

## JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2015SYW078
DA Number	1308/2015/JP
Local Government Area	<b>THE HILLS SHIRE COUNCIL</b>
Proposed Development	<b>A RESIDENTIAL CARE FACILITY CONTAINING ONE HUNDRED AND TWENTY (120) BEDS AND A BASEMENT CARPARK UNDER THE PROVISIONS OF THE STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004.</b>
Street Address	<b>PROPOSED LOT 311 IN A RE-SUBDIVISION OF LOT 301 DP 1160437 - GLENHAVEN ESTATE RETIREMENT VILLAGE, 15 OLD GLENHAVEN ROAD, GLENHAVEN</b>
Applicant	<b>KNOWLES GROUP</b>
Number of Submissions	ONE
Regional Development Criteria (Schedule 4A of the Act)	GENERAL DEVELOPMENT WITH A CIV OF OVER \$20 MILLION
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• List all of the relevant environmental planning instruments: s79C(1)(a)(i)</li> <li>• SEPP Housing for Seniors or People with a Disability 2004</li> <li>• SEPP State and Regional Development 2011</li> <li>• SEPP 55—Remediation of Land</li> <li>• The Hill LEP 2012</li> <li>• List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</li> <li>• Nil</li> <li>• List any relevant development control plan: s79C(1)(a)(iii)</li> <li>• The Hills DCP 2012</li> <li>• List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</li> <li>• Nil</li> <li>• List any coastal zone management plan: s79C(1)(a)(v)</li> <li>• Nil</li> <li>• List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</li> <li>• Nil</li> </ul>
List all documents submitted with this report for the panel's consideration	Copy of submission

Recommendation	Approval
Report by	Development Assessment Co-ordinator Robert Buckham

## EXECUTIVE SUMMARY

The Development Application is for the construction of a residential aged care facility accommodating 120 sole occupancy rooms over two levels. Parking is provided within a basement area which provides for 58 carparking spaces that will be shared between staff and visitors.

The facility will operate with 130 staff members (mix of full time, permanent part time and casual), generally with the break-up of 55 staff in the mornings, 30 staff in the evenings and 12 staff at night. Visiting hours are proposed from 10am to 6pm.

The proposal includes a variation to the LEP Height Control Map. The site has a 10 metre height limit, a maximum of 11.58 metres is proposed. The variation is 1.58 metres or 15.8%. The height variation relates to a portion of the building on the corner of Glenhaven Road and Holland Road. The height variation provides a built form that defines the street corner whilst having no detrimental impacts on adjoining residential properties. A front setback variation relating to an entry portico is also proposed. The variation is minor and does not result in any detrimental impact on neighbours.

The proposal was notified to adjoining and surrounding properties and one submission was received. The submission raised concerns with traffic impacts adversely affecting the immediate locality.

It is recommended that the Development Application be approved subject conditions.

In the absence of the JRPP process, this matter would be determined at an Ordinary meeting of Council.

## BACKGROUND

## MANDATORY REQUIREMENTS

Owner:	CCR Interiors Pty Ltd.	1.	<u>Section 79C (EP&amp;A Act)</u> - Satisfactory
Zoning:	RU6 Transition	2.	<u>SEPP Housing for Seniors or People with a Disability 2004</u> - Satisfactory.
Area:	Development site: 8,449m <sup>2</sup>	3.	<u>SEPP State and Regional Development 2011</u> - Satisfactory.
Existing Development:	Development site: Vacant	4.	<u>SEPP 55—Remediation of Land</u> - Satisfactory.
		5.	<u>LEP 2012</u> - Variation to Height.
		6.	<u>The Hills DCP 2012</u> - Variation, refer report.
		7.	<u>Section 94A Contribution</u> - Yes, <b>\$267,696</b>

## SUBMISSIONS

## REASON FOR REFERRAL TO JRPP

1. Exhibition:	No required.	1.	Capital Investment Value in Excess of \$20 million (\$26,696,000).
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2. Notice Adj Owners:	Yes, 14 days		
3. Number Advised:	30.		
4. Submissions Received:	One.		

## HISTORY

<b>11/03/2003</b>	Development Consent 960/02/HC granted by Council for a SEPP 5 development at Nos. 11-15 Old Glenhaven Road, comprising 100 self-contained dwellings.
<b>23/09/2010</b>	Development Application 280/2010/JP approved by the Joint Regional Planning Panel (JRPP) for a Seniors Living Development comprising 97 self-contained villas (Stage 2).
<b>11/07/2014</b>	Amendment No. 17 made to LEP 2012 to reduce the minimum lot size applicable to part of No. 15 Old Glenhaven Road, Glenhaven from two (2) hectares to 6000m <sup>2</sup> to facilitate the development of a residential care facility and enable subdivision of the land occupied by the facility from the remainder of the site.
<b>22/12/2014</b>	Subdivision Consent 531/2015/ZB to create the development site, proposed Lot 311 in a resubdivision of Lot 301 DP 1160437 issued under Delegated Authority.
<b>22/12/2014</b>	Development Consent 639/2014/HC granted at Council's Delegated Authority Meeting for 30 self-care villas.
<b>23/04/2015</b>	Subject Development Application lodged.
<b>29/05/2015</b>	Letter sent to the applicant requesting additional information in relation to the Clause 4.6 Height Variation, servicing, acoustic matters and engineering matters.
<b>19/06/2015</b>	Additional information received in relation to request for information letter dated 29 May 2015.
<b>25/06/2015</b>	Briefing of Joint Regional Planning Panel.
<b>28/07/2015</b>	Letter sent to applicant requesting further engineering information.
<b>29/07/2015</b>	Response provided to request for additional engineering information.

## PROPOSAL

The Development Application is for the construction of a residential aged care facility accommodating 120 sole occupancy rooms over two levels.

The facility will operate with 130 staff members (mix of full time, permanent part time and casual), generally with the break-up of 55 staff in the mornings, 30 staff in the evenings and 12 staff at night. Visiting hours are proposed from 10am to 6pm.

A cafe is proposed to operate in conjunction with the residential care facility and is expected to be open from 9.30am to 4.30pm 7 days a week.

Parking is provided within a basement area which provides for 58 carparking spaces that will be shared between staff and visitors.

The application has been referred to the NSW Rural Fire Service (NSWRFS) as it is classified as an "Integrated Development" pursuant to the provisions of Section 91 of the NSW Environmental Planning & Assessment Act, 1979 and the Rural Fires Act 1997

## **ISSUES FOR CONSIDERATION**

### **1. Compliance with SEPP Housing for Seniors or People with a Disability 2004**

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

Clause 17(1) of the SEPP restricts development on land that adjoins land zoned primarily for urban purposes unless the proposed development is for the purpose of any of the following:

- (a) a hostel,
- (b) a residential care facility,**
- (c) serviced self-care housing.

The applicant seeks approval for a residential care facility under the provisions of the SEPP given the site adjoins R2 Low Density Residential zoned land on the southern side of Old Glenhaven Road.

A Residential Care Facility is defined within Clause 11 as:-

#### **'residential care facility'**

*In this Policy, a residential care facility is residential accommodation for seniors or people with a disability that includes:*

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

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

#### **a. Site Compatibility Certificate**

Clauses 24 and 25 refer to the requirement for a site compatibility certificate to be obtained for developments which are proposed upon land that adjoins land zoned primarily for urban purposes, land identified as 'special uses' and land that is used for the purposes of an existing registered club. As the subject site comprises land zoned RU6 Transition a site compatibility certificate is required. The consent authority, is not able to grant consent for a development unless a site compatibility certificate has been provided. The applicant has provided a Site Compatibility Certificate from the Department of Planning dated 28 November 2014. 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.

<b>DEVELOPMENT STANDARD</b>	<b>SEPP SL REQUIRES</b>	<b>PROPOSED DEVELOPMENT</b>	<b>COMPLIANCE</b>
Facilities	(a) Access to Shops, banks and other retail and commercial services (b) Community services and recreational facilities (c) General medical practitioner	Within the locality all facilities and support services are available to residents, with some services available at Glenhaven and a major centre at Castle Hill (Castle Towers).	Yes
Location and access	<p>Access is considered to comply if:</p> <p>(a) the facilities and services listed above are located at a distance of not more than 400m from the site and the overall gradient is no more than 1:14, with alternate acceptable gradients for short distances, <b>or</b></p> <p>(b) there is a public transport service available to the residents who will occupy the development:</p> <p>(i) that is located at a distance of not more than 400 metres from the site of the development, and</p> <p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the relevant facilities or services, and</p> <p>(iii) that is available both to and from the development during daylight hours at</p>	<p>There are no facilities either existing or proposed within 400m of the site.</p> <p>The closest bus-stop to the site is in front of the existing Seniors Living Development within 400m of the subject development. The applicant has confirmed with Hills Bus that a regular service (603) will be provided to this bus stop which complies with the clause. An alternate stop is located on Glenhaven Road within 400m of the site.</p> <p>There are bus set down areas located within the town centre of Castle Hill. Castle Hill provides all of the facilities</p>	<p>No, however compliance with provision (b) is achieved. See below.</p> <p>Yes</p>

	least once between 8am and 12pm and at least once between 12pm and 6pm from Monday – Friday (both days inclusive).	listed in this section.  The bus service to Castle Hill will be regularly available during weekdays.	
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**c. Clause 27 – Bushfire Prone Land**

The subject site is identified as bushfire prone land. The proposal must comply with the provisions of “Planning for Bushfire Protection” and take into consideration entry and exit from the area and other matters relating to fire impact, and consult with the Rural Fire Service. The RFS have granted General Terms of Approval on 4 June 2015 (Refer Attachment 10).

**d. Clause 28 - Water and Sewer Services**

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

The applicant has submitted a feasibility letter from Sydney Water 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 sewer main extension via a private pumping station.

Appropriate conditions of consent will be recommended requiring the submission of a “Notice of Requirements” Certificate 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.

**e. Clause 30 – Site Analysis**

Clause 30 of the SEPP states that a consent authority must not consent to a development application unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.

The SEPP states that a site analysis must:

- a. contain information about the site and its surrounds as described in subclauses (3) and (4), and*
- b. be accompanied by a written statement:*
  - i. explaining how the design of the proposed development has regard to the site analysis, and*
  - ii. explaining how the design of the proposed development has regard to the design principles set out in Division 2.*

Within the Statement of Environmental effects and submitted plans the applicant has undertaken an appropriate and detailed site analysis to meet the requirements of the SEPP. The site analysis has guided the proposed built form which is considered reasonable.

**f. 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.

**g. Clauses 33 - 39 – Design Principles**

Clauses 33 - 39 state that consent must not be granted unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the design of the proposal, taking into consideration matters such as neighbourhood amenity and streetscape, visual and acoustic privacy, solar access and design for climate, stormwater, crime prevention, accessibility and waste management.

The proposed development has been designed having regard to these matters in particular:

**Clause 33 – Neighbourhood Amenity**

The proposal maintains reasonable neighbourhood amenity for existing residents. The amended proposal provides appropriate building setbacks to reduce bulk and overshadowing. The impact on existing residents is satisfactory.

**Clause 34 – Visual and Acoustic Privacy**

The proposed development has satisfactorily addressed the visual and acoustic privacy of residents by appropriate site planning, the location and design of windows and courtyards. As such the proposal results in acceptable impact on existing residents.

**Clause 35 – Solar Access and design for climate**

The proposed development ensures adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space. As such the proposal has an acceptable impact on existing residents.

As such the proposal is considered satisfactory in respect to the Design Principles.

**h. 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 REQUIRES	PROPOSED DEVELOPMENT	COMPLIANCE
Site size	The size of the site must be at least 1,000m <sup>2</sup>	8,449m <sup>2</sup>	Yes
Site frontage	The site frontage must be at least 20 metres wide at the building line.	Site width (frontage to Glenhaven Road) is 77m	Yes
Height in residential zones where residential flat builds are not permitted.	(a) 8 metre maximum (b) 2 storeys where adjacent to a	The development is located on land zoned RU6 Transition and therefore this cause is not relevant.	NA

DEVELOPMENT STANDARD	SEPP REQUIRES	PROPOSED DEVELOPMENT	COMPLIANCE
	boundary  (c) building within the rear 25% not be greater than 1 storey		

**i. 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 REQUIRES	PROPOSED DEVELOPMENT	COMPLIANCE
Building Height	8 metres	11.58 metres	No, however the height specifically in relation to the LEP height limit of 10 metres is addressed in section 3 of this report
Density and Scale	Maximum FSR 1:1	0.98:1	Yes
Landscaped area	Minimum 25m <sup>2</sup>	3000m <sup>2</sup> required (25 x120), 3690m <sup>2</sup> proposed.	Yes
Parking 1 per 10 beds 1 space per 2 employees on duty 1 parking space suitable for ambulance	120/10=12 spaces 55/2 = 28 spaces Total = 40 spaces  Ambulance parking is available at the front entrance.	Proposed 58 spaces  Ambulance parking is accommodated at the front of the building.	Yes  Yes

**3. The Hills Local Environmental Plan 2012 and Variation to Height**

The proposal has been assessed against The Hills Local Environmental Plan 2012 and is considered to be satisfactory in relation to the relevant provisions and zone objectives. The height controls of the SEPP of 8 metres and that the rear 25% of the site be single storey do not strictly apply given the site is not located on land zoned residential. In this regard the proposal has been assessed against the height control of the LEP being 10 metres. The proposal has a maximum height of 11.58 metres a variation of 1.58 metres or 15.8%.

The applicant has provided a Clause 4.6 Variation which is provided at Attachment 9.

Clause 4.6 Exceptions to Development Standards states:

*"(1) The objectives of this clause are as follows:*

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
  - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
  - (a) the consent authority is satisfied that:
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
  - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
  - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
  - (b) the public benefit of maintaining the development standard, and
  - (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
  - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
  - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
  - (a) a development standard for complying development,
  - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

- (c) clause 5.4,  
(ca) clause 6.1 or 6.2.”

The exceedance at its highest point relates to roof area of the building located at the corner of Glenhaven Road and Holland Road. In determining the appropriateness of the variation request a number of factors have been taken into consideration to determine whether the variation is supportable in this instance. They include:

#### Site Characteristics

As identified above the variation is considered satisfactory given that the site is surrounded by existing roads and the built form and scale is consistent with the locality. The site is at its lowest point in the area of the exceedance.

#### Impacts

The shadow impact from the development is considered reasonable and will fall primarily onto Glenhaven and Holland Road. The separation to adjoining future development will reduce the potential for overlooking and privacy impacts.

#### Built Form

The variation primarily relates to the roof form of the building located on the corner of Glenhaven Road and Holland Road. The variation is minor and is considered to provide no conceivable difference to the built form of the proposal when viewed from the public domain when compared to a development that would comply.

Accordingly, the proposed height is considered satisfactory and can be supported in this instance.

The Height of Building Clause objectives state:

#### Clause 4.3 Height of Buildings Objectives:

- (a) *to ensure the height of buildings is compatible with that of adjoining development and overall streetscape,*
- (b) *to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*

**Comment:** The development has been designed to provide a built form outcome that responds to the sites opportunities and constraints. The development facilitates a built form that is compatible with adjoining development and site topography. The height variation does not result in any further detrimental impacts on adjoining developments in terms of solar access or bulk and scale.

It is also noted that in accordance with the Departments Circular PS 08-003 that Director General’s concurrence can be assumed in respect of any Environmental Planning Instrument that adopts Clause 4.6 Exceptions to Development Standards of the Standard Instrument or a similar clause.

## **4. Compliance with THDCP Part B, Section 1 – Rural**

The Hills Development Control Plan Part B, Section 1 – Rural applies to the proposed development. The DCP has limited applicability given the standards within the SEPP (Housing for Seniors or People with a Disability) apply to this form of development given that the site has been identified suitable for a higher density urban form than envisaged by the DCP. Notwithstanding this, an analysis has been undertaken against the relevant controls. The DCP requires a 10m setback to Glenhaven Road and Holland Road which the development complies with the exception of the main portico that has a minimum setback of 6 metres. Given the structure is open the encroachment is considered reasonable in this instance

## 5. Integrated Development – NSW Rural Fire Service

The application is classified as 'integrated development' pursuant to Section 91 of the Environmental Planning and Assessment Act, 1979 as the development requires approval from the Rural Fire Service (RFS).

The proposal was referred to the RFS for assessment who advised that development application is satisfactory. Refer Attachment 10.

## 6. Issues Raised in Submission

The proposal was notified to residents within the village and adjoining the site for 14 days. One submission was received. The issues raised are addressed in the following table.

ISSUE/OBJECTION	COMMENT	OUTCOME
The applicant relies on traffic survey data for Glenhaven Road that was carried out in 2001. Since that time the traffic volume on Glenhaven Road has increased.	Council's Traffic Section have advised that the existing road infrastructure is adequate to cater for the proposed development. Council's Local Traffic Committee monitor the need for improvements to road infrastructure should a need arise in the future.	Issue addressed.
We believe access to the facility should only be via Holland Road or the existing entrance in Old Glenhaven Road.	Access to the basement and onsite parking is provided from Holland Road. Only a drop off/pick up bay is provided from Glenhaven Road.	Issued addressed.

## TRAFFIC COMMENTS

The application was referred to Council's Traffic Section who has made the following comments with respect to the proposed works:-

### Existing Traffic Environment

A traffic report prepared by Cardno has been submitted in support of the application.

Glenhaven Road comprises one lane in each direction with a double barrier line median. There is a posted speed limit of 60km/h on this road for both directions of traffic.

In July 2003, a traffic impact assessment was undertaken for another development on the site by BJ Bradley & Associates. The report included 2001 traffic survey data for Glenhaven Road for the AM and PM peak periods. The assessment used a growth rate of 3% per annum to predict the 2003 traffic volumes. It was determined that Glenhaven Road in 2003 carried approximately 630 vehicles in the AM Peak and 748 vehicles in the PM Peak. Using the same growth rate assumption of 3% per annum, it is estimated that there are some 857 vehicles and 1017 vehicles travelling on Glenhaven Road in the AM peak and PM peak hour respectively for year 2015. An analysis of this data against Council data in various locations along Glenhaven Road over the last 5 years has determined that these predictions are reasonable.

Holland Road is 5.5m wide two lane local road constructed to a rural standard with 2.0m wide unsealed shoulders providing access to 14 residential properties and Holland Road Reserve. There is no traffic count data for Holland Road provided with the report however it could reasonably be expected that peak hourly volumes would be in the order of less than 20 peak hour trips. Holland road will be widened under the subject application to provide a 9.5m carriage way with kerb and gutter on the eastern side of Holland Road.

#### Access and Sight Distance Requirements

The sight distance requirement at the intersection of Holland Road and Glenhaven Road exceeds the minimum Stopping Sight Distance (SSD) and also exceed the desirable Safe Intersection Sight Distance (SISD) requirements of AS 2890.1.2004.

#### Traffic Improvements in the Locality

The imposition of specific conditions requiring the applicant carry out traffic improvements not related to road construction is not justified as the proposed development does not substantially negatively impact on the operational efficiency or safety of the surrounding road network. It is noted that the development provides for Section 94A contribution exceeding \$250,000 that will be allocated to works covered by the contributions plan which includes various works across the Shire including the signalisation of Old Northern Road and Glenhaven Road intersection.

#### Recommendations

There are no objections raised from a traffic engineering perspective to the proposed development.

### **ENGINEERING COMMENTS**

The carpark layout design is considered satisfactory against the Australian Standards. No objection subject to conditions.

### **TREE MANAGEMENT COMMENTS**

Council's Tree Section have reviewed the proposal and raise no objection subject to conditions.

### **ENVIRONMENTAL HEALTH & SUSTAINABILITY COMMENTS**

Council's Environmental Health and Sustainability Section have reviewed the proposal and raise no objection subject to conditions.

### **RESOURCE RECOVERY COMMENTS**

The subject site is serviced by private contractors. Council's Resource Recovery Section have reviewed the proposal and raise no objection subject to conditions.

### **CONCLUSION**

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

It is recommended that the subject Development Application be approved subject to conditions.

### **IMPACTS:**

#### **Financial**

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

## **RECOMMENDATION**

The Development Application be approved subject to the following conditions.

## **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	SHEET	REVISION	DATE
14650	Basement Plan	TP-100	I	18/06/2015
14650	Ground Floor Plan	TP-101	G	10/04/2015
14650	First Floor Plan	TP-102	G	10/04/2015
14650	Roof Plan	TP-103	D	17/03/2015
14650	Elevations	TP-200	E	17/03/2015
14650	Elevations	TP-201	D	17/03/2015
14650	Typical Sections	TP-210	E	17/03/2015
14650	Materials and Finishes	TP-500	C	17/03/2015
80515008	Landscape Plans	-	-	-

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

The residential care facility 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.

### **3. Compliance with NSW Rural Fire Service Requirements**

Compliance with the requirements of the NSW Rural Fire Service attached as Appendix (A) to this consent and dated 4 June 2015.

### **4. External Finishes**

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

### **5. 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.

### **6. Construction Certificate**

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

### **7. Building Work to be in Accordance with BCA**

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

### **8. Provision of Parking Spaces**

The development is required to be provided with 58 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

#### **9. Tree Removal**

Approval is granted for the removal of trees as shown on Landscaping layout plan prepared by Cardno dated 13/03/15 and any trees located within the building footprint and access driveway locations.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

#### **10. Planting Requirements**

All trees planted as part of the approved landscape plan are to be minimum 45 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/m<sup>2</sup>.

#### **11. Adherence to Waste Management Plan**

All commitments of the Waste Management Plan submitted to and approved by Council must be implemented during all stages of the development lifecycle. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material removed from the site 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. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

#### **12. Management of Construction and/ or Demolition Waste**

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. 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. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/ sorting station that will sort the waste on their premises for recycling. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them

#### **13. Surplus Excavated Material**

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the formal approval of Council prior to works commencing onsite. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

#### **14. Construction of Refuse Room**

All work involving construction of the refuse room must comply with the requirements of Council's 'Commercial/Industrial Waste Storage Area Specifications'. A copy of the specifications is available at [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au)

#### **15. Clinical Waste**

A yellow sharps container that complies with AS 4031-1992 must be provided at the premises for the storage and disposal of clinical and sharps waste. Clinical and sharps waste must be collected and disposed of by an authorised waste contractor in accordance with the Protection of the Environment Operations (Waste) Regulation 2005.

## **16. Contamination**

Any new information, that may come to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council's Manager – Environment and Health.

## **17. Acoustic Requirements**

The recommendations of the Acoustic Assessment and Report prepared by Cardno (QLD) Ltd, referenced as E027\_80515008 dated March 2015 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Installation of the Glazing recommended.

## **18. Control of Noise from Trucks**

The number of trucks waiting to remove fill from the site must be managed to minimise disturbance to the neighbourhood. No more than one truck is permitted to be waiting in any of the streets adjacent to the development site.

## **19. Street Trees**

Street trees must be provided for the section of Glenhaven Road and Holland Road fronting the development site spaced between 7m and 10m apart. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council and the Rural Fire Service. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

The establishment of street tree planting is included in the maintenance bond required to be paid. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

## **20. Vehicular Access and Parking**

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

- a) AS/ NZS 2890.1
- b) AS/ NZS 2890.6
- c) AS 2890.2
- d) Council's 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 MDW3 servicing the Medium Rigid Vehicle must strictly comply with the longitudinal profile 80515008-CI-005.
- 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. All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- v. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

### **21. Gutter and Footpath Crossing Application**

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

### **22. 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. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

### **23. Road Opening Permit**

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

### **24. 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.

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **25. 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.

### **26. Letterbox Location**

Australia post requires there be one (1) single group of cluster mail boxes. Should more than one (1) cluster be required, Australia Post approval is required.

The number of mail boxes be provided is to be equal to the number of units plus one (1) for the proprietors. Mail boxes are to have a minimum internal dimension of 230mm wide x 160mm High x 330mm long and are to be provided with an opening of 230mm x 30mm for the reception of mail.

### **27. Section 94A Contribution**

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 94A Contributions Plan, a contribution of **\$267,696** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Section 94A Contributions Plan.

The contribution is to be paid prior to the issue of the Construction Certificate or Complying Development Certificate.

You are advised that the maximum percentage of the levy for development under section 94A of the Act having a proposed construction cost is within the range specified in the table below;

<b>Proposed cost of the development</b>	<b>Maximum percentage of the levy</b>
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

### **28. Acoustic Assessment of Proposed Mechanical Plant**

A detailed acoustic assessment of plant noise emissions is to be conducted to ensure compliance with the Acoustic Design Benchmarks as stated in the Noise Impact Assessment referenced as E027\_80515008, prepared by Cardno (QLD) Ltd dated March 2015.

### **29. Works on Adjoining Land**

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

### **30. 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

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) An electronic copy of the design plans and accompanying documentation.
  - 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 flow path 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. Road Shoulder and Kerb and Gutter Construction**

The development must carry out construction of road shoulder and drainage, kerb and gutter, concrete footpath paving and footpath formation along the Glenhaven Road & Holland Road frontages of the development site unless such works have been completed under the preceding developments.

These works shall include any necessary service adjustments and ancillary work required to make the construction effective.

The construction shall ensure a total carriageway width to be consistent with the frontage of Stage 1 (approximately 9.5m) and a design traffic loading of  $1 \times 10^6$ .

**ii. Footpath Paving**

A 1.2m wide concrete footpath paving, including access ramps at all intersections, must be provided across the Glenhaven Road and Holland Road frontages of the development site transitioning into the existing footpath adjacent in accordance with the above documents.

**iii. Footpath Verge Formation**

The grading, trimming, topsoiling and turfing of the footpath verge across the Glenhaven Road and Holland Road frontages of 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.

**iv. Disused Layback/ Driveway Removal**

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

**v. Stormwater Drainage – Pipe Extension**

A new kerb inlet pit must be provided in Holland Road fronting the site where the proposed connection from outlet pipes to the street drainage.

**31. Onsite Stormwater Detention – Hawkesbury River Catchment Area (Rural)**

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the rural portion of the Hawkesbury River catchment area, with amended parameters to ensure the pre-development and post development discharge rates are the same for all storms up to and including the 1 in 100 year design storm event.

The stormwater concept plan prepared by Cardno Consulting Engineers Drawing 80515008-CI-003 Revision 3 dated 15/06/2015 and Drawing Revision 2 dated 5/8/2015 are for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the parameters modelled in the associated DRAINS modelling. Detailed design and construction details of the OSD storages shall be in accordance with the Upper Parramatta River Catchment Trust OSD Handbook, and shall include the following:

- a) Minimum 150sqm surface area of the OSD tank
- b) Flap valve to be within High Early Discharge pit
- c) Provision of a junction pit within the property to have one outlet pipe across the footpath verge
- d) Mass concrete benching up to the invert of orifice to achieve gravitational discharge

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

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

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

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

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

### **32. Water Sensitive Urban Design Elements**

Water sensitive urban design elements, must be provided with the development to achieve the pollutant reduction as detailed below.

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/>

### **33. Sediment and Erosion Control Plan**

A sediment and erosion control plan prepared in accordance with Council's Works Specification Subdivision/ Developments must be submitted. The plan must include:

- a) Allotment boundaries;
- b) Adjoining roads;
- c) Contours;
- d) Existing vegetation;
- e) Existing site drainage;
- f) Critical natural areas;
- g) Location of stockpiles;
- h) Erosion control practices;
- i) Sediment control practices; and
- j) A maintenance program for the erosion and sediment controls.

### **34. Security Bond – Road Pavement and Public Asset Protection**

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$242,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the Glenhaven Road frontage plus an additional 50m on either side (194m) and Holland Road frontage plus an additional 50m on one side (141m) and multiplied by the width of the road (8.5m).

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council 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 costs.

### **35. 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 amount must be confirmed with Council prior to payment.

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction.

### **36. Security Bond Requirements**

A security bond may be submitted in lieu of a cash bond. The security bond must:

- a) Be in favour of The Hills Shire Council;
- b) Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- c) Have no expiry date;
- d) Reference the development application, condition and matter to which it relates;

- e) Be equal to the amount required to be paid in accordance with the relevant condition;
- f) Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

### **37. 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.

## **PRIOR TO WORK COMMENCING ON THE SITE**

### **38. Principal Certifying Authority**

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

### **39. Builder and PCA Details Required**

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

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

### **40. 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.

### **41. 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.

### **42. Erosion and Sedimentation Controls**

Erosion and sedimentation controls shall be in place prior to the commencement of site works and maintained throughout construction activities, until the site is landscaped and/or suitably revegetated. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

### **43. Traffic Control Plan**

A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

#### **44. Public Infrastructure Inventory Report**

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- a) Planned construction access and delivery routes; and
- b) Dated photographic evidence of the condition of all public assets.

#### **45. Separate OSD Detailed Design Approval**

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

### **DURING CONSTRUCTION**

#### **46. 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.

#### **47. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority**

Section 109E(3)(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.**

#### **48. 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's Manager – Environment and Health within seven (7) days of receiving notice from Council.

#### **49. Construction Noise**

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*.

#### **50. 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.

#### **51. 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.

#### **52. 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). This includes, but is not limited to:

- The intersection of floors with walls and exposed plinths in food preparation, storage and servery areas are to be coved.
- 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.
- Pipes and conduits adjacent to walls are to be set a minimum of 25mm off wall face with brackets. Pipes and conduits entering floors, walls or ceilings are to be fitted with a flange and all gaps fully sealed.
- Hand wash basins:
  - Must be provided, not obstructed and accessible at bench height and no further than 5 metres from any place where open food is handled or prepared; and
  - Must be fitted with a tap that operates hands free with a permanent supply of warm running potable water delivered through a single outlet.

Note: Copies of *AS 4674-2004* may be obtained from [www.saiglobal.com](http://www.saiglobal.com) by visiting the website: [www.saiglobal.com](http://www.saiglobal.com) and copies of the Food Safety Standards Code (Australia) may be obtained from Food Standards Australia New Zealand by visiting the following website [www.foodstandards.gov.au](http://www.foodstandards.gov.au).

#### **53. Standard of Works**

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

### **PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

#### **54. Landscaping Prior to Issue of Occupation Certificate**

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 THDCP Part C, Section 3 – Landscaping, the approved landscape plan and the requirements of the Rural Fire Service.

#### **55. Section 73 Certificate**

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

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

#### **56. Provision of Electricity Services**

Submission of a compliance certificate from the relevant service provider confirming satisfactory arrangements have been made for the provision of electricity services. This includes undergrounding of existing and proposed services where directed by Council or the relevant service provider.

#### **57. Provision of Telecommunications Services**

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

#### **58. Access and Useability**

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

#### **59. Regulated Systems**

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

- a) Australian/New Zealand Standard AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – fire and smoke control in multi-compartment buildings;
- b) Australian Standard AS 1668.2 – 2002 - The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control;
- c) Australian/New Zealand Standard AS/NZS 3666.1:2011 – Air handling and water systems of buildings – Microbial control – Design, installation and commissioning;
- d) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control - Operation and maintenance;
- e) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of cooling water systems; and
- f) Public Health Regulation 2012.

The regulated system is to be registered with Council by submitting an Application for Registration of Regulated Water Cooling/Warm Water Systems, available on Council’s website [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) prior to commissioning.

#### **60. Acoustic Compliance Report**

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Noise Impact Assessment referenced as E027\_80515008, prepared by Cardno (QLD) Ltd dated March 2015. Certification is to be provided.

#### **61. 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.

## **62. 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.

## **63. 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 subdivision works are completed. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/Developments.

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

## **64. Performance/ Maintenance Security Bond**

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the engineering works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

## **65. Stormwater CCTV Recording**

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

## **66. OSD System Certification**

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

- a) Works as executed plans prepared on a copy of the approved plans;
- b) A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- c) A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

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

## **67. Water Sensitive Urban Design Certification**

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- a) WAE drawings and any required engineering certifications;
- b) Records of inspections;
- c) An approved operations and maintenance plan; and
- d) A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

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

### **68. Public Infrastructure Inventory Report - Post Construction**

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 and the means of rectification for the approval of Council.

### **69. Public Asset Creation Summary**

A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.

### **70. Creation of Restrictions / Positive Covenants**

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used.

#### **i. Restriction – Housing for Seniors or People with a Disability**

The subject site must be burdened with a restriction using the "SEPP Housing for Seniors or People with a Disability" terms included in the standard recitals.

#### **ii. Restriction/ Positive Covenant – Onsite Stormwater Detention**

The subject site must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

#### **iii. Restriction/ Positive Covenant – Water Sensitive Urban Design**

The subject site must be burdened with a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

## **THE USE OF THE SITE**

### **71. Waste and Recycling Management**

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, which includes provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. Ideally waste storage containers should be kept inside the building and under no circumstances should waste storage containers be stored in locations that restrict access to any of the car parking spaces provided onsite.

### **72. Waste and Recycling Collection**

All waste generated onsite must be removed at regular intervals and not less frequent than once weekly for garbage and once fortnightly for recycling. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the formal approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

### **73. Grease Trap (Food Premises)**

Sydney Water shall be contacted with regards to grease trap requirements.

### **74. 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 NSW EPA's - Industrial Noise Policy and submitted to Council's Manager - Environment and Health 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 the activities does not

give rise to “offensive noise” as defined under the *Protection of the Environment Operation Act 1997*.

**75. Hours of operation of the loading dock**

Delivery of goods and waste collection shall be restricted to the following times;

Monday to Saturday – 7.00am to 6.00pm

Sunday and public holidays – 8.00am – 6.00pm

**76. Offensive Noise - Acoustic Report**

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

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

**ATTACHMENTS**

1. Locality Plan
2. Aerial Photograph
3. Approved Plan of Subdivision 531/2015/ZB
4. Site Plan
5. Elevations
6. Sections
7. Landscape Plans
8. 3D Images
9. Applicant’s Clause 4.6 Variation
10. RFS Bushfire Safety Authority

## ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSION RECEIVED

**THE HILLS**  
Sydney's Garden Shire

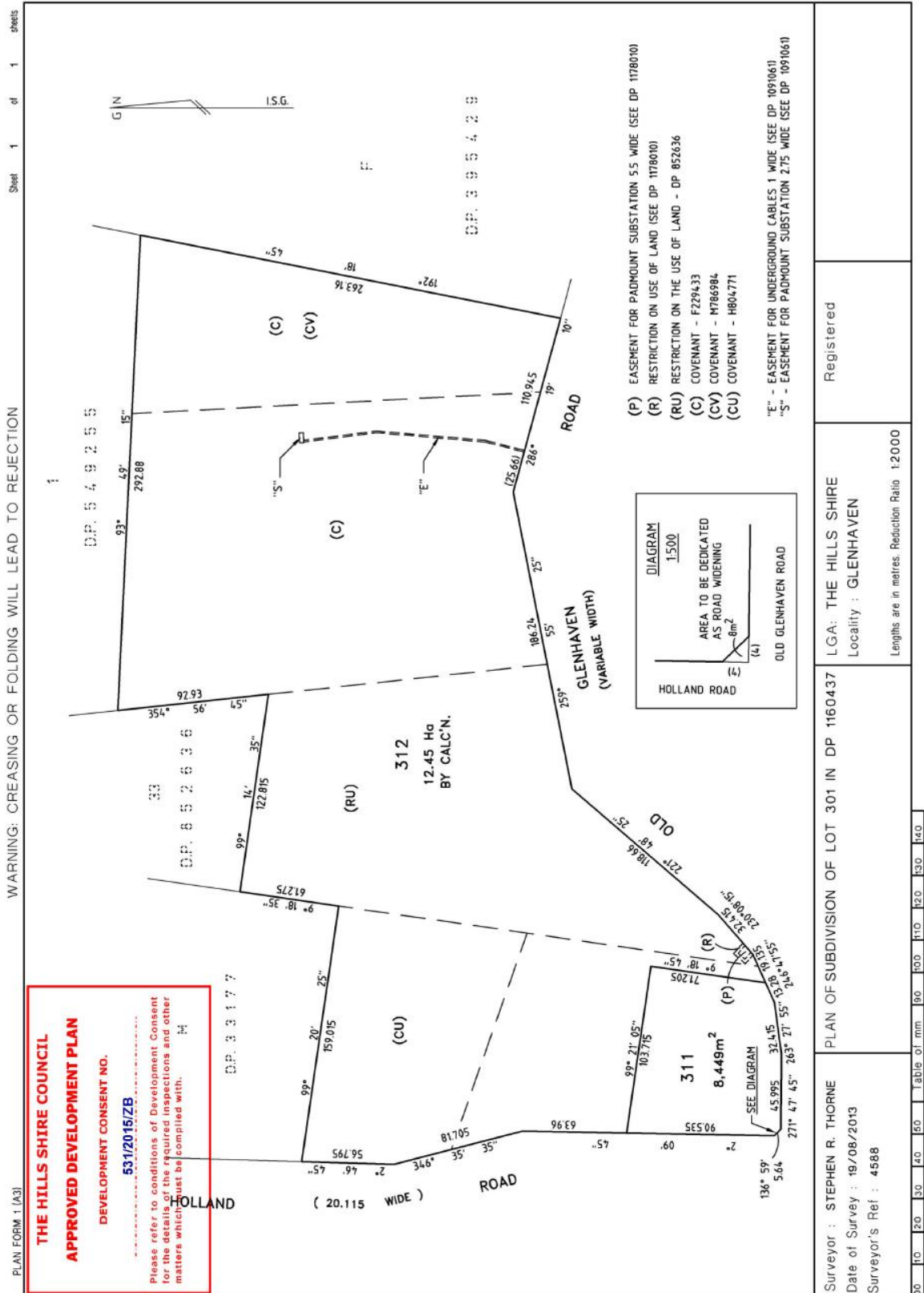
### THE HILLS SHIRE COUNCIL

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  
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## ATTACHMENT 2 – AERIAL PHOTOGRAPH



# ATTACHMENT 3 – APPROVED PLAN OF SUBDIVISION 531/2015/ZB



## ATTACHMENT 4 – SITE PLAN

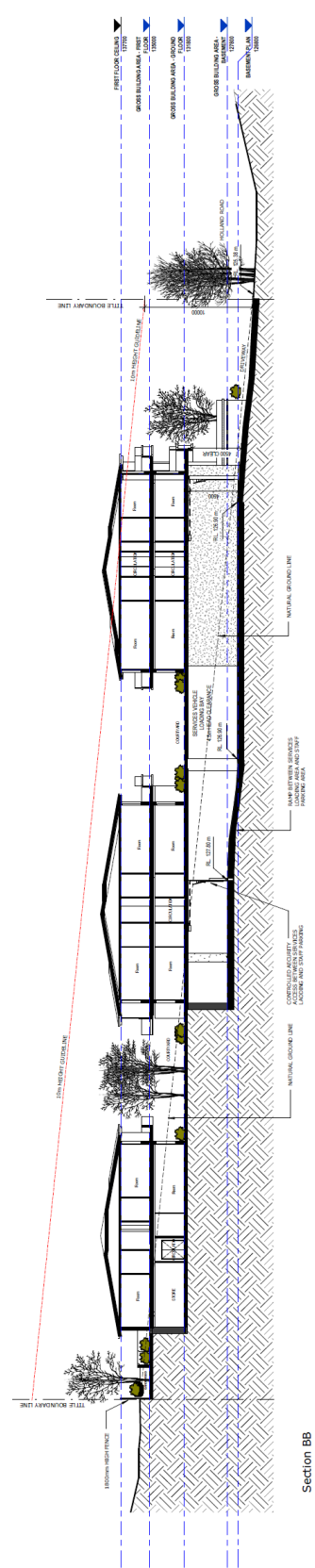
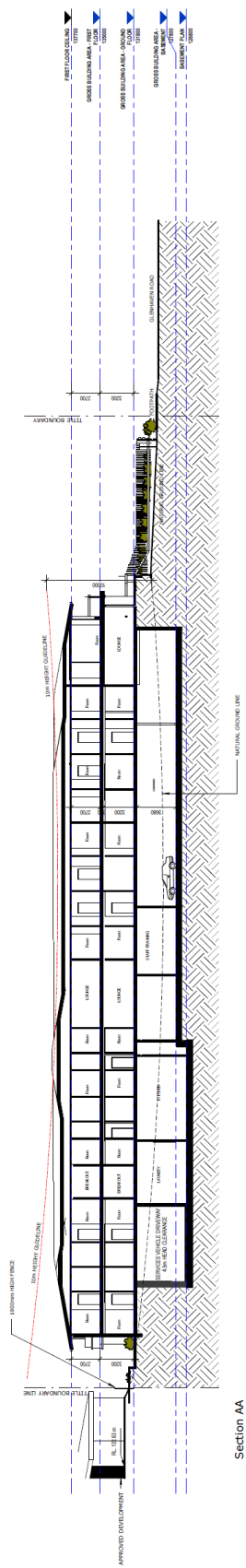


## ATTACHMENT 5 – ELEVATIONS





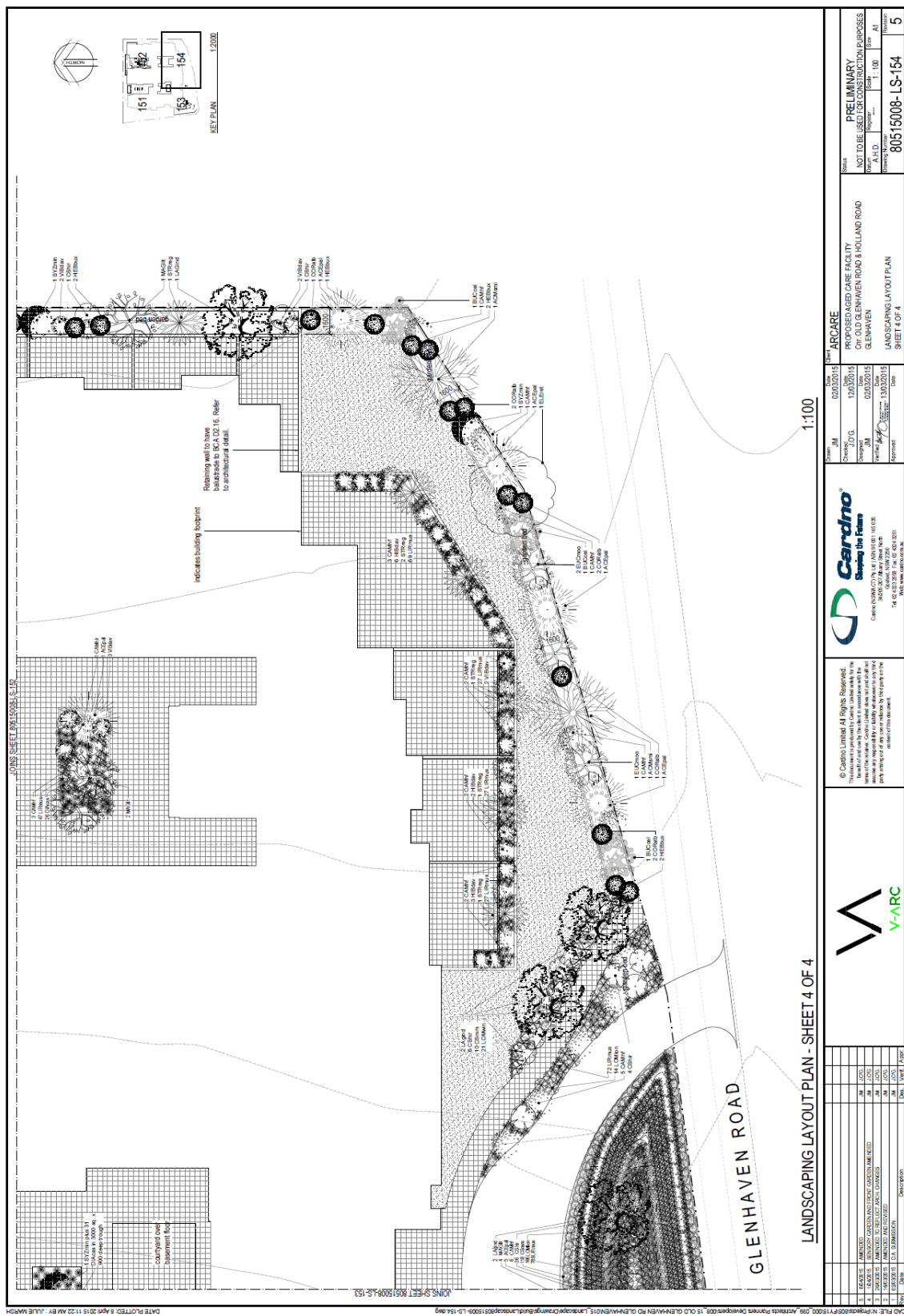
ATTACHMENT 6 – SECTIONS



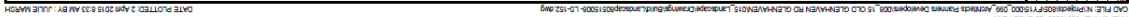
# ATTACHMENT 7 – LANDSCAPE PLANS











## ATTACHMENT 8 – 3D IMAGES

THE FACILITY FRONTS ONTO GLENHAVEN ROAD WITH MAIN ACCESS FOR PEDESTRIANS AND VEHICLES AND A CLEAR AND INVITING BUILDING FRONTAGE.



FROM GLENHAVEN ROAD, A ONE WAY DROP OFF RAMP LEADS TO THE FEATURE PORTE COCHERE FOR EASE OF ACCESS FOR THE ELDERLY AND DISABLED.

THE LOBBY AND ACTIVITY SPACES FACE GLENHAVEN ROAD WITH BUFFERING LANDSCAPED AREAS TO PROVIDE AN ACTIVE AND SOFTENED INTERFACE WITH THE STREET.

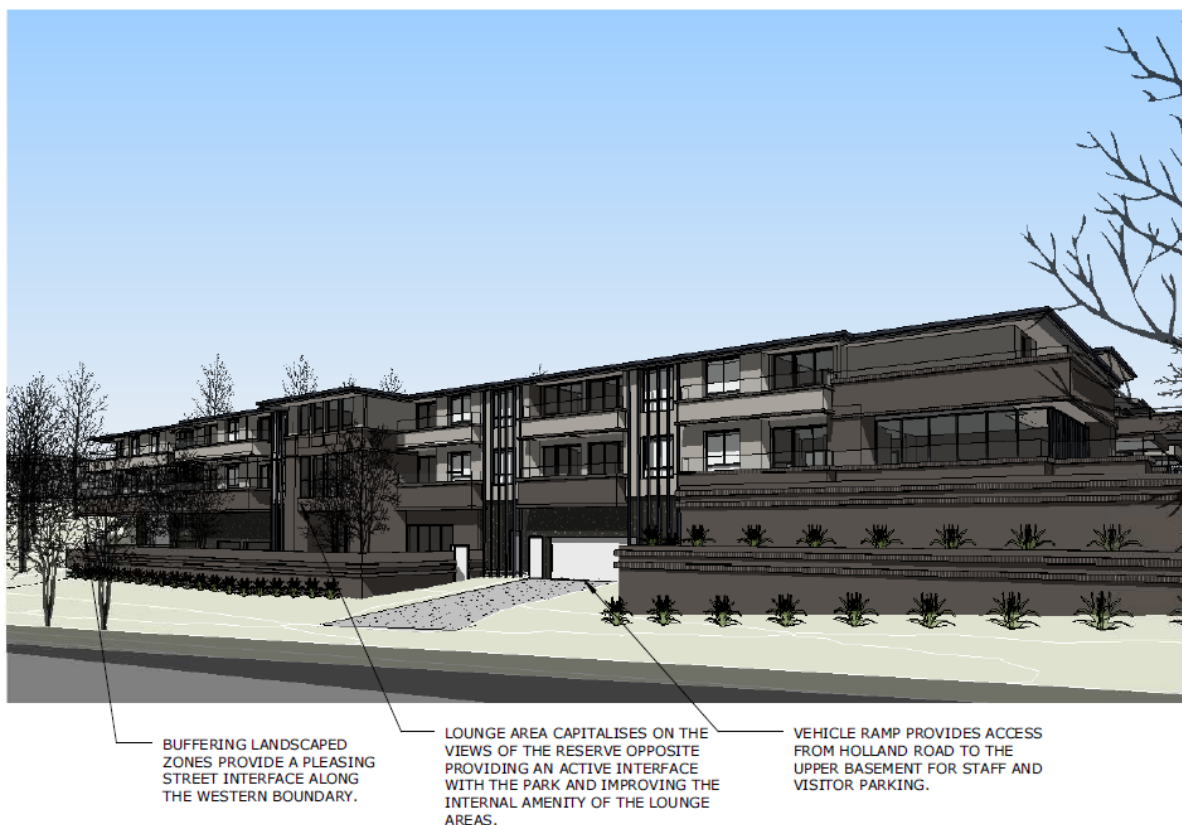
Glenhaven Road Frontage



LARGE LIVING AREA WITH OUTDOOR DECK LOCATED AT CORNER TO ENCOURAGE ENGAGEMENT WITH THE STREET AND PROMOTE PASSIVE SURVEILLANCE.

LANDSCAPED AREA ON CORNER TO SOFTEN STREET INTERFACE.

Corner of Glenhaven Road and Holland Road



Holland Road Elevation

## ATTACHMENT 9 – APPLICANT’S CLAUSE 4.6 VARIATION

Our Ref: 80515008

Contact: Natasha Wells

19<sup>th</sup> June 2015

The Hills Shire Council  
3 Columbia Court  
**BAULKHAM HILLS NSW 2153**

ATT: ROBERT BUCKHAM

Dear Robert

**APPLICATION NUMBER 1308/2015/JP 15 OLD GLENHAVEN ROAD, GLENHAVEN  
– MINOR INCONSISTENCIES WITH DEVELOPMENT STANDARDS AND  
CONTROLS**

We write on behalf of Arcare Pty Ltd in relation to Development Application No. 1308/2015/JP, lodged with The Hills Shire Council (THSC) in April 2015. The application seeks consent for a 120 bed Residential Care Facility, basement carpark, ancillary services and structures, tree removal and retaining walls. Following Council's initial assessment of the application, Council has requested further details and expanded justification in relation to variations to standards pursuant to Clause 4.6. Accordingly, this letter discusses the proposed variations from the relevant development standards and design controls under THSC LEP 2012, Clause 40 of SEPP (Housing for Seniors or People with a Disability) 2004 and the provisions relating to Rural Fencing under THSC DCP 2012 and.

The proposed development departs from the applicable development standards and controls in relation to the following matters:

1. The maximum height of the proposed western building when measured from natural ground level will be 11.58m (ie. the western roofline exceeds the 10m height limit under the LEP by 1.58 metres). This represents a departure from both Part 4 clause 40 under SEPP (Housing for Seniors and People with a Disability) 2004 which indicates a desired topmost ceiling height limit of 8 metres and Clause 4.3 Height of Buildings under THSC Local Environmental Plan 2012 which imposes a 10 metre overall height limit.
2. The proposal does not contain a one storey component to the rear 25% of the site, which represents a departure from Part 4 clause 40 under SEPP (Housing for Seniors and People with a Disability) 2004.
3. The proposal also proposes a solid fence to the Glenhaven Road/ Holland Road frontage which represents a departure from Clause 3.7 Rural Fencing under THSC Development Control Plan 2012.

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As such, a formal variation to these development standards is sought under Clause 4.6 – Exceptions to Development Standards.

Clause 40(4) of the SEPP relates to Height of Buildings. This Clause states:

*(4) 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*
- (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.*

### **Land Zoning**

The subject site is currently within a rural zone (RU6 Transition Zone). Consequently, a strict interpretation of Clause 40(4) suggests that, given the rural zone applying to the land, the development standards in relation to height under this clause do not apply to the subject site.

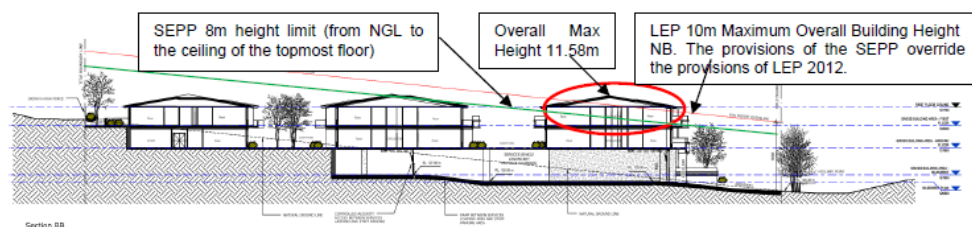
Notwithstanding the above and for completeness, the following information is provided in relation to the height provisions of the SEPP and Council's LEP 2012.

### **8m Building Height Limit under the SEPP**

The SEPP provides the following definitions:

*ground level means the level of the site before development is carried out pursuant to this Policy.*

*height in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.*



**Figure 1 Height Limitations (Section B-B)**



**Figure 2 Area of Non-compliance**

Comment: If the SEPP provisions were to apply, part of the upper floor shown circled in red would not comply with the 8 metre height limit measured from natural ground level to the topmost ceiling level. As stated in the note to the clause *"The purpose of this paragraph is to avoid an abrupt change in the scale of development in the streetscape."* As can be seen from the Holland Road (western) elevation below, the building has been designed to follow the existing land form and presents as a two-storey building with basement car parking below natural ground level.



**Figure 3 Holland Road Elevation (Western Elevation)**

#### **10m Building Height Limit under the LEP**

The site is mapped under Council's LEP as having a 10m maximum height as depicted in Figure 1 above.

A minor part of the roof on the western most part of the building is non-compliant with the 10m height limit, by approximately an increase of 15%. It should be noted however, that in whole more than 60% of the proposed building is in fact under 8.5m in height.

Comment: In terms of streetscape and visual impacts, the articulation in design combined with a colour pallet of soft greys in combination with selective landscape treatments, results in a development that has high design merit with no abrupt changes in the scale of development or significant adverse impacts on the streetscape. There will be no shadow impacts on adjoining properties (early morning and late afternoon shadows fall on the streets and internally).





**Conclusion:**

The proposal would benefit the public and immediate community as it would provide much needed accommodation for senior citizens. The non-compliances discussed above will not raise any matter of State or Regional significance. However, the proposal would contribute positively to the care of the ageing population in the area.

Favourable consideration should be given to the proposed variations.

Yours faithfully,

*Natasha Wells*  
*Senior town Planner/ Urban Designer*  
for **Cardno (NSW/ACT) Pty Ltd**

## ATTACHMENT 10 – RFS BUSHFIRE SAFETY AUTHORITY

*All communications to be addressed to:*

Headquarters  
15 Carter Street  
Lidcombe NSW 2141

Headquarters  
Locked Bag 17  
Granville NSW 2142

Telephone: 1300 NSW RFS  
e-mail: [csc@rfs.nsw.gov.au](mailto:csc@rfs.nsw.gov.au)

Facsimile: 8741 5433



The General Manager  
The Hills Shire Council  
PO Box 7064  
BAULKHAM HILLS BC NSW 2153

Your Ref: 1308/2015/JP  
Our Ref: D15/1145  
DA15043096713 GB

**ATTENTION:** Robert Buckham

4 June 2015

Dear Sir/Madam

**Integrated Development for Glenhaven Estate Retirement Village 15 Old  
Glenhaven Road Glenhaven NSW 2156**

I refer to your letter dated 27 April 2015 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

**Water and Utilities**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

1. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

**Evacuation and Emergency Management**

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

2. An emergency and evacuation plan shall be prepared in accordance with the NSW Rural Fire Service document 'Guide for Developing a Bush Fire Emergency Evacuation Plan'.

**Design and Construction**

ID:96713/90305/5

Page 1 of 2

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

3. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

**Landscaping**

4. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Garth Bladwell on 1300 NSW RFS.

Yours sincerely



Nika Fomin  
**Manager, Customer Service Centre East**

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au) and search under 'Planning for Bush Fire Protection, 2006'.