



DETERMINATION BUSINESS PAPER

LOCAL PLANNING PANEL MEETING

**Wednesday 31 May 2023
at 4:00pm**



TABLE OF CONTENTS

ITEMS

Item 2	LPP17/23 DA/124/2021/A - Section 4.55(2) - Alterations and Additions to Chesalon Nursing Home - 144-146 Beecroft Road, Beecroft	1
Item 3	LPP19/23 Reporting Development Applications for Determination by the Hornsby Local Planning Panel over 180 Days	83

2 DA/124/2021/A - SECTION 4.55(2) - ALTERATIONS AND ADDITIONS TO CHESALON NURSING HOME - 144-146 BEECROFT ROAD, BEECROFT

DA No:	DA/124/2021/A (Lodged on 16 March 2023)
Description:	Section 4.55(2) application to modify the approved alterations and additions to an existing residential aged care facility
Property:	Lot 15 DP 6280, Lot 16 DP 6280, Lot 17 DP 6280, Lot 34 DP 6280 - Chesalon Nursing Home, No. 144-146 Beecroft Road, Beecroft
Applicant:	DJ Thompson Pty Ltd
Owner:	DJ Thompson Pty Ltd
Estimated Value:	\$12,440,447
Ward:	C Ward
Clause 4.6 Request:	N/A
Submissions:	4
LPP Criteria:	The modified development contravenes a development standard by more than 10%
Author:	Katrina Maxwell, Senior Town Planner
COI Declaration:	No Council staff involved in the assessment of this application have declared a Conflict of Interest.

RECOMMENDATION

THAT pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Development Application No. DA/124/2021 for alterations and additions to an existing residential aged care facility at Lot 15,16 & 17 DP 6280, Lot 34 DP 6280 - Chesalon Nursing Home, No. 144-146 Beecroft Road, Beecroft be amended as detailed in Schedule 1 of LPP Report No. LPP17/23.

EXECUTIVE SUMMARY

- The Section 4.55(2) application involves modifications to the nursing home alterations and additions approved under DA/124/2021.
- The proposal generally complies with the Hornsby Local Environmental Plan 2013, the Hornsby Development Control Plan 2013 and State Environmental Planning Policy (Housing) 2021 with the exception of the maximum building height.
- A total of four submissions have been received in respect of the Section 4.55(2) application.
- The application is required to be determined by the Hornsby Local Planning Panel as the development contravenes the Height of buildings development standard under Clause 4.3 of the Hornsby Local Environmental Plan 2013 by more than 10%.
- It is recommended that the application be approved.

- **BACKGROUND**

The site has historically been used for seniors living since circa 1955 and was originally known as “Chesalon Nursing Home”. Council’s records for the residential aged care facility (RACF) date back to 1967.

The RACF has undergone various renovations and extensions over the last 50 years with extensions approved in 1980 and 1983. The last major extension was approved on 8 October 1997, being DA/219/1997 for the demolition of part of an existing nursing home, refurbishment of an existing heritage item and extension to the existing nursing home to accommodate a total of 77 nursing home residents on the subject property.

Between 2010 and 2015, Council has approved various development applications relating to a sprinkler installation, signage and the construction of a freestanding gazebo.

The existing aged care facility ceased operation in 2019. Sometime after Thompson Health purchased the site from Anglicare with the sale including a licence for 76 beds.

On 28 July 2021, Hornsby Local Planning Panel approved alterations and additions to the existing residential aged care facility (RACF).

SITE

The 6,167m² site is located on the south-western corner of Beecroft Road and Murray Road and comprises 4 separate allotments. The site is regular in shape with a 68.5m frontage to Beecroft Road and a 90m frontage to Murray Road. The site experiences an overall fall of approximately 5% toward the rear, southern boundary.

The site currently contains a 76 bed, 1 to 3 storey purpose built RACF with a 33-space car park comprising 22 staff spaces and 11 visitor spaces. The application notes that the RACF recently operated with 32 employees. Vehicle access to the RACF is via Murray Road. A loading bay is located at the rear of the site which can be accessed via small and medium rigid vehicles.

Council records indicate the site is not bushfire or flood prone and is not burdened by any easements or restrictions.

The site directly adjoins dwelling houses to the north, west and east, and an aged care development comprising 11 independent living units to the south/south-west.

The site is located approximately 1km south-west of Cheltenham Railway Station and 1.2km south-east of Beecroft Railway Station and shopping village. The site is within walking distance of a bus stop (200m) on Beecroft Road, providing public a transport connection to local shops (Route 651).

The subject property is in a heritage conservation area, contains a heritage item, and is within the vicinity of sites/ properties that are heritage listed under Schedule 5 of the Hornsby Local Environmental Plan 2013.

APPROVED DEVELOPMENT

On 28 July 2021, Hornsby Local Planning Panel approved alterations and additions to the existing residential aged care facility (RACF) comprising the following works:

- Internal re-configuration of floor space within the RACF including the existing heritage listed building known as “Brunoy”.
- A new vehicle entry and pedestrian drop off bay from Murray Road.
- The construction of additional attic level accommodation.
- The construction of a new wing adjacent to the Beecroft Road frontage.
- Construction of a new waste storage area with roof garden within the south-west portion of the site.
- Refurbishment to the existing staff and service areas including new mini-bus parking.
- Installation of an Ausgrid substation adjacent to Murray Road.
- Landscaping works including the planting of screen trees and courtyard landscaping. 36 trees, 24 palms and hundreds of shrubs and ground covers would be planted.
- The removal of 2 trees and the transplanting of 3 palms.

The approved development would retain the existing number of residential beds, being 76 and would operate 24/7, employing a maximum of 32 staff during the day across a number of shifts.

PROPOSED MODIFICATION

This Section 4.55(2) application proposes to modify the approved alterations and additions to the approved nursing home.

The most substantial modification is the alterations to roof pitch of all buildings other than the heritage building. Most of the roof height would be lowered, however small portions of the roof form would be increased. The increase in building height results from the pitch of the reconfigured roof forms rather than an increase in floor to ceiling heights (see Figure 1 below).



Figure 1: Aerial view of roof

No works are proposed to the heritage listed building. Minor changes to the internal floor plan are also proposed as detailed below:

Basement level

- Re-configuration of basement level including staff amenities, kitchen, laundry, and waste room facilities.
- An air-conditioning plant room would now be located in the basement near the north-eastern boundary.

Lower Ground

- 2 single bed wards would be converted into a lounge dining room.
- Slight relocation of ensuite walls.
- A new egress door would be provided near Ward 1. A window would be installed to Ward 1.
- Re-configuration of cinema room.

Upper Ground floor

- Minor wall relocations. No changes would be made to the number of beds and there would be no reduction in facilities.

Attic Level

- Two single bed wards would be amended to a double suite.
- Minor reconfiguration of lounge/ dining room and staff amenities.

Total number of Beds

- There would be a loss of two beds from the approved 76 beds to 74 beds in the modified RACF.

ASSESSMENT

The development application has been assessed having regard to the Greater Sydney Region Plan - A Metropolis of Three Cities, the North District Plan and the matters for consideration prescribed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STRATEGIC CONTEXT

1.1 Greater Sydney Region Plan - A Metropolis of Three Cities and North District Plan

A Metropolis of Three Cities has been prepared by the NSW State Government to guide land use planning decisions to the year 2056. The population of Greater Sydney is expected to grow by 3.2 million people by 2056. The Plan sets a strategy for accommodating Sydney's future population growth and demographic change, while improving liveability.

The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government uses the District planning process to define objectives and set goals for job creation, housing supply and choice in each District. The *North District Plan* is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney.

Council has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Northern Beaches, Ryde, and Willoughby LGAs to form the North District. The *North District Plan* will be reviewed, and the Government will set housing targets and monitor supply to ensure planning controls are in place to stimulate housing development. The *Metropolis of Three Cities* sets a District 20-year strategic housing target of 92,000 dwellings over the next 20 years.

The proposed application would be consistent with '*A Metropolis of Three Cities*' and the '*North District Plan*' by retaining existing residential care facilities in the locality for seniors and people with a disability.

2. STATUTORY CONTROLS

Section 4.15(1)(a) requires Council to consider "*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations*".

2.1 Environmental Planning and Assessment Act 1979 - Section 4.55(2)

The proposal constitutes a modification under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. Council pursuant to Section 4.55(2), Council may consider an application to amend development consent provided that, inter alia:

- (a) *It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if any at all), and*
- (b) *It has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) *It has notified the application in accordance with—*
 - (i) *The regulations, if the regulations so require, or*
 - (ii) *A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

- (d) *It has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

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

- (3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

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

Section 4.55(2)(b) is not applicable as the development is not an integrated development or a State significant development.

With respect to (c) and (d), the amended application was notified, and 4 submissions were received.

With respect to (3) an assessment of the matters referred to in Section 4.15(1) of the Act, that are relevant to the modified development are addressed within the body of this report. Consideration has also been given to the reasons given by the consent authority in granting the original consent and it is noted that the proposed modifications are consistent with these reasons and the development would continue to meet the desired outcomes of Council's planning controls and the matters for consideration under Section 4.15 of the Act.

2.2 Hornsby Local Environmental Plan 2013

The proposed modification would not alter the permissibility or original assessment of the development against the Hornsby Local Environmental Plan 2013 (HLEP) as detailed below.

2.2.1 Zoning of Land and Permissibility

The subject land is R2 Low density residential under the HLEP. The objectives of the R2 zone are:

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

Seniors housing is a prohibited land use under the HLEP in the R2 zone.

Historically, seniors housing was permissible on the subject R2 zoned land pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD). However, in February 2019, SEPP HSPD was amended so that it did not apply to Heritage Conservation Areas within the Greater Sydney Region until 1 July 2020. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD) has now been repealed by State Environmental Planning Policy (Housing) 2021. Under State Environmental Planning Policy (Housing) 2021, seniors housing is now permitted in a Heritage Conservation Area.

Therefore, the proposed development is permissible under the Housing SEPP which prevails over any inconsistencies with the HLEP.

2.2.2 Height of Buildings

Clause 4.3 of the HLEP provides that the height of a building on any land should not exceed the maximum height shown for the land on the Height of Buildings Map. The specific objectives of Clause 4.3 are:

To permit a height of buildings that is appropriate for the site constraints, development potential and infrastructure capacity of the locality.

The maximum permissible height for the subject site is 8.5m. The original development application sought to contravene Clause 4.3 as the roof pitch of the top storey extended up to a maximum height of 12.5m. The majority of the building form would be slightly lowered; however, the central building element would be slightly raised. A Clause 4.6 Written Request was submitted as part of the original development application.

The modified development under this Section 4.55(2) would not exceed the approved building height of 12.5m, however the height contraventions are located within different sections of the roof (refer to Figures 2 and 3 below).

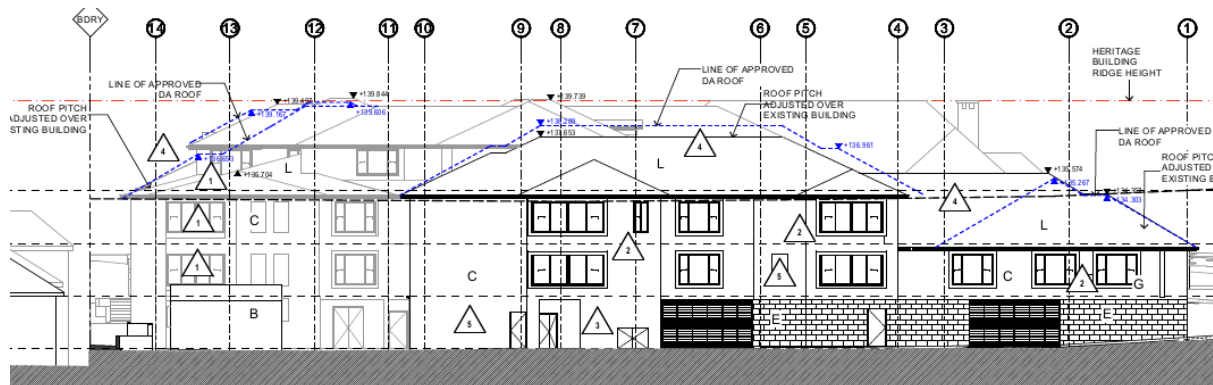


Figure 2: Extract of southern elevation showing approved roofline in blue, and amended roofline in grey

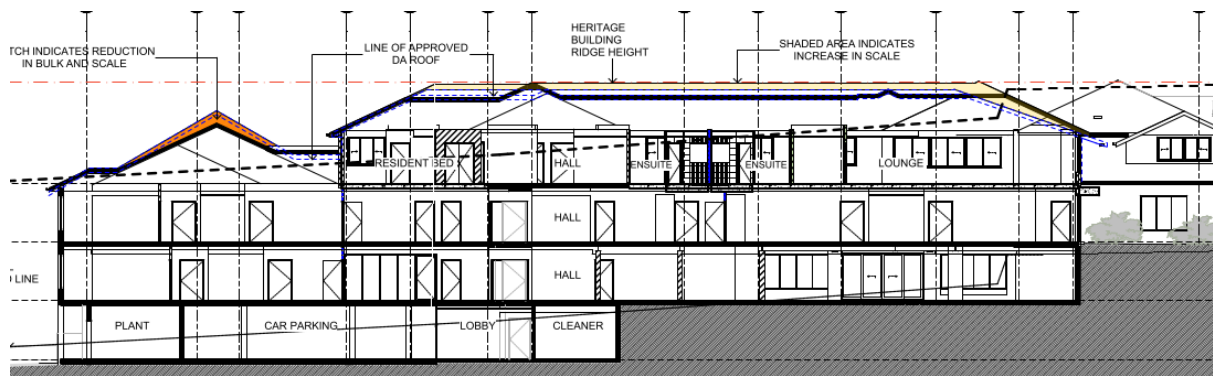


Figure 3: Extract of Section B through the central building element

A merit assessment of height contravention is discussed below.

2.2.3 Exceptions to Development Standards

2.2.3.1 Application of Clause 4.6 to Section 4.55 Modifications

A Section 4.55 modification application can be approved by a consent authority without a Clause 4.6 variation even though it would contravene a development standard. The relevant judgments (originating with *North Sydney Council v Michael Standley & Associates Pty Ltd* [1998] NSWSC 163) say that section 96 (now S4.55) is a 'free-standing provision', meaning that "a modification application

may be approved notwithstanding the development would be in breach of an applicable development standard were it the subject of an original development application". What this means is that it is Section 4.55 itself which authorises the development to be approved notwithstanding any contravention of a development standard. Section 4.55 is a broad power to approve, subject to its own stand-alone tests (such as the “*substantially the same*” test, and a requirement to consider all relevant S4.15 matters). Section 4.55 does not rely upon having any Clause 4.6 contravention to enliven that power to approve.

In *Gann v Sutherland Shire Council* (2008), the Council argued that it would be illogical if a developer could obtain a development consent for a compliant development, and then avoid the need for any a Clause 4.6 contravention by lodging a S4.55 modification to increase the building’s bulk to breach the applicable development standard. The Court however cautioned that:

“This does not mean that development standards count for nothing. Section 96(3) still requires the consent authority to take into consideration the matters referred to in s79C [now s4.15], which in turn include the provision of any environmental planning instrument. That is, any development standard in an environmental planning instrument must be taken into consideration by the consent authority, but the absolute prohibition against the carrying out of development otherwise than in accordance with the instrument in s76A (1) does not apply.”

Section 96 (now S4.55) itself has not been amended since these decisions were given. It still authorises modification-approval to be given even where there is a breach of development standards. As such, Clause 4.6 is not applicable to a Section 4.55 modification - they only arise at DA stage. Indeed, the Courts have stated that Clause 4.6 cannot ever be used at section S4.55 stage as it only applies ‘*where a development application is made*’, not when a modification application is made.

Whilst a formal Clause 4.6 written request is not required for the subject Section 4.55 application, the consent authority is still required to assess the merit of any proposed contravention of a development standard, namely:

- Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
- Whether there are sufficient environmental planning grounds to justify contravening the development standard.
- Whether the proposed development will be in the public interest.

The approved development (DA/124/2021) has a height of 12.5m, equating to a contravention of 4m to the maximum building height requirement of 8.5m (47% contravention of the Height of buildings development standard). The modified development under this Section 4.55(2) application reduces the height of some of the building elements and increases the height of the central building element. However, the amended development does not exceed 12.5m in height at any point within the development.

The applicant has provided the following justification to the modification to the height of the development.

The existing development on the site is already part 3 storeys in locations with a number of existing pitched roof forms already exceeding the 8.5 metre height standard including the roof associated with the heritage listed Chilternham House. Noting that the upper level breaching elements are located predominantly within characteristically pitched roof forms we consider

that the resultant development, as modified, will not be perceived as inappropriate or jarring in the context of the established building heights.

The proposed modifications will have a minor and acceptable impact on the heritage item on the site.

Consistent with the conclusions reached by Senior Commissioner Roseth in the matter of Project Venture Developments v Pittwater Council [2005] NSW LEC 191 we have formed the considered opinion that most observers would not find the proposed development, as modified, by virtue of the building height breaching pitched roof elements offensive, jarring or unsympathetic having regard to the existing and desired future built form characteristics of development on the site and that of development generally within the sites visual catchment.

Further, the minor height of building variation does not lead to a development that is inappropriate having regard to the infrastructure capacity of the locality which is well serviced as reflected by its R2 Low Density Residential zoning. Existing services are capable of accommodating any additional capacity generated by the proposed works.

The building heights proposed remain consistent with the established built form circumstance on the site, appropriately respond to the constraints imposed by the heritage listing of the property and its location within a heritage conservation area, and facilitate the provision of a quantum of floor space that reflects the reasonable development potential of the land, have regards to its established residential care facility used, and result in a building form which does not exceed the infrastructure capacity of the locality.

Having regard to the above, the non-compliant height components of the building will achieve the objectives of the standard to at least an equal degree as would be the case with a development that complied with the building height standard. Given the developments consistency with the objectives of the height of buildings standard strict compliance has been found to be both unreasonable and unnecessary under the circumstances.

The proposed height is considered acceptable and would not result any additional amenity impacts to adjoining properties. Therefore, the contravention to Clause 4.3 of the HLEP is supported in this instance.

2.2.3 Heritage Conservation

1. Clause 5.10 of the HLEP sets out heritage conservation provisions for Hornsby Shire. The property is included as Heritage Item No. 65 (Built) "Brunoy" (Chesalon Nursing Home) in Schedule 5 of the HLEP and is located in the Plateau precinct of the Beecroft-Cheltenham Heritage Conservation Area (HCA). Council's heritage assessment noted that the proposed works do not include any work to the original heritage fabric of the heritage item on site, all modified works are confined to the new and contemporary building and are internal works only. Accordingly, no heritage concerns were raised with respect to the proposed modifications.

2.2.4 Earthworks

2. Clause 6.2 of the HLEP states that consent is required for proposed earthworks on site. Before granting consent for earthworks, Council is required to assess the impacts of the works on adjoining properties, drainage patterns and soil stability of the locality.

The original application (DA/124/2021) was supported by a geotechnical report, prepared by White Geotechnical Group that concluded that no hazards would be created subject to implementation of

the report's recommendations. A condition was therefore recommended that the recommendations of the report are adhered to during construction.

Council's original assessment concluded that the proposal would be satisfactory with regard to earthworks, subject to appropriate conditions regarding the preparation of dilapidation reports assessing impacts of excavation on adjoining properties and earthwork management measures.

No changes to the above are proposed under this modification application. The proposal complies with Clause 6.2 of the HLEP and is considered acceptable in this regard.

2.3 State Environmental Planning Policy (Housing) 2021

This 4.55(2) application has been assessed against the requirements of Chapter 3, Part 5 of State Environmental Planning Policy (Housing) 2021.

2.3.1 Part 5 Housing for Seniors and People with a Disability

Chapter 3 provides State-wide planning controls for the provision of diverse housing types. Part 5 of the Housing SEPP is the prevailing planning instrument for the development of housing for aged and disabled persons in NSW and provides for hostels, residential care facilities, self-contained dwellings, and multi-storey dwellings, on land zoned for urban purposes. The Housing SEPP includes land use planning provisions, design principles, development standards and criteria specific to meet the housing needs of seniors and people with a disability.

The application proposes refurbishment of an existing seniors housing development. An assessment against the relevant requirements of the Housing SEPP is provided below:

2.3.2 Clause 84: Development Standards - General

Clause 84 includes development standards which apply to development for the purpose of seniors housing involving the erection of a building. Development standards relating to site dimensions (area and width) were assessed as part of the original development application. Maximum building height has been discussed in Section 2.2.3 of this report. No services are proposed on the roof and therefore respective development standards relating to height of services on the roof do not apply.

2.3.3 Clause 94 Location and Access to Facilities and Services - Residential Care Facilities

Clause 94 of the Housing SEPP states the following:

- (1) *Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services—*
 - (a) *On-site, or*
 - (b) *By a transport service other than a passenger service.*

The residents will have access to a hair and beauty salon, a doctors' room, cinema, cafes and lounges on-site and therefore amended proposal complies with Clause 94.

3. 2.3.4 Clause 95 Water and Sewer

Clause 95 of the Housing SEPP states the following:

- (1) *A consent authority must not consent to development under this Part unless the consent authority is satisfied the seniors housing will—*

- (a) *Be connected to a reticulated water system, and*
- (b) *Have adequate facilities for the removal or disposal of sewage.*

The site is serviced by reticulated water and Sydney Water sewage system.

4. 2.3.5 Division 6 Design Principles

Clause 98 Design of Seniors Housing of the Housing SEPP states that “a consent authority must not consent to development for the purposes of seniors housing unless the consent authority is satisfied that the design of the seniors housing demonstrates adequate consideration has been given to the principles set out in Division 6.”

Division 6 of the *Housing SEPP* provides design principles in which seniors housing should comply with. The below table provides an assessment of the proposed development against these principles.

Principle	Assessment	Complies
Section 99 - Neighbourhood Amenity and Streetscape	The proposed development involves internal alterations which would not impact the neighbourhood amenity. The only external amendments relate to the inclusion of a window and door on the lower ground floor which would have negligible impact to the streetscape.	Yes
Section 100 - Visual and Acoustic Privacy	The proposed development would not alter the existing visual and acoustic privacy impacts as it does not propose additional windows or openings. The Airconditioning plant room would be located below the boundary fence line and the existing conditions of consent would cover acoustic impacts.	Yes
Section 101 - Solar Access and Design for Climate	This clause is not relevant as it refers to the construction of a new development not alterations and additions to an existing.	N/A
Section 102 - Stormwater	The proposed development does not increase or modify the existing stormwater infrastructure.	Yes
Section 103 - Crime Prevention	The proposed development does not affect crime prevention considerations and the works primarily relate to internal refurbishment and roof pitch	N/A
Section 104 - Accessibility	Accessibility is discussed in Section 3.2.1 of this report and is considered acceptable.	Yes
Section 105 - Waste Management	The operational waste management facilities for the buildings will continue and is not proposed to be amended.	Yes

The proposed development complies with the design principles set out in Division 6 of the Housing SEPP and is considered acceptable.

5. 2.3.6 Division 7: Non-discretionary development standards

Clause 107 provides non-discretionary development standards for residential care facilities; the table below sets out the applications compliance with these standards:

Development Standard		Assessment	Complies
a)	Building Height: 9.5m excluding servicing equipment on the roof	The proposed works do not increase the height of the existing approved building.	Yes
b)	Servicing equipment	Servicing equipment on the roof is not proposed.	N/A
c)	Density and Scale: FSR 1:1 or less	All proposed works occur within the external walls of the existing building do not alter the gross floor area of the buildings.	No change
d)	Landscaped Area: 15m ² per bed	No change is proposed to the existing landscaped area.	Yes
e)	Deep Soil Planting: 15% of the site area	No change is proposed to the existing landscaped area.	Yes
f)	Parking: 1 car space for every 15 beds, and 1 car space for every 2 employees	The car parking provision is unchanged and therefore compliance with the standard is unaffected.	No change

The proposed development complies with the non-discretionary development standards of the Housing SEPP and is considered acceptable.

2.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

The original application was assessed against the requirements of State Environmental Planning Policy (Infrastructure) 2007 which has now been repealed and superseded by State Environmental Planning Policy (Transport and Infrastructure) 2021.

6. 2.4.1 Development with frontage to a classified road

The original proposal was assessed against the requirements of Clause 101 of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) as the site has frontage to the Beecroft Road. This clause has been superseded by Clause 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021. As this modification would not substantially change the access to Beecroft Road or the appearance of the development from Beecroft Road, no further assessment is required.

7. 2.4.2 Impact of road noise or vibration on non-road development

The original proposal was assessed against the requirements of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP). This clause has been superseded by Clause 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021. As this modification would not substantially change the building materials, or window or door locations no further assessment is required. A condition was included in the original consent requiring the development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, and the requirements of the Department of Planning's *Development Near Rail Corridors and Busy Roads – Interim Guideline*. This condition has been retained in Schedule 1.

2.5 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The original application was assessed against the requirements of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP) and Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. These policies have been repealed and Chapters 2 Vegetation in Non-Rural Areas and 6 Water Catchments of State Environmental Planning Policy (Biodiversity and Conservation) 2021. This Section 4.55(2) would not hinder compliance with either Chapter 2 or Chapter 6 of this policy.

2.5.1 Chapter 2 Vegetation in Non-Rural Areas

Chapter 2 of this policy aims to protect the biodiversity and amenity values of trees within non-rural areas of the state. Part 2.3 of the policy states that a development control plan may make a declaration in any manner relating to species, size, location and presence of vegetation. Accordingly, Part 1B.6.1 of the HDCP prescribes works that can be undertaken with or without consent to trees and objectives for tree preservation.

All physical works subject to the Section 4.55(2) application would be internal to the approved building footprint. Accordingly, further assessment under Chapter 2 of the Biodiversity and Conservation SEPP is not required.

2.5.2 Chapter 6 Water Catchments.

The site is located within the catchment of Sydney Harbour. The aim of this chapter is to protect the environment of the Sydney Harbour system by ensuring that the impacts of development are considered in the regional context. Part 6 of this Plan contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, significant vegetation habitats, extraction, environmental heritage and scenic quality, recreation and tourism, and agriculture.

Subject to the implementation of the sediment and erosion control measures and stormwater management measures imposed as conditions under the original consent, the proposal would not impact on the water quality of the catchment and would comply with the requirements of Chapter 6 of the Biodiversity and Conservation SEPP.

2.6 State Environmental Planning Policy (Resilience and Hazards) 2021

At the time DA/124/2021 was determined State Environmental Planning Policy No. 55 (SEPP 55) was in force. This has now been repealed by State Environmental Planning Policy (Resilience and Hazards) 2021.

The application has been assessed against the requirements of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021.

2.6.1 Chapter 4 Remediation of Land

Section 4.6 of the Resilience and Hazard SEPP states that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use.

A search of Council's records and aerial images reveals that the property has been historically used for residential and aged care purposes with no record of any site contamination. The original assessment of DA/124/2021 concluded that, the site would be suitable for the continued use and no further assessment in relation to this policy is required.

Therefore, no further assessment under chapter 4 of the Resilience and Hazards SEPP is required.

2.7 Section 3.42 Environmental Planning and Assessment Act 1979 - Purpose and Status of Development Control Plans

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

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

2.8 Hornsby Development Control Plan 2013

The modified development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Hornsby Development Control Plan 2013 (HDCP).

Council notes that the proposal has been assessed predominantly against the requirements of SEPP (Housing) 2021 in accordance with the prescriptive measure of Part 7.2 of the HDCP which states development for seniors housing should comply with the planning controls in the SEPP.

2.8.1 Accessible Design

The original application included a Statement of Compliance Access for People with a Disability (dated 27/10/2020) and a Building Code of Australia Assessment (dated 10/12/2020) which outlined the proposed developments compliance with the Building Code of Australia and Disability (Access to Premises - Buildings) Standards 2010. The statement also includes an assessment of Schedule 4 of the Housing SEPP as discussed in Section 2.2.1 of this report.

Council's assessment of the application has determined that the proposed development would comply with the BCA and accessibility standards and is considered acceptable.

2.8.2 Scale

A discussion regarding the scale of the proposal is provided in Section 2.2.2 of this report.

2.8.3 Setbacks

The approved alterations and additions under DA/124/2021 complied with all setback requirements under the HDCP. All boundary setbacks would be maintained under this Section 4.55 Application.

2.8.4 Sunlight Access

8. The original development application was accompanied by solar access diagrams. As there is no increase to the overall building height of the buildings as part of this Section 4.55(2) application, amended solar access diagrams are not required in this instance. The majority of building elements facing the side and rear boundaries would be reduced in height.

2.8.5 Privacy

The original development application identified sensitive residential receptors at No. 16 Murray Road and No. 142 Beecroft Road. Existing building setbacks would be maintained. The only additional window and door would be to the southwestern elevation of the lower ground floor level facing Murray Road and therefore there are no additional privacy issues as a result of the proposed modification.

2.8.6 Vehicular Access and Parking

A merit assessment of height contravention is discussed in Section 2.2.3. The original development application was supported by a Traffic Impact Assessment (TIA) prepared by Terraffix Pty Ltd dated 23/12/2020. This Section 4.55(2) application would not increase car parking demand or traffic movements and as such a revised TIA is not required.

2.8.7 Waste Management

No changes to the approved waste management are proposed under this modification application.

Subject to conditions, the proposal is acceptable with regards to Part 1C.2.3 Waste Management of the HDCP

2.9 Contributions Plans

9. Hornsby Shire Council Section 7.12 Contributions Plan 2019-2029 applies to the development as the estimated costs of works is greater than \$100,000. The original consent included a condition requiring the payment of a contribution in accordance with the Plan. The Applicant has provided advice that the cost of works does not change because of the proposed modifications. No changes to the contribution amount are required as part of this modification application.

3 ENVIRONMENTAL IMPACTS

Section 4.15(1)(b) of the Act requires Council to consider *“the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*.

3.1 Natural Environment

3.1.1 Tree and Vegetation Preservation

10. The original development application included the removal of two trees and the replanting of 36 trees, 24 palms and hundreds of shrubs. This Section 4.55(2) application does not propose to remove any additional tree nor impact any trees or vegetation.

3.1.2 Stormwater Management

11. This Section 4.55(2) application does not propose to alter the existing stormwater system.

3.2 Built Environment

3.2.1 Built Form

The original application was supported by an Access Report prepared by Accessible Building Solutions

No changes are proposed in this regard and the modified development remains compliant with the relevant accessibility provisions and pedestrian and vehicle safety requirements.

Discussion regarding the impact of the proposal on the built environment is provided in Section 2.8.2 of this report.

3.2.2 Traffic

A traffic and parking assessment was prepared by Terraffix Pty Ltd (dated 23/12/2020) in support of the original development application.

This Section 4.55(2) does not include any increase to the number of resident beds, increase in staff numbers or a reduction in car parking spaces. Therefore, there are no traffic or parking impacts associated with this Section 4.55(2) Application.

3.3 Social Impacts

The development would continue to provide housing for seniors in a high-care environment. The proposed development would result in a social benefit for the occupants of the facility by providing higher quality living areas.

There would be a number of multiplier effects that the development would provide throughout the local and regional economies through the construction phase of the development.

3.4 Economic Impacts

The proposal would have a minor positive impact to the local economy by generating an increase in local employment opportunities

4 SITE SUITABILITY

Section 4.15(1)(c) of the Act requires Council to consider *“the suitability of the site for the development”*.

The subject site has not been identified as bushfire prone or flood prone land. The site is considered to be capable of accommodating the proposed development. The scale of the proposed development is consistent with the capability of the site and is considered acceptable.

5 PUBLIC PARTICIPATION

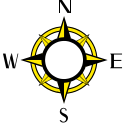
Section 4.15(1)(d) of the Act requires Council to consider *“any submissions made in accordance with this Act”*.

5.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 20 March 2023 and 10 April 2023 in accordance with the Hornsby Community Engagement Plan. During this period, Council received four submissions. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED		PROPERTY SUBJECT OF DEVELOPMENT	
-----------------------	------------------------	---	---------------------------------	---

The merits of the matters raised in community submissions have been addressed in the body of the report with the exception of the following:

Four submissions objected to the development, generally on the grounds that the development would result in:

5.1.1 Overshadowing

- The drawings lack the same detail as in the original DA with respect to overshadowing. In approving the original DA, it was accepted by Council that the current maximum building height of 8.5 metres could be exceeded as the overshadowing of adjacent properties would be minimal.
- A lot of work has been completed already on the roof that contributes to the overshadowing before the closing date for submissions. This is not consistent with a DA process.

Comment: DA/124/2021 included the additional attic level and therefore solar access diagrams were required to support the development application. There is no increase to the overall height of the development as part of this Section 4.55 Application and the majority of the buildings closest to be

boundaries would be reduced in height. Therefore, there is no requirement for amended solar access diagrams as part of this development application.

5.1.2 Appeal Rights

- This Development application was determined by Council on 28 July 2021. Section 8.2 of the Act allows an applicant a right to request council review its determination, within 12 months from the date of the notice of determination.
- This time period has now lapsed. It would also appear that many of the alterations sought to the original determination are a fait accompli, such as the roof pitches on the existing buildings are already done and the application is effectively merely to ratify those alterations.

Comment:

The Applicant has submitted a 4.55(2) Application and not a Section 8.2 Application. The 12 month review period does not apply in this instance.

5.1.3 Noise

- The amended location of air conditioning plant room and impact on adjacent residential properties. Little information is provided regarding the proposed air conditioning room on the north western boundary of the site including how noise will be ameliorated. This room will have windows and a door facing towards a neighbours bedroom.
- Existing conditions regarding noise should be highlighted in the amended notice of determination. further limitations on noise by Regulations as to hours of operation and would ask that they be also highlighted in any determination.
- The A/C Plant Room operating 24 hrs/day situated adjacent to our main bedroom, which will potentially impact neighbours sleep.
- Windows and doors shown on the plan will not adequately provide noise insulation, any generated noise may be exacerbated by the surrounding concrete walls.
- The kitchen is situated nearby with its freezer, cold room and exhaust fans. The location of the freezer and cold room machinery which will also have noise impact from this source as well.
- Any entry door should be in the vehicle parking area as shown in Drawing A-16 to minimise any noise emanated towards our premises

12. Comment: The application does not propose to increase the number of approved beds or staff at the facility. As a consequence, the amount of waste and service vehicles accessing the site is not anticipated to increase. In order to ensure that the existing boundary fence is effective in noise mitigation, a condition was included in the original consent that boundary fence be upgraded to include an additional layer of lapped palings to improve its effectiveness and be certified by an acoustic consultant to be gap free. This condition is retained in Schedule 1.

5.1.4 Clarity of Plans

- Difficulty considering the amended application as there are various alterations on the Master Plans Set, in various colours without any written explanation.

- However, there are conflicts in the Master Plan Drawings plans provided. Drawing A-02 shows the entry door to the A/C Plant Room to the rear (facing our boundary) whereas Drawing A-12 and A-16 show the entry door toward the vehicle parking space.

Comment: Amended elevation plans were submitted which removed unnecessary colour and fences, making the plans easier to read. Sufficient detail has been provided to enable a thorough and accurate assessment by Council assessment officers. The amended elevation plans were published on Council's website to enable the public to view them, and the author of this submission was provided with hard copy of the plans to assist with viewing the proposed amendments.

5.2 Public Agencies

This Section 4.55(2) application was not referred to any Public Agencies for comment.

6 THE PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires Council to consider "*the public interest*".

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council's and relevant agencies' criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

CONCLUSION

The Section 4.55(2) application proposes to modify the approved alterations and additions to an existing residential aged care facility.

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

Council received four submissions during the public notification period. The matters raised have been addressed in the body of the report.

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

The reasons for this decision are:











- The proposed modifications comply with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- The proposed modifications do not create unreasonable environmental impacts to adjoining development with regard to visual bulk, solar access, amenity or privacy.

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

CASSANDRA WILLIAMS
Major Development Manager - Development
Assessments
Planning and Compliance Division

ROD PICKLES
Manager - Development Assessments
Planning and Compliance Division

Attachments:

1.   Locality Plan
2.   Architectural Plans
3.   Landscape Plan
4.   Survey Plan
5.   DA/124/2021 - Approved Plans

File Reference: DA/124/2021/A

Document Number: D08628545

SCHEDULE 1

Date of this modification:

Details of this modification: Section 4.55(2) application to modify the approved alterations and additions to an existing residential aged care facility

Conditions Added: Nil

Conditions Deleted: Nil

Conditions Modified: 1

ITEM 2

GENERAL CONDITIONS

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

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

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

1. Approved Plans and Supporting Documentation

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

Approved Plans

Plan No.	Plan Title	Drawn by	Dated	Council Ref.
DA-02—A	Site Plan	Gartner-Trovato Architects	21/12/2020	D08217885
DA-03—B	Basement Plan	Gartner-Trovato Architects	22/03/2021	D08217885
DA-04—B	Lower Ground Plan	Gartner-Trovato Architects	22/03/2021	D08217885
DA-05—B	Upper Ground Plan	Gartner-Trovato Architects	22/03/2021	D08217885
DA-06—A	Attic Level	Gartner-Trovato Architects	21/12/2020	D08217885
DA-07—B	Elevations North and South	Gartner-Trovato	22/03/2021	D08217885

		Architects		
DA-08 – B	Elevations East and West	Gartner Trovato Architects	22/03/2021	D08217885
DA-09 – A	Sections	Gartner Trovato Architects	21/12/2020	D08217885
DA-14 – B	Heritage Building Plan	Gartner Trovato Architects	22/03/2021	D08217885
DA-15 – B	Heritage Building Elevations	Gartner Trovato Architects	22/03/2021	D08217885
2010 DA-L01 to DA-L06	Landscape Plans	Trish Dobson	17/12/2020	D08217885
A-01 – A	Site Plan	Gartner Trovato Architects	13/03/2023	
A-02 – A	Basement Plan	Gartner Trovato Architects	13/03/2023	
A-03 – A	Lower Ground Plan	Gartner Trovato Architects	13/03/2023	
A-04 – A	Upper Ground Plan	Gartner Trovato Architects	13/03/2023	
A-05 – A	Attic Level	Gartner Trovato Architects	13/03/2023	
A-06 – B	Elevations North	Gartner Trovato Architects	01/05/2022	
A-07 – B	Elevations South	Gartner Trovato Architects	01/05/2022	
A-08 – B	Elevations West	Gartner Trovato Architects	01/05/2022	
A-09 – B	Elevations East	Gartner Trovato Architects	01/05/2022	
A-12 – A	Area Calculation Plans	Gartner Trovato Architects	13/03/2023	
DA-14 – B	Heritage Building Plan	Gartner Trovato Architects	22/03/2021	D08217885
DA-15 – B	Heritage Building Elevations	Gartner Trovato Architects	22/03/2021	D08217885
A-17 – A	Sections	Gartner Trovato Architects	27/04/2023	
2010 DA-L01 to DA-L06	Landscape Plans	Trish Dobson	17/12/2020	D08217885

Supporting Documentation

Document Title	Prepared by	Dated	Council Ref.
Acoustic Report (20201196.1)	Acoustic Logic	21/04/2021	D08149979
Arboricultural Impact Assessment (4321)	Rain Tree Consulting	7/12/2021	D08102894

Arboricultural Tree Protection Plan (4321)	Rain Tree Consulting	30/03/2021	D08135438
Demolition and Construction Waste Management Plan	Waste Audit and Consultancy Services	03/2021	D08119709
Operational Waste Management Plan	Waste Audit and Consultancy Services	10/2020	D08102915
Statement of Compliance Access for People with a Disability (220122)	Accessible Building Solutions	27/10/2020	D08102943
Parking Assessment (20076)	Terraffic Pty Ltd	23/12/2020	D08102908
Geotechnical Investigations (J2903)	White geotechnical group	03/09/2021	D08102989
Civil Services Plans (NSW201039)	ACOR Consultants	14/10/2020	D08102896
Building Code of Australia Assessment (20-215487_CapStat_R03)	Philip Chun Building Compliance	10/12/2020	D08102895

2. Amendment of Plans

- a) To comply with Councils requirement in terms of privacy, the approved architectural plans prepared by Gartner Trovato Architects are to be amended as follows:
 - i) Fixed frosted glazing must be installed on all bathroom windows facing the southern and western boundaries.
- b) The amended plans must be submitted with the application for the Construction Certificate.

3. Section 7.12 Development Contributions

- (a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 7.12 Development Contributions Plan 2019-2029*, \$124,404.45 must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of \$12,440,447.
- (b) The value of this contribution is current as of 23 June 2021. If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 7.12 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

Where:

\\$C_{PY} is the amount of the contribution at the date of Payment.

\\$C_{DC} is the amount of the **contribution** as set out in this Development Consent.

CPI_{PY} is the latest release of **the** Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price **Index** (Sydney – All Groups) for the financial quarter at the date of this Development Consent.

- (c) The monetary contributions shall be paid to Council:
- (i) Prior to the issue of the Subdivision Certificate where the development is for subdivision.
 - (ii) Prior to the issue of the first Construction Certificate where the development is for building work.
 - (iii) Prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work.
 - (iv) Prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

Note: It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Note: The Hornsby Shire Council Section 7.12 Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

4. Removal of Trees

- a) This development consent permits the removal of trees numbered T1a and T38a as identified in the Arboricultural Impact Assessment prepared by Rain Tree Consulting Arboricultural Management dated 7/12/2020, and Tree Protection Specification (including plan) provided by Rain Tree Consulting Arboricultural Management dated 30/3/2021.
- b) Trees number T21, T22, T36 and T49 must be relocated to an alternate location within the property as specified in the landscape plans prepared by Trish Dobson.
- c) No consent is granted for the removal of any other trees on site or on adjoining sites.

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

5. Construction Certificate

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any construction works under this consent.
- b) A Subdivision Works Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any subdivision works under this consent.
- c) A separate Subdivision Works Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.
- d) A separate Subdivision Works Certificate must be obtained from Council for all works within drainage easements vested in Council.
- e) The Construction Certificate / Subdivision Works Certificate plans must be consistent with the Development Consent plans.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Building Code of Australia Upgrade

- a) To ensure the protection of persons using the building and to facilitate egress from the building in the event of a fire, the application for a construction certificate must demonstrate that the existing building (aside from the heritage building fabric) has been upgraded to comply with the current *National Construction Code – Building Code of Australia*. Upgrade documentation shall have regard for the Building Code Review by Philip Chun dated 10th December 2020.

7. Fire Safety Schedule

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

8. Sydney Water – Approval

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

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

9. Accessibility

- a) The construction certificate plans must be certified by an accredited access consultant in accordance with the recommendations and the requirements for ongoing design detailed in the Statement of Compliance prepared by access building solutions.

10. Identification of Survey Marks

A registered surveyor must identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the

proposed development shall be undertaken by a registered surveyor in accordance with Section 24 (1) of the *Surveying and Spatial Information Act 2002* and following the Surveyor General's Directions No.11 – *Preservation of Survey Infrastructure*.

11. Stormwater Drainage

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

- a) Connected directly to the existing pipeline in Murray Road via the on-site detention system and water quality control system.

12. On Site Stormwater Detention/Water Quality Control System

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

- a) Have a capacity of not less than 24 cubic metres, and a maximum discharge (when full) of 163 litres per second.
- b) Have a surcharge/inspection grate located directly above the outlet.
- c) Discharge from the detention system must be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d) The water quality control system is required to be designed to achieve a reduction of 90% Gross Pollutants, 80% Total Suspended Solids, 60% Total Phosphorous and 45% Total Nitrogen.

13. Internal Driveway/Vehicular Areas

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

- a) Design levels at the front boundary be obtained from Council.
- b) The driveway be a rigid pavement.

14. Electrical Kiosks and Fire Booster

- a) Electrical kiosks and fire booster assemblies must be located in unobtrusive locations away from vehicle and pedestrian entrances to the property. The utilities must be softened by a built screen and/or landscaping so as not to impact on the streetscape.
- b) Details of compliance with this requirement must be provided prior to issue of the Construction Certificate.

15. Certification of Traffic Engineer

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

16. Certification of Acoustic Report Recommendations

Prior to the issue of a Construction Certificate, a Certificate from an appropriate qualified acoustic consultant is to be submitted to the Principal Certifying Authority (PCA) certifying that the plans are capable of complying with the recommendations contained within the Acoustic Assessment report prepared by Acoustic Logic dated 21/04/2021, Report No. 20201196.1 and this consent as well as "*Development Near Rail Corridors and Busy Roads - Interim Guidelines 2008*".

17. Retaining Walls

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

18. Waste Management Details

The following waste management requirements must be complied with:

- a) Should there be any conflict or confusion between approved plans and/or consent conditions related to the waste management system or the waste collection vehicle travel path on site, then written clarification must be obtained from Council. The approved on-going waste management system must not be amended without the written consent of Council.
- b) The waste carting route from RACF to the bin storage room must be no less than 1.55m wide (including doorways), must be direct, must not include any steps and must be wholly within the site. The use of the public footpath to cart waste is not permitted.
- c) There must be no steps along any bin carting route. Ramps and service lifts are acceptable.
- d) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the waste storage room(s) have been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:
 - i) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting.
 - ii) The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface coved at all intersections.
 - iii) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned.
 - iv) The room is to be provided with artificial light controllable within the room and adequate ventilation.
 - v) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - vi) The doors are to be robust and lockable, with a door opening of no less than 2m. The doors must be able to be opened from inside the room without a key.

Note that 240L bins are 600mm wide, 750mm deep, 1100mm high; 660L bins are 1370mm wide, 850mm deep, 1250mm high; 1100L bins are 1370mm wide, 1245mm deep, 1470mm high; allow 75 mm between bins for ease of manoeuvring and to avoid damage to walls and doors from bins scraping against them.

- e) A Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:
- i) An estimate of the types and volumes of waste and recyclables to be generated.
 - ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas.
 - iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed.
 - iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

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

19. Heritage

- a) An Interpretation Plan for Brunoy be submitted and agreed to in writing by Council's Heritage officer prior to works commencing to the interior or exterior of Brunoy and the issuance of a construction certificate.
- b) Archival recording of significant fabric and spaces of Brunoy be undertaken prior to works commencing and the issuance of a construction certificate to the interior or exterior of Brunoy. A copy of the archival recording is to be lodged with Hornsby Shire Council Library.

20. Construction Management Plan (CMP)

To assist in the protection of the public, the environment and Council's assets, a separate Construction Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer and AQF 5 arborist, and submitted to Council's Compliance Team at:

<https://www.hornsby.nsw.gov.au/property/build/applicationforms> for review and approval.

The CMP must include the following details:

- a) A Construction Traffic Management Plan (CTMP) including the following:
 - i) The order of construction works and arrangement of all construction machines and vehicles being used during all stages.
 - ii) The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
 - iii) A statement confirming that no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.

- iv) The Plan shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018* and detail:
 - (a) Public notification of proposed works.
 - (b) Long term signage requirements.
 - (c) Short term (during actual works) signage.
 - (d) Vehicle Movement Plans, where applicable.
 - (e) Traffic Management Plans.
 - (f) Pedestrian and Cyclist access and safety.
- v) Traffic controls including those used during non-working hours. Pedestrian access and two-way traffic in the public road must be able to be facilitated at all times.
- vi) *Note: A Road Occupancy Licence obtained from Transport Management Centre may be required for any traffic control impacting on flows along Beecroft Road during construction activities.*
- vii) Details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
- viii) Confirmation that a street 'scrub and dry' service will be in operation during all stages of works.
- ix) Proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development.
- x) Swept path analysis for ingress and egress of the site for all stages of works.

Note: All vehicle access and egress from the site shall be in a forward-facing direction. An application must be made to, and a permit obtained from Hornsby Shire Council obtained temporary road closure permit must be made and obtained issued by Council if vehicles are required to reverse into the site.
- xi) Site plans for all stages of works including the location of site sheds, concrete pump and crane locations, unloading and loading areas, waste and storage areas, existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.
- xii) The total quantity and size of trucks for all importation and exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.
- xiii) The number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.
- xiv) The maximum number of trucks travelling to and from the site on any given day for each stage of works.

- xv) The maximum number of truck movements on any given day during peak commuting periods for all stages of works.
 - xvi) The source site location of any proposed fill to be imported to the site, for all stages of works.
 - xvii) The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
 - xviii) If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
- b) A Construction Waste Management Plan detailing the following:
- i) Details of the importation or excavation of soil and fill, the classification of the fill, disposal methods and authorised disposal depots that will be used for the fill.
 - ii) Asbestos management requirement and procedures for removal and disposal from the site in accordance with *AS 2601–2001 The demolition of structures*, and the *Protection of the Environment Operations (Waste) Regulation 2005*.
 - iii) General construction waste details including construction waste skip bin locations and litter management for workers.
- d) A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with any approved Arboricultural Impact Assessment and tree location plans, detailing the following:
- i) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and specific details of tree protection measures inclusive of distances (in metres) measured from tree trunks.
 - ii) Construction methodology to avoid damage to trees proposed to be retained during construction works.
 - iii) Specifications on tree protection materials used and methods within the TPZ or SRZ.
 - iv) Location of dedicated material storage space on site outside of TPZ's and SRZ's for retained trees.
- e) A Construction Noise and Vibration Management Plan (CNMP) which includes:
- i) Existing noise and vibration levels within the proximity of the proposed development site.
 - ii) Details of the extent of rock breaking or rock sawing works forming part of the proposed development works.
 - iii) The maximum level of noise and vibration predicted to be emitted during each stage of construction.
 - iv) The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.

- v) Details of mitigation measures, inclusive of respite periods, that will meet acoustic standards and guidelines at each stage of works.
- vi) Details of a complaints handling process for the surrounding neighbourhood for each stage of works.
- f) Identification of approved sediment and erosion control measures.
- g) The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.

21. Noise – Road Corridor

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled 144-146 Beecroft Road, Beecroft NSW Development Application, prepared by Acoustic Logic and dated 21/4/21, reference 20201196.1/2104A/R1/TB and the requirements of the Department of Planning's *Development Near Rail Corridors and Busy Roads – Interim Guideline*

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

22. Erection of Construction Sign

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

23. Protection of Adjoining Areas

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

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

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

24. Toilet Facilities

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

25. Erosion and Sediment Control

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

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

26. Waste Management Details

Prior to the commencement of any works, the on-going waste collection service must be cancelled, and the bins retrieved by the waste collection service provider.

27. Garbage receptacle

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

28. Installation of Tree Protection Measures

- a) Trees to be retained and numbered T1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 10ax11, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 31, 32, 33, 34, 35, 36, 37, 38x2, 39, 40, 41, 42, 43, 44, 45, 46, 47, 47a, 47b, 48, 49, 50, 51, 52, 53, 54 as identified on the Tree Location Plan prepared by rain Tree Consulting Arboricultural Management dated 30/3/2021 TRIM D08135438 must have tree

protection measures for the ground, trunk and canopy installed by the project arborist as follows:

- i) For the duration of demolition works, in accordance with the Tree Protection Plan for prepared by rain Tree Consulting Arboricultural Management dated 30/3/2021.
- ii) For the duration of construction works, in accordance with Tree Protection Plan prepared by rain Tree Consulting Arboricultural Management dated 30/3/2021.
- b) Tree protection fencing for the trees to be retained must be installed by the engaged AQF 5 project arborist and consist of 1.8m high temporary fencing panels installed in accordance with *Australian Standard AS4687-2007 Temporary fencing and hoardings*.
- c) The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates and liquids from entering the tree protection zone.
- d) The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.
- e) Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

29. Construction Work Hours

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

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

30. Works Zone

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

- a) The site supervisor to be advised that the Works Zone will be deemed to be in effect, and fees will apply, between the dates nominated by the supervisor, or when parking spaces are managed for the sole use of construction vehicles associated with the site.
- b) The Works Zone signs shall be in effect only for the times approved by Council, and the time is to be noted on the sign. E.g., 'Works Zone Mon – Sat 7am – 5pm'.
- c) The applicant is required to supply a sign posting installation plan for referral to the Local Traffic Committee, noting on it the duration of the Works Zone.
- d) The Works Zone is only to be used for the loading and unloading of vehicles. Parking of workers' vehicles, or storage of materials, is not permitted.

31. Demolition

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

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

32. Environmental Management

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

33. Council Property

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

Note: This consent does not give right of access to the site via Council's park or reserve. Should such access be required, separate written approval is to be obtained from Council.

34. Disturbance of Existing Site

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

35. Excavated Material

All excavated material removed from the site must be classified by a suitably qualified person in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* and *Protection of the Environment Operations (Waste) Regulation 2014* prior to disposal to an approved waste management facility and be reported to the principal certifying authority prior to the issue of an Occupation Certificate.

36. Landfill not permitted

The importation of fill material associated with earthworks, or structural or engineering works, is not permitted as part of this consent.

37. Unexpected Finds

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

38. Geotechnical Report

The recommendations of the Geotechnical Investigations Report prepared by White Geotechnical group must be complied with throughout the construction and demolition phase of the development.

39. Survey Report

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

- a) Prior to the pouring of concrete at each level of the building certifying that:
 - i) The building, retaining walls and the like have been correctly positioned on the site; and
 - ii) The finished floor level(s) are in accordance with the approved plans.

40. Waste Management Details

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

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

- i) The identity of the person removing the waste.
- ii) The waste carrier vehicle registration.
- iii) Date and time of waste collection.
- iv) A description of the waste (type of waste and estimated quantity).
- v) Details of the site to which the waste is to be taken.
- vi) The corresponding weighbridge tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
- vii) Whether the waste is expected to be reused, recycled or go to landfill.

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

41. Prohibited actions within the fenced tree protection zone

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

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

42. Maintaining the health of trees approved for retention

The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for trees numbered T1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 10ax11, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 31, 32, 33, 34, 35, 36, 37, 38x2, 39, 40, 41, 42, 43, 44, 45, 46, 47, 47a, 47b, 48, 49, 50, 51, 52, 53, 54 on the approved plans.

43. Maintaining Tree Protection Measures

Tree Protection Measures must be maintained by the project arborist in accordance with the conditions of this consent for the duration of works.

44. Approved Works within Tree Protection Zone incursions

- a) Where tree root pruning is required for the installation of piers, driveway or underground services, the pruning must be overseen by the AQF 5 project arborist and must be undertaken as follows:

- i) Using sharp secateurs, pruners, handsaws or chainsaws with the final cut being clean.
 - ii) The maximum diameter of roots permitted to be cut is 40mm.
- b) Approved excavations within the Tree Protection Zone of trees to be retained not associated with installation of services must be undertaken as follows:
 - i) Excavations for the construction and/or installation of the house/deck/driveway/piers in the Tree Protection Zone of trees to be retained on the approved plans must be supervised by the project arborist for the first 1.000 meter undertaken manually to locate roots and allow for pruning in accordance with condition 7a.
- c) To minimise impacts within the Tree Protection Zone (TPZ) of trees to be retained on the approved plans, the installation of services must be undertaken as follows:
 - i) The AQF 5 project arborist must be present to oversee the installation of any underground services which enter or transect the tree protection.
 - ii) The installation of any underground services which either enter or transect the designated TPZ must be undertaken manually.
 - iii) For manually excavated trenches the AQF 5 project arborist must designate roots to be retained. Manual excavation may include the use of pneumatic and hydraulic tools.
- d) Where scaffolding is required, ground protection must be installed beneath the scaffolding in the following order:
 - i) Installation of a 100mm deep layer of woodchip.
 - ii) Installation of geotextile fabric ground covering.
 - iii) Installation of scaffold boarding above the woodchip and geotextile fabric.

45. Street Sweeping

During works and until exposed ground surfaces across the site have been stabilised, street sweeping must be undertaken following sediment tracking from the site.

The street cleaning service must utilise a 'scrub and dry' method and be undertaken for the full extent of any sediment tracking.

46. Maintenance of public footpaths

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

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

47. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with Council's Civil Works Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

48. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88B of the *Conveyancing Act 1919*:

- a) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention/retention systems/water quality control system and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
- b) To register the OSD/water quality system easement, the restriction on the use of land *"works-as-executed"* details of the on-site-detention system must be submitted verifying that the required storage, discharge rates and water quality targets have been constructed in accordance with the design requirements. The details must show the invert levels of the on-site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations.

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

49. Vehicular Crossing

A separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

- a) Design levels at the front boundary must be obtained from Council for the design on the internal driveway.
- b) Any redundant crossings must be replaced with integral kerb and gutter.
- c) The footway area must be restored by turfing.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

50. Certification of WSUD Facilities

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

51. Works as Executed Plan

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

52. Consolidation of Allotments

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

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

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

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

54. Construction of Engineering Works.

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

55. Completion of Landscaping

A certificate must be provided by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans prepared by Trish Dobson (2010 DA-L01 to DA-L06) and the conditions of this consent.

Note: Applicants are advised to pre-order plant material required in pot sizes 45 litre or larger to ensure nurseries have stock available at the time of install. Plant stock used for the above planting should be sourced from a native nursery utilising Sydney basin stock.

56. Final Certification

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

- a) All tree protection requirements complied with the as approved tree protection plan for the duration of demolition and/or construction works.
- b) Dates, times and reasons for all site attendance.
- c) All works undertaken to maintain the health of retained trees.
- d) Details of tree protection zone maintenance for the duration of works.

Note: Copies of monitoring documentation may be requested throughout DA process.

57. Acoustic Certification

Prior to the issue of an Occupation Certificate, an Acoustic Compliance Certificate is to be prepared by a suitably qualified Acoustic Consultant and submitted to the Principal Certifying Authority and the Council. The Acoustic Compliance Certificate is to certify the following:

- a) The development has been constructed in accordance with the recommendations within Section 5.3 of the Acoustic Report titled 144-146 Beecroft Road, Beecroft NSW Development Application, prepared by Acoustic Logic, dated 21/4/21, reference 20201196.1/2104A/R1/TB.
- b) Alternate ventilation has been installed in accordance with Australian Standard AS1668.2-2012 Mechanical ventilation in buildings in the following areas:
 - i) Ground Floor – North Lounge.

- ii) Ground Floor – North Dining.
- iii) Ground Floor – Bedrooms 225, 226, 227, 228, 229, 230, 233 and 234.
- iv) Attic – Bedrooms 312 and 313.
- c) The following LAeq levels are not exceeded:
 - i) In any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am.
 - ii) Anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) 40 dB(A) at any time.
- d) The existing timber fence on the southern boundary of the site adjoining No. 16 Murray Road must be upgraded to include an additional layer of lapped palings on its internal face. The fence must be certified by a qualified acoustic consultant to be free of gaps.
- e) Should the Acoustic Compliance Certificate identify any non-compliance issues, the Certificate is to provide suitable recommendations for mitigation of those issues, which must be implemented prior to the issue of an Occupation Certificate.

58. Retaining Walls

All retaining walls must be constructed as part of the development and prior to the issue of an Occupation Certificate.

59. Asbestos Clearance Certificate

Should any asbestos be encountered during demolition or construction works, a licenced asbestos assessor is required to provide a Clearance Certificate to the Certifier prior to the issue of an Occupation Certificate, certifying that the asbestos has been removed and appropriately disposed of, and the site is now suitable for its approved use.

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

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

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

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

61. External Lighting

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with *Australian Standard AS4282 Control of the obtrusive effects of outdoor lighting*.

- b) Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Occupation Certificate.

62. Preservation of Survey Marks

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

63. Fire Safety Statement – Final

In accordance with the *Environmental Planning & Assessment Regulation 2000*, upon completion of the building, the owner must provide Council with a certificate in relation to each fire safety measure implemented in the building.

64. Waste Management Details

The following waste management requirements must be complied with:

- a) A report must be prepared by an appropriately qualified person, certifying the following:
 - i) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.

Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report
 - ii) That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled.

Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.
 - iii) All waste was taken to site(s) that were lawfully permitted to accept that waste.
- b) The bin carting routes must be devoid of any steps and must be wholly within the site.

Note: Ramps between different levels are acceptable. The use of the public footpath is not acceptable
- c) Site security measures implemented on the property, including electronic gates, must not prevent access to the collection point(s) by waste removal services.
- d) "No parking" signs must be erected to prohibit parking in the waste collection loading bay and truck turning area.

- e) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, all external works including but not limited to the vehicular crossover and footpath, must be completed.
- f) The bin storage room must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surfaces, robust door(s), adequate lighting and ventilation, and must be lockable.

OPERATIONAL CONDITIONS

65. Use of Premises

The development approved under this consent shall be used for a 76-bed residential aged care facility and not for any other purpose without Council's separate written consent.

66. Delivery

Commercial deliveries to the site must not take place between 8PM and 7AM weekdays or 8PM and 8AM on weekends and public holidays.

67. Waste Management

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

- a) The approved Waste Management Plan is to be implemented throughout the ongoing use of the development.
- b) All commercial tenant(s) must keep written evidence on site of a valid and current contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.
- c) Waste collection services must not take place between 8PM and 7AM weekdays or 8PM and 8AM on weekends and public holidays.
- d) A Work, Health & Safety (WHS) risk assessment is to be carried out by a suitably qualified person with qualifications in Work, Health & Safety Legislation with specific regard to waste management. The recommendations of the WHS Risk Assessment are to be implemented as required.
- e) All commercial tenant(s) must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.
- f) All surfaces trafficable by the waste collection vehicle must be kept in good and substantial repair.
- g) Vegetation adjacent to the driveway/accessway/roadway must be regularly pruned to maintain a 4.5m vertical clearance over the driveway/accessway/roadway and to ensure the vegetation does not encroach on the vehicular travel path.
- h) The nominated on-site collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. The on-site collection point is to be kept clear of obstructions at all times so not to restrict the collection of waste and recycling bins.
- i) Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste

storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.

68. Noise – Plant and Machinery

The level of total continuous noise emanating from operation of all the plant, including air conditioning units and processes in all buildings (LA10) (measured for at least 15 minutes) in or on the above premises, must not exceed the background level by more than 5dB(A) when measured at all property boundaries adjoining residential land.

69. Car Parking

All car parking must be constructed and operated in accordance with Australian Standard AS/NZS 2890.1:2004 Off-street car parking and Australian Standard AS2890.2:2002 Off-street commercial vehicle facilities.

- a) All parking for people with disabilities is to comply with AS/NZS 2890.6:2009 *Off-street parking for people with disabilities*.
- b) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted.
- c) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- d) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- e) All vehicular entry on to the site and egress from the site shall be made in a forward direction.
- f) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpaths.

70. Landscape establishment

The landscape works must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This must include but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

71. Fire Safety Statement - Annual

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

72. Noise

- a) All noise generated by the development, including mechanical plant and machinery, when assessed as a Leq, 15 minutes at any affected point on or within any residential premises must not exceed background noise levels by more than 5dB(A). Where such noise being emitted to nearby residential premises possess tonal, beating or similar characteristics a correction factor of 5dB(A) shall be added to the measured level in accordance with NSW EPA's *Noise Policy for Industry*.

- b) An acoustic assessment is to be undertaken by a suitably qualified environmental consultant within 60 days of occupying the site in accordance with the Environment Protection Authority's *Noise Policy for Industry (2017)*, *Council's Policy and Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000)* and the *DECC's Noise Guide for Local Government (2004)*. The assessment must be held on site for review by Council if necessary.
- c) The acoustic assessment must include an assessment of the combined noise emissions from the operation of all plant, including heating, ventilation and air conditioning (HVAC) systems and lifts, and traffic related noise associated with the use of the carpark and port cochere including during peak use periods.

Should the assessment find that noise from the premise exceeds the above criteria, a Report on the Acoustic Analysis must be submitted to Council including recommendations for appropriate measures to rectify any non-compliances

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation 2021, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires:

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

Long Service Levy

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

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

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

Tree and Vegetation Preservation

A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the Hornsby Development Control Plan 2013 without the authority conferred by a development consent or a permit granted by Council.

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

Tree protection measures and distances are determined using the Australian Standard AS 4970:2009, "Protection of Trees on Development Sites".

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

Disability Discrimination Act

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

Subdivision Certificate Requirements

A subdivision certificate application is required to be lodged with Council containing the following information:

- A surveyor's certificate certifying that all structures within the subject land comply with the development consent in regard to the setbacks from the new boundaries.
- A surveyor's certificate certifying that all services, drainage lines or access are located wholly within the property boundaries. Where services encroach over the new boundaries, easements are to be created.
- Certification that the requirements of relevant utility authorities have been met.
- A surveyor's certificate certifying finished ground levels are in accordance with the approved plans.

Note: Council will not issue a subdivision certificate until all conditions of the development consent have been completed.

Note: At the present time Hornsby Shire Council is the only authority that can be appointed as a PCA for subdivision works within the Shire.

Fees and Charges – Subdivision

All fees payable to Council as part of any construction, compliance or subdivision certificate or inspection associated with the development (including the registration of privately issued certificates) are required to be paid in full prior to the issue of the subdivision certificate. Any additional Council inspections beyond the scope of any compliance certificate required to verify compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

Dial Before You Dig

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

Telecommunications Act 1997 (Commonwealth)

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

Asbestos Warning

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

www.environment.nsw.gov.au

www.adfa.org.au

www.workcover.nsw.gov.au

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

Food Authority Notification

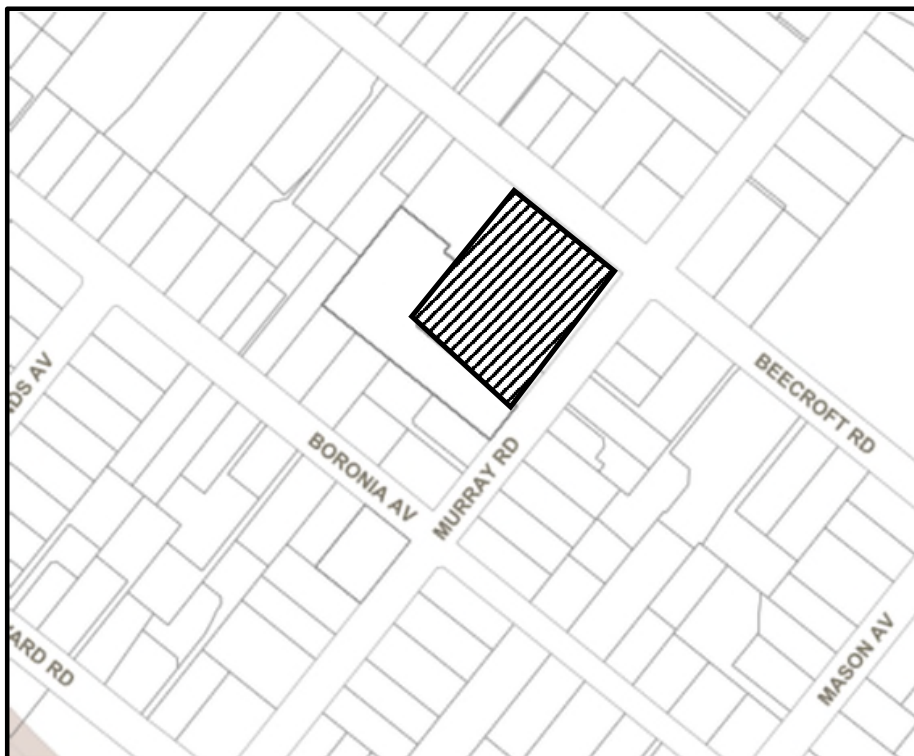
The *NSW Food Authority* requires businesses to electronically notify the Authority prior to the commencement of its operation.

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

Council Notification – Food Premises

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

Note: Council's Environmental Health Officer can be contacted on 02 9847 6014.




LOCALITY PLAN
DA/124/2021/A
CHESALON NURSING HOME
144-146 BEECROFT ROAD, BEECROFT

ATTACHMENT 1 - ITEM 1

ATTACHMENT 2 - ITEM 1

DEVELOPMENT APPLICATION DRAWING LIST	
No:	Drawing Name
A-00	COVER SHEET
A-01	SITE PLAN
A-02	BASEMENT PLAN
A-03	LOWER GROUND PLAN
A-04	UPPER GROUND PLAN
A-05	ATTIC LEVEL
A-06	ELEVATIONS NORTH
A-07	ELEVATIONS SOUTH
A-08	ELEVATIONS WEST
A-09	ELEVATIONS EAST
A-10	3D VIEWS SHEET 01
A-11	3D VIEWS SHEET 02
A-12	AREA CALCULATION PLANS
A-13	HERITAGE BUILDING
A-14	GARDEN VIEWS SHEET 01
A-15	GARDEN VIEWS SHEET 02
A-16	SNOKE COMPARTMENT



THOMPSON
HEALTH CARE

1

WINDOW SIZE REVISED

2

WINDOW SURROUNDS REVISED

3

WALL FINISH REVISED

4

ROOF FORM AND PITCH REVISED

5

WINDOW ADDED / REMOVED

6

WALL POSITION REVISED

7

2 SINGLE BED WARDS AMENDED TO BE A DOUBLE SUITE

8

MAIN SWITCH BOARD ADDED

9

2 SINGLE BED WARDS AMENDED TO BE A LOUNGE DINING AREA

10

CHEMIA / STORE AREA AMENDED

11

BED WARD AMENDED TO INCLUDE BALCONY

12

EGRESS AMENDED

13

ASC PLANT ROOM ADDED WASTE ROOM AMENDED

14

WC AMENDED TO BE CLEANERS ROOM

15

CHEMICAL STORE ADDED

16

WC AMENDED TO BE EDB ROOM

17

CAR PARKING SPACE REMOVED

18

STAFF WC FACILITIES AMENDED

19

WATER HEATING + CONNECTION

20

WARD 73 AMENDED

SCHEDULE OF S4.55 AMENDMENTS

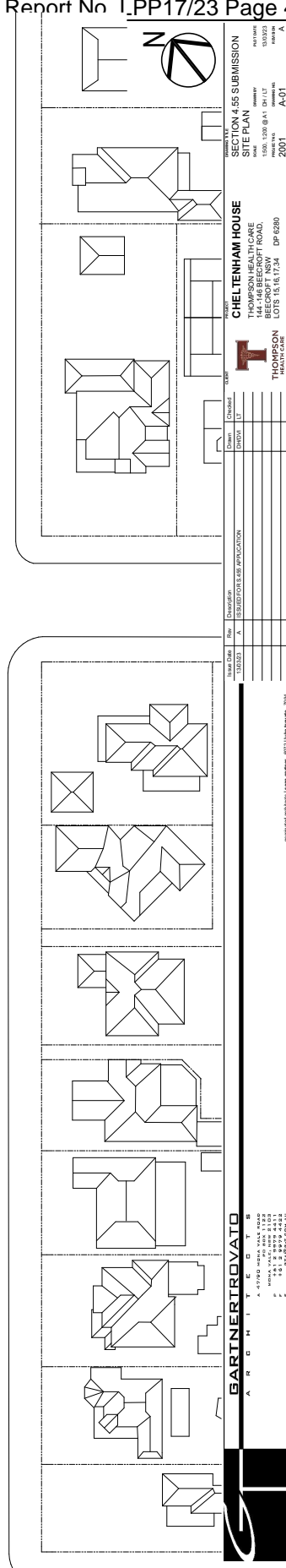




SECTION 4.55 SUBMISSION

THOMPSON HEALTH CARE

144 -146 BEECROFT ROAD, BEECROFT



ATTACHMENT 2 - ITEM 1



SECTION 4.55 SUBMISSION	PLOT DATE
BASEMENT PLAN	13.03.23
SCALE	1:200 @ A1
EXAMINE BY	CH / LT
EXAMINE NO.	2010
PROJECT NO.	A-02
	A

THOMPSON
HEALTH CARE

CHEL TENHAM HOUSE

THOMPSON HEALTH CARE
144-146 BEECROFT ROAD,
BEECROFT NSW
LOTS 15, 16, 17, 34 DP 6280

PER LOT/CT

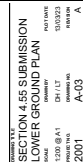
Issue Date	Rev	Description	Drawn	Checked
11/03/23	A	ISSUED FOR 4.48% APPLICATION	DHWD	LT

Journal of Management Inquiry 24(5) 487-503 © 2015 Sage Publications 10.1177/1056492615584634

GARTNERTROVATO

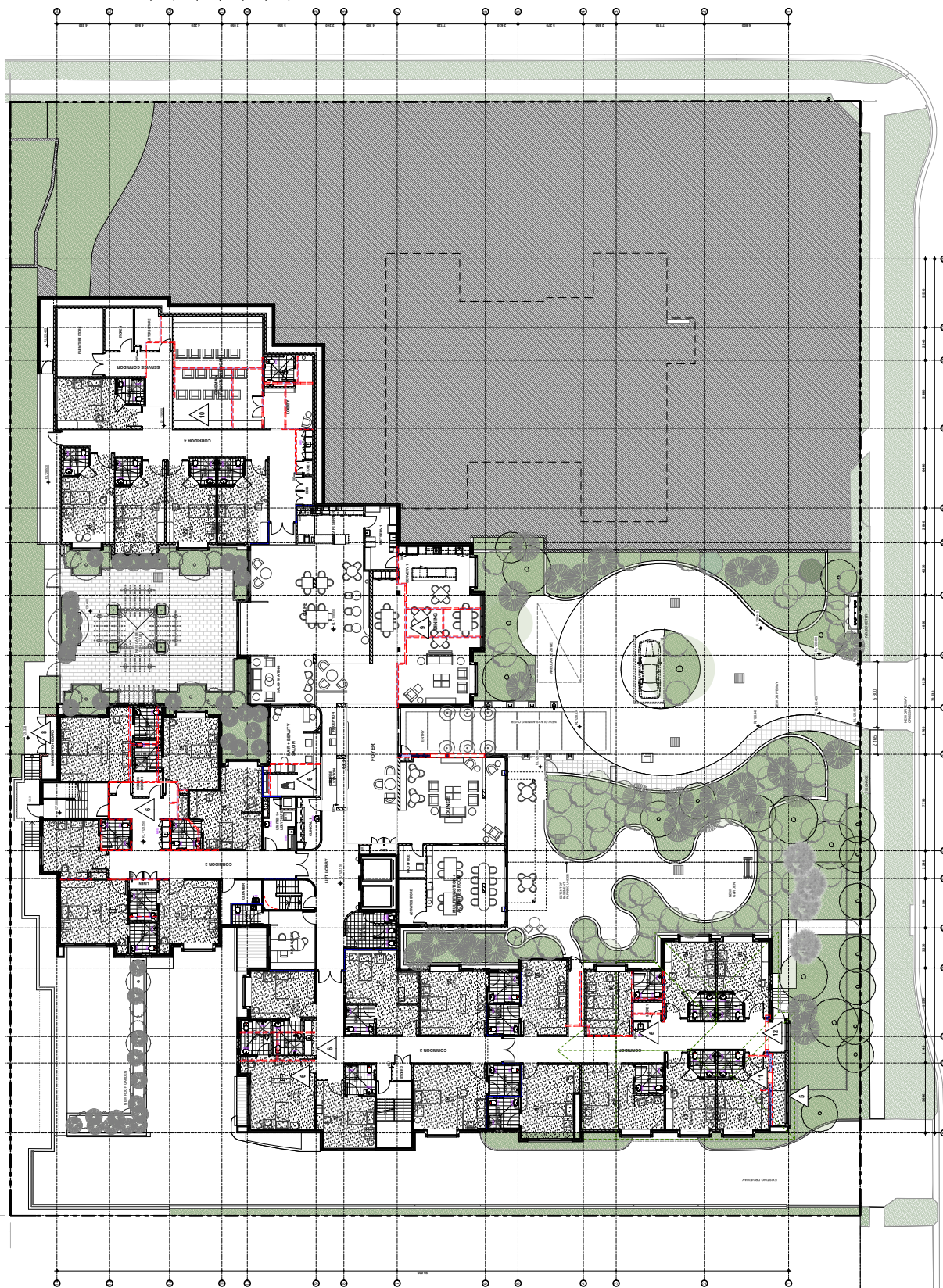
Journal of Management Studies, 39(7), 807-826.

ATTACHMENT 2 - ITEM 1



SCHEDULE OF S4.55 AMENDMENTS

- | | |
|----|---|
| 5 | WINDOW ADDED / REMOVED |
| 6 | WALL POSITION REVISED |
| 8 | MAIN SWITCH BOARD ADDED |
| 9 | 2 SINGLE BED WARDS AMENDED TO BE A LOUNGE DINING AREA |
| 10 | CINEMA / STORE AREA AMENDED |
| 11 | BED WARD AMENDED TO INCLUDE BALCONY |
| 12 | EGRESS AMENDED |



GARTNER TROVATO

A R C H I T E C T S
 A 4750 MONA VALE ROAD
 PO BOX 1122
 MONA VALE, NSW 2103
 061 8 9973 4400
 061 8 9973 4401

PROJECT
CHEI TENHAM HOUSE

THE T
THOMPSON

CHEL TENHAM HOUSE
PRE-QUALITY
THOMPSON HEALTH CARE
144 - 146 BEECROFT ROAD,
BEECROFT NSW
LOTS 15, 16, 17, 34 DP 6280

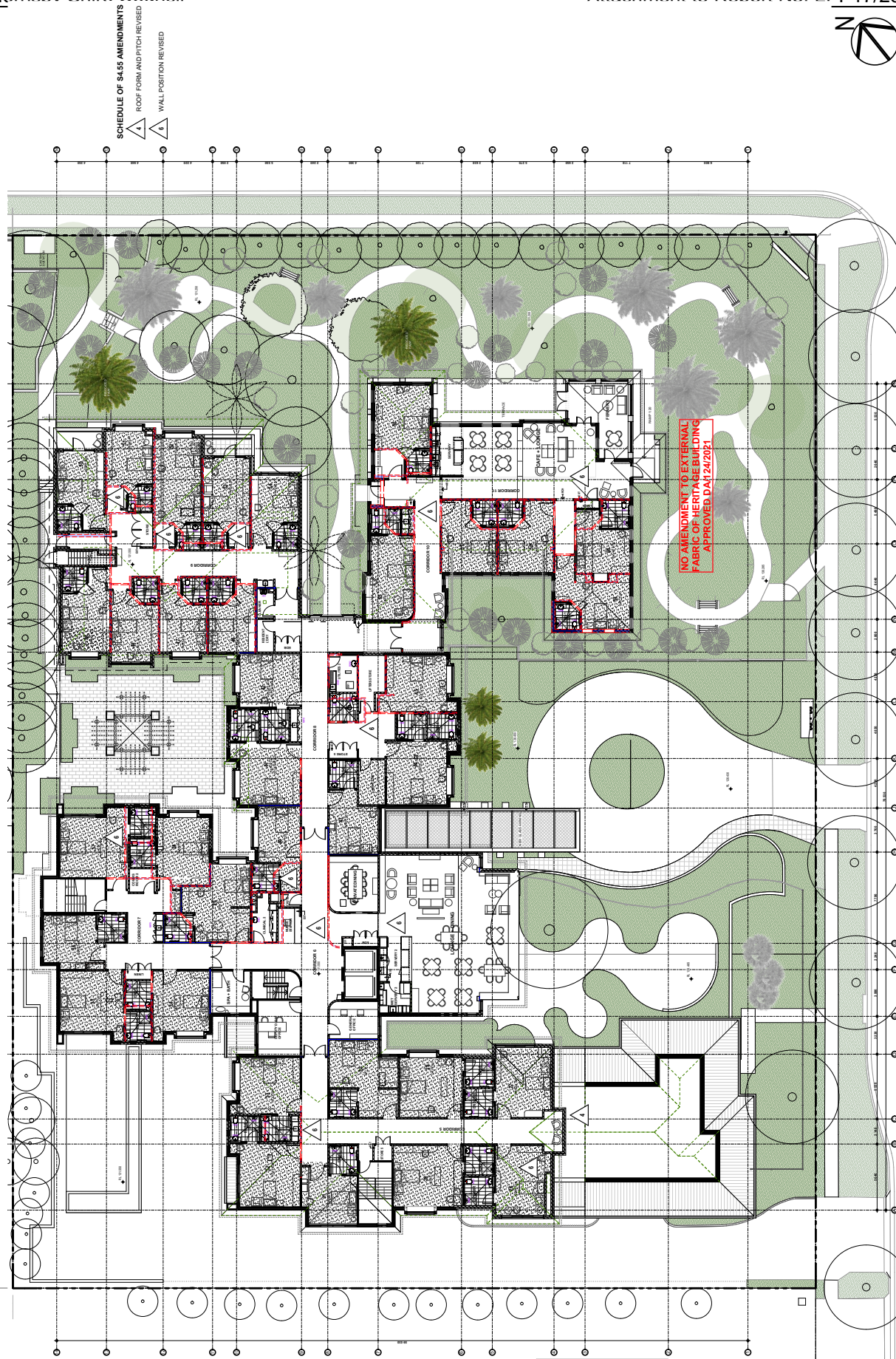
SECTION 4.55 SUBMISSION

**SECTION 4.55 SUBMISSION
LOWER GROUND PLAN**

DRAWING NO.	DATE	BY	CHECKED BY	APPROVED BY
1200 @ A1	13/03/23	R.M.B.	A.C.	A.C.

[illegible]

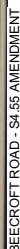
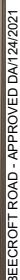
ATTACHMENT 2 - ITEM 1



GARTNERIROVATO ARCHITECTS 1/111 GARDEN ROAD GARDEN CITY NSW 1514 PH: 02 9337 9999 FAX: 02 9337 9998 WWW.GARTNERIROVATO.COM.AU	CHELTENHAM HOUSE THOMPSON HEALTHCARE 1/111 GARDEN ROAD, GARDEN CITY NSW LOTS 15,16,17,34 DP 6290	SECTION 4.95 SUBMISSION SUPER GRASS PLAN 1/111 G-41 DP 1/2 15/03/23 2021 A-04

ATTACHMENT 2 - ITEM 1



[illegible]

ATTACHMENT 2 - ITEM 1



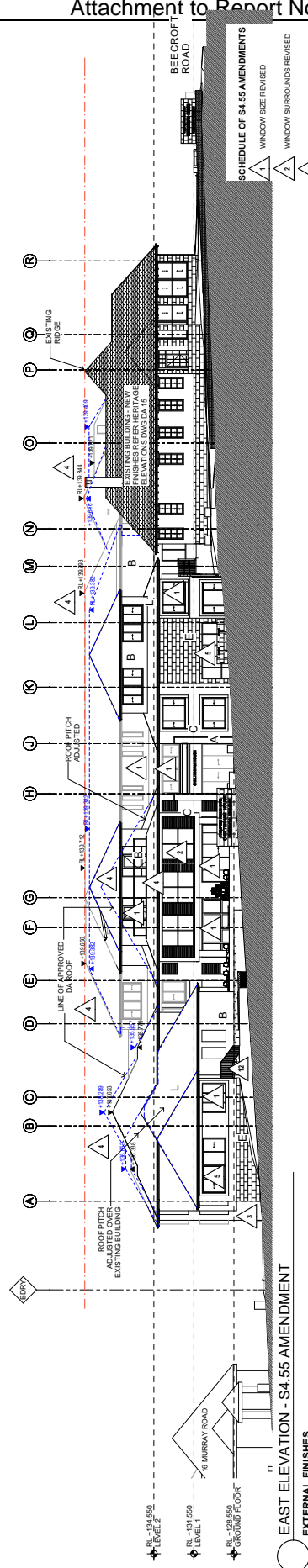
MURRAY ROAD - APPROVED DA/124/2021



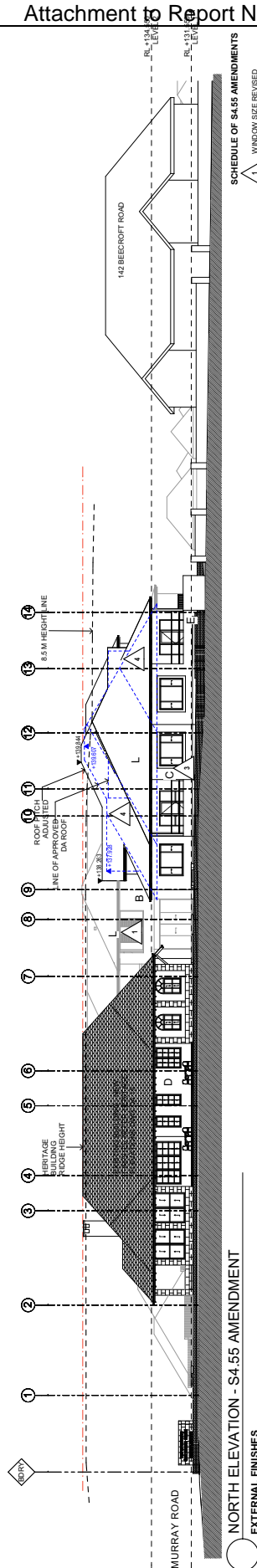
MURRAY ROAD - S4.55 AMENDMENT

</

ATTACHMENT 2 - ITEM 1

[illegible]

ATTACHMENT 2 - ITEM 1



SCHEDULE OF S4.55 AMENDMENTS

1 WINDOW SIZE REVISED

3 WALL FINISH REVISED

4 ROOF FORM AND PITCH REVISED

-  **1 METAL SHEET ROOFING**
COORDINATE: SHALE GREY
-  **2 GLAZED ENTRY AWNING**
LEAF SPACE PATTERN
-  **3 PEBBLE ROOF BLANK**
Pebble Pebble

2 **DARK METALWORK**
COLOUR - COLORADO BASALT

3 **LIGHT METALWORK**
COLOUR - METALLIC BATH GRAY

- 2) FASCIA TRIMS
- 3) SELECTED HANDRAILS / POSTS
- 4) HARDWOOD CLAIRTINER

INFILL CLADDING
PROTECTOR STRIPS FOR VERTICAL



MAIN STONE CLADDING
SMOOTH FACE SANDSTONE

D PAINTED RENDER
COLOUR - OFF WHITE



PAINTED RENDER
COLOUR - LIGHT GREY BROWN



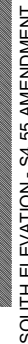
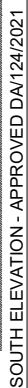
PAINTED RENDER
COLOUR - MID GREY BROWN



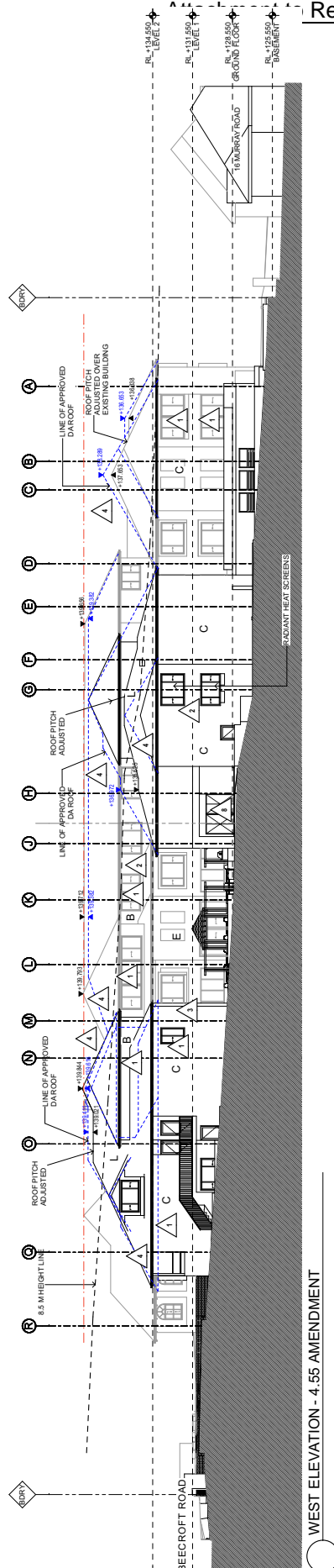
A PAINTED BENDER
COLOUR - DARK GREY/BROWN

[illegible]

ATTACHMENT 2 - ITEM 1

[illegible][illegible]

ATTACHMENT 2 - ITEM 1



EXTERNAL FINISHES
NOTE: FINISHES AND IMAGES SHOWN ARE INDICATIVE OF DESIGN INTENT ONLY

GARTNERTROVATO

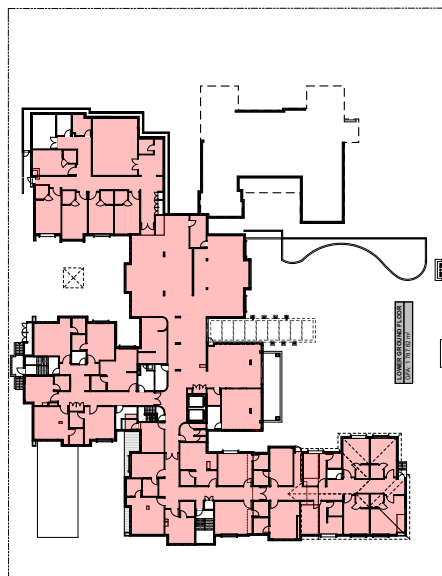
[illegible]

ATTACHMENT 2 - ITEM 1

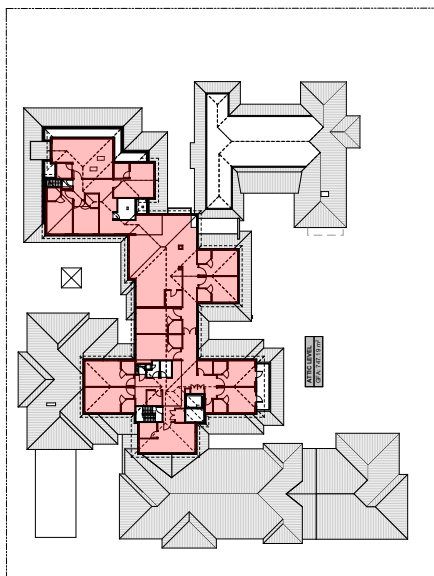


ATTACHMENT 2 - ITEM 1

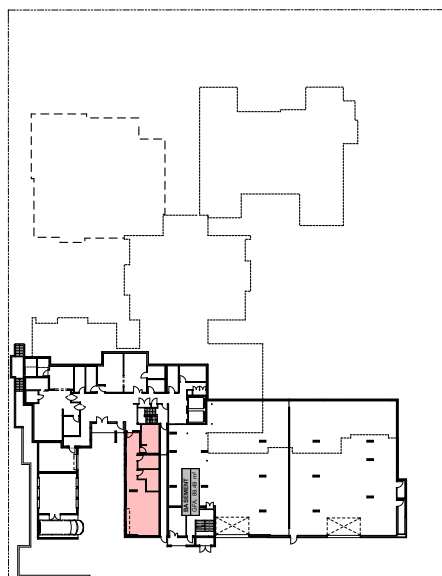
AREAS	
SITE AREA	6162 m ²
EXISTING G.F.A.	3123 m ² (0.51:1)
PROPOSED G.F.A.	4626 m ² (0.75:1)
DEEP SOIL PLANTING	2530 m ² (41%)
TOTAL LANDSCAPED	2678 m ² (43%) (36 m ² / BED)
PARKING	
32 STAFF	16 SPACES
74 RESIDENTS BEDS	7.4 SPACES
TOTAL REQUIRED	23.4 SPACES
+ MINIBUS SPACE	
TOTAL PROPOSED	25 SPACES



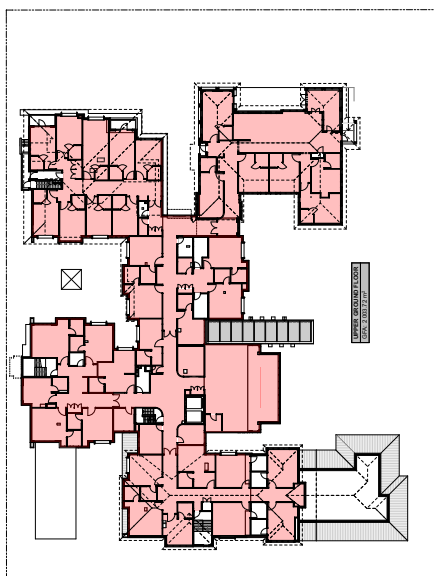
LOWER GROUND FLOOR



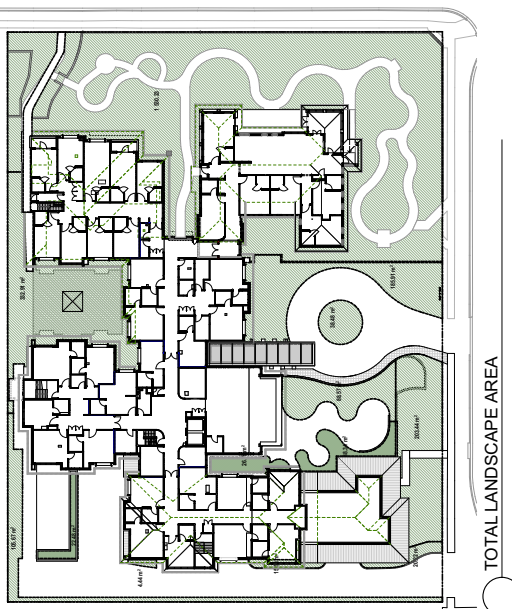
ATTIC LEVEL FLOOR



BASEMENT FLOOR



UPPER GROUND FLOOR



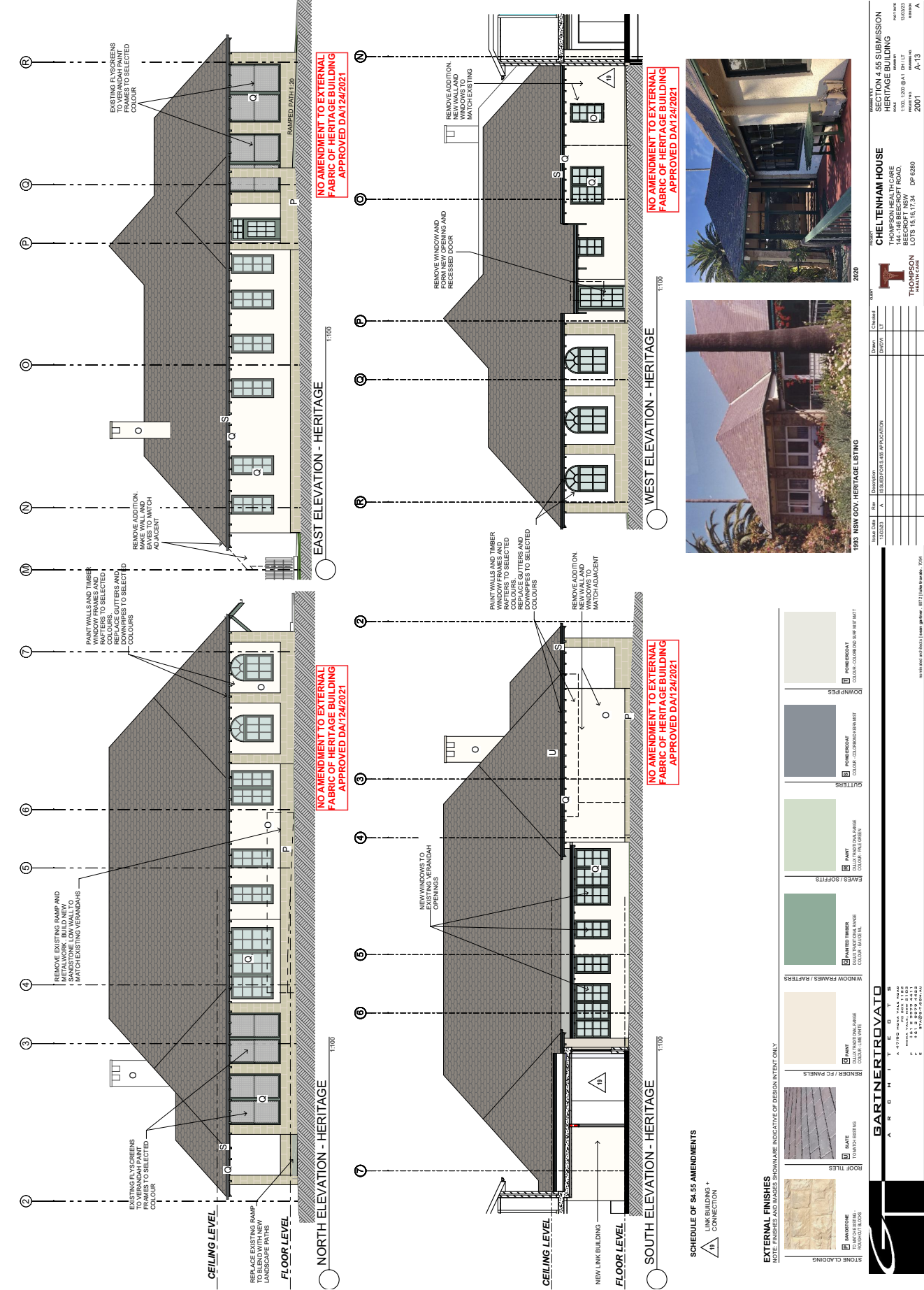
TOTAL LANDSCAPE AREA



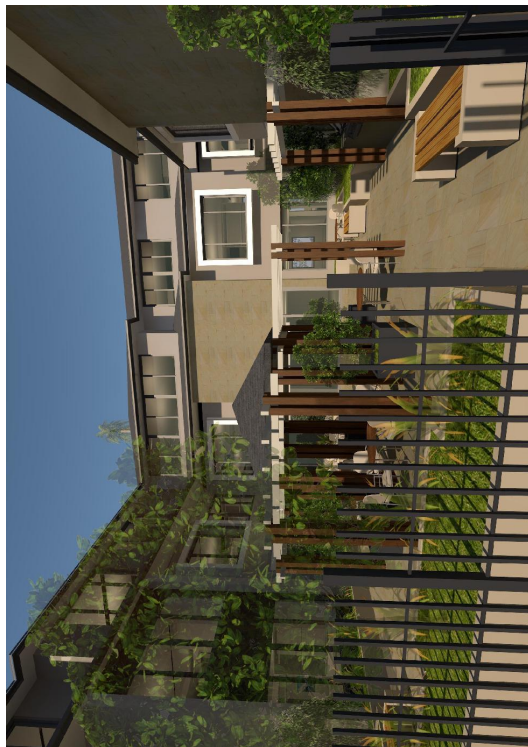
SECTION 4.85 SUBMISSION THOMPSON HEALTHCARE PLANS 1:500 @ A1 DP 1:12 2021 A-12	PROJECT CHELTENHAM HOUSE THOMPSON HEALTHCARE 15161734 DP 6280	CLIENT THOMPSON HEALTHCARE	DESIGNER GARTNERIROVATO ARCHITECTS	DATE 15/05/23	REVISION A	DESCRIPTION SUBMISSION FOR LPP APPLICATION	APPROVED DATE	APPROVED BY
--	---	----------------------------------	--	------------------	---------------	---	------------------	-------------



ATTACHMENT 2 - ITEM 1



ATTACHMENT 2 - ITEM 1



ATTACHMENT 2 - ITEM 1



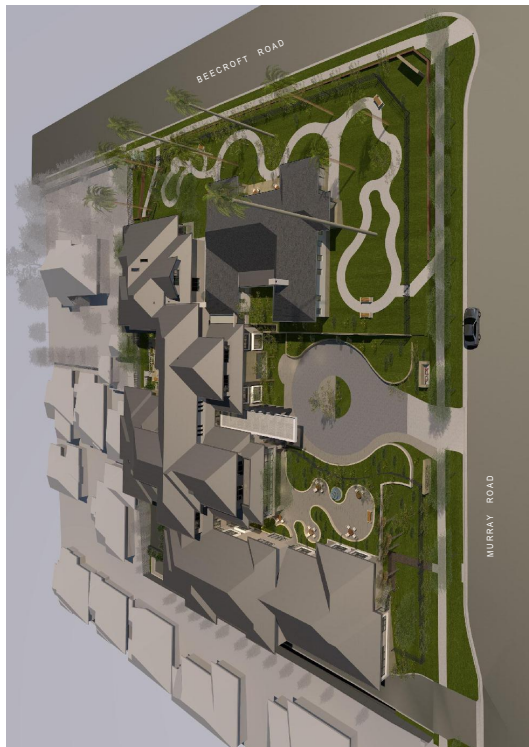
AERIAL VIEW FROM BEECROFT ROAD - APPROVED DA/124/2021



AERIAL VIEW FROM MURRAY ROAD - APPROVED DA/124/2021



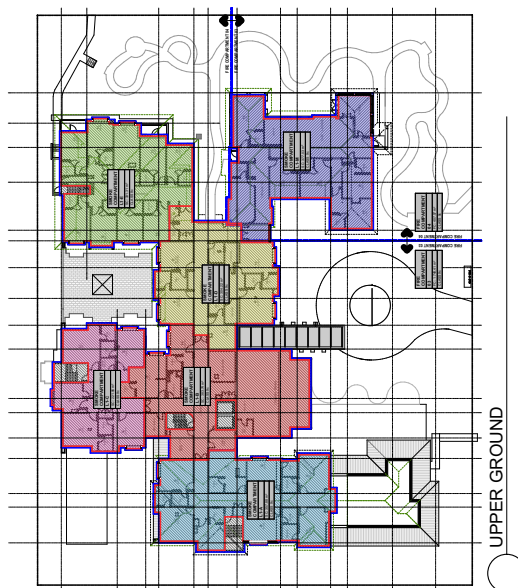
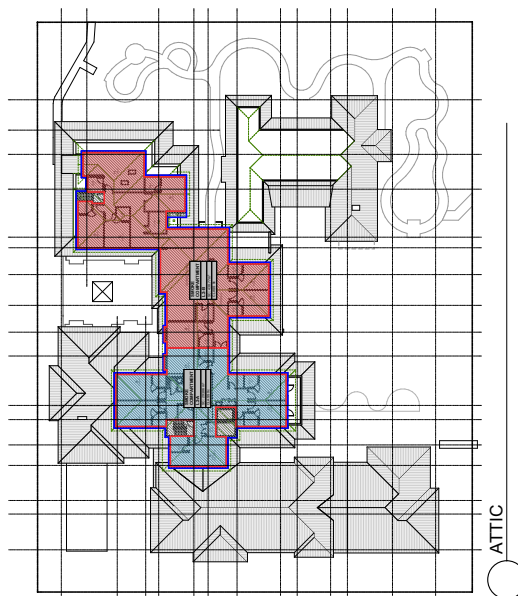
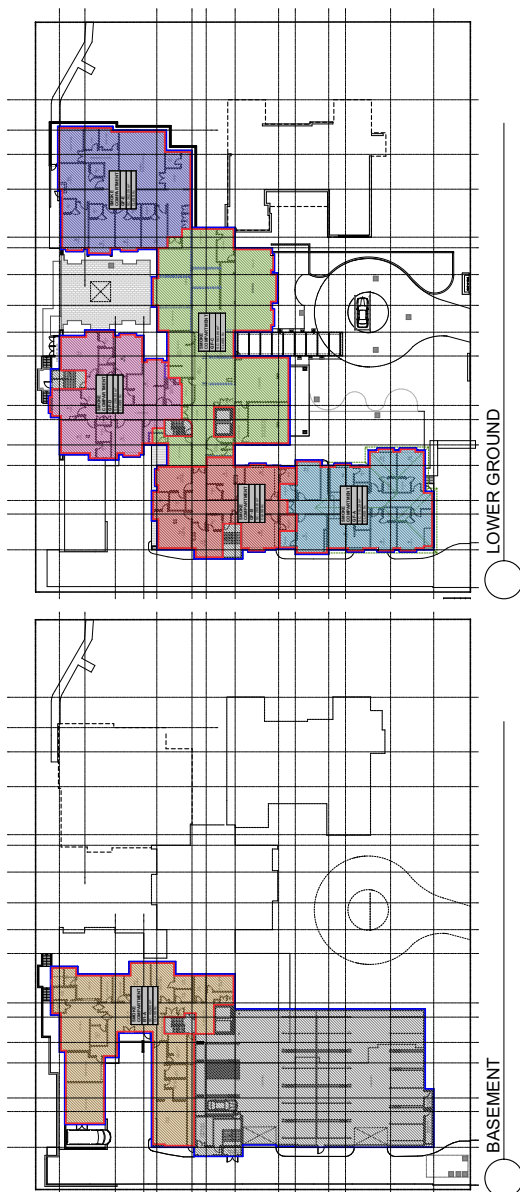
AERIAL VIEW FROM BEECROFT ROAD - S4.55 AMENDMENT



AERIAL VIEW FROM MURRAY ROAD - S4.55 AMENDMENT

 <div>GARTNERIROVATO ARCHITECTS 1/100-1/101 VICTORIA ROAD SYDNEY NSW 1513 PH: 02 9550 9999 FAX: 02 9550 9998 WWW.GARTNERIROVATO.COM.AU</div>	PROJECT		SECTION 4.55 SUBMISSION GARDEN VIEWS SHEET 02	
	A R C H I T E C T S		DRAWN BY	
	T H O M P S O N H E A L T H C A R E		15/05/23	
	C H E L T E M H A M H O U S E		15/05/23	
	144 LAFRANCESCO ROAD		A-15	
	BEECROFT NSW		A	
	LOTS 15,16,17,34			
	THOMPSON HEALTHCARE			
	144 LAFRANCESCO ROAD			
	BEECROFT NSW			
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				
THOMPSON HEALTHCARE				
144 LAFRANCESCO ROAD				
BEECROFT NSW				
LOTS 15,16,17,34				

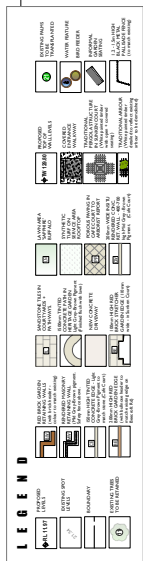
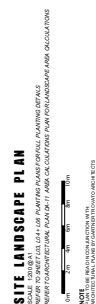
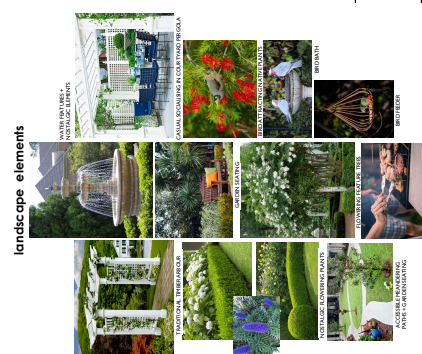
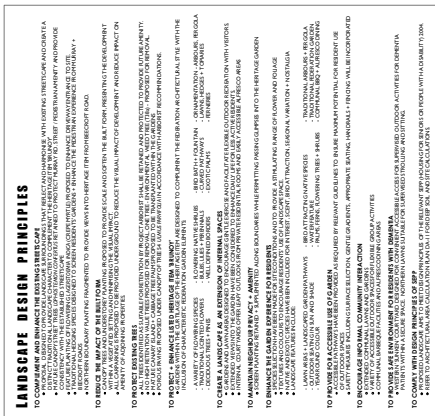
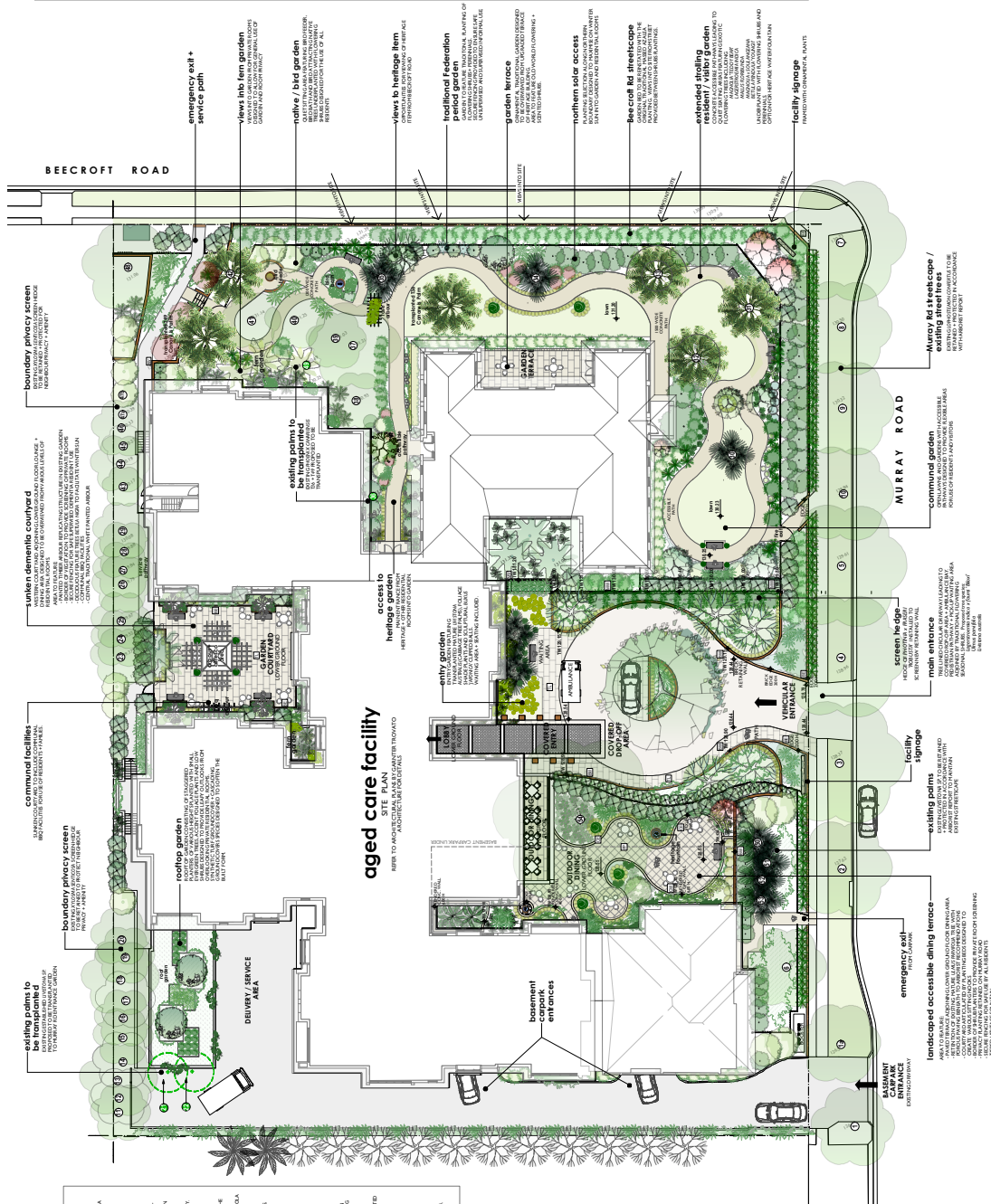
ATTACHMENT 2 - ITEM 1



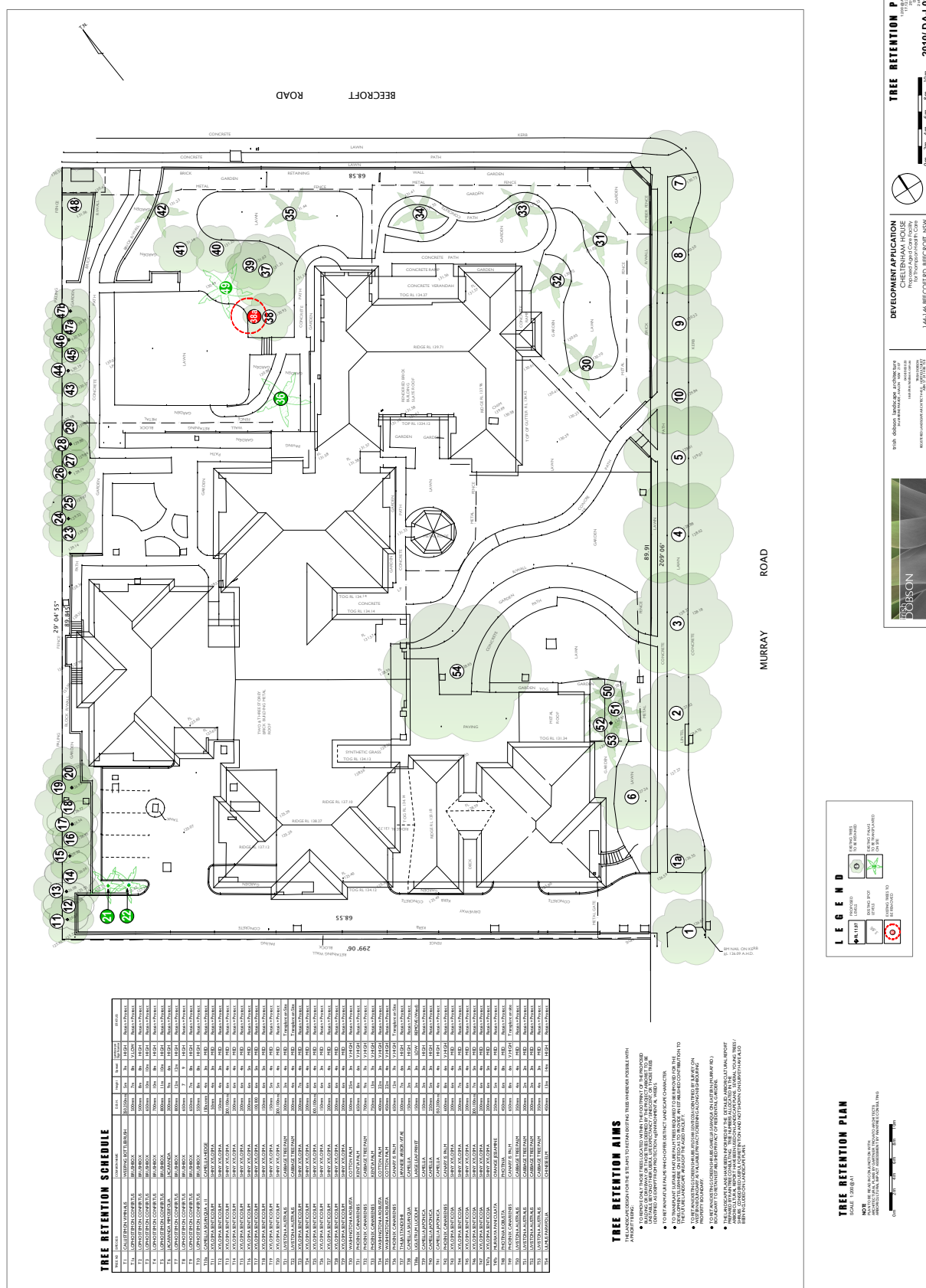
 GARTNERIROVATO ARCHITECTS 1/111 GARDEN STREET SYDNEY NSW 1585 PH: 02 9550 1111 FAX: 02 9550 1112 EMAIL: info@gartnerirovato.com.au WEBSITE: www.gartnerirovato.com.au	Scale: 1:100 Date: 15/05/23 Project: CHELTENHAM HOUSE Description: RECONSTRUCTION & RENOVATION Site: 15/16/17/34 DP 6280 Lot: 15/16/17/34 Suburb: BEECROFT NSW State: NSW Postcode: 2201	Drawn: DIMITRI Checked: LIZ Date: 15/05/23 Project: CHELTENHAM HOUSE Description: RECONSTRUCTION & RENOVATION Site: 15/16/17/34 DP 6280 Lot: 15/16/17/34 Suburb: BEECROFT NSW State: NSW Postcode: 2201	Section 4.55 SUBMISSION SINGLE COMPARTMENT 15/16/17/34 DP 6280 2021 A-16
	CHELTENHAM HOUSE THOMPSON HEALTHCARE 15/16/17/34 DP 6280 BEECROFT NSW 2021 A-16	Drawn: DIMITRI Checked: LIZ Date: 15/05/23 Project: CHELTENHAM HOUSE Description: RECONSTRUCTION & RENOVATION Site: 15/16/17/34 DP 6280 Lot: 15/16/17/34 Suburb: BEECROFT NSW State: NSW Postcode: 2201	Section 4.55 SUBMISSION SINGLE COMPARTMENT 15/16/17/34 DP 6280 2021 A-16

ATTACHMENT 2 - ITEM 1

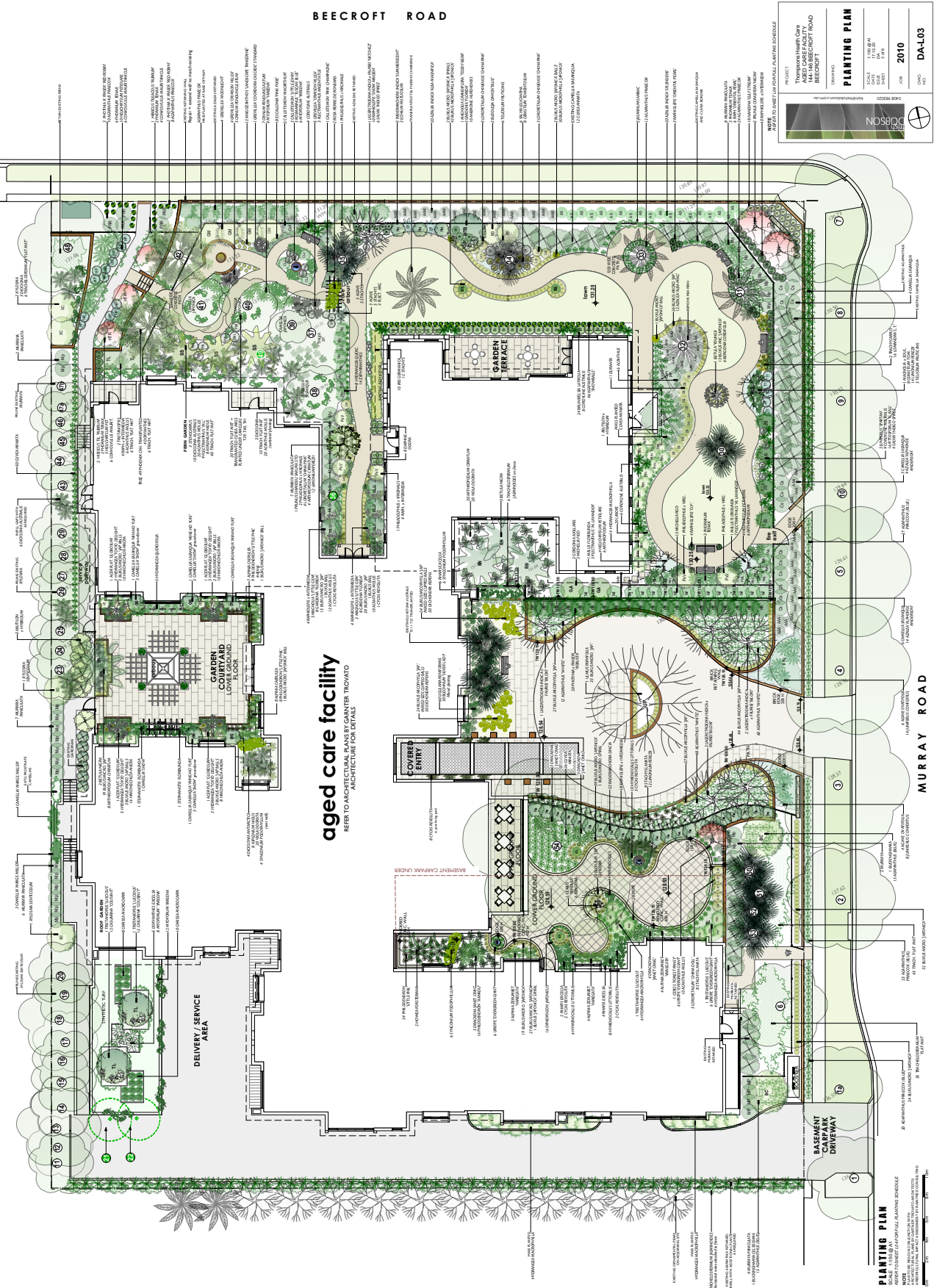
ATTACHMENT 3 - ITEM 1



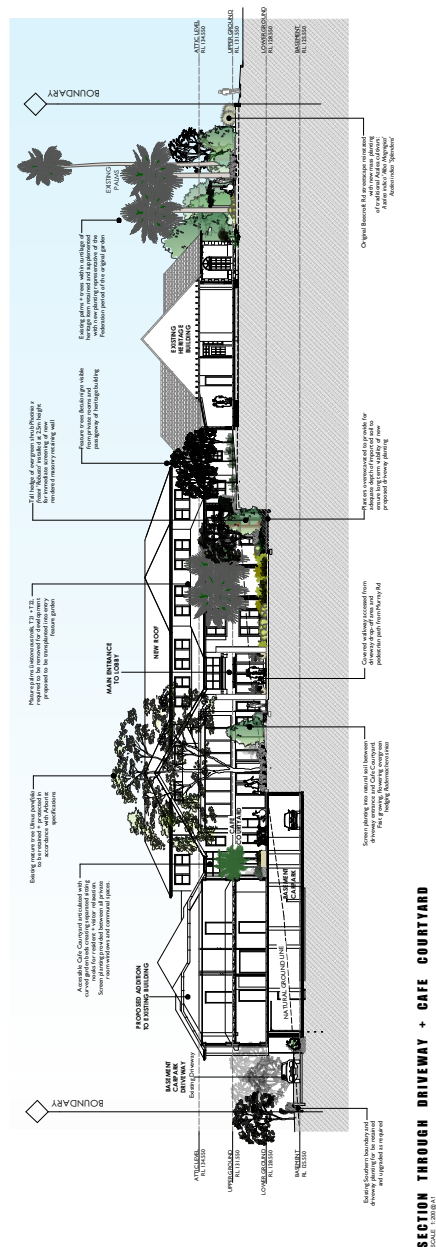
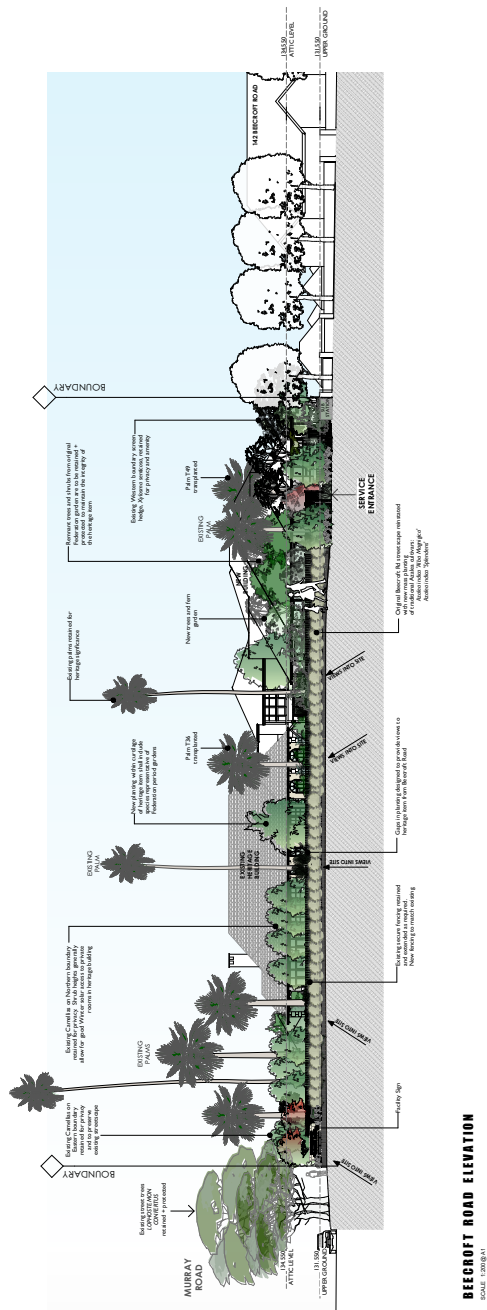
ATTACHMENT 3 - ITEM 1



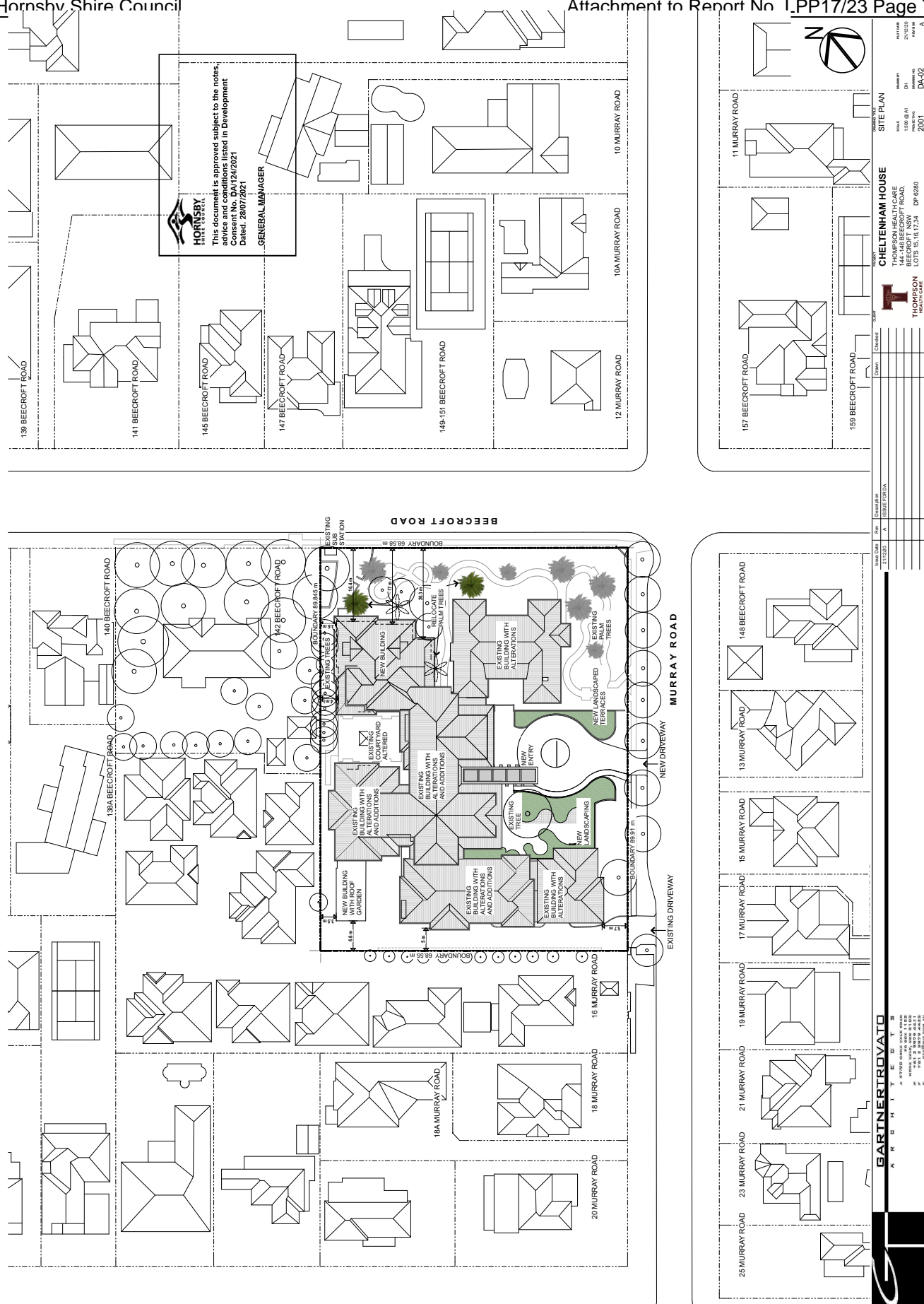
ATTACHMENT 3 - ITEM 1



ATTACHMENT 3 - ITEM 1

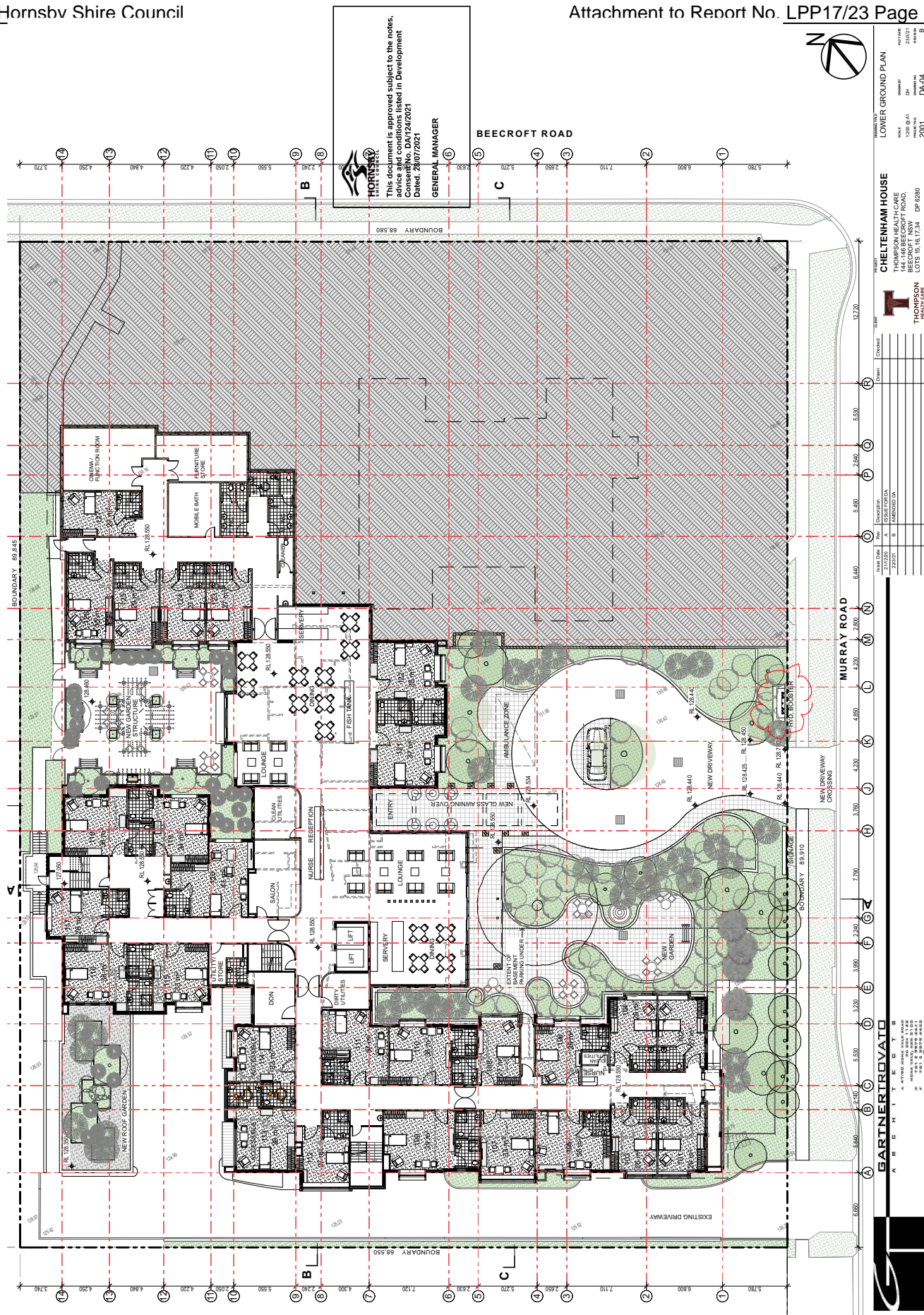






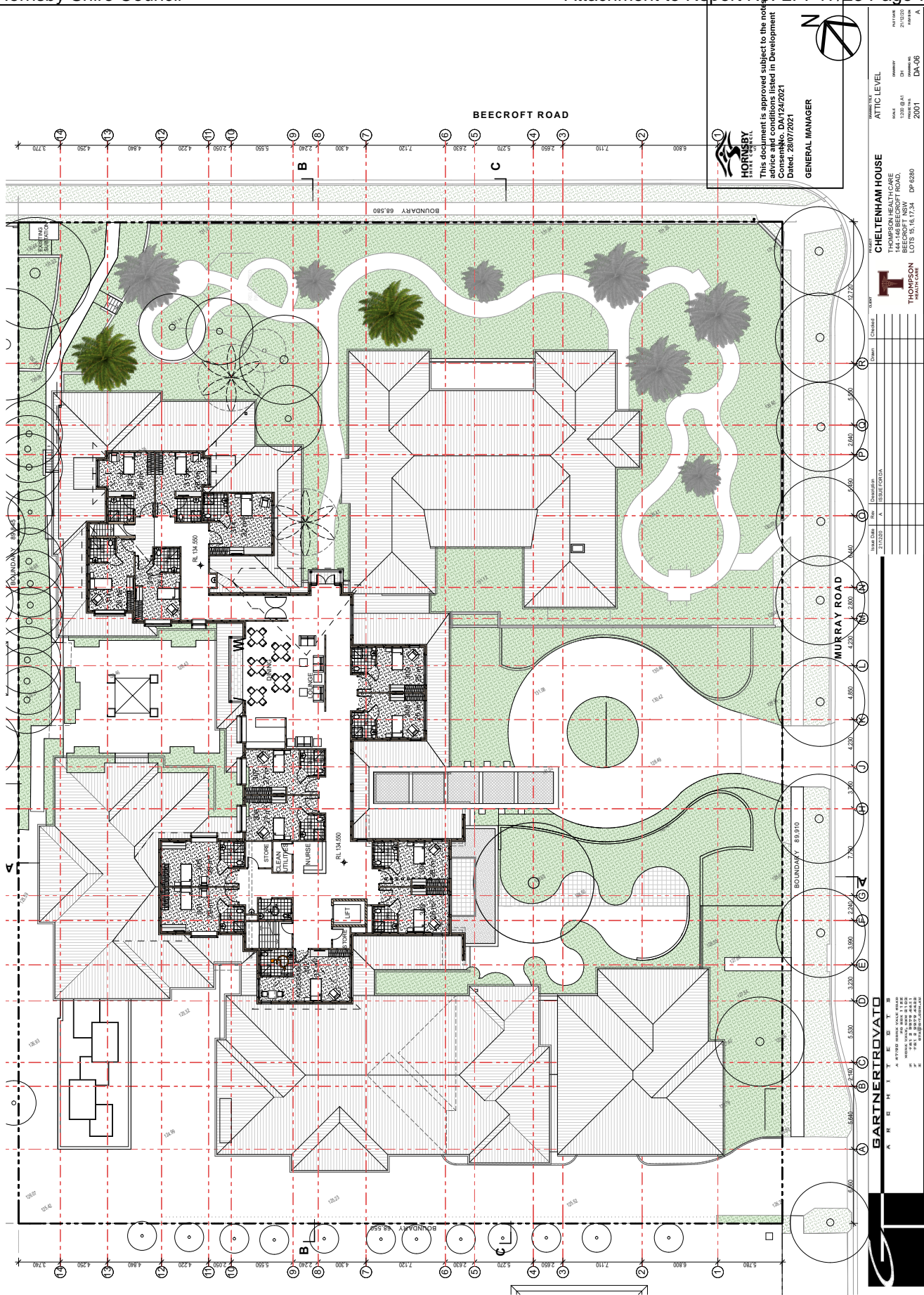
ATTACHMENT 5 - ITEM 1



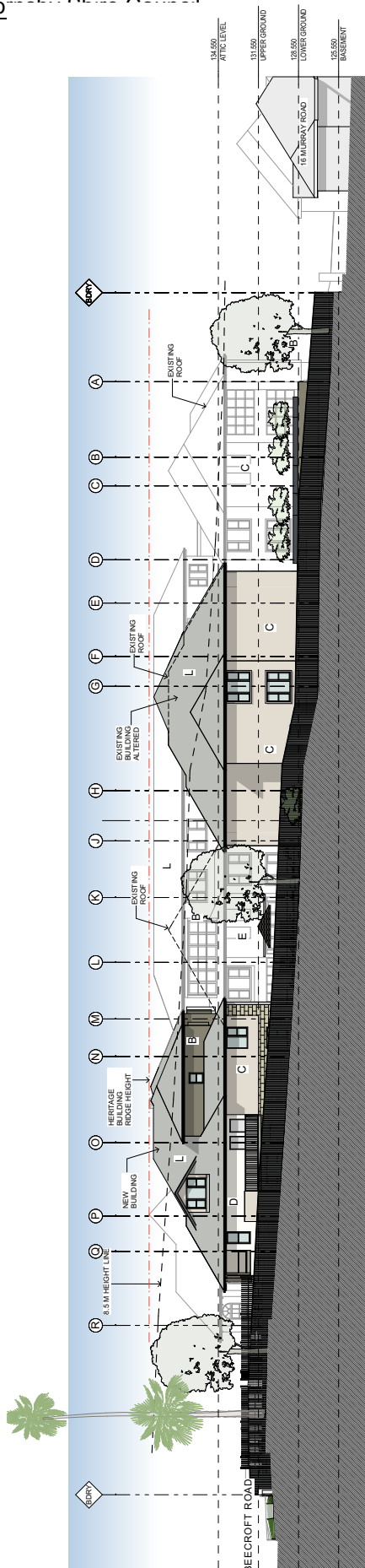


ATTACHMENT 5 - ITEM 1





ATTACHMENT 5 - ITEM 1



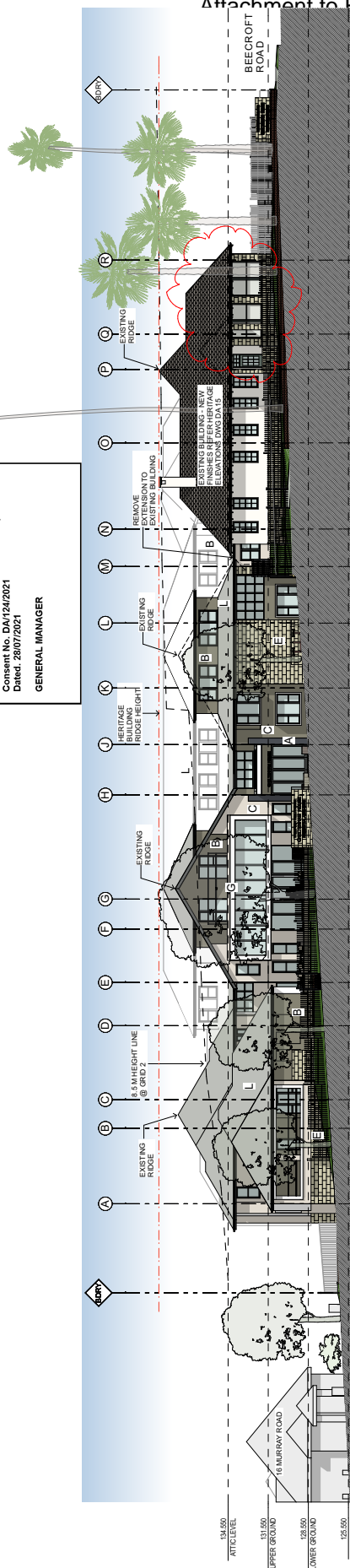
WEST ELEVATION



HORNSBY
SHIRE COUNCIL

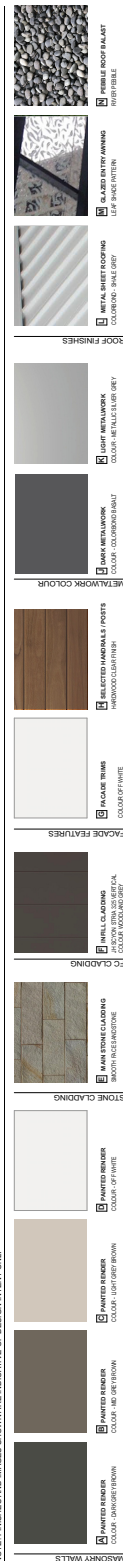
This document is approved subject to the notes,
advice and conditions listed in Development
Consent No. DA/124/2021
Dated. 28/07/2021

GENERAL MANAGER



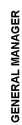
EAST ELEVATION

EXTERNAL FINISHES

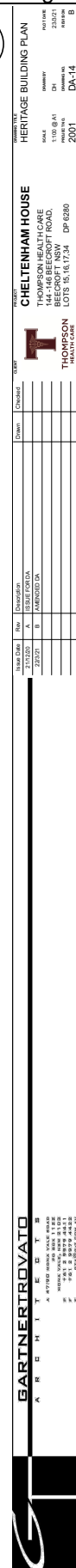


<

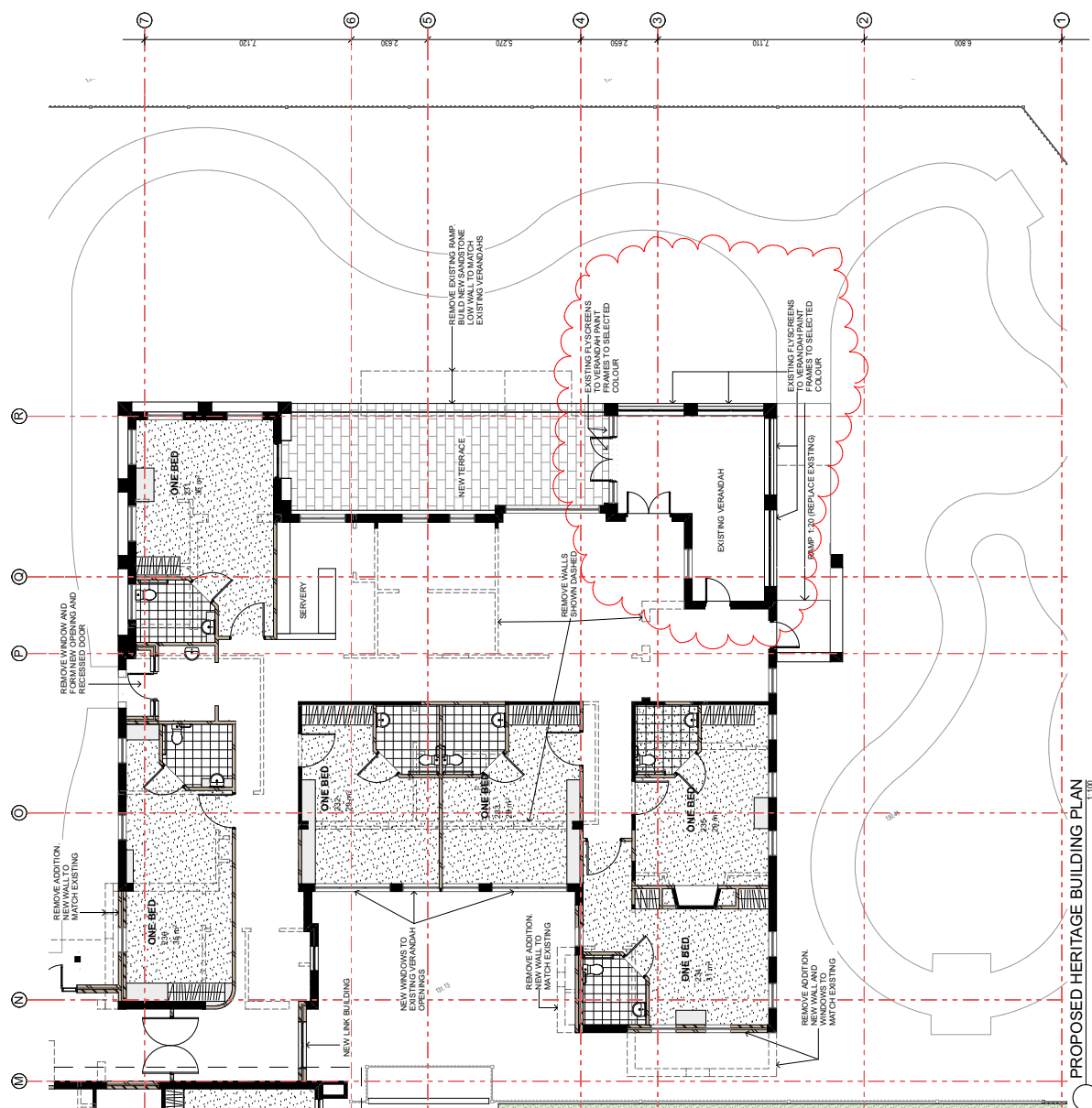
ATTACHMENT 5 - ITEM 1

1007

ATTACHMENT 5 - ITEM 1



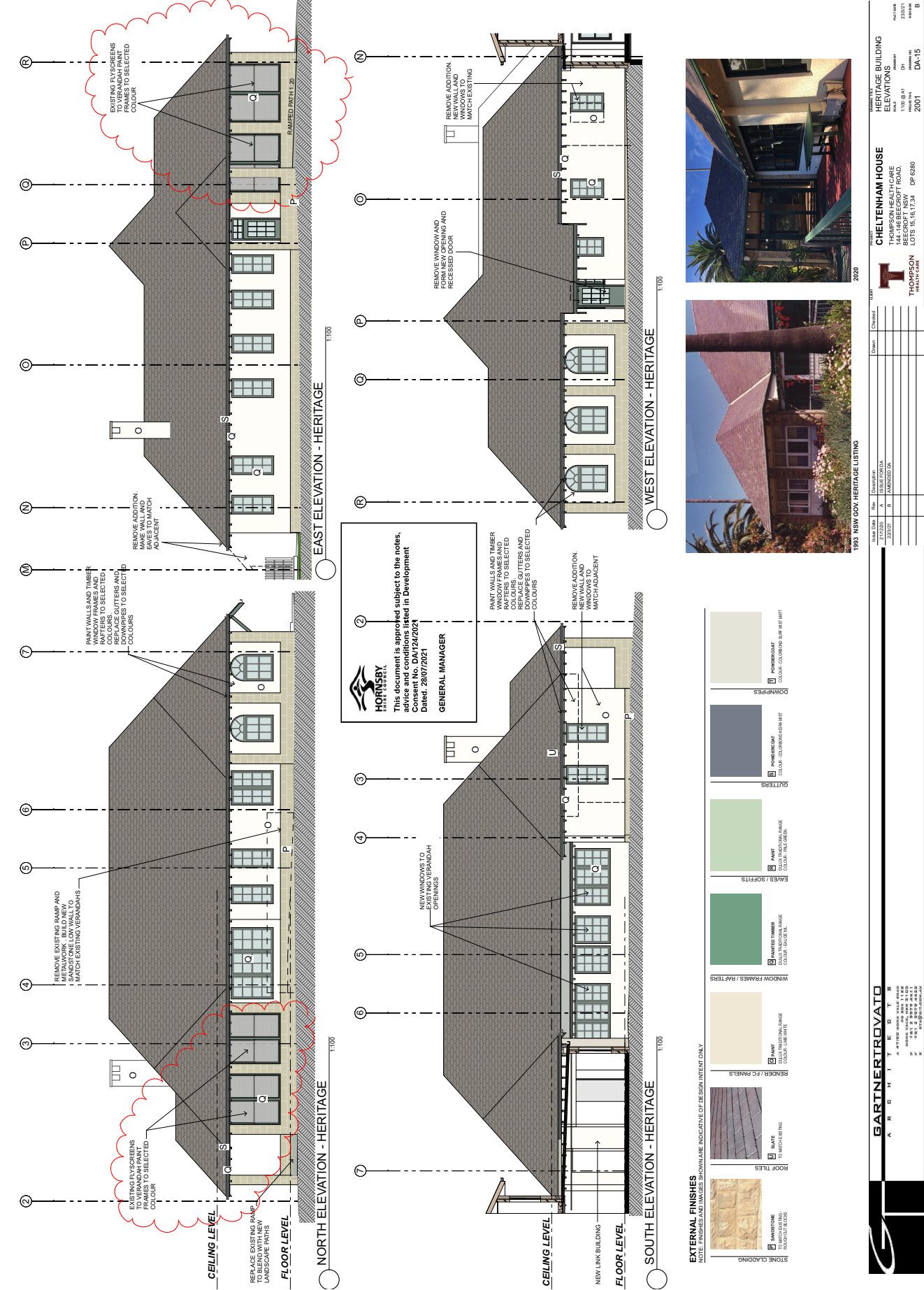
ATTACHMENT 5 - ITEM 1



 **HORUSBY**
FINANCIAL

This document is approved subject to the notes,
advice and conditions listed in Development
Consent No. DA/124/2021
Dated: 28/07/2021

GENERAL MANAGER



ATTACHMENT 5 - ITEM 1

3 REPORTING DEVELOPMENT APPLICATIONS FOR DETERMINATION BY THE HORNSBY LOCAL PLANNING PANEL OVER 180 DAYS

EXECUTIVE SUMMARY

- In accordance with the Local Planning Panels Directions - Operational Procedures, Council is required to monitor development applications to be determined by the Panel that may be experiencing unreasonable delays of over 180 days from lodgement.
- A list of out outstanding development applications in excess of 180 calendar days from lodgement is attached for the Hornsby Local Planning Panel's advice.

RECOMMENDATION

THAT the contents of LPP Report No. LPP19/23 be received and noted.

PURPOSE

The purpose of this report is to advise the Hornsby Local Planning Panel of development applications required to be determined by the Panel that are over 180 calendar days from lodgement.

DISCUSSION

In 2019 the NSW Productivity Commission conducted a review of the Independent Planning Commission (IPC). The review recommended several actions to streamline processes to optimise efficiency, output and performance.

The planning panel changes were implemented on 1 August 2020 to incorporate a number of the NSW Productivity Commission 's recommendations to the way Local Planning Panels work to make them more efficient and to improve the assessment and determination times of development applications and maintain panel oversight of sensitive and contentious applications.

These changes were made as part of the Planning Acceleration Program to support the State's immediate and long-term economic recovery from the COVID-19 crisis.

The changes will speed up panel determinations by:

1. Reducing the need to conduct public panel meetings for non-contentious matters by applying a '10-or-more' objection trigger for public meetings.
2. Reducing the amount of modifications going to panels.
3. Obliging panel chairs to more actively manage development applications (DAs) coming to the panels to reduce panel deferrals and assessment timeframes.
4. Allowing chairs to bring forward determination on DAs that are experiencing unreasonable delays of over 180 days from lodgement.
5. Introducing panel performance measures.

The Local Planning Panels Directions - Operational Procedures has been amended to:

- Require panels to make determinations within two weeks of being provided an assessment report.
- Require panels to hold a public meeting only where the Development Application has attracted 10 or more unique submissions by way of objection.
- Allow, at the Chair's discretion, applicants to attend a briefing, along with council staff, to explain complex matters or present confidential or commercially sensitive material.
- Oblige panel chairs to work with council to ensure key issues are addressed during assessment in order to minimise deferrals by the panels at determination stage.
- Require the panels to provide reasons for deferring a decision and set timeframes in which any additional information must be provided in order to finalise the determination.
- Give panel chairs the ability to require council to report a DA to the panel within four weeks for determination if the application has experienced unreasonable delays in excess of 180 calendar days from lodgement.

In accordance with Point 6 of the Local Planning Panels Directions - Operational Procedures, attached is a list of development applications required to be determined by the Panel that are over 180 calendar days from lodgement.

CONCLUSION

Council is required to monitor development applications to be determined by the Panel that are over 180 calendar days from lodgement. This report provides advice to the Local Planning Panel on DAs that are experiencing unreasonable delays of over 180 days from lodgement.

RESPONSIBLE OFFICER



The officer responsible for the preparation of this report is the Major Development Manager, Cassandra Williams.

JAMES FARRINGTON

Director - Planning and Compliance

Planning and Compliance Division

Attachments:

1.  DAs over 180
 days

File Reference: F2013/00295-004

Document Number: D08650419

List of development applications required to be determined by the LPP that are over 180 calendar days from lodgement

DA No.	Proposal	Address	Ward	Reason	Est. Date to LPP	Advice to Chair	No. Days at 31/5
DA/1146/2020	Torrens title subdivision of 1 into 10	90-92 Franklin Road Cherrybrook	C	VPA	Aug	VPA wording is being negotiated between Council and the applicant's legal teams. VPA to be exhibited following agreement with applicant. Report being prepared for the next available LPP meeting following the conclusion of the notification period.	891
DA/1022/2021	Torrens title subdivision of 1 lot into 60	36-56 David Road Castle Hill	C	VPA >10 submissions	Aug	Council staff and external planning consultants have finalised the further review of the amended plans and a RFI is being prepared to be sent to the applicant.	608
DA/121/2022	Demolition and construction of 5 storey RFB - 64 units	23-27 Balmoral Street Waitara	B	SEPP 65 + >10 submissions	Jul	Upon receipt of the revised plans the application will require re-notification and a report prepared for the next available LPP meeting.	478
DA/737/2022	Recreational facility	639 Old Northern Road Dural	A	>10 submissions	Jun	Additional information to be submitted by 17 May 2023 to enable June LPP determination. Applicant has requested to brief LPP to request an extension for provision of requested information and request the application be determined at a later meeting date.	317

ATTACHMENT 1 - ITEM 2

List of development applications required to be determined by the LPP that are over 180 calendar days from lodgement

DA No.	Proposal	Address	Ward	Reason	Est. Date to LPP	Advice to Chair	No. Days at 31/5
DA/1170/2022	Construction of a dwelling house	33 Evans Road Hornsby Heights	A	>10% height	Jun	Amended plans and documentation received and on notification until 25 May 2023. Report to be prepared for June meeting.	209
DA/1314/2022	Alterations and additions to an existing dwelling house and use (in part) for a Home Business	1 Dikera Close Hornsby	A	>10% height	Jul	Council has raised a number of issues with the proposed development and the applicant has requested an extension be granted until 22 May to provide the requested information.	185

ATTACHMENT 1 - ITEM 2