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Contact: Tahlia Alexander

Ref: CY00349/13

13 March 2023

Director, State Significant Acceleration  
Department of Planning and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

Via: NSW Major Projects portal

Dear Sir/Madam,

**RE: SUBMISSION TO SSD-45121248 NERINGAH SENIORS HOUSING & HOSPITAL**

**Address: 4-12 Neringah Avenue South, Wahroonga**

Thank you for the opportunity to comment on State Significant Development (SSD) application (SSD-45121248) for the proposed Neringah Seniors Housing and Hospital at 4-12 Neringah Avenue South, Wahroonga.

This submission should be considered as an objection to the proposal. The submission (Attachment 1) gives a detailed explanation of the reasons for Council's objection.

Council's key issues with the proposal include lack of owners' consent for the upgrade of Archdale Walk, floor space ratio, building height, urban design, amenity, landscaping, accessibility, excessive car parking and insufficient information. The proposal in its current form does not comply with the conditions of the Site Compatibility Certificate and accordingly the application cannot be approved by the consent authority.

It is requested that the Applicant's Response to Submissions (RtS) is forwarded to Council for review prior to a determination being made. Council will be in a position to provide recommended conditions of consent following review of the RtS (unless there are substantial unresolved issues).

Subject to satisfactory resolution of the issues raised in this submission, Council may withdraw its objection to the proposal.

Should you have any further enquiries, please contact Tahlia Alexander, Executive Assessment Officer on 02 9424 0712.

Yours sincerely,

Shaun Garland  
**Manager – Development Assessment Services**

## ATTACHMENT 1

### Ku-ring-gai Council's submission to SSD-45121248 Neringah Seniors Housing & Hospital at 4-12 Neringah Avenue South, Wahroonga

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#### 1. PLANNING

##### a) Site Compatibility Statement

Given the issues raised in this submission, the application cannot be determined as it does not comply with the following requirements of Schedule 2 of the Site Compatibility Statement:

1. *The land area subject to the additional FSR sought under cl45 Vertical Villages is indicated in Figure 1. This area does not include the 'Woonona House' heritage item and area of the site zoned R2 Low Density Residential;*

Comment: Insufficient information has been submitted to demonstrate compliance with Condition 1. Refer to section 1(e) of this submission.

3. *Consideration of the provision for access to relevant off-site facilities in accordance with the provisions of cl.26 of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 including any necessary modifications to Archdale Walk or existing footpath gradients in the surrounding streets are to be completed to the satisfaction of Ku-ring-gai Council;*

Comment: Owners' consent and additional information is required for the proposed upgrade of Archdale Walk. Refer to sections 1(b) and 5 (c) of this submission.

4. *Consideration of SEPP 65 and the Apartment Design Guide relating to the independent living units proposed;*

Comment: There are various non-compliances with SEPP 65 and the Apartment Design Guide. Refer to section 2(c) of this submission.

5. *Consideration of the proposed encroachment into the front setback and an appropriate design response is adopted to mitigate any impacts to the streetscape; and*

Comment: The proposed basement encroaches into the front setback and substantially reduces deep soil in this area. This does not allow for large tree to be planted and therefore prevents the use of landscaping in mitigating the bulk and scale impacts of the proposed buildings to the streetscape. Refer to sections 2(c) and 3 of this submission.

6. *Consideration of the proposed bulk and scale and its relationship with the heritage item and its curtilage to be resolved at DA stage through assessment under section 4.15 of the Environmental Planning and Assessment Act 1979.*

Comment: In relation to heritage impacts, concerns are raised with the proposed external materials, colours and finishes. Refer to section 4 of this submission.

### **b) Archdale Walk Upgrade – Owners’ Consent**

The proposal relies on the upgrade of Archdale Walk in order to comply with Clause 26 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (“the SEPP”) and the conditions of the Site Compatibility Certificate. According to the submitted plans, the proposed upgrade of Archdale Walk will require works to the Australia Post site at 20 Coonanbarra Road, Wahroonga.

The Australia Post site is therefore land affected by the making of the subject State Significant Development Application (SSDA) and owners’ consent from Australia Post is required prior to consent being granted to the SSDA. Council’s opinion that owners’ consent from Australia Post is required is consistent with the findings of *CKDI Pty Ltd as trustee for CKDI Unit Trust v Ku-ring-gai Council* [2023] NSWLEC 1018.

### **c) Archdale Walk Upgrade – Deferred Commencement**

As stated above, the upgrade of Archdale Walk is required in order to comply with Clause 26 of the SEPP and the conditions of the Site Compatibility Certificate. Separate approval is required for these works under Section 138 of the Roads Act 1993. As detailed in Council’s Pre-DA comments (Appendix QQ of the Environmental Impact Statement), unless exempt development, the works to the Australia Post site will also require a separate development application.

Certainty is required to ensure that these works will occur. Given separate approvals are required, especially the separate DA relying on works to private land, Council recommends that if the SSDA is approved, that a deferred commencement consent is issued. The deferred commencement must require that all necessary approvals are obtained for the upgrade of Archdale Walk prior to the consent becoming operative.

Council notes that the Land and Environment Court approved a DA (DA0394/18) for seniors housing which relied on upgrades to the public domain and private property in order to comply with Clause 26 of the SEPP (*Gelder Architects v Ku-ring-gai Council* [2020] NSWLEC 1308). A deferred commencement consent was issued for DA0394/18 requiring all necessary approvals to be obtained for the public domain upgrade works and associated works to private property prior to the consent becoming operable.

### **d) Site Area**

The site has an area of 10,730m<sup>2</sup> according to the submitted survey plan. However, the Environmental Impact Statement (EIS) (pg. 32) states that the site area is 10,770m<sup>2</sup>.

The site is zoned part R2 Low Density Residential and part R4 High Density Residential under Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015). The portion of the site mapped R2 zoned land does not align with a discernible line of subdivision, however this portion of the site is estimated to be approximately 1,785m<sup>2</sup> based on scaling from the KLEP 2015 map (measured in CAD). The balance of the site is mapped as R4 zoned land and would therefore be 8,945 m<sup>2</sup> based on the surveyed site area (noting the inconsistency in the EIS above). The EIS (pg. 32) states that the R4 zoned part of the site has an area of 8,929m<sup>2</sup>.

The overall site area and the individual area (m<sup>2</sup>) of the R2 and R4 zoned parts of the site must be verified and details provided on how it has been calculated. The correct areas must be used in the calculation of the proposed Floor Space Ratio (FSR), as discussed below.

## **e) Floor Space Ratio**

### Area of site zoned R4

The proposed FSR is variously stated to be 1:61:1 (EIS, pg.32) and 1.64:1 (architectural drawing DG-00-00 P11). While this appears to be below the maximum permitted FSR of 1.8:1, no gross floor area (GFA) diagrams have been submitted to verify the proposed FSR.

Detailed GFA diagrams must be submitted for the existing and proposed development on the site. The GFA drawings must clearly illustrate the allocation of existing GFA, the location of all new GFA, and any floor space excluded for on-site support services where permitted under Clause 45 of the SEPP.

Council notes that the proposal substantially exceeds the minimum car parking requirements (see section 5(a) of this submission). In accordance with the definition of 'gross floor area' under the SEPP, any car parking which is surplus to the minimum requirements must be included in the GFA calculations.

### Area of site zoned R2

No GFA diagrams and FSR calculations have been provided for the part of the site zoned R2. The proposal 'excises' off some of the existing GFA of the Wahroonga building and allocates it to the permitted FSR under the part of the site zoned R2 which could result in GFA 'double dipping'. GFA diagrams and FSR calculations must be provided for this part of the site to demonstrate compliance with the maximum permitted FSR under Clause (2A) of KLEP 2015.

## **f) Building Height**

A maximum height of building (HOB) limit of 17.5 metres (m) applies to the proposed development under Clause 4.3 of KLEP 2015. Insufficient RLs have been included on the architectural plans to accurately calculate the maximum height of the proposed buildings in accordance with the definition of building height under KLEP 2015. However, Council calculates the proposed maximum building height to be *approximately* 20.6m which exceeds the HOB standard. A Clause 4.6 variation request is required to be submitted.

The EIS states that the proposed maximum height of the development is 17.5m, as defined by the SEPP which is measured to the ceiling of the topmost floor. This assertion is incorrect as the applicable environmental planning instrument when applying the HOB standard is the KLEP 2015, not the SEPP (i.e. the SEPP does not override KLEP 2015 in regards to building height). The definition of building height from the KLEP 2015 must be used when measuring the building height of the proposed development.

## **g) Signage**

According to the EIS, consent is sought for the installation of building identification signage at the primary entry points fronting Neringah Avenue South, which will replace the existing signage at the site. The EIS states:

*Figure 29 below identifies HammondCare's standard signage template, which also specifies the dimensions. Whilst specific signage content will be confirmed at the Construction Certificate stage, it will comply with the prescribed dimensions. Further*



*information on the materiality and sizing of the proposed signage is provided within the Architectural Design Report (refer Appendix C).*

Council notes that the Architectural Design Report (pg. 29) includes details of the proposed signage however it states that it is 'indicative only'. The proposed signage must form part of the architectural plans and include a sufficient level of detail suitable for stamping and referencing in a development consent to ensure certainty.

The size and scale of the proposed signage appears excessive in the context of the streetscape, especially in the absence of any similar signage in the immediate vicinity. It is recommended that the proposed signage does not exceed the size of the existing signage to be replaced.

## **2. URBAN DESIGN**

### **a) Site Analysis Requirements**

Clause 30(2) of the SEPP requires that '*a site analysis must contain the information about the site and its surrounds, as described in subclauses (3) and (4)*'. This includes details of neighbouring building pedestrian and vehicle access to adjacent properties. These items have not been included on the submitted site analysis and must be provided in order to comply with Clause 30(2) of the SEPP.

### **b) Desired Future Character and Design Principles**

Clause 32 of the SEPP requires that '*a consent authority must not consent to a development... unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2 'Design Principles'*'. Within Division 2, Clause 33(a) requires that:

*'the proposed development should recognise desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area.'*

The proposal does not meet the desired future character of the precinct as described in the local planning controls as it does not provide for adequate deep soil and tree planting within its setbacks (see Section 3 of this submission). It is noted that Clause 3(1) of the SEPP defines streetscape as '*the character of a locality (whether it is a street or precinct) defined by the spatial arrangement and visual appearance of built and landscape features when viewed from the street.*' It is also noted that Clause 24(3)(a)(ii) states that:

*'nothing... prevents a consent authority from — refusing to grant consent to a development application... by reference to a consent authority's own assessment of the compatibility of the proposed development with the surrounding environment.'*

Clause 34(a) of the SEPP requires that:

*'the proposed development should consider the visual and acoustic privacy of the neighbours in the vicinity and residents by — appropriate site planning, the location of windows and balconies, the use of screening devices and landscaping'*.

The proposal does not provide adequate visual privacy to neighbours or residents as building separations are insufficient from the northern side setback. The proposed south-eastern most unit of the southern building on Level 1 has habitable windows facing

directly onto a communal open space path. This results in poor visual and acoustic privacy to this unit.

Clause 38(b) requires that *'the proposed development should provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.'* The proposal does not provide a safe environment for pedestrians, as a pedestrian entry crosses a driveway entry to the building.

The design and amenity issues raised above are detailed further below at Part (c).

Council would like to emphasise the importance of the Ku-ring-gai Development Control Plan (KDCP) in ensuring development is consistent with the desired future character. In particular, Council would like to draw the Department of Planning and Environment's attention to Ku-ring-gai local government area's rich landscape character and significant tree canopy coverage across both natural and urban areas. This is recognised in the Ku-ring-gai 2032 Community Strategic Plan and embedded in the KLEP and KDCP. The proposal has significant issues with landscaping and deep soil and fails to demonstrate how the proposed development is consistent with the area's landscape character and tree canopy coverage. This is discussed further at Section 3 of this submission.

For the reasons identified above, the proposed development is not consistent with the aims of the SEPP, as it is not a 'good design' because the design principles have not been followed in order to achieve a built form that responds to the characteristics of its site.

Council notes that the EIS states:

*It is noted that development control plans are not a matter for consideration in the assessment of SSDAs by virtue of Clause 11 of the SRD SEPP, which states that 'Development Control plans... do not apply to... State significant development'.*

*Notwithstanding, guidance has been taken from the Ku-ring-gai DCP in certain instances to ensure that the proposed development provides a sympathetic built form outcome to the surrounding streetscape.*

The EIS (pg. 57) also acknowledges that *'the desired future character of the locality is established in the Ku-ring-gai DCP.'*

SEPP (State and Regional Development) 2011 is now repealed, and former Clause 11 is now contained in SEPP (Planning Systems) 2021 at Clause 2.10. Notwithstanding Clause 2.10 of SEPP (Planning Systems) 2021, Council considers that in order to demonstrate that the proposal is compatible with the streetscape and desired future character, as required by Division 2 Design Principles of the SEPP, the Applicant should comply with the KDCP. It is requested that the Statutory Compliance Table contained in the EIS is updated to include the KDCP.

### **c) Amenity**

#### *Application of SEPP No 65 Design Quality of Residential Apartment Development (SEPP 65)*

The EIS (pg. 52) states that *'although not strictly residential flat buildings, the proposed seniors housing buildings have been designed in accordance with the principles of SEPP 65 and the accompanying design guide'*. However, in accordance with Clause 4 of SEPP 65, the proposal is considered to be a mixed use development with a residential

accommodation component, which consists of the erection of a new building with at least 3 or more storeys and at least four or more dwellings.

Clause 3(2) of SEPP 65 states that *'Words and expressions used in this Policy have the same meaning as they have in the standard local environment planning instrument...'*. KLEP2015 defines 'mixed use development' as *'a building or place comprising 2 or more different land uses'* which can be taken to mean seniors housing, residential care facilities and health care facilities. Additionally, KLEP 2015 defines 'residential accommodation' to include 'seniors housing.' Therefore, under Clause 4 of the SEPP 65, it is considered that SEPP 65 applies to the self-contained dwellings portion of the development.

Clause 28(2) of SEPP 65 requires that:

*'in determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration... — the design quality of the development when evaluated in accordance with the design quality principles, and the Apartment Design Guide.'*

It is also noted that the Site Compatibility Certificate requires consideration of SEPP 65 and the Apartment Design Guide (ADG) relating to the proposed independent living units.

No design verification statement appears to have been provided with the application. Clause 29(1) of the Environmental Planning and Assessment Regulation 2021 requires that *'a development application that relates to residential apartment development must be accompanied by a statement by a qualified designer.'* It is noted that the SEARs also indicates a SEPP 65 Verification Statement be provided if required. This aspect should be addressed.

#### ADG 3F – Visual Privacy

The proposal has habitable room windows and balconies set back approximately 7.2m at the fifth storey from the northern side boundary. This does not meet the requirements of ADG 3F-1.1 for a minimum of 9m to a fifth storey. It is noted that the neighbouring building to the northeast at 14 Neringah Avenue South appears to have many habitable windows and balconies to its southern facade and so should be considered a sensitive receptor. It is recommended that increased setbacks be provided to the fifth floor.

The proposal has a building separation of approximately 8m between habitable room windows and balconies of the south-western most unit of the northern building at Levels 1, 2 and 3 and the existing residential aged care facility rooms within the 'Stage 1 Wahroonga Building'. This does not meet the requirements of ADG 3F-1.1 for a minimum of 12m between habitable room windows and balconies. It is recommended that the south-western most unit of the northern building at Levels 1, 2 and 3 be reconfigured and/or reduced in size to avoid this issue.

The proposed south-eastern most unit of the southern building on Level 1 has habitable room windows facing directly onto a publicly accessible communal open space path. This does not meet the requirements of ADG 3F-2.1 for access paths to be separated from habitable room windows to apartments. It is recommended that the pathway be distanced further from the building and additional attention to landscape screening be provided.

#### ADG 3H – Vehicle Access

The proposed pedestrian entry at the lower ground level crosses the driveway entry to the building. This does not meet the requirements of ADG 3H-1 for pedestrian and vehicle access to be separated and distinguishable. It is suggested that the pedestrian entry be relocated to the south of the driveway entry and adequate pathway width be provided to access the front door of the residential aged care facility safely.

#### ADG 4A – Solar and Daylight Access

The proposal appears to provide 43 of 57 (75%) apartments with living rooms and private open spaces that receive a minimum of 2 hours direct sunlight between 9am and 3pm in mid-winter (based on the Survey true north point and a desktop review). This appears to meet the requirements of ADG 4A-1.1. The proposal also appears to provide 0 of 57 (0%) apartments that receive no direct sunlight between 9am and 3pm in mid-winter. This appears to meet the requirements of ADG 4A-1.3.

While these figures are considered acceptable from an urban design perspective, no diagrams appear to have been submitted to substantiate them. It is recommended that 'view from the sun' diagrams be produced at hourly intervals and that all relevant context be included, particularly the neighbouring building to the northeast at 14 Neringah Avenue South and the 'Stage 1 Wahroonga Building' to the west.

#### ADG 4B – Natural Ventilation

The proposal provides 24 of 57 (42%) apartments that are naturally cross ventilated. This does not meet the requirements of ADG 4B-3.1 for a minimum of 60%. Corner units must have windows to a second aspect to be considered as naturally cross ventilated (south-western most corner units of the southern building and topmost floor units of both buildings). Similarly, units that are not on the 'outermost' corner of the building (central eastern units of the northern building) and rely on a 'notch' or 'building indentation' cannot be considered as naturally cross ventilated. This aspect should be addressed.

#### ADG 4D – Apartment Size and Layout

The proposal includes apartments which have open plan layouts with a maximum habitable room depth of up to approximately 10.2m from a window (central eastern units of the southern building and central eastern and western units of northern building). This does not meet the requirements of ADG 4D-2.2 for a maximum habitable room depth of 8m from a window. This aspect should be addressed.

#### ADG 4F – Common Circulation and Spaces

The proposal includes nine units off a circulation core within the northern building on Levels 1 and 2. This does not meet the requirements of ADG 4F-1.1 for a maximum of eight apartments off a circulation core on a single level. This also does not meet the requirements of ADG 4F-1.5 to maximise opportunities for dual aspect apartments and ADG 4F-1.6 to demonstrate a high level of amenity for apartments including natural cross ventilation. This aspect should be addressed.

#### KDCP - Part 7 Residential Flat Buildings

The proposal includes a service driveway within the northern side setback. This does not comply with part 7A.3(7) and (8) of KDCP, which does not permit side setback areas to



be used for driveways and requires driveways to be setback a minimum of 6m from the side boundary within the street setback. This aspect also does not comply with part 7A.1(2) of KDCP for residential flat buildings to provide a garden setting with buildings surrounded by landscaped gardens including trees on all sides.

The proposed basement encroaches into the street setback in the southern portion of the site by approximately 6m. This does not comply with part 7A.3(11) of KDCP. This aspect also does not meet Part 7B.1 (2) for basement car park areas to be consolidated under building footprints.

Landscaping and deep soil issues are discussed in further detail below.

### **3. LANDSCAPING & ECOLOGY**

#### **a) Deep soil**

It is noted that the entire Neringah Hospital site area including the existing Stage 1 building and the surrounds of Woonona Cottage are included in the deep soil plan for the current proposal. It is questioned whether this is a valid representation of deep soil for the current project as these areas of deep soil relate to other parts of the site and separate uses. Therefore, it is not clear whether the calculations of deep soil are relevant and a fair representation of deep soil provision. This is particularly relevant in relation to some of the areas of concern raised below in respect of deep soil distribution and configuration.

Many areas of deep soil are not continuous, and are disjointed in location, and of relatively small size. Deep soil should wherever possible be of consolidated areas to maximise the effectiveness of these areas and to allow for substantial tree planting and layered landscaping in key areas, in particular to adjacent properties and within the front setback.

Areas of deep soil capable of sustaining new large canopy trees typical of the landscape character of the area within front setback are compromised due to basement setback from Neringah Avenue South, on-site detention (OSD) and proximity elsewhere of structures, such as walls and OSD tank within the setback reducing available soil volumes and deep soil landscape widths.

Deep soil is absent to the northern driveway adjacent the residential flat building.

#### **b) Landscape provision and character**

##### **Basement Setback South Building and OSD**

The encroachment of the basement into the front setback compromises the provision of deep soil within this setback and the provision of substantial plantings of medium and large canopy trees typical of the current and desired landscape character of the area. Deep soil should be maximised within the frontage.

It is noted that the proposal includes 130 parking spaces, the Site Compatibility Certificate project development description is for 90 parking spaces (Schedule 1) and the number of car parking spaces located within the basement encroachment, including turning bay spaces, is 37. Further, it is noted that the Site Compatibility Certificate (Schedule 2) requirements include '*consideration of the proposed encroachment into the front setback and an appropriate design response to mitigate any impacts to the*

*streetscape*'. The front setback is not limited to structures above ground, it also includes structures below ground level. The basement encroachment is caused by the unnecessary additional car parking spaces.

Given the above, the basement should be confined to the building footprint to allow for continuous deep soil areas within the front setback to achieve desired landscape character outcomes, including the provision of large and medium size trees.

The proposed OSD structure compromises deep soil provision to the north building and should be wholly placed under the paved areas / driveway or within the building footprint to maximise deep soil within the setback.

#### Side setback entry ramp

The location of a driveway along the northern boundary results in a narrow (approximately 2m) wide landscape buffer of a single row of small-scale tree plantings (*Elaeocarpus reticulatus* / Blueberry Ash) to the residential flat building at 14 -18 Neringah Avenue South. This is an unsatisfactory outcome in regard to buffer and screen planting provision between properties. A wider deep soil area should be provided capable of layered planting of greater depth which is not reliant on a single row of planting.

#### Sandstone wall Neringah Avenue South frontage

The existing rough coursed and dimensioned sandstone wall to Neringah Avenue South is indicated as being demolished and rebuilt in portions with decorative palisade fencing to allow views to and from the front gardens. It is preferred the wall be retained as rebuilding the wall may be problematic due to its varied dimensions and courses. The wall is a significant part of the streetscape character of this part of Neringah Avenue South and is likely to be linked to the earlier period of use of the property and is recommended it be retained in situ.

### **c) Tree Planting**

Large locally occurring canopy trees species while desirable and characteristic of the area such as *Eucalyptus saligna* (Sydney Blue Gum) and *Angophora costata* (Sydney Red Gum), indicated within the Neringah Avenue South setback are not considered feasible due to the available soil volumes and proximity of structures such as path, walls, basement and OSD tank. These trees need substantial areas to allow for mature growth including both canopy and root plate development and stability.

### **d) Tree Impacts**

#### Tree 32 *Angophora costata*(Sydney Redgum)

This is an important remnant large canopy tree. It is unclear whether impacts including excavation within the Structural Root Zone of this tree may occur due to construction of sandstone walls to the street frontage, and to the driveway edge.

It is also unclear whether the driveway crossing and apron will be widened within the Tree Protection Zone of this tree. Rebuilding of the driveway unless like for like including (pavement type and depth) will result in impacts. The expansion of the driveway closer to the tree would also impact this tree which already has a high level of existing encroachments.

### Arboricultural Impact Assessment

It is recommended that a detailed Arboricultural Impact Assessment be undertaken by an arborist of minimum qualification AQF5 during the development of detailed designed and documentation stages of the project to ensure outcomes envisaged at the concept stage are realised for all retained trees and including trees adjacent to the Archdale Walk.

#### **e) Biodiversity Development Assessment Report (BDAR)**

The SSDA has a BDAR waiver, notwithstanding, the proposal has considered clause 6.3 of KLEP 2015 and impacts upon biodiversity. The EIS states:

*“ 6.3 – Biodiversity protection A small portion of the site in the northeast corner is mapped as containing biodiversity value. Notwithstanding, a Biodiversity Development Assessment Report (BDAR) waiver has been granted for the proposal, given that the native vegetation at this portion of the site is proposed to be retained, with there being no remnant impacts on biodiversity values”.*

The statement above is supportable.

The site supports Blue Gum High Forest (BGHF) which is listed a critically endangered ecological community under the *NSW Biodiversity Conservation Act 2016*. The proposal is supported with an arborist report that seeks to retain and protection all trees which comprise part of the onsite BGHF. The proposal does not result in significant impacts upon BGHF nor does it result in the removal of native vegetation from the state biodiversity values map. No BDAR is deemed to be necessary in this instance.

## **4. HERITAGE**

The subject site comprises a number of buildings, including:

- the heritage-listed, ‘Woonona Cottage,’ located towards the southwest corner of the site, fronting Woonona Avenue;
- a kiosk located towards the southeast corner of the site.
- the Neringah Hospital building located towards the northeast corner of the site, fronting Neringah Avenue South; and
- the Wairoonga Residential Aged Care building located towards the northwest corner of the site, fronting Woonona Avenue.

The proposed development will contain a combination of modern and traditional materials and is generally acceptable from a heritage perspective. However, the proposed materiality should be amended to include the following:

- face brickwork of a red/orange tone, similar to the “Reservoir”, as it is such a large dominant building in the vicinity; and
- vertical palisades in sections to break up the long solid balconies to create some transparency.

## 5. TRANSPORT, ACCESS AND PARKING

### a) Car Parking

For 55 staff, the following car parking would be required:

- SEPP: 28 spaces
- DCP: 42 spaces

The plans provided indicate provision of 92 spaces for staff. It is unclear as to why such a high number of parking spaces are proposed for staff – there is no explanation in the EIS or other supporting documents as to the need for such a high number of staff car parking spaces. The 'Journey To Work' data indicates 75% of employees who work in the area drive to work, so the 42 spaces required by the DCP would be adequate for 55 staff. Provision of more than 42 spaces would undermine the modest 2% per annum target to reduce reliance on private vehicles for journeys to work in the Green Travel Plan.

For the residential care facility (30 beds), the following car parking would be required:

- SEPP: 3 spaces
- DCP: 3 spaces

The plans provided indicate provision of 26 spaces. This is high and a significant departure from the SEPP and DCP and should be justified.

For self-contained dwellings (57 dwellings), the following car parking would be required:

- SEPP: 12 spaces
- DCP: 38 spaces

The plans provided indicate provision of 26 spaces for the self-contained dwellings, which may be an under-provision given the demographic in the area. It would be possible to reallocate some of the excess staff spaces to the self-contained dwellings so that the total number approaches 38 spaces, as required by the DCP.

### b) Vehicle Access

The driveway gradient of 5% has been provided from kerb line to approximately 3m within the property boundary. It is however required that the 5% be provided for a distance of 6m internally from the property boundary.

The minimum sight lines for pedestrian safety as per Figure 3.3 of AS2890.1:2004 must be demonstrated. The Traffic engineer notes that sight lines at the proposed driveway locations are potentially restricted due to the presence of shrubs within the Council verge adjacent to the driveway. As a result, it is likely that some of these trees will be required to be removed or relocated to ensure sufficient sight lines can be achieved from the proposed driveways. This must be addressed in a revised Arboricultural Impact Assessment.

The Traffic Report states that a B99 vertical clearance testing and MRV vertical clearance testing suggests undercarriage scraping occurs near the kerb and near the crest of the ramp, respectively.



The proposal cannot be fully assessed until the following information has been submitted:

1. The driveway gradient of 5% has been provided from kerb line to approximately 3m within the property boundary. It is required that the 5% be provided for the first 6m internally from the property boundary.
2. The minimum sight lines for pedestrian safety as per Figure 3.3 of AS2890.1:2004 must be demonstrated. The Traffic engineer notes that sight lines at the proposed driveway locations are potentially restricted due to the presence of shrubs within the Council verge adjacent to the driveway.
3. The driveway longitudinal section is to be submitted to demonstrate that a B99 and MRV vertical clearance can be achieved without scraping of the underside of these vehicles.

### **c) Public Domain and Accessible Path of Travel**

#### Main pedestrian entry from Neringah Avenue South

*Drawing number LA-DG-01-E0\_P1*

In order to comply with the site related requirements under Clause 26 of the SEPP, the Applicant is relying upon access for its residents to the Wahroonga local centre through Archdale Park and Archdale Walk. The connection to Archdale Park should include a raised pedestrian crossing for improved safety for the residents. The raised crossing would provide a level crossing point without the need for residents and mobility impaired to negotiate a kerb ramp, that is likely to have a steep crossfall, to access the carriageway. The design of the raised crossing will need approval under the Roads Act 1993 as well as Council's Traffic Committee.

The proposed entry into the site immediately opposite the park is via stairs which is contrary to the intent of accessibility and connection to the local centre. Though there is an at grade entry to the site some 10m uphill from the stair entry, it is one metre higher, making the grade along the footpath approximately 1:10 for 10 metres. This does not comply with the requirements of the SEPP, which states the maximum run for a grade of 1:10 is to be 5m. The main proposed pedestrian entry should be amended to provide an at-grade and stepless path of travel to the lift lobby on the ground level of the development, leading from the connection to Archdale Park.

If the proposed at-grade entry shown on the drawings follows the grade of the existing footpath along Neringah Avenue South, then the crossfalls will greatly in exceed the standard 1:40 crossfall for footpaths.

Details of the proposed footpath leading from the lower ground of the development to Neringah Avenue South are inconsistent between drawing packages, so it is not clear which is the correct proposed design.

#### Archdale Walk

*Drawing Number LA-DG-81-AO\_B*

This drawing shows a long section through the path. The existing footpath level line shown just above the proposed new access to Australia Post Office is significantly higher than the proposed finished level of the new path. There are no details on how this level change will be dealt with. It will be useful to understand the construction method and visual impact of this change in level and as it would appear on Council land.

#### Kerb inlet pit

Detailed design drawings for the new kerb inlet pit and associated 375mm RCP pipe within the road is to be submitted and assessed by Council's Operations Department for approval under the Roads Act 1993. The design drawings would also need to show sufficient details and including underground services for setting out for construction.

The proposal cannot be fully assessed until the following information is provided:

1. A survey plan prepared by a registered surveyor is to be submitted for the path of travel to the bus stop.
2. Civil plans including longitudinal section of the path of travel to the bus stop is to be prepared by a suitably qualified civil engineer to demonstrate compliance with the SEPP – Clause 26(2)(a) and (3).
3. A Statement from the Access Consultant needs to be submitted to demonstrate that the development can comply with the SEPP – Clause 26(2)(a) or (3) based on the longitudinal section. The access consultant must address in their report any works required to achieve compliance with the SEPP.
4. Details of the level change between the existing footpath (Archdale Walk) and proposed new finished level including construction method and visual impact of this change in level.
5. Confirm the correct details of the proposed footpath leading from the lower ground of the development to Neringah Avenue South, as details are inconsistent between drawing packages.

#### **d) Construction Management**

The Traffic Report provides an indicative Construction Traffic Management Plan (CTMP).

During the construction progress, it is understood that some construction vehicles may require access via a proposed Works Zone from Neringah Avenue South. A work zone will be required for loading and unloading of vehicles along the site frontage. A condition will be recommended to that effect, in the event of an approval, including the need for approval by Council's Traffic Committee and the payment of the necessary fees.

For safety and amenity, a condition shall be placed, in the event of an approval, that all construction vehicle movements will be restricted along Neringah Avenue South and surrounding local roads during school drop-off (8.00am to 9.30am) and pick up (2.30pm to 4.00pm) times on school days. It is noted there will be no restrictions on construction vehicles between the hours of 8:00- 9:30am or 2:30-4:00pm on non-school days.

A detailed CTMP will need to be submitted prior to the issue of the construction certificate, via a condition of consent, in the event of an approval, showing the construction vehicle routes, largest vehicle to be used entering and exiting the site for the

demolition, excavation and construction stages, stockpiles and all necessary tree protection fencing.

A Pedestrian Management Plan prepared by a suitably qualified civil/traffic engineer shall be provided. This Plan shall detail the works on site and their progressive impacts on pedestrians, along with measures to continually and safely provide for pedestrian demands.

#### Permit to stand plant

In the event of an approval, a condition should be included for an application to Council's Operations Department for approval to stand plant. The application is to be accompanied with a Traffic Control Plan (TCP), showing ameliorative measures to be taken to minimise disruption to traffic or pedestrians, if any disruption will occur. Approval shall be obtained from Council's Traffic Section and the relevant fees shall be paid to Council, prior to the commencement of works on the site.

## **6. STORMWATER MANAGEMENT**

The stormwater design shows the collection and discharge of all roof water directed to a combined OSD tank and retention tank (OSR) of 150m<sup>3</sup> and 130.5m<sup>3</sup> respectively located partially within the front landscape setback and driveway access point. The overflow from the detention system is directed by gravity via a 225mm diameter pipe to a new kerb inlet pit with a new 375mm diameter pipeline extended to the existing Council kerb inlet pit downslope from the site, which is acceptable, notwithstanding the concerns raised within this objection regarding the location of the OSD. Detail design of the Council kerb inlet pit is to be submitted.

A stormwater inlet pit is also proposed at the front boundary to capture flows from the landscaped areas that by-pass the on-site detention tank. The outlet is proposed directly to the kerb outlet.

The on-site detention requirements described in Part 24C.5 of the DCP have been satisfied. A high level overflow pipe of 225mm diameter from the OSD has been provided and connected to the proposed pipe network system, which is acceptable. The location of the access pits to the detention and retention system can be readily accessible external to the building.

The stormwater plan shows a 130,500L rainwater tank however the Integrated Water Management Plan suggests 160,000L. Clarification of the rainwater tank volume is sought from the design engineer. Rainwater re-use is to be provided for irrigation of at least 2,300m<sup>2</sup> landscaped area only. No supporting hydraulic calculation have been submitted to demonstrate compliance with Part 24C.3-4 of the Ku-ring-gai DCP that requires rainwater retention and re-use to be provided to achieve a 50% reduction in runoff days. A water balance model has not been submitted.

The basement pump-out pit has not been shown. It will need to be designed to capture the driveway area and basement perimeter subsoil drainage. The pump-out tank volume is to be based on the 100 year 2 hour storm, as required under Part 24B.5 of the Ku-ring-gai DCP. The rising main is required to be discharged to the OSD system.

It is proposed that at least four (4) stormwater inlet pits within the site are to be fitted with a fine mesh in-pit filtration basket, such as the 'OceanGuard' or approved equivalent. In addition, a tertiary stormwater filtration device is proposed to be installed on the eastern

front corner of the site within the OSD tank. The pollutant load standards set out in Part 24C.6 of the Ku-ring-gai DCP has been satisfied.

The proposal cannot be fully assessed until the following information has been submitted:

1. Detail design showing new kerb inlet pit with a new 375mm diameter pipeline extended to the existing Council kerb inlet pit downslope from the site. Kerb inlet details to be in accordance with Council's standard drawings and is to include surface and invert levels of the kerb inlet pit. In addition, the location of all underground services including levels and any adjustments to existing underground services are to be shown for setting out for construction.
2. The stormwater plan shows a 130,500L rainwater tank however the Integrated Water Management Plan suggests 160,000L. Clarification of the rainwater tank volume is sought from the design engineer.
3. No supporting hydraulic calculation submitted to demonstrate compliance with Part 24C.3-4 of the Ku-ring-gai DCP that requires rainwater retention and re-use to be provided to achieve a 50% reduction in runoff days. A water balance model has not been submitted.
4. No clarification has been provided as to the purpose of the proposed rainwater tank given that a retention component would also be required.
5. The basement pump-out pit has not been shown. It will need to be designed to capture the driveway area and basement perimeter subsoil drainage. The pump-out tank volume is to be based on the 100 year 2 hour storm as required under Part 24B.5 of the Ku-ring-gai DCP. The rising main is required to be discharged to the OSD system.

## **7. GEOTECHNICAL INVESTIGATION**

A geotechnical report has been submitted to assess the subsurface conditions and provide preliminary recommendations for the excavation of the basement. A geotechnical investigation of the hospital site was carried out in 2010 for the then redevelopment, in particular the western portion of the site. This comprised the drilling of boreholes, BH1 to BH12. The current investigation involved the drilling of BH101 to BH115.

Groundwater monitoring wells were installed in BH102, BH107, BH109 and BH114 and two site visits made by JKE a few days after completion to measure groundwater levels. In 2010, where boreholes could be left open on the day of drilling groundwater was measured at depth ranging from 4.7m to 6.3m. Within the wells installed in the recent JKE boreholes, groundwater was measured on completion at depth ranging from 3.6m to 7.5m, with measurements taken several days after installation

In summary, the boreholes encountered fill covering residual silty clay that graded into weathered shale or siltstone bedrock. However, the bedrock is of poor quality with extremely weathered rock extending for significant depths. Rock of medium strength was encountered in BH5 and BH9 at depths of 10.9m and 8.8m, but contained many defects such as bedding partings, joints and extremely weathered seams. In BH114, siltstone assessed to be of medium strength was not encountered until a depth of 12.5m. The report further adds that additional geotechnical investigations based on the structural design, additional investigations may also be required in regard to groundwater. In this case, the development may be referred to WaterNSW for approval. If that is the case



investigation of the site in accordance with the WaterNSW guideline is necessary. This will require the installation of additional groundwater wells with the slotted screens targeted to the proposed basement levels, ongoing monitoring of groundwater levels and estimation of seepage volumes

In the event of an approval, a condition should be imposed that the basement excavations are to be fully tanked unless it can be demonstrated, at the discretion of the certifier, that ongoing dewatering will be less than 3ML/year and the proposal is approved by NSW DPI Office of Water.

Prior to the start of excavation, dilapidation surveys will be required for the residential developments to the south-west, north and the reservoir to the south. For the unit buildings, the internal inspections could be limited to the units closest to the proposed excavation. The dilapidation survey should comprise a detailed inspection of the adjoining property, both externally and internally, with all defects thoroughly described.

The geotechnical recommendations regarding excavation support, vibration monitoring, dilapidation reporting of adjoining buildings and foundation design shall be carried out during construction, as specified within the report.

## **8. ACOUSTIC IMPACTS**

Council has reviewed the acoustic report prepared by Acoustic Logic titled 'Wahroonga Stage 2 – Noise and Vibration Impact Assessment' Project ID 20220772.1 dated 17 November 2022 and note the following comments.

Firstly, the report refers to architectural plans dated 9 November 2022, however the architectural plans submitted with the EIS review are dated October 2022. It is important to consider/ clarify that the acoustic report and architectural plans referenced, are consistent with all documentation submitted as part of this proposal.

The acoustic report also acknowledges that during the demolition, excavation, and construction phase, that the noise output from such activities may exceed the background noise level thresholds. The recommendations and mitigation measures proposed are satisfactory and should be considered as conditions should the application be approved.

The acoustic report also identifies that a plant room maybe considered on the basement level or roof level of the development, however, supports the location of the plant room more so on the roof, as it is anticipated to be less invasive to surrounding neighbours. However, Council's view is the plant rooms should be located in the basement where possible. The architectural plans dated October 2022, show the pump room, mechanical plant room and exhaust fan room in Basement 2. This proposed location would be supported by Council.

The architectural plans also show two mechanical fan plant rooms on the roof however no acoustical assessment was determined on whether their locations are suitable and are not impactful to neighbouring properties. The proposed location of the southwestern mechanical plant room is near 1 Woonona Avenue, South Wahroonga. An assessment to determine any impact must be made prior to determination and any recommendations implemented.

## **9. CONTAMINATION**

The Remediation Action Plan (RAP) (ref: E35312BRrpt5Rev), prepared by JK Environments and dated 11 November 2022, must be accompanied by Interim Audit Advice from an EPA-accredited Site Auditor certifying the RAP is appropriate.