

**JOINT REGIONAL PLANNING PANEL
(Sydney West Region)**

FURTHER JRPP PLANNING REPORT

JRPP No:	2011SYW055
DA Number:	1421/2011/JP
Local Government Area:	THE HILLS SHIRE COUNCIL
Proposed Development:	SENIORS HOUSING DEVELOPMENT (RESIDENTIAL CARE FACILITY) COMPRISING 232 BEDS PURSUANT TO THE STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY 2004
Street Address:	LOTS 15-18 DP 235678, LOTS 16-17 DP 806095, LOTS 15-16 DP 255031, LOT 2 DP 567579, LOT 109 DP 793840 & LOT 6 DP 232975, NOS. 5-19 BASS DRIVE & 103-115 SEVEN HILLS ROAD, BAULKHAM HILLS
Applicant/Objector:	PAYNTER DIXON CONSTRUCTIONS (AUST) PTY LTD
Number of Submissions:	ADDITIONAL INFORMATION WAS NOT RE-NOTIFIED TO RESIDENTS
Recommendation:	APPROVAL SUBJECT TO CONDITIONS
Report by:	CLARO PATAG DEVELOPMENT ASSESSMENT CO-ORDINATOR

EXECUTIVE SUMMARY

The Development Application was considered by the NSW Joint Regional Planning Panel (JRPP) on 15 December 2011. The JRPP resolved as follows:

"The Panel unanimously deferred its determination of this application to allow Council staff to assess and report on the SEPP 1 Objection submitted by the applicant."

The SEPP application which relates to the building height standard for the rear 25% of the site has been assessed. It is considered entirely inappropriate to apply this standard in this instance as the subject site has two road frontages and no rear in the manner intended by the standard.

Given the orientation of the building on the subject site and the road patterns the eastern and western boundaries could only be reasonably regarded as side boundaries.

The intent of the clause is clearly to address development that occurs in typical urban context where rear boundaries form the separation between private open space areas. In other words, where any seniors housing development is proposed, any building that backs onto adjoining rear private open space areas should be single storey in height.

Hypothetical analysis has been provided to consider numerical non-compliance for either Bass Drive or Seven Hills Road if deemed to comprise the rear of the site. Of the two streets, Bass Drive is considered to be the principal frontage given the main entry is

there and given that service access is off Seven Hills Road. Either way, a strict application of the standard would have the effect of forcing the application to adopt a rear presentation of one storey. There would be no benefit gained by development immediately to that rear if the standard were applied in this way.

It is considered that clause 40(4)(c) has no relevance to this application. Notwithstanding this, the SEPP 1 objection has been assessed and demonstrates that compliance with the standard is unreasonably and unnecessary.

FURTHER REPORT

At its meeting of 15 December 2011 the NSW Joint Regional Planning Panel considered a report on the subject Development Application and resolved as follows:

"The Panel unanimously deferred its determination of this application to allow Council staff to assess and report on the SEPP 1 Objection submitted by the applicant."

As part of the discussion of the SEPP 1 Objection, reference was also made to the decision in *Alnimat Pty Ltd v Sutherland Shire Council (2010) NSW LEC 1038*.

In response to the Panel's Resolution, the applicant has provided a supplementary SEPP 1 Objection which specifically addresses numerical non-compliance with clause 40(4)(c) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 ("Seniors SEPP").

ISSUES FOR CONSIDERATION

1. SEPP No. 1 Objection to SEPP (Housing for Seniors or People with a Disability) 2004

Clause 40(4) of the Seniors SEPP

Clause 40(4) of the Seniors SEPP applies to a building height standard to development in a residential zone where residential flat buildings are not permitted.

The proposed development is located in the Residential 2(b) zone under the Baulkham Hills Local Environmental Plan 2005 and is permitted with consent. However, residential flat buildings are not permitted in the Residential 2(b) zone and therefore Clause 40(4) of the Seniors SEPP applies to the proposed development.

Clause 40(4) states:

"If the development is proposed in a residential zone where residential flat buildings are not permitted:

(a) the height of all buildings in the proposed development must be 8 metres or less, and

(b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and

(c) a building located in the rear 25% area of the site must not exceed 1 storey in height."

The proposed residential care facility (RCF) building:

- is less than 8 metres above natural ground level to the underside of the uppermost ceiling; and
- where it is adjacent to a boundary of the site is no more than two storeys in height.

It is noted that for the purposes of the Seniors SEPP at clause 3(2), a car park that does not extend more than 1.0m above natural ground level is not counted as a storey.

The application was accompanied by a SEPP 1 objection, which has been addressed in the previous report to the Panel. It was concluded in the previous report that given the site has two road frontages, it is considered that the site has no “rear” in the manner intended by the standard and therefore the SEPP 1 application was not required. However, the Panel resolved to defer the determination of the Development Application to allow Council staff to assess and report on the SEPP 1 Objection submitted by the applicant.

(i). Principles for SEPP 1 Objections

The decision of Justice Lloyd in *Winten v North Sydney Council* [2001] NSW LEC 46 sets out the principles against which a SEPP 1 objection should be made, as follows:

- a) Is the planning control in question a development standard?
- b) What is the object or purpose of the standard?
- c) Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(1)(i) and (ii) of the Environmental Planning & Assessment Act, 1979 (EPA Act)
- d) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?
- e) Is a development which complies with the development standard unreasonable or unnecessary? and
- f) Is the SEPP 1 objection well founded?

In addition, the decision of Justice Preston in *Wehbe v Pittwater* [2007] NSW LEC 827 detailed that in considering granting concurrence to a variation, the requirements of Clause 8(a) and 8(b) of SEPP 1 should be considered.

The above principles are addressed in detail below.

(a) Is the planning control in question a development standard?

The planning control in question is the building height standard contained in Clause 40(4)(c) of the Seniors SEPP.

Clause 40(1) confirms that the provisions of clause 40 pertain to development standards and states:

“A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.”

It is evident that clause 40(4)(c) specifies a numerical development standard for building height:

“If the development is proposed in a residential zone where residential flat buildings are not permitted:

- (a) *the height of all buildings in the proposed development must be 8 metres or less, and*
- (b) *a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and*
- (c) ***a building located in the rear 25% area of the site must not exceed 1 storey in height.***

The control is a numerical development standard and therefore is capable of being varied under the provisions of State Environmental Planning Policy No. 1 – Development Standards.

(b) What is the purpose of the standard?

The purpose of the building height standard is not explicitly stated in the Seniors SEPP. However, the standard applies only to development in a residential zone where residential flat buildings are not permitted and it functions to limit building height to one storey to the rear 25% of a site. It is assumed therefore that the underlying purpose of the building height standard is to control the height of development to be in scale with and to be compatible with the typical development permitted in the particular zone.

The presumed intent of the clause is clearly to address development that occurs in a typical urban context where rear boundaries form the separations between private open space areas. The intent is that where a Seniors Housing development is proposed, any building that backs on to adjoining rear private open space areas would be single storey in height. The intent being that potential adverse impacts in relation to overshadowing and potential overlooking are minimised.

There are a number of site characteristics and circumstances that make it impractical to identify a “rear area” of the subject site.

Consistent with the Intent of Subclause 40 (4)(c) of SEPP (Housing for Seniors or People with a Disability) 2004

The standard at clause 40(4)(c) does not reasonably apply and could not be reasonably applied. The one storey height control for the rear 25% area of a site indicates that a development site has a front and a rear and implies that residential development immediately adjoins a proposed development to the rear. The circumstances of the case are otherwise – the site has two opposing street frontages in an area with a pattern of subdivision dominated by north – south aligned lots, and therefore there is no rear area and no adjoining residential development to the rear of the proposed development.

Given the nature of the development site the eastern and western boundaries could only reasonably be considered as side boundaries.

Although the site has two road frontages and no real rear, for the purpose of the SEPP 1 analysis, Bass Drive is considered to be the frontage. This is because the entry to the development is from Bass Drive with the service access point from Seven Hills Road.

(c) Is compliance with the development standard consistent with the aims of the Policy, and in particular, does the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EPA Act?

The aims and objectives of State Environmental Planning Policy No.1 – Development Standards are as follows:

“To provide flexibility in the application of planning controls operating by virtue of

development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or necessary or tend to hinder the attainment of the objects specified in section 5 (a) (i) and (ii) of the Act."

The objects set down in Section 5(a)(i) and (ii) are as follows:

"to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural area, forest, mineral, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.

(ii) the promotion and co-ordination of the orderly and economic use and development of land..."

The height of the RCF building as proposed does not result in adverse impacts on adjoining sites and therefore strict compliance with the development standard is not necessary to attain the objects of the EPA Act.

There is no substantial gain in amenity if substantial elements of the proposal were required to be single storey. This would therefore tend to hinder the attainment of the objects of Section 5(a)(i) and (ii) of the EPA Act, which are to encourage development that promotes the social and economic welfare of the community and a better environment, and to promote and co-ordinate the orderly and economic use and development of land. The development as proposed is considered consistent with the objects of the EPA Act.

(d) Is compliance with the standard unreasonable or unnecessary in the circumstances of the case?

To strictly comply with the single storey building height standard for the rear 25% of the site is unnecessary and unreasonable in the circumstance of this case as outlined in item (c) above. The proposal otherwise complies with the maximum 8.0m height limit and the requirement for development to be a maximum of two storeys at the site boundaries.

Given the circumstances of the case, strict numerical compliance with the building height standard would be unnecessary and unreasonable on the basis that the development as proposed is consistent with the underlying purpose of the standard, and has been designed to avoid unnecessary amenity impacts.

e). Is a development which complies with the development standard unreasonable or unnecessary?

A development that strictly complies with the standard is unnecessary in this circumstance for the following reasons:

- given that the height of the proposal does not result in adverse impacts on adjoining sites, no appreciable benefits would result for adjoining properties if the proposal were to strictly comply;
- the circumstances of the proposal do not match the circumstances implied by the standard. The standard at subclause (c) identifies a site having a rear area and it is implied that residential development immediately adjoins to the rear. The circumstances of the case are otherwise – the site has two opposing street frontages and therefore no rear area and no adjoining residential development to the rear. No adverse impacts would be avoided by restricting building height to one storey in this instance. A development that strictly complies with the standard is

therefore unnecessary and unreasonable in this circumstance;

- the site planning has accommodated opportunities for significant landscaping to be implemented at the site interface with adjoining residential development and to ensure that a compatible transition is provided; and
- the application seeks to excavate the central area of the site to facilitate minimising the apparent building height to adjoining development

f). Is the objection well founded?

It is considered that the objection is well founded as compliance with the standard is both unnecessary and unreasonable and would hinder the attainment of the objects of the Act.

g). Whether non-compliance with the development standard raises any matter of significance for State or Regional Environmental Planning?

The non-compliance will not raise any matter of State or Regional Significance. The variation purely relates to an unusual site configuration and support of the variation will not impact upon State or Regional Planning considerations.

h). The public benefit of maintaining the planning controls adopted by the environmental planning instrument

There is no desirable public benefit in seeking to limit part of the development to a single storey. It has been clearly demonstrated that adverse amenity impacts have been avoided by the proposed design.

It is considered that the public benefit of providing the facility in an area of growing demand for aged care accommodation and services supports the approval of the proposed development and support for requested variation to the development standard.

(ii) Supplementary Information from the Applicant

The applicant has provided a supplementary SEPP 1 objection in response to the Panel Resolution making reference to the *Animat Pty Ltd v Sutherland Shire Council* case, which was a proposal for a 96-place residential care facility on a site having a frontage to both Wyralla and Warrah Road in Yowie Bay. The applicant has noted that the facts of this case are different from their proposal. The applicant also noted that the matter of what is and what is not the rear of the site and whether a SEPP 1 Objection needed to be upheld was ultimately not determined as the application failed on its merits, specifically in respect to the presentation of the development to Warrah Road.

The supplementary SEPP 1 submission is accompanied by a diagrammatic representation (refer Attachment A2) demonstrating:

- the extent of numerical non-compliance for either Bass Drive or Seven Hills Road if deemed to comprise a rear of the site;
- a visual representation supporting a variation to the single storey control on both frontages – if one or the other is deemed to be the rear of the site.

If it is considered that a SEPP 1 Objection is required to be upheld, it is necessary to identify the theoretical area and extent of non-compliance with the standard and the reason why it is unnecessary or unreasonable to apply it in the strictest sense.

The subject site has two road frontages – Bass Drive and Seven Hills Road. The layout and orientation of buildings currently and previously located on the site have:

- a north/south orientation; and
- front either Bass Drive or Seven Hills Road.

The eastern and western boundaries of the subject site having regard to:

- orientation of buildings on the subject site,
- subdivision pattern, and
- lack of a road frontage,

effectively determines that these boundaries can only be considered as side boundaries.

To have a rear, a site must reasonably have a frontage. For the purpose of the SEPP analysis, and the objection itself, the applicant has considered the Bass Drive frontage to be the site's front boundary due to:

- the north/south orientation of the block;
- the pattern of existing development on the site being dwellings 5, 7, 9, 11, 17 and 19 Bass Drive which all access and address Bass Drive;
- the northern orientation which ensures maximum northern orientation for any building;
- Seven Hills Road is a higher order road and is the most logical point to service the site;
- adjoining land uses on Seven Hills Road and the nature of Seven Hills Road, provides an environment that is better suited for a service access point;
- Bass Drive provides a residential address; and
- the alignment of buildings to Seven Hills Road, because of the location of the nursery and service station is less uniform than the building alignments currently existing on Bass Drive.

For the above reasons, it could be considered, for the purpose of the analysis, that should a frontage be required in order to determine a rear, that Bass Drive is the 'front' of the property. However, the applicant argues that technically the subject development site has no rear as such.

Attachment A2 identifies the rear 25% of the site and the extent of the theoretical non-compliance along Seven Hills Road. Attachment A2 also illustrates the extent of theoretical noncompliance should Seven Hills Road be deemed to be the frontage and the rear of the site to be Bass Drive.

The applicant's arguments in support of a variation to the standard, if applied to Seven Hills Road or Bass Drive, were contained in the original SEPP 1 Objection, and the following supplementary information has been provided by the applicant in response to the Panel's Resolution:

a). Bass Drive Frontage/Seven Hills Road Rear

In this case, the application of the rear 25% of the site comprising single storey would result in a breach of the standard by one (1) storey across portions of the buildings labelled D and E for between 4.255 metres to 18.25 metres in depth, as illustrated in Attachment 2.

The two (2) storey form in the 'rear' of the site does not abut the rear of any residential properties to the south. The closest residential building to the south is located on the opposite side of Seven Hills Road over 25 metres to the south.

The two (2) storey form abuts only a service station to the west and is setback between 9.3 metres and 10.4 metres from this boundary. The closest residential dwelling which abuts the rear 25% of the site is the side boundary of No. 101 Seven Hills Road. The rear portion of the proposed building is setback 8.42 metres from this common boundary.

The two (2) storey form is setback between 6.74 metres at its closest point and 15 metres at its furthest from Seven Hills Road. The majority of the building is setback behind Council's 10 metre setback control, behind landscaping.

Strict compliance with the standard in the 'rear' of the site is unreasonable and unnecessary as:

- the two (2) storey form meets the intent of the standard and does not result in adverse impacts on any adjoining residential buildings in the form of overlooking, overshadowing, or bulk and scale impacts;*
- the form of the building is compatible with the streetscape of Seven Hills Road – given the setback and the distance of dwellings to the south, the location of open space to the south and non-residential uses to the west and south west;*
- the building will be set behind a landscape setting consistent with the streetscape; and*
- there are no adjoining buildings that could benefit from a strict application of the standard.*

Comment:

In the event that Seven Hills Road be treated as the rear of the site, it is considered that the proposed variation to the building height requirement to 25% rear of the site on this side of the development is acceptable given the non-adverse impact on adjoining and surrounding land uses and to the existing streetscape. The intent of the standard is to protect the privacy of any immediate adjoining development and given that it is immediately adjacent to a road, in this case Seven Hills Road, the impact on the amenity of nearby residences on the other side of Seven Hills Road is considered negligible.

b). Seven Hills Road Front/Bass Drive Rear

Under this scenario, the Bass Drive frontage would be treated as a 'rear'. This could result in a building with a principal orientation to the south and the service entry accessed from the 'rear' in Bass Drive.

As shown in Attachment 2 – this would mean non-compliance in height of one (1) storey across the three (3) fingers of the building labelled A, B and C for a depth of between 5.06 metres and 17 metres.

This boundary does not share a common boundary to the north. The closest residential buildings are located on the opposite side of Bass Drive, a 15 metre road reserve. The distance between built form is 35 metres (10 metre setback on each property and 15 metre road reserve).

There are dwellings immediately to the east and west of the site at 21 Bass Drive and 3 Bass Drive. The two (2) storey form is located 6.270 metres from the eastern boundary and 11.630 metres from the western boundary.

The breach occurs on the three (3) wing elements of the building which are setback 10 metres from Bass Drive and set in a landscape setting.

Access to Bass Drive is restricted to two (2) vehicular crossings.

The form of development is of a residential scale because of the two (2) storey form and repeated use of wing elements.

Of note is that the site, given its frontage of 132 metres to Bass Drive, could readily accommodate six (6) standard two (2) storey houses with six (6) driveways along this frontage.

The form and scale of the proposed building reflects a pattern of existing and the future residential development in the area, and maintains the prevailing setback and landscape character. It is a compatible form of development. Strict compliance with the standard in the rear of the site is unreasonable and unnecessary as:

- the proposed built form meets the intent of the standard and does not result in adverse impacts in terms of privacy, overshadowing or overlooking of adjoining residential properties;*
- the form of development is compatible with the streetscape;*
- the built form reflects the essential elements of the character of the area;*
- the built form is more than adequately separated from adjoining and adjacent dwellings; and*
- there are no adjoining buildings that could benefit from a strict application of the standard.*

Comment:

Should Bass Drive be treated as the rear of the site, it is considered that the proposed variation to the building height requirement to 25% rear of the site on this side of the development is acceptable given the non-adverse impact on adjoining and surrounding land uses and to the existing streetscape. The intent of the standard is to protect the privacy of any immediate adjoining development and given that it is immediately adjacent to a road, in this case Bass Drive, the impact on the amenity of nearby residences on the other side of Bass Drive is considered negligible. It is considered that the impact of the development on the adjacent residences to the east and west of the site (i.e. 21 Bass Drive and 3 Bass Drive respectively) would be insignificant as it is provided with adequate setbacks to these boundaries (6.270 metres from the eastern boundary and 11.630 metres from the western boundary).

c). East and West Boundaries

For the reasons outlined above, I am of the view that these boundaries – particularly because of the lack of a road frontage – cannot be considered as the ‘rear’ of the subject site under any reasonable analysis when considering road access points, orientation and appropriate building location.

The existing building at Nos. 3 and 5 Bass Drive, and Nos. 115 and 117 Seven Hills Road are orientated such that the western boundary of the subject site is a side boundary.

Similarly existing buildings at Nos. 17, 19, 21 and 106 Bass Drive, and Nos. 101 and 103 Seven Hills Road also treat the eastern boundary as a side boundary.

It is acknowledged that this boundary is the rear of Nos. 102, 104 and 106 Bass Drive. However, erection of typical dwellings on the subject site would continue to treat this boundary as side boundary.

Comment:

Given the orientation and configuration of the development site in relation to the adjoining lots on the western and eastern boundaries, it is considered that these

boundaries cannot be treated as the 'rear' of the site, and therefore the single storey requirement within the 25% rear of the site would be flawed if such is to be applied.

CONCLUSION

The form and scale of the development is consistent with that envisaged by the SEPP (Housing for Seniors or People with a Disability) 2004. The development reflects the prevailing setbacks and landscape nature of the surrounding area.

Assessment of the application of the development standard contained in clause 40(4)(c) indicates that the development would result in an appropriate relationship with adjoining properties and respond to the streetscape and character of the area. The proposed development is consistent with the underlying intent of the standard to control building height so that it is compatible with, and does not adversely impact upon, the surrounding development in the zone.

The proposal provides a building height that is generally two storeys at the interface with adjoining development. This height is compatible with the streetscape; is in scale with surrounding development; does not result in any adverse overshadowing or overlooking and is sympathetic with any allowable two storey (and even three storey) residential development in the immediate locality.

The building height is considered appropriate to the context and circumstances of the site which include frontages to two streets, ample building setbacks and substantial landscaping.

The relevance of *Alnimat Pty Ltd v Sutherland Shire Council* (2010) NSW LEC 1038 and applicability of SEPP 1 has been addressed above. It is considered that the facts of this case are different from the subject proposal.

A development strictly complying with the numerical standard would not serve any planning purpose or outcome nor significantly improve the relationship of the development to surrounding land uses. In the context of the locality it would be unreasonable for strict compliance to be enforced, as the scale of the proposed development is compatible with surrounding development.

It is concluded that the SEPP 1 objection is well founded as compliance with the standard is both unnecessary and unreasonable.

The proposal has been assessed having regard to the provisions of Section 79C of Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Infrastructure) 2007, State Environmental Planning Policy Housing for Seniors or People with a Disability 2004 and State Environmental Planning Policy No. 1 – Development Standards, and is considered to be satisfactory.

The Development Application is recommended for approval subject to conditions.

IMPACTS:

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

Hills 2026

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for satisfactory urban growth without adverse environmental or social amenity impacts and ensures a consistent built form is provided with respect to the streetscape and general locality.

RECOMMENDATION

The Development Application be approved subject to the following conditions of consent:

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent.

The amendments in red include: -

- i) Provide a minimum of 2m landscaping strip in front of the 3 parking spaces adjacent to the driveway entry to the porte-cochere.

REFERENCED PLANS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA01	Site Plan	CC	01/09/2011
DA03	Basement Floor Plan	DD	01/09/2011
DA04	Ground Floor Plan	DD	01/09/2011
DA05	First Floor Plan	EE	01/09/2011
DA06	Second Floor Plan	EE	01/09/2011
DA07	Roof Plan	CC	01/09/2011
DA08	Sections A-A, B-B, C-C	EE	01/09/2011
DA09	Sections D-D, E-E, F-F	DD	01/09/2011
DA10	Elevations	EE	01/09/2011
001	Landscape Design Statement	F	30/08/2011
002	Landscape Masterplan (Render)	F	30/08/2011
003	Lower Ground Landscape Plan	F	30/08/2011
004	First Floor Landscape Plan	F	30/08/2011
005	-	F	30/08/2011
006	Landscape Detail Plan A	F	30/08/2011
007	-	F	30/08/2011
008	Landscape Detail Plan B	F	30/08/2011
009	-	F	30/08/2011
010	Landscape Detail Plan C	F	30/08/2011
011	-	F	30/08/2011
012	Landscape Detail Plan D	F	30/08/2011
013	Landscape Elevations	F	30/08/2011

014	Planting Palette	F	30/08/2011
015	Planting Palette	F	30/08/2011
016	Planting Palette	F	30/08/2011
017	Planting Palette	F	30/08/2011
018	Indicative Landscape Specification	F	30/08/2011
019	Plant Schedule	F	30/08/2011
020	Materials Palette	F	30/08/2011

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Compliance with Roads and Traffic Authority (RTA) Requirements

Compliance with the requirements of the Roads and Traffic Authority (RTA) requirements attached as Appendix (1) to this consent and dated 20 June 2011.

3. NSW Police Recommendations

The following conditions are required by the NSW Police Service or as otherwise agreed by NSW Police and Council in writing:

Surveillance

- Lighting is required to meet minimum Australian Standards to ensure safety by improving visibility and detection of offenders. Special attention should be given to lighting for the entry/exit points from the building, car park and access/exit driveways. Site transition lighting is needed to reduce visual impairment i.e. walking from light to dark places.

- Landscape works are to be maintained at all times to minimise concealment and entrapment opportunities.

Access Control

- Use of CCTV to monitor the common areas lobbies, access/exit driveways and car parks where possible.

Territorial Reinforcement

- The site is to be clean and maintained at all times, including repairing vandalism and graffiti, replacement of car parking lighting and general site cleanliness.
- Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove and often a ghost of the image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particular in at-risk areas. This should be considered when selecting material for construction.

Other Matters

- The use of sensor lighting and a security company to monitor the site while construction is in progress is recommended.
- If nursing staff are working a shift where only one nurse is on-site, it is suggested that the nurse be given a mobile panic alarm in the event an unauthorised entry is made to the facility. This will enable the nurse to raise alarm without having to locate and activate a fixed panic alarm.
- Medicine room/s and or cabinets are to be alarmed as well as any doors that give external access to the street.

4. Access Report

The applicant shall carry out the works recommended in the Access Report prepared by Access Associates Sydney dated 14 April 2011 (Project Number A10039) to ensure the site is accessible to and from the nearby bus stops, as follows:

- Modifications to existing kerb crossings in Flinders Avenue; and
- Rectification of footpath surface along Seven Hills Road;

5. Revised Plan of Management

The applicant shall adhere to the Revised Plan of Management dated 30 August 2011 attached as Appendix (2) to this consent addressing the four key areas of operation, i.e. hours of operation, staffing, traffic management and community relations.

6. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

7. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

8. Provision of Parking Spaces

The development is required to be provided with 96 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

9. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

10. Separate application for Signs

A separate application being submitted to, and approved by Council prior to the erection of any advertisements or advertising structures.

11. Fixed Structures within Council's land

Under no circumstances is the applicant to place any fixed structures within Council's land which includes fencing.

12. Tree Removal

Approval is granted for the removal of trees numbered 1-5, 8, 10, 11, 13-19, 21, 24-27, 30-43, 47, 49, 50, 54-56, 58-61, 63, 64, 68-77, 79-83, 85-88, and 90 as per First Floor Landscape Plan drawing number 004 issue F prepared by Site Image and dated 30.08.2011.

Additionally trees numbered 6, 12, 20, 22, 23, 53, 57, 62, 78 and 84 may be removed as they are exempt from Council's Tree Management Provisions.

13. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

Angophora costata is to be replaced with Eucalyptus microcorys.

14. Tree/s to be retained

To maintain the treed environment of the Shire, trees numbered 7, 9, 28, 29, 44-46, 48, 51, 52, 65-67, and 89 as per First Floor Landscape Plan drawing number 004 issue F prepared by Site Image and dated 30.08.2011 are to be retained and protected during all works.

15. Adherence to Approved Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection

of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

16. Waste Storage and Separation - Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- 1) masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- 2) timber waste to be separated and sent for recycling;
- 3) metals to be separated and sent for recycling;
- 4) clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- 5) mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

17. Surplus Excavated Material

The disposal/landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorised disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual receipts verifying recycling/disposal must be kept and presented to Council when required.

18. Garbage Collection – Commercial/Industrial

Collection of waste and recycling material, generated by the premises, must not cause nuisance or interference with the amenity of the surrounding area.

19. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

20. Waste Management- Commercial/Industrial

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.

The waste storage area must be:

- i) provided with a hose tap connected to the water supply;
- ii) paved with impervious floor materials;

iii) graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);

iv) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997;

v) fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

21. Medical Waste Storage and Disposal

A separate waste bin is to be provided for the disposal of clinical and sharps waste. Clinical and sharps waste must be collected and disposed of by an authorised contractor in accordance with the Protection of the Environment.

22. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
- any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

Definition of 'virgin excavated natural material' within the meaning of the POEO Act:

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

Definition of 'waste' within the meaning of the POEO (Waste) Regulation:

In relation to substances that are applied to land, the application to land by:

- (a) spraying, spreading or depositing on the land, or
 - (i) ploughing, injecting or mixing into the land, or
 - (ii) filling, raising, reclaiming or contouring the land,
- (b) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

23. Dust Control

The following measures must be taken to control the emission of dust:

- dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

24. Construction and Fit-out of Food Premises

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard AS 4674-2004 – Design, construction and fit-out of food premises and the provisions of the Food Safety Standards Code (Australia).

Note: Copies of AS 4674-2004 may be obtained from SAI Global on telephone 1300 654 646 or by visiting the website: www.saiglobal.com

Copies of the Food Safety Standards Code (Australia) may be obtained by contacting the Food Standards Australia New Zealand Authority on Telephone: (02) 6271-2222, or by visiting the website: www.foodstandards.gov.au.

25. Construction Noise

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity, will also be required to be submitted to Council seven (7) days of receiving notice from Council.

26. Acoustic Consultant – Traffic Noise

An appropriately qualified acoustic consultant shall be engaged to certify that the design of the traffic noise affected portions of the building complies with the *EPA's – Environmental criteria for road traffic noise*. A copy of this certification shall be submitted to Council prior to the issue of a Construction Certificate.

27. Noise to Surrounding Area

There shall be no amplified music or speakers external to the building.

28. Stockpiles

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

29. Coving (Food Shop)

The intersection of floors with walls and exposed plinths in food preparation, storage and servery are to be coved. Coving is defined as a concave curve at the junction of two surfaces with the radius of the curve to be not less than 25mm.

30. Walls and Partitions (Food Shop)

All walls are to be solid construction. Solid construction is defined as brick, concrete blocks, structural fibrous cement or preformed panels that are filled with suitable material.

31. Hand Wash Basin (Food Shop)

Hand-wash Basins:

1. Must be provided and must not be obstructed. Must be accessible at bench height and no further than 5 metres from any place where open food is handled or prepared; and

2. Must be fitted with a tap that operates hands free with a permanent supply of warm running potable water delivered through a single outlet. A soap dispenser and paper towel holder shall be provided adjacent to the hand-wash basin.

32. Asbestos Removal

Asbestos and asbestos containing material shall be removed by licensed asbestos removalist and all work must be in accordance with the requirements of the NSW Workcover Authority. Asbestos and asbestos containing material is to be disposed of in accordance with the requirements of the Department of Environment & Conservation and all dockets and paper work for the disposal shall be retained and made available to the Council if requested.

33. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic, referenced as 2010781/1509A/R3/GC, dated 15 September 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: the recommendations as listed in Section 6.

34. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Consulting Earth Scientists Pty Ltd, referenced as CES100712-PDC-01-F, dated 27 September 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: CES recommend that based on the results of the Stage 2 DSI, remediation and validation of the site must be conducted to achieve the necessary clean up criteria.

35. Food Service Central Kitchen

A rack conveyor dishwasher and independent pot wash shall be provided in the food service central kitchen in accordance with correspondence provided by Quantum Design International; Foodservice Facilities Consultants, dated 27 July 2011.

36. Café Sanitisation Provisions

Warewashing shall be catered for in the café by the installation of an under counter commercial dishwasher, suitable for food contact equipment, and a separate wash sink shall also be provided in accordance with correspondence from Quantum Design International; Foodservice Facilities Consultants, dated 27 July 2011.

37. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

38. Vehicular Access and Parking

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps is required, with their design and construction complying with:

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part D Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward

direction at all times and that parking and traffic circulation is appropriately controlled.

- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. In urban areas, all driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

39. Gutter and Footpath Crossing Application

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the current fee as prescribed by Council's Schedule of Fees and Charges.

40. Engineering Works – Design and Construction Approval Process

The design certification and construction approval of the engineering works nominated in this consent require separate approval prior to the commencement of any works.

Works on existing public roads or any other land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road. An ECC can only be issued by Council.

All other engineering works must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

For Council to issue an ECC the following must be provided:

- a) A completed application form.
- b) Four copies of the design plans and specifications.
- c) Payment of the applicable application and inspection fees.
- d) Payment of any required security bonds.

41. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website:

<http://www.thehills.nsw.gov.au/>

The proposed driveways must be built to Council's heavy duty standard. Any driveways that traverse across a footpath are to have a maximum grade of 2.5% at those points.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

ii. Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

iii. Concrete Footpath Paving

A 1.5m wide concrete footpath paving, including access ramps at all intersections, must be provided across the street frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail and the above documents. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

iv. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

v. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge based on a 1 in 10 year ARI storm event.

42. Supervision of Works

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

43. Public Liability Insurance

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

44. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

45. Landscape Bond

To ensure the public amenity of the streetscape a landscape bond in the amount of \$50,000.00 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Final Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or

Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

46. Internal Pavement Structural Design Certification (Waste Services)

A Certified Practising Engineer (CPEng) must confirm the structural adequacy of the internal pavement design to Council prior to the issue of a Construction Certificate. The proposed pavement design must be adequate to withstand the loads imposed by a loaded waste vehicle (i.e. 28 tonne axle load) from the boundary to the waste collection point including any manoeuvring areas.

47. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following: -

Residential Aged Care Facility

	<i>Per 1 Bed</i>	<i>Per Credit</i>	<i>No. Of Beds: 232</i>	<i>No. Of Credits: 7</i>	<i>Total Section 94</i>
Roads & Traffic - Capital	\$ 41.27	\$ 111.08	\$ 9,574.64	\$ 777.56	\$ 8,797.08
Total	\$ 41.27	\$ 111.08	\$ 9,574.64	\$ 777.56	\$ 8,797.08

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 7.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

48. Engineering Works and Design

The design and construction of the engineering works outlined below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Stormwater Drainage – Pipe Extension

The existing street drainage in Bass Drive must be extended from the existing downstream pit to the point of discharge in the north eastern frontage of the site, where a new kerb inlet pit is required. The pipe extension must be located underneath the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

49. Onsite Stormwater Detention – Upper Parramatta River Catchment Area

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The stormwater concept plan prepared by TaylorThomsonWhitting Consulting Engineers Drawing 101258 Revision P2 dated 26/11/2010 is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan.

Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:

- A completed OSD Drainage Design Summary Sheet;
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes;
- A completed OSD Detailed Design Checklist;
- A maintenance schedule.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council subject to the following being provided:

- i. A completed application form;
- ii. Four copies of the design plans and specifications;
- iii. Payment of the applicable application and inspection fees.

50. Basement Car Park and Subsurface Drainage

The stormwater pump-out system must provide for the following:

- a) A holding tank sized to store the run-off from a 12 hour 1 in 100 year ARI storm event;
- b) A alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a 5 hour 1 in 5 year ARI storm event, whichever is lower;
- c) An alarm system to alert a pump failure;
- d) 100mm freeboard to all nearby parking spaces;
- e) The system must be connected to the Onsite Stormwater Detention system before being discharged to the street, under gravity.

All relevant plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming the design complies with the above requirements.

51. Draft Legal Documents

Where an encumbrance on title is required to be created as part of this consent, draft copies of all legal documents must be submitted to Council for checking before a Construction Certificate is issued.

52. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$42,750 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (90m) plus an additional 50m on either side (100m) and the width of the road measured from face of kerb on both sides (7.5m), or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

53. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works, or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of any Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

54. Bank Guarantee Requirements (Development)

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 1421/2011/JP;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

55. Erosion & Sediment Control Plan

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
 - b) Location of the adjoining roads
 - c) Contours
 - d) Existing vegetation
 - e) Existing site drainage
 - f) Critical natural areas
 - g) Location of stockpiles
 - h) Erosion control practices
 - i) Sediment control practices
 - j) Outline of a maintenance program for the erosion and sediment controls
- (NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

56. Photographic Record

A photographic record of the house and surrounding structures is to be submitted to the satisfaction of Council's Heritage Staff prior to the commencement of works in accordance with:

- "Photographic Recording of Heritage Items Using Film or Digital Capture" (Heritage Office, 2006); and
- "How to prepare archival records of heritage items" (Department of Planning and Heritage Council of NSW, 1998).

The record is to include as a minimum:

- i. A location plan (including place and date of photographic record);
- ii. Site plan to scale;
- iii. Floor plan to scale;
- iv. Colour, and black and white digital photographs, clearly labelled and cross referenced to base plans.

Images are to show views of all elevations, internal spaces and the surrounding setting. A copy of this photographic recording should be provided to The Hills Shire Council Local History Library.

PRIOR TO WORK COMMENCING ON THE SITE

57. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

58. Management of Building Sites – Builder's Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

59. Consultation with Service Authorities

Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letterboxes respectively.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

60. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

61. Protection of Existing Trees

To ensure the long term viability of the existing trees to be retained they are to be protected strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites. All protection measures are to be in place prior to any works commencing on the subject site.

62. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

63. Site Remedial Action Plan

A complete site remedial action plan shall be prepared by a suitably qualified environmental consultant in accordance with '*Contaminated Sites; Guidelines for Consultants Reporting on Contaminated Sites*' published by the Department of Environment and Heritage (formerly the EPA), 2000 and submitted to Council. The Remedial Action Plan shall ensure that the presence of Arsenic and Zinc, and Lead found to exceed the ecological based Site Assessment Criteria and the Health based Investigation Levels, respectively.

64. Validation Report

A validation report shall be prepared by a suitably qualified environmental consultant in accordance with '*Contaminated Sites; Guidelines for Consultants Reporting on Contaminated Sites*' published by the Department of Environment and Heritage (formerly the EPA), 2000, and submitted to Council. The report shall include the rationale and justification for the validation strategy based on the Remedial Action Plan, and specifically detail the results of validation sampling and analysis and verification of compliance with Site Assessment Criteria and Remedial Action Plan.

65. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council's "Works Specification - Subdivisions/Developments" (August 1997). All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

On completion of works all land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

66. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

67. Site Water Management Plan

A Site Water Management Plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater - Soils and Construction" (The Blue Book) produced by the NSW Department of Housing.

68. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and made available to Council officers on request.

69. Notification of Asbestos Removal

Prior to the commencement of any demolition works involving asbestos or asbestos containing materials, all adjoining and adjacent neighbours and Council must be given a minimum five days written notification of the works.

70. Discontinuation of Domestic Waste Service(s)

Prior to commencement of any demolition works, Council must be notified to collect any garbage or recycling bins from any dwelling/building that is to be demolished and to discontinue the waste service (where the site ceases to be occupied during works). Construction or demolition workers must not use Council's domestic and garbage and recycling service for the disposal of waste. Please contact Council's Domestic Waste Hotline on 1800 623 895 for the discontinuation of waste services.

71. Demolition Works & Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

72. Traffic Control Plan

A Traffic Control Plan is required to be prepared in strict compliance with the requirements of AS 1742.3 and the current RTA Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RTA accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

73. RTA Design Approval

Prior to any works commencing, the design and construction of the works in Seven Hills Road must be approved by the NSW Roads and Traffic Authority. Four copies of the RTA stamped approved construction plans and a covering letter from the RTA advising that suitable arrangements have been made to enable the commencement of works must be submitted to Council.

74. Separate OSD Detailed Design Approval

No work is to commence until a detailed design for the OSD system has been approved by either Council or an accredited certifier.

75. Pre-Construction Public Infrastructure Dilapidation Report

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

- a) Designated construction access and delivery routes; and
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

DURING CONSTRUCTION

76. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

77. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all

boundaries, and shall confirm the floor level prior to any work proceeding on the building.

78. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

79. Acoustic Fence

A 2 metre high fence on the boundary between the Aged Care Facility and the closest residential receivers on Bass Drive shall be constructed at the expense of the applicant. The fence can be constructed by colorbond or equal with all penetrations and junctions acoustically sealed (maximum 50mm gap at the bottom of the fence to allow water flow). A qualified acoustic consultant shall be engaged to submit certification to Council that the design and construction of the 2 metre high fence complies with the abovementioned requirements.

80. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

81. European Sites or Relics

If, during the earthworks, any evidence of a European archaeological site or relic is found, all works on the site are to cease and the Office of Environment and Heritage be contacted immediately. All relics are to be retained in situ unless otherwise directed by the Office of Environment and Heritage.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

82. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site shall be carried out prior to issue of the Occupation Certificate in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with BHDCP Part D, Section 3 – Landscaping and the approved plan.

The sub-station kiosk shall be finished with graffiti-free materials.

83. Food Shop Registration Requirements

Occupation of the premises shall not occur until:

- a) The food business is registered with Council by completing and submitting the Registration of Food Business form available from Council's website; and
- b) Notification to the NSW Food Authority under Food Safety Standard 3.2.2 Division 2 Section 4 Notification is completed. This requirement is to be met by notifying through the following website www.foodnotify.nsw.gov.au

Evidence of notification is to be submitted to Council prior to commencement of business.

84. Hair/Beauty/Skin Penetration Premises Registrations

Occupation of the premises shall not occur until the business is registered with Council by completing and submitting either:

- a) Registration of hair dressing premises; or
- b) Annual registration of Skin Penetration Premises.

Both forms are available on Council's website www.thehills.nsw.gov.au.

85. Regulated Systems

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of the Building Code of Australia and:

- a) Australian/New Zealand Standard AS/NZS 3666.1:2002 – Air handling and water systems of buildings – Microbial control – Design, installation and commissioning
- b) Australian/New Zealand Standard AS/NZS 3666.2:2002 – Air handling and water systems of buildings - Microbial Control - Operation and maintenance
- c) Australian/New Zealand Standard AS/NZS 3666.2:2002 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of cooling water systems; and
- d) Public Health (Microbial Control) Regulation 2000

The regulated system is to be registered with Council by completing and submitting an *Application for Registration of Regulated Water Cooling/Warm Water Systems*, available on Council's website www.thehills.nsw.gov.au prior to commissioning.

86. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Acoustic Assessment prepared by Acoustic Logic, referenced as 2010781/1509A/R3/GC, dated 15 September 2010

Certification is to be provided to Council as to the correct installation of components and that the required criteria's have been met.

87. Food Premises Final Inspection

Prior to the issuing of an Occupation Certificate, the food premises shall be inspected by an authorised officer of The Hills Shire Council under the Food Act 2003, to determine compliance with the *Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design Construction and Fit-out of Food Premises*.

88. Occupational Hygienist Report for Asbestos Removal

On completion of the asbestos removal works an Occupational Hygienist shall provide an asbestos clearance for the works.

89. Internal Pavement Construction Certification (Waste Services)

Certification from a Certified Practicing Engineer (CPEng) must be submitted to Council prior to the issue of an Occupation Certificate confirming that the internal pavement has been constructed in accordance with the approved plans and is suitable for use by a loaded waste vehicle.

90. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become Council assets must be inspected by a CCTV and a report prepared. A hard copy of the

report must be submitted along with a copy of the CCTV inspection on either VHS or DVD (in WMA format).

91. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

92. Compliance with NSW Roads and Traffic Authority Requirements

A letter from the NSW Roads and Traffic Authority must be submitted confirming that all works in Seven Hills Road, Baulkham Hills have been completed in accordance with their requirements and that they have no objection to the issuing of an Occupation Certificate.

93. Post Construction Public Infrastructure Dilapidation Report

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets in the direct vicinity of the development site and the means of rectification for the approval of Council.

94. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council of all necessary documentation together with payment of the endorsement fee prescribed in Council's Schedule of Fees and Charges to create the following over the title of the property. The wording must nominate The Hills Shire Council as the authority to release, vary or modify each restriction or positive covenant.

i. Restricting Development – OSD Modification

A restriction as to user restricting development over or the varying of any finished levels and layout of the constructed onsite stormwater detention system.

ii. Positive Covenant – OSD Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed onsite stormwater detention system.

iii. Positive Covenant – Stormwater Pump Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed stormwater pump-out system at the expense of the property owner.

iv. Restricting Development – Occupation of Seniors Housing Development

A restriction as to user must be created restricting the use or occupation of any dwellings other than as housing for older people or people with a disability, as per the definition from SEPP Seniors Housing 2004.

b) Registration of Request Documents

The request documents endorsed by Council must be registered and a copy of the registered documents submitted to Council before an Occupation Certificate is issued.

95. Consolidation of Allotments

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

96. Pump System Certification

Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a suitably qualified hydraulic engineer.

97. Removal of Existing Drainage Easement

The existing drainage easement must be removed before an Occupation Certificate is issued. Where Council is listed as the benefiting authority, the relevant release or

amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges.

98. OSD System Certification

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:

- a) Works as executed plans prepared on a copy of the approved plans;
- b) A certificate from a suitably accredited engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- c) A certificate of structural adequacy from a suitably accredited structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

99. Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

100. Provision of Electricity Services

Submission of a compliance certificate from the relevant provider confirming satisfactory arrangements have been made for the provision of electricity services (including undergrounding of services where appropriate).

101. Provision of Telecommunications Services

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

102. Access and Useability

Prior to the issue of the Occupation Certificate, a report prepared by an Independent Assessor shall be submitted to Council or the Certifying Authority demonstrating the developments compliance with the provisions of relevant provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 on development standards concerning access and useability.

THE USE OF THE SITE

103. Waste Storage and Collection – Commercial/Industrial

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclables emanating from the premises must be stored in the designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste.

104. Servicing of Bins

Council contracted or private garbage/recycling collection vehicles servicing the development are not permitted to reverse in or out of the site. Collection vehicles must be travelling in a forward direction at all times to service bins.

105. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting*.

106. Final Acoustic Report

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's (DECCW) - *Industrial Noise Policy* and submitted to Council for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that activity does not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act 1997*.

107. Hours of Operation of the Loading Dock

Delivery of goods shall be restricted to the following times;

Monday to Saturday – 7.00am to 8.00pm

Sunday and public holidays – 8.00am – 8.00pm

108. Public Health Compliance

The proprietor is to ensure that all activities are carried out in accordance with the Public Health Act 1991 and Public Health (General) Regulation 2002.

109. Offensive Noise - Acoustic Report

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Council for review. Any noise attenuation recommendations recommended and approved by Council must be implemented.

110. Grease Trap (Food Premises)

The proprietor/owner shall contact the Trade Waste Office of Sydney Water so as to ensure that the sewerage pre-treatment system installed is appropriate for the proposed use of the premises.

111. Number of Beds

The residential care facility as approved in this consent shall be have a maximum capacity of 232 beds. Any increase in the total number of beds shall be subject to a separate approval by the relevant consent authority.

ATTACHMENTS

- A1 Previous JRPP Planning Report
- A2 Extent of numerical non-compliance (25% rear of the site) for either Bass Drive or Seven Hills Road
- A3 Details of relationship of the building with the common eastern boundary

JRPP PLANNING REPORT

JRPP NO:	2011SYW055
DA NO:	1421/2011/JP
PROPOSED DEVELOPMENT:	SENIORS HOUSING DEVELOPMENT (RESIDENTIAL CARE FACILITY) COMPRISING 232 BEDS PURSUANT TO THE STATE ENVIRONMENTAL PLANNING POLICY (SEPP) – HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY 2004
SUBJECT SITE:	LOTS 15-18 DP 235678, LOTS 16-17 DP 806095, LOTS 15-16 DP 255031, LOT 2 DP 567579, LOT 109 DP 793840 & LOT 6 DP 232975, NOS. 5-19 BASS DRIVE & 103-115 SEVEN HILLS ROAD, BAULKHAM HILLS
APPLICANT:	PAYNTER DIXON CONSTRUCTIONS (AUST) PTY LTD
LODGEMENT DATE:	29 APRIL 2011
REPORT BY:	DEVELOPMENT ASSESSMENT CO-ORDINATOR CLARO PATAG
RECOMMENDATION:	APPROVAL SUBJECT TO CONDITIONS.

EXECUTIVE SUMMARY

The Development Application is for the construction of a residential care facility under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP). The subject land is zoned Residential 2(b) under the provisions of Baulkham Hills Local Environmental Plan (LEP) 2005 and proposed to be zoned as R2 Low Density Residential under the provisions of the Draft The Hills Local Environmental Plan (DLEP) 2010. The Seniors Housing SEPP allows this type of development on a land zoned primarily for urban purposes subject to development consent. The SEPP aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residential accommodation that meet the needs of seniors or people with a disability.

The Development Application is referred to the Joint Regional Planning Panel as it has a Capital Investment Value (CIV) of \$46 million.

The residential care facility is proposed to accommodate a maximum of 232 beds (within 186 rooms) within a part two and part three storey building with associated basement car park for visitors (27 spaces) and staff (65 spaces including 46 tandem spaces) and ancillary facilities. It will also provide 4 parking spaces at grade adjacent to a porte cochere driveway as short term parking for occasional visitors such as doctors and an ambulance/bus bay within the setback area off Bass Drive, together with comprehensive landscaping of the site.

The subject site is irregular in shape and has a total area of 1.257 hectares containing 9 existing dwellings and associated outbuildings together with an existing garden centre. It has a frontage of 132.5m to Seven Hills Road to the south and an irregular frontage of 134.8m to Bass Drive to the north. Its eastern side boundary is 116.17m long, while its western boundary has an overall length of 78.87m.

The Development Application is accompanied by a SEPP 1 Objection to the building height standards contained under clause 40(4)(c) of the Seniors Housing SEPP, which requires that the rear 25% of a development should be single storey in height. The variation is sought on the basis that the proposed development has avoided adverse amenity impacts to adjoining development relating to loss of solar access, privacy and building bulk, and due to the circumstances of the site that make the identification of a "rear" of the site difficult to determine. However, given the site has two road frontages, it is considered that the site has no "rear" and therefore the SEPP 1 application is not required. In any event it is considered that amenity impacts have been adequately addressed.

The application was notified in accordance with Council's notification policy in two separate occasions. The first notification received 56 submissions and a petition signed by 309 residents in 216 households. Due to the number of submissions, a Conciliation Conference was held between the applicant and objectors on 21 June 2011. Following the Conciliation Conference, the proposal was amended by the applicant in response to issues raised by Council staff and residents. Amendments include a reduction in the total number of beds from 266 to 232 beds, reduction in the number of driveway crossings along the Bass Drive frontage, increase the number of staff and visitor parking spaces to 65 and 27 spaces respectively, and reduction in the height of buildings to comply with the height controls of the Seniors Housing SEPP. The application as amended was re-notified to the adjoining and surrounding residents including previous objectors and received 32 submissions. The issues raised in the submissions mainly relate to traffic, vehicular and pedestrian access points off Bass Drive, capacity of Bass Drive to accommodate the scale of this development, breach of the SEPP Seniors Housing height control, impact on residential amenity such as privacy, light spill, noise from traffic and facility's operation, bulk and scale, streetscape, character, extent of notification and fire safety concerns. The concerns raised in the residents' submissions are addressed in the report and do not warrant refusal of the application.

The proposal complies with the relevant standards of the Seniors Housing SEPP in terms of site area, frontage width, building height, floor space ratio, landscaped area and off-street parking for staff and visitors.

The proposed development satisfies the following principles established by the Land and Environment Court in *GPC No. 5 (Wombarra) Pty Ltd v Wollongong City Council [2003] NSWLEC 268* (which was also adopted in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*) for the specific case of medium density housing for older people fitting into the streetscape in a low-density housing area.

- The medium density development does not have to be single-storey to be compatible with the streetscape even where most existing buildings are single-storey;
- Where the size of the proposed development is greater than other buildings in the street it should be visually broken up;

The development provides a building height that is two storeys at the interface with adjoining development and this height would be compatible with the streetscape and in scale with surrounding development (the building being broken up into 3-4 wings separated by generous breaks and paved courtyards and therefore does not appear as one building when viewed from Bass Drive); does not result in significant overshadowing

or overlooking and is consistent with Council's Residential DCP controls in relation to setbacks and site coverage not covered by the Seniors Housing SEPP provisions.

The facility has been designed in a way to minimise traffic impact on Bass Drive. Staff access is via Seven Hills Road as is access for service vehicles.

The proposal has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act 1979, SEPP (Housing for Seniors or People with a Disability) 2004, SEPP (Major Development) 2005, SEPP No.1 - Development Standards, Baulkham Hills Development Control Plan Part C Section 3 - Residential, Part D Section 1- Parking, Part D Section 3- Landscaping and is considered satisfactory.

The Development Application is recommended for approval subject to conditions.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Abinon Pty Ltd	1.	<u>LEP 2005</u> – Complies.
Zoning:	Residential 2(b)	2.	<u>SEPP Housing for Seniors or People with a Disability 2004</u> – Variation required, see SEPP 1 Objection.
Area:	1.257 hectares	3.	<u>SEPP Major Development 2005</u> – Complies.
Existing Development:	Landscape and garden nursery supplies & dwellings	4.	SEPP 1 – Development Standards – SEPP 1 Objection supported, see report.
		5.	<u>Section 79C (EP&A Act)</u> – Satisfactory
		6.	<u>Section 94 Contribution</u> – Yes - \$8,797.08

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

1. Exhibition:	Yes, fourteen (14) days.	1.	Capital Investment Value in excess of \$10 million.
2. Notice Adj Owners:	Yes, fourteen (14) days		
3. Number Advised:	1 st Notification ninety-one (91), 2 nd Notification ninety-five (95)		
4. Submissions Received:	1 st Notification - Fifty six (56) submissions and a petition signed by 309 residents in 216 households. 2 nd Notification – Thirty two (32) submissions.		

HISTORY

13/08/2010	Prelodgement meeting held at Council.
29/04/2011	Subject Development Application lodged with Council. The original scheme proposed a 266-bed residential care facility with parking for 59 vehicles.
06/05/2011 20/05/2011	– Subject Development Application notified and advertised for fourteen (14) days.
16/05/2011	Letter sent to the applicant requesting additional information relating to vehicular access and parking.
17/05/2011	Additional documentation including coloured perspectives and schedule of finishes received by Council.
01/06/2011	Letter sent to the applicant requesting submission of a revised landscape plan showing trees for retention or removal and the corresponding tree numbers as per the Arborist Report and advice from Council's Parks Assets Officer regarding the proposed offer to landscape and care for Lot 18 DP 973840 which is currently under Council's ownership.
08/06/2011	Briefing held with the Joint Regional Planning Panel.
08/06/2011	Letter sent to the applicant requesting additional information relating to acoustics and food preparation areas.
10/06/2011	Additional engineering information received by Council in response to Council's letter dated 16 May 2011.
21/06/2011	Conciliation Conference held at Council.
23/06/2011	Letter received from the applicant in response to a question raised by residents at the Conciliation Conference regarding applicability of Seniors Living Policy: Urban Design Guideline for Infill Development to the subject proposal. The applicant made reference to clause 31 of the Seniors Housing SEPP which states that the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development apply to development for the purposes of in-fill self-care housing, and therefore irrelevant in this case as the proposal is defined as a residential care facility, not an in-fill self care housing.
24/06/2011	Letter sent to the applicant via email requesting to address Clause 35(8) of BHLEP 2005 as the house on No. 103 Seven Hills Road appears to be more than 50 years old.
01/07/2011	Letter received from the applicant noting the outcomes of the Conciliation Conference and advising that additional information in response to the issues raised by residents during the conference were underway.
19/07/2011	Proposed changes to driveway arrangement off Bass Drive and visitor parking allocation forwarded by the applicant for Council staff's review.

23/06/2011	Traffic count data undertaken by Council's traffic staff at the intersection of Bass Drive and Flinders Avenue in response to the request by residents at the Conciliation Conference.
09/09/2011	<p>Amended plans and additional information submitted by the applicant addressing the matters raised by Council staff and residents in their submissions, summarised as follows:</p> <ul style="list-style-type: none"> • Reduction in proposed number of beds from 266 to 232; • Reduction in overall building height generally by 1 metre and to ensure no part of the building is more than eight metres in height; • Increase in staff car parking provision to cater for shift change over periods from 31 to 65 spaces by extending the upper level basement car park and providing some spaces in tandem arrangement accessed off Seven Hills Road; • Relocation of at grade visitor parking spaces on the eastern side of the site to the extended lower level basement car park accessed off Bass Drive to provide 27 spaces for visitors; • Provision of 4 parking spaces (including a disabled parking space) adjacent to the porte cochere driveway off Bass Drive for use by occasional visitors such as doctors; • Increase in the building setbacks to Bass Drive and reduction in the number of driveway crossings; and • Increase in the level of site landscaping through the increased building setbacks, removal of 7 at grade parking spaces and reduction in driveway crossings.
13/09/2011	Letter to the applicant advising that a SEPP 1 Objection is required for minor variation to the 8m height limit within a section of the building where a stairwell is located.
14/09/2011 to 29/09/2011	Amended plans and supporting documentation notified to residents and previous objectors.
14/11/2011	Revised drawings submitted by the applicant showing full compliance with the 8-metre height limit.

SUBJECT SITE

The subject site has a total area of 1.257 hectares. It is irregular in shape and has a frontage of approximately 132.5m to Seven Hills Road to the south and an irregular frontage of 134.8m to Bass Drive to the north. Its eastern side boundary measures 116.17m, while its western boundary has an overall length of 78.87m.

The frontage of the site to Bass Drive is interrupted by a small residual lot, Lot 18 DP 806095, which is not part of the site and is owned by Council. This lot adjoins Lot 109 (the existing garden centre) to the south and has a frontage of some 15.3m, side boundaries of 4.895m and 7.33m and an approximate area of 93m². The lot appears to function as a buffer to the existing garden centre on Lot 109 and is entirely covered by vegetation. The adjoining part of the site to the east (within Lot 17 DP 806095) is also covered by vegetation.

The subject site contains nine (9) existing dwelling houses and associated outbuildings together with an existing retail garden supplies outlet. The site also contains numerous trees and vegetation with 40 trees identified for retention and 33 trees for removal.

The land has a gentle slope and falls approximately 6 metres generally from the south-east to the north-west. The highest part of the site is the south-eastern corner at Seven Hills Road at RL 75.52m. The lowest point is the north-western corner at Bass Drive at RL 69.55m. The land crests slightly in Bass Drive opposite the Council lot and then falls to the north-east corner of the site.

The subject site is currently zoned as Residential 2(b) in the Baulkham Hills Local Environmental Plan 1995 and is proposed to be rezoned to Low Density Residential (R2) in the Draft The Hills Local Environmental Plan 2010. The proposal is permissible under the provisions of the State Environmental Planning Policy subject to the consent of the relevant determining authority.

PROPOSAL

The proposed development includes the demolition of existing structures on the subject site and the construction of a residential care facility pursuant to the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The SEPP defines a residential care facility as a *"residential accommodation for seniors or people with a disability that includes:*

- (a) meals and cleaning services, and*
- (b) personal care or nursing care, or both, and*
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility."*

The proposed facility will have a maximum capacity of 232 beds (in 186 rooms) within a part two and part three storey building with associated basement car park for visitors (27 spaces) and staff (65 spaces including 46 tandem spaces) and ancillary facilities. It will also have 4 parking spaces at grade adjacent to a porte cochere driveway as short term parking for occasional visitors such as doctors and an ambulance/bus bay within the setback area off Bass Drive, together with comprehensive landscaping of the site.

The design of the facility is based on a courtyard building type and is arranged with north-south oriented wings which extend from a central east-west spine to create three major courtyard spaces, two facing Bass Drive and the other facing Seven Hills Road. A fourth, fully contained courtyard space, is formed by a second east-west building element on the southern side of the site. Each wing has its own services such as dining area, lounge, sitting areas and secured garden/courtyard area.

In addition to the 27 visitor spaces within the lower level basement car park accessed off Bass Drive, this level will also contain a loading bay, kitchen, laundry, storage and other ancillary services.

The ground floor level accommodates the reception, cafeteria, offices, dementia day care area (comprising 3 activity rooms for approximately 25 people) and 54 rooms (i.e. 32 large and 22 standard rooms). The dementia day care service will include the transport of non-resident patients to and from the site by mini-bus and will operate 5 days per week between 7am and 5pm.

The first floor level contains 86 rooms (i.e. 38 large and 48 standard rooms), together with lounge and dining areas, offices and other services areas.

The second floor level is located in the south-east part of the development and forms the perimeter to a large rectangular courtyard. It has 46 rooms (i.e. 20 large and 26 standard rooms) and associated dining, sitting, lounge and ancillary areas.

The main entry to the facility including mini-bus and ambulance access is from Bass Drive. Visitors access the site by car from Bass Drive, while staff access the site by car from Seven Hills Road. Service vehicles enter and leave the site from Seven Hills Road using the site's western driveway. Garbage trucks also use the western driveway, but access the site from Seven Hills Road and egress via Bass Drive.

Extensive landscaping of the site is proposed and includes the landscaping of the Council owned lot which adjoins the site. The applicant also proposes for the care and maintenance of the Council owned lot. This proposition has been referred to Council's Property and Parks Sections for comments and no objection is raised subject to a condition that any person working on the land shall be covered by appropriate insurances. The land has been offered to the applicant for acquisition at a rate appropriate in that area and the applicant indicated they will consider this matter at a later stage.

A range of residential care services are proposed including low care, high care, dementia care and palliative care. Dementia day care services, involving the transport of non-resident patients to and from the site by mini-bus, are also proposed. The proposed facility is also supported by doctors, a physiotherapist, podiatrist and dietician who will visit on a regular basis.

Given the nature of the facility, it is proposed that staff will be on-site 24 hours a day over 3 shifts, with a maximum of 62 staff in the morning shift (between 6.30am to 3.00pm), 37 staff in the afternoon shift (between 2.30pm to 11.00pm) and 26 staff during night shift (between 10.30pm to 7.00pm). Visiting hours are not restricted but will be normally between 6am and 8pm.

Two business identification signs are proposed, one facing Bass Drive and the other sign facing Seven Hills Road. The Bass Drive sign is proposed to be attached to the low garden wall which forms part of the porte-cochere, while the Seven Hills Road sign is proposed to be attached to the courtyard wall located midway along the frontage of the site. A directional sign is proposed at each vehicular entry/exit point to the site – four signs adjoining Bass Drive and two signs adjoining Seven Hills Road. Details of the signs were not submitted with the application as the branding of the proposed facility has not been determined at this stage. The applicant has advised that separate development application will be lodged for the final location and design of the business identification and directional signs.

The Development Application is accompanied by a SEPP 1 Objection to the strict application of the building height standards contained under clause 40(4)(c) of the Seniors Housing SEPP, which requires that the rear 25% of a development should be single storey in height. The variation is sought on the basis that the proposed development has avoided adverse amenity impacts to adjoining development relating to loss of solar access, privacy and building bulk, and due to the circumstances of the site that make the identification of a "rear" of the site difficult to determine.

The proposed residential care facility has a Capital Investment Value of \$46 million.

CONCILIATION CONFERENCE

A Conciliation Conference was held on 21 June 2011 attended by 54 residents where issues relating to compliance with the Seniors Housing SEPP, vehicular access and parking, traffic, pedestrian safety, compatibility with neighbourhood character, density, impact on existing infrastructure and utilities the environment as well as and the impacts of the proposal on the amenity of the neighbourhood were discussed.

These issues were raised in the residents' submissions, which are addressed under "Issues for Consideration" below. The following outcomes were achieved in the conference with the corresponding actions taken by Council staff and the applicant:

- ***Council staff will undertake traffic counts on affected streets and consider what additional movements will mean to environmental capacity of those streets.***

Action:

Council's Traffic Section conducted traffic counts at the intersection of Flinders Avenue and Bass Drive during the morning and afternoon peak hours on 23 June 2011.

- ***The applicant is to consider measures to reduce traffic on, and access points to, Bass Drive.***

Action:

In response, the applicant amended the original scheme by reducing the number of driveway crossings off Bass Drive from 4 to 2, providing access only to visitors to the facility, an on-site mini bus and a single weekday only exit movement by the garbage truck servicing the site. Access to the upper level basement staff car park will be denied in Bass Drive and will only be allowed off Seven Hills Road including all service vehicles other than the garbage truck.

A parking study and traffic assessment have been prepared and is supported by survey data collected from existing residential care facilities. The two facilities at Penrith and Smithfield were chosen due to the similar location characteristics. Both facilities have public transport access by buses only and are located within predominantly residential areas not serviced by rail transport.

- ***The applicant to provide a plan of management for the site, i.e. how to manage and control contractors and service providers and how to address parking allocation.***

Action:

The applicant submitted a revised Operational Plan of Management (refer Attachment 15) for the site which further addresses traffic and parking management. It is recommended that strict adherence to the Operational Plan of Management in particular the key areas of operation of the proposed facility such as hours of operation, staffing, traffic management and community relations be conditioned in any consent.

- ***Applicant to investigate adequacy of services including water, sewer and electricity and the location of substation kiosk.***

Action:

The site is currently serviced by water and sewerage infrastructure. The proponent has consulted with Sydney Water regarding the water and sewerage requirements of the development. The applicant indicated that Sydney Water have advised that

the existing sewer system has capacity to support the proposed development by splitting the flows from the site to the two existing discharge points on Bass Drive. Compliance with service authorities requirements will be conditioned in any consent.

A pad-mounted substation is proposed to be located within the site off Bass Drive to the east of the Council owned lot (refer Attachments 3 and 13), with this location being justified by the applicant for the following reasons:

- a reduced impact to existing infrastructure in the locality. Providing a kiosk in Seven Hills Road requires an underground bore road crossing of Seven Hills Road to get access to the possible alternate location. The requirement to bore under Seven Hills Road adds unjustifiable additional expense to the proposed development.
 - the Bass Drive location allows for overhead power lines to be removed from power poles either side of the kiosk location. This outcome could not be achieved in the alternate Seven Hills Road location.
 - in addition to the ability to remove the overhead power lines the visual impact of the transformer kiosk in Bass Drive can be reduced by landscape treatment to the front and sides of the kiosk by shrub and matrix planting (refer to Attachment 13 – Landscape Masterplan). The use of graffiti-free surface materials will be conditioned in any approval to deter vandals.
- ***Applicant to address adequacy of car parking, particularly at staff change over time.***

Action:

The applicant submitted a further Traffic and Parking Assessment Report using survey data from similar facilities also being operated by the proponent. The revised report builds upon the earlier assessment and provides an accurate assessment of the traffic and parking aspects of the proposal based on similar facilities in similar areas. As a result, increased on-site parking is proposed with a total of 96 parking spaces to be provided, comprising 65 staff car parking spaces and 31 visitor spaces. In addition to these parking spaces, a dedicated bus parking/ambulance bay is provided and a dedicated loading bay. This number satisfies the parking requirement contained in clause 48(d) of the Seniors Housing SEPP (i.e. 1 parking space for each 10 beds in the residential care facility, 1 parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and a parking space suitable for an ambulance) and meets the peak parking demand of the site having regard to the overlap of staff shifts.

The Plan of Management also addresses the management of the staff change over, staff induction and access to the site when arriving by private vehicle.

- ***The applicant to further analyse the development's compatibility with adjoining and surrounding residences in terms of bulk and scale and applicability of Infill Guidelines.***

Action:

The amended proposal was accompanied by a discussion report on the compatibility of the development with its residential context and the applicability of the 'Infill Guidelines'. It is noted that the Urban Design Guidelines only apply to in-fill self-care housing, not a residential care facility as proposed by this application. The discussion includes reference to the Planning Principle for compatibility in the urban environment which has been established by the NSW Land and Environment Court in *GPC No. 5 (Wombarra) Pty Ltd v Wollongong City*

Council [2003] NSWLEC 268 (which was also adopted in *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*) for the specific case of medium density housing for older people fitting into the streetscape in a low-density housing area. In addition, the report provided an assessment of the revised proposal against the requirements of the Seniors Housing SEPP.

- ***Residents will be notified of any significant amendments to the application.***

Action:

The residents and previous objectors were notified of the amended scheme and supporting documentation.

ISSUES FOR CONSIDERATION

1. Compliance with SEPP (Major Development) 2005

The proposed development has a Capital Investment Value of \$46 million thereby requiring referral to, and determination by, a Joint Regional Planning Panel (JRPP). In accordance with this requirement the application is referred to the JRPP for determination.

2. SEPP No. 1 Objection to SEPP Housing for Seniors or People with a Disability 2004

In the original scheme, the applicant lodged an objection pursuant to the State Environmental Planning Policy No. 1 – Development Standards to the strict application of the development standards prescribed in clause 40 of the SEPP Housing for Seniors or People with a Disability 2004 (pertaining to height in zones where residential flat buildings are not permitted). The applicant outlined the following:

- *Clause 40(4)(a) – the height of all buildings in the proposed development must be 8 metres or less* – The original scheme was in part greater than 8 metres in height to the topmost ceiling.
- *Clause 40(4)(b) – a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height* - The original scheme was in part more than two storeys in height where it is adjacent to a site boundary. The basement car park in that section of the building protruded more than one metre above existing ground level, hence it was counted as a storey after the terms of the SEPP.
- *Clause 40(4)(c) – a building located in the rear 25% area of the site must not exceed 1 storey in height* – Part of the original scheme was more than 1 storey in height in the rear 25% area of the site (although this standard practically does not apply in this case as the site does not have a 'rear').

In response to the issues raised by residents and as a result of the Conciliation Conference, the applicant subsequently amended the original scheme to ensure full compliance with the development standards as prescribed in the above sub-clauses (40(4)(a) and 40(4)(b)). The amended scheme now complies with the 8-metre height control in sub-clause 40(4)(a) which has been achieved through a combination of site excavation and ceiling height reductions.

The proposed building also now satisfies the requirement of sub-clause 40(4)(b) that the building shall not be more than 2 storeys where it is adjacent to a site boundary. Clause 3(2) of the Seniors SEPP stipulates that in calculating the number of storeys in a development, a car park that does not extend more than one metre above existing

ground level is not counted as a storey. The proposal has been amended with the basement ceilings predominantly at or below the existing ground level to ensure that the design complies with the requirements of sub-clause 40(4)(b). The central east-west spine of the building still has a 3-storey height but is not adjacent to a site boundary, and the basement level is predominantly below the existing ground level. The 3-storey height is obscured by the scaling effect of the adjoining 2-storey wing elements fronting Bass Drive, the screening effect of landscaping and the substantial setback from the street (some 38 metres) which make it less visible from the public domain.

As previously stated given the double street frontage, it is considered the "rear" 25% of the site does not apply to the development site. However, the applicant lodged a submission to the same effect. The one storey height control for the rear 25% area of a site indicates that the site has a rear and implies that residential development immediately adjoins to that rear boundary. The circumstances of the case are otherwise, the site has two opposing street frontages and therefore no rear area and no adjoining residential development to the rear. No adverse impacts would be avoided by restricting height to one storey in this circumstance. The building presents as a 2 storey development to the street which is compatible with the existing and future development in the zone.

Furthermore, in attempting to respond to this standard, the approach taken by the applicant has been to design the built form of the development so that the broader intent of the standard is met, i.e. to maintain an appropriate level of interface with adjoining development. The following factors were taken into consideration behind this approach:

- The use of repeated two storey wing elements and the porte-cochere to address Bass Drive and to reflect the existing pattern of residential development in the street;
- The location of the greater bulk of the building towards the middle of the site away from neighbouring residences;
- The use of generous setbacks, commensurate with those for residential apartment development, i.e.:
 - the building setbacks are generally greater than 10m to both Seven Hills Road and Bass Drive; and has adequate side boundary setbacks (approximately 6.27m to 11.63m); and
- the use of extensive landscaping to the perimeter of the site.

Given the site has two road frontages, it is considered that the site has no "rear" in the manner intended by the standard and therefore the SEPP 1 application is not required in this instance. In any event it is considered that amenity impacts have been adequately addressed.

3. Compliance with SEPP Housing for Seniors or People with a Disability 2004

The provisions under clause 14 in Chapter 3 of the SEPP state that the objective of this chapter is to *"create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age"*.

Clause 15(a) provides that the SEPP allows development on land zoned primarily for urban purposes for the purpose of any form of seniors housing.

The applicant seeks approval for a residential care facility, which is a form of seniors housing, under the provisions of the SEPP given the subject land being zoned for urban

purposes, i.e. Residential 2(b) zone which allows dwelling houses. The proposal satisfies the provision under clause 15 in this regard.

A Residential Care Facility is defined within Clause 11 as a *“residential accommodation for seniors or people with a disability that includes:*

- (a) meals and cleaning services;*
- (b) personal care or nursing care, or both, and*
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hostel, hospital or psychiatric facility.”*

The proposed residential care facility will provide meals, cleaning and nursing services to residents and it is considered that adequate staffing, furniture and equipment will be provided in accordance with the definition.

As such it is considered that the proposal complies with the requirements of the SEPP in respect to the definition of a residential care facility.

a. Clause 26 - Location and Access to Facilities

The table below provides an assessment of the location and access requirements to facilities for the proposed development, and as indicated the proposal complies.

DEVELOPMENT STANDARD	SEPP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
(1) Facilities	Written evidence that residents of the proposed development will have access to: (a) Shops, banks and other retail and commercial services (b) Community services and recreational facilities (c) General medical practitioner	The subject site is located within 400m of two bus stops (T60 Bus to Parramatta, Route 614 Bus to Winston Hills and the City, Route 614 Bus to Winston Hills and the City. To make the site accessible to these bus stops in accordance with the Seniors SEPP, there are certain works that need to be done as recommended in the Access Report submitted with the application. There is also a bus stop for Route 630 Bus servicing Blacktown and Macquarie Park within 400m of the subject site, which traverses Seven Hills Road and passes the Baulkham Hills Junction which is within walking distance to Baulkham Hills Stockland Mall. In addition, the applicant also indicated that doctors, a convenience	Yes. Condition recommended to comply with the Access Report recommendations, see Condition No. 4.

DEVELOPMENT STANDARD	SEPP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
		store, café and a range of personal care services (hairdresser, podiatrist, dietician, physiotherapist) are accessible to residents on site, while a mini-bus is proposed to be provided to transport residents to and from facilities and services beyond the site.	
(2) Location and access	<p>Access is considered to comply if:</p> <p>(a) the facilities and services listed above are located at a distance of not more than 400m from the site and the overall gradient is no more than 1:14, with alternate acceptable gradients for short distances, or</p> <p>(b) there is a public transport service available to the residents who will occupy the development:</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the development, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the relevant facilities or services, and</p> <p>(iii) that is available both to and from the development during daylight hours at least once between 8am and 12pm and</p>	<p>There are accessible bus stops and services located within 400m from the site that will take residents to a place that is located at a distance of not more than 400 metres from the relevant facilities or services within the Shire such as Stockland Mall and Winston Hills Mall.</p> <p>There are certain external works recommended in the Access Report to make the site accessible to the relevant bus stops such as modifications to existing kerb crossings in Flinders Avenue and rectification of footpath surface along Seven Hills Road.</p> <p>Bus services are regularly available during weekdays.</p>	Yes to all. Condition recommended to comply with Access Report recommendations, see Condition No. 4.

DEVELOPMENT STANDARD	SEPP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	<p>at least once between 12pm and 6pm from Monday – Friday (both days inclusive).</p> <p>Grades of pathway to public transport to comply – 1:8 or less.</p>		

b. Clause 28 - Water and Sewer Services

The SEPP states that Council must not consent to a development application unless the Council is satisfied that the development will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage. In this respect, regard must be given to the suitability of the site and availability of services.

The subject site is located in a suburban area where water and sewer services are available. The site is currently serviced by water and sewerage infrastructure. The applicant has advised that they are currently in consultation with Sydney Water regarding the water and sewerage requirements of the development.

c. Clause 32 – Design of residential development

Clause 32 of the Seniors SEPP requires the consent authority to be satisfied that the proposed development has been designed with respect to the following principles:

- neighbourhood amenity and streetscape (clause 33);
- visual and acoustic privacy (clause 34);
- solar access and design for climate (clause 35);
- stormwater (clause 36);
- crime prevention (clause 37);
- accessibility (clause 38); and
- waste management (clause 39)

The following provides an assessment of the proposed development against these design principles:

d. Clause 33 - Neighbourhood Amenity and Streetscape

“The proposed development should:

- (a) recognise the desirable elements of the location’s current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and*
- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and*
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:*
 - (i) providing building setbacks to reduce bulk and overshadowing, and*
 - (ii) using building form and siting that relates to the site’s land form, and*

- (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and*
- (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and*
- (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and*
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and*
- (f) retain, wherever reasonable, major existing trees, and*
- (g) be designed so that no building is constructed in a riparian zone."*

Comment:

The general locality is characterized by low-scale residential buildings with generous front boundary setbacks and spacious garden setting. In response, the proposed development is also well set back from the site boundaries and is complemented by substantial landscaping.

The site is not within the vicinity of any heritage items or any heritage conservation area. The heritage report submitted with the amended application confirms that the house at 103 Seven Hills Road (which is more than 50 years old) is suitable for demolition subject to photographic recording.

The proposal maintains residential amenity and exhibits an appropriate residential character, by providing:

- appropriate setbacks with no adverse overshadowing or overlooking on to adjoining properties;
- a building height which steps to follow the fall of the land;
- a development which generally presents to the street as a two storey development compatible with adjacent residential dwellings; and
- buildings not located on the boundaries of the site.

The proposed building lines to Bass Drive and Seven Hills Road fit comfortably with the existing building lines.

The proposed development incorporates extensive plantings that are in harmony with the existing setting.

Existing trees are proposed to be retained where possible.

The building is not in a riparian zone.

e. Clause 34 - Visual and Acoustic Privacy

"The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

- (a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, an*
- (b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.*

Note. *The Australian and New Zealand Standard entitled AS/NZS 2107–2000, Acoustics—Recommended design sound levels and reverberation times for building interiors and the Australian Standard entitled AS 3671—1989, Acoustics—Road traffic noise intrusion—Building siting and construction, published by Standards Australia, should be referred to in establishing acceptable noise levels.”*

Comment:

Adequate setbacks and tree planting within the setback area, the proposed privacy screen to the eastern second floor terrace and the acoustic screen to the western driveway ensure that adequate visual and acoustic privacy is achieved for the neighbouring residents.

The proposal will incorporate appropriate noise mitigating construction to ensure that acceptable noise levels are achieved in proposed bedrooms.

f. Clause 35 - Solar Access and Design for Climate

“The proposed development should:

- (a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and*
- (b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.*

Note. *AMCORD: A National Resource Document for Residential Development, 1995, may be referred to in establishing adequate solar access and dwelling orientation appropriate to the climatic conditions.”*

The submitted shadow diagrams demonstrate that adjacent residential properties will receive reasonable solar access with respect to their main living areas and private outdoor areas. Adjoining properties to the east and west will receive at least 3 hours of solar access between 9am and 3pm in mid- winter. Properties to the north and south are unaffected.

g. Clause 36 - Stormwater

“The proposed development should:

- (a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and*
- (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.”*

Comment:

The proposal is supported by landscape plan and stormwater management plan which incorporate a range of measures to control and minimise stormwater impacts. These include deep soil planting areas, semi- pervious material for outdoor parking surfaces, minimised impervious areas, appropriate onsite stormwater detention, rainwater tanks for rainwater re-use and gross pollutant traps.

h. Clause 37 - Crime Prevention

"The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

- (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and*
- (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and*
- (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door."*

Comment:

The design of the proposed facility allows for secure access and general observation of public areas. The facility is proposed to be staffed on a 24 hour basis.

The application has been referred to the NSW Police for comments in accordance with the protocol between Council and NSW Police to facilitate the incorporation of Crime Prevention through Environmental Design (CPTED) principles in the assessment of Development Applications. The recommendations by the NSW Police contained in their letter dated 5 June 2011 will be conditioned in any approval (see Condition 3).

i. Clause 38 - Accessibility

"The proposed development should:

- (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors."*

Comment:

Subject to some minor works to improve pathway accessibility to the relevant bus stops the site is accessible to public transport and local facilities.

The architectural design and comprehensive landscaping ensure that an attractive environment will be achieved. Well planned accessible pathways provide access for residents throughout the site.

The amended scheme has increased the overall parking provision of the development as follows:

- the staff basement car park (accessed from Seven Hills Road) has increased from 31 spaces to 65 spaces;
- the visitor basement car park has increased from 16 to 27 spaces;
- 3 short term car spaces are provided adjacent to the port cochere;
- an accessible car-parking space is provided adjacent to the porte-cochere;
- one space is provided for shared used by an ambulance and mini-bus; and
- one space is provided within the loading/unloading area.

In total, 96 parking spaces are proposed to be provided plus a dedicated ambulance/bus bay and a dedicated loading bay. This number satisfies the requirement contained in clause 48(d) of the SEPP and meets the peak parking demand of the site having regard to the overlap of staff shifts.

j. Clause 39 - Waste Management

"The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities."

Comment:

The proposal was accompanied by a Waste Management Plan and will incorporate appropriate waste facilities that allow for recycling to be maximised.

k. Clause 40 - Development standards—minimum sizes and building height

A consent authority must not consent to a Development Application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.

The table below shows the proposal's compliance with the standards specified in clause 40.

DEVELOPMENT STANDARD	SEPP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Clause 40(2) - Site size	The size of the site must be at least 1,000m ²	The area of the site is 12,574m ²	Yes
Clause 40(3) - Site frontage	The site frontage must be at least 20 metres wide at the building line.	The width of the site frontage measured at the building line is approx. 132m for both Seven Hills Road and Bass Drive.	Yes
Clause 40(4) - Height in zones where residential flat builds are not permitted.	(a) 8 metre maximum	(a) The development does not exceed 8 metres.	Yes
	(b) 2 storeys where adjacent to a boundary	(b) Adjacent to a boundary, the development is 2 storey.	Yes
	(c) building within the rear 25% not be greater than 1 storey	The subject site technically has no 'rear', rather, it has two street frontages, one to Bass Drive and the other to Seven Hills Road and therefore this requirement does not apply.	N/A

l. Clause 48 – Standards that cannot be used to refuse development consent for residential care facilities

A consent authority must not refuse consent to a Development Application made pursuant to this chapter for the carrying out of development for the purpose of a residential care facility on any of the following grounds:

- (a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys), or
- (b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,
- (c) landscaped area: if a minimum of 25 square metres of landscaped area per residential care facility bed is provided,
- (d) parking for residents and visitors: if at least the following is provided:
 - (i) 1 parking space for each 10 beds in the residential care facility (or 1 parking space for each 15 beds if the facility provides care only for persons with dementia), and
 - (ii) parking space for each 2 persons to be employed in connection with the development and on duty at any one time, and
 - (iii) 1 parking space suitable for an ambulance.

Comment:

The proposal has been amended and responds to clause 48 as outlined below:

(a) Building height – clause 48(a)

The building in all areas complies with the 8m height limit of subclause (a) and no longer requires a SEPP 1 objection to this provision.

(b) Density and scale – clause 48(b)

The proposal as amended has a floor space ratio of 0.98:1 and therefore complies with the density and scale provision of subclause (b).

(c) Landscaped area – clause 48(c)

The proposal as amended provides a landscaped area of 5,811m² (25.05m² per bed for 232 beds) and therefore complies with subclause (c).

(d) Parking for residents and visitors – clause 48(d)

Based on the parking rates under clause 48(d), the development is required to provide a minimum total of 55 parking spaces (i.e. 24 visitor spaces and 31 staff) and one ambulance parking space. The proposal as amended has increased the total parking provision of the development from 59 to 96 off-street parking spaces, allocated as follows:

- The staff basement car park (accessed from Seven Hills Road) has increased in size from 31 spaces to 65 spaces;
- The visitor basement car park (accessed from Bass Drive) has increased from 16 to 27 spaces;
- 4 short term car spaces are provided adjacent to the porte-cochere;
- An exclusive space is provided for shared used by an ambulance and mini-bus; and
- A dedicated loading/unloading area is provided.

In total, 96 parking spaces are provided. The proposal satisfies the parking requirements of clause 48(d) of the SEPP and addresses the peak car parking demand of the site having regard to the overlap of staff shifts.

4. Compliance with Baulkham Hills Local Environmental Plan 2005 and Draft The Hills Local Environmental Plan 2010

The subject land is zoned Residential 2(b) under the provisions of Baulkham Hills Local Environmental Plan (LEP) 2005 and proposed to be zoned as R2 Low Density Residential under the provisions of the Draft The Hills Local Environmental Plan (DLEP) 2010, which both prohibit this type of development. However, the Seniors Housing SEPP overrides Council's LEP and allows this type of development being on a land zoned primarily for urban purposes which permits dwelling-houses. The SEPP aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residents that meet the needs of seniors or people with a disability.

5. Compliance with Baulkham Hills Development Control Plan (BHDCP)

Development standards not covered by the Seniors Housing SEPP but are identified in Council's Development Control Plans (DCPs) are to be taken into consideration to ensure that any development contributes, enhances and integrates with the existing character that makes an area desirable. In this regard, the proposal has been assessed against the relevant standards of the following Parts & Sections of the BHDCP:

i) BHDCP Part C Section 3 - Residential

The Seniors Housing SEPP is silent on setback standards, and in this regard the proposal has been assessed against these controls within Council's Residential DCP to gauge its compatibility with adjoining development and overall streetscape particularly in terms of bulk and scale, character and impact on the visual amenity of adjoining properties.

Building Setbacks (clause 2.14.1)

(a) The minimum road frontage setback for any classified road is 10 metres.

(b) The minimum road frontage setback requirement for any non-classified road is 10m.

The proposal complies with the above road frontage setback requirements with the exception of the following:

- Minor intrusions into the 10m setback to Seven Hills Road which occur from the western most building and the south-western corner of the dementia building. The average setback achieved along the Seven Hills Road frontage is greater than 10m.
- Encroachment of the porte-cochere within the 10m setback to Bass Drive. The wing elements are set back a minimum of 10m, with the three level part of the facility being located towards the middle of the site away from Bass Drive and neighbouring development by at least 38m from Bass Drive.

(g) The minimum side boundary setback requirement is:

Height of building	Distance of wall to boundary line	Distance of eave to boundary line
1 or 2 storeys	900mm	675mm
3 storey	1500mm	1175mm

The proposal is set back 6.27m to 8.42m from the eastern boundary of the site, and 9.395m to 11.385m from the western boundary. At the eastern side boundary, the building is 2 storeys in height above the existing ground level which is in scale with adjacent development. At the western side boundary, a 2-storey presentation is provided

which is set below the ground level of the adjoining properties. The proposal complies with the side setback requirements.

(j) Except where the lot has two road frontages and the dwelling is to back onto an arterial or sub-arterial road. In this case the required rear wall setback to the road frontage is:

Height of building	Rear wall setback to a classified road
1 storey	6 metres
2-3 storey	8 metres

As noted above, the setback to Seven Hills Road is generally 10 metres with some minor intrusions from the western most building and the south-western corner of the dementia building. The proposal therefore adequately satisfies this rear setback requirement.

Despite the minor intrusions to the required road frontage setbacks, it is considered that the proposal satisfies the following objectives of the development standard:

- (i) To provide setbacks that complement the streetscape and protect the privacy and sunlight to adjacent dwellings in accordance with ESD Objective 7.*
- (ii) To ensure that new development is sensitive to the landscape setting, site constraints and established character of the street and locality.*
- (iii) To ensure that the appearance of new development is of a high visual quality and enhances the streetscape.*

Along Seven Hills Road, the building is unlikely to cause adverse impact on the streetscape given its 2 storey height presentation and the provision of extensive landscaping within the setback area which will soften its impact.

The intrusion of the single storey porte-cochere within the 10m setback to Bass Drive (proposed setback of 7m) would not be different from carports in residences, where in most cases are allowed to be located within the building setback. This element addresses Bass Drive and is in scale with existing dwellings and reflects the existing pattern of development in the street. The use of extensive landscaping is proposed within the Bass Drive setback area to complement and integrate the facility with the streetscape, which has been improved by the provision of only 2 driveway crossings on this 132.6m wide frontage.

In this regard, it is considered that the proposal satisfies the objectives of the above building setback controls.

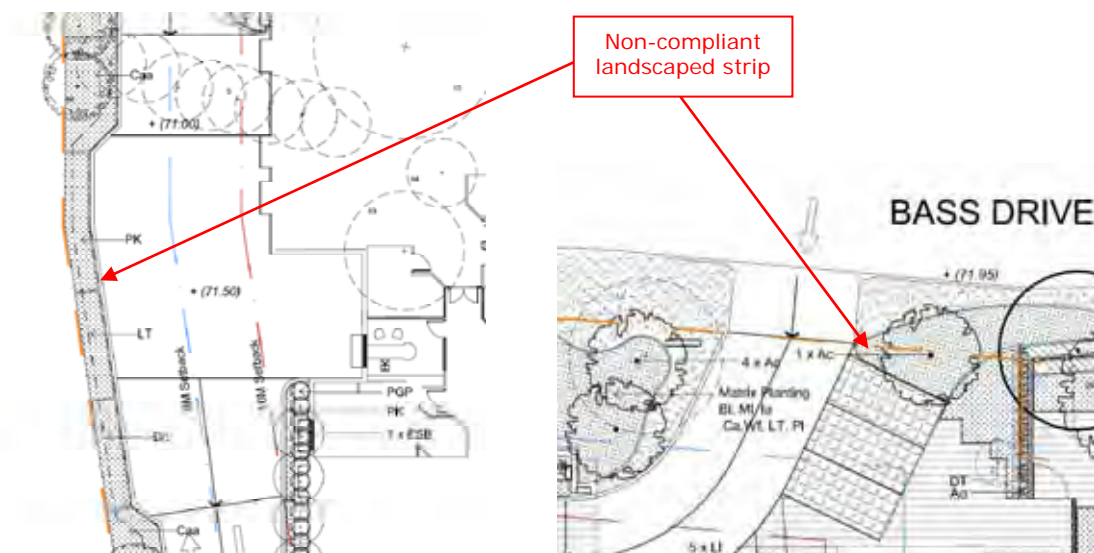
ii) BHDCP Part D, Section 1 – Parking

Baulkham Hills Development Control Plan Part D, Section 1 – Parking applies to the proposed development, however has limited applicability given the parking standards with SEPP Housing for Seniors or People with a Disability. The proposed development has been assessed against the relevant development standards and the following variation has been identified. The DCP has landscaping requirements for outdoor parking including the following:

- (a) Outdoor parking areas are to be provided with two metre wide landscaping strips:*
 - Between rows served by different aisles.*
 - Between spaces at a rate of one in every ten car parking spaces.*

(b) Outdoor parking areas are to be screened by a minimum of two metre wide landscaping strips. Such landscaping is to be of a mature and dense nature and be designed according to Part D Section 3 – Landscaping of this DCP

Comment: The proposal partly does not comply with part (b) as 1.5 metre landscaped setback is provided between the driveway ramp area and the western boundary (approximately 20m long). This variation is considered acceptable given this section of the driveway area sits at a lower level than the neighbouring property minimising visual and acoustic impacts and the shortfall is well compensated by the remaining length of the driveway (approximately 58m long) which is provided with more than the required 2m landscaped strip (i.e. 2.245m wide by 26m long on the south-western side and 2.5m wide by 32m long on the north-western side of the driveway). On average, the landscaped area along this driveway ramp area exceeds the minimum required landscaped setback by 12.3m². This non-compliant area is proposed to be landscaped with groundcovers such as Matt Rush, Blue Coastal Tussock Grass and Paroo Lily complemented by a 2m high acoustic fence along the boundary. Also, 1 of the 3 parking spaces adjacent to the driveway entry to the porte-cochere off Bass Drive is partially non-compliant which can be conditioned to comply by adjusting the position of these 3 spaces to provide a minimum 2m landscape strip (see Condition 1).



6. Issues Raised in Submissions

The Development Application was placed on public notification for a period of fourteen (14) days. Fifty-six (56) submissions were received for the original proposal, including a petition containing 309 signatures and thirty two (32) individual submissions were received for the amended proposal.

The issues raised in the submissions during the first and second notification are addressed in the following table with corresponding comments:

ISSUE/OBJECTION	COMMENT	OUTCOME
1st Notification		
Traffic and Parking		
Bass Drive is a very narrow, no through road and functions as a cul-de-sac with only one exit. All residents of Bass Drive (not just those residents at the start of Bass Drive) will be affected as they will all be exiting along Bass Drive via the proposed entrance to the facility.	<p>Council's Principal Traffic and Transport Coordinator has assessed the proposal and advised that the traffic generated by this development will have negligible impact on the operational or environmental capacity of Bass Drive.</p> <p>Additional traffic flows to be generated in Bass Drive are considered minimal and will be offset by the removal of traffic generated by the existing houses on the site fronting Bass Drive. Staff car parking will be denied access (ingress and egress) to Bass Drive and will only be allowed via Seven Hills Road.</p>	Issue addressed.
The proposed development is in close proximity to public schools and the safety of children walking to and from school through Bass Drive and surrounding streets is a major concern. Bass Drive does not have footpaths on either side of the road.	<p>Should the development be approved it is recommended that a condition require the provision of a 1.5m wide concrete footpath paving (including access ramps at all intersections) across the street frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standards.</p> <p>Pedestrian safety will be improved by the reduction in vehicle crossovers in Bass Drive and the ability for all vehicles exiting onto Bass Drive in a forward direction. The applicant has indicated that visitor traffic volumes are expected to be low with the peak expected to be midday Wednesdays, which does not conflict with school drop off and pick up times.</p>	Issue addressed. Condition recommended, see Condition 41(iii).
Additional parking for the 62 staff members on each shift, as well as visitors unable to find parking on the site will overflow into Bass Drive and	Parking is to be provided in accordance with the Seniors Housing SEPP and RTA Guidelines. The amended application provides 65 staff	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>surrounding side streets. This will be difficult and dangerous for local residents to walk on the road reserve due to the absence of footpaths, and therefore the likelihood of fatal accidents. This problem will be exacerbated at night time as there is currently poor street lighting in this section of Bass Drive and none at all in Adams Lane. If overflow parking in Bass Drive becomes excessive, then large sections of Bass Drive will become one lane only.</p>	<p>parking spaces, 27 visitor spaces and 4 casual parking spaces to the west of the porte-cochere in Bass Drive. This avoids any need for overflow parking to occur in Bass Drive.</p>	
<p>Bass Drive has a crest and a bend at the proposed entry/exit points. Vehicles often drive on the incorrect side of the road due to the bend, or they suddenly swerve to the correct side if an oncoming vehicle approaches them.</p>	<p>The alignment of Bass Drive is typical of that found in an urban environment and it does not present any unusual challenges to motorists. Further, the number of cross-overs has been reduced to two in the Bass Drive frontage and all vehicles are able to enter and exit in a forward direction, improving safety for both pedestrians and drivers.</p>	<p>Issue addressed.</p>
<p>Thomas Extrem Reserve and its children's playground is in close proximity to the development and will have significant safety issues with the increase in local traffic and on-street parking.</p>	<p>Increased traffic and parking near Thomas Extrem Reserve will be minimal, if any, and will not have any effect on the safety of the children's playground. There is no need for any traffic generated by the proposal to traverse Bass Drive farther to the east as Thomas Extrem Reserve.</p>	<p>Issue addressed.</p>
<p>The surrounding roads including Flinders Avenue, Seven Hills Road and Baulkham Hills Road already have substantial issues with through-traffic which will be significantly heightened by the proposed development. As there is limited distance between the proposed development and the start of Bass Drive (intersection of Bass Drive and Flinders Avenue) and the intersection</p>	<p>Traffic flows expected to be generated by the proposal will be less than the current traffic generation. Further, the traffic generation peaks of the development do not coincide with the commuter traffic peak periods.</p> <p>The proposal is unlikely to contribute to any delays that might be experienced during the peak commuter traffic periods.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
of Flinders Avenue and Seven Hills Road, the increased traffic volume entering and leaving Bass Drive will cause traffic gridlock especially in peak hour.		
The increased traffic will cause chaos on an already busy and dangerous small stretch of road along Seven Hills Road as the development is in close proximity to 2 service stations, one soon-to-operate fire station and 3 intersections (Bass Drive/Flinders Avenue, Flinders Avenue/Seven Hills Road and Seven Hills Road/Baulkham Hills Road).	<p>Council's Traffic Section has advised that the proposed development is expected to generate less traffic than the existing development on site. Based on the Roads and Traffic Authority Guide to Traffic Generating Development, this type of facility will provide an indicative traffic generation rate of 0.1-0.2 peak hour vehicle trips/dwelling. Accordingly, application of these rates and discounting the trips generated by the existing development would result in a net decrease of 66 trips.</p> <p>The development is expected to generate approximately 23 vehicles per hour in the peak hour, significantly less than the 89 vehicles per hour traffic generation potential of the nursery and existing dwellings. The staff shift changes largely occur outside normal road peak hours and the impact on Seven Hills Road would be negligible.</p>	Issue addressed.
The suggestion that Bass Drive be sign-posted as "Resident Parking" only is not an acceptable solution as the only solution is to construct the facility without any access from Bass Drive, with the main access point being off Seven Hills Road only.	It is not proposed to install a resident parking scheme in Bass Drive. No staff parking will be allowed to access Bass Drive.	Issue addressed.
The additional traffic to be generated by the proposal would be counterproductive to traffic improvements to be carried out further up Seven Hills Road (e.g. roundabout at Cropley Drive	The proposal is expected to generate approximately 23 vehicles per hour, significantly less than the 89 vehicles per hour traffic generation potential of the nursery and existing dwellings. The traffic generation	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
and lights at Arthur Street).	will not conflict with the proposed traffic improvements in these areas.	
How will large vehicles (such as garbage trucks, ambulance, and utility maintenance vehicles) easily manoeuvre to and from Bass Drive. It will also be difficult for Bass Drive residents to take their garbage bins out in a position accessible for weekly garbage collection. Why could the facility not be designed such that there is ample turning space inside the building for all service vehicles to enter and exit via Seven Hills Road.	Only one garbage truck per weekday is expected to access the site from Seven Hills Road and egress via Bass Drive using the western driveway. When leaving the premises, it will turn left into Bass Drive and proceed directly to Flinders Avenue. All other service vehicles will turn around on-site and exit via Seven Hills Road, after also entering the site from Seven Hills Road. This arrangement is covered in the Revised Operational Plan of Management (refer Attachment 15) and will be conditioned accordingly.	Issue addressed. Condition recommended - see Condition No. 5.
The traffic report is flawed as it fails to include staff shift overlap of 30 minutes in that there will be 124 staff on duty during this period and therefore 62 not 31 staff parking spaces should be provided.	The proposed development makes provision for 96 off-street car parking spaces of which 65 are staff parking spaces. The visitor parking is expected to be required mainly on Wednesdays with surveys indicating peak visitor times being midday Wednesday. Staff numbers outside the main day shift will be relatively low. As detailed in the traffic assessment, the maximum number of staff present on site will be 97 at 2:30pm during shift change over and car parking is provided to service these staff numbers. The management of the shift changeover is detailed in the Operational Plan of Management (refer Attachment 15) which will be conditioned accordingly.	Issue addressed. Condition recommended - see Condition No. 5.
Questions have been raised regarding the relevancy of the traffic report based on a single day's observation of peak hour traffic and historical data provided by the RTA that is over 8 years old, without taking into	While there will be some variation in peak hour traffic flows from day to day, such variations are not considered significant. The supplementary use of historical RTA traffic data shows that traffic flows on Seven Hills Road are in the	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
consideration the diminished trade of the garden nursery since its sale from Wagon Wheels Nursery, and an increased traffic flow over the past 8 years as a result of the expansion of Norwest and north western sector, as well as an increase that is likely to be realized with the Astoria Park land release at Baulkham Hills.	order of 25,000 vehicles per hour in 2009, and has decreased since the opening of the M2 Motorway.	
Traffic lights must be installed at the intersection of Seven Hills Road and Flinders Avenue, whether or not this application proceeds.	The additional traffic flows expected to be generated by the development in Flinders Avenue will be minimal (approx. 4-6 vehicles per hour), and does not warrant the installation of traffic signals. Nevertheless, it is intended that the intersection of Seven Hills Road and Baulkham Hills Road will be signalized in the near future. As part of the signal design the intersection of Seven Hills Road and Flinders Avenue will be restricted to left in left out by means of a concrete seagull island.	Issue addressed.
Non-compliance with SEPP Standards		
The proposal breaches the 3 key elements of Clause 40(4) of the Seniors Housing SEPP in relation to building height, number of storeys adjacent to the boundary and limitation to one storey at the rear 25% of the site.	This is discussed in detail in Section 3(k) of the report.	Issue addressed.
The Development Application is deficient in that it fails to address certain nuisances (adjacent traffic noise on Seven Hills Road, noise disturbance from the soon-to-operate fire station across the road and pollution impacts from the adjacent petrol station) which are identified in Clause 30(4) of the SEPP. The existence of these nuisances makes the site	<p>The Development Application is accompanied by a site analysis as required under clause 30 of the Seniors Housing SEPP.</p> <p>The acoustic assessment undertaken indicates that noise impact into the site is acceptable subject to provision of acoustic treatment for compliance with the relevant standards to mitigate potential noise intrusion into the facility.</p>	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
unsuitable for housing an Aged Care & Dementia facility.		
<p>The current bus service is irregular and runs for less than 16 hours a day and substantially less on weekends. The area has no train service and none is proposed to be developed within 4kms of the development site.</p>	<p>There are 4 bus routes that could be used to access the site, including the high frequency Transitway service between Castle Hill and Parramatta. The traffic report indicates that there are more than 150 bus services which could be used to access the site on Wednesdays, decreasing to 56 bus services per day on Saturdays and 28 services on Sunday and public holidays per week. The T60 Transitway service between Castle Hill and Parramatta operates seven days per week. The above bus services can also be used to interchange with connecting bus services on the m2 Motorway, and to interchange with train services at Seven Hills, Westmead and Parramatta Rail Stations. The site is well served by public transport services and therefore complies with the SEPP requirements.</p> <p>In addition to the public bus service the proponent is providing its own mini-bus service for residents.</p>	Issue addressed.
<p>Non-compliance with Draft The Hills LEP 2010 & Site Specific Development Control Plan</p>		
<p>The proposal is contrary to the draft The Hills Local Environmental Plan 2010 zoning of Low Density Residential as well as far exceeding the maximum building height restrictions of 7 metres.</p>	<p>The proposal is permissible under the current LEP by virtue of the permissibility provisions in the Seniors Housing SEPP. It is also noted that the proposed building height under the draft LEP is 9m not 7m.</p>	Issue addressed.
<p>The proposal is inconsistent with the intent of BHDCP Part E Section 10 (former DCP 28) for the existing nursery facility (which currently occupies the bulk</p>	<p>BHDCP Part E Section 10 for the nursery facility site (which forms part of the subject site) is a site specific development control plan relating to the operation of a nursery and does</p>	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>of the site) and which expressly prohibits access via Bass Drive. It defeats the intent of the nursery DCP in that it will:</p> <ul style="list-style-type: none"> • affect the amenity of residents in Bass Drive • contravene the access provisions by including entry and exit points in Bass Drive • exceed the noise and light specifications causing disruption to Bass Drive residents • exceed the hours of operation for the site • be incompatible with surrounding developments in terms of bulk and scale, and • be a gross overdevelopment. 	<p>not apply to the subject development proposal. The Seniors Housing SEPP standards for a residential care facility are relevant to the proposal.</p>	
<p>Streetscape and Residential Amenity</p>		
<p>The density, scale and style of the proposed development will be out of character with the entire streetscape and will detract from the residential amenity and atmosphere. There are only 4 houses within the surrounding 100m which are 2 storey in height.</p> <p>The area is predominantly low density residential housing in character as envisaged in the draft THLEP 2010.</p>	<p>The proposal generally presents as a two storey development to the streetscape and adjoining properties. It should be noted that 2 to 3 storey dwellings are permissible in the current and future zoning of the area. The maximum height allowable in the draft LEP is 9m.</p> <p>The issue of density, scale and character has been addressed in Section 3 (K and L) and Section 5(i) above.</p>	<p>Issue addressed.</p>
<p>Neighbouring residences and the locality as a whole will be adversely affected by the 24/7 operation in terms of loss of privacy, light spillage, traffic safety, noise (i.e. from its operation including deliveries entering and leaving the facility), blockage of driveways and lack of on-street parking for their visitors and friends.</p>	<p>A survey of comparable facilities has been undertaken by the applicant which demonstrates there will be minimal number of visitors during the night. The peak visitation period would be on Wednesdays at midday. The obtrusive lighting and acoustic assessment reports submitted with the application have been reviewed by relevant Council staff. Appropriate conditions</p>	<p>Issue addressed. Conditions applied - see Condition Nos. 27, 105, 107 & 109.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	are recommended relating to noise, light spill and deliveries to ensure no adverse impact on the surrounding area will be caused by the development.	
The normal peaceful character of Bass Drive with its quiet street, friendly peaceful neighbours and playful recreational area will be adversely affected with the proposed access and egress of driveways.	The number of cross-overs has been reduced to two in the Bass Drive frontage and all vehicles are able to enter and exit in a forward direction, improving safety for both pedestrians and drivers.	Issue addressed.
Overdevelopment		
An aged care facility having 266 beds is no different to a hospital having 266 beds in that it is a large health care facility. Hospitals are prohibited from being built in residential areas having a 2a or b zoning. A proposal of this magnitude should only be built in areas which are zoned for commercial and business purposes and which have the necessary infrastructure to accommodate it.	The proposal is not a hospital and is permissible in the zone under the Seniors Housing SEPP. The application has been reduced to accommodate 232 beds. Suitable infrastructure is available or can be made readily available to the site. It will be conditioned in any consent to consult with service authorities in this regard.	Issue addressed. Conditions applied - see Condition Nos. 44 & 59.
In comparison, the area of the subject site (1.25has) is only marginally bigger than The Hills Private Hospital (1.07has) located in Windsor Road but will have 266 beds or 52% more beds than The Hills Private Hospital (which only houses 175 beds). It should be noted that The Hills Private Hospital has a special zoning for a hospital and is not in residential low density zoning.	See comments above.	Issue addressed.
Nos. 5-19 Bass Drive and Nos. 103-115 Seven Hills Road cover 15 properties, and therefore the proposed 266 beds plus 62 staff (total 328) means on average there would be 22 people per property excluding visitors, nor taking into	The proposal is permissible in under the provisions of the Seniors Housing SEPP which prevails over the LEP and draft LEP.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
account the requirement for parking on these properties. This contravenes the draft The Hills LEP 2010, which proposes this area as a low density residential area.		
To be in keeping with the area, the development should also be subject to the existing minimum 60/40 hard surfaces to soft surfaces ratio requirement by Council for all residential dwellings as well as the minimum 10m setback from the street.	<p>The development provides the minimum landscaped area standard for residential care facilities which therefore cannot be used by a consent authority as a ground to refuse development consent.</p> <p>Setbacks to the street generally exceed 10m. At some areas the setbacks are slightly less than 10m but are sympathetic with the existing building line consistent with the guidelines in clause 33(d) of the Seniors Housing SEPP.</p>	Issue addressed.
The facility will be open 24 hours a day. Although visitors are encouraged to visit between 6am and 8pm, it was indicated by the applicant that the visiting hours are not actually restricted which means that there is a high likelihood that people may visit residents at any time of the day or night. There is an enormous potential for residents to be inconvenienced and for their sleep to be interrupted at night (by traffic noise, light spill, noise and air pollution).	<p>The data gathered from a survey undertaken from comparable facilities demonstrates the minimal number of visitors during the night. It was indicated that the peak visitation period is on Wednesdays at midday. The accompanying acoustic assessment has been prepared in accordance with the relevant Australian Standard (AS2107-2000) and does not identify traffic noise as an issue.</p> <p>Relevant conditions are recommended to address these issues.</p>	Issue addressed. Conditions applied - see Condition Nos. 27, 105, 106 & 109.
The proposal does not recognize the constraints of Bass Drive and its limited capacity to accommodate such a large development. There are other alternate locations within the Shire for this size and scale of development, where the majority of staff and visitor parking can be located within the development site (e.g. old nursery site along	The majority of vehicle movements in and out of the site are from Seven Hills Road. Bass Drive has been assessed as having sufficient capacity to accommodate the minor expected traffic load.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
Windsor Road across from Stockland Mall). This alternate location would fit in with the draft The Hills LEP 2010 with regard to density and height of surrounding buildings.		
Other Issues		
Given the scale of the development, it is highly likely that Council may have to incur costs to upgrade the existing utilities in the area including water, drainage, sewerage, gas, electricity and traffic road system.	Any required upgrade of services is subject to the requirements of relevant authorities and Council will not shoulder the costs. Relevant condition will be imposed in any consent.	Issue addressed. Conditions applied - see Condition Nos. 44 & 59.
The Development Application was not widely notified and only a few number of properties (facing the main entrance in Bass Drive and on adjoining property boundaries) received Council's notification. Council allowed little time for residents to lodge a submission whereas the developer had ample time to plan for this proposal. The impact upon Bass Drive residents is permanent so how is 2 weeks notification enough and fair for residents.	The Development Application was notified in accordance with Council's notification policy. The applicant advised that the proponent has conducted information sessions to provide the public with further information on the proposal.	Issue addressed.
Local residents will have to endure an extended construction phase, possibly taking 12-18 months to complete, which means they will have to put up with construction noise, air borne dirt, and the inconvenience associated with heavy construction traffic movement in Bass Drive.	The construction phase of this development will be subject to appropriate conditions requiring compliance with relevant environmental protection legislation including the preparation and submission of a Traffic Control Plan.	Issue addressed. Conditions applied - see Condition Nos. 72 & 75.
Contamination of the soil with higher than acceptable levels of arsenic and zinc will mean that part of the site will require remediation. The remediation may cause lots of soil to become airborne	Remediation of the site will be undertaken in accordance with the relevant statutory requirements. Appropriate conditions will be imposed in any consent.	Issue addressed. Conditions applied – see Condition Nos. 63 & 64.

ISSUE/OBJECTION	COMMENT	OUTCOME
and contaminate neighbouring properties.		
Values of neighbouring properties along Bass Drive and Flinders Avenue will suffer because prospective purchasers will not want to purchase a home where there will be constant traffic and parking issues and difficulty driving in and out of Flinders Avenue and Seven Hills Road having regard to the traffic coming from all directions.	The impact of the proposal on property values is unknown. No evidence has been provided to substantiate this claim. However, it is clearly demonstrated that traffic generation of the proposal does not coincide with the commuter peak and sufficient staff and visitor car parking is provided.	Issue addressed.
Council will incur significant costs to re-surface Bass Drive and surrounding streets as a result of truck movements during construction and the increased traffic associated with the proposed facility once it opens.	Potential damage to Council's road assets during construction will be addressed as a condition in any consent.	Issue addressed, Conditions applied – see Condition Nos. 37, 52, 53, 75 & 93.
Council should commission its own independent and comprehensive traffic impact report and obtain legal advice on Council's exposure to legal action if the development proceeds and a major accident causes serious injury or a fatality.	The applicant has undertaken further traffic assessment based on survey of comparable facilities. This has been reviewed by Council's Principal Traffic and Transport Coordinator and considered satisfactory. In addition, Council staff conducted traffic counts at the intersection of Flinders Avenue and Bass Drive as a result of the Conciliation Conference.	Issue addressed.
<p>Should the application be approved, consent conditions are recommended such as:</p> <ul style="list-style-type: none"> the entire length of the boundary to Bass Drive be fully landscaped so as to preclude access or egress by pedestrians or vehicles of any type; construction times be 	<ul style="list-style-type: none"> Pedestrian and vehicular access from Bass Drive is an integral and necessary part of the proposal. Staff and service vehicles will be denied access to and from Bass Drive with the exception of a weekday garbage truck exit. Standard construction hours will be imposed in any 	<p>Issues addressed. Conditions applied.</p> <p>See Condition No. 5.</p> <p>See Condition Nos. 25 & 77.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>limited and controlled to prevent spread of all types of pollution;</p> <ul style="list-style-type: none"> that the building conform with the height regulations; that all vehicles used in association with the facility by staff, service providers and visitors to be parked on site. Use of aesthetically pleasing fencing materials other than Colorbond or treated pine fencing visible from Bass Drive. Access from Seven Hills Road to Bass Drive must be limited to occasional use to limit activity in Bass Drive; acceptable usage would be Waste Management trucks. Restrict noise levels from the operation of machinery. Restrict night time illumination. The residential side of Bass Drive should be zoned as parking for residents and their visitors only. 	<p>consent.</p> <ul style="list-style-type: none"> The proposal complies with the building height requirement of the Seniors Housing SEPP. Sufficient off-street parking for staff and visitors is provided in accordance with the requirements of the Seniors Housing SEPP. The use of the parking facility is covered in the Revised Operational Plan of Management (refer Attachment 15). The proposed fencing materials (combination of powder coated steel and timber paling) are considered appropriate for this type of development and will be complemented by screen plantings. This will only cover approximately half of the Bass Drive frontage from the north eastern corner of the site to the area adjacent to Council land before the main driveway entry. Only the garbage truck will have access from Seven Hills Road to Bass Drive. The visitor parking will be allowed access to and from Bass Drive. The vehicle movement to and from the proposed facility has been assessed to be low and consistent with the existing generation levels from the existing dwellings. Appropriate conditions will be imposed in any consent. Appropriate condition will be imposed in any consent. Sufficient off-street parking is provided for staff and visitors. Regulation of on-street parking is not necessary and therefore 	<p>See Condition Nos. 5 & 8.</p> <p>See Condition No. 5.</p> <p>See Condition Nos. 18 & 109.</p> <p>See Condition No. 105.</p> <p>See Condition No. 82.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<ul style="list-style-type: none"> • Provision of attractive overall landscaping of the site. • Asbestos handling during demolition of existing structures. 	<p>not recommended.</p> <ul style="list-style-type: none"> • The development will be satisfactorily landscaped with native trees and shrub planting to both the Seven Hills Road and Bass Drive frontages. • Appropriate conditions will be imposed in any consent. 	<p>See Condition Nos. 32 & 69.</p>
<p>Why is it necessary to include a day respite for dementia patients at the facility and create more congestion as there is already such facility within Balcombe Heights which was recently completed?</p>	<p>Dementia day care patients will travel to and from the site by mini-bus. The need for dementia day care services within the wider population is acknowledged and respite care as indicated by the applicant is expected to increase in the long term.</p>	<p>Issue addressed.</p>
<p>2nd Notification of the Amended Scheme</p>		
<p>The scale of the development and Bass Drive entrances will still continue to contribute to traffic congestion in Bass Drive and Flinders Avenue.</p>	<p>The application is accompanied by detailed traffic analysis which indicates that the network capacity of the existing roads is able to accommodate the proposed development.</p> <p>As detailed within the traffic assessment, the peak traffic generation periods for the development are at staff shift change over periods. These periods do not conflict with the morning and afternoon peak times on the surrounding road network. Therefore the development is not adding to current peak traffic loads in the area.</p> <p>Importantly the majority of vehicles regularly accessing the site will do so via Seven Hills Road which is the major road and is the appropriate location for the majority of traffic to be directed. Bass Drive being a local road provides access to lower order traffic volumes being predominantly visitor traffic generated by the</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	development. As evidenced by the survey results of similar facilities, visitor parking demand results in low volumes of visitor parking demand and traffic generation.	
Concerns raised regarding the height of the proposed building when all buildings surrounding it are only single storey with the exception of seven 2-storey houses in the vicinity.	<p>The design has been configured to provide a two-storey interface with neighbouring residences with setbacks of between 6.27 m and 8.42m to the east boundary and between 9.395m and 11.63m to the west boundary.</p> <p>The height of the building has been further lowered by 1m by increasing the level of the site excavation. While it is acknowledged that the building will be a three level structure the perception of the building from the public domain and from adjoining properties will be of a two storey structure that is well set back from its neighbours with generous landscape provision.</p> <p>Despite the building containing three levels the proposal complies with the 8m maximum height control in the Seniors Housing SEPP.</p> <p>The development has had regard to the character and nature of surrounding development and the provision of landscaped setbacks and articulation of the elevations soften its impact from the streetscape and minimise overshadowing, overlooking and privacy impacts.</p>	Issue addressed.
Who is going to monitor this development to ensure the facility has 232 beds and not a 266 bed facility as originally proposed.	<p>Should consent be granted the maximum capacity will be 232 beds. Any attempt to reconfigure this capacity would be in breach of the development consent.</p> <p>Should an approved development be carried out or</p>	Issue addressed. Condition recommended – see Condition No. 111.

ISSUE/OBJECTION	COMMENT	OUTCOME
	operate not in accordance with the development consent Council is able to initiate legal actions to ensure compliance is maintained.	
Bass Drive will be a complete parking lot for visitors. Is Council going to patrol this street to ensure residents can access to and from their homes once this facility becomes operational?	<p>The amount of visitor car parking spaces proposed exceeds the minimum visitor car parking provision required by the Seniors Housing SEPP. Survey of similar facilities also demonstrates that the amount of on-site visitor parking spaces provides an appropriate level of car parking.</p> <p>There is no plan by Council to introduce a resident parking scheme in the area. It is acknowledged that some people may choose to park in the street, however given the provision of on-site car parking for visitors is conveniently located and able to provide direct access into the facility via the lifts, parking in Bass Drive is unlikely to occur given the amount of car parking provided on-site and the exclusion of staff car parking in any of the car spaces provided for visitors.</p>	Issue addressed.
Since the application refers to Bass Drive and not to Seven Hills Road, then all vehicles entering and exiting the establishment must be made from Bass Drive not Seven Hills Road – all access should be from Bass Drive.	<p>Seven Hills Road is an identified higher order road that accommodate a higher volume of traffic than Bass Drive.</p> <p>The traffic assessment provided in support of the proposal confirms that the network capacity can accommodate the traffic generated by the development. This position is further supported by the fact that the peak traffic generation times of the proposed development do not coincide with the morning and afternoon peak traffic periods.</p>	Issue addressed.
Only emergency vehicles such as ambulance shall be allowed to exit Seven Hills Road. Pedestrian access can	A single weekday garbage truck movement into Bass Drive is proposed. As detailed in the amended submission the	Issue addressed. Condition recommended to comply with the

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>be made to Seven Hills Road but no other vehicles.</p> <p>Why should garbage trucks enter the property at all? All bins can be placed along both Seven Hills Road and Bass Drive to be accessed by the trucks, as is the current location.</p>	<p>garbage trucks would enter the site from Seven Hills Road collect any waste for disposal and exit the site via Bass Drive.</p> <p>This ensures that vehicle reversing and associated noise is minimised and maximises the safety of the required vehicle movements. A single garbage truck movement entering Bass Drive in a forward direction to leave the area is not considered excessive or unsafe.</p>	<p>Revised Plan of Management – see Condition No. 5.</p>
<p>The facility is unnecessary given the recent approval of an aged care facility on Windsor Road, Baulkham Hill, as well as a number of existing facilities within the Shire.</p>	<p>The proposed development is in response to a growing demand in the Shire for this type of accommodation. Data collected by the applicant indicates that the population of The Hills is aging, and the proportion of residents over 65 years of age is growing with the trend expected to continue. Council's Residential Direction indicates that the percentage of the population aged 65 years and over increased from 7.6% to 9.1% of the Shire population between 1996-2006. Council's Residential Direction also identifies that Baulkham Hills and Castle Hill have high proportions of residents that are over 65 years of age. For Baulkham Hills, over 10% of the population is older than 65 years of age while for Castle Hill over 15% of the population is over 65 years of age.</p> <p>The demographic data and trends presented by the applicant suggests that these percentages of the population will continue to grow supporting the need for the provision of these types of facilities in The Hills area. The ability for residents to remain in the area close to their social connections and networks is an outcome that is desirable from many perspectives and justifies the need for such facility.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
Building is large and out of character.	The building is large in floor plate compared to a single dwelling house. This however does not mean that the proposal is out of character as discussed in the amended submission. The planning principle from Project Venture Developments v Pittwater Council established that compatibility is not necessarily sameness. The proposal has been carefully designed to provide large landscaped intrusions into the built form so that the elevations to the public streets are highly articulated and allow for the accommodation of substantial landscaping. This design treatment in conjunction with the provision of predominantly two-storey development form has sought to build upon the elements of the locality such as landscape provision, articulation of the proposed buildings and provision of generous setbacks to the streets and adjoining properties.	Issue addressed.
Development should fit in with the existing landscape.	It is considered that the proposal has sought to fit within the existing landscape through the provision of generous opportunities for landscaping to be undertaken to both street frontages and to the side boundary setbacks. Through the articulation of the built form landscape opportunities are provided within the site that provide a setting for the proposed building as well as an amenity for the future residents.	Issue addressed.
The proposed changes cannot adequately address huge impact the increased traffic will have on the quiet community.	As noted above, the application is supported by a detailed traffic analysis that supports the proposal as being acceptable when considered against the criteria of network capacity, car parking provision and traffic movement safety.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>Loss of amenity for neighboring property in terms of solar access and noise impacts as the house is very close to the 3 storey building.</p>	<p>The proposed buildings are set back on the site boundaries between 6.27m and 8.42m to the east boundary and between 9.395m and 11.63m to the west boundary.</p> <p>At these interfaces the buildings are less than 8m in height and as demonstrated in the solar access diagrams provide the required levels of sunlight to adjoining properties and are unlikely to have any adverse impacts in relation to light enjoyed by these properties.</p> <p>The physical separation of the proposed buildings to the site boundaries will ensure that adverse overshadowing of adjoining properties is avoided.</p> <p>The proposal is supported by an acoustic assessment demonstrating compliance with relevant acoustic assessment criteria. The acoustic report recommends the installation an acoustic fence along the eastern boundary to ensure that noise levels from vehicles using this exit driveway do not result in excessive noise impacts to this dwelling.</p> <p>It is noted that the single noise source identified as requiring the acoustic fence is the once per weekday garbage truck exiting by this driveway onto Bass Drive. This single movement will occur during the daytime when ambient background noise levels are at their highest.</p>	<p>Issue addressed.</p>
<p>Services including water, sewerage and drainage would be worse as dwelling density is inconsistent with the proposed zoning in the draft LEP.</p>	<p>The development will require the issue of appropriate certification from the relevant utility service authorities requiring any upgrades or augmentation is to be carried out as part of the development process. The proposal will not</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	lead to excessive demand upon these utility services that cannot be accommodated.	
Impact on the safety of pedestrians especially school children.	<p>Pedestrian safety impacts have been identified particularly in relation to Bass Drive and the fact that there are no formal footpaths many pedestrians utilise the constructed road carriageway. A condition of consent is recommended to provide a 1.5m wide concrete footpath paving, including access ramps at all intersections, across the street frontage of the development site transitioning into the existing footpath adjacent.</p> <p>The development proposes limited utilization of Bass Drive for vehicle access which is primarily access for visitor car parking and casual doctor parking. The Bass Drive frontage would also be the access point to be utilised to accommodate ambulance parking if needed and for the parking of the developments minibus.</p>	Issue addressed. Condition recommended – see Condition No. 41(iii).
Additional staff parking is in tandem layout and therefore difficult to manage.	<p>The proposed increased staff car parking configuration does include tandem stacked car parking, the operation of which is subject to a Plan of Management (refer Attachment 15).</p> <p>This plan of management identifies that staff induction and training includes the requirement that no staff car parking is to occur within the designated visitor parking area and the plan of management identifies that the car parking spaces provided will in effect be rostered in their allocation to members of each shift.</p>	Issue addressed. Condition recommended to comply with the Revised Plan of Management. See Condition No. 5.
There will be no reduced traffic impact upon Bass Drive	The comparative traffic analysis has identified that the proposed split of traffic generated by the	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>development between Bass Drive and Seven Hills Road would be less than the quantum of traffic anticipated to be generated by a retail nursery or single dwelling houses when the RTA traffic generation guidelines are applied.</p> <p>Clearly the focus has been to direct the majority of vehicle movements generated by the proposal to be accommodated by Seven Hills Road rather than Bass Drive.</p>	
Vehicle generation rates in the assessment are incorrect.	The traffic impact assessment has been undertaken by a reputable well regarded traffic consultant who has utilised both published RTA guidelines, comparative experience and comparative survey of other similar premises on which to base the analysis.	Issue addressed.
At staff change over 100+ vehicle per hour would result.	<p>The maximum staff on-site at any one time is 97 staff between 2.30 and 3.00pm. This comprises the morning shift of 62 and the incoming afternoon shift of 35.</p> <p>At this worst case change over 35 staff would arrive at the site and 62 would depart from the site.</p> <p>The traffic assessment identifies that not all staff will arrive by car. The report identifies that 85% of the morning shift will drive cars which equates to 42 vehicles. For the afternoon shift 56% of staff are expected to drive cars which equates to 21 cars. Therefore the total number of cars arriving over the busiest shift change over period is 63 vehicles.</p>	Issue addressed.
Boom gates will lead to charge parking.	The boom gate is proposed to be located on the western driveway (refer to Attachment 4 – Basement Floor Plan). The boom gate is located to the	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>south of the entry into the visitor car park area that ensures that unimpeded access for visitor car park is provided. The boom gate precludes vehicles using the driveway to gain access from Bass Drive through to Seven Hills Road. Similarly the boom gate precludes access from Seven Hills Road into the visitors car park area</p> <p>The boom gate would not and could not facilitate the implementation of a paid visitor car park scheme.</p>	
Parking in Bass Drive will result in a single lane of traffic only.	The proposed 27 visitor car parking spaces has been provided on the basis of comparative survey analysis which identifies that this level of car park more than adequately caters for the expected demand. The provision of safe undercover visitor car park space ready accessible to the facility is considered to be a far more desirable option than for visitor car parking to take place in the street network.	Issue addressed.
Traffic will exacerbate access difficulties on Seven Hills Road from Bass Drive.	<p>As identified in the traffic assessment the peak traffic generating periods of the proposed development do not correspond with the morning and afternoon peak traffic periods. That is, vehicles entering and leaving the site will predominantly be doing so when traffic volumes on Seven Hills Road are at levels below their peak traffic volumes.</p> <p>The proposal is therefore unlikely to contribute to increased access difficulties on Seven Hills Road during the peak periods.</p>	Issue addressed.
To be consistent with the Draft LEP all buildings should be single level.	The draft LEP does not propose single level building height limits in this locality. The draft LEP proposes a maximum	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	building height limit of 9m within which a two-storey building with pitched roof could be comfortably accommodated.	
Out of scale and over - development	<p>Having regard to the scale and character, the proposal includes significant and generous side and street boundary setbacks and building articulation to ensure that the interface between the proposed building and adjoining residential development is managed to avoid adverse impacts. It has been demonstrated that the proposal is compliant in regard to maintenance of solar access and avoiding privacy impacts.</p> <p>Where a potential overlooking opportunity exists from the proposed dementia terrace, privacy screens are proposed to be installed to ensure that overlooking from this area to adjoining properties is not possible.</p> <p>The three level element of the building is located centrally on the site and when viewed from the streets or adjoining properties the development will be viewed as a 2-storey structure.</p>	Issue addressed.
Insufficient parking	The proposed level of car parking provision is in excess of the minimum requirement of the SEPP. The amount of car parking has been demonstrated to be consistent and compatible with car parking demand and visitor car park demand generated by similar facilities with similar location characteristics.	Issue addressed.
Non-compliance with height standard of the SEPP	The proposal complies with the height standards of the SEPP.	Issue addressed.
Privacy Impacts	The proposal includes generous landscaped setbacks and configuration of openings to avoid privacy impacts. The	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
	proposed dementia terrace adjacent to the western boundary could have afforded opportunities for overlooking into adjoining properties which have been sought to be avoided through a combination of privacy screens, landscaping, and physical separation from the site boundaries/. The setbacks range between 6.27m and 8.42m to the east boundary and between 9.395m and 11.63m to the west boundary. Impacts upon privacy are considered to have been avoided.	
Centres used for comparative data are inappropriate	The centres chosen for the comparative traffic data were carefully considered to ensure that they were facilities that were not located close to heavy rail transport system and which relied upon bus public transport. The areas are similar in terms of the age existing housing stock and are not located close to major urban centres. The comparative data and the comparative centres from which the data was collected are considered to be appropriate.	Issue addressed.
Nothing to stop staff from accessing Bass Drive and parking in the visitors car park.	<p>Staff access to the car park is limited by the management plan and the requirement that all staff access is provided from Seven Hills Road.</p> <p>The boom gate control point located along the eastern boundary also limits the ability of staff to attempt to access the visitor car parking from the Seven Hills Road entry point.</p> <p>The plan of management that has been provided regarding staff car parking provision and management would form a part of the development consent conditions which would also be enforceable by Council.</p>	Issue addressed. Condition recommended to comply with the Revised Plan of Management – see Condition No. 5.
Noise impact from substation and	Any transformer or upgrade to the electricity infrastructure will	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
electromagnetic field impacts.	be required to comply with the requirements of the supply authority and will be subject to compliance with all relevant Australian Standards.	
Relationship between the development and adjoining properties is inappropriate.	<p>The proposed building is set back a minimum of 6.27 m to the eastern boundary and a minimum of 9.395 m to the western boundary. Sections DD, EE and FF (refer Attachment 10) demonstrate that the combination of the excavation of the site, the setbacks result in a presentation to the adjoining properties a maximum of two storeys, with these two-storey elements significantly set back.</p> <p>The setbacks ensure that overshadowing and privacy impacts are avoided and that opportunities for boundary screen landscaping are accommodated.</p> <p>The building has been designed to step down to interface with the residential properties and is considered to be an appropriate treatment of the relationship between the proposed building and adjoining dwellings. The overall design has ensured that buildings sit within a landscaped setting commensurate with the landscaped setting of surrounding dwellings.</p>	Issue addressed.
No attempt to address concerns raised by residents. The development is totally unsuitable to this site. The changes in the amended DA are not significant and there are significant concerns regarding the size of the development and the privacy of neighbours.	The amendments undertaken included a reduction in the height of the overall development by a further 1 metre, reduction in the number of driveway entry points on Bass Drive to increase landscaped opportunities, a reduction in the capacity of the facility down to 232 beds and increase in the provision of on-site car park are all considered to be genuine attempts to address the concerns raised to the original application.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>Single storey height requirement should apply to the eastern interface of the site. The SEPP should not be supported.</p>	<p>The proposal meets the SEPP requirement of two storeys to adjacent boundaries including the eastern (side) boundary.</p> <p>Nonetheless, the applicant has demonstrated that the proposed height and configuration of the development would not result in significant shadowing, loss of privacy or result in a development that is out of character or demonstrates a poor relationship with adjoining development.</p>	<p>Issue addressed.</p>
<p>No evidence to support no adverse impact as a result of the proposed building height.</p>	<p>The proposition that the height of the facility has not led to adverse impacts is a function of the consideration of the impacts in relation to overshadowing, privacy, bulk and scale and the relationship with adjoining development.</p> <p>The proposed building height does not result in any adverse overshadowing impacts or loss of solar amenity into adjoining properties. The relationship of the building and setbacks is such that privacy and overlooking is avoided and where potential conflicts were identified privacy screens have been proposed.</p> <p>As detailed in the amended application the stepping down and resulting scale and heights of buildings at the site boundaries relative to the large setbacks provided provide appropriate spatial separation and landscape screening opportunities to the building.</p>	<p>Issue addressed.</p>
<p>Three storey building is inappropriate.</p>	<p>The building centrally on the site is a three storey building. Significant sections of the lower level is effectively provided substantially below existing ground level.</p> <p>The three level section of the</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>proposed building is located centrally on the site and when viewed from adjoining properties and to street frontages the building will present as a two-storey structure.</p> <p>As the proposed three storey structure does not result in adverse impacts relating to solar access, privacy and relationship to site boundaries and adjoining development, the proposal is considered appropriate.</p>	
Exhaust fumes impact	<p>The eastern driveway will be utilised by passenger vehicles accessing the 27 visitor car parking spaces with these vehicles traversing the driveway adjacent to the adjoining residential property.</p> <p>The service vehicles accessing the site would enter from Seven Hills Road and leave via Seven Hills Road thus traversing past the adjoining service station development.</p> <p>The only exception is the once per weekday garbage truck service which would, after entering from Seven Hills Road exit the site via Bass Drive and therefore traverses the adjoining residential property.</p> <p>Such is considered to be very low volume of traffic movement and therefore not excessive.</p> <p>Exhaust ventilation will be provided from the basement car park areas to the roof level.</p>	Issue addressed.
Noise and privacy impacts from the car park	<p>The application has been accompanied by an acoustic assessment which has recommended the erection of an acoustic fence along the eastern boundary of the site to a height of 2m along the residential property boundary.</p>	Issue addressed. Condition recommended, see Condition No. 79.

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>The acoustic assessment has identified that with the inclusion of this structure compliance with acoustic impacts from vehicles traversing along the eastern boundary and in particular the once per week day garbage trucks will be compliant with noise impact assessment criteria.</p> <p>In relation to privacy, the car park is effectively below ground level such that vehicles leaving the site are approximately 3m below the ground level of the rear yards of adjoining properties affording no opportunities to view into these yards. Privacy is further aided by the proposed 2m high acoustic fence to be erected.</p>	
<p>Safety impact on Thomas Extrem Reserve</p>	<p>The Thomas Extrem Reserve is located to the west of the site. Vehicles arriving to and leaving from site have no requirement to traverse beyond the westernmost proposed driveway in Bass Drive which is some 80 - 90m before the reserve.</p> <p>The provision of appropriate levels of on-site staff car parking, visitor parking, and service vehicle access support the position that there is no need for traffic generated by the development to utilise Bass Drive beyond the subject site.</p> <p>Vehicles leaving site will turn left to travel to Flinders Avenue to leave the area. It is considered that the concerns over the safety impacts to Thomas Extrem Reserve would not arise from the proposed development.</p>	<p>Issue addressed.</p>
<p>Submissions received after the 2nd Notification Period</p>		
<p>The vicinity is not the only area that is zoned 2(b) for low residential dwellings.</p>	<p>The use is permitted in the Residential 2(b) area by virtue of the Seniors Housing SEPP</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>Local residents are curious as to how the residents in similarly zoned areas within the Shire are treated. They have witnessed the processing of development applications at Council Ordinary meetings where applications have been refused as the developments would have adversely affected the amenity of neighbouring residents and the developments were not in keeping with the well being of the area. Some notable quotes included <i>"Approving this DA in Zone 2(b) will redefine the Zone and create a very dangerous precedent for all properties Zoned 2(b) Low-Density Residential in the whole Shire"</i>.</p>	<p>and has been designed to avoid adverse amenity impacts to adjoining residents relating to solar access, privacy and noise management.</p> <p>The provision of this type of facility is being encouraged by the State Government via the Seniors Housing SEPP in line with its aim to increase the supply and diversity of residences that meet the needs of seniors and make efficient use of existing infrastructure and services in the area, These aims will be achieved by setting aside local planning controls that would prevent this type of development that meets the development criteria and standards specified in the SEPP and by setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form. The proposal has been designed in accordance the development standards and design principles set out in the SEPP.</p>	
<p>The developer has no understanding that people choose to live in the area for its amenity, peacefulness and safety. The majority of houses are only single storey as residents in the area bought their houses on the basis of living in the area for a long time and therefore have thoughtfully chosen their house based on easy mobility in a single storey house especially when one becomes older. The residents have chosen their houses for a quality of life.</p> <p>No one would buy a property beside such an oversized development, and then invest a substantial amount of money to build a new</p>	<p>The reference to future development can only reflect what is permitted and contemplated by the current and proposed controls for the area. The locality is proposed to be subject to a 9m height control that could clearly accommodate two storey developments.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>residence on the property. Any reference to the proposed development being in scale with expected "future" two storey houses developed next door to the proposed development is irrelevant. There will not be any two storey houses redeveloped in the future next door to an oversized development, and therefore any comparison by the developer is inappropriate.</p>		
<p>The amended application merely involves "burying" the 3 storey building(s) by means of excavating, to reduce the proposed height by only one metre, and provision of further parking is dubiously based on providing tandem parking for staff – a system which has proved in many cases to be either ignored or ineffective.</p>	<p>The excavation proposed is a consequential response to the concerns regarding building height and has facilitated a substantial reduction in the apparent building mass.</p> <p>The tandem car parking spaces are for staff and with controlled shift change-overs the utilisation of these spaces can be readily accommodated, which is covered in the Revised Plan of Management. The applicant will be required to comply with the Revised Plan of Management as a condition in any approval.</p> <p>The use of tandem spaces for staff parking is a proven successful method of car parking provision subject to strict compliance with the rules governing such type of arrangement.</p>	<p>Issue addressed. Condition recommended – see Condition No. 5.</p>
<p>The tragedy which unfolded with the Quakers Hill Aged Care Facility has caused the concerned resident to revisit the whole project from a safety point of view which had not really been taken into account previously. The frailty of the residents, and the strain already put on the nursing staff to handle normal day-to-day activities, and even with the proposed compulsory sprinkler</p>	<p>This type of facility is classified as a Class 9c building under the provisions of the Building Code of Australia and under Table E1.5 of the BCA sprinklers are required throughout the building.</p> <p>Should the development be approved a prescribed condition is recommended to comply with the BCA. A Certifier must satisfy himself that a development complies with the</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>systems, smoke alarm detectors, none of these things happens in a timely way to ensure the safety of these residents, all of whom according to the proponent target those aged 80 plus.</p> <p>As the development faces Bass Drive (a narrow cul-de-sac street with only one way out) even with the best in-house training of evacuation procedures, the bottle-neck which would ensue would put at risk not only those in the aged care facility, but also the 80 homes in Bass Drive, who would also require evacuation in the event of fire, through the same one way access.</p> <p>More importantly than all the foregoing is why would you locate this facility next door to a petrol station. If you were to duplicate the Quakers Hill experience here, the potential for an explosion that would see widespread injury and destruction is very real.</p>	<p>BCA when issuing a Construction Certificate. This can be achieved by meeting deemed to satisfy provisions (set standards) or performance based solutions (which must be certified by an accredited Fire Engineer). When issuing an Occupation Certificate, the certifier must provide a Fire Safety Schedule, which includes measures such as early warning (smoke detectors), fire compartments (fire and smoke doors), extinguishers, hose reels and emergency lifts (in some circumstances). Within 12 months, Council will send out the Annual Fire Safety Statements, which is the responsibility of the owner who has to sign off on them.</p> <p>The proponent is an experienced provider of aged care facilities and employs professional and well trained staff. The operations and procedures are constantly reviewed and updated to ensure best practice is provided and maintained.</p> <p>The site has two frontages and therefore any evacuation could be undertaken to either of these streets, not to Bass Drive only.</p> <p>The location of the building near a petrol station is addressed in contemporary building code and fire safety requirements. Just as the proposed development must be designed and located to avoid the spread of fire to adjoining properties (residential or petrol station) adjoining uses must also be designed and operated to avoid fire spread risk to the future aged care facility.</p> <p>It is also noted that the facility is located almost directly opposite the new fire station.</p>	

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>It was noted that as recently as 11 November the developer has submitted to Council details of modifications to its plans for the proposed development. This is another example of the developer having an apparent little regard for the concerned neighbouring residents whom they are not making privy to the full scope of the development. For example we refer to the fact that their amended plans which were lodged with Council following on from the conciliation meeting only displayed a two room reduction in the total number of bedrooms while the developer claimed to have made a much greater reduction in the amount of beds that will still be included in the development.</p>	<p>The revisions noted only relate to the removal of the stair to the roof top plant area which was in response to a concern raised by Council to ensure compliance with the 8m building height control .</p> <p>The capacity of the proposal has been reduced to 232 beds and is a reduction in the originally proposed 266 beds of 34 beds or 34 residents.</p> <p>The capacity of the proposal in terms of beds will be limited by the scope of any development consent issued should the application be approved.</p>	<p>Issue addressed.</p>
<p>There are over 76 age care facilities within a 10 kilometre radius of the subject site and those facilities display that they can already provide care for patients needing low care, high care as well as dementia patients for almost 8000 residents of those facilities.</p>	<p>Whether this claim is accurate or not is not sufficient reason to prove that the proposed facility is not required. Unlike some businesses (e.g. child care), aged care services draw clients from a wide range of locations, due to factors such as cost and service models offered. Council's demographic data indicates this area is ageing, and it may be that this age group will be able to choose to remain in their local area rather than move out for accommodation services, however it is about services and fees and charges.</p> <p>The proposal has been put forward by a specialist operator of aged care facilities with significant experience in New South Wales.</p> <p>The proposal has been prepared to respond to identified demand within the north-west area of</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>Sydney and responds to the widely recognised increasing demand for housing for aged persons that is recognised within the Metropolitan Plan for Sydney 2036 and the subregional strategy.</p>	
<p>It is apparent from the architect diagrams which the developer submitted to Council on 11 November that the ceiling level of the residence at No. 3 Bass Drive is on the exact same level as the ground level of the proposed development. Surely it must follow from that there will be a resultant loss of amenity for at least the residents at No. 3 Bass Drive owing to shadow caused by the buildings of the development. Another loss of amenity for the residents of No. 3 Bass Drive would be the level of noise emanating from vehicles utilising the planned driveway which is in close proximity to the boundary of the site and near to their residence. The garbage collection is to be carried out close to that home which also is a likely noise nuisance.</p>	<p>The building adjacent to No. 3 Bass Drive is proposed to be set back 13m from Bass Drive, which is an alignment consistent with the dwelling. The proposed building does not project forward of the alignment of No.3 Bass Drive.</p> <p>From the common boundary with No.3 Bass Drive the building is setback 11.63m. Section DD in Attachment 10 clearly shows that above the existing natural ground level the building proposes two storeys. Council's DCP for Apartment Building or Townhouses stipulates 6m setbacks from side boundaries. It is demonstrated that there is sufficient separation and that solar access to No. 3 Bass Drive would be maintained.</p> <p>In relation to the single weekday garbage truck movement, the acoustic report recommends the installation of a 2m high acoustic fence along this boundary to ensure compliance with acoustic amenity criteria. This will be conditioned in any approval.</p>	<p>Issue addressed. Condition recommended – see Condition No. 79.</p>
<p>There are regulations regarding emergency evacuations and their regular conduct. Not only do those regulations require that there be safe assembly points but it is also stipulated that full as well as partial evacuations must be conducted at regular intervals. It is an O.H. & S. requirement that the occupants of a building who</p>	<p>The applicant has provided a BCA report that indicates the building has been designed to comply with all the required fire safety requirements, which in this instance include sprinklers throughout the building and any fire compartment containing Class 7a and 9c parts. All building work (which includes fire safety measures) will be required to be carried out in accordance with the Building</p>	<p>Issue addressed. Condition recommended – see Condition No. 7.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>are not ambulant exit the building after the able bodied persons. Following on from the Quakers Hills fire, the NSW Premier has sought investigations and reports hoping to prevent any like tragedy. If the subject proposal were to go ahead in its current detail surely with patients including those of a palliative nature and those suffering from dementia, being located on the third level of the building, it would be a horrendous calamity waiting to occur.</p>	<p>Code of Australia as a condition of consent should the application be approved.</p>	
<p>The proximity of the proposed development to a busy petrol outlet exacerbates the potential danger suggesting that the fumes from petrol will ignite at any temperature from minus 40 to plus 40 Centigrade. Generally fumes at a petrol supplier only have the potential of igniting at the time the fuel is being dispensed from or introduced to the storage tanks. However again considering a worst case scenario, what if the ambient heat of the area caused the gases and even the liquid fuel within the large storage tanks to expand and explode. It should be pointed out that adjacent to the borderline between the proposed development and premise of the fuel supplier there are numerous stored cylinders of liquefied petroleum gas.</p> <p>How would the proponent manage the evacuation of over 300 residents and staff from three storeys of building with many of them being confined to bed. If everyone was able to get away from the buildings</p>	<p>As discussed above, the location of the building near a petrol station is addressed in contemporary building code and fire safety requirements. Just as the proposed development must be designed and located to avoid the spread of fire to adjoining properties (residential or petrol station) adjoining uses must also be designed and operated to avoid fire spread risk to the future aged care facility.</p> <p>The responsibility for compliance with the standards for storage and handling of combustible liquids is of the service station. The adjacent service station does not have above ground storage tanks except 3 decanting cylinders for filling bbq gas bottles nor does it sell LPG for vehicles.</p> <p>A decanting cylinder shall not be stored indoors, used indoors or used in a portable application and shall be located on the ground in a static position (as per AS/NZ 1596:2002). The minimum separation distance for installation of decanting cylinders to buildings on neighbouring property is 5m. It is noted that the proposed facility is set back a minimum of</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>where would they proceed to?</p>	<p>9.395m from the western boundary with a driveway ramp providing the separation.</p> <p>There are zones of classification of hazardous areas, which generally apply around the dispensing areas. The largest buffer distance for a ventilated area being 4m. Hazardous goods are regulated by Workcover.</p> <p>The adjacent Caltex Service station lodged a submission and noted that they understandingly take interest when development occurs next to their sites where future compatibility issues may arise. Caltex raised no objection to the development in principle subject to necessary measures being taken by the applicant to insulate the facility against any existing background noise and light associated with the service station use.</p> <p>The class of building proposed will require the building to be sprinkled regardless of any outcome of a review into nursing home construction. The proponent is an experienced provider of aged care facilities and employs professional and trained staff. The operations and procedures are constantly reviewed and updated to ensure best practice is provided and maintained.</p> <p>It should be noted that the facility is located almost directly opposite the new fire station.</p>	
<p>The developer has given no consideration to the contingencies that occur in the event of an emergency. Not only would there be the occupants from the aged care facility in need of evacuation but there would be the residents from the 88 homes in Bass Drive, which</p>	<p>The proponent is an experienced operator of aged care facilities. They are well aware of and experienced in the development of emergency management plans for these facilities. Further they are well aware of the requirements and have sought to ensure that all relevant safety requirements</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>has only one point of egress, to be thought about. It is likely that any development would cause there to be additional vehicles utilising Bass Drive as access as well as for parking and thus restricting the passage of any vehicle along Bass Drive which emphasises the concern for allowing the passage of any emergency vehicle that may be required anywhere in the entire length of this otherwise quiet cull de sac. Bass Drive is the designated front entry to the proposed development.</p>	<p>are able to be complied with by the proposed building.</p> <p>In an emergency situation the fact that the site has two frontages and access to two street frontages would be an advantage that would be utilised.</p>	
<p>The reality of the fire that occurred at Quakers Hill Aged Care Facility which necessitated in the attendance of multiple emergency vehicles including fire fighting, ambulance and police along with numerous emergency personnel not only demonstrated the efficiency of emergency services but also showed the area that is required for them to operate. It should be pointed out that the Quakers Hill facility only consisted of one level of buildings. The number of patients and staff who were on site at the time was less than a third of the number that is planned for this development. One fortunate aspect at Quakers Hill is that the facility is located along Hambledon Road which is a much larger thoroughfare than Bass Drive and provided access for all necessary vehicles.</p>	<p>As stated above in an emergency situation the emergency services would be expected to utilise both street access locations not just Bass Drive.</p> <p>The required level of construction standard and fire safety measures for this facility is greater than that required of the Quakers Hill facility.</p>	<p>Issue addressed.</p>
<p>The proposed traffic lights and other alterations and additions to road structures in the vicinity will likely cause them all having to be</p>	<p>Traffic control measures are matters encountered and dealt with by emergency services on a daily basis.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>regarded by not only the developer but also any emergency service.</p> <p>Any multi storey development on the subject site that increases the density of population is inappropriate and therefore should not be recommended for approval.</p>	<p>In regard to multi-level development, these forms of buildings are generally subject to more stringent fire safety standards, e.g. the proposed building will be required to be sprinkled.</p>	
<p>No full artist impression or perspective of this development highlighting the streetscape, the surrounding houses from street level in relation to this oversized development, the shadows from this proposed development, and also cars/people in relation to the scale of this proposed development were submitted with the application. Only a bird's eye view has been provided which indicates a very false impression of the scale of this oversized development. The resident has been advised that a scale model is not required under the SEPP, which he strongly disagree with due to the scale and location of this proposed development. This is a \$46M three storey development to be built in a quiet, residential cul-de-sac street surrounded by single storey residential houses.</p>	<p>The application has been supported by all documentation required to be submitted, which has included perspectives from 3 different angles and shadow diagrams. Refer Attachments 11 & 12.</p>	<p>Issue addressed.</p>

SUBDIVISION ENGINEERING COMMENTS

No objection is raised to the proposed development subject to conditions of consent.

TRAFFIC COMMENTS

Council's Principal Traffic and Transport Coordinator has assessed the proposal including the traffic study submitted with the application and provided the following comments:

1. Traffic Impact

i) Existing Traffic Environment

This application proposes to demolish existing buildings associated with the previous use as a nursery and several adjoining residential buildings and provide a 232 bed facility for

low care, high care and palliative care wards along with a dementia day care service. 62 staff are proposed for the main day shift. A traffic impact statement has been prepared by Varga Traffic Planning to accompany the application. The application was also referred to the Roads and Traffic Authority for comment under the provisions of the Infrastructure SEPP 2007.

The proposed development has a 134m frontage to Seven Hills Road and a 135m frontage to Bass Drive. Seven Hills Road is a 12.8m wide classified regional road under the RTA'S road hierarchy (which is under Council's control) and sustains around 1700-2000 vehicle movements during the commuter peak periods. Bass Drive is a local road and typically sustains around 53 peak hour vehicle movements.

ii) Proposed Development - Traffic Generation

The Roads and Traffic Authority Guide to Traffic Generating Developments provides an indicative traffic generation rate for this type of facility of 0.1-0.2 peak hour vehicle trips/dwelling. Accordingly, application of these rates and discounting the trips generated by the existing development results in a net decrease of 66 trips.

However a more accurate methodology is to survey existing similar facilities taking into account staff changeover times etc. On this basis the consultant has considered the results of surveys conducted at similar RCAF's taking into account staff and visitor movements and that access to the site will be restricted to visitors via Bass Drive and all other movements including staff and delivery vehicles via Seven Hills Road.

In this regard the consultant has estimated that based on the survey data there will in the order of 10 visitor trips per hour accessing Bass Drive on a typical day with a possible maximum of 19 trips on a Wednesday lunch time. Discounting the trip generation of 5 trips from the existing residences equates to an additional 5 typically to 14 maximum hourly trips. There are no Environmental Capacity calculations for either Bass Drive or Flinders Avenue as part of the Residential Development and Traffic Study undertaken by TAR Technologies in 2005 however when comparing the characteristics of similar roads it would be expected that both roads would have EC within the range of 300-350 vehicles/hour.

Using both the count data provide by the consultant and Council surveys indicate that Finders Avenue currently sustains around 272 morning peak hour trips and Bass Drive 53 morning peak hour trips.

The additional maximum of 14 hourly trips generated by visitors during a Wednesday lunch period outside the road peak hours of Flinders Avenue and Bass Drive will have negligible impact on the operational or environmental capacity of Flinders Avenue or Bass Drive.

All other vehicle movements during the morning shift change including staff and delivery vehicles will access the property via the classified regional Seven Hills Road. The consultant estimates these additional trips at 57 vehicle movements in the morning between 6:00am – 7:30am and 43 trips in the afternoon between 2:00pm and 3:30pm. As these shift changes largely occur outside normal road peak hours the impact on Seven Hills Road is negligible.

iii) Need for Traffic Improvements in the Locality

There are no traffic improvements that Council proposes to undertake as a result of this proposal. However, there are external works recommended in the Access Report to make the site fully accessible to the relevant bus stops such as modifications to existing kerb crossings in Flinders Avenue and rectification of footpath surface along Seven Hills Road.

The costs associated with these works shall be at the applicant's expense. A condition is recommended to comply with the Access Report, see Condition No. 4.

iv) Traffic egress/ingress to arterial/sub-arterial roads

As referred above vehicular access is proposed to be split between visitors' access off Bass Drive and all staff and delivery vehicles utilizing Seven Hills Road. Staff generating the majority of trips will access the undercover parking spaces via the eastern driveway while all delivery vehicles will use the western driveway adjacent to the adjoining service station driveway. It is intended to retain left and right turn ingress and egress movements for both driveways on Seven Hills Road.

v) Sight distance and other safety issues

The two driveways Seven Hills Road and single in Bass Drive are located to provide sufficient safe intersection sight distance for vehicles entering and leaving the premises at the respective signposted speed limits.

It is intended that the intersection of Seven Hills Road and Baulkham Hills Road will be signalized in the near future. As part of the signal design the intersection of Seven Hills Road and Flinders Avenue will be restricted to left in left out by means of a concrete seagull island.

No objection is raised to the proposal in terms of traffic impact.

SECTION 94 COMMENTS

Council's Section 94 officer has reviewed the proposal and recommended the imposition of a Section 94 contribution in any consent. The traffic component of Section 94 Contributions Plan No. 7 – Southern Precinct has been imposed on this Development Application based on a Court issued consent in Samantha Riley Drive, Kellyville for similar development. A variation from the adopted Contributions Plan is reasonable on the grounds that the development will demand the improvement of traffic facilities as provided by the plan.

TREE MANAGEMENT COMMENTS

No objection is raised to the proposed development subject to conditions of consent.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection is raised to the proposed development subject to conditions of consent, including conditions relating to noise, light spill, site remediation and validation.

WASTE MANAGEMENT COMMENTS

No objection is raised to the proposed development subject to conditions of consent.

COMMUNITY SERVICES COMMENTS

The requirement for seniors housing services in the area is increasing. No objection is raised to the proposal subject to assessment of relevant Council staff of the impact on existing residents in the area due to changes/increase in traffic as a result of this development.

(N.B.: The traffic impact has been assessed separately by Council's Traffic & Transport Coordinator - see traffic management comments above).

HERITAGE COMMENTS

The application was referred to Council's Heritage staff to comment on the proposed demolition of one of the existing dwellings more than 50 years old pursuant to Clause 35

of BHLEP 2005. No objection is raised to the proposed development subject to conditions of consent.

PROPERTY & PARKS COMMENTS

No objection is raised to the proposal to undertake landscaping and maintenance on Lot 18 DP 806095 subject to a condition that no fixed structures including fencing shall be erected within Council's land. See Condition 1.

ROADS & TRAFFIC AUTHORITY COMMENTS

The Development Application was referred to the RTA for comment as the site is located on a classified road. The RTA comments (dated 20 June 2011) have been incorporated into a condition of consent. Refer to Condition No. 2 and Attachment 14.

NSW POLICE COMMENTS

The Development Application was referred to the NSW Police for comments under Council's adopted "Safer by Design" Protocol.

The Police comments (dated 5 June 2011) have been incorporated into a condition of consent. Refer to Condition No. 3.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 79C of Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Infrastructure) 2007, and State Environmental Planning Policy Housing for Seniors or People with a Disability 2004 and is considered to be satisfactory.

The Development Application is recommended for approval subject to conditions.

IMPACTS:

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

Hills 2026

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for satisfactory urban growth without adverse environmental or social amenity impacts and ensures a consistent built form is provided with respect to the streetscape and general locality.

RECOMMENDATION

The Development Application be approved subject to the following conditions of consent:

GENERAL MATTERS

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent.

The amendments in red include: -

- i) Provide a minimum of 2m landscaping strip in front of the 3 parking spaces adjacent to the driveway entry to the porte-cochere.

REFERENCED PLANS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA01	Site Plan	CC	01/09/2011
DA03	Basement Floor Plan	DD	01/09/2011
DA04	Ground Floor Plan	DD	01/09/2011
DA05	First Floor Plan	EE	01/09/2011
DA06	Second Floor Plan	EE	01/09/2011
DA07	Roof Plan	CC	01/09/2011
DA08	Sections A-A, B-B, C-C	EE	01/09/2011
DA09	Sections D-D, E-E, F-F	DD	01/09/2011
DA10	Elevations	EE	01/09/2011
001	Landscape Design Statement	F	30/08/2011
002	Landscape Masterplan (Render)	F	30/08/2011
003	Lower Ground Landscape Plan	F	30/08/2011
004	First Floor Landscape Plan	F	30/08/2011
005	-	F	30/08/2011
006	Landscape Detail Plan A	F	30/08/2011
007	-	F	30/08/2011
008	Landscape Detail Plan B	F	30/08/2011
009	-	F	30/08/2011
010	Landscape Detail Plan C	F	30/08/2011
011	-	F	30/08/2011
012	Landscape Detail Plan D	F	30/08/2011
013	Landscape Elevations	F	30/08/2011
014	Planting Palette	F	30/08/2011
015	Planting Palette	F	30/08/2011
016	Planting Palette	F	30/08/2011
017	Planting Palette	F	30/08/2011
018	Indicative Landscape Specification	F	30/08/2011
019	Plant Schedule	F	30/08/2011
020	Materials Palette	F	30/08/2011

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Compliance with Roads and Traffic Authority (RTA) Requirements

Compliance with the requirements of the Roads and Traffic Authority (RTA) requirements attached as Appendix (1) to this consent and dated 20 June 2011.

3. NSW Police Recommendations

The following conditions are required by the NSW Police Service or as otherwise agreed by NSW Police and Council in writing:

Surveillance

- Lighting is required to meet minimum Australian Standards to ensure safety by improving visibility and detection of offenders. Special attention should be given to lighting for the entry/exit points from the building, car park and access/exit driveways. Site transition lighting is needed to reduce visual impairment i.e. walking from light to dark places.
- Landscape works are to be maintained at all times to minimise concealment and entrapment opportunities.

Access Control

- Use of CCTV to monitor the common areas lobbies, access/exit driveways and car parks where possible.

Territorial Reinforcement

- The site is to be clean and maintained at all times, including repairing vandalism and graffiti, replacement of car parking lighting and general site cleanliness.
- Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove and often a ghost of the image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particular in at-risk areas. This should be considered when selecting material for construction.

Other Matters

- The use of sensor lighting and a security company to monitor the site while construction is in progress is recommended.
- If nursing staff are working a shift where only one nurse is on-site, it is suggested that the nurse be given a mobile panic alarm in the event an unauthorised entry is made to the facility. This will enable the nurse to raise alarm without having to locate and activate a fixed panic alarm.
- Medicine room/s and or cabinets are to be alarmed as well as any doors that give external access to the street.

4. Access Report

The applicant shall carry out the works recommended in the Access Report prepared by Access Associates Sydney dated 14 April 2011 (Project Number A10039) to ensure the site is accessible to and from the nearby bus stops, as follows:

- Modifications to existing kerb crossings in Flinders Avenue; and
- Rectification of footpath surface along Seven Hills Road;

5. Revised Plan of Management

The applicant shall adhere to the Revised Plan of Management dated 30 August 2011 attached as Appendix (2) to this consent addressing the four key areas of operation, i.e. hours of operation, staffing, traffic management and community relations.

6. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

7. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

8. Provision of Parking Spaces

The development is required to be provided with 96 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

9. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

10. Separate application for Signs

A separate application being submitted to, and approved by Council prior to the erection of any advertisements or advertising structures.

11. Fixed Structures within Council's land

Under no circumstances is the applicant to place any fixed structures within Council's land which includes fencing.

12. Tree Removal

Approval is granted for the removal of trees numbered 1-5, 8, 10, 11, 13-19, 21, 24-27, 30-43, 47, 49, 50, 54-56, 58-61, 63, 64, 68-77, 79-83, 85-88, and 90 as per First Floor Landscape Plan drawing number 004 issue F prepared by Site Image and dated 30.08.2011.

Additionally trees numbered 6, 12, 20, 22, 23, 53, 57, 62, 78 and 84 may be removed as they are exempt from Council's Tree Management Provisions.

13. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

Angophora costata is to be replaced with Eucalyptus microcorys.

14. Tree/s to be retained

To maintain the treed environment of the Shire, trees numbered 7, 9, 28, 29, 44-46, 48, 51, 52, 65-67, and 89 as per First Floor Landscape Plan drawing number 004 issue F prepared by Site Image and dated 30.08.2011 are to be retained and protected during all works.

15. Adherence to Approved Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

16. Waste Storage and Separation - Construction and Demolition

The reuse and recycling of waste materials must be maximised during construction and demolition. The separation and recycling of the following waste materials is required:

- 1) masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- 2) timber waste to be separated and sent for recycling;
- 3) metals to be separated and sent for recycling;
- 4) clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- 5) mixed waste (plastic wrapping, cardboard etc) to be sent to a licensed recycling or disposal facility

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and

must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

17. Surplus Excavated Material

The disposal/landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorised disposal of waste, which includes excavated material, is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual receipts verifying recycling/disposal must be kept and presented to Council when required.

18. Garbage Collection – Commercial/Industrial

Collection of waste and recycling material, generated by the premises, must not cause nuisance or interference with the amenity of the surrounding area.

19. Waste Collection

Waste and recycling material, generated by the premises, must only be collected between the hours of 6am and 10pm except for Sundays and public holidays, where collection shall be between 8am and 10pm.

20. Waste Management- Commercial/Industrial

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste and for the movement of recyclable materials and general waste to the main waste/recycling storage room/area.

The waste storage area must be:

- i) provided with a hose tap connected to the water supply;
- ii) paved with impervious floor materials;
- iii) graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water);
- iv) adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the *Protection of the Environment Operations Act 1997*;
- v) fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.

21. Medical Waste Storage and Disposal

A separate waste bin is to be provided for the disposal of clinical and sharps waste. Clinical and sharps waste must be collected and disposed of by an authorised contractor in accordance with the *Protection of the Environment*.

22. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the *Protection of the Environment Operations Act 1997*); or
- any other waste-derived material the subject of a resource recovery exemption under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005* that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority on request.

NOTE: The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997* (POEO Act). However, a licence is not required by the occupier of the land if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a **resource recovery exemption** under clause 51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on Department of Environment and Climate Change's website at: <http://www.environment.nsw.gov.au/waste/>

Definition of 'virgin excavated natural material' within the meaning of the POEO Act:

Natural material (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues (as a result of industrial, commercial, mining or agricultural activities), and that does not contain any sulfidic ores or any other waste.

Definition of 'waste' within the meaning of the POEO (Waste) Regulation:

In relation to substances that are applied to land, the application to land by:

- (c) spraying, spreading or depositing on the land, or
 - (iii) ploughing, injecting or mixing into the land, or
 - (iv) filling, raising, reclaiming or contouring the land,
- (d) in relation to substances that are used as fuel, all circumstances.

See Clause 3B of the Regulation for exemptions.

23. Dust Control

The following measures must be taken to control the emission of dust:

- dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work;
- all dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system;
- all stockpiles of materials that are likely to generate dust must be kept damp or covered.

24. Construction and Fit-out of Food Premises

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of Australian Standard AS 4674-2004 – Design, construction and fit-out of food premises and the provisions of the Food Safety Standards Code (Australia).

Note: Copies of AS 4674-2004 may be obtained from SAI Global on telephone 1300 654 646 or by visiting the website: www.saiglobal.com

Copies of the Food Safety Standards Code (Australia) may be obtained by contacting the Food Standards Australia New Zealand Authority on Telephone: (02) 6271-2222, or by visiting the website: www.foodstandards.gov.au.

25. Construction Noise

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity, will also be required to be submitted to Council seven (7) days of receiving notice from Council.

26. Acoustic Consultant – Traffic Noise

An appropriately qualified acoustic consultant shall be engaged to certify that the design of the traffic noise affected portions of the building complies with the *EPA's – Environmental criteria for road traffic noise*. A copy of this certification shall be submitted to Council prior to the issue of a Construction Certificate.

27. Noise to Surrounding Area

There shall be no amplified music or speakers external to the building.

28. Stockpiles

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water, to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

29. Coving (Food Shop)

The intersection of floors with walls and exposed plinths in food preparation, storage and servery are to be coved. Coving is defined as a concave curve at the junction of two surfaces with the radius of the curve to be not less than 25mm.

30. Walls and Partitions (Food Shop)

All walls are to be solid construction. Solid construction is defined as brick, concrete blocks, structural fibrous cement or preformed panels that are filled with suitable material.

31. Hand Wash Basin (Food Shop)

Hand-wash Basins:

1. Must be provided and must not be obstructed. Must be accessible at bench height and no further than 5 metres from any place where open food is handled or prepared; and
2. Must be fitted with a tap that operates hands free with a permanent supply of warm running potable water delivered through a single outlet. A soap dispenser and paper towel holder shall be provided adjacent to the hand-wash basin.

32. Asbestos Removal

Asbestos and asbestos containing material shall be removed by licensed asbestos removalist and all work must be in accordance with the requirements of the NSW Workcover Authority. Asbestos and asbestos containing material is to be disposed of in accordance with the requirements of the Department of Environment & Conservation and all dockets and paper work for the disposal shall be retained and made available to the Council if requested.

33. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic, referenced as 2010781/1509A/R3/GC, dated 15 September 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: the recommendations as listed in Section 6.

34. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Consulting Earth Scientists Pty Ltd, referenced as CES100712-PDC-01-F, dated 27 September 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: CES recommend that based on the results of the Stage 2 DSI, remediation and validation of the site must be conducted to achieve the necessary clean up criteria.

35. Food Service Central Kitchen

A rack conveyor dishwasher and independent pot wash shall be provided in the food service central kitchen in accordance with correspondence provided by Quantum Design International; Foodservice Facilities Consultants, dated 27 July 2011.

36. Café Sanitisation Provisions

Warewashing shall be catered for in the café by the installation of an under counter commercial dishwasher, suitable for food contact equipment, and a separate wash sink shall also be provided in accordance with correspondence from Quantum Design International; Foodservice Facilities Consultants, dated 27 July 2011.

37. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

38. Vehicular Access and Parking

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps is required, with their design and construction complying with:

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) AS 2890.2:2002
- d) DCP Part D Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. In urban areas, all driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

39. Gutter and Footpath Crossing Application

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the current fee as prescribed by Council's Schedule of Fees and Charges.

40. Engineering Works – Design and Construction Approval Process

The design certification and construction approval of the engineering works nominated in this consent require separate approval prior to the commencement of any works.

Works on existing public roads or any other land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road. An ECC can only be issued by Council.

All other engineering works must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

For Council to issue an ECC the following must be provided:

- a) A completed application form.
- b) Four copies of the design plans and specifications.
- c) Payment of the applicable application and inspection fees.
- d) Payment of any required security bonds.

41. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website:

<http://www.thehills.nsw.gov.au/>

The proposed driveways must be built to Council's heavy duty standard. Any driveways that traverse across a footpath are to have a maximum grade of 2.5% at those points.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

ii. Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

iii. Concrete Footpath Paving

A 1.5m wide concrete footpath paving, including access ramps at all intersections, must be provided across the street frontage of the development site transitioning into the existing footpath adjacent in accordance with Council's standard footpath detail and the above documents. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

iv. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

v. Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge based on a 1 in 10 year ARI storm event.

42. Supervision of Works

All work in the road reserve must be supervised by a suitably qualified and experienced person. The supervisors name, address and contact phone number must be submitted to Council prior to works commencing in the road reserve. A construction programme and anticipated duration of works must be submitted to Council prior to works commencing in the road reserve.

43. Public Liability Insurance

All contractors working in the road reserve must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. A copy of this insurance must be submitted to Council prior to works commencing in the road reserve.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

44. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

45. Landscape Bond

To ensure the public amenity of the streetscape a landscape bond in the amount of \$50,000.00 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Final Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team, that the works have been carried out in accordance with the approved landscape plan.

46. Internal Pavement Structural Design Certification (Waste Services)

A Certified Practicing Engineer (CPEng) must confirm the structural adequacy of the internal pavement design to Council prior to the issue of a Construction Certificate. The proposed pavement design must be adequate to withstand the loads imposed by a loaded waste vehicle (i.e. 28 tonne axle load) from the boundary to the waste collection point including any manoeuvring areas.

47. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following: -

Residential Aged Care Facility

	<i>Per 1 Bed</i>	<i>Per Credit</i>	<i>No. Of Beds: 232</i>	<i>No. Of Credits: 7</i>	<i>Total Section 94</i>
Roads & Traffic - Capital	\$ 41.27	\$ 111.08	\$ 9,574.64	\$ 777.56	\$ 8,797.08
Total	\$ 41.27	\$ 111.08	\$ 9,574.64	\$ 777.56	\$ 8,797.08

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 7.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

48. Engineering Works and Design

The design and construction of the engineering works outlined below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Stormwater Drainage – Pipe Extension

The existing street drainage in Bass Drive must be extended from the existing downstream pit to the point of discharge in the north eastern frontage of the site, where a new kerb inlet pit is required. The pipe extension must be located underneath the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

49. Onsite Stormwater Detention – Upper Parramatta River Catchment Area

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The stormwater concept plan prepared by TaylorThomsonWhitting Consulting Engineers Drawing 101258 Revision P2 dated 26/11/2010 is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan.

Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:

- A completed OSD Drainage Design Summary Sheet;
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes;
- A completed OSD Detailed Design Checklist;
- A maintenance schedule.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council subject to the following being provided:

- i. A completed application form;
- ii. Four copies of the design plans and specifications;
- iii. Payment of the applicable application and inspection fees.

50. Basement Car Park and Subsurface Drainage

The stormwater pump-out system must provide for the following:

- a) A holding tank sized to store the run-off from a 12 hour 1 in 100 year ARI storm event;
- b) A alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a 5 hour 1 in 5 year ARI storm event, whichever is lower;

- c) An alarm system to alert a pump failure;
- d) 100mm freeboard to all nearby parking spaces;
- e) The system must be connected to the Onsite Stormwater Detention system before being discharged to the street, under gravity.

All relevant plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming the design complies with the above requirements.

51. Draft Legal Documents

Where an encumbrance on title is required to be created as part of this consent, draft copies of all legal documents must be submitted to Council for checking before a Construction Certificate is issued.

52. Security Bond – Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$42,750 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (90m) plus an additional 50m on either side (100m) and the width of the road measured from face of kerb on both sides (7.5m), or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of a Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

53. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works, or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of any Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

54. Bank Guarantee Requirements (Development)

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 1421/2011/JP;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

55. Erosion & Sediment Control Plan

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
 - b) Location of the adjoining roads
 - c) Contours
 - d) Existing vegetation
 - e) Existing site drainage
 - f) Critical natural areas
 - g) Location of stockpiles
 - h) Erosion control practices
 - i) Sediment control practices
 - j) Outline of a maintenance program for the erosion and sediment controls
- (NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

56. Photographic Record

A photographic record of the house and surrounding structures is to be submitted to the satisfaction of Council's Heritage Staff prior to the commencement of works in accordance with:

- "Photographic Recording of Heritage Items Using Film or Digital Capture" (Heritage Office, 2006); and
- "How to prepare archival records of heritage items" (Department of Planning and Heritage Council of NSW, 1998).

The record is to include as a minimum:

- v. A location plan (including place and date of photographic record);
- vi. Site plan to scale;
- vii. Floor plan to scale;
- viii. Colour, and black and white digital photographs, clearly labelled and cross referenced to base plans.

Images are to show views of all elevations, internal spaces and the surrounding setting. A copy of this photographic recording should be provided to The Hills Shire Council Local History Library.

PRIOR TO WORK COMMENCING ON THE SITE

57. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

58. Management of Building Sites – Builder's Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

59. Consultation with Service Authorities

Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letterboxes respectively.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

60. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

61. Protection of Existing Trees

To ensure the long term viability of the existing trees to be retained they are to be protected strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites. All protection measures are to be in place prior to any works commencing on the subject site.

62. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

63. Site Remedial Action Plan

A complete site remedial action plan shall be prepared by a suitably qualified environmental consultant in accordance with '*Contaminated Sites; Guidelines for Consultants Reporting on Contaminated Sites*' published by the Department of Environment and Heritage (formerly the EPA), 2000 and submitted to Council. The Remedial Action Plan shall ensure that the presence of Arsenic and Zinc, and Lead found to exceed the ecological based Site Assessment Criteria and the Health based Investigation Levels, respectively.

64. Validation Report

A validation report shall be prepared by a suitably qualified environmental consultant in accordance with '*Contaminated Sites; Guidelines for Consultants Reporting on Contaminated Sites*' published by the Department of Environment and Heritage (formerly the EPA), 2000, and submitted to Council. The report shall include the rationale and justification for the validation strategy based on the Remedial Action Plan, and specifically detail the results of validation sampling and analysis and verification of compliance with Site Assessment Criteria and Remedial Action Plan.

65. Erosion and Sedimentation Controls – Major Works

Erosion and sedimentation control devices are to be provided in accordance with Council's "Works Specification - Subdivisions/Developments" (August 1997). All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

On completion of works all land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

66. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in

accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

67. Site Water Management Plan

A Site Water Management Plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater - Soils and Construction" (The Blue Book) produced by the NSW Department of Housing.

68. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and made available to Council officers on request.

69. Notification of Asbestos Removal

Prior to the commencement of any demolition works involving asbestos or asbestos containing materials, all adjoining and adjacent neighbours and Council must be given a minimum five days written notification of the works.

70. Discontinuation of Domestic Waste Service(s)

Prior to commencement of any demolition works, Council must be notified to collect any garbage or recycling bins from any dwelling/building that is to be demolished and to discontinue the waste service (where the site ceases to be occupied during works). Construction or demolition workers must not use Council's domestic and garbage and recycling service for the disposal of waste. Please contact Council's Domestic Waste Hotline on 1800 623 895 for the discontinuation of waste services.

71. Demolition Works & Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

72. Traffic Control Plan

A Traffic Control Plan is required to be prepared in strict compliance with the requirements of AS 1742.3 and the current RTA Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RTA accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

73. RTA Design Approval

Prior to any works commencing, the design and construction of the works in Seven Hills Road must be approved by the NSW Roads and Traffic Authority. Four copies of the RTA stamped approved construction plans and a covering letter from the RTA advising that suitable arrangements have been made to enable the commencement of works must be submitted to Council.

74. Separate OSD Detailed Design Approval

No work is to commence until a detailed design for the OSD system has been approved by either Council or an accredited certifier.

75. Pre-Construction Public Infrastructure Dilapidation Report

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. The report shall include:

- a) Designated construction access and delivery routes; and
- b) Photographic evidence of the condition of all public assets. The report shall clearly identify the date of recording.

DURING CONSTRUCTION

76. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

77. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

78. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

79. Acoustic Fence

A 2 metre high fence on the boundary between the Aged Care Facility and the closest residential receivers on Bass Drive shall be constructed at the expense of the applicant. The fence can be constructed by colorbond or equal with all penetrations and junctions acoustically sealed (maximum 50mm gap at the bottom of the fence to allow water flow). A qualified acoustic consultant shall be engaged to submit certification to Council that the design and construction of the 2 metre high fence complies with the abovementioned requirements.

80. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment

contamination the filters will be regularly inspected and replaced during the duration of the works.

81. European Sites or Relics

If, during the earthworks, any evidence of a European archaeological site or relic is found, all works on the site are to cease and the Office of Environment and Heritage be contacted immediately. All relics are to be retained in situ unless otherwise directed by the Office of Environment and Heritage.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

82. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site shall be carried out prior to issue of the Occupation Certificate in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with BHDCP Part D, Section 3 – Landscaping and the approved plan.

The sub-station kiosk shall be finished with graffiti-free materials.

83. Food Shop Registration Requirements

Occupation of the premises shall not occur until:

- c) The food business is registered with Council by completing and submitting the Registration of Food Business form available from Council's website; and
- d) Notification to the NSW Food Authority under Food Safety Standard 3.2.2 Division 2 Section 4 Notification is completed. This requirement is to be met by notifying through the following website www.foodnotifiy.nsw.gov.au

Evidence of notification is to be submitted to Council prior to commencement of business.

84. Hair/Beauty/Skin Penetration Premises Registrations

Occupation of the premises shall not occur until the business is registered with Council by completing and submitting either:

- c) Registration of hair dressing premises; or
- d) Annual registration of Skin Penetration Premises.

Both forms are available on Council's website www.thehills.nsw.gov.au.

85. Regulated Systems

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of the Building Code of Australia and:

- a) Australian/New Zealand Standard AS/NZS 3666.1:2002 – Air handling and water systems of buildings – Microbial control – Design, installation and commissioning
- b) Australian/New Zealand Standard AS/NZS 3666.2:2002 – Air handling and water systems of buildings - Microbial Control - Operation and maintenance
- c) Australian/New Zealand Standard AS/NZS 3666.2:2002 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of cooling water systems; and
- d) Public Health (Microbial Control) Regulation 2000

The regulated system is to be registered with Council by completing and submitting an *Application for Registration of Regulated Water Cooling/Warm Water Systems*, available on Council's website www.thehills.nsw.gov.au prior to commissioning.

86. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Acoustic Assessment prepared by Acoustic Logic, referenced as 2010781/1509A/R3/GC, dated 15 September 2010

Certification is to be provided to Council as to the correct installation of components and that the required criteria's have been met.

87. Food Premises Final Inspection

Prior to the issuing of an Occupation Certificate, the food premises shall be inspected by an authorised officer of The Hills Shire Council under the Food Act 2003, to determine compliance with the *Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design Construction and Fit-out of Food Premises*.

88. Occupational Hygienist Report for Asbestos Removal

On completion of the asbestos removal works an Occupational Hygienist shall provide an asbestos clearance for the works.

89. Internal Pavement Construction Certification (Waste Services)

Certification from a Certified Practicing Engineer (CPEng) must be submitted to Council prior to the issue of an Occupation Certificate confirming that the internal pavement has been constructed in accordance with the approved plans and is suitable for use by a loaded waste vehicle.

90. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become Council assets must be inspected by a CCTV and a report prepared. A hard copy of the report must be submitted along with a copy of the CCTV inspection on either VHS or DVD (in WMA format).

91. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

92. Compliance with NSW Roads and Traffic Authority Requirements

A letter from the NSW Roads and Traffic Authority must be submitted confirming that all works in Seven Hills Road, Baulkham Hills have been completed in accordance with their requirements and that they have no objection to the issuing of an Occupation Certificate.

93. Post Construction Public Infrastructure Dilapidation Report

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets in the direct vicinity of the development site and the means of rectification for the approval of Council.

94. Creation and Registration of Restrictions and Positive Covenants

a) Creation of Restrictions and Positive Covenants

The submission to Council of all necessary documentation together with payment of the endorsement fee prescribed in Council's Schedule of Fees and Charges to create the following over the title of the property. The wording must nominate The Hills Shire Council as the authority to release, vary or modify each restriction or positive covenant.

i. Restricting Development – OSD Modification

A restriction as to user restricting development over or the varying of any finished levels and layout of the constructed onsite stormwater detention system.

ii. Positive Covenant – OSD Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed onsite stormwater detention system.

iii. Positive Covenant – Stormwater Pump Maintenance

A positive covenant must be created to ensure the ongoing maintenance of the constructed stormwater pump-out system at the expense of the property owner.

iv. Restricting Development – Occupation of Seniors Housing Development

A restriction as to user must be created restricting the use or occupation of any dwellings other than as housing for older people or people with a disability, as per the definition from SEPP Seniors Housing 2004.

b) Registration of Request Documents

The request documents endorsed by Council must be registered and a copy of the registered documents submitted to Council before an Occupation Certificate is issued.

95. Consolidation of Allotments

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

96. Pump System Certification

Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a suitably qualified hydraulic engineer.

97. Removal of Existing Drainage Easement

The existing drainage easement must be removed before an Occupation Certificate is issued. Where Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges.

98. OSD System Certification

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:

- a) Works as executed plans prepared on a copy of the approved plans;
- b) A certificate from a suitably accredited engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- c) A certificate of structural adequacy from a suitably accredited structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

99. Section 73 Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

100. Provision of Electricity Services

Submission of a compliance certificate from the relevant provider confirming satisfactory arrangements have been made for the provision of electricity services (including undergrounding of services where appropriate).

101. Provision of Telecommunications Services

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

102. Access and Useability

Prior to the issue of the Occupation Certificate, a report prepared by an Independent Assessor shall be submitted to Council or the Certifying Authority demonstrating the developments compliance with the provisions of relevant provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 on development standards concerning access and useability.

THE USE OF THE SITE

103. Waste Storage and Collection – Commercial/Industrial

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclables emanating from the premises must be stored in the designated waste storage area. Arrangement must be in place in all areas of the development for the separation of recyclable materials from general waste.

104. Servicing of Bins

Council contracted or private garbage/recycling collection vehicles servicing the development are not permitted to reverse in or out of the site. Collection vehicles must be travelling in a forward direction at all times to service bins.

105. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting*.

106. Final Acoustic Report

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the EPA's (DECCW) - *Industrial Noise Policy* and submitted to Council for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the application are effective in attenuating noise to an acceptable noise level and that activity does not give rise to "offensive noise" as defined under the *Protection of the Environment Operation Act 1997*.

107. Hours of Operation of the Loading Dock

Delivery of goods shall be restricted to the following times;

Monday to Saturday – 7.00am to 8.00pm

Sunday and public holidays – 8.00am – 8.00pm

108. Public Health Compliance

The proprietor is to ensure that all activities are carried out in accordance with the Public Health Act 1991 and Public Health (General) Regulation 2002.

109. Offensive Noise - Acoustic Report

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Council for review. Any noise attenuation recommendations recommended and approved by Council must be implemented.

110. Grease Trap (Food Premises)

The proprietor/owner shall contact the Trade Waste Office of Sydney Water so as to ensure that the sewerage pre-treatment system installed is appropriate for the proposed use of the premises.

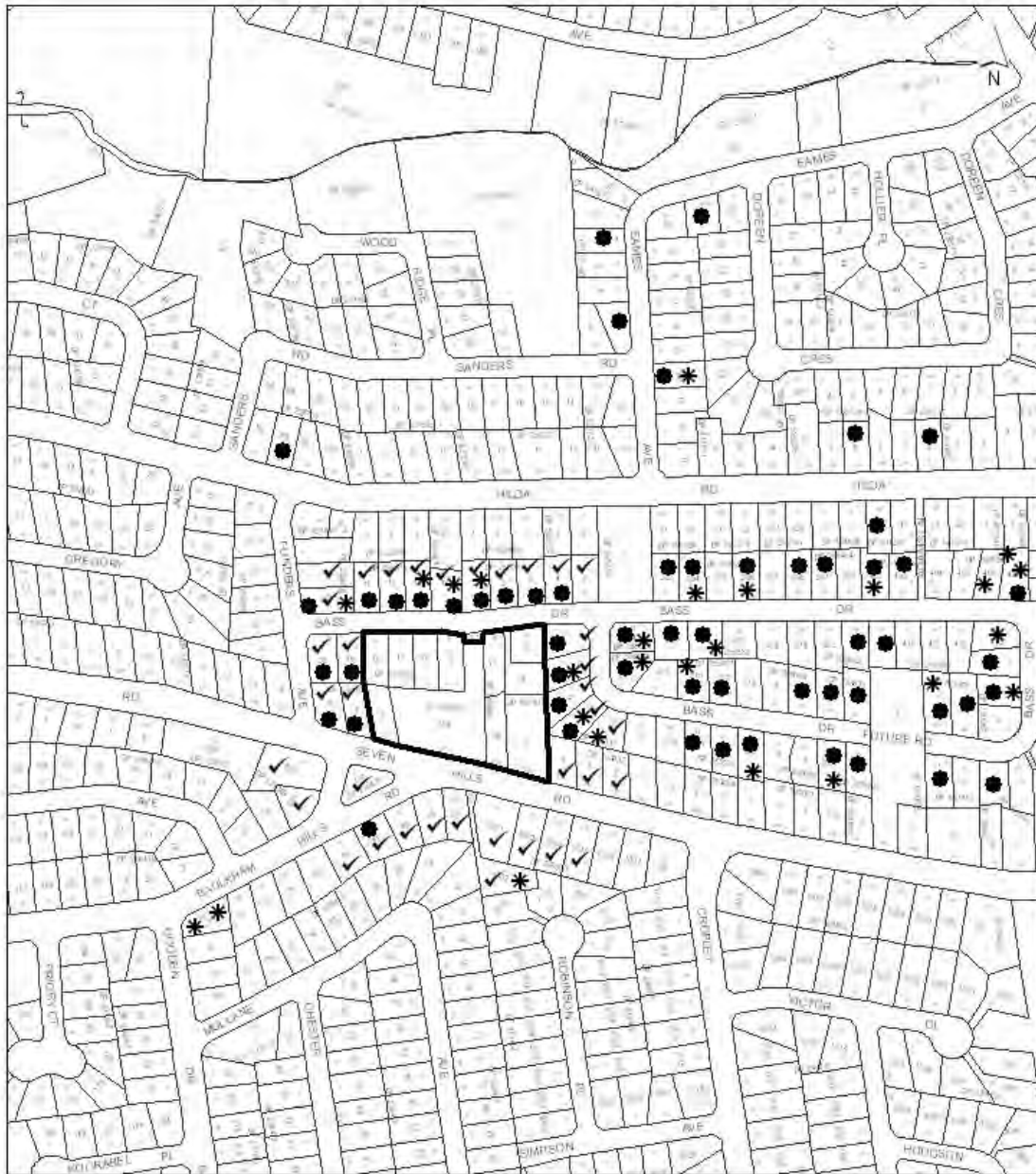
111. Number of Beds

The residential care facility as approved in this consent shall be have a maximum capacity of 232 beds. Any increase in the total number of beds shall be subject to a separate approval by the relevant consent authority.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Site Plan
4. Basement Floor Plan
5. Ground Floor Plan
6. First Floor Plan
7. Second Floor Plan
8. Elevations
9. Sections A-A, B-B & C-C
10. Sections D-D, E-E & F-F
11. Shadow Diagrams
12. Perspectives
13. Landscape Masterplan
14. RTA Requirements (Appendix 1)
15. Revised Plan of Management (Appendix 2)
16. Prelodgement Notes

ATTACHMENT 1 – LOCALITY PLAN



□ SUBJECT SITE

● SUBMISSIONS RECEIVED
(1ST NOTIFICATION, 6 SUBMISSIONS
RECEIVED OFF THE SCOPE OF THIS MAP)

✓ PROPERTIES NOTIFIED

* SUBMISSIONS RECEIVED
(2ND NOTIFICATION, 7 SUBMISSIONS
RECEIVED OFF THE SCOPE OF THIS MAP)

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

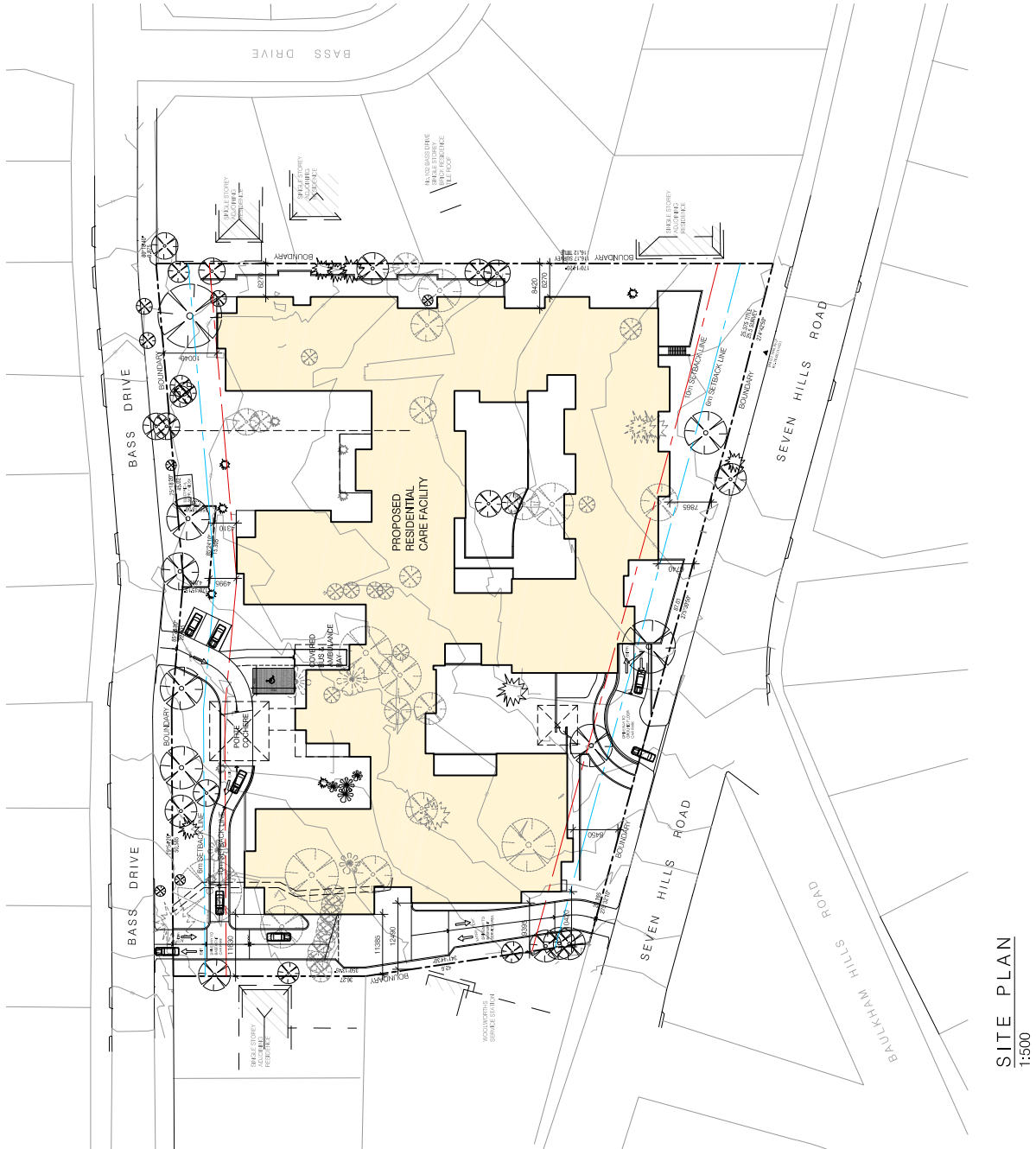
THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

BASED CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI), CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH

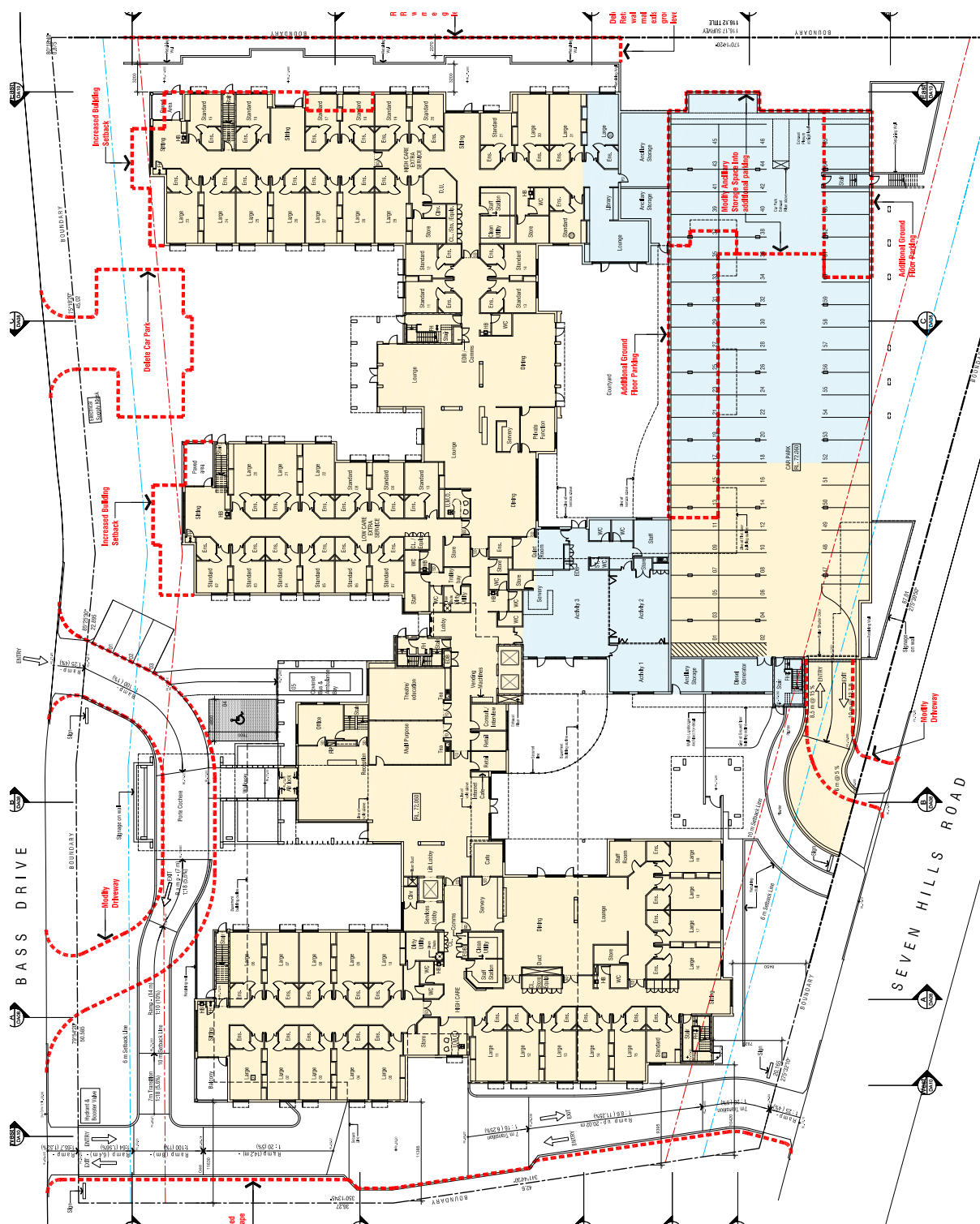


ATTACHMENT 3 – SITE PLAN

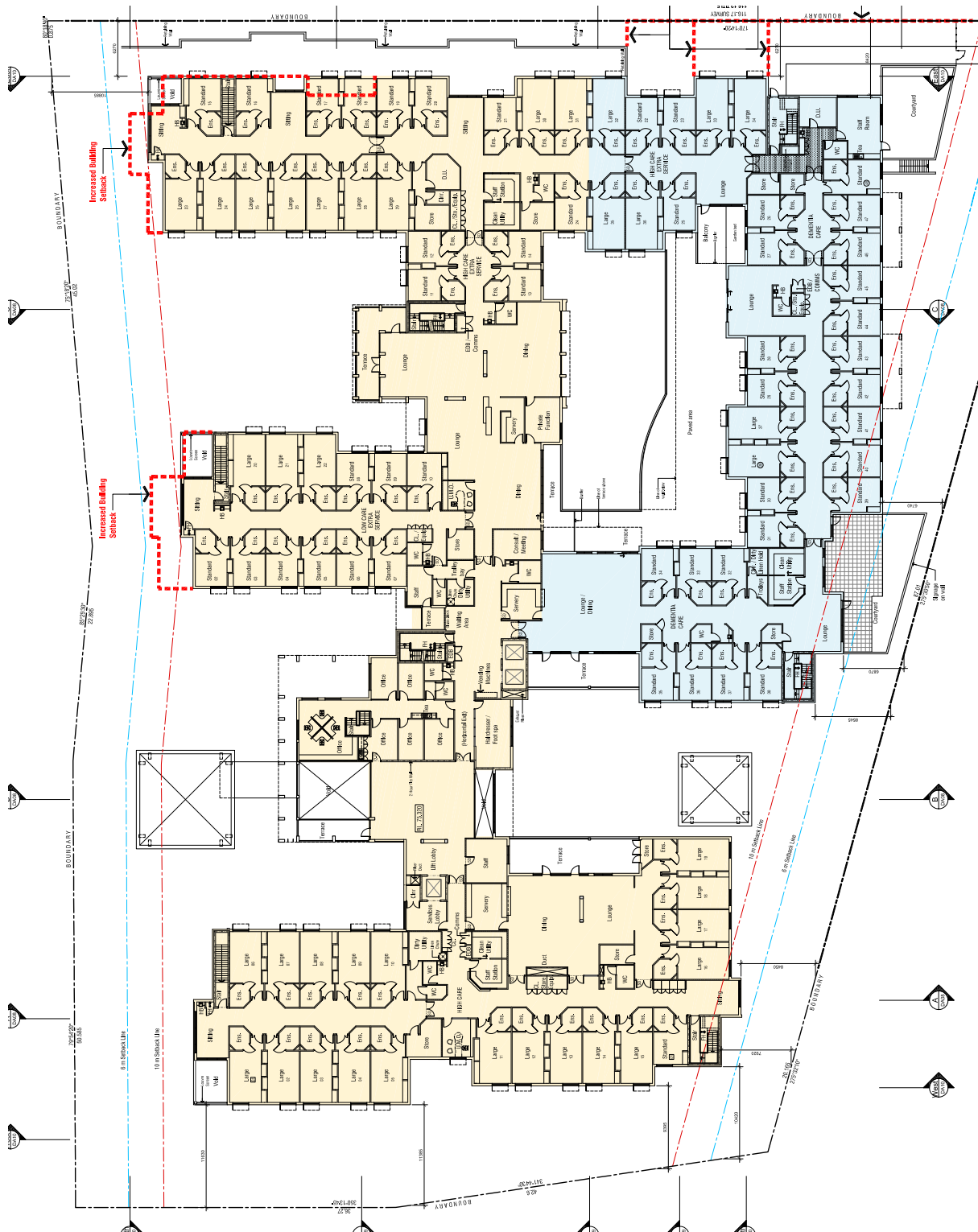


The site plan illustrates the proposed 10,000 sq ft building and its surrounding context. The building is a multi-story structure with various rooms including a Lobby, Reception, Waiting Room, and several offices. A red dashed line outlines the 'Increased Landscape Zone' along the southern boundary. Another red dashed line indicates the 'Additional Basement Parking' area, which is located to the west of the main building. The plan also shows the existing parking lot, which is partially shaded in yellow. Surrounding streets include Bass Drive to the north, Seven Hills Road to the east, and Highway 101 to the south. The plan includes various annotations such as 'Proposed', 'Existing', and 'Boundary' to indicate the status of different areas. A north arrow is located in the upper right corner of the plan.

ATTACHMENT 5 – GROUND FLOOR PLAN

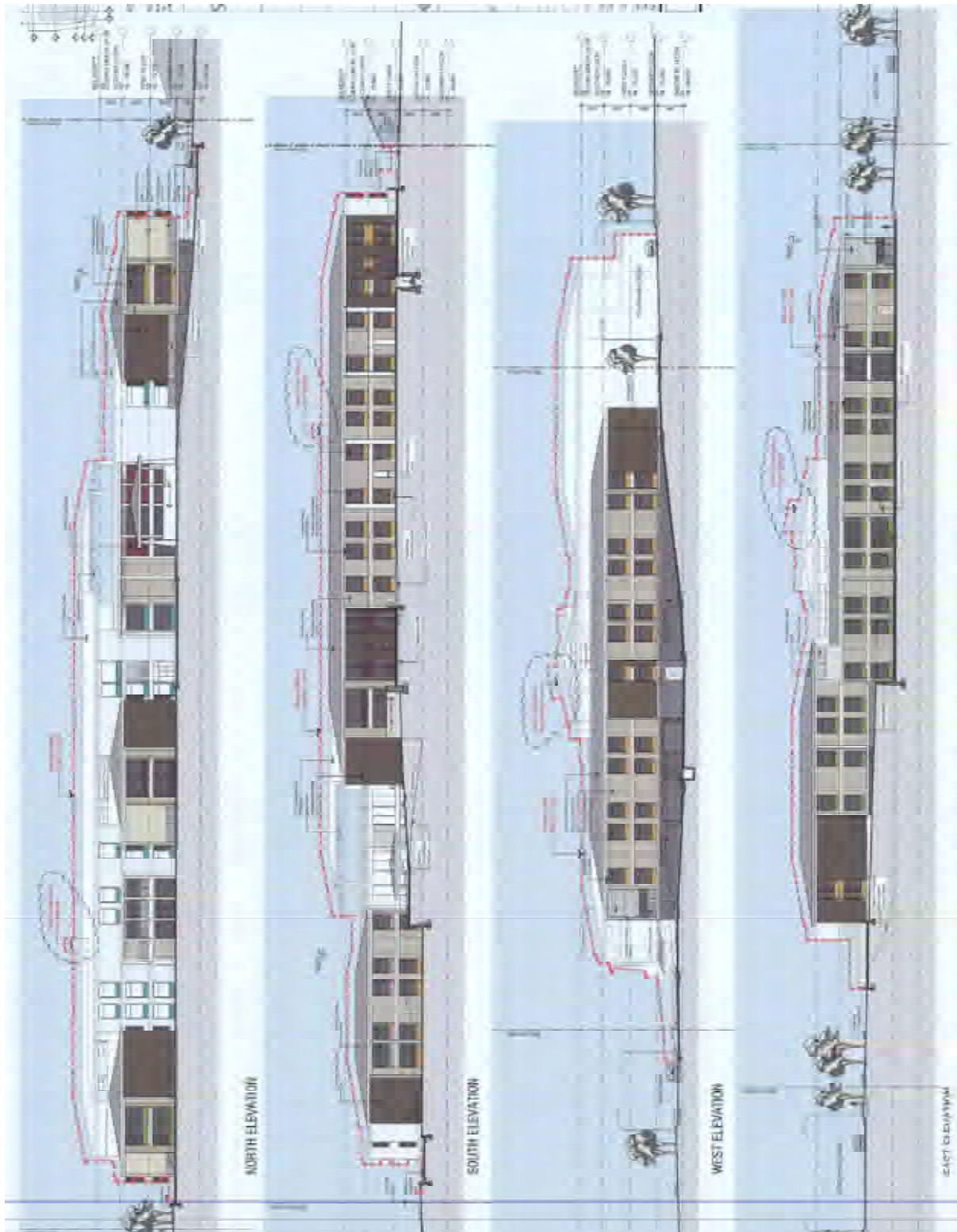


ATTACHMENT 6 – FIRST FLOOR PLAN

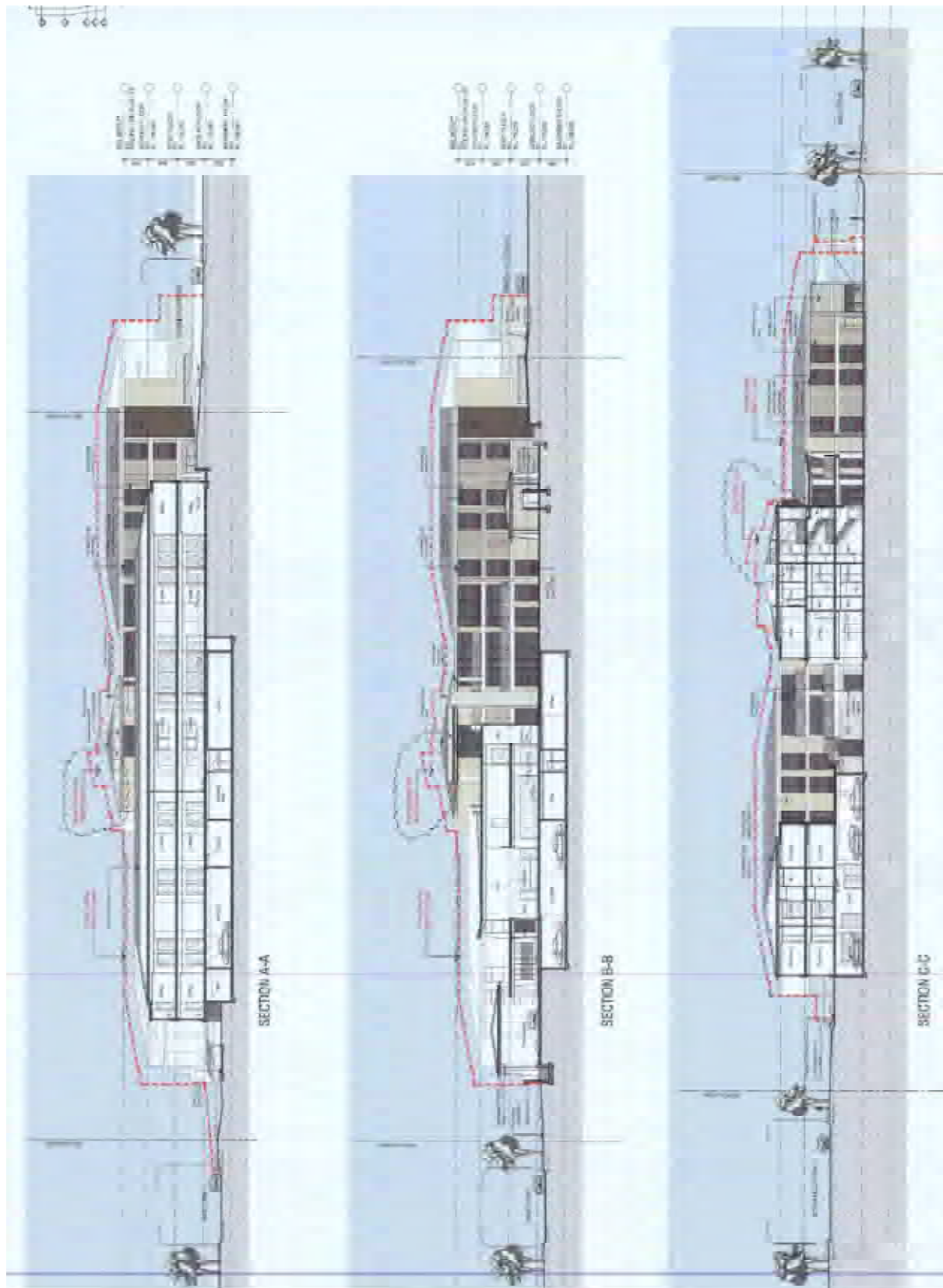


The floor plan illustrates a complex institutional building layout. The central part of the plan features a large 'Lounge / RHQ' area. To the left, there is a 'Ramp Down (244 m²)' and a 'Phone Function' area. The right side of the plan is dominated by two large wings labeled 'PALLIATIVE CARE 1' and 'PALLIATIVE CARE 2'. These wings contain numerous rooms, including 'Large' rooms, 'Standard' rooms, and 'Encls.' (enclosures). The plan also shows 'Open Space' and 'Roof' areas. The building is surrounded by a boundary line, with dimensions like '100 m Section Line' and '8 m Section Line' indicated. The drawing is oriented with North at the top, indicated by a compass rose.

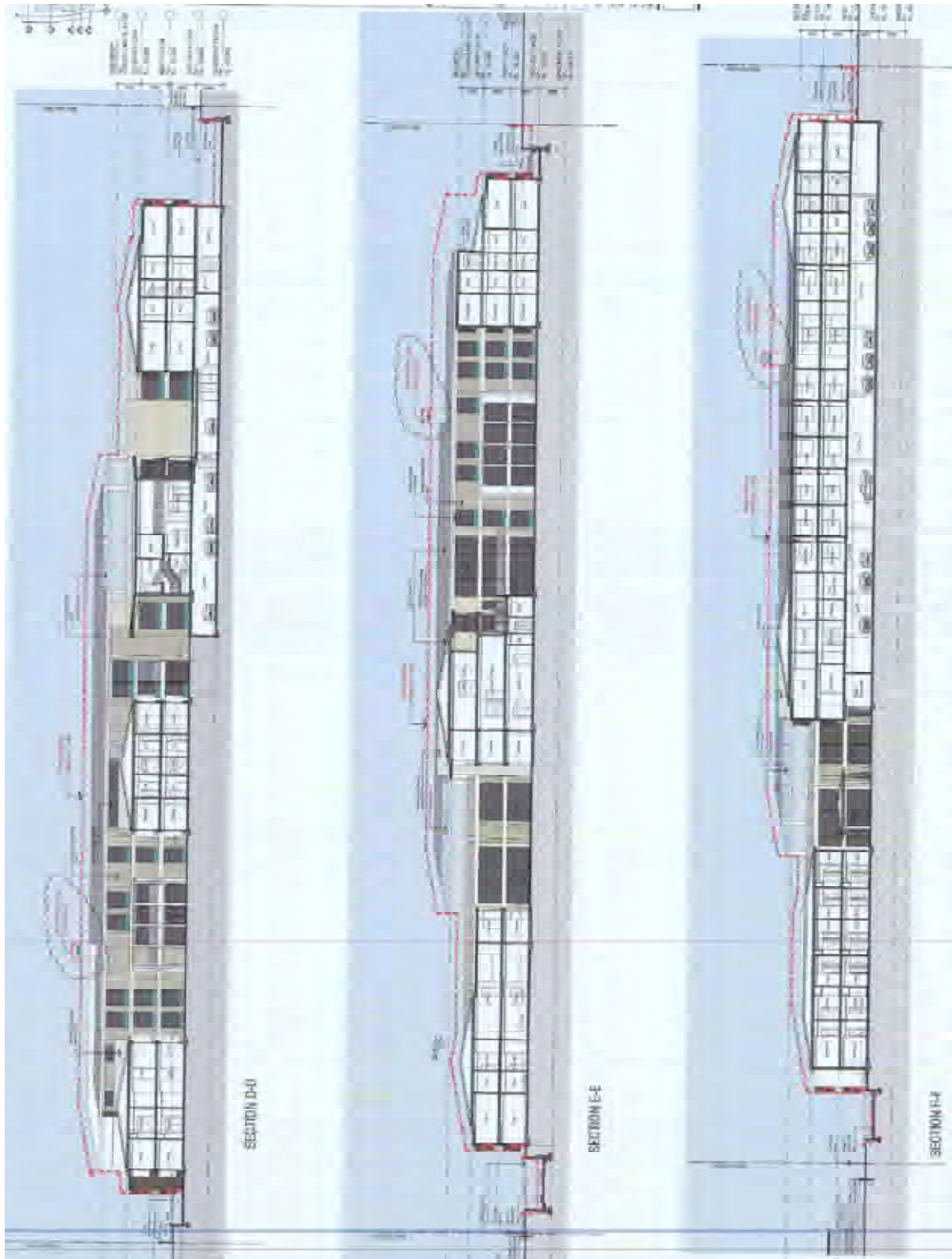
ATTACHMENT 8 - ELEVATIONS

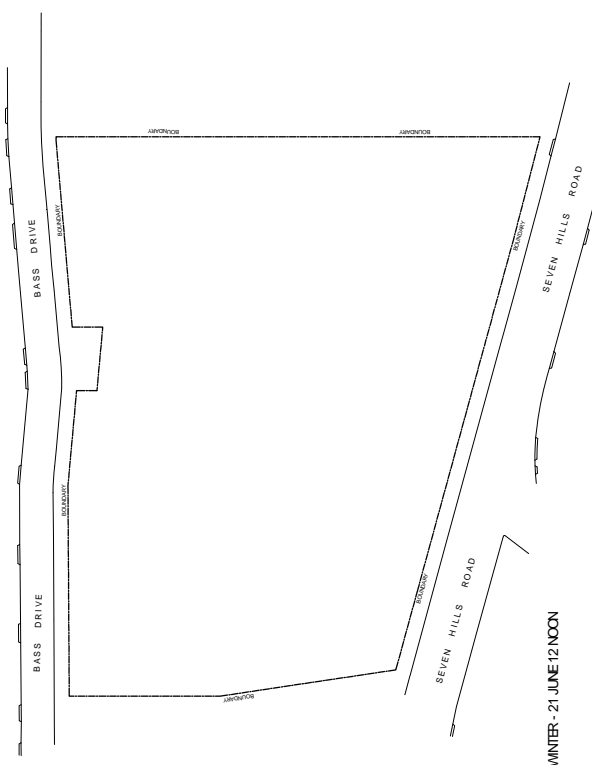
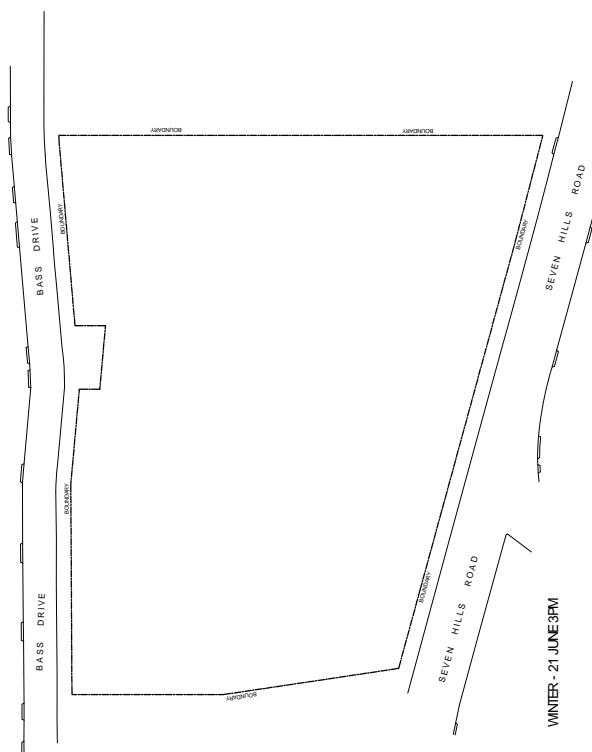
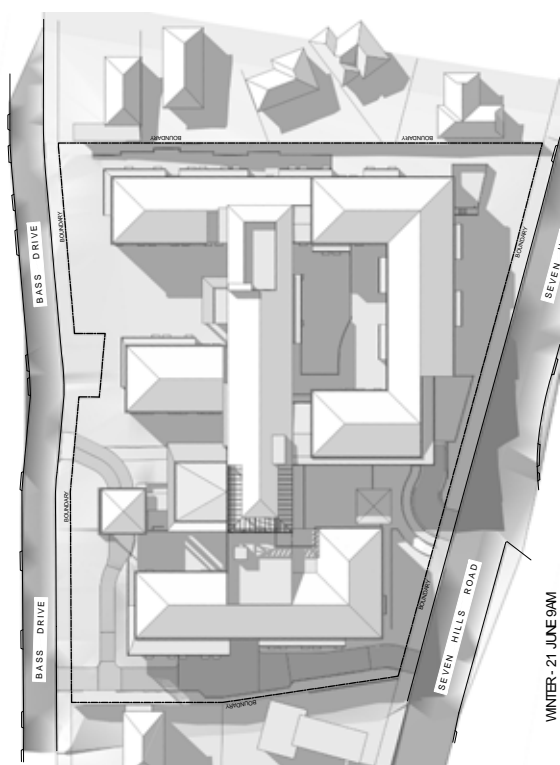


ATTACHMENT 9 – SECTIONS A-A, B-B & C-C



ATTACHMENT 10 – SECTIONS D-D, E-E & F-F



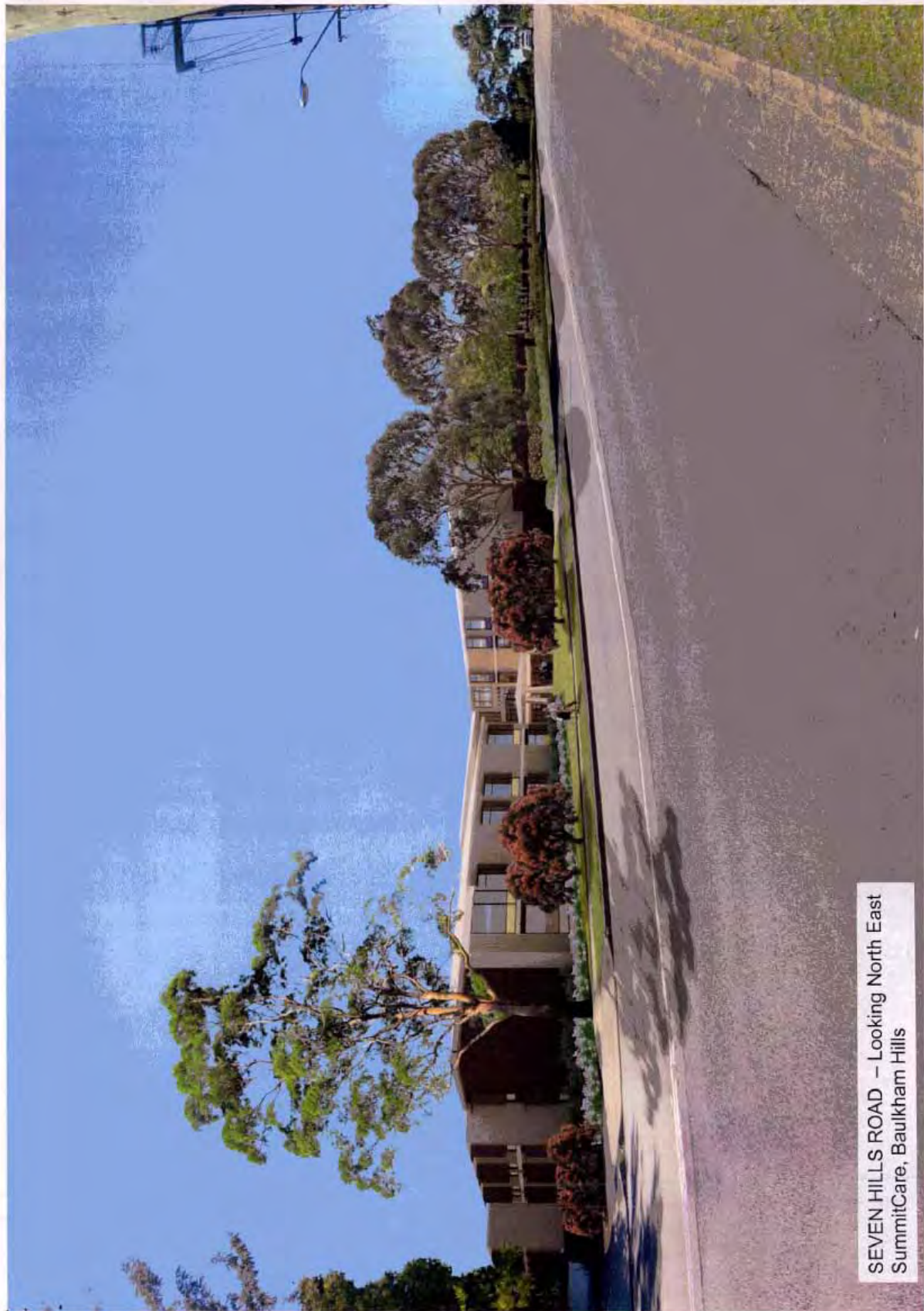
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ATTACHMENT 12 – PERSPECTIVES





BASS DRIVE – Looking South West
SummitCare, Baulkham Hills



SEVEN HILLS ROAD – Looking North East
SummitCare, Baulkham Hills

ATTACHMENT 13 – LANDSCAPE MASTERPLAN



ATTACHMENT 14 – RTA REQUIREMENTS

Your Reference: Our Reference: Contact: Telephone:	1421/2011/JP CAC 11M1675 SYD 1/00480 Pahee Seliathurai 8849 2219	 Transport Roads & Traffic Authority
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The General Manager
 The Hills Shire Council
 PO Box 75
 CASTLE HILL NSW 1765

Attention: Claro Palag

DOC. No.:
BOX No.:
22 JUN 2011
THE HILLS SHIRE COUNCIL

PROPOSED 266 BEDS RESIDENTIAL AGED CARE FACILITY
103 – 115 SEVEN HILLS ROAD & 5 – 19 BASS DRIVE, BAULKHAM HILLS

Dear Sir/Madam,

I refer to your correspondence dated 20 May 2011 (Council Reference 1421/2011/JP) regarding the abovementioned development which was referred to the Roads and Traffic Authority (RTA) for comment in accordance with the *State Environmental Planning Policy – (Infrastructure) 2007*.

The RTA has reviewed the development application and provides the following comments to Council for its consideration in the determination of development application:

1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004, AS 2890.2 – 2002, and AS 2890.6 – 2009.
2. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement prior to the release of the Construction Certificate.
3. It is noted that three exit driveways are proposed along Bass Drive frontage of the site. Council should consider implementing "No Parking" restrictions along Bass Drive frontage of the site. Implementation of "No Parking" restrictions requires approval from the Local Traffic Committee.
4. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.
5. The provision of off-street car parking shall be to the satisfaction of the Council.

Roads and Traffic Authority of New South Wales

Level 11, 111 Macquarie Street, Sydney NSW 2000
 PO Box 912 Parramatta NSW 2150
www.rta.nsw.gov.au | 13 22 11

6. All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA

Any enquiries in relation to this matter can be directed to Pahee Sellathurai on 8849 2219.

Yours sincerely,



Owen Hodgson
Senior Land Use Planner
Transport Planning, Sydney Region

20 June 2011

ATTACHMENT 15 – REVISED PLAN OF MANAGEMENT

SJB Planning

Revised Plan of Management



Sydney
Level 2, 490 Crown St
Surry Hills NSW
2010 Australia
T 02 9380 9911
F 02 9380 9922

Residential Care Facility
103-113 Seven Hills Road & 5-19 Bass Drive, Baulkham Hills

Melbourne
Level 1, Building D
80 Dorcas St
Southbank VIC
3006 Australia
T 03 8648 3500
F 03 8648 3599

sjb.com.au
planning@sjb.com.au

30 August 2011



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Introduction

This Plan of Management (PoM) relates to the operation of a proposed residential care facility (RCF) by SummitCare at 5-19 Bass Drive and 103-115 Seven Hills Road, Baulkham Hills.

The PoM has been prepared to assist The Hills Shire Council in its assessment of a development application for the proposed facility and is to be read in conjunction with the accompanying Statement of Environmental Effects.

The intention of this PoM is not to prescribe the operations of the proposed facility. Rather, the purpose is to present a brief description of proposed RCF operations, particularly those which may have some effect on the environment and surrounding properties.

The PoM addresses the following aspects of the proposed RCF:

- Section 1 provides a profile of the operator, SummitCare;
- Section 2 describes the proposed RCF facility;
- Section 3 sets out the main RCF services to be provided;
- Section 4 outlines four key areas of operation – hours of operation, staffing, traffic management and community relations.



1.0 The Operator

The Operator of the proposed RCF is SummitCare.

SummitCare is an organisation that has been providing quality residential aged care within the Sydney metropolitan area for more than 40 years.

The organization has a reputation for providing the highest standards of care in a warm and caring environment and currently operates nine centres across greater Sydney comprising:

- Canley Gardens, Canley Heights;
- Elizabeth Gardens, Liverpool;
- Elizabeth House, Liverpool;
- Frenchmans Lodge, Handwick;
- Jamison Gardens, South Penrith;
- Nyora Gardens, Smithfield;
- Phillip House, Waverley;
- St Marys Gardens, St Marys; and
- Sugarloaf Gardens, WallSEND.

All of SummitCare's centres have been recognised for excellence by the Aged Care Standards Agency and awarded the maximum term of three years accreditation.

Further information regarding the SummitCare organisation can be obtained at www.summitcare.com.au.

1.1 Strategic Plan and Quality Management System Framework

The operation of the proposed RCF sits within the SummitCare 2008-2011 Strategic Plan and Quality Management System Framework.

The Strategic Plan embraces the organisation's vision of "Working Together to Provide Peace of Mind" and encompasses five domains - residents, people, resources, quality and leadership.

The Quality Management System provides a practical means of driving performance improvement across the organisation and ensuring that desired outcomes for each of the strategic domains are met.



2.0 The Proposed Facility

The proposed RCF in Baulkham Hills is SummitCare's newest aged care project. It will be a purpose built, state of the art centre offering single and double accommodation all with ensuite bathrooms.

Resident accommodation for 232 beds is provided in 186 rooms over two to three levels, overlooking landscaped courtyards.

The external courtyards provide an outdoor amenity for residents and their visitors. The courtyards are easily accessible to those with mobility aids and those in wheelchairs.

The centre is divided into nine units. Three of these are located on the ground floor, four are located on the first floor and three are located on the second floor. Each unit accommodates between 20 and 40 people. The units are fully self contained with their own dining and lounge areas, balconies and outdoor areas. There are also a number of common areas throughout the centre that are accessible by all.

Residents suffering from dementia are accommodated on the first floor, which also incorporates an extra secure area for residents with challenging and wandering behaviours. Palliative care is provided at the second floor level.

A secured garden area is provided within the grounds as well as an internal courtyard with barbeque facilities. A garden specifically designed for residents suffering dementia is a recent addition to the centre, providing a natural retreat with various activities and scented plants.

Experienced registered nurses and assistants in nursing are on duty 24 hours per day to provide quality and specialised clinical care. Access to Allied Health Services such as Physiotherapy, Podiatry, Speech Pathology, Optometry and Dietary is also available. Additionally a team of leisure and lifestyle staff provide a full and varied social and therapeutic program for all residents.

A fully appointed hairdressing salon/beauty day spa is located on the first floor and a cafe serves the ground floor public areas.

The basements contain separate staff and visitor car parking areas. The back of house areas including the kitchen, laundry, storage and waste management areas are serviced by a dedicated loading bay. A dedicated holding area is also provided in the basement to provide temporary accommodation for recently deceased residents until arrangements are made for their collection. These traffic movements will be via Seven Hills Road.



3.0 Services

3.1 Residential Care Services

The residential care services provided by the proposed RCF are as follows:

- Low Care – Extra Service;
- High Care;
- High Care – Extra Service;
- Dementia Care; and
- Palliative Care.

A total resident population capacity of 232 beds is proposed.

The following table identifies the rooms on each level of the proposed facility.

Level	Rooms
Ground	
Total	54
First Floor	
Total	86
Second Floor	
Total	46
Total rooms	186

3.2 Dementia Day Care

A dementia day care service is proposed with a capacity of approximately 25 day-clients.

The dementia day care area is located in the central part of the facility at ground floor level. A mini-bus service will be provided which transports patients to and from the site each day and will operate five days per week.

3.3 Visiting Services

The proposed facility is also supported by visiting services:

- Two doctors (1-2 hours per day);
- Physiotherapist (1 day every 6 weeks);
- Podiatrist (1 day every 6 weeks); and
- Dietician (1 day every 6 weeks).



4.0 Key Areas of Operation

4.1 Hours of Operation

Given its nature, the proposed RCF operates 24 hours a day.

Visiting hours are not restricted but are encouraged between 6am and 8pm.

4.2 Staffing

Staff are on-site 24 hours a day; over three shifts.

Staff shifts are:

Morning Shift	6.30am to 3.00pm
Afternoon Shift	2.30pm to 11.00pm
Night Shift	10.30pm to 7.00am

Staff numbers for the three shifts will comprise:

Morning Shift	62 Staff
Afternoon Shift	37 Staff
Night Shift	26 Staff

4.3 Traffic and Parking Management

4.3.1 Parking

Visitors

The parking area for visitors is the northern basement with entry/exit from Bass Drive this visitor parking area accommodates 27 car spaces including two accessible spaces.

Staff

Staff parking is allocated to the southern basement car park with entry/exit from Seven Hills Road.

The operation of the tandem spaces will be managed on a shift by shift basis to ensure that staff arriving for each shift can access vacant spaces without blocking cars parked during the previous shift. The management of the shift changeover is detailed in the attached diagram. In essence the rotation requires that on day 1 of the cycle, if a shift is parking to the western end of the car park, on the next day that shift will park at the eastern end of the car park. Staff induction will include the details of the required car parking arrangements and the non-availability of any access to staff car parking from Bass Drive.

It should be noted that the southern basement car park is for the exclusive use of staff and is not available to visitors or the public.



Peak Times

Surveys of similar centres operated by SummitCare have demonstrated that the peak visiting times are expected to be midday midweek.

On special occasions such as Mother's day or Christmas day visitation may be higher or residents may be collected by family and friends for the day. SummitCare's practice at its existing centres, which will be implemented at this centre is that collection and drop off will be via allocated times. This is necessary to ensure that the resident's and staff's needs are accommodated prior to them leaving the centre and returning to the centre. This not only ensure the welfare of the residents is managed to the highest degree, but allows for the pickup and returns to be staggered, therefore minimising potential excessive demands upon the available visitor car parking spaces.

4.3.2 Service Vehicles

A boom gate will be in place across the western driveway on the northern side of the delivery area to ensure that service vehicles access and egress the site only from Seven Hills Road using the western driveway.

4.3.3 Garbage Service

Garbage trucks will access the site from Seven Hills Road and egress via Bass Drive using the western driveway. Service times will be scheduled to respect the amenity of the neighbouring residential property, with one pick up per weekday only. The pickup time will be between 9:00am and 3:30pm.

4.4 Community Relations

The community may contact the RCF through its Centre Manager or the SummitCare head office:

SummitCare Corporate Office
17 Frenchmans Road
Randwick NSW 2031
Phone: 02 9398 4000 Fax: 02 9399 3605
Email: info@summitcare.com.au

The Hills Shire Council



**PLANNING SERVICES - DEVELOPMENT CONTROL
PRE-LODGE MENT ASSESSMENT**

13 AUGUST 2010

APPLICANT: Mark Naylor, SJB Planning
TELEPHONE: 9380 9911 **EMAIL:** mnaylor@sjb.com.au
PROPERTY: 103-115 Seven Hills Road & 5-19 Bass Drive, Baulkham Hills NSW
ZONING: Residential 2(b) Zone
SUBJECT: Proposed Aged Care Facility with approximately 195 beds

OFFICERS IN ATTENDANCE:

- Paul Osborne (Manager Development Assessment Services)
- Claro Patag (Development Assessment Coordinator)
- Sanda Svedas (Senior Town Planner)
- Ben Hawkins (Subdivision Coordinator)
- Fletcher Rayner (Principal Forward Planner)
- Gaynor Corfield (Senior Coordinator Community Services and Planning)
- Cheryl Conn (Waste Management Project Officer)
- Stephen Barnes (Principal Traffic & Transport Coordinator)
- Jayne Bryant (Environmental Health Officer)

ATTENDEES FOR THE PROPOSAL:

- Mark Naylor (SJB Planning)
- Alison McCabe (SJB Planning)
- Robert Slater (Paynter Dixon)
- Brian Booth (Paynter Dixon)
- Mark Boffa (Boffa Robertson Group)

PROPOSAL:

- The proposal is for the demolition of existing structures on the site and the construction of a residential care facility containing 195 beds over part 2 storeys and part 3 storeys. Basement car parking is proposed containing parking for 26 vehicles and loading bay. The kitchen, laundry facilities, waste storage, and other service are located at basement level.

- The development has been designed with various 'wings', with the ground floor having 3 wings running north-south and one main corridor running east-west. Each 'wing' will have its own services such as dining area, lounge, sitting areas and secured garden/courtyard area. The ground floor also accommodates the reception, cafeteria, offices and dementia day care area. There are 59 rooms on the ground floor. There are 12 parking spaces provided at ground level, accessed from Bass Drive.
- The first level consists of 90 rooms, which have 3 main wings running north-south and 2 wings running east-west. The first floor level also has lounges and dining areas, a chapel, theatre and other services areas.
- The second level is rectangular in shape and has 46 rooms and associated service areas (dining, sitting and lounge areas).
- The residents of the development will consist of low to high care patients with the majority of patients needing a high level of care. The development will also provide a dementia day care facility and services which will pick up patients in a mini-bus and provide day care services at the premises.
- Given the nature of the facility, staff will be on-site 24 hours a day, with approximately 50 staff on-site at any one time. Visiting hours will be restricted.
- Staff, visitors, mini-bus and ambulance will access the site from Bass Drive, whilst service vehicles (garbage trucks, delivery trucks, etc) will access the site from Seven Hills Road on the western side of the site.

Planning

- Since the cost of works is greater than \$10 million, the development application will be assessed by Council staff but determined by the Joint Regional Planning Panel (JRPP).
- Clause 51 of BHLEP 2005 needs to be addressed in the Statement of Environmental Effects which restricts access from Classified Roads.
 - The proposal shall be designed to comply with SEPP (Housing for Seniors or People with a Disability) 2004.
 - Variations to the SEPP will be considered on their merits (rear setback and building height). A SEPP 1 Objection should be lodged with the DA, where a variation is proposed to any development standard. It is advised that the applicant 'cloud' on the plans any breaches to development standards.
- The applicant is to consider staff accessing the site from Seven Hills Road to minimise impacts on residents in Bass Drive.
- The applicant is encouraged to liaise with the surrounding neighbouring properties

prior to the lodgement of any Development Application.

- A Plan of Management, including deliveries, visitor hours etc, is to be included as part of the Statement of Environmental Effects.
- Have regard to the draft Template LEP 2010 in terms of new zoning classification and introduction of building height limit.
- Contributions under CP7 may be applicable. The applicant should have regard to the BCA classification of the development and whether or not it would be considered a dwelling.
- The western side setback from the boundary to the driveway should be increased to 2m to comply with the BHDCP Part D Section 1 Parking requirements.
- A landscape plan is required in accordance with the Baulkham Hills DCP Part D Section 3 – Landscaping
- Signage details to be provided in accordance with Baulkham Hills DCP Part D Section 2 – Signage.
- External finishes, sample board and a perspective taken from Seven Hills Road and Bass Drive shall be submitted.
- The Statement of Environmental Effects must address Council's "Making Access for All" Guidelines.
- Compliance with BCA

Waste Management

- Council's domestic waste collection vehicles will not be servicing the development, and the applicant will need to engage a private contractor.
- The applicant needs to illustrate that the garbage truck is able to manoeuvre in the loading dock
- A waste management plan is required. A template is available at <http://www.thehills.nsw.gov.au/Development-Control-Plans.html>.
- WMP will need to be submitted for demolition, construction and ongoing management stages of the development (with regard to the ongoing management, supply estimated quantities of waste to be generated and frequency of waste collection, details on how the waste will be taken to the basement. Wherever possible facilities should be in place for separation of general waste from recyclable material).
- Ongoing waste management details required, where the bins will be stored, nature of bins, and appropriate screening will be required.
- WMP to confirm that any potential asbestos will be removed and disposed of in accordance with Workcover requirements.

Traffic/Engineering:

- Seven Hills Road is classified as a secondary road, and consultation with the RTA is required.
- Car park to be designed in accordance with relevant Australian Standards and Baulkham Hills DCP Part D Section 1 – Parking. Ensure disabled car spaces comply with the new Australian Standards.
- Ensure driveway grades and circulation complies with Australian Standards.
- The driveway from Seven Hills Road is to be designed to ensure that large vehicles can enter the site from the kerbside lane (i.e. turn left from the left lane).
- A traffic and parking report is required that provides an impact assessment on the facility and its operation.
- Consideration should be given to the potential future installation of a traffic signal at Seven Hills Road and Flinders Avenue and the potential for road widening.
- On site detention (OSD) is required for the site, the DA is to be lodged with a concept plan that complies with Upper Parramatta Catchment Area requirements.
- The applicant is to address water quality measures employed on the site (i.e. run off from carparks).

Health:

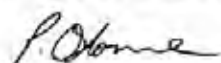
- An Acoustic Report is required considering all relevant issues including noise from cars, plant and equipment, a/c, etc. The Acoustic Report is to be based on the NSW Industrial Noise Policy.
- Kitchen and food preparation areas must be detailed on the plans (hand washing basins, stainless steel benchtops, etc) and must comply with the Food Safety Standards.
- Lighting is to comply with relevant Australian Standards.
- A Contamination Report will be required and must be completed in accordance with EP & A guidelines.
- Light spill diagrams are required to ensure no adverse impacts to neighbouring residential properties.

PLEASE NOTE THAT ANY DEVELOPMENT APPLICATION MAY NOT BE ACCEPTED UNLESS ALL THE REQUIRED INFORMATION IS SUBMITTED.

Furthermore, Development Applications presented to the Duty Planner at Customer Service for lodgement will not be accepted after 4.00pm.

It is the responsibility of the applicant to address all issues raised and any further issues that may arise as a result of more detailed information being provided and/or detailed assessment being undertaken.

PRELODGE



PAUL OSBORNE
MANAGER DEVELOPMENT ASSESSMENT SERVICES
13 AUGUST 2010

Required Information for DA

(Please also refer to attached Preparing Plans for Development Applications Fact Sheet and BHDCP provisions.)

(Yes ✓ /No -)

- ✓ **Owner's consent** (if Company, then under Company Seal and stating capacity of Signatory)
- ✓ **Development Application Fee**
- ✓ **PDF Disc copy of all documents (3 copies)**
- **Advertised development fee**
- ✓ **Number of sets of plans (A1)** (Number Required) - 10 copies
- ✓ **Coloured set of plans (A1)** (Number Required) - 2 copies
- ✓ **A4 set of plans** (Number Required) - 4 copies
- **Subdivision plans (concept)** (Number Required) - 4 copies
- ✓ **Written Statement of Environmental Effects** (Number Required) - 10 copies

Issues that should be addressed include:

- | | |
|--|---|
| <ul style="list-style-type: none">• S.79C Heads of Consideration• Detailed description of proposal• Statutory provisions• Zoning LEP (Objectives) | <ul style="list-style-type: none">• BHLEP 2005• BHDCP List: Part D, Section 1 Parking, Part D Section 2 – Signage, Part D Section 3 – Landscaping, |
|--|---|

- ✓ **Integrated Referral:**
(A cheque for \$250 is required to be submitted with the DA for each

approval body). To be confirmed with RTA when the DA is referred to the agency.

- ✓ Schedule of areas (Floor Space Ratio, landscaped area, on site parking rates etc.)
- ✓ **Traffic and Parking Study, Acoustic Report, Contamination Report,** (all studies are to be carried out by a suitably qualified person) **(10 copies).**
- **BASIX Certificate (4 copies)**
- Plans**
- ✓ Survey Plan (carried out by a suitably qualified person) {contours (AHD), vegetation (girth & spread of canopy), existing structures, natural features}
- ✓ Site Analysis Plan (supported by written statement)
- ✓ Site plan (incl. Location adjoining building/s etc.)
- ✓ On-site detention details/drainage details
- ✓ Shadow diagrams (9am, 12 noon, 3pm on 21 June.)
- ✓ Waste Management Plan
- ✓ Water Supply and Sewage Disposal
- ✓ Cross sections and long sections
- ✓ Natural and finished levels
- ✓ Landscape Plan and fencing details
- ✓ Driveway grades
- Subdivision plans (concept)
- ✓ Schedule of finishes and materials
- Model
- ✓ **Coloured perspectives**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED UNLESS ALL THE REQUIRED INFORMATION REQUESTED ABOVE IS SUBMITTED.

ATTACHMENT A2 – EXTENT OF NUMERICAL NON-COMPLIANCE (25% REAR OF THE SITE) FOR EITHER BASS DRIVE OR SEVEN HILLS ROAD



ATTACHMENT A3 – DETAILS OF RELATIONSHIP
WITH THE COMMON EASTERN BOUNDARY

