



planning consultants

Section 75W Modification of MP 09_0180

Clusters 2, 3 and 4

Seniors Housing Development

34-36 Memorial Avenue, Kellyville



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1 Introduction

DFP Planning Pty Ltd (DFP) has been engaged to assist BaptistCare NSW & ACT (BaptistCare) in relation to an application to modify the Project Approval issued for a seniors housing development on Lot 100 DP 1163410 (previously known as Lot 401 DP 1125136 and Lot 41 DP 10702) under the now repealed Section 75W of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

The Project Approval has been modified on six (6) previous occasions. The approval has been acted upon and Stage 1 (Free Settlers Drive), Stage 5 (Rutherford Avenue), Stage 6 & 7 (corner of Free Settlers Drive and Hodges Road) and the RACF (Memorial Avenue) are completed and occupied.

This modification relates to a redesign of Clusters 2, 3 and 4 to better respond to market demand. The location of Clusters 2, 3 and 4 is shown on the site plan at **Figure 1**. In addition, in order to improve resident access to the community centre and village facilities, a flight of stairs is proposed be provided from the podium of Cluster 5.

Similar to the current approval, the modifications to Clusters 2,3 and 4 will result in the buildings encroaching the maximum building height prescribed in The Hills Local Environmental Plan 2012 (The Hills LEP 2012).

The Project Approval was issued for the development under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. In accordance with the provisions of the now repealed Section 75R(3) of the EP&A Act, environmental planning instruments (other than SEPPs) do not apply in respect of an approved project. Therefore, in terms of addressing non-compliance with development standards (in this case, the building height), the provisions of clause 4.6 of The Hills LEP 2012 are not relevant. Notwithstanding, the impacts of the height of the modified development has been considered and addressed in this report.



Figure 1 Site Plan identifying the location of Clusters 2, 3 and 4 within the Gracewood development

Figure 2 (overpage) is an aerial photograph of the Gracewood site.

1 Introduction

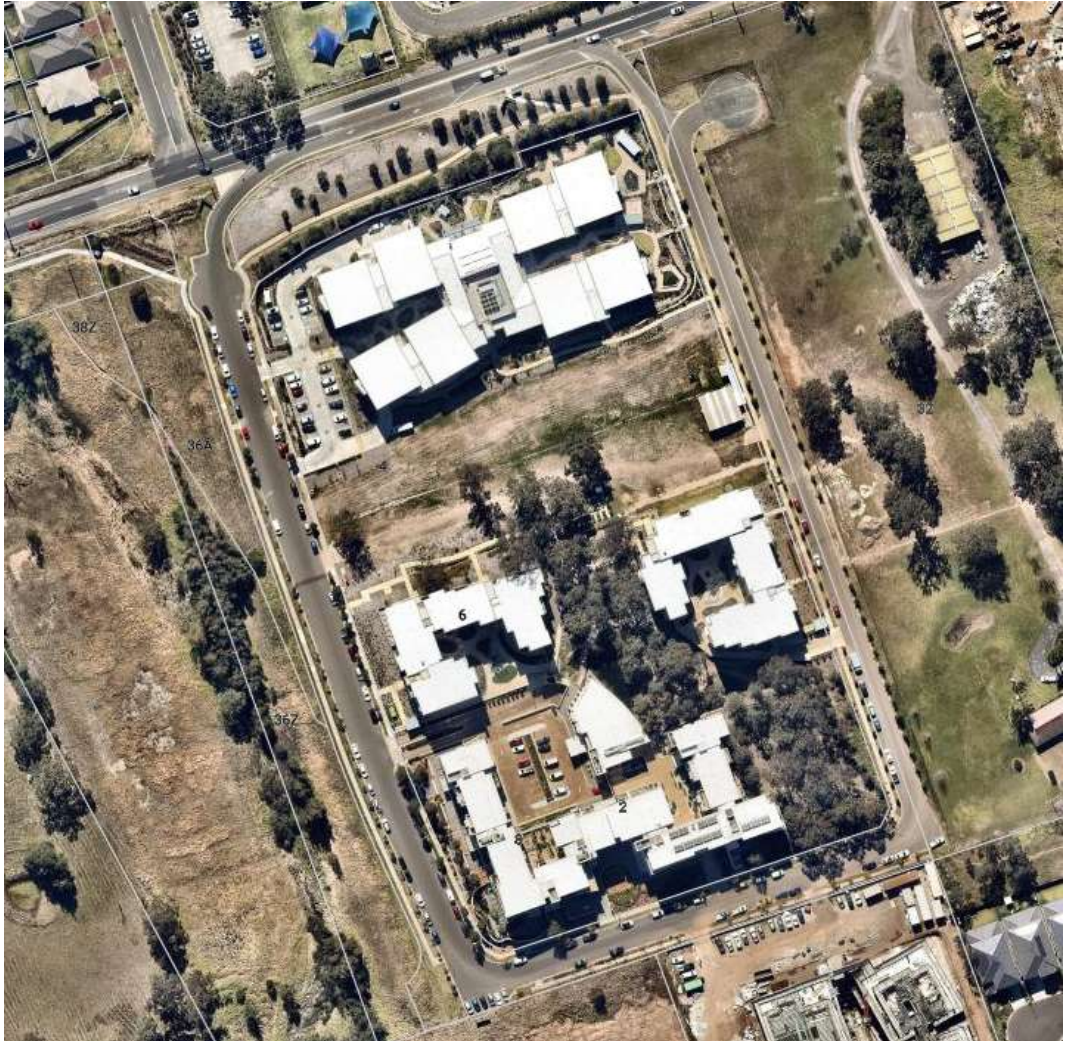


Figure 2 Aerial Photograph of Gracewood site [Source: Nearmap image captured 7 September 2017]

2 Background

2.1 Previous Modifications

On 16 February 2011, approval for MP_0180 was issued by the then Department of Planning and Infrastructure. The approved development is described as:

Seniors Living Development including:

- Residential aged care facility providing 128 rooms (160 beds) with associated resident facilities;
- 7 Cluster buildings providing a total of 231 self-contained dwellings;
- Community Centre and Village clubhouse and provision of community facilities;
- Young Persons with a Disability Respite Building (YPDOR);
- Basement and at-grade car parking for 203 cars; and
- Landscaping.

The application has been modified on six previous occasions. The modifications are as follows:

- **MOD 1** - Modification of Condition C2 - Signalisation Works to Memorial Avenue/ Arnold Avenue/ Free Settlers Drive
- **MOD 2** - Modification to Condition E2- Works to Intersection of Memorial Avenue/ Arnold Avenue/ Free Settlers Drive- Stage 1 and Deletion of Condition E5.
- **MOD 3** – This modification provided for the following:
 - Reconfiguration of the arrangement of car parking on site;
 - Minor adjustments to the basement footprints to accommodate additional plant areas;
 - Provision of an additional level of basement car parking beneath Cluster 4; and
 - Raising of the finished floor level of the basement of the RACF building to avoid potential drainage issues.
- **MOD 4** - Deletion of the Young Persons with Disability Respite facility (YPDOR) component of the approved seniors housing development and alterations to the footprint, configuration, finished floor level, height and car parking for the approved Residential Aged Care Facility (RACF) building.
- **MOD 5** - Minor modifications to the RACF building to provide plant on the roof and reconfiguration of the service area and car parking.
- **MOD 6** – This modification provided for the following:
 - Reconfiguration of Clusters 1 and 5 including increase in height from 4 and a 4-5 storey building to two 5 storey buildings with reconfigured footprints and layout;
 - An increase in floor space of 2,629m²;
 - An increase in the number of independent living units (ILUs) from 231 to 244;
 - Increase in associated basement car parking by 27 spaces;
 - Associated amendments to landscaping, vehicular access, and stormwater drainage; and
 - Amendments to the Statement of Commitments.

2 Background

2.2 Existing Development

The following development has been carried out on the site in accordance with the original approval and subsequent modifications:

- Clusters 6 and 7 and the Village Community Uses have been constructed and are occupied. Clusters 6 and 7 comprise a total of 73 ILUs.
- Clusters 1 and 5 have been constructed in accordance with MOD 6. Clusters 1 and 5 comprise a total of 80 ILUs.
- The 160 bed RACF has been completed and is occupied.
- Restoration of the Cumberland Plain Woodland area has been undertaken.
- Landscaping works in conjunction with the completed stages have been undertaken.

Existing development on the site comprises:

- 160 bed RACF building with associated car parking
- 153 ILUs
- Community centre and village facilities
- 59 at-grade parking spaces for the RACF, community centre and village facilities
- 129 basement parking spaces for Clusters 1, 5, 6 and 7.

2.3 Pre Lodgement Meetings

In order to ensure the requirements of NSW Department of Planning and Environment (DPE) and The Hills Shire Council (THSC) were appropriately addressed as part of this modification application, meetings were held with DPE on 6 July 2017 and Council on 22 June 2017.

Minutes of the meeting with THSC are included at **Appendix 1** to this report. The matters raised by Council have been addressed in this report and within the specialist consultant reports appended to this report.

3 Part 3A Transitional Provisions

Schedule 6A of the Environmental Planning and Assessment Act 1979 (EP&A Act) sets out the transitional arrangements for the repeal of Part 3A of the EP&A Act. Clause 2 – Transitional Part 3A Projects defines transitional Part 3A projects as follows:

2(1) The following are, subject to this Schedule, transitional Part 3A projects:

- (a) an approved project (whether approved before or after the repeal of Part 3A),*
- (b) a project that is the subject of an approved concept plan (whether approved before or after the repeal of Part 3A),*

In this instance, the Project application was approved after the repeal of Part 3A and is therefore a transitional Part 3A project.

Clause 3(1) of Schedule 6A provides that:

Part 3A of this Act (as in force immediately before the repeal of that Part and as modified under this Schedule after that repeal) continues to apply to and in respect of a transitional Part 3A project.

The repealed provisions of Part 3A continue to apply to the Project Approval, which includes section 75W dealing with modifications of approvals.

4 Modified Development

4.1 Introduction

The following modifications to the approved development are proposed:

- Modification to the approved building footprints and heights of Clusters 2, 3 and 4.
- Associated landscaping works.
- Modification of the boundary of the Cumberland Plain Woodland (CPW) parkland and associated regeneration works.
- Addition of stairs from the podium of Cluster 5 to link with existing paths through the CPW park.
- Provision of an additional vehicular crossing to Rutherford Avenue.
- Changes to the basement car parking provision and footprint.
- Provision of an accessible path through the site linking Free Settlers Drive to Rutherford Avenue.

Architectural plans of the proposed modifications to Clusters 2, 3 and 4 and the stairs from the Cluster 5 podium have been prepared by DKO Architects and are included at **Appendix 2** to this report.

4.2 Modifications to Clusters 2, 3 and 4

4.2.1 Summary of Changes

The changes between the approved Clusters 2, 3 and 4 development and the proposed modifications are detailed in the table below.

Table 1 Comparison of Approved and Modified Development for Clusters 2, 3 and 4		
Feature	Approved Clusters 2, 3 and 4	Proposed Modifications
No. of apartments	12 x 1-bedroom apartments 62 x 2-bedroom apartments 19 x 3-bedroom apartments	0 x 1-bedroom apartments 43 x 2-bedroom apartments 45 x 3-bedroom apartments
Total apartments	91	88
No. of residential levels	4/5	5
No. of carparking spaces	Original Approval MP09_0180: 50 spaces (all accessible spaces in accordance with AS2890.6-2009) MOD 3 to MP09_0180: 101 spaces (19 spaces in accordance with AS2890.6-2009). All other spaces @ 2.4m width	126 spaces – 7 spaces @ 3.8m width; 119 spaces @ 2.7m width. Alternate layout: 122 spaces: 22 spaces in accordance with AS289.6-2009 104 spaces @ 2.7m wide
Feature	Total Development as originally approved	Modified Development
Gross Floor Area	41,471m ²	41,697m ²
Floor Space Ratio	1.13:1	1.13:1
Site Population	507 persons	521 persons

4 Modified Development

4.2.2 Proposed Yield

88 Community Village units (CVUs or independent living units (ILUs)) across Cluster 2, 3 and 4. The original approval provided for a total of 91 apartments within Clusters 2, 3 and 4. Notwithstanding that there are fewer apartments than originally approved, the apartment mix is proposed to change as follows:

- 0 x 1-bedroom ILUs;
- 43 x 2-bedroom ILUs; and
- 45 x 3-bedroom ILUs.

Upon completion, the development on the site will comprise 241 ILUs

4.2.3 Site Population

The Hills Development Control Plan (THDCP), specifies a density target of 150-175 persons/hectare.

The site area occupied by the approved development is 3.664 hectares.

Therefore, the target population for the site is 549 to 641 persons.

Based on an assumed occupancy of 1.5 persons/ILU and 1 person/RACF bed, the site population of the modified development (including the proposed redesign of Clusters 2,3 and 4, completed clusters 1, 5, 6 and 7 and the RACF) will be 521 persons. This is below Council's target for density and slightly less than the density of the MOD 6 approved development.

The site area which has been assigned to Clusters 2,3 and 4 (being the area of land remaining undeveloped) is 7,132m².

The target density for this part of the site (based on the DCP target rate of 150-175 persons/hectare) is 107 – 125 persons. Assuming an occupancy of 1.5 persons/ILU, the population of Clusters 2, 3 and 4 as modified will be 132 persons which slightly exceeds the target population maximum. However, given that the development overall achieves a slightly lower density to the DCP target range, this is considered acceptable in the circumstances.

4.2.4 Gross Floor Area (GFA) and Floor Space Ratio (FSR)

The development approved in February 2011 had a total gross floor area (GFA) of 41,471m², which equated to a total floor space ratio (FSR) of 1.13:1

The modification to reduce the GFA of the RACF building (MOD 4) and the modification to increase the GFA of Clusters 1 and 5 resulted in a total FSR of 1.11:1 currently approved for the site. This FSR calculation was based on the approved GFA of Clusters 2, 3 and 4 of 10,723m².

The proposed modifications to Clusters 2, 3 and 4 will result in a GFA of 11,910m².

Factoring this proposed modification to Clusters 2, 3 and 4, the total GFA across the site will be 41,697m² which will equate to a FSR of 1.13:1 which is the same as the originally approved scheme.

4 Modified Development

4.2.5 Building Height

The proposed reconfiguration of Clusters 2, 3 and 4 will result in reduced building footprints and additional building heights. A section of the approved Cluster 2 building breached the building height limit under the version of Baulkham Hills Development Control Plan (BHDCP) that applied at the time the original application was being assessed.¹ The maximum building height that applied to the site under the previous BHDCP was 13m maximum height to eaves and 16m to the roof ridge when measured from natural ground level.

Since approval of MP09_0180, The Hills LEP 2012 has been published and is now the LEP relevant to this site. The Hills LEP 2012 introduced a maximum building height development control of 16m for the site. Parts of the proposed buildings will result in minor breaches of the 16m building height limit. The height breaches reflect those approved for Clusters 1 and 5 as part of MOD 6 to MP_09_0180. Contextually, the buildings are considered appropriate taking into account the zoning of the land and the emerging character of the area, including existing Clusters 1 and 5 on the site.

4.2.6 Car Parking and Access

A total of 126 basement car parking spaces are proposed to be provided for Clusters 2, 3 and 4. This is an increase of 25 spaces compared to that approved as part of MOD 3.

It is proposed to provide 5% of the 126 spaces (i.e. – 7 spaces) with a minimum width of 3.8m. The remaining 119 spaces will be 2.7m wide.

Under the approved scheme access to the basement car park beneath Clusters 2 and 3 was via a shared driveway with the adjoining RACF development off Free Settlers Drive. Access to the Cluster 4 basement was via a separate entry from an extension of this driveway. A connection between the Cluster 3 car park and the Cluster 4 car park was also proposed.

As part of this modification, it is proposed to provide vehicular access to the basement car parking from Rutherford Avenue. Following discussions with THSC regarding the flood affection of the site (and the requirement to provide flood free access for residents), it was determined that access via Rutherford Avenue would be functional than access via Free Settlers Drive as originally approved.

A separate service entry is proposed off the southern RACF driveway off Free Settlers Drive. This entry/exit will be used by waste collection vehicles, removalist vans and other service vehicles. To ensure these vehicles are able to enter and leave the site in a forward direction, it is proposed to install a turntable within the service area in the basement.

An assessment of the car parking provision for the modified Cluster 2, 3 and 4 development is provided in Section 7.2.2 of this report and the Traffic and Parking Assessment prepared by TTPA at **Appendix 4** to this report.

4.2.7 Landscaping and Endangered Ecological Community

Landscaped Area

Landscape plans addressing the revised building footprints of Clusters 2, 3 and 4 have been prepared by Taylor Brammer. Copies of these plans, together with a Landscape Design Statement are included at **Appendix 3** to this report.

A total of 2,949m² of landscaped area is proposed to be provided for the modified Cluster 2, 3 and 4 development. Of the 2,949m² of landscaped area proposed to be provided for Clusters 2,3 and 4:

- There will be 2,638m² of communal open space.

¹ The version of The Hills LEP in force at the time the original application was submitted did not include a development control relating to building height.

4 Modified Development

- 1,111m² of the landscaped area will comprise deep soil areas. This equates to 37.6% of the landscaped area and 15.5% of the site area which has been assigned to Clusters 2, 3 and 4.

An assessment of the landscaped area provision for Clusters 2, 3 and 4 (as modified) against the development standards in SEPP Seniors and THDCP 2012 is provided in **Sections 6.1** and **6.5** of this report.

The original approval did not 'break down' the landscaped area across each of the various stages of development. Under the approved scheme a total of 21,793m² of landscaped area was provided. Of this,

- 15,418m² comprised soft landscaping
- 6,312m² was hard landscaped elements, including paving and pathways
- 12,616m² comprised deep soil areas. This equated to 58% of the total landscaped area proposed.

The total landscaped area provision under the approved scheme exceeded the minimum area required under SEPP Seniors by over 9,400m². The SEPP only required 12,385m² of landscaped area to be provided for the development. The proposed modifications to Clusters 2, 3 and 4 will not result in landscaped area less than the minimum required by the SEPP being on the site.

Cumberland Plain Woodland

Notwithstanding, that the change in footprints of these buildings is proposed, the total area of the Cumberland Plain Woodland endangered ecological community (CPW EEC) will be maintained at a minimum of 0.5421ha.

An assessment of the impacts of the proposed modification to Clusters 2, 3 and 4 on the CPW EEC has been undertaken by Travers bushfire and ecology. A copy of that assessment is included at **Appendix 5** to this report.

Tree Removal

In order to accommodate the change in building footprint for Clusters 2, 3 and 4, trees previously identified as trees to be retained will be impacted. In order to assess the impacts of the proposed modifications on trees, Travers bushfire and ecology has prepared a Tree Assessment Report, a copy of which is included at **Appendix 6** to this report.

Travers has identified that the proposed modified development will impact a total of 7 trees (T024, T025, T037, T027 & T048, and T049 & T050). With the exception of Tree T027, all other trees were previously indicated for removal as part of previous studies. However, T052 which was previously indicated for removal, is now being retained as part of the modified development.

4.3 Cluster 5 Stairs

In order to facilitate more direct access for residents of Cluster 5 to the open space areas and community village facilities, it is proposed to install stairs from the communal open space podium of Cluster 5. Access for Cluster 5 residents to the community village facilities is currently only available via the basement car park (through a door at the north-western corner of the lowest level of Cluster 5) or external to the site via footpaths on Rutherford Avenue and Hodges Road.

The access via the basement car park will be retained (as the accessible path of travel to the rest of the facilities on site), however as a number of residents do not need to rely on access being available via an accessible path, the installation of the stairs will provide an alternative means of access for those residents more able.

5 Proposed Modifications to MP09_0180 (as modified)

5.1 Clusters 2, 3 and 4

In response to changes in market demand together with feedback from existing residents of the completed buildings of the Gracewood development, BaptistCare engaged DKO Architects (DKO) to review the approved scheme for Clusters 2, 3 and 4.

As part of that review, DKO has identified opportunities to improve site planning, residential amenity, street presence and relationship with the completed buildings. DKO considered a number of alternative arrangements for building layout on this part of the site and determined that a three building arrangement was optimal in terms of maximising amenity for existing and future residents.

The proposed modifications will result in variations to the building footprints, apartment mix and building heights from the plans originally approved. The positive outcomes of the proposed reconfiguration of Clusters 2, 3 and 4 include:

- Increased separation between buildings (including the existing buildings on site) resulting in increased solar access.
- Improved street presentation with two access points from the street frontage buildings to the streets.
- Improved connectivity between buildings and the community village facilities and Cumberland Plain Woodland area.
- Improved east-west link from Free Settlers Drive to Rutherford Avenue.
- Improved residential amenity to apartments. The modified design will achieve:
 - 68% of apartments (60 out of 88) will achieve the cross ventilation targets in the Apartment Design Guideline (ADG); and
 - 70% of apartments (62 out of 88) will receive a minimum of 3 hours solar access in mid-winter. With the inclusion of the apartment that receives 2 hours of solar access (being the minimum required under the ADG), the percentage of apartments receiving a minimum of 2 hours of solar access in mid-winter increases to 71.5%.
- Large usable communal open space areas between the buildings.
- More deep soil areas.
- More efficient floor plans.

Plans of the modified layouts of the apartments and basement car parking areas of Clusters 2, 3 and 4 are included at **Appendix 2** to this report.

5.2 Stairs from Cluster 5

The plans at **Appendix 2** to this report identify the location of the stairs from the podium of Cluster 5. Importantly, an accessible path of travel from Cluster 5 (via a pathway through the basement) will be retained. The stairs will provide an alternative means of access for those residents who do not require an accessible path of travel.

5 Proposed Modifications to MP09_0180 (as modified)

5.3 Modifications to Project Approval MP09_0180

In order to provide for the above modifications, the following amendments to the approval issued in relation to MP09_0180 (as modified) are sought to be amended to include reference to MOD 7.

Modification:

- *Reconfiguration of Clusters 2, 3 and 4 to provide buildings with a maximum height of 5 residential levels and one level of basement car parking;*
- *Adjustments to the footprints of Clusters 2, 3 and 4;*
- *The provision of 88 self-contained seniors living apartments as follows:*
 - *Cluster 2 – 29 apartments;*
 - *Cluster 3 – 29 apartments; and*
 - *Cluster 4 – 30 apartments.*
- *Adjustments to the layout of basement car parking to provide a total of 126 spaces (including 7 spaces at 3.8m width).*
- *Installation of stairs from the podium of Cluster 5.*

Condition A1 Development Description

The description of the approved development as noted in condition A1 of Schedule 2 of the approval to be amended as follows:

Development approval is granted only to carrying out the development described in detail below:

- *Construction of Residential Aged Care Facility providing 160 beds (128 rooms), with associated resident facilities;*
- *7 Cluster buildings providing a total of ~~244~~ **241** self-contained dwellings;*
- *Community Centre and Village Clubhouse and numerous community facilities;*
- *Basement car parking for ~~258~~ **283** cars (including at least, a minimum of ~~34~~ **19** accessible spaces for Clusters 2, 3, 4, 6 and 7 in accordance with AS2890.6-2009.*
- *At grade car parking for 59 cars (including 8 accessible spaces being provided in accordance with AS2890.6-2009); and*
- *Landscaping including provision of Open Space Park*

Condition A2 Development in Accordance with Plans and Documentation

This condition lists all plans, reports and assessments which form part of the approved documentation for the approved Project. These plans have been modified as they relate to Clusters 2, 3 and 4 and that part of the site occupied by those buildings and to show the stairs leading from the podium of Cluster 5.

It is requested that reference to this report be included in paragraph one of Condition A2.

It is also requested that the architectural plans at **Appendix 2** be included as approved plans in condition A2.

In addition, the landscape plans at **Appendix 3** and the revised stormwater plans at **Appendix 7** will also need to be included as approved plans as they relate to Clusters 2, 3 and 4 and that part of the site occupied by those buildings.

5 Proposed Modifications to MP09_0180 (as modified)

Condition F10 Basement Car Parking

- a. A minimum total of provision of ~~34~~ **19** disabled parking spaces (in accordance with the requirements of AS2980.6) is to be provided within the basement parking areas of Clusters 2,3 4 6 and 7 for the exclusive use of residents of the Independent Living Units.
- b. No change
- c. No change

Statements of Commitment

Commitment No. 7 (as modified) relates the preservation and restoration of the Cumberland Plain Woodland and requires this to be undertaken in accordance with the Landscape Restoration Management Plan prepared by Travers Bushfire and Ecology and dated May 2010 (as amended November 2010).

Travers Bushfire and Ecology (TBE) has revised the Landscape Restoration Management Plan (LRMP) to reflect the changes to the area to be protected as a result of the amendments to the footprints of Clusters 2, 3 and 4 and the inclusion of the stairs from the podium of Cluster 5. A copy of the revised LRMP is provided at **Appendix 5** to this report. This is discussed in Section 7.3.1 of this report.

Therefore, it is requested that **Commitment No. 7** be modified to reference the revised LRMP at **Appendix 5** and Drawing No. DA211/A prepared by DKO Architects which shows the revised boundary of the Cumberland Plain Woodland protected area (refer **Appendix 2**).

Commitment No. 8 relates to the proponent undertaking the management measures and actions contained in the relevant sections of the 2010 LRMP. In the timing section relating to the commitment, reference is made to the LRMP amended in November 2010. Due to the changes to the protected area and revised LRMP Commitment No. 8 will need to be modified to reflect the new plan and revised LMRP.

As a result of the modifications to Clusters 1 and 5, TBE determined that the area of protected Cumberland Plain Woodland (CPW) that is subject to the Section 88B instrument required by **Commitment No. 9** is incorrect. This is discussed in detail in Section 7.3.1 of this report. In view of the need for the Section 88B instrument to be amended to reflect the changes to the boundary of the protected area, a new commitment, **Commitment No. 9A** is proposed.

The suggested wording of **Commitment No. 9A** is as follows:

BaptistCare (previously known as BCS) will amend the Section 88B instrument registered on the title of the subject property in relation to the managed open space park to reflect the changes to the boundary of the managed area as shown on Drawing No. DA211, Revision A submitted with the MOD 7 Section 75W application to modify the approval issued in relation to MP09_0180.

Commitment No. 26 relates to the provision of car parking for the community village units (CVUs) which are also known as independent living units (ILUs).

Agreement to amend this commitment in the following manner is requested:

- *BCS commits to providing a minimum of **283** CVU car parking spaces. ~~72-126~~ of the spaces to be provided within the basements of Clusters **2,3 and 4** ~~and 5~~ will have a minimum width of ~~3.2m~~ **2.7m** 3.2m and ~~42~~ **7** spaces will have a minimum width of 3.8m. For Clusters 2, 3, 4, 6 and 7, a total of ~~34~~ **19** accessible spaces will be provided and these spaces will be provided in accordance with AS2890.6-2009.*

All other car parking areas ramps, grades, aisles and manoeuvring areas will be designed to comply with AS2890.1.

5 Proposed Modifications to MP09_0180 (as modified)

6 Environmental Planning Assessment

This section provides an environmental assessment of the proposed development in respect of the relevant matters for consideration under Section 79C(1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

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

The original Environmental Assessment Report included an assessment of the proposed development against the relevant provision of SEPP Seniors. For the purposes of this modification only those provisions relevant to the proposed modification will be considered.

6.1.1 Part 3 – Design Requirements

Clause 33 – Neighbourhood Amenity and Streetscape

It is considered that the modified development has been designed to respond appropriately to the desired future character of the neighbourhood. This is discussed in Sections 7.4 and 7.7.1 of this report.

DKO Architects have also prepared an Architectural Design Statement which has assessed the modified development for Clusters 2, 3 and 4 against the Design Principles as set out in State Environmental Planning Policy 65 – Design Quality of Residential Apartment Developments (SEPP 65). A copy of the Design Statement is provided at **Appendix 8** to this report.

Principle 01 relates to Context and Neighbourhood. In this regard, DKO notes that the site is located within the approved Gracewood development and is the final stage of development on the site.

The approval issued for the overall development recognised that the area in which the site is located is undergoing transition from a rural residential area to a highly urbanised area. In this regard it is noted that there are residential apartment developments currently under construction to the south of the site.

The modifications to Clusters 2, 3 and 4 will result in an improved relationship with Free Settlers Drive and Rutherford Avenue, compared to the approved development as demonstrated in the photomontages prepared by DKO Architects in **Figures 3 and 4**.



Figure 3 View towards proposed Cluster 2 development along Free Settlers Drive

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Figure 4 View towards proposed Cluster 4 development along Rutherford Avenue

Clause 35 – Solar Access and Design for Climate

The modified Clusters have been designed to improve solar access to the ILUs compared to the approved development. In this regard, 71.5% of apartments will receive a minimum of 2 hours of solar access to the living areas and private open space (70% will receive 3 hours) in mid-winter. The number of south facing apartments has been reduced and there are no single aspect south facing apartments. As demonstrated in the 'eye of the sun' plan at **Appendix 2**, all apartments will receive some solar access on June 21.

Cross ventilation has been maximised by the internal layouts of the modified clusters with 68% of apartments achieving cross ventilations, which is in excess of the 60% requirement in the ADG.

In terms of sustainability:

- Low energy lighting will be deployed throughout the buildings.
- Energy efficient water heaters will also be installed.
- Integrated building systems such as heating, cooling and hot water will be designed to respond to the environmental conditions of the site.
- Apartments subject to excessive solar gain and heat loss have been recessed behind balconies to minimise summer solar heat gain and shield apartments from harsh summer sun. Winter daylight will penetrate deep into the interior of by way of balconies.
- Rainwater tanks are provided to retain and reuse the rainwater collected on site for irrigation of the communal gardens
- In terms of BASIX, the modified proposal will achieve at least the minimum NSW Benchmark Consumption for energy and water. Landscaping that includes low-maintenance and local indigenous plants will minimise water use and create a robust native landscape.

The BASIX Certificates for the proposed ILUs are included at **Appendix 9** to this report.

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Clause 36 – Stormwater

The modifications to the stormwater management for Clusters 2, 3 and 4 is addressed in **Section 7.1** of this report.

Wood and Grieve Engineers has prepared a stormwater management plan (SMP) for the modified development and a copy of this report and accompanying plans is included at **Appendix 7** to this report.

The stormwater drainage has been designed to comply with The Hills Shire Council's Standards and Guidelines for stormwater management, Australian Rainfall and Runoff, Australian Standards and best engineering practice.

Clause 28 - Accessibility

The modified ILUs in Clusters 2, 3 and 4 have been designed to meet the relevant provisions of *Schedule 3 - Standards concerning accessibility and useability for hostels and self-contained dwellings* to SEPP Seniors and the relevant Australian Standards.

The village centre and clubhouse facilities have been provided on site as part of the Stage 1 construction and these facilities will be available for use by residents of Clusters 2, 3 and 4.

An accessibility assessment prepared by Morris Goding Accessibility Consulting (MGAC) is included at **Appendix 10** to this report.

Clause 39 – Waste Management

The approved scheme proposed waste collection from the street frontages. This is the method of waste collection for the existing ILU developments on the site.

At a meeting with THSC on 6 July 2017 (refer minutes of meeting at **Appendix 1**), Council advised that the current methodology for waste collection was unsatisfactory due to the number of bins and requested that alternative arrangements be made as part of the modifications to Clusters 2, 3 and 4.

In response to Council's concern, the basement has been designed to accommodate a waste collection vehicle so that all collection can be carried out on site. To enable vehicles to enter and leave the site in a forward direction, a turntable will be installed.

Residents will have access to chutes on each level of the three clusters. These chutes will be capable of accepting both general waste and recycling waste. As noted in the waste management plan (WMP) prepared by Leigh Design (refer **Appendix 11** to this report), diverter chutes will be installed to facilitate sorting of waste.

In addition to providing for these waste streams, a bulk waste store area has been provided within the basement.

6.1.2 Part 4 – Development Standards to be complied with

Clause 40 of SEPP Seniors specifies development standards relating to minimum site, size and frontage and building heights which apply to all forms of seniors housing.

The provisions of Clause 40 are not relevant to this modification which continues to comprise seniors housing in residential flat buildings in a zone in which that form of development is permitted. Further, in accordance with Clause 40(5), because BaptistCare are a Social Housing Provider, Clauses 40(2), 40(3) and 40(4)(c) do not apply.

Clause 41 –Standards for Hostels and Self Contained Dwellings

In accordance with Clause 41(2) of SEPP Seniors, a self-contained dwelling that is located above the ground floor in a multi storey building within a development by a social housing provider does not have to comply with the provisions of clauses 2, 7, 8, 9, 10, 11, 12, 13 and 15 – 20 of Schedule 3. BaptistCare is a Social Housing Provider.

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In relation to the modification to Clusters 2, 3 and 4, only those ILUs on the lowest level on the north-eastern side of each building are considered to be ground floor apartments.

The access report at **Appendix 10** has assessed the ground floor ILUs against the relevant standards in Schedule 3 to SEPP Seniors and notes that the apartments have been designed and/or are capable of complying with the Schedule 3 design requirements.

In relation to those standards that apply to all self-contained dwellings, with the possible exception of private car accommodation (Clause 5 of Schedule 3) the modifications to Clusters 2, 3 and 4 have been designed to meet the the relevant provisions of *Schedule 3 - Standards concerning accessibility and useability for hostels and self-contained dwellings* of the SEPP. Discussion relating to Clause 5 of Schedule 3 is provided in **Section 7.2.2** of this report.

Clause 50 - Standards that cannot be used to refuse development consent for self-contained dwellings

An assessment against the standards in Clause 50 is detailed in **Table 2** below.

Table 2 Standards that cannot be used to refuse development consent for self-contained dwellings		
Clause 50 Provision	Assessment	Consistency
<p>Building height</p> <p>All buildings to be 8 metres or less in height</p>	<p>All three Clusters are in excess of 8 metres in height. The Hills LEP 2012 allows buildings up to 16m in height. However, parts of the buildings exceed this height. Justification for the height above 16m is discussed further in Section 6.4</p>	<p>Acceptable on merit</p>
<p>Density and Scale</p> <p>FSR to be 0.5:1 or less</p>	<p>FSR of total development (i.e. – the ILUs component and RACF building) = 1.13:1 which is the same as the FSR of the original approved development.</p>	<p>Acceptable on merit</p>
<p>Landscape</p> <p>In the case of an application by a Social Housing Provider a minimum 35m² of landscape area per dwelling is required.</p>	<p>88 units x 35m² = 3,080m² of landscape area required.</p> <p>Landscaped area for Clusters 2, 3 and 4 has been calculated to be 2,949m² which is slightly below the 'required' area however, when considered as part of the entire site, landscaped area in excess of that required has been provided. Taking into account all uses on the site, landscaped area of 12,385m² is required to be provided, however a total of 21,793m² will be provided.</p>	<p>Complies for entire site</p>
<p>Deep Soil Zones</p> <p>15% of the site area to be maintained as a deep soil zone area</p>	<p>1,111m² of deep soil area will be provided on that part of the site to be occupied by Clusters 2, 3 and 4. This equates to 15% of the site area 'assigned' to these clusters. Across the site, in excess of 15% of the total site area is provided as deep soil area.</p>	<p>Complies</p>
<p>Solar Access</p> <p>The living rooms and private open spaces for a minimum of 70% of dwellings to receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid Winter</p>	<p>70% of ILUs will receive at least 3 hours of direct sunlight between 9am and 3pm on June 21</p>	<p>Complies</p>

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Table 2 Standards that cannot be used to refuse development consent for self-contained dwellings

	Cluster 2 34 spaces Cluster 3 38 spaces Cluster 4 54 spaces Total 126 spaces	
Parking 1 space per 5 dwellings when the application is made by a Social Housing Provider	As a result of the modifications to the car parking for Clusters 2, 3 and 4, a total of 283 basement car parking spaces will be provided for the ILUs within the development of this development. If parking was provided in accordance with the SEPP, only 49 spaces in total (for the 241 ILUs) would be required. Further discussion relating to car parking is provided in Section 7.2.2 of this report.	Complies

Schedule 3 of the SEPP details the standards concerning accessibility and useability for hostels and self-contained dwellings. The modifications to Clusters 2, 3 and 4 have been designed to comply with the provisions detailed in Schedule 3, where relevant. Further, Commitment 35 in the Statement of Commitments relating to this development and the approval, requires the following:

BCS commits to constructing the development in accordance with the relevant provisions of *Schedule 3 - Standards concerning accessibility and useability for hostels and self-contained dwellings* to SEPP (Housing for Seniors or People with a Disability) 2004 and the relevant Australian Standards.

Relevant to this modification is the redesign of the car parking areas within the basements of Clusters 2, 3 and 4.

Item (5) of Schedule 3 requires the following with respect to private car accommodation:

If car parking (not being car parking for employees) is provided:

- (a) *car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890, and*
- (b) *5% of the total number of car parking spaces (or at least one space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8 metres, and*
- (c) *...*

In relation to (a), the relevant version of AS 2890 is AS2890.1 (1993) as per clause 3 of the SEPP. Clause 2.4.5 of AS2890.1 (1993) required accessible car parking spaces to be 3.2m wide. In accordance with the provisions of sub clause (b) of item 5 of Schedule 3 of the SEPP, 5% of the spaces are required to be 3.8 metres wide.

Discussion regarding car parking provision and the implications of the anomaly between SEPP Seniors and the current Australian Standard is provided in **Section 7.2.2** of this report.

Conclusion

The proposed modifications have been assessed against having regard to the relevant provisions of SEPP Seniors and are considered to be appropriate having regard to those provisions as the modified development will be generally consistent with the provisions of SEPP Seniors.

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6.2 State Environmental Planning Policy No 65 (SEPP 65)

The redesign of Clusters 2, 3 and 4 has been undertaken having regard to the design principles in SEPP 65 and the Apartment Design Guideline (ADG).

In this regard the proposal as modified continues to express the original design principles with a distinct urban design response including the large CPW area as the central design feature. The modified development is an appropriate response to the context and future character of the area.

An assessment of the modified development against the relevant components of the ADG is included in the Design Statement at **Appendix 8** to this report. A design statement prepared by the architect is also included at **Appendix 8**.

The following is discussion regarding specific design aspects of the modified development against the design principles in SEPP 65.

6.2.1 Context and Neighbourhood

The site is located within the approved Gracewood development and is the final stage of development on the site.

The approval issued for the overall development recognised that the area in which the site is located is undergoing transition from a rural residential area to a highly urbanised area. In this regard it is noted that there are residential apartment developments currently under construction to the south of the site.

The modifications to Clusters 2, 3 and 4 will result in an improved relationship with Free Settlers Drive and Rutherford Avenue, compared to the approved development as demonstrated in the photomontages prepared by DKO Architects in **Figures 3 and 4**.

6.2.2 Built form and Scale

The buildings have been designed to have regard to the existing conditions and the emerging character of the area.

As part of a larger masterplan, the building form aims to break up the mass to create a greater site permeability

Whilst elements of the proposed development have a minor encroachment above the 16m LEP height limit, the buildings have been oriented to minimise overshadowing to adjacent buildings and maximise the useability of communal open space with good separation and solar access when compared to the approved scheme.

The scale and built form of the development responds to that of the adjoining development. The ground levels have been adjusted to provide amenity to the apartments.

The front setbacks are generally consistent with DCP requirements. To activate the interface with the streets, large courtyards have been provided together with pedestrian access to the buildings.

6.2.3 Density

The proposed modification will deliver a total of 88 apartments, which range in size to promote a diverse mix of unit types that respond to the controls of The Hills Shire Council.

These buildings will be part of the developing neighbourhood which will be characterised by residential apartment buildings ranging from 3 - 5 storeys, as demonstrated by existing development on the site and in the vicinity of the site.

The proposal has been designed having regard to factors of overshadowing, amenity and privacy impacts between existing and future buildings, open space patterns, existing vegetation, and the emerging character of the area.

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Having regard to these factors, the residential density of the proposal is considered to be sustainable and appropriate.

6.2.4 Sustainability

In terms of sustainability:

- Low energy lighting will be deployed throughout the buildings.
- Energy efficient water heaters will also be installed.
- Integrated building systems such as heating, cooling and hot water will be designed to respond to the environmental conditions of the site.
- Apartments subject to excessive solar gain and heat loss have been recessed behind balconies to minimise summer solar heat gain and shield apartments from harsh summer sun. Winter daylight will penetrate deep into the interior of by way of balconies.
- Rainwater tanks are provided to retain and reuse the rainwater collected on site for irrigation of the communal gardens
- In terms of BASIX, the modified proposal will achieve at least the minimum NSW Benchmark Consumption for energy and water. Landscaping that includes low-maintenance and local indigenous plants will minimise water use and create a robust native landscape.

6.2.5 Landscape

Due to the presence of Cumberland Plain Woodland (CPW) endangered ecological community (EEC) on the site, the landscape response has been an integral driver of the design of the buildings.

The development will provide new street frontage planting, ground floor residential entrances with screening planting and communal spaces framed by planting and finished with high quality materials.

The ground level areas provide a variety of spaces including large residential lobby forecourt, informal seating, lawn areas linking to the Cumberland Plain Woodland. This allows for both active and passive recreation for residents.

Landscaping for the site has been designed by Taylor Brammer and landscape plans are included at **Appendix 3** to this report. Taylor Brammer has also prepared a Landscape Design Statement (also included at **Appendix 3**) which outlines the rationale and objectives of the landscape design.

Specifically, the landscaping has been designed to foster the idea of 'community' for both new and existing residents.

The landscaping has been designed as a series of gardens each with its own character and function but with a consistent theme across the site.

Importantly, the landscape design approach responds directly to both the existing site conditions and the specific needs and aspirations of the client and residents.

6.2.6 Amenity

Visual Privacy and Building Separation

The buildings have been designed having consideration to solar access, cross ventilation, indoor and outdoor spaces, visual and acoustic privacy, efficiency of layouts, outlook and storage areas.

The basement provides parking for resident's vehicles and recycling and waste storage.

Generally, the development has been aligned to maximise amenity to a majority of the dwellings, with most units having east/west aspect. The proposal maximises the daylight to

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each unit. The proportion of all units that achieve minimum 2 hours of sunlight into living room windows between 9 am and 3 pm during mid winter complies with the ADG.

In terms of natural cross ventilation, the modified development will achieve compliance at 60%.

Balconies depths meet and often exceed the minimums specified in the ADG, resulting in usable outdoor spaces whilst still ensuring good solar penetration and ventilation to each unit, notwithstanding that the depth of some apartments (from window to kitchen) exceeds 8m.

There is a 2m variation between buildings due to the topography of the site. At the narrowest point between buildings a 12m separation has been provided. This increases to a maximum of 19m.

The Apartment Design Guide requires a minimum separation of 18m between habitable rooms (including balconies) for levels 5 – 8. Due to the terracing of the buildings, the upper level of the higher building will always be above the adjacent building. Therefore visual privacy will be maintained.

As demonstrated in **Figure 5** below, any one time only 4 storeys will each other at the narrowest point of the development which complies the objectives of Part 3F of the ADG.

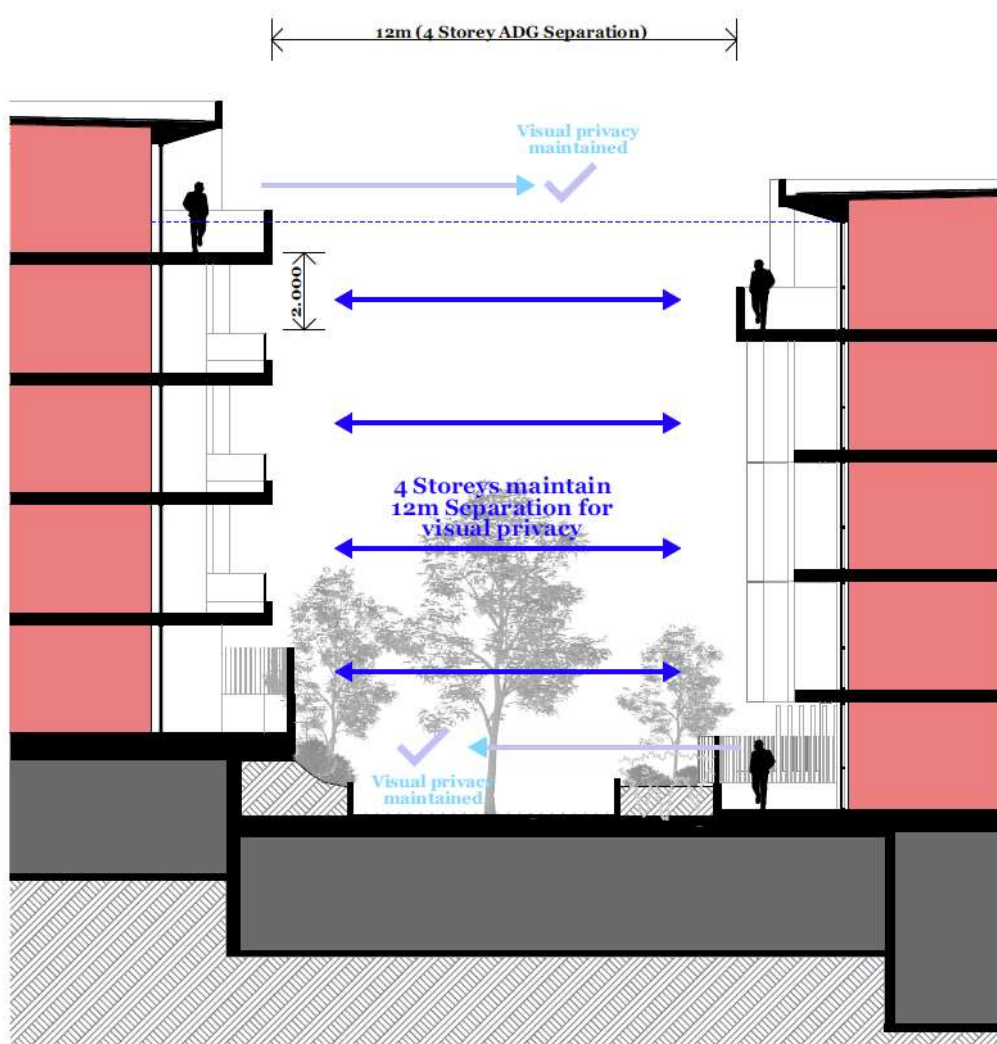


Figure 5 Extract from Architectural Design Statement demonstrating separation distances and off setting of balconies

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Apartment Size and Layout

In relation to apartment size and layout, as noted above, in some instances apartments have an internal depth of greater than 8m due to the added amenity required in seniors living developments and compliance with the AS4299 - Adaptable housing.

The ADG requires single aspect open plan apartments to have a maximum depth of 8m.

This has been addressed by providing all 'non-compliant' apartments with a minimum of 2 aspects. Further, all apartments will have 2.7m ceiling heights throughout, with no bulkheads to all the open plan living areas which will assist in maximising solar access and natural ventilation.

Proposed Unit 3B/Type H will have a secondary window to provide borrowed ventilation from other rooms.

Solar Access

In terms of solar access, the modified development has been designed to provide the maximum amenity to a majority of the dwellings, with most units having northern aspects. The design maximises the daylight to each unit. The proportion of all units that achieve a minimum 2 hours of sunlight into living room windows between 9 am and 3 pm during mid winter is 71%. 100% of apartments receive sunlight between 9 am and 3 pm during mid winter.

Cross Ventilation

The proportion of ILUs which will achieve natural cross ventilation exceeds the minimum 60% as noted in the ADG.

The development consists generally of open plan units with relatively shallow apartment depths which facilitates good ventilation to all habitable rooms. A high number of cross through and corner apartments have been provided also allow the proposed design to achieve a high percentage of well-ventilated units.

The orientation of the buildings takes full advantage of prevailing breezes to maximize the movement of fresh air to create a comfortable indoor environment. Large openable windows and doors will be incorporated to reduce the need for mechanical ventilation and air conditioning.

Storage

The development provides a minimum of 50% of storage for each ILU within the apartment.

The remaining 50% of storage area is provided as secure locker storage in the basement level.

6.2.7 Safety

The development has been designed to provide clear and well defined entries to each building with main entries from Rutherford Avenue and Free Settlers Drive via an accessible path through the Cumberland Plain Woodland. This path link is highlighted by gatehouses at the street frontages. Secondary entries to recessed glazed doors to Clusters 2 and 4 are also proposed which will also activate the street frontages.

The lobby entries will be secure, lockable and well-lit for the safety of the residents.

Along with the increased density in the area, the landscaped areas have been designed to encourage activities which will increase the passive surveillance and safety throughout the development.

The realisation of this final stage of the Gracewood development, will see the completion of the pathway network through the woodland which will ensure all components of development on the site are linked.

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All areas including units, entries and communal open spaces are highly visible providing great passive surveillance.

6.2.8 Housing Diversity and Social Interaction

The modifications to the development have been designed to promote social interaction not only within the development but with the wider community.

At the ground level, a safe and activated areas for visitors and residents to meet and interact will be provided.

The development will include a variety of different housing typologies in different sizes and layouts. The mix in housing typologies is deliberately different to that provided in previous stages of the Gracewood development in order to promote choice for residents. Whereas the previous stages of the ILU component of the development included 1 bedroom apartments, feedback from existing and potential residents has resulted in this final stage comprising a mix of 2 bedroom, 2 bedroom + study and 3 bedroom ILUs.

6.2.9 Aesthetics

The overall development proposes 3 x 5 storeys buildings with central communal courtyards between the buildings.

The front setback areas will be landscaped to soften the streetscape.

Vertical slot elements have been introduced into the buildings to break down the massing of the architecture into discrete compartments to achieve a visually pleasing facade and an appropriate proportion.

The apartment façade will be composed primarily of a composite clad wall with metal fins to provide articulation and depth to the facade. The cladding will provide a direct connection to the existing neighbouring buildings in the development.

Large windows and sliding doors capture the greenery of the internal courtyards and provide views to the Cumberland Plain Woodland.

Dark brick recessed elements will assist in breaking up the perceived bulk of the buildings. Brick has also been used on the ground floor plane to provide weight to the base of the building.

A grey metal cladding with timber-look soffits caps the top of buildings to reduce the perceived height and break up the bulk and scale.

Examples of the materials to be used are detailed in the architectural plans (Appendix 2), the design statement (Appendix 8) and in **Figure 6** below.



Metal cladding



Dark Brick Recesses & Planter base



Timber soffits



Glass Balustrade & Slab upturn



Palisade Fence

Figure 6 Examples of materials and colours to be used in construction

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

BASIX certificates for the redesigned apartments within Clusters 2, 3 and 4 have been prepared. These certificates demonstrate that the modified buildings achieve compliance with the thermal comfort, water conservation and energy efficiency targets.

Copies of the BASIX certificates are included at **Appendix 9** to this report.

6.4 The Hills Shire Local Environmental Plan 2012

Since approval of MP09_0180, The Hills LEP 2012 is now the LEP relevant to this site. The Hills LEP 2012 zones the site R4 High Density Residential. Development for the purposes of seniors housing and residential flat buildings is permissible in the R4 zone with consent.

The approved development comprising seniors housing (in the form of high density residential development and a residential care facility) is consistent with the objectives of the R4 zone in that:

- It provides for the housing needs of the community within a high density residential environment.
- It provides a variety of housing types.
- It includes other land uses that provide facilities or services to meet the day to day needs of residents.

The Hills LEP 2012 introduced development controls such as maximum building height and floor space ratio (FSR).

The maximum building height that applied to the site under the previous Baulkham Hills DCP was 13m maximum height to eaves and 16m to the roof ridge when measured from natural ground level.

The maximum building height under The Hills LEP 2012 is 16m. Building height is defined in The Hills LEP 2012 as follows:

***building height** (or height of building) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

The plans at **Appendix 2** include sections through Clusters 2, 3 and 4 – Drawing No. DA308/P7. This plan identifies that the extent of the breaches above the 16m building height limit ranges from 0.5m to a maximum of 2.1m. The major breaches in the building height occur at the on the north-western elevations of the buildings. For Clusters 3 and 4 these elevations are internal to the site. For Cluster 2, it is noted that no development will occur on the western side of Free Settlers Drive as this is public reserve and riparian corridor along Elizabeth Macarthur Creek.

MOD 6 approved a variation to the 16m building height for both Cluster 1 and Cluster 5. Similarly, the building in which Clusters 6 and 7 are located also breached the 16m building height limit.

As demonstrated in the photomontages at **Figures 3** and **4**, contextually, the minor breaches in the building height limit are not out of character with existing development on the site.

Drawing No. DA308/P7 also includes outlines of the approved cluster buildings and show that the proposed modified cluster buildings, whilst slightly taller, will have a smaller footprint to the approved buildings. This has resulted in increased landscaping opportunities and buildings with more efficient floorplates. Furthermore, the revised scheme will result in improved solar access to the communal open spaces compared to that originally approved.

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The minor breaches in the height have not resulted in inappropriate amenity outcomes in terms of loss of privacy and overshadowing.

Diagrams comparing the shadows cast by the approved development compared to the modified Clusters 2, 3 and 4 have been prepared by DKO Architects and are included in the architectural set at **Appendix 2**. These plans indicate that whilst there will be a change in solar access available to some apartments within Clusters 1 and 5, overall there will be a slight improvement in terms of overshadowing of these buildings.

Therefore, it is considered that the minor non-compliance with the building height development standard of 16m is reasonable and appropriate in the circumstances.

6.5 The Hills Development Control Plan 2012

The Hills Development Control Plan (DCP) 2012 was adopted by Council on 12 March 2013 and came into force on 26 March 2013. Part B, Section 5 of DCP 2012 contains detailed provisions relating to residential flat building development. This section is relevant to the proposed modifications to Clusters 2, 3 and 4. The following table provides an assessment of the approved development and the proposed modifications against the relevant provisions of the DCP.

Table 3 Assessment against Relevant Provisions of DCP			
Provision	Approved development	Proposed modification	Assessment of modification
3.1 Site Requirements			
The minimum road frontage – 30m	All frontages exceed 30m	No change	Consistent with approved development
Development sites shall not be accessed via a right of way and/or access handle. Access driveways should be centrally located within any proposed residential flat building development site.	The development has 6 vehicular access points	An additional entry from Rutherford Avenue is proposed. The original scheme included a driveway off Rutherford Avenue to the YPDOR which was subsequently removed from the development (as part of MOD 4).	Consistent with approved development
A residential flat building development shall not isolate adjoining lots so that they are incapable of multi dwelling housing development, meaning there will be insufficient area to meet the minimum site area requirement in Clause 4.1A Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings of the LEP 2012	No directly adjoining properties. All adjoining properties separated by roads.	No change	Consistent with approved development
3.1 Site analysis			
Development is to be designed to respect site constraints such as topography, drainage, soil landscapes, flora, fauna and bushfire hazard.	Development has been designed to respect all these constraints.	Site analysis to inform the design of the modified development for Clusters 2, 3 and 4 is included at Appendix 2 .	Consistent with approved development

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Table 3 Assessment against Relevant Provisions of DCP

Provision	Approved development	Proposed modification	Assessment of modification
Development on land adjoining bushland reserves should incorporate measures (such as setbacks and buffers) to prevent any impact on the reserves.	The Open Space Park is designed not to increase the bushfire risk to the site through the presence of a water body, pathways and managed grass areas that break up the understorey vegetation and provide a reduced fuel load	The approved footprint of Clusters 2, 3 and 4 would more than likely have affected 7 tree(s), including Tree T52. Tree T27 was originally identified as a tree to be retained however this tree will be affected by earthworks associated with the development and will be required to be removed. However, due to the redesign, T52 can now be retained.	The impacts on trees has been assessed by Travers Bushfire and Ecology (TBE). Refer Tree Report at Appendix 6 .
Development to minimise impact on amenity of adjoining residences.	Development is separated from adjoining properties by proposed roads and observes significant setbacks to these roads.	Minor encroachment of balconies into 10 setback to Free Settlers Drive. The main building wall complies with the 10m setback. The impacts of the additional height of Clusters 2, 3 and 4 is assessed in Sections 6.2.2 and 6.4 of this report and found to be .	Modified development consistent with the intent of the DCP provision.
Development to take into account solar passive design principles	All CVUs have been arranged to gain solar access at some time during the day.	70% of apartments will achieve a minimum of 3 hours solar access between 9am and 3pm in mid winter.	Modifications to Clusters 2, 3 and 4 will comply with DCP
3.3 Setbacks – building zones			
Building Zone Requirement 1 – 10m from front boundary, 8m from rear boundary and 6m from side boundary.	The development observes a minimum of 10m setback to all street frontages.	Cluster 4 observes >10m setbacks from Rutherford Avenue. The main building of Cluster 2 observes the 10m setback from Free Settlers Drive, however, the balconies on the south-western portion of Cluster 2 breach the 10m setback by 2.9m.	This minor encroachment is considered acceptable as the balconies provide articulation to the building and will not result in an unacceptable streetscape impact.
3.4 Building heights			
Developments on sloping sites are to be stepped so that the ground floor does not exceed one metre above natural ground level immediately below any point on the ground floor	The sloping nature of the land has resulted in some buildings exceeding the 16m building height limit.	The modifications to Clusters 2, 3 and 4 will result in elements of the buildings encroaching into the 16m building height limit.	Discussion regarding the impacts of the additional height is provided in Section 6.4 of this report. That assessment concludes that the height of the modified buildings is unlikely to result in adverse impacts and is appropriate having regard to the context and setting of the

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Table 3 Assessment against Relevant Provisions of DCP

Provision	Approved development	Proposed modification	Assessment of modification
			subject site and existing approved development.
The floor level of any residential room must be no lower than one metre below natural ground level	At no point are any residential rooms lower than 1m below natural ground level.	No change	Consistent with approved development
No building shall contain more than 4 storeys above natural ground level.	The apartment component of the development contained a mixture of 3, 4 and 5 storey buildings in 7 clusters.	The proposed modification will result in the Clusters 2, 3 and 4 buildings being 5 storeys in height.	The increase in building height has been assessed in Section 6.4 and found to be appropriate having regard to the context and setting of the subject site and existing approved development.
3.5 Building separation and treatment			
Minimum separation between buildings is 12m.	The clusters observe a minimum separation of 12m between habitable rooms of buildings Generally, a 1:1 building height to habitable room separation has been utilised throughout the development to ensure solar access and privacy.	The separation between Clusters 1 and 2 exceeds 12m (12.8m at the closest point). The separation between Clusters 4 and 5 is 12.3m at the closest point. Discussion regarding separations between Clusters 2, 3 and 4 is provided in Section 6.2.6	Generally consistent with the intent of the DCP
Space between buildings to be capable of extensive landscaping using deep rooted planting.	The areas between building clusters are proposed to be extensively landscaped with the retention of existing mature trees.	No change	Consistent with approved development
3.6 Landscape area			
Landscaped area to be a minimum of 50% of site area. Landscaped areas must have minimum dimensions of 2 metres to be included within the landscape area calculation.	Landscape area to be provided is 2.2 hectares or 60% of site area.	Landscaped area will exceed 50% of the site area	Consistent with DCP
Existing trees and vegetation should be preserved especially those in the front setback. The existing tree canopy should be retained and enhanced wherever possible.	The development provides for the retention of a significant area of Cumberland Plain Woodland.	The revised layout will impact on a tree (T27) previously identified as a tree to be retained. However Tree T52 (previously identified as to be removed) will now be able to be retained.	Travers Bushfire and Ecology (TBE) has assessed impacts on trees and have concluded that the loss of these trees is acceptable subject to the trees being replaced by new planting within the open space park.

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Table 3 Assessment against Relevant Provisions of DCP

Provision	Approved development	Proposed modification	Assessment of modification
			A copy of advice from TBE is included at Appendix 6 to this report. A revised landscape plan identifying replacement trees is included at Appendix 3 .
All setbacks and any above ground car parking areas are to be landscaped and maintained to a high standard.	All setbacks comprise extensive landscaping.	No change.	Consistent. Refer to the amended Landscape Plan for Clusters 2, 3 and 4 prepared by Taylor Brammer Landscape Architects (Appendix 3).
Landscape treatments are to harmonise with building designs. They should reflect the scale of the building and should consist of trees, shrubs, groundcovers and grass and use native species.	Landscaping was designed in order to complement the design of the development.	Landscaping has been based around the retention of the majority of existing CPW and augmented with planting associated with that community.	Consistent
The landscape design should take into consideration the safety of residents and permit natural surveillance of common areas and pathways.	Views from clusters overlook central open space or landscaped features. Courtyards are sized suitable for use as aged care accommodation with the provision of raised planters.	The modifications to Clusters 2, 3 and 4 have been designed to maximise views and outlooks across the open space park and communal open space areas.	Consistent with approved development
3.7 Building length			
Maximum linear length of any apartment building to be 50m.	Clusters 2, 3 and 4 have a building length less than 50m.	The lengths of the modified buildings comply with the 50m control in the DCP. The buildings have a highly articulated facade regularly punctuated with recesses reducing massing.	Consistent
3.8 Building design and streetscape			
Designs must be in harmony in terms of form, mass, colour and structure with the existing and likely future development in the street. The siting and design should seek to ensure a clear definition of the street edge and reinforce street corners. Developments to incorporate variations in design features such as	The streetscape strategy was evolved from the varying future characters identified for the four road frontages.	No change	Consistent with approved development

6 Environmental Planning Assessment

Table 3 Assessment against Relevant Provisions of DCP

Provision	Approved development	Proposed modification	Assessment of modification
verandas, entrances and facades.			
Walls and Rooflines	The facades and rooflines are highly articulated and modulated breaking down the massing and providing visually interesting architecture.	No change	Consistent with approved development
Entrances	Entries to buildings are clearly evident with directories to courtyard entries from street fronts.	Clearly defined entries from the streets will be provided	Improved outcome compared to approved development
Views and Siting	The building clusters have been located to take into account district views and internal views of the landscaped open space areas by providing a wide range of pleasant aspects from all building types.	No change	Consistent with approved development
3.9 Urban design guidelines			
Development to demonstrate conformity with Baulkham Hills Multi-Unit Housing – Urban Design Guidelines 2002.	The development has been designed to provide accommodation which ranges from independent living units to ageing in place ‘apartment for life’, to low, high and dementia-specific assisted care rooms and respite rooms. The cluster forms vary in size and content relating to the site character and adjacent uses.	Mix of ILUs changed in response to feedback from existing and potential future residents	Consistent with approved development
3.10 Density			
Maximum population density permitted is 175 persons per hectare with a desirable range between 150-175 persons per hectare, giving a target site population of 549-641 persons.	Based on a 160 place RACF building (with 1 person per place), and 231 CVUs, with an average occupancy of 1.5 persons per unit, a site population of 507 persons is achieved.	Based on occupancy of 1.5 person /unit and 1 person/place to RACF, the proposed modified development will result in a site population of 521 residents.	Consistent with approved development.
3.11 Unit layout and design			
Apartment mix No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments. No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms Apartment Type	The development and mix of ILUs have been designed having specific regard to the client’s expertise in providing accommodation for aged and disabled persons and the development therefore provides a variety of dwelling types.	The modifications to Clusters 2, 3 and 4 will comprise 2 and 3 bed ILUs in response to feedback from existing and potential future residents. All apartments have been designed to maximise cross flow ventilation and access to natural. Ceiling height to all residential apartments habitable rooms are 2.7m	The development provides for a variety of dwelling types to meet the specific needs of future residents. The ILUs have been designed having regard to BaptistCare’s expertise in providing accommodation for aged and disabled persons.

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Table 3 Assessment against Relevant Provisions of DCP

Provision	Approved development	Proposed modification	Assessment of modification
<p>Max. 30% Type 1 apartments Max. 30% Type 2 apartments Remainder to be Type 3 apartments</p> <p>Unit layouts that minimise corridors/circulation space and avoid dormant area, permit sunlight access; achieve cross ventilation; and protect the privacy of residents are required. Double loaded floor plans and single aspect units must not be used.</p> <p>Floor to ceiling height must be in accordance with Building Code of Australia requirements.</p>			Therefore, non-compliance is considered acceptable in the circumstances.
3.12 Building materials			
<ul style="list-style-type: none"> Building materials to include a mix of materials. Choice of materials should be based on both environmental and economic costs. Building materials to reflect and complement the existing character of the street. Select materials that will minimise the long term environmental impact over the life of the development to be selected. 	<p>External materials include pre-finished light weight cladding, insulated wall panels, split face block work walls, aluminium single framed and double glazed windows and door systems and insulated roof panels.</p>	<p>Details of the materials proposed to be used are included in the architectural plans at Appendix 2. Materials and colours will complement existing development on the site.</p>	Consistent with DCP
3.13 Open space			
<p>At ground level: private open space should be:</p> <ul style="list-style-type: none"> Minimum width of 4 metres and depth of 3 metres Within one metre of natural ground Enclosed with a wall/fence or landscape screen with 1.8 metres from the finished ground level designed to ensure the privacy 	<p>All CVUs within the development have been provided with private open space in either the form of a balcony with a minimum area of 10m² or a courtyard with a minimum area of 15m².</p>	<p>Private courtyards and balconies for the modified apartments in Clusters 2, 3 and 4 exceed 12 m². Ground floor courtyards exceed 15m² in area. Private balconies off living rooms to each apartment have a minimum depth of 2.4m.</p>	Consistent

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Table 3 Assessment against Relevant Provisions of DCP			
Provision	Approved development	Proposed modification	Assessment of modification
Above ground: any balcony or terrace shall have a minimum area of 10m ² and a minimum depth of 2.5 metres.			
3.14 Solar access			
Buildings to be oriented and designed to maximise the number of dwellings with direct sunlight. Living areas to face north where possible. Main windows to have suitable shading or other solar control.	Internal layouts have been designed to maximise passive energy principles with the building developed as cluster form apartments being double or triple sided to maximise cross flow ventilation for natural cooling. All CVUs have been arranged to maximise solar access with 84% receiving 3 hours solar access between 9am and 3pm mid winter.	70% of ILUs will achieve solar access for a minimum of 3 hours between 9am and 3pm during mid winter.	Consistent with ADG
Overshadowing on common open space area and adjoining residential buildings	The siting of the taller buildings on the southern and western edges of the site does not give rise to internal overshadowing impacts	The modified development results in a slightly improved outcome in relation to overshadowing of Clusters 1 and 5 and the communal open spaces to Cluster 2, 3 and 4	Improved outcome See shadow diagrams at Appendix 2 .
3.15 Ventilation			
Consider options for achieving natural ventilation	See above.	68% of ILUs will be cross ventilated. All ILUs will have access to natural light.	Consistent
3.16 Lighting			
Lighting to ensure security and safety for residents and visitors, and to be installed in accordance with the BCA. Maximise use of natural lighting through window placement and skylights.	Given that this is a seniors housing development, the safety and security of residents and visitors is paramount. Lighting will be provided throughout the development to ensure the safety and security of residents and visitors.	No change	Consistent with approved development
3.17 Stormwater management			
Discharge points to be controlled and treated to prevent soil erosion. Downstream amplification of existing drainage facilities to be provided if required. On-site detention water recycling and/or water quality management systems may be required.	Sediment and erosion control plans and hydraulic plan that details a drainage system to manage drainage, overland flow, flooding (although the site is not affected by flooding), groundwater, and water quality through WSUD measures were submitted with the approved development.	The stormwater drainage plans to suit the modified building footprints of Clusters 2, 3 and 4 are provided at Appendix 7 . Erosion and sediment control plans for these clusters are included at Appendix 7 .	Consistent with approved development.

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Table 3 Assessment against Relevant Provisions of DCP

Provision	Approved development	Proposed modification	Assessment of modification
Design of drainage systems to be in accordance with Council's design guidelines for subdivision/development. Water sensitive urban design principles to be employed in the management of site stormwater in terms of water retention, reuse and cleansing.			
3.18 Vehicular access			
Adequate vehicular entry/exit and circulation areas are to be provided. Driveways to be a minimum of 10m from any side boundary or street. Driveways to be a minimum of 6m wide at the property boundary	The approved development addresses provisions regarding site access and traffic circulation.	Due to potential conflicts with service vehicles, a separate access via Rutherford Avenue is proposed to be provided for resident access to the basement car park	Consistent with DCP
3.19 Car parking			
On-site car parking to be provided at a rate of: <ul style="list-style-type: none"> 1 bedroom unit – 1 space 2 & 3 bedroom unit – 2 spaces 	The development provides for a minimum of 199 car parking spaces, (which was increased to 258 in MOD 6). As part of MOD 3, 101 car parking spaces were provided for Clusters 2,3 and 4	The proposed modifications will result in 126 car parking spaces for Clusters 2, 3 and 4. Of these, 7 spaces will be provided with a width of 3.8m	Discussion regarding car parking provision is provided in Sections 6.1 & 7.2.2 of this report.
3.20 Storage			
At least 10m ³ per unit to be provided.	Storage areas in addition to car parking spaces within the lower level car parking are to be provided.	No change	Consistent with approved development
3.21 Access and adaptability			
Any unit built under SEPP (Seniors Living) 2004 or as housing for people with a disability or senior citizens housing must be accessible to the front door and at least 50% of units to be accessible in accordance with AS1428 Part 1	100% of units within this development will be accessible units.	No change	Consistent with approved development
3.22 Pedestrian/ bicycle links			
All pathways and ramps to conform to minimum dimensional requirements set out in AS1428.	An accessible pathway system has been designed to be provided throughout the site	An additional accessible path of travel providing a through site link between Free Settlers Drive and Rutherford Avenue is proposed	Improved outcome

6 Environmental Planning Assessment

Table 3 Assessment against Relevant Provisions of DCP			
Provision	Approved development	Proposed modification	Assessment of modification
<p>All services to be stable, even and constructed of slip resistant materials.</p> <p>Pathway locations to ensure natural surveillance of pathway from primary living areas of adjoining units.</p>			
3.23 Privacy – visual and acoustic			
<p>Minimise direct overlooking of main internal living areas and private open space of dwellings.</p> <p>Consider location of potential noise sources.</p> <p>Dwellings that adjoin arterial roads to be designed to acceptable internal noise levels based on AS3671.</p>	<p>The units within the development have been designed to ensure maximum privacy for residents while still allowing for casual surveillance.</p>	No change	Consistent with approved development
3.24 Services			
<p>Arrangements to be made for access and connection for the provision of services.</p> <p>Laundries to be provided for each dwelling.</p>	<p>Utilities and services are capable of being provided to the development.</p> <p>Each unit has been provided with a laundry.</p>	No change	Consistent with approved development
3.25 Waste management – storage and facilities			
<p>Waste collection and separation facilities to be provide for each dwelling.</p> <p>Adequate storage of waste materials to be provided on-site</p>	<p>The development has been proposed for a common waste collection area to be provided within the car parking area beneath each cluster. This is directly accessible via a lift from each cluster.</p>	<p>Waste collection for Clusters 2, 3 and 4 will be undertaken on site – refer Section 6.1.1 and WMP at Appendix 11</p>	Improved outcome
3.26 Waste management – planning			
	<p>A Waste Management Plan was prepared for the approved development</p>	<p>Waste collection for Clusters 2, 3 and 4 will be undertaken on site – refer Section 6.1.1 and WMP at Appendix 11.</p>	Improved outcome
3.27 Fencing			
<p>All boundary fencing/walls fronting a street to be setback a minimum of 2m to permit landscaping.</p> <p>All fencing and walls to be integrated with site landscaping.</p>	<p>No boundary fencing is proposed as part of this development. Fencing will be provided between clusters to provide secure external areas. This fencing will be integrated with site landscaping. The pedestrian access points</p>	No change	Consistent with approved development

6 Environmental Planning Assessment

Table 3 Assessment against Relevant Provisions of DCP			
Provision	Approved development	Proposed modification	Assessment of modification
Fencing materials to protect acoustic amenity and privacy of courtyards.	to the public domain areas will be fenced and gated.		
3.28 Developer Contributions			
Council will seek a Section 94 Contribution from apartment building developments.	The approved development was lodged under SEPP Seniors Housing by a social housing provider, Section 94 Contributions are not payable in this instance. A State Infrastructure Contribution, however, was paid.	Not applicable.	Not applicable.

It is considered that the modifications to Clusters 2, 3 and 4 will provide for a development which is generally consistent with the relevant provisions of Section 5 of Part B of The Hills DCP 2012.

7 Impact Assessment

The following subsections assess the likely impacts of the development in accordance with Section 79C(1)(b) of the EP&A Act.

7.1 Natural Environment Impacts

7.1.1 Stormwater and Drainage

Wood and Grieve Engineers has provided revised stormwater management plans to address the amendments to the building footprints of Clusters 2, 3 and 4. Copies of the amended stormwater drainage plans are included at **Appendix 7** to this report. Implementation of these management measures, combined with the measures approved for MP09_0180, will ensure the water quantity and quality targets for the development are met.

7.1.2 Water Quality - Soil and Sedimentation Management

Erosion and sediment control plans corresponding to the modified building footprints of Clusters 2, 3 and 4 are included at **Appendix 7** to this report. These plans incorporate measures to control sediment and manage water quality during construction through the use of silt fences, installation of straw bale filters, provision of stormwater pit sediment traps, designated truck crossing points, designated building materials stockpiles, portable gravel kerb inlet sediment traps and site staging process.

Water quality requirements for the Balmoral Road area have also been taken into consideration. All sites within Balmoral Road Release Area have downstream stormwater quality procedures which have been implemented by council. Therefore, water quality practices are not required for the development following completion of construction.

7.1.3 Cumberland Plain Woodland

As part of the original application, Travers bushfire and ecology (TBE) undertook an assessment of the site having regard to the following legislation:

- Environment Protection and Biodiversity Conservation Act, 1999;
- Environmental Planning and Assessment Act, 1979;
- Threatened Species Conservation Act, 1995²; and
- Fisheries Management Act, 1994.

TBE prepared a Landscape Restoration Management Plan (LRMP2010) which was submitted and approved under the EPBC Act. Consequently, the management of the CPW reserve is bound by relevant conditions of consent to conserve a minimum 0.5421 ha of CPW within the central reserve.

Subsequent modifications to the original approval have amended the boundaries of the CPW protection area but have maintained the minimum protection area.

A further adjustment to the boundary of the CPW will be required to accommodate the proposed modifications to the footprints of Clusters 2, 3 and 4. TBE has confirmed that minimum area of CPW to be protected can be accommodated.

In this regard, TBE has prepared a revised LRMP and a copy of this is included at **Appendix 5** to this report.

The revised LRMP makes a number of recommendations with respect to species to be provided within the area of land to be included in the reconfigured protected area. These recommendations have been reflected in the landscape plans at **Appendix 3**.

The revised LRMP also recommends that additional nest boxes be located within the open space park. Revised Commitment 8 requires BaptistCare to implement the recommended

² Threatened Species Conservation Act, 1995 has been repealed. The relevant legislation is now the Biodiversity Conservation Act 2016

7 Impact Assessment

actions of the revised LRMP, including weed management, restoration works and management for bushfire protection – refer **Section 5.3** of this report.

A new commitment (Commitment No. 9A) requires BaptistCare to modify the registered S88B instrument as it relates to the managed open space park to reflect the alteration to the CPW boundary.

7.1.4 Landscaping

In response to the changes to the building footprints and the recommendations of the ecologist, the landscape plans as they relate to the area in the vicinity of Clusters 2, 3 and 4 and the open space park have been amended. Copies of the amended landscape plans are included at **Appendix 3** to this report.

The drivers and vision for the landscape design for the site are discussed in Section 6.2.5 of this report and in the Landscape Design Statement at **Appendix 3**.

7.1.5 Bushfire

A bushfire authority was issued by Rural Fire Service in relation to the original development proposal. The approval issued for that development includes RFS General Terms of Approval. No modification to the GTAs is sought and BaptistCare will continue to abide with the Commitments in relation to bushfire management.

7.1.6 Flooding

Appendix B to the Stormwater Management Plan at **Appendix 7** to this report, is email advice from THSC in relation to flood affectation along the Free Settlers Drive frontage of the site. The modified Cluster 2 development has been designed to comply with the minimum habitable floor levels as noted in this email.

The modified development provides for a driveway connection to a service area in the basement. This driveway will link with an existing ingress/egress driveway from Free Settlers Drive (servicing the RACF). The level at the driveway entry is RL57.70 which is 500mm above the 100 year flood level.

7.1.7 Geotechnical Assessment

Douglas Partners (DP) have undertaken a geotechnical assessment of that part of the Gracewood site to be occupied by Clusters 2,3 and 4. A copy of this assessment is included at **Appendix 12** to the report.

The assessment found that the site is suitable for the proposed development and makes a number of recommendations that will need to be implemented during construction.

7.2 Built Environment Impacts

7.2.1 Streetscape and Height

The design of the approved development was driven by the future urban character of the Balmoral Road Release Area and in particular the future character of development in the area immediately surrounding the site and the density provisions as noted in the DCP. The site has four road frontages that create interfaces with the future urban development of the immediate surrounds.

An assessment of the impact of the increase in height of the Cluster 2, 3 and 4 buildings on the Free Settlers Drive and Rutherford Avenue streetscapes respectively is provided in **Section 6.4** of this report.

The departure from the height controls is justified on the following grounds:

- Having regard to the emerging urban character, the modified development will achieve an appropriate streetscape outcome of the locality.

7 Impact Assessment

- The height departure does not give rise to unacceptable impacts such as overshadowing, unacceptable bulk or visual impact as there will be significant separation from future adjoining development.
- Only parts of the buildings exceed the height control with minimal encroachment providing a varied built form outcome. When the site is considered as a whole, the development provides for a variety of heights which are appropriately distributed across the site and respond to the future surrounding context. The varied building height across the site also avoids a homogenous scale to the development.
- The architecture of the buildings is designed to provide a high level of articulation and modulation to break up massing.
- The development potential of the site has in effect been transferred from the retained Cumberland Plain Woodland area to additional height in locations where it will have minimal impact otherwise, the target population density for this site under the DCP is not achieved. Even with the additional height, the development is still below the DCP target population density.

In summary, it was concluded that the height of the buildings will be appropriate in the context of the site and its setting.

7.2.2 Traffic and Parking

TTPA has undertaken an assessment of the revised layout of the basement car parking areas of Clusters 2, 3 and 4. A copy of that assessment is included at **Appendix 4** to this report.

In summary, TTPA has concluded that the proposed modifications to Clusters 2, 3 and 4 as:

- *There will be no adverse or unsatisfactory traffic implications*
- *The proposed parking provision will be adequate and appropriate*
- *The provision and accessibility of public transport services will be suitable*
- *The proposed vehicle access, internal circulation and servicing provisions will be quite satisfactory*

Condition A1 of the approval issued in relation to MOD 6 required the following in relation to car parking for the ILUS:

Basement car parking for 258 cars (including at least 34 accessible spaces being provided in Clusters 2, 3, 4, 6 and 7 in accordance with AS2890.6-2009.

In this regard (and as discussed in previous S75W modification applications) there is an anomaly in terms of the provisions of Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors) and the current Australian Standard with respect to accessible car parking spaces.

Pursuant to Clause 50(h) of SEPP Seniors, if development for the purposes of self-contained seniors housing dwellings is undertaken by a social housing provider and that development makes provision for 1 car parking space for every 5 dwellings, the application cannot be refused on the grounds of car parking.

Upon completion (and factoring in this modification to Clusters 2, 3 and 4), the development will comprise 241 ILUs. On the basis of Clause 50(h), only 49 car parking spaces are required to be provided.

The development will make provision for 283 basement car parking spaces for the ILUs and therefore car parking in excess of that required by the SEPP will be provided.

Clause 5 of Schedule 3 of SEPP Seniors, requires that 5% of car parking spaces be a minimum of 3.8m wide and the remaining spaces to be 3.2m wide.

7 Impact Assessment

If car parking only in accordance with the SEPP provisions was provided, i.e. – 49 spaces, only 3 spaces would be required to be provided at 3.8m wide.

As previously noted, there is an anomaly between the SEPP provisions (in terms of the size of car parking spaces) and the current Australian Standard AS2890.6-2009.

There are currently 12 accessible spaces in Clusters 6 and 7 (@ 3.8m width) and 13 accessible spaces in Clusters 1 and 5 (also @ 3.8m width). Therefore the development already provides 25 spaces in accordance with Clause 5 of Schedule 3 of the SEPP.

In accordance with Clause 5 of Schedule 3, 5% of spaces are required to be provided at 3.8m width. If 283 spaces are provided, only 15 (14.1) spaces are required to be 3.8m wide.

The provision of 7 spaces in Clusters 2, 3 and 4 @ 3.8m width will result in a total of 32 accessible spaces for the ILU component of the development being provided.

Whilst this does not accord with condition A1 of the approval issued for MOD 6 of MP_09_0180, the accessible parking provision will exceed the requirements of SEPP Seniors.

Condition F10(c) of the modified approval (MOD 6) requires a minimum of 142 car parking spaces to be provided for the entire development. To comply with Schedule 3 of the SEPP, 5% of these 142 spaces (i.e. – 7.1 (say 8) spaces) would be required to be provided as accessible spaces @3.8m width. However, Condition F10(a) requires a minimum of 34 disabled spaces to be provided for Clusters 2, 3, 4, 6 and 7 in accordance with AS2890.6-2009.

In view of the above, it is considered that the provision of 7 spaces @ 3.8m width within Clusters 2, 3 and 4 will satisfy the intent of the SEPP and the existing approvals for the site.

Notwithstanding, in accordance with Condition F10(a), Drawing No. DA218/A at **Appendix 2** to this report is an alternate car parking layout for the basement which provides for 22 accessible car parking spaces being provided in accordance with AS2890.6 for Clusters 2, 3 and 4. This would increase the number of accessible car parking spaces in Clusters 2, 3, 4, 6 and 7 to 34 which is in accordance with Condition F10(a) as imposed on the MOD 6 approval.

If this is the preferred outcome with respect to car parking on site, the suggested amendments to conditions as noted in **Section 5.3** of this report will need to be amended accordingly, however it is noted that BaptistCare will be responsible for the allocation of car parking for ILUs.

In this regard, if a resident requires an accessible car parking space to be provided, the car parking spaces have been designed to provide the flexibility to designate spaces as accessible spaces (in accordance with AS2890.6) as and when required. In this regard, therefore, it is requested that any conditions relating to car parking provision (including the number of accessible spaces to be provided) maintain sufficient flexibility to allow BaptistCare to provide car parking to suit the needs of the residents as required.

7.2.3 Social and Economic Impacts

The modifications to the layouts of Clusters 2, 3 and 4 will result in additional self-contained seniors housing units for seniors or people with a disability which will better respond to market demand being provided. It is considered that the proposed modifications will have positive social and economic impacts by providing additional, well designed seniors housing dwellings in a location where there is appropriate infrastructure and support services.

8 Consistency with Project Approval

In our opinion the proposed modifications do not alter the nature of the approved Project. The modifications to Clusters 2, 3 and 4 will:

- Result in seniors housing units which will better respond to market demand and will be more cost effective to construct.
- Provide a better interface with surrounding development and the adjoining public domain.
- Result in a development which responds appropriately and sensitively to its location and the emerging urban context.
- The modified development has been carefully considered to respond to the emerging character of the area in terms of bulk and height
- The proposed scheme breaks up the massing on site by having several detached buildings. Visually the bulk of the buildings is softened further as a result of material selection, massing techniques and landscaping.
- The provision of stairs from the podium of Cluster 5 will improve connectivity through the site as an alternative to the existing accessible path of travel which will be retained.

Therefore, the proposed modification is considered to be consistent with the Approved Project.

9 Conclusion

The proposed modifications to MP09_0180 as they relate to Clusters 2, 3 and 4 and Cluster 5 (in relation to the inclusion of stairs from the podium) have been assessed against the relevant legislation and planning instruments and the relevant sections of The Hills DCP 2012.

That assessment has revealed that:

- Parts of the modified development will exceed the 16m height limit which applies to the site under The Hills LEP 2012 however, the encroachment into the height plane is considered reasonable in the circumstances and will not result in any adverse environmental impacts.
- The modifications will provide for fewer seniors housing dwellings than originally approved. This suggests that the modified development will not result in an overdevelopment of the site.
- The required reconfiguration of the boundary of the CPW has been assessed by the project ecologist as being acceptable.
- The development will result in improved amenity for future residents and more useable and accessible communal open space areas.

The proposed modifications are considered appropriate and respond satisfactorily to the opportunities and constraints of the site, the context and setting of the site and the relevant planning controls.