

JRPP PLANNING REPORT

JRPP NO:	2014SYW015
DA NUMBER:	215/2013/JP/B
LOCAL GOVERNMENT AREA:	THE HILLS SHIRE COUNCIL
PROPOSED DEVELOPMENT:	SECTION 96 (2) TO APPROVED SENIORS LIVING DEVELOPMENT INCLUDING THE RECONFIGURATION OF BUILDINGS.
STREET ADDRESS:	LOT 101 DP 1129876 AND LOT 2 DP 1160957 – NO. 6 FAIRWAY DRIVE, KELLYVILLE AND CASTLE HILL COUNTRY CLUB, FAIRWAY DRIVE, BAULKHAM HILLS
APPLICANT/OWNER:	CRANBROOK CARE RACF PTY LIMITED
LODGEMENT DATE:	19 DECEMBER 2013
REPORT BY:	SENIOR TOWN PLANNER SOPHIA BROWN
RECOMMENDATION:	APPROVAL SUBJECT TO CONDITIONS

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Cranbrook Care RACF Pty Limited	1.	<u>Section 79C (EP&A Act)</u> - Satisfactory
Zoning:	R2 Low Density Residential and SP2 Stormwater Management System	2.	<u>Section 96 (EP&A Act)</u> – Satisfactory
Area:	20,710m ²	3.	<u>SEPP Housing for Seniors or People with a Disability 2004</u> – Variations approved within the original Development Application and additional variation proposed with the current Section 96(2) modification.
Existing Development:	Single dwelling and part of Castle Hill Golf Course	4.	<u>SEPP State and Regional Development 2011</u> - Satisfactory
		5.	<u>The Hills LEP 2012</u> - Satisfactory
		6.	<u>The Hills DCP 2012</u> – Variations approved within the original Development Application. No further variations proposed.
		7.	<u>Section 94 Contribution</u> - \$1,104,696.42

SUBMISSIONS**REASONS FOR REFERRAL TO JRPP**

1. Exhibition:	N/A	1.	Capital Investment Value exceeds \$20 million
2. Notice Adj Owners:	Yes, 14 days	2.	Section 96(2) Modification Applications require determination by the Joint Regional Planning Panel
3. Number Advised:	13		
4. Submissions Received:	Nil		

HISTORY**19/04/2011**

Development Application No. 1258/2011/ZA approved a two lot subdivision excising the trunk drainage land. The purpose of the DA was to relocate the trunk drainage corridor to the western boundary to facilitate future residential development

28/08/2013

The Joint Regional Planning Panel granted Development Consent No. 215/2013/JP for the construction of a Seniors Living Development consisting of a 160 bed residential care facility, 39 self care housing units, parking for 136 vehicles, and the re-construction of a dam in conjunction with Castle Hill Country Club.

02/12/2013

Section 96(1A) Modification Application No. 215/2013/JPA lodged to modify Condition No. 39 in relation to Section 94 Contributions.

19/12/2013

Subject Section 96(2) Modification Application lodged.

16/01/2014

Letter sent to the applicant requesting additional information including a list of modifications, flood study requirements and door openings onto the public footpath verge.

21/01/2014

Additional information received.

05/02/2014

Letter sent to the applicant requesting additional information regarding flooding levels, door openings, and a revised SEPP 1 objection to address Clause 40(4)(c) of SEPP Housing for Seniors or People with a Disability which reads "a building in the rear 25% area of the site must not exceed 1 storey in height" due to the reconfiguration of the buildings and differing setbacks to the rear 25% area of the site.

26/02/2014

Additional information received.

SITE AND SURROUNDS

The subject site is known as 6 Fairway Drive, Kellyville being Lot 101 DP 1129876 and is located on the southern side of Fairway Drive. A single dwelling house is located on the site, which has a site area of 20,719m². A dam straddles the south-western property boundary with Castle Hill Country Club. Stormwater drainage works have been approved within the Lot 2 DP 1160957 being Castle Hill Country Club with the site forming part of the proposal. The property has a gentle slope down in a north-western direction.

The topography of the site is influenced by the creek system that traverses the centre and southern section of the property. The drainage system is part of the eastern branches of

the Strangers Creek which commences in the upstream catchment of the golf course and travels north-west across Fairway Drive towards Memorial Avenue. The property is traversed by two drainage lines that run from the golf course to the north-west of the subject site, with one line being through the centre of the site, and the other following the side boundary adjoining the golf course.

The subject site is located within the Balmoral Road Release Area which is currently undergoing transformation from rural-residential style lot into residential subdivision including single dwelling, multi-dwellings and residential flat buildings.

The subject site is largely surrounded by undeveloped land, with land to the south and south-east of the site being occupied by the Castle Hill Country Club. To the north of the site, across Fairway Drive is land that has been recently approved for a residential subdivision for detached dwellings. Adjoining the site to the east is single dwelling houses. To the west of the site at No. 8 Fairway Drive a Seniors Living Development consisting of 119 units has been approved. At No. 10-14 Fairway Drive another Seniors Living Development has been approved containing 148 dwellings.

PROPOSAL

The existing approved development is for the construction of a Seniors Living Development consisting of a 160 bed residential care facility, 39 self care housing units, parking for 136 vehicles, and the re-construction of a dam in conjunction with Castle Hill Country Club.

The proposed Section 96(2) Modification Application seeks to make the following amendments to the approved development:

EXTENT OF PROPOSED MODIFICATIONS	
SITE PLAN	<ul style="list-style-type: none"> • Main entry widened. • Sub-station and booster locations to east end of northern boundary along Fairway Drive amended. • Arrangement of entry driveway and Village Green amended. • Landscaping area increased from 10,818m² to 11,008m². • Deep soil area increased from 4,720m² to 5,925m².
RESIDENTIAL CARE FACILITY	<ul style="list-style-type: none"> • Amended floor plan to include: <ul style="list-style-type: none"> - Offset floor plan to intersect perpendicular to Fairway Drive. - Stepped rear façade along northwest boundary. - Adjusted south façade alignment to increase formal articulation. - Amended layout and configuration of internal rooms. - Amended layout of central reception, lobby, dining, lounge and support areas. • Amended façade design. • Amended roof form. • Amended basement layout to correspond with cranked floor plan above. • Amended Gross Floor Area of each floor, with the total Gross Floor Area unchanged. • Reconfiguration of landscaping to suit offset block. • RCF building behind Wellness Centre has been mirrored to

	<p>receive entry from south west, along with minor amendments to lift lobby layout.</p> <ul style="list-style-type: none"> • The height of the RCF remains unchanged.
WELLNESS CENTRE	<ul style="list-style-type: none"> • Floor Plan rotated 90 degrees to face the Village Green. • Minor reconfiguration of the internal layout. • Amended layout of the basement plant below Wellness Centre.
SELF CARE HOUSING UNITS BLOCK 1	<ul style="list-style-type: none"> • Roof form amended. • Layout of central study and balcony area amended. • The height of the SCH Block 1 remains unchanged.
SELF CARE HOUSING UNITS BLOCK 2	<ul style="list-style-type: none"> • Internal unit layouts amended. • Roof form amended. • Layout of central lift and stair lobbies amended to reduce length of entry walkway. • Façade treatment to stair and lift lobby amended to a timber screen. • Amended lift and stair arrangement in basement. • The height of the SCH Block 2 remains unchanged.
SELF CARE HOUSING UNITS BLOCK 3	<ul style="list-style-type: none"> • Internal unit layouts amended. • Roof form amended. • Layout of central lift and stair lobbies amended to reduce length of entry walkway. • Façade treatment to stair and lift lobby amended to a timber screen. • Amended lift and stair arrangement in basement. • Café layout amended. • The height of the SCH Block 3 remains unchanged.
SELF CARE HOUSING UNITS BLOCK 4	<ul style="list-style-type: none"> • Internal unit layouts amended. • Roof form amended. • Layout of central lift and stair lobbies amended to reduce length of entry walkway. • Façade treatment to stair and lift lobby amended to a timber screen. • Amended lift and stair arrangement in basement. • Block moved towards south eastern boundary to increase distance and views between SCH Block 3 and 4. • The height of the SCH Block 4 remains unchanged.

As a result of the above proposed amendments, the applicant has requested that Condition No. 1 be amended to reflect the amended plans submitted with the current modification application.

No changes are proposed to the approved gross floor area, building height, number of beds in the residential care facility, number of self care housing units or number of parking spaces. Further, no changes are proposed to the approved stormwater scheme or the riparian corridor.

The rationale for the design changes is a result of a design review of the residential aged care facility design when viewed from the public domain being primarily along Fairway

Drive and the views into the site as one passes along Fairway Drive past the development, including the views from adjoining neighbours. The analysis identified that a better outcome would be to try and break the façade of the residential aged care facility and to define a street edge and integrate with the streetscape. The design modified setbacks associated with realigned residential aged care facility building to the eastern (rear) property boundary but is generally within the previously approved building footprint.

ISSUES FOR CONSIDERATION

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

Clause 40 of the SEPP contains height restrictions which relate to development in residential zones where residential flat buildings are not permitted. Clause 40(4) is outlined below.

"Height in zones where residential flat buildings are not permitted 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*

Note: Development consent for development for the purposes of seniors housing cannot be refused on the ground of the height of the housing if all of the proposed buildings are 8 metres or less in height.

- (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*

Note: The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape.

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

The approved development included a two storey encroachment into the "rear 25% area of the site" as the height of the buildings adjoining the rear property boundary are 2 storeys. A revised SEPP 1 objection was submitted to address Clauses 40(4)(c) of the SEPP due to the reconfiguration of the buildings and differing setbacks to the rear 25% area of the site.

SEPP 1 Development Standards aims 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 unnecessary or tend to hinder the attainment of the objects specified in Section 5(a)(i) of the Act". In this respect in order to satisfy the requirements of the SEPP the applicant is required to justify why a development standard is unreasonable or unnecessary in the circumstances of the case.

Accordingly, the applicant has submitted an amended SEPP 1 Objection to Clause 40(4)(c) of the SEPP.

Comment:

In accordance with Planning Circular B1 issued 17 March 1989 by the Department of Planning (known as the Department of Urban Affairs and Planning when the circular was released) an assessment of the applicant's amended SEPP 1 Objection has been carried

out. In assessing the applicant's amended SEPP 1 Objection the following matters are addressed:-

(a) Whether or not the planning control is a development standard

Clause 40(4)(c) – 1 storey height within rear 25% of the site

The building height must not exceed 1 storey in the rear 25% area of the site as contained in Clause 40(4)(c) within the SEPP is considered a numerical development standard.

(b) The underlying objective of the development standard

Clause 40(4)(c) – 1 storey height within rear 25% of the site

The underlying objective of the development standard is considered to relate to the scale of development on adjoining properties and impacts on amenity and privacy.

The proposal does not conflict with the zone objectives and is consistent with the underlying objectives of the development standard. See further comments below.

(c) Consistency of the development with the aims of the policy and the objectives of the Environmental Planning & Assessment Act, 1979 (EPA Act)

The modified proposal for a residential aged care facility is considered to be a compatible form of development with the residential development of the area. The development as proposed would assist in attaining the objectives specified in Section 5 (a)(i) and (ii) of the EPA Act, in particular the proper management and co-ordination of the orderly and economic use and development of land.

(d) Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

Chief Justice Preston set out five alternative ways of establishing that compliance is unreasonable or unnecessary in the preparation of a SEPP 1 objection in *Wehbe v Pittwater Council* (2007) NSW LEC 827, albeit only one of these 5 ways needs to apply in order for the objection to be well founded.

1. *Establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achievable notwithstanding non-compliance with the standard.*
2. *Establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*
3. *Establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
4. *Establish that the development standard has been virtually abandoned or destroyed by Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*
5. *Establish that "zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to the land" and that "compliance with the standard in that case would also be unreasonable or unnecessary."*

Clause 40(4)(c) – 1 storey height within rear 25% of the site

The applicant has provided the following justification as to why the underlying objective is not relevant to the development:

- *The proposed height of 2 storeys does not result in adverse impacts on the adjoining rear property, being the Castle Hill Country Club golf course. There are no dwellings on the Country Club golf course adjoining this shared property boundary therefore no overshadowing or privacy issues concerned with a 2 storey building on this rear boundary;*
- *The proposed development includes significant landscaping on the rear property boundary, which adjoins existing trees on the Country Club golf course. This combination of landscaping will minimise any adverse impacts associated with the proposed development and ensures a transition from the Seniors Living development to the golf course is achieved;*
- *The circumstances of the proposed development are not consistent with the circumstances for which this development standard was created. The building height standard in clause 40(4)(c) implies that the proposed Seniors Living development would immediately adjoin the rear of the site. However, in this circumstance, the Seniors Living development does not adjoin residential development to the rear of the property;*
- *There are no considerable benefits for the adjoining property if the proposal was to strictly comply with the building height standard specified in clause 40(4)(c). There are no adverse impacts that would be avoided by restricting the 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 proposed encroachment of the 2 storey structure into the rear 25% of the site is minor and does not result in any adverse amenity impacts such as overshadowing or overlooking as the rear of the site is the golf course. There are no impacts of the non-compliance with the development standards in terms of privacy, amenity, solar access or visual impact.

The justification provided by the applicant demonstrates that the variation to the 1 storey height limit within the rear 25% of the site does not contravene the objectives of the standard and is considered satisfactory.

(e) Whether the SEPP 1 objection is well founded

Compliance with the above development standards is considered unnecessary in the circumstances where the variation is minor and the circumstances of the site render the standard irrelevant. Strict application of the development standards would hinder the attainment of the objectives of the EP & A Act pertaining to the orderly and economic use and development of the land.

Therefore, the SEPP 1 objection is considered to be well founded and is considered satisfactory.

2. Compliance with SEPP Housing for Seniors or People with a Disability 2004 and The Hills Local Environmental Plan 2012

The site is currently zoned R2 Low Density Residential and SP2 Stormwater Management System under The Hills Local Environmental Plan 2012. Seniors Housing is a permissible development under The Hills LEP 2012 and the State Environmental Planning Policy Housing for Seniors or People with a Disability 2004.

It is considered that the modified proposal complies with the requirements of the SEPP in respect to the definition of a residential care facility and self-contained dwellings.

a. Clause 24 and 25 - Site Compatibility Certificate

The applicant has provided a Site Compatibility Certificate submitted with the original application from the Department of Planning dated 26 October 2012. Accordingly Clauses 24 and 25 have been addressed.

b. 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. As indicated, the proposal complies.

DEVELOPMENT STANDARD	SEPP REQUIREMENT	APPROVED DEVELOPMENT	PROPOSED MODIFICATIONS	COMPLIANCE
Facilities	(a) Shops, banks and other retail and commercial services (b) Community services and recreational facilities (c) General medical practitioner	The applicant has indicated that the facility will provide a mini-bus service to transport residents to shops, recreation facilities, medical practitioners, etc.	No changes proposed	Yes
Location and access	Access is considered to comply if: (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 (b) there is a public transport service available to the residents who will occupy the development: (i) that is located at a distance of	As discussed above, the applicant has indicated that the facility will provide a mini-bus service to transport residents to shops, recreation facilities, medical practitioners, etc. The mini-bus service will provide door-to-door service therefore satisfying the location and access requirements of the SEPP.	No changes proposed	Yes

	<p>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 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>			
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c. Clause 28 - Water and Sewer Services

The SEPP states that a consent authority must not consent to a development application unless the consent authority 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.

With the submission of the original application, a feasibility letter from Sydney Water dated 28 August 2012 was received by Council regarding the works required to be undertaken for this development in order for the development to receive a Section 73 Certificate from Sydney Water. This letter states that the following works are to be undertaken in regard to sewerage facilities and water provision:

- (i) construction of a drinking water main extension;
- (ii) construction of a recycled water main extension;
- (iii) construction of a sewer main extension.

Appropriate conditions of consent was imposed on the original development consent requiring the submission of a "Notice of Requirements" from Sydney Water prior to the issue of a Construction Certificate, and the submission of a Section 73 Certificate prior to

issue of the Occupation Certificate (See Conditions Nos. 38 and 82 of DA No. 215/2013/JP).

d. Clause 32 – Design of residential development

Clause 32 states that a consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2 (Clauses 33 - 39), discussed below.

e. Clause 33 - Neighbourhood Amenity and Streetscape

The amended development has been designed to ensure that the proposed development does not dominate the streetscape or appear obtrusive or overbearing within the surrounding development. The development's bulk and scale from Fairway Drive does not appear overbearing in the low to medium density residential area. The proposed development's heights are sympathetic to the site's orientation and topography.

Views from the adjoining residences in Country Club Circuit have been considered in the design of the aged care facility. It is considered that the development accommodates sufficient setbacks and landscape screening from these residents.

f. Clause 34 - Visual and Acoustic Privacy

The setbacks included in the proposed development provide a level of visual and acoustic privacy for adjoining residents, in particular residents to the east on Country Club Circuit. A minimum eastern side setback of 4.5 metres has been proposed, with the majority of the development enjoying a greater setback than the minimum proposed. The closest dwelling on Country Club Circuit is located approximately 14 metres from the eastern elevation of the aged care facility. The second storey east facing elevation is to have blinds to reduce mutual overlooking between the subject site and dwellings to the east.

Additionally, the development is to be heavily landscaped with provides additional screening and mutual privacy between the occupants of the facility and neighbouring properties.

g. Clause 35 - Solar Access and Design for Climate

The design for the aged care facility featuring a centre core with four wings orientated on an east-west axis ensures that each wing will receive good levels of light and ventilation. The open spaces between the wings will also receive good balance of light and shade.

The minor reconfiguration of the buildings demonstrate that the proposed buildings will not impact detrimentally impact the solar access enjoyed within the living rooms or private open space areas associated with the units within the proposed development. The minimum solar access requirement stipulated by the SEPP Housing for Seniors or People with a Disability 2004 is achieved in the proposed development.

h. Clause 36 - Stormwater

The site is traversed by 2 natural water courses, one along the western boundary (western tributary) and the second one along the middle of the property (eastern tributary). The approved development merges the two watercourses with the development, which involves diverting the eastern tributary along the south-eastern boundary to merge with the western catchment. The merged flow is then directed towards the existing dam through a reconstructed water way and riparian corridor, to be completed to the requirements of NSW Office of Water. Construction of the waterway has been approved within both properties Lot 101 DP 1129876 (6 Fairway Drive) and Lot 2 DP 1160957 (Castle Hill Country Club).

No changes are proposed to the approved stormwater scheme or the riparian corridor. The modifications are limited to the building envelope of the approved residential aged care facility.

i. Clause 37 - Crime Prevention

The approved development included measures to ensure the safety and sense of security for the residents such as passive surveillance provided by windows overlooking common areas, a security fence on the property boundaries and the use of outdoor lighting within the development. The amended proposal is considered satisfactory with regards to Crime Prevention Through Environmental Design.

j. Clause 38 - Accessibility

An Accessibility Report by Accessible Building Solutions was prepared for the Seniors Living development. No modifications are proposed to the approved access for people with disabilities throughout the development.

k. Clause 39 - Waste Management

The original Development Application was accompanied by a detailed waste management plan which was been deemed satisfactory. No modifications are proposed to the approved waste management.

l. 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.

DEVELOPMENT STANDARD	SEPP REQUIREMENT	APPROVED DEVELOPMENT	PROPOSED MODIFICATIONS	COMPLIANCE
Site size	The size of the site must be at least 1,000m ²	20,719m ²	No changes proposed	Yes
Site frontage	The site frontage must be at least 20 metres wide at the building line.	Site width (frontage to Fairway Drive) is 187m ²	No changes proposed	Yes
Height in zones where residential flat builds are not permitted.	(a) 8 metre maximum	(a) The development does not exceed 8 metres.	No changes proposed	Yes
	(b) 2 storeys where adjacent to a boundary	(b) 2 storeys adjacent to boundary.	No changes proposed	Yes
	(c) building within the rear 25% not be greater than 1 storey	(c) Development is 2 storeys within the rear 25%	A variation has been approved with the approved development.	No. The application has been accompanied by an amended

			Minor modification due to the reconfiguration of buildings.	SEPP No. 1 Objection that has been prepared in response to the variation (refer Section 1).
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m. 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: building height, density and scale, landscaping and parking.

DEVELOPMENT STANDARD	SEPP REQUIREMENT	APPROVED DEVELOPMENT	PROPOSED MODIFICATIONS	COMPLIANCE
Density and Scale	Maximum FSR 1:1	1:1	No changes proposed	Yes
Landscaped area	Minimum 25m ²	4000m ² required (25 x160), 4868m ² proposed.	No changes proposed	Yes
Parking 1 per 10 beds 1 space per 2 employees on duty 1 parking space suitable for ambulance	160/10=16 spaces 40/2 = 20 spaces Total = 36 spaces Ambulance parking is available at the front entrance.	Proposed 42 spaces Ambulance parking can be accommodated at the front of the building as well as within the basement parking area.	No changes proposed No changes proposed	Yes Yes

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

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 self-contained dwelling on any of the following grounds: building height, density and scale, landscaping, solar access and parking.

DEVELOPMENT STANDARD	SEPP REQUIREMENT	APPROVED DEVELOPMENT	PROPOSED MODIFICATIONS	COMPLIANCE
Building Height	8 metres or less.	8 metres to the ceiling of the topmost floor.	No changes proposed	Yes
Density and Scale	Maximum FSR 0.5:1	0.5:1	No changes proposed	Yes
Landscaped	Minimum 30%	3420m ²	3420m ²	Yes

area	of the site.	required, 5950m ² (overall 10818m ²) proposed.	required, 6140m ² (overall 11008m ²) proposed.	
Deep Soil Landscaping	Minimum 15% deep soil landscaping to support growth of trees and shrubs.	1701m ² required, 4720m ² proposed.	1701m ² required, 5925m ² proposed.	Yes
Solar Access	Living rooms and private open spaces for 70% of dwelling receive a minimum of 3 hours sunlight between 9am and 3pm at the winter solstice.	28 of the 39 units or 72% meet the solar access requirement.	No changes proposed	Yes
Parking	Parking is to be provided at a rate of 0.5 spaces per bedroom.	31 x 2 bedroom units 8 x 3 bedroom units Total bedroom = 86 x 0.5 = 43 spaces required, 94 provided.	No changes proposed	Yes

3. Compliance with Section 96 of the EP & A Act 1979

Section 96(2) of the Environmental Planning and Assessment Act, 1979 requires the following:

"(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

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

advertising of applications for modification of a development consent, and

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

With respect to the above requirements the following is outlined:-

- The proposed development is an amendment to an approved seniors living development to reconfigure the approved buildings, rooms and common areas. No changes are proposed to the approved gross floor area, building height, number of beds in the residential care facility, number of self care housing units or number of parking spaces. Further, no changes are proposed to the approved stormwater scheme or the riparian corridor. As a result the proposed modifications are still considered to be substantially the same development as already approved.
- The modification application was not required to be referred to the NSW Office of Water as no changes are proposed to the previously agreed riparian areas.
- The modified application has been notified in accordance with the Regulations and The Hills DCP Part A – Introduction.
- No submissions were received to the proposed amended development.

As a result of the above assessment, the proposed modification application is appropriate as a Section 96(2) Modification Application and is considered satisfactory.

4. Compliance with The Hills DCP 2012

The proposal has been assessed against the relevant requirements under The Hills DCP 2012, in particular Part D Section 7 – Balmoral Road Release Area, and Part B Section 5 – Residential Flat Buildings. The original application granted approval to the variation of the pre-planned road layout under the DCP. The amended proposal does not further modify the approved development with regards to DCP requirements.

In view of the above, it is considered that the proposed modifications to the development are satisfactory and will not adversely impact on the environmental amenity of the locality.

SUBDIVISION ENGINEERING COMMENTS

Council's Senior Subdivision Engineer has reviewed the proposed modifications and no objection is raised, subject to the addition of a condition of consent requiring all doors proposed at the boundary opening to the public footpath verge must be maximum 600mm wide so as not to encroach the concrete footpath to ensure the public safety.

TREE MANAGEMENT COMMENTS

Council's Tree Management Team have reviewed the proposed modifications and no objection is raised, subject to conditions of consent which were imposed on the original development consent.

SYDNEY WATER COMMENTS

Sydney Water has reviewed the proposed modifications and no objection is raised to the amended plans. The original development consent has been referred to the Sydney Water Stormwater Section regarding the approved stormwater concept with the original consent.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, SEPP Housing for Seniors or People with a Disability 2004, The Hills Local Environment Plan 2012 and The Hills Development Control Plan 2012 and is considered satisfactory.

The proposed modification is considered to be substantially the same development as originally approved by the JRPP and is considered satisfactory with respect to Section 96(2) of the Environmental Planning and Assessment Act 1979.

The proposed modifications do not result in any adverse impacts such as overshadowing, solar access or privacy.

The modification application was notified to adjoining properties and no submissions were received.

Accordingly approval subject to conditions as modified is recommended.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

1. Condition No. 1 be **deleted** and **replaced** as follows:

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	ISSUE	DATE
DA-0000A	Cover Sheet & Location Plan	C	17/12/2013
DA-0000C	Density Calculation Drawing	C	17/12/2013
DA-0001	Site Plan – Basement Level Plan	C	17/12/2013
DA-0002	Site Plan – Ground Floor Plan	C	17/12/2013
DA-0003	Site Plan – Level 1	C	17/12/2013
DA-0004	Site Plan – Level 2	C	17/12/2013
DA-0005	Site Plan – Roof Plan	C	17/12/2013
DA-1101	Residential Care Facility – Basement Floor Plan	B	17/12/2013
DA-1102	Residential Care Facility – Ground Floor Plan	B	17/12/2013
DA-1103	Residential Care Facility – Level 1 Floor Plan	B	17/12/2013
DA-1104	Residential Care Facility – Roof Plan	B	17/12/2013
DA-1201	SCH – Block 1 & 2 Floor Plan – Basement Level	C	17/12/2013
DA-1202	SCH – Block 1 & 2 – Ground Floor Plan	C	17/12/2013
DA-1203	SCH – Block 1 & 2 – Level 1 Floor Plan	C	17/12/2013
DA-1204	SCH – Block 1 & 2 – Level 2 Floor Plan	C	17/12/2013
DA-1205	SCH – Roof Plan	C	17/12/2013
DA-1301	SCH – Block 3,4 & RCF South Wing Basement Floor Plan	B	17/12/2013
DA-1302	SCH – Block 3.4 & RCF (part) Ground Floor Plan	B	17/12/2013
DA-1303	SCH – Block 3.4 & RCF (part) Level 1	B	17/12/2013

	Floor Plan		
DA-1304	SCH – Block 3.4 & RCF Level 2 Floor Plan	B	17/12/2013
DA-1305	SCH – Block 3,4 & RCF Roof Plan	B	17/12/2013
DA-5320	Contextual Elevations	C	17/12/2013
DA-5321	Contextual Elevations	B	17/12/2013
DA-5322	Contextual Elevations	C	17/12/2013
DA-5323	Fairway Drive Fence Elevations	E	25/02/2014
DA-6101	RACF – Site Section Sheet 1	C	17/12/2013
DA-9104	Part Basement Section Adjacent to culvert under Fairway Drive	F	19/12/2013
SK DA01	Landscape Master Plan	D	16/12/2013
SK DA02	Landscape Master Plan – Pond and Drainage Channel	D	16/12/2013
SK DA03	Plant Schedule/Sections	C	12/2013
002	Figure 2 Plan of Proposed Interim 100Y ARI Flood Extents	02	17/07/2013
003	Figure 3 Plan of Proposed Ultimate 100Y ARI Flood Extents	02	17/07/2013

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. The addition of the following condition:

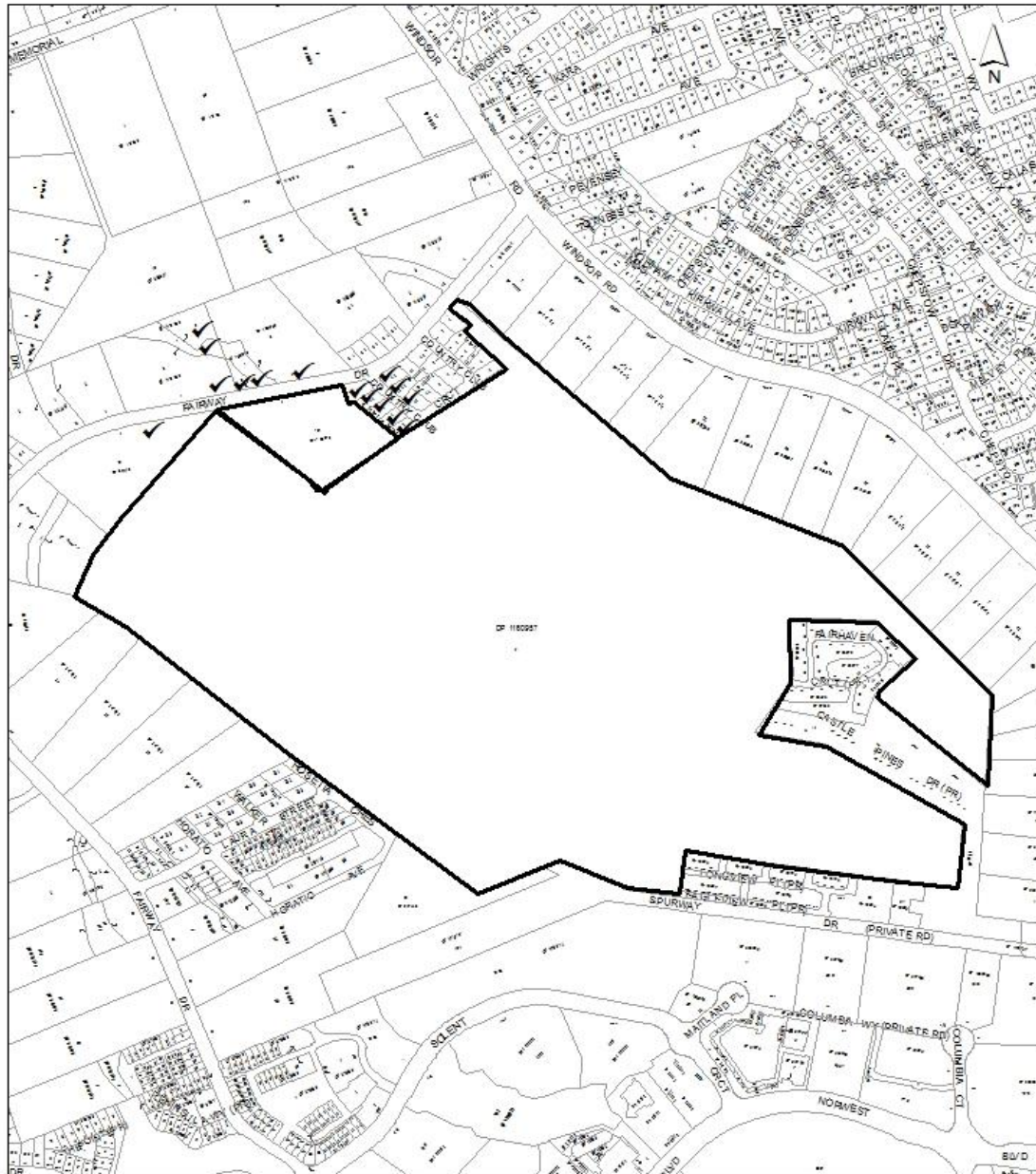
28A. Door Opening and Public Safety

All doors proposed at the boundary opening to the public footpath verge must be maximum 600mm wide so as not to encroach the concrete footpath to ensure the public safety.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Approved Site Plan (215/2013/JP)
4. Amended Site Plan
5. Approved Landscape Plan (215/2013/JP)
6. Amended Landscape Plan
7. Approved Elevations (215/2013/JP)
8. Amended Elevations
9. Development Consent No. 215/2013/JP

ATTACHMENT 1 – LOCALITY PLAN



SUBJECT SITE



PROPERTIES NOTIFIED

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

BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LP1). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



[illegible]

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LEGEND
(REFER TO DRAWING FOR MORE DETAILS)

LANDSCAPE PLANTING SCHEDULE
 - **PLANTING SCHEDULE**: List of plants and their quantities for each area.
 - **PLANTING SCHEDULE**: List of plants and their quantities for each area.

KEY PLAN
 - **KEY PLAN**: Shows the site's location within a larger context.

SECTION 96
 - **SECTION 96**: SK DA 01 Issue D

CRANBROOK CARE RACF
 - **CRANBROOK CARE RACF**: LANDSCAPE MASTER PLAN

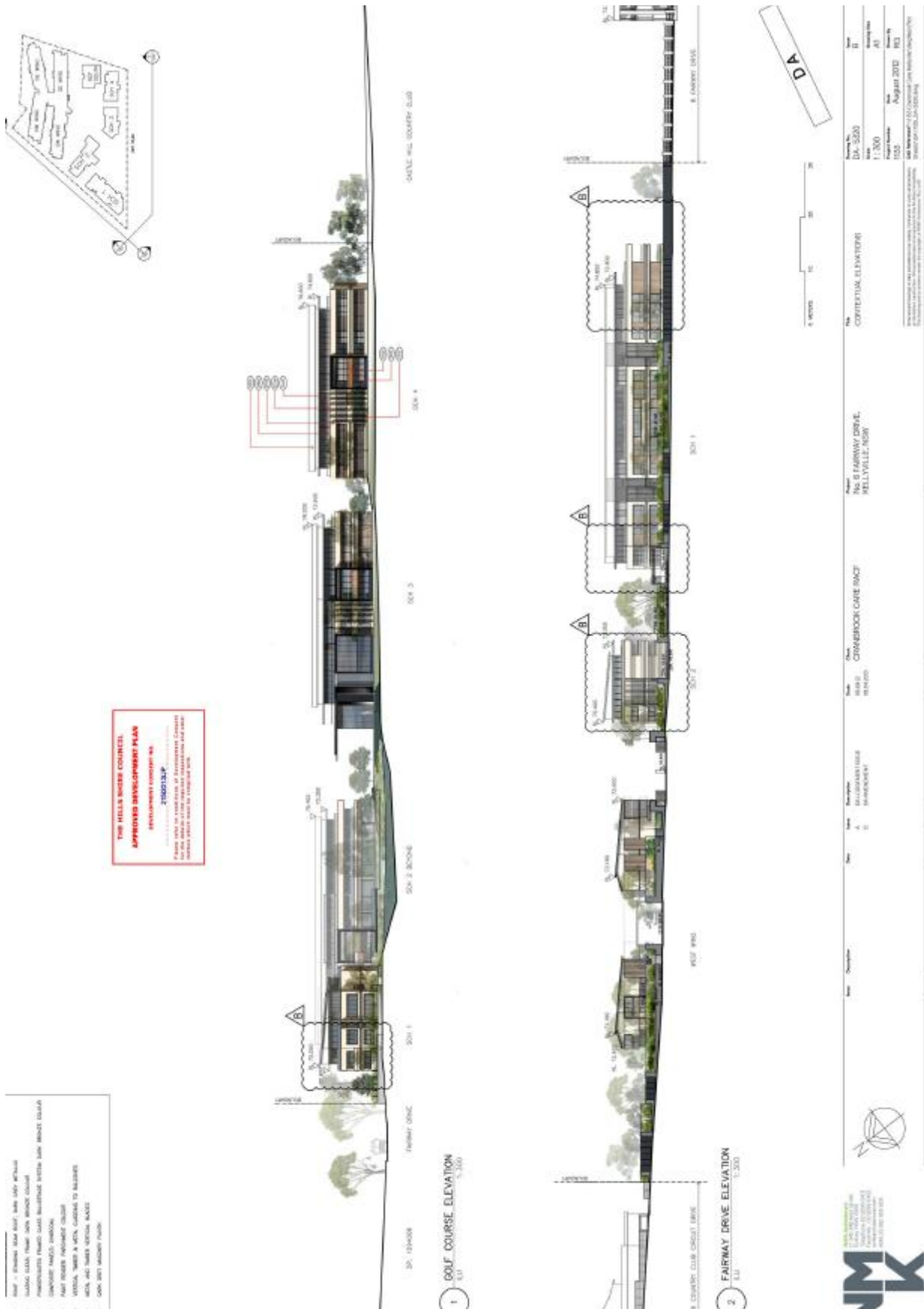
DATE
 - **DATE**: December 2013

OVERALL PLAN
 - **OVERALL PLAN**: SK DA 01 Issue D

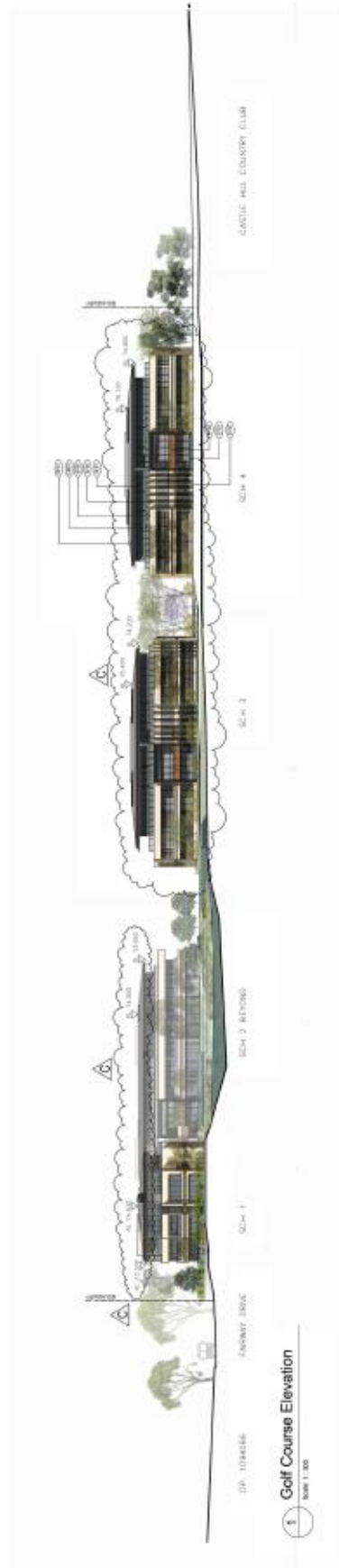
Umbaco
 - **Umbaco**: LANDSCAPE ARCHITECTS

architectus
 - **architectus**: ARCHITECTS

ATTACHMENT 7 – APPROVED ELEVATIONS (215/2013/JP)



- ENGINEERING**
- (1) 1/2" = 10' SCALE
 - (2) 1/4" = 10' SCALE
 - (3) 1/8" = 10' SCALE
 - (4) 1/16" = 10' SCALE
 - (5) 1/32" = 10' SCALE
 - (6) 1/64" = 10' SCALE
 - (7) 1/128" = 10' SCALE
 - (8) 1/256" = 10' SCALE
 - (9) 1/512" = 10' SCALE
 - (10) 1/1024" = 10' SCALE
 - (11) 1/2048" = 10' SCALE
 - (12) 1/4096" = 10' SCALE
 - (13) 1/8192" = 10' SCALE
 - (14) 1/16384" = 10' SCALE
 - (15) 1/32768" = 10' SCALE
 - (16) 1/65536" = 10' SCALE
 - (17) 1/131072" = 10' SCALE
 - (18) 1/262144" = 10' SCALE
 - (19) 1/524288" = 10' SCALE
 - (20) 1/1048576" = 10' SCALE
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 - (23) 1/8388608" = 10' SCALE
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 - (27) 1/134217728" = 10' SCALE
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SECTION 96 (NOT FOR CONSTRUCTION)

6 Fairway Drive Keshypala, NSW, 2155

Contextual Elements Sheet 1

120	C
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Editors:
 Barbara
 Harman
 and
 John
 Harman
 Editors:
 Barbara
 Harman
 and
 John
 Harman
 Editors:
 Barbara
 Harman
 and
 John
 Harman

Parameter	Unit	Value	Uncertainty
Temperature	°C	25.0	±0.1
Pressure	mmHg	760	±5
Humidity	g/m ³	10.0	±0.5
Flow rate	L/min	1.0	±0.05
Concentration	mg/L	1.0	±0.05
Time	min	10.0	±0.1
Volume	L	1.0	±0.05
Mass	g	1.0	±0.05
Area	cm ²	1.0	±0.05
Height	cm	1.0	±0.05
Width	cm	1.0	±0.05
Depth	cm	1.0	±0.05
Volume	L	1.0	±0.05
Mass	g	1.0	±0.05
Concentration	mg/L	1.0	±0.05
Flow rate	L/min	1.0	±0.05
Temperature	°C	25.0	±0.1
Pressure	mmHg	760	±5
Humidity	g/m ³	10.0	±0.5
Flow rate	L/min	1.0	±0.05
Concentration	mg/L	1.0	±0.05
Time	min	10.0	±0.1
Volume	L	1.0	±0.05
Mass	g	1.0	±0.05
Area	cm ²	1.0	±0.05
Height	cm	1.0	±0.05
Width	cm	1.0	±0.05
Depth	cm	1.0	±0.05
Volume	L	1.0	±0.05
Mass	g	1.0	±0.05
Concentration	mg/L	1.0	±0.05
Flow rate	L/min	1.0	±0.05
Temperature	°C	25.0	±0.1
Pressure	mmHg	760	±5
Humidity	g/m ³	10.0	±0.5
Flow rate	L/min	1.0	±0.05
Concentration	mg/L	1.0	±0.05
Time	min	10.0	±0.1
Volume	L	1.0	±0.05
Mass	g	1.0	±0.05
Area	cm ²	1.0	±0.05
Height	cm	1.0	±0.05
Width	cm	1.0	±0.05
Depth	cm	1.0	±0.05
Volume	L	1.0	±0.05
Mass	g	1.0	±0.05
Concentration	mg/L	1.0	±0.05
Flow rate	L/min	1.0	±0.05
Temperature	°C	25.0	±0.1
Pressure	mmHg	760	±5
Humidity	g/m ³	10.0	±0.5
Flow rate	L/min	1.0	±0.05
Concentration	mg/L	1.0	±0.05
Time	min	10.0	±0.1
Volume	L	1.0	±0.05
Mass	g	1.0	±0.05
Area	cm ²	1.0	±0.05
Height	cm	1.0	±0.05
Width	cm	1.0	±0.05
Depth	cm	1.0	±0.05
Volume	L	1.0	±0.05
Mass	g	1.0	±0.05
Concentration	mg/L	1.0	±0.05
Flow rate	L/min	1.0	±0.05
Temperature	°C	25.0	±0.1
Pressure	mmHg	760	±5
Humidity	g/m ³	10.0	±0.5
Flow rate	L/min	1.0	±0.05
Concentration	mg/L	1.0	±0.05
Time	min	10.0	±0.1
Volume	L	1.0	±0.05
Mass	g	1.0	±0.05
Area	cm ²	1.0	±0.05
Height	cm	1.0	±0.05
Width	cm	1.0	±0.05
Depth	cm	1.0	±0.05
Volume	L	1.0	±0.05
Mass	g	1.0	±0.05
Concentration	mg/L	1.0	±0.05
Flow rate	L/min	1.0	±0.05
Temperature	°C	25.0	±0.1
Pressure	mmHg	760	±5
Humidity	g/m ³	10.0	±0.5
Flow rate	L/min	1.0	±0.05
Concentration	mg/L	1.0	±0.05
Time	min	10.0	±0.1
Volume	L	1.0	±0.05
Mass	g	1.0	±0.05
Area	cm ²	1.0	±0.05
Height	cm	1.0	±0.05
Width	cm	1.0	±0.05
Depth	cm	1.0	±0.05
Volume	L	1.0	±0.05
Mass	g	1.0	±0.05
Concentration	mg/L	1.0	±0.05
Flow rate	L/min	1.0	±0.05
Temperature			

©-Citation: 17-00000-0000

Case	Investigation	Case
A	TRACHEOMYXIN	10-11-12
B	DA-AMPHOTERIN	11-12-13
C	TRICHOCLON	12-13-14

^aarchitectural liquidity 2013

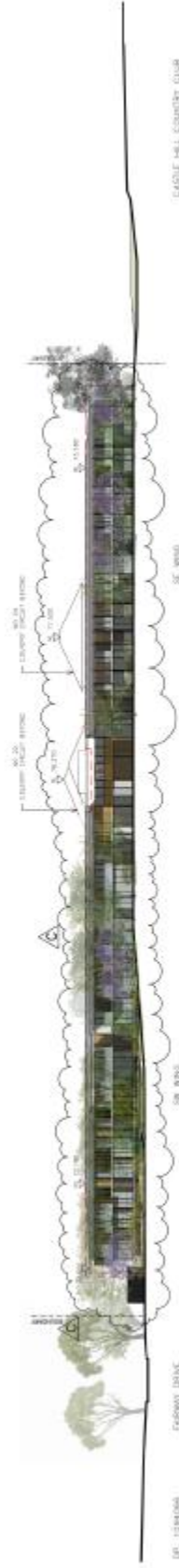
Acetylation increases the rate of conversion of two enantiomers of thalidomide to thalidomide monomers, thereby increasing the rate of elimination of the enantiomers. The enantiomers of thalidomide are not converted to thalidomide monomers at the same rate, and the enantiomers of thalidomide are not converted to thalidomide monomers at the same rate. The enantiomers of thalidomide are not converted to thalidomide monomers at the same rate, and the enantiomers of thalidomide are not converted to thalidomide monomers at the same rate.

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FINISHES LEGEND

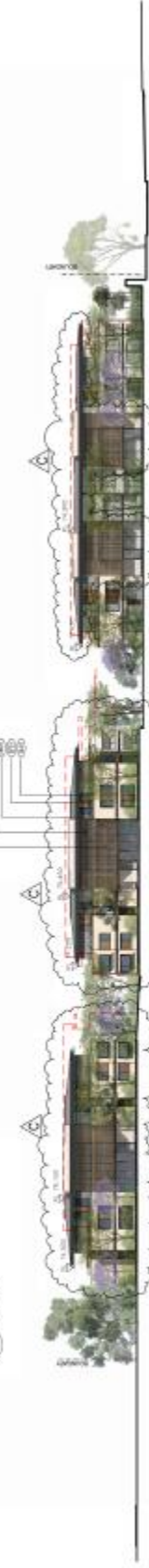
①	CEILING - Gypsum Board (1200 x 2400) with 1500mm x 600mm x 15mm Acoustic Tiles
②	WALLS - Gypsum Board (1200 x 2400) with 1500mm x 600mm x 15mm Acoustic Tiles
③	FLOORS - Gypsum Board (1200 x 2400) with 1500mm x 600mm x 15mm Acoustic Tiles
④	CEILING - Gypsum Board (1200 x 2400) with 1500mm x 600mm x 15mm Acoustic Tiles
⑤	WALLS - Gypsum Board (1200 x 2400) with 1500mm x 600mm x 15mm Acoustic Tiles
⑥	FLOORS - Gypsum Board (1200 x 2400) with 1500mm x 600mm x 15mm Acoustic Tiles
⑦	CEILING - Gypsum Board (1200 x 2400) with 1500mm x 600mm x 15mm Acoustic Tiles
⑧	WALLS - Gypsum Board (1200 x 2400) with 1500mm x 600mm x 15mm Acoustic Tiles
⑨	FLOORS - Gypsum Board (1200 x 2400) with 1500mm x 600mm x 15mm Acoustic Tiles
⑩	CEILING - Gypsum Board (1200 x 2400) with 1500mm x 600mm x 15mm Acoustic Tiles
⑪	WALLS - Gypsum Board (1200 x 2400) with 1500mm x 600mm x 15mm Acoustic Tiles
⑫	FLOORS - Gypsum Board (1200 x 2400) with 1500mm x 600mm x 15mm Acoustic Tiles



5 ELEVATIONS
Scale 1:100

6 ELEVATIONS
Scale 1:100

7 ELEVATIONS
Scale 1:100



8 ELEVATIONS
Scale 1:100

9 ELEVATIONS
Scale 1:100

10 ELEVATIONS
Scale 1:100



11 ELEVATIONS
Scale 1:100

12 ELEVATIONS
Scale 1:100

CASTLE HILL COUNTRY CLUB

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	10/10/18
2	ISSUED FOR CONSTRUCTION	10/10/18
3	ISSUED FOR CONSTRUCTION	10/10/18
4	ISSUED FOR CONSTRUCTION	10/10/18
5	ISSUED FOR CONSTRUCTION	10/10/18
6	ISSUED FOR CONSTRUCTION	10/10/18
7	ISSUED FOR CONSTRUCTION	10/10/18
8	ISSUED FOR CONSTRUCTION	10/10/18
9	ISSUED FOR CONSTRUCTION	10/10/18
10	ISSUED FOR CONSTRUCTION	10/10/18
11	ISSUED FOR CONSTRUCTION	10/10/18
12	ISSUED FOR CONSTRUCTION	10/10/18
13	ISSUED FOR CONSTRUCTION	10/10/18
14	ISSUED FOR CONSTRUCTION	10/10/18
15	ISSUED FOR CONSTRUCTION	10/10/18
16	ISSUED FOR CONSTRUCTION	10/10/18
17	ISSUED FOR CONSTRUCTION	10/10/18
18	ISSUED FOR CONSTRUCTION	10/10/18
19	ISSUED FOR CONSTRUCTION	10/10/18
20	ISSUED FOR CONSTRUCTION	10/10/18

Architect: [Name]

Project: [Name]

Location: [Name]

Date: [Name]

architectus

10/10/18

10/10/18

SECTION 96 (NOT FOR CONSTRUCTION)

6 Fairway Drive Kellyville NSW 2155

DA-3322

C

ATTACHMENT 9 – DEVELOPMENT CONSENT NO. 215/2013/JP



9 September 2013



Cranbrook Care RACF Pty Limited
PO Box 6067
NORTH SYDNEY NSW 2059

Ref No.:215/2013/JP
JRPP: 28 August 2013

Dear Sir/Madam

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Pursuant to Section 81 of the Environmental Planning and Assessment Act, 1979, notice is hereby given of the determination by NSW Government Joint Regional Planning Panel (Sydney West Region) of the Development Application referred to herein.

The Application has been determined by the granting of Consent subject to the conditions referred to in this Notice.

The conditions of the Consent referred to herein are deemed necessary by The Hills Shire Council, pursuant to Part 4, Division 2 of the Environmental Planning and Assessment Act, 1979.

This Consent shall become effective from the endorsed date of Consent.

This Consent shall lapse unless development, the subject of the Consent, is commenced within five (5) years from the endorsed date of Consent or as otherwise provided under Section 95 of the Environmental Planning and Assessment Act, 1979 which may vary the above date of the lapsing of the Consent.

Right of Review

Section 82A of the Environmental Planning and Assessment Act 1979 confers on the applicant the right of review of determination, subject to such request being made within six (6) months of the determination date and accompanied by a fee as prescribed in clause 257 of the Environmental Planning and Assessment Regulation 2000. For development applications lodged before 28 February 2011, the statutory timeframe for review is twelve (12) months from the determination date.

Section 82(A)(1) of the Environmental Planning and Assessment Act 1979 does not permit a review of determination in respect of:

- a) Designated development, or
- a) Integrated development, or
- b) An application by the Crown determined by Council under section 116(E).

Right of Appeal

Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the NSW Land and Environment Court exercisable within six (6) months after receipt of this notice. For development applications lodged before 28 February 2011, the statutory timeframe for appeal is twelve (12) months from the determination date.

APPLICANT Cranbrook Care RACF Pty Limited

OWNER: Cranbrook Care RACF Pty Limited and Castle Hill Country Club Limited

PROPERTY: Lot 101 DP 1129876, Lot 2 DP 1160957
6 Fairway Drive, Kellyville, Castle Hill Country Club, Spurway Drive, Baulkham Hills

DEVELOPMENT: Seniors Living Development consisting of a 160 bed residential care facility 39 self care housing units parking for 136 vehicles and the re-construction of a dam in conjunction with Castle Hill Country Club.

ENDORSED DATE OF CONSENT: 28 August 2013

CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	ISSUE	DATE
DA-0000A	Cover Sheet & Location Plan	B	18/04/2013
DA-0000C	Density Calculation Drawing	B	18/04/2013
DA-0001	Site Plan – Basement Level Plan	B	18/04/2013
DA-0002	Site Plan – Ground Floor Plan	B	18/04/2013
DA-0003	Site Plan – Level 1	B	18/04/2013
DA-0004	Site Plan – Level 2	B	18/04/2013
DA-0005	Site Plan – Roof Plan	B	18/04/2013
DA-1101	Residential Care Facility – Basement Floor Plan	A	16/08/2012
DA-1102	Residential Care Facility – Ground Floor Plan	A	16/08/2012
DA-1103	Residential Care Facility – Level 1 Floor Plan	A	16/08/2012
DA-1104	Residential Care Facility – Roof Plan	A	16/08/2012
DA-1201	SCH – Block 1 & 2 Floor Plan – Basement Level	B	18/04/2013
DA-1202	SCH – Block 1 & 2 – Ground Floor Plan	B	18/04/2013
DA-1203	SCH – Block 1 & 2 – Level 1 Floor Plan	B	18/04/2013
DA-1204	SCH – Block 1 & 2 – Level 2 Floor Plan	B	18/04/2013
DA-1205	SCH – Roof Plan	B	18/04/2013
DA-1301	SCH – Block 3,4 & RCF South Wing Basement Floor Plan	A	16/08/2012
DA-1302	SCH – Block 3,4 & RCF (part) Ground Floor Plan	A	16/08/2012
DA-1302	SCH – Block 3,4 & RCF (part) Level 1 Floor Plan	A	16/08/2012
DA-1304	SCH – Block 3,4 & RCF Level 2 Floor	A	16/08/2012

	Plan		
DA-1305	SCH – Block 3,4 & RCF Roof Plan	A	16/08/2012
DA-5320	Contextual Elevations	B	18/04/2013
DA-5321	Contextual Elevations	A	16/08/2012
DA-5322	Contextual Elevations	B	18/04/2013
DA-5323	Fairway Drive Fence Elevations	B	18/04/2013
DA-6101	RACF – Site Section Sheet 1	B	18/04/2013
DA-9104	Part Basement Section Adjacent to culvert under Fairway Drive	E	18/07/2013
SK DA01	Landscape Master Plan	C	18/04/2013
SK DA02	Landscape Master Plan – Pond and Drainage Channel	C	18/04/2013
002	Figure 2 Plan of Proposed Interim 100Y ARI Flood Extents	02	17/07/2013
003	Figure 3 Plan of Proposed Ultimate 100Y ARI Flood Extents	02	17/07/2013

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. 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.

3. 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.

4. SEPP (Housing for Seniors or People with a Disability) 2004

The self-care dwellings shall be restricted to the housing of older people and / or people with a disability in accordance with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability)2004.

5. Provision of Parking Spaces

The development is required to be provided with a total of 136 off-street car parking spaces, being 42 for the residential aged care facility and 94 for the self-contained dwellings. These car parking spaces shall be available for off street parking at all times.

6. Compliance with Office of Water Requirements

Compliance with the requirements of the Office of Water attached as Appendix 1 to this consent and dated 12 March 2013.

7. Compliance with Roads and Maritime Services (RMS) Requirements

The following condition is required by Roads and Maritime Services (RMS) or as otherwise agreed by RMS and Council in writing:

- 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) are to be in accordance with AS 2890.1 - 2004 and AS 2890 - 2002 for heavy vehicles.
- The internal aisle ways are to be marked with pavement arrows to direct traffic movements in/ out of the site and guide traffic circulation through the car park.
- The minimum available headroom clearance is to be signposted at all entrances and clearance is to be a minimum of 2.2 metres (for cars and light vans, including all travel paths to and from parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign and ventilation), according to AS 2890.1 - 2004.
- Turning areas at dead-end isles within the basement car park are to be kept clear of any obstacles, including parked cars, at all times.
- All vehicles are to enter and leave the site in a forward direction.

8. Compliance with NSW Police Requirements

The following condition is required by NSW Police or as otherwise agreed by NSW Police and Council in writing:

- a. Natural surveillance is to be maximised and physical barriers installed to secure the property from trespassers.
- a. High resolution CCTV is to be installed to monitor common open spaces and the car park access/egress points and entrances to the unit blocks.
- b. Lighting is required to meet Australian Standards. In particular, lighting is to be installed at the entry and exit points of the buildings, driveways and within the carparking areas.
- c. All landscape works are to be maintained to ensure adequate sight lines are available and reduce opportunity for concealment and entrapment. Pedestrian pathways are to be maintained with low landscaping for 3-5m either side to prevent concealment.
- d. Bicycle parking is to be lockable and covered and be within sight of capable guardians.
- e. All public access points are to be clearly marked.
- f. The site is to be maintained at all times, including repair of vandalism and graffiti, the replacement of lighting and general site cleanliness.
- g. The installation of gates or a similar form of access control within the carparking areas to restrict access to the residential carparks after hours and further access control both into the grounds of the development or the residential buildings. Ensure that security shutters cannot be easily manipulated.
- h. Security sensor lights and a security company to monitor the site is to be used while construction is in progress. Offenders often target this type of development, including in the construction phase.
- i. The installation of signage at fire exits and stairs to ensure that these exits/stairs are kept closed.
- j. Avoid the creation of 'natural ladders' such as ledges, capable of supporting hands/feet and use of balustrades that will not provide an anchor point for ropes.

9. Separate application for signs

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

10. Property Numbering for Integrated Housing, Multi Unit Housing, Commercial Developments and Industrial Developments

The responsibility for property numbering is vested solely in Council.

Please refer to approved numbering correspondence and marked plan.

The following table provides the approved unit numbers to be allocated on site for the Self Care Units. These unit numbers below, unless otherwise approved by Council in writing, are to be displayed clearly on all unit door entrances.

Approved Numbers for Self Care Units	Unit Self	Description On Drawing Numbers DA1202-DA1204 & DA1302-DA1304	Building & Lift Description
Unit 1		B1.0.01	Building 1 Lift 1
Unit 2		B1.0.02	Building 1 Lift 1
Unit 3		B1.0.03	Building 1 Lift 1
Unit 4		B1.1.01	Building 1 Lift 1
Unit 5		B1.1.02	Building 1 Lift 1
Unit 6		B1.1.03	Building 1 Lift 1
Unit 7		B1.2.01	Building 1 Lift 1
Unit 8		B1.2.02	Building 1 Lift 1
Unit 9		B1.0.04	Building 1 Lift 2
Unit 10		B1.0.05	Building 1 Lift 2
Unit 11		B1.0.06	Building 1 Lift 2
Unit 12		B1.1.04	Building 1 Lift 2

Unit 13	B1.1.05	Building 1 Lift 2
Unit 14	B1.1.06	Building 1 Lift 2
Unit 15	B1.2.03	Building 1 Lift 2
Unit 16	B1.2.04	Building 1 Lift 2
Unit 17	B2.0.01	Building 2 Lift 3
Unit 18	B2.0.02	Building 2 Lift 3
Unit 19	B2.1.01	Building 2 Lift 3
Unit 20	B2.1.02	Building 2 Lift 3
Unit 21	B2.1.03	Building 2 Lift 3
Unit 22	B2.1.04	Building 2 Lift 3
Unit 23	B2.2.01	Building 2 Lift 3
Unit 24	B2.2.02	Building 2 Lift 3
Unit 25	B2.2.03	Building 2 Lift 3
Unit 26	B3.0.01	Building 3 Lift 4
Unit 27	B3.0.02	Building 3 Lift 4
Unit 28	B3.1.01	Building 3 Lift 4
Unit 29	B3.1.02	Building 3 Lift 4
Unit 30	B3.2.01	Building 3 Lift 4
Unit 31	B3.2.02	Building 3 Lift 4
Unit 32	B4.0.01	Building 4 Lift 5
Unit 33	B4.0.02	Building 4 Lift 5
Unit 34	B4.0.03	Building 4 Lift 5
Unit 35	B4.1.01	Building 4 Lift 5
Unit 36	B4.1.02	Building 4 Lift 5
Unit 37	B4.1.03	Building 4 Lift 5
Unit 38	B4.2.01	Building 4 Lift 5
Unit 39	B4.2.02	Building 4 Lift 5

Fairway Drive will be renumbered in the future with the number 6 being allocated to a different property within Fairway Drive. Individual street numbers will be allocated to the Self Care Units and the Residential Care Facility. Until such time that Fairway Drive is renumbered no street number can be allocated to the Self Care Units or the Residential Care Facility. As a result of this NO reference is to be made to the number 6 in regards to street number or signage within the site.

A diagrammatic plan is to be erected on site at driveway entry points. Clear and accurate external directional signage is to be erected on all buildings, stairways, lift shafts, units and lobby entry doors.

It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency.

11. 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.

12. 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 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.

13. Acoustic Requirements

The findings and recommendations of the Acoustic Assessment and Report prepared by PKA Acoustic Consulting Pty Ltd, referenced as 212 108 R01 DA Stage Acoustic Report v1.2 final issue, dated August 2012 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: Ensuring compliance with the established Project Specific Noise Criteria as per the table below.

Receiver	Time of Day	Project Specific Criteria – dB(A)
Nearest Residences	Day	46.1
	Evening	39.0
	Night	35.8

14. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Douglas Partners Pty Ltd, referenced as Project 73002, dated August 2012 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

That the unauthorised fill be sampled and tested to confirm site suitability and finalise waste classification for any off-site disposal if required.

15. Adherence to Waste Management Plan

The Waste Management Plan submitted to and approved by Council forms part of the development consent and must be adhered to at all stages in the demolition, construction, design of facilities and ongoing use phases except where amended by other conditions of consent. 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 – Demolition and Construction

The reuse and recycling of waste materials must be maximised during demolition and construction. 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 licenced recycling or disposal facility.

This can be achieved by constructing a minimum of five trade waste compounds onsite. 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. Commencement of Domestic Waste Services refers to the Self Care Housing (SCH)

All garbage, recycling and garden organics bins (including bulk bins) are to be ordered no earlier than (3) days prior to occupancy of the development. The bins are to be ordered by the property owner or agent acting for the owner by calling Council's Waste Hotline on Ph 1800 623 895.

19. 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.

20. 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.

21. 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*.

22. 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 Operations (Waste) Regulation 2005*.

23. 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.

24. 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.

25. Structures Adjacent to Piped Drainage Easements

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

26. 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.

27. Street Trees (Balmoral Road)

Street trees must be provided for the section of Fairway Drive fronting the development site at a spacing of between 7m and 10m. The location of street trees must compliment driveway locations. The species and size of all street trees must comply with Council's DCP requirements. Street trees can be provided by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

Street tree planting adjacent to the golf course must be in accordance with the DCP requirements.

28. 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 C Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. The driveway basement access for SCH 1 and SCH 2 must be designed to provide crest to a minimum RL 63.9m AHD in accordance with the Flood Study requirements.
- ii. 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.
- iii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iv. 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.
- v. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

29. 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.

30. Separate Application for Strata Subdivision

A separate application must be submitted for any proposed strata titled subdivision of the approved development.

31. Process for Council Endorsement of Legal Documentation

Where an encumbrance on the title of the property is required to be released or amended and 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. This process includes the preparation of a report and the execution of the documents by Council. Sufficient time should be allowed before lodging a Subdivision Certificate application.

32. Tree Removal & Fauna Protection

During the vegetation clearance for construction works the applicants Project Ecologist is to be present to re-locate any displaced fauna that may be disturbed during this activity.

Trees shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the "grab" attachment of a machine.

An experienced wildlife handler/ecologist shall be in attendance during the felling of trees on this site in order to rescue any injured wildlife.

Potential hollows in lowered trees or sections of trees shall be searched by an experienced ecologist and any fauna shall be removed and, if uninjured, either released into roost boxes on the site or fed, warmed and released in the evening, or, if injured, transferred to the care of a wildlife carer and released on the site when re-habilitated. (Please note that microbats should only be handled by an appropriate wildlife carrier).

Details prepared by the project ecologist in writing demonstrating compliance is to be submitted to the Principal Certifying Authority.

33. Microchiropteran Bat Management

The immediate area in proximity to the culvert entrance (within -6m) is to be treated as a sensitive area for microchiropteran bats. This area is to have temporary fencing consistent with section 4.3 of *Australian Standard: protection of trees on development sites*, AS 4970 and be sufficient to exclude unauthorised entry. The area is also to be marked with sign(s) that state "Sensitive Area". There is to be no intrusion into this area without prior approval from the site manager".

Prior to works commencing within the bat sensitive area the following is to occur:

- a. No works within the bat sensitive area are to occur while bats are hibernating (mid May – mid September) without additional referral to Council's Sustainability Team.
- a. The project ecologist is to inspect the culvert for roosting bats. If this is during the maternity season (October – March) a comprehensive inspection for breeding bats is to be carried out. If breeding bats are encountered all works within the sensitive area are to STOP immediately and a detailed Mitigation Plan is to be submitted to Council for approval prior to the recommencement of work.
- b. Bats are to be temporarily excluded from the culvert by temporarily blocking off all the crevices or gaps that exists within the culvert. This must follow the methods outlined in the Microchiropteran Bat Assessment Prepared by Ecological Australia and dated October 2012 and be supervised by the project ecologist.
- c. Final pre-clearance surveys are to be carried out immediately prior to first construction works within the bat sensitive area. This final check by the project ecologist is to ensure that no bats are present within the culvert. These surveys must follow the methods outlined in the Microchiropteran Bat Assessment Prepared by Ecological Australia and dated October 2012.
- d. Upon completion of construction within the bat sensitive area, the project ecologist is to ensure that all temporary exclusion measures are completely removed so that bats can again utilise the culvert.

Details prepared by the project ecologist in writing demonstrating compliance is to be submitted to the Principal Certifying Authority.

34. Weeds

No noxious or environmental weeds, as listed on the Hills Shire Council's website are to be imported on to the site. Any noxious weeds or environmental weeds on the site are to be managed continuously, in accordance with the Noxious Weeds Act 1993 and the Vegetation Management Plan for this development. All weeds cleared during the course of building works should be removed off site to an appropriate facility. Mitigation measures should be put in place to prevent the spread of weeds as a result of soil disturbance during earthworks. Piling of soil that may contain seeds of exotic species must be located at least 20m away from the creek and other areas of native vegetation to prevent transportation to adjacent areas during rainfall or wind events.

35. Erosion

Measures must be implemented to prevent indirect impacts from the proposal such as runoff and sedimentation and potential spread of weeds into adjacent areas, the creek and the riparian corridor. For example: installation of sediment detention basins, or similar, to prevent runoff and sediment entering the adjacent waterbodies.

All erosion and sedimentation control devices should be regularly monitored, cleared and repaired, particularly after periods of heavy rainfall.

36. External Finishes

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

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

37. 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.

38. Approved Plans to be Submitted to Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – See building and Developing then Quick Check and
 - Guidelines for Building Over/Adjacent to /Sydney Water Assets – see Building and Developing then Building and Renovating.
- or telephone 13 20 92.

39. Section 94 Contribution – Balmoral Road Release Area

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:-

Aged Care Facility Contribution	Purpose: 1 person	No. of 1 person: 160	No. of Credits: 0	Total S94
Transport Facilities - Capital	\$ 1,879.72	\$ 300,755.20	\$ -	\$ 300,755.20
Drainage Facilities - Capital	\$ 210.49	\$ 33,678.40	\$ -	\$ 33,678.40
Administration	\$ 138.06	\$ 22,089.60	\$ -	\$ 22,089.60
Total	\$ 2,228.27	\$ 356,523.20	\$ -	\$ 356,523.20

Self Care Accommodation Contribution	Purpose: 1 bedroom unit	No. of 1 Bedroom units: 39	No. of Credits: 1	Total S94
Open Space - Land	\$ 12,930.96	\$ 504,307.44	\$ 33,819.43	\$ 470,488.01
Open Space - Capital	\$ 3,431.83	\$ 133,841.37	\$ 8,975.56	\$ 124,865.81
Transport Facilities - Capital	\$ 2,443.64	\$ 95,301.96	\$ 6,391.05	\$ 88,910.91
Community Facilities - Land	\$ 255.72	\$ 9,973.08	\$ 668.81	\$ 9,304.27
Community Facilities - Capital	\$ 1,047.63	\$ 40,857.57	\$ 2,739.96	\$ 38,117.61
Administration	\$ 179.48	\$ 6,999.72	\$ 469.40	\$ 6,530.32
Drainage Facilities - Capital	\$ 273.64	\$ 10,671.96	\$ 715.67	\$ 9,956.29
Total	\$ 20,562.90	\$ 801,953.10	\$ 53,779.88	\$ 748,173.22

NOTE: The amount payable to Council is the combined total of both the Aged Care Facility and the Self Care Accommodation Contribution rates which is \$1,104,696.42

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.12.

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.

40. Street Numbering Identification

Prior to any Construction Certificate being issued Council's Land Information Section is to be contacted to determine if street numbers are available for the Self Care Units or the Residential Care Facility.

41. Construction and Fit-out of Hairdressing Premises

To ensure the adequate provision is made for the cleanliness, hygiene and maintenance of all hairdressing premises, all work associated with the fit out shall be designed and carried out in accordance with the requirements of:

- The local Government (General) Regulation 2005,*
- The Building Code of Australia*

Plans are to be submitted to Council for review prior to the issuing of the construction Certificate.

42. 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.

43. 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.

44. Concept Engineering Design Approval

The submitted concept engineering design plans are for DA purposes only and must not be used for construction.

45. Engineering Works and Design

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
- c) Trunk Drainage Strategy

Variation from these documents can only be approved by Council's Manager – Subdivision and Development Certification.

Engineering works can be classified as either "subdivision works" or "building works" as categorised below:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval 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.

2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flowpath within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed.

A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" can be issued by Council's Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance certificate". Post construction, a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.

3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so.

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.

The following engineering works are required:

i. Partial Width Road Reconstruction

The partial width reconstruction of the existing road listed below is required, including any necessary service adjustments and ancillary work required to make the construction effective.

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading:
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		N(ESA)
Fairway Drive	Road Type: Enhanced Collector Road 4.5m/12m/3.5m (Total width 20m) (Verge/Carriageway/Verge)	5x10 ⁶ .

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the footpath verge, kerb and gutter and the reconstruction of 6m of road pavement. This new road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10m. Additional pavement reconstruction may be necessary to provide for this carriageway width.

Any requirements relating to partial width road reconstruction from the relevant section of Council's DCP must also be complied with. All works must be carried out in accordance with the submitted traffic safety statement.

Where the existing road reserve width exceeds that required to be provided, the additional width is to be evenly distributed on either side of the road carriageway to provide for a wider footpath verge.

A pavement design prepared by a suitably qualified civil/ geotechnical engineer must be submitted with the engineering drawings. The pavement design must be based on soil tests performed by a registered NATA soils laboratory and the required traffic loadings for each road.

ii. Stormwater Drainage – Pipe Extension

Construction of street drainage along Fairway Drive frontage must be extended on both sides of the existing culvert. The drainage extension shall include:

- Connection to the existing street drainage, to the east of the site. This includes removal and reconstruction of existing temporary drainage structures which were built as part of the DA 808/2008/ZA and subsequent Engineering Construction Certificate 29/2008/EC issued for the adjoining property to the east.
- Provision of stormwater drainage of the western frontage of the site. This shall require connection to existing culvert or to the drainage structures required to be built as part of the DA 1158/2008/HC, to be determined in accordance with the final road design of Fairway Drive as required under this consent.

iii. 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.

The driveway must be **6m** wide at the boundary splayed to **8m** wide at the kerb. The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary.

The driveways proposed on both sides of the proposed widening and existing culverts across Fairway Drive must be crested to Flood Planning Level **RL 63.9** that is 500mm above the 1 in 100 year ARI flood level in the vicinity.

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

iv. Concrete Footpath Paving

A 1.5m wide concrete footpath must be provided on the southern side of Fairway Drive fronting the development site in accordance with the DCP and the above documents.

v. 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.

vi. 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.

vii. Painted Centreline Relocation

The existing painted centreline on Fairway Drive must be relocated following completion of the road works outlined above, transitioning back to the existing line marking at either end.

viii. Stormwater Management

In order to ensure the proposed development does not have adverse impact on the existing flood behaviour and provision of adequate flood protection measures to the development based on best engineering practices on river management and floodplain risk management principles and infrastructure assets, detailed design and construction drawings shall include:

a) Diversion of Watercourses:

Submission of detailed design and construction work with regards to proposed diversion of existing watercourses, must be designed and constructed generally in accordance with the Trunk Drainage Concept Plan Report Ref:X11076 and the Final Addendum dated 17 July 2013, and associated documentation including flood modeling and reports prepared by Brown Consulting Pty Ltd.

The construction works within the development sites Lot 101 DP 1129876 (6 Fairway Drive) and Lot 2 DP 1160957 (Castle Hill Country Club) must be in accordance with the interim strategy and the ultimate strategy as detailed in the reports and as illustrated in the Figure 2 and Figure 3 Drawings 002 and 003 (Revision 02 dated 17/07/2013) respectively of the project X11076.

The construction works at interim stage must ensure retaining the existing flood behavior, and shall include:

- Construction of an additional culvert across full width of Fairway drive;
- Modification to the existing dam;
- Limiting the flow through to the culvert from the dam to 6.8Cum/sec (current flow) restricted by appropriate temporary structures, while allowing the remaining flow overland along the northwestern corner of the dam as currently exists.
- Construction of the water course and riparian corridor along the south western boundary of 6 Fairway Drive to the requirements of NSW Office of Water;
- Construction of a box culvert along the south eastern boundary of 6 Fairway Drive;
- Regrading works within Castle Hill Country Club to divert the eastern tributary towards the western catchment;
- All other design measures to maintain the existing flood behavior as recommended by the Flood Report.

Note: A flood certification confirming the design compliance in accordance with the flood analysis must be submitted with the Construction Certification application.

a) Proposed Culvert Across Fairway Drive and within the site

The applicant is responsible for the design and construction of the new widening of existing culvert across Fairway Drive along the length of the existing road.

If the design of the proposed road bridge is as per the NSW Roads and Maritime Services' typical/ standard road bridge design, the design will not have to be peer reviewed. Any other non-standard road bridge design will have to be peer reviewed by a third party (chosen by Council) at the detailed design stage at the applicant's expense.

Prior to the issuing of a Construction Certificate, the applicant must submit to Council, for approval, detailed design plans and specifications for the road bridge prepared by a suitability qualified structural engineer with demonstrated experience and knowledge of road bridge design and construction. The design must be accompanied by certification from the design engineer confirming that the design complies with:

- Any requirements of the NSW Office of Water;
- Any requirements of Sydney Water;
- All relevant or applicable NSW Roads and Maritime Services' road bridge design standards;
- All relevant or applicable Australian Standards;
- Council's Design Guidelines Subdivisions/ Developments;
- Council's Works Specifications Subdivisions/ Developments; and
- Any other relevant design or construction considerations.

The design engineer must nominate all necessary critical stage inspections. These inspections are to be carried out by a suitability qualified structural engineer with demonstrated experience and knowledge of road bridge design and construction as the bridge construction progresses, with a copy of the results submitted to Council as soon as practicable after the inspection. Additionally, Council, as the PCA for this project, must be notified of any upcoming inspections a minimum of 24 hours beforehand.

b) Maintenance Plan - Proposed Culverts

An operations and maintenance plan must be prepared for the proposed road bridge. The operations and maintenance plan must include:

- i. The location and type of the road bridge, including details of its operation and design;
- i. The method and frequency of any necessary inspections;
- ii. The method and frequency of any necessary maintenance actions;
- iii. Estimated life-cycle costs;
- iv. Site access details, including access limitations etc;
- v. Description of optimum maintenance methods and alternatives, including equipment and personnel requirements;
- vi. A work method statement; and
- vii. A standard inspection and maintenance form.

The proposed road bridge must be transferred into Council ownership at the end of the project. The following is required in order to facilitate this handover process:

- viii. The operations and maintenance plan for the bridge (above) is submitted to Council for review/ revision and subsequent approval.
- ix. Council staff inspects the bridge.

- x. A whole of life assessment is provided for the bridge and documentation is provided to confirm the expenses nominated.
- xi. WAE drawings and all required as-built structural engineering certifications and inspection results are provided to Council.

If Council determines that the bridge is not complying with the conditions of this approval, Council may request that alterations be made to the bridge prior to transfer.

d) Dewatering the Dam

Dewatering the existing dam must be carried out in a manner consistent with the Prevention of Cruelty to Animals Act 1979 and to be directly supervised by an appropriately qualified aquatic ecologist to ensure that native species (such as eels and eastern snake-necked turtles) are captured and relocated to a suitable waterway and pest species (e.g. carp and mosquito fish) are humanely removed and euthanased. This shall include:

- Once pest species are removed from the dam, the bottom of the dam must be thoroughly dried out to ensure that no carp eggs or juvenile pests survive.
- A fine mesh should be placed around intake pumps used to drain dam water to prevent the uptake and spread of carp eggs, juvenile pest species and the eggs into the catchment.
- To relocate a species of amphibian, reptile or mammal a Permit must be obtained from the NSW Parks and Wildlife Service (NPWS).
- To relocate native fish, a permit from DTIRIS (under section 216 of the FM Act) to authorise a person to release live fish (relocate) into waters of New South Wales must be obtained.

The Aquatic Ecologist is to submit details demonstrating compliance with the above conditions to the Certifying Authority prior to the issue of the construction certificate.

e) Maintenance Plan

A maintenance plan for the waterway to ensure the completion and ongoing maintenance of the waterway. This is to be inclusive of the riparian and in-stream zones of the waterway and to be undertaken in line with NSW Office of Water Requirements.

f) Flooding Flood Planning Level

The finished floor levels of all habitable dwellings and the driveway crest of the basement carpark adjoining the culvert are to be at or above the Flood Planning Level, being the 100 year ARI flood level experienced at the site and Fairway Drive plus 0.5m.

All building materials construction standards below the Flood Planning Level must be compatible to ensure the flood protection from the adjoin waterway.

g) Stormwater Outlets and Scour protection.

Erosion protection works are to be provided at all discharge points into the waterway within the site and at the downstream of the culvert. Stormwater outlets are to be designed and constructed, as a minimum, in accordance with the requirements of the following documents, while applying sound river engineering principles:

- Managing Urban Stormwater – Soils and Construction, published by the NSW Government
- other design methodology approved by Council

h) Structural Assessment and Certification

Structural Certification issued by a specialist structural engineer, experienced in riverine hydraulic processes for all the structures including relating to watercourse must be provided.

Certification is to be based and assessment against predicted 100 year ARI flood flow behaviour expected to be experienced at the site and having regard to the following parameters for design (as a minimum);

- *Hydraulic loadings (flow depth, flow velocity)*

- *Shear stress and scour forces*
- *Scour impacts around and downstream of the structure*
- *Debris impact loadings*
- *Saturated ground conditions*
- *Any other relevant design considerations*

i) External Stormwater Management

Stormwater runoff enters the site from adjoining properties shall be collected and discharged into Council's drainage system bypassing the site stormwater drainage system.

j) Water Sensitive Urban Design Elements

Water sensitive urban design elements, are to be provided with the development in accordance with the DCP requirements.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to, the following:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>

46. 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.

47. 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 to the value of \$50,000.00 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 plus an additional 50 metres on either side and the road width from the back of kerb on both sides, or \$10,000.00 (whichever is the greater).

The bond shall 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.

48. 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. The minimum bond amount is \$10,000.00.

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.

49. Bank Guarantee Requirements

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 **215/2013/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.

50. Western Sydney Growth Areas – Payment of Special Infrastructure Contribution

A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011, as in force when this consent becomes operative.

Information about the special infrastructure contribution can be found on the NSW Department of Planning and Infrastructure website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx>

Please contact the NSW Department of Planning and Infrastructure regarding arrangements for the making of a payment.

51. Vegetation Management Plan

A Vegetation Management Plan is to be prepared for the 10 metre riparian corridor (from the top of the bank) on both sides of the identified first order watercourse and submitted to Council for approval prior to issue of the Construction Certificate. This plan is to address rehabilitation and management of the Cumberland Plain Woodland within this zone. Species included in any plantings are to be of local provenance and from the Cumberland Plain Woodland Critically Endangered Ecological Community.

The Vegetation Management Plan is to outline:

- The management actions to increase biodiversity values of the retained Cumberland Plain Woodland riparian corridor.
- Planting of groundcovers, climbers, shrubs and canopy species planted to a total density of 5 plants per metre squared including trees at 4 metre spacings (i.e. 1 tree per 16m²), shrubs at 1 per 2m², and ground layer plants and grasses installed at 4 plants per m². Plants will be of local provenance and consist of those species listed on the Cumberland Plain Woodland NSW scientific committee - final determinations.
- Maintenance visits are to be conducted at 2-monthly intervals for the first year after planting and 6-monthly intervals for the second year after planting, however, weed control and landscape maintenance will be undertaken by the applicant & at no cost to Council or any other authorities for a minimum of 60 months from the Council endorsed date of completion.
- The whole of the riparian zone is to be rehabilitated.
- No slashing or mechanical works are to be undertaken.
- Weed control is to be restricted to hand removal or cut-and-paint to reduce exotic flora to less than 5% cover by the conclusion of each visit.
- Four (4) microchiropteran bat boxes are to be installed at selected locations as part of the riparian zone rehabilitation. Boxes must be of an approved design and are to be installed on posts approximately 3 to 5m above ground level (or otherwise installed in a way suitable for microchiropteran bat use).

Lodgement of a security bond in the amount of \$50,000.00 to ensure satisfactory completion and maintenance of the all revegetation works is to be lodged with Council prior to issue of the Construction Certificate.

- Submission of progress reports at (annual) intervals within the 5 year maintenance period. The progress reports shall indicate compliance with the Council-approved Vegetation Management Plan. The progress reports shall be prepared by a professional ecologist/bush regenerator.
- Progressive release of the security bond at various stages subject to submission of satisfactory completion in accordance with the Council approved Vegetation Management Plan detailing progress & maintenance from a professional ecologist/bush regenerator & Council verification as per the following criteria:
 - Release of 25%, 12 months after Council certified completion;
 - Release of a further 25%, 24 months after Council certified completion;
 - Final release of 50%, 60 months after Council certified completion.

52. Landscape Plan

A landscape plan is to be submitted to Council's satisfaction prior to issue of the Construction Certificate.

The Landscape Plan is to include:

- At least 80% of all plants used in landscaping (excluding lawn) for this development must be grown from local provenance seed and cuttings of species as nominated under the NSW scientific committee - final determination for Cumberland Plain Woodland.
- Cumberland Plain Woodland Species incorporated into all levels of planting (i.e. trees, shrubs, ground covers).
- Cumberland Plain Woodland Canopy trees are to be planted at a minimum 5:1 replacement ratio across the site.

Lodgement of a landscape bond in the amount of \$50,000 to ensure satisfactory completion is to be lodged with Council prior to issue of the Construction Certificate. It shall be refunded six months following issue of the Final Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Sustainability Team that works have been completed in accordance with the approved landscape plan.

PRIOR TO WORK COMMENCING ON THE SITE

53. Principal Certifying Authority

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

54. 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.

55. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

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.

56. 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.

57. Site Water Management Plan for Protection of Water ways during construction

A Site water management plan is to be prepared and submitted to Council prior to the commencement of works on site. The plan is to be developed with consideration to "Soils and Construction – Managing Urban Stormwater" prepared by Landcom NSW.

The plan is to include:

- sedimentation and erosion controls,
- Control of surface flows of storm water,
- Extent of land disturbance at any one time,
- Consideration of the need for a sediment basin,
- Management and protection of the waterway during construction, grading and landscaping works.

58. Notification of Asbestos Removal

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

59. 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 2601-2001: 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. 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 retained and presented to Council if required.

60. Discontinuation of Domestic Waste Service

Prior to the commencement of any demolition works, Council must be notified to collect any garbage, recycling and garden organics bins from the property 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 waste service for the disposal of waste. Please contact Council's Resource Recovery Team on (02) 9843 0310 for the discontinuation of waste services.

61. 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 RMS Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RMS accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

DURING CONSTRUCTION

62. 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.

63. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 439791M_03 be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.

64. 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.

65. Rock Breaking 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.

66. Demolition of Septic Tank and Effluent Disposal Area

The existing subsurface effluent disposal area is to be demolished and back filled with Virgin Excavated Natural Material (VENM).

Any septic tank collection well or aerated waste water treatment system is to be destroyed, removed or reused in accordance with NSW Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) available from the NSW Health website (www.health.nsw.gov.au).

67. Stockpiles

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

68. Walls and Partitions in Food Premises

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.

69. Hand Wash Basin/s in Food Premises

Taps that only operate hands free shall be provided to all hand wash basins. Hand wash basins must be located within five (5) metres of where food handlers are handling open food.

Hand wash basins shall be located at staff entrance to areas where open food is handled and shall be at bench height either permanently fixed to wall to a supporting frame or set in a bench top.

70. Asbestos Removal

Asbestos and asbestos containing material shall be removed by a licenced asbestos removalists 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, Climate Change and Water (DECCW). All docket and paper work for the disposal shall be retained and made available to Council upon request.

71. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, 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 construction work.
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

72. Filtration Motor

The swimming pool filter and pump shall be fully enclosed in a purpose built acoustic enclosure to attenuate noise emitted by the swimming pool equipment. The acoustic enclosure shall reduce the sound pressure level of the swimming pool filter and pump equipment to a level not greater than 5dB (A) above the background noise level in accordance with Protection of the Environmental Operations Act 1997.

73. Pool Discharge Water

Discharge and/or overflow pipe from the swimming pool and filtration unit to be connected to the sewer where available.

All backwash water from the filtration unit is to be similarly disposed, or alternatively, must be piped to an absorption trench.

The pool excavations not to conflict with the position of household drainage trenches or lines, the position of which must be ascertained before pool excavation commences.

74. Swimming Pool Safety Fencing

All pools and safety barriers are to comply with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and Australian Standard 1926.1-2012. A fact sheet titled *Swimming Pool Fencing Requirements* is available from www.thehills.nsw.gov.au.

75. Resuscitation Warning Notice

In accordance with the Swimming Pools Regulation 2008, a Warning Notice is to be displayed in a prominent position, in the immediate vicinity of the swimming pool. The notice is to contain a diagrammatic flow chart of resuscitation techniques, the words:

- (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",
- and
- (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
- (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

and all other details required by the Regulation.

76. Pool not to be Filled Until Occupation

The pool is not to be filled with water until the dwelling is occupied.

77. Standard of Works

All work must be completed in accordance with this consent and Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works and public utility relocation must incur no cost to Council.

78. Engineering Construction Inspections

Construction inspections are required for the engineering works included in this consent at the completion of the following inspection stages:

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;
- c) Bedding of pipes in trenches;
- d) Trench backfill within roads;
- e) Formwork for concrete structures;
- f) Sub-grade proof roller test;
- g) Proof roller test for kerb;
- h) Sub-base course proof roller test;
- i) Base course proof roller test;
- j) Prior to placing of fill;
- k) Road crossing;
- l) Final inspection; and
- m) Asphaltic concrete surfacing.

The inspection of works approved by Council can only be carried out by Council. An initial site inspection is required prior to commencement of works. 24 hours notice must be given for all inspections.

79. Aboriginal Archaeological Sites or Relics

If, during activities involving earthworks and soil disturbance, any evidence of an Aboriginal archaeological site or relic is found, all works on the site are to cease and the Office of Environment and Heritage must be notified immediately.

80. 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.

81. National Parks and Wildlife Act 1974

Should any artefacts be uncovered in the course of any works, all works should cease and comply with Part 6 of the National Parks and Wildlife Act 1974, in particular section 90 regarding permits to destroy.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

82. Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate

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

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.

83. Landscaping Prior to Issue of Occupation Certificate

The landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate (within each stage if applicable) 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 landscape plan.

84. 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
- a) 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.

85. 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.

86. 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*.

87. Hairdressing Premises Final Inspection

Prior to issuing an Occupation Certificate, the premises shall be inspected by an authorised Officer of the Hills Shire Council under the Local Government Act 1993 to determine compliance with the *Local Government (General) Regulation 2005*.

88. Public Pool/Spa Registration

The premise is to be registered with Council by completing and submitting a *Registration of Public Swimming and Spa Pools*, available on Council's website, prior to commencement of operation.

89. Safety Glazing for Pool Fencing

If glazing is chosen to be incorporated into the pool safety fencing system, a safety glazing certificate is to be provided to Council, or the Principal Certifying Authority, indicating all materials and installation are in accordance with AS 1288.

90. Inspection of Bin Bay Storage Area(s)

Inspection of the bin bay storage area(s) is to be undertaken by Council's Waste Management Project Officer to ensure compliance with Council's design specifications.

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. Public Asset Creation Summary

A completed public asset creation summary form must be submitted with the WAE plans. A blank form can be found on Council's website.

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. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the engineering works is required to be submitted to Council. The bond will be held for a minimum defect liability period of one year and may be extended to allow for the completion of necessary maintenance or in the case of outstanding works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to a final inspection.

95. Works as Executed Plans

Works as Executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the engineering works are complete. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments on a copy of the approved engineering plans. An electronic copy of the WAE plans, in ".dwg" or ".pdf" format, must also be submitted.

Where applicable, the plans must be accompanied by pavement density results, pavement certification, concrete core test results and site fill results.

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. WSUD Elements Certification

Water Sensitive Urban Design Elements (WSUD) 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 prepared and submitted upon completion of the above works and prior to a final inspection:

- a) Works As Executed (WAE) plans prepared on a copy of the approved plans;
- b) A certificate from a suitably accredited engineer verifying that the WSUD system (as constructed) will function to achieve the design targets;
- c) A certificate from a suitably accredited engineer verifying that the structures associated with the WSUD system (as constructed) are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime (a certificate of structural adequacy).

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

98. Flood Certification & 1 in 100 Year (1% AEP) Plan (Stages 1, 2 & 3)

Flood protection measures 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 prepared and submitted upon completion of the above works and prior to a final inspection:

- a) A plan of survey prepared by a registered surveyor that shows the 1:100 year ARI storm flood levels associated with the adjacent drainage system. The plan must reflect the works carried out as shown on the WAE plans for the development and clearly indicate the extent of inundation for the above storm event(s).
- b) A certificate from a suitably accredited engineer verifying that the building levels and the driveway crests comply with the freeboard requirements;

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

99. Flood Emergency Response Plan

Prior to the issue of an Occupation Certificate the applicant is to prepare and submit to Council for approval a site specific Flood Emergency Response Plan. The Flood Emergency Response Plan is to be specifically focused on the proposed landuse and the site conditions in conjunction with flood behaviour up to and greater than the 100 year ARI flood event experienced at the site.

Preparation of the Flood Emergency Response Plan is to utilise information provided within the draft Rouse Hill Integrated Stormwater Strategy Review, January 2009 (available through Sydney Water Corporation) and rely on the State Emergency Service (SES) Floodsafe Toolkit for Business, available at the SES website <http://www.ses.nsw.gov.au/topics/6471.html>, addressing specific actions in regard to:

- Preparing for a flood;
- Responding when a flood is likely;
- Responding during a flood; and
- Recovery after a flood.

NOTE: The site specific Flood Emergency Response Plan is to be certified by a suitably qualified emergency management specialist, experienced in emergency urban flash flooding response prior to submission to Council.

100. 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. Standard wording is available on Council's website and must be used.

i. Restriction – Waterway & Riparian Corridor

A restriction as to user restricting development over or the varying of the finished waterway and associated structures including the modified dam, drainage culverts, watercourse, retaining structures, riparian corridor and associated components as constructed.

i. Positive Covenant – Waterway & Riparian Corridor

A positive covenant to ensure the maintenance of the completed waterway and associated structures including the modified dam, drainage culverts, watercourse, retaining structures, riparian corridor and associated components as constructed.

iii. Easement – Drainage Easement

Creation of reciprocal drainage easements over the titles Lot 101 DP 1129876 (6 Fairway Drive) and Lot 2 DP 1160957 (Castle Hill Country Club) to over the constructed waterway and associated structures.

iv. Positive Covenant – Flood Emergency Response Plan

A positive covenant to ensure the implementation of the Flood Emergency Response Plan required under this consent.

v. Restriction – Water Sensitive Urban Design Elements Modification

A restriction as to user restricting development over or the varying of the finished Water Sensitive Urban Design Elements and associated components as constructed.

vi. Positive Covenant – Maintenance of Water Sensitive Urban Design Elements

A positive covenant to ensure the on-going maintenance of the Water Sensitive Urban Design Elements and associated components as constructed.

vii. Positive Covenant – Stormwater Pump Maintenance (Stage 1)

A positive covenant to ensure on-going maintenance of the stormwater pump-out system is carried out at six (6) monthly intervals (minimum). The wording must specifically indemnify Council from all costs associated with the maintenance of the system.

viii. Restriction – Bedroom Numbers

A restriction must be created on the title of each dwelling limiting the number of bedrooms to that shown on the plans and details approved with this consent. The restriction must also state that no internal alterations are permitted that result in the creation of additional bedrooms.

ix. Restriction – Driveway Access

A restriction must be created restricting the finished driveway levels as completed in accordance with the consent.

x. Positive Covenant – Ultimate Drainage Strategy

A positive covenant to ensure the completion of ultimate drainage strategy as detailed under the condition titled 'Engineering Works and Design' within 3 months from the time of Council's written advice.

b) Registration of Request Documents

The endorsed request documents must be lodged with the NSW Department of Lands

THE USE OF THE SITE

101. 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*.

102. Offensive Noise

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

103. Operation of Public Pool/Spas

The operation of the pool/spa is to comply with the requirements of the:

- a) Public Health Act 2010
- a) Public Health Regulation 2012; and
- b) NSW Health Department Public Swimming Pool Guidelines 1996 and the Australian Standard AS3633 – Private Swimming Pools – Water Quality

An application to register any public pool/spa must be made with Council prior to commencement of operation.

104. 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.

105. Servicing of Bins

Private garbage and recycling contract 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.

106. Agreement for Onsite Waste Collection

An Indemnity Agreement is to be signed and returned to Council to enable servicing of bins from the private road by Council's waste collection vehicles. The waste service will not commence and bins will have to be taken to the public road for collection if the Indemnity Agreement has not been received.

107. Servicing of bins

A caretaker is to be responsible for the placement of domestic waste bins for the Self Care Housing (SCH) residents to the kerb on the allocated collection evening and returning the emptied bins as soon as possible on the same day as collection occurs.

108. Provision of a Private Bus Service

Until there is a public bus service on Fairway Drive (with a bus stop being within 400 metres from the site with suitable travel grades as required within the SEPP), the applicant/developer is to provide a shuttle bus to local centres which satisfies the requirements of the SEPP. At a minimum the shuttle bus is required to travel to Norwest and Castle Hill Town Centres. The bus service must provide a service that is available both to and from the proposed development at least once between 8am and 12 midday per day and at least once between 12 midday and 6pm each day from Monday to Friday (both days inclusive).

ATTACHMENT: DEVELOPMENT ADVISORY NOTES

Pursuant to Section 80A of the Environmental Planning and Assessment Act 1979, the reasons for the conditions imposed on this application are as follows:-

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act, 1979 and the aims and objectives of Council's planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 are maintained.

Should you require any further information please contact Sanda Watts on 9843 0352..

Yours faithfully



Paul Osborne

MANAGER-DEVELOPMENT ASSESSMENT

DEVELOPMENT ADVISORY NOTES

A. COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER HOME BUILDING ACT 1989

(refer to Clause 98 of Environmental Planning & Assessment Regulation 2000)

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

B. EXCAVATIONS AND BACKFILLING

- (1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

C. RETAINING WALLS AND DRAINAGE

If the soil conditions require it:

- (1) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided as indicated on the plans, and
- (2) adequate provision must be made for drainage.
- (3) A separate Development Application and Construction Certificate Application are required for the retaining walls that are not indicated on the approved plans where such works cannot be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Structural Engineer's details are required to be submitted to Council as part of the application if the amount to be retained is over 1 m in height.

D. SUPPORT FOR NEIGHBOURING STRUCTURES

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings and encroaches on the zones of influence of the footings of a building or retaining structure on an adjoining property, the person causing the excavation to be made:
 - (a) must seek advice from a professional structural engineer, and
 - (b) must preserve and protect the building or retaining structure from damage, and
 - (c) if necessary, must underpin and support the building or retaining structure in an approved manner, and
 - (d) must, at least 7 days before excavating below the level of the base of the footings of a building or retaining structure on an adjoining property, give notice of intention to do so and furnish particulars of the excavation to the owner of the adjoining property.

- (2) The owner of the adjoining property is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining property.
- (3) In this clause, **adjoining property** includes a public road and any other public place.

E. PROTECTION OF PUBLIC SPACES

- (1) If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- (2) If necessary, a covered walkway is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or covered walkway is to be removed when the work has been completed.
- (5) An application shall be lodged and approval is given by Council prior to the erection of any hoarding, fence, covered walkway or site shed on top of the covered walkway.

F. SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES

- (1) For the purposes of section 80A (11) of the Act, the requirements of sub clauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

G. TOILET FACILITIES

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
 - (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer, or

- (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

H. DRIVEWAYS, FOOTPATHS ROAD AND OTHER PAVEMENT WORKS IN THE FOOTPATH VERGE

1. The provision and maintenance of a vehicular access driveway from the property boundary to the kerb and gutter or the edge of road seal is the responsibility of the property owner. However, any work undertaken by private owners within the public road area or footpath verge requires written approval from Council. Where new or replacement driveways and gutter crossings are proposed, the submission of an application for gutter and footpath crossings, accompanied by the current applicable fee as prescribed in Council's Schedule of Fees and Charges, must be submitted to Council.

This process is necessary to ensure the work complies with Australian Standards and Council policies and that all road users, including pedestrians and cyclists are protected both during and after construction. Work in the road reservation without Council approval may be removed if deemed to be a public liability or safety risk.

A copy of the "Footpath Crossing Application" form and Council's specifications relating such works be obtained from Council's website at www.thehills.nsw.gov.au or from Council's Customer Service Centre.

1. The removal of all disused driveways and gutter crossings and their replacement with full kerb and gutter together with the restoration and turfing of the adjacent footpath verge area is required.
2. Council must be notified in the event of any existing damage to road, pavement, footpaving, kerbing and guttering and street trees prior to the commencement of the work. This notification should include photographic evidence of the existing damage. If Council does not receive notification it will be assumed that no damage existed prior to the work commencing.
3. Adequate protection must be provided for Council road pavement footpaving, kerbing and guttering and existing street trees prior to commencing and during building operations.
4. Upon completion of the work, any damage to road pavement, footpaving, kerbing and guttering and street trees not previously reported in accordance with (3) above shall be reported to Council and the cost of repair paid for in full prior to final certification of the works. A cost can be obtained from the Restorations Coordinator (ph. 9843 0234).

DRIVEWAY LOCATIONS & LEVELS

5. Owners and/or applicants are responsible to ensure that proper connection with the roadway can be made whilst maintaining safe levels across the footpath verge and along the driveway. Driveways must also be located a minimum of 6m from kerb returns and splayed corners and are sufficiently clear of street trees, service utility infrastructure such as power poles and drainage structures such as kerb inlet pits. Council's Engineer can be contacted on 9843 0374 to assist with these matters. Driveway gradients must conform to Council's specifications which can be obtained from Council's website at www.thehills.nsw.gov.au or from Council's Customer Service Centre. The level of the garage floor is to be checked prior to pouring of concrete to ensure compliance with Council's requirements.

ROAD OPENINGS

6. Obtain a Road Opening Permit and pay relevant service restoration fees and charges prior to excavations within the road reserve. The Road Opening permit must be kept on site at all times while work is being carried out in the Road Reserve and must be produced upon request from a Council Officer. If the Permit is not able to be produced to the Council Officer the Works in the public way may be stopped.
7. Upon completion of excavation works in the public way Council's Restoration Coordinator (ph. 9843 0234) must be advised and the full cost of the final restoration paid prior to final certification. of those works

I. STREET NUMBER

A street number is to be prominently displayed in a conspicuous position on completion of the building and will be required prior to the issue of any Building Certificate.

J. HOUSEHOLD SERVICES

The householder is required to notify Council upon occupancy that the garbage service, which is mandatory, is to be commenced and pay the necessary charges upon receipt of an account.

- (1) No encroachment by any building or structure for private use will be permitted on a public reserve.
- (2) Soil and building materials are not to be deposited on any road, footpath or public reserve.
- (3) Building refuse or materials shall not be burnt on site.
- (4) No vehicular traffic or any drainage work is permitted on any public reserve without the prior approval of Council.
- (5) Council consent is required before the removal of any trees, except those approved by this consent, or that are exempt under the Tree & Bushland Management Provision.
- (6) Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letter boxes respectively.
- (7) Unimpeded access must be available to the utilities supply authorities, during and after building, to the utilities metering equipment.
- (8) The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre, prior to work commencing, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then see Building & Renovating under the heading Building & Developing, or telephone 132092.
- (9) Persons with land holdings in areas of the Shire where no water reticulation system is available are to provide an adequate wholesome water supply and are encouraged to provide additional water storage for use during fire fighting operations, for fire fighting purposes. Further information regarding the provision of water storage for fire fighting purposes is available from the Rural Fire Service District Office on 9654 1244
- (10) Roof water connection across footways shall be a 100mm diameter, sewer grade UPVC pipe(s). Connection to kerb shall be made with a rectangular, hot dip galvanised, mild steel weephole shaped to suit the kerb profile and with a capacity equal to a 100mm pipe. The pipe shall be connected to the weephole with a UPVC profile adaptor.

K. CONNECTION OF STORMWATER DRAINS

All roof stormwater drains connected to Council's kerb must comply with the levels advised at the street alignment, must cross the footpath at 90° to the kerb line and be connected to existing holes provided in the kerb. Any alternative arrangements must be approved by Council's engineer and must comply with Council's Standard Drawing SD.13

(Roofwater Outlet Connection) a copy of which can be obtained from Council's website at www.thehills.nsw.gov.au.

L. TREE MANAGEMENT PROVISIONS

Clause 27 (Tree and Bushland Management) of Baulkham Hills Local Environmental Plan 2005, requires the preservation of all trees and prohibits the ringbarking, cutting down, topping, lopping or wilful destruction of trees except with the prior approval of Council.

M. INSURANCE REQUIREMENTS

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract must be in force.

THIS APPROVAL IN NO WAY VARIES COVENANTS, IF ANY, ATTACHING TO THE LAND NOR SHALL PREJUDICE ANY ACTION THAT MAY BE TAKEN BY ANY INTERESTED PARTY IN THIS REGARD.