential zone under the Seniors SEPP and the SEPP (Transport and Infrastructure) 2021
- it is consistent with the Greater Sydney Region Plan and the North District Plan as it will provide services and infrastructure to meet the changing needs of an ageing population and create opportunities for older people to continue living in their community, close to family, friends and established health and support networks
- it is consistent with the requirements imposed on the determination in the Site Compatibility Certificate dated 13 April 2022 and meets the relevant requirements set out in the Seniors SEPP as outlined in **Appendix C**
- the minor building height exceedance of 1.42m (8.0%) for the North Building and 2.6m (14.9%) for the South Building would result in no perceivable difference to the bulk and scale of the development or impacts to surrounding properties
- the 5-storey built form is appropriate for the site and the surrounding context as it is below the maximum floor space ratio (FSR) for the site, is separated into two highly articulated buildings which follow the topography of the site and provides a front landscaped setback to Neringah Avenue South
- the proposed open space network would support the recreation needs of future residents while increasing tree canopy coverage from 15.5% to 26% and providing 15.7% of the site deep soil zones to contribute to the landscaped character of Wahroonga
- it will achieve a high level of amenity for future residents which generally reflects consistency with the principles and design criteria of the ADG
- potential traffic impacts are manageable, and the car parking provision is appropriate to cater for the needs of future staff and residents while minimising impacts on on-street parking. The design of the service entry and loading bay will suitably mitigate noise impacts to surrounding properties subject to conditions
- the proposal is consistent with ESD principles as it would achieve a minimum 4 star Green Star rating and a bronze WELL rating, together with water sensitive urban design and photovoltaic cells being incorporated in the design
- it would provide significant public benefits upgrade of the existing Archdale Walk to improve accessibility, a new through site link connecting Archdale Park to Balcombe Park and creation of 89 construction jobs and 15 full time equivalent operational jobs.

7.1.3 The assessment report is hereby presented to the Independent Planning Commission to determine the application.

8 Recommendation

- 8.1.1 The SSD application is referred to the Independent Planning Commission as Council made a submission by way of object to the exhibition of the application.
- 8.1.2 The Department considers the proposal can be approved subject to the conditions of consent (**Appendix F**).
- 8.1.3 This assessment report is hereby presented to the Independent Planning Commission for determination.

Prepared by:
Caleb Ball
Senior Planning Officer

Recommended by:



Amy Watson
A/Director
State Significant Acceleration

Recommended by:



Anthea Sargeant
Executive Director
Key Sites and Regional Assessments

Appendices

Appendix A – List of Documents

1. Environmental Impact Statement
2. Submissions
3. Agency Advice
4. Applicant's Response to Submissions
5. Applicants Supplementary Response to Submissions and amended proposal

Appendix B – Summary of Department’s consideration of public and Council submissions

Table 9 | Summary of Consideration of Public and Council Submissions

Issue	Consideration
Public submissions	
Increased traffic congestion and demand for on-street parking for commuters and school traffic	The Department’s assessment concludes that the proposal is unlikely to cause adverse traffic impacts on the local road network or materially affect traffic congestion and demand for on-street parking as it will only generate 28 trips in the AM and PM peak and sufficient on-site parking provided for staff, residents and visitors. Refer to Section 6.6 .
Noise concerns from the use of the northern boundary to provide the service driveway for the proposal	The Department’s assessment concludes that the proposal includes sufficient noise mitigation measures to address potential noise impacts from service vehicle access and use of the loading docks. The proposed mitigation measures include providing a green roof to the loading dock, limiting the hours of waste collection and size of vehicles and other operational measures to control noise. Refer to Section 6.7 .
Narrow northern setback (including driveway) and insufficient landscape setback	The Department’s assessment concludes that the green roof, raised planter and <i>Elaeocarpus reticulatus</i> screen planting will provide a landscaped outlook for existing residents of the Sirius building. These measures provide a sufficient landscape buffer to protect visual and acoustic privacy to adjoining property. Refer to Section 6.5 .
Insufficient visual privacy to the north	The Applicant increased the setback of the building to the north boundary in response to concerns. The Department’s assessment concludes that the proposal achieves sufficient visual privacy to the north through building separation which meets the recommendations of the ADG. Refer to Section 6.5 .
Removal of through site link during the Stage 1 development	The Department notes the temporary removal of through site access during construction works would be required. The Department’s assessment concludes the proposal will provide improved public access for the broader community by embellishment of a landscaped through site link and upgrades to Archdale walk to improve accessibility.
Pedestrian crossing to Archdale Park for traffic calming	The Department recommends that a Road Safety Audit (RSA) be conducted prior to issue of a construction certificate to determine whether any pedestrian safety measures are necessary to ensure the safety of pedestrians crossing Neringah Avenue South. If the RSA recommends any safety measures, they must be approved by Council and implemented prior to occupation. Refer to Section 6.6 .
Ku-ring-gai Council	
Non-compliance with the site compatibility certificate	The Department is satisfied that the requirements of the site compatibility certificate have been met as outlined in Appendix C .

Issue	Consideration
Deferred commencement is required to comply with cl 26 of the Seniors SEPP	<p>The Department's assessment concludes that the proposal meets the accessibility requirements of clause 26 of the Seniors SEPP.</p> <p>The Department notes that under section 4.42(f) Council cannot refuse to grant consent to an application for upgrade works to Archdale Walk under section 138 of the <i>Roads Act 1993</i> where is it substantially consistent with an SSD consent. Refer to Section 6.4.</p>
Inaccurate and incomplete details on site area, GFA and building height	<p>The Department is satisfied that the Applicant has provided necessary details to illustrate the GFA and FSR of the site which is below the maximum permitted under the Seniors SEPP. The Applicant submitted a clause 4.6 exception request relating the exceedance of the building height control under the KLEP. The Department's assessment concludes the Applicant's clause 4.6 request has identified sufficient environmental planning grounds to justify the contravention of the development standard.</p> <p>Refer to Section 6.2 and Appendix D.</p>
Signage is excessive. Signage details should be on an approvable plan	<p>The Department's assessment concludes the proposed signage is acceptable as it will identify the development, provide way finding and is of an appropriate scale for the streetscape.</p> <p>Refer to Section 6.7 and Appendix C.</p>
Site analysis does not meet the requirements of clause 30(2) of the Seniors SEPP	<p>The Department is satisfied that amended site analysis plans were provided which address the requirements of the Seniors SEPP.</p>
Additional privacy requirements are required for 15-17 Woonona Avenue	<p>The Department recommends the Council's conditions requiring privacy screens for 15-17 Woonona Avenue.</p> <p>Refer to Section 6.5.</p>
Does not meet the desired future character and design principles in cl 32 of the Seniors SEPP regarding deep soil, landscaping, and visual privacy for the northern setback. There are privacy concerns to the south-west unit of the south building	<p>The Department's assessment concludes the proposal meets the non-discretionary development standards for deep soil zones in the Seniors SEPP.</p> <p>The Department has considered the landscape plan and has concluded that the proposed landscaping meets the design principles.</p> <p>The Department's assessment concludes that adequate building separation is provided generally in line with the ADG, and privacy measures are proposed to mitigate residual privacy impacts as discussed in Section 6.5</p>
ADG amenity is compromised particularly relating to visual privacy, solar access, natural ventilation, apartment depths, nine units off the core in the north building and the pedestrian entry	<p>The Department is satisfied that changes to the plans have adequately improved the internal amenity for residents. Further the changes to the main entrance improve legibility and remove previous conflicts between pedestrians and vehicles.</p> <p>The Department has considered the minor departures from the ADG recommendations in relation to ventilation, apartment depths and number of units off a core in Section 6.5 and concludes that these minor departures do not adversely affect internal amenity.</p>

Issue	Consideration
<p>Non-compliance with the KDCP for service driveway close to the north driveway.</p> <p>Basement encroachment in the front setback</p>	<p>The Department has had regard to the guidance in the KDCP in relation to landscaped front and side setbacks, while acknowledging that DCPs do not apply to SSD.</p> <p>The Department's assessment concludes that the proposal provides sufficient front and side landscaped setbacks despite the encroachments as:</p> <ul style="list-style-type: none"> the proposal provides adequate deep soil in accordance with the non-discretionary development standard the proposal increases tree canopy coverage from 15 to 26% the proposal retains two trees in the front setback and provides for the planting of 24 additional trees the proposal provides for to a green roof, raised planted and screen planting to the side boundary. <p>Refer to Section 6.3</p>
<p>Landscape and ecology</p> <ul style="list-style-type: none"> Insufficient deep soil Insufficient landscaping in setbacks. Proposed tree species are inappropriate Uncertainty around the retention of Tree 32 	<p>The Department's assessment concludes that adequate deep soil and landscaping is provided as:</p> <ul style="list-style-type: none"> 15.7% of the site is provided as deep soil which meets the non-discretionary development standard within Clause 50 of the Seniors SEPP, and therefore the consent authority may not require a more onerous requirement. the Applicant has revised the proposed tree species and provided advice from its Landscape Architect that the trees will have sufficient soil volumes to survive and prosper. <p>The Applicant has undertaken additional investigation to demonstrate the works can be undertaken without impacting on retention of Tree 32. The Department's assessment concludes that the proposal is unlikely to adversely impact the retention of Tree 32, subject to conditions. Refer to Section 6.3</p>
<p>Heritage</p> <p>Materials should include face brick in red/orange tone similar to the Sydney Water Reservoir.</p> <p>Vertical palisade fencing should be applied in parts of the balconies to break up the long solid form</p>	<p>The Department's assessment concludes that the proposed materials and colour scheme is appropriate as the proposal includes extensive brickwork in both building facades and landscaping to respond to the Stage 1 development to the west, the Sirius building to the north and the heritage listed Reservoir to the south. The Department considers the lighter brick tone is appropriate as it complement the surrounding urban form, without mimicking it to provide a distinct identity to the development.</p> <p>The Department is satisfied that vertical palisade fencing has been applied to the western balconies (in addition to the eastern balconies) to reduce the solidity of the facade.</p>
<p>Transport access and parking</p> <ul style="list-style-type: none"> Car parks should be reduced to improve affordability. Driveway gradients require more information. A raised pedestrian crossing is required over Neringah Avenue South. 	<p>The Department's assessment concludes that the amount of car parking for the self contained dwellings is acceptable given the likely levels of car ownership and the limited availability for on-street parking. Refer to Section 6.7. The Department also notes that 10% of the dwellings will be secured as affordable housing.</p> <p>The Department recommends that a Road Safety Audit be conducted prior to construction certificate to determine whether any pedestrian safety measures are necessary to ensure the safety of pedestrians crossing Neringah Avenue</p>

Issue	Consideration
<ul style="list-style-type: none"> The proposed kerb ramps will lead to a loss of on-street parking. The central entries do not comply with clause 26 of the Seniors SEPP. Additional details are required for the Archdale Walk upgrade and the kerb inlet. Construction traffic should be restricted during school pick up and drop off times. 	<p>South. If the RSA recommends any safety measures they must be approved by Council and implemented prior to occupation. Refer to Section 6.6.</p> <p>The Department is satisfied that the entrance, and all open spaces throughout the site, has a maximum gradient of 1:20, which provides a better level of safety and accessibility than the maximum average gradient of 1:14 in Section 26 of the Seniors SEPP.</p> <p>The Department has recommended conditions requiring that all details associated with the upgrade of Archdale Walk are approved by Council under an application under section 138 of the <i>Roads Act 1993</i>.</p> <p>The Department note that the complete restriction of construction traffic during school zones would be unworkable and unreasonably delay construction. The Department, however, recommends that the Construction Traffic and Pedestrian Management Plan detail potential impacts and mitigation measures during school zones and be prepared in consultation with Abbotsleigh Junior School. Refer to Section 6.6</p>
<p>Stormwater management Clarification is required on various matters</p>	<p>The Department has included Council's recommended conditions in relation to stormwater in the draft conditions in Appendix F.</p>
<p>Geotechnical Investigations Further investigations of groundwater are required. The basement should be fully tanked unless ongoing dewatering will be less than 3ML/year</p> <p>Dilapidation surveys are required</p>	<p>The Department has considered the advice of DPE Water and recommended conditions for a detailed geotechnical investigation and a dewatering management plan (if required). The Department recommends conditions requiring compliance with the <i>Water Management Act 2000</i> for a water access licence if required.</p> <p>The Department recommends conditions in relation to pre and post construction dilapidation surveys, the requirement for the Applicant to repair or cover the cost of any damaged caused and maintain the works within Council's public road reserve for 6 months following the occupation certificate.</p>
<p>Acoustic impacts Incorrect plans referenced. The plant room should be in the basement</p>	<p>The Department has considered construction and operational noise impacts in detail in Section 6.7. The Department's assessment concludes that impacts can be mitigated subject to conditions of consent.</p> <p>The Department is satisfied that mechanical plant will be subject to a detailed acoustic review prior to issue of a construction certificate and appropriate mitigation measures can be implemented to ensure impacts do not exceed the Noise Policy for Industry criteria.</p>
<p>Contamination The RAP should be accompanied by an Interim Audit Advice from an EPA accredited site auditor</p>	<p>The Department has recommended conditions in relation to implementation of the RAP, site validation and requirement for a site audit statement prior to issue of an occupation certificate. Refer to Appendix F.</p>

Appendix C – Statutory Considerations

C1 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in section 1.3 the Act. The Department has considered the proposal to satisfy the objects of the EP&A Act as detailed in **Table 10**

Table 10 | Consideration of the proposal against the objects of section 1.3 the EP&A Act

Objects of the EP & A Act	Consideration
a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposal seeks to redevelop an existing hospital and health facility that is close to existing services and has excellent access to public transport and the village centre of Wahroonga. It will regenerate a health asset whilst providing additional housing for seniors which is well connective. The proposal does not impact any natural or artificial resources, agricultural land, or natural areas. The social and economic impacts of the development are acceptable.
b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The principles of ESD are considered below.
c) to promote the orderly and economic use and development of land,	The proposal facilitates the orderly renewal of Stage 2 of the HammondCare facility in Wahroonga, providing updated facilities for residential care and palliative care, and is of a scale that is compatible with surrounding development and the relevant planning controls. The proposal represents the orderly and economic use of land, the merits of which were considered in Section 6 .
d) to promote the delivery and maintenance of affordable housing,	The Department recommends conditions to ensure that 10% of the dwellings will be affordable in accordance with the Seniors SEPP.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal seeks to redevelop a previously developed site and is not expected to adversely impact any native animals and plants including threatened species, populations and ecological communities, and their habitats.

Objects of the EP & A Act	Consideration
	Impacts to trees are considered in detail in Section 6
f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The proposal does not have an adverse impact on nearby heritage items or conservation areas as addressed in Section 6 .
g) to promote good design and amenity of the built environment,	The proposal achieves a high standard of design and amenity as addressed in Section 6 .
h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal was accompanied by a Building Code of Australia report and a National Construction Code Section J report, which concluded the development was capable of complying with the relevant sections of the Act.
i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the SSD application as outlined in Section 5 , which included consultation with Council and other government agencies and consideration of their responses.
j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5 , which included notifying adjoining landowners and displaying the proposal on the Department's website. The Department has considered all issues raised in submissions as part of its assessment.

C2 Section 4.15(1) matters for consideration

The matters for consideration under section 4.15(1) that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed in **Table 11**.

Table 11 | Section 4.15(1) EP & A Act Matters for Consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided below, at Section 6 and Appendix C of this report.
(a)(ii) any proposed instrument	Not applicable.

Section 4.15(1) Evaluation	Consideration
(a)(iii) any development control plan	Under clause 2.10 of SEPP Planning Systems, development control plans (DCPs) do not apply to SSD. Notwithstanding, consideration has been given to the relevant controls under the KDCP in Section 6 .
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations Refer Division 8 of the EP&A Regulation	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 relating to EIS.
(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,	The impacts of the proposal have been appropriately mitigated or conditioned as discussed in Section 6 of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Section 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition of the proposal as summarised at Section 5 and considered at Section 6 of this report.
(e) the public interest	The proposal is in the public interest as discussed at Section 6 of this report.

C3 Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Department has assessed the proposal in relation to the ESD principles and has made the following conclusions:

- Precautionary Principle – the site is highly disturbed due to its current use. The impacts of the development have been identified and assessed, and the Department considers the proposal would not result in any serious or irreversible environmental damage
- Inter-Generational Equity – the proposal would not have adverse impacts on the environment for future generations
- Biodiversity Principle – the Department is satisfied the proposal would not have any significant flora, fauna or biodiversity impacts, given the nature of existing and surrounding development. A waiver from the need to prepare a Biodiversity Development Assessment Report was provided as discussed in **Section 6** and conditions of consent are imposed to assist in retention of the Tree 32
- Valuation Principle – the proposal includes a number of measures to limit the ongoing cost, resource and energy requirements of the development. These include passive solar design, use of renewable energy to reduce energy consumption, robust materials reducing on-going maintenance costs, and native planting to reduce water consumption in landscaped areas.

The proposed development is committed to achieving the following minimum ESD targets:

- BASIX Certificate which achieves a water efficiency rating of 46, an energy rating of 35 and passes the thermal comfort requirement.
- at least 4 Star Green Star Design (or equivalent)
- Bronze WELL rating
- exceed the deemed to satisfy requirements of Section J of the NCC
- seniors living dwellings are designed to meet the requirements of Class 9c building classification of the NCC.

The development includes the following key ESD initiatives and sustainability measures:

- energy – incorporation of solar panels on the rooftop, reduction of energy consumption through the efficient design of lighting, air-conditioning, hot water and ventilation systems
- water efficiency - use of water saving appliances and native plantings to reduce consumption in landscaped areas. Rainwater collection and reuse systems will be incorporated including reuse for landscape irrigation
- passive design principles - reducing the development's overall requirement for building services
- materiality - maximising the use of sustainable and healthy products, such as those with low embodied energy, locally sourced, and made from renewable or recycled resources
- waste – reducing waste by avoidance, reuse and recycling, maximising diversion of waste from landfill during the construction and operational phase of the development.

Overall, the proposal is generally consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

C4 Environmental Planning and Assessment Regulation 2021

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 3, Division 5) and Fees (Part 13, Division 3) have been complied with.

A design verification report as required by section 29 of the Regulation was provided.

C5 Environmental Planning Instruments (EPIs)

To satisfy the requirements of Section 4.15(a)(i) of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department’s environmental assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (repealed)
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development
- State Environmental Planning Policy (Industry and Employment) 2021
- Ku-ring-gai Local Environmental Plan 2015
- Draft State Environmental Planning Policy (Remediation of Land)

State Environmental Planning Policy (Planning Systems) 2021

Table 12 | Planning Systems SEPP compliance table

Relevant Sections SEPP (Planning Systems)	Consideration	Compliance
<p>2.1 Aims of Chapter</p> <p>The aims of this policy are as follows:</p> <p>(a) to identify development that is State significant development</p>	<p>The Proposal is identified as SSD.</p>	<p>Yes</p>
<p>2.6 Declaration of State significant development: Section 4.36</p> <p>(1) Development is declared to be State significant development for the purposes of the Act if:</p>	<p>The Proposal is permissible with development consent. The development is a type specified in Schedule 1.</p>	<p>Yes</p>

(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and

(b) the development is specified in Schedule 1 or 2.

Schedule 1 State significant development — general 28 Seniors housing

Development for the purposes of seniors housing if—

(a) the seniors housing component has a capital investment value of—

(i) for development on land in the Greater Sydney region—more than \$30 million, or

(ii) otherwise—more than \$20 million, and

(b) the seniors housing component includes a residential care facility, and

(c) other components of the proposed development are not prohibited on the land under an environmental planning instrument.

The development is within the Greater Sydney Region and the seniors housing component has a capital investment value which exceeds \$30 million, The seniors housing component includes a residential care facility and the health services facility component is not prohibited

Yes

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

An application for a site compatibility certificate pursuant to the vertical villages clause 45 of the Seniors SEPP was lodged on 28 June 2021 and was issued on 13 April 2022. On 26 November 2021 the Seniors SEPP was repealed, however the savings and transitional provisions in Schedule 7A of the SEPP (Housing) 2021 provided for the repealed Seniors SEPP to continue to apply to a development application which relies on a site compatibility certificate within the meaning of the repealed Seniors SEPP for which the certificate application was made prior to the commencement of the Housing SEPP.

The Seniors SEPP aims to increase the supply and diversity of residences that meet the needs of seniors or people with a disability, to make efficient use of existing infrastructure and services and to be of good design.

An assessment of the development against the relevant considerations of the repealed Seniors SEPP is provided in **Table 13**

Table 13 | Seniors SEPP compliance table

Relevant Clauses Seniors SEPP	Consideration	Compliance
<p>2 Aims of Policy</p> <p>(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will—</p> <p>(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and</p> <p>(b) make efficient use of existing infrastructure and services, and</p> <p>(c) be of good design.</p>	<p>The proposal is consistent with the aims of the Seniors SEPP as it:</p> <p>(a) Provides an additional 57 self-contained dwellings for seniors and people with a disability and 12 residential care rooms, increasing the diversity of residences.</p> <p>(b) Revitalises the existing palliative care facilities currently provided and links to Stage 1 of the Neringah Hospital.</p> <p>(c) The Department considers the proposal is of good design as set out in Section 6 of this report, because:</p> <ul style="list-style-type: none"> • it has responded positively to the suggestions of the SDRP advice • The height variation to the control is justified and the proposal is compatible with the surrounding development • The landscaping positively contributes to the amenity for residents and neighbours • The majority of the objectives and design criteria of the ADG have been met, including setbacks to the northern neighbour • Vehicular and pedestrian entries are designed to promote safety and visible connections between the site and the streetscape. 	<p>Yes</p>
<p>4 Land to which Policy applies</p> <p>(1) General This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if—</p> <p>(a) development for the purpose of any of the following is permitted on the land—</p> <p>(i) dwelling-houses,</p> <p>(ii) residential flat buildings,</p> <p>(iii) hospitals,</p> <p>(iv) development of a kind identified in respect of land zoned as special uses, including (but not</p>	<p>The R4 zoning permits residential flat buildings.</p>	<p>Yes</p>

Relevant Clauses Seniors SEPP	Consideration	Compliance
limited to) churches, convents, educational establishments, schools and seminaries, or ...		
Chapter 3 Development for Seniors Housing		
Part 1A Site compatibility certificates		
<p>24 Site compatibility certificates required for certain development applications</p> <p>(1) This clause applies to a development application made pursuant to this Chapter in respect of development for the purposes of seniors housing (other than dual occupancy) if—</p> <p>(a) ..., or</p> <p>(b) the development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.</p> <p>(9) A certificate remains current for a period of 24 months after the date on which it is issued by the relevant panel.</p>	<p>The development relies upon a site compatibility certificate issued under clause 45 of the Seniors SEPP.</p> <p>The certificate expires on 13 April 2024.</p>	Yes
Part 2 Site-related requirements		
<p>26 Location and access to facilities</p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to—</p> <p>(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and</p> <p>(b) community services and recreation facilities, and</p> <p>(c) the practice of a general medical practitioner.</p> <p>(2) Access complies with this clause if—</p> <p>(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable—</p>	<p>Shops and bank services and medical practitioners are all located in Wahroonga village approximately 150-250 metres from the site. The Wahroonga train station is less than 400m from the site which connects to Sydney, Hornsby and other commercial centres.</p> <p>The development includes the upgrade of Archdale Walk to achieve the gradients set out in clause 26(2). Owner’s consent for the required works on Australia Post’s land has been obtained.</p> <p>The upgrade of Archdale work requires separate approval under section 138 of the <i>Roads Act 1993</i>.</p> <p>The Department notes that under section 4.42(f) Council cannot refuse to grant consent to an application for upgrade works to Archdale Walk under section 138 of the <i>Roads Act 1993</i> where is it substantially consistent with an SSD consent.</p>	Yes

Relevant Clauses Seniors SEPP	Consideration	Compliance
<p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or</p> <p>(b) in the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development—</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),</p> <p>and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or...</p>	<p>The plans indicate that the gradients can be achieved in accordance with clause 26(2)(a).</p>	
<p>27 Bush fire prone land</p>	<p>The site is not bush fire prone</p>	<p>NA</p>
<p>28 Water and sewer</p> <p>Must be connected to a reticulated water system and adequate facilities for the removal or disposal of sewage</p>	<p>The site is in an established residential area where these services are available. The Department has recommended conditions for services (refer to Appendix F).</p>	<p>Yes</p>
<p>Part 3 Design Requirements</p>		
<p>30 Site analysis</p>	<p>The site analysis provided in the RRFI satisfies the requirements</p>	<p>Yes</p>
<p>32 Design of residential development</p> <p>A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that</p>	<p>Consideration of the principles in clauses 33-39 is provided below.</p>	<p>Yes</p>

Relevant Clauses Seniors SEPP	Consideration	Compliance
adequate regard has been given to the principles set out in Division 2.		
<p>33 Neighbourhood amenity and streetscape</p> <p>(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>	<p>The character of the area includes the landscaped setting, the heritage Sydney Water Reservoir, the heritage listed Woonona Cottage. The Proposal responds to this by including substantial landscaping, within the development, including tree canopy coverage of 26%, 15% of the site as deep soil zones and additional landscaping in planters on structures. The building is stepped down the site, and the height exceedance is limited generally to services. The green spine provides a valuable asset to the connectivity of the area.</p>	Yes
<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>The proposal maintains a curtilage around the locally listed heritage item of Woonona Cottage and improves connectivity via the green spine and a pocket park to provide space for appreciation of the heritage item.</p>	Yes
<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>(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>Setbacks are considered acceptable and allow for landscape planting.</p> <p>The building form is articulated and steps in height to respond to the slope and does not lead to unacceptable impacts on neighbours.</p> <p>The minor height exceedance has been adequately justified in the clause 4.6 exception request.</p> <p>The Proposal provides 6m building separation up to the fourth storey and 9m separation to the fifth storey in line with the ADH guidance. Privacy screens are proposed and recommended in discrete locations to retain privacy for existing and future residents as outlined in Section 6.</p>	Yes
<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>The front setback to the above ground building is 10m consistent with Council's DCP.</p>	Yes

Relevant Clauses Seniors SEPP	Consideration	Compliance
(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and	Landscape plans include a mix of indigenous and exotic planting, including two locally endemic <i>Eucalyptus saligna</i> (Sydney Blue gum). The deep soil provision meets the Seniors SEPP requirements. Landscaped area on the site is 69% of the site, including on roof tops with a 26% proposed canopy cover (the preexisting canopy covers 15.5%).	Yes
(f) retain, wherever reasonable, major existing trees, and	The proposal retains all trees of high significance and retention value as discussed in Section 6 .	Yes
(g) be designed so that no building is constructed in a riparian zone.	The site is not within or near a riparian zone.	NA
<p>34 Visual and acoustic privacy</p> <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>	The proposal provides adequate setbacks, supplemented by screening devices and landscaping to ensure visual and acoustic privacy of neighbours and resident.	Yes
(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.	The proposal provides a green roof, roller door and a range of operational mitigation measures to assist in noise control from the northern driveway. Conditions prevent garbage collection at night. Parking areas are underground and all loading will occur within the enclosed loading dock.	Yes
<p>35 Solar access and design for climate</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>	The proposal achieves 2 hours of solar access for 70% of the self-contained dwellings in accordance with the ADG. The proposal does not adversely impact on solar access of any neighbouring property.	Yes
(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>The proposal achieves adequate solar access to apartments and a notch in the building has been added to improve natural ventilation to single aspect apartments.</p> <p>The Applicant's ESD report outlines various design measures to reduce energy use.</p>	Yes

Relevant Clauses Seniors SEPP	Consideration	Compliance
<p>36 Stormwater</p> <p>(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</p>	<p>The Applicant has provided civil engineering plans and an Integrated Water Management Plan in the RtS which include measures to control water runoff and tertiary treat by way of filtration devices.</p>	<p>Yes</p>
<p>(b) include, where practical, on-site stormwater detention or re-use for second quality water uses.</p>	<p>The proposal includes a rainwater tank to allow collection of water for reuse for landscape irrigation.</p>	<p>Yes</p>
<p>37 Crime prevention</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>Passive surveillance of the street and public areas is available from living areas and balconies.</p>	<p>Yes</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>The central plaza and green spine provide clear sightlines to the lobby entrances on the ground level adjacent to the lifts that are lockable.</p>	<p>Yes</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 proposal provides sufficient sight lines and passive surveillance through window placement to provide safe access to dwellings.</p>	<p>Yes</p>
<p>38 Accessibility</p> <p>(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and</p>	<p>The green spine provides an obvious pedestrian link from Woonona Avenue to Neringah Avenue South. From there the development includes upgrades to Archdale Walk to provide accessible access to Wahroonga village shops and the train station</p>	<p>Yes</p>
<p>(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.</p>	<p>The pedestrian entry to the main site entry in the North Building has been relocated to provide a safe and legible entry. It will link to provide accessibility in accordance with clause 26(2) of the Seniors SEPP</p>	<p>Yes</p>
<p>39 Waste management</p> <p>The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.</p>	<p>The Department recommends conditions for an operational waste management plan (Appendix F).</p>	<p>Yes</p>

Relevant Clauses Seniors SEPP	Consideration	Compliance
Part 4 Development standards to be complied with		
<p>40 Development standards—minimum sizes and building height</p> <p>Site size minimum of 1000m²</p> <p>Site frontage minimum of 20m</p> <p>Clause 40(5) (b) makes these not applicable to a development application by a social housing provider</p>	<p>HammondCare is a registered social housing provider. Therefore these provisions do not apply. Notwithstanding, the site is 10,730m² with a frontage of 133.6m.</p>	<p>N/A</p>
<p>41 Standards for hostels and self-contained dwellings</p> <p>Development for self-contained dwellings must comply with the Schedule 3 development standards, however most do not apply to an application made by a social housing provider.</p> <p>Standards remaining applicable in Schedule 3 are:</p> <p>3 – security lighting – avoid glare, and at least 20 lux at ground level</p> <p>4.- letterboxes – wheelchair accessible, lockable and centrally located</p> <p>5. - Private car accommodation to comply with AS2890; 5% above to be increased to 3.8m; power operated garage door</p> <p>6 – accessible entry to dwellings compliant with clause 4.3.1 and 4.3.1 of AS 4299</p> <p>21 – Garbage area must be in an accessible location</p>	<p>HammondCare is a social housing provider.</p> <ul style="list-style-type: none"> • Conditions are recommended for lighting to meet the requirements in the lighting design statement provided in the RtS and to comply with the AS for obtrusive lighting • Letterboxes are accessible in the entry areas off the main plaza. A condition of consent requires compliance • 17.5% (10/57) of the dwelling car spaces are accessible. A condition of consent requires compliance with Australian Standards • A condition of consent requires this prior to construction certificate • Garbage area is accessible via lifts 	<p>Yes</p>
Part 6 Vertical Villages		
<p>45 (2) Vertical villages</p> <p>Bonus floor space of 0.5:1 subject to cl 45(6)</p>	<p>The site meets the FSR development standard as lifted by the bonus FSR under this clause to 1.8:1.</p> <p>The proposed FSR is 1.61:1.</p>	<p>Yes</p>
<p>45(6) Requirements for affordable places and on-site services</p> <p>(a) the consent authority is satisfied, on written evidence, that—</p> <p>(i) the proposed development will deliver on-site support services for its residents, and</p>	<p>10% of dwellings will be provided as affordable spaces.</p> <p>As defined on-site support services are 3 meals a day to the resident's dwelling, personal care, home nursing visits and assistance with housework. These services are available where required</p>	<p>Yes</p>

Relevant Clauses Seniors SEPP	Consideration	Compliance
(ii) at least 10% of the dwellings for the accommodation of residents in the proposed development will be affordable places, and		
(b) the applicant identifies, to the satisfaction of the consent authority, which of the dwellings for the accommodation of residents in the proposed development will be set aside as affordable places.	The Applicant provided architectural plans showing 6 self-contained dwellings (10%) are dedicated as affordable places. The Department recommends a condition of consent which requires a restriction on title to be registered prior to the issue of an occupation certificate to ensure compliance	Yes
Part 7 Development standards that cannot be used as grounds to refuse consent		
48 Standards that cannot be used to refuse development consent for residential care facilities		
(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), or	The building exceeds 8m	N/A
(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,	The development exceeds an FSR of 1:1	N/A
(c) landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,	The development includes 4,150m ² landscaped area at ground floor level including the Stage 1 portion. With 12 new beds and 66 Stage 1 beds this provides 53.2m ² landscaped area per bed.	Yes
(d) parking for residents and visitors: if at least the following is provided— (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and (ii) 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and (iii) 1 parking space suitable for an ambulance.	130 spaces are provided overall with 57 of these for the self-contained dwellings. 42 spaces are required for staff and 3 for visitors. 73 are provided. One ambulance bay is provided	Yes

Relevant Clauses Seniors SEPP	Consideration	Compliance
50 Standards that cannot be used to refuse development consent for self-contained dwellings		
(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),	N/A	N/A
(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,	N/A	N/A
(c) landscaped area: if— (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 (ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,	The development includes 4,150m ² landscaped area as defined at ground floor level including the Stage 1 portion. Additionally, rooftop landscaping areas are 1,636m ² . The rooftop landscaped area alone provides 28.7m ² landscaped area per dwelling. Assuming the residential care requires 1,950m ² landscaped space for compliance, this leaves 2,200m ² available to the dwellings. The combination of the rooftop plus the remainder is 3,836m ² or 67.3m ² per dwelling. 69% of the site is landscaped area.	Yes
(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,	Deep soil as defined for the site (3m minimum dimension) is 15.7%	Yes
(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,	40/57 (70.17%) units receive 2 hours solar access. 15/57 units (26.3%) receive 3 hours or more solar access	No, however it is compliant with the ADG
(h) parking: if at least the following is provided—	130 spaces provided in total. 1 car space per unit is assigned	Yes

Relevant Clauses Seniors SEPP	Consideration	Compliance
<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 made by, or is made by a person jointly with, a social housing provider.</p>		
<p>55 Residential care facilities for seniors required to have fire sprinkler systems</p> <p>A consent authority must not grant consent to carry out development for the purpose of a residential care facility for seniors unless the proposed development includes a fire sprinkler system.</p>	<p>A fire sprinkler system has been incorporated into the design of the buildings.</p>	Yes

An assessment of the development against the requirements imposed on the Site Compatibility Certificate under the Seniors SEPP dated 13 April 2022 is provided in **Table 14**.

Table 14 | Site Compatibility Certificate Consistency

Requirement of Site Compatibility Certificate	Consideration	Consistency
<p>The land area subject to the SCC is identified in Figure 36, which is the portion of the site zoned R4 High Density Residential. This area does not include the “Woonona House” heritage item and area of the site zoned R2 Low Density Residential</p>	<p>The Department is satisfied that the information provided by the Applicant demonstrates that the calculation of FSR does not include the area of Woonona House, nor the R2 zoned land.</p> <p>The proposed FSR is 1.61:1, which is below the maximum FSR (including the bonus) of 1.8:1 established by the issue of the Site Compatibility Certificate.</p>	Yes
<p>The through site link / green spine proposed to link Neringah Ave South and Woonona Ave (as indicated in Figure 37) is to be made publicly accessible</p>	<p>The Applicant notes that public access to the green spine will not be prevented.</p> <p>The Department recommends a condition requiring an easement, restriction or public positive covenant to be registered on the land prior to occupation, to ensure public accessibility through the site between Woonona Ave and Neringah Ave South along the route of the green link pathway and entry plaza.</p>	Yes
<p>Consideration of the provision for access to relevant off-site facilities in accordance with the provisions of clause 26 of the Seniors SEPP including any necessary modifications to Archdale Walk or existing footpath gradients in the surrounding streets are to the</p>	<p>The Department is satisfied that the accessible path of travel as required by clause 26 of the Seniors SEPP can be achieved by the development, subject to conditions of consent, requiring demonstration of compliance with accessibility; and relevant approvals under the <i>Roads Act 1993</i>.</p> <p>Further consideration of the accessibility to Archdale Walk is set out in Section 6.5.</p>	Yes

Requirement of Site Compatibility Certificate	Consideration	Consistency
completed to the satisfaction of Ku-ring-gai Council		
Consideration of SEPP 65 and the ADG relating to the independent living units proposed	The Department has considered the proposal against SEPP 65 and the ADG in Appendix C and Section 6.5 . The Department is satisfied that the self-contained dwellings achieve a high level of amenity.	Yes
Consideration of the proposed encroachment into the front setback and an appropriate design response is adopted to mitigate any impacts to the streetscape	<p>The Department notes that the assessment report and plans upon which the Site Compatibility Certificate was issued, included a two-storey non-residential encroached into the front setback (Figure 37). The Department considered that this encroachment did not maintain “reasonable neighbourhood amenity and residential character.”</p> <p>The Department considers that the requirement to consider the proposed encroachment into the front setback refers to the two storey non-residential protrusion element and not the proposed basement encroachments.</p> <p>The Department is therefore of the view that the incursion into the front setback of the basement is not the matter directly required for consideration under the Site Compatibility Certificate.</p> <p>Notwithstanding, the Department has considered the basement encroachment into the front setback in detail in Section 6.3 and concludes that the encroachments do not have any significant adverse impacts on the ability for the site to meet the non-discretionary deep soil requirements of the Seniors SEPP, while also providing extensive landscaping and tree canopy cover to maintain neighbourhood amenity and landscape character in accordance with clause 33 of the Seniors SEPP.</p>	Yes
Consideration of the proposed bulk and scale and its relationship with the heritage item to be resolved at DA stage through the assessment of the DA under Section 4.15 of the EP&A Act 1979.	<p>The Department has reviewed the assessment report for the Site Compatibility Certificate and considers the requirement of the Certificate relates to the relationship with the Woonona House heritage item and not the Sydney Water Reservoir, given that the assessment concludes “The scale of the proposal is not considered to have a detrimental impact on the views to and from the Sydney Water Reservoir, its large scale industrial character or its heritage significance.” (page 29 of the assessment report).</p> <p>The Department considers that the bulk and scale relationship with Woonona House is appropriately resolved because:</p>	Yes

Requirement of Site Compatibility Certificate

Consideration

Consistency

- the nearest element is the chapel which presents as a single storey element 15m from Woonona House
- Woonona House and the chapel are separated by the retention of the existing lawn area as a pocket park
- the four storey element of the south building is separated from Woonona House by approximately 22m
- the proposed brickwork facing Woonona House is the Chillingham White which is a toning which complements the pale toning of Woonona House and the Stage 1 development.

The Department also considers that the proposed bulk and scale of the development, its materiality and setbacks to the Sydney Water Reservoir are appropriate.



Figure 36 | Site Compatibility Certificate dated 13 April 2022 identifying the R4 zoned area subject to the additional FSR under clause 45 of the Seniors SEPP. (Red line is added)

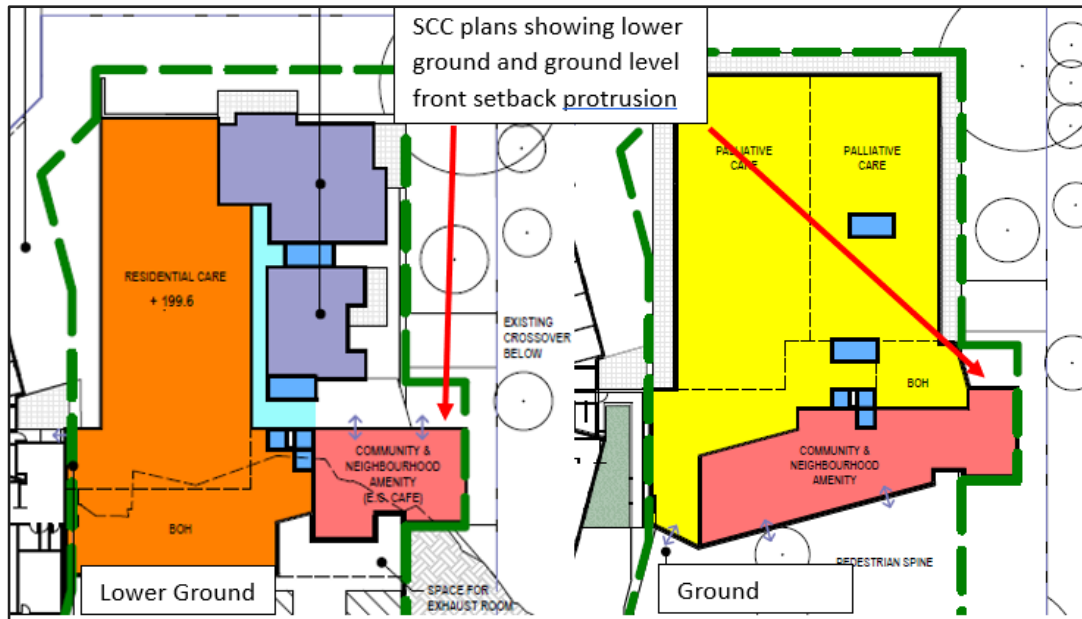


Figure 37 | Extract from plans accompanying the Site Compatibility Certificate application showing lower ground and ground level protrusions into the front setback

State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

Section 2.60 grants permissibility to a Health Services Facility on land zoned R4 High Density Residential.

Section 2.122 relates to traffic generating development. Notice of the application must be provided to TfNSW if the development is of a relevant size or capacity. The site is within 90m of a connection with a classified road, however, will not add more than 100 hospital beds nor 75 or more dwellings. The referral under this clause therefore does not apply. However, the EIS was sent to TfNSW for comment and they provided a response and a recommended condition of consent which is included in the draft conditions in **Appendix F**.

State Environmental Planning Policy (Resilience and Hazards) 2021

The Resilience and Hazards SEPP aims to ensure that potential contamination issues are considered in the determination of a development application.

Chapter 3 considers hazardous and offensive development. The Applicant provided a Preliminary Dangerous Goods Screening Report which was updated in the RtS. The quantities of diesel stored on site were not considered to be potentially hazardous nor were the quantities of dangerous goods required by the development. Therefore a preliminary hazard assessment was not required. The Department recommends conditions of consent requiring a management plan for dangerous goods.

Chapter 4 considers remediation of land. The Applicant submitted a Detailed Site Investigation that determined that the site is affected by asbestos, elevated zinc concentrations in imported fill and a

concentration of total recoverable hydrocarbons which was above the ecological site assessment criteria. Additionally heavy metals and perflurooctanesulfonic acid in groundwater concentrations above the ecological site assessment criteria were identified. The Detailed Site Investigation concludes that the site can be made suitable for the development and recommends an asbestos management plan, the preparation of a remediation action plan and validation assessment documenting the remediation works.

The Applicant also provided a RAP which concludes that the site can be made suitable for the development provided that the RAP and its requirements and a remediation works plan are implemented. The RAP requires a site validation report. The Department accepts the findings and recommendations of the Detailed Site Investigation and RAP and is satisfied the site can be made suitable for the proposed use, subject to conditions requiring the implementation of the RAP remediation strategy, preparation of recommended plans, a validation report and site audit statement prior to occupation.

Draft State Environmental Planning Policy (Remediation of Land)

The Department has published the draft Remediation of Land State Environmental Planning Policy (Remediation SEPP), which was exhibited until April 2018. The Draft Remediation SEPP retains the overarching objective of the Resilience and Hazards SEPP (and former objectives of the repealed SEPP 55) promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP require all remediation work carried out without development consent to be reviewed and certified by a certified contaminated land consultant. Remediation works it to be categorised based on the scale, risk and complexity of the work. Environmental management plans relating to post-remediation management of sites, including the ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) are to be provided to Council.

The Department is satisfied that the proposal will be consistent with the objectives of the Draft Remediation SEPP.

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

SEPP 65 aims to improve the design quality of residential developments and encourage innovative design. The Apartment Design Guide (ADG) is linked to the principles of SEPP 65 and sets out best practice design principles for residential development.

The Department assessed the Proposal against the design principles of SEPP 65 in **Table 15** and relevant criteria of the ADG in **Table 16**.

Table 15 | SEPP 65 Design Quality Principles assessment

SEPP 65 Design Principle	Consideration
Principle 1: Context and neighbourhood character	The design contributes to the landscaped nature of the surrounding streetscape by substantial landscaping treatments. The scale is consistent with the neighbouring buildings. The publicly accessible green spine through the site and the upgrade to Archdale Walk provides improved connectivity to the Wahroonga village and train station for the community.
Principle 2: Built form and scale	The site is dominated by the substantial Sydney Water heritage listed reservoir to the south. The minor variations to the building height development standard are considered acceptable as outlined in Section 6.2 and Appendix D . The design steps down the hill to the north responding to the context of the site and provides articulation with balconies and planters to reduce the scale.
Principle 3: Density	The development provides a positive environmental, social and economic outcome for the site given its proximity to Wahroonga village centre and train station. It will provide additional seniors living housing in this well-connected site. The development is generally consistent with the ADG criteria and the FSR of the site is below the development standard.
Principle 4: Sustainability	The development is designed to have acceptable sustainable measures including a 4 Star Green Star rating and Bronze WELL rating.
Principle 5: Landscape	The development provides a variety of landscaped areas at ground and roof levels providing opportunities for social interaction and enhancing the public domain.
Principle 6: Amenity	The development provides a high standard of amenity for residents and neighbours. It improves connectivity and permeability through the site.
Principle 7: Safety	The development provides safety and security within the site and the public domain, with lighting in the green link, CPTED principles of passive surveillance, activation of the green spine, landscaping which promotes sightlines and passive resident interaction are employed. Wayfinding and signage are included in the development.
Principle 8: Housing diversity and social interaction	The development includes a mix of unit sizes and will include at least 10% affordable dwellings. There is a variety of communal spaces to encourage social interaction amongst residents.
Principle 9: Aesthetics	A variety of materials are proposed. Some of the existing sandstone wall on the street is to be retained. The brick palette is designed to align with the existing Stage 1 development on the site and complement surrounding developments to the north and south.

Table 16 | ADG Compliance Table

ADG Criteria	Consideration	Compliance
3A-1 Site Analysis		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	A site analysis was submitted with the application and is considered acceptable and meets the requirements of clause 30 of the Seniors SEPP.	Yes
3B-1 Orientation		
Building types and layouts respond to the streetscape and site whilst optimising solar access within the development	The development is designed to address the street frontage and provides building separation to optimise solar access to both buildings.	Yes
3B-2 Orientation		
Overshadowing of neighbouring properties is minimised during mid-winter.	The proposal does not adversely impact solar access to neighbouring properties.	Yes
3C-1 Public Domain Interface		
Transition between private and public domain is achieved without compromising safety and security.	<p>The proposal provides a green spine and plaza link Woonona Avenue with Neringah Avenue South, activated by a number of community uses (Chapel and café). Balconies overlook the street and the communal areas.</p> <p>Separate private communal areas are provided to publicly accessible parts of the site.</p>	Yes
3C-2 Public Domain Interface		
Amenity of the public domain is retained and enhanced.	<p>Landscaping is proposed to the communal areas, mail boxes are in the building entries off the main plaza.</p> <p>Substations are proposed adjacent to the reservoir with the existing substation removed from the primary frontage.</p> <p>Garbage storage is in the basement.</p>	Yes

ADG Criteria	Consideration	Compliance
	<p>Accessibility complies with clause 26(2) of the Seniors SEPP. Access to the plaza is by a small ramp or stairs. Stairs are required given the level changes across the site.</p> <p>The site addresses Archdale Park to the east and upgrades to Archdale Walk are proposed.</p>	
3D-1 Communal and Public Open Space		
<p>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.</p> <p>Communal open space has a minimum area equal to 25% of the site area.</p>	<p>Site Area 10,730m²</p> <p>29.91% of the site area is provided as communal open space. This includes:</p> <ul style="list-style-type: none"> • Ground: 2,690m² • Level 3: 397m² • Level 5: 123m² • TOTAL = 3210m² 	Yes
<p>Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).</p>	<p>From 10am to 3pm more than 50% of the communal open space receives solar access midwinter.</p>	
3D-2 Communal and Public Open Space		
<p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p>	<p>Facilities are provided within communal open space, such as seating for individuals or groups. Amenities are integrated throughout the development.</p>	Yes
3D-3 Communal and Public Open Space		
<p>Communal open space is designed to maximise safety.</p>	<p>Communal open spaces are well lit, and the public domain will be readily visible from habitable rooms and private open space</p>	Yes
3D-4 Communal and Public Open Space		
<p>Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.</p>	<p>Communal public open space is provided within the centre of the development and in pockets towards the Stage 1 development, allowing for</p>	Yes

ADG Criteria	Consideration	Compliance
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congregation around the Woonona Cottage.

Public open space is well connected between Woonona Avenue and Archdale Park to the east via the green spine.

3D-1 Deep Soil Zones

Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.

Deep soil is scattered throughout the site's perimeter and around Woonona Cottage. The areas are disjointed, however do provide for a reasonable level of deep soil landscaping or larger trees.

Complies with the Seniors SEPP requirements

Deep soil zones are to meet the following requirements:

>1500m²

Minimum dimension 6m for 7% of the site

Site area 10,730m².

1680m² (15.7% is deep soil and at least 3m wide).

Complies with the Seniors SEPP requirements

3F-1 Visual Privacy

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.

Adequate separation is achieved to the northern boundary. On the north-west corner separation distances do not comply to the neighbour at 15-17 Woonona Avenue. Privacy screens are conditioned

Minor departures assessed in **Section 6.5**

Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building Height	Habitable Rooms and Balconies	Non-habitable rooms
Up to 12m (4 storeys)	6m	3m
Up to 25m (5-8 storeys)	9m	4.5m
Over 25m (9+ storeys)	12m	6m

Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room.

Separation distance between Stage 1 and northern building only 7.78m.

9m provided now to northern boundary at the 5th storey.

12m provided between the north and south building dwellings.

Only approximately 7m to the north-west boundary to the R2 zone private open space.

Minor departures assessed in **Section 6.5**

ADG Criteria	Consideration	Compliance
<p>Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties</p>		
<p>3F-2 Visual Privacy</p>		
<p>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.</p>	<p>The proposal only relies on a privacy screening for a small number of units. The Department recommends that some of these screens for upper-level apartments be removed to improve access to light, outlook and ventilation and other screens be provided as movable screens rather than fixed.</p>	<p>Yes, subject to conditions to amend some privacy screening, as discussed in Section 6.5</p>
<p>3G-1 Pedestrian Access and Entries</p>		
<p>Building entries and pedestrian access connects to and addresses the public domain</p>	<p>Entries and lift lobbies are all accessible from links to the street boundary and parking areas. Covered access between parking areas to lift lobbies.</p>	<p>Yes</p>
<p>3G-2 Pedestrian Access and Entries</p>		
<p>Access, entries, and pathways are accessible and easy to identify.</p>	<p>The main entry in the North Building at Lower Ground Level has an improved visibility with increased glazing adjacent to the relocated pedestrian pathway. The entries to lift lobbies from the plaza are defined by insets in the buildings at the ground level.</p> <p>Signage is proposed near this entry to facilitate wayfinding</p>	<p>Yes</p>
<p>3G-3 Pedestrian Access and Entries</p>		
<p>Large sites provide pedestrian links for access to streets and connection to destinations</p>	<p>Through site link is provided between Woonona Avenue to Neringah Avenue South and then improve accessible connectivity to Wahrenonga village.</p>	<p>Yes</p>

ADG Criteria	Consideration	Compliance
3H-1 Vehicle Access		
Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	<p>Service and parking entries are separated. The pedestrian ramp is improved by being wholly north of the car park entry.</p> <p>Clear sight lines are provided at pedestrian and vehicle crossing to ensure safety of pedestrians.</p> <p>Service driveway is at the lowest part of the site.</p>	Yes
3J-1 Bicycle and Car Parking		
Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.	The development meets the minimum requirements of the Seniors SEPP and the KDCP and provides an appropriate amount of car parking as discussed in Section 6.6 .	Yes
3J-1 Bicycle and Car Parking – Design criteria		
<p>For sites located within 800m of a railway station, the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less.</p> <p>The car parking needs for a development must be provided off street</p>	<p>Residents:</p> <p>DCP: 38 required, 57 provided. 12 is the must not refuse number under Seniors SEPP</p> <p>Visitors:</p> <p>12 required (3 for residential care) and 19 provided</p>	Yes
3J-2 Bicycle and Car Parking		
Parking and facilities are provided for other modes of transport.	9 bike spaces provided in the garage, together with one shower and lockers.	Yes
3J-3 Bicycle and Car Parking		
Car park design and access is safe and secure.	<p>The basement carparking provides supporting facilities such as garbage, plant room, storage areas, ambulance bay, loading bay, cleaning, cold rooms etc.</p> <p>A clearly defined and visible lobby is also provided to lifts and stairs.</p>	Yes

ADG Criteria	Consideration	Compliance
3J-4 Bicycle and Car Parking		
Visual and environmental impacts of underground car parking are minimised.	The carparking layout of the basement is well organised and structured. Only at the northern end is the basement out of the ground which is covered by a green roof.	Yes
4A-1 Solar and Daylight Access		
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows, and private open space.	The Proposal has been designed to ensure 70% of the apartments receive a satisfactory level of solar access.	Yes
4A-1 Solar and Daylight Access – Design criteria		
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid Winter.	40 of 57– 70.2%	Yes
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	No apartments receive no direct sunlight.	Yes
4A-2 Solar and Daylight Access		
Daylight access is maximized where sunlight is limited	Adequate daylight access is achieved.	Yes
4A-3 Solar and Daylight Access		
Design incorporates shading and glare control, particularly for warmer months	Balconies and eaves apply.	Yes
4B-1 Natural Ventilation		
All habitable rooms are naturally ventilated	The building's orientation allows natural ventilation. The depths of habitable rooms and balconies maximise natural ventilation. Notches are used to assist with natural ventilation.	Yes
4B-2 Natural Ventilation		

ADG Criteria	Consideration	Compliance
The layout and design of single aspect apartments maximises natural ventilation.	The articulation of the building with a notch, as well as open plan apartment layouts maximise natural ventilation to single aspect apartments.	Yes
4B-3 Natural Ventilation		
The number of apartments with natural cross ventilation is maximized to create a comfortable indoor environment for residents.	52% of apartments are naturally cross ventilated.	No, assessed in Section 6.5
4B-1 Natural Ventilation – Design Criteria		
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	30/57 = 52%	No, assessed in Section 6.5
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Less than 18m.	Yes
4C-1 Ceiling Heights		
Ceiling height achieves sufficient natural ventilation and daylight access.	All have ceiling height of 2.9m with non-habitable rooms of 2.4m. Most communal areas are at least 2.7m.	Yes
4C-1 Ceiling Heights – Design Criteria		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <ul style="list-style-type: none"> Habitable Rooms – 2.7m Non-habitable – 2.4m Attic spaces – 1.8m at edge with min 30 degree ceiling slope Mixed use areas – 3.3m for ground and first floor <p>These minimums do not preclude higher ceilings if desired.</p>	2.9m habitable 2.4m non-habitable at least.	Yes

ADG Criteria	Consideration	Compliance
4C-2 Ceiling Heights		
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms	The ceiling heights provide good amenity for the residents of the apartments.	Yes
4C-3 Ceiling Heights		
Ceiling heights contribute to the flexibility of building use over the life of the building	Ceiling heights are adequate.	Yes
4D-1 Apartment Size and Layout		
The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.	The layout of the apartments ensures a high level of amenity for the occupants of the apartments.	Yes
4D-1 Apartment Size and Layout – Design Criteria		
<p>Apartments are required to have the following minimum internal areas:</p> <ul style="list-style-type: none"> • Studio - 35m² • 1 bedroom - 50m² • 2 bedroom - 70m² • 3 bedroom - 90m² <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12 m² each</p>	All units easily comply with the minimum sizes.	Yes
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms	This is achieved.	Yes
4D-2 Apartment Size and Layout		
Environmental performance of the apartment is maximized.	All living areas and bedrooms are located on the external face of the building.	Yes

ADG Criteria	Consideration	Compliance
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4D-2 Apartment Size and Layout – Design Criteria

Habitable room depths are limited to a maximum of 2.5 x the ceiling height	Bedrooms comply, but many open plan layouts exceed 6.75m.	No, assessed in Section 6.5
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window, with additional depth allowed for ceilings exceeding 2.7m	1/8 unit per floor in the South Building (four in total) exceeds 8.7m from a window in depth, (accounting for a ceiling height of 2.9m).	No, assessed in Section 6.5
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	Achieved	Yes
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Achieved	Yes
Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments 	Achieved	Yes
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	N/A	N/A

4E-1 Apartment Size and Layout

Apartments provide appropriately sized private open space and balconies to enhance residential amenity	Balconies are generous and exceed ADG design criteria.	Yes
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4E-1 Apartment Size and Layout – Design Criteria

All apartments are required to have primary balconies as follows:	All exceed these criteria.	Yes
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Dwelling type	Minimum area	Minimum depth
Studio	4 m ²	-
1 bedroom	8 m ²	2m
2 bedroom	10 m ²	2m
3+ bedroom	12 m ²	2.4m

The minimum balcony depth to be counted as contributing to the balcony area is 1m

ADG Criteria	Consideration	Compliance
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m	Two units on the South Building are at ground level and could potentially apply. All have balconies not private gardens and the two on the western facade have balcony space of 14m ² with a depth of 2.43m.	No, assessed in Section 6.5
4E-2 Apartment Size and Layout		
Primary private open space and balconies are appropriately located to enhance liveability for residents.	All are adjacent to living/dining rooms.	Yes
4E-3 Apartment Size and Layout		
Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	Balconies are integrated into the design.	Yes
4E-4 Apartment Size and Layout		
Private open space and balcony design maximises safety.	The balcony design maximises safety.	Yes
4F-1 Common Circulation and Spaces		
Common circulation spaces achieve good amenity and properly service the number of apartments.	Ceilings are high, corridors are wide.	Yes
4F-1 Common Circulation and Spaces – Design Criteria and guidance		
The maximum number of apartments off a circulation core on a single level is eight	South – 8 units North – 9 units	Yes No, assessed in Section 6.5
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	N/A	N/A
Windows to be provided at the end of corridors. Ventilation should be provided	Provided	Yes
Corridors greater than 12m from lift core to be articulated	Articulation provided	Yes
4F-2 Common Circulation and Spaces		

ADG Criteria	Consideration	Compliance
Common circulation spaces promote safety and provide for social interaction between residents	Corridors have insets to allow for incidental engagement outside doors and space to sit and wait outside lifts.	Yes
4G-1 Storage		
Adequate, well designed storage is provided in each apartment	All comply with the ADG.	Yes
4G-1 Storage – Design Criteria		
<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <ul style="list-style-type: none"> • Studio apartments - 4m³ • 1 bedroom apartments - 6m³ • 2 bedroom apartments - 8m³ • 3+ bedroom apartments - 10m³ <p>At least 50% of the required storage is to be located within the apartment</p>	All comply with the ADG.	Yes
4H-1 Acoustic Privacy		
Noise transfer is minimized through the siting of buildings and building layout.	<p>Adequate building separation is provided within the development and from neighbouring buildings.</p> <p>Areas within the building which may contribute to noise are grouped together to maximise acoustic privacy.</p>	Yes
4H-2 Acoustic Privacy		
Noise impacts are mitigated within apartments through layouts and acoustic treatments.	Windows and door openings are orientated away from noise sources.	Yes
4J-1 Noise and Pollution		
In noisy or hostile environments, the impacts of external noise and pollution are minimized through the careful siting and layout of buildings.	The higher intensity uses and residential care are located on lower levels, separating the self-contained dwelling component of the development. Landscaping is provided	Yes

ADG Criteria	Consideration	Compliance
	throughout the site to create a noise buffer.	
4J-2 Noise and Pollution		
Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission.	Landscaping is provided. Balconies are separated from each other.	Yes
4K-1 Apartment Mix		
A range of apartment types and sizes is provided to cater for different household types now and into the future.	A range of apartments are proposed to provide a diverse housing mix.	Yes
4K-2 Apartment Mix		
The apartment mix is distributed to suitable locations within the building.	The 3 bed apartments are on the northern side of the North Building and one is on the top level of the South Building. 1 bed apartments are interspersed through the floors	Yes
4L-1 Ground floor Apartments		
Street frontage is maximized where ground floor apartments are located.	At street presentation most units are above the ground floor	NA
4L-2 Ground floor Apartments		
Design of ground floor apartments delivers amenity and safety for residents	Privacy screening and 1.8m fencing is provided to the ground level apartments on the southern side of the South building to provide amenity and privacy for residents.	Yes
4M-1 Facades		
Building facades provide visual interest along the street while respecting the character of the local area.	The proposed facades are integrated with a mixture of vertical and horizontal features including windows and balconies. They are designed to colour tone with Stage 1	Yes
4M-2 Facades		

ADG Criteria	Consideration	Compliance
Building functions are expressed by the facade	The plaza entries to the buildings are clearly defined. The main entry is defined through glazing. The café use has an awning identifying its function and the apartment layout is expressed externally through facade features such as feature protruded brick shapes and face brick.	Yes
4N-1 Roof Design		
Roof treatments are integrated into the building designed and positive respond to the streets	The roof treatment is integrated into the building design. The rooftop terraces provide communal open spaces for residents, and space for photovoltaic cells.	Yes
4N-2 Roof Design		
Opportunities to use roof space for residential accommodation and open space are maximised	Roof communal space is used on both buildings and provides different forms of useable space.	Yes
4N-3 Roof Design		
Roof design incorporates sustainability features.	Photovoltaic panels are proposed on the roof to integrate sustainability measures into the building.	Yes
4O-1 Landscape Design		
Landscape design is viable and sustainable	<p>Landscaping is proposed throughout the site. Tree species have been altered to assist with promoting long term growth and vigour. Planter boxes with adequate depth are to be used on rooftops and structures.</p> <p>Deep soil and landscaping areas are scattered throughout the site. The landscaped areas assist in mitigating the bulk and scale of the development</p>	Yes
4O-2 Landscape Design		

ADG Criteria	Consideration	Compliance
Landscape design contributes to the streetscape and amenity.	Appropriate landscaping is proposed to contribute to the amenity of occupants of the site and the streetscape.	Yes
4P-1 Planting on structures		
Appropriate soil profiles are provided	This is illustrated in the approved landscape plans.	Yes
4P-2 Planting on structures		
Plant growth is optimized with appropriate selection and maintenance	Landscape plans for approval are considered appropriate.	Yes
4P-3 Planting on structures		
Planting on structures contributes to the quality and amenity of communal and public open spaces.	Planter boxes integrated into various landscaped areas throughout the site are proposed contributing to the quality and amenity of the public and communal open space.	Yes
4Q-1 Universal design		
Universal design features are included in apartment design to promote flexible housing for all community members.	The units are designed to a Class 9C to enable ageing in place. Ancillary spaces to enable staff to service residents are provided. The design includes legibility to assist elderly residents.	Yes
4Q-2 Universal design		
A variety of apartments with adaptable designed are provided.	The units are designed to a Class 9C to enable ageing in place.	Yes
4Q-3 Universal design		
Apartment layouts are flexible and accommodate a range of lifestyle needs.	Some flexibility in layout is possible.	Yes
4S-1 Mixed Use		
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	The site is an upgrade of the existing hospital and is not in a commercial location. The layout of uses separates the self-	Yes

ADG Criteria	Consideration	Compliance
	contained dwellings from the palliative care and residential care units. The green spine encourages pedestrian movement, together with the site's proximity to Wahroonga village.	
4S-2 Mixed Use		
Residential levels of the building are integrated within the development, and safety and amenity is maximized for residents	The units present as part of the overall building form. Access via a lift core promotes safety.	Yes
4T-1 Awnings and signage		
Awnings are well located and complement and integrate with the building design	The café awning promotes legibility for both the use and the green spine entry from Neringah Avenue South.	Yes
4T-2 Awnings and signage		
Signage responds to the context and desired streetscape character	Signage is similar to that used in Stage 1 and is acceptable in the streetscape.	Yes
4U-1 Energy efficiency		
Development incorporates passive environmental design.	Adequate natural light is provided to habitable rooms.	Yes
4U-2 Energy efficiency		
Development incorporates passive solar design to optimize heat storage in winter and reduce heat transfer in summer.	Balconies provide passive solar design. Energy efficient targets are proposed.	Yes
4U-3 Energy efficiency		
Adequate natural ventilation minimises the need for mechanical ventilation.	Natural ventilation for apartments is optimised.	Yes
4V-1 Water management and conservation		
Potable water use is minimised	Rainwater is collected for use.	Yes
4W-1 Waste management		

ADG Criteria	Consideration	Compliance
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	Waste storage facilities are provided in the basement.	Yes
4W-2 Waste management		
Domestic waste is minimised by providing safe and convenient source separation and recycling.	Residential waste, commercial waste, and recycling storage areas and access are separate.	Yes

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP) applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The proposed development includes the following signage zones:

- Boundary Standard 1 – (2.4m x 1.4m) as the main signage to the immediate south of the entry driveway. Its return has a sign of 800mm wide and 1.4m high
- External wall mounted directional secondary signage pillars – located at the pedestrian entry to the north of the main driveway and at the ramp entry of the through site link near the café. The signs are 450mm wide x 900mm high and are on two sides of a pillar.

The Department's assessment of Schedule 5 of Industry and Employment SEPP (where relevant) is provided in **Table 17**.

Table 17 | SEPP (Industry and Employment) 2021 – Signage compliance table

Assessment criteria - Signage	Consideration	Compliance
1 Character of the area		
Is the development compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is consistent with the existing signage and that for Stage 1 in Woonona Avenue.	Yes
Is the development consistent with a particular theme for outdoor advertising in the area or locality?	There is no theme for outdoor advertising.	NA
2 Special areas		
Does the development detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas,	The signage does not detract from the heritage of the Reservoir or Woonona Cottage and is distant from those heritage	Yes

Assessment criteria - Signage	Consideration	Compliance
waterways, rural landscapes or residential areas?	issues. It is relatively small and will not detract from Archdale Park.	
3 Views and vistas		
Does the development: <ul style="list-style-type: none"> obscure or compromise important views? dominate the skyline and reduce the quality of vistas? respect the viewing rights of other advertisers? 	The proposed signage is integrated into the proposed building design and front /street wall and would not compromise any important views, the skyline or interfere with other advertisers.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the development appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is appropriate for the streetscape and setting of the proposed development.	Yes
Does the development contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage contributes to the visual interest of the building by providing identification and recognition of the site.	Yes
Does the development reduce clutter by simplifying existing advertising?	The proposal does not include more signage. The existing signage would be updated although no illumination is proposed.	Yes
Does the development screen unsightliness?	There is no unsightliness to be screened.	NA
Does the development protrude above buildings, structures or tree canopies in the area or locality?	The signage does not protrude above buildings, structures or tree canopies.	Yes
Does the development require ongoing vegetation management?	Landscaping will be maintained by the operator of the facility.	Yes
5 Site and building		
Is the development compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is designed to be integrated within the front fence and pillars and is considered compatible with the	Yes

Assessment criteria - Signage	Consideration	Compliance
	design and architecture of the building.	
Does the development respect important features of the site or building, or both?	The signage will not detract from the important features of the site or building, but will provide wayfinding information.	Yes
Does the development show innovation and imagination in its relationship to the site or building, or both?	The signage reflects the standard HammondCare signage which is currently on site.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Not applicable	N/A
7 Illumination		
Would illumination: <ul style="list-style-type: none"> result in unacceptable glare? affect safety for pedestrians, vehicles or aircraft? detract from the amenity of any residence or other form of accommodation. Can the intensity of the illumination be adjusted? Is the illumination subject to a curfew? 	The signs are not to be illuminated.	N/A
8 Safety		
Would the development reduce safety for: <ul style="list-style-type: none"> pedestrians, particularly children, by obscuring sightlines from public areas? for any public road? pedestrians or bicyclists? 	The proposed signage is wall mounted and would not adversely impact road safety for pedestrians or vehicles or obscure sightlines.	Yes

Ku-ring-gai Local Environmental Plan 2015

The KLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Ku-ring-gai Council local government area.

The Department concludes the development is consistent with the relevant provisions of the KLEP. Consideration of the relevant clauses of the KLEP is provided in **Table 18**.

Table 18 | Consideration of the KLEP 2015

KLEP 2015 provision	Consideration
Land Use Table – Zone R4 High Density Residential	Residential flat buildings are permissible. Note: The proposed health services facilities and seniors housing are permissible under the Transport and Infrastructure SEPP and Seniors SEPP respectively.
Clause 4.3 Building Height	A maximum of 17.5m applies. The development exceeds this at 18.92m for the north building and 20.1m for the south building. The Department has considered the Applicant’s clause 4.6 exception request in Appendix D .
Clause 4.4 Floor Space Ratio	The KLEP provides for a maximum FSR of 1.3:1. Clause 45 of the Seniors SEPP for vertical villages permits an uplift of 0.5:1, which provides a total maximum FSR of 1.8:1. The proposed FSR is 1.61:1.
Clause 4.6 – Exceptions to development standard	The Department has considered the Applicant’s clause 4.6 exception request in Appendix D .
Clause 5.10 Heritage	Woonona Cottage is a locally listed heritage item and is on a portion of the site. The Sydney Water Reservoir to the immediate south is also locally heritage listed. The Briars is a state heritage listed dwelling at 14 Woonona Avenue and is adjacent to the locally listed Warrina dwelling house at 8 Woonona Avenue. The Applicant provided a Heritage Impact Statement which assessed the impact of the proposal on the above items. The Department has considered the heritage impacts of the proposal in Section 6.7 and concludes that the proposal will not have any adverse impacts on the heritage significance of Woonona Cottage as no changes are proposed to Woonona Cottage and the curtilage and views to the item are retained. It will also not cause any adverse heritage impacts to The Briars, Warrina and the Reservoir as it will not visually dominate the heritage items. The site is not an archaeological site. The Department is also satisfied the Applicant’s Aboriginal Cultural Heritage Assessment Report (ACHAR) demonstrates nil to low potential to retain intact archaeological deposits that may contain Aboriginal objects.
Clause 5.21 Flood Planning	The Applicant provided a flood assessment which assessed the development against the provisions in clause 5.21. It found that the site is not within a flood precinct planning area, it is not subject to mainstream or overland flow flood risk, it is not located within or adjacent to existing

KLEP 2015 provision	Consideration
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watercourses or overland flow paths, and is therefore not considered a flood risk.

The Department has considered the matters set out in clause 5.21(3) and accepts the findings of the flood assessment that any increase in rainfall can be appropriately managed through stormwater management design, that the scale of the development is in keeping with the existing hard stand spaces, that there is no risk to life requiring a safe evacuation plan during flood events, and that no modification to the design is required to accommodate impacts by flooding.

Clause 6.1 Acid Sulfate soils	The site is class 5 acid sulfate soils. No further action is required.
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Clause 6.2 Earthworks	The clause requires the consent authority to consider various matters arising from proposed earthworks. The Applicant provided a Detailed Site Investigation and a remediation action plan. The recommended conditions of consent in Appendix F require the remediation action plan to be carried out and validated.
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Sydney Water has sought a condition requiring a Specialist Engineering Assessment to ensure the construction works do not impact on the reservoir. This is included in the recommended conditions in **Appendix F**.

The ACHAR indicates that there is nil to low potential for disturbing relics.

The Department considers that the recommended conditions at **Appendix F** include appropriate measures in relation to the matters raised for consideration in this clause.

Clause 6.5 Stormwater and water sensitive urban design	The Applicant provided an Integrated Water Management Plan.
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The Department has considered the report and the stormwater plans and considers that the matters raised in clause 6.5 have been adequately addressed. The Department has recommended the imposition of Council's recommended conditions in relation to stormwater in **Appendix F**.

Appendix D – Variation of Building Height

Variation of Building Height under Clause 4.6 KLEP

The maximum building height under clause 4.3 of KLEP is 17.5m as shown in **Figure 38**. The variation to the maximum building height is described in **Table 19** and illustrated in **Figure 39**.

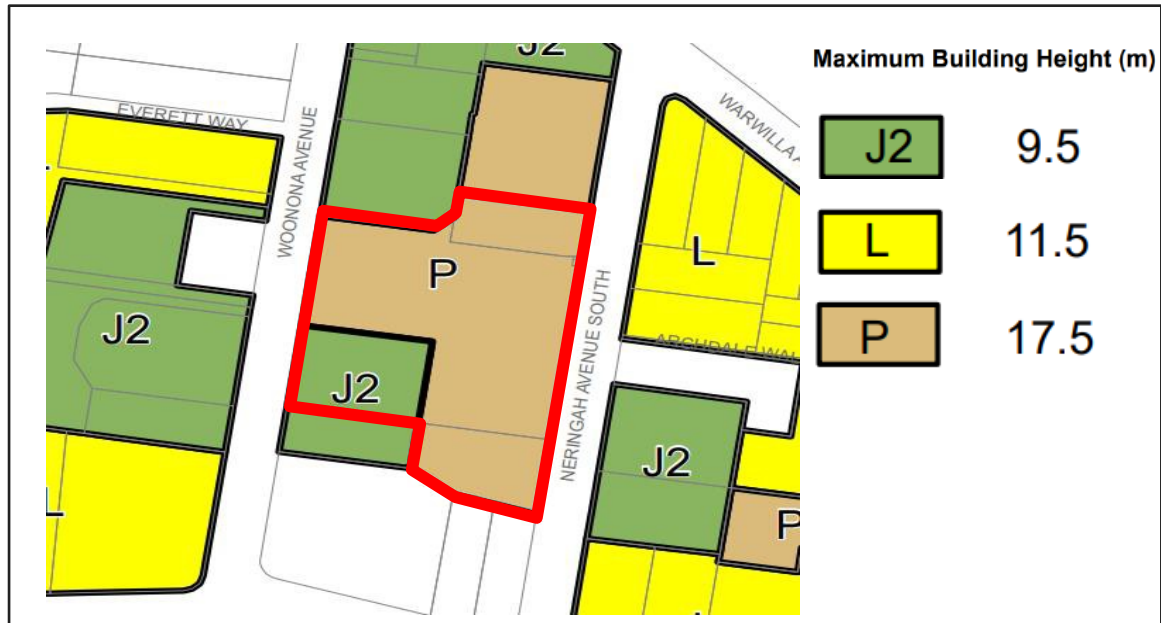
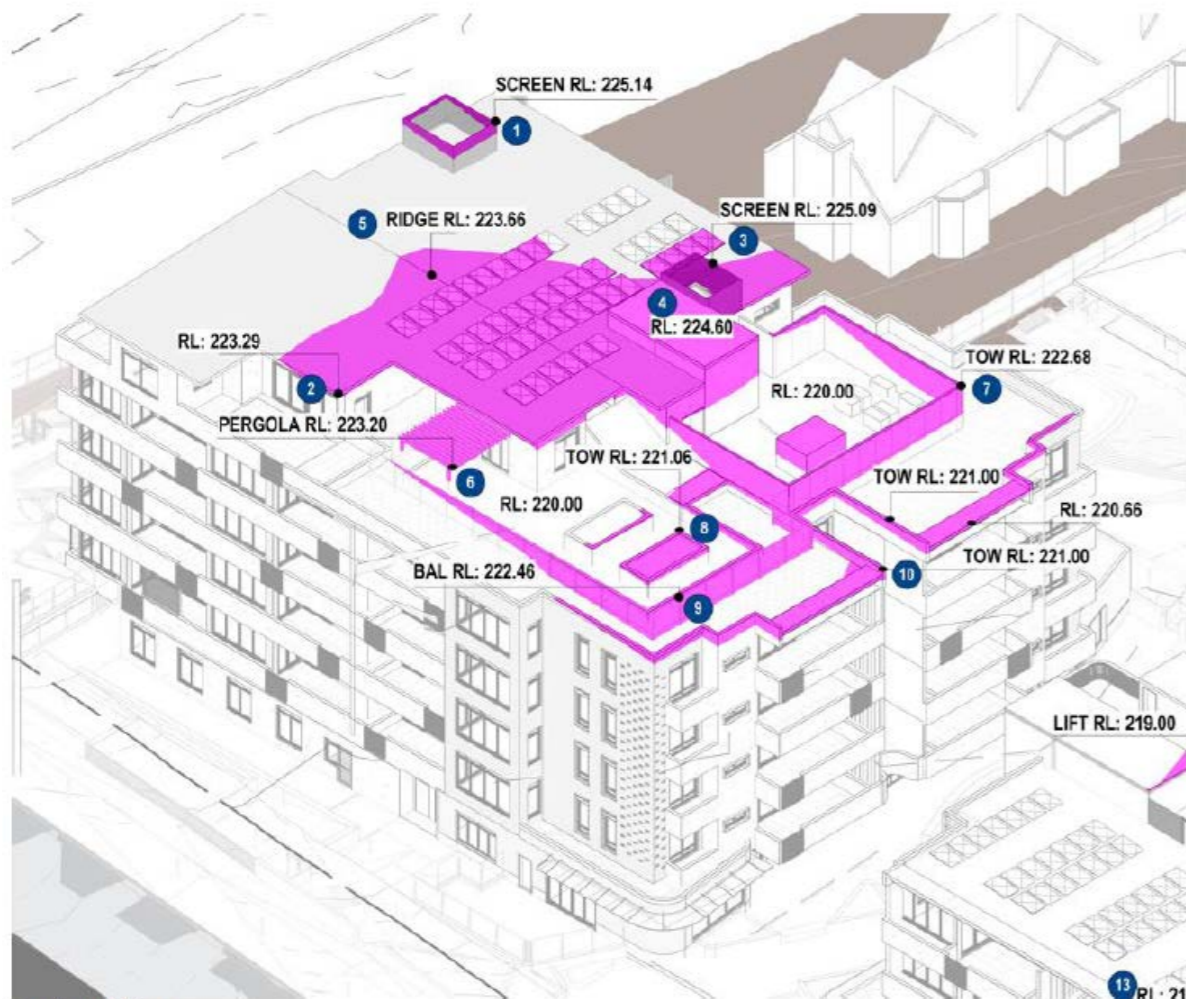


Figure 38 | Maximum building height under clause 4.3 of KLEP. Site outlined in red (source: KLEP)

Table 19 | Proposed variations to the maximum building height of 17.5m

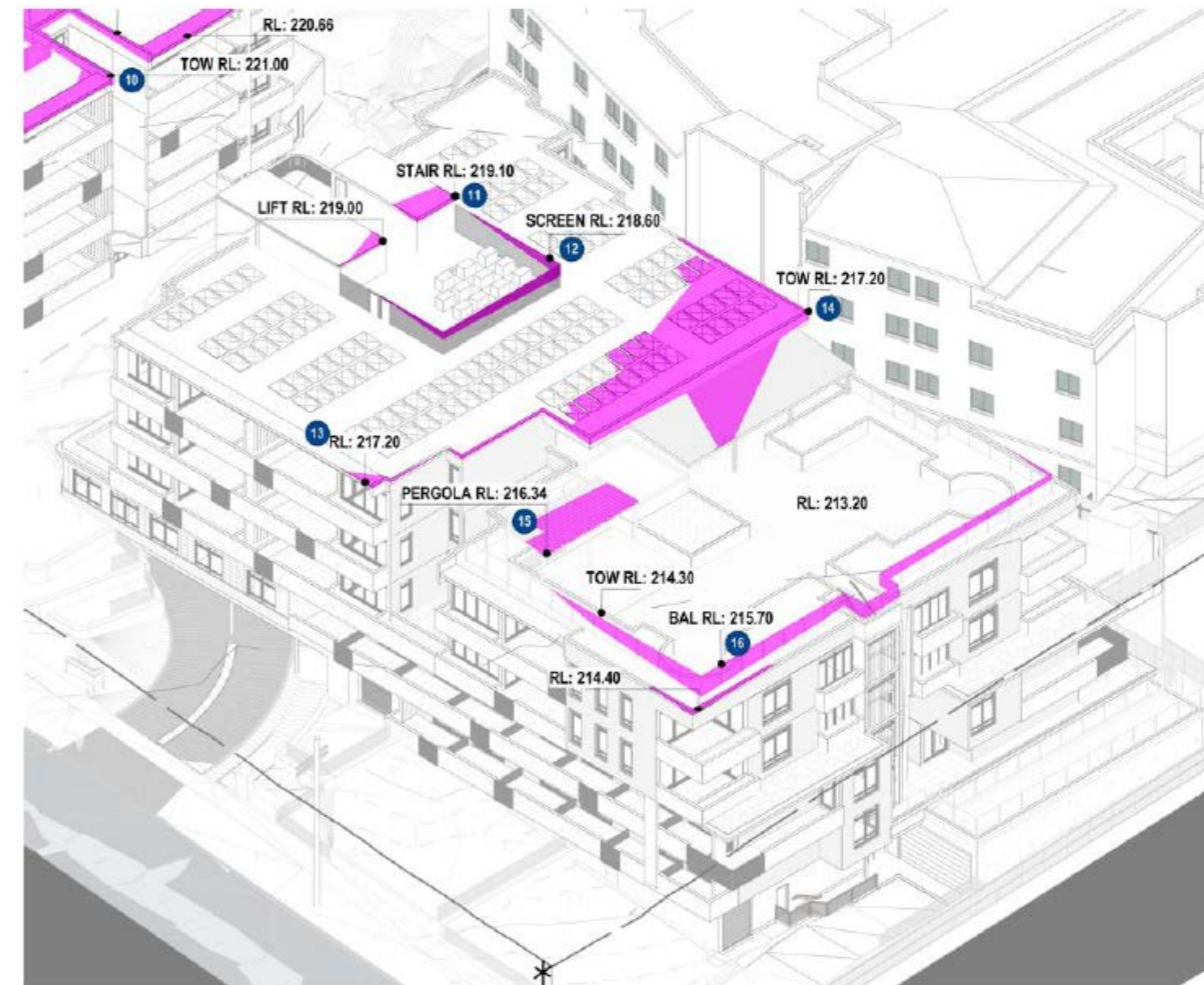
Location	Height Control	Maximum height	Variation
North Building	17.5m	18.92m	1.42m (8.1%)
South Building	17.5m	20.1m	2.6m (14.9%)

Building Component	Extent of maximum protrusion (m)
South	
1. Southern-most Mech Plant (Roof to L5)	0.53m
2. Metal Roof (low point) over apartment 3B	0.43m
3. Mech Plant adjacent to lift	2.01m
4. 4.Lift over run	2.6m
5. Metal Roof (ridge)	1.65m
6. Pergola	0.97m
7. Acoustic barrier around plant (L4)	1.79m
8. Planter wall	0.21m
9. Glazed wind barrier	1.9m
10. Parapet along the northern elevation (L4)	0.52m



South Building

Building Component	Extent of maximum protrusion (m)
North	
11. Lift & stair overrun (L4)	0.4m
12. Mech plant screen	0.84m
13. Concrete feature wrap along Eastern façade (L4)	0.24m
14. Parapet wall on Western side (L4)	0.73m
15. Pergola (L3)	0.2m
16. Glazed wind barrier	1.42m



North Building

Figure 39 | Extent of protrusion above the KLEP height plane (Source: clause 4.6 Request)

Clause 4.6 of KLEP permits the consent authority to consider a variation to a development standard imposed by an environmental planning instrument. The aim of clause 4.6 is to provide an appropriate degree of flexibility in applying development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6(3) requires the following:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
- (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.*

In accordance with clause 4.6(3), the Applicant has prepared a written request to vary the height of buildings.

Clause 4.6(4) provides:

- (4) *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.*

The Department has considered the proposed exception to the height of buildings development standard under clause 4.6, applying the tests arising from various court cases including:

- *Wehbe v Pittwater Council [2007] NSW LEC 827 (Wehbe)*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 (Four2Five)*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 (Initial Action)*
- *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245 (Al Maha)*
- *Micaul Holdings Pty Limited v Randwick City Council [2015] NSWLEC 1386 (Micaul)*
- *Moskovich v Waverley Council [2016] NSWLEC 1015 (Moskovich)*
- *Baron Corporation Pty Ltd v The Council of the City of Sydney [2018] NSWLEC 1552 (Baron Corporation)*

1. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone

The objectives of the R4 High Density Residential Zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for high density residential housing close to public transport, services and employment opportunities.*

The Department is satisfied that the proposed development is consistent with the relevant objectives of the R4 High Density Residential zone, as:

- The proposal will deliver a variety of additional housing options for seniors in the form of 9 x 1 bedroom, 43 x 2 bedroom and 5 x 3 bedroom self-contained dwellings, and 12 x residential care beds for those with higher needs
- The housing needs are provided within a high-density residential environment in the R4 Zone
- The housing is responsive to the needs of the community and the demographic of the area as it is well located being in close proximity to the broader Neringah Hospital, the Wahroonga centre with shops and services, and Wahroonga train station, Accessibility to these facilities and services is provided in accordance with the Seniors SEPP via Archdale Walk
- The development includes a variety of ancillary uses on the site to support the residential population, including a shop, café, salon, library and a chapel which integrate with the broader operation of Neringah Hospital.

2. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the standard

The objectives of the building height development standard in clause 4.3 of KLEP are:

- (a) to ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres,*
- (b) to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,*
- (c) to enable development with a built form that is compatible with the size of the land to be developed.*

The Department notes Wahroonga is identified as a secondary local centre in the Ku-ring-gai Local Strategic Planning Statement (LSPS) but not in the KLEP which does not identify different centres. Assuming the site is in a centre as referred to in the objectives, the Department is satisfied that the proposed development is consistent with the relevant objectives of the development standard, as:

- The site is within an area zoned for R4 High Density Residential development within the KLEP with a maximum height of 17.5m. Surrounding sites of 9.5 to 17.5m contributing to a varied height within and surrounding the centre.

- The surrounding development is generally characterised by medium density residential flat buildings with a 5-6 storey new development to the north at 14-18 Neringah Avenue South (the Sirius development).
- The Department considers that the scale of the buildings provides for an acceptable transition in scale from Wahroonga centre to the lower density residential areas and open space to protect local amenity because:
 - Lower density residential areas are to the west (at Woonona Cottage and 1 Woonona Avenue); the north-west at 15-17 Woonona Avenue; and on the eastern side of Neringah Avenue South. Open space areas are in Balcombe Park on the west side of Woonona Avenue opposite the Stage 1 development and in Archdale Park on the eastern side of Neringah Avenue South and opposite the development. Each of these locations is separated from the locations of the height exceedances.
 - The greatest extent of the height exceedance (demonstrated by **Figure 39** above) is in the central portion of the South Building.
 - Other than minor parapet exceedances and the transparent glazed wind barriers, the height exceedances are not at the transition edges to the lower density residential areas to the east, west and north-west, nor to the open spaces at Archdale Park.
 - The proposal does not result in any adverse overshadowing impacts to the surrounding low density residential development.
 - Local amenity to the lower density residential areas and open space is protected by:
 - setbacks in accordance with the ADG to the north.
 - recommend conditions requiring privacy screens to protect visual privacy for the private open space for 15-17 Woonona Avenue.
 - recommended conditions to reduce noise impacts around the northern driveway waste collection times.
 - The proposed building height steps down to follow the slope of the site and is consistent with the established height of the adjacent Sirius building.
- The built form is compatible with the size of the land to be developed because:
 - The development seeks an FSR of 1.61:1 whilst the maximum FSR for the site is 1.8:1.
 - The built form is five storeys in height which is compatible with the Sirius building to the north and consistent with the KDCP guidance for a five-storey built form.
 - The development complies with the minimum deep soil requirements in the Seniors SEPP and includes significant areas of landscaping throughout the site.
 - The height exceedances are limited to lift overruns, mechanical plant, solar panels, building parapets, glazed balustrades, planter walls and terrace pergolas which do not include gross floor area.

3. Has the consent authority considered a written request that demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and they are satisfied that the matters required to be demonstrated have adequately been addressed

The Applicant demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, having regard to the five tests outlined in *Wehbe v Pittwater Council* [2007] NSWLEC 827. It establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances, as the proposed development achieves the objectives of the standard and accordingly justifies the variation to the height control, meeting the first test outlined in *Wehbe*.

The Department supports the Applicant's conclusions that the proposed development achieves the objectives of the standard. Compliance with the development standard is unnecessary in this case as the objectives of the height standard are still achieved and unreasonable as no purpose is served by requiring strict compliance.

Having considered the Applicant's written request, the Department is satisfied that the Applicant has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

4. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard and with the Court the matters required to be demonstrated have adequately been addressed

The Applicant's written request justifies contravention of the development standard on the following environmental planning grounds:

- Topographical constraints are the primary reason for the protrusions above the height limit.
- The building height is primarily compliant with the height plane other than where the top of the roof slab, lift overruns and plant (including solar panels and acoustic barriers) and some building parapets, glazed balustrades, planter walls and terrace pergolas sit above the remainder of the building.
- The rooftop space provides valuable private communal open space which enhances residential amenity. Full compliance with the height plane would be to the detriment of providing a range of communal spaces with different purposes to suit residents' needs.
- Alternatively, a whole floor would need to be removed to provide rooftop communal open space and compliant lift overruns which would not allow the site to achieve the scale of development envisioned for the site under the Site Compatibility Certificate or the planning controls.
- The proposal has been subject to a rigorous design process. The Site Compatibility Certificate has concluded that the site is suitable for more intensive development that would not compromise compatibility with the surrounding development, and the site provides for an FSR of 1.61:1 which is approximately 1700m² less than the maximum of 1.8:1 would allow.
- The increase in the FSR standard implies the same consideration should be given to building height given the standards are complementary.
- The proposal maintains compliance with the KDCP height in storeys provision of 5 storeys.
- The development does not represent an unsuitable development outcome or overdevelopment of the site nor contribute to a development outcome that is inconsistent with the built form capacity afforded to the site under the planning provisions.
- The variation is not significant or material, ensures that the overall height is appropriate for the site and its context, and does not generate any direct environmental impacts.

- There are no adverse environmental impacts such as overshadowing or visual impacts arising from the height exceedance.
- The proposal is consistent with the objectives of the EP & A Act.

Having considered the Applicant's written request and further to the Department's assessment of height in **Section 6**, the Department is satisfied the Applicant has identified sufficient environmental planning grounds to justify the contravention of the development standard and the matters required to be demonstrated have adequately been addressed. The Department considers the building height exceedance is acceptable given:

- The development is below the maximum FSR for the site and does not present as an overdevelopment of the site.
- The building responds to the topography of the site by stepping down the slope.
- The minor height exceedance of 1.42m (8.1%) for the North Building and 2.6m (14.9%) for the South Building is limited to lift overruns, mechanical services and building elements towards the roof such as parapets, glazed balustrades, planter walls and terrace pergolas which do not include gross floor area.
- The most dominant height exceedances are in the centre of the South building. The exceedances close to the building edges relate to the transparent glazed wind barriers which are set back from the edges of the buildings. This allows for the site to allow for transitions to the lower density residential areas and open spaces.
- There are no adverse visual, view loss, overshadowing or privacy environmental impacts resulting from the height exceedances.
- The building is consistent with the form and height considered for the Site Compatibility Certificate.
- The development is consistent with the five storey building storeys control in Part 7 of the KDCP.

Consequently, the Department considers the Applicant's written request adequately addresses the matters required to be demonstrated under clause 4.4(4) of KLEP and the proposal will be in the public interest because it is consistent with the objectives of the development standard, the objectives for development within the zone, and would result in a built form that would be compatible with the surrounding uses and the size of the land to be developed within a high density residential environment.

Appendix E – Submissions Report

<https://www.planningportal.nsw.gov.au/major-projects/projects/neringah-seniors-housing-hospital>

Appendix F – Recommended Instrument of Approval

The recommended conditions of consent can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/neringah-seniors-housing-hospital>